

The Constitutional Right to Private Property Reflected in the Current Romanian Civil Law

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Abstract: Relating to the constitutional principles and values, ensuring individual's right to private property, as evidenced by the extensive deposition of article 44 of the Constitution, represents, according to the Romanian legislator, a duty of the State that must prevent and punish the unlawful interference and contrary to the public order and morality. This constitutional right is linked to broader stipulations of civil law, the theory and timeliness of the private property right being intrinsic to human nature. Due to specific conceptual system, the private property rights allow an interdisciplinary approach, something which we aim at in this study, having as a starting point the constitutional text. The article uses as a research method the analysis of these incident texts of the law, of the punctual interpretation of the constitutional content of this subjective right, but also the legal limits imposed in specific cases.

Keywords: fundamental law; right to property; private property; licit character; abuse of rights

1. Introduction

The property has been considered in time, starting with the majority of primitive communities and until our present days to be an important element in the development of the social-economical life, comporting a multiplicity of meanings, as it can be considered under its economical aspect as a relationship that presupposes the appropriation of some good or under its juridical aspect as the exercising of certain prerogatives, and as enjoying a constant evolution according to the realities of each epoch.

If we consider the constitutional principles and values, the guaranteeing of the right of the individual to private property, as it results from the prerogative of Article 44 of the Constitution is from the Romanian legislator's point of view a responsibility of the state that has to avoid and punish illicit intrusions that interfere with the public order and morality. This constitutional right is correlated with ample provisions of

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the civil law, the theory and the actuality of the right to private property being intrinsic to human nature. Because of its specific conceptual system, the right to private property allows an interdisciplinary approach, an element that is to be developed in the present study, starting from the constitutional text of law.

The analysis of the right to private property of the individual, as it is to be provisioned in the ample text of Article 44 of the Constitution is the more interesting the more the origin of the right of property recalls in our country on the one hand a tormented history, with a restrictive nature regarding the free circulation of the juridical immobile goods, and on the other hand it addresses some diverse juridical areas. As it is not just a common constitutional right, there are numerous branches centred within their specific juridical relations upon the concept of property, meaning the civil right, the administrative right, the commercial right, the family law, the successional law, the financial law, the criminal law, the right of intellectual property etc.¹ From this perspective, it can be stated that the right under analysis belongs to the branch of the private right as it is the centre of the juridical regime of goods (Iancu, 2011, p. 285).

We can also notice that the level of regulation of the right to property (whose content is pretty generous, of a pragmatic nature) nowadays fully also reflects its level of civilization and it offers the image of a strong and legitimate relationship between the state and the law, with its specific elements of inter-conditionality² (Muraru & Tănăsescu, 2011, p. 4). Therefore, there are enough reasons for the study of the right to property at the interdisciplinary level to be of interest, as the present analysis not only valorises the interpretative method of the texts of law, but also the comparative one, both meant to realise a strengthening of the issue.

2. Juridical Interferences of the Bringing under Regulation of the Right of Private Property

The fundamental rights guaranteed by the Romanian Constitution can be classified into three large categories: inviolable rights, social-economic and cultural rights, social-political rights, exclusively political rights, and guarantee-rights. Within this classification the right to property can be subsumed under the category of cultural

¹ We also recall for exemplification a series of special laws that mention or contain provisions about the right to property: The Law of Lands no. 18/1991, Law no. 50/1991 regarding the authorization for building and some measures for constructing houses, Law no. 33/1994 regarding the expropriation for causes related to public utility, Law no. 112/1995 regarding the regulation of the juridical situation of some real estates destined to be living places in the property of the state (now repealed), Law no. 7/1996 of the land registry and the property publicity, Law no. 8/1996 regarding intellectual property, Law no. 10/2001 regarding the juridical regime of some real estates abusively taken over etc.

² „By creating the right, the state imposes rules of conduct, mandatory norms for everybody and it expresses its power to command. By creating the right, the state ensures both its efficiency and viability”.

and social-economical rights, having as object the ensuring of the material or cultural development of the citizens.

The right to private property is a fundamental right of the individual included in the constitutional corpus¹ within Title “Rights, freedoms, and fundamental duties”, Chapter II “Rights and fundamental freedoms”, provisioned by the ample formulation of Article 44 as a right guaranteed to each citizen. „*Private property is guaranteed and equally defended by the law, no matter who its holder is*” mentioned into the constitutional text of law.

The right to property as a fundamental right has a long tradition and contains the right of a person to take a good into its possession, to make use of it and freely dispose of it in relation to one’s property and to be able to transfer it. The Romanian Constitutional Court of Law established by Decision no. 3 of February, 2nd 1993² that “the right to property is a natural, individual, permanent, transferable and unequal right”, a fact that shows the essential character of this fundamental right because during one’s existence in society the individual comes to possess goods into one’s property in order to ensure one’s development and wellbeing. Also by means of the Constitutional Court of Law that mentions in Decision no. 20 of April, 14 1993³ that “protecting the property is one of the major values of a state of right” strengthens the idea that the right to property is a fundamental right because not all the subjective rights are equal in statute, some having priority grace to the determinant role they play into the individual’s life. Therefore, the right to property meets all the particularities of a fundamental right, being of a major importance in the actual social context and contributing to the shaping of the juridical state of each individual, as regulated by the Constitution, as well as by the Civil Law as a real right.⁴

In the Civil Law property is considered to be the most important real right⁵, as it is largely provisioned with the making of the distinction between the private and the public ones, by mentioning its attributes, the difference between the different forms of dismembering. In the present context, the actual Civil Law by the provisions of Article 557 brings under regulation the gaining of the right to property, under the conditions established by law, by convention, inheritance, legal testimony,

¹ The Romanian Constitution also generally provisions the right to property within Article 136, under the sub-title “Property” of the title “Economy and public finances”.

² Published in the Official Romania Journal, Part I, no. 95 of 17 May 1993.

³ Published in the Official Romania Journal, Part I, no. 121 of 8 June 1993.

⁴ The real right – *ius in re* – is the patrimonial right on the basis of which the holder can exercise his/her prerogatives on something directly and unmediated, without the interference of other persons. (Boroi, 2012, p. 58)

⁵ Article 551 of the Civil Law enumerates the main real rights: 1. The right to property; 2. The right of superficies; 3. The usufruct right; 4. The right of employment; 5. The right of housing; 6. The servitude right; 7. The administrative right; 8. The right to transfer; 9. The right of use; 10. The real rights to guarantees; 11. Other rights admitted by law as such.

accession, prescription, as an effect of the possession of good will in the case of the mobile goods and the usufructs by tenure, tradition, as well as by judgemental order¹. The science of law revealed that these ways of getting the real rights are applicable to all the property types.

2.1. General Concepts. Definition

In the previous Civil Law, the definition of property was given by Article 480 without making any difference between its two forms: the private and the public property. This distinction is clearly made in the actual civil legislation, but an exact and non-criticisable definition is available only for the private right to property in Article 555, line 1 that mentions that “*the private property is the right of the holder to possess, use, and disposes of a good exclusively, absolutely and eternally, in the limits established by the law*”.

This text of law envisages the classical Romanian conception on property, undoubtedly inspired by the French one, namely that of the absolute character of the right to property.

The legislative definition is added the doctrinal definition as formulated into the following terms: *the right to property is the subjective right that confers expression to the appropriation of some good, that allows the holder to possess, use, and freely dispose of the respective good, by its own power and will, within the context of the law and by respecting the legislation in force.* (Birsan, 2017, p. 37)

The right to private property is an absolute, exclusive, and eternal right. Even if there is not a unitary perspective regarding the absolute character of the right to property and its meaning in the juridical doctrine, it can be explained by the fact that, unlike other real rights, the private right to property meets the three characteristics: possession, use, and disposing of, being a real and complete right. In the situation of the other real rights, only possession and use can be exercised, the disposing of representing the exclusive attribute of the holder of the right. The absolute character also refers to the opposition *erga omnes* of the private right to property, all the other persons having the obligation to respect it and refrain from obstructing the exercising of its prerogatives. Also, by its absolute character we understand that the right is unlimited, unrestricted in its content, and only the legislator can establish certain limits while exercising the attributes of the right to property. Restraining the exercise of the right to property does not affect the very existence of the right to property, but only the exercising of its prerogatives. (Jora et al., 2015, p. 87)

The exclusive character of the private right to property offers its holder the possibility to exercise all the attributes of his/her right by himself/herself, and he/she

¹ The old Civil Law provisioned in Part III named “On the different ways of getting property” in Article 644 that “*The property over goods is gained and transferred by succession, by legacies, by convention, and by tradition*”. Also, Article 645 of the Civil Law of 1864 mentioned that “*Property is also gained by accession or integration, by prescription, by law, and by tenure*”.

can dispose of the good as he/she wishes. All the other persons cannot interfere with the exercise of his/her right, apart from the situation when there is a dismembered right of private property. In this situation of a dismembered private right to property, the holder of the right agrees that certain prerogatives should be exercised by other persons (Bîrsan, 2017, p. 48). In theory it is considered that the dismembered private right to property are the result of the dissociation of the attributes of this right, as some of them can be exercised by other persons (other than the holder), except for the use, an attribute that can be only diminished, but not exclusively transferred because this would mean transferring the right to property itself as a whole. (Baiaș et al., 2014, p. 666)

The eternal character refers to the fact that the right to property does not have a limited period in time and lasts as long as the good that represents its object exists. The right is eternal also because it subsists independently of its exercising, without losing it by the holder not making use of it. The doctrine specifies about the eternal character of the right that alienating the good that is the object of the right does not bring along the annulation of the private right to property, but the right will be regained within the patrimony of the gainer, as the alienation has as an effect the change of the holder, and not its annulation. (Boroi et al., 2013, p. 22)

The situation above is also valid in the case of the death of the holder of when his/her existence as a juridical person ends, because it is not a lifelong right, but a transferrable one by acts of law among the living, as well as in case of decease.

2.2. The Analyse of the Constitutional Provisions regarding the Right to Property

The right to property is provisioned by Article 44 within Title II of the Romanian Constitution that is named: “Rights, freedoms, and fundamental duties”. It provisions from the very first line that the right to property, as well as the claims on the state are guaranteed. Within the content of the right there are the three attributes: possession, use, and disposing of, and the property is equally guaranteed and defended, no matter its holder.

The doctrine mentions that the law has the possibility to establish the content and limits of the rights brought under regulation by Article 44 by expressing the reality according to which there are no absolute rights (Constantinescu et al., 2004, p. 94). In this way, there are different limits in exercising the right to property, such as: nationalization, expropriation, and using the underground of some real estate by the public authorities, and these are limits that make also guarantees of the right. (Muraru, Tănăsescu, 2011, p. 177)

The nationalization represents the forced transfer of some goods such as fields or constructions into the public property on arbitrary basis, such as on the base of ethnic

origin, social appurtenance or religious, political or other kind of options that represent discrimination. This interdiction expressly regulated by Article 44, line 4 appears as some juridical guarantee of constitutional order for the protection of the right to property, and the introduction of this provision has motives of moral nature and by taking into consideration the evolution of the right to property during different historical epochs (Constantinescu et al., 2004, p. 94).

By interpreting the constitutional text we understand that nationalization is not absolutely forbidden as such, but only that kind of nationalization based on reasons considered discrimination¹ and realized without paying some just reward (Bălan, 2015, p. 426). In exchange, the nationalization realized in conditions of equality and in exceptional situations can be tolerated especially in international relations where it could be the only way of solving some inter-state issues. It can regard both the property on societies, enterprises, banks, or other economic agents or of the resources of the soil underground.

The expropriation represents the forced transfer into the property of the state of fields and constructions for reasons of public utility and by paying some just and in advanced requital according to Article 44 line 3. The two conditions, meaning the cause of public utility and the just requital paid in advance that is established by agreement with the landlord or by the court in case of dissension have to be cumulated and have the role to ensure a balance between the public and the private interests, and the state is obliged to protect its citizens. (Iancu, 2011, p. 169)

Regarding the use of the under soil of some real estate by the public authorities, Article 44 line 5 provisions that this use is based on works of general interest, and the landlord has to be requited for damages produced to the soil, the plantations or the constructions, as well as other damages imputable to authorities. This solution is the natural one as independently of the fact that the general interest comes first against the private one, the law cannot contain provisions that would lead to committing abuse, and as citizen has the rights of any kind to be respected.

Other guarantees of the right to property are forbidding the sequestration of one's belongings legally gained and presuming the legal character of getting one's fortune. In this way, Article 44 line 8 protects the citizen of abuses that may occur from the public authorities, and the legal character of the fortune has to be proved by the claimer. Moreover, Article 44 line 9 expressly provisions that goods that are destined to or the result of crimes or contraventions can be confiscated only under the conditions of the law.

Regarding the object of the right to property, the provisions of Article 44 have to be corroborated with those of Article 136 line 4 that provision that the reaches of public

¹ Article 44 (4): The nationalization or other measures of forced transfer of goods into the public property on social, ethnical, religious, political criteria, or other type of discrimination of the holders are forbidden.

interest of the under soil, the aerial space, the waters with energetic potential that can be used as such, of national interest, the beaches, the territorial sea, the natural resources of the economic area and of the continental upland, as well as other goods established by organic laws make the exclusive object of the public property. In this way, any good apart those that make the object of public property can be the object of the right of private property, no matter its nature, immobile or mobile, material or non-material. The holder of the right can be any physical or juridical person as Article 44 line 2 also provisions the situation of the foreign and stateless citizens that can get the right to property over fields only on the terms resulted out of the adherence of Romania to EU and according to other international treaties that Romania is part of, based on reciprocity, under the conditions provisioned by the organic law, as well as by legal inheritance, an element that was previously analysed within the discussion on the issues of the private right to property. The right to property also creates obligations for its holder who has to respect the duties regarding the protection of the environment and the ensuring of good vicinity, as well as all the other duties that come to the holder according to the law or the customs (tradition).

Therefore, the right to property as a fundamental right is a complete one, guaranteed and defended by the Constitution, in whose practical exercising we meet a lot of situations because of its essential character for the development of the individual both material and socially.

2.3. The Right to Property in the European Convention of the Human Rights

Initially, the right to property was not admitted by the European Convention of the Human Rights¹, and it was consecrated by the additional Protocol no. 1 of the Convention in the first Article named “The protection of the property”. By introducing this article, the Convention provisions that any physical or juridical person has the right to be respected one’s goods, and that no one can be deprived of one’s property except for some cause of public utility and under the conditions provisioned by the law and the general principles of the international right. To be noticed that the provision regards first the concept of goods, and only then that of property, the goods meaning the patrimony of somebody, that means that the protection offered by the Convention regards the right to property existent in the patrimony of a subject of right, and that it can be helped for his/her rights to be respected if he/she proves to be the holder of the property. Moreover, out of the formulation of the article we understand that the right to property is admitted both to physical and juridical persons, as both get protection as holders of the right.

Also, the provision allows depriving a person of one’s property only under certain conditions: the existence of some cause of public utility and the respecting of the conditions imposed by the law and the general principle of the international right. Line 2 of the article also mentions that the provisions of the first line do not alter the

¹ Published in Romanian Official Journal, Part I, no. 135 of 31st of May 1994.

state rights to adopt the laws they consider to be necessary to the regulation of using goods according to the general interest or in order to ensure the paying of taxes or any other contributions, as well as fines. This means that although the right to property benefits from the international protection the states can establish the context where the right is admitted and exercised at the national level, but without interfering with the provisions of the Convention and having in mind the general interest, as it always comes first.

Therefore, the consecration of the right to property in the European Convention of the Human Rights has the role to offer protection and strengthens its character of fundamental right by introducing it within a highly important juridical document enlarging the whole context where it is admitted and exercised.

The European Court of the Human Rights has a vast jurisprudence in interpreting and applying Article 1 of the additional Protocol no. 1 of the European Convention of the Human Rights, as one of the decisions pronounced among the causes against Romania is very interesting to analyse in order to see how it relates to the right to property and how the protection offered by the Convention on the matter is put into practice.

Within the context of the discussion on the interdictions provisioned by the constitutional provisions, it would be interesting to analyse the Decision of the European Court of the Human Rights of June, 8 2007 in Case Florescu against Romania¹. The situation that the request starts from is having under property of a real estate and the associated land that were confiscated by the state in 1985 on the bases of some decree. The state sells the goods in 1997 to the persons that were tenants of the house through a bill of sale. The litigant brings proceedings against it by claiming the real estate in 1999, the court pronouncing in 2001 a decision by which the annulment of the decision of sequestration is noticed, considering it illegal, but not the bill of sale because the bad faith of the parts involved in the trial was not proved. The appeal of the litigant is rejected and the appeal of the mayor house is admitted, and the sentence is annulled. Afterwards, the recourse of the litigant is admitted and the appeal of the mayor house rejected, and the initial sentence is confirmed. In this cause, the Court condemned the Romanian state for breaking Article 1 of the additional Protocol no. 1 of the European Convention of the Human Rights that admits the right of any physical or juridical person to having one's own goods respected. In this way, "the Court notices that the litigant obtained a permanent decision that consists of the annulment of the decision of confiscation of the good. Despite this observation, the internal courtrooms refused to make the bill of sale null although it had the same good as object, on the reason that the litigant made no proof of the bad faith of the parts of the respective contract. The court considers that the observation of the illegal character of the confiscation of the good, as well as the lack

¹ Published in The Romanian Official Journal, Part I, no. 805 of 2 December 2010.

of title of the statute over the same good have as a result the admittance, indirectly and without retrospection, of the right to property of the litigant on his good. Also, the Court admits that this right was not reversible and neither had it been contested or informed so far". By these considerations of the Court we understand that the illegal character of a confiscation of the state leads automatically to the admittance of the right to property, as the state is obliged to make the necessary undertakings so that the property gets to its holder of right, as the fundamental rights of the citizens come first. As a conclusion, "the Court considers that the fact that the litigant was deprived of his/her right of property on the good, associated with the total lack of requital for more than 4 years made him/her suffer a burden disproportionate and excessive, incomparable to the right to respecting one's goods, as guaranteed by Article 1 of the additional Protocol no. 1."

Therefore, the right to property as a fundamental right admitted by the European Convention of the Human Rights really benefits from protection as it is important that each individual should have the guarantee that one's rights are respected, defended, and that in the case of abuse from the state he/she has the necessary juridical means at hand that are meant to help him/her defend.

3. The Abuse of Right on the Issue of the Right to Property

The right to property is a subjective right, admitted and guaranteed by the law by conferring it its character of a fundamental right of man, also cumulating the attributes of possession, use, and disposal, a particularity that makes it special among other real rights. Although it is an absolute right, the exercise of its prerogatives presupposes respecting some limits established by the Civil Law. These limits impose themselves because the right to property is exercised within some social relations, which means that there is a necessary legislative framework that should avoid that the exercise of its own right should prejudice the subjective rights of other persons. Because the right to property cannot be regarded independently of the others' rights, if the exercising of its prerogatives presupposes affecting other rights, it means that an abuse of right is committed.

The abuse of right is committed as a result of the fact that the exercising of right within a social context has to be realised by relating it to the others' rights, as the balance among the subjective interests of right has to be maintained as it is desirable to make evident each right and avoid prejudicing other rights. In this way, Article 57 of the Romanian Constitution provisions that the constitutional rights and freedoms have to be exercised good willingly, in good faith, without breaking the freedoms and rights of others. Therefore, the constitutional right establishes the idea that the exercise of any right has to be realised according to the scope for which it was admitted to the citizens and without prejudicing the others, otherwise, committing an abuse of right coming into discussion because it would bring inequalities within

the context of social relations, and the legislator has in mind the interests of all the individuals, and not only of some categories of persons. (Birsan, 2017, p. 152)

Article 15 C. civ. provisions that no right can be exercised with the scope to injure, prejudice another person, in an excessive and unreasonable way, against the good faith. This legal text came to complete the constitutional provisions mentions the way in which the civil rights have to be exercised, including the right to property, having as fundament the good faith and the exercise within the limits for which the right was given, meaning according to its social and economic purposes. Moreover, the exercise with the purpose to injure or prejudice other persons in an excessive and unreasonable way is forbidden, and these premises shape the context where the right to property or any kind of right comes to be abusively exercised.

From the expression of the legal texts we understand that the abuse of right does not consist only in breaking the juridical norms, but also in breaking the moral norms, the exercise in bad faith of a right being an important request in order to appreciate the abusive exercise of a right.

The right to property can be abusively exercised especially in the relations of vicinity and it is a reason why these relations benefit from an ample regulation within the juridical limits of the exercise of this right.

Also, it is important to remember Article 630 C. civ. regarding the juridical limits of the exercise of the right to property that refers to causing bigger prejudice than the normal ones in the vicinity relations by exercising their own right, and it becomes clear that the legislator had in mind the avoiding of committing some abuse of right or in the case of committing it the necessary authorities for mending it by means of the court of law. So, the actual legislation brings forth the possibility of committing an abuse of right on the matter of the private property, and by trying to prevent it or repair it the court, most of the times, is the one who by means of the criteria given by the law establishes if the exercise of the right leads to abuse of right by evaluating the main elements that presuppose the exercise of the right to property within the limits conferred by the legal provisions and without surpassing the scope had in mind at its admittance. The court has the role to ensure the balance among the interest of the different categories of subjects of right, avoiding any type of abusive exercise of the subjective civil rights being of importance.

The legal practice previous to the New Civil Law brought forth the necessity of the express regulation of the abuse of right, especially on the terms where the old civil law did not contain a text of law to expressly provision the abusive exercise of the subjective civil rights, as Article 15 C. civ. does nowadays.

4. Conclusions

As a result of analysing and presenting the main elements referring to the private right to property, we can draw several conclusions able to underline the fact that the private right to property benefits from an ample legislative framework, and in this way its importance within the actual social context becomes clear. Mainly, the normative context is a well determined one, as only a few elements make space for interpretation and controversy in putting into practice and exercising this right. Because of its double nature, we may say it has a special importance for the judiciary practice as it is both regulated by the Romanian Constitution as a fundamental human right, as well as by the civil law as a real right consolidating its role and directions regarding the social and economic relations. Moreover, we may consider property as an essential attribute of the actual society because it offers and ensures wellbeing to the individual from the material point of view and establishes relationships between the individuals and the goods.

Also, it is important to mention that the right to property is essential to the human being, and this fact is confirmed by its consecration in the Romanian Constitution, as well as in the European Convention of the Human Rights because this admittance seems beneficent as it has the role to guarantee and protect this right. Property can be seen as inherent to a subject of right because each person enjoys a patrimony of expression of one's existence from the juridical perspective, and it is a necessary legislative framework to work as a defence mechanism for certain rights, implicitly the right to property.

It is important to draw attention to the fact that the national instances and public authorities should be more careful when it comes to the character of a fundamental right of the right to property because many times the fact that it is a subjective right, essential to the citizen is overlooked, and this leads to numerous convictions in the European Court of the Human Rights in causes against Romania. Therefore, we should take into consideration this element in particular without omitting it, as we many times do, as the right to property is guaranteed by the law and defended first as a fundamental right, and then as a real right; both elements are important but from different perspectives. Therefore, we may say that the right to property has an extremely important role within the actual social context, as it is a special right from the perspective of its double nature, by analysing the main elements that it contains, as we intend to make it obvious but also find its weak elements that would deserve a juridical regulation more precise in such a way that there should be no means to make space for interpretation and lead to committing abuses because of an incomplete legislative framework.

5. References

Baias, F.A.; Chelaru, E.; Constantinovici, R. & Macovei, I (coordonatori) (2014). *Noul Cod Civil. Comentariu pe articole*, ediția 2, revizuită și adăugită/ *New Civil Code. Comment on articles*. 2nd Edition, revised and updated. Bucharest: C. H. Beck.

Bălan, Marius (2015). *Drept constituțional și instituții politice, vol. I. Teoria generală a statului și a constituției/ Constitutional Law and Political Institutions. The General Theory of State and Constitution*. Bucharest: Hamangiu.

Bîrsan, C. (2017). *Drept civil. Drepturile reale principale în reglementarea noului Cod civil/ Civil law. The Real Rights in the Regulation of the New Civil Code*. Ediția a 2-a, revizuită și actualizată/ 2nd Edition, revised and updated. Bucharest: Hamangiu.

Boroi, G.; Anghelescu, C.A. & Nazat, B. (2013). *Curs de drept civil. Drepturile reale principale*, ediția a 2-a, revizuită și adăugită/ *Civil Law*, 2nd Edition, revised and updated. Bucharest: Hamangiu.

Constantinescu, M.; Iorgovan, A.; Muraru, I. & Tănăsescu, E. S. (2004). *Constituția României revizuită. Comentarii și explicații/ Revised Constitution of Romania. Comments and explanations*. Bucharest: All Beck.

Iancu, G. (2011). *Drept constituțional și instituții politice*. Ediția a 2-a / *Constitutional Law and Political Institutions*. Bucharest: C. H. Beck.

Jora, C.; Ciochină-Barbu, I. & Corbu, C. C. *Drept civil*. (2015). *Drepturile reale*, ediția a II-a, revăzută și adăugită/ *The Real Rights*, 2nd edition, Revised and updated. Bucharest: Universul Juridic.

Muraru, Ioan & Tănăsescu, Elena Simina (2011). *Drept constituțional și instituții politice*. Ediția 14, vol. I/ *Constitutional Law and Political Institutions*. 14th edition, vol. I. Bucharest: C. H. Beck.