

The influence of judicial practice on intelligence actions in strengthening urban resilience in the context of Europe: the case of Romania

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Abstract

Urban resilience is now a strategic priority for addressing economic, social, and environmental challenges, considering the transformations that have occurred in the European urban environment. This research aims to examine the impact of jurisprudence on collective intelligence actions to enhance urban resilience in Romania within the European context. Judicial practice plays a crucial role in creating regulations that enable collaboration between public institutions, communities, and the private sector, facilitating innovative solutions tailored to contemporary urban needs. The analysis focuses on the influence of Romanian court decisions on the development of urban resilience strategies, either directly or indirectly, through legal mechanisms that promote sustainability and encourage community participation in decision-making processes. By examining a representative sample of cases, the study highlights specific issues generated by the national legislative framework, as well as opportunities for implementing collective intelligence actions with a positive impact on urban communities. Collective intelligence is vital for adapting cities to major risks such as climate change, rapid urbanization, and increasing social vulnerabilities, in line with European objectives. Judicial practice in Romania can contribute to these processes by improving standards and creating a collaborative environment that fosters sustainable and inclusive solutions. The paper emphasizes the importance of the legal system in enhancing urban resilience and underscores the need to align national judicial practices with European directives on sustainable urban development. It contributes by highlighting the effects of adaptive jurisprudence on improving urban policies and increasing resilience in communities across Romania and Europe.

Keywords: urban resilience, judicial practice, collective intelligence.

1. Introduction

1.1. Context and importance of urban resilience

Legislation plays a key role in strengthening urban resilience, providing a formal regulatory framework for adapting urban infrastructure and institutions to the complex challenges posed by climate change, urban migration and economic pressures. In this context, the period of post-legal reformism calls for a reassessment of the role of the law, going beyond simple reactive measures and integrating proactive and anticipatory solutions to ensure urban sustainability [1].

In Romania, the current legislative framework, composed of normative acts such as Law no. 350/2001 on spatial planning and urbanism, supports the sustainable development of cities, promoting adaptation to climate change through territorial planning and sustainable use of natural resources. Also, the Civil Code and the Administrative Code regulate critical

aspects such as expropriation for reasons of public utility, essential for the modernization of urban infrastructure and the creation of resilient cities.

Studies on urban resilience have also highlighted the essential role of magistrates in the consistent and uniform application of relevant legislation. A concrete example is the use of legislation to protect urban natural resources, guarantee the rights of inhabitants in urban transformation processes and the efficient management of conflicts related to land use. These processes reflect the importance of the synergistic interaction between justice and public policies in supporting resilient cities.

In addition, international tax legislation indirectly contributes to urban resilience by providing the necessary financial resources for investments in infrastructure and climate adaptation. The Multilateral Convention on Base Erosion and Profit Shifting (BEPS) is a pertinent example in promoting tax fairness, preventing tax base erosion by multinational companies and thus allowing local governments to allocate more resources to urban development.

Judicial practice provides relevant examples on the resolution of urban disputes, significantly influencing the resilience of communities. Decisions such as Case C-265/95, France v. The Commission illustrates the importance of standardizing the interpretation of laws in the management of complex urbanization and trade issues. This case law ensures legal stability and predictability, which are fundamental elements for the robust development of urban communities [2].

Access to financial and economic resources is another key element of urban resilience, facilitated by microfinance legislation, such as Law no. 93/2009 in Romania. It supports small and medium-sized entrepreneurs in urban and rural areas, helping to reduce economic and social disparities and develop a sustainable local economy.

Integrating legislation into a holistic framework, including sustainable planning, effective conflict resolution and equitable distribution of resources, contributes significantly to strengthening urban resilience. Cities capable of adapting and prospering in the face of global change are those that base their development on sound legal principles, reflecting the needs and aspirations of communities and responding to contemporary challenges.

1.2. The role of judicial practice in the European urban context

The results of the research demonstrate a solid correlation between European urban jurisprudence, European directives on resilience, urban legal collaboration and the integration of European law in Romania, offering particularly relevant perspectives on these complex topics. Within the urban resilience policies in Romania, there is an increased attention paid by the European Union and NATO, which are included in the national sustainable development strategies, in accordance with the provisions of Regulation (EU) no. 2021/241 on the Recovery and Resilience Facility [3].

Urban areas, due to their dual legal character, involve a complex and often problematic interaction between national and European administrations, which is regulated in detail by

the European Urban Charter, which promotes multilevel governance and the coherent integration of European legislation into sustainable urban development. A central aspect of the development of these policies is the crucial role of judicial practice in the European urban context, which contributes significantly to the uniform interpretation and application of European law at local level. The case law of the Court of Justice of the European Union (CJEU) plays a key role in clarifying the relationship between European directives and national legislation, establishing rigorous standards that profoundly influence urban management. For example, the CJEU's interpretations of the Water Framework Directive (2000/60/EC) have significantly strengthened the regime for the protection of aquatic resources, underlining the responsibilities of urban authorities in cross-border cooperation. At the same time, the national courts in Romania constantly refer to these decisions to ensure the compliance of local policies with the European framework [4].

Another particularly significant aspect is the role of good faith in business law, considered a fundamental principle also transposed into Romanian legislation by the Civil Code, art. 1170, which imposes this obligation in contractual relations. This principle reflects the convergence of national legislation with international jurisprudence. With regard to environmental protection and human rights, the jurisprudence of the International Court of Justice directly influences European approaches, and the Charter of Fundamental Rights of the European Union, through Article 37, explicitly recognizes the right to a healthy environment, integrating the ecological dimension into the category of fundamental rights [5].

European asylum policies illustrate a clear trend towards legislative harmonisation between Member States, exemplified by the Dublin III Regulation (EU) no. 604/2013, which establishes clear and rigorous criteria for determining the state responsible for processing an asylum application, thus facilitating effective cooperation between local and European authorities. In Romania, the legal regime of the insolvency of administrative-territorial units, regulated by Law no. 85/2014, aligns, by comparison, with similar approaches in other states, such as Hungary and Switzerland, but with particularities adapted to the specific national context [6].

Another area of major interest is transboundary water governance, where the Water Framework Directive (2000/60/EC) establishes common mechanisms for the protection and management of water resources, stressing the importance of international cooperation in this vital sector. The integration of trade and environmental interests is manifested through innovative legislative initiatives, such as Regulation (EU) 2020/852 on the taxonomy of sustainable investments, which promote the strategic alignment of economic investments with green objectives. European administrative law also includes the recognition of the administration's silence as an implicit form of decision, an example specifically regulated by Regulation (EU) 2018/1724 on the Single Digital Gateway, which imposes clear and precise deadlines for authorities' responses [7] [8] [9].

Through such interaction, judicial practice contributes decisively to strengthening the coherence between national laws and European directives, promoting integrated urban governance, with a strong focus on sustainability, cooperation and adaptability. The role of

the courts in the interpretation and application of this legislative framework highlights the importance of jurisprudence as a mechanism of balance and adaptation to contemporary challenges in the urban environment.

2. Literature and preliminary studies

2.1. Collective intelligence: a tool for sustainability

Public-private partnerships (PPPs) are an essential mechanism for strengthening collective defence against cyber threats and increasing the resilience of critical infrastructures. These partnerships facilitate communication, interaction and exchange of information between public and private entities, thus enabling the implementation of coordinated defensive measures and risk reduction. By establishing public-private partnerships, organizations can share critical information about cyber threats and collaborate to implement common protection solutions, streamlining attack prevention and response [10].

A relevant example is the legal framework established by Regulation (EU) 2019/881 on cybersecurity (NIS Regulation 2), which establishes a legal framework for public-private partnerships in the field of cybersecurity, promoting collaboration between public authorities and critical infrastructure operators. Under this regulation, Member States are required to create partnerships that allow for the rapid exchange of information on risks and vulnerabilities between the public and private sectors, in order to ensure a prompt and effective response to cyber-attacks.

Another significant example is provided by Law no. 362/2018 in Romania, which regulates the security of networks and information systems. This law provides for measures to create partnerships between public authorities and private operators of critical infrastructures to ensure a rapid response to cyber threats, including through the creation of cybersecurity incident response coordination centres. Such initiatives are essential to strengthen a coordinated and effective response to cyberattacks, enabling the exchange of information and resources between the public and private sectors, as well as learning from shared experiences [11] [12].

Binding legal means for public-private partnerships, such as those developed for cybersecurity, help institutionalize cooperation in the field of information exchange between the public and private sectors, facilitating the deployment of resilient digital ecosystems. For example, in the United States, the legal framework created by the Cybersecurity Information Sharing Act (CISA) allows private companies to share information about cyberattacks with government agencies without risking legal sanctions. This type of legislation ensures more effective collaboration and protects both public and private interests, helping to create a safer and more adaptable environment to new cyber threats. In addition, international regulations, such as Regulation (EU) 2016/679 on the protection of personal data (GDPR), support transparency and cooperation between public and private organizations, requiring data management according to common standards of protection and security. These regulations not only strengthen trust between the parties involved in public-private partnerships, but also help build a resilient digital ecosystem capable of dealing with cyberattacks [13] [14].

Legal mechanisms, including legislative, judicial and contractual ones, play a key role in facilitating public-private collaboration and promoting transparency, openness and adaptability. In this regard, Romanian legislation regulates important aspects of the collaboration between public authorities and the private sector in the field of cybersecurity. For example, Law no. 455/2001 on electronic signatures regulates the use of electronic signatures in public and private transactions, ensuring the integrity and authenticity of information exchanges. This legal framework helps to protect sensitive data and ensure trust between the parties involved in public-private partnerships, which is crucial in the context of cybersecurity.

Government involvement and corporate social responsibility (CSR) policies, regulated by legislation, can help embed resilience and promote corporate social competence by leveraging public-private partnerships. The European Union Directive 2014/95/EU requires companies to report on their social responsibility practices, including in the area of cybersecurity. Thus, governments can support private companies in developing domestic cyber resilience policies, encouraging investment and innovation in the field. These legislative initiatives create an enabling framework for the private sector to take responsibility for strengthening cybersecurity, which is essential for protecting critical infrastructures and preventing cyberattacks [15].

In addition, regional organisations can facilitate coordination and cooperation in the field of cyber resilience measures, although their approaches are not always legally binding. The Organisation for Security and Co-operation in Europe (OSCE), for example, promotes partnerships and exchanges of best practices between Member States in the field of cybersecurity. While these approaches are not mandated by strict legal regulations, they contribute to the development of a regional framework for cooperation that supports public-private partnerships and strengthens global cybersecurity. Such regional initiatives demonstrate the importance of cooperation between the public and private sectors, even in the absence of a binding legislative framework.

2.2. Judicial practice as a mediator of urban collaboration

Urban Planning Law is a sophisticated and multidimensional subdiscipline of jurisprudence, which transcends traditional doctrinal research and focuses on the applicability and impact of legal norms in the context of urban social, economic and ecological realities. In this framework, not only the theory has a major relevance, but also the way in which legislation contributes to the management of contemporary challenges, such as access to health services, equitable distribution of resources and the proactive involvement of citizens in urban life. Consequently, legislation must provide solutions that respond promptly and adequately to the present needs of urban populations, thus promoting sustainable development [16].

According to law no. 350/2001 on spatial planning and urban planning, which regulates the use of land in urban agglomerations, it is necessary to construct buildings in residential areas that guarantee access to essential services, such as hospitals, educational establishments and green spaces, thus contributing to the physical and mental well-being of citizens. Therefore, urban law is not limited only to regulating the physical development

of cities, but also includes the creation of a regulatory framework that supports the health and well-being of the population.

Legislation on adaptation to climate change, at the state level, plays a key role in promoting local climate resilience through collaborative processes such as land use maps or urban planning activities. These procedures allow citizens and other local actors to actively participate in the decision-making process, having a direct impact on how cities respond to climate risks. In Romania, Law no. 24/2007 on the regulation of the environmental protection activity provides for the participation of local communities in the environmental impact assessment of urban projects. Thus, urban plans are developed with public consultation, promoting sustainable solutions for the climate resilience of cities.

The active participation of citizens in the process of awarding social rights can increase transparency and fairness in decision-making, ensuring that social rights are accessible and adaptable to the needs of the community.

Collaboration between environmental scientists and legal experts is essential for the development of effective policies in urban planning and environmental protection. The synergy between these experts ensures that urban policies are based on scientific evidence and are implemented through an appropriate legal framework, which is crucial for promoting sustainable development and protecting the environment.

The robust interaction between science and law is fundamental for the implementation of effective environmental protection measures and the creation of adaptable decision-making structures. This interaction facilitates the integration of scientific research into the legislative process, allowing for the adoption of environmental protection measures based on the latest scientific knowledge.

3. Methodology used in the analysis of urban resilience from a legal perspective

Studies carried out in this area emphasize the importance of assessing urban vulnerabilities, protecting citizens' fundamental rights, the institutional framework and legal regulations that support sustainable urban development, as well as the role of creative economies and green infrastructure in strengthening urban resilience.

A relevant example of the application of this methodology is the study on the vulnerability of the city of Iasi, one of the most important municipalities in Romania. It looks at urban resilience through an integrative approach, taking into account the most relevant indicators influencing the city's ability to respond to crises. These indicators include urban infrastructure, accessibility of essential services, and the economic and social vulnerabilities of the population. The study highlights, for example, the impact of climate change on the city and its ability to prevent or manage crises related to poor infrastructure or natural hazards [17].

Another significant example is the analysis of the urban precariousness policy in the case of the Roma community in Bucharest, where the housing rights of people from disadvantaged backgrounds are questioned. The study highlights the importance of

understanding the legal framework and regulations governing housing rights, especially in the context in which the disadvantaged urban segment faces significant barriers in accessing decent housing. Examples of regulations and legal measures that protect these rights and facilitate the integration of these communities include policies to support social housing or measures to combat urban segregation [18].

The institutionalist approach is also an important pillar in the analysis of urban resilience, with comparative-historical studies conducted in Romania and Lithuania highlighting the differences and similarities in the legal regulations that shape the development of cities in these two countries. Studies show, for example, how environmental protection legislation and urban planning regulations influence the ability of cities to become more resilient to environmental change and economic crises [19].

Urban governance and economic resilience play a significant role in the development of post-socialist cities in Romania, such as Timisoara and Cluj-Napoca. Studies indicate the implementation of innovative economic measures and governance strategies aimed at improving their ability to adapt to economic and environmental crises. Investing in green technologies and supporting the creative industry has contributed to the development of a more stable and resilient economic climate in the face of regional economic instabilities [20].

Another important aspect in the analysis of urban resilience is the concept of "smart cities". The implementation of advanced technologies, such as smart resource management or the use of data to reduce pollution or flood risks, can contribute to increasing the resilience of Romanian cities. These strategies are closely linked to the European Union's National Recovery and Resilience Plan (NRRP), which provides funds and measures to support the sustainable and technological development of cities [21].

Analyzing the connection between the creative economy and urban resilience is another key area in urban resilience studies. Research in Romania demonstrates how the creative economy, including culture, arts and technology, can stimulate sustainable urban development, having a direct impact on strengthening the economic and social resilience of cities. Also, the importance of urban green infrastructure is becoming increasingly evident, being a key factor in ensuring a fair and sustainable environment, capable of protecting cities from the effects of climate change and other risks [22].

4. Results: Impact of legislation and case law on urban resilience: issues, opportunities and public-private collaborations

Urban resilience has evolved into a core concept in contemporary urban planning, frequently associated with the creative economy and public-private sector collaborations. For example, urban regeneration initiatives in cities such as Cluj-Napoca and Timisoara have capitalized on partnerships between local governments, non-governmental organizations and private investors, transforming former industrial areas into dynamic cultural and economic spaces. The governance of critical infrastructures, influenced by legislation and case law, plays a key role in building urban resilience, especially in areas such as energy, transport or water networks. An eloquent example is the modernization of

public transport systems in Bucharest, which comply with European and national legislative standards.

At the same time, collaboration between local communities and practitioners is indispensable for the development of resilience practices. Projects such as the "Urban Garden" in Braşov highlight how the direct involvement of citizens in the development of green spaces can contribute to the city's adaptation to climate change. The implementation of resilience measures in urban planning is considerably influenced by the science-policy interface, which in turn is guided by legislative and legal frameworks. European standards on the energy efficiency of buildings have been integrated into national legislation, resulting in initiatives for the thermal renovation of apartment blocks in cities such as Iasi and Constanta.

In Romania, the impact of the conflict in Ukraine has highlighted the importance of resilience and sustainability in local public administration, requiring collaboration between various actors. In the northern counties of the country, such as Suceava and Maramureş, local administrations collaborated with NGOs and volunteers to provide support to Ukrainian refugees, demonstrating the need for flexible and resilient systems.

The legislation provides an indispensable framework for building resilience in urban communities vulnerable to risks, facilitating planning and prioritisation. For example, the European Union rules on flood risk management have led to the development of projects in Romania, such as the development of hydrographic basins in areas affected by frequent floods, such as Prahova Valley.

The digitalisation of public administration, often driven by legislative and policy initiatives, contributes significantly to increasing urban resilience. In the case of Romania, the implementation of digital platforms such as Ghişeu.ro or applications for reporting urban problems in cities such as Oradea and Alba Iulia demonstrates how technology can optimize the reaction of public administration to citizens' needs.

Demographic resilience in rural areas in Romania is intrinsically linked to spatial planning and the legislative framework. Rural revitalization projects in regions such as the Danube Delta or the Apuseni Mountains have been supported by national strategies and European funds, encouraging the retention of the active population in these areas.

Similarly, local democratic resilience in Central and Eastern Europe, including in Romania, is shaped by anti-corruption legislation and formal collaboration efforts. Initiatives such as the introduction of budget transparency portals in local administrations in Cluj-Napoca or Braşov represent significant steps in strengthening citizens' trust in the authorities.

5. Discussions: Interpretation of the results in the European context, contributions to urban policies and perspectives for future research

Technologies, such as crowdsourcing and neogeography, play a fundamental role in amplifying collective intelligence by decentralizing decision-making and facilitating a rapid flow of information from citizens. These tools allow the collection of relevant data in

real time, such as the location of victims, the state of infrastructure and risks, helping to build a complete information picture for the authorities involved in crisis management. This not only optimizes the efficiency of the decisions taken, but also increases the transparency of the intervention process, directly involving citizens in solving the community's problems. In accordance with Law no. 544/2001 on free access to information of public interest, this participatory model is supported by the creation of a legal framework that facilitates quick access to essential information, thus allowing authorities and citizens to interact effectively in the face of crises.

Artificial intelligence (AI), in the context of disaster management, is strategically integrated throughout the entire life cycle of disasters: prevention, response and recovery. By processing complex data in real time and using machine learning algorithms, AI makes it possible to predict the progress of events, predict risks and assess their impact on the community, so that authorities can allocate resources optimally. In this context, the national legislation, represented by the National Disaster Management Plan, promotes the use of advanced technologies, including AI, for risk analysis, planning and implementation of prevention and response measures, in order to maximize the efficiency of the disaster management process and protect the lives and property of citizens.

In parallel, the solutions for smart cities, which are constantly evolving, are based on collective intelligence and social capital, combining these dimensions with extensive spatial intelligence capabilities, which allow the efficient monitoring and management of urban infrastructure in crisis conditions. The integration of advanced technologies into urban management not only optimizes the disaster response process, but also contributes to disaster prevention by creating a proactive monitoring and rapid intervention framework. At the same time, the transition to e-democracy and the implementation of modern forms of digital governance represent a strategic direction with high potential, but which faces significant obstacles both legally and technologically. Law no. 129/2018 on the protection of personal data, harmonized with the provisions of the General Data Protection Regulation (GDPR), is an example of regulatory progress, but its uniform application is deficient, especially at the local level, where the lack of administrative capacity and limited resources accentuate inequalities in citizens' access to digital services. Challenges also persist in integrating transparency and public participation rules into digital governance, underlining the need for more legally and administratively sound implementation strategies.

Thus, despite the adoption of relevant legislative and institutional instruments for strengthening the rule of law and its democratic modernisation, Romania continues to face structural, legal and institutional constraints that limit the effective and uniform application of regulations. These shortcomings underline the need for reform, based on international standards and a coherent legal interpretation, in order to guarantee the stability and legitimacy of the democratic order.

6. Conclusions

In this context, Romania is making significant progress towards strengthening a public governance model based on decentralization, inter-institutional cooperation and strengthening local public authorities, in line with the objectives of the National Recovery

and Resilience Plan (NRRP). The PNRR is a crucial tool in the process of modernizing the public administration, through the implementation of reforms aimed at digitizing administrative and judicial processes, as well as promoting a more transparent and efficient governance system. These reforms include, among other things, the development of coordination mechanisms between local authorities and the courts, which are essential for law enforcement and the efficient implementation of urban development projects. In this direction, national legislation, such as Law no. 292/2018 on environmental impact assessment and Emergency Ordinance no. 195/2005 on environmental protection, regulates clear and detailed procedures regarding the interaction between local authorities, courts and environmental bodies in the management of urban development projects with ecological impact. These regulations impose on local authorities the obligation to comply not only with domestic legal norms, but also with international environmental protection standards, and the courts play a special role in supervising their implementation.

The interaction between local public authorities and courts in Romania is governed by a broad and complex legislative framework, which provides inter-institutional cooperation mechanisms essential for the proper functioning of the public administration. However, this framework can benefit from significant improvements, through the implementation of measures to streamline administrative processes, digitalisation and the promotion of closer collaboration between local authorities, courts and civil society. Strengthening this inter-institutional interaction is a sine qua non condition for the successful implementation of urban policies and for the development of sustainable urban resilience, in line with the economic, social and environmental requirements of contemporary society.

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