

LEGISLATIVE TRANSFORMATIONS IN CIVIL CODE AND CIVIL PROCEDURAL LAW IN 2024: IMPACT ON JUDICIAL PRACTICE IN ROMANIA

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Abstract: *The 2024 legislative reforms in Romania's civil code and civil procedural law aimed to modernize and streamline the judicial system, aligning it with technological advancements and European standards. Key measures included the digitalization of civil procedures through electronic case files, videoconferencing for court hearings, and recognition of qualified electronic signatures, enhancing accessibility and efficiency. New regulations on online contracts and AI liability addressed emerging challenges in digital transactions and advanced technologies. However, the reforms revealed obstacles such as inadequate technological infrastructure, resistance to change among legal professionals, and legal uncertainties due to varying interpretations of the new rules. Effective implementation requires professional training, consistent judicial practice, and infrastructure investment to maximize the benefits of the reforms. By addressing these challenges, Romania can foster a more transparent, efficient, and accessible justice system.*

Keywords: *Civil procedural law, Judicial digitalization, Electronic case files, Online contracts, Artificial intelligence liability, Legal modernization, Legislative challenges*

1. Introduction

In a time of fast change, society faces numerous challenges driven by technological advancements, economic transformations, and new social realities. Against this backdrop, civil law and civil procedural law, as foundational branches of law, must continuously evolve to meet the demands of modern and efficient justice systems. The year 2024 has brought to the forefront a series of legislative changes aimed at supporting this adaptation process, with particular emphasis on digitizing judicial procedures, simplifying legal relationships, and strengthening the protection of individual and collective rights.

These legislative reforms are not only a response to the need for aligning national legislation with European standards, but also a recognition of the importance of improving citizens' access to justice and optimizing judicial mechanisms. Specifically, recent changes focus on eliminating procedural delays, increasing transparency in the justice process, and reducing bureaucracy, which has previously hindered judicial efficiency.

However, these reforms have not been without their challenges. Their implementation has revealed practical difficulties, such as the lack of technological readiness among courts, resistance to change from some legal professionals, and uncertainties arising from the different interpretations of the new regulations. These challenges highlight that, while the legislator's intent is commendable, the success of the reforms depends on how effectively they are applied in practice.

This article examines the impact of legislative changes on civil and civil procedural law in Romania, providing concrete examples to illustrate the benefits and challenges brought by these reforms. We will also explore possible solutions to overcome the difficulties faced and ensure a coherent and efficient application of the new regulations.

2. Digitalization of Civil Procedures: A Necessity and an Obstacle

The digitalization of judicial procedures has become a priority in modernizing Romania's justice system. In 2024, this direction was reinforced through several legislative changes that targeted civil procedural law. The adopted measures were designed to simplify citizens' access to justice, reduce procedural costs, and improve court efficiency. However, implementing these measures has also introduced significant challenges. Changes were introduced through Law no. 116/2024 and Law no. 122/2024. These amendments aimed to enhance regulations governing civil legal relationships, focusing on clearer and more efficient application of provisions.

Code of Civil Procedure: Law no. 139/2024 brought significant adjustments to optimize judicial procedures, particularly in the areas of evidence management and expediting dispute resolution. Additionally, Decision no. 8/2024 by the High Court of Cassation and Justice clarified key legal interpretations, ensuring uniformity in the application of new rules.

Electronic Signature: Law no. 214/2024 had a major impact by recognizing electronically signed documents (using advanced or qualified electronic signatures) as equivalent to authenticated documents. This represents a significant step toward the digitalization of judicial processes.

3.1. Innovations Introduced in 2024

3.1.1. Electronic Case Files

One of the most significant changes has been the introduction of electronic case files. This feature allows parties to access case documents online, submit requests, check hearing dates, and receive electronic notifications. The aim of this measure is to eliminate the time wasted on physical trips to the courts and reduce dependence on printed documents. For example, a party involved in a dispute can download court decisions or other relevant documents directly from the court portal.

3.1.2. Court Hearings via Videoconference

The possibility to hold hearings online via videoconference represents a significant step toward adapting to new realities. This is especially useful in non-contentious cases or when parties live in different counties or even abroad. It significantly reduces the time required for hearing witnesses and parties, making justice more accessible.

3.1.3. Qualified Electronic Signature

Another major change is the legal recognition of the qualified electronic signature as a valid means of authenticating documents submitted to the court. This step simplifies administrative procedures and allows parties to send petitions, responses, or other documents without needing to appear physically in court. For example, a lawyer can submit an appeal or a petition via secure email with an electronically signed document, contributing to smoother legal operations.

3.2. Benefits of Digitalization

3.2.1. Increased accessibility

People in rural areas or those far from courts can now more easily access judicial services.

3.2.2. Reduced bureaucracy

Digitalization eliminates many administrative steps involved in managing physical documents, such as archiving or transporting paperwork.

3.2.3. Increased efficiency

Procedures become faster, and courts can handle a larger volume of cases due to the automation of certain processes.

3.3. Obstacles Faced

3.3.1. Lack of technological infrastructure

In many courts, the implementation of necessary technology is limited by a lack of modern equipment and high-speed internet connections. Courts in less-developed areas have struggled to use computer systems, causing delays in implementation.

3.3.2. Resistance from legal professionals

Some lawyers, judges, and other legal professionals have expressed reluctance to adopt new technologies. Reasons include a lack of familiarity with digital systems, fear of technical errors, or the perception that these changes add an additional burden.

3.3.3. Legal uncertainties and varying interpretations

New regulations on the use of electronic signatures or conducting hearings via videoconference have occasionally led to differing interpretations, especially in the absence of clear procedural guidelines. For example, there have been cases where the validity of electronically signed documents was contested due to failure to meet specific technical requirements.

3.4. Practical Example

A company in Bucharest was involved in a civil dispute with a partner in Cluj-Napoca. Before the digitalization process, resolving such a case required frequent travel, additional costs, and delays due to logistical issues. In 2024, the parties benefited from completely digital procedures, including witness hearings via videoconference, which greatly reduced the duration of the process.

3.5. Discussions

Digitalizing civil procedures is an essential and beneficial change, but its effective implementation requires substantial investment in infrastructure, professional training, and legislative clarification. Romania has the potential to become a model in this regard if it can overcome current obstacles and ensure a fair and functional transition for all actors involved in the justice system.

4. Regulation of Online Contracts

Online contracts, which have become a standard practice in the digital age, have been more thoroughly regulated to ensure their validity and protect the parties involved, especially consumers. The new legislative framework (2021-2024) introduces clear provisions regarding:

4.1. **Consumer Information:** Online commerce now imposes strict obligations on service or product providers, who must provide complete and transparent information before a contract is concluded. Consumers must be informed about the price, delivery conditions, right of withdrawal, and other key details.

4.2. **Validity of Electronic Contracts:** Contracts concluded online are now legally recognized regardless of the platform used. The qualified electronic signature, which was introduced in procedural law, plays a central role in validating online commercial contracts.

4.3. **Protection Against Unfair Clauses:** To protect consumers from unfair business practices, regulations have been strengthened to identify and penalize abusive clauses in online contracts, such as unjustified limitations of merchants' liability.

4.4. **Practical Example:** E-commerce platforms are required by law to provide a clear summary of key contract terms before an order is placed. Consumers are also entitled to an extended right of withdrawal if essential information is not communicated correctly.

5. Rules Regarding Liability for Damage Caused by Artificial Intelligence

A significant change in 2024 concerns liability for damages caused by artificial intelligence (AI), a relatively new legal issue given the extensive use of algorithms and automated technologies in areas such as transport, healthcare, and commerce. The new legislation introduces:

5.1. **Clear Liability Definitions:** It is established that liability for damages caused by AI generally lies with the manufacturer or operator of the algorithm, depending on the nature of the malfunction or the level of control over the technology.

5.2. **Diligence Obligations:** AI operators are required to implement preventive measures and ensure the safety of the algorithms used, reducing the risk of damage.

5.3. **Compensation Mechanisms:** Victims of AI-related damage are entitled to rapid compensation, with special guarantee funds created in cases where liability cannot be attributed to an individual or company.

5.4. **Practical Example:** In the case of autonomous vehicles, an accident caused by a programming error was regulated by assigning liability to the vehicle's manufacturer, who is required to compensate the victim. The manufacturer can also recover costs from the software developer if it is proven that the error originated from the source code.

6. Benefits of Legislative Changes

- 6.1. **Adaptation to New Technologies:** The legislation responds to current economic and technological realities, providing a clear legal framework for online transactions and the use of AI.
- 6.2. **Protection of Party Rights:** Both consumers and businesses benefit from clear rules that ensure a fair and secure relationship.
- 6.3. **Legal Efficiency:** The new regulations close legislative gaps and offer clear solutions for disputes arising from new technologies.

7. Challenges and Perspectives

Although the new regulations are welcome, their application poses certain difficulties. For instance, courts may face challenges in interpreting the rules on AI liability, especially in the absence of consistent legal precedent. Moreover, the lack of technological resources and expertise in evaluating digital technologies may complicate the application of these regulations in practice.

Looking ahead, it is crucial to ensure the continuous update of civil law norms in line with technological developments and societal needs, ensuring a balance between innovation and the protection of fundamental rights.

8. Standardizing Judicial Practice: A Continuing Challenge

Despite legislative changes aimed at clarifying legal issues and improving the application of legal norms, standardizing judicial practice remains a major challenge for Romania's judiciary. In some cases, these changes create uncertainties that lead to differing interpretations and solutions across courts.

- 8.1. **Example:** The reduction of the prescription period for claiming immovable property, from 30 years to 10 years under certain conditions starting in 2024, has sparked controversy, particularly regarding its temporal applicability. The main issue is how courts will interpret the new regulation in relation to ongoing cases at the time of the law's enactment and how to handle situations where the previous 30-year prescription period had already started before 2024.

9. Challenges of Legal Interpretation

Despite the clarifications brought by the new legislation, its practical application is not always straightforward. For instance, reducing the prescription period was meant to address modern economic and social realities, as well as to protect property owners from long-term claims. However, in cases where parties were already involved in lengthy disputes, retroactive application of the new regulation may lead to differing solutions between courts, especially when no clear transitional norms are in place.

10. The Growing Complexity of Disputes in Relation to New Technologies

10.1. Resolving Technology-Related Civil Disputes: Between Necessity and Challenge

The new legislative regulations from 2024, in the context of civil and civil procedural law, include provisions that explicitly address conflicts arising from technology, such as disputes over cryptocurrencies, digital transactions, and the use of online platforms. These

legislative adjustments have emerged in response to the rapid increase in the use of digital technologies and the growing complexity of legal relationships involving these areas.

10.2. Necessary but Challenging Regulations

The legislative changes were necessary to provide a clear and predictable framework, particularly regarding:

10.2.1. Cryptocurrency Transactions

Establishing regulations to define the rights and obligations of the parties involved, liability in cases of losses caused by market fluctuations or fraud, and the process for recovering lost funds.

10.2.2. Disputes Over Online Platforms

Regulating the relationships between users and platform providers, including abusive clauses in digital service contracts or violations of privacy and security standards.

10.2.3. Intellectual Property

Disputes over copyright regarding user-generated content or content created by artificial intelligence systems.

Although these regulations were welcomed, they have caused difficulties in their implementation, mainly due to the lack of technical expertise among judges and legal professionals. Disputes involving advanced technologies, such as cryptocurrencies or artificial intelligence algorithms, require a deep understanding of how these systems function—something often lacking in judicial practice.

10.3. Lack of Technical Expertise in Courts

The technological complexity of these disputes often exceeds traditional legal competencies. For example:

- Cryptocurrencies involve technical aspects related to blockchain, market volatility, and recovering losses caused by technical errors or fraud.
- Algorithms on online platforms can include terms of use that are incomprehensible to those without a technical background, and may hide data processing mechanisms that raise legal issues.

The lack of technical expertise has led to:

1. Delays in resolving cases: Sometimes, courts need to consult experts for clarification, extending the duration of proceedings.
2. Inconsistency in rulings: Different courts may issue divergent decisions in similar cases due to inconsistent interpretation of technical issues.
3. High costs: Disputes involving technology are often costly for the parties, both in terms of expert fees and the length of the process.

10.4. Possible Solutions

To address these challenges, measures are needed to improve the technical competencies of the courts and reduce legal uncertainties:

- Ongoing training for judges: Courses and workshops on technologies such as blockchain, cryptocurrencies, and artificial intelligence algorithms, organized by the National Institute of Magistracy.

- Creation of practical guidelines: Developing tools to help judges understand and interpret technological disputes consistently.
- Use of neutral technology experts: Establishing a list of approved experts who can provide clear technical explanations during trials.
- Adapting judicial procedures: Simplifying evidentiary rules and using digital solutions for faster case management.

The new regulations mark an important step toward modernizing the legal framework; however, the challenges associated with their application highlight the need to adapt the judicial system to contemporary technological realities.

10.5. Practical Example

A dispute regarding the loss of cryptocurrencies due to a cyber-attack was brought before a civil court. The judges faced difficulties in interpreting the regulations and evaluating technical evidence, which led to extended deadlines and the risk of incorrect rulings.

11. Benefits and Challenges of Legislative Changes

11.1. Benefits

- Increased efficiency of civil procedures through digitalization.
- Enhanced protection for consumers and vulnerable individuals.
- Alignment with international and European standards in emerging fields, such as technology and digital commerce.

12. Challenges

- Lack of professional training: Many judges, lawyers, and clerks were not adequately prepared to deal with digitalization.
- Inconsistent judicial practice: Insufficiently detailed changes led to contradictory interpretations.
- Adaptation costs: In rural areas, courts and parties faced technical difficulties due to insufficient digital infrastructure.

13. Directions for Improvement

To maximize the benefits and minimize the negative impact of legislative changes, the following measures are necessary:

1. Ongoing training: Organizing courses and seminars for judges and lawyers focused on applying the new regulations.
2. Legislative clarification: Issuing practical guides and adopting methodological norms for the consistent application of the law.
3. Infrastructure development: Investing in the technology necessary for the digitalization of courts, especially in disadvantaged areas.

14. Conclusions

The conclusion regarding the legislative changes in civil and civil procedural law in Romania in 2024 emphasizes that, although these changes had a positive impact on the judicial

system by streamlining procedures and strengthening the protection of citizens' rights, significant challenges remain in their practical application. Among these challenges is the need for ongoing adaptation of legal professionals to the new regulations and clarifying certain aspects related to the interpretation of the law. In this context, it is essential for the legislative authorities, courts, and professionals in the field to work closely together to ensure the uniform and correct implementation of the new rules.

Thus, the success of the reforms depends on their effective understanding and application in practice, which requires not only an update of professional knowledge but also a continuous adjustment of judicial procedures to meet citizens' needs. Only through active collaboration between decision-makers and justice professionals can the judicial system become more transparent, faster, and more accessible, thereby contributing to the consolidation of the rule of law and increasing citizens' trust in state institutions.

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