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# THE LEGAL FRAMEWORK FOR MEDICALLY ASSISTED HUMAN REPRODUCTION THROUGH *IN VITRO* FERTILIZATION – VERSUS ADOPTION

**SPECIALITY 553.01 – CIVIL LAW**

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## CONCEPTUAL FRAMEWORK OF THE RESEARCH

***The relevance and importance of the topic addressed***. Medically assisted human reproduction techniques have changed one of the premises on which parentage was traditionally based: the fact that genetic origin, gestation and the assumption of parental responsibility usually belong to the same persons. *In vitro* fertilization can separate these elements, and the law is faced with the task of deciding which of them should determine the child's legal status. In the Republic of Moldova, this issue is not resolved by a sufficiently clear and coherent body of rules. This gives rise to difficulties concerning parentage where donor genetic material is used, the status of cryopreserved embryos, a person's access to information about their genetic origins, and situations in which reproductive material is used after the death of the person from whom it originates. In all these cases, the common question is the same: how far can the law depart from the biological criterion without compromising the stability of the child's status?

Adoption provides an important point of reference for this analysis. In that context, the legislator already accepts that parentage can exist in the absence of a genetic link, because it is created by a legal act and produces effects on the child's civil status. Assisted reproduction, however, raises a different issue: parentage may be determined before birth through the consent of the persons who decided to undergo the procedure. We consider that this intention should receive its own legal recognition, without being confused either with adoption or with biological parentage. Such a distinction would make it possible to develop a legal framework in which genetic origin, parental intention and the protection of the child are considered together, but are not treated as legally identical elements.

The relevance of the research is determined by the expanding use of assisted reproduction techniques and the lack of clear legislative solutions in the Republic of Moldova for the many legal situations they generate.

The importance of the research stems, in particular, from the inadequacy of normative solutions for situations in which medical techniques separate genetic origin, gestation and the assumption of parental responsibility. In the Republic of Moldova, the issue arises with regard to the parentage of a child born through IVF using a donor, the status of cryopreserved embryos, access to information about genetic origins, and the use of reproductive material after the death of the person from whom it originates.

In this context, the importance of the research follows from the circumstances identified in the thesis:

- the legislation of the Republic of Moldova does not expressly regulate the parentage of a child born through IVF using a donor;
- there is no clear legal regime for cryopreserved embryos;
- post-mortem reproduction represents a legislative gap;
- the relationship between the child's right to identity and the donor's anonymity remains insufficiently clarified;
- there is an imbalance between policies supporting IVF and mechanisms for promoting adoption.

The research is also justified in light of the demographic crisis we are facing, developments in European case law, and the need to harmonize national legislation with European standards on the protection of children and family life.

Adoption provides an important point of reference for analysing parentage, because under this institution the legal relationship between child and parent is established without requiring a genetic link. Assisted reproduction, however, raises a distinct issue: parentage may be determined before birth through the consent of the persons who decided to undergo the procedure. Parental intention must be considered together with genetic origin and the protection of the child, without confusing these legal dimensions.

***The aim of the research*** is to develop a modern legal model for regulating parentage in the context of medically assisted human reproduction and adoption, based on legal consent and the best interests of the child.

To achieve this aim, the following ***objectives*** were formulated:

- to analyse assisted reproduction and adoption from doctrinal and legislative perspectives;
- to conduct a comparative examination of the regulations applicable in the Republic of Moldova, Romania, Spain and other European states;
- to identify legal conflicts generated by the development of reproductive technologies;
- to analyse the relationship between biological parentage and legal parentage;
- to develop the Consent-Commitment Theory in the field of parentage;
- to formulate proposals de lege ferenda for the Family Code and related legislation;
- to develop legal solutions concerning cryopreserved embryos, post-mortem reproduction and the child's right to genetic identity;
- to assess social perceptions of adoption and medically assisted human reproduction through empirical research.

These objectives form part of an integrated analytical approach. The research does not seek to reduce adoption to a medical alternative to IVF or to treat the two institutions as identical, but rather to identify the points at which they converge through their effects on parentage, the child's identity, parental responsibility and the best interests of the child.

***Theoretical and doctrinal framework***

The research is grounded in the doctrine of family law, civil law, medical law, bioethics and human rights.

The following categories of material were analysed as part of the research:

- doctrinal works from the Republic of Moldova, Romania and Spain;
- the case law of the European Court of Human Rights;
- the standards of the Council of Europe and the European Union;
- the provisions of the Civil Code and the Family Code of the Republic of Moldova;
- legislation on reproductive health and adoption.

The theoretical framework is structured around the concepts of parentage, intended parenthood, informed consent, the best interests of the child, genetic identity, genetic, gestational and social motherhood, and the relationship between legal intention and biological truth.

***The central hypothesis of the research*** is that, in cases of medically assisted human reproduction, parentage should be based primarily on legal consent expressed before the procedure, rather than exclusively on a biological or genetic link.

The premise from which the research proceeds is that an assumed legal intention provides a sounder basis for protecting the best interests of the child than the exclusive criterion of consanguinity.

The hypothesis is examined through normative and comparative analysis, case law and the results of empirical research. It does not deny the relevance of biology or the child's right to know their origins, but argues that the genetic link cannot, in every situation, be the sole criterion for assigning legal parent status.

***Research methodology and justification of the methods***

The research is interdisciplinary in nature and uses legal, comparative and sociological methods. The methods were selected to allow the rules, doctrines and judicial practices to be examined in a connected manner and to be compared with the perceptions of persons directly involved in adoption and medically assisted human reproduction procedures.

- doctrinal analysis;
- the comparative method;

- the systemic method;
- the logical and formal-legal method;
- the method of interpreting legal rules;
- analysis of national and European case law;
- comparative analysis of the legislation of the Republic of Moldova, Romania, Spain and the Russian Federation;
- the sociological method, through empirical research based on questionnaires;
- statistical analysis and interpretation of empirical data.

The empirical research complied with the principles of informed consent, anonymity and data confidentiality.

The empirical component uses a mixed exploratory-explanatory design. Quantitative data were collected through structured questionnaires and analysed statistically, while open-ended responses were used to capture ethical dilemmas, subjective experiences and explanations that cannot be conveyed through percentage distributions alone. The two components are analysed together in order to provide a more nuanced interpretation of the phenomenon under study.

***The scientific novelty of the work*** lies in its integrated approach to parentage arising from medically assisted reproduction and adoption, and in its proposal for a legal reconstruction that assigns a distinct role to assumed legal intention. In particular, the thesis highlights:

- the development of the Consent-Commitment Theory in parentage arising from medically assisted reproduction;
- the redefinition of parentage through the lens of assumed legal intention;
- the proposal to recognize consent as a legal fact giving rise to parentage;
- the formulation of the concept of intended parenthood;
- the development of the theory of voluntary motherhood;
- the establishment of a new legal institution: embryo adoption;
- the development of the concept of a Protocol for the Disposition of Cryopreserved Genetic Material;
- the proposal to create a Secure National Donor Register;
- the formulation of the principle of ethical subsidiarity in the relationship between adoption and IVF;

- the development of an integrated approach to Law No. 99/2010 [1] and Law No. 138/2012[2].

The research findings demonstrate the need to move from the paradigm of biological parentage to a paradigm of parentage based on the legal assumption of parenthood.

The scientific problem addressed by the research is the development of a coherent legal model for establishing parentage in the context of medically assisted human reproduction by integrating legal consent into the structure of family law in the Republic of Moldova.

The scientific problem is analysed by reference to conflicts between biological truth and legal intention, the lack of appropriate regulation of parentage in cases of IVF using a donor, the status of cryopreserved embryos, post-mortem reproduction, the child's right to know their origins, and the relationship between adoption and assisted reproduction.

***The theoretical significance*** stems from the contribution to the development of family-law doctrine through the redefinition of parentage, the introduction of intended parenthood, the substantiation of the legal role of consent, and the examination of the relationship between adoption and assisted reproduction.

The results may be used in modernizing the Family Code and amending Law No. 99/2010 on the legal regime of adoption and Law No. 138/2012 on reproductive health. They may be relevant to the work of courts, notarial practice, assisted reproduction clinics and the development of public policies on child protection and reproductive health.

Implementation of the proposals formulated in the thesis requires the introduction of a special chapter on parentage arising from assisted reproduction into the Family Code; express regulation of post-mortem reproduction; establishment of a Secure National Donor Register; adoption of a Protocol for the Disposition of Cryopreserved Genetic Material; regulation of embryo adoption; harmonization of adoption legislation with reproductive-health legislation; and digitalization of adoption procedures. Comparable psychological assessment mechanisms for adoption and medically assisted human reproduction are also proposed.

[1]Law No. 99 of 28 May 2010 on the Legal Regime of Adoption. In: Official Gazette of the Republic of Moldova, 2010, Nos. 131–134, Art. 441.
[2]Law No. 138 of 15 June 2012 on Reproductive Health. In: Official Gazette of the Republic of Moldova, 2012, No. 185 of 31 August 2012. Available at: https://www.legis.md/cautare/downloadpdf/135028

## CONTENT OF THE THESIS

**Chapter 1**, entitled *The State of Knowledge on Medically Assisted Human Reproduction through IVF and Adoption*, serves as an introduction and proposes a critical analysis of the specialist literature and normative developments relevant to medically assisted human reproduction through *in vitro* fertilization and to adoption. It identifies the doctrinal foundations that have contributed to shaping the concepts of parentage and children's rights. Developments in the case law of the European Court of Human Rights and international standards, the legal status of the embryo, and tensions between reproductive autonomy and the protection of private and family life are examined.

The conceptual analysis distinguishes between medically assisted human reproduction and adoption. IVF takes place before birth, within a medical process in which the source of the genetic material, the person who carries the pregnancy and the person who assumes the parental role may be separate. Adoption takes place after birth and creates, through a legal procedure, a parent-child relationship between the child and the adopter. The two institutions are not identical, but they converge in terms of their effects on parentage, identity and family life.

In the field of human rights, the chapter analyses reproductive autonomy, the right to respect for private and family life, and the child's right to identity and to know their origins. The standards of the European Convention on Human Rights and the United Nations Convention on the Rights of the Child are considered, including the protection of personal identity and the best interests of the child. In the case of children born using genetic material from a donor, the right to know their genetic origin is examined in balance with the donor's private life and the stability of legal parentage.

A distinct subject is the status of the *in vitro* embryo and the effects of cryopreservation. The thesis highlights legal questions concerning the disposition of surplus embryos in situations involving divorce, death, withdrawal from the procedure or the absence of a subsequent decision. According to the analysis in the thesis, the legislation of the Republic of Moldova does not provide uniform solutions for all these situations, and the problems become particularly complex when an embryo may be used after the death of one of the persons involved, potentially affecting parentage and succession.

The chapter separately analyses the legal framework for assisted reproduction in the Republic of Moldova and the framework for adoption, and then compares them with European regulations and practices. The comparison identifies points of convergence and divergence between normative models and the areas in which national regulation needs clarification: the

parentage of a child born through IVF using a donor, the status of a cryopreserved embryo, the right to genetic identity, and the recognition of parent-child relationships established abroad.

The comparative case-law analysis concerns the Republic of Moldova, Romania and the European Court of Human Rights. It discusses issues relating to the challenge of paternity, the role of genetic testing, the relationship between biological truth and the stability of family relationships, and the effects of consent in assisted reproduction. In European cases concerning cross-border parentage, the thesis notes that refusal of legal recognition may affect the child's identity and private life. States may retain a margin of appreciation regarding reproductive techniques, but their legal mechanisms must effectively protect the child's status and the continuity of family relationships.

The judgments in Mennesson v. France and Labassee v. France[3] established the idea that refusal to recognize parentage cannot turn the child into a victim of differences between national laws. The Court considered that the child's identity and private life require a stable legal relationship with their parents, even where the birth followed a procedure that is not permitted in the state of origin.

This approach was reinforced by Advisory Opinion P16-2018-001[4], in which the Court emphasized that states are free to choose the legal means by which parentage is recognized, but may not deprive the child of effective protection of their family status.

The same line of reasoning is reflected in the case of D.B. and Others v. Switzerland[5], which reinforces the idea that legal certainty of parentage is an essential component of the right to respect for private and family life.

The conclusion emerges that the best interests of the child have become a decisive benchmark in resolving disputes concerning cross-border parentage. The function of law is not to punish adults for their reproductive choices, but to guarantee the child a stable legal identity and the preservation of family relationships.

The chapter's conclusions show that IVF and adoption are distinct legal institutions, but converge through their effects on parentage and the child's identity. IVF raises issues concerning reproductive autonomy, consent, embryos and gamete donation; adoption raises issues concerning the best interests of the child, subsidiarity, the assessment of prospective adopters

[3]ECtHR, Mennesson v. France, application no. 65192/11, judgment of 26 June 2014. HUDOC. Available at: https://hudoc.echr.coe.int/eng/?i=001-145179.
[4]ECtHR. Advisory Opinion concerning the recognition in domestic law of a legal parent-child relationship between a child born through a gestational surrogacy arrangement abroad and the intended mother [Grand Chamber]. Request No. P16-2018-001, 10 April 2019.
[5]ECtHR, D.B. and Others v. Switzerland, applications nos. 58817/15 and 58252/15, judgment of 22 November 2022. HUDOC. Available at: https://hudoc.echr.coe.int/ukr?i=002-13896

and protection against abuse. The Republic of Moldova has a normative framework in both fields, but it requires more coherent doctrinal and legislative development, with clearer links between family law, children's rights, medical law and private international law.

An important result of this chapter is the identification of the area of normative overlap that remains insufficiently explored when adoption and IVF are studied separately. The thesis highlights the asymmetry between consent in the IVF procedure, which may give rise to conflicts before implantation, and the definitive nature of adoption under the law. It also emphasizes that adoption is not a treatment for infertility, but an institution for the protection of the child, whereas IVF responds to a different situation and has its own medical and legal framework.

Finally, the chapter argues for coordinating the two regulatory fields without merging them. Legislative intervention is justified by the need to establish more clearly who acquires the status of parent, what effects consent produces, and how identity, family stability and children's rights are protected.

**The second chapter**, entitled *Medically Assisted Human Reproduction through IVF and Adoption: Doctrine, International, European and Comparative Rules*, examines the normative framework applicable to *in vitro* fertilization and adoption. The rules of the Republic of Moldova are considered in relation to international instruments, European standards and comparative legislative models, particularly those of Romania and Spain, while regulations from other systems analysed in the thesis are also taken into account. The aim is to highlight divergences and points of convergence between legal regimes, as well as the extent to which they respond to the challenges created by reproductive technologies.

At the international level, the analysis refers to the European Convention on Human Rights[6], the United Nations Convention on the Rights of the Child[7], the Oviedo Convention on Human Rights and Biomedicine[8], and European instruments relevant to parentage. Personal autonomy, private and family life, physical and psychological integrity, informed consent and the protection of the child's identity are analysed. In the absence of complete European harmonization of reproductive techniques, the case law of the European Court of Human Rights provides guidance for balancing the freedom of states to regulate with their obligation to protect fundamental rights.

[6]European Convention on Human Rights, adopted in Rome on 4 November 1950, Article 8 (Right to respect for private and family life).
[7]United Nations Convention on the Rights of the Child, adopted in New York on 20 November 1989, ratified by the Republic of Moldova by Parliamentary Decision No. 408-XII of 12 December 1990, Arts. 3, 7 and 8.
[8]Convention on Human Rights and Biomedicine (Oviedo Convention), 1997, Arts. 5–9.

An important part of the chapter is devoted to the limits of contractual freedom in the relationships between fertility clinics and the persons who access treatment. The contract for the provision of medical services must be analysed in light of the general rules of civil law, legislation on patients' rights and the requirements of informed consent. In relationships characterized by emotional and medical vulnerability, contractual autonomy cannot justify clauses that prospectively exclude the provider's liability or unjustifiably reduce the patient's rights.

The thesis addresses the risks posed by unfair terms and liability-exemption clauses, the interpretation of contracts in favour of the patient/consumer, and the assessment of non-pecuniary damage where a clinic's conduct produces consequences beyond financial loss. Situations considered include the loss or damage of cryopreserved embryos, identification or handling errors, and the failure to provide essential information. In such cases, civil liability must take account of the extent of material and non-material damage and the protection of psychological integrity.

In the absence of detailed and uniform regulation of medically assisted human reproduction at European level, the European Court of Human Rights has played an essential role in shaping the standards applicable to reproductive autonomy and informed consent. In interpreting Article 8 of the European Convention on Human Rights, the Court has consistently held that decisions concerning reproduction, *in vitro* fertilization and the use of embryos fall within the sphere of private and family life, as expressions of personal autonomy and an individual's freedom to make fundamental decisions concerning their own existence.

A key precedent is the judgment in Evans v. the United Kingdom (Grand Chamber, 10 April 2007, application no. 6339/05)[9]. The case concerned a dispute between two former partners over the use of embryos created through *in vitro* fertilization. The applicant, who had become infertile following cancer treatment, sought to use the cryopreserved embryos, while her former partner had withdrawn his consent. The Court held that the decision concerning the use of embryos falls within the scope of Article 8 of the Convention because it concerns an essential aspect of a person's identity and autonomy. Nevertheless, it found that the British legislation, which required both partners' consent to remain in place until embryo implantation, pursued a legitimate aim and struck a fair balance between the competing interests of the parties; accordingly, no violation of the Convention was found.

[9]ECtHR. Evans v. the United Kingdom [Grand Chamber], application no. 6339/05, judgment of 10 April 2007. HUDOC. Available at: https://hudoc.echr.coe.int/?i=001-80046

Another landmark judgment is Dickson v. the United Kingdom (Grand Chamber, 4 December 2007, application no. 44362/04)[10]. In this case, the Court examined the British authorities' refusal to allow a prisoner and his wife access to artificial insemination. The Court considered that the decision to become a parent is one of the most important aspects of private and family life, and that restrictions on access to assisted reproduction techniques must be justified by relevant and proportionate reasons. It therefore found a violation of Article 8 of the Convention, emphasizing the states' obligation to ensure a genuine balance between the public interest and the individual's right to reproductive autonomy.

An important contribution to the development of this case law is the case of Parrillo v. Italy (Grand Chamber, 27 August 2015, application no. 46470/11)[11]. The dispute concerned the impossibility of donating, for research purposes, embryos obtained through *in vitro* fertilization and cryopreserved. The Court held that an individual's decision concerning the fate of embryos created through IVF falls within the sphere of private life and is protected by Article 8 of the Convention. However, in view of the lack of European consensus on the legal status of the embryo and the wide margin of appreciation enjoyed by states in the field of bioethics, the Court concluded that the prohibition laid down in Italian law did not exceed the limits of proportionality and did not violate the Convention.

These judgments demonstrate that, although states enjoy a certain margin of appreciation in regulating medically assisted human reproduction techniques, any interference with the exercise of the right to reproductive autonomy must comply with the requirements of Article 8 of the European Convention on Human Rights. For the law of the Republic of Moldova, this case law is particularly important in interpreting the provisions of the Civil Code, Law No. 263/2005 on Patients' Rights and Responsibilities[12], and Law No. 124/2022 on Electronic Identification and Trust Services[13], contributing to the development of standards on the validity of informed consent, the protection of personal autonomy and legal certainty in medical relationships.

Accordingly, the validity of informed consent must be assessed by combining two categories of requirements. The first concerns the conditions for the validity of the expression of

[10]ECtHR. Dickson v. the United Kingdom [Grand Chamber], application no. 44362/04, judgment of 4 December 2007. HUDOC. Available at: https://hudoc.echr.coe.int/app/conversion/pdf/?TID=hwmxbluysi&filename=001-83788.pdf&id=001-83788&library=ECHR

[11]ECtHR. Parrillo v. Italy [Grand Chamber], application no. 46470/11, judgment of 27 August 2015. HUDOC. Available at: https://hudoc.echr.coe.int/app/conversion/docx/pdf?filename=CASE+OF+PARRILLO+v.+ITALY.pdf&id=001-157263&library=ECHR&logEvent=False

[12]Law No. 263 of 27 October 2005 on Patients' Rights and Responsibilities, Official Gazette of the Republic of Moldova, Nos. 176–181 of 30 December 2005.

[13]Law No. 124/2022, Arts. 1–4 (partially transposes Regulation (EU) No. 910/2014 – eIDAS).

will, governed by civil law; the second concerns the duty to inform established by special health legislation. Only when both sets of requirements are met can it be concluded that the patient's consent is valid and capable of producing legal effects within the contractual relationship between the patient and the medical-service provider.

Another subject is informed consent expressed in electronic form. The thesis notes that electronic form may contribute to legal certainty and the evidentiary value of the act, but does not eliminate the review of legality. A court must be able to verify whether the consent was freely given, whether the patient was properly informed and whether the contractual provisions comply with mandatory rules. The validity of consent requires cumulative compliance with the civil-law requirements governing the expression of will and the special requirements of medical legislation concerning patient information.

"A contract for the provision of health services is a civil-law legal act of a contractual nature, subject to direct regulations of a general nature (through the relevant provisions of the Civil Code), as well as indirect regulations of a specific nature (through the relevant provisions of medical legislation). The use of this legal mechanism for providing health services is optional and alternative, the primary means of providing the services in question being through the compulsory health insurance system. Although it has a direct regulatory basis, the legal terminology used by the legislator—that of a contract for the provision of treatment services—is flawed, and legislative intervention is necessary to amend the content of the relevant provisions by using appropriate wording, namely 'contract for the provision of health services.'"[14]

Article 1400 of the Civil Code of the Republic of Moldova officially introduces a distinct legal form: the contract for treatment services. The law no longer regards the medical act as a mere administrative procedure, but as a civil obligation directly assumed by the provider towards the patient. When the doctor accepts the case, they enter into a commitment governed by strict rules on civil liability.[15]

The comparative analysis highlights European normative pluralism. Some legal systems permit and regulate certain reproductive techniques, including the use of donors or surrogacy, while others adopt significant restrictions. Legislative differences affect the cross-border recognition of parentage and may place children in situations of legal uncertainty. The thesis argues that, although a uniform solution cannot be imposed for all bioethical choices, a core set

[14]SADOVEI, Nicolae. Contractul de prestare a serviciilor de sănătate: valențe juridice și caractere specifice. In: Juridice Moldova, 8 June 2021. Available at: https://juridicemoldova.md/11183/contractul-de-prestare-a-serviciilor-de-sanatate-valente-juridice-si-caractere-specifice.html
[15]Article 1400 of the Civil Code of the Republic of Moldova

of common safeguards is needed to protect the child and ensure predictability in family relationships.

The entire discussion surrounding *in vitro* fertilization and adoption places us, in fact, at the fragile boundary between family-law rules, fundamental human rights, bioethical dilemmas and social strategies. If modern medical techniques represent the technological leap through which we are rewriting the rules of parentage, adoption remains living proof of the protective role that family law must play in society. Both paths require the state's direct involvement, but they do so through entirely different mechanisms and approaches.

When we look at the map, we see that the pressures are enormous, but take distinct forms. For the Republic of Moldova, the most urgent task is to create a set of clear and secure rules capable of addressing the gaps relating to the status of embryos, children's right to know their origins, and the recognition of documents originating abroad. By contrast, the Russian Federation has chosen a wholly restrictive path, blocking foreign citizens' access to surrogacy and adoption, against the background of a rigid policy centred on citizenship and traditional values. Across the European continent, the main obstacle remains the fragmentation of laws and the political impossibility of achieving full harmonization of legal systems.

At the theoretical level, resolving this impasse does not mean equating traditional adoption with in-vitro fertilization. The real stake is to build a new vision of modern parentage. We need a flexible model that accommodates blood ties, intentions assumed through legal acts, and everyday social reality or adoptive reality. This new legal model must be anchored solely in human dignity, the full reliability of birth certificates and, above all, the best interests of the child. This is the only way for the state to fulfil its moral duty to prevent future life from being turned into a mere commodity or an object left at the mercy of adults' desires. Setting aside the pure theory found in textbooks, life in clinics presents us with an extraordinarily difficult problem:

A hospital's liability is not a mere tick on a piece of paper. When a laboratory mixes up test tubes, when freezing equipment stops because of human error, or when embryos are implanted incorrectly, private clinics do not merely make a technical mistake. They cause an immense tragedy that leaves its mark for the rest of a person's life. From the perspective of our laws, such a blunder immediately entails the duty to compensate for all the damage caused, a fundamental rule established by Article 1998 of the Civil Code of the Republic of Moldova.

In such critical moments, the greatest difficulty for judges is to put a price on suffering that cannot be measured in money. Losing an embryo does not mean losing a mere glass object that can simply be bought again in a shop. What is at issue is the complete destruction of a dream, the

couple's chance to have a child connected to their own identity. Studies written in Chișinău by Professor Gheorghe Chibac remind us that psychological well-being is a value that cannot be bargained away, protected as it is by Article 41 of the Civil Code. Therefore, no private clinic has the right to hide behind fine-print clauses in an attempt to escape liability merely by refunding the fees paid by patients.

This outrageous imbalance between a hospital's power and people's desperation is a clear reason why the state must intervene firmly. As Ms Aliona Cara's research also demonstrates, being a professional in the market does not entitle one to impose unfair contracts. When people seek treatment after being devastated by fears and years of medical failures, their signature cannot be used as a legal trap. The courts of the Republic of Moldova have a moral duty to apply the principles of good faith and award genuine non-pecuniary damages that acknowledge the true scale of the pain. Only through courageous judgments will private law fulfil its mission: protecting the human being in the face of medical and commercial bureaucracy.

The conclusions of Chapter II place adoption and IVF at the intersection of family law, human rights, bioethics and social policy. Both require state involvement, but through different mechanisms. For the Republic of Moldova, the identified priorities are to clarify the status of embryos and the child's right to know their origins, ensure recognition of the legal effects of parentage established abroad, and strengthen the contractual protection of patients. Legal oversight of medical-service providers must remain effective, and informed consent must not be turned into an instrument for exempting the provider from civil liability.

**The third chapter**, entitled *Parentage between Medically Assisted Reproduction and Adoption: Comparative Analysis and Legal Reconstruction*, forms the theoretical and constructive core of the work. The comparative analysis begins with the distinction between natural parentage, adoption and parentage resulting from medically assisted human reproduction. In natural parentage, the biological link traditionally plays a central role. In adoption, parentage is created by a legal act, even in the absence of a genetic link. In medically assisted human reproduction, the genetic criterion may be separated from gestation and the legal assumption of parenthood. Consequently, parentage cannot in every case be established solely by reference to genetic contribution.

The three forms of establishing parentage differ, first of all, in the criterion that justifies assigning parent status. In natural parentage, this criterion is the biological link; in adoption, parentage is created through a legal act; in assisted reproduction, however, biological and legal criteria may no longer coincide. This last situation arises when the genetic material comes from a donor or when the pregnancy is carried by a woman other than the woman who intends to give

birth to and assume responsibility for the child. Thus, the issue raised by assisted reproduction concerns not only the medical nature of the procedure, but also the determination of which criterion should prevail when genetic origin, birth and the intention to become a parent point to different people.

Parentage expresses the legal relationship between a child and their parents. In natural parentage, this relationship is based on the biological fact of birth and, where applicable, the existence of a genetic link with the parents. In traditional law, biological origin has been the main point of reference for establishing parentage.

Adoption involves creating a parent-child relationship through a legal act and procedure. There is not necessarily a biological link between the child and the adopter, but the law recognizes this relationship and assigns to it the effects specific to parentage. Thus, the adopter acquires the legal status of parent, and the child acquires the corresponding status in the adoptive family.

Medically assisted human reproduction (MAHR/IVF) differs from these two situations because it intervenes in the process of conceiving a child. The use of a donor's genetic material may mean that the person who assumes parental status is not the same person who has the genetic link with the child. In such cases, parentage cannot be established solely by reference to the genetic criterion. Consent and the intention to assume the parental role may, under certain conditions, become decisive elements in establishing the legal relationship between the child and the parent.

In natural parentage, biological origin is the principal criterion for establishing the relationship between the child and the parents. In adoption, the parent-child relationship is established by a legal act and does not depend on the existence of a genetic link between the child and the adopter. Medically assisted human reproduction occupies a distinct position because it allows genetic origin to be separated from gestation and the legal assumption of parenthood. The person who provided the genetic material may remain outside the legal parent-child relationship, while the person who requested the procedure may acquire parent status without having a genetic link with the child.

Within this framework, the thesis analyses unresolved conflicts between technology, biology and ethics. Motherhood is examined as a reality that may have several dimensions: genetic, gestational, social and legal. Their separation raises questions about the assignment of legal status as mother, situations involving surrogacy, and the effects of using genetic material from a third party. The thesis argues that the law must formulate explicit rules rather than leave the resolution of these cases exclusively to analogies developed for traditional parentage.

The status of cryopreserved embryos is treated as a distinct legal issue. The absence of comprehensive regulation creates uncertainty about the disposition of embryos in cases of divorce, death, abandonment or a change in the intentions of the persons involved. Questions also arise concerning the embryo's capacity to produce future legal effects and, in certain cases, the consequences for the inheritance rights of a child born following the embryo's subsequent use.

Another dimension is the child's right to identity in relation to donor anonymity. The thesis examines several European legislative models: access to the donor's identity at a certain age, access only to non-identifying information, or the maintenance of anonymity. In the author's proposal, the issue may be addressed through a model of "relative anonymity" that provides access to information relevant to the person's identity and health, without that access automatically creating a legal parent-child relationship with the donor. The right to know one's origins and the stability of family relationships are treated as objectives that must be reconciled, not as mutually exclusive options.

The chapter also analyses post-mortem assisted reproduction. In this field, prior consent, the time at which the reproductive material is used and the establishment of parentage may have effects on civil status and succession. The thesis proposes express regulation of the conditions under which such a procedure may be carried out and of the time limits relevant to the stability of civil transactions. One proposal concerns recognition of inheritance effects only under conditions and within time limits established by law, so that the child's rights are protected without leaving the status of the estate undefined.

The cross-border comparison between the Republic of Moldova, Romania and Spain highlights differences in the regulation of reproductive techniques, the recognition of parentage and the approach to the best interests of the child. In its analysis of European case law, the thesis notes that states may enjoy a margin of appreciation concerning permitted medical techniques, but uncertainty about the child's legal status must not become a consequence of differences between laws. Effective recognition, within a reasonable time, of parent-child relationships relevant to the child's identity is treated as an essential requirement for the protection of private and family life.

A central conceptual contribution of the chapter is the Consent-Commitment Theory. According to this theory, free and informed consent expressed before the procedure may constitute a legal basis for establishing parentage in cases where the person who assumes the parental role is not the same person who provides the genetic material. Consent is not viewed merely as a medical formality, but as an expression of will connected to a parental project and

the assumption of the responsibilities arising from it. The fundamental argument is that a person who consented to the procedure knowing that donor genetic material would be used should not later be able to invoke the absence of a genetic link in order to destabilize the parentage of the child born.

On this basis, the thesis proposes recognizing consent as a legal fact giving rise to parentage and develops the concept of intended parenthood. Once the procedure has been carried out on the basis of valid consent, protection of the child's status requires stability. The absence of a genetic link should not, in itself, be grounds for challenging paternity or maternity, because the child did not participate in the adults' decision and should not bear the consequences of their subsequent change of position. At the same time, this approach does not remove the child's right to know their genetic origins, which must be regulated separately from the legal effects of parentage.

The thesis also develops the concept of the Presumption of Voluntary Parenthood and the theory of voluntary motherhood. These constructs seek to clarify the status of persons participating in assisted reproduction procedures and reduce uncertainty concerning the child's parentage. In the author's proposal, informed consent must be documented in compliance with the conditions for validity and must produce foreseeable effects on legal status, including in relation to challenges to parentage and the child's property rights.

The relationship between adoption and IVF is analysed through the principle of ethical subsidiarity. The thesis emphasizes that the two institutions are based on different premises: adoption aims to integrate an already-born child into a family, whereas IVF offers a medical means of conceiving a child. They should not be treated as competing or interchangeable institutions. At the same time, public policies should avoid asymmetries whereby access to one pathway is supported more effectively than the protection of children waiting to be adopted. In this respect, the author proposes simplifying and digitalizing adoption procedures and developing information and support mechanisms for families.

Another proposal is to establish adoption of surplus embryos. The idea is situated at the intersection of adoption, reproductive techniques and civil law. The proposal seeks to establish a procedure through which persons who hold embryos they no longer intend to use may consent to their transfer to other persons who wish to become parents, subject to legal validation and safeguards for the parentage of the child who may be born. The thesis formulates a normative model to be examined and developed by the legislator.

Article X – Embryo Adoption

1. Couples who have surplus embryos may relinquish them in favour of adoptive parents by means of notarized consent.

2. The procedure is validated by a court, applying the simplified rules of adoption.

3. A child born from an adopted embryo is considered the biological child of the woman who gave birth to the child and her husband, with no possibility of subsequently challenging paternity.

This scientific work sought to demonstrate the imperative need for a paradigm shift in the private law of the Republic of Moldova, focused on the systemic integration of medically assisted human reproduction (MAHR) techniques and the institution of adoption. Through this approach, we sought to demonstrate that the modernization of biotechnology compels family law to evolve from the traditional protection of biological blood ties towards recognition and safeguarding of the supreme value of legal intention.

This investigation has shown that keeping parentage arising from assisted reproduction under the authority of traditional rules based exclusively on genetics creates major risks of instability in civil status. In connection with this, we have demonstrated that the current legal framework treats assisted procreation and social assistance as two parallel and divergent universes, creating a systemic paradox in which citizens are pushed towards the test tube because of the legislative and bureaucratic maze that blocks domestic adoption.

The research has dismantled the myth that DNA testing should remain the absolute proof in matters of establishing and challenging parentage. We have demonstrated that, in the context of heterologous *in vitro* fertilization, the source of the legal relationship is not the chromosome, but the informed, prior and irrevocable consent given at the beginning of the clinical procedure. By analysing the legal effects of this agreement, the work has highlighted the importance of having insurmountable procedural barriers against actions to deny paternity or maternity.

The study has also shown that the irrevocability of the civil status of a child born through MAHR must entail absolute protection of the child's property rights, prohibiting the use of the absence of consanguinity as an argument for indirect disinheritance or for violating the reserved share of the estate established by ordinary civil law.

The absolute novelty of this work in relation to the legal literature published to date in the Republic of Moldova lies in definitively moving the discussion of parentage arising from assisted reproduction out of the medical or moral sphere and directly into the field of contracts and civil obligations. The most original element introduced into scientific discourse lies in the development of the Consent-Commitment Theory. Through this theory, we have demonstrated from a doctrinal legal perspective that donor-assisted *in vitro* fertilization and adoption should

not be compared subjectively or emotionally, because both are based on precisely the same legal element giving rise to civil kinship: assumed intention.

Another innovative dimension of the research is the structural redefinition of the concept of motherhood by dividing it into four distinct forms: genetic, gestational, social and legal. The work puts forward a unique solution for overcoming the fragmented system in the Republic of Moldova by proposing the establishment of a Presumption of Voluntary Parenthood, a concept entirely absent from current legislation.

Furthermore, the originality of the study is reflected in its bold approach to grey areas that have been completely ignored by the legislator in Chișinău, such as the legal status of surplus cryopreserved embryos (defined here as biological entities with human potential, subject to a sui generis protection regime) and the regulation of post-mortem procreation to resolve the legal vacuum affecting a posthumous child. The work also offers a radically new vision of the right to identity, proposing a transition from absolute donor anonymity to a model of "relative anonymity" capable of reconciling a person's right to know their origins with the absence of property obligations on the part of the donor.

Overall, the chapter argues that advances in biotechnology require family law to move from the exclusive protection of biological ties towards a model in which legal intention, the assumption of parental responsibility, genetic identity and the best interests of the child are considered together. The proposed solution is a normative reconstruction: the relevance of biology is not eliminated, but its function is distinguished from that of consent and civil status, so that each receives the appropriate legal effect.

**The final chapter** (*Empirical Research on Social and Legal Perceptions of Parentage in the Context of Adoption and MAHR*) complements the legal analysis by examining social perceptions of parentage established through adoption and medically assisted human reproduction. The research is situated within a constructivist-pragmatic paradigm, and parentage is approached as a socio-legal construct involving biological, legal, social and axiological elements. The aim is to examine the relative importance of genetic origin, the role of parental consent, the child's right to know their origins, the comparison between adoption and MAHR, and the degree of social acceptance of different forms of parenthood.

This research is situated within the constructivist-pragmatic paradigm characteristic of applied social sciences and, in particular, of family law and public policy, where legal realities result from the interaction between rules, social perceptions and institutional practices.

To achieve the theoretical and practical objectives of this research, a mixed-methods methodological design was chosen, as it was considered the most appropriate strategy for

investigating complex legal and social phenomena in which normative reality intersects with the subjective perceptions of citizens and legal practitioners.

The quantitative component is based on structured questionnaires and aims to collect standardized data that can be statistically processed. Its purpose is to provide a macro-level picture of collective attitudes towards medically assisted human reproduction (MAHR) techniques and adoption. Standardized questions make it possible to identify correlations between respondents' socio-demographic variables and their degree of acceptance of new paradigms of parentage. This therefore provides an empirical basis for proposals for legislative reform.

The qualitative component, derived from the analysis of open-ended questions and narrative responses, serves to "humanize" the statistical data. Interpreting respondents' accounts makes it possible to capture nuances, ethical dilemmas and subjective experiences that cannot be accommodated in closed-response grids. This qualitative approach is crucial to understanding the meaning that social actors assign to the concepts of "parent" or "origin", lending substance to the legal analysis of the identity-related and axiological dimensions of parentage.

The synergy between the two components allows for data triangulation, through which quantitative results are explained or nuanced by qualitative perspectives. This research strategy prevents the risk of "methodological reductionism", ensuring that the proposals de lege ferenda formulated in the work are not only statistically viable but also grounded in the socio-human and ethical reality of contemporary society.

The methodology is mixed: the quantitative component uses structured questionnaires, while the qualitative component draws on open-ended responses. The exploratory-explanatory approach was chosen because parentage in the context of MAHR is a relatively recent phenomenon that is insufficiently standardized socially and legally. Through data triangulation, statistical results are interpreted together with respondents' experiences and the ethical dilemmas they describe.

Two questionnaires were used. The first examines general perceptions of parentage and forms of parenthood; it includes socio-demographic questions, questions testing legal knowledge, items on perceptions of parentage and influencing criteria, comparative assessment, and open-ended questions. The second questionnaire is intended for persons who interact directly with adoption or MAHR: adoptive parents, persons undergoing the adoption procedure, persons who have undergone IVF or intend to access the procedure. The instruments use closed-ended questions, Likert scales and open-ended items.

In the first questionnaire, the sample described in the thesis is predominantly female (66.6%), and most participants are citizens of the Republic of Moldova (76.7%). The proportion of respondents with university degrees is 52.7%, while 24% have postgraduate education. The age groups of 20–29 and 30–39 together make up the largest share of the sample. In terms of place of residence, 55% come from urban areas and 45% from rural areas. Almost half of the respondents have no children (48%), while 43.4% report having biological children; adoptive parents account for 3.8%, and persons with children born through assisted reproduction account for 4.6%.

The results of the first questionnaire show that 79.8% of respondents recognize that an adopted child has the same legal status as a biological child. In the case of a child born through IVF, 65.1% consider the legal status to be the same as that of a naturally conceived child; 16.2% state that they do not know, and 18.6% answer negatively. The thesis interprets the difference between these two percentages as an indication of the need for clearer public information about medically assisted human reproduction.

In addition, 77.5% of participants in the first questionnaire consider that expressing consent to the IVF procedure is sufficient for legal recognition of parent status. In analysing the Likert-scale items, the majority reject the idea that a genetic link is the only condition for considering someone a parent and attach importance to assuming responsibility for raising and educating the child. There are 82 responses in favour of full recognition of adoptive parents, and approximately 60% of participants consider that a donor of genetic material should not have parental rights.

The child's right to know their origins upon reaching the age of majority is supported by 87 respondents. By contrast, the idea that donor anonymity protects family stability produces divergent responses: 60 participants disagree, 45 agree and 24 take a neutral position. With regard to the best interests of the child, the thesis records 109 affirmative responses out of a total of 129; 113 respondents associate parentage with long-term stability. At the same time, 88.3% call for clearer regulation of parentage in MAHR cases, and 87.5% support the development of public policies to assist families formed through adoption and IVF.

The second questionnaire includes 45 respondents with direct experience in the field. Of these, 62.2% are associated with adoption: 44.4% are adoptive parents whose procedures have been completed, and 17.8% are undergoing the adoption procedure. The MAHR group accounts for 37.8%, including 24.4% of persons who have already undergone IVF and 13.4% who intend to access the procedure. In total, 68.8% of respondents have completed a procedure. This sample

is also predominantly female (66.7%); 73.3% of respondents are married, and almost 89% have higher education.

The data from the second questionnaire indicate that 55.5% of respondents do not perceive adoption and IVF as alternatives to one another. For persons directly involved, the importance of clarifying legal parentage has a mean score of 4.24 on a scale from 1 to 5, while the importance of biological origin is rated at a mean of 2.98. Nevertheless, the data do not indicate that interest in biological origins has disappeared, but rather that respondents distinguish between the identity-related and medical value of genetic information and the function of legal parentage.

The possibility of parentage being challenged at a later stage is a source of concern for 60% of respondents: 16% report moderate concern, 22% high concern and 22% very high concern. Among those who have undergone IVF, consent appears as a fundamental element of the parental relationship: 14 respondents give it the highest rating and two give it a rating of 4. Legal certainty of the child's status receives only ratings of 4 and 5 in this small group, with 10 highest ratings and 7 ratings of 4. As regards the child's access to the donor's identity upon reaching the age of majority, 23.5% agree, 41.1% accept it only under certain conditions, and 29.4% categorically oppose it. By contrast, 76.4% consider that the persons who consented to the procedure should be the child's only legal parents.

Persons directly involved consider current legal protection incomplete. Regarding the child's interests, 51.1% consider protection only partial, while 22.2% consider it sufficient. As regards parents, only 17.8% believe that the law protects them sufficiently, 40% assess the protection as partial, and 31.1% state that it is insufficient. In the thesis, these responses are linked to anxiety about challenges to parentage and to the need for predictability in the effects of adoption and consent given for MAHR.

The results provide empirical support for the idea that assuming parental responsibility and legal stability are important criteria in perceptions of parentage. At the same time, the data reveal a difference between the theoretical acceptance of equal status for children and the persistence of certain social reservations towards non-biological forms of parenthood. The thesis acknowledges the non-probabilistic, convenience-based nature of the sampling and the exploratory nature of the research; the results are not presented as statistically representative of the entire population of the Republic of Moldova, but as useful reference points for identifying trends and issues requiring further research.

In the integrated discussion, the research groups its findings around responsibility, consent, stability and identity. The responsibility to raise and educate the child is assessed as an important element of parenthood, while in IVF using a donor, consent is understood as a possible fact

giving rise to parentage. Legal stability is associated with the need for protection against subsequent challenges. Genetic identity functions as a distinct point of reference, useful for personal history and health, without being confused with the automatic assignment of parent status to the donor.

## GENERAL CONCLUSIONS AND RECOMMENDATIONS

The research conducted highlights the fact that the development of medically assisted human reproduction technologies has brought about significant changes in family law and led to the reconsideration of traditional concepts relating to parentage, motherhood, fatherhood and kinship. An analysis of the legislation of the Republic of Moldova shows that the existing rules do not provide sufficiently clear solutions for all legal situations that may arise in connection with *in vitro* fertilization, the use of genetic material from donors, embryo cryopreservation and post-mortem reproduction.

A central finding of the thesis is that parentage established following assisted reproduction techniques can no longer be explained exclusively by the biological link. The person who provides the genetic material, the person who carries the pregnancy and the person recognized by law as the parent may be different. The biological link remains relevant, but it is not always sufficient to determine the child's legal status. In such situations, informed consent and the assumption of parental responsibility acquire distinct importance.

The comparison with adoption supports this conclusion without equating the two institutions. Adoption demonstrates that legal parentage can be created by a legal act in the absence of a genetic link. MAHR raises the possibility that the assumption of parenthood may be expressed before the child is conceived. In both situations, the best interests of the child require stability, legal identity and effective protection, and the child must not bear the consequences of legislative uncertainty or of adults' subsequent changes of position.

On the basis of doctrinal, normative, comparative, case-law and empirical analysis, the thesis proposes the Consent-Commitment Theory. It seeks to substantiate the role of prior, free and informed consent as a basis for establishing parentage in assisted reproduction cases involving a third-party donor. The theory is associated with the concept of intended parenthood and the proposal to expressly regulate the effects of consent, including with regard to the stability of parentage and challenges to it. Consent is analysed not merely as a medical document, but as a legal commitment linked to the parental project and obligations towards the child.

The research identifies several areas requiring legislative intervention: the lack of sufficient rules on the parentage of a child born through IVF using a donor; the status and disposition of cryopreserved embryos; the conditions for post-mortem reproduction and its effects on succession; the relationship between the child's right to know their origins and donor

anonymity; cross-border recognition of parentage; and the link between reproductive-health policies and the adoption system.

The empirical research indicates relatively broad social acceptance of adoptive parentage and significant openness towards parentage resulting from IVF, but also a need for information and clearer regulation. In the general sample, 79.8% recognize the legal equality of adopted and biological children, 65.1% recognize it in the case of a child born through IVF, and 77.5% consider consent to IVF relevant to recognition of parental status. In the sample of persons directly involved, 60% expressed at least a moderate degree of concern about the possibility of parentage being challenged. These data are exploratory and must be interpreted within the limits of convenience sampling, but they signal problems of legal predictability and security of family status.

In conclusion, the development of family law in the Republic of Moldova must respond to the current diversity of ways in which family relationships are formed, without placing biological parentage, adoption and assisted reproduction in competition. Regulation must keep pace with developments in reproductive medicine, maintain a balance between autonomy, identity and family stability, and provide the child with the same guarantees concerning their rights and interests, regardless of the method of conception or the mechanism through which parentage was established.

**Recommendations for legislative reform**

1. A**mendment of the Family Code of the Republic of Moldova.** Introduce distinct provisions on parentage resulting from medically assisted human reproduction, clearly establishing the conditions for acquiring, challenging and protecting parentage in cases involving modern reproductive techniques.
2. **Legal recognition of prior consent**. Expressly provide for the possibility of establishing parentage on the basis of free and informed consent given before an assisted reproduction procedure involving a third-party donor, specifying the effects on the child's status.
3. **Regulation of post-mortem reproduction**. Establish the conditions under which the procedure may be carried out, its effects on parentage and the child's inheritance rights, and the time limits needed to protect the stability of civil transactions.
4. **Establishment of the legal regime for cryopreserved embryos**. Adopt special rules on the status of embryos and the procedures for making decisions about their disposition, including in the event of divorce, death, withdrawal from the procedure or the absence of renewed consent.
5. **Establishment of the Protocol for the Disposition of Cryopreserved Genetic Material**. Require the options concerning embryos to be determined in advance, before the start of the

IVF procedure, for situations involving divorce, death, withdrawal from the procedure or other relevant circumstances. The thesis proposes recording the agreement in an authentic instrument.

6. **Creation of a Secure National Donor Register.** Establish a national system for recording and retaining information about donors, with protection for personal data and private life, while also allowing a person conceived through donation to access information about their origins under the conditions established by law.
7. **Regulation of embryo adoption.** Examine the possibility of a special legal institution for situations in which surplus cryopreserved embryos are no longer intended to be used by the persons who initially underwent IVF, with appropriate safeguards for consent, parentage and the child's status.
8. **Harmonization of Law No. 99/2010 with Law No. 138/2012.** Coordinate the adoption regime with the rules on reproductive health so that family and demographic policies are developed through a coherent and unified approach.
9. **Simplification and digitalization of adoption procedures**. Reduce administrative stages and delays while maintaining child-protection safeguards. A single digital platform could facilitate monitoring of case files and communication with the authorities.
10. **Common criteria for psychological assessment**. Develop comparable standards for persons applying to adopt and those who undergo MAHR using genetic material from a third party, with the aim of assessing their capacity to assume parental responsibilities.
11. **Public information and education programmes**. Develop programmes on adoption, assisted reproduction and children's rights to reduce prejudice and stigmatization of families formed through these mechanisms.
12. **Solidarity and social-support mechanisms**. Consider support measures for children without parental care and develop programmes to assist persons who resort to assisted reproduction, with the aim of balancing the right to procreate with the state's responsibility to protect the child.

Implementing these recommendations would help adapt family legislation more effectively to situations arising in practice, facilitate the resolution of parentage issues and limit divergent interpretations. At the same time, legislative reform must remain subordinate to the protection of the child: regardless of how the child was conceived and the circumstances in which parentage was established, the child must benefit from the same guarantees concerning respect for their rights and interests.

## BIBLIOGRAPHY

### I. Legislative acts and official documents


[1]. REPUBLIC OF MOLDOVA. Civil Code of the Republic of Moldova No. 1107-XV of 6 June 2002, as subsequently amended and supplemented. In: Official Gazette of the Republic of Moldova, 2002, Nos. 82–86, Art. 661; republished in: Official Gazette of the Republic of Moldova, 2019, Nos. 66–75, Art. 132. Available at: https://www.legis.md/cautare/downloadpdf/112573

[2]. REPUBLIC OF MOLDOVA. Law No. 99 of 28 May 2010 on the Legal Regime of Adoption. In: Official Gazette of the Republic of Moldova, 2010, Nos. 131–134, Art. 441.

[3]. REPUBLIC OF MOLDOVA. Law No. 124 of 19 May 2022 on Electronic Identification and Trust Services. In: Official Gazette of the Republic of Moldova, 2022, Nos. 170–176, Art. 317. Available at: https://legi.md/LP_124-2022

[4]. REPUBLIC OF MOLDOVA. Law No. 138 of 15 June 2012 on Reproductive Health. In: Official Gazette of the Republic of Moldova, 2012, No. 185 of 31 August 2012. Available at: https://www.legis.md/cautare/downloadpdf/135028

[5]. REPUBLIC OF MOLDOVA. Law No. 263-XVI of 27 October 2005 on Patients' Rights and Responsibilities. In: Official Gazette of the Republic of Moldova, 2005, Nos. 176–181, Art. 867.

[6]. COUNCIL OF EUROPE. Convention for the Protection of Human Rights and Fundamental Freedoms. Rome, 4 November 1950. Article cited: Art. 8. Available at: https://www.echr.coe.int/documents/d/echr/Convention_RON

[7]. COUNCIL OF EUROPE. Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine. Oviedo, 4 April 1997. Articles cited: Arts. 5–9. Available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/164

[8]. UNITED NATIONS. Convention on the Rights of the Child. New York, 20 November 1989. Ratified by the Republic of Moldova by Parliamentary Decision No. 408-XII of 12 December 1990. Articles cited: Arts. 3, 7 and 8.


### II. Case law and advisory opinions of the European Court of Human Rights


[9]. EUROPEAN COURT OF HUMAN RIGHTS. Advisory Opinion concerning the recognition in domestic law of a legal parent-child relationship between a child born through a gestational surrogacy arrangement abroad and the intended mother [Grand Chamber]. Request No. P16-2018-001, 10 April 2019.

[10]. EUROPEAN COURT OF HUMAN RIGHTS. D.B. and Others v. Switzerland, applications nos. 58817/15 and 58252/15, judgment of 22 November 2022. HUDOC. Available at: https://hudoc.echr.coe.int/ukr?i=002-13896

[11]. EUROPEAN COURT OF HUMAN RIGHTS. Dickson v. the United Kingdom [Grand Chamber], application no. 44362/04, judgment of 4 December 2007. HUDOC. Available at: https://hudoc.echr.coe.int/app/conversion/pdf/?TID=hwmxbluysi&filename=001-83788.pdf&id=001-83788&library=ECHR

[12]. EUROPEAN COURT OF HUMAN RIGHTS. Evans v. the United Kingdom [Grand Chamber], application no. 6339/05, judgment of 10 April 2007. HUDOC. Available at: https://hudoc.echr.coe.int/?i=001-80046
[13]. EUROPEAN COURT OF HUMAN RIGHTS. Labassee v. France, application no. 65941/11, judgment of 26 June 2014. HUDOC. Available at: https://hudoc.echr.coe.int/sites/en/pages/search.aspx?i=001-145180
[14]. EUROPEAN COURT OF HUMAN RIGHTS. Mennesson v. France, application no. 65192/11, judgment of 26 June 2014. HUDOC. Available at: https://hudoc.echr.coe.int/eng/?i=001-145179
[15]. EUROPEAN COURT OF HUMAN RIGHTS. Parrillo v. Italy [Grand Chamber], application no. 46470/11, judgment of 27 August 2015. HUDOC. Available at: https://hudoc.echr.coe.int/app/conversion/docx/pdf?filename=CASE+OF+PARRILLO+v.+ITALY.pdf&id=001-157263&library=ECHR&logEvent=False

**III. Specialist literature and online resources**

[16]. SADOVEI, Nicolae. Contractul de prestare a serviciilor de sănătate: valențe juridice și caractere specifice. In: Juridice Moldova, 8 June 2021. Available at: https://juridicemoldova.md/11183/contractul-de-prestare-a-serviciilor-de-sanatate-valente-juridice-si-caractere-specifice.html

## LIST OF THE AUTHOR'S PUBLICATIONS ON THE THESIS TOPIC

### A. Monograph

1. Carmen Ion, Cinchindel-Pascu B., Cioburi de suflet – Întâmplări triste din viața copiilor prinși în plasa sistemului de adopție, Zigotto Publishing House, 2023, Galați, ISBN 978-606-669-414-8.

### B. Articles in scientific journals and materials from scientific presentations

1. Carmen Ion and Alexandra Novac-Leca. *In vitro* Fertilization. The Right Child according to the Regulation Contained in the National and European Legislation. Article published in Acta Universitatis Danubius-ADMINISTRATIO, Galați, Romania, Vol. 14, No. 1/2022, pp. 7–13, 2022.
2. Carmen Ion – lead author. The Right of the Adopted Child to Establish and Preserve his Identity. Article published in Acta Universitatis Danubius-JURIDICA, Galați, Romania, a specialist scientific journal, Category B, Vol. 18, No. 3/2022, pp. 105–115, 2022.
3. Carmen Ion – lead author. Le placement en famille d'accueil–la voie douce vers l'adoption. Article published in Intellectus, a specialist scientific journal, Category B, pp. 165–171, UDC 364.442.6-053.2; 347.633 / ORCID.ORG/0000-0002-2649-9853, 2022.
4. Carmen Ion – lead author. Judiciary Error. Article published in EIRP Proceedings of Danubius University of Galați, Romania, Vol. 16, Issue 1/2021, pp. 448–458, 2021.
5. Carmen Ion and Giurgea Lenuta. The Recognition of Internal Decisions of Adoption and Cross-Border Family Mediation. Article published in the Danubian Journal of Danubius University of Galați, Romania, Studies and Research, Vol. 2, No. 2 (2021), 2021.
6. Giurgea Lenuta and Carmen Ion. The Danubian States Concern over the Solution of Cases with Minors. Published in the Danubian Journal of Danubius University of Galați, Romania, Studies and Research, Vol. 2, No. 2 (2021), pp. 138–144, 2021.
7. Giurgea Lenuta and Carmen Ion. Mediation on the Matter of Parental Responsibility, the Concern of the European Judicial System of the New Millennium. Published in EIRP Proceedings of Danubius University of Galați, Romania, Vol. 16, No. 1/2021, Danubius University of Galați, Romania, 2021.
8. Tudose Maricica-Carmen Ion. European Certificate of Succession. Published in the Danubian Journal, Studies and Research of Danubius University of Galați, Romania, Vol. 2, No. 2 (2021), pp. 184–190, 2021.
9. Giurgea Lenuta and Carmen Ion. Cooperarea autorităților statelor europene în materia înapoierii minorilor la reședința obișnuită. Published in the proceedings of the international scientific-practical conference "Teoria si practica administrarii publice", Chisinau, Republica Moldova, 21 May 2021, pp. 373–376, 2021.
10. Carmen Ion and Giurgea Lenuta. Public administration in the service of abandoned children. Published in the proceedings of the conference "Theory and Practice of Public Administration", pp. 352–355, 2021.
11. Carmen Ion and Giurgea Lenuta. Child Adoption Infringements within the European Union. EIRP Proceedings of Danubius University of Galați, Romania, Vol. 16, No. 1 (2021), pp. 304–307, 2021.

12. Giurgea Lenuta – Carmen Ion – Pusca Corneliu Andy (3). Migrația și azilul minorilor, prioritatea conceptului de integrare europeană. Published in the conference proceedings, Vol. 2, 3–4 December 2021, pp. 58–61, Chişinău, Republica Moldova, 2021.
13. Carmen Ion-Giurgea Lenuta-Pusca Corneliu Andy (3). Some theoretical aspects shaped along time in the field of child adoption. Published in the conference proceedings, Vol. 2, 3–4 December 2021, pp. 76–79, Chișinău, Republic of Moldova, 2021.
14. Tudose Maricica-Carmen Ion-Pusca Corneliu-Andy (3). Adoptia si mostenirea in contextul integrarii europene. Published in the conference proceedings, Vol. 2, 3–4 December 2021, pp. 58–61, Chişinău, Republica Moldova, 2021.
15. Carmen Ion – lead author. Interesul juridic al reproducerii umane asistate asupra filiației. Article published in the Proceedings of the International Scientific Conference "Promovarea valorilor social-economice in contextul integrarii europene", 2021.
16. Carmen Ion – lead author. Rolul funcționarului public din cadrul direcției generale de asistență socială şi protecția copilului (DGASPC). Round-table material published in the collection of the Academy of Public Administration, 2021, pp. 135–137, Chisinau, Republica Moldova, 2020.
17. Carmen Ion – lead author. Adoption Internationale, Procedure Administrative ei Judiciaire. Published in the collection of scientific papers of the scientific conference with international participation organized by the Faculty of Public Administration of the "Alexandru cel Bun" Military Academy of the Armed Forces, pp. 262–270, 2021.
18. Carmen Ion-Coman Varvara-Tudose Maricica. Obtaining the judicial case certificate in the case of physical persons in the time of SARS-cov-2 pandemia. Article published in the collection of scientific papers based on the proceedings of the 4th International Scientific and Practical Conference (30 November 2021). Izmail: RVV IDGU, 4 pp., 2021.
19. Tudose Maricica-Carmen Ion. Marketing of the Insurance Contract in the Context of the Digitalization. Article published in the collection of scientific papers based on the proceedings of the 4th International Scientific and Practical Conference (30 November 2021). Izmail: RVV IDGU, 8 pp., 2021.
20. Carmen Ion – lead author. The situation of the child adopted in the military family in the current context. The volume contains the papers of the scientific conference with international participation organized by the Faculty of Public Administration of the "Alexandru cel Bun" Military Academy of the Armed Forces, Chișinău, Republic of Moldova, pp. 115–119, 2021.
21. Carmen Ion – lead author. Legal Presumptions of Paternity. Published in EIRP 2022 European Integration – Realities and Perspectives. Proceedings, pp. 331–336, Danubius University of Galați, Romania, 2022.
22. Carmen Ion – lead author. Analyse de l'adoption et de la migration du travail. Article published in a monographic volume dedicated to the event, by a French-language publisher, AL-MUKHATABAT, pp. 211–220, 2022.
23. Carmen Ion – lead author. Importanta si analiza criteriilor ce pot determina luarea unor decizii in procesul de adoptie in Republica Moldova. Article published in the ULIM University Legal Studies Journal, a specialist scientific journal, Category B, 2022.

24. Carmen Ion – lead author. La rascruce intre adoptie si fertilizare *in vitro*, destinatia de a fi parinte. Article published in Vector European, a specialist scientific journal, Category B, 2023.
25. Carmen Ion and Alexandra Novac-Leca. The Adoption - Regulation within the National Criminal Legislation that Contribute to the Protection of the Rights of the Adopted Minor. The Cross-Border Effects of Adoptions. Article published in the Journal of Danubian Studies and Research, Vol. 12, No. 1/2022.
26. Carmen Ion – lead author. Adoption and the Child s Right to Inheritace. Published in the conference volume edited by Universul Juridic, pp. 526–533, 2023.

**C. Participation/presentations with oral papers**

27. Carmen Ion, Ion Razvan Marius and Alexandra Novac-Leca. The Future of *in vitro* Fertilization in wich Artificial Intelligence and Stem Cells will Overcome Infertility. International Conference Education in the Digital Era - 1 st Edition, 22-23 July 2022, organized by Univ. Danubius din Galati/Romania, 2022.
28. Carmen Ion. Legislative Aspects Regarding the Regulation of Work at Home (Teleworking in the University Environment) in the Context of the New Challenges. 1st Edition, International Conference on Contemporary Scientific and Technological Aspects Towards an Entrepreneurial Approach, 25 February 2022, organized by Danubius University of Galați, Romania, 2022.
29. Carmen Ion. Opractical Solutions Regarding the Digitalization of Justice. 1 st Edition, International Conference on Contemporary Scientific and Tehnological Aspects Towards an Entrepreneurial Approach, 25 th February 2022, Universitatea Danubius din Galati/Romania, 2022.
30. Carmen Ion. Politica UE in Domeniul Migratiei - Adoptiei. Round Table "Migratie, Remitente si Dezvoltare: Experienta Europeana si Nationala", organized by Academia de Stiudii Economice a Moldovei, Facultatea "Relatii Economice Internationale", 2021.
31. Nelu Gheorghita and Carmen Ion. Criyopreservation of human embryos in assisted reproduction - ethical and legal aspects. The Euro-Mediterranean Journal for Environmental Integration (EMJEI) at the University of Sfax (Tunisia) organizes the 5th EMCEI at the Conference Centre of the University of Calabria (Unical campus) in Rende (Cosenza, southern Italy), in collaboration with UNICAL and other universities in the Euro-Mediterranean area and with Springer Nature as publishing partner, 2023.
32. Carmen Ion. The Impact Parental Migration on the Adoption of Children. Jean Monnet scientific and practical conference "Migration - the Context of the new realities in central and Eastern Europe", 12 May 2023, 2023.

## ADNOTARE

**ION Carmen, „Regimul juridic al reproducerii umane asistate medical prin metoda fertilizării *in vitro* – versus adopție", teză de doctorat în drept, Chișinău, 2026**

***Structura tezei*:** introducere, patru capitole, concluzii și propuneri legislative, bibliografie din 108 titluri, 5 anexe, 185 pagini de text de bază.

***Cuvinte cheie:*** reproducere umană asistată medical, fertilizare *in vitro*, filiație, adopție, consimțământ juridic, parenting intenționat, interesul superior al copilului, identitate genetică, embrioni crioconservați.

***Domeniul de studiu:*** specialitatea 553.01 – Drept civil.

***Scopul tezei de doctorat*** constă în analiza complexă a raportului juridic dintre reproducerea umană asistată medical prin fertilizare *in vitro* (FIV), adopție și filiație și în elaborarea unui model modern de reglementare a filiației în Republica Moldova, fundamentat pe consimțământul juridic și pe interesul superior al copilului.

***Obiectivele cercetării*** vizează analiza doctrinară și legislativă a reproducerii asistate, adopției și filiației; examinarea standardelor internaționale și europene; realizarea unei analize comparative a legislației Republicii Moldova, României, Spaniei și altor state europene; identificarea conflictelor juridice generate de tehnologiile reproductive; analiza raportului dintre filiația biologică și cea juridică; examinarea statutului embrionilor crioconservați, a reproducerii post-mortem și a dreptului copilului la cunoașterea originilor genetice; fundamentarea Teoriei Consimțământului-Angajament; formularea unor propuneri legislative și realizarea unei cercetări empirice privind percepția social-juridică asupra filiației, adopției și reproducerii asistate medical.

***Noutatea și originalitatea științifică a lucrării*** constau în abordarea integrată, din perspectiva dreptului civil și a dreptului familiei, a reproducerii asistate, adopției și filiației. Cercetarea fundamentează Teoria Consimțământului-Angajament, conceptul de parenting intenționat și teoria maternității voluntare, propune recunoașterea consimțământului prealabil ca izvor autonom al filiației, dezvoltă instituția juridică a adopției de embrioni, Protocolul de Destinație a Materialului Genetic Crioconservat și Registrul Național Securizat al Donatorilor și formulează principiul subsidiarității etice în raportul dintre FIV și adopție.

***Problema științifică importantă soluționată prin cercetarea desfășurată*** constă în fundamentarea unui mecanism juridic coerent pentru stabilirea și protecția filiației în contextul reproducerii umane asistate, prin integrarea consimțământului juridic ca element determinant al raportului de filiație și prin armonizarea instituțiilor reproducerii asistate, adopției și filiației în dreptul familiei din Republica Moldova.

***Semnificația teoretică a lucrării*** rezidă în reconceptualizarea filiației ca instituție juridică întemeiată nu doar pe legătura biologică, ci și pe voința juridică asumată, precum și în dezvoltarea conceptelor de parenting intenționat, adevăr biologic și adevăr juridic, consimțământ și responsabilitate parentală.

***Valoarea aplicativă a cercetării*** rezultă din posibilitatea utilizării concluziilor și propunerilor formulate pentru modernizarea Codului Familiei, perfecționarea Legii nr. 99/2010 și a Legii nr. 138/2012, dezvoltarea practicii judiciare și notariale, reglementarea activității clinicilor de reproducere asistată și elaborarea politicilor publice privind protecția copilului și sănătatea reproducerii.

***Implementarea rezultatelor științifice*** poate fi realizată prin introducerea în Codul Familiei a unui capitol distinct privind filiația rezultată din reproducerea asistată, reglementarea reproducerii post-mortem și a adopției de embrioni, instituirea Protocolului de Destinație a Materialului Genetic Crioconservat și a Registrului Național Securizat al Donatorilor, precum și prin armonizarea legislației privind adopția și sănătatea reproducerii.

Contribuția centrală a tezei constă în fundamentarea unei concepții asupra filiației în care consimțământul juridic asumat și responsabilitatea parentală dobândesc o funcție determinantă, în concordanță cu necesitatea protejării interesului superior al copilului în contextul evoluției medicinei reproductive.

## ANNOTATION

**ION Carmen ION, "Legal regime of medically assisted human reproduction through *in vitro* fertilization method - versus adoption", PhD thesis in law, Chisinau, 2026**

***Structure of the thesis***: introduction, five chapters, conclusions and legislative proposals, bibliography (132 titles), 5 annexes, 185 pages of basic text.

***Keywords***: assisted human reproduction, *in vitro* fertilization, parentage, adoption, legal consent, intended parentage, best interests of the child, genetic identity, cryopreserved embryos.

***Field of study***: specialty 553.01 - Civil Law.

***The aim of this doctoral thesis*** is to provide a comprehensive analysis of the legal relationship between assisted human reproduction through medical *in vitro* fertilization (IVF) and subsequent adoption and parentage, and to develop a relevant modern model for regulating parentage vis-a vis IFV children in the Republic of Moldova, based on legal consent and the best interests of the child.

***The research objectives*** include the doctrinal and legislative analysis of assisted reproduction and subsequent adoption and parentage; examination of relevant international and European standards; a comparative analysis of the relevant legislation of the Republic of Moldova, Romania, Spain and other European states; identification of legal conflicts generated by reproductive technologies; analysis of the relationship between biological and legal parentage; examination of the legal status of cryopreserved embryos, post-mortem reproduction and the child's right to know their genetic origins; theoretical foundation of the Consent-Commitment Theory; formulation of legislative proposals; and empirical research into the socio-legal perception of parentage, adoption and medically assisted human reproduction.

***The scientific novelty and originality of the research*** lie in its integrated approach to assisted reproduction and subsequent adoption and parentage from the perspectives of civil and family law. The thesis develops the Consent-Commitment Theory, the concept of intended parentage and the theory of voluntary motherhood of the IFV children; proposes the recognition of prior consent as an autonomous source of parentage; develops the legal institution of embryo adoption, the Protocol on the Destination of Cryopreserved Genetic Material and the Secure National Donor Registry; and formulates the principle of ethical subsidiarity in the relationship between IVF and adoption.

***The scientific problem*** addressed consists in establishing a coherent legal mechanism for determining and protecting parentage in the context of medically assisted human reproduction, by integrating legal consent as a determining element of the parent-child relationship and harmonizing assisted reproduction, adoption and parentage within the family law system of the Republic of Moldova.

***The theoretical significance of the research*** lies in reconceptualizing parentage as a legal institution based not only on biological connection, but also on legally assumed intent, while developing the concepts of intended parentage, biological and legal truth, consent and parental responsibility.

***The practical value of the research*** derives from the potential use of its findings and proposals for modernizing the Family Code, improving Law No. 99/2010 and Law No. 138/2012, developing judicial and notarial practice, regulating assisted reproduction clinics, and developing public policies concerning child protection and reproductive health.

***The implementation of the research results*** may be achieved through introducing a separate chapter on parentage resulting from assisted reproduction into the Family Code, regulating of post-mortem reproduction and embryo adoption, establishing the Protocol on the

Destination of Cryopreserved Genetic Material and the Secure National Donor Registry, as well as harmonizing legislation on reproductive health and adoption.

The central contribution of this thesis consists in developing a conception of parentage in which legally assumed consent and parental responsibility acquire a determining function, in accordance with the need to protect the best interests of the child in the context of advances in reproductive medicine.

# АННОТАЦИЯ

**Ион Кармен Ион, «Правовой режим репродукции человека с медицинской помощью посредством экстракорпорального оплодотворения и последующего усыновления», докторская диссертация по праву, Кишинев, 2025 г.**

***Структура диссертации***: введение, пять глав, выводы и законодательные предложения, библиография из 132 наименований, 5 приложений, 185 страниц основного текста.

***Ключевые слова***: ассистированная репродукция человека, экстракорпоральное оплодотворение, родительство и происхождение, усыновление, юридическое согласие, намеренное родительство, наилучшие интересы ребенка, генетическая идентичность, криоконсервированные эмбрионы.

***Область исследования***: специальность 553.01 - Гражданское право.

***Цель докторской диссертации*** заключается в комплексном анализе правоотношений между ассистированной репродукцией человека посредством медицинского экстракорпорального оплодотворения (ЭКО), усыновлением и установлением родительства, а также в разработке современной модели правового регулирования происхождения ребенка и родительских отношений в Республике Молдова, основанном на юридическом согласии и наилучших интересах ребенка.

***Задачи исследования*** включают доктринальный и законодательный анализ вспомогательной репродукции, усыновления и родительства; изучение соответствующих международных и европейских стандартов; сравнительный анализ законодательства Республики Молдова, Румынии, Испании и других европейских государств; выявление правовых коллизий, обусловленных развитием репродуктивных технологий; анализ соотношения биологического и юридического родительства; исследование правового статуса криоконсервированных эмбрионов, посмертной репродукции и права ребенка знать свое генетическое происхождение; теоретическое обоснование Теории «Согласия-Обязательства»; разработка законодательных предложений; проведение эмпирического исследования социально-правового восприятия родительства, усыновления и ассистированной репродукции.

***Научная новизна и оригинальность*** исследования заключаются в комплексном подходе к вопросам вспомогательной репродукции, усыновления и родительства с позиций гражданского и семейного права. В работе разработаны Теория «Согласия-Обязательства», концепция намеренного родительства и теория добровольного материнства; обосновано признание предварительного согласия самостоятельным источником установления родительства; разработаны правовые положения об усыновлении эмбрионов, Протокол о назначении криоконсервированного генетического материала и Безопасный национальный реестр доноров, а также сформулирован принцип этической субсидиарности в соотношении ЭКО и усыновления.

***Научная проблема***, решаемая в исследовании, состоит в обосновании целостного правового механизма установления и защиты родительства в контексте ассистированной репродукции путем включения юридического согласия в качестве определяющего элемента отношений родитель-ребенок и гармонизации институтов вспомогательной репродукции и последующего усыновления и родительства в системе семейного права Республики Молдова.

***Теоретическая значимость*** исследования заключается в переосмыслении родительства как правового института, основанного не только на биологической связи, но и на юридически принятой воле, а также в развитии концепций намеренного родительства, биологической и юридической истины, согласия и родительской ответственности.

***Практическая ценность*** исследования определяется возможностью использования полученных результатов и предложений для совершенствования Семейного кодекса, а также Закона № 99/2010 и Закона № 138/2012; развития судебной и нотариальной практики; регулирования деятельности клиник вспомогательной репродукции и разработки государственной политики в области защиты ребенка и репродуктивного здоровья.

***Внедрение результатов*** может осуществляться посредством включения в Семейный кодекс отдельной главы о родительских отношениях, возникающих в результате применения методов

вспомогательной репродукции, прямого регулирования посмертной репродукции и усыновления эмбрионов, создания Протокола о назначении криоконсервированного генетического материала и Безопасного национального реестра доноров, а также гармонизации законодательства о репродуктивном здоровье и усыновлении.

Основной вклад диссертации состоит в формировании концепции родительства, в которой юридически принятое согласие и родительская ответственность приобретают определяющее значение в соответствии с необходимостью защиты наилучших интересов ребенка в условиях развития репродуктивной медицины.

**ION CARMEN**

# THE LEGAL FRAMEWORK FOR MEDICALLY ASSISTED HUMAN REPRODUCTION THROUGH *IN VITRO* FERTILIZATION – VERSUS ADOPTION

**SPECIALITY: 553.01. CIVIL LAW**

Summary of the Doctor of Laws thesis

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