



SARA Law Research Center

International Journal of Legal and Social Order, <https://www.ccdsara.ro/ijlso>

ISSN 2821 – 4161 (Online), ISSN 2810-4188 (Print), ISSN-L 2810-4188

Nº. 1 (2024), pp. 58-69

PROCEDURAL GUARANTEES FOR THE MINOR SUSPECT OR DEFENDANT DETAINED DURING PROSECUTION

S.-T. CIUREA

Received 05.11.2024; accepted 07.12.2024

DOI: <https://doi.org/10.55516/ijlso.v4i1.218>

Ștefan-Tiberiu CIUREA

PhD. Student, “Dunărea de Jos” University of Galați, Doctoral School of Social and Human Sciences

E-mail: tiberiu.ciurea90@gmail.com

ORCID ID: <https://orcid.org/0009-0009-3886-0464>

Abstract

In the context of current Romanian society, which undergoes an accelerated evolution of the criminal phenomenon generated by the multiplication of youth crimes, the need to ensure a social climate of public safety compels the judicial bodies to resort to exceptional measures regarding the perpetrators of crimes who are still under the age limit. Within the past few years, not only has the number of such situations increased, but also the typology of crimes committed by youths has undergone changes, going from theft and less serious crimes to rape, drug-related crimes or cybercrimes. This article aims to analyse the procedural guarantees provided by the Romanian criminal law, granted to the minor throughout his legal journey from being the perpetrator of a crime to the legal status of being a suspect/defendant detained by the judicial bodies for the committed felony. Using as research methods documentation, comparative research, analysis of normative acts, doctrinal research and interpretation, the article culminates with a proposal of ferenda law regarding the conditions under which the preventive measure of detention can be taken against a minor suspect/defendant aged between 14-16 years old, who has not yet been subjected to a psychiatric examination, but who has committed a serious crime and his release poses a high risk for society. Finally, the article highlights the importance and effects of respecting the procedural guarantees granted to the detained minor, both from the perspective of exercising the punitive-educational role of the criminal process, and that of restoring the climate of public safety.

Key words: juvenile delinquency, procedural rights of minors, The Romanian Code of Criminal Procedure, legislative change, public safety.

PROCEDURAL GUARANTEES FOR THE MINOR SUSPECT OR DEFENDANT DETAINED DURING PROSECUTION

INTRODUCTION

In all modern states of the world, juvenile delinquency is a recurring concern of criminal politics due to the age range that makes criminality considered juvenile. Criminal manifestations during minority are generated either by the multitude and diversity of factors that can negatively influence the ability of minors to adapt to the imposed norms of social conduct, or by the fragile and easily influenced nature of their personality (*Dublea et al., 2013, p. 68*).

Age and level of awareness are indicators of the social adaptation process, which reflect both the influence of biological factors on development and the way in which the individual internalizes social norms and values. Following aspects related to these two defining perspectives on development, the Romanian legislator decided that, under civil, criminal and criminal procedural aspects, the term “minor” should refer to a person who has not reached the age of 18. The status of minor confers particularities, limitations, but also special rights – for example, the need for legal representation by parents/guardians, limited legal capacity or special legal protection.

Analyzing the Romanian criminal law further, we find that the legislator considers that minors reach a sufficient degree of maturity to understand the illicit nature of the acts and to autonomously manifest their will upon reaching the age of 16, when they will be criminally liable according to the law. However, from a social-psychological point of view, they differ from adults, and the way in which the criminal case in which they are involved is resolved will be influenced by the particularities of their age and they will not receive equal treatment with that of adults, but will benefit from special additional protection (*Crișu, 2006, p. 1*). Minors under 14 years of age benefit from an absolute presumption of lack of criminal capacity, and for those between the ages of 14 and 16, criminal liability is conditioned by proving the existence of discernment at the time of committing the act¹.

To be the active subject of a crime implies sufficient intellectual and moral maturity to distinguish between legal and illegal and to control one’s own actions in accordance with legal norms. However, insufficient maturity and adaptation to social rigors raise doubts as to the extent to which a juvenile offender is capable of understanding the social significance of their act and of assuming its legal consequences. This relative criminal responsibility of minors has led to a legal need for the adoption of special procedural provisions designed to provide the child with additional protection in criminal proceedings (*Crișu, 2020, p. 460*).

The objective of improving the act of justice in the field of juvenile delinquency has led to numerous changes in criminal procedural provisions over

¹ Art. 113 of the The Romanian Criminal Code adopted in 2009 (Law no. 286/2009 on the Criminal Code, published in the Official Gazette of Romania no. 510 of 24 July 2009, with subsequent amendments and additions).

time, with the primary aim of serving the best interests of the child, regardless of their procedural status (*Buneci, 2019, p. 83*). In this regard, the present study focuses on examining the procedural safeguards afforded to minors along their procedural path from the initial stage of being the perpetrator of a crime to the status of suspect or defendant detained by the judicial authorities.

I. PROCEDURAL GUARANTEES REGARDING THE HEARING OF THE CHILD SUSPECT OR ACCUSED DURING CRIMINAL PROSECUTION

Chapter III of Title IV of the current Romanian Code of Criminal Procedure (CCP) establishes the special criminal procedure applicable in cases involving minor “offenders”, intended to protect children in contact with the criminal law, to prevent the occurrence of harmful consequences on the psycho-emotional development of the minor and to ensure the exercise of the child’s right to a fair trial. Thus, the aforementioned procedure begins with several additional protection measures intended for minors, among which we mention the *iuris et de iure* presumption of minority: when there are reasons to believe that the suspect or defendant is a minor and the judicial bodies cannot establish his or her age with certainty, the person in question will be considered a minor². We appreciate that the presumption in question allows its extension also to the perpetrator who has not yet been identified, but against whom evidence has been collected, for example CCTV footage that captures a person with the characteristics of a minor committing a crime. We believe that in such a situation, even criminal prosecution will also take on more permissive nuances, in the name of child protection, the intended goal being to find the truth and establish guilt, but through less invasive or assertive investigative methods than those used in criminal cases involving adults.

Recent amendments³ to the current Romanian Code of Criminal Procedure state that, during the criminal investigation phase, in the event of any hearing or confrontation of a suspect/defendant under the age of 18, the criminal investigation body is obliged to summon the parents/guardians/curator/person in whose care or supervision the minor is temporarily located, as well as a member of the General Directorate of Social Assistance and Child Protection⁴. Before the legislative changes in 2023, the legal framework stated the obligation to summon the legal representatives of the suspected or accused minor only in the case of those under the age of 16, while for minors over this age, the summoning of their guardians was optional. However, the Constitutional Court of Romania

² Art. 504 para. (3) of The Romanian Criminal Procedure Code adopted in 2010 (Law no. 135/2010 on the Criminal Procedure Code, published in the Official Gazette of Romania no. 486 of 15 July 2010, with subsequent amendments and additions).

³ By Law no. 201/2023 for the amendment and completion of Law no. 135/2010 regarding the Criminal Procedure Code, as well as for the modification of other normative acts, published in the Official Gazette of Romania no. 618 of 6 July 2023.

⁴ Art. 505 para. (1) CCP.

PROCEDURAL GUARANTEES FOR THE MINOR SUSPECT OR DEFENDANT DETAINED DURING PROSECUTION

established through Decision no. 102/2018⁵ that the right to parental care is not limited to minors under 16 years of age, but also extends to those over this age, in accordance with the principle of upholding the best interests of the child. With the aim of guaranteeing a fair trial, failure to comply with the new criminal procedural provisions may attract the sanction of relative nullity if the court considers that the minor defendant has suffered harm that cannot be removed otherwise than by annulling the procedural act drawn up in violation of the imposed rules.

With regards to conducting other criminal investigation acts that require the presence of the minor suspect or defendant, the summoning of his/her legal representatives is still left to the discretion of the criminal investigation body, which will take into account the best interests of the minor, but also the need for a proper criminal trial length in accordance with the principle of prompt resolution of the case. As an additional procedural guarantee for children who are suspects or accused in criminal proceedings, in situations where the parents or legal representatives could not be identified or their presence would be detrimental to the best interests of the minor, their hearing will not take place without summoning another adult nominated by the child and accepted by the investigative body in this capacity⁶. However, if the person designated by the minor could hinder the criminal prosecution, another adult chosen by the judicial body will be summoned instead, aiming at the best interest of the child. By drafting numerous criminal procedure provisions, the Romanian legislator anticipated the possibility of various situations, but in the absence of an alternative, the unjustified failure to appear of the persons legally summoned will lead to the hearing or confrontation of the minor being carried out in the adult's absence, considering the need of resolving the case within a reasonable time.

The transposition of the provisions of Directive (EU) 2016/800⁷ into national criminal procedural provisions has resulted in the establishment of a new additional procedural guarantee for children. The legal provisions thus introduced⁸ establish the right of minor suspects or defendants to be informed with regards to their rights, the capacity in which they are being heard and the criminal offence for which they are suspected or accused, as well as a series of additional information intended to help children understand their rights, the criminal trial and its phases. Thus, in addition to the general rights of the adult suspect/defendant⁹,

⁵ Decision of the Constitutional Court of Romania no. 102/2018, published in the Official Gazette of Romania no. 400 of 10 May 2018.

⁶ Art. 505 para. (1²) CCP.

⁷ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, published in the Official Journal of the European Union No. L 132 of 21 May 2016.

⁸ Art. 505¹ CCP.

⁹ Art. 83 CCP.

minors receive, in a clear and accessible manner, information regarding the main stages of the criminal trial, protection of privacy, parental assistance during certain procedural stages, assessment by the probation service, preventive measures and their content, as well as the exceptional nature of custodial measures, assessment and medical assistance in the event of detention or preventive arrest, etc. The communication of this information is made by the criminal investigation body, before the first hearing, in simple vocabulary – appropriate to the age of the child, both to the minor involved in the criminal case and to his or her legal representatives.

The provisions analysed above highlight the sensitive and special nature of hearings in criminal cases involving minors, emphasizing the need for a differentiated approach, dictated by the particularities of their age and development, which require clear and adapted communication in order to facilitate the understanding of judicial proceedings.

Given the minor's limited capacity to exercise legal rights, it is considered that he does not have the necessary intellectual tools to ensure an effective defense during the criminal trial, which is why the law requires the provision of legal assistance¹⁰. The minor's right to be assisted by a lawyer of his choice throughout the criminal trial will be communicated to him before the first hearing as a suspect. According to recent legislative amendments¹¹, in the event of the minor's option not to exercise this right, the judicial body records in writing the voluntary and unequivocal decision of the suspect/defendant¹², but still proceeds to request the presence of a public defender to provide legal aid, in all cases¹³. The minor may change his/her option at any stage of the criminal process and may request legal assistance from a designated solicitor.

In this regard, the provisions of Directive (EU) 2016/800 allow member states to temporarily derogate from the application of the right of the minor suspect/accused to immediate legal assistance during criminal proceedings for exceptional cases¹⁴, such as situations with an imminent risk of serious harm to the life, liberty or physical integrity of a person or in order not to impede the conduct of the criminal trial. However, we note that national criminal procedural provisions offer increased protection to minors in contact with the law, with legal assistance being mandatory in all cases, which places Romania above European

¹⁰ Art. 90 CCP.

¹¹ By Law no. 122/2024 for the introduction, amendment or completion of the mention regarding the transposition of European Union norms in the content of certain normative acts, as well as for the amendment and completion of Law no. 302/2004 regarding international judicial cooperation in criminal matters and Law no. 135/2010 regarding the Code of Criminal Procedure, published in the Official Gazette of Romania no. 414 of May 7, 2024.

¹² Art. 89 CCP.

¹³ Art. 91 CCP.

¹⁴ According to art. 6 para. (8) of Directive (EU)/2016/800.

PROCEDURAL GUARANTEES FOR THE MINOR SUSPECT OR DEFENDANT DETAINED DURING PROSECUTION

reference norms in terms of guarantees granted to minors in criminal proceedings. Moreover, if carrying out procedural acts without parental assistance in situations where it is mandatory may attract the sanction of relative nullity, carrying them out in the absence of the minor's mandatory legal assistance attracts the absolute nullity of any illegally obtained evidence and implicitly its exclusion from the case file¹⁵.

Besides this, the national standard established by the provisions of the current Romanian Code of Criminal Procedure is superior to the minimum standard established by the European Convention also with regard to other provisions that guarantee individual freedom in judicial proceedings (for example, by regulating the manner of exercising a right to compensation for damage suffered as a result of unjust deprivation of liberty) (*Lorincz & Stancu, 2024, p. 12*).

A legal provision that, on one hand, strengthens the protection granted to children involved in legal issues, and on the other hand offers the authorities a clearer perspective on the circumstances and causes that led to the commission of a crime is provided for in art. 506 of the Romanian Code of Criminal Procedure – the child assessment report, introduced into the Romanian criminal procedure legislation by Law no. 356/2006, thus replacing the social investigation. After filing charges against a minor, when he/she acquires the status of a defendant, the authorities involved during prosecution (i.e. police/prosecutor) may request the probation service in whose territorial jurisdiction the minor resides to prepare the child assessment report. According to legislation on the subject¹⁶, the document in question presents a complete picture of the minor's situation, including his/her living environment, educational and professional background, general behavior, and a detailed analysis of the act committed. In addition, the risk of recidivism is assessed and recommendations are made regarding the most appropriate educational measures, as well as a social reintegration plan. The doctrine reveals that the assessment of minors involved in criminal acts is essential, both to protect the interest of society in ensuring the application of the law, and to guarantee the rights and welfare of these young people. Through the assessment, judicial bodies can make informed decisions and order personalised educational measures (*Neagu & Damaschin, 2021, pp.582-583*).

II. DETENTION OF A MINOR SUSPECT OR ACCUSED – PROCEDURAL GUARANTEES AND GAPS

Depriving a minor of their liberty raises numerous ethical and legal questions. European Directives¹⁷ encourage finding alternatives to this measure

¹⁵ Art. 281 para. (1) lit. f) CCP.

¹⁶ Art. 34 of Law no. 252/2013, published in the Official Gazette of Romania no. 512 of August 14, 2013, with subsequent amendments and additions.

¹⁷ According to art. 11 of Directive (EU)/2016/800.

and, if taking it is truly necessary, it is essential to assess its impact on the child's physical, psychological and social development, as well as their prospects for reintegration. Being in police custody is a traumatic experience for any individual, even more so for a minor. This event can have profound consequences on the child's psychosocial development, consequences that can manifest in the short and long term. The deep feeling of isolation, the almost intolerable boredom generated by near-total lack of stimulation: "*staring at nothing*", as well as the unknown of the detention environment generate a high level of stress and anxiety. A case study conducted in the UK over young participants who had been in police custody once or more describes the experience of detention as "*unjustifiably harsh*" (Bevan, 2022, pp. 805-821) and a promoter of the development of post-traumatic stress disorders, which manifest through nightmares, social withdrawal, difficulty concentrating or altered sleep quality and even a feeling of deprivation of autonomy (Gooch & Von Berg, 2019, pp. 85-101).

Given the potentially devastating effects that taking a preventive measure against a minor suspect or defendant could have on their development and aiming to minimize them, the Romanian legislator has provided for a series of special criminal procedural provisions applicable to this category of individuals, which can be found in articles 243-244¹ of the Romanian Criminal Procedure Code.

In the perspective of a further analysis of the current legal provisions regulating the preventive measure of detention, we recall that this represents a procedural measure consisting of deprivation of liberty for a fixed period and which is taken under strict conditions, against a person regarding whom there is evidence or solid indications that he/she has committed a crime. Detention is taken for a maximum of 24 hours, exclusively during prosecution, by the criminal investigation body or the prosecutor in charge of the case¹⁸, aiming to prevent the commission of new crimes, ensure the presence of the suspect during criminal proceedings or at trial, but also to create optimal conditions for a fair trial¹⁹. Like other preventive measures, detention may be taken against a person only if it is necessary to achieve the intended purpose – finding the truth and establishing guilt, and the principle of proportionality must be respected²⁰.

The legislation²¹ allows for the adoption of preventive measures that are specific for adults even against minors who have reached the age of 14, under the same conditions and for the same duration. However, in the case of minors, there is an additional requirement: the detention or preventive arrest must not have a disproportionately negative impact on their personal development, in relation to the purpose pursued by taking the measure. The detention of a minor is taken as a measure of last resort, in a completely exceptional manner, for the commission of

¹⁸ Art. 203 para. (1) CCP.

¹⁹ Art. 202 para. (1) CCP.

²⁰ Art. 202 para. (3) CCP.

²¹ Art. 243 CCP.

PROCEDURAL GUARANTEES FOR THE MINOR SUSPECT OR DEFENDANT DETAINED DURING PROSECUTION

serious crimes - usually involving violence, with the aim of removing the concrete danger and restoring social balance. Once the measure is ordered against the minor, he has the right to have a family member or another designated person informed about the measure being taken against him and about the place where he will be detained. Also, the right to be personally informed may not be denied except for special reasons, and the information may not be postponed for more than 4 hours²².

In the case of minors aged between 14 and 16, given the relative presumption of lack of discernment at this age, in order to establish criminal liability, the legal provisions²³ require a forensic psychiatric evaluation to establish with certainty the perpetrator's mental condition at the time of committing the crime. However, the urgent nature outlined by the conditions of taking preventive measures in an early phase of the criminal investigation cannot oblige the criminal investigation body to postpone the detention of the suspect until the completion of the expertise as its report would reach the prosecutor over a period of days, at best. The criminal procedural provisions in the matter require judicial bodies to carry out criminal prosecution acts that require the presence of the suspect/defendant against time and do not allow the restriction, for a period longer than 8 hours²⁴, of the person's right to leave the premises of the unit where the activities are carried out if they are not under the effect of a preventive measure that is depriving of liberty.

In such situations, for example, catching a minor between the ages of 14-16 in the act of committing a particularly serious crime, the criminal investigation body is allowed to detain the minor, even in the absence of the expert report – the definitive scientific evidence regarding the perpetrator's discernment at the time of committing the crime. However, the expert report could later establish that the person did not commit the act with discernment, thus absolving him of criminal liability and seriously violating his right to a fair trial.

In this regard, the prosecutor will be literally forced, without using a metaphorical expression, to carry out a sociological, psychopedagogical and even psychiatric analysis, devoid of any support that those specialized in such scientific fields could offer him at that moment. Even if the seriousness of the crime requires the immediate (at least temporary) removal of the social danger and the isolation of the defendant in a controlled, detention environment, it is hard to believe that the criminal prosecution body can have the entire intellectual tools of a multidisciplinary team aimed at providing a concrete analysis of the personality

²² Art. 210 CPC.

²³ Art. 184 para. (1) CPC.

²⁴ According to art. 265 para. (12) of CPC: “Persons brought with a warrant for bringing remain at the disposal of the judicial body only for the duration required by the hearing or the performance of the procedural act that made their presence necessary, but not more than 8 hours, except in the case when their detention or preventive arrest has been ordered.”

of the minor defendant at the moment when the custodial measure of detention is taken. Referring strictly to the preventive measure in question, the literal interpretation of the law²⁵ would clearly support that the criminal prosecution body is the competent person to provide interpretation of the effects of this measure on the personality and development of the minor, given that only such an analysis could show whether the effects of holding a minor suspect are disproportionate to the purpose pursued by taking it.

Since the wording of the legal text leaves room for divergent interpretations, and the complex nature of the analysis necessary for the temporary deprivation of liberty of a minor should not be imposed entirely on the criminal prosecution bodies, the procedural regulation should be adapted so as to transmit minimal indications regarding the extension of the analysis imposed on the prosecutor. Given the absence of such specifications in the legal text and judging by the wording of para. (3) of art. 243 of the CPC, which refers to establishing the duration for which preventive arrest may be taken and requires the competent judicial body to take into account the age of the defendant at the time of ordering the taking, extension or maintenance of this measure, we consider that the criminal procedural regulations require the judicial authority to analyze the effects that the deprivation of liberty would have on the personality and development of the minor defendant, but the only analysis criterion that it regulates is the age of the defendant.

However, judicial reality shows us that neither age, nor the subsequent conclusions of a psychiatric evaluation, nor the lack of a criminal record can always be sufficient to justify release, given the seriousness of the crimes committed. For example, the Public Ministry's activity report for 2023 shows that the number of minor defendants sent to trial was 3,194, down 9.4% compared to the previous year. However, of this total, 448 minor defendants were already in preventive arrest, 8.2% more than in 2022. According to the same official criminal statistics on sentencing, among minor defendants, the criminal trend for murder, rape or robbery increased compared to the previous year²⁶.

Focusing on the additional procedural guarantees addressed to the minor defendant, we note, in the content of art. 244 of the CPC, the norm of reference to the special law on the execution of sentences and measures ordered by judicial bodies in the context of criminal proceedings, which enshrines the special detention regime for minors and the right of those detained to be housed separately from adult defendants²⁷. Subsequent legislative amendments²⁸ have

²⁵ Art. 243 para. (2) CPC.

²⁶ https://www.mpublic.ro/sites/default/files/PDF/raport_activitate_2023.pdf, accessed on 19.10.2024.

²⁷ Art. 117 para. (1) of Law no. 254/2013, published in the Official Gazette no. 514 of 14 August 2013.

PROCEDURAL GUARANTEES FOR THE MINOR SUSPECT OR DEFENDANT DETAINED DURING PROSECUTION

enshrined the right of the detained minor to be informed, in addition to the general rights of the detained person (i.e. the right for a member of his/her family or another person designated by the minor to be informed about the taking of the detention measure and the place where he/she is detained, the right to emergency medical assistance, the right to file a complaint against the measure ordered)²⁹ and the right to special conditions for the execution of the measure. The notification in question will also be made to the parents or, in their absence, to a legal representative or another adult designated by the minor and accepted in this capacity by the criminal investigation body or to a person chosen by the judicial body, pursuing the best interests of the child³⁰.

CONCLUSION

The right to a fair trial is an essential pillar of the rule of law and applies equally to children. From their first contact with the justice system and throughout the process, children are entitled to robust procedural safeguards, as well as protective measures that take into account their specific vulnerability.

We cannot ignore, however, that the commission of particularly serious crimes, lacking a subsequent firm response from the criminal prosecution bodies, poses the risk of maintaining a criminal climate, while also creating the impression for the defendant that he will not have to bear the consequences if he persists in defying the law. Moreover, the impact felt on the injured person or on members of civil society who become aware of the act will be one of distrust in the coercive force of the state and in the capacity of the judicial bodies to stop the criminal phenomenon.

Noting the lack of continuity in the criminal procedural provisions regarding the particular factual situations of minors with relative responsibility and the excessive burden imposed on criminal prosecution bodies, I consider it useful to submit the following proposal de lege ferenda: informing the territorially competent probation service, prior to ordering the detention measure against the minor defendant or at least concurrently with informing him and his legal representative about the taking of the preventive measure, by completing paragraph (4) of art. 243 of the Code of Criminal Procedure. I believe that in the event of a minor with a criminal record, the probation services could promptly transmit previously drawn up evaluation reports to the prosecutor, thus providing him with the most complete possible picture of the personality of the minor defendant. I also appreciate that informing this service could constitute an additional procedural guarantee and would be able to help develop a work

²⁸ Introduction of art. 244¹ of the CPC by Law no. 284/2020, published in the Official Gazette no. 1201 of December 9, 2020.

²⁹ Art. 209 alin. (17) C.proc.pen.

³⁰ Art. 244¹ alin. (2)-(4) C.proc.pen.

strategy for preparing a minimum analysis of the case involving the accused minor, which could serve to resolve the complaint against the detention measure, but also to the decision of the judge of rights and freedoms notified of the proposal for the preventive arrest of the defendant.

The preparation of an analysis of the minor's situation, which is truly necessary in making a decision on detention, exceeds the prosecutor's competence and requires the assistance of a multidisciplinary team consisting of psychologists, educators, social workers or school counselors. The individual assessment of the minor is a complex and continuous process, which must begin from the first phases of the criminal process, in order to ensure an informed and fair decision on the measures to be taken, and its preparation in an inadequate manner cannot be justified by shortcomings such as lack of staff or a high workload. The fact that an assessment report will be prepared later cannot cover the lack of a minimum and professional initial assessment of the minor at the time of making a decision regarding his or her freedom, even if the deprivation of freedom is provisional.

BIBLIOGRAFIE

1. Constitutional Court Decision no. 102/2018, published in the Official Gazette of Romania no. 400 of 10 May 2018;
2. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, published in the Official Journal of the European Union No. L 132 of 21 May 2016;
3. The Civil Code of Romania adopted by Law no. 287/2009, republished in the Official Gazette of Romania no. 505 of 15 July 2011, with subsequent amendments and supplements;
4. The Criminal Code of Romania adopted by Law No. 286/2009, published in the Official Gazette of Romania No. 510 of July 24, 2009, with subsequent amendments and supplements;
5. The Criminal Procedure Code of Romania adopted by Law No. 135/2010, published in the Official Gazette of Romania No. 486 of July 15, 2010, with subsequent amendments and supplements;
6. Law no. 252/2013, published in the Official Gazette of Romania no. 512 of 14 August 2013, with subsequent amendments and supplements;
7. Law no. 254/2013, published in the Official Gazette no. 514 of 14 August 2013;
8. Law no. 201/2023, published in the Official Gazette of Romania no. 618 of July 6, 2023;
9. M. Bevan, *The pains of police custody for children: a recipe for injustice and exclusion?*, The British Journal of Criminology, 62(4), 2022; DOI: <https://doi.org/10.1093/bjc/azab107>;

PROCEDURAL GUARANTEES FOR THE MINOR SUSPECT OR
DEFENDANT DETAINED DURING PROSECUTION

10. B. Buneci, *The minor. Subject of law from the perspective of the interference of forensics with criminal procedural rules*, Bucharest, 2019;
11. A. Crișu, *Treatment of the juvenile offender in criminal law. Aspects of comparative law*, Bucharest, 2006;
12. A. Crișu, *Criminal procedural law. Special part (2nd ed.)*, Bucharest, 2020.
13. A. Dublea, *Institutional practices in handling cases involving minors*, Iași, 2013.
14. K. Gooch, P. Von Berg, *What happens in the beginning, matters in the end: achieving best evidence with child suspects in the police station*, *Youth justice*, 19(2), 2019; DOI: <https://doi.org/10.1177/1473225419868840>
15. A.L. Lorincz, A.I. Stancu, *Unjust Deprivation of Liberty During the Criminal Process: The Romanian National Standard Compared to the European Standard for the Protection of Individual Freedom in Judicial Proceedings*, *Laws* 13:66, 2024; DOI: <https://doi.org/10.3390/laws13060066>
16. I. Neagu, M. Damaschin, *Criminal Procedure Treaty. Special Part (3rd ed.)*, Bucharest, 2021.



This work is licensed under the Creative Commons Attribution-NonCommercial 4.0 International License.