



ORIGINAL

The role of criminal liability for illegal possession of a vehicle

El papel de la responsabilidad penal por posesión ilegal de un vehículo

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ABSTRACT

The aim of the study is to analyse the impact of criminal liability on the prevention of and counteraction to illegal acts. The article identifies legal problems and challenges associated with the application of criminal liability for the type of offences under research. The work employs the methods of legal audit, comparative and statistical analysis, research of the case law and court decisions in the EU countries. The results of the study demonstrate that the strengthening of criminal liability helps to reduce the number of cases of illegal possession of a vehicle and increase citizens' legal awareness. The article defines the principles of legality, humanity, and justice in accordance with the introduction of criminal liability, and offers recommendations for its improvement. Special attention is paid to the development of measures for increasing the effectiveness of law enforcement in the Eastern European countries. The study also explores the role of public awareness campaigns in reducing instances of illegal vehicle possession and fostering a culture of lawfulness. It highlights the importance of integrating technological advancements into preventive strategies, such as vehicle tracking systems and digital reporting platforms. Additionally, the article examines the correlation between the severity of penalties and the recidivism rates, proposing adjustments to sentencing policies to balance deterrence and rehabilitation. The practical significance of the study is to identify opportunities for improving legal regulation and to make proposals for authorities and interested parties in order to optimize criminal legal processes. Further research should be focused on finding effective means of regulating legal liability and improving rehabilitation programmes to reduce crime rates.

Keywords: Case Law; Criminal Law; Criminal Liability; Legal Liability; Legal Qualification; Protection of Owner's Rights; Vehicle Crimes.

RESUMEN

El objetivo del estudio es analizar el impacto de la responsabilidad penal en la prevención y lucha contra los actos ilegales. El artículo identifica los problemas jurídicos y los desafíos asociados con la aplicación de la responsabilidad penal para el tipo de delitos objeto de investigación. El trabajo emplea los métodos de auditoría jurídica, análisis comparativo y estadístico, investigación de la jurisprudencia y las decisiones judiciales en los países de la UE. Los resultados del estudio demuestran que el fortalecimiento de la responsabilidad penal ayuda a reducir el número de casos de posesión ilegal de un vehículo y aumenta la conciencia jurídica de los ciudadanos. El artículo define los principios de legalidad, humanidad y justicia de acuerdo con la introducción de la responsabilidad penal y ofrece recomendaciones para su mejora. Se presta especial atención al desarrollo de medidas para aumentar la eficacia de la aplicación de la ley en los países de Europa del Este. La importancia práctica del estudio es identificar oportunidades para mejorar la

regulación jurídica y hacer propuestas a las autoridades y las partes interesadas con el fin de optimizar los procesos legales penales. La investigación futura debe centrarse en encontrar medios eficaces para regular la responsabilidad legal y mejorar los programas de rehabilitación para reducir las tasas de criminalidad.

Palabras clave: Jurisprudencia; Derecho Penal; Responsabilidad Penal; Responsabilidad Jurídica; Calificación Jurídica; Protección de los Derechos Del Propietario; Delitos Contra Vehículos.

INTRODUCTION

Legal responsibility plays a key theoretical role in ensuring public order and safety. It defines the legal framework for prosecuting a person for violating the law, and establishes sanctions for such violations. According to Kvasha and Rasim⁽¹⁾, the main purpose of criminal liability is to prevent crimes, protect the rights and freedoms of citizens, and ensure justice. Theoretical aspects of criminal responsibility include the principles of legality, equality before the law, inevitability of punishment, and individualization of punishment. These principles ensure that every person who commits a crime is prosecuted to the full extent of the law and that the punishment is fair and proportionate. Real liability contributes to the prevention of crime by establishing strict sanctions and ensuring their consistent application.

The problem of crime in Europe is complex and multifaceted as regards illegal possession of vehicles. This type of crime has a significant negative impact on the economy, public safety, and the well-being of citizens. Gruszczyńska and Gruszczyński⁽²⁾ believe that car theft is often associated with organized crime, which complicates the fight against it. European countries use a variety of legislative and enforcement measures to regulate this issue. They have strict penalties for vehicle theft, including long prison terms and significant fines. The legislation provides for the confiscation of stolen vehicles and property acquired through crime. Despite these measures, the problem remains relevant because of the high profitability of criminal activity and the difficulty of its disclosure. International cooperation through the exchange of information between law enforcement agencies and joint operations against organized criminal groups plays an important role in regulation.

Digital processes to detect and prevent vehicle theft crimes are becoming increasingly dynamic in today's world. According to Sonnekus⁽³⁾, the use of modern technologies, such as GPS systems, automatic number plate recognition (ANPR) significantly increases the effectiveness of the fight against crime. GPS systems track the location of vehicles in real time, which makes it more difficult to steal them and increases the likelihood of quickly identifying stolen cars. ANPR systems help the police quickly identify stolen vehicles on the roads. The use of surveillance cameras and registries ensure reliable and transparent storage of property data, which makes it difficult to falsify documents and resell stolen cars. Digitization promotes more effective coordination of law enforcement agencies at the international level, which is a key element in the fight against organized crime. Therefore, the introduction and development of digital technologies is an important step in increasing security and reducing the vehicle theft rate.

The study aims to analyse the role of criminal liability for illegal vehicle possession and its impact on reducing the European crime rate.

The aim was achieved through the fulfilment of the following research objectives:

1. Analyse the dynamics of illegal possession of vehicles in different EU countries;
2. Assess the state of regulatory acts on the regulation of vehicle thefts;
3. Develop recommendations for improving the legal mechanisms for combating the theft of vehicles and increasing the effectiveness of criminal liability in the EU countries based on the conducted analysis.

Literature review

The researchers note the importance of liability for illegal possession of a vehicle and analyse the effectiveness of law enforcement and prevention of these offences. Battersby et al.⁽⁴⁾ argue that the strengthening of criminal liability helps to reduce the number of cases of illegal possession of vehicles and increase citizens' safety. The analysis conducted by Zhuravlova et al.⁽⁵⁾ shows that innovations in the educational system have a significant impact on the pedagogical process. Shchokin et al.⁽⁶⁾ reveals that crime rates significantly affect the hospitality and tourism industry in the EU countries.

Based on European experience, Rakovich⁽⁷⁾ notes that stricter penalties and thorough investigation of cases of illegal possession of vehicles lead to a decreasing number of such crimes. According to Teichmann⁽⁸⁾, criminal liability should include adequate punishment and rehabilitation measures to ensure justice and prevent recidivism. Grzebyk⁽⁹⁾ points to the importance of involving the public and stakeholders in the process of developing a policy on the prevention of illegal possession of vehicles to ensure its effectiveness and transparency. The study conducted by Heath-Kelly and Shanaah⁽¹⁰⁾ demonstrates that the analysis of the causes

and conditions of committed crimes can reveal unexpected factors that contribute to their commission. Shiode et al.⁽¹¹⁾ draws attention to the challenges associated with the implementation of strict legal measures, the problem of ensuring the appropriate level of training of law enforcement officers and resources for effective law enforcement. Movchan⁽¹²⁾ notes that it is necessary to ensure systemic support at all levels of management, including legislative and executive bodies in order to achieve significant changes.

The research conducted by Battersby et al.⁽⁴⁾ confirms that despite the difficulties, the positive impact of criminal liability on reducing the rate of such crimes is obvious. The article of Buil-Gil et al.⁽¹³⁾ suggests new opportunities for improving the effectiveness of law enforcement through improving the legal framework and increasing penalties. According to Fijnaut⁽¹⁴⁾, the development and implementation of effective legal mechanisms are of primary importance for the creation of a law-based society. Danylchenko⁽¹⁵⁾ reveals the importance of a comprehensive approach to combating illegal possession of vehicles, including preventive measures and cooperation with the public. The issue of ethics is emphasized by Heys⁽¹⁶⁾, where the author notes that the fair application of criminal liability can increase citizens' trust in the legal system. Lin and Althoff⁽¹⁷⁾ analyse that the causes of illegal possession of vehicles are socio-economic factors, which requires an integrated approach to their solution. The work Kujala et al.⁽¹⁸⁾ states that a critical factor in ensuring effective law enforcement is the preparation of qualified law enforcement officers.

According to Khalifa et al.⁽¹⁹⁾, governance focused on cooperation with local communities and increasing the level of legal education is more effective in fighting crime. Drozdowska⁽²⁰⁾ shows that including the public in the planning and implementation of legal measures improves their effectiveness and transparency. According to Ojo et al.⁽²¹⁾, criminal liability is the main factor in promoting legal awareness and improving law and order. According to van Santvoord and van Ruitenburt⁽²²⁾, the EU countries aim to reduce crime rates through the harmonization of legislation and the implementation of effective law enforcement practices. The analysis conducted by Hall⁽²³⁾ points to the need to optimize the legal sphere to prevent illegal possession of vehicles. Lee et al.⁽²⁴⁾ testifies to the effectiveness of integrated approaches, which are reflected in the general level of security in local communities. So, the researchers emphasize the importance of criminal liability as a tool for increasing security and legal awareness at the local level.

METHOD

The research design involved four stages that reveal the issue of illegal possession of vehicles. The first stage was the collection and analysis of data on the general state of the number of criminal cases related to this crime in Europe. The second stage provided for analysing the content of legal acts that regulate the issue of protecting vehicles from theft. The third stage included the study of the reasons for committing such offences, analysing socio-economic factors and characteristics of offenders. At the fourth stage, conclusions and recommendations were drawn regarding the improvement of the legal framework and approaches to the prevention of vehicle thefts. Attention is paid to the possibility of introducing the latest technologies and increasing the efficiency of law enforcement agencies.

Research methods included the processing of statistics and the analysis of the regulatory and legal framework of European countries. The main research methods included quantitative analysis of data on the number of vehicle thefts and qualitative analysis of legislation and regulations governing this type of crime. Statistics were collected from official sources of national statistical services and reports of law enforcement agencies. Analysis of the legal framework includes the study of laws, regulations and other regulatory acts that regulate the fight against the theft of vehicles. A legal audit was carried out to determine the effectiveness of existing legal mechanisms and identify gaps that need to be addressed.

The study sample included ten countries: Germany, France, Italy, Spain, Great Britain, Poland, Sweden, the Netherlands, Belgium, and the Czech Republic. The countries were selected because of their diverse approach to combating vehicle theft and because of their high level of institutional capacity, availability of statistics. These countries have considerable experience in implementing legal and technological measures to prevent theft, which provides a diverse range of data for comparative analysis.

The research tools included an audit of the regulations of foreign countries and the use of Excel software to conduct quantitative analysis of the collected data. The analysis of legal acts identified the legal mechanisms used in different countries to combat vehicle theft.

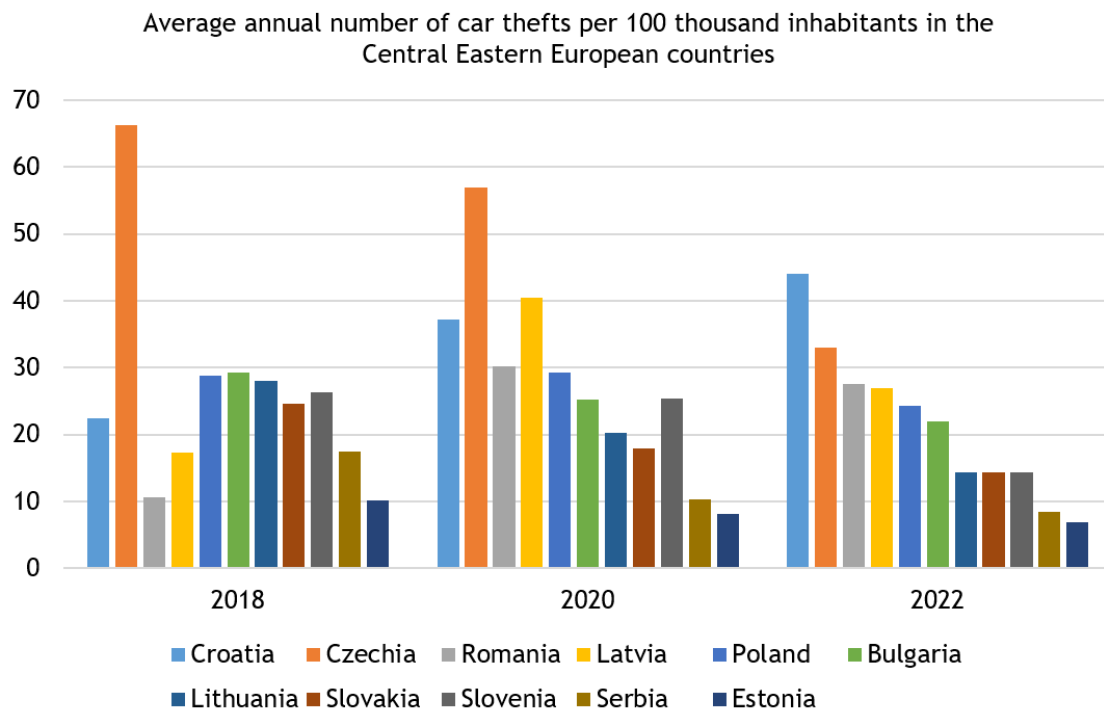
The ethics of the research was ensured by the observance of the principles of confidentiality and anonymity in data processing. All data were used for academic purposes only and were not subject to disclosure to third parties. The research was conducted taking into account ethical norms and standards that regulate the impartiality of the obtained results.

RESULTS

The liability for illegal possession of a vehicle plays an important role in the legal systems of many European countries. One of the key aspects is deterring potential criminals by establishing severe penalties for such

actions. In most European countries, illegal possession of a vehicle is classified as a serious crime punishable by significant prison terms and large fines. In Germany, this can be up to 10 years in prison for stealing a car, and in France - up to 7 years. A significant role is played by the confiscation of the property of criminals and the compensation of damages to the victims. In European countries, technological means are being actively implemented to combat this type of crime. International cooperation within the European Union, which involves joint operations against car theft, is important. It allows you to quickly identify and arrest criminals, even if they cross the borders of different countries. Figure 1 shows the general statistics of committed offences.

Analysis of data on the average annual number of car thefts per 100,000 inhabitants in the Central and Eastern European countries for 2018 to 2022 shows the diverse dynamics of this phenomenon. In some countries, there is a significant increase in vehicle theft cases, while other countries, on the contrary, show a certain decrease. The changes are explained by a variety of factors, including changes in legislation, increased efficiency of law enforcement agencies, introduction of new security technologies, and socio-economic changes. In the Czech Republic, the number of car thefts decreased by approximately 50 % from 2018 to 2022, indicating the effectiveness of their security measures and police reforms. Legislative changes, such as increased penalties for vehicle theft and stricter rules for vehicle registration, have contributed to a significant reduction in crime rate. The Czech Republic is actively implementing the latest technologies for tracking vehicles, which makes theft less attractive to criminals.



Source: graphed by the author based on Statista⁽²⁵⁾

Figure 1. Average annual number of car thefts per 100 thousand inhabitants in the Central Eastern European (CEE) countries between 2018 and 2022

A similar trend is observed in Romania, where the number of thefts has decreased by more than 60 % thanks to a comprehensive approach to fighting crime. Romanian law enforcement agencies have strengthened cooperation with international partners, such as Interpol and Europol, which has made it possible to more effectively track stolen vehicles and apprehend criminals. In Romania, legislation has been reformed to provide for tougher penalties for vehicle theft, including longer prison terms and significant fines. In contrast, in Croatia, the number of car thefts increased by more than 95 % during the same period. This indicates the need to improve security measures and make law enforcement more effective.

Despite certain efforts, the implemented measures proved to be insufficient to deter criminals. The Croatian government is considering the possibility of introducing new legislative amendments that provide for tougher penalties for vehicle theft. In Latvia, the increased number of vehicle thefts by more than 55 % is associated with economic difficulties, which increase the crime rate, as well as with insufficient effectiveness of existing security measures. Table 1 presents the main legal acts regulating liability for illegal possession of a vehicle.

Table 1. Criminal liability for illegal possession of a vehicle in European countries

Country	Liability	Regulatory legal act
Germany	Punishment of up to 5 years of imprisonment or a fine	Penal Code of Germany (Strafgesetzbuch), pp. 242, 243 ⁽¹¹⁾
France	Punishment of up to 7 years of imprisonment and a fine of up to EUR 100 000	Penal Code of France (Code pénal), Article 311-1, 311-4 ⁽¹²⁾
Italy	Punishment of 3 to 10 years of imprisonment	Penal Code of Italy (Codice Penale), Article 624 (12)
Spain	Punishment of 1 to 5 years of imprisonment and a fine	Penal Code of Spain (Código Penal), Article 244 ⁽¹³⁾
United Kingdom	Punishment up to 7 years of imprisonment	Theft Act 1968, section 12 ⁽¹⁴⁾
Poland	Punishment of 3 months to 5 years of imprisonment	Penal Code of Poland (Kodeks Karny), Article 278 ⁽¹⁴⁾
Sweden	Punishment up to 2 years of imprisonment or a fine	Penal Code of Sweden (Brottsbalken), Chapter 8, Article 7 ⁽¹⁴⁾
Netherlands	Punishment up to 6 years of imprisonment	Criminal Code of the Netherlands (Wetboek van Strafrecht), Article 310 ⁽¹⁵⁾
Belgium	Punishment of 1 to 5 years of imprisonment and a fine of up to EUR 50 000	Criminal Code of Belgium (Code pénal), Articles 461, 463 ⁽¹⁵⁾
Czech Republic	Punishment of 6 months to 8 years of imprisonment	Criminal Code of the Czech Republic (Trestní zákoník), Article 205 ⁽¹⁵⁾

Migration in the European countries has become one of the most important social and political problems in recent decades. Migrant flows, especially from the Middle East, Africa and South Asia, have increased significantly because of conflict, economic difficulties, and climate change. This trend has led to significant demographic changes in many European countries, including Germany, France, Italy, and Sweden. The studies point to a correlation between increased migration and increased crime rates, including petty theft, violent crime and illegal trafficking. In Germany, there has been an increase in the number of crimes committed by migrants, which has led to discussions about the need to improve border controls and integration programmes. It is important to note that the relationship between migration and crime is complex and multifaceted, and not all migrants engage in criminal activity; often it is related to the socio-economic conditions in which they find themselves.

The integration of migrants into European societies faces numerous cultural and ethical difficulties. Migration flows bring a variety of cultural and religious traditions, which are often significantly different from the local ones. In many cases, this leads to conflicts and misunderstandings that arise due to different social norms, values, and customs. In France, the issue of wearing religious symbols causes considerable controversy and even leads to legislative restrictions. In Sweden, cultural differences between migrants and the local population create challenges for integration in education and the labour market. Stereotypes and prejudices against migrants often complicate their social adaptation, which requires the development of special programmes to promote intercultural dialogue and understanding.

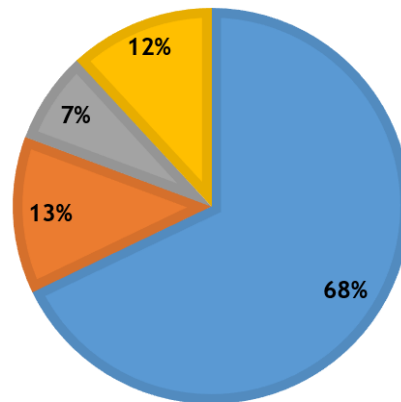
The problems of poverty and smuggling are serious challenges for European countries. The lack of adequate support and opportunities leads to increased unemployment rates, which encourages participation in illegal activities. Italy and Greece face problems of illegal transportation of people and goods across their borders. The governments of these countries are taking measures to combat smuggling, including strengthening border controls and cooperation with international organizations. However, the problems remain relevant without solving the main causes of crime. Figure 2 shows the main reasons for the detection of illegal possession of vehicles.

The largest number of cases are matches in the SIS (Schengen Information System) and Interpol systems, which amount to 562 cases. This testifies to the effectiveness of international databases and cooperation between countries in the fight against vehicle theft. The second most common method of detection is the manipulation of VIN codes, which accounts for 106 cases. This emphasizes the importance of monitoring vehicle identification numbers. Other methods include suspected theft (62 cases) and detection of document fraud (98 cases). Accordingly, there is a need to improve measures against forgery of documents and increase control over them.

The need to establish effective rehabilitation and correctional programmes for vehicle theft offences is urgent to reduce recidivism. Rehabilitation programmes should include professional training, psychological support and social reintegration of offenders. Such programmes can help ex-offenders to find legal work and adjust to a normal life, reducing the risk of re-offending. Some European countries showed successful examples of such programmes resulted in a significant reduction in the recidivism rate among graduates of these programmes (table 2).

REASON FOR DETECTION OF STOLEN VEHICLES

■ SIS/Interpol hit ■ VIN manipulated ■ suspected stolen ■ document fraud



Source: graphed by the author based on Frontex⁽²⁶⁾
 Figure 2. Reason for detection of stolen vehicles

Country	Rehabilitation programmes	Regulatory legal act and programmes
Germany	Programs of social reintegration, mandatory professional training	Law on Punishment and Rehabilitation Measures (Strafvollzugsgesetz), pp. 3, 9
France	Resocialization programmes, anger management courses, mandatory professional training courses	Penal Code of France (Code pénal), article 131-4; Passage to Freedom Programme (Passage à la liberté)
Italy	Training and occupational therapy programmes, psychological support	Penal Code of Italy (Codice Penale), Articles 47, 48; Law on Execution of Punishments (Ordinamento Penitenziario)
Spain	Programmes of psychological support, professional training and social integration	Penal Code of Spain (Código Penal), Articles 72, 83; Reclassification Programme (Reclasificación)
United Kingdom	Training programmes, occupational therapy, consultations with psychologists	Criminal Justice Act 2003, section 142, 229
Poland	Professional training, social rehabilitation programmes	Penal Code of Poland (Kodeks Karny), Article 70; A Chance for Change Programme (Szansa na zmianę)
Sweden	Mandatory professional training courses, social integration programmes	Penal Code of Sweden (Brottsbalken), Chapter 34; New Life Programme (Nytt liv)
Netherlands	Anger management courses, professional training programmes	Penal Code of the Netherlands (Wetboek van Strafrecht), Articles 14, 15; The Second Chance Programme (Tweede kans)
Belgium	Psychological support, professional training programmes	Penal Code of Belgium (Code pénal), Article 37; Path to Correction Programme (Chemin de correction)
Czech Republic	Mandatory professional training courses, occupational therapy	Penal Code of the Czech Republic (Trestní zákoník), Article 39; New Start Programme (Nový začátek)

Criminal liability for illegal possession of a vehicle plays an important role in deterring and preventing this type of crime. An important aspect is the confiscation of property that was obtained through crime, which does not allow criminals to keep illegally earned money. A comprehensive system of measures contributes to maintaining law and order and ensuring the citizens' safety.

Further development of the topic, taking into account the digitalization and improvement of justice methods in Europe, opens up new opportunities for a more effective fight against vehicle theft. The use of modern technologies can significantly complicate the life of offenders. Digitization of court processes contributes to faster processing of cases and increases the transparency and efficiency of justice. International cooperation and information sharing play a key role in the fight against car theft, ensuring the rapid identification and recovery of stolen vehicles regardless of borders.

DISCUSSION

The issue of the effectiveness of legal regulation of committed offences is considered by the researchers from the perspective of combating crime and reducing it in the future. The introduction of criminal liability

for illegal possession of a vehicle, as indicated in the study of Chornous and Vlasenko⁽²⁷⁾, contributes to a decreasing number of offences and an increased citizens' safety, which corresponds to its own results. The research conducted by Kim et al.⁽²⁸⁾ emphasizes the need to improve the legal framework for more effective law enforcement, which is consistent with our observations about the need to update legal norms. Marcus⁽²⁹⁾ notes that stricter punishments contribute to reducing the crime rate. The hypothesis advanced by Ishchenko et al.⁽³⁰⁾ is consistent with the need for the integration of preventive measures at the local level revealed in our research. According to Rakovych⁽³¹⁾, training and informational campaigns for law enforcement officers will have a leading role in improving the effectiveness of law enforcement.

An analysis conducted by Valero-Matas and Sandoval⁽³²⁾ emphasizes the importance of understanding the causes and conditions of committing crimes in order to develop effective legal measures. The work of Dean⁽³³⁾ identifies the potential of cooperation with local communities as a key element in the fight against illegal possession of vehicles. The obtained results confirm the problems outlined by Iordăchescu et al.⁽³⁴⁾ regarding the need for active involvement of the public in the processes of planning and implementation of legal measures. Heys⁽¹⁶⁾ draws attention to the obvious positive impact of an integrated approach on the level of legal awareness, which is consistent with the opportunities for improving security identified in his research. The process of improving law enforcement, as Page⁽³⁵⁾ noted, faces difficulties due to a lack of resources and qualified personnel. Therefore, the discussion emphasizes the importance of criminal liability as a means of ensuring law and order and increasing security, points to the need for further research to improve practices and methods of its implementation.

The limitations of the study

The study's limitations include the reliance on available statistical data, which may not fully capture unreported cases of illegal vehicle possession. Additionally, the scope of the research is confined to European countries, limiting the generalizability of the findings to other regions with differing legal systems and socio-economic conditions.

CONCLUSION

So, a comprehensive analysis of the role of criminal liability for illegal possession of a vehicle, its impact on the prevention of this type of offence was carried out. Effective law enforcement was found to require clear methodological guidelines, adequate funding, law enforcement training and active public participation. The integration of legal, social, and economic measures is critical for successful combating the illegal possession of vehicles. The development and implementation of comprehensive preventive measures, which include cooperation with local communities, is a key element for achieving sustainable results. The results of the study confirm the need to improve law enforcement practice and create conditions for increasing legal awareness among the population, which will contribute to reducing the crime rates and increasing the overall level of safety and security.

RECOMMENDATIONS

1. Develop and implement clear guidelines for law enforcement agencies in cases of illegal possession of vehicles. Include guidance in legislative initiatives to ensure legal certainty and promote effective law enforcement.
2. Involve the public and interested parties in the policy development process to prevent illegal vehicle possession. Organize public hearings, consultations, and workshops to ensure transparency and consideration of a wide range of policy-making interests.
3. Introduce training programs and courses for law enforcement officers and employees of judicial bodies. Emphasize raising awareness and improving competencies through state initiatives and grants.
4. Create a system of monitoring and evaluating the effectiveness of law enforcement activities in cases of illegal possession of vehicles. These mechanisms should be included in the state monitoring and reporting program to ensure transparency and accountability.
5. Guarantee the availability of adequate funding and resources for implementing measures to prevent and combat illegal activities. Support these measures through the state budget and trust funds to ensure the necessary resources to fight crime.

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