ANALYSIS OF THE CONCEPT OF HERITAGE IN LEGAL TERMS

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Abstract - Heritage is one of the most important concepts and notions specific to the legal field, which has a great complexity and application. Being analysed over a number of historical periods, heritage has provided opportunities, even in the contradiction with many legal researchers and from an ancient concept, it has become an essential concept and instrument of current law, due to the historical period during which it was formed and it set out its first features. We can even see that, because of all the conditions under which it appeared, evolved and developed, and the way in which it was imposed, the concept of heritage was accepted by most legal systems, whether ancient or contemporary.

Keywords - Heritage, Rights, Obligations, Goods, Assets, Liabilities, Natural Person, Legal Person.

I. INTRODUCTION

As a fundamental point of civil legal theory and practice, and this was necessary from the „beginnings of law", i.e. at a time when, within the ancient Roman state, legal relations were considered to be sacred in nature, the concept of heritage has transcended the history to place itself as the foundation of the modern private legal system [1].

From the traditional, etymological perspective, the word "heritage" comes from the Latin "pater" (father) and "omnium" (goods), which means "paternal inheritance", "father's assets" or "everything belonging to the father", by extension, "family assets", i.e. it derives from the family *pater familias* who was the owner of the entire family's wealth [2]. *Patrius* means his father's, or this notion refers to the assets of a family, property inherited from his father or from his parents, so the idea of heredity. In fact, "*pater familias*" was not necessarily the father of a family, but could also be someone else. It is known that "*pater familias*" was the oldest man in the house. And when the father of a family died, the oldest man in the house followed him as a "*pater familias*". Thus, the right of "*pater familias*" refers to his unlimited and absolute power over all members of the family, being the owner of all the movable and immovable property of the family, and having the right to life and death of the members of the family.

Heritage is, therefore, an inheritance left by the generations that preceded us and which we have to convey intact to the future generations, as our duty, being at the same time the tomorrow's heritage [3, p.26].

For instance, the terms of similar content used to designate the totality of slaves (family, term from *famulus* – slave) or the whole cattle (*pecunia*, from *pecus* – cow) owned by a Roman citizen [1, p.29-30]. Later, in the late Middle Ages, the same word meant, in Italy, the part of the feudal domain controlled by the church, that is, the assets "inherited" from the Father (God, this time), and then, in a somewhat secularized sense, the assets inherited by a person from his father, in order to distinguish it from those inherited from the mother, designated by the word matrimonial, transmitted in ancient French in the form of a matrimony; much later, and toward the end of the 18th century, the term 'heritage' acquired the current meaning of a person's „overall property" [4]. Thus, in a purely legal sense, it has been and remains linked to the idea of (private) property, since the very beginning of its assertion, the legal couselors and the philosophers have always associated it with the idea of the "wealth" or the "ownership" itself, not only physical, but also spiritual, not only of a single individual or his family over their assets, but also of people, of a nation, or even of the human species upon the mediated or immediate reality, with all the generality of these notions [5].
The heritage, in its modern form, was the basis of its existence in the French Civil Code of 1804, this was the source of inspiration for the vast majority of such laws in the states of the continental system of law [1, p.5], being transmitted, in one form or another, during a period which covered the existence of the Roman Empire, but also after its decline and fall, the medieval era and, last but not least, the Renaissance and Enlightenism.

However, over time, the science of civil law (and not only) has stated out and supported several assumptions about the concept of heritage, in order to achieve a theoretical construction as close as possible to the needs and requirements of the practice. In the Roman law, as we pointed out earlier, although the concept of heritage was well known and used, neither the legislators nor the legal cousellors of the times felt the need to devise and elaborate a definition and a uniform theory of heritage in the true sense of the word. It is therefore only in modern times that we can say that the doctrine has begun to develop the theoretical aspects of this concept and, with growing social needs, the

scientific basis of the concept of heritage has been established [5].

II. THE RESULTS OBTAINED AND DISCUSSIONS

At present, the heritage institution is set out and regulated in: „Titlul I, Cartea a doua, Drepturile reale"("Title I, second Book, Real Rights") of the Civil Code of the Republic of Moldova, entitled "Heritage" in Articles 453 to 478.

According to Article 453, passage 1 of the Civil Code: *Heritage is the totality of the property rights and obligations (which may be valued in cash), which are regarded as the sum of the assets and liabilities connected with each other, belonging to specified natural and legal persons*.

Until these essential changes, there was no clear and precise definition of the heritage in the Civil Code of the Republic of Moldova, regarding the heritage institution, a basic principle can be found in Article 35 of the Civil Code of the Republic of Moldova which stated that: „*The natural person shall be liable for his obligations with all his* ***heritage****, except for those assets which cannot, by law, be prosecuted*".

There are several concepts of heritage in the specialty literature. Thus, in the civil law treaties, the Romanian authors have in common the idea, which is now established by law, according to which the heritage consists of all the rights and obligations with economic value belonging to a legal subject [6].

By exemplifying, the authors C. Hamagiu, I. Rosetti Bălănescu, Al. Băicoianu [7, p.522] – *the heritage consists of all rights and obligations belonging to a person who has or represents a pecuniary value, i.e. can be valued in cash.*

The author P. C. Vlachide considers *the heritage as the totality of the rights and obligations of a person, which can be assessed in cash, distinct from the assets that make up it* [8, p.36].

E. Lupan and I. Reghini formulate the term *heritage as the totality of the property rights and obligations of a given natural person or legal person, regarded as an amount of assets and liabilities, which are closely linked* [9, p.1].

In another wording, *heritage was defined as a legal universality, consisting of all the subjective rights and obligations of the economic value of the person, designed to support his interests and guarantee his duties* [10, p.15].

The author L. Pop defines the heritage as being *the entirety of the rights and obligations of a specific natural or legal person, regarded as an amount of closely related active and passive value* [11, p.32].

In D. C. Florescu's opinion, *the heritage is defined as a set of rights and obligations which can be appreciated in money, therefore with economic content, belonging to a natural or legal person* [12, p.17].

V. Stoica states that *"heritage is a legal concept and therefore an intellectual reality. As a result, it may be made up of intellectual property, i.e. property rights and obligations*" [13].

O. N. Sadicova's opinion also presents interest. She analysed two meanings of *heritage,* in a strict meaning *it subverts all the assets*, in a wide meaning – *it includes the debt rights and the debts* (legal-civil obligations [14]*).*

In another idea, S. Brînză, defines the notion of heritage, which has a narrower meaning in the terminology of criminal law than in civil law. Thus*: "heritage as a universality, being an abstraction, cannot be achieved by the concrete facts of a person; the offense against property can be dealt with only against an asset, i.e. a value that is actually part of a person's heritage (asset, economic value that the perpetrator seeks to acquire)"* [15].

However, the most complex and explicit definition is found at T. Stahi who states that *„Heritage is all property rights and obligations, with an economic content evaluated in money, which belong to a subject of law (natural and legal person), rights and obligations which are regarded as assets and liabilities and which are in a permanent interdependence and connection"* [16, p.179].

Thus, the assets are made up of the value of all the property rights and the property liabilities consist of the value of all the property obligations of a person. The rights (assets) of the property and the obligations (liabilities) are closely linked and may be similar to a current account of a person whose value is subject to successive fluctuations, by the appearance of new rights and obligations as well as by modifying the existing ones, these value changes do not affect the existence and identity of the universality [17].

The Russian doctrine also contains a variety of definitions on the heritage category. For example, the author G. B. Șerșenevici notes that Russian legislation "is not consistent with the terminology plan, using in the same sense "heritage" – the word „good", „property" or „domain" [18, p.95]. No civil law in force contains a definition of the notion of heritage, even if it contains a number of elements that constitute it. For example, in Article 128 of the Russian Federation's Civil Code, the heritage includes the goods (incorporating money and securities) and the property rights [19]. It follows from this rule that their list is not exhaustive any more, mentioning other parts of the heritage.

From a three-dimensional perspective, the heritage institution is characterized by A. Ia. Suhareva, V. B. Zorikina, V. E. Krutschih, who distinguish the heritage as: 1) a set of property and material values, whether owned by the person (natural or legal), by the State or by the territorial-administrative unit, or belonging to a private institution; (2) a set of goods and property rights for the acquisition of property or for the satisfaction of property requirements on behalf of other persons (assets); (3) a set of goods, rights and property bonds of the holder (assets and liabilities) [20, p.244].

By summarizing the various definitions formulated in the doctrine, we can say that *heritage is a separate legal entity representing the whole or the universality of the property rights and property obligations belonging to a person.*

The notion of heritage is also used in various special laws, which determine the legal regime of certain categories of goods. Thus, Article 2 of *Law No 280 from 27.12.2011 on the protection of national mobile cultural heritage* [21], provides that mobile national cultural heritage is a set of mobile cultural objects classified as national cultural heritage of particular or exceptional historical, archaeological, documentary, ethnographic, artistic, scientific and technical, literary, cinematographic, numismatic, philatelic, heraldic, bibliophile, cartography, epigraphy, esthetic, ethnological and anthropological, representing material testimonies of natural environment development and human relationship to this environment, human creative potential

Similarly, Article 4 of the *Law on museums No 1596 of 27.12.2002* [22], provides that the *museum heritage* is a collection of cultural assets of a museum, with inalienable, transmissibility and stability qualities, which is continually completed and developed.

Chapter III of the Act is exclusively devoted to the museum heritage. Thus, according to the 7th article the museum heritage is part of the public heritage of the state, of territorial administrative units or can be the private property of natural or legal persons. Moreover, Article 7(1) stipulates that the museum heritage is inalienable, which is specific only to public goods.

Law No 58 from 29.03.2012 *on the protection of intangible cultural heritage* [23], defines, in Article 3, the intangible cultural heritage as all the elements of traditional creation, valuable from a historical and cultural perspective, transmitted from generation to generation, expressed in literary, musical, choreographic or theatrical forms, as well as a set of practices, representations, expressions, knowledge and skills, together with instruments, objects, artefacts, specific clothing, accessories and associated cultural spaces, which communities, groups and, where appropriate, individuals who consider them as an integral part of their cultural heritage.

According to Article 2 of the *Culture Act* No 413 from 27.05.1999 [24] ,,cultural heritage means all cultural values and goods (product of cultural activity whose value may have a monetary expressed price).

Law No 1530 from 22.06.1993 *on the protection of monuments* [25] does not define the heritage, but it states in Article 2 that all monuments located on the territory of the Republic of Moldova are part of its cultural and natural *heritage* and are under state protection.

According to Act No 218 from 17.09.2010 *on the protection of archaeological heritage* [26], *archeological heritage* is a collection of material assets, which appeared as a result of human activity in the past, kept under natural conditions at overland, underground or underwater, in the form of archaeological sites (settlements, necrosis, isolated graves, tumults, fortresses, waves, constructions, churches, buildings, household annexes, etc.) or movable property (objects or their fragments), which, in order to be identified and studied, require the application of archaeological methods. Article 4 of the law provides that archaeological heritage assets are an integral part of national cultural heritage and are classified and protected as mobile or immovable national cultural heritage assets.

The basement Code No 3 from 02.02.2009 [27], in Article 66 also defines and establishes the legal regime for the mining heritage. Thus, according to the basement Code, the mining heritage is considered the goods created or acquired by the beneficiary of the basement, which directly ensure the process of using the basement and cannot be separated from the basement sector without causing considerable damage to the basement (mining excavations, drilling wells, fixing and tubing, drainage and ventilation systems, the machine at the entrance to mining excavations, mining topography signs, other goods).

The Law of the waters of the Republic of Moldova No 272 from 23.12.2011 [28] stipulates in Article 2 that the *State land registry* is a State information system containing the record of data on the hydrographic network, water resources, water collection and restitution, to *hydrotechnical heritage*, and article 4 states that water is not a commercial product, but a *natural heritage*, which must be protected, treated and protected appropriately. Water is part of the state's public *domain*.

Sometimes, in our legislation a grouping of goods, values having the same nature or legal regime can be designated by the notions: s*ubstance, domain*.

Article 2 of the Land Code, No 828 from 25.12.1991 [29], stipulates that all land, regardless of its destination and property, constitutes the land fund of the Republic of Moldova. Or, according to Article 2 of the Forest Code [30], forests, afforested land, land assigned to the forestry household as well as non-productive land included in forestry or land Cadastre as forest and/or forest plantations constitute the *forest fund*. The forest fund shall comprise all forests, irrespective of the type of ownership and form of management.

Law No 880 from 22.01.1992 on the *Archivistic Fund* of the Republic of Moldova [31], establishes in Article 2 that the Archivists' fund of the Republic of Moldova is a component of the *national heritage* and reflects the processes of sociopolitical, state, economic and sociocultural development of our people, of the ethnic groups that lived and live in the Republic.

In other cases, a grouping of goods having the same nature or legal regime can be defined as *domain*.

Thus, *the Law on monuments protected by the State* No 192 from 30.09.2011 [32] provides that *the*

monuments protected by the State are real estate monumental plastic art works (spatial and volumetric compositions, statues, commemorative plaques, wooden and stone crosses), together with the land delimited for them, of a decorative, commemorative or religious nature, located in public spaces, on land in the public *domain* of the state or territorial-administrative units. According to Article 6 of the law, the monuments protected by the State belong to the public *domain* of the state or of the administrative- territorial units. The monuments protected by the State of the country or of territorial-administrative units are inalienable, imperceptible and cannot be prescribed. They can be administered by public institutions, in accordance with the law, with the compulsory prior approval of the Ministry of Education, Culture and Research.

Thus, *heritage, collection, fund, domain* are notions which obviously refer to a whole, a set of goods, but which nevertheless have their own applicability and regulation. A more detailed analysis of these normative acts, which determine the status and regulation of these notions (collection, fund, domain) will be part of a new research, which will take the form of a scientific article.

Traditionally, there is a distinction between the legal universality heritage and various in fact universalities. The latter universality is the set of goods belonging to the same person, which are regarded as a whole by its will or by law [33, art. 472], which, by the will of the owner, is considered and treated as a single good (for example, goodwill which forms a set of movable and immovable property, tangible or incorporated for the purpose of customer-processing and profit-making, etc.).

In fact, the universalities do not encompass all the rights and obligations of a person, which are considered as parts of a heritage, or in any other term presented by the doctrine [34, p.2] as a sub-heritage, because it does not include all the assets and liabilities. Within the realm of universalities, we can also include property masses and hence affectation estates, given that under the new provisions, the property may be divided or affected [34, p.2].

As I mentioned before, the only universality of the law (legal) admitted in our law is the one that is called heritage.

In the heritage - as a legal universality - only rights and obligations are included. The goods do not enter into their substance, but only the rights and obligations with regard to goods. The Romanian doctrinaire Prof. Valeriu Stoica states that if the assets were included in the heritage, there would be a doubling of the assets or liabilities, since there may be several rights or obligations in different heritage in respect of the same property and thus the same property would be found in several estates at the same time [13].

III. THE LEGAL FEATURES OF THE HERITAGE

Heritage is characterized by a number of legal particularities, which can be inferred from the legal definition as well as from the definition of the specialized doctrine [35, p.462].

a. Heritage is a universality - because it is composed of all economic, pecuniary rights and obligations [36, p.5].

It is distinct from its constituent elements, from its content, meaning that it does not confuse it with the goods which are included in it. Thus, the modifications, changes or transformations that occur in its constituent elements affect the heritage only in terms of the economic value they represent, not in terms of their entity [37, p.6].

Regarding the legal nature of heritage as a universality, the specialty literature distinguishes [36, p.4]:

a) *the universality in fact*. Therefore, as a universality in fact, the heritage is composed of a community of goods, which is to be regarded not only as a single, but as a set of goods. This universality is, in fact, only the active part of the heritage. The doctrine considered that universalities are mere sets of goods, collections of objects, whose assembly is based solely on an actual link created by the will of the holder of an estate, but which do not have an autonomous existence or own liabilities [38, p.15].

b) *the universality of law* (*legal*). However, the changes which take place in the heritage are often the result of obligations entered into by the estate holder. In this case, heritage is no longer just a universality of rights, but also a universality of obligations. In this case, we are talking about a legal universality of the heritage [39, p.4].

Heritage appears as a legal universality with two consequences:

- the rights and obligations which make up the heritage are linked to each other, forming a uniform whole; the hypothesis that the heritage consist of a grouping of masses of goods is not excluded, each mass having a separate legal regime;
- the rights and obligations with economical content that make up the heritage are distinct from the universality, so that the changes that occur in connection with these rights and obligations do not call into question the universality itself, as a whole, which exists regardless of the movements produced within it [40].

In conclusion, if the universality actually includes only the assets, the universal legal system includes both its assets and liabilities.

As a legal universality the heritage shall be maintained both during the owner's life and after his death, when the property passes to his successors. Also, as a legal

universality, the heritage exists when the liabilities exceed the assets. These are the characteristics that distinguish the legal universality of the heritage from its actual universality [41, p.15].

In O. Ungureanu's opinion [42, p.9] - the heritage appears as something virtual, a potentiality, rather than a mass of frozen rights and obligations. This is a content

b. The uniqueness of the heritage – according to the supporters of this legal character of the heritage, the uniqueness of the heritage derives from the unit of the subject who is the property holder, the notion of heritage being related to the idea of personality [36, p.4]. The uniqueness of the heritage remains even when a natural person sets up a single-person company – Limited Liability Company with a sole Member. In this case, it cannot be argued that the same subject-matter would be the owner of two assets – both the general, civil heritage and the company's assets [43, p.8]. It has been stated that in reality the person is the holder of a single property, which includes the right he has to have over the social part with which he contributed to the creation of the separate legal person. The company will have a separate estate from that of the single-Member.

The most eloquent example is that of married people, whose community of goods is governed by Article 30-36 of the family Code [44][47]; in the property of the spouses there are two categories of goods: common goods and own goods. The distinctive legal regime consists in the fact that each of these categories of property is prosecuted by the creditors of the spouses in relation to the way in which the claim was created. The personal creditors of one of the spouses may require the pursuit of the debtor's own assets and, if the claim is not satisfied, may require the shared assets of the spouses to be divided, operation after which the assets falling into the debtor's lot are liable to be traced by the personal creditors of the spouse concerned.

c. The division of heritage – although the heritage is unique, it is divided into several masses of rights and obligations, each with a specific legal regime [42, p.11] and a special purpose [45, p.11].

Thus, in marriage the spouses have two categories of mass of goods, namely: the mass of the common property of the spouses, i.e. those acquired by them during the marriage, and the mass of the property of each of the spouses, property acquired by them either before the marriage or during the marriage, but which, under the law or contract concluded with them, does not fall within the mass of the common property [46, p.8].

The mass of the common property will serve as a general pledge only for the joint creditor of the spouses and only to the extent that his claim cannot be satisfied, he will be able to pursue the debtor's own assets [36, p.5].

Other reasons may be behind the division of heritage, such as: the defense of interests and the realization of the rights of creditors of a succession or of heirs [39, p.5].

d. Inalienable heritage – this concept is found in specialty literature under the meaning that heritage cannot be transmitted [37, p.5]. Therefore, the heritage is linked to the person by an inseparable link, as long as it exists as a subject of law. As a result, the heritage cannot form the object of a transmission between the living people. Heritage holders may dispose of the rights that form part of the contents of the heritage, not the heritage itself, even if the transferred assets would form the entire asset of the heritage [36, p.6].

The heritage, respectively, cannot be disposed of by legal acts between the living people, but it may form the subject of legal acts for the cause of death – the will [42, p.6]. In this case, heirs shall collect all the property of the deceased, both the property rights and the obligations [46, p.13].

Therefore, the estate cannot be disposed of. The rights and obligations, its constituent elements may be disposed of. This interpretation should be emphasized in Article 1004 of the Republic of Moldova's Civil Code, according to which „*the contract by which a party undertakes to transmit all or part of its present heritage or to encumber it with usufruct requires notarial authentication*". We believe that the legislator, when talking about the transmission of the heritage, did not take into account the legal operation carried out on the entire heritage, but only its elements [41, p.16].

As an exception to the general rule, the legal person may transmit a part of the heritage if it is subject to reorganization by separation. For example, Article 214 (3) of the Republic of Moldova's Civil Code [33]: Separation has the effect of separating part of the legal person's assets, which do not cease to exist, and of transmitting it to one or more legal persons which exist or are set up.

The transfer of property by means of acts between the living people will not be possible because its admission would prejudice the uniqueness of the heritage - a person having no more than one heritage. The possibility of its disposal would be equal to allowing the possibility of voluntary abolition of his status as a natural person, and in the case of legal persons, fraud of the interests of chirography creditors [36, p.4]. The universal transfer of heritage may take place only on the death of the natural person or on termination of the legal person. The universal transmission may operate by the conclusion of legal acts between living people for both natural persons and legal persons [47].

e. Everyone has a heritage. According to the doctrine [41, p.15], only the subjects of the civil legal report can have heritage; therefore, only natural and legal persons can be holders of rights.

In this connection, everyone has a heritage because everyone has rights and obligations that are valued in money, and if he has no assets he has the legal possibility to acquire them. As such, heritage appears

to be an ability to become an active and passive subject of rights and obligations [36, p.4].

As for this character, the idea was that the person can't exist without any heritage, precisely because his presence is impossible without rights, or the mere existence of rights necessarily advertising the property in which these rights should be included [41, p.15].

Similarly, in a reverse relationship, the existence of the heritage cannot be conceived without a holder. However, since the heritage is made up of rights and obligations, it undoubtedly belongs to a person.

If no property is provided for natural persons, then in the case of the legal person the property is a mandatory element in the acquisition of the ability to use [46, p.12].

The doctrine claims that heritage also exists when a person has no current assets, because the mere existence of any rights, which may not be exercised, i.e. the heritage is only the possibility to exercise the rights [42, p.9]. Thus, the real content of heritage is not important, as it is a universality characterized by potentiality. Legal and natural persons shall be permanently fitted to acquire rights and obligations.

Heritage is closely linked to the person to whom it belongs, as long as it exists as a matter of civil law. Thus, although the natural persons can dispose of a right and sometimes even an obligation, viewed in *lonely terms*, they cannot pass on their entire heritage to another person by means of acts between living people. He shall transmit only for the cause of death, by succession, at the time of his holder's death.

The transmission of the entire heritage of legal persons shall take place only in case of their termination following reorganization by merger and total division. In the course of the existence of legal persons, it is possible to transmit a share of the assets in the event of their reorganization by way of partial division or division to an existing legal person or one which is going to be set up.

Thus, we can mention that, indeed, the status of a subject of civil law, as a participant in the civil legal relations of a natural or legal person, is also based on the existence of a heritage. Thus, for natural persons, this character has an axiom value. No matter how poor someone may be, he still has a minimum of assets that make up his heritage. In turn, the legal persons are holders of the heritage necessary for the purpose for which they were set up, whatever they are: economic, charity, mutual assistance to their members, cultural, sporting, etc.

IV. CONCLUSION

The heritage has in all these meanings, which are distinct from the *legal* notion of heritage, two characteristic features: it is a set of elements of a common nature and it appears as something given to a person, which is not intimately related to the idea of a person either it brings together the goods received from the father, parents or ancestors, or it gives the unity to the creation of a particular community, or it evokes material resources close to a hypothetical collective subject of law, raised throughout humanity, or describes a biological matrix [13].

In conclusion, we can establish that heritage is an expression of a complex social phenomenon. And the concept of heritage in the legal meaning still raises scientific rigors quite frequently, due to its complex problem, its numerous regulations and also its doctrinaire exposures. Of course, as a preponderant, the notion of heritage is used more often in the civil law branch, but yet we are in the presence of a concept which, with specific meaning, is also found in other areas of law, which gives it a status of multifaceted, technical and well-structured and determined concept. Knowing this fact, it allows us to perceive even more about these branches of law, which have as an important constituent part – the heritage.

REFERENCES

[1] A.Duţu *Patrimoniul în dreptul civil şi în dreptul mediului*. Bucureşti: Universul Juridic, 2013

[2] I. Adam Dreptul Civil. *Teoria generală a drepturilor reale*. Bucureşti: C.H. Beck, 2013. 768 p.

[3] Natalia Chiriac, Viorica Ursu, Ina Bostan. *Legal liability for violation of legislation regarding the protection of immovable cultural heritage in Republic of Moldova.* In International Journal of Humanities and Social Science Invention (IJHSSI), Volume 9 Issue 12 Ser. I, PP 25-34

[4] D.A. Rey (Dir.). *Dictionnaire historique de la langue française*, Le Robert, Paris, 2008

[5] Adrian Stoica. Drept civil. Drepturile reale: note de curs, spețe, grile. Bucureşti : Pro Universitaria, 2014

[6] Tatiana Stahi. *Răspunderea patrimonială – formă a răspunderii juridice*. Autoreferatul tezei de doctor în drept. Chişinău, 2018. http://www.cnaa.md/files/theses/2018/53190/tatiana_stahi_abstract.pdf (vizitat 13.01.2021)

[7] C.Hamangiu, I.Rosetti-Bălănescu, Al. Băicoianu. *Tratat de drept civil*. Vol. I. Bucureşti: All, 1995.

[8] P. C. Vlachide *Repetiţia principiilor de drept civil.* Vol. I. Bucureşti, 1994

[9] E. Lupan, I. Reghini. *Drept civil.* Cluj-Napoca: Universitatea Babeş-Bolyai, 1996

[10] T. Mircea. *Drept civil. Drepturile reale*. Bucureşti: Argument, 2000

[11] L. Pop. Drept civil. *Drepturi principale*. Cluj-Napoca,1993

[12] C. Florescu Dumitru. *Dreptul de proprietate*. Bucureşti, ed. Universalităţii titi Maiorescu. 2002.

[13] V. Stoica. *Drept civil*. *Drepturi reale principale*. Ed. a 2-a. Bucureşti: C. H. Beck, 2013. 560 p.

[14] О. Н. Садикова. *Гражданское право Российской Федерации*. Том I. Москва: ИНФРА-М, 2006. 493 с.

[15] S. Brînză. *Obiectul infracţiunilor contra patrimoniului*. Chişinău: USM, 2005. 675 p.

[16] T. Stahi. *Analiza funcţiilor şi caracterilor juridice ale patrimoniului*. În: Studii juridice universitare, 2016, nr. 2-4, p. 178-187.

[17] Viorica Ursu. *Drepturile patrimoniale*, Chișinău: Tehnica-UTM, 2015, 112 p.

[18] Г. Ф. Шершеневичъ. *Учебник русского гражданского права*. Москва: Московское научное издательство, 2001

[19] *Гражданский кодекс Российской Федерации*. 3 изд. Москва: НОРМА, 2003 http://www.usla.ru/printver.php?obid=4220 (vizitat 13.01.2021).

[20] А.Я. Сухарев, В.Д. Зорькин, Крутских В.Е. *Большой юридический словарь*. Москва: Инфра - М, 1998
[21] *Legea* nr. 280 din 27.12.2011 *privind protejarea patrimoniului cultural naţional mobil*. Publicat : 27.04.2011 în Monitorul Oficial Nr. 82-84 art. 270
[22] *Legea muzeelor* nr. 1596 din 27.12.2002. Publicat: 18.02.2003 în Monitorul Oficial Nr. 23-24 art. 81
[23] *Legea* nr. 58 din 29.03.2012 *privind protejarea patrimoniului cultural imaterial*. Publicat: 20.04.2012 în Monitorul Oficial Nr. 76-80 art. 255
[24] *Legea culturii* nr. 413 din 27.05.1999. Publicat : 05-08-1999 înMonitorul Oficial Nr. 83-86 art. 401
[25] *Legea* nr. 1530 din 22.06.1993 *privind ocrotirea monumentelor*. În Monitorul Oficial nr. 1 din 30.01.1994
[26] *Legea* nr. 218 din 17.09.2010 *privind protejarea patrimoniului arheologic*. În Monitorul Oficial Nr. 235-240 din 03.12.2010
[27] *Codul subsolului* nr. 3 din 02.02.2009. Publicat: 17-04-2009 în Monitorul Oficial Nr. 75-77 art. 197
[28] *Legea apelor* a RM nr. 272 din 23.12.2011. Publicat: 26-04-2012 în Monitorul Oficial Nr. 81 art. 264
[29] *Codul Funciar* nr 828 din 25.12.1991. ÎnMonitorul Oficial, nr 107 din 04.09.2001
[30] *Codul silvic al RM nr. 887 din 21.06.1996. Publicat: 16.01.1997 în Monitorul Oficial Nr. 4-5 art. 36*
[31] Legea nr. 880 din 22.01.1992 privind Fondul Arhivistic al Republicii Moldova. Publicat: 01-02-1992 în Monitorul Oficial Nr. 1 art. 20
[32] Legea monumentelor de for public nr. 192 din 30.09.2011. În Monitorul Oficial Nr. 197-202 din 18.11.2011
[33] Codul civil al R.Moldova nr.1107 din 06.06.2002. Republicat în Monitorul Oficial nr.66-75 din 01.03.2019 art.132
[34] O. Ungureanu, C. Munteanu. *Tratat de drept civil. Bunurile. Drepturile reale principale*, Bucureşti: Hamangiu, 2008
[35] V. Ursu, N. Chiriac *Dreptul civil. Introducere.* Manual. Chișinău: Tehnica-UTM, 2020
[36] I. Bîtca, A. Doga *Drept civil. Dreptul de proprietate şi dezmembrămintele sale.* Chișinău: Lira, 2017
[37] G. Stănescu *Drept civil. Drepturi reale principale*. Galaţi: Universitatea Dunărea de Jos, 2008
[38] L. Lulă *Unele probleme privind noţiunea de patrimoniu*. În: Dreptul nr.1/1998
[39] D. C. Tudorache. *Drept civil. Partea I – Drepturile reale*. Suport de curs. Iaşi: Universitatea Ioan Cuza, 2008
[40] Corneliu Bîrsan. *Drept civil. Drepturile reale principale*. Ediție revizuită. https://www.beckshop.ro/media/product/documents/6917_fp_3677_drept-civil-drepturile-reale-principale-editie-revizuita_extras.pdf (vizitat 24.11.2018).
[41] S. Baieș, A. Băieșu, Cebotari V. *Drept civil. Drepturile reale. Teoria generală a obligaţiilor*. Volumul II. Chișinău: Cartier juridic, 2005
[42] O. Ungureanu. *Drepturi reale. Curs practic*. Bucureşti: Rosetti, 2001
[43] E. Chelaru. *Drept civil. Drepturile reale principale*. Bucureşti: C.H. Beck, 2006
[44] *Codul familiei* aprobat prin Legea nr.225 din 30.05.2003. În: Monitorul Oficial nr. 285-294 din 03.08.2018.
[45] Ion P. Filipescu. *Dreptul civil. Dreptul de proprietate şi alte drepturi reale*. Bucureşti: Actami, 1998
[46] V. Gîsca. *Drept civil. Drepturile reale*: *curs de lecţii.* Chișinău, 2005
[47] *Drepturile reale principale*. http://www.hamangiu.ro/upload/cuprins_extras/drept-civil-drepturile-reale-principale_extras.pdf (vizitat 02.12.2018)

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