AN OVERVIEW ON THE TRANSLATIVE VERSUS THE CONSTITUTIVE EFFECT OF THE INHERITANCE PARTITION IN ROMANIA

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Abstract

Nowadays, the article 995 of the Romanian Code of Civil Procedure regulates the so-called constitutive effect of the partition decision. Although the 2004 draft of the new Civil code stipulated a retroactive (declarative) effect for the inheritance partition, the Amending Commission preferred to formulate the legal effects of partition in this way: each co owner (coheir) becomes the exclusive owner of the assets or, as the case, of the sums of money that were assigned starting only the day established in the partition act, but not before the day of the concluding of the act in case of voluntary partition or, as the case, from the date of the final court decision.

Since the Civil code's perspective seems to imply a translative effect, for a better understanding of the constitutive effect of the inheritance partition, this short overview attempts, on the one hand, to determine if the partition is or not a translative act, and, on the other hand, to examine if a possible translative effect of the property of the partition decision can be reconciled with the constitutive character stipulated in the Code of Civil Procedure.

Keywords: *inheritance partition, constitutive effect, translative effect, declarative effect, retroactive effect.*

1. Introduction

The inheritance partition is the operation through which it is put an end to the state of co-ownership between co-heirs, in the sense that the asset or the assets (inherited) mutually owned are divided, in their materiality, among the heirs who thus become exclusive owners of their respective assets[1]. Thus it is replaced the ideal undivided quota on the inherited assets, with exclusive rights of each of the co-heirs on some assets (values) determined in their individuality[2].

The Civil Code from 1864 established the rule of the declarative (retroactive) character of the partition so that each co-heir was presumed to have inherited all by himself/herself and *immediately* all the assets that composed his/her part and that he/she had never been the owner of the other assets from the inheritance.

The New Civil Code from 2009[3] stipulates, however, that each co-owner (co-heir) becomes the exclusive owner of the assets or, as the case, of the sums of money that were assigned to him/her starting only the day established in the partition act, but not before the day of the concluding of the act, in case of voluntary partition, or, as the case, from the date of the final court decision; and the Civil Code of Procedure stipulates that the partition decision has *constitutive* effect.

In the doctrine, on the one hand, it is claimed the *translative* character on property of the partition[4] , and on the other hand, it is claimed that the partition is not an translative act on property, but a *constitutive* act, because the co-owners who become individual owners of the inherited assets assigned through partition, obtain their rights „*directly from the partition act*, not as a result of an actual transfer of undivided quotas among co-partitioners"[5]. There are also authors who, even though admit the constitutive character of the partition decision, however claim „the *translative* effect on property of the partition decision"[6] but without going into details on how this property transfer operates.

Thus, it is not without interest to search within this study to what extent the partition is or not a *translative* act on property in the light of the Civil Code and if a possible translative effect on property of the partition decision is reconciliable with its *constitutive* character provisioned by the Code of the Civil Procedure.

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[1] See Gabriel Boroi, Carla-Alexandra Anghelescu, Bogdan Nazat, *Curs de drept civil: drepturile reale principale (Course of Civil law: Main Real Rights)* (Bucureşti: Hamangiu, 2013), 115.

[2] See Francisc Deak, Romeo Popescu, *Tratat de drept succesoral. Transmisiunea şi partajul moştenirii (Treatise on Succession law. The Transmission and the inheritance's partition)*, vol. III (Bucureşti: Universul Juridic, 2014), 178.

[3] *Law no. 287 from 17th July 2009 on the Civil Code*, republished in the Official Journal of Romania, Part I, no. 505 from 15th July 2011.

[4] See Eugen Chelaru, *„Comentariu la art. 680 Cod civil" (Commentary on article 680 from the Civil code)* in *Noul Cod civil: comentariu pe articole (The New Civil Code: comments on articles)*, coord. Flavius-Antoniu Baias et al. (Bucharest: C.H. Beck, 2014), 792; Alin-Adrian Moise, „Scurte consideraţii despre partajul voluntar în sistemul Codului nostru civil" (Short consideration on the inheritance voluntary partition in the system our Civil code), *Dreptul* 11 (2012): 60; Corneliu Bîrsan, *Drept civil: drepturile reale principale în reglementarea noului Cod civil (Civil Law: Main Real Rights in the new Civil Code)* (Bucharest: Hamangiu: 2013), 240.

[5] Dan Chirică, Tratat de drept civil: succesiunile şi liberalităţile (Treatise on civil law: successions and liberalities) (Bucharest: C.H. Beck, 2014), 623; József. Kocsis, Paul Vasilescu, Drept civil – Succesiuni (Civil law - Inheritances), (Bucureşti: Hamangiu, 2016), 315.

[6] Mihaela Tăbârcă, Drept procesual civil (Judicial Civil Law), vol. II, (Bucureşti: Universul Juridic, 2013), 743-744.

2. Joint ownership resulted from inheritance

According to the legal definition provided by the art. 953 from the Civil Code, the inheritance is the transmission of heritage from one deceased physical person towards one or more living persons[7]. The acceptance of the inheritance consolidates the transmission of the heritage rightfully performed at the date of the death. Thus, as a result of the acceptance, the transmission of the inheritance that operated *ope legis* from the moment of the opening of the inheritance, but provisional, is consolidated by becoming final. In the case of the plurality of heirs a *co-owned succession* intervenes, each co-heir receiving an ideal quota from his/her right, none of them being the exclusive holder of an asset or of a material fraction of an asset.

Thus, the legal regime of the co-owned succession is governed by two principles: each co-heir has an individual right, absolute and exclusive of his/her quota having as an object the assets in severalty, but none of the co-owners is the exclusive holder of any undivided asset or assets, regarded in their materiality[8]. Therefore, the co-heirs have an abstract quota from each molecule of the inherited assets[9] and the acquisition of this quota takes place *retroactively* starting with the day of the opening of the inheritance. In the same way, the art. 688 from the Civil Code from 1864 stipulated: „the effect of the acceptance goes up to the day of the opening of the succession".

3. Inheritance partition

The Project of the Civil Code provisioned in the art. 786 that each co-owner becomes the exclusive owner of the assets or, as the case, of the sums of money that were assigned to him/her starting *only the day of the partition*. However, in the case of the co-owned succession, the rights of exclusive property were considered to be born at *the date of the opening of the succession*[10]. The inheritance partition regulated in this way was in agreement with the dispositions from the old Civil Code and the ones from the present Civil Code of Québec which in the art. 884, with the marginal name „partition is *declaratory* of ownership", provisions that „Each co-partitioner is deemed to have inherited, alone and directly, all the property included in his share or which devolves to him through any partial or complete partition. He is deemed to have owned the property from the death, and never to have owned the other property of the succession."

However, the Amending Commission preferred to regulate the partition unitarily, so that in its final form the art. 680 of the Civil Code from 2009 regarding the *legal effects of the partition* provisions that each co-owner becomes the exclusive owner of the assets or, as the case, of the sums of money that were assigned to him/her starting only *from the day established in the partition act*, but not before the day of the concluding of the document, in the case of the voluntary partition, or, as the case, from the day of the final court decision. In the case of the estates, the legal effects of the partition take place only if the partition act authenticated or the final court decision, as the case, were entered in the Real Estate Register.

4. The Concept of Translative Effect

In the *civil law doctrine* it is considered a *translative* legal act the one that has as an effect the resettlement of a subjective right from the patrimony of one person to the patrimony of another person[11] and which produces the effects only for the future *(ex nunc)*. We mention, as an example, that the Civil Code, art. 1674, regarding the sale contract provisions that, excepting the cases stipulated in the law or if by the will of the parts does not result the contrary, the property will be rightfully *moved* to the buyer from the moment of the concluding of the contract, even if the asset has not been handed over or the price has not been paid yet, the sale having, therefore, a translative effect on property.

According to art. 17 from the Decree-law no. 115 from 27th April 1938 on the unification of the dispositions regarding the Land Registries, the real rights on estates were obtained only if between the one who gave and the one who received the rights there was an agreement of will on the constitution or the *resettlement*, under a shown cause, and the constitution or the resettlement was registered in the Real Estate Register.Thus, there was a distinction between constitution, on the one hand, and *transmission*, on the other hand. We also meet this distinction nowadays, for example in the art. 2617 from the Civil Code according to which the constitution, *the transmission* or the termination of the real rights on an asset that has changed the settlement are governed by the law of the place where this could be found when the legal fact that generated, modified or terminated the respective right took place; or in art. 936 which, also, makes a distinction between the constitutive and translative legal acts.

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[7] For details see Ioana Nicolae, Devoluţiunea legală şi testamentară a moştenirii (Devolution of Inheritance by Law and by Will), (Bucharest: Hamangiu, 2016), 2.

[8] See Francisc Deak, Tratat de drept succesoral (Treatise on Succession Law), (Bucureşti: Actami, 1999), 547.

[9] See Dimitrie Alexandresco, Explicaţiunea teoretică şi practică a dreptului civil român în comparaţiune cu legile vechi şi cu principalele legislaţiuni străine: Succesiunile ab intestat (Theoretical and Practical Explanations on Romanian Civil Law as Compared to the Old Laws and to the Main Foreign Laws), vol. III - part II, (Bucureşti: Atelierele Grafice Socec & Co., 1912), 446.

[10] Proiectul Noului Cod Civil (The Draft of the New Civil Code) (Bucharest: C.H. Beck, 2006), 167-170.

[11] See Gabriel Boroi, Carla-Alexandra Anghelescu, Curs de drept civil: partea generală (Course of Civil law: the General Part), (Bucureşti: Hamangiu, 2016), 116.

5. The Concept of Constitutive Effect

5.1. Civil Law

The Civil Code uses the term *constitution* regarding the mortgage (art. 2353, 2358, 2387, 2406), the superficie (art. 693), the usufruct (art. 710, 721), the right to manage (art. 868), the right of concession (art. 872), the right to use free of charge (art. 874), the creation of a deposit (art. 2191 and 2192) or of a society (art. 1882). That is why, in the *civil law* doctrine it is considered a *constitutive* legal act that gives birth to a *civil right* that did not previously exist[12]. Thus, it is placed in opposition the *translative* civil legal act (through which a pre-existent right is transferred), on the one hand, and the *constitutive* legal act (that gives birth to a right that did not previously exist), on the other hand[13].

5.2. Judicial Civil Law

In the matter of civil procedure, through the *constitutive* court decision of rights we understand that decision through which it is created a state law that is different from the one existing so far, a new legal situation[14] and which produces effects only for the future. In the doctrine of civil procedural law there is no discussion on a different category of translative court decisions of rights[15], but only on declarative or constitutive decisions of rights, the last ones being the ones which create, modify or terminate a certain legal status, thus give birth to a new legal situation[16].

5.3. Case Law

In jurisprudence it was stipulated that „*the transmission* of the real right that constitutes the object of the legal act subject to registration [in the Real Estate Register] is produced, in the system regulated by the Decree-law no. 115/1938, only because of the *constitutive effect* of the registration."[17] In the same decision it is provisioned that „the constitutive effect (attributive) of the registration means, according to the same old law, the unconditional birth of the real right *(jus in re)*".

However, according to art. 17 from the Decree-law no. 115 from 27th April of 1938 on the unification of the dispositions according to the Land Registries, the real rights on the real estates were acquired only if between the one that gave and the one that received the right there was an agreement of will on the *constitution* or *the resettlement*, under a shown cause, and the constitution or the resettlement was registered in the Real Estate Register. The normative act does not mention „the constitutive effect of the registration", this phrase being indubitable a creation of the doctrine, taken over by the jurisprudence, as we could see.

In the mentioned decision there is a confusion of terms which is mostly manifested through the technology used. Thus, we signal the fact that the constitutive effect mentioned in the above decision also regards the translative effect, without deducting it distinctively from the first one. Practically, at the moment when the doctrine and the jurisprudence interpreted the provisions which mention the constitution and the resettlement of the real rights on estates reunited the constitutive and the translative effect into one phrase, that of *constitutive effect*, phrase used indifferently both in relation to the *constitution* of new rights, as well as in relation to *the transfer* of the preexistent rights.

6. The Effects of the Inheritance Partition

In the legislation previous to the Civil Code from 1864, the Calimach Code stipulated in art. 1092 that „the inheritance partition had a *buying* power". In the doctrine it was considered that the partition regulated in the Calimach Code had either a constitutive effect (which would have as a consequence a transfer of rights among the co-owners)[18], either attributive or translative[19].

According to the recent doctrine „[...] in the New Civil Code it was dropped the declarative effect of the partition in favour of the *constitutive* effect. The consequence is that the legal act of partition marks a *transfer* of rights among co-owners, which emphasises the character of disposition of this act", „[...] the partition has a *constitutive* effect, assuming a *transfer* of rights among co-owners" and „as a result of the constitutive effect of the partition, among the co-owners there is a mutual transfer of rights"[20]. Thus,

[12] Ibidem.

[13] See Gabriel Boroi, Carla-Alexandra Anghelescu, Curs de drept civil: partea generală (Course of Civil law: the General Part), 78, 79, 275, 279, et cetera.

[14] See Gabriel Boroi, Mirela Stancu, Drept procesual civil (Judicial Civil Law), (București: Hamangiu, 2016), 581, 1126.

[15] See Moise, „Scurte consideraţii despre partajul voluntar în sistemul Codului nostru civil" (Short consideration on the inheritance voluntary partition in the system our Civil code), 62.

[16] See Ioan Leș, Tratat de drept procesual civil (Treatise of Judicial Civil Law), (București: C.H. Beck, 2008), 603.

[17] High Court of Cassation and Justice of Romania, decision no. XXI of 12nd December 2005, published in the Official Journal of Romania, Part I, no. 225 from 13th March 2006.

[18] Mihaela Florentina Cojan, Proprietatea comună pe cote-părți în doctrină și jurisprudență (Joint ownership on quotas in doctrine and case law), (București: Universul Juridic, 2013), 194, n. 4.

[19] See Alexandresco, Explicaţiunea teoretică şi practică a dreptului civil român în comparaţiune cu legile vechi şi cu principalele legislaţiuni străine: Succesiunile ab intestat (Theoretical and Practical Explanations on Romanian Civil Law as Compared to the Old Laws and to the Main Foreign Laws), 781; Mirela Steluța Croitoru, „Comentariu la art. 680" (Commentary on article 680), in Noul Cod civil: comentarii, doctrină, jurisprudență (The New Civil Code: commentaires, doctrine, case law), vol. I, (Bucharest: Hamangiu, 2012), 979; Nicolae Titulescu, Împărţeala moştenirilor (The Partition of Inheritances), (București: Leon Alcalay, 1907), 29.

[20] Valeriu Stoica, Drept civil. Drepturile reale principale (Civil law. Main Real Rights), (București: C.H. Beck, 2009), 282-293. See also Mihaela Florentina Cojan, Proprietatea comună pe cote-părți în doctrină și jurisprudență (Joint ownership on quotas in doctrine and case law),

according to this opinion, just because of the constitutive character of the partition the mutual transfer of rights among co-heirs would take place.

On the other hand, it is claimed that the partition itself *is not a translative act of property*, but the partition act is a *constitutive* one which „gives birth to a new legal situation, different from the previous one, its effects not being either translative of property, or declarative"[21]. As a result, the constitutive character of the partition would exclude the actual transfer of undivided quotas among co-heirs.

According to art. 557 from the Civil Code, *the right of ownership may be acquired*, under the law, *through* legal or testamentary *inheritance*. In addition, the real rights, when they come from the inheritance, are acquired *without registration in the Real Estate Register*, but, according to art. 887 from the Civil Code, the holder of the rights acquired like that could dispose of them through the Real Estate Register only after the registration has been made.

Consequently, if the deceased left two estates and two heirs, each heir who accepts the succession has an undivided right (for example, a quota of ½) on each of the two estates, the acceptance of the inheritance consolidating the rightful transmission of the inheritance at the date of the death.

If as a result of the partition, one heir receives an estate and the second heir receives the other estate, because there is a stipulation regarding the legal effects of the partition art. 680 from the Civil Code that each co-owner becomes *the exclusive owner* of the estate only if the partition act authenticated or the final court decision, as the case, were registered in the Real Estate Register, each heir would acquire the right of property on the other ½ of the quota from the moment of the registration in the Real Estate Register[22].

Even though the Civil Code does not stipulate the way in which the co-owner heir becomes „the exclusive owner", we consider that the exit of the quota on the estate assigned through partition from one heir's patrimony to the other heir will be done as a result of the transmission of the right of property as an effect of the partition act, so that the heir to which the real estate was assigned would be the successor in title of the deceased with a quota of ½; in what concerns the rest of the asset, he/she would acquire the undivided part from his/her co-heir, in the exchange of his/her own part of the other estate. Consequently, in the light of the civil law, the partition act can only be translative of rights.

However, art. 995 from the Civil Code of Procedure expressly stipulates that the partition decision has a *constitutive* effect. How should we interpret this constitutive effect? In the light of the civil law, according to which the constitutive legal act gives birth to a right which did not previously exist or according to the doctrine of the civil procedural law which considers to be constitutive a decision through which it is created a state of law different from the one already existing? This provision, *regarding the right of property on the inherited assets*, should only be interpreted in the sense that each co-owner becomes the *exclusive* owner of the assigned assets, meaning in the sense of creating a new legal situation, not in the sense that the right of property on the inherited assets assigned to an heir would have been *constituted* (as if it did not previously exist) through the partition decision.

The right of property may also be acquired, according to paragraph (1), final part from the art. 557 from the Civil Code, through *court order*, when it is *translative of property* by itself. Since the constitutive[23] or attributive[24] court orders give birth or transfer some rights and only these orders can be translative of property, as it is required in the art. 557 from the Civil Code, so they are part of the ways of acquiring the right of property[25], from the corroboration of art.557 from the Civil Code with art. 995 from the Civil Code of Procedure, we can only conclude that the partition decision is translative of rights, the translative effect being inscribed in the constitutive effect provisioned in the Civil Code of Procedure. However, the partition decision will not have translative effect, too, but exclusively constitutive effect regarding the balance payments or, as the case, the sums dued to the other co-owners as a result of the attribution of an asset to one of the co-partners, respectively, the ones dued to this ones as a result of the sale of the asset or of the assets subject to partition[26].

7. Conclusions

Given the fact that the Civil Code of Procedure is subsequent to the Civil Code, the effect of the partition is always constitutive. However in the matter of the succession partition the translative (attributive) effect is included in the constitutive effect because, at the opening of the inheritance, the heirs acquire their indeal quota based on the translative effect of rights, becoming exclusive owners, in the equivocal expression of the Civil Code, only through the constitutive effect of the partition.

In the end, we must mention that the distinction between the translative and the constitutive effect of the

(Bucureşti: Universul Juridic, 2013), 195; Doina Anghel, Partajul judiciar în reglementarea noilor coduri (The Judicial Partition in the New Codes), (Bucureşti: Hamangiu, 2015), 308 and 310.

[21] Chirică, Tratat de drept civil: succesiunile şi liberalităţile (Treatise on civil law: successions and liberalities), 623 and 614.

[22] For details see Doru Trăilă, Acţiunile civile în materie succesorală (Successional civil actions), (Bucureşti: C.H. Beck, 2015), 382-383.

[23] *Constitutif*: qui établit juridiquement un droit *(which establishes a legal right)* (Larousse).

[24] *Attributif*: qui confère un droit, qui le fait passer d'une tête sur une autre *(which confers a right, which makes it pass from one person to another)* (Larousse).

[25] See Chelaru, „Comentariu la art. 680 Cod civil" (Commentary on article 680 from the Civil code), 792.

[26] See also Boroi, Stancu, Drept procesual civil (Judicial Civil Law), 833.

partition is relevant not as much in the matter of the civil law, but especially in the matter of the tax law. The Fiscal Code (Law no. 227/2015), in art. 111, regarding the incomes from the transfer of the real estates from the personal patrimony made a distinction between the constructions of any kind with the related lands, as well as the lands of any kind without constructions, acquired *within a period of 3 years included,* on the one hand, and the ones acquired *on a date longer than 3 years,* on the other hand.

Following the recent changes of the Fiscal Code by Emergency Ordinance no. 3 from 6th January 2017 for the modification and completion of Law no. 227/2015, when transferring the right of property and of its dependent parts, through legal acts among living persons on the constructions of any kind and the related lands, as well as on the lands of any kind without constructions, the tax payers currently owe a tax which is not calculated differently depending on the moment of acquisition anymore, but by applying a flat of 3% to the income tax, the latter being established through the deduction of the transaction value of the non-taxable sum of 450.000 lei, so that only what surpasses this limit will be subject to tax.

Although the time of the acquisition of a quota from an inherited asset does not seem to have a practical relevance anymore, however, we do not exclude that in the future it might reacquire it, to the extent that there will appear legal norms whose application will need to determine the moment of the acquisition of the right of property by the heirs, and their interest will be to prove that the quota was acquired before the partition.

References:

- Dimitrie Alexandresco, Explicaţiunea teoretică şi practică a dreptului civil român în comparaţiune cu legile vechi şi cu principalele legislaţiuni străine: Succesiunile ab intestat (Theoretical and Practical Explanations on Romanian Civil Law as Compared to the Old Laws and to the Main Foreign Laws), vol. III - part II, Bucureşti: Atelierele Grafice Socec & Co., 1912;
- Doina Anghel, Partajul judiciar în reglementarea noilor coduri (The Judicial Partition in the New Codes). Bucureşti: Hamangiu, 2015;
- Corneliu Bîrsan, Drept civil: drepurile reale principale în reglementarea noului Cod civil (Civil Law: Main Real Rights in the new Civil Code). Bucharest: Hamangiu: 2013;
- Gabriel Boroi, Carla-Alexandra Anghelescu, Curs de drept civil: partea generală (Course of Civil law: the General Part). Bucureşti: Hamangiu, 2012;
- Gabriel Boroi, Carla-Alexandra Anghelescu, Bogdan Nazat, Curs de drept civil: drepturile reale principale (Course of Civil law: Main Real Rights). Bucureşti: Hamangiu, 2013;
- Gabriel Boroi, Mirela Stancu, Drept procesual civil (Judicial Civil Law). Bucureşti: Hamangiu, 2016;
- Eugen Chelaru, „Comentariu la art. 680 Cod civil" (Commentary on article 680 from the Civil code), in Noul Cod civil: comentariu pe articole (The New Civil Code: Comments on Articles), coordinated by Flavius-Antoniu Baias, Eugen Chelaru, Rodica Constantinovici, and Ioan Macovei, 1190-1192. Bucharest: C.H. Beck, 2014;
- Dan Chirică, Tratat de drept civil: succesiunile și liberalitățile (Treatise on Civil Law: Successions and liberalities). Bucharest: C.H. Beck, 2014;
- Mihaela Florentina Cojan, Proprietatea comună pe cote-părți în doctrină și jurisprudență (Joint ownership on quotas in doctrine and case law). București: Universul Juridic, 2013 ;
- Mirela Steluța Croitoru, „Comentariu la art. 680" (Commentary on article 680), in Noul Cod civil: comentarii, doctrină, jurisprudenţă (The New Civil Code: commentaires, doctrine, case law), vol. I. Bucharest: Hamangiu, 2012;
- Francisc Deak, Tratat de drept succesoral (Treatise on Succession Law). Bucureşti: Actami, 1999;
- Francisc Deak, Romeo Popescu, Tratat de drept succesoral. Transmisiunea şi partajul moştenirii (Treatise on Succession law. The Transmission and the inheritance's partition), vol. III. Bucureşti: Universul Juridic, 2014;
- József. Kocsis, Paul Vasilescu, Drept civil – Succesiuni (Civil law - Inheritances). Bucureşti: Hamangiu, 2016 ;
- Ioan Leş, Tratat de drept procesual civil (Treatise of Judicial Civil Law). Bucureşti: C.H. Beck, 2008;
- Alin-Adrian Moise, „Scurte consideraţii despre partajul voluntar în sistemul Codului nostru civil" (Short consideration on the inheritance voluntary partition in the system our Civil code). Dreptul 11 (2012): 58-76;
- Ioana Nicolae, Devoluţiunea legală şi testamentară a moştenirii (Devolution of Inheritance by Law and by Will). Bucharest: Hamangiu, 2016;
- Valeriu Stoica, Drept civil. Drepturile reale principale (Civi law. Main Real Rights). București: C.H. Beck, 2009;
- Mihaela Tăbârcă, Drept procesual civil (Judicial Civil Law), vol. II. București: Universul Juridic, 2013;
- Nicolae Titulescu, Împărţeala moştenirilor (The Partition of Inheritances). Bucureşti: Leon Alcalay, 1907;
- Doru Trăilă, Acţiunile civile în materie succesorală (Successional civil actions). Bucureşti: C.H. Beck, 2015.