

LAW AND SPACE: JURIDICAL ORGANISATION AND CENTRAL PLACES IN BANAT, WESTERN ROMANIA

RAULARIAN RUSU¹, COSMIN FLAVIUS COSTAŞ²

ABSTRACT - The paper analyzes the relationship between the juridical system and the hierarchy of settlements in Banat, Romania. The historical development of the law institutions is presented, highlighting the peculiarities of the region. The present juridical organisation is also thoroughly analysed. Emphasis is laid on the importance of the Appellate Court in Timișoara, the county courts and the trial courts, and their magistrates. The number and territorial distribution of the auxiliaries of justice, the lawyers and notaries public, sheds light on the significance of certain settlements for the law system. The hierarchy of central places in Banat is studied from the perspective of the juridical organisation. In conclusion, the established hierarchy is uncontested for the first four levels, including the cities of Timișoara, Arad, Reșița, Lugoj and Caransebeș. Nevertheless, there are significant differences between the smaller towns of the lower levels.

Key words: juridical organisation, law, central places, courts of justice, space, urban system, Banat.

1. INTRODUCTION

Urban centres always have a certain influence on the surrounding areas. For centuries, people from the countryside have come to town to sell their agricultural goods and buy the tools they needed. Most cities were market towns at first. Then, during and after the Industrial Revolution, new cities developed where resources were available, and people flocked to have a job for which they were given a monthly wage. Cities also exert considerable attraction on their neighbouring regions, because they provide a large range of services and concentrate many institutions. Among these institutions, one may list those related to the administrative system, such as local government offices (if the city is a district or county seat), the educational system (secondary schools, high schools and even universities), the financial system (banks, insurance companies), the cultural system (bookshops, libraries, theatres, cinemas) and so on. This paper deals with the juridical system and its significance in the dynamics of the urban system and central places in Banat, Western Romania.

2. HISTORY OF THE LAW SYSTEM IN BANAT

There are not too many data regarding the law system of the Dacian society. The historian Iordanes assures that the Dacians had written laws. The Dacian priests were a sort of justices of the peace, much like their contemporary Celtic druids. However, the highest court was represented by the king.

After the Roman conquest, the new Roman province of Dacia was juridically organized as the rest of the Empire. For instance, the two leaders of the autonomous towns (such as Tibiscus, in Banat) had the right to judge. They applied *ius gentium*, the Roman law which regulated the relations between citizens and others. However, the local law was tolerated, taking the shape of customs.

¹ Babeș-Bolyai University, Faculty of Geography, 5-7 Clinicilor Street, 400006 Cluj-Napoca, Romania.
E-mail: rrusu@geografie.ubbcluj.ro

² Babeș-Bolyai University, Faculty of Law, 11 Avram Iancu Street, 400080 Cluj-Napoca, Romania.
E-mail: ccostas@law.ubbcluj.ro

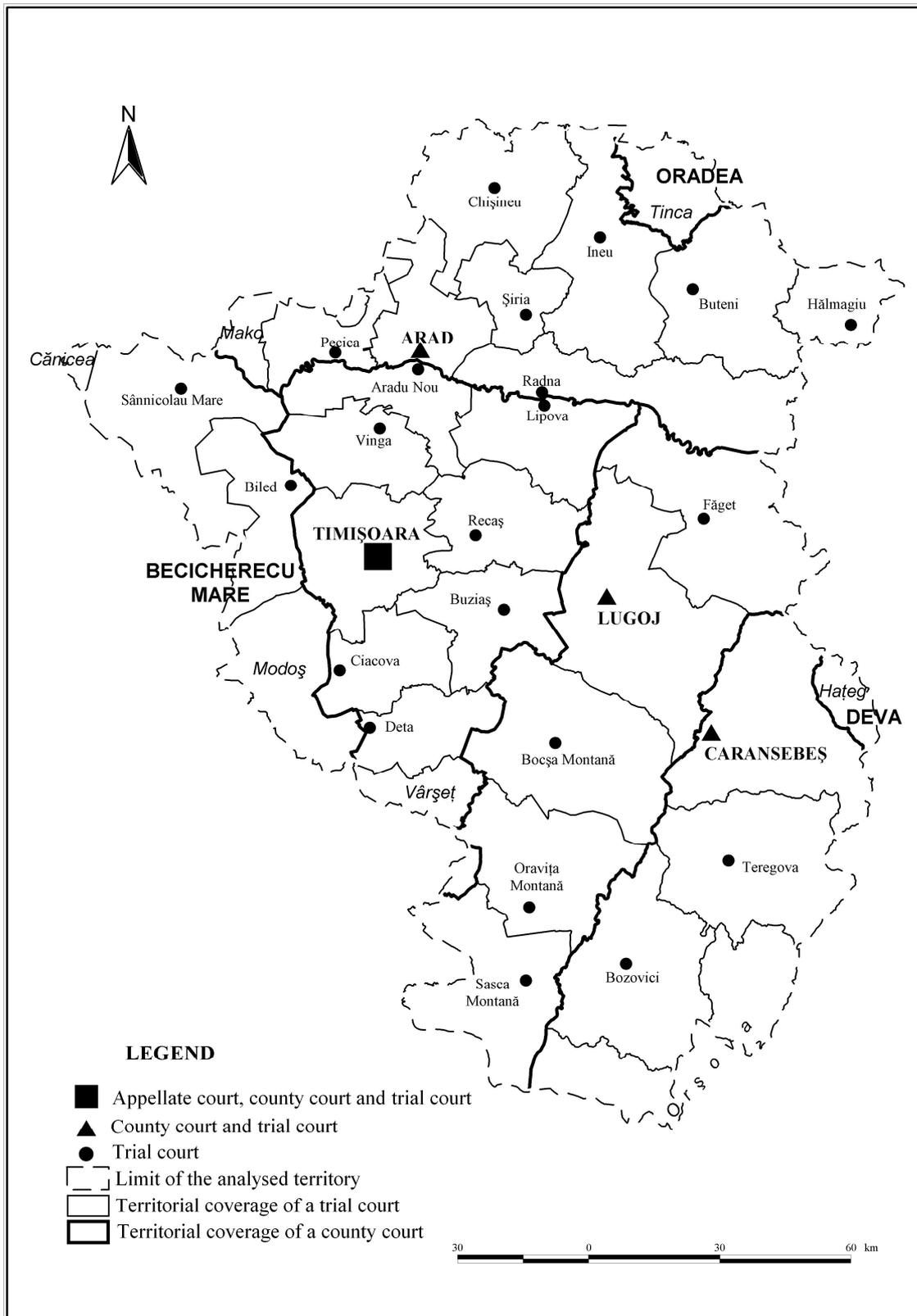


Figure 1. The juridical organisation at the beginning of the 20th century.
(Source: R. Rusu , 2007)

Obviously, after the retreat of the Romans, their institutions did not survive. Nevertheless, the juridical norms applied for a century and a half remained partly alive in the conscience of the inhabitants and made up the essence of the unwritten law called the „land customs”. *Ius valachicum* was an agrarian law, which took shape in the Early Middle Ages, as a common law within the rural communities. The Hungarian medieval documents, which mentioned the rights of the Romanians, considered this unwritten law as the privilege of the Romanians to choose their own leaders and judges, and the opportunity to be judged by someone of the same social rank (D.V. Firoiu, 1998).

In Banat, *ius valachicum* declined in time and gave way to the medieval public law, but it was preserved for a long time as a Romanian set of customs, as a type of local autonomy (Gh. Ciulei, Gh. C. Ciulei, 1997). It was applied in the Romanian districts, which, according to medieval documents, existed in Banat (Caransebeş, Lugoj, Comiat, Bârzava, Caraş, Iliidia, Almăjul, Mehadia, etc) and Zărand (Hălmaşiu, Vârfurile, Arăneag, Cladova). There existed a type of agrarian jurisdiction – the Knyaz law, related to the land owned by the local ruler (Romanian “cneaz”). According to this law, the local rulers had the right to judge any matters on their land, as stated by a document from 1352. Only the important crimes – robbery, theft, fire – were transferred to the county court or the special representatives of the king.

After the fall of the Hungarian Kingdom at Mohács (1526), Banat was partly integrated in the Transylvanian Autonomous Principality, while a large area of Western and Central Banat was included in 1552 in the Ottoman Province of Timișoara.

Medieval law was applied in the parts included in the Transylvanian Principality. Courts were organized according to the following hierarchy: village court, landowner’s court, county court, prince’s court, and royal court (usually an appellate court). Special courts were also organized: the Court for High Treason, the town courts in free royal cities, the tribunals of the Church.

All these courts used the set of laws from Werböczy’s *Tripartitum* (1517), the *Approbatæ* (1653) and *Compilatae* (1669), collections including the norms and laws sanctioned by the Parliament until then (G. Bonciu, 2004).

In the Ottoman province of Timișoara, the juridical system of the Ottoman Empire was applied. However, the laws took into consideration the legal order that existed before the conquest. Justice was made by the *kadi* (a Justice of the Peace), based on the civil law and the Islamic law relying on the Qur’an. The local rulers still had the right to judge minor misunderstandings between the Christian villagers.

In 1699, the territory North of Mureş River became part of the Holy Roman Empire, and the same happened in 1718 for the entire Banat (South of Mureş). After a period when the Imperial Court in Vienna managed directly the territory of Banat, in 1779 the whole territory was included in the Kingdom of Hungary, as part of the empire. The emperor Joseph II initiated the separation of justice from the civil administration. The system was composed by a trial court in each county, an appellate court in Cluj and Târgu Mureş, and a supreme court (the royal court). At the end of the 18th century, the commercial courts also began functioning, having their own legislation. For instance, the law of bankruptcy was applied in the military border regiments of Banat since 1772.

The Austrian-Hungarian Empire, born in 1867, brought a series of changes in the structure of justice. In Banat, both Hungarian (most of the territory) and Austrian (the former border regiments) laws were in force. The new juridical system was a complicated one, including (fig. 1): district or trial courts (for minor cases), county courts, the royal appellate courts in Târgu Mureş and after 1890 in Cluj, Oradea and Timișoara, the 3rd instance court, and the Supreme Court. Gradually, the Public Prosecution Service (1871), the Public Notary Service (1874) and the Administrative Court (1896) are also organized (D.V. Firoiu, 1998).

In 1921, immediately after the World War, the juridical organisation was still the same. The Appellate Court of Timișoara had four county courts in its territorial jurisdiction (C. Martinovici, N. Istrate, 1921):

- Arad County Court, with 9 trial courts, each exerting its territorial competence over a total of 278 communes (civil parishes),: Arad (12 communes), Baia de Criş (64), Buteni (54), Hălmaşiu (34), Chereleş (25), Ineu (29), Radna (40), Pecica (10), Şiria (11);

- Caransebeș County Court, with 4 trial courts covering 105 communes: Bozovici (19), Caransebeș (27), Orșova (29), Teregova (20);
- Lugoj County Court, with 5 trial courts and 287 communes: Bocșa Montană (40), Făget (63), Lugoj (81), Oravița Montană (30), Sasca Montană (41);
- Timișoara County Court, covering 11 trial courts and 243 communes: Aradul Nou (18), Biled (15), Buziaș (25), Ciacova (13), Deta (26), Lipova (28), Modoș (26), Recaș (30), Sînnicolaul Mare (22), Timișoara (23), Vinga (17).

After 1918, when most of Banat became a part of Romania, the Romanian legislation was gradually introduced. Although the laws regarding the administrative union and juridical organisation were sanctioned in 1924-1925, the civil legislation was not totally introduced up until 1943, and the first unified Criminal Code was enforced only in 1937. The civil law in force was the Romanian Civil Code of 1865 (still in force today).

The juridical system included the following: trial courts (either urban, rural, or mixed), county courts in each county seat (that is, in Arad, Timișoara, Lugoj and Oravița), courts with jury (organized together with the county courts, in the county seats, dealing with certain press crimes), appellate courts (a total of 12 in Romania, one of them in Timișoara for the counties of Arad, Timiș-Torontal, Caraș and Severin), and the Supreme Court of Cassation and Justice (in the capital city of Bucharest).

During the royal dictatorship (February 11, 1938 – September 6, 1940), the law regarding the juridical organisation of August 20, 1938, eliminated the courts with jury and created two kinds of trial courts, the novelty being represented by the communal court.

The period of over 40 years of communism had also an impact on justice. For a while, the „people’s courts” (special courts), organized according to the Soviet system, functioned along with the ordinary courts. These courts judged the enemies of the system, not according to the law, but based on the so-called “revolutionary conscience”. The Public Ministry became the Prosecution Office, while the courts with jury and the appellate courts disappeared. The juridical system comprised only the trial courts, the county courts and the Supreme Court, at the highest level.

People’s assessors (persons not qualified juridically) were introduced in the panel of judges in the criminal procedures. However, they did not participate effectively in the act of justice, and usually they just confirmed the decision of the professional judge.

The Romanian civil code of 1864 was modified in the parts which did not fit the socialist morals, and a new criminal code was introduced in 1969. However, the commercial and administrative courts were eliminated.

After the Revolution of 1989, the juridical organisation of the inter-war period was reintroduced, even if the Codes were just partly modified. The Public Ministry and the appellate courts were reinstated, and the Supreme Court of Justice became in 2003 the High Court of Cassation and Justice. The commercial and administrative jurisdictions were reintroduced as departments within the courts.

3. THE JURIDICAL ORGANISATION AT PRESENT

At present, the Romanian courts of justice are organized according to the Romanian Constitution and the Law 304/2004 regarding the juridical organization.

According to the article 126 of the Romanian Constitution, justice is done by the High Court of Cassation and Justice and the other courts established by law. The courts of justice are effectively set by Law 304/2004, according to which the courts of justice are the following: the High Court of Cassation and Justice, appellate courts, county courts, specialized courts, military courts and trial courts.

The High Court of Cassation and Justice is the highest court in Romania. It is located in Bucharest, capital city of Romania. It ensures the unitary interpretation and application of the law by all other courts of justice.

The appellate courts cover a large territory, including a number of county courts and specialized courts. There are 15 appellate courts in Romania. The Appellate Court of Timișoara has in its jurisdiction the counties of Arad, Caraș-Severin and Timiș.

The county courts are organized at the level of every county and they function in the county seat. They have under their jurisdiction a number of trial courts. In Banat, there are three county courts: Arad County Court, Timiș County Court (in Timișoara) and Caraș-Severin County Court (in Reșița).

The specialized courts are courts without juridical personality, which may function at the level of counties and the City of Bucharest. They are supposed to start functioning in 2008.

The military courts function in the cities of Bucharest, Cluj-Napoca, Iași and Timișoara. There is also an appellate military court in Bucharest. Their jurisdiction is restricted to crimes of the military. The military court of Timișoara has a territorial competence over the counties of Dolj, Gorj, Hunedoara, Mehedinți, Arad, Caraș-Severin and Timiș.

The trial courts do not have juridical personality and they are organized within the counties and the districts of the City of Bucharest. The settlements included in the territorial jurisdiction of each trial court are established by law. In fact, the territorial jurisdiction of every trial court of the counties of Arad, Caraș-Severin and Timiș was established by the Government Decree 337/1993 (fig. 2).

There are a total of 15 trial courts in the three counties, five trial courts in each county. The establishment of the territorial competence of the trial courts was made according to the principle of efficiency. As a consequence, the trial courts are located in such a way as to allow the hearing of all cases and the easy access of people to justice. This is why the much larger and better inhabited county of Timiș and the mountain county of Caraș-Severin have the same number of trial courts. While Timiș County is mainly located in the Western Romanian Plain and it has a good road infrastructure, Caraș-Severin County lies mainly in the Carpathian Mountains and some of its areas are rather isolated, so a higher density of courts was needed.

In the same line, even rural centres were elected as seats of the trial courts, if their location is better from the point of view of centrality. Such is the case of the commune of Gurahonț, seat of a trial court despite the neighbourhood of the town of Sebiș, which does not have a court. Gurahonț is situated nearer the rather isolated North-Eastern corner of Arad County. The other commune that hosts a trial court is Bozovici, the centre of a vast rural area, Almăj Depression. The location of the trial court outside this depression would have made the access to justice very difficult.

It should be said that a number of 15 towns do not have a trial court. They are generally too small: the largest of them, Bocșa, has less than 17,000 inhabitants, but most of them have less than 10,000 inhabitants. However, this is not the only criterion, as the above-mentioned communes have a population of less than 5,000. Special attention should be given to the area of influence of these towns, which is usually rather small, comprising less than five communes. This is because they are too close to a larger town: for instance, Bocșa is at about 20 km from Reșița, the county seat.

The number of judges and prosecutors from each court is determined by the number of cases presented to the court or the prosecution office.

According to the Romanian Constitution, the Public Ministry represents the general interests of the society and defends the legal order, as well as the rights and liberties of the citizens. The Public Ministry exerts its attributions by means of prosecutors, comprised in Prosecution Offices, under the law.

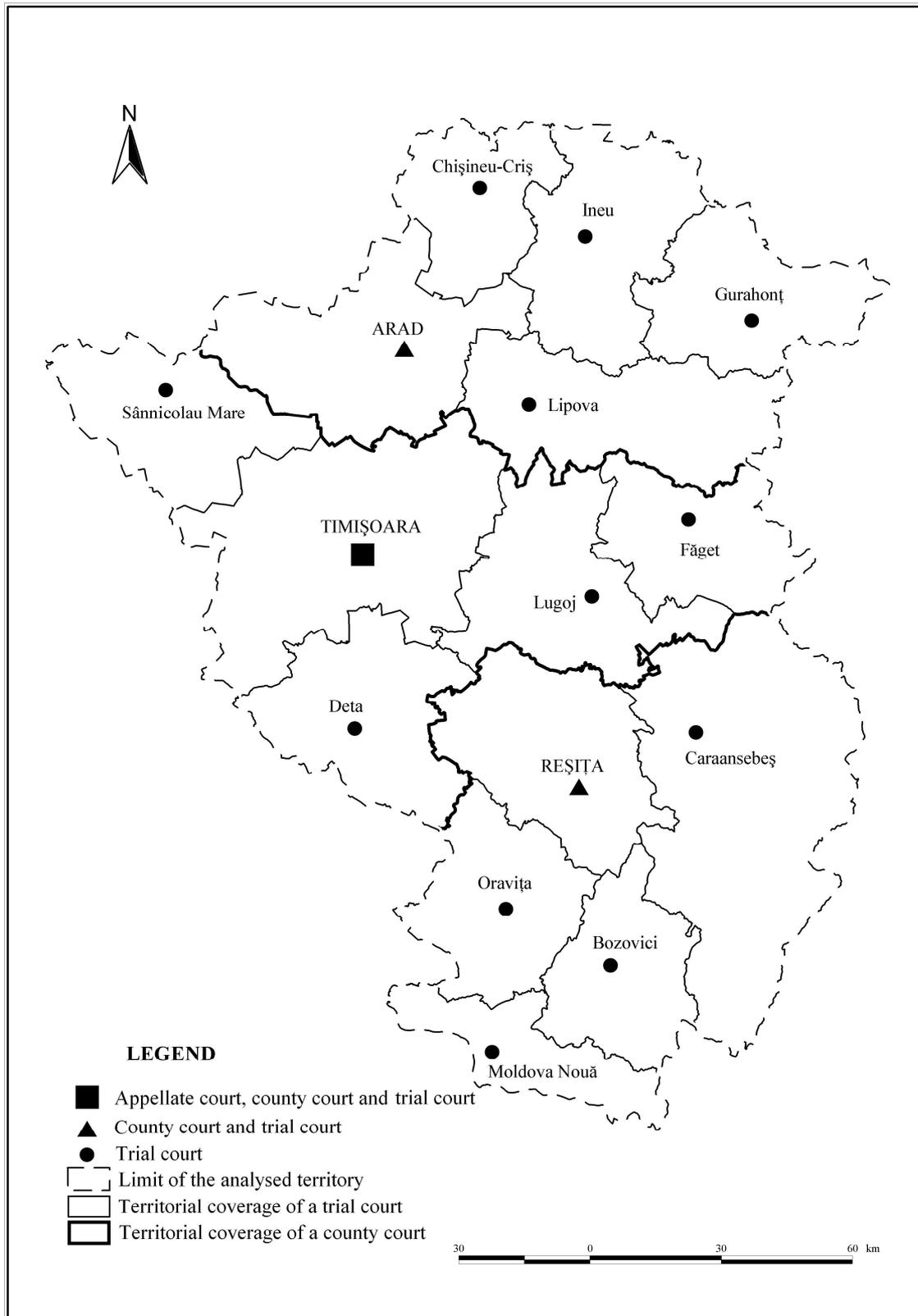


Figure 2. *The present juridical organisation in Banat.*
(Source: R. Rusu, 2007)

LAW AND SPACE: JURIDICAL ORGANISATION AND CENTRAL PLACES IN BANAT, WESTERN ROMANIA

The Prosecution Offices function within the courts of justice; they lead and supervise the activity of criminal research of the judicial police, according to the law. The Prosecution Offices are independent from the courts of justice and other public authorities.

In Banat, Prosecution Offices are organized at the level of each trial court, county court and the Appellate Court of Timișoara (table 1).

Table 1. *The staff and activity of the civil law courts and prosecution offices.*

Court	Number of			No. of annual case files (2005)
	Judges	Clerks	Prosecutors	
<i>Total number</i>	279	373	132	110797
Appellate Court of Timișoara	44	50	15	12587
Timiș County Court	36	42	17	12455
Arad County Court	30	36	12	7331
Caraș-Severin County Court	20	33	10	7828
Trial Court of Timișoara	50	52	17	20363
Trial Court of Arad	30	34	16	15138
Trial Court of Reșița	11	12	6	6301
Trial Court of Lugoj	10	10	7	4220
Trial Court of Caransebeș	13	18	5	5151
Trial Court of Oravița	4	12	3	4255
Trial Court of Ineu	5	13	3	3805
Trial Court of Sânnicolau Mare	3	12	3	2209
Trial Court of Moldova Nouă	3	8	2	1557
Trial Court of Chișineu Criș	3	10	3	1394
Trial Court of Lipova	4	6	2	1695
Trial Court of Deta	4	8	2	1410
Trial Court of Făget	4	6	4	1023
Trial Court of Gurahonț	2	6	3	1080
Trial Court of Bozovici	3	5	2	995

Sources of data: Superior Council of Magistracy (www.csm1909.ro) and the Ministry of Justice (<http://portal.just.ro>).

There are also Military Prosecution Offices, functioning within the military courts. A Military Prosecution Office exists in Timișoara.

In Romania, the judges and the prosecutors benefit from special protection, as they have a special condition, due to the importance of these magistrates in the administration of justice. Their status was established by Law 303/2004. They are named by the President of Romania, they are independent and cannot be moved to another court unless they agree on that.

4. THE AUXILIARIES OF JUSTICE

Even if they are not a part of the juridical authority, the lawyers and notaries public help the act of justice. As a consequence, they are true auxiliaries of justice, whose activity should be taken into consideration, even on geographical grounds. Unlike courts, they are free to establish their headquarters wherever they want, and their location is more influenced by the supply and demand principle of the market economy.

According to the Law 51/1995, the profession of lawyer is free and independent. This profession can be practiced by the lawyers who are part of a bar, included in the National Union of Romanian Bars.

The types of practicing the profession of lawyer are: individual offices, associate offices, civil professional companies or limited civil professional companies.

The bar is made up by all the lawyers of a county or the City of Bucharest. The bar is located in the county seat; it has juridical personality, and its own budget. The National Union of Romanian Bars is composed of all the county bars and it has its headquarters in Bucharest.

The activity of the notaries public is regulated by the Law 36/1995. Under this law, the notaries public provide notarial documents and notarial juridical consultations. The notary public is invested to perform a service of public interest and has an autonomous status.

In the settlements without a notary public, a part of their attributions may be performed by the secretaries of the local council.

The notaries public are part of a Chamber of Notaries Public, which has juridical personality. It is located in each city that hosts an appellate court, and has the same territorial competence as the appellate court. Therefore, a Chamber of Notaries Public is located in Timișoara, and includes all the notaries public from the counties of Arad, Caraș-Severin and Timiș. All the Romanian notaries public are part of the National Union of the Notaries Public, a professional organisation with juridical personality.

There are several factors which determine the location of the offices of lawyers (fig. 3) and notaries public (fig. 4). One of them is the organization of the courts of justice and prosecution offices. The presence of the courts of justice attracts a higher number of lawyers, as they might have a permanent activity in such places (table 2).

Table 2. *The dynamics of the number of lawyers and notaries public by settlement.*

Settlement	Rank	Highest court	Number of lawyers		Number of notaries	
			2004	2008	2004	2008
<i>Total number</i>			878	1104	119	163
Timișoara	1	Appellate Court	419	556	42	52
Arad	2	County Court	291	356	23	33
Reșița	3	County Court	39	40	7	7
Lugoj	4	Trial Court	31	43	11	10
Caransebeș	4	Trial Court	11	15	5	7
Bocșa	5	-	-	-	-	1
Moldova Nouă	5	Trial Court	3	5	2	3
Sânnicolau Mare	5	Trial Court	12	13	3	3
Oravița	5	Trial Court	13	12	2	2
Oțelu Roșu	5	-	-	-	1	1
Lipova	5	Trial Court	10	10	2	3
Ineu	5	Trial Court	6	7	1	3
Chișineu Criș	5	Trial Court	5	7	3	2
Făget	5	Trial Court	-	-	2	2
Deta	5	Trial Court	5	2	1	2
Sebiș	5	-	1	2	-	1
Pecica	6	-	3	4	2	2
Sântana	6	-	3	3	-	1
Jimbolia	6	-	1	1	2	2
Curtici	6	-	1	1	1	2
Anina	6	-	-	-	-	-
Recaș	6	-	-	-	-	-

LAW AND SPACE: JURIDICAL ORGANISATION AND CENTRAL PLACES IN BANAT, WESTERN ROMANIA

Nădlac	6	-	-	-	1	1
Gătaia	6	-	-	-	-	-
Buziaş	6	-	1	1	-	1
Ciacova	6	-	-	-	-	1
Pâncota	6	-	-	-	-	1
Băile Herculane	6	-	4	-	-	-
Gurahonţ	6	Trial Court	1	1	2	1
Bozovici	6	Trial Court	1	-	1	3
Vinga	7	-	-	1	-	-
Orţişoara	7	-	-	-	1	1
Hălmagiu	7	-	-	1	-	-
Şiria	7	-	-	1	1	1
Teregova	7	-	-	-	1	1
Săvârşin	7	-	1	1	-	-
Nădrag	7	-	1	1	-	-
Vladimirescu	7	-	-	-	1	2
Giroc	7	-	1	1	-	-
Variaş	8	-	1	-	-	-
Buteni	8	-	1	1	-	-
Bocsig	8	-	2	2	-	-
Almaş	8	-	1	-	-	-
Dumbrăviţa	8	-	-	4	-	2
Săcălaz	8	-	2	1	-	-
Ghiroda	8	-	1	2	-	1
Sânandrei	8	-	1	-	-	-
Fântânele	8	-	-	-	-	1
Vărădia	8	-	-	-	-	1
Coronini	8	-	1	-	-	-
Zimandu Nou	8	-	-	-	1	-
Topolovăţu Mare	8	-	-	-	-	1
Ramna	8	-	-	-	-	1
Iratoşu	8	-	-	-	-	1
Moşniţa Nouă	8	-	-	1	-	1
Semlac	8	-	-	-	-	1
Şofronea	8	-	-	1	-	-
Zădăreni	8	-	-	-	-	1
Sacoşu Turcesc	8	-	-	1	-	-
Utvin	9	-	1	2	-	-
Horia	9	-	-	1	-	-
Hodoş	10	-	-	1	-	-
Şoimoş	10	-	1	1	-	-
Opaţiţa	10	-	1	1	-	-
Lugojel	10	-	1	-	-	-

Sources of data: R. Rusu (2007); National Union of Romanian Bars (www.uar.ro); Arad County Bar (<http://baroul-arad.org>); Timiş County Bar (www.baroul-timis.ro); National Union of Notaries Public (www.uniuneanotarilor.ro).

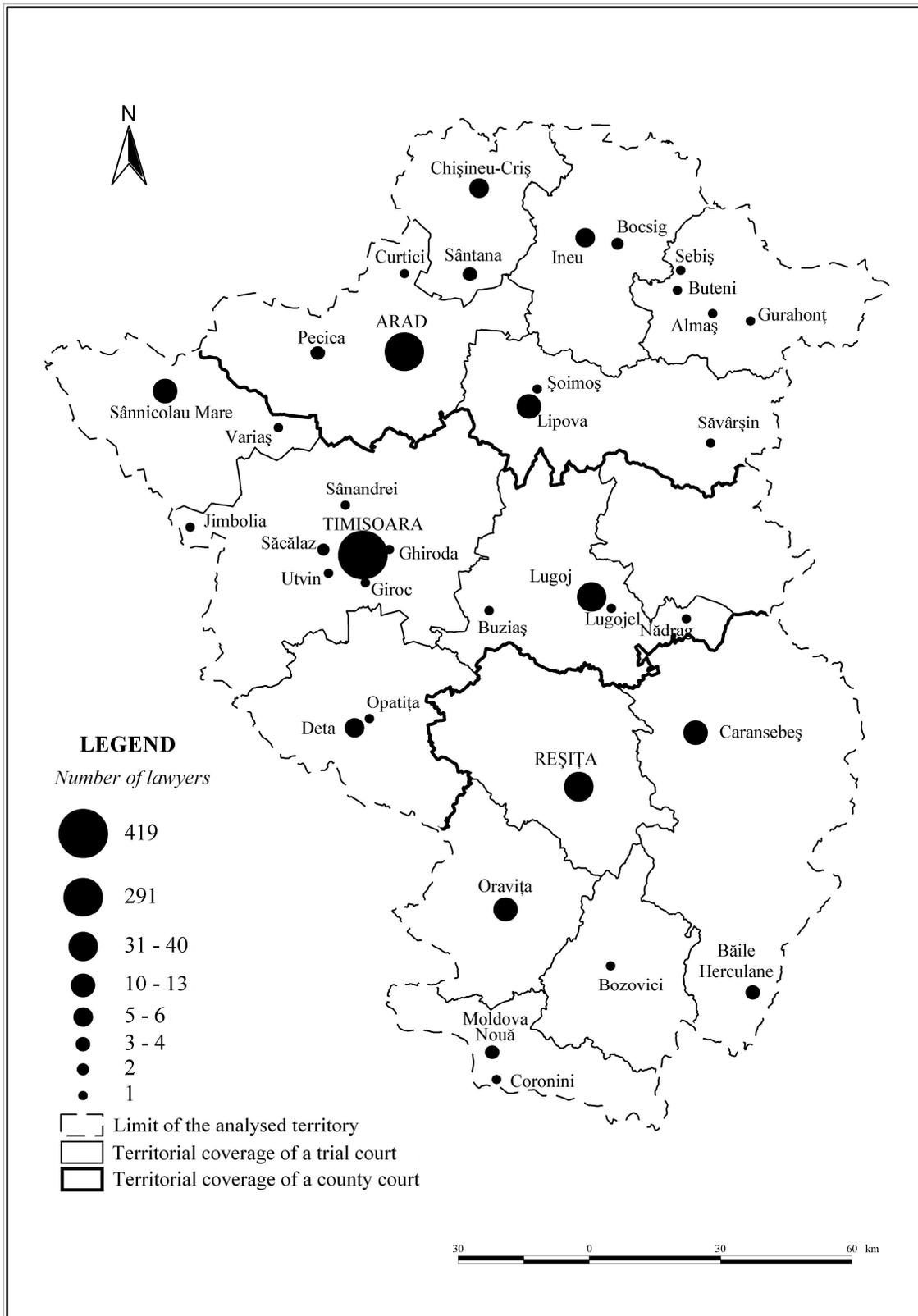


Figure 3. *The territorial distribution of lawyers in 2004.*
(Source: R. Rusu, 2007)

It is obvious that the city of Timișoara, with three civil courts (a trial court, a county court and an appellate court) and a military court, hosts the highest number of lawyers. The other two county seats, Arad and Reșița, with two courts, are next in the classification. The presence of a trial court is also important. Towns without a trial court (like Bocșa, Oțelu Roșu, Nădlac, Anina, Ciacova, etc) may have no lawyer at all, while small towns and even communes with a court benefit from the presence of one or more lawyers, with the single exception of Făget.

Even the neighbourhood of a city like Timișoara may attract lawyers or notaries: there are several of them in the communes near Timișoara: Giroc, Dumbrăvița, Moșnița Nouă, Utvin, Ghiroda, Săcălaz, etc. In fact, one can notice a sort of suburbanization of lawyers and notaries, as more of them live in the villages near the cities (Vladimirescu, Șofronea, Horia, Fântânele, Zădăreni, near Arad, for example). This happens because of the general trend of suburbanization, as more wealthy or even middle-class people build secondary or holiday homes in the rural areas surrounding the cities, and some of them even move there permanently.

Another factor in the distribution of lawyers and notaries is the volume of activity of the courts of justice and prosecution offices (table 1) . From this perspective, it seems that the courts of Timișoara and Arad, followed at distance by Reșița, Lugoj and Caransebeș, concentrate the highest number of trials. Especially the first two cities polarize a high and increasing number of lawyers (table 2). In 2004, there were 419 lawyers in Timișoara and 291 in Arad, representing more than 80% of all the lawyers in the region. In 2008, their number increased to 556 in Timișoara and 356 in Arad, representing now more than 82% of the lawyers. There are differences even at the lower level of the county courts. The high number of lawyers (more than 10) in towns like Sânnicolau Mare or Lipova, compared to 1 or 2 in Deta and Gurahonț (or none in Făget or Bozovici), is explainable due to the same factor.

The size of the settlements is also an important factor. The largest urban centres have the highest number of lawyers and notaries public. This is obvious for the large or middle-sized towns, while exceptions appear only in the case of smaller towns, where other factors intervene. The size of the settlement directly influences the size of the attraction area, and it also affects the first two factors: the presence of a court and the volume of activity of a court. However, a few large towns without a court (Pecica, Sântana) do have lawyers and notaries public, unlike smaller towns in the same condition (Anina, Gătaia, Ciacova).

Finally, the intensity of economic activities is another factor in the distribution of lawyers and notaries public. As one can easily notice, there is a much higher number of lawyers and notaries public in the counties of Arad and Timiș, where the economy is growing, compared to the county of Caraș-Severin, where the less diversified economy, based on heavy industry and mining, is in recession. This may well explain why a city like Lugoj, about half the size of Reșița, has a higher number of notaries public and almost the same number of lawyers.

5. JURIDICAL ORGANIZATION AND CENTRAL PLACES IN BANAT

The institutions comprised in the juridical system contribute to the quality of central places held by urban centres and even rural communities. In a previous study (R. Rusu, 2007), we have analysed the hierarchy of settlements (either urban or rural) in Banat, and reached the conclusion that there are 11 ranks to be taken into consideration. The first five of them included exclusively urban centres, the last five – only rural communities, while the 6th rank included both urban centres and rural centres. This hierarchy was realized taking into consideration a large number of indicators, and special emphasis was laid on the services provided by the settlements, thus the analysis was performed in terms related to Christaller's central place theory.

From an opposite perspective, the already established hierarchy of settlements can be tested by the empirical data from different fields. In this framework, the juridical organization may be therefore related to the hierarchy of central places in Banat.

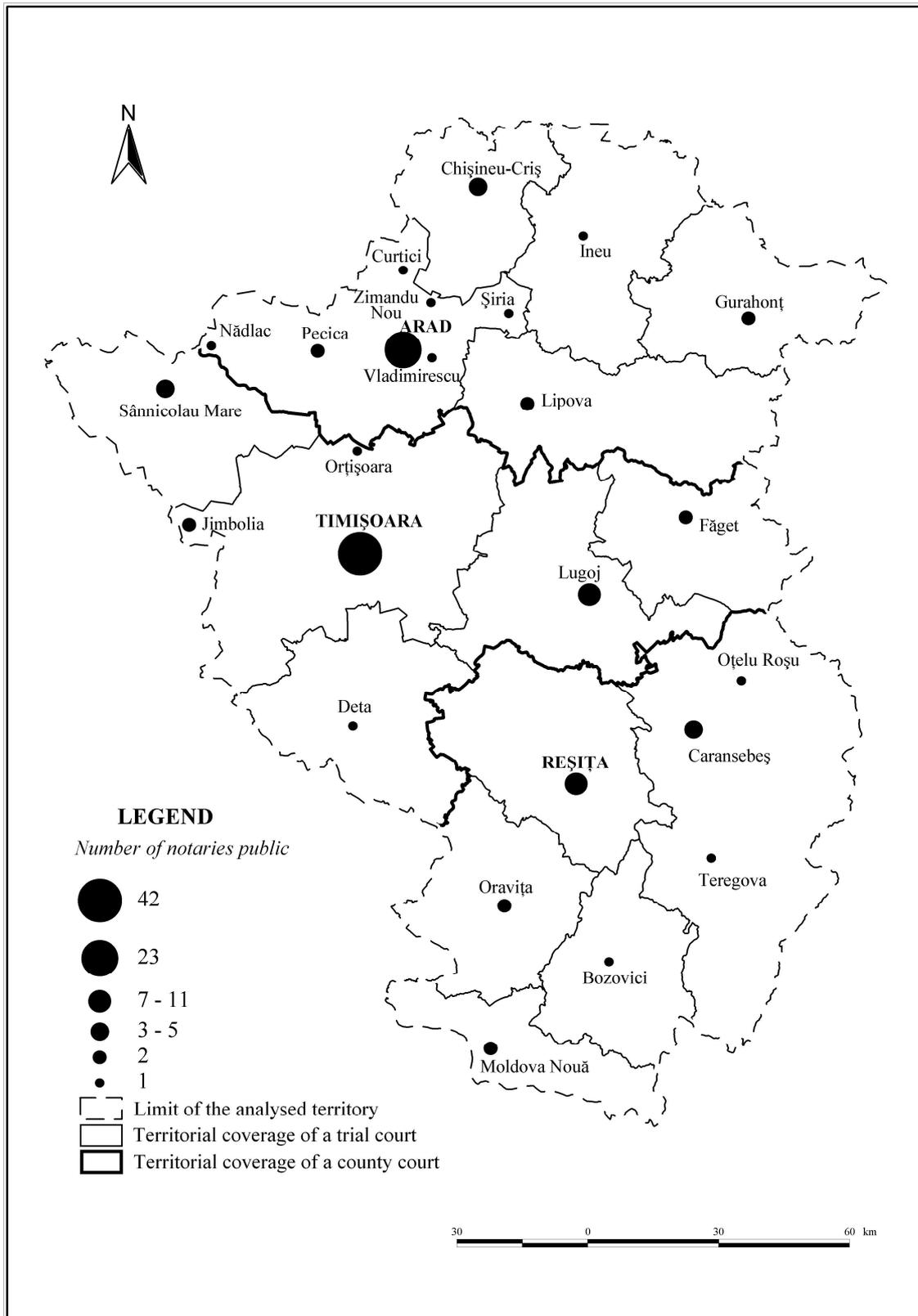


Figure 4. *The territorial distribution of notaries public in 2004.*

(Source: R. Rusu, 2007)

According to the mentioned hierarchy, there is only one city ranked 1st, Timișoara. From the point of view of the law system, this position is fully deserved. Timișoara was the centre of an appellate court since the end of the 19th century, becoming thus the most important judicial centre of the region, at the expense of the rival city of Arad. The high number of lawyers, prosecutors and notaries public also contribute to the importance of the city, as the highest ranked in the urban system.

The 2nd level is also represented by only one city, that of Arad. Although it only has a county court and a trial court (like Reșița), the city deserves its position as it competes with Timișoara, with regard to the high number of magistrates, lawyers and notaries public. Formerly this competition was much more equal; however, during the 20th century, most of the regional institutions were moved or established in Timișoara, denying for Arad the opportunity of becoming a regional centre.

The 3rd rank includes county seats without any regional significance, and Reșița is the only one in Banat which corresponds to this description. Although it has a county court, this middle-sized city is underdeveloped from the point of view of the number of lawyers and notaries public, comparable to that of lower ranked cities.

Trial courts may be found in all towns of the 4th level, most towns of the 5th level and sometimes even in settlements of the 6th level. In fact, there are two cities ranked 4th, as they were county seats in the past (before World War II), and still host a number of important institutions: Lugoj and Caransebeș. However, from the point of view of the juridical organization, they stand out from the other centres with trial courts only due to the higher number of lawyers and notaries public.

The towns included in the 5th level are much more numerous (11) and there are significant differences between them. First of all, three of them do not have a court at all: Bocșa, Oțelu Roșu and Sebiș. Due to the absence of the institution, they also lack lawyers and notaries public. Other three towns, Moldova Nouă, Deta and Făget, despite the presence of a trial court, have a very small number of lawyers (none in the case of Făget). The best situation is found in the case of the other five towns: Sănnicolau Mare, Lipova, Ineu, Chișineu Criș and Oravița. So, from the point of view of the juridical organization, the 5th level is rather questionable, as several towns do not provide the specific services for this level, and they resemble more to the ones of the next level.

The less important towns belong to the 6th level, together with the most important rural centres, Gurahonț and Bozovici in the case of Banat. The two mentioned communes are the only ones that host a trial court at this level, for reasons which are explained above. They also have a minimum number of lawyers and notaries public. There are both lawyers and notaries in only 5 of the 12 towns, Pecica, Sântana, Jimbolia, Curtici and Buziaș. At the other end, in three towns, Anina, Recaș and Gătaia, neither lawyers nor notaries can be found. The middle group of 4 towns, Băile Herculane, Nădlac, Pâncota and Ciacova, has either one or the other. Once again, the level comprises settlements with quite different situations from the point of view of the law system.

The lower levels are made up exclusively by rural settlements. The analysis is no longer required at these levels, as there are no courts and the location of lawyers and notaries public in rural areas is determined by rather indefinite factors. There is still logic in their presence in some settlements of the upper rural level (the 7th), such as Săvârșin, Orțișoara, Vinga, Hălmăgiu, Teregova, Șiria, Nădrag, and in settlements located near large cities, as discussed above. However, one lawyer or notary public may exist in any settlement by mere chance.

CONCLUSIONS

The juridical organization in a region may shed light on the hierarchy of central places. In the case of Banat, the analysis proves that the established hierarchy is uncontested for the first four levels, including the cities of Timișoara, Arad, Reșița, Lugoj and Caransebeș. However, there is much difference between the settlements of the 5th and 6th rank, comprising a large number of small towns and even two rural centres, Gurahonț and Bozovici. Three towns, Bocșa, Oțelu Roșu and Sebiș, previously conceived as belonging to the 5th level, do not have a trial court and resemble more to the towns of the 6th level. Within the 6th level, another three towns, Anina, Recaș and Gătaia, lack even the

presence of a lawyer or notary public, and therefore fit in the lower levels, which include exclusively rural settlements.

REFERENCES

- BONCIU, G. (2004), *Istoria dreptului românesc*, Edit. Cartea Universitară, București.
- CIULEI, G., CIULEI, G. C. (1997), *Dreptul românesc în Banatul medieval*, Edit. Banatica, Reșița.
- FIROIU, D.V. (1998), *Istoria statului și dreptului românesc*, Edit. Argonaut, Cluj-Napoca.
- MARTINOVICI, C., ISTRATI, N. (1921), *Dicționarul Transilvaniei, Banatului și celorlalte ținuturi alipite*, Institutul de Arte Grafice „Ardealul”, Cluj.
- RUSU, R. (2007), *Organizarea spațiului geografic în Banat*, Edit. Mirton, Timișoara.
- *** *CONSTITUȚIA ROMÂNIEI* (2003), Monitorul Oficial, București.
- *** *HOTĂRÂRE NR. 337/1993* pentru stabilirea circumscripțiilor judecătoreștilor și a parchetelor de pe lângă judecătorii, Monitorul Oficial nr. 188/6 august 1993.
- *** *LEGE NR. 36/1995* Legea notarilor publici și a activității notariale, Monitorul Oficial nr. 92/16 mai 1995.
- *** *LEGE NR. 51/1995* privind organizarea și exercitarea profesiei de avocat, Monitorul Oficial nr.116/9 iunie 1995.
- *** *LEGE NR. 303/2004* privind statutul magistraților, Monitorul Oficial nr. 576/29 iunie 2004.
- *** *LEGE NR. 304/2004* privind organizarea judiciară, Monitorul Oficial nr. 576/29 iunie 2004.