

SOME REMARKS ON THE LEGAL REGIME OF CIVIL LIBERTIES

Vasile LUHA*

ABSTRACT: *The study outlines - from a practical perspective - the criteria according to which a subjective civil right can be distinguished from a civil liberty. Indirectly, a theorization of the concept of civil freedom is made in a context in which the Romanian doctrine - older or more recent - gives preference to examinations related to subjective law.*

It is observed that there is a rich concern for this field but the offered solutions are extremely diverse and, especially, contradictory, which can disrupt the solutions of the practice that occur in complete uncertainty.

Therefore, a model is suggested; the truly significant distinctions between a subjective right and a liberty are verified only in a civil liability mechanism in which - according to pre-established criteria - the judge selects the preferred legitimate interest, contained in a right or a freedom; and the selection criteria must be sought in the inappropriate behavior of the perpetrator of the conflicting right and freedom.

KEY WORDS: *subjective law; civil liberty; legitimate interest; legal liability.*

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* Professor at the Faculty of Law and Social Sciences within the "1 Decembrie 1918" University of Alba Iulia; prosecutor at the Prosecutor's Office attached to the Alba Iulia Court of Appeal.