

THE ABROGATION OF THE ROMANIAN CODE OF COMMERCIAL LAW

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Abstract : The monistic view appropriated by the Romanian legislator in the New Code of Civil Law (2009), aims at the regulation under the same law of the private law terms (including the civil law, family law, commercial law), and leads, as a consequence, to the abrogation of the Romanian Code of Commercial Law. This change of perspective of the Romanian legislator has got no correspondent in the diachrony of the juridical relationships or of the majority doctrinaire. Since the modernisation of the Romanian Law introduced by Prince Alexandru Ioan Cuza, it is for the first time that a civil code of monistic type emerges. At the same time, this new regulation fails to cover entirely the terms of the commercial law, many of them remaining thus to be regulated like before by means of special laws, this fact offering no real help to the act of reading the new code. Moreover, the changes proposed by the New Code of Civil Law of through its Enforcement Law are too numerous, and consequently they create the need for additional more solid regulations.

Keywords: abrogation, monist view, the Romanian Code Commercial Law, the Romanian New Code of Civil Law.

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