

## **A NEW PERSPECTIVE ON THE INSTITUTION OF TORT LIABILITY IN THE CURRENT CIVIL CODE**

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**ABSTRACT:** *The profound transformation of the Romanian society and the contemporary European realities imposed the adaptation of the rule of civil law to meet the new cultural, economic, scientific and socio-moral values.*

*Expected with great enthusiasm, or on the contrary with skepticism, the emergence of the current Civil Code and its enforcement on 1 October 2011 sparked lively debates in the legal world. Regarded as a modern tool to regulate fundamental aspects of the individual and social existence, adapted to modern terminology, the current Civil Code is, after the Romanian Constitution, the most important normative act, both in extent and in terms of content, regulating the human relations even before the birth of the person, as owner of rights and obligations, and until after death.*

*Our research has set an objective: the study of the current liability regulations regarding the institution of civil liability in general and tort liability, in particular. In our assessment, the institution of tort liability finds itself in a thorough transformation to meet the needs of the modern society. On these coordinates, the current Civil Code reaffirms the idea of subjective liability conditioned by proving the fault of the responsible person. However, countless law assumptions of objective liability, independent of any guilt, were regulated in the positive law. In doctrine we discuss the possibility of interpreting the "guilt" from an objective position: the abnormality of the offender's behavior and, in a lesser extent, the imputability of his deed.*

*We appreciate that the main objective of tort liability must be to support the interests of innocent victims. In this way, we consider the possible transfer of the legal, ethical and moral debates, from the subjective level to the objective level, respectively regarding the act causing the harm, as the defining element of tort liability.*

**KEYWORDS:** *tort liability, Romanian Civil Code, guilt, imputability*

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