

BUSINESS LAW UNDER THE NEW CIVIL CODE

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Abstract

*Business law is the crossroads of different orientations of legal thought, economic and political. Related to business law from the perspective of the new Civil Code should be noted that adoption of the new Civil Code of the unified system of regulation of private law doctrine revived the old controversy on commercial material name. It was argued that a consequence of monistic conception of the Civil Code will be abandoning the classical conception of commercial law and we will be a Business Law or a professional contract law, which will add more institutions of commercial law matters traditionally transformed into distinct. We must recognize that name as the business is commercial and modernization suggests, naming commercial law, which is obsolete*²

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1. Argumentum

Related to business law from the perspective of the new Civil Code³, point out from the outset that the adoption of the new Civil Code of the unified system of regulation of private law doctrine revived the old controversy on commercial material name. It was argued that a consequence of monistic conception of the Civil Code will be abandoning the classical conception of commercial law and we will be a "Business Law" (which includes traditional commercial law, taxation, labor relations within the enterprise, industrial property and intervention in the economy) a "professional contract law" that will add several institutions of commercial law traditionally transformed into different materials (company law, insolvency law, competition law, as consumers, banking law, insurance law, transport law). In agreeing with the distinguished professor Dr. Stanciu D. Cărpenaru recently expressed in a monograph dedicated to commercial law, we must recognize that the right business name is "commercial" and suggests the idea of modernization, to name commercial law, which is obsolete ", keeping its option found in previous courses appeared.

In a study of cognitive approaches in the vastness of this field are found different opinions - how good is that we are not all identical people - whose citation in its present material seems useful and relevant, helping us, as for us to set up a personal choice, not criticism shelter. The new Civil Code, legislative, necessary⁴ and useful by some authors⁵ as challenged as any other human creation not subject infallible, embrace monistic conception, found in other Roman-Germanic legal systems from Europe, even if it has model Civil Code of Quebec in the federal

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² Stanciu D. Cărpenaru, *Romanian commercial law treaty under the new Civil Code*, Legal Universe Publishing, Bucharest, 2012, p 3

³ Law no. 287/2009 was published in the Official Gazette of Romania, Part I, no. 511 of 24 July 2009, amended by Law no. 71/2011 and corrected in the Official Gazette of Romania, Part I, no. 427 of 17 June 2011 in the Official Gazette of Romania, Part I, no. 489 of July 8, 2011. Law no. 287/2009 of the Civil Code was republished under art. 218 of Law no. 71/2011 for the implementation of Law no. 287/2009 of the Civil Code, published in the Official Gazette of Romania, Part I, no. 409 of 10 June 2011.

⁴ Marilena Uliescu, *New Civil Code. Comments*, Legal Universe Publishing, Bucharest, 2011, p 9.

⁵ See for details in this respect, Gheorghe Buta, *New Civil Code and unity of private law in the New Civil Code. Comments*, Legal Universe Publishing, Bucharest, 2011, p 62-70.

state of Canada. It goes without saying that this model contains rules that must be present for a unitary state regulations compared to a province that complement course with banking regulations or companies, rules can be found only in special laws. By not considering, as a model of European coins codes are Roman-Germanic legal tradition, the new Romanian Civil Code excludes regulations on companies and regulations that are found in the Swiss Civil Code, Dutch or Italian⁶. We can not agree with the innovations contained in our new Civil Code, the abandonment of established terminology, which is a given of a common legal culture, in this time of benchmarking pillars of European private law⁷. The imperative of a new Civil Code was presented mainly as external compliance and internal policy option Atlantic, but was in fact mainly, a solution imposed by legal and technical reasons specific circumstances. In any case, the new Civil Code is part of a rich tradition of coding and will set the course of civil and commercial law implicitly Romanian for a long period of time⁸. Meanwhile, in the commercial, the situation remains unclear where design principles and code of 1887 were in disagreement with sector legislation aimed headed by the companies, and the excess was supposed radical reform measures, including the coding. Effort to achieve such a step was particularly complicated, more difficult, in any case than the development and adoption of a new Civil Code and a new commercial code, so that the second option has become almost self, as easier in terms technically and procedurally. From the same perspective can explain the abandonment of dualism civil/commercial and adopting monism⁹.

2. Conceptual between commercial law and business law

Functional perspective, terminology, study business law notes begin with a terminological controversy. Are not synonymous or business law and commercial law? This is because there is opinion that the title of Business Law does is to replace a branch and discipline as established and already included in our legal system, namely commercial law. There are also reviews the latest campaigning for the introduction of new business names as the arguments they propose to support this idea is quantitative in that business law is an area larger than commercial law, including public law aspects (state intervention in the economy), tax law, labor law, civil law (consumer protection) etc.

For a thorough and conclusive of the issues mentioned in the title of this material, we find necessary to render the etymological definitions of concepts of business law and commercial law. It is important to note at the outset that there is no universally recognized definition currently in doctrine and literature. Moreover, in terms of style, individuality lies in each of us: literary undoubtedly start by imitating some earlier writings. Is natural: the children themselves do not get to talk by imitating his peers!¹⁰ And scientific knowledge is nothing, in a metaphorical formulation shade, but a continuous process of improvement of language to evoke the essence, ever deeper¹¹. This leads to different approaches and complex business law from the origin which often is found in the minds of lay, trade law.

To try an appropriate and argued the question of synonymy business law - commercial law, we consider it necessary, duality analysis concepts using historical and legal sciences branch then study business law from the perspective of the new Civil Code, keeping the ratio of the type

⁶ M. Uliescu, cited work, p. 10

⁷ Idem, p. 12.

⁸ Mircea Duțu, *New Civil Code: a milestone in the development of modern Romanian law, the New Civil Code. Comments*, Legal Universe Publishing, Bucharest, 2011, p 32.

⁹ Idem, p. 34.

¹⁰ Orhan Pamuk, *Cartea neagră*, Curtea veche Publishing House, Bucharest, 2007, p. 438.

¹¹ Antonie iorgovan, *Treaty of administrative law, Volume I*, ALLBECK Publishing, Bucharest, 2001, p 9.

near - Business Law - and specific difference - trade law. And from this point of view, the current legislative framework established in our opinion, specific difference, or commercial law, which, naturally, you should customize it and make it different from business law, especially since production activities, trade or services can be performed equally by both traders and other categories of professionals, as now, the Unification of Private Law and the Civil Code to include provisions of the Commercial Code, which are applicable, under certain conditions, and other professionals, and even people who do not fall into the category of professionals.

No such opinions that "*Les affaires sont les affaires*". Appreciated that business law can not be considered itself a separate branch of law despite intersection with many other branches of law, whether economic or legal. Business law, as a subject in the faculties of law and economics is highly multidisciplinary being placed both between subjects and between the economic legal lacking autonomy characteristic of other branches of law.¹² There are authors who believe that business law is multidisciplinary character more pronounced than commercial law. Thus, business law include: elements of private law or public law elements of tax law, labor law, consumer protection (which is characterized by mandatory rules), elements of political economy and management factors (organization and Management Company).

Although until recently could not yet speak of a distinct branch, it began to take shape, as the years passed and business relations began to diversify in the context of labor market developments, economic and financial relations, trade expansion in geographical space increasingly broader phenomenon of globalization which affects a number of increasingly large population. Thus, new challenges are appearing that are required and this apparently "new Business Law", particularly mobile, to integrate the phenomena manifested in society, to encompass the whole law. Adapt rapid change arising in practice manifested in many sectors and thus forced the legislature to develop a series of laws to practical challenges offered by real life.

Elements of business law are analyzed complexity of business relationships and the business environment as a whole, including the essential elements of competition, business ethics, environmental protection and consumer as beneficiary effects of business relationships, all addressed in the context of integration Romania in the European Union. Right object has regulatory affairs comprehensive, interdisciplinary essentially unlike commercial law whose legal rules governing the institutions of commercial law (goodwill, contracts, bank operations and exchange) are found in business law. Regarding the name "commercial law" in theory there were a number of discussions on whether to change the name in the right business or economic law. If we look at its historical development in the interwar commercial law met in economic education under the title "industrial law" referring to a "right to be integrated and autonomous commercial enterprise study plan, namely the protection of industrial property, the trademarks and Patent commerce, trade names and so on, relationships with staff, etc unfair competition. "Meaning interwar industrial law has evolved in the new paradigm emerging from the study of economic enterprise law as the basis of business¹³. This concept starts but the role of business in the context of commercial law, with a number of countries that base their business on the notion of economic law. In the German system plays an important role in studying commercial law branch of law - the right business, although distinct branch of commercial law works containing only all the legal rules governing the actions of traders trade, commercial contracts, commercial representation, the firm trade, while company law is studied separately and includes rules of organization and functioning of companies. In France even when using specific names for the right business or economic law, the latter having a wider scope of coverage, the term most commonly used is the

¹² Dragos - Alexandru Sitaru, *International trade law - Treaty, General Part*, Lumina Lex Publishing House, Bucharest, 2004, p 154, and the authors there cited.

¹³ Ion Turcu, *Business Law*, Ed Call, Science, 1992, pp. 5-6, 11, 22, 23.

right business. Business law would have meant to be a law „micro" enterprises as opposed to macroeconomic law governing the economy as a whole. It includes elements of public law (tax law, labor law) but revolve around the nucleus of commercial law insisting on rules for conducting business.

Therefore, the doctrine held a number of definitions of commercial law more or less developed. We will stop in the following on a simple definition we consider that captures resistance elements of commercial law. Commercial law is private law belonging to all the legal rules that apply to legal relations arising from the acts and transactions considered by law production activities, trading or services, and relationships involving people who have professional quality. Business Law designates a set of legal regulations covering a broad issue and refers to commercial activities in their diversity of expression - the actual trade obligations contracted by professionals, namely, contracts and commercial documents and professional trade obligations - i.e. those duties incumbent retailers as specific professional obligations and other aspects that are reflected or condition of business activity, such as labor relations, fiscal relations in which economic agents as taxpayers, public institutions with responsibilities in this field, advertising, commercial competition.

Business law is a real technique, the organization of economic, cultural and political relations - given the state retains an important role in creating legal and organizational framework necessary national and international trade. Business, like any other form of social organization, it makes the general rules of public life. These rules are supplemented by the obligation to observe certain principles, which implies good faith and achieve these professions trading partners using all findings and scientific methods able to ensure prosperity partners, national savings, and prosperity of all the planet's inhabitants. This means that business before starting their business activities must choose one of the many legal organizational models, assuming the obligation to comply with certain important legal rules.

As business law is defined as all the legal rules governing the legal relations arising from social relationships of a commercial nature and relies in this respect on special commercial law including Romanian commercial law, finds that the idea of maintaining the old titles or acceptance for use both names at once or alternatively. But whatever the terminology used the need for special legal rules for commercial activity arising from the following objective laws: speed, punctuality, mutual credit and security.

Business law is an area larger than commercial law including the aspects of tax law, labor law, civil law (consumer protection), public (government intervention). Business Law by its specificity plays a special role in our lives. Not only business people accept it as a professional knowledge but also other people who provided the consumer can not avoid are at every moment of their existence consequences of its rules. Original this business right. Originality business law arising from the originality of solutions and techniques used in business practice. Originality solutions manifest itself in many aspects:

- Considering the person who plays an important role in many civil obligations, is often absent in trade obligations, except some contracts: the society, mandate, etc.
- Threads commercial obligations are individuals and businesses, the study of these companies is the book of business law;
- Increased rigor commercial obligations to guarantee business security by: co-debtors solidarity, as the flow of interest, failure to ban grace periods retractable bankruptcy litigation and regulation.

Business laws have perfected their mechanisms, simpler, more affordable business man thinking. It is important to note at the outset that there is no universally recognized definition currently in doctrine and literature. This leads to different approaches and complex business law

from the origin which often is found in the minds of lay, trade law. Appreciated that business law can not be considered itself a separate branch of law despite intersection with many other branches of law, whether economic or legal. Business Law in the Faculty of Law and Economics interested both in terms of discipline or educational study and in that of legal science, for the purpose material handling business law in these faculties is to make students familiar with the rules Business Law and institutions, but also that of you get used to their scientific research to deepen business law issues and their progress. It should be noted that in addition to economic and legal aspect of business law has in our concerns and look ethical, moral, because in addition to economic regularities, besides legal principles and rules, it takes account of the specific ethical good faith and morals.

Moral criteria that must shape the behavior of economic agents in the continuing battle for winning and retaining customers or preservation, is based on two fundamental concepts such as good faith and fair practices compliance. Good faith is expressed both in the fundamental law, that the new Constitution and the Civil Code and the new Civil Procedure (art. 12). It is presumed under art. 14 of the Civil Code.

Title - business law is not accidental. Far from being "pure theory", the material tries to present arguments, our choice for this new branch of law is a new attempt in the literature to synthesize legal principles and rules applicable to business. Located on the border of the two sciences as important as it is controversial - law and business, the article argues for recognition of a new branch of law: business law, especially now, when about a possible evolution of commercial law, according to an opinion expressed in doctrine¹⁴, "the new Civil Code, said monist, designed as a unit (art. 2), encompassing all rules of private law, however emerges with trends autonomy, professional law (the professionals), sub-branch of civil law , The emerging sub-branch, which are contained (according to Art. 3 of the new Code, in conjunction with Art. 8 of Law no. 71/2011) and legal relations professionals (among them or between them and any legal topics) among professionals including: categories of trader, entrepreneur, trader and any other person authorized to do business or work as AC terms are prescribed by law, the date of entry into force of the Civil Code (art. 8 para. 1 of Law no. 71/2011)¹⁵. In essence, therefore, the entry into force of the new Civil Code (October 1, 2011), we can not talk, law, commercial law (as distinct branch of law in relation to civil law), but civil law is emerging professional sub-branches of law (the professionals), sub-branch which proves to have an even broader scope than the former commercial law, as among "professionals" new civil legislation includes the self-employed (they are typically " professionals ") and others covered by Article 8. 1 of Law no. 71/2011, not only traders (within the meaning of Art. 7 of the Romanian Commercial Code of 1887)".

Therefore, the concept distinguished author, "we can discuss today, and a" commercial law ", but only if this phrase is intended as a division (component) of the right professional (Radon's is a branch of civil law) taking into account the large share / determined the "traders" among "professional" point of art. 3 of the new Civil Code and art. Article 8. 1 of Law no. 71/2011".

Entry into force on 1 October 2011, Law no. 287/2009 of the Civil Code has reignited the issue of autonomy commercial law, otherwise old subject specialist in the legal literature. An analysis of the views expressed recently in various studies or public conferences, leading to observe that the dominant note is both optimism and skepticism to new setup commercial matter.

¹⁴ Serban Beligrădeanu, *Repair liability organizers and employees participating in a strike illegal and legal nature of such law enforcement responsibility under the social dialogue no. 62/2011*, the Law Review, no. 1/2012, pp. 23-24.

¹⁵ Published in the Official Gazette of Romania, Part I, no. 409 of 10 June 2011, amended by Government Emergency Ordinance no. 79/2011 which was published in the Official Gazette of Romania, Part I, no. 696 of 30 September 2011.

I never proposed to identify the advantages or disadvantages of one or the other system. As for autonomy commercial law must distinguish between legislative autonomy and scientific autonomy. Even if legislation was made a unit of private law, commercial law knowledge is necessary, given the interests of its own existence. Instead, the new Civil Code regulating the legal institutions that can support commercial deep was a trading civil law. Such a remark is valid both in statistical terms, the number of legal professionals in which parts are being much higher than where we find only unprofessional, and on the other by numerous legal institutions regulated. Thus, the trade provisions which justified their specificity compared to civil precisely because of the nature of trade relations not only disappeared but rather have been extended to all private law relations. This conclusion can be easily seen in the way derogating rules of commercial obligations were taken over by the new Civil Code, the Commercial Code of 1887¹⁶.

Therefore, our approach will address scientific issues from a double perspective, the extrinsic concerning the motives that preceded the emergence of the new Romanian Civil Code - was necessary and appropriate adoption and entry into force of the new Civil Code is that part of the harmonization legislative component of European integration, and intrinsic, through analysis and interpretation, which does not claim to be exhaustive, the content of this branch of law.

3. Content business law

3.1. Preliminary issues

Before analyzing the content of business law is necessary to see what business is. Romanian term business, of French origin, is a very imperfect and approximate translation of the English term business that has entered us only altered form of "*bişniţă*". In Romanian, the word "business" covers a wide range of social activities in the public interest, be it of Legal Affairs or Foreign Affairs, media business and so on, and, in economic terms, "business" is more rather commercial transaction. In this sense, one can say that "I made a deal" when I bought or sold something we at a fair price or that an entrepreneur "do business" with the State or municipality. The term Anglo-American business would translate much better in Romanian as "private commercial enterprise" in this sense, "business" does not mean commercial transaction, but an economic unit, privately owned which produce certain goods or providing Some services offered on the open market. A "doing business" means "to have a business." Below, we use the term 'business' only in the sense Anglo-American business¹⁷.

Even if "business is business", business law can be considered an economic law that includes:

- The legal framework of the economy, which studies the rules relating to currency, credit, and key issues related to business and prices;
- Economic, analyzing in particular "business" and companies in all known forms and regulated by the Commercial Code and other special laws;
- Economic objects¹⁸ (goods and services) - goods in their (tangible and intangible) and services;
- Economic activities: production, distribution and consumption.

The economy is one that establishes circuits between different businesses, financial institutions and government to make the goods and services to circulate on the market. In this

¹⁶ Lucian Săuleanu, *Specified obligations assumed by professionals in the context of the provisions of the New Civil Code* took the study site <http://www.juridice.ro/169394/specificul-obligatiilor-asumate-de-profesionisti-in-contextul-dispozitiilor-noului-cod-civil.html>

¹⁷ Dan Crăciun, *Etica in afaceri*, <http://www.biblioteca.digitala.ase.ro/biblioteca/carte2.asp?id=398&idb>, p. 85.

¹⁸ The term commonly used is "objects", according Alfarari Elie, *Droit des affaires. Les cadres generaux*, Ed. Litec, Librairie de la Cour de cassation, 1993, p. 4.

economic circuit component is noted both internal trade and business between companies of the same nationality as well as external component business relationships between companies where the element occurs, i.e., one of the partners is a company commercial contractual relationship foreign. All these elements are gaining special connotations, given that Romania is an EU member, Romania and businesses already involved trade with foreign companies whose home countries are both in the Community, but also worldwide.

In the current context, in which elements are present globalization increasingly more lives each Romanian, European, studying business law is a necessity and provides an overview of the business, legal and economic rules governing the scope and towards a competitive economy and performance. From these considerations are already prepared for economic faculties, some business law courses, although many of them have a strong economy and less binding. It is important to analyze the place of business law from other disciplines of law and business law with other disciplines report legal and economic.

From this perspective, we note autonomy of business law. Autonomous position toward the other branches of private law is supported by specific commercial activity which involves the existence of simple rules of probation facility, availability and speed of business transactions. This requires specific original solutions on priority will damage the internal declared.

3.2. Characteristics of business law

Business Law is an independent law which refers not only to a specific area, particular, but all work and economic life. Unlike commercial law, which is a combination of private legal rules that apply to legal relationships arising out of legal relationships involving people with professional quality, business law, aimed at something more than business as a whole.

Business Law no specialized courts, despite the formation tendencies of economic courts, however, these courts will only hear commercial cases, not criminal, for which specialized courts, although it may be in business law and criminal offenses business relationship - criminal law of business - which is emerging as a sub-branch of law. Also, business law is as original, multidisciplinary allows incorporation of rules which they find difficult to place in other traditional disciplines, to seemingly unrelated elements that regulate other fields of law, without which you can not conduct business (because the term "business" has a broader coverage than the term "commercial"), summarizing rules applicable to other fields of law.

However, we can not talk about a mosaic, a juxtaposition of rules, but rather a coherent structure that enables common understanding relationships between institutions on the rules before appeared separate, it is a bridge between law and economics, aware of the specific problems facing this branch of law which has not yet common approach methodology, regulated and widely recognized, although business is joining the economic world legal practice, legal and regulated economic world is essential the functioning of a developed society. (A simplistic approach, without business would not produce anything, and the company could not move).

Business Law is a highly mobile as reflecting changes in society as a whole generated by the emergence and development of various economic phenomena, emerging market and, in this context, means adapting legal rules based on social and economic realities. These adaptations to changes are found, moreover, in all sectors, the legislator being to regulate certain laws experimentally subsequently improved response depending on the business. The evolution of the corresponding sanction mechanisms developments mentality: criminal law was originally used primarily as a "warning" given to traders. Is rarely used in practice. Later, with the developments that we talked about earlier begins to take shape even a distinct discipline, criminal law, namely a criminal affairs, whose devotion is in the twentieth century, which sanctioned crime (crime in business).

Cases involving criminal law imposed shaping the business are great economic crisis of 1929, and appeared in major financial scandals liberal economic plan trend routing state¹⁹ and the need to ensure effective overcoming all types of crime, the to small thefts to major financial scams that threaten economic stability of a country²⁰.

3.3. Subject of business law

Business law is the subject of activity production, trade and services in light of the new Civil Code, obligations arising from this legal status of professional traders - individuals and businesses - goodwill, business competition, consumer protection and commercial negotiation. Commercial obligations, securities trading value and the judicial reorganization and bankruptcy, business ethics, giving specific elements of this branch of law.

Based on these elements, business law can be defined as that branch of private law which regulates legal relations arising from the activities of production, trade and services, and legal relationships involving people who have quality professional trader.

3.4. Report business legal under the new Civil Code

3.4.1. The legal notion of business law

Report as expressly defined not by the Romanian legislation, as a concept, although it is used in certain defined acts only doctrine²¹. Multiple definitions of the general theory of law or doctrine that the various branches of law essentially held that the legal concerns certain social relations regulated by legal norms. What determines certain features own legal relations of a different branch of law are, in fact, rules that industry, sources of law such as a specific branch. That is, it is not surprising that Romanian doctrine developed analysis from the perspective of legal business affairs branch of law existing at the time the Romanian law. In other words, the problem of business law legal relationship arises in a context of legal affairs branch.

The legal business is a kind of legal relationship. So, in defining the legal business must start from what is generally legal relationship. Allowed, in theory, that social legal relationship means a relationship governed by the rule of law. In principle, a legal relationship is determined by the existence of social relations in various fields, which are formed on the basis of legal norms in force and the participants or subjects appear as owners of mutual legal rights and obligations, and which is secured as conduct and their legal measures. Consequently, the legal business is a social relationship - patrimonial or non-patrimonial - in the economic sphere of production, distribution and consumption of goods or services covered by the rules of business law and including correlative rights and obligations of the subjects of this specific report.

Of social relations specific definition that this report on the behavior of those who participate in trade, business, social relations involving ways of doing business (rules), and relationships are born and grow where they not conducted according to regulations. Considered a subdivision of civil legal relationship, business law means the legal relationship of social relations inherent business area, governed by legal rules. As known, the regulation of social relations by a rule of law, social relationship that turns into a right relationship (legal report) with all legal consequences arising from it. The legal affairs come under business law and have the following features:

¹⁹ G.Gindicelli-Delage, *Droit penale des affaires*, Dalloz, 1996, p 7.

²⁰ Opinion expressed by renowned experts in criminal matters, Mireille Delmas-Marty, who believes that criminal business law arose from the need to protect against fraud and definitively imposed because of the danger-1 is crime in business, criminal *Droit des affaires*, Dalloz, 1996.

²¹ Crenguța Leaua, *The legal implications of current commercial and civil code on the application, in Romania, the New York Convention (1958) on the recognition and enforcement of foreign arbitral awards* in the journal *Law no. 5/2002*, p 103.

- Is a legal social character is the consequence of the fact that, on the one hand is established between people who have a certain quality, and on the other hand, is the result of the legal norm intervention provides their behavior, so that address all persons;

- Is a legally constituted as volitional as a result of the manifestation of the will of the legislature (embodied in the rule of law) and the parties, indicating that their will not be contrary to the law (basically it's a double character volitional);

- The legal relationship of the parties are business law, even if it seems paradoxical at first glance, both on an equal legal in the sense that none of the parties (professional traders) does not depend on other (legal equality does not mean that the parties are equal and in terms of economic or number of rights and obligations) and subordinate (authority or conformity).

Constituents (structure of the legal) that only jointly can create legal relationship of business law are the same as with any legal relationship ie parts (threads), the content and purpose.

Parties or legal relationship business topics are individuals and legal professionals have legal status. Content of the legal business is given all the rights and obligations they have parties. As constituent essential that these three elements must be met cumulatively for the presence of a legal business. The elements of this structure will be analyzed by research institutions business law.

3.4.2. Nature of the legal business

The legal business is characterized by two aspects: on the one hand, is a legal authority (or compliance), in which operators are required by mandatory provisions to adopt a certain conduct on the market so as not to restrict not preclude or distort normal business game, in another sense, the legislature required by mandatory rules of market players to act in good faith and on the basis of fair wear and, on the other hand, the legal business is a legal relationship of equality as the business participants or subjects of this report are equal in terms of their chances of entering the market and the choice of means for winning the competition. Equality of results and possibilities of its use to the rules laid down in the authorities must protect their interests.

There are two types of legal relations of authority: specifically this type of report is that businesses are required by mandatory rules have a certain market conduct so as not to restrict, not to hinder and not distort normal business game. In case of non-compliance administrative authorities attribute to apply sanctions.

If juridical relation of equality, a legal party equal opportunity business start from the beginning can choose the means of winning the competition. As the legal business content to customize to civil law the legal issues involved both in quality and through specific rights owned entity. The economic process of production, distribution and consumption of goods and services, business legal relationship is defined by analogy with the legal relationship of civil matters including content and object, but unlike the latter each of those components has its own particularities.

3.4.3. The object of the legal business

The legal relationship business account economic behavior manifested either by action or by abstention competitive market relations. In other words, the legal relationship is to conduct business that may or must take sides. Domestic and international legal provisions intended to impart this behavior a level compatible with the freedom to exclude both business and unfair acts and practices in the external circuit monopoly of goods and services.

4. Interdisciplinary research on business law

It is no less true that interdisciplinary research on commercial law is indisputable and that it is the absolute imperative reasons. In fact, you could say that any applied research in the social sciences is necessarily interdisciplinary, simply because the social system is in itself a set of at least one aspect is the responsibility of a separate discipline, but as any problem truly global invariably the totality of this system. So they applied research in aspects of business law issues have to be interdisciplinary. Each application field will be aspects of economic, sociological, political, legal, and should appeal to history and geography, because the study also lies in time and space. You should also do to intervene and general systems because it is theoretical systems involving multiple disciplines. Finally, you have to resort to philosophical and ethical considerations of broader relevance because all social systems are closely related to human values and value judgments. He says that research is interdisciplinary business law issues because the issues it has to be treated and they are interdisciplinary composition is one thing, to say that it is interdisciplinary in content and conclusions reached is something entirely different. We are forced to recognize that, if we take into account the content of research publications on business law issues, interdisciplinary nature of this research is much less pronounced than its protagonists. Usually, politicians are political science, sociology, economics economists and lawyers, what they know best, right. Whether it considers the theoretical or her character specifically, research business law issues can only impose any disciplinary nature of social science. By this, it is neither better nor worse than any other discipline imposed, very good explanation can be found, or at least an apology. Considered in its totality, the capital of the world - although it has uniformity - is extremely vast and complex and difficult to establish suitable theoretical models to fully embrace it. In addition, each subject category has its own history and social sciences, to a very large extent, its own methodology.

In fact, there is no interdisciplinary methodology that does not keep statistics, the principles of which obviously applies to any quantitative research, regardless of discipline. There is, certainly, no own research methodology issues of commercial law. In each study applies the methodology best suits the mentality and skills of the researcher. Methodologies ranging from pure theory and abstract philosophy to surveys through interviews, anthropological studies, active observation, statistical analysis of complicated social and economic data, correlations and factor analysis.

Interdisciplinary approach can be made from the point of view of collective object of research or that of the subject. This distinction has the following meaning: we can formulate a hypothesis about the nature of the objects studied by various legal sciences branch and assuming that these objects adapt their science to try to outline the interdisciplinary relationships that exist between them relying on the type of unit assigned according to our hypothesis, objects as they are in the real world or rather to start from the very science of law as we can see. In the latter case, we are offered two ways: to distinguish between legal science and science right bundle branch according to the means by which to serve the general methodological goals (explanation, verification, formulation of laws and theories, how to benefit from observations and experiences) to establish comparisons between the main models and theories currently used by these disciplines.

These three ways of approach, based respectively on the object, method and theory must eventually be combined. Object type determines the type of interaction between objects and subjects (which describes the methodology of science right), and how researchers are representing these objects (a prefigured the main theories). And because we want to ensure as soon as a solid basis of our study, we begin with the third method: comparison of major theories. In fact, no one can deny the existence of theories which we quote them at present no fundamental

role in research. Thus, if we come to liberate interdisciplinary relationships between them, the latter will be undeniable. From this perspective, we analyze in this paper very briefly some aspects of the notion of interdisciplinary and historical connections between legal science and legal sciences industry, with special business law matters.

Meanings of the concept of interdisciplinary and epistemological ways of expressing it are necessary chip, multiple, and therefore would be contrary to the scientific spirit trying to circumvent its operational diversity in contemporary research development and deepening of cooperation between disciplines. Diversity conceptual, methodological and operational interdisciplinary is strongly illustrated by interesting work, each bringing an original approach and to promote interdisciplinary, together they offer a picture of the landscape expressive creativity, renewal process development, specialization and interpenetration of social sciences and human, to deepen their relationship with natural and technical sciences.

Undoubtedly, interdisciplinary reveals a characteristic of our age: the social integrity of knowledge henceforth constitutive element of power, and power is interested in applied sciences fund, only able to guide in formulating and articulating programs that exercise. Interdisciplinary is in this regard called to engineer and expert. Of course, interdisciplinary, in its contemporary form it is often manifested in studying and solving problems whose ultimate meaning is decision-making, policy and action, but it is still a step whose features were well defined.

Without being one of the most avid supporters of interdisciplinary, is even more emphatic, calling for progress in the new context of contemporary scientific movement to give full attention disciplinary specialization and growing existing social disciplines. Specialization and diversification of social sciences, equivalent to the establishment of true "specialized intellectual subculture", which is a framework for training and professionalization of specialists in these fields, to deepen the concepts and theories, especially research methods and techniques. Deepening specialization and disciplinary research always remains so today, but it must be organically combined with theoretical and methodological effort disciplinary invoice. Each social discipline has history and its methodology and thorough knowledge of them is indispensable to those who want to use to use the concepts and methodologies from several disciplines to deepen (multidimensional) problems in their field of study. Social scientist should be in a position to participate in this double movement of cognitive approach - the study of disciplinary and interdisciplinary methodological approaches to them to continue renewing its own discipline. Urgent need for bridges between disciplines has resulted in the emergence, by the middle of the twentieth century, multidisciplinary and interdisciplinary.

Multidisciplinary refers to studying an object from one and the same discipline through several disciplines at once. For example, a painting by Giotto can be studied art history intersected by that of physics, chemistry, and history of religion, European history and geometry. Or Marxist philosophy can be studied from blending philosophy with physics, economics, psychoanalysis or literature. Object will thus leave enriched from crossing many disciplines. Object knowledge obtained in their own subjects is compounded by a multidisciplinary fruitful contribution. Multidisciplinary research adds relevant discipline (art history or philosophy in the examples above), but the "plus" is the exclusive service discipline. In other words, the multidisciplinary approach overflows disciplinary boundaries but its purpose remains entered in the disciplinary investigation.

Interdisciplinary has a different goal from multidisciplinary. It concerns the transfer of methods from one discipline to another. There are three degrees of interdisciplinary: a) a degree of application. For example, transferred nuclear physics methods in medicine are leading to new treatments for cancer, b) an epistemological level. For example, transfer methods in the field of formal logic generate interesting analyzes of the epistemology of law c) a high generator of new

disciplines. For example, the transfer of mathematical methods in physics generated mathematical physics, methods of particle physics to astrophysics to quantum cosmology, the study of mathematics and scholarship metrological phenomena caused chaos theory of computer art computer art led to. As multidisciplinary, interdisciplinary overflows the disciplines but its goal remains also included in interdisciplinary research. The third degree of interdisciplinary contributes to the disciplinary big bang.

Transdisciplinary concerns - as indicated by the prefix "trans" - which is at once between the disciplines, different disciplines, and beyond all discipline. Its goal is to understand the present world; one of the imperatives is the unity of knowledge. But is there something between and beyond disciplines? From the point of view of classical thought, there is nothing, strictly nothing. The space in question is empty, completely empty, the vacuum of classical physics. Even giving the pyramidal vision of knowledge, thinking classical believes that each fragment of the pyramid, generated by the disciplinary big bang is a full pyramid, each subject its claims that it is inexhaustible. For classical thinking, transdisciplinary is nonsense because no object. In contrast, transdisciplinary, classical thinking is absurd but its field of application is considered small.

The presence of several levels of Reality, the space between disciplines and beyond disciplines is full as quantum vacuum is full of all potentialities: from quantum particle to galaxies, from quark to the heavy elements which determine the appearance of life in the universe. Discontinuous structure determines the levels of Reality transdisciplinary structure discontinuous space which, in turn, explains why disciplinary research is radically distinct from disciplinary research, and also being complementary. Disciplinary research covers more than one and the same level of Reality, in fact, in most cases, it refers only to parts of one and the same level of Reality. Instead, transdisciplinary concerns the dynamics engendered by the simultaneous action of several levels of Reality. Discovery of these dynamics necessarily passes through disciplinary knowledge. Transdisciplinary without a new discipline when a new mastery, it gives nourishment disciplinary research, in turn, is clarified in a new and fertile cross-disciplinary knowledge. in this sense, disciplinary and transdisciplinary research are not antagonistic but complementary.

The three pillars of transdisciplinary - levels of Reality, the logic of the included middle, and complexity - determine transdisciplinary research methodology. There is a parallel between the three pillars of transdisciplinary and the three postulates of modern science. The three methodological postulates of modern science from Galileo remained unchanged until today, despite the infinite diversity of methods, theories and models that have traversed the history of various scientific disciplines. One scientist but fully and completely satisfies the three postulates: physics. Other scientific disciplines do not satisfy only partially. However, the absence of a rigorous mathematical formalization of psychology, history of religions, and many other disciplines does not remove these disciplines in the field of science. Up and top science such as molecular biology, can not claim, at least until now, that owns a mathematical formalization as rigorous as that of physics. In other words, there are degrees of disciplinarily depending on how they are taken into account, more or less completely, the three methodological postulates of modern science.

Similarly, taking into account, in a more or less complete, of the three pillars of transdisciplinary research determines different degrees of transdisciplinary. Transdisciplinary research corresponding to a degree of transdisciplinary will be rather multidisciplinary approach (as in ethics) the corresponding another degree will be interdisciplinary approach (as in epistemology) and the corresponding another degree - disciplinarily. Disciplinarily,

multidisciplinary, interdisciplinary and transdisciplinary are like four arrows of one and the same arc: that of knowledge.

As with disciplinarily, transdisciplinary research is not antagonistic but complementary multi and interdisciplinary research. Transdisciplinary is nevertheless radically distinct from multidisciplinary and interdisciplinary of its goal - understanding the present world - purpose that can not be part of the disciplinary investigation. The goal of multidisciplinary and interdisciplinary is always disciplinary investigation. If transdisciplinary is so often confused with interdisciplinary and multidisciplinary (otherwise and interdisciplinary is often confused with multidisciplinary) this is explained mostly by the fact that all three overflow disciplinary boundaries. This confusion is very harmful to the extent that it masks the different goals of these three new approaches.

Even recognizing radically distinct character of transdisciplinary in relation to disciplinarily, multidisciplinary and interdisciplinary, it would be extremely dangerous to be absolutely this distinction because in such a case transdisciplinary would remain devoid of its content and the effectiveness of its action would be reduced to zero. The Manifesto of transdisciplinary Basarab Nicolescu tells us that the scientific revolution due to quantum mechanics forced us to overcome contradictions otherwise inconceivable to even acknowledge the existence of third parties, including the perspectives of several levels of reality. Hidden third party that includes sacred.²²

God was gradually buried by classical physics efforts to bet that makes everything known in one level of reality and wanted to postulate that the only truth is science. Outer universes expand her knowledge and perception choke inner universes. But transdisciplinari gives us the chance of finding the sacred in all sections in the reality and our relationships in the normality of every day. Reintroduction sacred means rethinking education and affective dimension as important in knowledge and analytical size.

Instead of conclusions, consider that in the context of discussions on the establishment of private law from the perspective of civil code and on the existence of a commercial law or business law, the Article looks exciting and promising Under such conditions, it is necessary to note that existence of business law in a given society depends on social conditions, economic, political and moral values of society.²³ It can be concluded that the legal system rules can be extracted from an interdisciplinary research in which investigations are intertwined philosophical, sociological, economic, social and legal. In such a multidisciplinary basis, but remember that the issues I raised in the analysis, both conceptual and terminological order and insists that fixes them, to prevent controversies theoretical and practical difficulties as our current Civil Code fails draining legal terminology in relation to actual reality, business law as a compromise right, a right of negotiation, in which each party must win (win-win situation).

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