The Influence of Reform of Criminal-Procedure Legislation on the Criminality Rate in Moldova

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Abstract

Criminality is one of the most pressing issues, and it requires solving and developing a democratic state governed by the rule of law. At the same time, the reform implementation process, which could positively influence criminality rate reduction, is complex and long-lasting. The study aims to determine the main trends and principles of reforming criminal-procedure legislation in Moldova and determine its influence on the criminality rate. The study used a legalistic method, statistical method, and descriptive method. Based on the study's results, the key tendencies and principles of reforming criminal-procedure legislation in Moldova were characterised. The main ones are the harmonisation of legislation with the norms of the European Union and humanisation. Statistical analysis of the criminality rate in Moldova was conducted, and some positive tendencies were outlined. In particular 2023, 7.7 thousand fewer crimes were registered compared to 2019. At the same time, evaluation of the dynamics of the criminality rate indicates the preservation of the high criminality rate. Based on the study's results, analytical conclusions were presented, and some recommendations concerning further trends in reforming criminal-procedure legislation were formed.

Keywords: criminal-procedure legislation, criminality rate, trust in the police, procedural justice, reform

Introduction

The criminality rate in Moldova is one of the highest in Europe, and every sixth crime qualifies as particularly serious. Such a situation negatively influences citizens' well-being and creates conditions under which they feel insecure. This stipulates the necessity for conducting relevant changes in criminal and criminal-

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procedure law. The last defines the investigation procedure and criminal justice process. However, it can influence the criminality rate both directly and indirectly. Above all, such influence occurs through observance of victims' and criminals' rights and freedoms, cooperation, prevention measures, etc. Ensuring procedural justice plays a significant role in the context of criminal-procedure law. Many studies note the positive influence of procedural justice on public trust in police and satisfaction with their work (Pryce & Wilson, 2020; Graham et al., 2020). This is also related to individuals who have committed a crime, thus, procedural justice can contribute to order improvement in correctional institutions (Maguire et al., 2021; Yasrebi-De Kom et al., 2022) and, probably, prevent the repetition of the crime. Some works doubt such a view (Nagin & Telep, 2020). However, the fact that procedural justice enhances public trust in the efficiency and legitimacy of the police is generally recognised (Peacock, 2021).

The process of reform implementation and exercising is complex and long-lasting. Reform of criminal and criminal procedure legislation in Moldova began in the 1990s. Since then, the country has passed a complex way, experiencing both failures and successes in reforming. According to which the reforms are exercised, the main principles are harmonisation of national legislation with the norms of the European Union (EU) and legislation humanisation. At the same time, reforms are not only an expression of the intentions of the European integration of the state but an objective necessity stipulated by numerous problems.

The research aims to determine the main trends and principles of reforming criminal-procedure legislation in Moldova and determine its influence on the criminality rate. The main tasks, which should be solved within the set aim, are as follows:

- to study the main principles and tendencies of criminal-procedure legislation reform in Moldova;
- to characterise the state and dynamics of the criminality rate in Moldova based on the present statistical data;
- to evaluate the dynamics of the criminality rate in the state and develop relevant analytical conclusions.

Literature review

Many works are dedicated to the study of the issue of criminal-procedure legislation reform. Ursu (2018) defines the main principles of reforms in Moldova as principles of legality, democracy, and humanism. In the other work, the researcher studies the harmonisation of the Moldova criminal justice system with

the EU norms in detail. The researcher notes that Moldova's adoption of several directives of the EU contributes to improving human rights protection, coordination between the states and enhancing justice efficiency (Ursu, 2023). Casîm and Railean (2022) underline that applying the presumption of innocence is of great importance from the perspective of criminal-procedure legislation humanisation. This principle is included in the Criminal-Procedure Code of Moldova as the main law regulating criminal conduct.

Sukhov 2022) reveals the stages of the development of the institute of legal aid guaranteed by the state in Moldova. The first attempts to reform this institute were related to economic problems, however, they were regulated later. The scientist notes that, at present, the provision of free legal aid in Moldova is quite efficient and harmonious; it is constantly developing and has a wide range of services.

Karas (2020) studies criminal-procedure legislation reform in the example of Croatia. In Moldova and Croatia, the main reforming trends are harmonisation with the norms of the EU and humanisation.

In their work, Weisburd et al. (2022) study perspectives of police service reform by teaching procedural justice. The researchers reveal the influence of such education on the behaviour of police officers, public attitude to police, and criminality rate.

The term' procedural justice' is frequently noted in the study of criminal-procedure legislation reform. Meyer and Williamson (2020) underline the influence of the procedural justice system on the evaluation of law-enforcement authorities by victims and offenders. The researchers underline that procedural justice plays an important role in enhancing the level of trust in police. Nalla and Nam (2021) study the influence of police procedural justice on the interaction between public evaluation of police corruption and trust in it. Murray et al. (2021) also consider the issue of procedural justice. The researchers study the experience of stop-and-search of young people in England and Scotland, particularly its influence on the trust in police and observance of the law by young people. Procedural justice and police efficiency are the themes of the study by Koster et al. (2020). The researchers study the influence of police's negative treatment of crime victims and their readiness to share information.

The conducted literature review proves the importance of this theme from the perspective of the influence of criminal-procedure legislation reform on ensuring humanity and observance of human rights. At the same time, the influence of such reforms on the criminality rate, particularly in Moldova, remains understudied.

Methodology

Study procedure.

In the main stage of the study, the main principles and trends of criminal-procedure legislation reform in Moldova were characterised. For this, general principles determined in the literature (in particular, harmonisation with the norms of the EU and humanisation of the criminal-procedure legislation) were studied. The main directions of reforming were determined through the analysis of the national legislative framework. The main directions for the arrangement of the national legislation with the norms of the EU were determined by revealing the designation of the EU directives adopted by Moldova. The second stage of the study contained statistical analysis and a graphical representation of the indicators of the criminality rate in Moldova. In the third stage, the dynamics of the criminality rate were evaluated, and analytical conclusions were made.

Sampling

National and international legislative acts serve as an information base for research. The work also used information presented on the official website of the National Statistical Bureau of Moldova. Data was taken from this resource on the following indicators:

- crime rate in Moldova in 2019-2023:
- the number of serious crimes in the total number of registered crimes in 2019-2023:
- the structure of registered crimes by category in 2023;
- the number of persons who committed crimes in 2021-2023;
- convicted persons per 10,000 population in 2019-2023;
- structure of convicts by main categories of crimes in 2023;
- distribution of convicts to the main punishment assigned by the courts in 2020-2022.

Also, the study used information on the ranking of countries according to the Crime Index (Numbeo, 2014) for 15 European countries characterised by the highest level of crime in this ranking.

Methods

Within the study, a legalistic method was used, which enabled analysis and understanding of the content of the studied national and international regulatory documents. This method detected the main directions and principles of criminal-procedure legislation reform in Moldova. Statistical methods also had a significant meaning, as they enabled the detection and characterisation of the

indicators of tendencies concerning the criminality rate in Moldova. This method was used to characterise the changes in Moldova's criminality rate by year and determine the crime structure by categories and structures of the convicted by the main categories of crimes, etc. The descriptive method enabled defining the processes that occur during criminal-procedure legislation reform in the state.

Results

The main principles and trends of criminal-procedure legislation reform in Moldova

The main principles of criminal-procedure legislation reform in Moldova and legislation harmonisation with the norms of the EU and humanisation of national criminal-procedure legislation accordingly. The reform process to achieve compliance with the recommendations of the EU began in the 1990s. During this process, the transformation of criminal and criminal procedure legislation was expected to ensure compliance with European human rights and criminal justice standards. The main problems, which were to be harmonised, involved ensuring justice within the trial process and observance of the rights of individuals accused of committing a crime. The issues of prevention and counteraction to corrupt activity and economic crimes were also important.

Under the influence of the processes of humanisation, which affected social relations in general and transformed the legal ideology of the state, the Criminal-Procedure Code of Moldova underwent significant changes in the 1990s. According to new terms, universal human values were highlighted, and unconditional rule of law was demanded. This stipulated an extension of the rights of individuals accused of committing crimes, including a right to free legal aid. In particular, the compulsory requirement was the participation of the counsel from the moment of detention. The Constitution of the state, adopted in 1994, guaranteed the right of the parties to use the services of a counsel.

In such a way, the first steps to harmonisation of procedural guarantees of free legal aid provision by international standards were made in Moldova. At the same time, the harmonisation process was not easy, especially due to the failure to consider the economic aspects of the issue in the early stages. In particular, approaches to the remuneration of counsellors who provided free aid were not changed. Only after passing the Law on Legal Aid, guaranteed by the state (Ministerul Justiției, 2018) and its coming into effect in 2008, was created the modern system of legal aid, guaranteed by the state. In particular, relevant authorities of system administration were found, and their duties were determined. Their duties, among others, included selecting the subjects of aid provision and control over quality and appropriate remuneration for services provided. Since

then, free aid has been provided in both criminal and other categories of cases and in events when the accused had no funds to pay for the counsellor's services.

In general, the harmonisation of legislation of Moldova with the norms of the EU took place due to the adoption of several directives and other regulatory acts of the EU on:

- improvement of the protection and ensuring of the rights of the victims in criminal proceedings (European Union, 2001);
- improvement of coordination and joint work within the EU states in recognition and exercising of judgments in criminal matters (European Union, 2008);
- ensuring the protection and support of the individuals who became the victims during criminal proceedings (European Union, 2012);
- joint work of the EU states during the investigation and court prosecution of crimes (European Union, 2014);
- improving the rights of individuals accused of committing crimes and ensuring justice within criminal proceedings (European Union, 2016).

Reformation of the police services was conducted within the European integration intentions of Moldova, as well as the objective necessity of solving numerous activity issues (Poliția Republicii Moldova, 2024). The law on police activity and the status of the police officer was adopted in 2012 (Ministerul Justitiei, 2012).

The recent steps in criminal-procedure legislation reforming in Moldova were emphasised in the Report on the performance of the National Action Plan on the implementation of the EU Association Agreement with the Republic of Moldova (Ministry of Foreign Affairs and European Integration, 2020). It included:

- changes to the organisation and activity of probation authorities. According to these changes, the Department of Electronic Monitoring was founded. Herewith, the organisational chart of the National Probation Inspectorate was changed, which enabled the realisation of day and night electronic monitoring (Ministerul Justiției, 2019);
- approval of general standards of organisation, activity, and equipment of subdivisions of investigation, prosecution, and criminalistics subdivisions of police;
- follow-up revision of the Criminal Procedure Code on the provision of the State Fiscal Service with the authorities to fix certain offences provided by the Criminal Code (Ministerul Justiției, 2018).

Statistical data on criminality rate in Moldova

The general review of the main principles and trends of criminal-procedure legislation reform in Moldova enables evaluation of their influence on the criminality rate in Moldova. The National Bureau of Statistics (National Bureau of Statistics of the Republic of Moldova, 2024) provided statistical data on the criminality rate. Figure 1 presents the general criminality rate for 2019-2023.

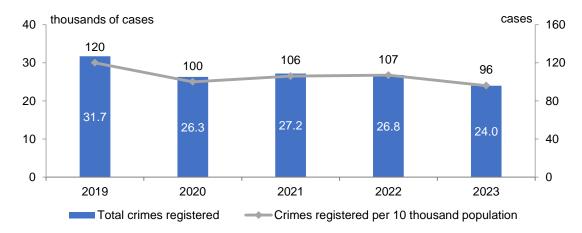


Figure 1. Criminality rate in 2019-2023 (National Bureau of Statistics of the Republic of Moldova, 2024)

Figure 1 indicates the general tendency to reduce the criminality rate in Moldova during the studied period. 7.7 thousand fewer crimes were registered in 2023. The number and share of severe crimes in the total number of offences have reduced (Figure 2).

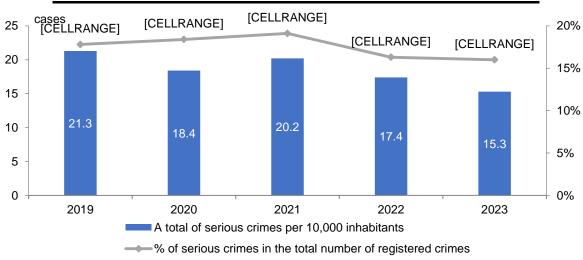


Figure 2. The number of severe crimes in the general number of registered crimes in 2019-2023 (National Bureau of Statistics of the Republic of Moldova, 2024)

Thus, compared to 2019, the number of severe crimes in 2023 has reduced by 6 cases per 10,000 people. Crimes against property prevail in the structure of crimes by categories. Also, a large share of crimes is fixed in the transport sphere (Figure 3).

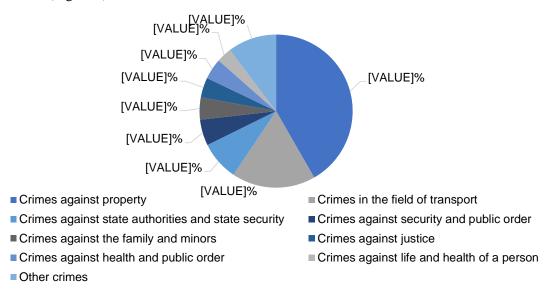


Figure 3. Structure of the registered crimes by category in 2023 (National Bureau of Statistics of the Republic of Moldova, 2024)

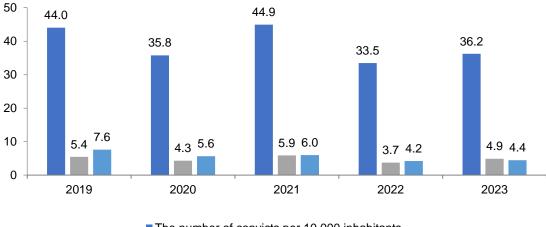
Table 1 contains data on the number of individuals who have committed crimes, divided into different categories. Most people who committed crimes were men (almost 91%). Approximately 35% of individuals who committed crimes were unemployed of working age. Herewith, the share of those who committed a crime in a state of alcoholic intoxication was more than 21%.

Table 1Number of individuals who committed crimes in 2021-2023

	2021	2022	2023	2023 in % compared to
T-4-1	14.262	12.402	11 246	2022
Total	14,263	13,482	11,246	83.4
Including for article:				
Women	1,142	1,059	1,018	96.1
Men	13,121	12,423	10,228	82.3
Underage	1,163	1,039	735	70.7
Individuals who committed a	13,979	13,176	10,926	82.9
crime for the first time				
Individuals who had	284	306	320	104.6
previously committed crimes				
Individuals of working age	5,548	5,091	3,993	78.4
but without education				
Individuals who committed a	835	685	553	80.7
crime with a group				
Individuals, who committed a	3,014	2,868	2,376	82.8
crime in a state of alcoholic				
intoxication				

Source: National Bureau of Statistics of the Republic of Moldova (2024)

Figure 4 demonstrates the number of individuals convicted (in calculation per 10,000 people). According to the figure, most of the convicted were men. The number of convicted individuals by all categories tends to reduce.



■ The number of convicts per 10,000 inhabitants

■ The number of convicted women per 10,000 women

■ The number of convicted minors per 10,000 children aged 0-17

Figure 4. Convicted persons per 10,000 people, 2019-2023. (National Bureau of Statistics of the Republic of Moldova, 2024)

Figure 5 supplements data on Figure 4 with information on the share of convicted according to primary crime categories. Thus, the largest number of convicted is observed in the 'crimes in the transport sphere' category. Table 2 contains data on the division of convicted by the type of punishment.

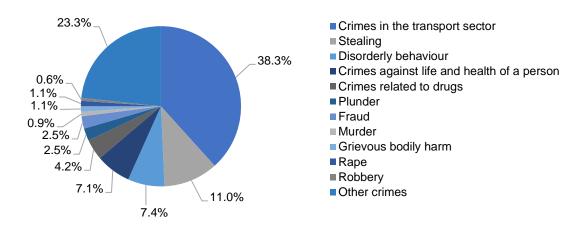


Figure 5. Structure of convicted by the main crime categories in 2023 (National Bureau of Statistics of the Republic of Moldova, 2024)

Table 2Division of the convicted by the primary punishment, ordered by courts in 2020-2022.

	2021			2022			2023		
	Tota	includin		Tot includi		ludi	Tot	includi	
	1	g:		al	ng:		al	ng:	
		women	minors		women	minors		women	minors
Total number of	11,52	791	33	8,41	49	22	9,1	64	23
convicted	9		0	0	3	6	03	9	9
Including									
punishment types:									
Imprisonment	3,421	242	17	3,26	19	14	3,3	19	13
			4	2	2	5	88	3	3
Fine	1,106	85	25	649	49	10	751	10	13
								9	
Conditional	2,318	222	11	1,56	77	42	1,9	11	47
sentence			3	7			14	5	
Community service	4,681	242	16	2,93	17	29	3,0	23	45
				0	5		50	2	
Other punishment	3	-	2	2	-	-	-	-	1

Source: National Bureau of Statistics of the Republic of Moldova (2024)

Comparing data for 2023 and 2021, it is possible to note that the total number of convicted has reduced by 2,426 individuals. Punishment in the form of community services was noticeably less often applied, while the number of convictions in the form of sentencing has not significantly changed.

Dynamics evaluation

The analysis of the statistical indicators of criminality in Moldova indicates the tendency for criminality rate reduction. However, the criminality rate in Moldova remains quite high, which is certified by the data of the Crime Index (Numbeo, 2024). According to this index, Moldova is eleventh among European states (Figure 6). Index dynamics for Moldova for 2013 and 2024 do not demonstrate a stable tendency to reduce criminality (Figure 7).

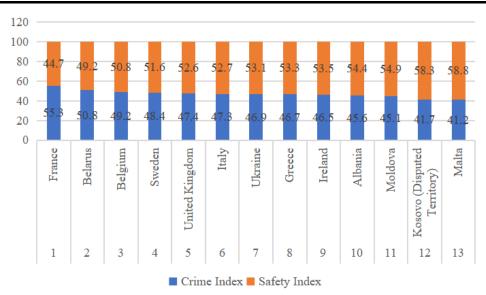


Figure 6. Crime Index by state (developed by the author according to Numbeo (2024))



Figure 7. Crime Index for Moldova for 2013-2024 (developed by the author according to Numbeo (2024))

At the same time, according to survey data, the level of public trust in police is noted to increase, which indicates positive results of conducted reforms. For example, as of 2010, residents of the state considered that the criminality rate

in cities has either increased or remained unchanged. The public experienced serious fears concerning personal security (Malcoci, 2010). Only 30.5% of citizens trusted the police in 2008. At the same time, as of 2019, the level of trust has increased, and its value has achieved 39.5%. The positive effects related to police reform include:

- professional training of newcomers in police, as well as training in community policing;
- conduction training workshops in ethics and anti-corruption measures;
- repair and renovation of isolators, which comply with minimum standards (IPN, 2020).

Discussion

The influence results can indicate the influence of reform of criminal-procedure legislation on the criminality rate in Moldova. Reforming was proved to have a tendency toward criminality reduction and increased trust in the police. At the same time, the criminality rate in Moldova remains high and requires further effective decisions.

Ursu (2018) notes that the humanisation of law enforcement practice is one of the world trends. The researcher considers such principles appropriate and useful, particularly for reducing criminality rates. Hence, humanisation is one of the leading principles of harmonisation of national legislation with the norms and rules of the EU (Ursu, 2023). Casîm and Railean (2022) indicate that using the presumption of innocence in the procedure-criminal law of Moldova is an important requirement for ensuring the rule of order. Cyxob (2022) concludes the efficiency of the reform of the institute of legal aid guaranteed by the state in Moldova. The researcher notes that significant preparatory work of the state in cooperation with public society played an essential role in this process. Nowadays, the system of legal aid, guaranteed by the state, may serve as an example for other states. These opinions were reflected in the author's study, which confirmed Moldova's intention to humanise criminal-procedure legislation and its harmonisation with the norms of the EU.

Karas (2020) underlines the importance of using different consensual procedures in the criminal process. The researcher states that these can contribute to the acceleration and enhance the efficiency of a criminal proceeding under the condition of proper regulation. This theme was not revealed in the study. Thus, the efficiency of consensual procedures may be the subject of further studies.

The author's study outlines the positive outcomes of police reform in Moldova. The studied data indicates that the reform was guided by the principle of

ensuring procedural justice, which is widely studied in the works of scientists. Weisburd et al. (2022) have found that teaching procedural justice to police representatives leads to fair procedural behaviour of the police. Herewith, it contributes to public perception of police and the reduction of criminality rate. Meyer and Williamson (2020) study issues of domestic violence and the influence of the use of procedural justice on victims and offenders. The researchers recognise that a positive experience of cooperation with law enforcement authorities contributes to improving victim protection and determining the need for support from the offender. Nalla and Nam (2021) found that regardless of the influence of corruption on trust, procedural justice mitigates this relationship, positively influencing trust. Murray et al. (2021) conclude that measures such as stop-and-search of young people can undermine trust in police and procedural justice and finally lead to an increase in the number of crimes. Koster et al. (2022) note the important role of procedural justice in improving cooperation between crime victims and police. Feelings of injustice by victims influence their readiness to share information. Quick case consideration is the most critical factor for victims of property crimes, which are the results of police activity. Herewith, victims of violent crimes, above all, count on bringing offenders to responsibility. The author's study has determined an increase in public trust in the police in Moldova, which can result from the proper application of the principles of procedural justice. The author believes that the work on improving ethics and training on anti-corruption measures played a significant role in this process.

Conclusion

Criminal procedure legislation reform in Moldova has occurred since the beginning of the 1990s. This process takes place under the influence of European integration tendencies and the necessity of legislation humanisation. Additionally, the necessity of the reforms is stipulated by numerous issues in law enforcement activity, particularly the high criminality rate.

The study has revealed the opinion on the influence of reform of criminalprocedure legislation on the criminality rate in Moldova. Ideas on ensuring procedural justice and observance of rights and freedoms of victims of criminals and criminals, which can prevent crimes from recurring and increase the efficiency of cooperation with police, were presented.

At present, the desired results of reforms have not been achieved, but their approach can indicate positive tendencies. Such tendencies include the increase of public trust in police, reducing the criminality rate, and increasing the state's Crime Index rating. The large share of crimes committed by unemployed individuals in a state of alcoholic intoxication, juvenile crimes, a large share of

crimes in the transport sphere and property crimes indicated present problems. Further study directions may be oriented toward forming mechanisms to prevent the most widespread crimes in Moldova.

Recommendations for further reform of the system of criminal-procedure law in Moldova include:

- further harmonisation with the norms of the EU;
- observance of the principle of procedural justice by law enforcement authorities;
- conduction of relevant training and training workshops for police representatives;
- ensuring proper maintenance of prisoners;
- realisation of a complex approach with the purpose of criminality rate reduction, which foresees the implementation of legal, economic, and social measures.

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