

ELEMENTS OF COMPARATIVE LAW ON CRIMINAL LIABILITY FOR ACTS COMMITTED WHILE INTOXICATED

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The implications that alcoholism has for modern human culture are quite concerning. Nothing spreads faster than the vice of alcohol. On the one hand, alcoholics, drug addicts are always ready to commit antisocial acts, alcohol consumption and drugs being one of the major causes of crime, and on the other hand they produce degeneration, children of alcoholics and drug addicts very often also become criminals or physically and intellectually degenerate. consumption, drug addiction and substance abuse. It is a social problem for modern society. This sinister and misguided understanding of alcohol consumption, which has caused regrettable criminal acts and great harm to the individual, gives up nothing in favor of understanding what alcohol actually represents. The consequences of drunkenness (usually due to the consumption of alcohol in large quantities) and unrestrained habits are also detrimental to the general well-being of society as they are fatal to the happiness of the individual.

Keywords: alcoholism, severe alcoholism, drug addiction, substance abuse, mental disorder.

ELEMENTE DE DREPT COMPARAT PRIVIND RĂSPUNDEREA PENALĂ PENTRU FAPTELE SĂVÂRȘITE ÎN STARE DE EBRIETATE

Dimensiunile pe care le ridică alcoolismul în societatea contemporană sunt de-a dreptul alarmante. Nimic nu se răspândește mai iute ca viciul consumului de alcool, narcomania și toxicomania. Ea reprezintă o problemă socială pentru societatea modernă. Pe de o parte, alcoolicii, narcomanii sunt gata oricând să comită fapte antisociale, consumul de alcool și substanțele drogante fiind una din cauzele majore ale criminalității, iar pe de altă parte ele produc degenerescență, copii alcoolicilor și a narcomanilor foarte frecvent devin și ei infractori sau degenerați din punct de vedere fizic și intelectual. Această sinistru și eronată înțelegere a consumului de alcool, care a provocat regretabile acte criminale și deosebite daune pentru individ, nu cedează nimic în favoarea înțelegerii a ceea ce reprezintă alcoolul în fapt. Consecințele stării de ebrietate (datorată de obicei consumului de alcool în cantități mari) și obiceiurile netemperate sunt, de asemenea, prejudiciabile bunăstării generale a societății așa cum sunt fatale și pentru fericirea individului.

Cuvinte-cheie: alcoolism, etilism, narcomanie, toxicomanie, tulburare mentală.

ÉLÉMENTS DE DROIT COMPARÉ SUR LA RESPONSABILITÉ PÉNALE POUR LES ACTES COMMIS EN ÉTAT D'ÉBRIÉTÉ

Les dimensions que l'alcoolisme soulève dans la société humaine contemporaine sont carrément alarmantes. Rien ne se propage plus vite que le vice de la consommation d'alcool, de la toxicomanie et de la toxicomanie. Il représente un problème social pour la société moderne. D'une part, les alcooliques et les toxicomanes sont toujours prêts à commettre des actes antisociaux, la consommation d'alcool et de drogues étant l'une des principales causes de criminalité, et d'autre part ils produisent une dégénérescence, les enfants d'alcooliques et de toxicomanes deviennent très souvent des criminels ou dégèrent physiquement et intellectuellement. Cette compréhension sinistre et erronée de la consommation d'alcool, qui a causé des actes criminels regrettables et des dommages particuliers à l'individu, ne donne rien en faveur de la compréhension de ce que représente réellement l'alcool. Les conséquences de l'ivresse (généralement due à la consommation d'alcool en grande quantité) et des habitudes non tempérées sont également préjudiciables au bien-être général de la société car elles sont fatales au bonheur de l'individu.

Mots-clés: alcoolisme, éthyliisme, toxicomanie, trouble mental.

ЭЛЕМЕНТЫ СРАВНИТЕЛЬНОГО ПРАВА ОТНОСИТЕЛЬНО УГОЛОВНОЙ ОТВЕТСТВЕННОСТИ ЗА ДЕЯНИЯ, СОВЕРШЕННЫЕ В СОСТОЯНИИ АЛКОГОЛЬНОГО ОПЬЯНЕНИЯ

Масштабы, которые алкоголизм привносит в современное общество, вызывают серьезную тревогу. Ничто не распространяется быстрее, чем порок алкоголизма, наркомании и токсикомании. Это социальная проблема современного общества. С одной стороны, алкоголики и наркоманы всегда готовы к антиобщественным действиям, потребление алкоголя и наркотиков является одной из основных причин преступности, а с другой стороны, они вызывают дегенерацию, дети алкоголиков и наркоманов очень часто становятся преступниками или физически и интеллектуально вырождаются. Это злое и ошибочное понимание потребления алкоголя, которое привело к прискорбным преступным деяниям и особому ущербу для личности, ничего не дает в пользу понимания того, что на самом деле представляет собой алкоголь. Последствия пьянства (обычно из-за употребления алкоголя в больших количествах) и неумеренных привычек также пагубны для общего благополучия общества, поскольку они губительны для счастья личности.

Ключевые слова: алкоголизм, наркомания, потребление, злоупотребление, патология, психическое расстройство.

Introduction

The analysis of the phenomenon of drunkenness or the state of intoxication along the evolution of historical periods and respectively of the evolution of the regulations related to it, an example of those at the national level from the first written Romanian regulations of Vasile Lupu, Matei Basarab, later the Caragea Code and Callimachus; of modern regulations such as the Romanian Penal Code of Alexandru Ioan Cuza from 1865, as well as that of Carol II from 1937, respectively of the contemporary ones from 1969, correspondingly, the new Penal Code of Romania from June 28, 2004.), systematic (analysis of the aspects of the institution of drunkenness or the state of intoxication of

the crime in relation to other institutions of criminal law in the system of the branch of criminal law, such as those of the phases or stages of the crime, the unity and plurality of the crime and criminals, the individualization of the criminal punishment, as well as in relation to a series of crimes from the special part of the Criminal Code), comparative (appreciation of the concepts related to the institution of drunkenness or the state of intoxication of the offender in relation to other criminal legislations of other countries, respectively, of their doctrines and judicial practice in the field; also as a method of comparison the presentation or analysis of the old criminal legislation in relation to the new or current criminal regulations was used.

Researching the correlation between drunkenness, alcoholism and crime, legal scholars, unfortunately, often do not make a demarcation between such notions as “intoxicated state”, “drunkenness” and “alcoholism”. And a confusion of these notions complicates finding out their essence and that connection with crime, which we can trace when we delve deeper into the consequences of alcohol abuse [5, p. 6].

During the process of biological and social maturation, the individual forms his/her own personality by gradually learning and assimilating the prevailing socio-cultural model, which favors antisocial personality orientation [7, p. 52].

The family is the first way of socialization of the individual. The family is the one that offers the most suitable framework for the transmission of behavioral models, norms and values. The first steps of the transformation of the biological being into the human being take place within the family. The first life experiences, the first social contact, the first notions regarding duty, responsibility, the first rules of behavior, the person learns them in the family [8].

Drunkenness and alcoholism lead to the destruction of the personality, degradation, loss of social qualities and particularities, the formation of a solid antisocial orientation, which is expressed in the neglect of family interests, in aggressive actions and in committing crimes against those who try to oppose drunkenness. Drunkenness has always brought serious moral, physical and material damage to the personality, as a result, people lose everything, sometimes fortunes. But its influence during the economic crisis is particularly harmful, when many families live in miserable conditions, without receiving their salaries month after month, without other sources of livelihood, they beg.

In such situations, the father or mother, who drinks, presents a tragedy, an impasse for the

family. Under the influence of drunkenness, the person becomes malicious, vindictive, jealous, aggressive, ready to commit the most serious crimes [6, p. 29].

In families where the parents lead a parasitic way of life, do not work, systematically and abusively consume alcoholic beverages, where greed, selfishness, cupidity prevail, or have criminal antecedents, the risk of antisocial manifestations in children is greatly increased [7, p. 52].

Used materials and applied methods. In the preparation of this work, the juridical-normative normative-historical, regional and national legal framework that ensures the legal protection of people with alcoholic deviance, drug addiction in terms of the history of criminal law, aspects of comparative criminal law, and criminology were studied and used. The following methods were used: historical, comparative, logical, analysis and synthesis, systemic.

Obtained results and discussions

The French criminal law used, until the new Criminal Code, an identical expression both for the justifying facts (art. 327-328) and for those that exclude imputability (art. 64), namely, *il n'y a crime, ni delict*, similar situation, in a way, to the Romanian criminal law. However, doctrine and jurisprudence have translated the above expression differently (in contrast to Romanian doctrine and jurisprudence), as it refers to justifying facts (and which produce effects *in rem*), or it refers to causes of imputability (and which produces effects *in personam*).

Thus, most authors group the causes of non-responsibility into objective causes of non-responsibility (justifying facts) and subjective causes of non-responsibility (causes of non-responsibility). Keeping the same grouping, other authors call the causes of imputability as causes of innocence [1]. Such differentiation was also made in the Romanian criminal

doctrine elaborated on the basis of the Penal Code from 1936, in the sense that the existence of explicit causes of non-imputability (causes of innocence) and implicit causes of non-imputability (justifying facts; self-defense, state of necessity, the order of the law, etc.).

Italian criminal legislation adopts a position close to the French one. The legislator uses the same *non e punibile* (non-punishable formula), both in the case of objective causes of non-punishability (legitimate defense, state of necessity and others), as well as in the case of subjective causes (error of fact, fortuitous case, physical coercion, etc.).

Although under an identical regulation, the doctrine distinguishes the two categories in relation to their specific effects; thus, the objective causes (justifying causes) exclude the criminal offense, the act being committed under the conditions of the law and in fulfillment of a right or obligations imposed by the law; while subjective causes are circumstances that affect guilt (*colpevolezza*). Other authors divide the causes of non-punishability into causes of exclusion or modification of imputability (accidental case, error, age, mental alienation, drunkenness) and causes that exclude criminal responsibility (order of the law, self-defense, state of necessity); there are also authors who believe that there are causes likely to exclude imputability (age, mental alienation, drunkenness, deaf-mutism); causes that exclude the normality of the volitional act (physical coercion, fortuitous case, error, etc.), and justification causes or objective causes, which exclude the crime (legitimate defense, state of necessity, order of the law); the act committed in these circumstances is not illegal, but in accordance with the law.

Unlike *the French and Italian legislation*, *the German* one uses its own terminology for each of the causes of exclusion of responsibility that we have referred to. Thus, § 32, referring to self-defense, the state of necessity, etc., uses the expression “does not act unlawfully”

(*handelt nicht rechts-widrig*), and in the case of circumstances that exclude guilt, §35 uses the expression “acts without guilt” (*handelt ohne Schuld*); as a result, in the doctrine a clear distinction is made between the causes that remove the illegality of the act and the causes that remove the guilt. *In German doctrine, the notion of imputability is used with a different meaning than in the works of French and Italian authors; it refers to the legal situation in which a person is found who has been attributed the commission of a criminal act.* These latter causes could intervene only after the illegal nature of the act has been established (so the assessment of guilt is a later stage and only concerns the acts that did not previously benefit from a cause that removes their illegal nature).

A similar regulation is contained in *the American model Penal Code* which provides, in separate chapters, the causes of justification (for example, the state of necessity, self-defense); causes that exclude culpability (for example, ignorance, coercion, etc.) and causes that exclude responsibility (for example, mental alienation).

In foreign legislation, there are other causes that remove the existence of the illegal act or guilt, in addition to those that would coincide with the regulations of *the Romanian criminal law*. Thus, the Italian criminal law considers justified the deed of the one who harms or endangers a social value with the consent of the one who can legally dispose of it (art. 50 of the Italian Penal Code); likewise (art. 51¹ Criminal Code), if the person who commits an act, apparently illegal, was in the exercise of a right (for example, the person who benefits from an easement to pass through another person’s garden cannot be considered to have committed an act of domestic violence); also, if the agent acted in fulfillment of an obligation imposed by law or by an order of the legitimate authority (art. 51¹ Penal Code); likewise, according to art. 53 of the Penal Code, it is

justified for the civil servant to use weapons in the specific situations provided by the law (for example, to respond to violence or to defeat active resistance).

Italian doctrine discusses the existence of tacit justifying facts such as medical-surgical activity, violent sports activity and the provision of commercial information.

In *German law*, the act committed with the approval of the authority (for example, gambling) is considered justified; likewise, if the apparently illegal act was committed with the victim's consent, or if the subject used state coercion as a result of the law's order (service order, military order), or as a result of a limited right to correction; also, if the citizen acted "pro magistru" replacing the state authority (for example, any citizen can detain the one who is suspected of committing a crime, even if doing so would cause him/her bodily harm), still thus, it can be legally opposed to a person's attempts to remove the constitutional-democratic order (for example, it is justified to oppose by any means the establishment of a military dictatorship).

It does not constitute a guilty action, according to German legislation, that committed by the agent by exceeding the limits of legitimate defense due to disturbance, fear or fright (§33, German Penal Code); or if the subject fulfilled a non-mandatory service provision, believing it to be mandatory; or if the agent acted in error regarding the illegal nature of the deed (§ 17).

In *the German doctrine*, it is also discussed whether the permitted risk could be considered an autonomous justifying cause; in one view, only the legislator can create justifying causes; outside the law, no other justifying causes can be conceived; as a result, the permitted risk could be a structural principle common to several justifying causes and not an autonomous justifying cause. So, for example, in the case of necessity, the agent is allowed to act, even if saving the

values protected by law is uncertain and his/her action is risky, provided that he/she has proceeded to the scrupulous verification of the conditions in which he/she acts and the chances of success of salvation. With these duties, the one who acts risky, without the existence of the premises of a justifying cause, can benefit from such a privilege (state of necessity, consent of the victim), even if, until the end, his/her action did not succeed because the premises of success, scrupulously evaluated by agent, have not been confirmed. Thus, the pilot who tries to save a group of people isolated and threatened by the flood, using an old plane, given to reform, therefore an inadequate means for achieving the proposed goal, will not be responsible if in the end the action fails and the plane is destroyed, in the extent to which an objective evaluation would have shown that there were chances of success and the attempt was worth making. Likewise, the doctor who attempts a risky operation, without the patient's consent (not being able to obtain it), being convinced that there are chances of saving him/her [1, p. 211]. In such situations, the agent acts with eventual intention regarding the illicit result, but the existence of some possibilities, thoroughly verified, of success and the state of emergency that required a quick decision justifies the rescue attempt even in these conditions.

In *the French criminal doctrine*, the order of the law (command of the legitimate authority) is admitted as an explicit, general character justifying fact, in addition to the legitimate defense. They also have the character of justifying facts, the state of necessity and the consent of the victim. In addition to these, there are also particular justifications for certain crimes (truth proof, therapeutic abortion).

In the Romanian Penal Code of 1936, the execution of the order of the law or the order of the authority were provided as justifying acts, in addition to some implicit justifying causes

(the authorization and consent of the victim, the exercise of a profession, arts, crafts; the performance of the ritual of recognized cults, sports and sports competitions).

In the *Romanian criminal doctrine*, it was widely discussed whether the acts committed in a state of voluntary drunkenness could be attributed to the agent as having been committed only with intention or if he/she could be held responsible for fault, since he/she, at the time of committing the act, did not have the full capacity to understand and act and, as such, could not predict the outcome.

In the *American doctrine*, it is emphasized that the courts tend to interpret the notion of voluntary drunkenness very broadly; if such a state was not reached through coercion or fraud, the agent is liable for all crimes committed while intoxicated, even if the drunkenness was particularly profound, completely altering the subject's ability to understand and will, the subject reaching a state similar to mental alienation. In the doctrine, this tendency is combated by proposing that the state of mental alienation caused by drunkenness (for example, *delirium tremens*) excludes the liability of the agent; also, voluntary drunkenness is a mitigating circumstance in the case of an inexperienced person.

According to some authors and part of the jurisprudence, the person in a state of voluntary drunkenness is to answer, just like the person who would not have been in such a state, according to whether he/she committed the act with intention or through fault: thus, the drunk who kills his/her rival will commit intentional homicide, and a drunk driver who causes a traffic accident by driving at excessive speed will be responsible for manslaughter. In reality, the drunk person is not in normal mental conditions, because his/her perceptions and reactions are strongly influenced by the consumption of alcoholic beverages; in this case, the assimilation of the drunk person with a normal person who

could commit an act intentionally and out of fault leads to a fiction of mental capacity, to an occult form of objective responsibility.

To overcome this impasse, part of the doctrine resorted to the *actio libera in causa* hypothesis, arguing that there was the mental capacity of the subject at the time when he/she consumed the alcoholic beverages, becoming irresponsible. As a result, the agent could be liable for an illegal act committed while intoxicated; he/she will be liable for an intentional act (willful intent) if he/she had the idea that in the state he/she is in he/she could cause an illegal result and accepted this eventuality, or he/she will be liable for a negligent act, if he/she should and could have provided that in a state of intoxication it could cause an illicit result.

Such a solution would, however, leave unpunished the acts committed by fault when the law only provides for the possibility of them being committed with intent (for example, theft, outrage, disturbance of public peace, etc.), i.e., precisely the acts that drunk persons commit frequently. But the solution appears debatable in the case of complete voluntary drunkenness and because the agent's ability to understand you is seriously altered, as a result of the distortion of mental processes caused by voluntary drunkenness, it is impossible to hold the subject's intention or culpa. One is the agent's intention or culpability to become intoxicated and another is his/her intention or culpability in relation to the illegal acts committed while intoxicated. The solution proposed by other authors seems closer to the truth, namely, to avoid a principled solution and to solve this issue, case by case, in relation to the concrete situation; there could be circumstances when the agent, in a state of voluntary drunkenness, would have committed the deed provided for by the criminal law with intent (direct or indirect) or through fault, as there could be situations when the agent's state of irresponsibility appears obvious and

when any criminal liability to be excluded [1, p. 243].

In *the French doctrine*, Merle and Vitu argue that they would take another point of view, namely, that the person in a state of complete voluntary drunkenness must always answer for a crime committed with possible intent; however, the French Court of Cassation admitted that, being a matter of fact, the decision must be taken on a case-by-case basis; Garraud is of the opinion that in the above situation there would be liability for fault if the crime committed is sanctioned due to fault; in the opposite case, only the crime of drunkenness will be punished. Pannain shows that the Italian doctrine and jurisprudence considers that it is not possible to decide, in principle, whether the crime committed while drunk should be considered as having been committed with intent or by mistake, but only in relation to the concrete data. Padovani proposes a reconsideration of the whole matter regarding the state of drunkenness. According to his opinion, the agent who put him/herself in a state of incapacity should be liable for an intentional act if he/she had the representation of the illegal consequences and accepted the risk of their production. If he/she acted out of fault, he/she should be punished with a lesser punishment than for the intentional act (to avoid the solution of not being punished if the said act is not criminalized and when it is committed out of fault).

The experience of German legislation is interesting. The German Penal Code criminalized, in paragraph 323 a, the intentional or negligent provoking of drunkenness by the perpetrator him/herself (voluntary drunkenness), as an autonomous crime, if the agent in this state committed an illegal act that cannot be punished because of due to drunkenness the agent became irresponsible. According to some authors, the agent could be sanctioned by applying §323 a, even if he/she did not foresee the possibility of committing

an illegal act in this state. In jurisprudence, it was argued, on the contrary, that the possibility of committing an illegal act must have been foreseeable by the agent. Finally, other authors consider that the provisions of §323a would constitute an autonomous crime, a reality in itself, independent of the act committed while drunk, the only condition being that there was such an illegal act and that it could not be punished; this condition has an objective character, not being necessary to exist in the representation of the agent. In this way, complete voluntary drunkenness can no longer lead to the removal of the crime (when the fact committed in this state would emanate from an irresponsible person) but is incriminated by itself.

This conception of voluntary drunkenness, criminalized as an autonomous fact, was criticized in its turn, the most important objection being that in this way, a way of life is criminalized and not a determined fact that affects social values protected by the criminal law. To support the incrimination, the theory of exceeded risk was invoked; voluntary drunkenness can be criminalized because it creates an inadmissible risk, that of committing a crime while drunk. In this vision, the risk would be a third fundamental form of guilt that would be between dishonesty and fault, which would contravene the traditional conception according to which beyond dishonesty and fault *tertium non datur*.

The number of interpretations due to drunkenness in public places is among the indicators of socially disruptive behavior often present in statistical analyses. To be useful, international comparisons between these indices must be based on a definition of "intoxication in public places" and the police must conduct uniform action based on this definition. This says that the social, ethnic and economic situation determines the risk of drunkenness in public places as well as the amount of alcohol absorbed. Subjects from

the lower social class often tend to behave, under the influence of alcohol, in a noisy manner. On the other hand, as they generally consume alcohol in public places and then have to return home, their exuberant behavior has many chances to attract the attention of the police. The same thing happens in the case of immigrants who not only suffer from the same inconveniences, but in addition often present difficulties related to housing, difficulties that lead to an increase in the appetite for scandal and fighting in the unwelcoming barracks where they live.

In addition, some social groups - immigrants and some young people - present their own way of general behavior, which can influence both their particular behavior and the amount of alcohol they consume. Also, “drunken behavior” depends not only on alcohol consumption, but also on the position and social context of each individual.

Disregarding the differences in behavior when consuming the same amount of alcohol, international comparisons between the number of arrests for drunkenness can distort the reality due to the variety (differences) of the regulations applied by the police, which can be explained by the lack of police force or the need to concentrate attention also on more serious cases of delinquency.

In *England and Wales*, the absolute number of drunken offenses found increased from 47,717 in 1950 to 108,871 in 1974 and their number per 10,000 inhabitants aged min. 15 years went from 14 in 1950 to 21.2 in 1968; per 10,000 inhabitants aged 14 or over, this number, which was 27.9 in 1970, fell to 26.9 in 1974.

In *Finland*, arrests for drunkenness varied from 146,998 in 1950 to 276,206 in 1976, respectively from 5,210 to 7,485 per 100,000 inhabitants aged at least 15 years. It is interesting to note that the ratio of the number of arrests for drunkenness to the total amount of alcohol consumed in Finland has also decreased over

the same period. Since the attitude of the police towards alcohol consumers has not changed during this period, this proves that either Finns behave much better in society under the influence of alcohol, or that they consume more at home, where drunken states are lesser visible. It is also possible that the volume of alcohol consumed in Finland on each occasion is reduced and instead the number of occasions to drink is increased, although the surveys carried out in this country do not confirm this last hypothesis.

In *Sweden*, the number of people imprisoned for drinking increased from 103,041 in 1971 to 110,187 in 1976, respectively from 16.2 to 16.9 per 1,000 inhabitants aged 15 and over. The number of convictions for such offenses increased from 67,996 to 75,531 in 1975.

In *Poland*, the number of prosecutions for drunken offenses per 100,000 inhabitants over the age of 15 fell from 1,239 in 1953 to 717 in 1975. The number of people detained in rehab centers per 100,000 inhabitants was 1,295 in 1959 and 1,252 in 1975. The number of drunken prosecutions and rehabs per 100,000 liters of alcohol consumed was considerably lower in 1975 than in 1955, thinking, as in the case of Finland, if the police followed a constant policy during this period, the behaviors under the influence of alcohol improved.

The diversity of societies' attitudes and reactions to abnormal behavior clearly shows that it depends on the level (%) of blood alcohol tolerated by drivers in Europe, which varies from 0 in some Eastern European countries to mc/100 ml of blood in Ireland. This big gap between opinions and between practices in the matter of alcoholism at the wheel shows not only the diversity of attitudes in Europe, but also the impossibility of international comparison of statistics related to the state of intoxication at the wheel [9, page 15]. An international organization, for example WHO, on its own or with the road safety organizations, should perhaps deal with the normalization of

the maximum levels of blood alcohol tolerated in Europe.

Statistics with prosecutions for offenses related to driving under the influence of alcohol are greatly influenced by the way the police enforce the regulation, in addition to the number of cars and km. routes can change the spectacular part in limited periods. The number of crimes related to driving under the influence of alcohol depends not only on mileage, but also on the number of drivers or cars on the street.

We must take into account, equally, the improvement of road networks (high-ways) and the construction of automobiles. It is also true that, from an epidemiological point of view, alcohol plays a substantial role in the number of traffic accidents and has an important contribution to fatal traffic accidents. In reality, even if up to 50% of drivers killed on the road have blood alcohol levels above the legal limit, fatal accidents occur equally in Muslim countries where no alcohol is consumed at all [2].

Some personality characteristics, such as aggressiveness or impetuosity, also contribute to accidents. Their combination with excess alcohol, which is often found in young people, can be disastrous. This is why several groups are particularly exposed to road accidents, even if alcohol consumption is relatively low; even if it is not possible to reveal the general trend of European countries, accidents made under the influence of alcohol represent an important proportion of the total number of road accidents. In some countries, random blood alcohol tests have been banned; when the law was changed to allow these police checks of drivers, the result was that the number of crimes decreased. Such surprise controls, carried out in several states of the United States of America, carried out on the basis of the law, produced the same effects [3].

It was not possible to obtain long-term statistics related to the consequences of driving

under the influence of alcohol, on representative groups of people from European countries. On the contrary, according to information from several countries, the situation has deteriorated over time. In Norway, for example, there were, in 1950, 710 convictions for such crimes; in 1976 their number reached 7,156. In Sweden the number of drunk driving convictions increased from 7,052 in 1971 to 8,482 in 1975; the number of convictions for driving under the influence of alcohol increased from 7,722 in 1971 to 8,755 in 1976. The total number of these 2 types of crimes, which are distinct from each other, therefore went from 14,774 to 17,237 and the number of convictions from 13,497 to 15,382. In France, the number of drunk driving license suspensions increased from 2,429 in 1954 to 9,683 in 1977.

Also, in countries where statistics exist, the total number of consequences due to drunkenness has increased. However, it is not known exactly whether the ratio of convictions between drivers and kilometers traveled has also increased. In the case of Finland, it has been calculated that if the absolute number of drunk driving cases "known to the police" increased considerably between 1950 and 1975, the number of cases of drunk driving in relation to the number of automobiles, multiplied by the consumption of alcoholic beverages experienced a vertical and observed decrease during the 1950s to 1960s, then remained constant during the 1970s.

All countries publish the number of victims in traffic accidents, some of them even the names of the injured, but most of them do not indicate the number of deaths attributed to alcohol. In fact, according to a recent analysis, only 8 countries publish this data. Switzerland, which is one of them, had 111 deaths in traffic accidents due to alcohol consumption in 1954, reaching 270 in 1977. The number of fatal accidents due to alcohol expressed as a % of the total number of fatal road accidents increased in Poland from 32.2% in 1950 to

30% in 1975. In Finland, the number of deaths in road accidents known to the police and due to alcohol reached 83 in 1950 and 194 in 1975, respectively 22.7% and 23% of the total fatal traffic accidents [9, page 18].

In countries (the majority) which do not distinguish alcohol-related fatal traffic accidents from all accidents, traffic fatality per 100,000 inhabitants generally increased from 1950 to 1975. It can be believed that in most of these countries the proportion of alcohol-related accidents reached at least if not exceeded 25%. It can be concluded that the mortality in traffic accidents involving alcohol has increased a lot and that it is high in most European countries. Romania reports the figure of 10.8% as representing road accidents due to alcohol, France registering 30% [4].

Conclusions

In conclusion, it should be mentioned that drunkenness and alcoholism bring serious moral, physical and material damage to the personality. Consequently, people lose everything.

So, people who abuse alcoholic beverages or illicitly consume drugs and other psychotropic substances, including people suffering from chronic alcoholism, drug addiction and substance dependence can benefit from treatment in outpatient or inpatient narcological institutions, as well as short-term treatment in curative and preventive territorial institutions.

Combating crimes committed while intoxicated would be reduced if the state prohibited the sale of alcoholic beverages to minors, the sale in unauthorized places, by creating correctional institutions and reducing the number of alcoholics, raising the general

level of training, technical-professional training and creating vacancies for work.

It is understandable that situations in which individuals consume alcohol or other substances in order to give themselves courage in order to commit the crime without which, being aware of their conscience, they might not have committed it, would be well appreciated in the sense of aggravating the punishment. But when the crime was committed while intoxicated by a minor at the urging of adults, or when the effect of these substances was not known to them from the start, due to circumstances beyond their control, these situations could be appreciated as mitigating or at least, not to be taken into consideration when determining the punishment.

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