

SPIRU HARET UNIVERSITY
FACULTY of Juridical Sciences and Economic Sciences, Brasov
Department of Juridical Sciences and Economic Sciences

1. Opening description

Department: Juridical Sciences and Economic Sciences

Opening title: Associate Professor PhD, Position 11 in the Job List

Subjects: Civil law. Rights in rem – course and seminar;
Civil law. Theory of obligations – course and seminar;

2. Opening – related activities

Teaching:

Civil law. Rights in rem, 2nd year (3rd semester), 2 hours/week - 4 agreed hours/week

Civil law. Theory of obligations, 2nd year (4th semester), 2 hours/week - 4 agreed hours/week

Seminar:

Civil law. Rights in rem, 2nd year (3rd semester), one group x 2 hours/week – 2 agreed hours/week

Civil law. Theory of obligations, 2nd year (4th semester), 3 groups x 2 hours/week – 6 agreed hours/week.

TOTAL number of hours: 8 hours / week

The basic salary will be paid upon the issuance of the tenure resolution

3. Competitive examination topics:

Civil law. Rights in rem

1. ASSETS. Concept. Legal characters. Functions. Asset management. Classification of patrimonial rights

2. PRIVATE OWNERSHIP. Definition. Content. Legal characters. Exercise of private ownership. Legal status of some private property. Limitations of private ownership

3. PUBLIC OWNERSHIP. Definition and legal characters. Object and subjects of public ownership. Acquisition of public ownership. Exercise of public ownership

4. MODALITIES OF OWNERSHIP. Concept. Resoluble property. Nullable property. Share of joint ownership. Forced share of joint ownership. Tenancy by the entirety

5. DISMEMBERMENTS OF OWNERSHIP. Introductory aspects. Beneficial interest. The right to use. Right of occupation. Right of superficies. Easement right

6. POSSESSION. Definition and legal characters. Elements of possession. Proof of possession. Acquisition and loss of possession. Qualities and errors of possession. Effects of possession

7. WAYS OF ACQUIRING RIGHTS IN REM. Accession. Prescription. Occupancy. Tradition

8. DEFENDING OWNERSHIP AND OTHER RIGHTS IN REM. Action for the recovery of possession - definition, characteristics and effects. Legal status of the action for immovables recovery. Legal status of the action for movables recovery. Legal status of the action for the recovery of public property. Effects of the action for the recovery of possession. Other actions.

Civil law. Theory of obligations

1. CONCEPT AND SOURCES OF CIVIL OBLIGATIONS. Definition and legal characters of civil obligation. Elements of civil obligation. Sources of obligations. Classification of obligations

2. CONTRACT. Definition and importance of the contract. Classification of contracts. Signing of contract. Construction of contract. The binding force of the contract. Relativity of the effects of the contract. Scope. Exceptions. Opposability of the effects of the contract to third parties. Simulation. Effects of synalagmatic contracts

3. THE UNILATERAL ACT OF WILL AND THE JURIDICALLY SIGNIFICANT LAWFUL ACT AS SOURCES OF OBLIGATIONS. Definition and legal characters of the unilateral act of will. Unilateral acts of will – sources of obligations. Concept of juridically significant lawful act. Business management. Undue payment. Unjust enrichment

4. DAMAGING ACTS AS A SOURCE OF OBLIGATIONS. Definition, characteristics and functions of tort liability. Delimitation of tort liability from other forms of liability. Tort liability for own wrongful act. Tort liability for other's wrongful act. Tort liability for damage caused by defective products

5. EFFECTS OF OBLIGATIONS. Direct performance or performance in kind of obligations. Indirect performance of obligations. Damages

6. ASSIGNMENT, CHANGE AND DISCHARGE FROM PAYMENT. Assignment of debt. Subrogation. Novation. Compensation. Merger of rights. Cancellation of debt. Fortuitous impossibility of performance

7. OBLIGATIONS CHARACTERISED BY PLURALITY OF OBJECTS AND BY PLURALITY OF SUBJECTS; OBLIGATIONS AFFECTED BY MODALITIES. Term. Condition. Plurality of objects. Plurality of subjects

8. OBLIGATION GUARANTEE. Creditor's rights protection means. Derivative action. Actio pauliana. Personal security. Tangible security.

4. Course topics:

Civil law. Rights in rem

1. Assets.

Definition. Legal characters. Functions. Classification of patrimonial rights

2. Possession

Definition and legal characters. Elements of possession. Proof of possession. Acquisition and loss of possession. Qualities and errors of possession. Effects of possession

Civil law. Theory of obligations

1. Effects of synalagmatic contracts.

Exception of a non-performed contract – definition, terms and effects

Contract risk (Fortuitous impossibility of performance) – delimitation from the risk of property loss and the risk of fortuitous non-performance of an obligation. Risk in contracts not transferring property rights. Risk in contracts transferring property rights

Rescission and termination. Creditor's option. Regulation. Concept. Scope. Conditions of rescission. Types of rescission. Effects of rescission. Termination.

2. Tort liability for damage caused by products or animals, according to the Civil Code

Liability for damage caused by products in general.

Liability for damage caused by animals.

Liability for damage caused by the physical wear and tear of the building.

Other liability cases set forth by the Civil Code.

5. References:

1. V. Stoica, *Drept civil. Drepturi reale principale*, Editura C. H. Beck, București, 2021;

2. C. Bîrsan, *Drept civil. Drepturile reale principale*, Editura Hamangiu, București, 2020;
3. G. Boroi, C.A. Anghelescu, B. Nazat, *Curs de drept civil. Drepturile reale principale*, Editura Hamangiu, București, 2013;
4. L. Pop, I.F. Popa, S. Vidu, *Drept civil. Obligațiile*, Editura Universul Juridic, București, 2020;
5. G. Boroi, C.A. Anghelescu, I. Nicolae, *Fișe de drept civil*, Editura Hamangiu, București, 2020;
6. N. Daghe, *Izvoarele obligațiilor civile*, Editura Universul Juridic, București, 2018;
7. Fl. Baias, E. Chelaru, R. Constantinovici, I. Macovei (coordonatori), *Noul Cod civil. Comentariu pe articole. Art.1-2664*, Editura C.H. Beck, București, 2014.

Dean,
Assoc. Prof. Camelia Nicoleta Olteanu, PhD

Head of Department,
Prof. Roxana Ștefănescu, PhD