

## SCHIMBAREA ÎNCADRĂRII JURIDICE ȘI SANȚIUNEA INCOMPATIBILITĂȚII

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***Abstract:** Relative to the process stage when the court pronounces the change of judicial framing and to the procedural act where the will of the judge is recorded, in the specialized literature and in the recent practice of courts it is considered that the judge has the obligation only to get into discussion the new judicial framing without pronouncing about it through concluding but by means of consulting the judges, by minute, once the merits of the case have been solved. If the judge pronounced through concluding, it would become incompatible according to Article 47, paragraph 2, Crime Law as he previously expressed his opinion about the solution that could be given for the case, concerning judicial framing. We consider that such orientation is debatable both concerning its reasons and the effects that it generates on the level of assuring and securing the right of defense, for the reasons we will present as it follows.*

***Keywords:** Incompatibility, Judicial Framing, Right of Defense.*

***JEL Classification:** K41*

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\* Judge, Court House, Târgu Mureș, Romania.