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Invitation to Read. Review "Drept Internațional Privat. Partea Generală/ Private International Law. General Part"

Dan Andrei POPESCU[1]

[1]Associate Professor PhD, Faculty of Law, University of "Babeș-Bolyai" of Cluj.

Abstract: *The university course "Drept Internațional Privat. Partea Generală/ Private International Law. General Part"* [1] *written by Nadia-Cerasela Anitei PhD professor at the Faculty of Law and Administrative Sciences "Dunarea de Jos" University of Galati was published by Universul Juridic Publishing House in December 2022 being it is a book dedicated equally to students, but also to those who, faced with the problem of the location of legal relationships that have elements of foreignness, want to deepen this subject so complex and sensitive at the same time.*
The author has skillfully succeeded in highlighting this universal spirit of private international law, while at the same time reflecting, by means of numerous references, the comparative law on the subject and current developments in the European context.

Keywords: *the general theory of private international law, the theory of conflict rules, conflict of qualifications, conflict rules in action and their dialogue, the causes of avoidance of foreign law - public order of private international law and fraud at law, mobile conflict of laws, Roman Civil Code..*

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[1] The review is the preface to the book "Private International Law, General Part" (2022) published by Universul Juridic Publishing House.

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The Laudatio presented in this issue of the magazine can be found in the first 5 pages of the Romanian version of the book A FAMILY FOR EUROPE, A EUROPE OF FAMILIES? STUDIA EMESE FLORIAN, (2022) Publishing House Hamangiu, Bucharest.

Reviewer: **Dan Andrei POPESCU, Associate Professor PhD, Faculty of Law, University of "Babeş-Bolyai" of Cluj**
Book: **Drept Internațional Privat. Partea Generală/ Private International Law. General Part**
Author: **NADIA-CERASELA ANIȚEI**
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Place of publication: **Bucharest**
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The volume is entirely devoted to the general theory of private international law, with a thorough analysis of the institutions that give logic to this science: the theory of conflict rules, conflict of qualifications, conflict rules in action and their dialogue, the causes of avoidance of foreign law - public order of private international law and fraud at law, mobile conflict of laws.

Localizing legal relationships with foreign elements can often be a difficult task. It is not enough to master the rules and norms of this science, it is sometimes necessary to follow the outcome of the interaction of conflict rules. In other words, it is necessary to follow the aim, the finality sought by the legislator - the correct establishment of legal proximity, i.e. the attribution of regulatory competence in favor of the system of law which has the closest proximity to the disputed legal act or situation in question. This translates into conflict of laws justice. Whenever the classical interaction of conflict rules leads to an inappropriate result, we can correct it by resorting to the exception clause.

Only in this way will we be able to ensure the fairness of the case, the balance between the abstract principles envisaged by the legislator in drafting the conflict rule and the reasonable expectations of those who are legally "entangled". It is the conflict rule that guides and guides, it is the exception clause (Article 2565 of the Civil Code) that surprises and confuses. The conflict rule is general and foreseeable, it is addressed impersonally to those who need help, to the parties. It can be consulted and known even

before the legal relationship is born. By contrast, the exception clause is always concrete and often unpredictable, depending on the judgement of the authority responsible for resolving the conflict of laws. Its intervention is "posthumous" (or at least belated) and "hidden", the legal relationship having already arisen and often at the stage of litigation. However, the exception clause is not a sanction, but an exceptional corrective mechanism, a form of adjustment of the action of the conflict rule, which always relates to the individual circumstances specific to a given case. Considered to be a factor of flexibility, the exception clause often acts ferociously, overturning what the parties had in mind and leading to the jurisdiction of a law other than that which was envisaged when the legal relationship was created.

There is therefore a spirit of private international law (Kollisionsvernuft), a "spirit" of this science, which exists above abstract rules, allowing the action of conflict rules to be corrected whenever their often-mechanical application leads to an inappropriate result.

We must perceive this spirit, letting ourselves be guided by it in the work of resolving conflicts of laws, taking into account all the circumstances and particular circumstances of the legal relationship, thus ensuring, to use the words of Carl Friedrich von Savigny, the glorification of the detail of the case.

The author has skillfully succeeded in highlighting this universal spirit of private international law, while at the same time reflecting, by means of numerous references, the comparative law on the subject and current developments in the European context.

It is a book dedicated equally to students, but also to those who, faced with the problem of the location of legal relationships that have elements of foreignness, want to deepen this subject so complex and sensitive at the same time. It is a book written with soul, a book that embodies the author's many years of experience in this field and which we warmly recommend.

References

Anitei, N. C. (2022). *Private International Law, General Part*. Universul Juridic Publishing House.