



**ORIGINAL PAPER**

# **The Protection Order Seeking and Accessing: A Mechanism in Combatting Domestic Violence**

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**Abstract**

The necessity to protect the victims of domestic violence determined the appearance of the Law no. 25/2012 – The Protection Order. The social reality that goes beyond the juridical one determined the legislator to regulate many ways of domestic violence: starting with the physical one to the social, economic and spiritual violence. The area of the victim and the aggressor is pre-established, being determined by the legislator under the terms: “family member”, without a limited configuration of the Protection Order towards the family members, as it was established by the general civil law, but a wider field of action, which includes the persons which are living together, even if between them it is not a legal relation of kinship or affinity. The Protection Order is, in fact, an injunction pronounced in special conditions: urgency, it is adopted in secret room, with the citation of the parties. This judicial decision will offer to the victim of domestic violence the necessary protection against the aggressor, in order to guarantee her integrity and personal freedom, both physically and mentally. Besides, by the way which this protection mechanism is designed it interferes with the principles and rules relating to the protection of human rights, the privacy and family life, the principles enshrined in the Basic Law, rules of civil law, criminal law or procedural law. The study aims to answer the following question: Which are the measures that can be taken in such case of violence? Who can ask to the Court for a Protection Order? How can be applied such a measure in our Romanian contemporary society? Are we protected and outside the borders of the State?

**Keywords:** *domestic violence, state of danger, family member, the protection order, the restraining order*

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### **Introductory notions**

The protection order is regulated by Law 25/2012 (Official Gazette of Romania 365 from May 30, 2012) amending and adding to Law 217/2003 (Official Gazette of Romania, Part I. 367 from May 29, 2003) about preventing and combatting violence. These provisions come in response to the numerous statistics (Open Society Foundation, 2013: 4) which show an alarming number of domestic violence cases. Noticing that in practice Law 217/2003 does not provide effective protection to victims of domestic violence, lawmakers have considered it necessary to create a tool to try to combat this type of violence from the moment it becomes an imminent and irremovable danger. The very purpose for issuing the protection order is to eliminate the state of danger represented by “any deliberate action or inaction, except in self-defense or defense, manifested physically or verbally committed by a family member against another family member which causes or may cause physical, mental, sexual, emotional or psychological damage, including threats with such acts, coercion or arbitrary deprivation of liberty” (article 2 paragraph (1) of Law 25/2012).

Therefore, the amendments to Law 217/2003 reconfigure the notion of “domestic violence” by re-assessing the actions that justify issuing an order. The scope of the concept of “family member” is expanded, with protection being afforded to any person cohabiting without necessarily establishing a line of kinship. The governing principles in the protection and promotion of interests of domestic violence victims are determined. The “protection order” is introduced as a mechanism for the protection of domestic violence victims (Văduva, 2012: 36). The abilities of competent bodies are reconfigured to allow the enforcing of the court’s decision represented by the protection order.

### **Protection Order vs. Restraining Order – Concept and Legal Foundations in Different Legal Systems**

Regulating the protection order in Romanian law was modelled on the existing similar institutions in other legal systems, as well as discussions on the European protection order. Therefore, we find that the *protection order* is governed in all 50 American states (Americanbar, 2007: 8) and in Colombia, obviously with some features known from one legislation to another. By order of protection (Findlaw, 2013): perpetrators of violence shall be prohibited to attack, strike, contact or disturb the victim; perpetrators of violence are obliged to leave the house they shared with the victim; perpetrators of violence are forced to keep at least 100 yards from the victim and the victim’s home or workplace; orders the perpetrator of violence to attend counselling; prohibits the perpetrator from carrying firearms.

The protection order may also include a provision for the protection of children or persons living in the victim’s house. Regarding *the restraining order* (Webster's New World Law Dictionary, 2010: 2112), it is known as an “ex parte” judicial order whereby the perpetrators of violence cohabiting with the victim are forced to leave home temporarily. The restraining order is most often a temporary injunction issued at the request of the abuses cohabitant. In most states, the notion of “cohabitant” refers to the person is in a sexual relationship with the perpetrators of violence against them and who has lived with them at least 90 days in the year preceding their application for the restraining order (Htun, Weldon, 2011: 14). The victim is exposed to imminent danger or has already been abused by the abuser (and/or already has a protection order against him) and has no other legal way to defend themselves than to requesting the issue of a

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restraining order. In most states, applying for an order may be done only by an attorney (Player, 2012: 589).

The protection order is regulated on a European level, with some countries having provisions similar to those of the United States, while others fuse the two institutions, having covered only the protection order that mixes characteristics from both of them. Thus, under the national legislation in Europe, the term “protection order” has become somewhat synonymous with the restraining order and is used depending on the focus either on the victim or the aggressor.

In France, articles 515-9 of the French Civil Code regulate the protection order, an instrument to protect victims of domestic violence, introduced to French law by the Law from the July 9, 2010 (Jaspart, Brown, Condon, 2013: 121). According to surveys (Zebrinska, 2003: 51) conducted in France in 2000, one in ten women is a victim of acts of physical, mental, verbal or sexual violence from their partner and three women are killed every two weeks by a current or a former partner. Also, 20% of medical emergencies are cases of domestic violence. Of these victims, only 6% reported the incident. Austria and Germany (Haller, 2007: 64) have regulated an extension of police powers in order to very rapidly and effectively intervene to remove the victim from under the influence of the aggressor. In serious cases of violence, the police have been given the power to enter the family home, call the victim and evacuate the aggressor. Also, competent police authorities prohibit the perpetrator to return home to the family or to approach the victim’s home or workplace. Such interventions can take place even if the victim has not applied to the court for protection.

At present, in our country article 31 paragraph (3) from Law 25/2012 provides that to enforce a protection order the police may enter the family home and all its attachments, with the consent of the protected person or, in the absence of that, the consent of another family member. This can be achieved but only under a protection order. We observe that the protection order as regulated in our legal system has a number of specific elements. These are more interesting when they highlight a number of exceptions or limitations of rights already provided for in our legislation. And in order to state some of them, we need to start right from the example consisting in the power conferred to the police *to enter the victim's domicile*, at their request, to protect them from the danger posed by the presence of the perpetrator there. In most cases, the victim's domicile is not their personal property, but is the family home, placed in joint ownership of the spouses, or moreover, is the personal property of the abusive spouse. In this last particular case, we notice the specificity that the legislature intends to infuse into the protection order legislation.

Therefore, entering into *the domain of criminal law*, we consider that article 224 paragraph (1) from the New Code of Procedure describes breaking the protection order and entering the victim’s domicile as “entering without the right, by any way possible, in a house, room, outbuilding or enclosed space pertaining to them, without the consent of the person using them...”. Can we discuss trespassing in the case of the police executing a protection order? Obviously not. On one hand, because the policeman acting on the basis of a court ruling to be enforced and, on the other, the police have received the consent of a person living in that dwelling. Moreover, when legislating the protection order, the lawmaker had in mind principles like respect for human dignity, equality of opportunity and treatment, protection and visibility of domestic violence victims. These points were considered primordial, the actions that may affect the home are noticed only when the police’s intervention is done abusively and without respect for rules laid down in the

regulation of the protection order. Also, in the same situation of executing the protection order by the competent body, we discuss the specifics of this rule, based on *rules of civile law*, i.e., regulation of private property rights and prerogatives it gives to the right holder. Prerogatives are violated by regulating private property right protection order? No. We believe that the legislature is considering only a limited exercise of the rights of ownership, with the limitation made to ensure the safety of the person in a space that is extremely hard to access, the family space breached by police personal and in which the victim is particularly exposed the more it relates to a person and a space which should normally provide extra security and tranquility. In light of *rules of civil procedure law*, we believe that the protection order is a type of presidential ordinance (Ghiță, 2014: 21) which needs to fulfill the same expediency and emergency conditions as in the ordinance, as we may observe from the analysis of admissibility conditions for the issue of a protection order.

### **The Protection Order in Romanian Legal System**

At the request of the person suffering from violence caused by a family member, the court may issue a decision that materializes in the very protection order. The application may be made both personally as well as through a representative, article 25 paragraph (3) of Law 25/2012 listing persons that may act as a representative. *The conditions under which a protection order can be issued* are provided in article 23 paragraph (1) of Law 25/2012. For such an application to be allowed, the following conditions must be met:

#### *The state of danger created from an act of violence*

Article 4 of Law 25/2012 lists and defines the forms that domestic violence can take. We note that in comparison to previous regulations, the legislator intends to broaden the notion of violence and psychological, social and mental actions or inactions. Domestic violence occurs in the following *forms*: verbal violence, psychological violence, physical violence, sexual violence, economic violence, social violence, spiritual violence. The scope of the concept of state of danger now covered in the regulation includes some uncommon forms of violence extremely, which are much harder to know and observe, such as economic violence, spiritual violence. It can only give potential victims additional protection in order to deter aggressors, victims often terrorized by such actions which the law does not provide. However, in practice, it remains quite difficult for the victim to prove the existence of such acts. In a judgment of the Dolj Courthouse (Court of Dolj, 2013) it is noted that the defendant has manifested *verbal and social violence* towards the female plaintiff, as defined in article 4 letter a and f of Law 25/2012 and verbal violence against underage children, for which reason the application and issue of a protection order which for a duration of three months, the measures provided for in article 23 letter d of Law 217/2003. Therefore, the defendant shall be refused any contact, including by telephone, mail or otherwise, with the plaintiff for a period of 3 months from the judgment and will be forced to keep a minimum distance of 50 m, for the same period. Also, (in this appeal which amends the sentence granted by the court) amid conflicting relations between former spouses materialized in violent behavior of the respondent towards plaintiff, the court considers that obligation for the aggressor to undergo psychological counseling as provided in article 23 paragraph 3 of Law 25/2012 is fair and does not affect their dignity, because this could help normalize relations between spouses.

#### *The act of violence committed by a family member*

In our legal system issuing a protection order only aims to protect the victim of domestic violence. The whole procedure is based on trying to eradicate domestic violence

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so that the protection order is known as a tool for combatting this form of aggression. Therefore, the beneficiary of the protection conferred by these regulations will be in relation to the family relationships towards the person that caused a state of danger by acts of violence (whatever form it takes). In this sense, to have access to this form of protection it is necessary for the applicant to meet the conditions and prove to be a victim of domestic violence (Ghiță, 2014: 23). From an etymological point of view, the term “family” comes from Latin, *familia/-ae* and originally designed all persons living under the same roof under the authority of a *pater familias* (Avram, 2013: 5). From a legal point of view, nowadays, the concept of family has acquired a wider definition *latu sensu* – “*the family represents the community framework of life and interests of those who make it up, united by the moral essence of marriage and lineage in a single model of human solidarity*” (Florian, 2011: 2; Albu, 1975: 7; Filipescu, 1998: 2) – as well as a definition in the strict sense – “*the family is a social reality that takes shape in the communal life between spouses, between parents and children*” (Bacaci, Dumitrache, Hageanu, 2002: 1) – each with the foundation kinship or affinity established between its members.

The concept of *family member* is defined in article 5 of Law 25/2012 by the lawmaker who gives it a special meaning in comparison to the civil law in general, extending family relationships by incorporating kinship and affinity relationships. In order to produce legal effects as broad as possible, the concept of family member involves: a) ascendants and descendants, brothers and sisters, their children, and people who through adoption, by law, have become such relatives; b) husband/wife and/or former spouse/former spouse; c) persons who have established relationships similar to those between spouses or between parents and children, in case they live together; d) guardians or other persons exercising rights *de facto* or *de jure* to the person of the child (Drăghici, 2013: 134); e) the legal representative or any other person who cares for a person with mental illness, intellectual disability or physical disability, except those that fulfill these functions in the exercise of professional duties.

The lawmaker thus extends the concept of family member even to people who do not have such links to the aggressor, precisely to ensure greater protection for those who live with or without the existence of a family relationship or affinity, even though article 277 Civ. code prohibits other forms of marital union (Ghiță, Albăstroi, 2014: 201).

The jurisprudence of the European Court of Human Rights is the same in interpreting article 8 of the Convention in respect to private and family life, recognizing not only biological relationship but also emotional relationships based on which family-like relationships can be created (Renucci, 2009: 421; Bîrsan, 2006: 501). Our domestic jurisprudence follows the same line or reasoning. Therefore, Court of Piatra Neamț records in one of its judgments that, according to article 5 of Law 25/2012, family members are “persons who established relationships similar to those between spouses or between parents and children, where they live”. The court considers that relationships of cohabitation between the parties fall under article 5 letter c of the aforementioned law, if they have a relationship similar to the one between spouses.

*The act of violence is likely to endanger life, physical or mental integrity or to a person's liberty*

As we have already seen, the legislature regulates many more forms of violence, giving victims the opportunity to seek protection regardless of how the abuser tries to commit violence. Article 2 paragraph (1) of Law 25/2012 determines the legal meaning of the concept of domestic violence as “any intentional action or omission, unless the act of self-defense or defense, manifested either physically or verbally, committed by a family

member against another member of the same family (Gorunescu, 2012), which causes or may cause physical, mental, sexual, emotional or psychological damage, including threats with such actions, coercion or arbitrary deprivation of liberty Paragraph (2) of the same article completes the notion stating that “preventing women from exercising their rights and fundamental liberties” also constitute domestic violence.

From these legal texts we can state the view according to which in order to issue a protection order it is necessary and sufficient to have an existing state of danger and not produce actual suffering, whatever its nature. This is clear from the wording of the legal text “... can cause damage or suffering...”.

*Characteristics of the Protection Order*

*The Quality of Urgency*

The urgency that characterizes the issuing procedure for a protection order, as in the case of presidential ordinance, lies in trying to prevent and combat those acts of violence whereby the victim is concerned. Thus, even an application requesting the issue of protection is based on the state of imminent danger, though not engendering this state. The *quality of urgency* is the very condition that justifies the use of the order in question, the judgment procedure is concise and characterized by celerity. According to what the lawmaker states, issuing the order is strictly done in order to eliminate exposure to danger.

Given the characteristics of the presidential ordinance (Ghiță, 2014: 151), which the protection order as its variation meets, bring into question the regulation of article 996 paragraph (1) from the New Code of Civil Procedure.

*The Provisional Quality*

Given the assertion of the order that the particular form of the presidential ordinance (Tăbârcă, 2013: 745), we recognize that besides the urgency of the measure and its temporary/provisional character. Therefore, the assented measures are likely to maintain the state of things, without it escalating or causing serious consequences to the resolution of the dispute. However, the temporary nature of the protection order is conferred by the need of another dispute on the merits of the case. Application admissibility pertains exclusively to the fulfillment of the conditions already set, it remains an interim measure, based on the very text of the law governing it. According to article 33, the temporary nature is given by the law even in the sense that the order will be issued for a maximum period of *six months* with a possible extension of the same time. It has been recorded that (Tăbârcă, 2013: 754), because the emergency ordinance requires the adoption of interim measures, the court is not to prejudge the merits of the merits but – so that the solution is not arbitrary, however – it is obliged to investigate the appearance of the right.

*Issue to order to Eliminate the State of Danger*

According to article 24 of the aforementioned Law, the duration of measures of the protection order by the order is determined by the judge, but may not exceed six months from the date of issue of the order. This order provides measures to eliminate the state of danger. Thus, by borrowing from the law and jurisprudence of Western countries in controlling violence, Romanian law allows the judge to order, according to article 23 paragraph (1), one of the following: a) the temporary evacuation of the aggressor from the family home, whether they are the owner of the property; b) re-integration of victims and, where appropriate, children, into the family home; c) limiting the right of the aggressor to use only a part of the house where it can be shared so that the abuser does not come into contact with the victim; d) ordering the abuser to maintain a specified minimum distances to the victim, to his children or other relatives thereof to or from the residence, work or

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education unit of the protected person; e) prohibiting the abuser from entering certain localities or determined areas that the protected person attends or visits regularly; f) prohibiting any contact, including telephone, mail or otherwise, with the victim; g) ordering the abuser to surrender all weapons to the police; h) awarding custody of minor children or establishing their residence.

Also, by the same judgment, the court may order: the payment by the aggressor of the rent and maintenance for temporary accommodation for the victim, underage children or other family members where they live or are to live because of their inability to remain in the family home (article 23 paragraph (2) L. 25/2012); the abuser to attend counseling, psychotherapy, or may recommend control measures, receiving treatment or of several forms of care, particularly for rehabilitation purposes (article 23 paragraph (3) L. 25/2012). This jurisprudence is based on numerous cases of domestic violence (Liceanu, Saucan, Micle, 2004: 71), against which it was almost impossible to fight before the entry into force of Law 25/2012. Although initially somewhat reluctant to issue protection orders, currently the national courts have seen an increase in the number of such cases, which are not founded on the increasing number of victims of family violence, but these victims increased confidence in this tool of protection, the restraining order (Coalitia Națională a ONG-urilor implicate în programe privind violența împotriva femeilor, 2012). As an example, we can give a case (Court of Craiova, 2014) from the Court of Craiova, according to which accept the application and has sought the issue of a protection order of the applicant OAM against her mother, DAV for a period of six months with the measure of re-integrating the applicant in the family home located in Craiova.

### **The European Protection Order**

The regulation concerning the protection order is preconfigured country of adoption in the European Union Directive 2011/99 / EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order. Representing to the Romanian legislator a warning of the existence of a significant number of domestic violence victims, or maybe just the desire to modernize and harmonize national legislation with European legislation (Olimid, 2014: 222-236), this directive was the moment of “birth” in the Romanian legal system of a protective tool with a real application. The European order aims to protect victims of all forms of violence, thus having a wider scope of application than at national level.

In the sense of the Directive, according to article 2 paragraph (1): the “European protection order” signifies a decision taken by a judicial or equivalent authority of a member state in relation to a protection measure against which a judicial or equivalent authority of another member state shall adopt appropriate measure or measures under their national legislation to further ensure the protection of the person under legal protection. The objective that this Directive proposes is to draw “rules allowing a judicial or equivalent authority of a member state which adopted a safeguard to protect a person against the criminal act of another person which might endanger the life, their physical or psychological integrity, dignity, personal liberty, sexual integrity, to issue a European protection order to allow a competent authority of another member state to continue the protection of the person in the territory of this member state, following criminal conduct, or alleged criminal conduct, in accordance with the law of the issuing state” as provided even in article 1.

The purpose of this bill is to ensure the security of the person, beyond the state of nationality (Otovescu-Frăsie, 2007: 299; Valeria, 2014: 67). In its press release (European

Commission, 2015), the European Commission states: “A citizen who suffered from domestic violence will now be able to feel safe when travelling outside his country of origin, by simply transferring the order that protects them against the offender. Previously, to obtain recognition in other EU member states, victims were forced to go through complex procedures and initiate a separate certification procedure in each country. Currently, these protective orders will be easily recognized in any EU member state, which means that a citizen who has been the victim of violence can travel without having to go through cumbersome procedures”. The new mechanism consists in two separate instruments: the Regulation of mutual recognition of protection measures in civil matters and the Directive on the European Protection Order (European Commission, 2014-2019). The mechanisms reflect the differences between protective measures of member states which may be of civil, criminal or administrative nature. The rules will ensure, together with free movement of the most common types of protective measures in the European Union (European Commission).

### **Conclusions**

The regulation of the European protection order is clearly one of the most important steps in the fight against domestic violence. Ensuring the protection and security of the person manifested in its complex forms, beyond the state borders it may represent only the joint effort of EU countries to eradicate this type of violence. Regarding the protection order regulated at a national level, it cannot be the only answer to the numerous legislative realities felt in society. The importance of this regulating tool is really consented to by the presence in the role of the Court of requests from victims of domestic violence. These applications may not mean, in fact, anything other than becoming aware of the seriousness that long silence has protected and encouraged aggressors and, on the other hand, the determination of the victims of such violence to end the suffering they have endured.

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### **References:**

- Albu, I. (1975). *Dreptul familiei*, Bucharest: Didactic and Pedagogic Publishing House.
- Avram, M. (2013). *Drept civil. Familia*, Bucharest: Hamangiu Publishing.
- Bacaci, A., Dumitrache, V., Hageanu, C. (2002). *Dreptul familiei (III)*, Bucharest: All Beck Publishing House.
- Birsan, C. (2006). *C.E.D.O. Comentariu pe articole. Drepturi și libertăți (I)*, Bucharest: C H Beck Publishing.
- Decision 3508/2014 (2014). Court of Craiova.
- Decision 778/R/2012 (2013). Court of Hunedoara, civil section. “*Hunedoara Juridică Magazine*, (1): 138-141.
- Decision 94/2013 (2013) of the Court of Dolj amending civil ruling 7682/16.05.2013 of the Court of Craiova.
- Directive 2011/99/UE of the European Parliament and of the European Council from 13



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- December 2011 concerning the European protection order, the Official Journal of the European Union. Retrieved from: <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=OJ:L:2011:338:TOC>.
- Draghici, A. (2013). *Protecția juridică a drepturilor copilului*, Bucharest: Universul Juridic Publishing House.
- European Commission (2015). *Press release – A better protection for violence victims anywhere in the EU*, Brussels. Retrieved from: [http://europa.eu/rapid/press-release\\_IP-15-3045\\_en.htm](http://europa.eu/rapid/press-release_IP-15-3045_en.htm).
- Filipescu, I. P. (1998). *Tratat de dreptul familiei*, Bucharest: All Publishing.
- Florian, E. (2011). *Dreptul familiei* (4), Bucharest: C.H. Beck Publishing.
- Ghiță, D. (2014). Reforming the Trials' Procedure in the New Civil Procedure Code. *Revista de Științe Politice. Revue des Sciences Politiques*, (44), 148-160.
- Ghiță, O. (2014). Ordinul de protecție – varietate a ordonanței președințiale. *Revista Avocatul* (1), Uniunea Națională a Barourilor din România. Retrieved from: <http://unbr.ro/ro/ordinul-de-protectie-varietate-a-ordonantei-presedintiale/>.
- Ghiță, O., Albăstroi, R. G. (2014). Is the family of the 21<sup>st</sup> century based exclusively on the marriage between a man and a woman? *Revista de Științe Politice. Revue des Sciences Politiques*, (43), 195-206.
- Gorunescu, M. (2012). *Ordinul de protecție în legislația românească*. Retrieved from: <http://www.juridice.ro/ordinul-de-protectie-in-legislatia-romaneasca.html>.
- Haller, B. (2007). *The Austrian Legislation against Domestic Violence*. Retrieved from: [http://www.ikf.ac.at/english/austrian\\_legislation\\_against\\_domestic\\_violence.pdf](http://www.ikf.ac.at/english/austrian_legislation_against_domestic_violence.pdf).
- Htun, M., Weldon, L. (2011). *Sex Equality in Family Law: Historical Legacies, Feminist Activism and Religious Power in 70 Countries*, World Development Report. Retrieved from: <http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1322671773271/Htun-Weldon-family-law-paper-april-11.pdf>.
- Jaspart, M., Brown, E., Condon, S. (2013). *Les violences envers les femmes*, Paris: La Documentation française.
- Liiceanu A., Saucan, D. S., Micle, M. I. (2004). *Violența domestică și criminalitatea feminină*, Bucharest: Institutul Național de Criminologie.
- Olimid, A. P. (2014). International Peace and Security Cause in UN Security Council Resolutions. A State of Art Analysis (2012-2014). *Revista de Științe Politice. Revue des Sciences Politiques*, (43), 222-236.
- Open Society Foundation (2013). *Studiu la nivel național cu privire la implementarea ordinului de protecție – Legea 25 din 2012*. Retrieved from: <http://www.aleg-romania.eu/docs/protectie.pdf>
- Otovescu-Frăsie, C. M. (2007). The Right to Respect for Private and Family Life. In *Knowledge Based Organisation Juridical Science*, Sibiu: Land Forces Academy Publishing, pp. 296-301.
- Player, K. K. (2012). Recent Development: Expanding Protective Order Coverage. *St. Mary's Law Journal*, (43), 1037-1056.
- Renucci, Fr. (2009). *Tratat de drept european al drepturilor omului*, Bucharest: Hamangiu Publishing.
- Coaliția Națională a ONG-urilor implicate în programe privind violența împotriva femeilor, (2012). *Ordinul de restricție în legislația statelor europene – Studiu comparativ*. Retrieved from: <http://www.ce-re.ro/home>.
- Tăbărcă, M. (2013). *Drept procesual civil, vol. II – Procedura contencioasă în fața primei instanțe. Procedura necontencioasă judiciară. Proceduri speciale*, Bucharest: Universul Juridic Publishing House.

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- Valeria, G. (2014). Brief Considerations regarding the Juridical Protection of Private Life in the Regulation of the New Romanian Civil Code. *Agora International Journal of Juridical Sciences*, 2 (8), 66-71.
- Văduva, F. (2012). *Familia ca sursă de agresivitate și violența*, Doctoral thesis publicly defended at University of Bucharest, Bucharest: University of Bucharest.
- Webster's New World Law Dictionary (2010). New Jersey: Wiley Publishing, Inc., Hoboken.
- Zebrinska, N. (2003). *La guerre secrète, vaincre la violence conjugale*, Paris: L'Harmattan.

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