ADJURIS
Society of Juridical and Administrative Sciences

CONFERENCE ON COMPARATIVE AND INTERNATIONAL LAW

- International Conference -

- VIth edition -

June 26, 2026

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Section III.
Comparative Private Law

Friday, June 26, 2026

Online on Zoom

Conference organizers:

- **World Academy of Art and Science, United States of America**
  The Existential Threats and Risks for All Working Group
- **University of Hertfordshire, United Kingdom (*ARWU 2025: 801–900)***
  Hertfordshire Law School
- **University of Szeged, Hungary (*ARWU 2025: 401–500*)**
  Faculty of Law and Political Sciences, Department of International and European Law
- **Le Centre International de Recherches et études Transdisciplinaires (CIRET), Paris**
  International Observatory for Law and Transdisciplinarity — IOLT
- **Society of Juridical and Administrative Sciences**

Moderator:

Lecturer **Cristina Cojocaru,** *Faculty of Law, Bucharest University of Economic Studies*

! Each paper will be presented within 15 minutes
! Fiecare lucrare va fi prezentată în maxim 15 minute

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SCIENTIFIC PAPERS

MINORITY SHAREHOLDER PROTECTION IN EMERGING ECONOMIES: A COMPARATIVE STUDY OF CLOSELY HELD CORPORATIONS IN CHINA AND THE PHILIPPINES

Master's student **Oriana CUENCA**
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Abstract
Comparative corporate governance scholarship overwhelmingly studies large listed corporations, but closely held and family firms more commonly dominate the business landscape across the developing world. These structures may be particularly challenging for minority shareholders given the lack of an exit market. This paper examines minority shareholder protections in closely held corporations in China and the Philippines. It focuses on the Limited Liability Corporation in China and the close corporation in the Philippines, reflecting patterns of concentrated ownership that contrast the corporate law literature built around the Berle-Means firm. The study employs a comparative doctrinal method that analyzes the 2023 PRC Company Law and the 2019 Revised Corporation Code of the Philippines with a focus on the right to information, dissent and share repurchase rights, and dissolution rights. The findings show Philippine law favors the minority shareholder through broader inspection rights, more flexible repurchase grounds, and accessible administrative relief via the Securities and Exchange Commission. Meanwhile, China channels disputes toward overburdened courts with no clear mechanism for share valuation. The paper therefore recommends that China adopt complementary administrative mechanisms and statutory fair-value procedures to reduce reliance on litigation.

RECENT CHANGES TO GREEK SUCCESSION LAW IN THE EUROPEAN CONTEXT

PhD. **Simos SAMARAS**
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Abstract
After a five-year period of targeted amendments to the Greek succession law, the legislator took the initiative to propose a comprehensive reform of the law. To understand the scope and nature of the amendments, it is important to consider the relevant provisions of the laws of France, Germany, Switzerland, the United Kingdom and, of course, the limited yet significant rules of European Union law. Incorporating this into the European context reveals a reduction in safeguards for the protection of testators and their heirs, in favour of protecting the interests of family offices — a change that coincides with the commencement of the amendments. The detachment of succession law from nationality has further implications, since the new Greek rules will apply not only to Greek citizens within Greek territory, but also to individuals who habitually reside in Greece.

PROTECTION OF PERSONALITY RIGHTS THROUGH THE MECHANISMS OF TORT LIABILITY OF THE JOURNALIST. A COMPARATIVE ANALYSIS BETWEEN ROMANIAN LAW AND EUROPEAN STANDARDS

PhD. student **Georgiana Alina POPA**
„Titu Maiorescu" University of Bucharest, Romania

Abstract
The protection of personality rights represents one of the constant concerns of contemporary law, in the context where journalistic activity can generate infringements upon the dignity, honor, reputation, image, or private life of individuals. Within this framework, tort liability constitutes the main legal mechanism by which the reparation of damages caused and the restoration of the balance between conflicting interests are ensured. The paper aims to analyze how Romanian law regulates the protection of personality rights through the institution of tort liability, with an emphasis on the particularities generated by journalistic activity. The research examines the conditions for engaging tort liability, the nature of the damage subject to reparation, and the legal means of protection recognized for injured persons. At the same time, the study performs a comparative analysis between the solutions established by the Romanian Civil Code and the European standards developed in the case law of the European Court of Human Rights, highlighting existing convergences and differences. The scientific endeavor seeks to determine to what extent the legal mechanisms provided by national legislation offer effective protection of personality rights and meet current European requirements. The conclusions of the research contribute to clarifying the limits and functions of tort liability in the field of journalistic activity.

COMPARATIVE CASE LAW ON CAPITAL MARKET MANIPULATION

Lecturer **Claudiu-Gabriel GALU**
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Abstract
Capital market manipulation is one of the most complex issues in the field of business criminal law. Unlike the misuse of insider information (insider dealing/trading), which involves an informational advantage, manipulation aims to distort the price-formation mechanism itself, as a transaction or series of transactions are executed to create a misleading appearance regarding demand, supply, liquidity, or the price of traded shares. The objective of the study is to facilitate a thorough understanding of patterns of action, and its purpose and results are to draw participants' attention to increasingly focus on strict compliance with legal requirements for trading instruments on the capital market.

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CONDITIONS FOR EXERCISING THE RIGHT TO WITHDRAW FROM A CREDIT COMPANY

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Abstract

Among the rights of the associates of a company is the right to withdraw from that company. Provided for in numerous legislations around the world, this right is regulated in detail in Romanian law by the Companies Law. For credit institutions, however, the application of these legal provisions must also take into account the special provisions regarding the functioning of the banking and financial services markets, intended to ensure the financial stability of the operators on the respective markets, as well as a high level of protection for investors and depositors. Without exhaustively analyzing the subject, the article draws attention to the right of the associate of a credit institution to redeem his own shares as a result of exercising the right to withdraw only after obtaining the approval of the National Bank of Romania. The jurisprudence of the High Court of Cassation and Justice of Romania establishes this obligation taking into account Regulation no. 575/2013 of the European Parliament and of the Council of 26 June 2013, as amended on 1 January 2026.

PROCEDURAL UNILATERALISM IN CIVIL JUSTICE: THE ONE-SIDED COURTROOM AND THE LIMITS OF ADVERSARIAL PRINCIPLE

Assistant professor **Liviu Alexandru VIOREL**
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Abstract

This study examines the departures from the natural and traditional multilateral structure of the adversarial principle in civil proceedings, with a particular focus on determining the conditions under which an initially unilateral procedure remains compatible with fair trial guarantees and those under which it amounts to a genuine exclusion of the opposing party. The research combines doctrinal, logical and comparative methods, using Romanian civil procedure as the primary reference point and testing it against French, Portuguese, German, common-law and transnational procedural models. The analysis distinguishes apparent unilateralism from true unilateralism. The study finds that unilateral procedures are justified only by strict reasons such as urgency, preservation of evidence, surprise, efficient judicial administration or the structurally non-contentious nature of the application. It identifies the derogatory legal regime governing such procedures. Their legitimacy depends on enhanced procedural compensatory safeguards designed to preserve the essence of adversarial participation, characterized by narrowly construed grounds of application, heightened judicial scrutiny, temporal limitations, a reinforced judicial role, strict proportionality, prompt disclosure, effective review. The study's implication is normative and methodological: unilateralism should be treated not as a procedural shortcut, but as a narrowly confined derogation requiring rigorous justification and effective subsequent adversarial control.

DOMINANT POSITION IN PERSONAL DATA PROTECTION: INTERSECTIONS BETWEEN COMPETITION LAW AND DATA PROTECTION

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Abstract

The monetization of personal data, informational power, and the ability to condition access to a service on the acceptance of personal data processing have brought competition law and personal data protection together. This paper aims to examine the concept of dominant position from the perspective of personal data processing, based on the premise that the economic and informational power exercised over users/ data subjects may influence the exercise of the fundamental rights to privacy and personal data protection. In this regard, the paper analyses the mechanisms through which undertakings holding a dominant position may use large volumes of personal data to strengthen their market power, as well as the impact of such practices on the validity of consent, freedom of choice, autonomy, and vulnerability of data subjects. The analysis also takes into account relationships characterized by an imbalance of power, such as the employer–employee relationship and the relationship between information-driven entities and data subjects, in which the collection and combination of data from multiple sources, may be assessed both under the GDPR and under the rules governing the abuse of a dominant position. The paper highlights that the existence of a power imbalance may affect the assessment of whether consent has been freely given, influence access to services and freedom of choice, and constitute a relevant factor in evaluating the lawfulness of personal data processing and the effective exercise of rights guaranteed under the GDPR. From this perspective, data subjects may become vulnerable within traditional relationships characterized by an imbalance of power, such as employer–employee or public authority–citizen relationships and in their interactions with dominant digital platforms.

THE NATIONAL AND EUROPEAN PERSPECTIVE ON THE CONCEPT OF DISABILITY

Associate professor **Ana VIDAT**
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Abstract

In pursuing the objective of analysing — from a comparative perspective — various relevant legislative acts — with the aim of identifying the specific features of the matter — it should be further noted that, under the current legislative framework, "for any degree of disability, depending on the reduction in work capacity and the type of employment relationship, work capacity may be considered preserved for certain professional activities (...)". The purpose of analysing the applicable legal framework is based on the need to clarify the relationship between social protection for persons with reduced work capacity and the fundamental right to work. Considering recent legislative and jurisprudential developments, this topic is of particular importance, as it raises questions about how the legal framework allows for the utilization of residual work capacity, even in the case of individuals classified as having a disability. Reasonably, we can assert that a rigid approach — under which disability automatically leads to exclusion from the workforce — can no longer be sustained; rather, a new vision is emerging, one oriented toward professional integration and the adaptation of employment relationships. The relevance of this topic is underscored by the connection between this provision and the statutory obligations imposed on employers, particularly regarding *workplace accommodations and employee reassignment. Finally, the topic is timely considering the case law of the Constitutional Court, which has sanctioned legislative approaches leading to the termination of employment relationships by law, reaffirming the importance of respecting the right to work and the principle of non-discrimination. In conclusion, the analysis in this area is intended to highlight a shift in the legislature's perspective: the transition from exclusion to inclusion and the adaptation of the nature of work to the worker's actual capacity — which fully justifies the interest in studying this field.*

THE PARADYGM OF THE FIDUCIARY AGREEMENT FOR GUARANTEE SCOPES IN THE ROMANIAN LAW AND OTHER RELEVANT LEGISLATIONS

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Abstract
The fiduciary agreement is an absolute novelty in the Romanian regulatory & business landscape being enacted through the Civil Code entered into force in 2011and not yet extensively utilized. This legal institution is the creation of the Anglo-Saxon law (known as „trust") that was subsequently implemented in the continental law with significant adjustments, taking into consideration that the continental law does not recognise the division of the ownership right into the legal ownership (whose holder is the trustee) and the equitable ownership (whose holder is the beneficiary). Besides the irrefutable economical advantages provided initially in English & North-American markets, the aim of the present paper is to highlight the operation mechanism of the fiduciary agreement for guarantee scopes, inclusively from a legal comparative perspective and, to the same extent, to enhance the utilization of this agreement on a larger scale especially in the banking/lending area. The comparative, logical and historical methods are the ones used. The conclusions of this article are the proposals submitted to revise the legislation and the related impact may be assessed as beneficial for the business communities.

THE RIGHT OF WITHDRAWAL FROM DISTANCE CONTRACTS FOR FINANCIAL SERVICES

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Abstract
Recently, Government Emergency Ordinance no. 18/2026 for the amendment and completion of the Government Emergency Ordinance no. 34/2014 on consumer rights in the framework of contracts concluded with professionals, normative act adopted to transpose into national legislation the provisions of Directive (EU) 2023/2.673 of the European Parliament and of the Council amending Directive 2011/83/EU with regard to financial services contracts concluded at a distance and repealing Directive 2002/65/EC. The transposition of Directive 2023/2673 (EU) was carried out at this moment considering the fact that Case 2026/0132 regarding the infringement procedure was opened against Romania for the non-transposition of the Directive in question, a procedure through which the European Commission proposed to the Court of Justice of the European Union including the application of pecuniary sanctions consisting of a lump sum and/or penalties with the title of coercion for the non-implementation

of the Directive in domestic law. The new normative act regulates in art. 161-165 the right of withdrawal from financial services contracts, its content and the conditions for exercising this right. This paper aims to comparatively analyze the text of the new national regulation GEO 18/2026, of Directive 2023/2673 (EU) and of the old national regulation, GEO 34/2014 and to highlight the positive and (possibly) negative aspects of this scientific approach, and we will also present the conclusions we reached as a result of our analysis.

STANDARDS OF CONDUCT OF TRANSNATIONAL CORPORATIONS. LEGAL REALITIES AND INTERNATIONAL TRENDS

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Abstract
Conventional international law has over time cultivated a state-centered perspective in the sense that the state was understood as the only relevant actor that concludes treaties and has sovereign will. The present study proposes as a topic for reflection the identification of the extent to which this approach still responds to the dynamics of international relations in the conditions in which transnational corporations join states as principal actors. The research illustrates that in the current context characterized by the increasingly significant presence of corporations in international investment relations, an elaborate analysis of the main obligations incumbent on them is required, as set out in relevant international regulations, namely, the obligation to respect the national sovereignty of the countries in which they operate, domestic laws and administrative practices, the obligation to respect human rights and fundamental freedoms, while also assuming contextual obligations such as respecting the right to equal opportunities and non-discriminatory treatment, respecting the right to personal security, but also respecting workers' rights and obligations regarding environmental protection. It has been demonstrated in this paper that when we discuss the regulatory framework in the field of corporate responsibility, we actually oscillate between voluntary guidelines of non-binding regulation and strict and imperative legislative frameworks that provide for direct obligations. The main conclusions emphasize that states have the right to regulate the entry and the establishment of transnational corporations, including the determination of the role they can play in economic and social development, limiting the degree of their presence in certain sectors but always with the application of fair treatment and equitable in accordance with the intergovernmental obligations assumed by States under international law.