



## BOOK REVIEW

**Irina Olivia Călinescu, *Posesia și efectele sale juridice* (*Possession and its legal effects*), Bucharest: Universul Juridic Publishing House, ISBN 978-606-673-035-8, 360 pages.**

**Anca Parmena Olimid\***



“Posesia și efectele sale juridice” (“Possession and its legal effects”) is a legal analysis of a fundamental institution of the civil law representing a collection of judicial commented practice, structured in four chapters. The study is important because it both allows the reader to examine the possession and its legal effects and, more importantly, the work theoretically explores studies and Articles relevant in the field, decisions of the Constitutional Court, related legislation and the jurisprudence of the European Court of Human Rights.

In this study of theory and practice before and since the new Civil Code implementation, Irina Olivia Călinescu shows how the conceptions of possession, possession actions, the legal effects of possession and the usucapio are interlinked. “Posesia și efectele sale juridice” (“Possession and its legal effects”) uncovers a conceptual dialogue of possession, providing an articulated study in the light of the new legal provisions in the field.

To answer these challenges, the author largely presents the institution of “possession” due to this importance in the light of the Law no 287/2009 and the legislation corresponding to the new Civil Code. The blending of theoretical and practical approaches is a strength of the study and offers the author the possibility to highlight the newest and various information provided by the doctrine and the jurisprudence. Călinescu separates

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her analysis in four parts. She starts with the historical evolution of the concept of “possession” in Chapter I entitled “Teoria general a posesiei” (“General theory of possession”) exploring the problems of proof of possession and the delimitation of possession from the precautionary detention. The second chapter is entitled “Efectele juridice ale posesiei” (“The legal effects of possession”) discusses the complex legal context of the doctrine, jurisprudence and commentaries. The third chapter is entitled “Efectele juridice ale posesiei. Acțiunile posesorii” (“The legal effects of possession. Possession actions”) focuses on the conditions of exercise considering the complex legal provisions in the field that makes up the legal effects of possession and tries to explain the questions around the law and structure of possession. Călinescu also takes special care to explain how possession actions have evolved. The fourth chapter is entitled “Uzucapiunea” (“The usucapio”) and it seeks to explain how and why these actions are designed. The last chapter finds the field of application, the conditions of exercise by showing the role of doctrine and jurisprudence and providing a key role to the effective understanding of this legal instrument.

Each of the four chapters explores the possession as a frequent and indispensable topic of the civil code among Romanian judges, lawyers, professionals, experts and law scholars. One also argues from this study that we have to examine the various contexts and approaches for possession. These foster three different levels of legal engagement: doctrine, jurisprudence and commentaries. Thanks to this study, the law scholars are informed about the law and practice in the field of possession.

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