AMBIGUOUS INTERPRETATIONS IN THE LEGAL DISCOURSE ON BOTH SIDES OF THE PRUTH

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Abstract. In the context of the anniversary of a century from the creation of the Greater Romania, the influence of foreign policy on the legal discourse on both sides of the Prut clearly makes its presence felt. In recent decades, polysemy of legal language has been one of the preoccupations addressed in the general theory of law, but from a national perspective. By extrapolating on an international scale, plurality of legal sense is accentuated, the legal rule being shaped by the cultural, political context of each state. We propose a pilot study to disambiguate the terminological meaning with procedural impact from the Moldovan and Romanian legislations. This approach involves collecting, storing and processing the analysed documents in order to develop a large collection of data that will underpin the automatic analysis of legal language. The paper analyses from a diachronic perspective the international lis pendens, an established institution as a means of developing the procedural economy and as a guarantee of combating the contradiction of judgments. It is an analysis that meets the need to clarify the legal terminology useful to direct beneficiaries (legislators, lawyers, law historians, lexicologists, journalists, etc.) and anyone concerned with the subject.

Keywords: legal language, terminological ambiguity, Romanian language resources, Civil Procedure Code, Brussels I Regulation, Minsk CIS Convention (1993).

1. Introduction

One of the most important yet challenging aspects of the anniversary of a century from the forging of Greater Romania is selecting an appropriate research topic, based on diachronic exploration of Romanian texts in order to implement a technology for detecting automatically juridical language similarities (Gifu, 2014/2015). We consider the influence of foreign policy on the legal vocabulary used on the both banks of the Prut River (Republic of Moldova and Romania) is interesting especially to direct beneficiaries: legislators, lexicologists, journalists and to anyone who is concerned about how to recognize the ambiguity or/ and misunderstanding in the Laws of the Romanian Sister States. For this purpose, we need a bridge to overcome the gap between data (e.g. text) and knowledge contained in it, requiring understanding the linguistic

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structure. To develop knowledge-based legal information systems we need to access the content embedded in legal texts.

The main question addressed in this paper will be: *What role does computational linguistics play in the interaction between acquisition, change and semantic variation in the legal domain?*

This paper aims to emphasize the similarities in the terminology used in the laws of Romania and the Republic of Moldova for lis pendens.

This paper is structured as follows: section 2 presents a brief review of relevant literature, section 3 describes a general vision about lis pendens, highlighting some particularities in those two regions analysed and chronologically establishing the evolution of this term in the laws in Romanian language enforced on both sides of the Prut River, while section 4 depicts the data and method based on computational linguistics approach. Finally, section 5 sums up the key points of this survey and draw a future perspective.

2. Related Work

The language is the main vehicle of law (Mellinkoff, 2014; Sanford, 2018; Sarsenova & Madibekova, 2016; Endicott, 2016). One of the features of the legal language is its intrinsic ambiguity (Mellinkoff, 2014; Onyemelukwe & Alo, 2017) which allows the parties to bend the law according to their peculiar interests. Thus, the need of interpreting the legal language occurs. The interpretation of a legal document (a written law or just a deed) has two meaning which are intertwined: the first refers to deciphering the sense of the language (the signification of tropes) while the second is about understanding its legal content, that is the changes in the law made by adopting or concluding the document (Baude & Sachs, 2017). The main challenge for the lawyer and judges resides in the correct understanding of the legal content of the document. Though the law may not supply all the answers, jurists ought to look for them using interpretation rules (written or unwritten, closure rules etc.) in order to solve the legal indeterminacies (Baude & Sachs, 2017). Nowadays, the legal literature recognizes the plurality of the interpretative methods of the laws. Used separate, none of them allows the reader to access the authentic meaning of the legal text. The choice for one method or another is just a pragmatic selection (Dănișor, 2015). The Artificial Intelligence could introduce a new method of interpretation of laws, though for the moment it is used in writing down a variety of contracts, checking the creditworthiness of the negotiating partner or in categorizing litigations by type (Nunes *et al.*, 2018). Sometimes, the established interpretive rules and methods (provided for in the General Theory of Law or even in acts of the Parliaments on the legislative technique- see for instance Romanian Law no. 24 of 2000) are not sufficient to disclose the author's intention (Gelepu, 2016). Especially, the legal meaning of International Private Law rules is difficult to ascertain. Recent studies (Yankova, 2014) revealed that the language of Private International Law is characterized by neutral terminology, concise style, simple definitions of concepts, complemented by direct negotiations but also ambiguity which allows, on the one hand, the adaptation of the legal provisions to the different social contexts imposed by history but which, on the other hand, diminishes over time the effectiveness of that rule. Moreover, this language reflects the legal culture differences. That is why ambiguity occurs even in the Private

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International Law provisions written down in Romanian language but enforced in two different states.

In Moldovan literature of Private International Law, lis pendens is not considered as an institution (Babără, 2013; Vrabie, 2009). The legal doctrine does not study this situation, though the Moldovan law provides for the existence of a Moldovan decision or of a litigation before a Moldovan court as an impediment to the recognition and enforcement of a foreign judgment on the same case (see Article 471 paragraph 1, letter d and 473 both of the Moldovan Civil Procedure Code[1] or Article 51 letter d of the Treaty between Romania and Republic of Moldova on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters[2], signed at Kishinev on July, 6, 1996). A distinct voice recognises lis pendens as an institution of International Civil Procedure worldwide but does not venture in studying it in the context of Moldovan Private International Law (Bivol, 2013). Moreover, in the available legal literature in Romanian language, there is no commentary on Article 464 of the Moldovan Civil Procedure Code that describes situations identical to lis pendens but only when the foreign court has issued a judgment. Maybe, an explanation of this strange fact could be the marginal name of Article 464 Moldovan Civil Procedure Code (The Effects of Foreign Judgments), a concept wider than lis pendens. Lis pendens is also provided for in Article 22 paragraph 1 of Minsk Convention of 1993 on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters but under the title Interrelation of Court Processes. It has a limited field of action: only in litigations among citizens of C.I.S. (Community of Independent States).

In Romanian Private International Law literature, lis pendens[3] is recognized as an incident that may occur in civil litigations with a foreign element and is studied from the legal definition of this institution provided for in Article 1076 Romanian Civil Procedure Code[4] as well as in Articles 29 and 33 of Regulation (E.U.) 1215 of 2012 (Brussels I bis)[5] or in Article 19 of Regulation (E.U.) 2201 of 2003 (Brussels II bis) (Lupașcu & Ungureanu, 2012; Diaconu, 2013; Buglea, 2015; Jugastru, 2015). Three authors have a slightly different approach on lis pendens. Two have critical views on the Romanian provisions. One emphasize that the adjourning of the case in Romania could last many years because of the foreign procedures and the lack of a proper legal relief of the interested party against the admission of lis pendens exception (Păncescu, 2014). The second author reveals a gap in the provisions of Article 1076 Code of Civil Procedure. What is to be done if the Romanian court had dismissed the case because it had considered that the future foreign judgment would be recognized in Romania and afterwards, the foreign court did not give the judgment? That scholar considers that a new action at law should be introduced in Romania (Popovici, 2013). The third author stresses the requirements of lis

[1]http://lex.justice.md/index.php?action=view&view=doc&id=348338 (accessed on August 23, 2018).
[2] The text of the treaty can be found in Romanian language at: http://www.legex.ro/Legea-177-1997-12165.aspx or at:
http://lex.justice.md/index.php?action=view&view=additional&id=313530&lang=1 (accessed on August 23, 2018).
[3] In Romanian Law, lis pendens concept has a double applicability depending on the geographical area: lis pendens (when the two courts are inside Romania- see Article 138 Civil Procedure Code) and international lis pendens (when one of the courts is situated abroad-see Article 1076 Civil Procedure Code). Note that Romania being a European Union member since 2010, the lis pendens provided for by E.U. regulations is also an international one.
[4]http://legislatie.just.ro/Public/DetaliiDocument/140271 (accessed on September 4, 2018).
[5]https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:32012R1215&from=EN (accessed on September 4, 2018).

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pendens as well as the fact that the exclusive jurisdiction of Romanian courts precludes the admission of lis pendens exception (Macovei, 2017).

3. A Conceptual Framework

The present study proposes the collection, storage and processing of legal documents, identifying and analysing a number of ambiguity elements of the meaning of terminology with procedural impact in the Laws of the Romanian Sister States. The goal of the present work is to reveal the existence of lis pendens in Moldovan International Civil Procedure and to plead for a unitary name of this legal institution in the Romanian juridical vocabulary. It is a pilot research that fulfills the need for a unified primary classification of lis pendens in Moldovan and Romanian Private International Law. Such a study can be a starting point to chronologically establish the evolution of the terminology of this concept in Romanian language spoken on both sides of the Prut River.

3.1.Lis pendens. Legal Definitions

International lis pendens is a situation in which a court in one state waives the civil litigation with a foreign element due to the existence of a pending procedure (with the same parties, the same object and the same cause) before a court in another state. This legal institution is a means of judicial cooperation among states as well as a form of procedural economy. Instead of compelling the parties of the same case to litigate in two states, obtaining two judicial decisions which may be in contradiction, lis pendens allows parties to be judged in one state, by the same court, saving time and money and avoiding the ineffectiveness of one of the decisions. The lack of effects of one of the judgments obtained in such litigations is imposed by the legal reality that one of the wide spread ground to refuse the recognition and enforcement of a foreign decision is the existence or the mere prospect of a domestic judgment between the same parties, with the same object and with the same cause of action (e.g. Article 5 paragraph 3 of the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters of 1971[6] and Article 74 point IV of Draft OHADAC Model Law relating to Private International Law[7]).

3.2.Birth of Lis pendens in Moldovan and Romania Laws

Lis pendens appeared as a legal institution in the Law of the Republic of Moldova in 1996, when this republic, part of C.I.S. (Community of Independent States), enforced Minsk Convention of 1993 on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters.

In Romanian Private International Law, lis pendens appeared in 2003, when Law no. 187 of the same year introduced the provisions of E.U. Regulation 44 of 2001. Though the above mentioned law was repealed by the Government Emergency Ordinance no. 119 of 2006, approved by Law no. 191 of 2007, lis pendens continued to be provided for the litigations with a foreign element situated in the E.U. until the Code of Civil Procedure (Law no. 134 of 2010) extended this institution for all the international civil litigations.

[6]https://www.hcch.net/en/instruments/conventions/full-text/?cid=78 (accessed on September 11, 2018).
[7]http://www.ohadac.com/textes/5/100/title-iv-validity-of-foreign-judgment-and-public-documents.html (accessed on Sept. 11, 2018).

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Lis pendens is a new institution even on the European level. For instance, in France, lis pendens has not been allowed until 1969. Nowadays, this institution is provided for in the majority of states as well as in international treaties or European regulations (Jugastru, 2015).

4. Data and Method

Below, a methodology of lis pendes topic investigation on MD and RO Laws is presented in order to determine the semantic differences in the distribution of this topic in legal data, reflecting the difference between legal vocabularies.

4.1.Data Collection

From the perspective of the conceptual distinction, our training corpus contains a set of legal articles from both sides of the Pruth that have common features based on lis pendence approach, always founded in the first paragraph (Table 1).

In order to develop a statistical model based on manual annotations made on the training corpus we shall use a new collection of articles of law that will be described in a distinct paper.

Table 1. Training Data Statistics

Total Words	**Romanian Law**		**Moldovan Law**	
	Domestic[8]	International[9]	Domestic[10]	International[11]
	198	551	126	93

4.2.Data preprocessing

For our purpose is necessary to highlight attributes that we are going to include in the machine learning system to pick up on. Being a collection of legal articles, we considered the following natural language processing (NLP) chain applied on raw texts of the present corpus (training corpus) in two levels.

I. **Level-1**: *segmentation* (1) and *lexical* information (2). Sentences have their boundaries manually marked and each token has attached its part of speech, lemma, and morpho-syntactic information, by running an automatic processing chain that includes: tokenisation, POS-tagging and lemmatisation (Simionescu, 2011);

[8] Art. 1076 of Law no. 134 of 2010 republished (Code of Civil Procedure) & Art. 31 of Law no. 187 of 2003.
[9] Art. 27 of Regulation (EU) no. 44 of 2001 , articles 29 and 33 of Regulation (EU) no. 1215 of 2012 and art. 19 of Regulation (EU) no. 2201 of 2003.
[10] Art. 464 of Moldovan Civil Procedure Code (Code no. 225of 2003).
[11] Art. 22 of Minsk Convention of 1993 on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters.

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II. **Level-2**: entity marks. During a manual annotation phase each legal entity described in text was marked.

For illustration, here are some examples, according with NLP tasks.

Ex. 1 Instanța română respinge cererea. (Ro) => The Romanian court will reject the request. (EN)

(1) *Text segmentation at sentence / clause level*

The corresponding subservient output data is:

<CLAUSE ID="c0" TYPE="SENTENCE">

<W>Instanța </W>

<W>română</W>

<W>respinge</W>

<W>cererea</W>

</CLAUSE>

(2) *Part-of-speech tagging* (Simionescu, 2011)

<W LEMMA="instanța" POS="NOUN" Number="singular" Definiteness="yes">instanța</W>

<W LEMMA="respinge" POS="VERB" Number="singular" Person="third" Tense="present" TYPE="predicative"> respinge</W>

<W LEMMA="cererea" POS="NOUN" Number="singular" Definiteness="yes">cerere</W>

In order to become aware of the huge diversity of legal situations or human intentions by natural language understanding, it is important to label correctly the anaphoric expressions. Each type of anaphora depends upon another referential element.

(3) *Robust Anaphora Resolution Engine*

To discover anaphoric expressions we useRARE (Ignat, 2011). For instance, there is an anaphoric connection between *litispendența*/*lis pendens* (referent) and *Ea*/*It* in the following text:

Ex. 2<Litispendența> este un mijloc de cooperare judiciară internațională. <Ea> este și un mijloc de economie procedurală… (RO).=><Lis pendens> are a means of international judicial cooperation. <It> is also a means of procedural economy... (EN)

(5) Name Entity Recognition (NER)

For this pilot study we added new gazetteers customized to the legal language using NER for Romanian language (Gîfu & Vasilache, 2014). It is known that NER (alias entity identification,

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entity chunking and entity extraction) is a tool based on pre-defined categories (gazetteers) such as the names of persons, organizations, locations, expressions of times, etc. These lexicons are used to find occurrences of these names in text.

Given the previous sample, this step will produce the following identification:

<NE TYPE="ORGANIZATION">

<W>instanța</W>

</NE>

[…]

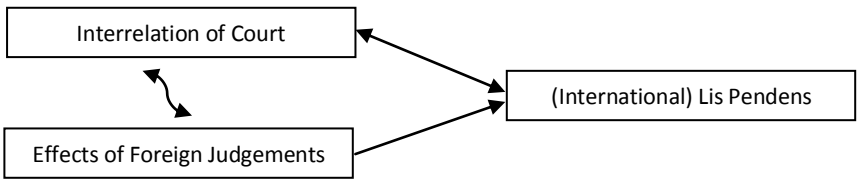
<NE TYPE="CLAIM">

<W>acțiunea</W>

</NE>

Note that gazetter called CLAIM contains the following words: cerere (de chemare în judecată)/claim, proces/ proceedings, pretenție/ pretention.

Using these previous steps, we detect a semantic similarity among the international interrelation of court processes and the effects of foreign judgments (both used in MD Law) and lis pendens used in Romanian and EU laws (Fig.1).



a) MD b) RO

Fig. 1 Semantic classes of lis pendes in Republic of Moldavia (MD) and Romania (RO)

According with figure 1 (a) MD, the concept of interrelation of court processes is provided for in Article 22 of Minsk Convention of 1993 on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters. The concept of effects of foreign judgments (Article 464 Civil Code Procedure) is wider than the concept of lis pendens. In Private international Law it covers: *res iudicata* effect of a foreign judgment, the enforcement of these judgments as well as their probative force. The concept of effects of foreign judgments covers only that part of lis pendens where the foreign court has come already to a decision. The part where two litigations with the same parties, object and purpose unfold in different states is still not provided for. About the

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figure 1 (b) RO, the term Lis pendens, in the Romanian law, is inspired by EU regulations that are directly enforced after the Romanian accession to the EU in 2010. International lis pendes is used only in the Code of Civil Procedure.

Here some examples to illustrate the conceptual ambiguity based on lis pendence.

Ex. 3: litispendență (RO) <=>interconexiunea proceselor judiciare (MD)<=>lis pendens (EN) (Fig. 1)

Romanian Law (Articolul 29 of Regulation (EU) 1215 – 2012):

[…]în cazul în care <cereri> având <același obiect> și <aceeași cauză> sunt introduse între <aceleași părți> înaintea unor <instanțe din state membre diferite>, <instanța> sesizată ulterior <suspendă din oficiu acțiunea> până în momentul în care se stabilește competența primei instanțe sesizate. (RO) => […] where <proceedings> (legal term that covers both the Romanian concept of actions at law and same object of these actions) involving the <same cause of action> and between the <same parties> are brought in the <courts of different Member States>, <any court> other than the court first seised shall of its own motion <stay its proceedings> until such time as the jurisdiction of the court first seised is established (EN)[12].

...

Moldovan Law (Art. 22 of Minsk Convention – 1993):

În cazul în care [<un proces>] este intentat între [<aceleaşi părţi>], asupra [<aceluiaşi obiect>] şi în [<aceleaşi temeiuri>] în [<instanţele de judecată ale două Părţi Contractante>], competente în conformitate cu prezenta Convenţie, [<instanţa de judecată>], care a intentat mai târziu cauza, [<suspendă procedura>]. (RO) => If [<a case>] of the [<same sides>], about the [<same object>] and with [<the same cause of action>] is considered by [<courts of the two Contracting Parties>], both courts being competent according to the present Convention, then [<the court>] that started the process later must [<stay the legal proceedings>][13]. (EN)

As an illustration of this example, we can think to a litigation concerning the renting of a truck between a juridical person A and a natural person B, both domiciled in different states. Let's assume that A has its domicile in Republic of Moldova and B in Armenia. The truck was damaged in Moldova under the control of B, and B refused to pay to A, the owner of the truck other money than the rent. A brought an action against B in Republic of Moldova (as the place where the damage occurred). B does not appear in court. Under such circumstances, A sues again B in Armenia, as the state where B is domiciled. B will stay the proceedings in Armenia invoking the interrelation of court processes under Article 22 of Minsk Convention (1993). Now, let's assume that A is domiciled in Romania, while B is domiciled in Hungary. The place of the damage is Romania. A sued B in Romania. Confronted with B's lack of interest in the proceedings, A sues again B, this time in Hungary. B will stay the proceedings in his country under Article 29 of Regulation 1215 of 2012.

[12]https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1215&from=EN (September 19, 2018).
[13]Inspired by: http://cisarbitration.com/wp-content/uploads/2017/02/Minsk-Convention-on-Legal-Assistance-and-Legal-Relations-in-Civil-Family-and-Criminal-Matters-english.pdf (September 19, 2018).

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Ex. 4 litispendență (RO) <=>efectele hotărârilor judecătorești (MD)<=>lis pendens(EN) (Fig. 1)

Romanian Law (Art. 1.076 of Code of Civil Procedure-Law no. 134 of 2010, republished)

1. Când <o cerere> este pendinte <in fata unei instanțe străine> și este previzibil ca <hotărârea străină> va fi <susceptibila de recunoaștere sau de executare> in Romania, <instanța română> sesizată ulterior cu <o cerere> între <aceleași părți>, având <același obiect> și <aceeași cauză>, poate <suspenda judecata> până la pronunțarea hotărârii de către jurisdicția străină. <Instanța româna> va <respinge cererea> când hotărârea străină pronunțată este <susceptibila de a fi recunoscută> conform dispozițiilor prezentei cărți. (RO) => When <a claim> is pending <before a foreign court> and it is foreseeable that the <foreign judgment> will be <susceptible to recognition or enforcement> in Romania, <the Romanian court> subsequently seized with <a claim> between the <same parties>, having <the same object> and the <same cause>, may <stay the proceedings> until the judgment of the foreign jurisdiction. The <Romanian court> will <reject the claim> when the foreign judgment rendered is <susceptible of being recognized> in accordance with the provisions of this book. (EN).

Moldovan Law (Article 464 of Moldovan Civil Procedure Code -Code no. 225 of 2003)

1. <Instanţa judecătorească a Republicii Moldova><refuză> să primească <cererea> spre examinare sau dispune <încetarea procesului> pornit dacă există <o hotărîre> în <litigiul> dintre <aceleaşi părţi>, asupra <aceluiaşi obiect> şi avînd <aceleaşi temeiuri>, pronunţată de <o instanţă judecătorească a unui alt stat> cu care Republica Moldova a încheiat tratat internaţional în care se stipulează <recunoaşterea şi executarea reciprocă> a hotărîrilor judecătoreşti sau cînd recunoaşterea şi executarea hotărîrilor se efectuează pe principiul reciprocităţii. (RO) =>The <court of the Republic of Moldova><refuses> to receive the <claim> for consideration or orders <the cessation of the proceedings> if there is <a decision> in the <litigation> between the <same parties>, <on the same object> and on <the same grounds>, pronounced by <a court of another State> with which the Republic of Moldova has concluded an international treaty stipulating <mutual recognition and enforcement> of judgments or when the recognition and enforcement of judgments is carried out on the principle of reciprocity. (EN)

2. Instanţa judecătorească a Republicii Moldova <restituie><cererea> ori scoate <cererea> de pe rol dacă în <instanţa judecătorească străină> a cărei <hotărîre> urmează a fi <recunoscută sau executată> pe teritoriul Republicii Moldova a fost intentat anterior <un proces> în <litigiul> dintre <aceleaşi părţi>, asupra <aceluiaşi obiect>, avînd <aceleaşi temeiuri>. (RO) =>The <court of the Republic of Moldova><returns> the <claim > or drops the <claim> if, before the <foreign court> whose decision is to be <recognized or enforced> on the territory of the Republic of Moldova, <a litigation> was previously <brought to trial> between the <same parties>, <over the same object>, <on the same grounds>. (EN)

This example reflects the fact that the effects of foreign judgements in MD Law are similar with lis pendes in RO Law. Both articles of law deal with legal proceedings (<cererea>, < o cerere>)

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before domestic and foreign courts (<o instanță judecătorească a unui alt stat>, <instanța judecătorească străină>,<în fața unei instanțe străine>) among the same parties (<aceleași părți>), with the same object (<aceluiași obiect>, <același obiect>) and with the same purpose (<aceleași temeiuri>, <aceeași cauză>). In both articles of law, the prospect of the foreign judgment to be recognized and enforced in Moldova or in Romania is essential (<recunoaşterea şi executarea reciprocă>, <recunoscută sau executată>,<susceptibila de recunoaștere sau de executare>, <susceptibila de a fi recunoscută>).The instructions to be followed by the judge in such a situation are similar. The domestic court, subsequently notified, has to refuse the examination of the cause, or to order the restitution of the legal action (Republic of Moldova) or the cessation of the proceedings or to adjourn the litigation (Romania, Republic of Moldova). If the recognition of the foreign judgment is impossible, the Moldovan or Romanian court may continue the proceedings. The differences between the two institutions are of lexical order (see Example no.1) as well as of temporal order.In the Moldovan Code of Civil Procedure, the legal proceedings before the foreign court have ended with a foreign decision (<o hotărîre>, <hotărîre>). In the Romanian Civil Procedure Code, it is not compulsory that the foreign court has reached a decision (<pendinte>, <previzibil>, <până la pronunțarea>), but the case when a foreign decision was issued is covered, too, in the last thesis of paragraph 1 of Article 1076 Code of Civil Procedure ("hotărârea străină pronunțată"). However, these differences of time are not able to differentiate the Moldovan effects of foreign judgments of the Romanian lis pendens. They constitute a peculiar case of international lis pendens.

As an illustration of this example, we shall recall the litigation concerning the damaging of a rented truck. This time, let's assume that A has its domicile in Ukraine and B in the Republic of Moldova. The truck was damaged in Ukraine under the control of B, and B refused to pay to A, the owner of the truck other money than the rent. A brought an action against B in Ukraine (as the place where the damage occurred) and obtained there a judgment. Discontented by this judgment, hoping to obtain a better recovery, A sues B in the Republic of Moldova. B will block the proceedings in Moldova, using the Ukrainian judgment under Article 464 paragraph 1 Moldovan Civil Procedure Code. If A is domiciled in the Republic of Madagascar and B in Romania and the place of the damage is also Madagascar, then B will force the Romanian court to drop the case, using the judgment from Madagascar, under Article 1076 Romanian Civil Procedure Code.

5. Conclusions

This paper is focused on computational linguistics approach in order to automatically detect the concept similarities between two legal institutions in spite of the different names they bear. In this study, for training the computer we use the international lis pendens concept. Comparing the laws of Romanian and the Republic of Moldavia, we discovered a semantic similarity among the international interrelation of court processes and the effects of foreign judgments (both used in MD Law) with lis pendens used in Romanian and EU laws. We are going to establish the evolution of the terminology of other legal concepts in Romanian language spoken on both sides of the Prut River as well as the impact of artificial intelligence in Private International Law primary classification. We propose a pilot study to disambiguate the terminological meaning

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with procedural impact from the Moldovan and Romanian legislations based on a larger collection of data that will underpin the automatic analysis of legal language.

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BIBLIOGRAPHY

1. Babără V.: Drept internațional privat, Ediția a IV-a revăzută și adăugită, Chișinău, 2013, pp. 321-325.
2. Baude W. & Sachs E.S.: The Law of Interpretation. In : Harvard Law Review, Volume 130, February 2017, No. 4, pp. 1085-1086 & 1145-1147 available at: http://cdn.harvardlawreview.org/wp-content/uploads/2017/02/1079-1147_Online.pdf.
3. Bivol S.: Note de curs. Drept internațional privat. (Ciclul I), Chișinău, 2013, p. 16 available at https://dreptmd.wordpress.com/cursuri-universitare/drept-international-privat
4. Buglea, C.P.: Drept internațional privat, Ediția a II-a revăzută și adăugită, Editura Universul Juridic, București, 2015, pp. 185-186 & 193-194.
5. Dariescu, C.: Fundamentele dreptului internațional privat, Ediția a V-a revăzută și adăugită, Editura Universul Juridic, București, 2018, p. 77.
6. Dănișor, D.D.: Rezumatul tezei de doctorat Interpretarea gramaticală a legii civile. De la tehnica redactării la aplicările sale practice în Codul civil, 2015, p.6 available at: http://mecanica.ucv.ro/ScoalaDoctorala/Temp/Rezumate/Danisor%20Diana_REz%20ro.pdf.
7. Diaconu, N.: Drept internațional privat, Ediția a VI-a, Editura Universitară, București, 2013, pp. 341 & 351-352.
8. Duma, D.: Aspecte teoretice privind recunoaşterea si executarea hotărârilor judecătoreşti in lumina prevederilor Regulamentului nr. 44/2001 privind competenţa, recunoaşterea şi executarea hotărârilor în materie civilă şi comercială, p. 94. In: Place and Function of Confrontation in the European Union countries, available at: https://drept.uvt.ro/administrare/files/1481040260-diana-duma.pdf
9. Endicott, T.: Law and Language, The Stanford Encyclopedia of Philosophy (Summer 2016 Edition), Edward N. Zalta (ed.), URL = https://plato.stanford.edu/archives/sum2016/entries/law-language/.

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10. Gelepu, I.: Ce-a vrut să spună autorul? Un studiu de caz, 2016 available at: https://www.juridice.ro/444297/ce-a-vrut-sa-spuna-autorul-un-studiu-de-caz.html .

11. Gîfu, D.: Contrastive Diachronic Study on Romanian Language. In: Proceedings FOI-2015, S. Cojocaru, C. Gaindric (eds.), Institute of Mathematics and Computer Science, Academy of Sciences of Moldova, 2015, pp. 296-310.

12. Gîfu, D. & Teodorescu, M.: Communication concepts vs. Sciences concepts. In: International Letters of Social and Humanistic Sciences (ILSHS) 18/2014, pp. 48-57.

13. Gîfu, D. & Vasilache, G.: A Language Independent Named Entity Recognition System. In: Proceedings of The 10th International Conference Linguistic Resources and Tools for Processing The Romanian Language, ConsILR-2014, 18-19 Sept. 2014, Craiova, Romania, Mihaela Colhon, Adrian Iftene, Verginica Barbu Mititelu, Dan Cristea, and Dan Tufiş (eds.), "Alexandru Ioan Cuza" University Publishing House, Iaşi, 2014, pp. 181-188 .

14. Ignat, E.: RARE-UAIC (Robust Anaphora Resolution Engine), resursă gratuită pe META-SHARE, Universitatea "Alexandru Ioan Cuza" din Iași, 2011.

15. Jugastru C., Competența internațională a instanțelor române. In: Ioan Leș (coord.): Tratat de drept procesual civil, Vol. II, Ed. Universul Juridic, București, 2015, pp. 805-807 &826-829.

16. Lupașcu, D., Ungureanu, D.: Drept internațional privat, Ed. Universul Juridic, București, 2012, pp. 303 & 359.

17. Macovei, I.: Tratat de drept internațional privat, Universul Juridic, București, 2017, pp. 399-400, 413-416.

18. Mellinkoff, D.: The Language of the Law, Wipf and Stock Publishers, Eugene (OR), 2014, pp. 3, 21 &25.

19. Onyemelukwe N. H., Alo, M. A.: Aptness and Ambiguity in the Language of Law. In: American Journal of Linguistics, 2017, 5(3), pp. 57-64.

20. Nunes, D. & Gaetano Rubinger, P & Marquez A.L. (2018). Os perigos do usa da intelligência artificial na advocacia, available at: https://www.conjur.com.br/2018-jul-09/opiniao-perigos-uso-inteligencia-artificial-advocacia.

21. Păncescu F. G.: Drept procesual civil internațional, Editura Hamangiu, București, 2014, pp. 130-135.

22. Popovici S.: Litispendența și conexitatea în procesul civil internațional. In Analele Universității de Vest din Timișoara, seria Drept, nr. 2/2013, pp.149-158, available at : https://drept.uvt.ro/administrare/files/1481045737-lect.-univ.-dr.-sergiu-popovici.pdf .

23. Sanford S.: Ambiguity and Misunderstanding in the Law, p. 1, 2018, available at: http://idiom.ucsd.edu/~schane/law/ambiguity.pdf;

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Provided by Diacronia.ro for IP 216.73.217.34 (2026-11-14 00:01:49 UTC)

24. Sarsenova, A. & Madibekova, D.: Misunderstanding in language and ambiguity in Law, 2016, available at: https://www.diplomacy.edu/blog/misunderstanding-language-and-ambiguity-law.

25. Simionescu, R.: UAIC Romanian Part of Speech Tagger, resource on nlptools.info.uaic.ro, "Alexandru Ioan Cuza" University of Iași, 2011.

26. Vrabie, C.: Drept internațional privat, Bălți, 2009, pp. 90-91.

27. Yankova, D.: On the language of Private International Law. In: Cross-linguistic Interaction: Translation, Contrastive and Cognitive Studies., Editors: Diana Yankova, Sofia University Press, Sofia, 2014, pp. 446-448.

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