

ELEMENTS DEFINING THE LEGAL PERSONALITY OF COMPANIES

Chebeleu Ioana Camelia

University of Oradea, Faculty of Environmental Protection, Magheru Boulevard no.26
chebeleuioanacamelia@yahoo.com

Abstract

The company, like other institutions of law owes its appearance of economic and social causes. As the company has expanded economic and social needs have increased, people realized that the individual energies, no matter how big they were, were not sufficient for needs.

To fulfill its role as economic, commercial society was conceived as an autonomous law which gave legal status.

Key words: company, legal personality, identifier, applicable Law

INTRODUCION

The company can be defined as a body of persons formed under a bylaw and granted legal personality, the partners to combine their understanding of certain goods, to exercise acts of trade and division in order to realize benefits.

The legal nature of the company, legal doctrine known several theories, namely: the theory of contract, collective act theory, and theory of organization. Regardless of the theory adopted, all authors agree that the origin of individual companies is the consent of shareholders

The company acquires legal formalities required by the law society was the conclusion of the contract or the contract status of the company and society as appropriate. Thus, if the stock or company limited by shares and limited liability company law provides that a second constitutive act what is the status of the company.

Legal personality as a topic is the ability to be the holder of the right and obligation having this independent organization and affect their own assets to achieve a particular purpose.

Nationality is now a matter of law essential to a given legal system whose general rules of capacity, organization and operation are applicable.

RESULTS AND DISCUSSION

The company acquires legal personality from the moment of the fulfillment of all formalities established by law. Thus according to the law for "carrying out acts of individuals and legal trade can be associated and companies with the legal provisions. The companies with legal headquarters in Romania are Romanian legal entities."

Elements of the companies required by law are:

- stand-alone-organization
- one's own heritage
- a specific purpose

These elements highlight the legal personality of companies, their personality gives them the capacity to have rights and obligations. By acquiring legal personality, the trading company has a will of their own individual wills that express the partners, a capacity that allows it to acquire rights and assume obligations and the right to sue in court with the quality of plaintiffs or defendants. The company has a certain status which includes elements of identification of the subject as:

- company
- establishment;
- nationality

These elements are different from the identification of shareholders. The company has its own company, its headquarters and its nationality without having any necessary connection with the identification of legal person shareholders.

Company name

In view of the possibility of identifying the company, it must have a name which the company is called, which could be understood as a designation under which traders conduct their business, under which the acts and deeds carry trade and it should be made compulsory contract. Contents of this company is different depending on the legal status of the company, is whether it is partnerships that account into a name, and if it's of companies that consists of a name.

Company headquarters

The seat is considered an identifier of the society in which the legal relations involved, bearing the name of the office. This office will also be included in the contract between the company. Besides the fact that it is considered an identifier, it is also an element against which to determine the nationality of the company, and the emergence of legal issues seat has an

important role in solving procedural problems, as there will be communicated acts if triggering procedural processes and inraport based company will be determined competent court to settle disputes. These procedures shall include provisions to:

- Application of summons
- Welcome

Company nationality

Another element of the company is also identifying its nationality, which is understood in terms of legal status cuz that is: the establishment, operation, dissolution and liquidation of the company. Nationality plays a very important because it determines the law applicable to legal entities. Nationalities into account the fact the company are used to determine certain criteria relating to citizenship of the partners, instead of being a company, business center and headquarters. According to art. 1. par. 2 of Law 31/1990, amended, companies based in Romania are Romanian legal entities. Under this article any company that has established our country is Romanian nationality. The same rule will apply to companies with foreign shareholding.

CONCLUSIONS

The companies have contributed to the development of communications, which allowed the expansion of markets, although the beneficial consequences of modern civilization, were and are the most appropriate financial and legal instrument for achieving social goals, and to satisfy personal interests of entrepreneurs.

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