

## SUBSTANTIATION OF CONSTITUTIONAL CIVIL RIGHTS

Course Code: IDP I 1

Type of course: compulsory

Language of instruction: Romanian

Name of lecturer: Ioan Iazăr, PhD

Seminar tutor: Ioan Iazăr, PhD

Full time studies

Form of instruction	Number of teaching hours per semester	Number of teaching hours per week	Semester	Form of receiving a credit for a course	Number of ECTS credits allocated
Class	56	4	Autumn	Grade	8

### COURSE AIMS:

- Describe concepts, theories and methodologies used in the field of law
- Styling the specialist legal language, written and oral, and the instruments of legal logic for an explanation and interpretation of concepts and theories of industry-specific
- Use legal language for the assessment concepts, theories and methods established in the field of law
- Using legal language in the development of professional projects
- Defining and classifying theories and principles used in the study of entitlement
- Use concepts and theories of law, for an explanation and interpretation of texts of law (law) national, European and international

### ENTRY REQUIREMENTS:

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### COURSE CONTENTS:

- THE ROMANIAN CONSTITUTION
- DIFFERENT TYPES OF CONSTITUTIONS
- THE CONCEPT OF THE SUPREMACY OF THE CONSTITUTION
- THE CONCEPT OF CONSTITUTION RIGHTS
- THE CONCEPT OF CIVIL RIGHTS
- DEFINITION OF DEMOCRACY
- CIVIL LIBERTIES
- CIVIL AND POLITICAL RIGHTS
- THE RULE OF LAW
- DIFFERENT MODELS FOR PROTECTION OF CONSTITUTIONALITY
- THE CIVIL RIGHTS AND LIBERTIES BY WRITTEN CONSTITUTIONS
- SUBSTANTIATION OF CONSTITUTIONAL CIVIL RIGHTS
- CONSTITUTIONAL COURT
- THE RELATIONSHIP BETWEEN THE EUROPEAN COURT OF JUSTICE AND EUROPEAN COURT OF HUMAN RIGHTS

### TEACHING METHODS:

Lecture, conversation, exemplification.

### LEARNING OUTCOMES:

- Applying theories, principles and concepts in a context determined
- Preliminary analysis of the data, their interpretation, the carrying out of classifications and some conceptual delineations
- Development of Vocational projects using theories, principles and specific methods of entitlement.

### LEARNING OUTCOMES VERIFICATION AND ASSESSMENT CRITERIA:

Written paper – interpretative essay – 80%; continuous assessment – 20%.

### RECOMMENDED READING:

- Valea D., *Drept constituțional și instituții politice – în dreptul român și în dreptul comparat*, Ed. Universul Juridic, București 2014;
- Chiriac L., *Controlul constituționalității orodonanțelor Guvernului*, Ed. Accent, Cluj Napoca, 2004;

- Dănișor, D.C., *Drept constituțional și instituții politice*, vol. I, *Teoria generală -Tratat*, Ed. C.H. Beck, București, 2007;
- Debbasch Gh., Pontier J.-M., Bordon J., Ricci J.-C., *Droit constitutionnel et institutions politiques*, Ed. Economica, Paris, 2001;
- David R., Jauffret-Spinosi C., *Les grandes systèmes de droit contemporains*, Ed. Dalloz, Paris, 1992
- Dogaru I., Drăghici P., *Bazele dreptului civil. Teoria generală a obligațiilor*, Vol. III., Ed. C.H. Beck, București, 2009;
- Dogaru I., Popa N., Dănișor D.C., Cercel S., *Bazele dreptului civil*, vol. I, *Teoria generală*, Ed. C.H. Beck, București, 2008;
- Gîrleşteanu G., *Drept constituțional și instituții politice*, Ed. Universul Juridic, București, 2012;
- Kapteyn P.J.G., *The Law of the European Union and the European Communities*, Ed. Kluwer Law International, Haga, 2008;
- Valea D., *Sistemul de control al constituționalității din România*, Ed. Universul Juridic, București, 2011;
- Chalmers D., Davies G., Monti G., *European Union Law: Cases and Materials*, ed. a 3-a, Ed. Cambridge University Press, Cambridge, 2014;
- Craig P., Burca de G., *EU Law: Text, Cases and Materials*, ed. a 6-a, Ed. Oxford University Press, Oxford, 2015;
- Costin M.N., *Marile instituții ale dreptului civil român*, Ed. Dacia, Cluj-Napoca, 1982.

## CONTRACT – EVOLUTIONS AND PERSPECTIVES

Course Code: IDP I 2.1

Type of course: compulsory

Language of instruction: English tutoring available for Erasmus students

Name of lecturer: Vasile Luha, PhD

Seminar tutor: Luha Vasile, PhD

Full time studies

Form of instruction	Number of teaching hours per semester	Number of teaching hours per week	Semester	Form of receiving a credit for a course	Number of ECTS credits allocated
Class	56	2	Autumn	Grade	8

### COURSE AIMS:

Theme is designed as an integral part of the specialized training of students, providing essential knowledge about current trends in European legal culture in general and with particular reference to private law and contracts; It aims to achieve an analysis, a systematic deepening of European and national regulations and jurisprudence, local and European, from this perspective.

### ENTRY REQUIREMENTS:

Introduction to Law; Introduction to General Elements of Law, civil law.

### COURSE CONTENTS:

Theme 1 European classical legal culture; American legal culture

Theme 2: European Private Law; European private law contract

Theme 3: The evolution of the contract in Romania since the advent of the Civil Code so far

Theme 4: The new European legal culture; trends with regard to contracts

Theme 5: The idea, policies and trends in European Civil Code with regard to contracts

Topic 6: general contract law

Theme 7: Specific contracts and special

Theme 8: harmonization of contract law in a united Europe

Theme 9: Contract law and consumer protection

Assignment 10: Contract law as a matter of justice

Assignment 11: Romanian jurisprudence contract and contract law, evolving trends

Theme 12: New Romanian Civil Code with regard to contracts; current trends, solutions, comments

Theme 13: The contractual liability, evolution, current trends

Theme 14: Contract and conventions on fundamental human rights.

### TEACHING METHODS:

Lecture, conversation, exemplification.

### LEARNING OUTCOMES:

- retrieval of written sources on the Business Law;
- establishing general aspects in connection with the Business Law;
- the concrete issues in connection with the general views of Business Law.

### LEARNING OUTCOMES VERIFICATION AND ASSESSMENT CRITERIA:

Written paper – 60%; continuous assessment – 40%.

### RECOMMENDED READING:

- Liviu Pop, Treaty of civil law. Obligations. The general legal, vol Publishing CH Beck, 2006;
- John Adam, Civil Law. General theory of obligations, Publishing CH Beck, 2004;
- Ion Dogaru, Pompil Draghici, Civil Law. General theory of obligations, Publishing CH Beck, 2002;
- L. Pop, "Romanian Civil Law. General theory of obligations ", Ed. All, Bucharest, 1998;
- M.N. Costin, "The great institutions of the Romanian civil law", vol. II and III, Ed. Dacia, Cluj Napoca, 1991;
- R. Sanilevici, "Civil Law. General theory of obligations ", Iași, 1986;
- C. Stătescu, Bîrsan, "general theory of obligations," Ed. Academy, Bucharest, 1981.
- C. Stătescu, Bîrsan "General Theory of duty", ed. Hamangiu, Bucharest, 2008
- Mircea N. Costin Vasile Luha, "general theory of obligations", I-II, ed. Risoprint, Cluj Napoca, 2006, 2007
- I. Albu, "contractual liability", ed. Dacia, Cluj Napoca, 1992
- Martijn Hesselink, studies comparing private, Themis Cart, Buc. 2008
- Jean Francois Gerken, comparable private Droit, Larcier 2007.

**REPRESENTATION AND PROXY IN PRIVATE LAW**

Course Code: IDP 1 3.1

Type of course: optional

Language of instruction: English tutoring available for Erasmus students

Name of lecturer: Ioan Ganfalean, PhD

Seminar tutor: Ioan Ganfalean, PhD

Full time studies

Form of instruction	Number of teaching hours per semester	Number of teaching hours per week	Semester	Form of receiving a credit for a course	Number of ECTS credits allocated
Class	56	4	Autumn	Grade	8

**COURSE AIMS:**

- Knowing, understanding and a correct using of fundamental ideas concerning concepts specific to Terms and Representation in Private Law.
- Integration in a coherent structure of main theorizations and value landmarks recognised in Private Law.

**ENTRY REQUIREMENTS:**

Elements of Private Law.

**COURSE CONTENTS:**

- Civil Action.
- Elements of civil action.
- The Participants in civil cases.
- Legal representation of physical persons.
- Conventional representation of physical persons, by non-lawyer trustee.
- Conventional representation of physical persons, by lawyer.
- Conventional representation of juridical persons.
- Another ways of representation.
- Contract of mandate with representation.
- Mutual tacit mandate of spouses in community property regime
- Contract of mandate without representation.
- Commercial contract of mandate.
- The limits of mutual tacit mandate for husbands
- The applicability tacit mandate in the event of one spouse only by a promise to alienate immovable property jointly.

**TEACHING METHODS:**

Lecture, conversation, exemplification.

**LEARNING OUTCOMES:**

- retrieval of written sources on the private law;
- establishing the theoretical and practical issues in connection with the private law;

**LEARNING OUTCOMES VERIFICATION AND ASSESSMENT CRITERIA:**

Written paper – interpretative essay – 60%; continuous assessment – 40%.

**RECOMMENDED READING:**

- New Civil Code
- New Civil Procedural Code.

**DE LEGE LATA SOLUTIONS AND DE LEGE FERENDA TENDENCIES IN THE FIELD OF CIVIL LIABILITY**

Course Code: IDP I 5

Type of course: compulsory

Language of instruction: English tutoring available for Erasmus students

Name of lecturer: Miruna Tudorascu, PhD

Seminar tutor: Miruna Tudorascu, PhD

Full time studies

Form of instruction	Number of teaching hours per semester	Number of teaching hours per week	Semester	Form of receiving a credit for a course	Number of ECTS credits allocated
Class	56	4	Summer	Grade	8

**COURSE AIMS:**

- Knowing, understanding and a correct using of fundamental ideas concerning concepts specific to Juridical Responsibility.
- Integration in a coherent structure of main theorizations and value landmarks recognised in Juridical Responsibility domain as well as in connected domains.

**ENTRY REQUIREMENTS:**

Introduction to Juridical Responsibility; specific issues on Juridical Responsibility.

**COURSE CONTENTS:**

1. Tort liability
2. The contractual responsibility
3. Exoneration liability cases. Act of God
4. Exoneration liability cases. Major force.
5. Liability for the acts of its own.
6. Liability for vicarious.
7. Liability for damage caused by animals or things.
8. Compensation for damage in case of tort.
9. Patrimonial reparation.
10. Minor injury.
11. State of emergency.
12. Reports
13. Practical cases.
14. Recap

**TEACHING METHODS:**

Lecture, conversation, exemplification.

**LEARNING OUTCOMES:**

- retrieval of written sources on the Juridical Responsibility;
- establishing general aspects in connection with the Juridical Responsibility
- the concrete issues in connection with the general views of Juridical Responsibility.

**LEARNING OUTCOMES VERIFICATION AND ASSESSMENT CRITERIA:**

Written paper – interpretative essay – 100 %.

**RECOMMENDED READING:**

- Ph. Malaurie, L. Aynès, Ph. Stoffel-Munck – *Civil Law. Obligations*, ed. Wolters Kluwer, Bucharest-2010.
- L. Pop – *Civil Law Treaty. Obligations. Vol. II. The Contract*, ed. Universul Juridic, București-2009.

**CURRENT AND FUTURE TRENDS IMPOSED BY THE CHANGES FROM THE CODE OF CIVIL  
PROCEDURE**

Course Code: IDP I 6

Type of course: compulsory

Language of instruction: English tutoring available for Erasmus students

Name of lecturer: Ioan Ganfalean, PhD

Seminar tutor: Ioan Ganfalean, PhD

Full time studies

Form of instruction	Number of teaching hours per semester	Number of teaching hours per week	Semester	Form of receiving a credit for a course	Number of ECTS credits allocated
Class	56	4	Summer	Grade	6

**COURSE AIMS:**

- Knowing, understanding and a correct using of fundamental ideas concerning concepts specific to changes imposed by the Code of Civil Procedure.
- Integration in a coherent structure of main theorizations and value landmarks recognised in Civil Procedural Law.

**ENTRY REQUIREMENTS:**

Elements of Civil Procedural Law.

**COURSE CONTENTS:**

The Justice and Civil Cases.  
 Fundamental principles in Civil Procedural Code.  
 The Participants in civil cases.  
 The Court for Civil Cases.  
 The judicial representation.  
 Civil Action.  
 The competences of The Civil Court.  
 Procedural acts.  
 Procedural terms.  
 The written phase of civil cases.  
 Insures measures.  
 Debates Phase.  
 Revision.  
 Practical Applications.

**TEACHING METHODS:**

Lecture, conversation, exemplification.

**LEARNING OUTCOMES:**

- retrieval of written sources on the civil procedural law;
- establishing the theoretical and practical issues in connection with civil procedural law.

**LEARNING OUTCOMES VERIFICATION AND ASSESSMENT CRITERIA:**

Written paper – interpretative essay – 60%; continuous assessment – 40%.

**RECOMMENDED READING:**

- New Civil Code
- New Civil Procedural Code.

## LEGAL ADVERTISING

Course Code: IDP I 7

Type of course: Mandatory discipline

Language of instruction: Romanian

Name of lecturer: Dan Adrian Doțiu

Full time studies

Form of instruction	Number of teaching hours per semester	Number of teaching hours per week	Semester	Form of receiving a credit for a course	Number of ECTS credits allocated
Class	56	4	Summer	Grade	6

### COURSE AIMS:

- Describe concepts, theories and methodologies used in the field of law
- Styling the specialist legal language, written and oral, and the instruments of legal logic for an explanation and interpretation of concepts and theories of industry-specific
- Use legal language for the assessment concepts, theories and methods established in the field of law
- Using legal language in the development of professional projects
- Defining and classifying theories and principles used in the study of entitlement
- Use concepts and theories of law, for an explanation and interpretation of texts of law (law) national, European and international

### ENTRY REQUIREMENTS: -

### COURSE CONTENTS:

- General considerations relating to the advertising and real estate at the land registry
- Real estate advertising systems history
- The right of ownership – part I
- The right of ownership – part II
- The rights in rem derived from principal ownership
- Ways of obtaining property – part I
- Ways of obtaining property – part II
- Principles for land book - part I
- Principles for land book – part II
- The subject of the book land
- Registrations in the land book
- correction of registrations in the land book
- Specific actions for land proceedings book
- Court practice

### TEACHING METHODS:

Lecture, conversation, exemplification.

### LEARNING OUTCOMES:

- Applying theories, principles and concepts in a context determined
- Preliminary analysis of the data, their interpretation, the carrying out of classifications and some conceptual delineations
- Development of Vocational projects using theories, principles and specific methods of entitlement.

### LEARNING OUTCOMES VERIFICATION AND ASSESSMENT CRITERIA:

Written paper – interpretative essay – 60%; continuous assessment – 40%.

### RECOMMENDED READING:

- Liviu Stăniulescu – Curs de drept civil. Drepturile reale principale, Ed.Hamangiu,2013;
- Lucia Uță – Modalitățile dreptului de proprietate, ed.Universul Juridic, București, 2012
- Szilard Sztranyiczki - Drept civil. Drepturile reale principale conform noului Cod civil, Ed.C.H.Beck, București 2012
- Corneliu Bârsan - Drept civil. Drepturile reale principale, Ed.Hamangiu, București, 2013
- Valeriu Stoica - Drept civil. Drepturile reale principale, Ed.C.H.Beck, București 2013
- Andreea Anamaria Chiș - Publicitatea imobiliară în concepția noului Cod civil, Ed.Hamangiu, București 2012
- Mihaela Măneran –Cartea funciară, Ed. Hamangiu, București 2013

- Oliviu Puie – Regimul juridic al terenurilor, Ed.Universul Juridic, București, 2014
- Gabriel Boroi, Liviu Stăniulescu – Drept civil. Curs selectiv pentru licență, Ed.Hamangiu,2006;
- Mihaela Mînercan – Comentariile Codului civil, Ed.Hamangiu, București, 2012
- Colectiv – Noul Cod civil. Note. Corelații. Explicații, Ed.C.H.Beck, București, 2011
- Colectiv – Noul Cod civil. Comentarii, doctrină și jurisprudență, Ed.Hamangiu, București, 2012
- Gabriel Boroi, Liviu Stănciulescu– Instituții de drept civil în reglementarea noului Cod civ.Ed. Hamangiu București, 2012
- Legea nr.287 din 17 iulie 2009 – Codul civil
- Codul civil al României. Îndrumar notarial, Ed.Monitorul Oficial, București, 2011
- Marilena Uliescu ș.a. – Noul Cod civil. Comentarii, Ed.Universul Juridic, București, 2011
- Legea cadastrului și publicității imobiliare nr. 7/1996, modificată prin Ordonanța de Urgență a Guvernului nr. 41/2004, aprobată prin Legea nr. 499/2004.
- Ordinul 700/2014 al Directorului general al ANCPI



## NATIONAL AND INTERNATIONAL ARBITRATION

Course Code: IDP I 8.2

Type of course: optional

Language of instruction: English tutoring available for Erasmus students

Name of lecturer: Lecturer Ada Hurbean PhD

Seminar tutor: Lecturer Ada Hurbean PhD

Form of instruction	Number of teaching hours per semester	Number of teaching hours per week	Semester	Form of receiving a credit for a course	Number of ECTS credits allocated
Class	56	4	Summer	Grade	8

### COURSE AIMS:

- to provide the minimum knowledge in what concerns the institution of national and international arbitration
- to form a juridical thinking in what concerns the institution of arbitration in Romania and other countries
- to assimilate new juridical information interpretation, correlation, comparative studies of juridical institutions from Romanian law and international stipulations in the matter of arbitration.

### ENTRY REQUIREMENTS:

Introduction to national and international commercial law

### COURSE CONTENTS:

- Arbitration as an alternative way to settle a dispute or a litigation
- National and international arbitration stipulations
- The arbitration of litigation
- Arbitration procedure
- The arbitration order
- The international arbitration in national law
- International institutions of arbitration

### TEACHING METHODS:

Lecture, conversation, exemplification.

### LEARNING OUTCOMES:

- retrieval of written sources of international commercial law and national and international arbitration
- Concept referring to historical evolution of commercial arbitration.

### LEARNING OUTCOMES VERIFICATION AND ASSESSMENT CRITERIA:

Written test examination.

Verification during the semester

### RECOMMENDED READING:

- I. Deleanu, S. Deleanu, *Arbitrajul intern si international*, Ed. Rosetti, 2005
- Titus Prescure, Radu Crisan, *Arbitrajul comercial-modalitate alternative de solutionare a litigiilor patrimoniale*, Ed. Universul Juridic, 2010
- Viorel Ros, *Arbitrajul international*, Ed. Regia Autonoma Monitorul oficial, 2002
- V. A Vlasov, *Arbitrajul comercial. Jurisprudenta arbitrara 2007-2009; Practica judiciara*, ed. Hamagiu, 2010
- H. M Holtzmann and J. E. Neuhaus, *A Guide to the UNCITRAL Model law on International Commercial Arbitration*, T. M. C Asser Instituut/Kluwer, Deventer, 1989.