

Abstracts

Alain de Benoist

■ ***Rights, Politics, Dignity, Freedom***

Keywords: *moral philosophy, legal positivism, utilitarianism, natural right, punishment*

Views on jurisdiction have always been the reflection of a certain political philosophy and the moral philosophy associated therewith. Since the Enlightenment, three major theories have been proposed concerning jurisdiction: legal positivism (which almost confuses the right with the law), utilitarianism (whatever benefits most people is right) and modern natural right theories associated with the ideology of human rights. This article examines these theories and confronts them with each other, as well as with the views of the ancients (Aristotle). In the second part, dealing with criminal law, the author examines questions regarding the purpose of punishment: is it the exclusion of the criminal or a means of his reintegration in society? Is the object of punishment the crime or the criminal? Do we consider as socially harmful or morally guilty those who break the law? Is the real purpose of punishment deterrence, and with exactly what should it be proportional? Is the law always right? And are prisons a solution, or even a panacea?

Andrea Fábán

■ ***Youth Criminality in Our Society***

Keywords: *juvenile delinquency, comparative analysis, psychological testing, personality factors, social determinants*

The general purpose of the research is to present the evolution of juvenile delinquency in Romania after 1989, with some of its social and psychological aspects. A comparative perspective is used: the general, Romanian framework will be compared with the local situation of Cluj county. For assessing the rate and particularity of juvenile delinquency in Romania in the post-revolutionary period, data was used from: Police General Inspectorate, National Committee for Statistics, Ministry of Justice, The Direction for Social Reinstatement and Supervision, Forensic Medicine Institute from

Cluj, National Reports, International Reports. The presentation is based on an extensive study of 420 delinquent juveniles, whose data on family situation, education, age etc. were analyzed and the youngsters were also tested with psychological tests (Nowicki & Strickland's Internal-External Control Scale for Children, McGuire & Priestley's Testing Your Reaction, Zuckerman-Kuhlman's Personality Questionnaire and Tucker's Inmate Dilemma Test). Examining the data of the psychological tests and the descriptors of the social situation of juvenile delinquents, it looks like personality factors are associated with social determinants regarding juvenile delinquency.

András Máté

■ ***Criminal Law in Romania: A Historical Perspective***

Keywords: *Romania, criminal justice, penal code, communist authority, constitutional state, human rights*

Romanian criminal justice was born with the penal code in 1865, followed by a second legislative act in 1937, amended by the communist authorities in detriment of lawfulness. The penal code adopted in 1969 is in effect to this day, although in 2004 a new one has been adopted, without being put in force, and in 2009, the government tabled a new draft law to the parliament. The constitution from 1991 has already brought about a new interpretation of human rights and created the premises of the constitutional state in Romania. In recent years, Romanian legislation has also become a part of the process of the European synchronisation of rights.

Sorina Poledna

■ ***Homicide: Beyond Personal History***

Keywords: *criminality, social anomia, homicide, alcohol, affective background*

Increasing criminality is one of the most serious problems of Romanian society. As the author has presented in her book, the rate of criminality has shown an increasing tendency after 1989, but the causes go back before 1989, and consist in the increase of pauperisation of society and decrease of the

trust in institutions that were responsible for the social control. In the early nineties the significant political, social and economical reforms at the macro-level have lead to the outburst of social anomia that has existed since the late eighties, although in a hidden form. It is interesting to see that criminality in all its forms has increased in the first six years after 1989. Regarding homicide an increase can be observed only compared to 1989, after this period it has shown a steady rate, except in 1992, when there were 824 registered homicides (statistics show that this number has been 344 in 1989, and 772 in 1990). The tendency on regional and county level has been the same, of increase, but at county level there were still differences, and the county of Cluj has not been in the top, like counties from the South and East of Romania (Ialomița, Călărași, Mehedinți, Botoșani and Vrancea). Among the main causes of homicide we can indicate the social and economical conditions, the “sociability” of the individuals, as Boudon calls it. This is why we can see that the majority of this type of crimes has been committed in economically and socially backward counties. Regarding the ways of committing homicides, the most were done by stabbing with the knife

(37%) and by kicking and thumping the victims. In 75% of the cases they were done under the influence of alcohol, and, as the life-histories of the aggressors reveal it, they had an affective background and the victim and the aggressor were acquainted. The book also deals with the life and future perspectives of those who were convicted, their very personal way of coping with this new and so much different situation.

Attila Varga

■ ***A Diagnosis of Prisons***

Keywords: *legislative framework, conditions of detention, human rights, complaints, proposals*

The study presents the legislative framework concerning the execution of sentences, the conditions of detention as well as the basic human rights of prisoners, respectively the Chamber of Deputies' Committee on Human Rights examination of this subject, which was conducted also on the basis of individual complaints. The paper uses official data compiled by the Directorate of Prison as well as the complaints received by the Committee and tries to present a current picture of the state of our national prisons. Finally, it formulates proposals which could improve the current situation.



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„A jelenlegi büntető politika és ezen belül a büntetés-végrehajtás egyik legnagyobb gondja (véltetően nemcsak Romániában), hogy a megfogalmazott célokhoz, a társadalmi elvárásokhoz, a nemzetközi jogi követelményekhez a konkrét helyzet nem tud igazodni. Hatalmas szakadék tátong a szabályozások és a kialakult gyakorlat, a meglévő állapotok között, ami kérdésessé teheti, de legalábbis jelentősen módosíthatja a büntetés célját és társadalmi hasznosságát.”

(Varga Attila)

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