

EUROPEAN LEGISLATIVE MODELS ON THE CRIMINALIZATION OF LEAVING THE SCENE OF A ROAD ACCIDENT

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Abstract: *The experience of European countries in regulating the criminalization of various criminal acts has undoubtedly been a benchmark for developing countries, a fact that is also specific for the Republic of Moldova. Given that the crime of leaving the scene of a road accident is regulated by most European Union states, the present study will focus on the analysis of the rules that apply in this matter, drawing a parallel with those provided for in art. 266 of the Criminal Code of the Republic of Moldova. The planned study will also refer to some doctrinal opinions expressed by the European doctrine when examining the content of the rules in the field of criminalizing the act of leaving the scene of a road accident.*

The initial findings from the study of the national norm that sanctions leaving the scene of a road accident indicate some regulatory confusion, where the qualification of the act requires the necessary presence of guilt of the person who committed the road accident, which means that in the absence of guilt for the accident, the person who leaves the scene of the act does not fall under the scope of this norm, an unacceptable fact in the context in which the legislator requires remaining at the scene for reasons other than the guilt of the driver involved in the accident.

For greater efficiency in research, widely known methods are applied such as: the analysis method, the synthesis method, the comparative method and the deduction method.

Key words: *crime, road accident, driver, crime scene, guilt, criminal liability.*

JEL: K14, K42, K19

Introduction

The criminalization of the act of leaving the scene of a road accident has been known to the Moldovan legislative space since 2002, with the adoption of the new Criminal Code. Since then and until now, the text of the norm in art. 266 has not undergone essential changes, stating that "leaving the scene of a road accident by the person who was driving the means of transport and who violated the rules of traffic safety or operation of the means of transport, if this caused the consequences indicated in art. 264 para. (1), (3) and (5)" (Criminal Code of the Republic of Moldova).

However, the tactics of legislating on the matter of criminal liability for leaving the scene of a road accident still remain contested by the doctrine, the act is difficult to qualify by the criminal prosecution body, respectively, difficult to enforce by the courts.

Researchers have made constant efforts to convince our legislator to resort to a different approach to the problem of leaving the scene of a road accident, without taking into account the fact of violating road safety regulations or the consequences of the accident, in the context in which the essence of the criminalization must revolve around the idea of the obligation to remain at the scene to provide

assistance to the victim, to limit the consequences of the accident on the affected goods and environmental components, but also to make it possible to ascertain the circumstances of the act. Thus, all these ambiguities still give us reason today to continue research towards identifying the most optimal and efficient framework for incriminating the criminal act of leaving the scene of a road accident, without questioning the necessity of its criminal conviction.

Moreover, many other states that until recently ignored the need to criminalize leaving the scene of a road accident, between 1990-1999 opted to intensify research towards formulating a criminal norm in this regard. Moreover, the Constitutional Courts of some European states (France, Germany, Spain), but also of states outside the European area (Canada), after 1990 examined the opportunity to criminalize the act of leaving the scene of a road accident (STATI Vitalie, 2009).

Basic content

In the following, we will analyze the main features that characterize the criminal legislation of the European Union countries in the section that deals with the sanctioning of the act of the driver of the means of transport who left the scene of the road accident in which he was involved. The first country that draws our attention through its regulations is Romania, because it is our neighboring state from whose legislation we have been inspired on many occasions, but also whose regulatory traditions are specific to our country, especially in an integrationist context.

Thus, the Romanian criminal law criminalizes the act of leaving the scene of a road accident or modifying its traces based on art. 338 of the Criminal Code contained in Chapter II (Offenses against traffic on public roads).

Therefore, according to the rule under discussion:

- (1) Leaving the scene of the accident, without the consent of the police or the prosecutor conducting the investigation of the crime scene, by the driver of the vehicle or by the driving instructor, who is in the process of training, or by the examiner of the competent authority, who is in the process of conducting the practical tests of the exam for obtaining a driving license, involved in a traffic accident, is punishable by imprisonment from 2 to 7 years.
- (2) The same punishment is also imposed on any person who modifies the condition of the scene or erases the traces of the traffic accident that resulted in the killing or injury to the bodily integrity or health of one or more persons, without the consent of the investigation team on the scene.
- (3) It is not a crime to leave the scene of an accident when:
 - a) only material damage has occurred as a result of the accident;
 - b) the driver of the vehicle, in the absence of other means of transport, transports the injured persons himself to the nearest health unit capable of providing the necessary medical assistance and to which he has declared his personal identity data and the registration or registration number of the vehicle driven, recorded in a special register, if he immediately returns to the scene of the accident;
 - c) the driver of the vehicle with priority traffic immediately notifies the police, and after completing the mission he reports to the headquarters of the police unit in whose jurisdiction the accident occurred, in order to draw up the documents of assessment
 - d) the victim leaves the scene of the crime, and the driver of the vehicle immediately reports the event to the nearest police unit (Romanian Criminal Code).

As we can see, the Romanian legislator criminalizes the act of leaving the scene of a road accident through the norm that also deals with the criminalization of the act of modifying the terrain in which it occurred. Therefore, in this regulatory tactic, we identify the general idea that was the basis for the criminal punishment of the act of leaving the scene of a road accident, that is, to ensure the integrity of the traces necessary to accurately establish the circumstances in which the accident occurred. However, it is true that once the scene of a road accident is left, it becomes impossible to establish the real situation, both because one of the cars involved is missing, and for the situation in which,

even if the car remains at the scene, one of the drivers modifies the terrain left by the accident, the effect would be the same - the impossibility of establishing the truth.

Therefore, we consider the Romanian legislator's decision to also sanction the act of modifying the circumstances in which the road accident occurred to be quite inspired.

On the other hand, it is also worth noting that the same norm also specifies cases in which the driver of the means of transport leaves the scene of the accident, but these are not considered criminal acts (transporting the victim to the hospital, notifying the police, etc.).

Therefore, we note that Romanian legislation provides in the smallest details the situations that qualify as the crime of leaving the scene of a road accident, but also indicates all the exceptions.

Moreover, through a separate regulatory act (GEO no. 195/2002), it defines the road accident, but also establishes some obligations on the driver that he must fulfill immediately after the accident occurs.

Thus, according to art. 75 of Emergency Ordinance no. 195/2002, a traffic accident is considered an event that cumulatively meets the following conditions:

- a) it occurred on a road open to public traffic or originated in such a place;
- b) it resulted in the death, injury of one or more people or damage to at least one vehicle or other material damage;
- c) at least one moving vehicle was involved in the event.

Also, Article 77 of the same normative act provides that:

(1) The driver of a vehicle involved in a traffic accident resulting in the death or injury to the bodily integrity or health of a person is obliged to take measures to immediately notify the police, not to modify or erase the traces of the accident and not to leave the scene of the crime.

(2) Any person who is involved in or has knowledge of the occurrence of a traffic accident resulting in the death or injury to the physical integrity or health of one or more persons, as well as in the situation where a vehicle transporting dangerous goods is involved in the event, is obliged to immediately notify the police and call the single national emergency number 112.

(3) Any person is prohibited from changing the position of the vehicle involved in a traffic accident resulting in the death or injury to the physical integrity or health of one or more persons, from altering the condition of the scene or from erasing the traces of the accident without the approval of the police investigating the accident.

Returning to the analysis of the criminal norm criminalizing the act of leaving the scene of a road accident, we also note that the Romanian legislator does not link the composition of the crime to the driver's guilt for violating road traffic rules, the latter being punished regardless of whether he is guilty of ignoring traffic rules or not. We also agree with this position, because first of all, our criminal law does not provide for leaving a road accident as an aggravating factor for violating road traffic rules, but as a separate crime. Secondly, the criminalization of the act of leaving a road accident is based on another idea, namely that of remaining at the scene in order not to impede the administration of justice by distorting evidence (including evidence regarding the driver's state of intoxication), but also to provide the necessary assistance to the victim of the road accident, to limit its subsequent consequences on the injured means of transport (preventing it from setting fire, etc.) or on environmental components (by limiting fuel leakage into the soil, water, etc.).

The next European country to be presented as a model in the matter of criminalizing the act of leaving the scene of a road accident is France, which, in turn, is the country that has greatly inspired the Romanian legislator in several respects.

Therefore, the French Criminal Code regulates the criminalization of the act of leaving the scene of a road accident in the content of Book IV (On crimes and misdemeanors against the nation, the state and public peace), Title III, Section II (On obstacles to the administration of justice). What can be observed even from the tactics of structuring the Criminal Code in order to identify the place of this category of acts, is that leaving the scene of an accident constitutes a crime that attempts to administer

justice, since by committing it, real data about the accident is distorted, respectively, the procedure for documenting the act is thwarted.

Specifically, according to art. 434-10 of the French Criminal Code, the act of the driver of a means of land, river or sea transport or of another means or mechanism, of not stopping the movement and of attempting to evade criminal or civil liability, is punishable by two years' imprisonment or a fine of 200,000 francs.

If such an act is committed under the conditions provided for in art. 221-6 (negligent death) or 222-19 (total loss of work capacity), the punishment is doubled (ГОЛОБКО, L. V., КРЫЛОВОЙ, N. E., 2002).

Also, according to French law, the crime of leaving the scene of a road accident can be attributed to the perpetrator even if he compensated the damage caused to the victim of the crime or if the victim withdrew her complaint or the accident was insignificant and did not cause significant damage.

In a comparative perspective, different from our legislation, the French criminal law considers as a crime to leave the scene of a road accident and to continue driving after the impact, as well as the scene of the accident occurring at sea or rivers. Moreover, here too we identify the idea that leaving the scene of a road accident is strictly correlated with evading the criminal or civil liability of the perpetrator.

And yet, although most criminal laws condemn the act of leaving the scene of a road accident as an attack on the act of carrying out justice, some doctrinal opinions incline towards the incorrectness of this approach, claiming that by remaining at the scene, the driver of the means of transport risks testifying against himself, that is, incriminating himself, which is inadmissible in terms of human rights.

In this sense, the authors who support this position mention that "the privilege against self-incrimination is the principle according to which the state cannot force a suspect to cooperate with the prosecution by providing evidence that could incriminate him. That is, if the person remains at the scene and makes the independent decision to preserve the scene of the incident, he admits his guilt, somehow self-incriminating himself through the obligation imposed by law to identify himself" (ȚICAL, G. M., CHIRUȚA A., 2019). However, in arguing their position, the authors also argue that by establishing the obligation to remain at the scene, the perpetrator is forced to preserve evidence and contribute to his own incrimination, which contravenes art. 6 of the ECHR (the right to remain silent and not to attempt to contribute to his own incrimination).

In our opinion, although the case law of the ECtHR in many cases (*Funke v. France*), (*Serves v. France*) has condemned the ignoring by national courts of the privilege against self-incrimination and the right of the accused to remain silent, nevertheless, according to its specifics, the crime of leaving the scene of a road accident must constitute an exception. However, if in the case of other crimes (theft, rape, causing serious injuries, etc.) the offender's stay at the scene is neither necessary nor logical, because his physical condition during the commission of the crime does not matter (drunkenness, for example) and he cannot be forced to save his victim or wait for the owner to return the stolen property (this can also be the case in the case of renouncing the crime), in the case of the crime of leaving the scene of a road accident this has a completely different nature.

Having clarified these, we remind you that according to French law the crime of leaving the scene of a road accident consists of voluntarily escaping from the scene of an accident that has just been caused, this crime being very severely punished by law. The crime expressed by fleeing, (the action of leaving the scene of a road accident) according to the definition given by the French penal code is the case when a driver involved in a traffic accident decides to leave the scene of the collision in order to avoid civil and/or criminal responsibilities.

Similar to Romanian legislation, French legislation also provides for some obligations for the driver of the vehicle involved in the accident in the content of the Highway Code, being strictly correlated with the provisions of the Criminal Code in case of their non-execution.

Thus, the basis for applying the criminal penalty for committing the crime of leaving the scene of a road accident is the result of objective and necessary elements dependent on the driver involved, expressly provided for by the Highway Code.

The first refers to the fact that in the event of a clear and obvious accident he is obliged to notify the police right on the spot.

A second situation, but which constitutes an exception to the crime, is that of a minor collision, where the driver can continue driving without noticing the incident. In these circumstances, he cannot be accused of the accident and abandonment.

In this context, it should also be noted that the crime of leaving the scene of a road accident is considered consummated and liability applies to the perpetrator even if:

- the perpetrator compensated the victim for the damages;
- the victim withdrew his complaint;
- the accident was insignificant and did not cause significant damage.

As mentioned above, to avoid being accused of causing the accident and leaving the scene of the accident, the driver is required to stop on his own without the intervention of law enforcement and immediately make his identity known.

When individualizing the punishment for committing the crime of causing a road accident and leaving the scene of the crime, if serious consequences resulting in death by negligence have occurred, the perpetrator may also be accused of committing the crime of murder. If, as a result of the accident, the victim has lost his or her ability to work for a period exceeding three months or completely, the offender will be additionally punished for this as well.

Thus, according to French law, committing a road accident and voluntarily leaving the scene of the accident are serious crimes punishable by imprisonment for a term of up to 10 years, including a fine. In conclusion, the analysis of the provisions of the French Criminal Code on the researched topic allows us to understand the diversity of actions that are imposed on the driver after committing a road accident, the reason for the French legislator to criminalize this act, having the conviction that it hinders the administration of justice, as well as some doctrinal opinions that contradict this idea.

Specifically, in the last mentioned respect, we identify contradictory opinions according to which by forcing the driver of the means of transport to remain at the scene, he will indirectly incriminate himself, depriving himself, in one way or another, of the opportunity not to be accused.

Another state that criminalizes the act of leaving the scene of a road accident is Germany, whose criminal legislation stipulates that any person who caused a road accident or indirectly contributed to its occurrence has the obligation to identify themselves to the victim or other persons present at the scene.

If the victim is not present at the scene, as in the case of accidents in parking lots, then he is obliged to wait for a period of time until the owner of the respective car arrives, or to report this fact to the nearest police station. Violation of these rules entails criminal liability for the offense provided for in Article 142 of the German Criminal Code "Illicitly leaving the scene of a road accident" and is punishable by imprisonment for up to 3 years or a fine.

We therefore observe that German law is quite severe regarding the act of leaving the road, being penalized even the act of leaving the accident committed in the parking lot, where there are no victims, but the danger is not the same as in the case of the one produced in road traffic. In our opinion, the severity shown is exaggerated, being necessary to limit, in this case, only to the contraventional liability with the application of a more significant fine.

Among the member countries of the European Union, most of them, such as Greece, Portugal, Spain, do not consider the action of leaving the scene of a road accident as a crime, these actions being sanctioned in terms of failure to provide assistance or leaving someone in danger.

Leaving the scene of a road accident in the Czech Republic qualifies as a misdemeanor (if there are no bodily injuries) and as a crime if the accident results in bodily injuries.

However, in the criminal law of the country in question, the act of leaving the scene of a road accident is absorbed by that of failing to provide medical assistance. Specifically, according to Art. 151 of the Czech Criminal Code "a driver of a vehicle who, after a road accident in which he was involved, fails to provide the necessary assistance to a person who has suffered bodily injuries in the accident, even if he can do so without endangering himself or other persons, shall be punished by imprisonment for a term of up to five years or by a ban on exercising an activity" (Czech Criminal Code, No. 40/2009). Moreover, leaving the scene of a road accident in the Czech Republic goes beyond the limits of sanctioning for a misdemeanor or a crime, bringing implications also in the matter of civil liability for damages, respectively in the field of compulsory insurance for damages caused by a road accident. In other words, if the perpetrator leaves the scene of a road accident, he becomes responsible for compensating the victim, regardless of whether he is guilty of the accident or not, operating here a presumption of guilt for civil damages.

As an eloquent example, on 22 October 2019, an employee of the defendant caused a road accident and subsequently left the scene of the accident without a justified reason. The insurance company (the claimant) paid the injured person insurance benefits in the amount of CZK 110,022 and subsequently filed a claim for compensation against its employee under Article 10, paragraph 1, letter a. c) of Act No. 168/1999 Coll., on motor third party liability insurance (Judgment of the Supreme Court of the Czech Republic, file No. 23 Cdo 2700/2023).

So, we note that the Czech criminal law punishes the act of leaving the scene of a road accident, but focuses only on the social danger generated by the fact of not providing assistance to the victim, but also sanctions other adverse effects of the accident, such as civil damages, being automatically placed in the charge of the person who left the scene, without raising the issue of his guilt for the accident. Another issue that is not identified in our criminal legislation is that the perpetrator of a road accident is obliged to remain at the scene of the crime and provide assistance to the victim, only if this does not endanger his life and health. For example, if after the accident it is obvious and imminent that a fire will break out in the damaged car, the perpetrator may be exempted from the obligation to intervene, if this endangers his life and health.

According to Polish criminal law, fleeing the scene of an accident in itself does not constitute a separate crime under the Criminal Code, being considered a circumstance that aggravates the punishment for an already committed crime.

That is, committing a road accident in Poland will not be penalized under art. 177 if the driver leaves the scene of the crime, but under art. 178, this being an aggravating factor of the act of committing a road accident, punished to the same extent as the act of committing a road accident while intoxicated. Thus, according to art. 178. § 1 of the Polish Criminal Code, upon conviction of a perpetrator who committed an offence provided for in Article 173 § 1 or 2, Article 174, Article 177 § 1 or 2a, Article 178c § 1 point 2 or Article 178d, while intoxicated or under the influence of a narcotic substance, or who fled the scene of the incident, consumed alcohol or took a narcotic substance after committing the act provided for in Article 173 § 1 or 2, Article 174, Article 177 § 1 or 2a, Article 178c § 1 point 2 or Article 178d, and before subjecting him to an examination by an authorised body to determine the alcohol content or the presence of a narcotic substance in his body, the court shall apply the prison sentence provided for the offence charged (Criminal Code Criminal Code of Poland, No. 88/1997).

Bulgarian criminal law criminalizes leaving the scene of a road accident in Chapter XI (Crimes of general danger), Section II (Crimes against transport and telecommunications).

Similar to Polish legislation, in Bulgaria the crime of leaving the scene of a road accident is not regulated separately, but as an aggravating form of the crime of violating traffic safety rules.

Thus, under Art. 342 para. (1) of the Bulgarian Criminal Code, violation of traffic rules while driving a rolling stock on railways, an aircraft, a motor vehicle, a vessel, a combat vehicle or a special machine, which resulted in bodily harm or death of another person, is punishable by imprisonment for up to two years.

According to paragraph (2), the same punishment applies to a transport worker or official who violates the operating rules or quality requirements regarding the repair of rolling stock, roads or equipment, allowing bodily harm or death to occur (Bulgarian Criminal Code).

And yet, in the criminal law of Bulgaria, leaving the scene of a road accident is considered an aggravating circumstance of the crime provided for in art. 343 para. (1) of the Criminal Code, which stipulates that if the act was committed while intoxicated or as a result of the consumption of narcotic substances or their analogues, or if the bodily harm or death of more than one person occurred, or if the perpetrator fled the scene, or drove the vehicle without having the necessary capacity according to the law, or if it occurred at a pedestrian crossing, the perpetrator is punished with:

- a) imprisonment from one to six years - in case of serious or medium bodily harm; with imprisonment from two to ten years - in especially serious cases;
- b) imprisonment from three to fifteen years, and in especially serious cases - in case of death; with imprisonment from five to fifteen years - in particularly serious cases.

We are particularly curious about examining the criminal regulations in the Baltic states, which currently promote European values in terms of legislation, but at the same time retain some features inspired by Soviet legislation from the past, taking into account the fact that at a certain period in history they were countries of the ex-Soviet space.

So, the Finnish Criminal Code provides for liability for leaving the scene of a road accident in Chapter XXIII (Road Traffic Offences).

According to the criminal norm, the driver of a motor vehicle or a tram, who is a party to an accident and fails to stop immediately and assist the injured person within the limits of his/her abilities, shall be convicted of leaving the scene of a traffic accident, punishable by one year of imprisonment or a fine, unless a more severe punishment is provided for by law for the same act (Finnish Criminal Code).

What is noteworthy here is that the Finnish legislator obliges the perpetrator to help the injured person only based on his own abilities, leaving him the alternative of not intervening if he does not have certain abilities dictated by the circumstances in which the accident occurred (he cannot swim, for example, or does not know how to unlock the door, provide medical aid, etc.). However, as is also stated in the specialized literature, "the obligation to assist is imposed in order to respect the victim's right to life, but at the same time ensures respect for the person's freedom through the limiting obligation expressed by the fact that the legislator imposes assistance within the limits and options that the perpetrator has" (ȚICAL, G. M., CHIRUȚA A., 2019).

In this context, we identify Finnish legislation as being more permissive, but also more comprehensive in terms of the categories of interests it seeks to protect, in the sense that it not only aims to ensure the documentation of the perpetrator, but also to give the victim of the road accident a chance of survival by providing medical aid by the perpetrator, the first on the scene, even if his guilt for the accident has not yet been proven. Moreover, the escape from responsibility merges with leaving the person in danger in the same criminal norm, while avoiding, at the same time, the problem of double punishment for one and the same act.

A similar opinion is also found in the national doctrine, where it is considered that "the regulation of the crime of leaving the scene of a road accident by Finnish legislation is more balanced and proportionate to the fundamental principles of criminal law, because it expressly provides that the person is convicted for leaving the scene of a road accident, except in the case where a more severe punishment is provided for the same act by another article, which excludes the possibility of being held criminally liable twice for one and the same act" (ȚICAL, G. M., CHIRUȚA A., 2019).

It should also be noted here that the phrase "fails to stop immediately" (contained in art. 23, Finnish Penal Code) identifies some exceptions that lead to the driver of the vehicle being exempted from liability in cases where he fails to stop immediately:

- due to technical defects in his vehicle or a defect resulting from the accident;
- due to his health condition resulting from the impact;

- due to the failure to cause a collision, in the event of a minor accident.

From the norm analyzed above, it is observed that the perpetrator is obliged to help the injured person in conditions consistent with his own abilities, otherwise being subject to the risk of criminal punishment.

Such an obligation towards the person is also imposed by the Finnish legislator in Chapter XXI "Homicide and Bodily Injury", Section XV - Failure to intervene for the purpose of saving another person, which implies that a person who knows that another person is in danger of death or in serious danger to his health and does not provide or does not seek to obtain the assistance or support that can be reasonably expected from him, taking into account the options available to him and the nature of the situation, is punished with a fine or a maximum of six months' imprisonment for failure to intervene for the purpose of saving another person.

The obligation to assist is imposed in order to respect the victim's right to life, but at the same time it also ensures respect for the person's freedom through the limiting obligation expressed by the fact that the legislator imposes assistance within the limits and options that the perpetrator has.

However, we would also have to report some defects of the norm examined in Finnish legislation, namely, the fact that the legislator does not provide for the degree of bodily injuries that may arise from the accident. Thus, upon extensive examination of the norm, we can see that regardless of the degree of injuries caused by the accident, the guilty driver will be criminally punished. This admitted position somewhat violates the person's right to a fair trial.

In the Estonian criminal law, the crime of leaving the scene of a road accident was not initially provided for, as we did not identify in the content of the special part of the Estonian Criminal Code of 2002 a section that would criminalize crimes in the field of transport. The respective acts were provided for in Chapter XI (crimes against public security and public order), namely, by art. 204 of the Criminal Code, the violation of traffic safety rules or the operation of mechanical transport by the person driving the mechanical transport was sanctioned, and art. 205 of the Criminal Code of Estonia criminalized other violations of traffic safety rules and the operation of means of transport.

After 2005, the Estonian legislator decided to dedicate a separate section to road transport crimes (Chapter XXIII - culpable acts in the field of traffic safety).

Specifically, Article 423² of the Estonian Criminal Code provides for liability for the crime of consumption by the driver of a means of transport of alcohol, narcotic or psychotropic substances after violating the rules of traffic or operation of means of transport, committed with the reckless causing of serious damage to health or even death of a person, as well as leaving the scene of a road accident, an act punishable by imprisonment for up to five years (Estonian Criminal Code).

However, what is specific to Estonian legislation is that some criminal acts arising from the commission of a road accident are punished by special law. According to art. 236 of the Law in question (Law no. 44/2001), the act of failing to report a road accident is punishable by a fine of up to 300 conventional units, arrest or deprivation of the right to drive a means of transport for a period of up to 12 months.

Article 237 of the Law under consideration expressly provides for criminal liability for leaving the scene of a road accident or leaving in danger without providing first aid to the victims of a road accident, the perpetrator being punished with a fine of up to 300 conventional units, arrest or deprivation of the right to drive a means of transport for 24 months.

In the content of the presented norms, we identify the idea of criminal sanctioning the person who caused a road accident, and subsequently did not notify the police, did not provide assistance to the victims and left the scene of the road accident. So, we note that the methods of committing this crime are much more extensive than is provided for in the legislation of other states, including that of the Republic of Moldova.

We would agree with this incrimination tactic, but we believe that not informing the police about the accident would not be rational to provide grounds for the application of criminal liability. Moreover,

the parties can resolve the conflict generated by a road accident amicably without the need for the intervention of law enforcement agencies or the insurer on site.

The Criminal Code of Lithuania does not enshrine a separate norm for sanctioning the act of leaving the scene of a road accident, although it contains a section intended to criminalize acts against road safety (Chapter XXI).

However, the lack of a specific norm for this category of acts does not leave the perpetrator who flees from the scene of a road accident without sanction, leaving the victim in danger.

Thus, according to Art. 141 of the Criminal Code of Lithuania (Leaving in Danger), it is a crime to fail to provide necessary assistance to a victim in a life-threatening situation, an action that led to the victim's death or other serious consequences, an act that is punishable by unpaid work or a fine in the amount of up to five minimum wages (Criminal Code of the Republic of Latvia, 1998).

Moreover, the same style of regulation is also characteristic of the criminal legislation of Latvia, where in the absence of a norm criminalizing the act of leaving the scene of a road accident, the provisions of Art. 144 of the Criminal Code of Latvia will apply.

So, based on the above-mentioned norm, if the person responsible for the care of the victim, having the possibility of providing first aid in life-threatening situations, did not provide the necessary assistance or alone created such a danger, he is guilty of a crime and is punished by a fine or deprivation of liberty for a term of up to two years (Criminal Code of Lithuania, 2000).

Conclusions

Leaving the scene of a road accident has a certain diversity in its legal approach, as well as the doctrinal one, starting from the diversity of styles of regulation of this category of acts, to the avoidance of considering it as a crime. However, in some criminal legislation the act in question is incriminated distinctly, as an autonomous crime, and in others as a special form of leaving in danger. However, we identify norms in the Criminal Codes of many European states that sanction the act of leaving the scene of a road accident, contained in the sections that deal with crimes that attempt to obstruct the administration of justice, which indicates the categories of social relations that this attempts.

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