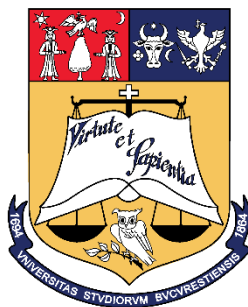


Bucharest University
Organizing Institution of PhD Studies (I.O.S.U.D.)
SCHOOL OF PHD IN LAWS



UNIVERSITATEA DIN
BUCUREȘTI
— VIRTUTE ET SAPIENTIA

ABSTRACT OF THE QUALIFICATION THESIS

Field of qualification
LAW

Candidate:
Manuela Tăbăraș, PhD, Associate professor

BUCHAREST
2025

Bucharest University
Organizing Institution of PhD Studies (I.O.S.U.D.)
SCHOOL OF PHD IN LAWS



UNIVERSITATEA DIN
BUCUREȘTI
— VIRTUTE ET SAPIENTIA

Habilitation thesis
**Functional adjustment of private law – challenges of normative
hybridization as systemic evolution**

Candidate:
Manuela Tăbăraș, PhD, Associate professor

BUCHAREST
2025

I. SCIENTIFIC AND PROFESSIONAL ACHIEVEMENTS

1. Research Activity

The habilitation thesis presents a synthesis of my research and teaching activity, conducted both prior to and following the introduction of my doctoral dissertation on **October 6, 2010**, and the obtaining of the PhD in Laws degree on the **6th of June, 2011** by the *Order of the Ministry of Education, Research, Youth and Sports no. 4387/06.06.2011*, as well as it also outlines the strategic directions for its further development. The guiding line of the work addresses the **phenomenon of normative hybridization in private law**, through the continuous interaction between the traditional principles of civil law and the influences exerted by public law norms, European regulation and new technological realities. In this context, emphasis is placed on how classic contractual institutions are subjected to a process of adaptation and reconfiguration.

The topic of my doctoral thesis, dedicated to the analysis of insurer's obligations and liability in the insurance contract has served as the core of a sustained scientific interest in the dynamic regime of so-called special (or "named") contracts. The study of the insurance contract offered me a fertile grounds for continuous research, as it lies at the intersection between the protection of private interests and of the legal-public imperatives imposed by public order. I sought to conceptualize a coherent theoretical framework in which notions such as risk coverage, loss event occurrence, reconfiguration of reciprocal obligations, and contractual liability could be integrated into an original global vision of the relationship between the normative particularism of the insurance contract and its general law regime. In this regards, I took advantage of methodological tools of doctrinal analysis, systemic interpretation, and comparative law. I've aimed to highlight the polymorphic functionality of this type of agreement, which led me to observe the increasingly acute phenomenon of normative hybridization, an original approach confirmed by normative trends. The insurance contract is a particularly eloquent example of how legal practice has inspired the emergence of a current of normative hybridization. By nature, insurance cannot be reduced to a purely classical contractual scheme: it combines elements of aleatory contracts, characteristics of adhesion contracts, and mechanisms of solidarity with quasi-public valences. From this mixed structure, the idea of an evolution of the law of obligations toward hybrid forms emerges, located at the intersection between private law and public law, where the economic logic of risk and the imperatives of consumer protection coexist. Thus, the insurance contract becomes not merely a practical instrument, but also a theoretical model of the contemporary law's tendency to transcend the boundaries of traditional contractual typologies.

This research direction meant a continuous hermeneutic interrogation of how special norms dialogue with the general architecture of the Civil Code. Later, my investigations extended beyond the insurance contract to embrace the full spectrum of named contracts within the Civil Code and ancillary legislation. I devoted myself to the study of diverse contractual institutions, from the sale or lease contracts to fiduciary contracts or personal and real guarantees, trying to identify the doctrinal cores of significance that structure each category.

The analysis targeted not only conceptual delineation but also the practical relevance of theoretical concepts such as normative resilience of named contracts i.e. the norms system's capacity to absorb (social, economic, technological or crisis) shocks and continue functioning, either through adaptation of existing norms or through the creation of new mechanisms in the context of contemporary socio-economic transformations. Thus, I have sought to delineate an integrative theory of contracts in which particular norms and general principles are not in opposition but complementary to each other, offering coherence and dynamism to the obligations system.

My research activity, as reflected in courses, monographic studies or works devoted to jurisprudence has unfolded along a coherent trajectory in which doctrinal themes were translated into high-quality editions, each stage marking a development or deepening of previous concerns. The earliest research results materialized in the domain of jurisprudence and judicial practice, through contribution to the *High Court of Cassation and Justice Jurisprudence Bulletin* (Supreme Court), All Beck Publishing, Bucharest, 2004. This work — structured as an electronic database — compiled over 29,000 court decisions, representing a reference instrument for understanding the highest judicial practice. Starting from the jurisprudential dimension, my research quickly oriented toward private law and civil procedure, resulting in my early substantial volumes: *Contracts. Notarial deeds. Court actions, vol. I* (Rentrop & Straton, Bucharest, 2005, 938 pp., coauthor) and *vol. II* (Rentrop & Straton, Bucharest, 2006, 723 pp., coauthor). Concurrently, I published *Răspunderea contractuală. Daune-interese* (All Beck, Bucharest, 2005, 441 pp., author), a work containing an extensive study dedicated to the matter, which put the grounds for subsequent analyses of contractual obligations and the effects of non-performance. In the same period, my interest in institutional organization materialized in *Organization of courts, mawyers, legal counsels, notaries' and bailors' activity (Organizarea magistraturii, avocaturii, a activităţii consilierilor juridici, a activităţii notariale şi a executorilor judecătoreşti)* (Titu Maiorescu University Press, Bucharest, 2006, 242 pp., author).

The year 2007 marked a dual orientation: on one hand, consolidation of research in procedural law, given that “civil procedure is the architecture through which civil law comes to live”, through the first edition of *Excepţii de fond în procesul civil* (Fund exemptions in civil trial) (C.H. Beck, Bucharest, 2007, 215 pp., author), and on the other hand, the institutional interest in legal professions via *Organizarea profesiilor juridice* (Legal professions organization)— support course for distance learning (Titu Maiorescu University Press, Bucharest, 2007, 232 pp., author). The period 2008–2010 represented an opening towards modern contracts and insurance law. I published, as coauthor, *Third millenium contracts* (Rentrop & Straton, Bucharest, 2008, 904 pp.), a reference work for new contract typologies in which each contract is accompanied by explanatory, argumentative, doctrinal and jurisprudential commentary. In the same year, I published *Legislaţia asigurărilor şi societăţilor de asigurare (Insurance Laws and companies)* (Wolters Kluwer, Bucharest, 2007, revised edition 2008, 792 pp., author), followed by *Asigurări (Insurances)* (C.H. Beck, Bucharest, 2009, 174 pp., coauthor) and *Legislaţia asigurărilor şi reasigurărilor în România. Comentarii şi explicaţii (Insurances and re-insurances laws. Comments and explanations)* (C.H. Beck, Bucharest, 2010, 376 pp., coauthor). In parallel, I prepared *Daune-interese. Dobânzi*.

Penalități. Răspunderea contractuală (Damages. Interests. Contractual liability) (C.H. Beck, Bucharest, 2009, 215 pp., author) and *Cadastru și publicitate imobiliară. Culegere de practică judiciară (Cadastru and Real Estate advertising. Judicial practice)* (C.H. Beck, Bucharest, 2009, 320 pp., coauthor with M. Constantin). The procedural dimension was reaffirmed through the 2nd revised and supplemented edition of *Excepțiile de fond în procesul civil* (Fund Exemptions in civil actions) (C.H. Beck, Bucharest, 2009, 376 pp., author).

After defending the doctoral thesis and obtaining the PhD title (Doctor of Law title), my research trajectory consolidated around two major lines: special contracts and insurance law. *Dreptul asigurărilor – suport de curs pentru învățământ la distanță (Insurance law – course support for distance learning)* first appeared with Renaissance Publishing, Bucharest, 2010 (ISBN: 978-606-8321-44-8, author), then in successive revised and enlarged editions by Titu Maiorescu University Press (2013–2025). Simultaneously, *Contracte speciale. Sinteze. Modele de contracte. Teste grilă (Special contracts. Synthesis. Contracts templates. Tests)* (C.H. Beck, Bucharest, 2013, 283 pp., author), along with annually updated electronic notes, has become a didactic benchmark, continually adjusted to legislative and jurisprudential developments. In the domain of general theory, I published *Teoria generală a dreptului II. Organizarea și administrarea justiției (General laws theory II nd part. Justice organization and management)*, 6th edition (Renaissance Publishing, Bucharest, 2012, 469 pp., author), a work that continues the line commenced in 2006 regarding the fundamental institutions of juridical life. Meanwhile, *Legislația notarială (Notaries' laws)* (C.H. Beck, Bucharest, 2009, 195 pp., author) complemented my institutional interest.

The year 2025 represents a pinnacle of these directions. The *monographic work Contractul de vânzare și contractul de schimb. O abordare monografică (Sale and exchange contract. A monographic approach)* (Hamangiu, Bucharest, 2025, ISBN: 978-606-27-2794-9, 392 pp., author) provides an in-depth analysis of a translativ of property contract that holds a central place among named contracts while, *Dreptul asigurărilor (Insurance law)* (Hamangiu Ed., Bucharest, 2025, ISBN: 978-606-27-2791-8, 320 pp., coauthor) constitutes the synthesis of my continual focus on this subject. Alongside these, the revised and augmented editions of *Contracte speciale (Special contracts)* course supports (2025) and *Dreptul asigurărilor (Insurance law)* (2025) confirm the direct link between scientific research and teaching practice.

This editorial trajectory attests to a consistent and natural evolution from jurisprudential instruments and collective works (2004–2006) to foundational monographs in contractual liability, procedural exceptions, and institution organization (2005–2009), then to consolidation in insurance and special contracts (2008–2014), culminating in major syntheses and monographic reference works in 2025.

The 2025 monograph on sale contract constitutes a doctrinal benchmark precisely through the breadth and rigor of its comparative perspective: it systematically draws on Romanian specialized literature, dialogues with foreign doctrine, integrates legislative recalibration trends from the European space (from contract law revision projects in Belgium and France, to the Italian experience — relevant both in terms of civil code architecture and the finesse of Court of Cassation jurisprudence), and confronts these references with national

jurisprudence and foreign state solutions to highlight a coherent regime of sale in contemporary law. The endeavor does not remain a mere exegesis of texts but presents a methodology: a fine correlation between general obligations norms, the special rules of sale and judicial practices, accompanied by a comparative control of arguments drawn from other states that undertake a dynamic reform of contract law, capable of guiding both judicial interpretation and contract drafting. In this way, the work functions simultaneously as a theory monograph of sale and as a tool of normative resilience, showing how the Romanist tradition can adapt to present market and parties' protection without losing systemic coherence.

The 2025 publication on insurance law (Manuela Tăbăraș, Constantin Bucur, *Dreptul asigurărilor (Insurance law)*, Hamangiu, Bucharest, 2025) stands out for its dual character — as a scientific monograph and as a didactic support — designed both as a doctrinal benchmark and as a pedagogical instrument for students. It unites rigorous analysis of the national normative framework with openings towards European law and comparative practices, while leveraging jurisprudential experience. Its importance lies in its ability to order the field, systematize essential concepts and provide a clear presentation of the mechanisms governing the insurance contract, related institutions and their interactions with the economy and society. Through an accessible style and transparent structure, the volume is not only a doctrinal contribution but also a reference textbook for law students, who will find in it both theoretical understanding tools and useful practical horizons for application.

In contrast to these synthetic monographic efforts, another layer of depth in my research is distinguished in a **focused approach through scientific articles** published in prestigious Romanian and foreign journals or in volumes dedicated to international conferences. The presence of these articles in national and international academic volumes and their indexing in bibliographic databases has consolidated the visibility of my research and facilitated dialogue with specialists, even across jurisdictions, offering a valuable framework for exchange of ideas and good practices. This approach has allowed concentrated focus on subtle or punctual problems of private and procedural law. The fragmentary yet concentrated character of these studies enabled the analysis of legal institutions situated at the intersection of contract law, insurance law and civil procedure, bringing to light fine aspects concerning representation, the termination of mandate, the effects of death of parties on obligation's performance or mechanisms of patrimonial protection. This form of research offers flexibility and capacity to reveal recent evolutions in real time, including at jurisprudential and comparative level, otherwise difficult to achieve within an exhaustive work. At the same time, research as articles allowed a rapid insertion within contemporary doctrinal debates and a constant link to laws questions. Dynamics of such contributions is reflected within their diversity from particulars of adhesion contracts and effects of restrictive clauses to subtleties concerning forced execution, creditors protection or correlation good faith - security of legal relations. Through their nature, these research works reflect an ability for targeted doctrinal intervention with systemic impact, complementing the global vision drawn in the monographs by a critical instrumentarium adapted to real-time normative and jurisprudential changes.

I published in the distinguished *JurisClasseur* collection the work Manuela Tăbăraș, “Roumanie” in *JurisClasseur – Droit Comparé – Droit International*, LexisNexis, Paris, 2017,

ISBN: 978-2711034952, a contribution that brought the principal institutions of Romanian law to the attention of the international legal environment. Thus, through the inclusion of Romanian law in a reference European collection, an important step was made toward its scientific and professional integration in international scientific and professional dialogue.

As coordinator and coauthor in the *Romanian Legal Encyclopedia*, I contributed to the foundation and uniformization of legal terminology in notarial and civil law, developing coordination skills and collaborating with distinguished professors and practitioners to ensure not only clear definitions of concepts but also their integration within a coherent framework accessible both to academic and legal professions.

Another key direction of my activity lies in collective works dedicated to preparing candidates for entrance into legal professions. The volumes *Proba redacțională pentru concursurile de admitere la INM și în magistratură* and successive editions of *Teste grilă pentru examenele de an, licență și admitere în profesiile juridice* attest my constant concern for combining academic rigor with applicability. As coordinator and coauthor, I sought to deliver clear, structured and rigorous instruments that assist candidates not only in fixing legal terminology but also in understanding underlying legal mechanisms and reasonings in depth, while diplomatically coordinating the coauthor team.

Publishing these tools in the form of legal encyclopedias, multiple-choice test volumes or preparatory manuals reflects a constant commitment to the dual academic mandate: researcher and educator. By coordinating reference works and actively participating in their preparation, I contributed to identifying thematic directions, standardizing legal language and creating stable terminological foundations necessary both for doctrinal development and for rigorous training of the future generations of legal counsels. In this regard, my editorial activity combines the scientific dimension and the pedagogical dimension, oriented towards supporting high-quality legal education and cultivating a coherent legal culture.

2. Academic teaching activity

After graduating University of Bucharest, Faculty of Law and enrolling in postgraduate specialization in private law at the same Faculty (completed in 2000), I began my university activity in 1999 at the Faculty of Law of Titu Maiorescu University. I thus initiated a continuous professional path, progressively consolidated through the university hierarchy to the rank of associate professor. I have always considered that true pedagogical mission surpasses the mere transmission of information; it presupposes a constant commitment to the human and professional formation of students, in the spirit of respect for the law, academic rigor and social responsibility.

In my early period, I taught criminal law under the guidance of prominent doctrinal personalities, which enabled me to deeply understand the structure and limits of legal liability. Although this initial path was oriented towards criminal law, it provided a solid base with interdisciplinary valences, serving as a school of thought that prepared me for my final consecration in private law, the domain in which my pedagogical vocation found its most authentic expression.

Subsequently, through specialization in insurance law, I began to develop modern didactic materials in which theory was continuously combined with practice. My courses and seminars have been conceived as interactive training spaces, where students learned to analyse fact patterns, draft and interpret contracts and debate legal solutions. This approach was meant to transform the discipline into a live tool of reflection and applicability, thus preparing students for the complexity of professional life.

I continually sought to modernize pedagogical methods by integrating visual tools, digital applications, and updated course materials to respond to the new demands of legal education and to strengthen the quality of training. The consistency with which I published specialized works and teaching supports has ensured the continuity and updating of the discipline, preserving its relevance in relation to doctrinal, legislative, and jurisprudential evolutions.

What gives coherence to my entire activity is however the **agapic dimension** of teaching: an unconditional love for formation, the readiness to dedicate time, energy and knowledge without expecting any reward other than the success of students — such as one of the first students of these courses who, today, is a coauthor in this field, a faculty member, and an ASF employee. This deep love for the academic mission represents the constant foundation of my university path and the motivation to continue building future generations of legal advisers through education.

My seminar activity in the disciplines of civil law — contracts, insurance law and organization of legal professions — has been designed as an integrative training space where theoretical knowledge transmission is interwoven with the practical exercise of legal reasoning. Through case studies, national and comparative jurisprudence and drafting contractual clauses or professional acts, I cultivated students' capacity to operate with abstract concepts and to translate them into specific solutions. Through this refined methodology developed over the years, seminars have assumed the vocation of a “laboratory” for developing legal discernment, critical spirit, and the ability to correlate private law institutions with normative dynamics and with needs of the society.

Courses in the same disciplines have been structured with the same rigor and formative vocation. I aimed not only to provide students with a systematic presentation of the applicable norms but also an interpretive analysis of them, placed in the context of domestic and European legislative evolutions, doctrinal trends and relevant jurisprudence. Using logical schemes, comparative tools, and self-evaluation tests, I succeeded to build a coherent methodology intended to simultaneously ensure conceptual rigor and practical applicability. In this way, the courses and seminars became privileged instruments of formation, by which I tried to transmit not only legal knowledge but also an axiological vision over the legal profession, grounded on responsibility, honesty and dedication.

II. ACADEMIC CAREER EVOLUTION AND DEVELOPMENT DIRECTIONS

Professional and academic evolution assumes a coherent pathway, structured around clearly defined and assumed objectives. For me, such a development plan is not merely an organizational instrument but a fundamental condition for maintaining academic and scientific standards. Through it, the integration of teaching, legal research and institutional involvement is realized, avoiding fragmentation and ensuring consistency and sustainability of the academic career.

With respect to research, a core component is the deepening of the field of insurance law, a discipline that demands consolidation of scholarly autonomy and constant adaptation to technological and economic challenges. Digitalization, the use of artificial intelligence in risks' evaluation, the emergence of cyber insurance products and the dynamics of global financial markets require doctrinal reinterpretation and *de lege ferenda* proposals aimed at harmonizing domestic norms with the *acquis communautaire* and international standards.

A convergent research direction targets comparative analysis of national legislations and European jurisprudence to reveal how the insurance contract may be rethought in light of cross-border trends. This approach presupposes, on one hand, a critical reading of existing regulations, and on the other, an interdisciplinary exploration of the relationship between private law, prudential norms and consumer protection mechanisms. The final objective is both the development of a synthesis monograph on the insurance contract and the continuous elaboration of teaching materials adapted to the current needs of students and practitioners.

In parallel, my scientific interests focus on the domain of civil named contracts, emphasizing how traditional principles — binding force, consensualism, contractual freedom — are reshaped by modern equity and transparency requirements. The analysis of consumer contracts, abusive clauses and legal balancing mechanisms will allow formulation of theoretically relevant conclusions while remaining useful for legal practice.

An innovative component of this research direction lies in integrating emerging technologies. Smart contracts, the use of blockchain in performance (even forced enforcement) of obligations and the regulation of legal relationships in the digital environment configure fertile grounds for doctrinal reevaluation of contract's law. These concerns will be concretized through an editorial program devoted to publishing monographs on each special contract in the Civil Code, already initiated with the first volume, complemented by course notes and seminar workbooks for students, each including minimal jurisprudence, logical schemas and numerous practical examples for understanding contractual mechanisms.

Theoretical research will be accompanied by an applied dimension through the preparation of annotated jurisprudence works. Structured by Civil Code articles and complemented with national and European solutions, these volumes will offer critical analysis of jurisprudential trends and they will constitute a practical tool for interpretation and application of contractual norms. Simultaneously, seminar workbooks will create a link between doctrinal research and pedagogical practice, supporting students in active learning.

All these directions subscribe to a larger aspiration: consolidation of the dialogue between university and the professional environment. Research projects, collaborations with national and international academic centers, involvement in continuing education for notaries and attorneys and concern for consumer's protection and adapting law to the digital age reflect an integrative vision. This aims to deliver not only a doctrinal contribution but also real support for the evolution of Romanian private law in the European and global context.

The habilitation work named “*Functional Adaptation of Private Law — Challenges of Normative Hybridization as a Systemic Evolution*” proposes a deep analysis of how private law responds to contemporary social, economic and technological transformations through a process of normative hybridization versus contract law resilience. The central conclusion highlights that hybridization does not represent a threat to legal coherence but rather an expression of its capacity for functional adaptation, ensuring resilience and continuity in front of systemic changes. In essence, the work demonstrates that the evolution of private law is not only the result of external pressures, but also an internal process of self-regulation, through which legal norms extend their scope and diversify to maintain the balance between tradition and innovation.