

Review of Cristina Codruta HAGEANU – “Dreptul familiei” ("Family law"), Publishing House: Hamangiu, Bucharest, Romania, 2023, pp.499

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Abstract: *In November 2023, the 3rd edition of the course Family Law, author Codruța Hageanu, lecturer at the Lucian Blaga University in Sibiu, appeared at the Hamangiu Publishing House in Bucharest.*

The first two editions of the work also carried the reference to civil status documents in the title, but in the 3rd edition, the author gave up this reference, preferring a new structure, in which the patrimonial part of family law is presented separately from the relations of family that do not have this component.

The course is complex and complete, even if not exhaustive, in which the didactic experience, but also that of a legal practitioner (the author was a judge and university teacher for a quarter of a century, and is currently a lawyer) is revealed both through the clear exposition and orderly organization of institutions, as well as by trying to provide solutions to controversial issues in an attractive and difficult field at the same time.

Keywords: *The course: “Dreptul familiei” (“Family law”), Romania, author: Cristina Codruța Hageanu.*

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Book: **“Dreptul familiei” (“Family law”)**

Author: **Cristina Codruta HAGEANU**

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In November 2023, the 3rd edition of the course Family Law, author Codruța Hageanu, lecturer at the Lucian Blaga University in Sibiu, appeared at the Hamangiu Publishing House in Bucharest.

The first two editions of the work also carried the reference to civil status documents in the title, but in the 3rd edition, the author gave up this reference, preferring a new structure, in which the patrimonial part of family law is presented separately from the relations of family that do not have this component.

The book includes a first part in which non-patrimonial institutions from the family-related part of the Civil Code are analyzed, namely engagement, marriage, termination, dissolution and dissolution, but also kinship, filiation, parental authority and adoption. The 3rd edition of the book, even if it no longer includes the reference to civil status documents in the title, still includes a chapter on these documents. The second part of the course is dedicated to the following institutions: the patrimonial law of the family, with an analysis of the matrimonial agreement, of the matrimonial regimes regulated in our country, the modification and liquidation of the matrimonial regime and the legal maintenance obligation.

As the author also points out, the course "has a didactic character and is primarily addressed to students, but it is also a useful tool for practitioners who can find in it an exhaustive presentation of the institutions in Book II of the Civil Code, About the Family, but also in the laws special ones relating to family relations, reasoned interpretations of the relevant regulations, examples from domestic and European jurisprudence and a diverse bibliographic apparatus".

The appearance of the new edition was primarily determined by the modification of the regime of incapacitated persons, in whose favor

protective measures provided for by Law no. 140/2022 were introduced. But these are not the only legislative changes that make the difference between the current edition and those of the past. In the work, the author extensively refers to European jurisprudence (the Coman and Hamilton case resolved by the CJEU and the Buhuceanu et al. case against Romania resolved in 2023 by the European Court of Human Rights) and its foreseeable effects on domestic legislation and jurisprudence .

The chapter on Marriage is extensive and documented. Civil marriage is introduced through a multicultural approach that includes references to Western, Muslim and Eastern societies, but also a historical look at the Romanian legal space. With regard to marriage, the revised substantive and form conditions are analyzed based on the reform of incapacitated persons, nullity and dissolution of marriage, approving or critical opinions on the procedure and effects of these legal institutions.

The effects of marriage are divided, in the first part we find only the non-patrimonial effects, so that the patrimonial ones constitute the core of the second part, which includes the patrimonial rights of the family.

The chapter on kinship and filiation is followed by an interesting juridical-medical presentation of medically assisted human reproduction, as it is (partially and timidly) regulated today in our country. In the non-patrimonial part we also find the chapters related to adoption, parental authority and civil status documents in which the procedures for issuing, reconstituting or drawing up later are presented for birth and marriage certificates.

Keeping the line of the first two editions, the book contains historical, cultural and comparative law references that increase the attractiveness of the subject for students, but also argued opinions on older or newer issues that have heated the spirits in doctrine and jurisprudence.

Thus, our attention was drawn to the opinion regarding the immoral or illegal cause of legal acts between cohabitants or concluded with the aim of initiating or maintaining a cohabitation relationship. The author presents a reasoned opinion according to which the previous practice that considers the cause of these legal acts immoral should be revised under the influence of the European current for civil partnerships. In this sense, it is argued that public order has undergone changes and that the immorality of the cause in such acts can no longer be supported by the law, the only situation that should be sanctioned is adulterous cohabitation but on the grounds of the illegal cause.

The course is complex and complete, even if not exhaustive, in which the didactic experience, but also that of a legal practitioner (the author

was a judge and university teacher for a quarter of a century, and is currently a lawyer) is revealed both through the clear exposition and orderly organization of institutions, as well as by trying to provide solutions to controversial issues in an attractive and difficult field at the same time.

References

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