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**Analiza sociologică a efectelor detenției din perspectiva foștilor
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Lista cu abrevieri

ANP	Administrația Națională a Penitenciarelor
ANOFM	Agencia Națională pentru Ocupare Forței de Muncă
BOR	Biserica Ortodoxă Română
CCBE	Council of Bars and Law Societies of Europe (CCBE) - EESC
CEPEJ	Comission europeéne pour l'efficacité de la justiceENCJ European Network of Councils for the Judiciary
GRECO	Group of States against Corruption
NCP	Noul Cod Penal
UNBR	Uniunea Națională a Barourilor din România

INTRODUCTION

Although the penitentiary is a modern institution that emerged in the 18th century, its cultural and archetypal roots are much older. The idea of punishment and the correction of deviant behavior is inscribed in the human psycho-social structure and reflected in myths such as the Greek Tartarus or the Biblical Gehenna—symbols of an “earthly hell” for those who violate social norms. The penitentiary has thus become an internalized cultural space, with a long period of institutional development leading to its current form.

In recent decades, the institution has undergone functional “humanization,” yet it remains vulnerable to bureaucratic incoherence and institutional dysfunctions that impair its capacity for re-education and social reintegration. The present work aligns with the effort to evaluate the systemic functionality of the penitentiary through a holistic approach that analyzes not only the institution’s performance in itself but also the connections and blockages within the wider institutional network.

The goal of the research is a phenomenological exploration of the effects of detention, both during incarceration and after release, in order to highlight the influence of interactions between the individual and the institutions of the penal trajectory (police, prosecution, judiciary, penitentiary) on individual behavior and the reintegration process. The main hypothesis asserts that these interactions generate persistent psychosocial effects that impact the ability to desist from crime, beginning with pre-trial detention and continuing after release.

To validate the hypothesis, the research uses semi-structured interviews conducted with a sample of 17 former inmates, built around a thematic grid regarding the effects of detention. This approach was supplemented by the analysis of social documents, social mapping (to understand the limitation of interactions in the carceral space), and case studies. The interviews were conducted outside the penitentiary, in a safe environment and close in time to the detention experience, allowing for the expression of details that are hard to capture through quantitative methods or observation.

The research findings support the hypothesis; thus, detention is conceptualized as a gradual experience, a process that begins before entry into the penitentiary and extends long after release, through psychological and social effects.

The work offers an original approach in which detention is understood as a continuum, not as an isolated moment. This perspective allows the inclusion of intra-psychic and social variables, reflected through a phenomenological lens, in the analysis of detention's impact. The phenomenological approach made it possible to highlight the influence of the penitentiary environment as well as prior variables (biographical, institutional) on the behavior of the person who was deprived of liberty.

The phenomenological interview method provided an opportunity for guided retrospection, allowing subjects to reflect on their own trajectory and to express the experiences and challenges they faced. At the same time, the approach avoided limiting the research to a blunt description of detention, which is characteristic of some quantitative methods. Most previous research has focused on a narrow register of effects, whereas this work proposes a broader and more interdependent perspective.

This study aligns with the tradition of scientific research on the penal system and total institutions (Goffman, 1961; Sykes, 1958). Important contributions to understanding the effects of detention come from Liebling and Maruna (2005), Haney (2012, 2018), Braman (2004), Comfort (2008), Smyth (2009), and Fassin (2018). Fassin shows that the experience of detention results from a complex chain of decisions and procedures, filled with nuances and prejudices that deeply influence the life of the incarcerated person.

In Romania, significant research on this topic includes the works of Bruno Ștefan (2006), the project coordinated by Dobrică (2008), Banciu (2010), Badea (2010), Dâmboeanu (2015), Rotariu (2016), Durnescu (2017, 2019), Tarău (2015), Ilie et al. (2019), and the evaluation of reintegration policies by Dumitran (2024). These provide a useful framework for understanding prison life, violence, daily practices, and the difficulties of reintegration in the Romanian context.

In this context, the present research contributes to the understanding of detention in Romania through a phenomenological approach to the penal trajectory. It identifies the critical moments of psychological and social impact of detention and provides a foundation for effective rehabilitation and reintegration policies. The main beneficiaries are former inmates, prison staff, and, in the long term, society as a whole.

Chapter 1

THEORIES OF DEVIANCE IN SOCIETY AND IN THE PRISON ENVIRONMENT. RECIDIVISM AND DESISTANCE

The multiple theoretical explanations of criminality range from biological to psychological dimensions and have evolved toward concepts that integrate cultural, macro-, and micro-social factors. Theories of deviance and criminality are useful for understanding the motivational mechanisms behind deviant behavior, the constitutive elements of criminality, and the conditions that sustain criminal conduct. It was deemed necessary to present some of these theories precisely to index those factors that encourage delinquent behavior and are perpetuated within the context of detention.

1.1. Concepts, Definitions, and Accepted Meanings

Deviance is understood as a behavior, a belief system, or traits manifested by a small number of individuals, which lead to their marginalization or stigmatization. Deviance is defined socially, according to the cultural, historical, and contextual norms of a society (Goode, 2015:4). Crime represents a specific form of deviance that is legally sanctioned, situated at the extreme of the deviance continuum (ibid., p. 21). It involves both informal condemnation (negative social reactions) and formal condemnation (legal punishment), and the stigma associated with the acquired legal status has lasting effects on the individual's social position.

Positivist sociology emphasizes the objective nature of crime, whereas constructionists analyze the social process of labeling and defining behaviors as deviant. These differences in perspective are essential for understanding the phenomenon of delinquency and for analyzing the impact of detention.

1.2. Sociological Theories of Delinquency

1.2.1. Theories of Social Anomie and Strain

Durkheim argued that deviance is normal and serves a social function, but anomie (the breakdown of norms) emerges in modern societies when solidarity diminishes (Durkheim, 2005:214–217). Merton (1938) expanded this idea into a structural-functionalist theory, claiming that the discrepancy between cultural goals and the legitimate means available creates strain and fosters deviant behavior. In prisons, this strain manifests through the incongruity between the desire for better conditions and the lack of permitted means to achieve them (Florian, 2022).

1.2.2. Cultural Transmission Theories

Cohen states that young people from disadvantaged classes, faced with the impossibility of accessing middle-class values, develop an alternative, negativist, and autonomous subculture. Cloward and Ohlin identify three types of delinquent subcultures (criminal, conflict, retreatist), depending on access to illegal opportunities. Miller views delinquency as an expression of the lower-class value system (Lilly et al., 2019). These values, internalized outside the prison, are imported into the carceral system and perpetuated as part of a prison subculture (Mears et al., 2013).

1.2.3. Labeling Theory

Becker (1966) argues that deviance is the product of the social process of labeling, rather than an intrinsic quality of an act. Thus, labeling an individual as an “offender” contributes to their marginalization—an effect observable both during detention and after release through the discrimination and exclusion they experience (Mingus & Burchfield, 2012).

1.2.4. Differential Association Theory

Sutherland argued that criminality is learned through contact with individuals who provide favorable definitions of law-breaking. Deviant behaviors are learned voluntarily but are influenced by the social context of belonging (Cullen, 2010). Hyland et al. (2012) show that associations with delinquent individuals and criminal attitudes are the strongest predictors of recidivism. In this sense, the prison is seen as a “pathological institution” (Florian, 2009), as it brings together individuals with various forms of deviant behavior.

1.3. Recidivism and Desistance

Recidivism, an indicator of the effectiveness of penal policies, is legally defined in Romania as the commission of a new offense after a final conviction (Law no. 286/2009, Art. 46). In sociology, recidivism is viewed as reoffending, meaning the reappearance of criminal behavior within a certain time frame after conviction (Nagin, Cullen & Johnson in Dâmboeanu, 2015:15–16).

Desistance is the process by which criminal behavior stops (Laub & Sampson, 2001). The “life-course” theory explains these changes through shifts in social bonds (family, work, support networks), which can act as “turning points” in the renunciation of criminal conduct. Residential environment, the quality of the support network, and social reintegration policies are key factors that can either encourage desistance or, conversely, contribute to recidivism (Smith, 2015).

Chapter 2

THE SOCIOLOGY OF PUNISHMENT

Punishment is a universal psychosocial instrument, born out of the necessity to maintain social cohesion and order within communities (Durkheim, 1984:91; Garland, 1991; Garfield et al., 2023:2). It involves the imposition of material or moral costs on those who violate norms (idem) and is approached from criminological, philosophical, and sociological perspectives.

2.1. The Morality of Punishment

Hart (1959, in Fassin, 2018:33) defines punishment as an unpleasant consequence objectively imposed by a legal authority on someone who has challenged that authority. Utilitarian theories, inspired by Plato (Abolafia, 2024:7), seemingly follow this definition and explain the rationale of punishment through its functions of deterrence, incapacitation, and rehabilitation.

Deterrence discourages offenders, but its effectiveness is contested (Nagin, 2013; Raskolnikov, 2020), and its adverse effects include stigmatization (Fassin, 2018:75). Incapacitation involves isolating dangerous offenders (Brooks, 2012:37 in Banks, 2020:158), yet it is criticized for judging based on risk rather than facts (Pershan, n.d.:398) and for ignoring social context (Binder & Notterman, 2017:4). Rehabilitation, dominant until the 1970s (Bosworth, 2005:831), is considered a “treatment” tailored to the inmate’s needs (Banks, 2020), but it is criticized for idealism and the difficulty of measuring its effectiveness (idem).

Retributive theories define punishment as the payment of a moral debt, initially without punitive but compensatory connotations (Malinowski 1926 in Fassin, 2018:3–4; Vulcănescu, 1970). Under the influence of religion, retribution becomes an act of expiatory suffering (Fassin, 2018:52), a notion still present today in the secular form of “paying one’s debt to society.” However, the emotional component of retribution (revenge) contradicts the ideal of objectivity (Uduigwomen, 2003:11).

Restorative justice theory proposes the repair of relationships among victim, offender, and community as an alternative to isolation (Banks, 2020:159–161). Its limits include difficulty of application in cases of severe legal violations and the risk of suppressing social emotions (Garland, 1990). A compromise is suggested: decriminalizing minor offenses while maintaining firm punishment for serious crimes.

2.2. The Functions of Punishment

In Durkheimian thought, punishment, divided into restitutive and repressive measures, contributes to maintaining social cohesion. Criminal law predominates in traditional societies, while commercial (restitutive) law is characteristic of modern societies; the type of law reflects the society's complexity. Penal punishment is a moral reaction to the violation of deep social values, with its main function being the reaffirmation of social solidarity through the strengthening of collective conscience (Durkheim, 1984:39). Thus, modern punishment—especially imprisonment—protects collective values and reaffirms social cohesion, acting as an expression of deep social response. It serves less to deter or reform the offender than to reaffirm social solidarity by uniting those morally affected.

Garland (2001) criticizes the Durkheimian perspective, arguing that the lack of public visibility in incarceration limits punishment's role in restoring social solidarity. However, this role may be taken over by mass media, which publicly exposes arrests. Garland also reproaches the overemphasis on custodial sentences at the expense of alternatives. The idea of general moral consensus is also contested, as legislative and judicial groups may have different interests from the rest of society (Burkhardt and Connor, 2015). Nevertheless, Durkheim remains relevant for highlighting the symbolic and expressive function of punishment (Garland, 2001).

2.3. Punishment as Part of the Bureaucratic Process of Penal Institutions and a Disciplinary Mechanism

Max Weber describes modern institutions through bureaucratic rationality: impersonal rules, hierarchies, and efficiency. Within this framework, incarceration becomes a disciplinary tool (Foucault, 2012:16). It subjects the body and mind of the convict to a coherent system of constraints, aimed at adapting them to a socially defined normality (Garland, 1990). Foucault analyzes the functioning of the punitive mechanism, not the entire process of punishment, without denying its symbolic-emotional dimension (Foucault, 2012:138; Garland, 1990:314).

2.4. The Marxist Perspective: Punishment as a Mechanism for Regulating the Economic Market

Rusche and Kirchheimer (2017) argue that punishment reflects the economic interests of elites. Each era is associated with a particular model of economic exploitation: forced labor, fines, galleys, and in the industrial era, prison labor. While explanatory, this approach is considered reductive (Garland, 1991), ignoring other factors that shape punishment (e.g., religion, organized

crime, labor unions). Still, the theory is relevant for understanding the structure of the penitentiary, built on the value of inmates' labor and penitence (Ignatief, 1978; Ferro, 2006; Sapouna et al., 2015).

2.5. Punishment in Cultural Context

Corporal punishments have gradually been replaced by imprisonment under increasingly humane conditions (Melossi & Pavarini, 2018). Elias's civilizing process theory explains the shift of punishment into the private sphere, concealing violence and transforming it into a rational institutional mechanism (Elias, 1994; Garland, 2001). However, contemporary prison realities partly contradict this theory (Fassin, 2018). For a comprehensive understanding, punishment must be viewed as a complex institutional system with social, economic, symbolic, and disciplinary functions (Durkheim; Foucault; Garland, 1991).

2.6. The Penal Code and the Regulation of Punishment

An essential component of the *iter poenae* (the path of pain, the penal route) for a person deprived of liberty is their interaction with the systems responsible for maintaining social order. A detainee's path to rehabilitation begins at the moment of arrest, with the establishment of consequences for their actions. Rehabilitation, defined as "the cessation of all disqualifications and the consequences of a suffered conviction" (Antoniou et al., 2010:183), is instituted following faultless behavior towards the law and the repayment of obligations (Law no. 286/2009, art. 168). In reality, rehabilitation is a long-term process in which the former convict—often stripped of rights, lacking social support, and stigmatized—must secure a livelihood and reintegrate. The recidivism rate in Romania (36.93% in 2022) and in other countries (Finland 33%, Denmark 32%, the Netherlands 24.6%, Austria 24.3%, Norway 17.6% in 2018, according to ANP 2024 and Yukhenko et al., 2023) indicates the difficulty of this path. As individuals age and become more isolated with fewer professional opportunities, the risk of recidivism increases (Uggen, C., 2000; Błędowski et al., 2023).

We chose to present the evolution of the Penal Code to understand its functioning and influence on detention, beyond the legal qualification of acts and sanctions. The historical analysis of criminal legislation reveals both elements of continuity and significant transformations. It was observed that, for a long time, criminal law prescribed sanctions based on social status, and the application of norms was influenced by interests that went beyond judicial fairness. Although space does not allow for an in-depth analysis of the persistence of certain elements in the Romanian

Penal Code (e.g., applying laws based on status, the influence of foreign codes or divine authority), its importance in shaping detention and its effects is evident.

2.6.1. The Sacred Origins of Law

The earliest legislative codes, such as the Code of Hammurabi (circa 1700 BCE), attributed divine character to law, a notion adopted by other ancient societies (Wright, 2009). Philosophers such as Plato (1995:42–48) and Aristotle (1998, 2004) distinguished between natural and positive laws, while Cicero viewed natural law as an expression of universal and divine reason (Atkins, 2013:165, 170). Roman jurisprudence, through Gaius and Ulpian, separated *jus gentium* (universal law) from *jus civile* (law specific to each state) (Abdy & Walker, 1876; Gaius, 1958; Kolbert, 1979).

In the Middle Ages, Roman law codified by Justinian influenced both canon and secular law. Gratian placed natural law as a divine expression at the center of his *Decretum* (Gratian, 1993:34–36; Christense in Gratian, 1993:12), while Alberico Gentili proposed a legal separation from theology (Domingo & Minnuci, 2020:13–14). Montesquieu (1977) argued that laws reflect the conditions of society. Bentham (1781/2000) defined law as the will of the sovereign intended to maintain social balance.

In Tönnies' sociological view (1961, 2016), law evolves from custom to positive law, protecting individual liberties over traditional community norms. Durkheim (in Sutton, 2001; Banciu, 1995) considered this separation an adaptation to organic social solidarity, where civil law regulates cooperation and criminal law protects the society's core values. Weber (1978) interpreted law as an expression of legal-rational authority, while functionalist sociologists Talcott Parsons and Robert K. Merton (Banciu, 1995) attributed to it both social integration functions and inevitable dysfunctions.

Dongoroz (1936) proposed a socio-legal approach, defining law as an epiphenomenon of social life meant to maintain order through rules recognized and enforced by public authority. The Penal Code distinguishes between reparative, repressive, and preventive sanctions. Dongoroz explained the evolution of law from disproportionate revenge to a modern, rationalized system with the state holding the monopoly over punishment (Dongoroz, 1936; Banciu, 1995; Coyle, 2005). The modern Penal Code is the main instrument of social control, clearly establishing offenses, penalties, and methods of enforcement, ensuring economic and social security.

2.6.2. The Evolution of the Romanian Penal Code: From Primitive Communities to Modernity

The evolution of Romanian criminal law reflects a transition from archaic customary norms influenced by religion and social status to a modern legal system of Western inspiration. In the pre-Roman period, justice was integrated into the sacred sphere, and harsh punishments reflected social inequalities (Negoiță, 2019; Guțan, 2017; Hanga, 1980). After the Roman conquest, a legal distinction emerged based on political status (Negoiță, 2019; Guțan, 2017). Later, in village communities, sanctions ranged from symbolic to corporal and were administered by community leaders (Vulcănescu, 1970).

During feudalism, the Law of the Land, based on customary law, also included Byzantine and Slavic legal codes, maintaining arbitrariness in sanctions. Subsequent codifications favored elites, preserving harsh corporal punishments for other social categories (Berechet, 1933; Hanga, 1970; Rădulescu et al., 1961). In Transylvania, criminal law developed under Austro-Hungarian influence, with a more structured conceptualization of criminal responsibility (Guțan, 2017).

The Phanariot era prepared modernization through codes such as the *Pravilniceasca Condică* and the Calimach Code. The Organic Regulations and the 1864 Penal Code enshrined modern principles such as equality before the law and the classification of offenses (Berechet, 1930; Firoiu, 1976; Fratoșțițeanu, 1885). However, later amendments often served the interests of the state and capital (Guțan, 2017). After 1918, the 1937 Penal Code introduced progressive elements such as rehabilitation, but the authoritarian interwar regimes again turned it into a repressive instrument, with harsh penalties and ethnically differentiated application (Regatul României, 1938; Doboș, 2013).

2.6.3. The Penal Code during the Communist Period and the Transition to the Modern Penal Code

After 1944, the Romanian legal system was subordinated to the communist regime, and criminal law became an instrument of repression. Between 1944–1948, previous laws were annulled, politically convicted individuals were granted amnesty, and new normative acts were issued to suppress opposition (Crăcană, 2015). Laws targeting economic sabotage and speculation were introduced, alongside rewards for informants. Justice became selective, influenced by the social status of the defendants, and the criminal codes were repeatedly modified. The role of the criminal investigation and the prosecutor was diminished, while repressive institutions such as the

Securitate (Secret Police) and the Miliție (Militia) were granted expanded powers (ibid., pp. 30–35).

The Penal Code adopted in 1968 remained in force until 1989 and aimed to defend “the legal order and the rules of social coexistence” in the Socialist Republic of Romania. Punishments were limited to imprisonment (15 days to 25 years) or fines, with the death penalty reserved for exceptional cases (Great National Assembly, 1968). Mandatory labor was still enforced, and educational actions were added to support the reeducation of the convict.

The new Penal Code, which came into effect in 2014, is structured in two parts: a general part (definitions) and a special part (classification of offenses). It includes 257 new offenses and redefines others, such as theft and corruption (Pașca et al., 2012). The sanctioning system is more flexible, allowing for greater individualization of punishment, including alternative measures (suspension, probation, personalized fines, security measures). The main penalties remain imprisonment and fines, but the new Code also allows for the commutation of life sentences and provides conditions for sentence suspension (Law no. 286/2009).

However, the definition of recidivism has consequences for rehabilitation. According to Law no. 289/2009, recidivism occurs when a person commits a new offense after a final conviction of at least one year of imprisonment, before legal, judicial, or statutory rehabilitation. One consequence is the aggravation of penal treatment, which limits the rehabilitative function in favor of incapacitation and deterrence. This approach contributes to the overcrowding of penitentiaries, especially in cases of non-violent recidivism, where detention may be excessive (Durnescu, 2001). Additionally, the legal regime of recidivism reinforces stigmatization through the mention of a criminal past (“known for prior offenses”), even after rehabilitation.

The Penal Code serves as the framework for evaluating crimes and punishments, while the Code of Criminal Procedure outlines their application—together they determine the penal trajectory. We have used historical analysis to understand the persistent variables and the transformations of older conceptions. We have observed that, for a long time, judgment depended on social status, and the application of laws was sometimes influenced by interests unrelated to justice. Although we cannot draw definitive conclusions about the persistence of these elements in the New Penal Code, socio-legal scholars should more closely examine how the Penal Code influences the experience of detention—through the tendency to associate harsher custodial

sentences with certain offenses, the way the criminal record is defined and managed, and the reconsideration of the legal consequences of recidivism.

Chapter 3

THE INSTITUTIONS OF THE PENAL PATH

3.1. The Police – First Contact with the Judicial System

3.1.1. Origins of the Police Institution: From State's Partner to Citizen's Ally

It is difficult to imagine a society without a police force. In Romania, the necessity of its intervention is evident in the high frequency of emergency calls—over 10 million in 2023 (Special Telecommunications Service, 2024). The modern police institution, established in liberal states in the second half of the 18th century, is fundamental for maintaining social order (Mladek et al., 2007:2–3; Robinson & Scaglione, 1987:110) and for reinforcing the state by enabling mutually beneficial social relations (ibid., p.58).

The police have the authority to monitor, warn, sanction, detain, and in extreme cases, use coercive force—a monopoly crucial in urban environments characterized by anonymity and stratification (Bittner, 1970:120–121; Haas, 1982:173–174, in Robinson & Scaglione, 1987:109). The origins of police can be traced to the transition from primitive to more complex societies. Initially tasked with protecting the nobility, police functions expanded with industrialization and urbanization.

3.1.2. The Police as a More Efficient Mechanism of Social Control

The modern police institution emerged after 1815, when military forces were deemed inefficient for internal peacekeeping. Military intervention was often destructive and failed to deter crime, clashing with the ideals of civility upheld by the elites of the Industrial Revolution (Bittner, 1970:20). Consequently, modern police were created to support state structures through crime control and law enforcement (ibid., p.22).

In Romania, the police followed a similar historical trajectory. It evolved during the dissolution of kin-based communities and the formation of medieval states. Under the Organic Regulations, the *Agia* was reorganized and renamed the Police (ibid., pp.13–15). As society grew more complex,

the institution expanded its departments and responsibilities. Until 1949, police duties included food price control, public order, shop hours, cleanliness, and public lighting (*idem*).

Under the communist regime after 1949, the police became the *Miliția*, a militarized and repressive arm of the Communist Party. Initially responsible for issuing identity documents (Crap, 2024:52), its functions grew to include protecting socialist property and engaging in political repression, including surveillance of both Romanian and foreign citizens (*ibid.*; CIA, 2016a in Crap, 2024:53).

3.1.3. Transition: The Context of Reforming the Romanian Police

Romania's democratic transition post-1989 brought substantial changes to the police, which resumed its mission to protect fundamental rights, public order, private property, and to prevent criminal activities. However, the transition occurred in a socially volatile context, which enabled the emergence of organized crime networks (Pitulescu, 1996). These included remnants of Soviet mafias, as well as Arab, Chinese, and Roma groups, which developed clientelistic networks with political, judicial, and police actors, shielding criminals from legal accountability.

Compounding these challenges were institutional underfunding and internal vulnerabilities—leadership corruption, imposters in key positions, and compromised officers (Șinca, 2019). Despite this, Romanian Police officers managed to keep crime rates relatively low, with an average of 1,810 incidents per 100,000 inhabitants between 2014 and 2023 (INSSE). This performance helped Romania rise from 45th place in the Global Peace Index (2010) to 32nd in 2024 (Global Peace Index, 2010, 2024). The police have adapted to new forms of crime, including Romania's shift from a transit country to a drug market and the emergence of cybercrime and financial crimes.

3.1.4. Contested Authority: Public Perceptions of Police Officers

Public perceptions of the police range from respect to contempt, heavily shaped by incidents of corruption or incompetence. The police are often stereotyped as lacking intellectual training and moral integrity (Șinca, 2019). Their primary mission—ensuring public order and preventing danger—can result in perceived discriminatory practices, especially against marginalized or minority groups (Bittner, 1970; Baker et al., 2011:24).

This ambivalence is fueled by the institutional history of the police and its monopoly on the use of force, which carries risks of abuse. Frequent interaction with offenders can lead to the adoption of similar language and attitudes by police officers, reinforcing negative public perceptions

(Bittner, 1970). Media portrayals and memories of the Miliția exacerbate these representations, contributing to public distrust.

Such perceptions can hinder cooperation with law enforcement and increase police stress (Vila, 2006). Encounters with the police can have lasting consequences—arrests or criminal fines may limit employment opportunities. Moreover, the way officers draft reports can influence judicial decisions, extending police influence beyond the initial stage of criminal procedure.

As the first point of contact in the criminal justice system, police interactions have a major psychological impact on individuals. Disrespectful behavior by citizens can stem from previous impolite or unjust treatment or from the perceived lack of legitimacy of the police (Tedeschi & Felson, 1994 in Engel, 2003:478–479). Ultimately, the police, as the entry gate to the criminal pathway, shape both individual experiences and collective trust in the justice system.

3.2. The Accuser and the Defender

3.2.1. The Prosecutor's Office

The origins of the prosecutor's office lie in the inquisitorial system, evolving in 14th-century France from the figure of the king's lawyer (Duțu et al., 2017:20). Over time, the prosecutor became the guarantor of the public interest, a role strengthened during the French Revolution by integrating the office into the judiciary (ibid., p.21). In the Romanian Principalities, the Public Ministry emerged under the Organic Regulations, influenced by French and Austrian models (ibid., p.24), and gained institutional coherence after the 1859 Union.

Currently, Law 300/2004 (art. 63) states that the prosecutor's main responsibility is conducting criminal investigations. The prosecutor coordinates judicial police work and decides whether to prosecute. However, institutional shortcomings—staff shortages, passivity, and lack of coherence—impede performance (ibid., p.272). Practices such as the “handcuff spectacle” damage the perception of prosecutorial impartiality. The Criminal Procedure Code (arts. 320, 478) grants prosecutors the power to propose sentences, potentially leading to premature convictions (Kremens, 2021:4).

The prosecutor's active role in investigations raises questions about objectivity (Kremens, 2021:12–13). The phenomenon of “tunnel vision”—professional pressure and the institutional drive to confirm guilt—has been documented in the Romanian context through acquittals in high-profile cases (Findley & Scott, 2006; Mandelski, 2020). Levine (2016) notes that inexperienced

prosecutors are more prone to error due to career pressures. External influences, such as the EU's Cooperation and Verification Mechanism (MCV), can also sway institutional prosecution policy.

3.3. The Defense Attorney

The institution of legal defense dates back to ancient Athens and existed in Roman Dacia (Duțu, 2001:13; Țop, 2014:9). In the Middle Ages, attorneys acted on behalf of clients under formal mandates, with bar associations becoming officially organized during the Organic Regulations period. Cuza's reforms imposed strict professional rules and disciplinary councils, while the 1907 law introduced free legal aid.

During communism, the attorney was reduced to an executor of "popular justice" (Crăcană, 2015), but post-1990 reforms restored the lawyer's role as a human rights defender (Arsenie, 2020). Today, attorneys support defendants throughout the criminal process, maintain family contact, and devise legal defense strategies (UNBR, 2011).

The defense attorney serves as a control mechanism within punitive institutions. Positive perceptions by defendants increase when lawyers succeed in reducing sentences (Balica, 2014). However, public trust in attorneys remains low (26%, IRES, 2013), mainly due to poorly funded and underperforming court-appointed lawyers (UNBR). This poor representation undermines trust in justice and contributes to prison overcrowding (Bright, 2010).

3.4. The Judicial Authority

The judge plays a pivotal role in the criminal justice process, as the authority who ultimately decides the sentence. This function is rooted in ancient needs for order and fairness, which are vital to social cooperation (Malinowski in Donovan, 2008). In primitive societies, adjudication was performed by elders, charismatic leaders, priests, or shamans; during the Middle Ages, rulers delegated this role (Weber, 1978:762).

3.4.1. Historical Overview of the Judge's Role in Romania

In traditional Romanian villages, justice was delivered by kinship groups ("cetele de neam") (Vulcănescu, 1970:49). In feudal times, the role passed to officials under the prince, who was the supreme judge and profited from fines, encouraging abuse (Giurescu, 1943:488). During the Phanariot era, salaried "great judges" emerged, separated from revenue collection (Giurescu, 1944, 1946; Dimiu, 1929). The Organic Regulations introduced judicial irremovability, and the 1866 Constitution and 1924 Law reinforced judicial independence (Negulescu & Alexianu, 1944; Ursulescu, 2007).

Under communism, courts were politicized. Institutions such as the People's Tribunal operated without requiring legal training for lay judges (*asesori populari*) (Crăcană, 2015). Today, the judiciary includes district courts, tribunals, courts of appeal, the High Court of Cassation and Justice (ÎCCJ), and the Superior Council of Magistracy (CSM). The ÎCCJ ensures uniform application of the law (Law 304/2022), and the CSM advises on the appointment of chief prosecutors (Tomuş, 2018; Popa, 2020). Justice is free of charge, although parties must cover procedural expenses (Tomuş, 2018).

3.4.2. Threats to Judicial Independence

Agencies like SIPA and protocols with the Romanian Intelligence Service (SRI) have exerted pressure on magistrates (Andronic, 2017; Popa, 2020). The Section for Investigating Judicial Offenses (SIJ), created in 2018 to probe magistrates, was accused of interfering with justice and dismissing over 400 cases. It was restructured in 2022 (Chiş, 2023). Law 207/2018 strengthened a decision-making elite allegedly prone to abuse. These developments contributed to low public trust in judicial independence (37–52%, European Commission, 2016–2024).

3.4.3. Functional Analysis of the Judicial System

A recent report (Ministry of Justice, World Bank, 2023) notes that while the overall number of judges is adequate, distribution is uneven, overburdening some courts. Other systemic issues include mass retirement (judges can retire after 25 years with 80% of gross salary, *ibid.*, p.177), and a two-step promotion process. The system also risks depopulation as judges who entered the profession in the 1990s approach retirement.

Inconsistent interpretation of unclear laws leads to disparate decisions and tarnishes judicial credibility (*ibid.*, pp.101–102). Despite a 100% case resolution rate, decisions are often delayed due to lengthy justifications (*ibid.*, p.272).

Access to justice is hindered by poor online communication and limited public awareness of procedures—over 70% of citizens report being poorly informed, and more than half are unaware that court decisions are publicly accessible (*ibid.*, p.101). Budgetary constraints (90% allocated to salaries) limit investment in infrastructure, support staff, and digital systems (*ibid.*, p.20). Weak media engagement further contributes to public distrust (CEPEJ, 2018).

Public trust in judges fluctuates, influenced by lack of transparency, limited access to information, and judicial benefits. The judge's role is shaped by institutional structure, professional

culture, and public perception—factors that may weaken justice’s reparative function when decisions are viewed as unjust.

Chapter 4

THE PENITENTIARY – A MODERN INSTITUTION WITH ARCHAIC ORIGINS AND THE SUBJECTS OF THE CRIMINAL JUSTICE PATH

4.1. Archaic Origins of the Prison

The idea of incarceration as punishment can be traced back to Antiquity. Plato theorized prison through the metaphor of Hades, suggesting an archetypal root for the institution (Abolafia, 2024:50). In ancient Athens, prison served as a punitive space for the political elite, offering a form of shame-based deterrence as an alternative to the humiliation of slavery (ibid., pp.29, 69).

4.2. Pillars of the Prison Institution

During the Renaissance, Thomas More combined Platonic ideas with monastic asceticism and Roman law in *Utopia*, laying the foundation for the modern prison based on labor, isolation, and penitence (Abolafia, 2024:11). Reform through education and productive work became essential (Plato, 1995:110, 246). Monastic cloistering and the use of monasteries as detention spaces heavily influenced the institutional structure of the prison (Fassin, 2018:35; Ferro, 2006:4).

4.3. The Prison as Part of the Industrial Production System

Under capitalism, labor became central to prison life, serving as a tool to discipline and reform the poor (Fassin, 2018; Abolafia, 2024). Prisons began producing not goods, but “new people” (Melossi & Pavarini, 2018:204). Early institutions like Bridewell and Rasp House were primarily designed for social and economic control (Rusche & Kirchheimer, 2003:33, 45). John Howard promoted a punitive but humane Christian model (Ignatieff, 1978), though ultimately it was aimed at labor regulation (Melossi & Pavarini, 2018). Bentham’s Panopticon became a key theoretical model for penitentiary design (Foucault, 1995:200).

The emergence of the modern prison, from Athens to Birmingham, was driven by economic, religious, and political factors. Systems such as the Philadelphia and Auburn models introduced inmate classification, education, and parole. Quaker reformers professionalized prison management but often inadvertently produced psychological and physical suffering, marginalizing the very populations they sought to reform (Melossi & Pavarini, 2018).

4.4. Laboratory Prisons and Warehouse Prisons

In the 20th century, prisons evolved into “laboratories” for studying criminal typologies, focusing on classification and rehabilitation (Melossi & Pavarini, 2018:208). In the late 20th century, rehabilitation gave way to punitive strategies emphasizing incapacitation and deterrence (Garland, 2001). Actuarial criminology introduced risk-based assessments for inmate selection, emphasizing prevention over reform (Boone & van Swaaningen, 2013). Offenders became enemies to be controlled through surveillance and punishment (Melossi & Pavarini, 2018; Garland, 2001).

This led to the emergence of “warehouse prisons,” exemplifying mass incarceration and penal privatization, where the offender holds economic utility (Yagunov, 2024). A panoptic society begins to take shape, with prison-style control threatening to extend across broader social domains (ibid.).

4.5. The Prison Institution in Romania

Western influence on Romanian prisons began with John Howard’s visit, which contributed to humanizing detention (Ștefan, 2006:494). However, the first documented initiative belonged to Nicolae Mavrocordat, who saw imprisonment as a space for healing (ibid., p.498). Before that, detention did not exist as punishment—offenders were held in cellars pending execution (Gorăscu, 1930:3).

4.5.1. Monastic Prisons

Medieval monasteries housed nobles, clergy, and women, serving as places of detention and torture (Brăescu, 2019:70). 17th-century legal codes (pravile) formalized prison as a punitive space (Rădulescu et al., 1962:170). In Transylvania, Habsburg influence promoted better-organized detention regimes (Ștefan, 2006:491).

4.5.2. Early Steps in Modernizing the Romanian Prison System

The Organic Regulations (1831–1832) banned torture and the death penalty, but detention infrastructure remained underdeveloped (Goga, 2015:61). Dodun’s reform (1855–1876) introduced inmate classification and prison labor (Ștefan, 2006:496), though the 1874 law saw limited implementation (Pahoni, 2012:103). The 1929 law emphasized reeducation, but WWII and communism reversed this trajectory. Under Ceaușescu, inmates became an industrial labor force (Law 23/1969), and penal modernization stagnated due to socio-economic conditions (Murgescu, 2010).

4.5.3. Prisons in Transition

Post-1989, Romania inherited an outdated penitentiary system with 31 prisons and poor conditions (HRW, 1992). Overcrowding was acute (41,300 inmates vs. 29,400 places), with dire hygiene, nutrition, and infrastructure. Many staff were ex-communist officers, and abusive practices continued (Ștefan, 2006:504). Between 1995–2004, APADOR-CH documented substandard conditions and reported abuses, revolts, and suspicious deaths (APADOR-CH, 2004:66). Improvements came with demilitarization in 2004 and Law 275/2006, which introduced inmates' rights and conditional release. Law 254/2013 further consolidated these reforms, though problems like outdated infrastructure, overcrowding, and understaffing remain (Ilie et al., 2019:120).

4.5.4. The Current State of Romanian Prisons

As of 2025, the system includes 35 prisons, 2 detention centers, 2 educational centers, and 6 prison hospitals (ANP, 2024). The occupancy rate stood at 118%. Romania's incarceration rate (118 per 100,000 inhabitants) and average sentence length (4.1 years) are above the EU average (Aebi et al., 2023), reflecting a punitive penal policy. Detention costs remain low (41.91 euro/day vs. 131.95 euro/day in the EU), while mortality rates are higher, despite lower suicide rates.

Law 254/2013 defines four detention regimes (maximum security, closed, semi-open, open), with proportionate rights and obligations. Inmates are guaranteed access to information, labor, education, visitation, and medical care. Sanctions range from warnings to solitary confinement, while good behavior is rewarded. Release can occur either at the end of the sentence or conditionally.

4.6. Conclusion on the Evolution of the Penitentiary Institution

The penitentiary evolved from an archetypal concept of penitence into a tool for social control shaped by industrialization and Protestant ethics. From the Athenian jail to the modern penitentiary, it has reflected power dynamics and the moral framework of its society. In Romania, this evolution has been asynchronous, marked by historical peculiarities and institutional delays. While some moments of modernization occurred (e.g., the 1874 Prison Law, the 1929 reform), the system remained anachronistic for a long time. Post-communist reforms have been partial, hampered by outdated infrastructure, overcrowding, and punitive policies. Today, Romanian detention represents a transitional model, navigating between penal reforms and limited resources.

Analyzing the relationship between inmates and the penitentiary must consider this complex history and the tensions between reeducation ideals and social control functions.

4.7. Subjects of the Criminal Justice Path

This research focuses on the prison population, which fluctuated significantly, mirroring trends in criminality. The crime rate decreased from 336 in 2000 to 152 in 2009, later stabilizing between 152 and 185 up to 2023. Similarly, the infraction rate dropped from 1577 in 2000 to 873.9 in 2008, then stabilized between 1700–1900 until 2023.

4.7.1. Demographics of the Prison Population

The prison population halved in the past two decades, from an average of 45,425.6 (2000–2004) to 22,877.6. The most significant reductions occurred during 2005–2009 (-33%, linked to EU accession) and 2015–2019 (-22%, reflecting the effects of the compensatory appeal law). These dynamics, correlated with legal reforms and ECHR rulings, highlight the influence of external pressure on inmate management.

Men represent 95.6% of inmates, with a median age of 37. The largest age group is 26–49, with 18–25 and 50–64 accounting for similar proportions (Aebi et al., 2023).

Between 2010 and 2023, the offense profile changed significantly. While thefts halved, economic crimes increased by over 500%, and sexual and drug-related offenses nearly doubled (Aebi et al., 2010, 2023).

In 2022, educational data (ANP, 2022 in Dumitran, 2024) showed 59.7% of inmates had only primary education, 8.6% had completed high school, and 3.5% held a university degree. Illiteracy was six times higher (6.7%) than in the general population.

Occupationally, only 22% were employed before arrest, 62.7% were unemployed at incarceration, and just 10% had professional qualifications (idem). This profile partly explains recidivism in Romania. Education affects labor market access (Hajdari & Fetai, 2024), and stable employment reduces the risk of reoffending (Ramakers et al., 2017).

4.7.2. Psychological Aspects of the Prison Population

The prison environment is a key factor in recidivism, facilitating criminal behavior through differential association (Sutherland, 2010). When rehabilitation programs fail, recidivism risk increases (Loeffler & Nagin, 2022). Adaptation strategies—such as resisting authority—may also contribute to reoffending (Cochran et al., 2012).

Prisoners' psychology is deeply shaped by isolation. Florian (2009) notes key behavioral adaptations: exploring the environment, learning informal rules, integrating into inmate hierarchies, and focusing on the present as a coping mechanism. Group belonging within prison subculture is central. Through "prisonization," inmates internalize informal norms and the prison slang, undergoing both deculturation and enculturation (Gillespe, 2004 in Szabo, 2014:43). This internalization may reinforce the outsider stigma (Becker, 1966:163), generating a self-fulfilling prophecy with harmful effects. While prison subcultures valorize subversive behavior (Wooldredge, 2020), there are also tendencies toward restraint, conflict avoidance, and distancing from discredited individuals (Irwin, 2004 in Crew & Laws, 2018:134).

The 1980 UN Congress (Florian, 2009:112–113) classified inmates behaviorally: the “hardened delinquent” (mental illness, persistent aggression), the “dangerous delinquent” (psychopathy, lack of ideals), the “difficult delinquent” (rebellious, subculture-driven), the “long-term prisoner” (alienation-related issues), and the “social misfit” (addiction, psychiatric disorders).

External support is vital. Inmates with family backing and higher education adapt better, compensating psychologically through imagination (Florian, 2009:114). Without support networks, prison subculture and resignation dominate. Work brings psychological relief through structure, purpose, and outside contact (ibid.).

Chapter 5

RESEARCH METHODOLOGY FOR THE PHENOMENOLOGICAL ANALYSIS OF THE EFFECTS OF DETENTION

5.1. Motivation for Choosing the Research Topic

This research delves into the prison environment—a complex and often misunderstood world, especially regarding the rehabilitation of inmates. Its social effectiveness lies in the interplay between formal institutional structures and informal dynamics, offering a societal mechanism for managing and deterring deviant behavior. The study contributes to a deeper understanding of how these mechanisms operate and impact individuals.

A major reason for selecting this topic stems from the recent transformations of the Romanian penitentiary system. Historically cyclical, the institution has continuously adapted to economic, political, and social pressures, oscillating between incapacitation and reform. Currently, the penitentiary system shows openness to rehabilitation-oriented solutions and strives to improve detention conditions. This research supports the institution in identifying and implementing context-appropriate rehabilitation strategies.

A phenomenological approach was considered particularly suitable for exploring the lived experience of detention. This method reconstructs incarceration from the perspective of former inmates, shedding light on the consequences of detention, when they take root, and how they manifest. By situating this analysis within the broader trajectory of the criminal justice process, it becomes possible to isolate and observe the effects of incarceration as they unfold within the institutional environment and across adjacent systems.

5.2. Aim, Hypothesis, Objectives, Research Questions, Concept Definition and Operationalization

5.2.1. Aim of the Research

The study aims to explore the phenomenological effects of detention by identifying the impact of deprivation of liberty—both during and after incarceration—and highlighting the factors that either hinder or support rehabilitation.

5.2.2. Hypothesis

The hypothesis states that a convict's interaction with each institution along the penal trajectory significantly influences their behavior during incarceration and after release. These effects begin during pre-trial detention and continue post-release, shaping psychological, personal, and social

dimensions, as well as affecting close social circles. These cumulative effects impact an individual's capacity for desistance. The expected results include a comprehensive identification of the effects of incarceration, groundwork for future quantitative studies, and the design of evidence-based guidelines for improving prison environments and rehabilitation programs.

5.2.3. Research Objectives

O1. To offer a phenomenological description of the penal trajectory experienced by convicted individuals, beginning with the initiation of criminal investigation, home search, and encompassing all phases of institutionalization.

1.1. To explore the effects of institutional procedures on former convicts at each stage of the penal process and how these shape their attitudes and behavior toward representatives of authority.

1.2. To examine how these effects vary by social background, education level, recidivism status, and socio-professional condition..

O2. To explore the personal and social consequences of incarceration after release.

2.1. To examine how the former inmate status impacts access to the labor market.

2.2. To analyze the dynamics of the former inmate's personal and social support networks.

O3. To explain coping strategies developed during incarceration and assess how these influence reintegration into society.

5.2.4. Research Questions

The study is guided by several key research questions regarding the role of the detention experience in shaping both the individual's and their close network's behavior, and the extent to which rehabilitation tools prove effective:

Q1. How is the experience of incarceration internalized by the individual and their social milieu at each significant stage of the penal process?

Q2. Does incarceration help the inmate gain better control over disordered impulses? Does it foster inner order? If so, through what mechanisms?

Q3. Does detention strengthen or weaken the convict's social ties? And if so, with whom?

Q4. Does incarceration psychologically and socially equip the individual for reintegration, or does it disempower them? How does this empowerment or disempowerment occur?

Q5. Which specific elements of the penal trajectory could be modified to better facilitate rehabilitation?

5.2.5. Concept Definition and Operationalization

Detention, as defined by the Romanian Penal Code (Articles 53, 56, and 60, Law no. 286/2009), refers to the punishment of deprivation of liberty executed in prisons or equivalent facilities. It is considered a "firm societal response" (Ilie et al., 2019) to legal violations. Since sentences between 2 and 5 years are the most common in Romania (ANP, 2016–2022; Aebi & Cocco, 2023), this category was used for sample selection.

The penal trajectory refers to the set of institutions and procedures an individual passes through from arrest to social reintegration or marginalization after serving a sentence. It constitutes a sequence of social interactions between the inmate and representatives of the criminal justice system.

Effects of detention encompass emotional, social, economic, and behavioral impacts resulting from arrest, accusation, and custody—affecting both individuals and their social circles during and after incarceration (Liebling & Maruna, 2005; Jonson, 2012). These effects may be visible or subtle and can manifest long after release as coping strategies (Haney, 2012:2).

Coping strategies refer to both conscious and unconscious psychological processes by which inmates manage their emotions, thoughts, and behaviors to mitigate the negative impacts of detention.

5.3. Research Strategy

The research strategy followed several phases. It began with identifying relevant resources to develop a comprehensive interview guide, grounded in studies and reports on the penal trajectory and historical evolution of relevant institutions. The extended framework of the penal trajectory was adopted, recognizing that the detention experience is shaped by a network of institutions that collaboratively implement punishment. This perspective redistributes responsibility for rehabilitation beyond just the prison system.

A crucial step involved securing institutional partnerships. To avoid response bias, the study did not include inmates currently in detention. Instead, it partnered with the National Probation Directorate, which supported interviewee selection and coordination.

Selection of participants also considered diversity in prison experiences, including individuals who had served time in multiple institutions, both in Romania and abroad. This ensured a broad understanding of incarceration conditions in varying contexts.

The penal trajectory perspective guided the structure of the analysis, with an extended section devoted to prison experiences. Analytical tools were diversified to include social mapping, while case studies were used to examine how personal characteristics influenced the experience and effects of incarceration.

5.4. Research Methods and Techniques

Semi-Structured Interviews:

The main qualitative method involved 17 former inmates. The interview guide addressed background, criminal career, penal trajectory, post-sentence life, and suggestions for prison reform. Most interviews were conducted at Probation Services, recorded with informed consent, and securely anonymized.

Data were interpreted using a grid of pre-identified themes, situating detention as a gradual experience within the broader penal process. The approach adheres to constructivist epistemology (Fish, 1990 in Crotty, 1998).

Theoretical orientation was interpretative phenomenological, applying the concept of the total institution (Abbot, 2005; Goffman), which illuminates the subjective dimension of incarceration.

The sample consisted of 17 Romanian male former inmates, aged 21+, with final convictions and actual prison sentences between 2–7 years, in good mental and physical health, and diverse socio-economic and recidivism profiles.

Document Analysis:

Historical and institutional documents concerning the Penal Code and criminal justice bodies (police, courts, prosecutors, attorneys, prisons) were analyzed to trace institutional impacts on the detention experience. Institutional development is understood as layered evolution rather than replacement (Orren & Skowronek, 1994 in Van de Heijden, 2013), a process marked by path dependence (Tiberius, 2011; Pierson, 2004; North, 1990). Classic sociologists like Gusti, Weber, Veblen, and Eminescu's notion of "forms without substance" emphasize the persistence of outdated structures within modern institutions. These insights helped formulate grounded suggestions for reform.

Social Mapping:

This method visualized prison spaces to understand how physical environments shape inmate relations and time use. Rooted in symbolic interactionism (Knopp, 2021:6), it revealed how overcrowding conditions certain behaviors. Originating from epidemiological mapping, it has expanded to address social issues like crime (Vaughn, 2018).

Multiple Case Studies:

This technique allowed in-depth analysis of the differential effects of detention and adaptation strategies based on participants' socio-economic contexts. It contributed directly to objective 1.2 by analyzing the incarceration experience through variables such as social background, criminal history, and socio-economic status (Iluț, 1997:108), providing integrated insights into the consequences of deprivation of liberty.

5.5. Research Ethics

The research adhered to ethical standards, receiving approval from the National Probation Directorate (2/2170/12.06.2023) and the Ethics Committee of the Research Institute for Quality of Life (107/04.05.2023). Participants were fully informed about the purpose of the study and signed triplicate informed consent forms.

Confidentiality and anonymity were ensured in compliance with Romanian Law 677/2001 and European data protection and clinical best practices. Participation by former inmates was essential for understanding the effects of detention and the penal trajectory, with the broader aim of reducing recidivism and improving reintegration. Risks to participants were minimal, while potential societal benefits were substantial. Data were coded, securely stored, and accessible only to the researcher.

5.6 Research Limitations and Challenges

Several limitations were encountered. The small sample size resulted from many former inmates declining participation to avoid revisiting traumatic experiences. Being under probation supervision may have influenced participants to provide socially desirable responses.

Only eight prisons and two prison hospitals were included in the study, with institutional interactions limited to the Bucharest area, restricting generalizability.

Challenges included participants' reluctance to engage with a sensitive topic, leading to a high refusal rate. Even among those who participated, the probation office setting may have inhibited openness. Limited time and sample size made it difficult to validate emerging themes.

Chapter 6

PHENOMENOLOGICAL ANALYSIS OF DETENTION WITHIN THE PENAL TRAJECTORY

This chapter examines the experience of detention as part of the broader penal trajectory, analyzing the effects of incarceration on former inmates and their close relations, both during imprisonment and after release. It also discusses coping strategies developed within prison and subsequent reintegration mechanisms.

6.1. Approach

The analysis addresses the research questions by presenting detention as a spectrum of deprivation effects. It proposes recommendations to improve institutional interactions along the penal trajectory, aiming at more effective rehabilitation. Some findings confirm prior Anglo-Saxon and Romanian studies, with the broader goal of offering a unified framework for understanding the lived experience of incarceration, including influences from institutions beyond the prison itself.

6.2. Data Collection

This qualitative study was based on semi-structured interviews with 17 former male inmates. Interview themes were grounded in the literature on the psychological, physical, economic, and social effects of imprisonment on individuals and their support networks. Interviewing only former inmates allowed for more open responses, avoiding the pressures of the prison environment.

The inclusion of men was justified by their predominance in the Romanian prison population (94.5%) and the interviewer's ability to approach sensitive topics. Ethical standards were upheld: participants were fully informed of the research objectives and gave written informed consent. Demographic and criminal history data were collected, followed by narratives detailing key stages of the penal trajectory: arrest, home searches, interrogations, pre-trial detention, courtroom procedures, prison time, and post-release challenges.

Interviews averaged 60 minutes. Experiences with probation services were excluded to avoid bias linked to participants' former legal supervision status.

6.3. Analiza datelor

All interviews were audio-recorded, transcribed, and anonymized. Preliminary coding was done into thematic categories and subcategories, and reviewed by a second coder. For instance, post-prison experiences such as "inaccessibility to employment," "negative judgment from peers," and

“family rejection” were grouped under the theme “Stigmatization”, which belonged to the broader category “Social effects after arrest and imprisonment.”

Thematic data were numerically coded in Excel and imported into SPSS for descriptive statistical analysis.

For the pre-conviction phase, open thematic analysis was used due to the scarcity of Romanian literature on this topic. This led to the identification of themes regarding interactions with legal institutions before incarceration and supported the generation of inductive hypotheses, which warrant future testing.

6.4. Results

The qualitative approach enabled a nuanced understanding of detention, going beyond institutional boundaries by embedding it into a broader penal trajectory with psychological, social, and economic reverberations.

The study focused on the lived experience of imprisonment, highlighting its impacts on former detainees and their close relations, as well as coping and reintegration strategies. Participants were recruited through probation services in Bucharest, Ilfov, and Giurgiu, and all interviews were conducted post-release, allowing for more detailed accounts than would have been possible within prison.

Interviews followed the sequence of the penal process: arrest, interrogation, pre-trial detention, trial, sentence execution, and post-release reintegration. Transcriptions were thematically coded and analyzed both inductively and using SPSS for descriptive frequency mapping of reported effects.

Key findings revolve around the concept of detention as an experience of a succession of critical social and psychological events. Arrest is often described as a rupture and a moment of humiliation, exacerbated by police conduct and invasive home searches. Interrogation frequently occurs in emotionally vulnerable contexts, often without adequate legal counsel, leading to distorted statements. Pre-trial detention is marked by intense anxiety and uncertainty, with a lack of institutional support. Cellmates become informal sources of support, though such networks can also pose risks due to coercive hierarchies. Court interactions and prison transfers reinforce feelings of degradation. Judicial decisions are seen as moments that reshape one’s social identity. Some participants report ineffective legal defense and perceived judicial bias, particularly regarding prosecutors’ disproportionate influence on sentencing.

Most frequently reported effects are emotional and psychological, including shame, anxiety, fear, and trauma, triggered by loss of control, formal or abusive treatment by staff, and social stigma. These findings align with previous studies (e.g., Haney, 2012; Crewe, 2011).

Physical health deteriorations are common, especially dental health decline, unintentional weight loss, dermatological conditions, and exacerbation of pre-existing illnesses. Poor medical care and hygiene were cited as contributing factors. Sleep disturbances and stress-related physical symptoms were also reported.

Social consequences include reduced support networks, in-prison marginalization, and—less frequently—strengthened family bonds or marriages during incarceration. Emotional ties are key to psychological balance but are often destabilized.

Post-release reintegration marks a new phase of trauma. Former inmates continue to struggle with self-stigmatization, cognitive restructuring (re-evaluation of values and behaviors), and emotional self-regulation. While some changes may reflect psychological maturation, they often come at high emotional cost.

Social stigma is a major obstacle to reintegration, manifesting through:

- Barriers to employment
- Rejection by family and community
- Difficulties in resuming intimate relationships
- This stigmatization not only affects social status but also self-image, reinforcing isolation.
- Economic effects of incarceration include:
 - Business closures
 - Income loss
 - Debt accumulation
- Former inmates with entrepreneurial backgrounds reported the collapse of small businesses, affecting not just families but also employees.

Family members also suffer emotionally, physically, and financially. Cases include parental deaths linked to stress or health deteriorations caused by a family member's incarceration. These findings echo those of Comfort (2008) and Braman (2009), who show that imprisonment has wider social effects on inmate support networks.

Coping strategies in prison include engagement in educational or recreational programs, work, maintaining healthy diets, hope for release. Riskier strategies include manipulation, forming

alliances with influential inmates, and emotional suppression, used for “impression management.” While adaptive in prison, emotional repression may lead to dysfunctional behaviors post-release. After release, coping strategies diverge:

- Some seek immediate employment (locally or abroad)
- Others avoid social spaces out of shame
- Some relapse into drug use as a stress response
- Employment is critical for restoring social status and reducing recidivism (Ramakers et al., 2017), but criminal records severely hinder job opportunities.

6.5. Conclusion

The thesis argues that detention is not an isolated episode, but a gradual and multidimensional experience that extends beyond the prison walls, affecting both the convicted individual and their familial and social support network. By analyzing the stages of the penal trajectory—from police investigation to the post-detention period—it has been demonstrated that the effects of detention are cumulatively emotional, psychological, social, and economic.

Regarding the factors that shape the experience of detention, the study highlights a dual trend in Romanian penal policies: on one hand, a partial alignment with European standards through the introduction of alternative sanctions; on the other hand, a reinforcement of incapacitation policies, characterized by long sentences and a weak post-detention support system. The plea bargaining procedure also plays a significant role; while it increases judicial efficiency, it may indirectly contribute to prison overcrowding.

A central aspect addressed is the quality of interaction with institutional actors—the police officer, prosecutor, defense attorney, and judge—whose conduct influences the inmate’s perception of the system’s legitimacy. The police officer’s attitude is often perceived as degrading, which heightens hostility and reduces the willingness to cooperate. The prosecutor, due to his central role in the investigation, has a disproportionate impact on the judicial process, highlighting the need to reassess his responsibility in sentencing outcomes. As for the defense attorney, the research suggests a potential therapeutic role, complementing the legal one, while the public perception of the judge may shape the inmate’s attitude toward punishment and cooperation during incarceration.

The research makes original contributions by exploring understudied topics, such as commensality, penile implants, coping strategies, and post-detention transformations, and by

revealing the diversity of experiences based on the inmates' social backgrounds. Detention is conceptualized as a progressive experience, whose effects unfold during critical moments and key interactions, and are rarely without impact.

6.6. Recommendations

The recommendations are structured along four main directions: (1) reforming institutional interactions within the penal trajectory; (2) providing psychological services to inmates and their families at specific points during detention; (3) reviewing certain practices of custodial staff; and (4) developing effective post-detention reintegration policies.

Regarding detention itself, it is recommended to standardize the language used by custodial staff, revise the allocation of beds and domestic tasks to counteract prison subculture rules, and expand psychological counseling, vocational education, and educational media activities. Additionally, the importance of housing vulnerable individuals in special units is emphasized, along with the need to intensify support measures after release, including mandatory psychological and vocational counseling.

Finally, we propose the creation of a permanent research and development unit within the penitentiary system, aimed at informing strategic decisions, monitoring institutional policies, and proposing adjustments based on empirical data, in order to promote an integrated approach to detention in Romania.

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