THE ESTABLISHMENT, INDIVIDUALISATION AND CHANGE OF THE REGIME REGARDING THE IMPRISONMENT PENALTY

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Abstract

In this study our aim is to analyze the way of establishment, individualize and change of the arrangements for the execution of the punishment in relation to changes brought about by the Law no. 254/2013, on the implementation of the measures and penalties of imprisonment arranged by legal bodies during trial, published in the Official Gazette no. 514 of August 14 2013.

Also, we will examine the role of the Commission for the establishment, individualization and changing arrangements for executing the sentences of imprisonment, including through the atributions in provisional determination of the arrangements for implementation, the role of the judge appointed for the supervision of imprisonment and the court ruling in the case of application of these schemes.

Keywords: *Establishment, change, individualization, imprisonment, sentencing regime.*

Preamble.

The domain of the study thematic is represented by the execution of the punishment regimes with an emphasis on how to laying down, individualize and change of such schemes, in relation to changes brought about by Law No 254/2013, on the implementation of the measures and penalties of imprisonment arranged by legal bodies during trial.

The importance of the proposed study lies in the fact that arrangements for the execution of penalties is applied in one form or another to all imprisoned persons, both to the ones which are under the enforcement of a punishment, implemented by a final judgment and to the persons for whom they decided that preventive arrest measure, constituting that set of rules applicable to the entire period of arrest, even if some of them are not to be found in the same form in different regimes of arrest.

These rules shall determine ratios of life in prison, natural ratios in an institution that apply strict rules of supervision, security, escort, safety. In the normal circumstances of the enforcement of the rules, daily life in the penitentiary shall be conducted in such a way that the re-socialization programs, work, training and recreational activities are to be carried out and from them should be able to benefit all sentenced people regardless of the arrangements for the enforcement of punishment in which they are situated.

The object of study is the presentation of the establishment and individualization way of the schemes and changes intervened during the execution of punishment, as the preparation of the detainee for his release must be carried out in the very first day of arrest, this constituting the purpose of all steps taken, for a fundamental objective respectively the increase of the condemned person's capacity of social reinsertion to facilitate, as far as possible, the detainee rehabilitation for a life of freedom, to an attitude of compliance with respect to the values of society, so the gradual change during the period of detention of the regime for the execution of punishment in one less severe is of crucial import to achieve this goal.

In the first section of the study we will present a brief history of the systems and procedures for the enforcement of penalties and after that in the second section will be an overview of European principles and provisions as regards the arrangements for the application of penalties of imprisonment, including the relevant Romanian legislation.

The study is to be formed in the third section of presentation, arrangements for the enforcement of prison sentence with an emphasis on how to laying down, individualize and changing of these schemes, in relation to changes brought about by the Law no. 254/2013, on the implementation of the measures and penalties of imprisonment arranged by legal bodies in the trial.

1. Short history of the systems for the execution of the punishment.

In the existence of punishment institution, prison was one of main punishments, being used from the most ancient times as being fully customizable to the needs of penalty promised to commission of the crimes.

In the whole ancient world and Middle Ages prison was considered the anteroom of death, a respite before tantalizations and the capital execution.

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It was not until the 18th - century, when the situation of prison sentence shall be assessed by the progressive leaders, for the detaining of those who could be redeemed or could by themselves pay for the guilt. Appear as variants of detaining: imprisonment in common, the American Pennsiylvanian system, the Auburnian and Progressive joint regime, the open regimes[1].

In the 19th century have been tried several types of penitentiary systems. The imprisonment in common system lies in the fact that both during the day, and at night-time, the sentenced people work and are imprisoned in common. The Cellular System (Pennsylvanian or Philadelphian) has occurred in the year 1790 in the region Pennsylvania, U.S.A. , by knowing two forms of detention: the absolute (lonely) cellular system and the separation cellular system. The Auburnian system (system of silence) is a joint system, characterized by the fact that during the day the imprisoned worked and ate in common, with the obligation to keep quiet, at night-time being isolated in rooms, and has been applied for the first time in the year 1920, at the jail from Auburn - the State of New York, U.S.A.

This latter system has been the basis of the progressive system, which, along with the reformator of an American origin are the first two forms of the sentence of imprisonment which provide the possibility of licence supervision.

The progressive system is of English origin, being proposed by Lord Crofton[2] , and devotes this opinion saying that in order to integrate into society, the convicted had to get gradually from the cellular regime to freedom. This system had 3 stages:

First stage have a fixed duration of 9 months, during which the sentenced people were isolated both in time of day, as well as at night, in the second stage the sentenced men were isolated only at night, during the day they did work in common and on the basis of their behaviour and thoroughness in their job, they could obtain some advantages and advance in a higher class or could be kept in the cell and during the day.

Finally the third stage was represented by provisory licence supervision, innovative element and kept up nowadays by the laws of most of the States. The sentenced was released under the control and supervision of the authorities of the state[3] .

A similar version of the progressive system for the execution of the punishment is the Irish system, it involves elements of the Auburnian system and the Pennsylvanian system. Irish gradually system involves 4 stages, the first and the second being similar to those in English system, adding the period of execution of the sentence in intermediate institutes and being finalised with the licence supervision. The passing of the sentenced from one stage to the next was conditional on good behavior, put to the test for the duration of the execution.[4]

The system of credits (marks) is an auxiliary technical means often used by the gradually system and shall consist of the measurement and duration of punishment on the basis of the number of points which accounted for quantifying labor and of the proper manners of the sentenced. The convict stood up in class, achieving improvement of the regime and benefits in proportion to the number of points obtained[5].

The progressive system regarding the schemes of the execution of the punishment was applied in Romania during the period from 1929 - 1945, when the law of enforcement of punishments of the year 1929, was extremely drawn up in relation to a description of the systems of regime in the sense that there were several schemes for the enforcement of penalties and with a wide range of penitentiaries with a profile on beggary, stray, criminals usually, thieves and violent criminals, criminals, minors, women, as well as other categories.

At present in the whole of the community of European countries the progressive system is used in one form or another and is improved by adapting criminal penalties without deprivation of freedom or by replacing imprisonment with punishment restrictive of rights. The current European penitentiary system tends towards the possession in common, the emphasis being on the conduct in common of occupational activities, labor, sports, training and education, combined with the permission of exit of the penitentiary the half opened or opened arrangements.

2. European provisions and principles as regards the arrangements for the application of penalties of imprisonment and relevant Romanian legislation on the matter.

The Council of Ministers of the Council of Europe on 12 February 1987 adopted Recommendation no. R (87), with regard to European rules on prisons, which consists of a European version of the Assembly of minimum rules for treatment of prisoners. This includes 100 provisions referring among others to: basic principles; the administrations of penitentiaries institutions; staff; the detention regime; rules applicable to different categories of sentenced.

A number of principles which tend toward speeding punishment progressiveness of responsibilities and reduce effects of repressive times of stress have been regulated in the the content of

[1] See Ioan Bala - The evolution of the execution of the imprisonment penalties in the Romanian law , The Legal Universe Publishing House, Bucharest, 2011, page 281-285.
[2] Ioan Chis - Executional criminal law, Wolters Kluwer Publishing House, Bucharest, 2009, page 82
[3] Ioan Băla - Op.cit., pg. 283.
[4] Gheorghe Margarit – The licence supervision, Novelnet Publishing House, Ploiesti, 1998, page 35-36.
[5] Ioan Băla - Op.cit., pg. 282.

Recommendation No R(89) 12 of the Committee of Ministers of the Council of Europe, adopted on 13 October 1989 and were thus laid the foundation of the efforts of the penitentiary administrations of the West Europe for transformation of the penitentiaries in institutions of re-socialization.

Recommendation of The Committee of Ministers of the Member States relating to European Penitentiary rules REC(2006)2 (adopted by the Committee of Ministers, on the date of January 11 2006,) shows that all imprisoned persons will be treated according to the respecting of the human rights, and point 1 provides that imprisoned persons shall keep all the rights which have not been withdrawn by law, after the decision of the court to sentence them to imprisonment or preventive arrest.

European penitentiary rules also show that the restrictions imposed on imprisoned persons must be reduced to the simple bare necessities and shall be proportional to legitimate objectives for which they were imposed, life in prison should be as close as possible to the positive aspects of life from outside prison, and each period of detention should be managed in such a way as to facilitate reintegration of the imprisoned persons in the free society.

In accordance with the provisions of the Constitution of Romania and in our country have been adopted a series of laws and decrees, which form national law and is an important factor of normative regulations and social integration, which shall establish measures by which it shall apply the provisions in respect of progressiveness punishment with imprisonment for life and prison sentence and arrangements of enforcement.

The new penal code adopted by Law No 286/2009, published in the Official Gazette no. 510 of 24 July 2009 and entered into force on 01.02.2014 lays down a progressive system of criminal punishment, showing from the begining the features of infringement and guilt (Article 15 and 16 of Penal Code).

These legal provisions come to foreshadow the progressive individualization of penalty, the judicial individualization being possible by choosing a nature of punishment and its size of the maximum limits and minimum set for each offense in the penal code, or if crime is carried out in full or only as attempt.

By Law No 275/2006, on parole and measures arranged by legal bodies during trial, published in the Official Gazette no. 627 of 20.7.2006 (now repealed) were introduced the 4 arrangements for the execution of the punishment, being consacrated the principle of progressive and regressive type of their implementation, has been introduced the function of the judge delegated to carry out, which supervises, controls and shall exercise the authority over the activity of penitentiaries.

By Law No 254/2013, on the implementation of the measures and their sentences of imprisonment arranged by legal bodies in the trial, had been consolidated these institutions inclusively the institution of the judge being appointed for the surveillance of imprisonment, which ensures by direct control the legality of imprisonment.

In Article 8 of the regulation it is showed that the president of the Court of Appeal in whose territory is a penitentiary, a center of detention and preventive arrest, a center for preventive arrest, an educational center or a center of detention, shall designate annually one or more judges for the surveillance of the imprisonment, from the courts near the court of appeal.

The law also changed the criteria for determining the arrangements for the execution of the penalty, by modifying the establishing and changing criteria, in particular in reference to the amount of penalties which make it possible to framing of the sentenced person in a given regime, but also the time period in which it is taken into account the change of the regime.

3. Establishment, individualization and change for the penalty execution regime in relation to changes brought by Law No 254/2013

The arrangements for the enforcement of sentences of imprisonment are based on progressive and regressive type systems, the sentenced persons passing from one scheme to another, ensure compliance with and the protection of privacy, health and dignity of sentenced persons, of their rights and freedoms, without causing physical suffering and without humiliating the sentenced person.

In Article 30 of Law No 254/2013, on the implementation of the measures and penalties of imprisonment arranged by legal bodies in the course of criminal law, it is stated that arrangements for the enforcement of penalties shall include all the rules underlying enforcement of sentences of imprisonment.

In Chapter III, "arrangements for executing the sentences of imprisonment" of Law No 254/2013 are prescribed the same four schemes for execution, established under this form in the Romanian legislation by the Law no. 275/2006, starting from the most severe regime, which lays down freedom of movement, how to carry out the daily tasks and the conditions of detention to gain access to the least restrictive ones.

The law establishes that the arrangements for the enforcement of penalties are based on progressive and regressive type systems, and the convicted person in the course of execution of the sentence can cross the schemes in one direction or the other, in relation to the conduct and the fulfilment of the conditions laid down by law.

In accordance with the provisions of Article 31 of the law 254/2013 these schemes are: for maximum security, closed, arcade, and open.

The maximum precautionary arrangements shall apply initially to the persons sentenced to life

imprisonment or to the imprisonment for more than 13 years.

In accordance with Article 34 (6) Article 4 of the law regarding the enforcement of punishments, the persons who are running in the maximum security penitentiary "are subject to strict measures to guard, surveillance and escort, are accommodated, as a general rule, individually, carrying out work and carry out their activities educational, cultural, therapeutic, psychological counselling and social assistance, moral religious, school education and vocational training, in small groups, in spaces which are laid down in the penitentiary, under continuous surveillance."

The arrangements for maximum security does not apply to the sentenced persons who have reached the age of 65 years of age; pregnant women or women who have in care a child aged up to one year; persons in first degree of invalidity, as well as those with serious locomotive ailments.

Concurrently, the persons convicted to life sentence or with a sentence of imprisonment of more than 13 years who have reached the age of 65 years would execute penalty involving deprivation of liberty in a closed scheme, and the other categories of persons who cannot apply to the scheme for maximum security shall carry out penalty involving deprivation of liberty in a closed scheme, during the period of the cause which imposed the non-exertion of the maximum safety scheme.

The closed penitentiary scheme is the common scheme in prison, less severe than the maximum-security one, which involves execution of sentence in common, they work outside, with continous surveillance and armed security.

This system shall be applied to punishment greater than 3 years but not exceeding 13 years, in accordance with Article 36 of the Law 254/2013. Closed penitentiary regime is typically to all penitentiaries, but also to special prisons where they have categories such as the young people, women, recidivists, dangerous, the ill or elderly persons, in matters of common rules, those specific adding in relation to what is needed for the categories concerned.

The arcade will be applied to those who have imprisonment punishments greater than one year but less than three years, in accordance with the provisions of Article 37 of the framework law for execution of punishments.

This scheme is easier than those set out above, people sentenced have the ability to be accommodated in common, can be moved in the building unaccompanied, namely in the areas defined in the penitentiary " can perform work and conduct educational, cultural, therapeutic , Etc, outside prison without being guarded with armament, may participate in socio-educational activities in larger groups, and the imprisonment rooms of the Divisions may remain opened during the day.

The least restrictive regime is the opened one, in accordance with Article 38 of the law of enforcement of punishments. To this type of scheme are submitted those who are sentenced to imprisonment for up to one year.

It is considered that these persons have furnished proof of good conduct during the time that they were carrying out punishment in under more severe scheme and represent minimum danger for society, but they can't be released, it is practiced a system of minimum surveillance, most of the times pursuing activities without supervision, but with a periodically check or at different times of the day. Rooms in which they are accommodated are separated from the rest of the condemned men.

Concurrently, the sentenced persons who carry out punishment in open regime are accommodated in common, can be moved in areas unaccompanied inside penitentiary, may perform work and can conduct educational, cultural, therapeutic, psychological counselling and social assistance, moral, religious, training educational and vocational training, outside prison, without supervision, under the conditions laid down in the implementing regulation of this law.

Execution of sentence in the different schemes sets out the question of the methodology of establishment and the transition from a system to another or return from an easier scheme to one more restrictive, in the course of their work to individualize of the arrangements for the enforcement of penalties.

So, in accordance with Article 32 of the law 253/2014 in each penitentiary works a commission for the establishment, individualization and change of the schemes for the execution of imprisonment penalties and consists of: the director of the penitentiary, who is also the president of the Commission, The head of service or office for the implementation schemes and the head of service or education office or head of service or office of psycho-social support.

The arrangements for the execution of the punishment of imprisonment shall be established by the Commission at the first meeting, after the end of the quarantine period and observation or after provisional application of the regime.

In the arrangements for the execution of the penalty, the Commission will take into account the following aspects: the duration of the punishment of imprisonment; the risk of the person convicted; criminal history; age and health of the person convicted; conduct of person convicted, positive or negative, including in the periods of prior detention; identified needs and skills of person convicted, necessary inclusion in educational programs, as well as psychological and social assistance; the availability of person condemned to perform work and to participate in education, cultural, therapeutic, psychological counselling and social assistance, moral, religious, school training and vocational training.

With regard to the degree of risk of the person convicted shall be analyzed several criteria such as : committing an offense by the use of firearms or

cruelty; breakout times leaving the workplace in this punishment or in previous punishments; attempt to escape, forcing of the safety devices or destruction of safety systems; the not justified default of the detainee from the date and hour of output permission in the penitentiary; the introduction, possession or trafficking of guns, explosive materials, drugs, toxic substances or other objects and substances which endanger the safety of the penitentiary, of the official missions or of persons; abetting, influencing or participation in any way in the production of revolt or hostage situations[6].

An important element of novelty brought by Law No 254/2013 is that of provisional application of a type of regime, for a short period of time, after the end of the quarantine period and only if during this period it has not been established the regime of enforcement. The regime of performance actually is to be established by the Commission for the establishment, individualization and changing arrangements for executing the sentences of imprisonment.

According to Article 33 (2). 1 of the law enforcement of punishments, after the end of the quarantine and observation period, to the convicted person, to which hasn't been established the enforcement arrangements it shall be applied on a provisional basis the regime of performance corresponding to the amount of penalty that executes.

So are listed situations in which it is appropriate to apply the provisional arrangements for implementation, namely:

(a) of the date of expiry of the period of quarantine and observation, for detainees which were received in the penitentiary on the basis of their mandate for the execution of the punishment of imprisonment and for detainees whom they have issued the warrant for the execution of the punishment of imprisonment within this time interval;

(b) of the date of termination of his measure of preventive arrest as a result of the definitive judgment and the final conviction in that case;

(c) of the date of substitution, termination of right or revocation measure of preventive arrest for detainees arrested in another question, if they have not been established a system of enforcement.

As regards the followed procedure has to be said that the decision on the arrangements for the enforcement of sentences of imprisonment shall be communicated to the convicted person, and against the laying down way this one may make a complaint to the judge for the surveillance of depriving of freedom, within 3 days of the date on which the sentenced was notified about the decision.

As regards the magistrate invested with the settlement of the complaint we will make a brief parenthesis and we will display the fact that the law 254/2013 proposes a new appointment - the judge of surveillance of depriving of freedom, which replaced the judge delegate, an appointment, more concise for the judge who has the main surveillance missions and for the review of the legality of the parole and measures of imprisonment, including the possibility of listening to sentenced person in the place of arrest.

According to the article 39 paragraph 6 of Law No 254/2013, the judge of surveillance of imprisonment is obliged to resolve the complaint within 10 days from the date of its receipt, and by pronounced concluding will be to rule one of the following solutions:

a) accepts the complaint and rules the alteration of the enforcement regime set by the Commission provided for in Article 32;

b) rejects the complaint, if it is unfounded, belated or inadmissible;

c) takes note of withdrawal of the complaint.

Article 39 lists practically such powers as the judge of surveillance has in the matter of establishing arrangements for the execution of the punishment bounding clearly his administrative activity of the administrative –jurisdictional one, and this distinction is useful, and is aimed at putting an end to the controversies arising after the date of entry into force of law no. 275/2006 regarding the legal nature of the activity of the judge supervising the imprisonment.

From the formal point of view the conclusion of the judge for the surveillance of imprisonment shall be communicated to the person convicted and penitentiary administration, within 3 days of the date of its delivery, and against the conclusion of the judge the person convicted and penitentiary administration may appeal against the court in whose constituency is the penitentiary, within 3 days of the day on which they were notified.

Legislator has provided for this path of attack for the purpose of complying with the constitutional principle of free access to justice, as the mode of establishment and by default the framing of the sentenced person in a more severe or more gentle for the execution, is of crucial importance for the imprisoned, and the censoring by a court of an admnistrative decision, like the one of the commission for the establishment of a system of performance, constitutes a guarantee in addition for the sentenced person.

An appeal shall not suspend the execution of conclusion and it is judged in open court, with citing of the convicted person and of penitentiary administration, and the sentenced person shall be brought to court only when requested by court, in this case being heard. Legal aid is not mandatory, and in the case in which the prosecutor and the representative of the penitentiary administration participate in the

[6] Article 27 of the project of Decision of the Government for the approval of the Regulation for the implementation of the Law no. 254/2013, on the execution of penalties and of the measures of imprisonment arranged by legal bodies in the course on trial displayed on the site of Ministry of Justice (www.just.ro).

judgment, they shall bring into force conclusions and the court pronounces by final court ruling.

Changing arrangements for executing the sentences of imprisonment is also provided by the Commission for the establishment, individualization and changing arrangements for executing the sentences of imprisonment.

According to Article 40 of Law No 254/2013 the Commission is under an obligation that after the execution of 6 years and 6 months, in the event of detention with punishments for life, and one fifth of the time prison punishment, to analyze the behaviour of the sentenced person and the efforts of social reintegration, endorsing a report which shall be notified to the convicted person, under signature.

In its work, the Commission shall take into account the results of the implementation of instruments-standard evaluation of the activities carried out by prisoners, approved by Decision of the general director of national administration of penitentiaries.

The framework law for the enforcement of punishments shows that the regime for the execution of sentences of imprisonment has changed in respect of the imprisonment penalties in immediately inferior regime as severity may be disposed, taking account of the nature and mode of commitment of the offense, if the sentenced person:

(a) had a good conduct, established by reference to the granted rewards and the applied penalties and did not resort to actions that indicate a negative constant behavior; and

(b) kept up the work or was actively involved in the activities set out in the individualized plan of assessment and educational and therapeutic intervention.

Changing arrangements for executing the sentences of imprisonment in a more severe one may be disposed of at any time of the execution of the sentence, if the convicted person has committed an offense or disciplinary action or has been punished for a very serious misconduct or for more serious disciplinary offenses.

The Framework law further provides that if the person convicted has been included in the category of those with degree of risk for the safety of the penitentiary, it will be provided the change of the regime for the execution of imprisonment sentences in respect of the arrangements for maximum security.

From the procedural point of view, the decision of the Comission through which is provided the maintenance or the change of the arrangements for the execution of the penalty, includes also the term of second thought that may not be for more than one year, but he has an obligation to consider, at regular intervals, the situation of the convicted person, at the expiration of the established term.

The decision to change the arrangements for executing the sentences of imprisonment shall be communicated to the convicted person, and sentenced person may make complaint to the judge of surveillance of depriving of freedom, within 3 days of the date on which it was communicated.

In the case of Article 40 (13) of Law No 254/2013 the judge for the surveillance of depriving of freedom shall settle the complaint within 10 days from the date of its receipt and decide, by reasoned conclusion, one of the following solutions:

a) Accepts the complaint, featuring on amendment of the execution arrangements laid down by the Commission;

b) rejects the complaint, if it is unfounded, belated or inadmissible;

takes note of withdrawal of the complaint.

c) For advice on how to appeal to the court of judge's resolution and the procedure of the court, they are similar to those shown above to establish arrangements for the execution of the punishment. The Individualization of the regime regarding the imprisonment penalties it is also ruled by the Commission for the establishing, individualization and change of the regime concerning the execution of the imprisonment penalties.

In accordance with Article 41 of the Law no. 254/2013, arrangements apart of executing the sentences of imprisonment is to be established by the Commission in relation to the duration of conviction, behavioral, personality, the degree of risk, age, health status, identified needs and the possibilities of social reintegration of the sentenced person.

So, the convicted person is introduced in educational, cultural, therapeutic, psychological guidance and social assistance, moral-religious activities, training and vocational training school, which are realized by the staff of the education and psycho-social support departments from the penitentiaries, with the participation, as the case may be, of the probation advisers, volunteers, associations and foundations, as well as of other representatives of the civil society.

An important aspect in the process of individualization it is that for each sentenced person, the specialists of the service of education and psycho-social support will draw up a plan for the evaluation and individualized educational and therapeutic intervention, showing recommended activities and programs, in the light of the risks and identified needs.

Framework law puts a particular emphasis in the case of young people, who are included, for the duration of execution of the sentence, in special programs educational, as well as psychological and social assistance, on the basis of the age and personality of each, being considered young people within the meaning of law, persons who have not reached the age of 21 years old.

Progressiveness of execution of the sentence to prison at the present stage is based on attracting the convicted towards committing to personal responsibilities, that will support him in the decision to

re-integrate into the society that gives him plenty of opportunities.

CONCLUSIONS:

The knowledge and compliance of the imprisoned persons from prohibitions and obligations give rise to application of the procedures for change of the schemes with no freedom of movement and without taking responsibilities, towards easier arrangements, through the provision of facilities and by supplementing the rights via a system of legal reward, which may go as far as permitting output in the penitentiary by permissions or even holidays.

The convicted persons may pass from a scheme of performance to the other in accordance with the conditions laid down by the law of executing the sentences, the rule to be applied is that the penalty begins with a more severe system and that, in the course of execution and the passing of a mandatory period, the regime becomes closer to the social rules, and towards the end of the period of performance of the punishment and proximity of the licence supervision or within the time limits, are granted facilities such as to lead to a greater re-socialization.

However although new legislative provisions are generous as regards of the arrangements for the execution of punishments, in close correlation with the rights and obligations of persons private freedom, Romanian penitentiary system is suffering from the crisis of the over-agglomerated places of imprisonment and low-financing and application of the new provisions is an undertaking costly problems transferring crime problems only towards penitentiaries. Gradually System arrangements for the enforcement of penalties involves much more human resources, materials, financial and the construction of more modern penitentiaries has been blocked by chronic shortage of financing.

As regards to the forthcoming period, it is necessary to adopt an emergency Regulation for the application of Law no. 254/2013, for detailed overview of some aspects which are not sufficiently detailed in the framework law, at the present time the draft decision by the government for the adoption of the regulation being displayed on the site dedicated to the Ministry of Justice (www.just.ro) to public debate.

The need of approval as urgent as possible of the regulation resides also from the fact that in present, the workers in penitentiaries apply the new law on execution of sentences, by calling to transitional provisions drawn and assumed by the National Administration of Penitentiaries, following changes in the Penal Code, entered into force on February 01 2014.

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