

**“BABEŞ-BOLYAI” UNIVERSITY  
CLUJ-NAPOCA  
INSTITUTE FOR DOCTORAL STUDIES  
FACULTY OF HISTORY AND PHILOSOPHY  
DOCTORAL SCHOOL  
HISTORY. CIVILIZATION. CULTURE**

DOCTORAL DISSERTATION ABSTRACT

**THE HISTORICAL EVOLUTION OF DIVORCE IN  
THE ROMANIAN LEGISLATION OF THE  
PERIOD 1864-2009**

Scientific adviser:  
UNIV. PROF. BOLOVAN IOAN, PHD.

Doctoral student:  
MĂTUŞAN VLADIMIR

2014

CONTENTS

	Page
List of abbreviations.....	5
INTRODUCTION.....	7
CHAPTER 1	
A HISTORICAL OVERVIEW OF DIVORCE IN THE ROMANIAN SPACE PRIOR TO WORLD WAR I .....	15
1.1. Marriage under Romanian Law.....	15
1.2. Divorce under Civil Law.....	29
1.3. The dissolution of marriage under the Law of the Orthodox Christian Church.	43
1.4. The dissolution of marriage in the legislation prior to the enactment of the Romanian Civil Code of 1864.....	57
1.5. An analysis of divorce from the perspective of the Civil Code of 1864.....	102
1.6. The Romanian Constitution of 1866 .....	105
1.7. Aspects of divorce in Transylvania up until World War I .....	120
CHAPTER 2	
THE PROBLEM OF DIVORCE DURING THE INTERWAR PERIOD.....	124
2.1. The Constitution of 1923.....	124
2.2. The evolution of the divorce institution from the Constitution of 1923 until 1947.....	133
2.3. A case study concerning divorce proceedings during the interwar period.....	135
CHAPTER 3	
REGULATIONS GOVERNING DIVORCE DURING THE COMMUNIST PERIOD .....	137

3.1. The systems for regulating the grounds for divorce.....	137
3.2. The Family Code of 1954 and subsequent regulations - The types of marriage dissolution and termination .....	140
3.3. The evolution of divorce during the period of the communist regime.....	156
3.4. The restrictions imposed by the communist regime on private and family life..	159
3.4.1. An analysis of the grounds for divorce and the restrictions imposed by the communist regime .....	159
3.4.2. Divorce during the communist period .....	166
3.5. Judiciary practice.....	168
3.6. A case study concerning at-fault divorce proceedings.....	170

CHAPTER 4

POST-COMMUNIST ROMANIA - THE REGULATIONS GOVERNING DIVORCE DURING THE PERIOD 1989-2009.....	173
4.1. Regulations governing the grounds for divorce.....	173
4.2. The evolution of the institution of divorce in light of the amendments brought to the Family Code up until 2009.....	182
4.3. New provisions in the matter of Family Law introduced under the New Civil Code of 2009 .....	184
4.4. The types of marriage dissolution stipulated by Law no.287/2009 on the Civil Code .....	207

CHAPTER 5

THE GROUNDS FOR DIVORCE IN COMPARATIVE LAW .....	223
5.1. The grounds for divorce in French Law .....	223
5.2. The grounds for divorce in Belgian Law .....	228
5.3. The grounds for divorce in Spanish Law .....	230
CONCLUSIONS.....	232
BIBLIOGRAPHY.....	240

**KEYWORDS:** *divorce, dissolution of marriage, legislation, methods, grounds for divorce, the Communist regime, the interwar period, codes*

## INTRODUCTION

I have chosen as a research theme “THE HISTORICAL EVOLUTION OF DIVORCE IN THE ROMANIAN LEGISLATION OF THE PERIOD 1864-2009” because I considered that my experience as a practitioner, combined with the theoretical perspective, can contribute to the development of this field. According to the material that was available to me, I have structured the thesis into 5 chapters, of unequal length, divided, in their turn, into several subchapters, in which I tried to offer a historical-juridical interpretation of the divorce phenomenon in Romanian space, from the first legislative texts in modern law to the adoption of the new civil Code. Following the classical methodological structure, the text is preceded by an Introduction and a list of abbreviations, and it ends with conclusions and a Bibliography.

The PhD thesis approaches, therefore, a theme of great contemporary relevance: the theme of the dissolution of marriage under the current legislation. It pertains to the category of works that have both a theoretical and a practical importance, highlighting the essential aspects of the dissolution of marriage in the context of the transition from the procedure of marriage dissolution imposed by the Old Code of the family to the procedure of marriage dissolution imposed by the current Civil Code. In today’s postmodern society, the traditional form of family organization is undergoing new metamorphoses, which requires the adjustment of the legislation to these challenges, culminating with the provisions of the new Civil Code.

Such a theme, with a particularly complex character, approaches, from a historical perspective, the articles of the Civil Code governing family relations, found in Book II, entitled “On family” (Art. no. 259-534); the theme under consideration here is found in the Civil Code (Art. no. 373-404). The synchronic and diachronic perspective on this subject

starts from the idea of the change in the procedure of marriage dissolution from the Family Code to the Civil Code, the most important aspects being those which refer to the procedure of divorce by a notary, the drawing of a matrimonial convention, establishing the nature of the property, whether it is jointly or individually owned, etc.

The subject of this research consists in a reconsideration of the views of the church and the secular authorities on family and marriage termination during the modern and contemporary periods.

Therefore, in the civil law system, the issue of divorce refers to the first use in the text of the notion of family, as well as to the evolution of divorce throughout time, this aspect representing the objective and real element specific to the importance and contemporary relevance of the theme under consideration here.

In what follows, I shall synthetically present the contents of the chapters, the main findings of the research and the conclusions I arrived at in each chapter.

**Chapter 1** entitled “A historical overview of divorce in the Romanian space prior to World War I” comprises aspects referring to marriage under Romanian law, the dissolution of marriage under the Civil Law and the Law of the Orthodox Christian Church, the institution of divorce seen through the lens of the Calimach Code and the Caragea Code, the dissolution of marriage in the legislation prior to the Romanian Civil Code of 1864, an analysis of divorce from the perspective of the Civil Code of 1864, the Constitution of 1866 and aspects of divorce in Transylvania up until World War I.

Marriage was an act of definitive union between the spouses, and divorce was very rarely encountered and condemned. “Who marries gets united for life” was the central idea of an old proverb. Every marriage carried a certain destiny within itself, good or bad, and the relations between the young spouses became the object of the community’s keen interest.

Church-sanctioned divorce was the “official and correct way of obtaining the dissolution of a marriage and the possibility of contracting another marriage”. It was to be ruled on and approved solely by the eparchial bishop and not by any other administrative body, based on the definitive ruling of the court of law and the two spouses’ request.

The dissolution of marriage was the legal means whereby at the request of one of

the spouses, the court put an end to the marriage.

Consequently, throughout time, the family represented the basis of the Romanian society: the head of the family expressed his authority over his life partner, children, slaves and all the goods. Still, after years, the woman gained a respected position in the family.

In popular terms, marriage entailed a vital element in the lives of people, and the most important element for starting a family was the dowry, which, in case of divorce, was returned. The relationship between the spouses was unique and marriage was contracted for life.

The word divorce is derived from the French *divorce*, and a plausible definition is “the burial of a deceased marriage”.

Several specific systems of divorce may be identified:

- Divorce as a remedy;
- Divorce as a penalty;
- The mixed conception.

In the current legislation, the main specific concepts of divorce are:

- The concept of divorce through the effect of the parties' will - with its origin in the *repudium*, it signifies the banishment of the wife by the husband;

- The concept of divorce based on the effect of a judicial decision - divorce occurs solely by judicial decision and on the basis of concrete grounds for divorce;

- The mixed concept of divorce - is based on the dissolution of marriage through the will of the spouses and as an effect of the judicial decision, when the spouses cannot agree on divorce, as well as in special circumstances;

- The concept of divorce based on the analysis of the Romanian Civil Code of 1865 - the most important aspect of this conception refers to the fact that the husband had to have a minimum age of 25 years, while his wife had to have a minimum age of 21 years;

- The conception adopted by the Civil Code. The dissolution of marriage through divorce occurs if: it is done by agreement between the spouses, at the request of both spouses or at the request of one spouse, accepted by the other spouse; it occurs when, due to serious reasons, the relations between spouses are irretrievably broken down and the continuation of the marriage is no longer possible; at the request of the husband or the wife, after more than two years since the separation of the two, divorce is granted at the

request of that spouse whose health condition makes it impossible for the marriage to continue.

In time, conceptions regarding divorce embraced different forms, but it may be concluded that they can be divided into two groups. According to the manner in which the specific legislation embraced certain categories of grounds for divorce, we may distinguish: the Concept of divorce-punishment; the Concept of divorce-remedy and the Mixed Concept of divorce.

Concepts that are based on the legal grounds for divorce: as the effect of the spouses' will; as the effect of a judicial decision; and as the effect of the spouses' will or as the effect of a judicial decision.

In the past of our Church, marriage and family were regulated by codices.

Morally, it may be ascertained that the union of man and woman in marriage is eternal and not even death can dissolve it. However, in the case of divorce, the so-called churchly divorce can be pronounced, and in church an individual can marry only up to three times, while cohabitation is not recognized by the church.

Courts with jurisdiction over matrimonial matters existed in our Church until the entry into force of the Civil Code of 1865, when compulsory civil marriage was introduced, but at present divorce cases are within the jurisdiction of civil courts. After 1864, divorce, while accepted by the Orthodox Church, was difficult to obtain.

The small number of divorces recorded by the authorities in the late 19th-early 20th century was determined by:

- The attitude of the church, which did not accept the dissolution of a marriage blessed by the priest;
- The high costs of divorce proceedings;
- Folk mentality.

**Chapter 2** concerns "The problem of divorce during the interwar period" and it comprises an overview of specific aspects of the Constitution of 1923, followed by an analysis of the evolution of the divorce institution from the Constitution of 1923 until 1947, and a case study relating to divorce proceedings during the interwar period.

Most of the theories and orientations in the field of Public Law consider that every constitution represents the fundamental law of the state, consisting of a set of juridical

norms and principles structured as a well-consolidated system and having superior legal force over the other ordinary laws. The 1866 Constitution was inspired by the model of the Belgian Constitution of 1831, considered as one of the most liberal in Europe, but adapted to the realities of Romanian political life.

During the interwar period, in the vision of the Romanian Orthodox Church, not every misunderstanding between the spouses was likely to represent grounds for divorce, but only those of a permanent nature, of particular and irreconcilable gravity, which had to be demonstrated as such based on a series of concrete facts, established on the basis of the evidence administered in the case; the mere fact that a husband had not contributed to the household maintenance could not, in itself, represent sufficient grounds for divorce, as it could be settled in other legal ways than the dissolution of marriage.

Regarding the illness of a spouse as grounds for the dissolution of marriage, the serious ailment of one of the spouses, irrespective of whether the disease was contracted before or during the marriage, could not in itself lead to divorce, in the absence of some liability or the danger of contagion, and in such a situation the “healthy spouse cannot avoid the legal obligation of giving the other spouse the moral and material support he or she needs”.

To exemplify the divorce proceedings from the interwar period, I resorted to presenting a case study that shows the manner in which a divorce lawsuit occurred in those days.

**Chapter 3**, “Regulations governing divorce during the communist period” comprises an analysis of the Family Code of 1954 - the types of marriage dissolution and termination, the evolution of divorce during the communist regime and the restrictions imposed by the communist regime on private and family life (the analysis of the grounds for divorce and the restrictions imposed by the communist regime and the analysis of divorce during the communist period), followed by judicial practice, and a case study concerning both-fault divorce proceedings.

The period 1948-1989 was extremely complex in terms of the major role played by the state through its highly active demographic policy, the communist government always intervening in regulating the fertility behavior of the population, the family’s life cycle, introducing laws and imposing coercive measures designed to ensure a satisfactory demographic growth. In Romania, the Communist government acted on three levels to enforce



its demographic policy: first, it acted by repression, introducing an intricate legislation against abortion and divorce; then the Bucharest regime promoted pronatalist incentives measures, granting financial aid and other benefits to women and families with many children; not least, it acted by persuasion, changing and directing public opinion through the media for the purposes of ensuring a fecund reproductive behaviour. Thus, the law was rigorously developed to achieve the objectives of the regime.

The year 1966 marked not only the repression against abortion, but also the repression against divorce. Divorce is a social phenomenon, but it has indirect implications on birth rates, which is why it drew the attention of the authorities. In 1948, the Communist regime eliminated from the Civil Code the articles on grounds for divorce established by consensus and tightened, in 1954, the conditions for granting it. This policy was successful in the short term because the raw divorceability rate was quite low in those years, around 0.6‰ in 1950 and 0.5‰ in 1955, but soon afterwards it registered an increasing trend, reaching 1.4‰ in 1960. In the view of the leaders of the Communist Party, the new socialist family represented the ideal of the regime and its dissolution could not be easily accepted by those who assigned “the new-type family” important tasks in terms of the rapid and consistent growth of the Romanian population. Decree 779 of 1966, which amended the Criminal Code, gave divorce an entirely exceptional character, very difficult to achieve in practice.

Divorce proceedings involved a waiting period in which attempts were made to reconcile the couple. Only a few reasons could lead to divorce: if one spouse was diagnosed as insane or if one spouse had abandoned the other by emigration. Reconciliation was required by law when the grounds for divorce invoked were infidelity, spousal beatings, degrading behaviour, incurable diseases, etc. The initiation of divorce was discouraged and complicated by high taxes (often, for the citizens with an average income, the fee was more than the monthly wages) and cumbersome procedures. For a while, the government’s intervention seems to have had the desired result, as from 25,804 divorces in 1966, their number was drastically reduced to only 48 in 1967, but in the years that followed, this number tended to increase: 4,023 in 1968, 6,991 in 1969, 7,865 in 1970, 14,472 in 1973, 17,951 in 1974, etc., which reflects the failure of the Communist authorities to create a “perfect family” artificially.

In conclusion, in order to delineate the main aspects specific to divorce in the Communist period, I outlined the three systems of regulating the grounds for divorce, which were also taken over by the Romanian legislation. In 1954, the policy of the Romanian Communist regime, with reference to family problems, was materialized for first time.

**Chapter 4** is entitled “Post-communist Romania - the regulations governing divorce during the period 1989-2009” and comprises theoretical aspects related to the regulation of the grounds for divorce, the evolution of the institution of divorce in light of the amendments brought to the Family Code up until 2009, the new provisions in the matter of Family Law introduced under the New Civil Code of 2009 and, in the end, the types of marriage dissolution stipulated by Law no.287/2009 on the Civil Code.

As I show based on Art. 38 Fam. Code, paragraph 1, sufficient grounds for divorce represent one of the conditions necessary for the dissolution of marriage. Consequently, without sufficient grounds, divorce is out of the question. Under such conditions, sufficient grounds are the very substantive elements (the marriage circumstances) that the petitioning spouse invokes through the case he or she has filed, and a natural consequence of the existence of these sufficient grounds is the very impossibility of the marriage continuing.

The concrete causes for the dissolution of marriage are not individualized in our legislation; their nature can be subjective, founded on the wrongful conduct of one or both of the spouses, which has led to the deterioration of family relations, or objective, which cannot be imputed to either spouse. In conclusion, the Civil Code entirely modifies the old conception regarding the dissolution of marriage; it brings into discussion the possibility of divorce via the administrative manner or through notarial procedure, and introduces criteria that are much more relaxed from the perspective of the divorce cases edicted by law.

The concrete causes of the dissolution of marriage are not individualized in our legislation. Under the Romanian legislation, solid grounds for divorce are: the parties' agreement concerning the dissolution of marriage and the request filed by one of the spouses on grounds of illness.

In the literature, solid grounds for divorce are considered to be: the unjustified abandonment of the marital home; infidelity; the failure to fulfil conjugal duties; serious disagreements between the spouses; the existence of a serious, incurable illness; morally

reprehensible conduct. The Code of Civil Procedure provided solutions which referred to the grounds for divorce, with procedural consequences, which were eliminated in time, giving scope to a single procedure.

The Civil Code completely changes the concept on the dissolution of marriage, bringing into focus the realization of divorce by administrative or notarial procedure.

Divorce becomes effective the moment the marriage has been dissolved and concern the relations between the spouses and between the spouses and their minor children. In conclusion, the right to request the dissolution of marriage is strictly personal in nature.

**Chapter 5**, entitled “The grounds for divorce in comparative law”, includes an analysis of the grounds for divorce under French, Belgian and Spanish Law. According to the French Constitution of 1791, marriage was considered indissoluble, but later this constitutional provision was amended, divorce being accepted. Two types of divorce were regulated: divorce by mutual consent, which was subject to very rigorous conditions, and divorce at the request of one spouse, which was admitted only for certain cases: adultery, excesses, serious injury and a conviction for a serious crime.

Divorce could be obtained in Belgium: on specific grounds (based on the fault of one of the spouses) and by mutual agreement (accomplished through the desire of one of the spouses to terminate the marriage).

In Spain, marriage did not entail the loss of one spouse’s name, so divorce prohibited name changes. The only modification produced by divorce in the spouses’ personal state was the civil status, changed from married to divorced.

At the end of the thesis, the main conclusions that are specific of the analysis presented above are rendered, as is the bibliography used as a support basis for writing this thesis. Analysing the comparative study of the older regulations and the new regulation, we can ascertain that certain elements are preserved, such as, for instance, the divorce of the spouses on the grounds of their de facto separation for a period of at least two years, while other provisions are completely changed.

## CONCLUSIONS

As shown throughout this thesis, divorce proceedings have been significantly simplified, the legislature seeking to create a simple, clean law, which can provide for and incorporate everything, so that there will be not grounds for disputes. However, the law is interpretable and there will still be discussions, but compared to the old regulatory framework, the new regulations are more accurate and balanced.

The Civil Code regulates family relations in Book II, entitled “On the Family” (Art. 258-534), marking the return, in terms of the legislative technique, to the tradition of incorporating the regulation of family relations in the Civil Code, a solution that, initially, the Civil Code of 1864 also adopted.

The Law for the implementation of the Civil Code of 2012 was achieved by repealing the Family Code, which occurred in 2011.

According to the new regulations, family relations valorize the solutions and the “ferenda law” bills which were drafted, in terms of both doctrine and case law, based on the following main sources of inspiration: the French Civil Code, the Civil Code of Quebec, and the Swiss Civil Code.

The Civil Code incorporates the principles and regulations currently found at the level of special regulations, for example those in the sphere of the protection of children’s rights.

Substantial changes are those imposed on matrimonial regimes, by conventions regulating matrimonial conventions, divorce (divorce by administrative or notarial manner), filiation (changing the juridical regime of filiation lawsuits), child protection (a new regulation of parental authority).

Analysing the new legislative changes, we may see that the family has the right to receive protection from the state, the latter being bound to support the family through certain economic and social measures, to conclude it, or to effectively become involved in its development and consolidation.

The solutions imposed by the competent authorities must take into account the parents' desires and interests referring to their underage children, and the proceedings involving the children should be conducted within a reasonable timeframe.

What is to be appreciated is the particular importance of a less formal approach, in the sense of the dissolution of strict deadlines that used to be compulsory as regards the duration of the marriage; currently, one can address the court with a request for the dissolution of marriage by mutual consent, irrespective of the date when the marriage was contracted.

Engagement represents a mutual promise to contract a marriage. Thus, the substantive conditions for the conclusion of a marriage are applicable in an appropriate manner, except for the medical certificate and the approval of the guardianship court. This action is not be subject to any formality and any type of evidence can be adduced to prove it.

The conclusion of a marriage is not inextricably bound to conclusion of an engagement, just like an engagement need not be completed through marriage; however, engagement can produce legal effects in certain situations. Normally, while an underage male does not have full legal capacity, an underage female who marries acquires full legal capacity, but does not become of age.

The new regulation referring to the term marriage is not fundamentally different from the current one, but there has been introduced a possibility of concluding a matrimonial convention, according to which the future spouses may choose the applicable matrimonial regime or may include precipt clauses, no longer being forced to abide by mandatory and unique legal norms in all the aspects of their family life when they enter marriage.

In conclusion, the Civil Code entirely modifies the old concept on the dissolution of marriage, as it brings into discussion the obtaining of divorce by administrative or by notarial procedure and it introduces more relaxed criteria regarding the divorce cases edicted by law.

In matters of divorce, the draft of the New Civil Code has an approach that is contemporaneous, modern and respects the European Convention of Human Rights, as well as the other international regulations. Because no one can be forced to continue in a legal relation if they do not desire, the new regulations provide ample options that can ensure the freedom of the individual and the other personal rights.

This work amounts to a theoretical and practical guide referring to the current possibilities of acquiring knowledge about and explaining the multiple determinations and social consequences of the law and of legislation, but it also represents a manner of reflection on and stimulation of future studies and research on the subject of divorce.

## BIBLIOGRAPHY

### I. Sources:

1. Anuarul Statistic al României, 2000.
2. Buletinul guvernului provincial pentru Marele Principat Transilvania, 1856.
3. Codul de procedură civilă 1865, actualizat 2011 (publicat în Monitorul Oficial din 30.9.1979) și Codul Familiei la 5.10.2011.
4. Constituția României.
5. Constituția României din 1923, adnotată cu dezbateri jurisprudențe, București, 1925
6. Decret nr. 779/1966 – pentru modificarea unor dispoziții legale privitoare la divorț din 7 octombrie 1966, M. Of. nr. 64/1966.
7. Legea nr. 272/2004 privind protecția și promovarea drepturilor copilului.
8. Legea nr. 287/2009 privind codul civil republicat în Monitorul Oficial nr. 505/201, aplicabil din data de 1.10.2011.
9. Legea nr. 71/2011 cuprinde aplicarea Legii nr. 287/2009 privind Codul civil 01 octombrie 2011 Monitorul Oficial nr. 409/2011.
10. Legea nr. 202/2010 cuprinde măsurile de accelerare a soluționării proceselor 25 noiembrie 2010 Monitorul Oficial nr. 714/2010.
11. Legea nr. 177/2010 pentru modificarea și completarea Legii nr. 47/1992 privind organizarea și funcționarea Curții Constituționale, a Codului de procedură civilă și a Codului de procedură penală al României 07 octombrie 2010 Monitorul Oficial nr. 672/2010.
12. Legea nr. 288/2007 - pentru modificarea și completarea Legii nr. 4/1953 – Codul familiei 08 noiembrie 2007 Monitorul Oficial nr. 749/2007.
13. Legea nr. 459/2006 modificarea și completarea Codului de procedură civilă 12 ianuarie 2007 Monitorul Oficial nr. 994/2006.
14. Legea nr. 7/1996 cadastrului și a publicității imobiliare 25 iulie 2005 Monitorul Oficial nr. 61/1996 și Legea nr. 7/1996 - cadastrului și a publicității imobiliare 24 iunie 1996 Monitorul Oficial nr. 61/1996.
15. Legea nr. 59/1993 pentru modificarea Codului de procedură civilă, a Codului familiei, a Legii contenciosului administrativ nr. 29/1990 și a Legii nr. 94/1992 privind organizarea și funcționarea Curții de Conturi 26 iulie 1993 Monitorul Oficial nr. 177/1993;
16. Legea nr. 105/1992 cu privire la reglementarea raporturilor de drept internațional

- privat 30 noiembrie 1992 Monitorul Oficial nr. 245/1992
17. Legea nr. 104/1992 modificarea și completarea Codului penal, a Codului de procedură penală și a altor legi, precum și pentru abrogarea Legii nr. 59/1968 și a Decretului nr. 218/1977 01 octombrie 1992 Monitorul Oficial nr. 244/1992.
  18. Legea nr. 99/1999 cuprinde măsurile de accelerare reformei economice 26 iunie 1999 Monitorul Oficial nr. 236/1999.
  19. Legea nr. 50/1993 a fost completată prin Legea nr. 65/1993, publicată la 7 octombrie 1993.
  20. Noul Cod civil, publicat la 1 octombrie 2011, versiune republicată care conține și modificările specifice Legii nr. 71/2011.
  21. Noul Cod civil. Codul de procedura civilă, Editura Hamangiu, București, Actualizat 16 ianuarie 2012.
  22. Ordonanța de Urgență a Guvernului nr. 79/2011 pentru reglementarea unor măsuri necesare intrării în vigoare a Legii nr. 287/2009 privind Codul civil.
  23. Ordonanța de urgență nr. 42/2009 cuprinde modificarea Codului de procedură civilă 15 mai 2009 Monitorul Oficial 324/2009;
  24. Ordonanța de urgență nr. 51/2008 privind ajutorul public judiciar în materie civilă 25 mai 2008 Monitorul Oficial 327/2008
  25. Ordonanța de urgență nr. 138/2000 pentru modificarea și completarea Codului de procedură civilă 17 iulie 2005 Monitorul Oficial 479/2000 și Ordonanța de urgență nr. 138/2000 - pentru modificarea și completarea Codului de procedură civilă 02 mai 2001 Monitorul Oficial 479/2000.
  26. Ordonanța de urgență nr. 65/2004 pentru modificarea Codului de procedură civilă 14 septembrie 2004 Monitorul Oficial 840/2004
  27. Ordonanța de urgență nr. 58/2003 privind modificarea și completarea Codului de procedură civilă 29 mai 2004 Monitorul Oficial 460/2003 și Ordonanța de urgență nr. 58/2003 privind modificarea și completarea Codului de procedură civilă 27 august 2003 Monitorul Oficial 460/2003
  28. Ordonanța de urgență nr. 13/1998 privind modificarea și completarea Codului de procedură civilă 29 decembrie 2000 Monitorul Oficial 40/1998 și Ordonanța de urgență nr. 13/1998 privind modificarea și completarea Codului de procedură civilă 30 ianuarie 1998 Monitorul Oficial 40/1998
  29. Protocolul Sinodului arhiepiscopiei greco-orientale române din Transilvania ținut în 1892, Sibiu, 1892

## II. Primary (main) bibliography

31. Albu Ioan, *Dreptul familiei*, Editura Didactică și Pedagogică, București 1975.
32. Idem, *Căsătoria în dreptul penal român*, Editura Dacia, Cluj Napoca, 1988.
33. Antigona I.C., *Căsătoria și divorțul în dreptul intern și internațional*, Editura Renaissance, București, 2010.
34. Antigona I.C., *“Căsătoria și divorțul în dreptul intern și internațional”*, Editura Renaissance, București, 2010
35. Aries Philippe și Duby George, *“Istoria vieții private”*, vol. VIII, București, 1997.
36. Avram Marieta, Andrei Laura Marina, *“Instituția familiei în noul cod civil, Manual pentru uzul formatorilor SNG”*, București, 2010.

37. Avram M., “*Actul unilateral în dreptul privat*”, Editura Hamangiu, București, 2006.
38. Avram Marieta, “*Dreptul civil, familia*”, Editura Hamangiu, București, 2013.
39. Bacaci Al., Hageanu C., Dumitrache V., “*Dreptul familiei, ediția 5*”, Editura C. H. Bech, București, 2009.
40. Bacaci All., Dumitrache V.C., Hageanu C., “*Dreptul familiei*”, Editura All Beck, București, 2005.
41. Baies S., “*Drept Civil*”, Editura Cartier, Vol. 1 Chișinău, 2004.
42. Banciu Angela, “*Istoria vieții constituționale în România (1866-1991)*”, Editura SANSA, București, 1996.
43. Banciu Angela, “*Rolul Constituției din 1923 în consolidarea unității naționale*”, Editura Științifică și Enciclopedică, București, 1988.
44. Bebe P., “*Femeile și iudaismul*”, Editura Hasefer, București, 2002.
45. Berger V., “*Jurisprudența Curții Europene a Drepturilor Omului*”, I.R.D.O., București, 1998.
46. Bodoașcă Teodor, “*Tratat de dreptul familiei*”, Editura All Beck, București, 2005.
47. Bolovan Sorina Paula, “*Familia în satul românesc din Transilvania*”, Centru de Studii Transilvane Cluj-Napoca, 1999.
48. Bolovan Ioan, Covaci Diana, Detesan Daniela, Eppel Marius, Holon Crinela Elena, “*Legislația ecleziastică și laică privind familia românească din Transilvania în a doua jumătate a secolului al XIX-lea, ediție de texte, studiu introductiv și note de curs*”, Editura Academia Română, Centru de Studii Transilvane, Cluj-Napoca, 2009.
49. Boroș Gabriel, Pivniceru Mona-Maria, Rădulescu Tudor Vlad, Anghelescu Carla Alexandra, “*Drept civil. Drepturile reale principale. Note de curs. Jurisprudența relevantă. Spețe. Teste grilă*”, Editura Hamangiu, București, 2010.
50. Botez Calypso, “*Drepturile femeii în Constituția viitoare*”, Editura Humanitas, 1990.
51. Brătianu Vintilă, “*Nevoile statului modern și Constituția României Mari*”, Editura Humanitas, 1990.
52. Bria Ion, “*Tratat de Teologie Dogmatică și Ecumenică*”, Editura România Creștină, București, 1999.
53. Brie Mircea, “*O istorie socială a spațiului românesc: de la începuturile statalității dacice până la întrezărirea modernității Oradea*”, Editura Universității din Oradea, 2005.
54. Buzdugan Corina, “*Elemente de istoria statului și dreptului românesc*”, Cluj-Napoca, Editura Argonaut, 2006.
55. Carp Radu, Stanomir Ioan, Vlad Laurențiu, “*De la prăvălie la constituție. O istorie a începuturilor constituționale românești*”, Editura Nemira, București, 2002.
56. Cătuneanu I. C., “*Curs elementar de drept român*”, Editura Cartea Românească, Cluj-Napoca, 1922.
57. Chaunu Pierre, “*Civilizația Europei clasice*”, vol. I, București, 1989.
58. Chelaru I., “*Căsătoria și divorțul. Aspecte juridice civile, religioase și de drept comparat*”, Editura A92 Acteon, Iași, 2002.
59. Ciobanu Mihai Viorel, Boroș Gabriel, “*Drept procesual civil*”, ediția a 3-a, editura All Beck, București, 2005.



60. Cioran Emilia, „*Călătoriile Patriarhului Macarie de Antiohia în țările române*”, București, 1900.
61. Constantinescu Mihai, Iorgovan Antonie, Muraru Ioan, Tănăsescu Elena Simina, „*Constituția României revizuită – comentarii și explicații*”, București, Editura All Beck, 2004.
62. Corhan A., „*Dreptul familiei. Teorie și practică*”, ediția a II-a revăzută și completată, Editura Lumina Lex, București, 2009.
63. Crăciunescu Cristina-Mihaela, „*Aspecte noi privind abordarea căsătoriei în perspectiva Codului civil*”, 2010.
64. Cuq E., „*Manuel des institutions juridiques des Romains*”, Editura Plon, Paris, 1928.
65. Deleanu Ion, „*Tratat de procedură civilă*”, Ediția a 2-a, Editura CH Beck, București, 2007.
66. Djuvara Mircea, „*Puterea legiuitoare*”, Editura Humanitas, 1990.
67. Djuvara Mircea, „*Introducere la politica generală*”, Tip. Școlii Militare Aeronautice, București, 1932.
68. Dragne Luminița, „*Drept constituțional și instituții politice: curs universitar*”, volumul 2, București, Editura Universul Juridic, 2009.
69. Drăganu Tudor, „*Începuturile și dezvoltarea regimului parlamentar în România până în 1916*”, Cluj, Editura Dacia, 1991.
70. Duby Georges, „*Evul mediu masculin. Despre dragoste și alte eseuri*”, București, 1992
71. Dumanescu Luminița, „*Familia românească în comunism*”, Editura Presa Universitară Clujeană, Cluj-Napoca, 2012.
72. Economu V., „*Căsătoria în dreptul RSR*”, Editura Academiei, București, 1964.
73. Eliescu M., „*Transmiterea și împărțea moștenirii*”, Editura Academiei, 1966.
74. Erbiceanu Constantin, „*Căsătoria în Biserica noastră națională din timpurile vechi până în prezent în raport cu canoanele și legile civile*”, Tipo-Litografia „Cărților bisericești”, București, 1899.
75. Filipescu Ion P., „*Tratat de dreptul familiei*”, Editura ALL BECK, București 2000.
76. Filipescu Ion P., Filipescu Andrei I., „*Tratat de dreptul familiei*”, Editura a VII-a, All Beck, București, 2002.
77. Filipescu I. P., „*Tratat de dreptul familiei*”, Editura ALL, București, 1993.
78. Filitti Ioan C., „*Izvoarele Constituției de la 1866 (Originile democrației române)*”, București, Tipografia ziarului „Universul”, 1934.
79. Filitti Ioan C., „*Un proiect de constituție inedit a lui Cuza-Vodă de la 1863 Cluj*”, Institutul de Arte Grafice Ardealul, 1929.
80. Floca Ioan N., „*Drept canonic ortodox. Legislație și administrație bisericească*, vol. II”, EIBMBOR, București, 1990.
81. Floca Ioan N., „*Canoanele Bisericii Ortodoxe, note și comentarii*”, București, 1991.
82. Florian E., „*Dreptul familiei, ed. a 2-a*”, Editura C.H. Beck, București, 2008.
83. Florian E., „*Protecția drepturilor copilului*”, Editura C. H. Beck, București, 2006.
84. Focșeneanu Eleodor, „*Istoria constituțională a României (1959 – 1991)*”, Ediția a II-a, Editura Humanitas, București, 1998.
85. Furet Franncois, „*Reflecții asupra Revoluției franceze*”, București, Editura Human-

- itas, 1992.
86. Gavrilescu A. G., “*Nulitatea căsătoriei-teorie și practică judiciară*”, Editura Academică Brâncuși, Tg-Jiu, 2008.
  87. Gavrilescu A. G., “*Studii de dreptul familiei*”, Editura Academică Brâncuși, Tg-Jiu, 2008.
  88. Genț Ioan, “*Administrația bisericească*”, Oradea Mare, 1912.
  89. Ghebreă Georgeta, “*Familia și politica familială în România în perioada de tranziție*, Teză de doctorat”, București, 1995.
  90. Hamangiu C., Rosetti-Bălănescu I., Băicoianu Al., “*Tratat de drept civil român*”, vol. 1, Editura ALL, București, 1998.
  91. C. Hamangiu, I. Rosetti-Bălănescu, Al. Băicoianu, *Tratat de drept civil român*, vol. 1, Editura All Beck, București, 2002.
  92. Hamangiu C., Nicolau Matei G., “*Dreptul român, vol. I*”, Editura Librăriei Socec, București, 1930.
  93. Hamangiu C., Rosetti-Bălănescu I., Băicoianu Al., “*Drept civil român, vol. III*”, Editura ALL, București, 1998.
  94. Hamangiu C. (antolog.), “*Codul general al României*”, vol. II, București, 1907.
  95. Imbrescu I., “*Tratat de dreptul familiei. Familia. Protecția copilului. Elemente de stare civilă*”, Editura Lumina Lex, București, 2006.
  96. Leș Ioan, “*Tratat de drept procesual civil, ediția a 4-a*”, Editura CH Beck, București, 2008.
  97. Iorga Nicolae, “*Documente privitoare la istoria românilor*, volumul XIV al colecției „Hurmuzaki””, partea I (1320 – 1716), București, 1915.
  98. Iorga Nicolae, “*Discursul la discuția generală a proiectului de Constituție*”, București, Tipografia 7 Cultura Neamului Românesc, 1923.
  99. Iorga Nicolae, “*Istoricul Constituției Românești, în Constituția din 1923 în dezbaterile contemporanilor!*, Editura Humanitas, București, 1990.
  100. Iorga, “*Constatările istoricești cu privire la viața agrară a Românilor (vol. III. din “Studii și documente”)*”, București, 1908.
  101. Iorga V. Nicolae, “*Evoluția ideii de liberale, Ediție îngrijită, studiu introductiv și note de Ilie Bădescu*”, București, Editura Meridiane, 1987.
  102. Joiner E.E., “*Considerații creștine despre divorț și recăsătorie*”, Editura Gnosis, București, 1999.
  103. Kligman Gail, “*Politica duplicității, controlul reproducerii în România lui Ceaușescu*”, traducere în engleză de Mariana Dumitrescu, Editura Humanitas, București, 2000.
  104. Lupașcu D., “*Dreptul familiei*”, Editura Universul juridic, București, 2009.
  105. Macrea Mihail, “*Viața în Dacia Romană*”, Editura Științifică București, 1969.
  106. Mătușan Vladimir, coautor, “*Legislația laică și ecleziastica din Transilvania, în epoca modernă și căsătoriile mixte*”, în volumul Profesiunii noastre. Lungu Corneli-Mihail, coordonatori Munteanu Vilica și Lacatus Ioan, Editura Eurocarpatica, Sfântul Gheorghe, 2013.
  107. Meitani G. G., “*Studiu asupra Constituțiunii românilor sau explicarea pactului nostru fundamental din 1 iulie 1866*”, fascicula III, București, Tipografia Centru, 1880.
  108. Mihoc Constantin, “*Taina Căsătoriei și familia creștină în învățăturile marilor*

- Părinți ai Bisericii din secolul IV!*, Editura Teofania, Sibiu, 2002.
109. Mureșan Cornelia, “*Evoluția demografică a României*”, Cluj-Napoca, Presa Universitară Clujeană, 1999
110. Necula Nicolae D., „*Tradiție și înnoire în slujirea liturgică*”, vol. 3, EIBMBOR, București, 2004.
111. Negulescu P., “*Curs de drept constituțional român*”, Tipografiile române unite, București, 1927.
112. Negulescu Paul, “*Constituțiunea României*”, în *Enciclopedia României*, Vol. 1, București, 1938.
113. Negruți Ecaterina Negru, “*Satul moldovenesc în prima jumătate a secolului al XIX-lea. Contribuții demografice*”, Iași, 1984.
114. Nicoară Toader, “*Transilvania la începuturile timpurilor moderne (1680 –1800). Societate rurală și mentalități colective*”, Presa Universitară Clujeană, Cluj-Napoca, 2001.
115. Oroveanu Mihai T., “*Istoria dreptului românesc și evoluția instituțiilor constituționale*”, București, Editura Cerna, 1992.
116. Mihăilescu Ion, “*Familia în societățile europene*”, Editura Universității din București, București, 1999.
117. Pădurean Corneliu, Bolovan Ioan, “*Studii de demografie istorică, secolele XVII-XXI*”, Editura Gutenberg Univers, Arad, 2010.
118. Paraschiv M., “*Partajul judiciar*”, Editura Hamangiu, București, 2009.
119. Panzari V., “*Dreptul familiei, Note de curs*”, Chișinău, 2000.
120. Penciulescu Gh., Anghene M., “*Regimul juridic al actelor de stare civilă, Studiu teoretic și practic*”, București, Editura Științifică, București, 1958.
121. Perrot Michelle, “*Funcțiile familiei, în Istoria vieții private*”, Editura Meridiane, București, 1997.
122. Pricopi Adrian, “*Dreptul familiei*”, Editura Luminalex-București, 2004.
123. Rădulescu A., Costin Al., Grecu V., Gaftoescu V., Tegăneniu C., Vlădescu Răcoasa Gh., Sava A., Heroveanu E., “*Adunarea izvoarelor vechiului drept românesc scris – Codul Calimach*”, Ediție critică, vol. III, Editura Academiei R.P.R., București, 1958.
124. Rials Stephane, “*Declarația dreptului omului și cetățeanului*”, traducere de Durnea Ciprian, Farcaș Nadia, Mirela Mircea, Editura Polirom, Iași, 2002.
125. Rusu Marcel Ioan, “*Procedura divorțului în dreptul românesc*”, Editura Rosetti, București, 2003.
126. Roșu E., “*Dreptul familiei. Practică judiciară. Hotărâri CEDO*”, Editura Hamangiu, București, 2007.
127. Rusu Marcel Ioan, “*Procedura divorțului în Dreptul Românesc*”, Editura Rosseti, București 2003.
128. Maria Simion, “*Nupțialitatea și divorțialitatea în România în contextul celei de a II-a tranziții demografice*”, *Revista Probleme Economice*, Vol. 219, București, 2006.
129. Sitaru Dragoș Alexandru, “*Drept internațional privat. Partea generală. Partea specială, Normele conflictuale în diferite ramuri și instituții ale dreptului privat*”, Editura C. H. Beck, București, 2013.
130. Soroștineanu Valeria, “*Considerații asupra căsătoriei și divorțului în lumea orto-*

- doxă a Transilvaniei (1899-1916)*”, în Pădurean Corneliu, (coord.), “*Confesiune și căsătorie în spațiul românesc. Secolele XVII-XXI. Studii de demografie istorică*”, Editura Universității „Aurel Vlaicu”, Arad, 2006.
- 131.Stan Apostol, “*Putere politică și democrație în România 1859-1918*”, Editura Albatros, București, 1995.
- 132.Stănescu Al., “*Familia în Dacia romană*”, diss. Cluj Napoca, 2003.
- 133.Stăniloae Dumitru, “*Teologia Dogmatică Ortodoxă, vol. 3*”, EIBMBOR, București, 1997.
- 134.Stănciulescu Elisabeta, “*Sociologia educației familiale*”, vol. II, Iași, Editura Polirom, 1998.
- 135.Șaguna A., “*Cunoștințe folositoare despre trebile căsătoriei spre folosul preoțimii și al scaunelor protopopești*”, Sibiu, 1854.
- 136.Terzea Viorel, “*Noul Cod civil. Vol. I. (Art. 1-1163). Annotat cu doctrină și jurisprudență*”, Editura Universul Juridic, București, colecția: Coduri Comentate, 2011.
- 137.Tomescu Milena, “*Dreptul familiei și Protecția copilului*”, Editura All Beck-București, 2005
- 138.Tamas Ioan, “*Drept matrimonial canonic*”, Editura Presa Bună, Iași, 1994.
- 139.Trebici H., Ghebrea G., “*Familia și politica familială în România în perioada de tranziție. Teză de doctorat*”, București, 1999.
- 140.Trebici Vladimir, “*Demografia*”, București, Editura Științifică și Enciclopedică. 1979.
- 141.Trief Roxana Maria, “*Desfacerea căsătoriei prin divorț și partajul bunurilor comune ale soților*”, Editura Hamangiu, București, 2007.
- 142.Uglean Gheorghe, “*Curs de drept constituțional și instituții politice*”, Editura Proema, Baia Mare, 1996.
- 143.Ungureanu Carmen Tamar, “*Drept civil. Partea generală. Persoanele. În reglementarea noului Cod civil*” - Editura Hamangiu, 2012.
- 144.Valea Daniela, “*Sistemul de control al constituționalității în România*”, București, Editura Universul Juridic, 2010.
- 145.Vasilescu P., “*Regimuri matrimoniale. Partea generală*”, Editura Rosetti, București, 2003.
- 146.Vasilescu P., “*Relativitatea actului juridic civil. Repere pentru o nouă teorie generală a actului juridic civil*”, Editura Rosetti, București, 2003.
- 147.Vasilescu P., “*Regimuri matrimoniale*”, Editura Universul juridic, București, 2009.
- 148.Voinea M., “*Familia contemporană. Mică enciclopedie*”, Editura Focus, București, 2005.
- 149.Xenopol A. D., “*Primul proiect de Constiluțiune a Moldovei din 1822. Originile partidului conservator și a celui liberal*”, București, Institutul de Arte Grafice Carol Gobl, 1989.
- 150.Zamfir Cătălin, Vlăsceanu Lazăr, “*Dicționar de sociologie*”, București, Editura Babel, 1993.

### III. Online sources:

151. <http://www.dreptonline.ro>, accessed on 20.07.2014.

152. deieri-deazi.blogspot.ro, accessed on 11.09.2014, 11 am.
153. <http://www.euroavocatura.ro>, accessed on 15.07.2014, 2 pm.
154. <http://www.ercis.ro/magisteriu/ioanpaul2exo.asp?doc=fc>.
155. [www.jurisprudenta.ro](http://www.jurisprudenta.ro).
156. [www.rasfoiesc.com](http://www.rasfoiesc.com).
157. <http://studia.law.ubbcluj.ro>, accessed on 12.09.2014, 15 pm.
158. <http://www.voci.ro>.