



## Civil Status Records

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**Abstract** *The civil status records represent all the legal operations for the registration, in the registers of civil status, of the acts and facts of civil status, as well as other mentions provided by law, operations performed by the authorities of local public administration in accordance with the provisions of the law. The civil status records are of two kinds, namely, recordings through the drawing up of acts of civil status and recordings of marginal mentions by means of a book entry, in the registers of civil status.*

**Key words:**  
Registers of civil status,  
acts of civil status, local  
public administration

**JEL Codes:**  
K3

### 1. Introduction

According to Art. 1 of the Law 119/1990: "The acts of civil status are authentic documents whereby a person's birth, marriage or death is established. These are drawn up to the benefit of the state and the person and they serve for knowing the number and structure of the population, the demographic situation, the defense of the basic rights and fundamental liberties of citizens". These birth, marriage and death certificates are drawn up in registers of civil status by the authorities of local public administration, under the conditions of the law (Art. 2 and 3 of the Law 119/1996).

The conclusion that can be derived from these legal texts is that *civil status records mean all the legal operations for the registration, in the registers of civil status, of the acts and facts of civil status, as well as other mentions provided by law, operations performed by civil status authorities in accordance with the provisions of the law.*

### 2. The Types of Civil Status Records

The Art. 5, Para. (1) of the Law No. 119/1996 stipulates that: "The recording of the acts and facts of civil status and the registration of the mentions are done upon request, on the basis of the statement of the person who must do it or *ex officio*, according to the present law".

Legally speaking, the recording has two forms (Ungureanu, 2012):

1. *Recordings by drawing up civil status documents*, used in three situations: for recording birth; for recording marriage; for recording death, and the birth,

marriage and death certificates shall be drawn up accordingly; and

2. *Recording by writing down marginal mentions*, in the registers of civil status.

The marginal mention is a space reserved on the margin of each civil status document, for certain mentions to be made (if the case may be), after the document is recorded in the registers of civil status.

The civil status document that takes over all the mentions during an individual's life is the birth certificate (Boroi, 2001) (The Art. 43 of the Law no. 119/1996 stipulates that: "The birth certificates and, if the case may be, marriage or death certificates must contain mentions regarding the changes occurred to the civil status of the person, in the following cases: a) establishing the family through recognition or an invocable court ruling and the approval to bear the name; b) impugning the recognition or denial of paternity; c) marriage, dissolution, termination or annulment of marriage; d) adoption, dissolution, termination or annulment of adoption; e) losing or acquiring Romanian citizenship; f) changing the name; g) death; h) rectification, completion or annulment or civil status documents or the mentions written down on them; i) changing the sex, after the court ruling has remained final") (Tănase, Coroian, 2011).

### 3. The Organization of Civil Status Records

The organization of civil status records involves two situations: a) the competent authorities for making the civil status records and b) the support on which these records are made, namely the registers of civil status.

1. The competent authorities who perform civil status records are the following (Jora, Uță, Albert, 2003):

- the public community services for persons' record that depend on the county and local councils of the cities, the districts of the city of Bucharest, the towns and communes, by means of registrars;
- the public community service of the *taking-down or disembarkation* place, if the birth or death would occur in the train, on a ship or aircraft during a trip across the country;
- the heads of diplomatic missions and consular offices of Romania, who are authorized to perform civil status records of the Romanian citizens who are abroad as well as the stateless; and
- *skippers and pilots*.

The mayors and the heads of Romanian diplomatic missions and consular offices may delegate the exercise of the duties of registrar to the deputy mayor, respectively to one of the diplomatic agents or one of the consulate's officers.

If the birth or death occurs on a train, ship or aircraft or in another means of transport during the travel over Romanian territory, the competences for drawing up the civil status document belongs to the public community service at the lodging or disembarkation place.

If the birth, marriage or death occurs on a ship, during a trip outside Romanian territorial waters, the registration shall be recorded by the skipper in the log book.

If the birth or death occurs on a plane, during a trip outside the Romanian air space, the event is recorded by the pilot in the log book (Jora, 2007).

The records made in the log book within 30 days since the arrival at the country are forwarded, through the harbor's master office, respectively the airport commander, to the public community service for persons' record of Bucharest District 1, which will draw up the civil status document and will issue the corresponding certificate (Ungureanu, 2012).

2. *registers of civil status*. The birth, marriage and death certificates are drawn up in registers of civil status, in two copies, both original, and they are filled in by hand in a special black ink (Art. 2, Para. 1 of the Law no. 119/1996); after they are filled in, the first copy is kept by the public community service for persons' record, organized at the level of the local council where it was drawn up. The second copy shall be submitted for safekeeping to the county public community services, respectively the county council or the General Council of Bucharest, within 30 days of the date when all the leaves of the register were filled in.

According to the Art. 2 Para. 2 of the Law no. 119/1996 "As soon as the necessary digital infrastructure has been provided, the second copy of civil status documents, as well as subsequent mentions shall be drawn up electronically".

#### 4. The Rules of Civil Status Records

Civil status records are made according to some rules provided for in the Law no. 119/1996 and the regulations contained in other regulatory documents. Two categories of such rules result from here (P. Trușcă, A. Trușcă, 2013):

- general rules regarding civil status records; special rules regarding civil status records;
- the recording of the acts and facts of civil status and the inscription of the mentions are made upon request, on the basis of the statement of the person who must do it, except the cases when, according to the law, they are done *ex officio* (Art. 5, Para. 1 of the Law no. 119/1996);
- the civil status documents drawn up by a person who exercised publicly the duties of registrar, with the observance of all legal provisions, are valid, even if this person did not have this quality, except the case when the beneficiaries of these documents were aware of the lack of this quality when the documents were drawn up (Art. 102 of the Civil Code). These regulations expressly establish the *rule of error communis facit jus* (the exception from the principle according to which a null document cannot produce effects, justified by the occurrence of one common and invincible error, the result being the recognition of the legal value of an affiliation which has been created in this way);
- in the event that the registrar refuses to draw up a document or to enter a mention which is incumbent upon him, the person who has been refused in this way may notify the court that belongs to his/her domicile (Art. 9 of the Law no. 119/1996);
- the annulment, amendment, rectification or completion of the civil status documents and the mentions written down on them may be done only on the basis of a final court ruling and they are written down only by a mention on the corresponding civil status document (Art. 57 and 58 of the Law no. 119/1996) (Tănase, Coroian, 2011); and
- on the basis of the records in the registers of civil status, a birth, marriage or death certificate shall be issued only to those who are entitled to it and the copies of these certificates shall only be issued according to the law.

We point out the following special rules: the recording of birth, the recording of the recognition or the court ruling for determining the filiation; the recording of the adoption, the recording of marriage, the recording of divorce, the recording of death, the recording of the change of name through an administrative channel, the recording of the civil status documents of the Romanian citizens who are abroad, the recording of civil status documents in case of mobilization, war or participation in peace-keeping missions or humanitarian missions.

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