

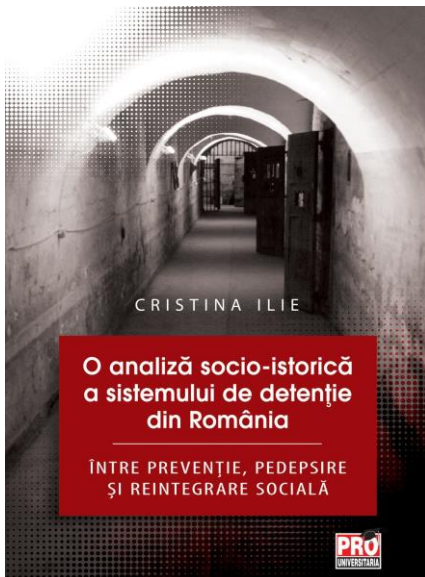
Book review:

Cristina Ilie

O analiză socio-istorică a sistemului de detenție din România: între prevenție, pedepsire și reintegrare socială [A socio-historical analysis of the detention system in Romania: between prevention, punishment and social reintegration], Bucharest, Editura Pro Universitaria, 2015, 221 pp., ISBN: 978-606-26-0431-8

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Published in 2015, at Pro Universitaria publishing house in Bucharest, the book «O analiză socio-istorică a sistemului de detenție din România: între prevenție, pedepsire și reintegrare socială» [“A socio-historical analysis of the detention system in Romania: between prevention, punishment and social reintegration”, *our tr.*], written by Cristina Ilie, approaches the theme of the evolution of the detention system within the national space, both from a social and a historical perspective. The work, structured in 5 chapters meant to offer a vision on the complexity and time evolution of the concepts of punishment and detention, at global and national level, particularly sums up the characteristics of the Romanian system, within a systemic perspective of study.

In the debut chapter, titled “Perspective exegetice și doctrinare asupra pedepsei” [“Exegetic and doctrinary perspectives on punishment”, *our tr.*], the notion of punishment is defined, at the same time, several theories formulated over time being approached for the right to “punish”, as well as the right to “be punished”. Furthermore, the author approaches the basis of punishment in the context of numerous variations in time, the syntagma being generally used as the “right of the state to punish”.

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Chapter 2, “Evoluția sistemelor de pedeapsă și detenție” [“Evolution of the punishment and detention systems”, *our tr.*], analyzes the staging of the punitive system, starting from the five stages of the division of mankind history (the prehistory, the antiquity, the Middle Ages, the modern age and the contemporary age), with the mention that the timing of these epochs is rendered according to the changes identified in the general system of punishments. This highlights the special features of each of the five stages of social development.

The first two chapters of the research highlight the changes that have been constantly made to the typologies of punishment, but also to the institutions or the persons formally entitled to apply them, as well as the analysis of punishment in terms of its fundament, purpose and functions.

Chapter 3, “Pedeapsa și detenția în România” [“Punishment and detention in Romania”, *our tr.*], following the structure of the previous chapter, studies the evolution of the Romanian punitive system from every historical period, from the beginning of the Middle Ages, when the punishments were mostly corporal, afflictive, the maximum penalty - death penalty being very often used up to the present, which caused major changes in the field. From the first attestation of the Romanian Constitution (1866), of the dungeons, of the penal colony, the exile at the monastery, from the first Romanian Criminal Code (1865) to the less punitive forms of the present, such as house arrest, suspension of the custodial sentence execution, other compensatory measures etc. (according to the Romanian Academy, the contemporary Epoch in Romania starts in 1918 and runs until the present), the legislative evolution and the detention situation in Romania are being approached. Moreover, important aspects are analyzed regarding a series of rights that the convicts had during the execution of the sentence, and the paragraph on “pardoning and amnesty decrees” (p. 112), issued between 1969 and 1988, show that they played a major role, greatly interfering in the change in the number of prison population.

In Chapter 4, titled “Respectarea drepturilor persoanelor deținute în sistemul penitenciar românesc” [“Respecting the rights of convicts in the Romanian penitentiary system”, *our tr.*], the author brings to the fore relevant national and international legislation on the mandatory conditions for detention and respecting all rights of detainees, highlighting an overview of the “de jure” situation at national level. As for the analysis of the “de facto” situation of the Romanian prison system, as shown by numerous reports issued by international and national institutions (decisions of the European Court of Human Rights, which often condemned Romania for breaking the rights of detainees), the shortcomings of the Romanian detention system are highlighted (overcrowding, poor hygiene, inadequate detention conditions, poor health care situation, social reintegration, education, access to information etc.)

Chapter 5, “Sistemul de reintegrare socială a persoanelor private de libertate în România” [“The social reintegration system of the detained persons in Romania”] starts with defining the concept of “social reintegration”, from a sociological, legal and psychological point of view. Moreover, the author highlights the evolution of the phenomenon of social reintegration of detainees in Romania from 1874 - present, focusing on the analysis of the current situation, on the rigors of the national strategy for the social reintegration of persons deprived of liberty for the period 2015 - 2019, on the evolution of all punitive elements.