

UNIVERSITY „ALEXANDRU IOAN CUZA” FROM IAȘI
FACULTY OF LAW
DOCTORAL SCHOOL

LEGAL PROTECTION OF CULTURAL HERITAGE IN COMPARATIVE LAW

⟨ summary of the doctoral thesis ⟩



Doctoral supervisor:
Prof. univ. dr. Valeriu M. CIUCĂ

PhD student:
Dr. Vlad VIERIU

IAȘI, 2020

TABLE OF CONTENTS

INTRODUCTION _____ **6**

CHAPTER I. PROLEGOMENE. INTERDISCIPLINARY FUNDAMENTS OF RESEARCH ON THE LEGAL PROTECTION OF CULTURAL HERITAGE IN COMPARATIVE LAW. _____ **ERROR! BOOKMARK NOT DEFINED.**

SECTION I.1. CONCEPTUAL DELIMITATIONS. ETYMOLOGIES. ____ **ERROR! BOOKMARK NOT DEFINED.**

SECTION I.2. DIACHRONIC ELEMENTS. THE EVOLUTION OF INTERESTS IN PERPETUATION OF CULTURAL AND RELIGIOUS HERITAGE. _____ **ERROR! BOOKMARK NOT DEFINED.**

Subsection I.2.1. Prehistory and Antiquity. _____ **Error! Bookmark not defined.**

Subsection I.2.2. Middle Ages. _____ **Error! Bookmark not defined.**

Subsection I.2.3. Modern period. _____ **Error! Bookmark not defined.**

Subsection I.2.4. Contemporary period. _____ **Error! Bookmark not defined.**

SECTION I.3. MYTHOLOGICAL, THEOLOGICAL, ANTHROPOLOGICAL, SOCIOLOGICAL AND PHILOSOPHICAL SOURCES FOR THE PERPETUATION OF CULTURAL HERITAGE. ____ **ERROR! BOOKMARK NOT DEFINED.**

Subsection I.3.1. Mythological and theological perspectives. **Error! Bookmark not defined.**

§ I.3.1.1. Mythology. _____ **Error! Bookmark not defined.**

§ I.3.1.2. Religions of pre-Christian civilizations. ____ **Error! Bookmark not defined.**

§ I.3.1.3. Christianity. _____ **Error! Bookmark not defined.**

§ I.3.1.4. Islam. _____ **Error! Bookmark not defined.**

§ I.3.1.5. Sacred and profane in cultural heritage. ____ **Error! Bookmark not defined.**

Subsection I.3.2. Anthropological perspective. _____ **Error! Bookmark not defined.**

Subsection I.3.3. Sociological perspective. _____ **Error! Bookmark not defined.**

Subsection I.3.4. Philosophical perspective. _____ **Error! Bookmark not defined.**

SECTION I.4. ELEMENTS FROM CULTURAL AND LEGAL GEOGRAPHY OF CONTEMPORARY EUROPE. _____ **ERROR! BOOKMARK NOT DEFINED.**

Subsection I.4.1. „Cultural heritage’s map” of Europe. _____ **Error! Bookmark not defined.**

Subsection I.4.2. Contemporary Europe of religions and confesions. **Error! Bookmark not defined.**

Subsection I.4.3. Concepts in legal geography. _____ **Error! Bookmark not defined.**

CHAPTER II. GENERAL CONSIDERATIONS ON THE CULTURAL HERITAGE CONTEMPORARY LAW IN THE STUDIED NATIONAL LEGAL CULTURES.

_____ **ERROR! BOOKMARK NOT DEFINED.**

SECTION II.1. FRENCH LAW. _____ **ERROR! BOOKMARK NOT DEFINED.**

Subsection II.1.1. The evolution of cultural heritage law in France. **Error! Bookmark not defined.**

§ II.1.1.1. Previously regulations. _____ **Error! Bookmark not defined.**

§ II.1.1.2. Code du patrimoine. _____ **Error! Bookmark not defined.**

Subsection II.1.2. The classification in French cultural heritage law. **Error! Bookmark not defined.**

SECTION II.2. ITALIAN LAW. _____ **ERROR! BOOKMARK NOT DEFINED.**

Subsection II.2.1. The evolution of cultural heritage law in Italy. _____ **Error! Bookmark not defined.**

Subsection II.2.2. Codice dei beni culturali e del paesaggio. General presentation. **Error! Bookmark not defined.**

Subsection II.2.3. Cultural heritage in Italian law. Perspectives. _____ **Error! Bookmark not defined.**

Subsection II.2.4. Cultural goods. Notion and classification. Landscape-goods. _____ **Error! Bookmark not defined.**

Subsection II.2.5. Custody of cultural goods. _____ **Error! Bookmark not defined.**

§ II.2.5.1. Verification and declaration of cultural interest. _____ **Error! Bookmark not defined.**

§ II.2.5.2. The supervision. _____ **Error! Bookmark not defined.**

§ II.2.5.3. The inspection. _____ **Error! Bookmark not defined.**

§ II.2.5.4. Protection. _____ **Error! Bookmark not defined.**

§ II.2.5.5. Preservation. _____ **Error! Bookmark not defined.**

§ II.2.5.6. Indirect custody and other forms of protection. ____ **Error! Bookmark not defined.**

Subsection II.2.6. Circulation of cultural assets. _____ **Error! Bookmark not defined.**

Subsection II.2.7. Valorization of cultural assets. _____ **Error! Bookmark not defined.**

Subsection II.2.8. The expropriation of cultural assets in Italian law. **Error! Bookmark not defined.**

Subsection II.2.9. Specific vision in Italian cultural heritage. **Error! Bookmark not defined.**

SECTION II.3. ROMANIAN LAW. _____ **ERROR! BOOKMARK NOT DEFINED.**

Subsection II.3.1. The evolution of regulations on cultural heritage in Romania. _ **Error! Bookmark not defined.**

§ II.3.1.1. The 19th century. First measures. _____ **Error! Bookmark not defined.**

§ II.3.1.2. The evolution of Romanian cultural heritage law in the 20th century.
_____ **Error! Bookmark not defined.**

Subsection II.3.2. De lege ferenda – Romanian Cultural Heritage Code. **Error! Bookmark not defined.**

CHAPTER III. IMMOVABLE CULTURAL HERITAGE IN COMPARATIVE LAW.

_____ **ERROR! BOOKMARK NOT DEFINED.**

SECTION III.1. ARCHAEOLOGY, ARCHAEOLOGICAL DISCOVERIES AND ARCHAEOLOGICAL HERITAGE. _____ **ERROR! BOOKMARK NOT DEFINED.**

Subsection III.1.1. French law. _____ **Error! Bookmark not defined.**

§ III.1.1.1. Diachronic and introductory elements. ____ **Error! Bookmark not defined.**

§ III.1.1.2. Definition of archaeological heritage. ____ **Error! Bookmark not defined.**

§ III.1.1.3. Preventive archaeology. _____ **Error! Bookmark not defined.**

Subsection III.1.2. Italian law. _____ **Error! Bookmark not defined.**

§ III.1.2.1. Archaeological heritage in the light of Italian law. **Error! Bookmark not defined.**

§ III.1.2.2. Archaeological survey. _____ **Error! Bookmark not defined.**

§ III.1.2.3. Accidental discoveries. _____ **Error! Bookmark not defined.**

§ III.1.2.4. Underwater archaeology. _____ **Error! Bookmark not defined.**

Subsection III.1.3. Romanian law. _____ **Error! Bookmark not defined.**

§ III.1.3.1. Concepts and classifications in Romanian archaeological heritage.
 _____ **Error! Bookmark not defined.**

§ III.1.3.2. Legal regime of archaeological immovable assets. **Error! Bookmark not defined.**

§ III.1.3.3. Legal regime of archaeological movable assets. **__Error! Bookmark not defined.**

SECTION III.2. HISTORIC MONUMENTS. _____ ERROR! BOOKMARK NOT DEFINED.

Subsection III.2.1. French law. _____ **Error! Bookmark not defined.**

§ III.2.1.1. Specific definition. _____ **Error! Bookmark not defined.**

§ III.2.1.2. Classifications in the domain of historic monuments in French legal culture. _____ **Error! Bookmark not defined.**

§ III.2.1.3. Legal regime of historic monuments in French law. **__ Error! Bookmark not defined.**

Subsection III.2.2. Italian law. _____ **Error! Bookmark not defined.**

Subsection III.2.4. Romanian law. _____ **Error! Bookmark not defined.**

§ III.2.4.1. Legal definition of historic monuments. **_ Error! Bookmark not defined.**

§ III.2.4.2. Classification of historic monuments in Romanian law. _____ **Error! Bookmark not defined.**

§ III.2.4.3. Classification and declassification of historic monuments. _____ **Error! Bookmark not defined.**

§ III.2.4.4. Real rights to historic monuments. _____ **Error! Bookmark not defined.**

§ III.2.4.5. Protection area of historic monuments. **__ Error! Bookmark not defined.**

CHAPTER IV. MOVABLE CULTURAL HERITAGE IN COMPARATIVE LAW.

LEGAL REGIME OF MOVABLE CULTURAL ASSETS. _ERROR! BOOKMARK NOT DEFINED.

SECTION IV.1. FRENCH LAW. _____ ERROR! BOOKMARK NOT DEFINED.

Subsection IV.1.1. Archives. _____ **Error! Bookmark not defined.**

Subsection IV.1.2. Libraries. _____ **Error! Bookmark not defined.**

Subsection IV.1.3. Museums. _____ **Error! Bookmark not defined.**

Subsection IV.1.4. The export of movable cultural goods. ___ **Error! Bookmark not defined.**

SECTION IV.2. ITALIAN LAW. _____ **ERROR! BOOKMARK NOT DEFINED.**

SECTION IV.3. ROMANIAN LAW. _____ **ERROR! BOOKMARK NOT DEFINED.**

Subsection IV.3.1. Specific concepts. _____ **Error! Bookmark not defined.**

Subsection IV.3.2. Classification of movable cultural goods. **Error! Bookmark not defined.**

Subsection IV.3.3. Real rights to movable cultural goods. ___ **Error! Bookmark not defined.**

Subsection IV.3.4. Propter rem obligations regarding movable cultural goods. ___ **Error! Bookmark not defined.**

Subsection IV.3.5. Circulation of movable cultural goods. ___ **Error! Bookmark not defined.**

§ IV.3.5.1. Selling and exchanging. _____ **Error! Bookmark not defined.**

§ IV.3.5.2. Concession of use. _____ **Error! Bookmark not defined.**

§ IV.3.5.3. Liberalities and succesions. _____ **Error! Bookmark not defined.**

§ IV.3.5.4. Export. _____ **Error! Bookmark not defined.**

Subsection IV.3.6. Revendication and restitution of movable cultural goods. _____ **Error! Bookmark not defined.**

Subsection IV.3.7. National Archival Deposit of Romania. ___ **Error! Bookmark not defined.**

CONCLUSIONS. FINAL CONSIDERATIONS ON THE DIMENSION AND THE LEGAL NATURE OF CULTURAL HERITAGE LAW. _____ **11**

BIBLIOGRAPHY _____ **ERROR! BOOKMARK NOT DEFINED.**

Introduction

Nowadays, contemporary society frequently experiences the nostalgia of lost cultural heritage and the necessity of saving those who survived. This is a trend of human civilization, born since ancient times, with an emphasized ascendant evolution starting with Renaissance, became in the 19th century a constant in the policy of modern states and which was then internationally acknowledged in treaties and conventions. From a diachronic and historical perspective, the protection of the cultural heritage appears as a sublime expression for the welfare and the evolution of human civilization, which turned out to be a substantial element in the most peaceful and prosperous periods of the history. On the contrary, history confirmed

that war, financial and political crisis, as well as underdevelopment, have always created a hostile environment, causing the destruction of world's cultural heritage, let alone implacable erosion provoked by the passing of time or by the natural cataclysm. Unfortunately, despite admirable efforts for the reconstruction and restoration, cultural heritage is, of course, a non-renewable resource, in its primordial, original essence. Rescuing the destiny of natural heritage necessarily implies a new creation, a new idea, a new principle, no matter which goal is followed – preservation or restoration.

The idea of writing a doctoral thesis about the legal regime of cultural heritage in comparative law, does not belong to me. It was the proposal of the doctoral supervisor, who was inspired by my previous academic pursuits in the area of unique national and international regulations related to intangible cultural heritage. Despite the efforts to find out the most balanced structure for the study, situated between the amplitude of this new area of law and the methodological and chronological constraints inherent in every doctoral study, choosing this research topic was absolutely inspired, firstly because it inevitably implies an interdisciplinary perspective and research in many branches of law – some of them beyond private law, secondly because even though Romania has a significant cultural heritage and complex regulations in this domain, national legal literature is missing.

A closer look at the current stage of researches from a comparative perspective demonstrates that this doctoral thesis is certainly a novelty. This conclusion came without any intention of minimising the interest of Romanian lawyers and specialists in cultural heritage law of European and other world countries. Another fact is the lack of academic interest in implementing a scientific discipline for the study of cultural heritage law, whereas, if we focus on the academic programs in French law schools, we find out an entire master program - Droit du patrimoine culturel¹ - dedicated to this more and more important branch of law, which is a great expression of the scientific concerns about probably the most valuable resource for culture, civilization and the blessed human life. The current stage of cultural heritage law doctrine is in contrast to the more dynamic evolution of the legal framework, adopted, starting

¹ <https://www.universite-paris-saclay.fr/fr/formation/master/droit-du-patrimoine-culturel-0#presentation-m2>, 13th of january 2019.

from the Early-19th century, to respond to the universal necessities of cultural heritage creations. Unfortunately, our national legal culture does not recognise cultural heritage law as an autonomous branch of law up to now. This cannot be really criticised as long as other national legal systems, like the one in France or Italy, haven't supported this approach. Unlike the two systems presented above, Romanian cultural heritage law is now waiting for The Romanian Cultural Heritage Code, a heterogeneous compilation of legislation, without a coherently selected set of principles, just partially efficient, often defeated by harmful and contradictory administrative regulations which are wasted in an inflationary and unstable law of both urban and extra-urban built environment.

The structure of the thesis suggests a perspective in two sequences, which are decisively approaching material and formal sources of cultural heritage law, organised in a natural comparative succession. The first part of the thesis is organised in a chapter of prolegomena and represents an introduction in the universal architecture of archeology and the law regulating this, in this way being provided a wider understanding, with multiple perspectives, such as conceptual, etymological, historical, mythological, theological, anthropological, sociological, philosophical or geo-legal perspective. The second part contains a proper comparative analysis of cultural heritage law of French, Italian and Romanian legal cultures. It consists in a chapter which brings together general elements of each national legislation, regarded from a diachronic perspective, in a composite dimension and other two chapters – Special Part of Cultural Heritage Law, which differs in terms of movability, an ancestral criterion than cannot be circumvented in this domain – immovable cultural heritage and movable cultural heritage. The choice of such legal cultures is not accidental, since these countries are depositories of the most numerous and famous mankind's cultural heritage, evolved civilisations which have developed technologies and legal means for protecting cultural heritage, they are national legal systems that created legislative traditions in the cultural heritage legal protection sphere and genuine sources of legal acculturation for other legal national cultures in Europe and world, in a time of increasing concerns for this area.

The applied research method is that of the organic law school or the organic hermeneutics in roman comparative law school, a vedemecum of tradition for The Comparative Private Law – Doctoral School from Iași, which was embraced right before the first thesis in this domain has been presented. Organic hermeneutics in comparative law, as a method, implies

an ordered succession of seven steps. For those who didn't know yet, we will enumerate these steps:

- *primum dividam* – complete presentation (reading) and, eventually, the summary (*summa*) of the text;
- *secundum ponam casum* – emphasizing a real or fictive casuistry;
- *tertium historiam regulae explorabo* – studying the historical evolution of the legal rule;
- *quartum comparabo* – making a comparison, on a horizontal axis, between the legal rule, which is the object of the legal exegesis and legal rules from other cultures and systems;
- *quintum colligam* – implementing the proper legal exegesis, after a grammatical analysis and after contextualising, which involves multidisciplinary researches; identifying the theological-philosophical and, if necessary, the obscure meaning;
- *sextum opponam et quaestio* – searching potential objections for the assessment arising from the text and clarifying potential contradictions appeared after the dialectical method (thesis – antithesis – synthesis);
- *septimum queram, brocardum et de lege ferenda* – finding out the justifications behind the law rule by providing arguments and exceptions, including *exceptio exceptionis causa*, finally observing the general principles, the brocades and eventually formulating proposals *de lege ferenda*, after an incursive-receptive analysis which involves reference to current legislative policy.²

It is certainly that we haven't followed the methodological succession of steps, but sooner or later every stage was achieved. We have presented and resumed broad legislation regarding cultural heritage law, we have searched for interpretations and applications in practice, we have followed, on the universal history vertical axis, the historical path of regulations in this area, we have observed extraneous legislative models, some of them en passant but the French, Italian and British one with an obduracy typical for applied comparative law researches.

² Valerius M. CIUCĂ, *Lecții de drept privat comparat. O introducere în hermeneutica organică a dreptului privat comparat*, vol. I, Editura Fundației Axis, Iași, 2003, pp. 97-98.

Beyond diachronic perspective and positive spectrum of this legal area, the purpose of this thesis is to capture the hybrid legal nature of main legal institutions that reflect the cultural heritage reality and to observe proper characteristics of every analysed legal culture.

Structure and content.

From one point of view, it exists a science of cultural heritage, created from a vast and divers sum of scientific fields. History, archaeology, anthropology, sociology, philosophy and history of religion, geography, museology, economy and marketing come together to sustain one of the most noble human dimension, that is the conscience of the past. The multidisciplinaryism of the cultural heritage science is accompanied by a substantial legal dimension seen in the light of the positive normative spectrum and from the perspective of the efforts, starting with the 19th century, to create a legal literature about the preservation and valorization of cultural heritage.

In the light of the required causal relation between material and formal sources of law, the analysis and exegesis of legal rules on cultural heritage cannot be regarded without knowledge in anthropology, sociology, philosophy, ethic etc, that supply their existence and form of expression. Significant particularities of cultural heritage law spring from the complexity and depth of the values of cultural goods and cannot be ignored neither because of objective reasons for preserving and valorization, nor because of the intention to create a proper legal framework.

The prolegomena of this research, the first chapter and the “general” part of the thesis, opens the path to an inherent interdisciplinary study. The “special” part contains a proper comparison on a horizontal axis, made with the desire to unify the Romanian cultural heritage law and two of the most representative legal cultures in this area – French law and Italian law. However, for achieving this are required some preliminary démarches for elucidating specific terminology and meanings, for observing the evolution of material and legal concerns on preservation and valorization of cultural heritage, for mapping this world with the help of a lens of the curiosity for cultural goods and, not at least, for seeking anthropological, sociological, philosophical and theological resources to finally arrange them in an essential fundament of organic law hermeneutics (of cultural heritage law, in our case).

In the architecture of this introductory study and of this thesis, in its bigger picture, beyond inevitable forms and rational succession specific to a comparative approach, the foundation is represented, as we have confessed in the introduction, by the methodology of hermeneutics of organic private law. For an authentic exegesis of legal rules adopted in the domain of cultural heritage, an unexhausted and perfectible normative field, are necessary some preliminary considerations about the perspectives specific for comparative research area. For this purpose, in the following sections we will search for definitions and etymologies that we need in order to penetrate the pure content of the institutions that are enshrined in the field of *de jure* struggles for the cultural heritage’s perpetuation and valorization. We will carefully observe semantic dogmas that configurate particular meanings in the discourse on heritage of religious interest, issue which cannot be overlooked. So that, our study starts with a terminological, semantic and etymological analysis in cultural heritage law, a branch of law

that hasn't been formally recognized by legal literature³ but that maintains this vocation. Keywords of the regulation can be found in legal formulations, hence this chapter contains a pure comparison between legal texts from French, Italian and Romanian legal systems. We will progressively discover the ideational content of phrases such as “cultural heritage”, “historic monuments”, “movable cultural heritage”, “immovable cultural heritage” etc.

Because we were trying to create a comprehensive structure of a comparative-organic research in cultural heritage law, we concluded that the necessary prolegomena must be followed by a chapter dedicated to the “general part” of the “special part” of the thesis since this “special part” is depending on its own antechamber. That is the mission of this chapter – to bring together aspects of legal rules' current evolution, *sedes materiae*, fundamental concepts and complex classifications and to create a synopsis of the original elements of observing every chosen legal culture. In a horizontal plane, we will successively take French law into account, as a tribute to the most representative legal culture in the macrosystem of civil law and one of the most luxurious spaces of universal civilization, Italian law, for its original vision of cultural goods and, finally, like always, our national law, so that our quadripartite comparison is accomplished.

The second chapter is the only chapter based on an analysis organized on a horizontal axis of legal geography because we were trying to avoid the suppress of homogeneous perspective on cultural heritage law in these cultural spaces or a division according to well-known domains of cultural heritage law – movable, immovable, intangible or according to different peripheral national categories. Another approach is truly difficult, given that perspectives of every space are different even though they treat same realities of cultural actuality. After this chapter, which is about national legal cultures, there are another three chapters built, this time, on a well established substantial criteria - immovable cultural heritage, with its archaeology and historic monuments and movable cultural heritage. We consider that the chosen structure is superior to a strictly horizontal one because it gives the opportunity to deepen every legal institution and rule. This would not have been possible if we had opted for a sole presentation of cultural heritage law in every national legal system. The delimitation of

³ The trailblazers in this domain could be those from The University of Paris-Saclay. They propose a unique multidisciplinary master program in France – *M2 Droit du patrimoine culturel* –, with the scope of providing both theoretical and practical knowledge of cultural heritage law, that can be useful in students' careers. According to the same source, the characteristic of multidisciplinary of this domain implies a different approach. So that, cultural heritage law appears to be located at the confluence of three dimensions of law: public law, private law and international law. According to <https://www.universite-paris-saclay.fr/fr/formation/master/droit-du-patrimoine-culturel-0#presentation-m2>, 25th of september 2016.

the main domains of cultural heritage was developed on the basis of classifications that are specific to Romanian law, neither identical, nor essentially different from the rest. Moreover, we underline from the beginning that there is a universal structure of principal concepts, institutions and grounds that lead the ordinary law of cultural heritage and that this ordinary law is closely linked to universal human prerogatives to cheer for the cultural impression of the past, for the right to culture.

The classification of goods according to criterion of movability dates back to the historic moment of publishing in Roman forum The Lex duodecim tabularum. Gaius himself underlined the importance of this classification and pointed out the two legal terms in ancient Roman law for acquiring the property by usucapion – two years for funds and buildings and one year for movable goods⁴. The idea of a greater significance of immovables was highlighted since The Formative period of Roman law⁵ and it still remains a criterion with legal relevance whether it is relativized due to the accelerated dynamic of the economy and of the legal relationships.

The division of cultural heritage law according to the criterion of cultural goods' movability is peculiar to this branch of law, but it reveals unique significations of movability and its real importance. However, the cultural value of this goods, the substance of which often appears to be incompatible with a pecuniary evaluation and stranger to it from a teleological point of view, outshines these significations. In principle, the pecuniary importance of cultural goods should rank after the cultural importance. Nevertheless, due to the precarious awareness of the ontological vocation for being a homo culturalis before being a homo oeconomicus, the greed transforms the human into a fierce enemy, indolently acting in bad faith, which is searching for ephemeral prosperity. In other news, the cultural value of this goods does not depend on its movable or immovable nature because archaeological sites and historic monuments that compound the universal immovable cultural heritage are destructible, unlike fundus, that is imperishable from a pragmatic legal perspective but such important from the oldest times. On the contrary, all legal cultures in the world differently regulates situations involving immovable goods and those involving movable goods. These diverse treatments spring from the nature of things, from belongings' aptitude to be moved, from our possibility to enjoy them and to protect them for their movability.

⁴ GAIUS, *Institutiones*, II, 42 (traducere, studiu introductiv, note și adnotări de Aurel N. Popescu, Editura Academiei Republicii Socialiste României. București, 1982)

⁵ Valerius M. CIUCĂ, *Drept roman...*, vol. I, p. 360.

In France, Code du patrimoine, in different normative contexts, underlines a clear distinction between immeubles and objets mobiliers, in the same way it exists between biens archéologiques immobiliers and biens archéologiques mobiliers. In Codice dei beni culturali e del paesaggio, which is the Italian codification of cultural heritage law, the difference between beni immobili și beni mobili is omnipresent and it represents one of the inevitable classifications of the unifying concept of beni culturali. In British law, we found a legal regime for objects, regardless of their profile in cultural heritage's spectrum and a different one for well-known categories of immovable cultural heritage – historic buildings, ancient monuments, archeological areas, wrecks etc. This distinction is no stranger to our national law and can be found expressis verbis in the title of Law no. 182/2000 on the protection of movable national cultural heritage, the legislative instrument for the legal treatment of movable cultural heritage, which is resumed pro parte in some norms of Law no. 6/2008 on the legal regime of technical and industrial heritage. The second category, that of immovable cultural heritage, is regulated by some laws on archaeological sites, in the general context of archaeological heritage and historic monuments. These are subcategories whose spheres are just intersections of sets.

The sense of the phrase “movable cultural heritage” has a particular complexity and appears, in the light of law, as a elaborated genesis, while abstract significances are accompanied by comprehensive exemplification of categories of goods that form this “part” of the national cultural heritage. According to Article 1 paragraph (2) of the Law, national cultural heritage encompasses the collection of goods thus identified, regardless of the property regime, that represents the testimony and an expression of values, beliefs, knowledge and traditions that are constantly evolving; it encompasses all the elements created by the interaction through time between human and natural factors.

Conclusions. Final considerations on the dimension and the legal nature of cultural heritage law.

Cultural heritage law appears gradually to be a specialized chapter in the study of law especially in schools of the legal cultures that appreciate this branch of law, like French culture, but mostly as a sine qua non auxiliary resource for the implementation of measures and policies on the discovery, conservation, restoration, protection and valorization of national and international cultural heritage. On the other hand, the science of regulation of cultural heritage stands out, in an expressive and necessary way, from the vast and complex heritage's discipline, like many other scientific contributions in domains such as anthropology, history, archaeology, art, the science of cultural heritage's restoration, architecture, engineering etc. The different

scientific efforts sustain positive actions and démarches for the conservation, restoration and valorization. Cultural heritage law consists in a positive depiction of the efficient current normativity, but it also represents a special scientific background which evolved together with the law, involving not only pure, specific or borrowed concepts and institutions from other branches of law, but also a plurality of notions, concepts, reasons, approaches and arguments from related domains like legal anthropology, legal sociology, legal philosophy and legal geography. We tried to capture all these elements in the first chapter.

All of the above statements represent a conclusion of cultural heritage law, in its unity, universality and diversity. A comparatist study, created on reasonable lines, on French, Italian and Romanian legal cultures helped us to observe, in a relevant but unexhaustive proportion, the current stage of the evolution of cultural heritage law. Thus we have discovered common institutions, born from unique approaches, indispensable for every legal protection system in this area, we have noticed similitudes and tenuous differences, we have evaluated different approaches to regulations and we have appreciated remarkable effects of the legal acculturation, both *de lege ferenda* and *de lege lata*. Before presenting other conclusions regarding the bigger picture of cultural heritage law, we will submit the last conclusive reflections about every studied legal culture.

In French law, we observe *ab initio* the adoption of Code du patrimoine and that the absence of a superfluous “culturel” in the title reflects how this nation, which is a depository of one of the most vast cultural heritage in world, intensively assimilated the concept of “heritage”. Code du patrimoine, which is a work created in the spirit of French accentuated preference for legislative codification, appears to be an out-putting piece of legislation, the result of a legislative technique of pre-existing rules’ compilation, a succession organized somehow, with minimum elements of synthesis. The French legislation is vast, both from the legislative and regulatory perspective and it is continuously adapting to the current realities of French and universal cultural life. This law covers all areas of cultural heritage that interests nowadays, both the enshrined and the relatively new ones. Without being a reference, the French model remains a necessary landmark for the improvement of cultural heritage law.

The Italian model is , from our point of view, superior to the French one. The Italian legal culture has the responsibility of preserving the most important cultural heritage in the world, it represents a space where are located vestiges of illustrious civilizations of antique and medieval history and it is inspired by a powerful and old tradition in the area of cultural

heritage's protection. Thus, Italian legal culture attained the peak of the evolution of cultural heritage law. Italian law has a principal legislative act, Codice dei beni culturali e del paesaggio, and is a veritable masterpiece, based on a synthesis of legal texts and institutions and a well-organized and coherent approach to cultural essences of cultural heritage's science. The Italian cultural heritage law's system is integrated in a more extensive structure that brings together the natural ambiance, cultural sights and urban landscapes. Moreover, Italian codification stands out due to its suppleness, due to its perfect manner of enriching the principles of proportionality and subsidiarity and its choice to give freedom of action for judge's mindset. Finally, a relevant clue to the magnitude of Italian legal culture is the remarkable dimension of legal literature on this topic, thus a genuine Italian school can be recognized.

Despite the level of development, lower than the one of other occidental states, a past not as glorious as the one of France or Italy or despite a low interest in investing in national cultural heritage, Romanian law is quite satisfactory, if not laudable. In fact, the destiny of cultural heritage is ruined by the low level of education, by corruption, lack of interest, methods of implementing existing legal rules, rather than by the quality of law in this domain. We note the existence of an elite which holds the science of preserving the heritage and inspires the legislator in order to achieve this goal. However, this didn't happen all the time.

Cultural heritage law cannot be identified in *integrum* in one of the main branches of public or private law, because of the natural complexity of this vast and varied legal domain. We do not share the opinion that cultural heritage law is a special domain of administrative law, for the simple reason that it isn't, despite the profile of laws that represent legislative instrument for this area. From our point of view, neither the preponderance of contentious-administrative litigations regarding cultural assets, nor the complex architecture of institutions created, developed and maintained in order to implement public policies on protecting, restoration and valorization of cultural heritage are arguments for a supposed administrative nature of cultural heritage law.

From another point of view, the positive law of cultural heritage is regarded as a law of limits on property rights, on other real right or on right of use derived from onerous or gratuitous contracts. Limits on property rights accompanied *ab initio* the right to property itself and have become more and more noticeable alongside the civilizations' evolution highlighted by the development of urban environment, the construction of great infrastructure and by the amelioration of land resources' exploitation. In Roman law, *exempli gratia*, the limits on real

property rights were recognized in order to ensure the utilisation of lands by their owner, regardless of the property regime, private or public. The cause of these limits on property rights were relationships between neighbours, the public interest in creating servitudes or even expropriation⁶. In the cultural heritage law, the primordial cause of every established limit on property rights, on other real right or on right of use regarding cultural assets is the perpetuation of the existence of these assets or their existence itself. Then come all the prerogatives, of the current and future universality of people, to enjoy sooner or later the cultural vocation of these goods.

Is cultural heritage law an autonomous branch of law? Despite the accentuated unity and uniformity of cultural heritage law, the answer is no. Branches of law are recognized concepts in the general theory of law, whose identity is discovered with the help of legal variables like object of law, method of law, qualities of subjects, prevalent characteristic of norms. From all of these perspectives, cultural heritage law is complex and varied. So that, the object of law is represented by both patrimonial and non-patrimonial legal relationships. The method of law is mainly the subordination but there are sufficient other legal relationships in which the legal subjects are on an equal position. Legal subject can be qualified or unqualified. This varies according to the purpose of the norms, that are mainly imperative norms due to the imperative scope of cultural heritage law. To answer the above-mentioned question, we will state that cultural heritage law does not have the vocation of being a branch of law, but it is a veritable law domain, an area where organic elements from different branches of law merge in a big picture reinforced with the fundamental principles of conservation, protecting and valorization of cultural heritage and which has an evolving unique identity perpetually augmented by the self-consciousness of the contemporary human caught in a diachronic search for its identity, culture and civilization. The distinct appearance of cultural heritage law mustn't be searched in the technical dimension of branches or sub-branches of law, from which cultural heritage law extracts its essence. It must be searched in the organic field of cultural ideals. These are superior to common rights or obligations that make cultural goods to be similar to other assets, or worse, ruins, derelict sites, old stuff. The cultural interest generates cultural heritage law using all the legal instruments made available by the actual evolution of law of all branches. Thus law is one of the numerous sciences that merge in order to build the grand cultural heritage science.

⁶ Valerius M. CIUCĂ, *Drept roman...*, vol. I, p. 386.

One of the initiating questions which could help with the approach of this theme and the creation of this thesis which will be ended soon, is whether cultural heritage law belongs to private or public law. The evolution of law in the contemporaneity made these huge and artificial divisions less important, moreover, nowadays we can no longer affirm that public law or private law exists in its pure form. From a broader perspective, cultural heritage law ideally applies the principle of proportionality in order to bring together rigours of public law and the dispositive spirit of private law, thus an optimum balance is created. In other words, the discipline of cultural heritage was born in the intimacy of private spaces, where it was discovered. Then, due to successive cultural and scientific renaissances, it was gradually appropriated by the public space of humanity's general interest, for its cultural history. This evolution inherently shaped the cultural heritage law, progressively minimized the private prerogatives regarding cultural heritage and created accentuated constraints on the exercise of right to property or other right with a private origin. Despite this tendency of relative "expropriation" in the favour of the public interest for protection, preservation and valorization of cultural heritage, the cultural heritage law's private fibre remains untouched in its essence, that is why rights and interests of private subjects, to cultural assets, are enshrined and protected. A different situation is when prevalent cultural imperatives don't require the intervention of the public power. As a first conclusion, we strongly affirm that cultural heritage law is now and it will remain basically a private law and this character is substantially ameliorated by norms from branches of public law.

Another essential conclusion of our study refers to the universal dimension of cultural heritage law. Like the protection of the environment, which is a movement animating the entire world, and the environmental law, cultural heritage law has an accelerated vector of internationalization, in connection with all other nation's efforts to integrate all the cultural vestiges and human's creations in a universal heritage to which everyone is equally entitled. From preliminary revolutionary ideas of Victor Hugo, to the last international conventions between states on improving the measures in the domain of cultural heritage, the philosophy of cultural heritage evolved in this direction, on both national and international plan, by entering into treaties and conventions that created brand-new principles, rules and purposes in the area of protection, restoration and exploitation cultural heritage. Furthermore, we can not overlook the remarkable international dynamic of the legal relationships and legal situations in the cultural heritage's sphere. One of the most important and recent movement is born as a consequence of the emphasised nation's intentions to restore lost heritages due to historic and

cultural events. The latest dispute was reborn after some démarches in 1980 regarding the well-known Elgin Marbles, which are some decorative pieces detached from the structures of Pantheon and Erechtheion in Athens at the beginning of the 19th century and transported in The British Empire and that are important exhibits of the permanent exhibition of the British Museum. Greece, the country of origin for vestiges from The Acropolis, succeeded in negotiation on the repatriation of the sculptures, on the background of the exit of UK and Northern Ireland from European Union. The above-mentioned example belongs to a remarkable movement to restore the cultural heritage, whose principles are in a process of creation and implementation. There are pros and cons. Our conclusion from this point of view underlines the benign historical fatality of cultural connections between nations and civilizations.

Cultural heritage law represents a fertile land for legal acculturation.

Cultural heritage law is a legal creation which sustains the cultural memory and the collective memory of communities and humanity.

Bibliography

A. Treatises, manuals and monographs.

1. ACHIMESCU, Nicolae, *Istoria și filosofia religiei la popoarele antice*, ediția a II-a, Editura Thenopress, Iași, 2000.
2. AINIS, Michele et alii, *L'ordinamento della cultura. Manuale di legislazione dei beni culturali*, ed. a II-a, Giuffrè Editore, Milano, 2008.

3. ALEXANDER, Edward P, ALEXANDER Mary, *Museums in Motion: An Introduction to the History and Functions of Museums*, ed. a II-a, Altamira Press, Lanham, Plymouth, 2008.
4. ALEXANDRESCO, Démétre, *Droit ancien et moderne de la Roumanie; étude de législation comparée*, Ed. Duchemin, Libraire de Jurisprudence, Paris, 1898.
5. ALEXANDRESCO, Dimitrie, *Explicațiunea teoretică și practică a dreptului civil român*, Atelierele grafice SOCEC & Co., 1915.
6. ANGIULI, Annamaria, CAPUTI JAMBRENGHI, Vincenzo (eds.), *Commentario al Codice dei beni culturali*, Giappichelli Editore, Torino, 2005.
7. ALIBRANDI, Tommaso, FERRI, P. Giorgio, *I beni culturali e ambientali*, Giuffrè Editore, Milano, 2001.
8. ASSMANN, Jan, *Memoria culturală: scriere, amintire și identitate politică în marile culturi antice*, traducere de Octavian Nicolae, Editura "Universității Alexandru Ioan Cuza", Iași, 2013.
9. AUDRERIE, Dominique, *La notion et la protection du patrimoine*, Presses Universitaires de France, Paris, 1997.
10. AUDRERIE, Dominique, *La protection du patrimoine culturel dans les pays francophones*, ESTEM Éditions Scientifiques, Techniques et Médicales, Paris, 2000.
11. AUGE, Marc, *Religie și antropologie*, Editura Jurnalul literar, București, 1995.
12. AUTIERI, Tiziana, de PAOLIS, Maurizio et alii, *Commentario al Codice dei beni culturali e del paesaggio*, Maggioli Editore, Rimini, 2007.
13. AVRAM, Ioan, *Antropologie juridică*, Editura Eftimie Murgu, Reșița, 1997.
14. Carlo AZZIMONTI, *I beni culturali ecclesiastici nell'ordinamento canonico e in quello concordatario italiano*, Edizioni Dehoniane, Bologna, 2001.
15. BABELON, Jean-Pierre et alii, *La notion de patrimoine*, Liana Levi, Paris, 1994.
16. BADY, Jean-Pierre, *Les monuments historiques en France*, Presses Universitaires de France, Paris, 1997.
17. BALAN, Marius, ROMAN Emilian Iustinian (eds.), *Patrimoniul cultural religios: legislație și jurisprudență*, Editura Universității "Al. I. Cuza", Iași, 2018.
18. BARBATI, Carla et alii (eds.), *Diritto del patrimonio culturale*, Il Mulino, Bologna, 2017.
19. BASDEVANT-GAUDEMET, Brigitte et alii (eds.), *Le patrimoine culturel religieux. Enjeux juridiques et pratiques culturelles*, L'Harmattan, Paris, 2006.

20. BENHAMOU, Françoise et alii (eds.), *Le patrimoine culturel au risque de l'immatériel. Enjeux juridiques, culturels, économiques*, L'Harmattan, Paris, 2011.
21. BILANCIA, Paola (ed.), *La valorizzazione dei beni culturali. Modeli giuridici di gestione integrata*, Franco Angeli Editore, 2006.
22. BÎRSAN, Corneliu, *Drept civil. Drepturile reale principale în reglementarea noului Cod civil*, Editura Hamangiu, București, 2013.
23. BLAKE, Janet, *International Cultural Heritage Law*, Oxford University Press, 2015.
24. BORKOWSKI, Andrew, *Roman Law*, ed. a II-a, Oxford University Press, 2003.
25. BORKOWSKI, Andrew, du PLESSIS, Paul, *Textbook on Roman Law*, Oxford University Press, 1994.
26. BOROI, Gabriel et alii, *Instituții de drept civil în reglementarea noului Cod civil*, Editura Hamangiu, București, 2012.
27. BRAVO, Carlos López, *El patrimonio cultural en el sistema de derechos fundamentales*, Universidad de Sevilla. Secretariado de publicaciones, 1999.
28. BROWN, Baldwin, *The Care of Ancient Monuments: An Account of Legislative and Other Measures Adopted in European Countries for Protecting Ancient Monuments and Objects and Scenes of Natural Beauty and for Preserving the Aspect of Historical Cities*, Cambridge University Press, 1905.
29. CABIDDU, Maria Agostina, GRASSO, Nicola (eds.), *Diritto dei beni culturali e del paesaggio*, Giappichelli Editore, Torino, 2007.
30. van CAENEGEM, Raoul Charles, *An Historical Introduction into Private Law*, Cambridge University Press, 1992.
31. van CAENEGEM, Raoul Charles, *European Law in the Past and the Future : Unity and Diversity Over Two Millennia*, Cambridge University Press, 2002.
32. CAMASSA, Erminia, *I beni culturali di interesse religioso. Principio di collaborazione e pluralita' di ordinamenti*, Giappichelli Editore, Torino, 2013.
33. CAMPANELLI, Michele, *Guida al nuovo Codice dei beni culturali e del paesaggio*, Halley Editore, 2004.
34. CARBONNIER, Jean, *Sociologie juridique*, Presses Universitaires de France, Paris, 1978.
35. CARUGNO, Giuseppe Nerio et alii (eds.), *Codice dei beni culturali annotato con la giurisprudenza*, ed. a II-a, Giuffrè Editore, Milano, 2006.
36. CASSANELLI, Roberto, PINNA, Giovanni (eds.), *Lo stato aculturale : intorno al Codice dei beni culturali*, Jaca Book, Milano, 2005.

37. CATARGIU, Magdalena, *Persoanele morale fără scop lucrativ în dreptul european: studiu comparativ-istoric*, Editura Hamangiu, București, 2015.
38. CHECHI, Alessandro, *The Settlement of International Cultural Heritage Disputes*, Oxford University Press, 2014.
39. CHIZZONITI, Antonio Giuseppe, *Profili giuridici dei beni culturali di interesse religioso*, Libelulla Edizioni, 2009.
40. CHRISTENSON, Andrew L., *Tracing Archaeology's Past : The Historiography of Archaeology*, Southern Illinois University Press, Carbondale and Edwarsville, 1989.
41. CIUCĂ, Valeriu, *Repere teoretice în sociologia juridică generală – eboșe*, Editura Sagittarius, Iași, 1994.
42. CIUCĂ, Valerius M., *Lecții de sociologia dreptului*, Editura Polirom, Iași, 1998.
43. CIUCĂ, Valerius M. (coord.) et alii, *Lecții de drept privat comparat*, vol. I-III, Editura Fundației Academice "Axis", Iași, 2003-2009.
44. CIUCĂ, Valerius M., *Lecții introductive de hermeneutică juridică. SYLLABUS*, Editura Fundației Academice "Axis", Iași, 2005.
45. CIUCĂ, Valerius M., SCRIPCARU Gheorghe, SCRIPCARU, Călin, *Psihanaliză și hermeneutică juridică. O pledoarie pentru iubirea necondiționată*, Editura Fundației Academice "Axis", Iași, 2005.
46. CIUCĂ, Valerius M., SCRIPCARU, Gheorghe, *Individul radical*, Editura Fundației Academice "Axis", Iași, 2006.
47. CIUCĂ, Valerius M., *Euronomosofia*, vol. I, *Prolegomene la o operă în eșafodaj*, Editura Fundației Academice "Axis", Iași, 2006.
48. CIUCĂ, Valerius M., *Drept roman. Lecțiuni*, vol. I-II, Editura Universității "Alexandru Ioan Cuza" din Iași, Iași, 2014.
49. COMPAGNON, Antoine, SEEBACHER, Jaques, *Spiritul Europei*, vol. I-III, Editura Polirom, Iași, 2002.
50. CONSTANTINESCO, Leontin-Jean, *Tratat de drept comparat*, vol. I-III, Editura All Educational, București, 1997-2001.
51. COON, Carleton S., *The Story of Man: From the First Human to Primitive Culture and Beyond*, ed. a II-a, Alfred A. Knoff, New York, 1962.
52. COPANS, Jean, *Introducere în etnologie și antropologie*, trad. în lb. română de Elisabeta Stănciulescu și Ionela Ciobănașu, Editura Polirom, Iași, 1999.
53. CORNU, Marie et alii, *Patrimoine culturel et la mer. Aspects juridiques et institutionnels*, t. 1-2, L'Harmattan, Paris, 2002.

54. CORNU, Marie et alii (eds.), *La revendication du patrimoine écrit. Questions juridiques et pratiques institutionnelles*, L'Harmattan, Paris, 2009.
55. CORNU, Marie et alii (eds.), *Dictionnaire comparé du droit du patrimoine culturel*, CNRS Éditions, Paris, 2012.
56. CORNU, Marie et alii (eds.), *L'inélinéabilité des collections, performances et limites?*, L'Harmattan, Paris, 2012.
57. CORNU, Marie et alii, *Droit et patrimoine culturel immatériel*, L'Harmattan, Paris, 2013.
58. CORNU, Marie et alii, *La préservation des archives privées et l'intérêt public. Mutations et ruptures*, L'Harmattan, Paris, 2013.
59. CORNU, Marie et alii, *Code du patrimoine 2017, annoté et commenté, ediția I*, Dalloz, Paris, 2017.
60. CRANE, Susan A. (ed.), *Museums and History*, Stanford University Press, 2000.
61. CUCOȘ, Ștefan, *Drept roman*, Editura Universul Juridic, București, 2005.
62. CUQ, Édouard, *Manuel de institutions juridiques des romains, ediția a II-a*, Librairie Plon, Paris, 1928.
63. DELAFONS, John, *Politics and Preservation : A Policy History of the Built Heritage 1882 – 1996*, Routledge, London, 2005.
64. DELEANU, Ioan, *Ficțiunile juridice*, Editura All Beck, București 2005.
65. DELIÈGE, Robert, *O istorie a antropologiei. Școli, autori, teorii*, traducere de Ioan T. Bița, Editura Cartier, Chișinău, 2007.
66. DIAMONSTEIN, Barbaralee, *Buildings Reborn: New Uses, Old Places*, Harper & Row, New York, 1978.
67. DINKEL, Rene, *Encyclopédie du patrimoine: Monuments historiques, patrimoine bâti et naturel, protection, restauration, réglementation: doctrines-techniques-pratiques*, Les Encyclopédies du Patrimoine, Paris, 1997.
68. DINSMOOR, William Bell, *The Architecture of Ancient Greece: An Account of Its Historic Development*, Biblio and Tannen, New York, 1975.
69. DRÎMBA, Ovidiu, *Istoria culturii și a civilizației, vol. I-XIII*, Editura Saeculum I.O., București, 1999.
70. DROMGOOLE, Sarah, *Underwater Cultural Heritage and International Law*, Cambridge University Press, 2013.

71. DUFAUX, Janine, DUPUY Philippe, DURAND, Jean-Paul et alii (eds.), *Liberté religieuse et régimes des cultes en droit français. Textes, pratique administrative, jurisprudence*, Éditions du Cerf, Paris, 1996.
72. DURAC, Gheorghe, *Drept procesual civil*, Editura Fundației Academice "Axis", Iași, 2010.
73. DURAND, Jean-Paul, *La liberté des congrégations religieuses en France. I-III*, Éditions du Cerf, Paris, 1999-2000.
74. DURET-ROBERT, François et alii, *Droit du marché de l'art 2016/2017*, édition a VI-a, Dalloz, Paris, 2017
75. DURKHEIM, Émile, *Formele elementare ale vieții religioase*, Editura Polirom, Iași, 1995.
76. EILERTSEN, Lill, AMUNDSEN, Arne Bugge (eds.), *Museum Policies in Europe 1990-2010. Negotiating Professional and Political Utopia*, EuNaMus Report nr. 3, p. 3.
77. ELIADE, Mircea, *Sacru și profanul*, ed. a III-a, Editura Humanitas, București, 2013.
78. ENDE, Werner, STEINBACH, Udo, (eds.), *Islam in the World Today: A Handbook of Politics, Religion, Culture, and Society*, Cornell University Press, Ithaca & London, 2010.
79. EVSEEV, Ivan, *Enciclopedia semnelor și simbolurilor culturale*, Editura Amarcord, Timișoara, 1999.
80. FALCONE, N.A., *Il codice delle belle arti ed antichità*, Firenze, 1913.
81. FAMIGLIETTI, Gianluca, PIGNATELLI, Nicola (eds.), *Codice dei beni culturali e del paesaggio. Annotato con dottrina, giurisprudenza e formule*, ed. I, Neldiritto Editore, Roma, 2015.
82. FELICIANI, Giorgio (ed.), *Beni culturali di interesse religioso*, Il Mulino, Bologna, 1995.
83. FERRETTI, Alessandro, *Manuale di diritto dei beni culturali e del paesaggio*, ed a VII-a, Edizioni Giuridiche Simone, 2016.
84. FLORIAN, Francesco (ed.), *Legislazione dei beni culturali*. EDUcat, Milano, 2015.
85. FORNEROD, Anne, *Le régime juridique du patrimoine religieux*, L'Harmattan, Paris, 2013.
86. FORNEROD, Anne, *Funding Religious Heritage*, Ashgate Publishing Limited, 2015.
87. FORREST, Craig, *International Law and the Protection of Cultural Heritage*, Routledge, 2010.

88. FORTE, Francesco et alii, *Manuale di economia e politica dei beni culturali*, Rubbettino, 2004.
89. FRANCONI, Francesco et alii coord., *Enforcing International Cultural Heritage Law*, Oxford University Press, 2013.
90. FRIER, Pierre-Laurent, *Droit du patrimoine culturel*, Presses Universitaires de France, Paris, 1997.
91. FRIER, Pierre-Laurent coord., *Le nouveau droit de l'archéologie préventive*, L'Harmattan, Paris, 2004.
92. FRIGO, Manlio, *La circolazione internazionale dei beni culturali. Diritto internazionale, diritto comunitario e diritto interno*, Giuffrè Editore, 2007.
93. FUKUYAMA, Francis, *Sfârșitul istoriei?*, traducere de Dana Bercea, Editura Vremea, București, 1994.
94. GALLAGHER, Clarence, *Canon Law and the Christian Community*, Università Gregoriana Editrice, Roma, 1978.
95. GAUDEMET, Jean, *Les sources du droit canonique, VIII^e – XX^e siècle*, Éditions du Cerf, Paris, 1993.
96. GAUDEMET, Jean, *Église et Cité. Histoire du droit canonique*, Éditions du Cerf-Montchrestien, Paris, 1994.
97. GAVRILUȚĂ Nicu, *Antropologie socială și culturală*, Editura Polirom, Iași, 2009.
98. GEERTZ, Clifford, *Interpretarea culturilor. Eseuri alese*, traducere de Ciprian Șiulea, Editura Tact, Cluj-Napoca, 2014.
99. GHÎȚESCU, Gheorghe, *Antropologie artistică*, Editura Alfa, București, 2001.
100. GIDDENS, Anthony, *Sociologie*, Editura All, București, 2010.
101. GIRARD, Paul Frédéric, *Manuel élémentaire de droit romain*, Arthur Rousseau Editeur, Paris, 1906.
102. GOLDIN, Ian, KUTARNA, Chris, *Age of Discovery: Navigating the Risks and Rewards of Our New Renaissance*, St. Martin's Press, New York, 2016.
103. GOURMELEN, René-Jean, *La protection juridique des monuments historiques: analyse et relecture d'un modèle*, L'Harmattan, Paris, 2016.
104. HAMILAKIS, Yannis, *The Nation and its Ruins: Antiquity, Archaeology, and National Imagination in Greece (Classical Presences)*, Oxford University Press, 2009.
105. HANGA, Vladimir, BOB, Mircea Dan, *Curs de drept privat roman*, Editura Universul Juridic, București, 2011.

106. HARWOOD, Richard, *Historic Environment Law : Planning, Listed Buildings, Monuments, Conservation Areas and Objects*, Institute of Art and Law, 2012.
107. HARWOOD, Richard, *2014 Supplement to Historic Environment Law : Planning, Listed Buildings, Monuments, Conservation Areas and Objects*, Institute of Art and Law, 2014.
108. HÉRITIER, Annie, *Genèse de la notion juridique de patrimoine culturel 1750 – 1816*, L'Harmattan, Paris, 2003.
109. HICKS, Edward, *Traces of Greek Philosophy and Roman Law in the New Testament*, Society for Promoting Christian Knowledge, London, 1896.
110. IFTIMI, Sorin, *Cercetări privitoare la istoria bisericilor ieșene. Monumente, ctitori, mentalități*, Editura Doxologia, Iași, 2014.
111. IVĂNESCU, Dumitru et alii coord., *Patrimoniu național și modernizare în societatea românească : instituții, actori strategii*, Editura Junimea, Iași, 2009.
112. JACOTĂ, Mihail, PITICARI, Gheorghe, *Drept privat roman*, Universitatea „Alexandru Ioan Cuza”, Facultatea de Drept, Iași, 1997.
113. JOKILEHTO, Jukka, *A History of Architectural Conservation*, Routledge, London & New York, 2011.
114. KANT, Immanuel, *Political Philosophy*, Mary J. Gregor ed., traducere de Allen W. Wood, Cambridge University Press, 1996.
115. KOSHAR, Rudy, *Germany's Transient Pasts : Preservation and National Memory in the Twentieth Century*, The University of North Carolina Press, 1998.
116. KOZMA, Andrei et alii, *Antropologie și cultură*, Editura Niculescu, București, 2012.
117. *Legal and Practical Measures Against Illicit Trafficking in Cultural Property : UNESCO Handbook*, International Standards Section Division of Cultural Heritage, 2006.
118. LEONE, Giovanni, TARASCO, Antonio Leo (eds.), *Commentario al codice dei beni culturali e del paesaggio*, CEDAM, Padova, 2006.
119. LEȘ, Ioan, *Sisteme judiciare comparate*, Editura All Beck, București, 2002.
120. LÉVI-STRAUSS, Claude, *Gândirea sălbatică*, traducere de I. Pecher, Editura POLIROM, București, 2011.
121. LÈVI-STRAUSS, Claude, *Antropologia și problemele lumii moderne*, traducere de Giuliano Sfichi, Editura POLIROM, București, 2011.

122. LI, Wang, *La Convention pour la sauvegarde du patrimoine culturel immatériel*, L'Harmattan, Paris, 2013.
123. LIXINSKI, Lucas, *Intangible Cultural Heritage in International Law*, Oxford University Press, 2013.
124. LONGINESCU, Ștefan, *Elemente de drept roman*, vol. I-IX, Tipografia „Curierul judiciar”, Societate Anonimă, București, 1921-1929.
125. MACOVEI, Ioan, *Tratat de drept al proprietății intelectuale*, Editura C.H. Beck, București, 2010.
126. MACDONALD, William Loyd, *The Pantheon: Design, Meaning and Progeny*, Harvard University Press, Cambridge, MA, 1976
127. MAGET, Antoinette, *Collectionnisme public et conscience patrimoniale. Les collections d'antiquités égyptiennes en Europe*, L'Harmattan, Paris, 2009.
128. MAGNANI, Giacomo, *Introduzione alla gestione dei beni culturali. L'ambiente normativo e culturale : opportunità e vincoli per il management delle istituzioni culturali*, EDUCatt, 2004.
129. MANSI, Antonio, *La tutela dei beni culturali e del paesaggio*, CEDAM, Padova, 2004.
130. MAINE, Henry Sumner, *Ancient Law : Its Connection with the Early History of Society and Its Relation to Modern Ideas*, John Murray, London, 1908.
131. MAYER-ROBITAILLE, Laurence, *Le statut juridique des biens et services culturels dans les accords commerciaux internationaux*, L'Harmattan, Paris, 2008.
132. MIRRI, Maria Beatrice, *Codice dei beni culturali e del paesaggio*, ed. a IV-a, Edizioni Sette Città, 2014.
133. VON MEHREN, Arthur Taylor, *The Civil Law System: An Introduction to the Comparative Study of Law*, ed. a II-a, Little Brown & Co Law & Business, 1977.
134. MERRYMAN, John Henry, PÉREZ-PERDOMO, Rogelio, *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America*, ed. a III-a, Stanford University Press, 2007.
135. MIHU, Achim, *Antropologie culturală*, Editura Napoca Star, Cluj-Napoca, 1999.
136. MINNERATH, Roland, *L'Église catholique face aux États. Deux siècles de pratique concordataire, 1801-2010*, Éditions du Cerf, Paris, 2012.
137. MITHEN, Steven, *After the Ice: A Global Human History, 20,000 – 5000 BC*, Harvard University Press, Cambridge, MA, 2006.
138. MOLCUȚ, Emil, *Drept privat roman*, Editura Universul Juridic, București, 2013.

139. MORRONE, Alfredo, *Elementi di diritto dei beni culturali e del paesaggio*, Giuffrè Editore, Milano, 2014.
140. MUREȘANU, Ștefan Lucian, *Antropologie culturală. Studii*, Editura Victor, București, 2011.
141. MURGESCU, Bogdan (coord.), *Istoria României în texte*, Editura Corint, București, 2001.
142. NAFZINGER, James A.R., KIRKWOOD PATERSON, Robert eds., *Handbook on the Law of Cultural Heritage and International Trade*, Edward Elgar Publishing, 2014.
143. NÉGRI, Vincent, *Patrimoine archéologique et son droit: questions juridiques, éthiques et culturelles*, Bruylant, Bruxelles, 2015.
144. NELKEN, David, *Adapting Legal Cultures*, Oxford Hart Publishing, 2001.
145. NICHOLAS, Barry, *An Introduction to Roman Law*, Oxford University Press, 1976.
146. NISTOR, Sergiu, *Protecția patrimoniului cultural în România : culegere de acte normative*, Editura Universității „Ion Mincu”, București, 2002.
147. de NOBLET, Christel, *Protection du patrimoine architectural aux États-Unis et au Royaume-Uni. Initiative privée à but non lucratif*, L'Harmattan, Paris, 2009.
148. OPRIȘ, Ioan, *Monumentele istorice din România: (1850-1950)*, Editura Vremea, București, 2001.
149. PARPAGLIOLO, Luigi, *Codice delle Antichità e degli oggetti d'arte*, Libreria dello Stato, Roma, 1932.
150. PASQUALINI SALSA, Claudia, *Manuale di diritto ambientale*, Maggioli Editore, 2011
151. PĂUNESCU, Cristian, *Banca, banii și bancherii. Pagini de istorie bancară*, Editura Oscar Print, București, 2009.
152. PĂUNESCU, Cristian, MATEI, Salvarea aurului polonez, Editura Oscar Print, București, 2012.
153. PĂUNESCU, Cristian, MATEI, Dorin, TONE, Mihaela, BIRĂU, Gheorghe, *Odiseea aurului B.N.R. Tismana 1944-1947*, Editura Oscar Print, București, 2015.
154. PĂUNESCU, Cristian, ȘTEFAN, Marian (eds.), *Tezaurul Băncii Naționale a României la Moscova. Documente, ed. a III-a revizuită și adăugită*, Editura Oscar Print, București, 2019.
155. PETRONCELLI HÜBLER, Flavia, *I beni culturali religiosi. Quali prospettive di tutela*, ed. a III-a, Jovene Editore, Napoli, 2008.

156. PETZET, Michael, Principii internaționale ale prezervării monumentelor, trad. în lb. română de Ligia Andreica și Ioana Rus, Editura Utilitas, Cluj-Napoca, 2010.
157. PLANCHET, Pascal, Droit de l'urbanisme et protection du patrimoine: enjeux et pratiques, Le Moniteur, 2009.
158. POLI, Jean-François et alii coord., Droit et protection du patrimoine culturel dans les pays méditerranéens, L'Harmattan, Paris, 2006.
159. PONTHER, Jean-Marie et alii, Droit de la culture, Dalloz, Paris, 1996.
160. POPA, Nicolae et alii, Sociologie juridică, ediția a II-a, Editura Universității din București, București, 2003.
161. PRICE, William F. et alii, Introducere în antropologie culturală, trad. în lb. română de Eusebiu Tihan, Editura B.C.S, București, 2001.
162. de RADKOWSKI, Georges-Hubert, Antropologie generală, trad. In lb. română de Florin Ochiana, Editura Amarcord, București, 2000.
163. RENNA, M., SESSA, V.M., VISMARA MISSIROLI, M. (eds.), Codice dei beni culturali di interesse religioso, Giuffrè Editore, Milano, 2003.
164. ROLLI, Renato, SICLARI, Domenico (eds.), Codice dei beni culturali e del paesaggio, Aracne, 2016.
165. RUSANOVSKI, Iulian, Războiul Monumentelor: Soarta monumentelor din Basarabia, Bucovina de Nord, Transnistria din perioada 1918-1944, Editura Cu drag, Chișinău, 2018.
166. SALITURO, Giuseppe, Beni culturali e quadri normativi, Rubbettino, 2006;
167. SANDULLI, Maria Alessandra (ed.), Codice dei beni culturali e del paesaggio, ed. a II-a, Giuffrè Editore, 2012.
168. SAUJOT, Collete, Le droit français de l'archéologie, ed. a II-a, Editions Cujas, 2007.
169. SCALERA, Lucia, Beni culturali e „Nuovo Concordato”, Giuffrè Editore, Milano, 1990.
170. SCHMIDLIN, Bruno, Droit privé romain. 1: Origines et sources, famille, biens, sucesions, Université de Geneve, Faculté de droit, Geneva, 2008.
171. SCRIPCARU, Gheorghe, CIUCĂ Valerius M., Individul radical, Editura Fundației AXIS, Iași, 2006.
172. SIMION, Victor et alii, Bazele muzeologiei și conservării preventive a patrimoniului național cultural religios, Editura Trinitas, Iași, 2005.

173. SPERANȚIA, Eugeniu, *Principii fundamentale de filosofie juridică*, Institutul de Arte Grafice „Ardealul”, Cluj, 1936.
174. STAMATOUDI, Irini A., *Cultural Property Law and Restitution: A commentary to International Conventions and European Union Law*, Edward Elgar Publishing Limited, Cheltenham, 2011.
175. STEIN, Peter, *Roman Law in European History*, Cambridge University Press, 1999.
176. STIEBING, William H., *Uncovering the Past: A history of Archeology*, Oxford University Press, 1994.
177. STOICESCU, Constantin, *Curs elementar de drept roman*, Editura Universul Juridic, București, 2009.
178. STRATI, Anastasia, *The Protection of the Underwater Cultural Heritage : An Emerging Objective of the Contemporary Law of the Sea*, Kluwer law International, 1995.
179. SUPIOT, Alain, *Homo juridicus: eseu despre funcția antropologică a dreptului*, traducere de Cătălina Teodora Burgă și Dorin Raț, Editura Rosetti Educațional, București, 2011.
180. Raffaella TAMIOZZO (ed.), *Il Codice dei beni culturali e del paesaggio. Decreto legislativo 22 gennaio 2004, n. 42*, Giuffrè Editore, Milano, 2005.
181. TAMIOZZO, Raffaele, *La legislazione dei beni culturali e paesaggistici: guida ragionata*, Giuffrè Editore, 2009.
182. TELLEGEN-COUPERUS, Olga, *A Short History of Roman Law*, Routledge, Londra, 1993.
183. TEMPESTA, Giuseppe, *Beni culturali circolazione giuridica e interesse religioso*, Cacucci Editore, Bari, 2012.
184. TOCCI, Mario, *Il regime giuridico dei beni culturali di interesse religioso*, Pacini Editore, 2017.
185. TOUZEAU, Line, *La protection du patrimoine architectural contemporain : recherche sur l'intérêt public et la propriété en droit de la culture*, L'Harmattan, Paris, 2011.
186. TREADGOLD, Warren T. (ed.), *Renaissances before the Renaissance : Cultural Revivals of Late Antiquity and the Middle Ages*, Stanford University Press, Stanford, CA, 1984.

187. TSIVOLAS, Theodosios, *Law and Religious Cultural Heritage in Europe*, Springer, 2014.
188. TOUZEAU-MOUFLARD, Line, Verjat, ARMELLE, *La protection des monuments historiques*, Dalloz, 2015.
189. ULPH, Janet, SMITH, Ian, *The Illicit Trade in Art and Antiquities: International Recovery and Criminal and Civil Liability*, Hart Publishing, Oxford and Portland, 2012.
190. UNGUREANU, Carmen Tamara, *Drept civil. Partea generală. Persoanele*, ed. a 2-a, Editura Hamangiu, București, 2013.
191. VADI, Valentina, de WITTE, Bruno coord., *Culture and International Economic Law*, Routledge, 2015.
192. Diego VAIANO, *La valorizzazione dei beni culturali*, G. Giappichelli Editore, Torino, 2011.
193. VASILE, Cristian, *Viața intelectuală și artistică în primul deceniu al regimului Caușescu: 1965-1974*, Editura Humanitas, București, 2014.
194. DEL VECCHIO, Giorgio, *Lezioni de filosofie juridică*, ediția a IV-a, traducere de Josif Constantin Drăgan, Editura Europa Nova, s.l., s.a.
195. VERTEMONT, Jean, *Dicționar al mitologiilor indo-europene*, traducere de Doina Lică și Lucian Pricop, Editura Amarcord, Timișoara, 2000.
196. VRDOLJAK, Ana Filipa ed., *The Cultural Dimension of Human Rights*, Oxford University Press, 2013.
197. VOICU, Marian, *Tezaurul României de la Moscova: inventarul unei istorii de o sută de ani*, Editura Humanitas, București, 2016.
198. VOLPE, Giulio, *Manuale di diritto dei beni culturali. Storia e attualità*, ed. a III-a, CEDAM, 2013.
199. ZANETTI, Giovanni Boldon, *Il nuovo diritto dei beni culturali*, Libreria Editrice Cafoscarina, 2016.
200. ZARTARIAN, Vahé, *Marile civilizații. China, India, Islam, Occident: o paralelă*, traducere de Mărgărita Vavi Petrescu, Editura Lider, s.l., s.a.
201. ZLĂTESCU, Victor Dan, *Drept privat comparat*, Editura Oscar Print, București, 1997.

B. Researches and articles.

1. ABRAHAMIAN, Levon, „Yerevan: Memory and Forgetting in the Organization of the Post-Soviet Urban Space”, în *Russian Cultural Anthropology After the Collapse of Communism*, A. Baiburin et alii (eds.), Routledge, London and New York, 2012, pp. 254-273.

2. ACCETTURA, Barbara, „I beni culturali tra ordinamento europeo e ordinamenti nazionali”, în: Aedon, (2003), 2 [Online] la <http://www.aedon.mulino.it/archivio/2003/2/accettura.htm>, 08 august 2019.
3. ALDANONDO SALAVERRIA, Isabel, „El patrimonio cultural de las confesiones religiosas”, în Revista catalana de dret públic, XXXIII (2006), pp. 149-179.
4. ALIBRANDI, V.T., „Valorizzazione e tutela dei beni culturali: ruolo dello Stato” în: Foro amministrativo, (1998), p. 1635.
5. AMOROSINO, Sandro, „I beni culturali d'interesse religioso nell'ordinamento amministrativo italiano”, în: Rivista trimestrale di diritto pubblico, (2013), 2, pp. 375-392.
6. BELLINGHAM, David, „The Underwater Heritage of the Riace Bronzes: Ethics, Provenance and the Art Market in Ancient Rome and Today”, în: Art, Cultural Heritage and the Market: Ethical and Legal Issues, Valentina Vadi et alii (eds.), Springer, 2014.
7. BENZO, Andrea, „Towards a Definition of Sacred Places: Introductory Remarks”, în: Between Cultural Diversity and Common Heritage: Legal and Religious Perspectives on the Sacred Places of the Mediterranean, Silvio Ferrari & Andrea Benzo (eds.), Ashgate, 2014, pp. 17-24.
8. BLAKE, Janet, „On Defining the Cultural Heritage”, în International and Comparative Law Quarterly, XLIX (2000), pp. 61-85.
9. BUZILĂ, Ciprian, „Conversia contemporană a patrimoniului ecleziastic din Roma. Studii de caz”, în: Revista Monumentelor Istorice, LXXXI (2015-2016), 1-2, pp. 7-20.
10. BUZILĂ, Varvara, „Sarvgardarea patrimoniului cultural imaterial”, în Akademos, XVII (2010), 2, pp. 44-48.
11. CAMMELLI, Marco, „Decentramento e „outsourcing” nel settore della cultura: il doppio impasse”, în Diritto Pubblico, I (2002), pp. 261-304.
12. CAPOTE-PÉREZ, Luis-Javier, „Cultural Heritage and Spanish Private Law”, în: Santander Art and Culture Law Review, III (2017), 2, pp. 237-254, [Online] la: https://www.researchgate.net/publication/326572513_Cultural_Heritage_and_Spanish_Private_Law, 06 august 2019.

13. CARPENTIERI, Paolo, „La tutela del paesaggio e del patrimonio storico e artistico della Nazione nell'art. 9 della Costituzione”, în *Rivista della Scuola Superiore dell'Economia e delle Finanze*, IV (2005), pp. 229-248.
14. CASINI, Lorenzo, „«Todo es peregrino y raro...»: Massimo Severo Giannini e i beni culturali”, în *Rivista trimestrale di diritto pubblico*, LXV (2015), 3, pp. 987-1005.
15. CONSTANTINESCU, Iulian Mihai, „Un model european privind patrimoniul cultelor religioase și finanțarea lor. Privilegii și discriminări”, în: *Patrimoniul cultural religios: legislație și jurisprudență*, Marius Balan et alii (eds.), Editura Universității „Al. I. Cuza”, Iași, 2018, pp. 125-143.
16. DAMIAN, Constantin Iulian, „Sharia și fiqh, între ra'y, sunna și modernitate”, în: *Patrimoniul cultural religios: legislație și jurisprudență*, Marius Balan et alii (eds.), Editura Universității „Al. I. Cuza”, Iași, 2018, pp. 59-80.
17. Gabriella DE GEORGI CEZZI, „Lo statuto dei beni culturali”, în *Aedon*, (2001), 3 [Online] la <http://www.aedon.mulino.it/archivio/2001/3/degiorgi.htm>, 08 august 2019.
18. DESVALLÉES, André, „Émergence et cheminement du mot patrimoine”, în: *Musées et collections publiques de France*, CCVIII (1995), pp. 6-29.
19. DOMENACH, Jean-Marie, „L'ubiquité de la violence”, în: *Revue Internationale des Sciences Sociales*, XXX (1978), 4, pp. 759-767.
20. DRELA, Monika, „Culture Goods in the Public Domain unde Polish Law – Acquiring and Disposing Difficulties”, în: *Santander Art and Culture Law Review*, II (2015), 1, pp. 291-302.
21. FARAH, Paolo Davide, TREMOLADA, Riccardo, „Diritti di proprietà intellettuale, diritti umani e patrimonio culturale immateriale”, în *Revista di Diritto Industriale*, LXIII (2014), pp. 21-47.
22. FRANCONI, Francesco, „The Human Dimension of International Cultural Heritage Law: An Introduction”, în: *The European Journal of International Law*, XXII (2011), 1, pp. 9-16.
23. GAUDEMET, Jean, „Le droit romain dans la pratique et chez les docteurs aux XI^e et XII^e siècles”, în: *Cahiers de civilisation médiévale*, VIII (1965), pp. 365-380.
24. GEORGESCU, Cristina, „Repere istorice în restaurarea patrimoniului. Anamneza și etiopatogenia patrimoniului arheologic mobil”, în: *Secvențe din preistoria sud-estului Europei. Volum dedicat memoriei lui Mihai Șimon*, 2014, pp. 431-448.

25. GHERMAN, Elena, „Muzeul – entitate patrimonială și educațională”, în: *Petrimoniul cultural religios: legislație și jurisprudență*, Marius Balan et alii (eds.), Editura Universității „Al. I. Cuza”, Iași, 2018, pp. 45-57.
26. GIANNINI, Massimo Severo, „I beni culturali”, în: *Rivista trimestrale di diritto pubblico*, XXVI (1976), 1, p. 3-38.
27. HAGEN, Hermann August, „The History of the Origin and Development of Museums”, în: *The American Naturalist*, X (1876), pp. 80-89.
28. IGNAT, Sanda, „Inventarul CMI al monumentelor (1892-1947)”, în: *Revista Monumentelor Istorice*, LXI (1992), 2, pp. 21-22.
29. JADAANE, Fehmi, „Philosophy in Islam”, în: *Culture and Learning in Islam*, Ekmeleddin Ihsanoğlu (ed.), UNESCO Publishing, s.l., 2003, p. 359-382.
30. MAZOWER, Mark, „Archaeology, nationalism and the land in modern Greece”, în: *Dimitris Damaskos, Dimitris Plantzos (eds.), Μουσείο Μπενάκη*, 2008, pp. 33-36.
31. PANȚURU, Cosmin, „Încălcarea dreptului de proprietate a unor bunuri de patrimoniu bisericesc. Studiu de caz”, în: *Petrimoniul cultural religios: legislație și jurisprudență*, Marius Balan et alii (eds.), Editura Universității „Al. I. Cuza”, Iași, 2018, pp. 243-256.
32. PETRESCU-DÎMBOVIȚA, Mircea, „Unele considerații cu privire la cercetarea arheologică ieșeană până la Primul Război Mondial”, în: *Arheologia Moldovei*, XX (1997), pp. 171-180.
33. RALSTON, Jan, HUNTER, John, „British Archaeology since the End of the Second World War”, în: *The Archaeology of Britain: An Introduction from Earliest Times to the Twenty-first Century*, ed. a II-a, J. Ralston și J. Hunter (eds.), Routledge, Londra/New York, 2009, pp. 1-17.
34. RIEGL, Alois, „The Modern Cult of Monuments: Its Essence and Its Development”, în: *Historical and Philosophical Issues in the Conservation of Cultural Heritage*, Nicholas Stanley et alii (eds.), The Getty Conservation Institute, Los Angeles, 1996, p. 69-83.
35. SANDU, Dan, „Patrimoniul cultural rural, între extincție și modernismul temperat”, în: *Petrimoniul cultural religios: legislație și jurisprudență*, Marius Balan et alii (eds.), Editura Universității „Al. I. Cuza”, Iași, 2018, pp. 35-44.
36. STOYANOV, Yuri, „The Sacred Spaces and Sites of the Mediterranean in Contemporary Theological, Anthropological and Sociological Approaches and Debates”, în: *Between Cultural Diversity and Common Heritage: Legal and*

- Religious Perspectives on the Sacred Places of the Mediterranean, Silvio Ferrari & Andrea Benzo (eds.), Ashgate, 2014, pp. 25-36.
37. STRINATI, Claudio, „Da Francesco Franceschini a Dario. Breve storia dei beni culturali”, [Online] la: https://www.huffingtonpost.it/claudio-strinati/da-francesco-franceschini-a-dario-beni-culturali_b_5747780.html, 02 august 2019.
38. VARSA-SZEKERES, Vera, „Right to Cultural Heritage as Universal Human Right”, [Online] la: <http://openarchive.icomos.org/619/1/353.pdf>, 06 decembrie 2017.
39. VECCO, Marilena, „A definition of cultural heritage: From the tangible to the intangible”, în: *Journal of Cultural Heritage*, XI (2010), pp. 321-324.
40. VOUDOURI, Daphne, „Law and the Politics of the Past: Legal Protection of Cultural Heritage in Greece”, în: *International Journal of Cultural Property*, XVII (2010), pp. 547-568.
41. WEILER-ESSER, Julia, „The new German Act on the Protection of Cultural Property - A better protection for archaeological heritage in Germany and abroad?”, în: *Journal of Art Crime*, (2017), pp. 3-10.
42. ZIMMERMANN, Reinhard, „Roman Law and European Culture”, în *New Zealand Law Review*, (2007), pp. 341-372.
43. ZLĂTESCU, Victor Dan, „Réflexions sur l'histoire du droit comparé en Roumanie” în: *Revue internationale de droit comparé*, LXV (1993), 2, pp. 411-418.

C. Websites.

1. <http://droitromain.upmf-grenoble.fr/>
2. <http://www.legifrance.gouv.fr/>
3. <http://www.cimec.ro/>

4. <http://www.gazzettaufficiale.it/>
5. <http://www.cultura.ro/>
6. <http://www.legislation.gov.uk/>
7. <http://www.mc.gov.md/>
8. <http://www.english-heritage.org.uk/>
9. <http://www.culture.fr/>
10. <http://www.fastionline.org/>
11. <http://www.beniculturali.it/mibac/export/MiBAC/index.html#&panel1-1>
12. <http://e-a-a.org/>
13. <http://www.monumenteistorice.ro/>
14. <http://www.monumentinazionali.it/>
15. <http://www.icomos.ro/>
16. <http://icom.museum/>
17. <http://cnr-icom.ro/>
18. <http://www.egmus.eu/>
19. <http://www.mnir.ro/>
20. <http://www.worldlii.org/>
21. <http://heuright.eu/>
22. <http://www.arheologie.ro/>
23. <http://www.revistamonumenteloristorice.ro/>
24. <https://www.herodote.net>
25. <https://openheritage3d.org/>
26. <https://www.cyark.org/>

Abbreviations

Foro amm. C.D.S. – Foro Amministrativo Consiglio di Stato

Foro amm. T.A.R. – Foro Amministrativo – T.A.R. (II)

M. Of. – Monitorul Oficial

MiBAC – Ministero per i Beni e le Attività Culturali

T.A. – Tribunal administratif

T.A.R. – Tribunale Amministrativo Regionale