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DOI: <https://doi.org/10.5281/zenodo.20826768>**THEORETICAL FOUNDATIONS OF CRIME PREVENTION IN MODERN
PREVENTION AND COMBATING POLICIES: PROBLEMS AND PERSPECTIVES****Lilia CATAN,**

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Abstract

The article analyzes the theoretical foundations of crime prevention within modern criminal policy. It highlights prevention as a key component of penal policy, alongside sanctions and reintegration measures, as reflected in European recommendations, including those of the Council of Europe. Prevention is understood both in a legal-penal sense (general and special prevention through sanctions) and in a sociological-criminological sense (addressing causes of crime).

The study emphasizes three dimensions of criminal policy in the Republic of Moldova: legislation and sanctions, specialized prevention institutions, and societal reaction to crime. It also discusses limitations of preventive policies, such as the impossibility of fully eliminating crime, difficulties in evaluating results, high costs, and potential restrictions on individual freedoms.

The work further examines general and special prevention, social and situational prevention, juvenile delinquency policies, and European standards. It underlines the importance of proportionality, rehabilitation, and community involvement in crime prevention strategies.

Finally, it concludes that modern criminal law balances social defense with individual rights, focusing on reducing crime through integrated, evidence-based and cooperative approaches.

Keywords: crime prevention, criminal policy, general prevention, special prevention, juvenile delinquency, social reintegration, criminal sanctions, Council of Europe.

**FUNDAMENTELE TEORETICE ALE PREVENIRII CRIMINALITĂȚII
ÎN CADRUL POLITICILOR MODERNE DE PREVENIRE ȘI COMBATERE:
PROBLEME ȘI PERSPECTIVE****Abstract**

Articolul analizează fundamentele teoretice ale prevenirii infracționalității în cadrul politicii penale contemporane. Acesta evidențiază prevenirea ca o componentă esențială a politicii penale, alături de sancțiuni și măsurile de reintegrare socială, astfel cum rezultă din recomandările europene, inclusiv cele ale Consiliului European.

Prevenirea este înțeleasă atât în sens juridico-penal, prin prevenția generală și specială realizată prin intermediul sancțiunilor, cât și în sens sociologic și criminologic, prin abordarea cauzelor și factorilor care generează criminalitatea.

Studiul evidențiază trei dimensiuni ale politicii penale în Republic of Moldova: legislația și sistemul sancționator, instituțiile specializate de prevenire și reacția societății față de fenomenul infracțional. Totodată, sunt analizate limitele politicilor preventive, precum imposibilitatea eliminării complete a criminalității, dificultățile de evaluare a rezultatelor, costurile ridicate și potențialele restrângeri ale libertăților individuale.

De asemenea, lucrarea examinează prevenirea generală și specială, prevenirea socială și situațională, politicile privind delincvența juvenilă și standardele europene în materie. Se subliniază importanța principiilor proporționalității, reabilitării și implicării comunității în strategiile de prevenire a infracționalității.

În concluzie, studiul arată că dreptul penal modern urmărește realizarea unui echilibru între apărarea socială și respectarea drepturilor individuale, având ca obiectiv reducerea criminalității prin abordări integrate, fundamentate pe dovezi și bazate pe cooperare instituțională și socială.

Cuvint- cheie: prevenirea criminalității, politică penală, prevenție generală, prevenție specială, delincvență juvenilă, reintegrare socială, sancțiuni penale, Consiliul Europei.

Introduction. From a scientific perspective, crime prevention is a set of measures integrated into criminal policy, aimed at limiting the possibility of committing crimes. It constitutes a distinct instrument of criminal policy, along with other components such as sanctions and social reintegration measures. In this regard, Council of Europe Recommendation R(87)7 stresses that prevention includes, in addition to alternative punishments, support for victims, decriminalisation, social reintegration and treatment of offenders.

In criminology, prevention is understood in a narrower sense, mainly targeting actions on the causes of crime. It has a collective, non-coercive and proactive character, acting before the criminal acts occur, unlike measures aimed at protecting victims.

The theoretical foundations of prevention are based on the idea that human personality and behavior can be influenced by education and by changing social contexts, which can significantly reduce the risk of committing a criminal act. However, the effectiveness of these policies is limited by the diversity of the criminal phenomenon, the unpredictability of human behavior and the high costs of some interventions.

At the same time, the effectiveness of prevention programmes depends on the existence of essential conditions, such as political will, the allocation of adequate financial resources, the use of relevant statistics, the adoption of a long-term perspective, and the active involvement of institutions, the private sector and citizens.

Methods and materials applied. The paper was developed using the method of doctrinal and comparative analysis, based on the study of the specialized literature in the field of criminology and criminal law, national normative acts and recommendations of the Council of Europe. Also, the method of synthesis was applied, for the integration of information from various sources, and the method of legal interpretation, in order to clarify the concepts regarding crime prevention and its forms in the context of modern criminal policy.

Discussions and results obtained. I. Preventive Penal Policy: Notion and Objectives. In defining and evaluating the concept of criminal crime prevention policy, it is necessary to take into account three dimensions [1, p.224]. Within the framework of modern policies to prevent and combat crime in the Republic of Moldova, three main dimensions can be highlighted. The first dimension refers to the criminal legislation in force and the system of sanctions applied to persons who commit crimes. The second dimension includes institutions specialized in crime prevention and in exercising specialized social control over the criminal phenomenon. The third dimension concerns society's reaction and attitude towards crime and delinquency.

In relation to these dimensions, the normative framework and the penitentiary system in the Republic of Moldova aim both to control and reduce the criminal phenomenon,

as well as to protect fundamental social values. They also aim not only to sanction criminal behaviors, but also to resocialize and reintegrate convicted persons, reflecting the balance between the repressive and preventive-educational function of criminal policy.

By developing a theory of prevention, a series of problems are generated regarding conceptual classifications, but also the elaboration of a set of measures that create effective prevention models, strategies and techniques, which have a neutralizing social purpose on crime [2, p.201-202].

In the doctrine, the opinion has been formed according to which the notion of prevention has two connotations [1, p.87]. First of all, it is a legal-criminal one, which takes into account the effect that the criminal legislation, through the incriminations and sanctions provided, has on the conduct and behavior of individuals in a society. In this case, a distinction is made between general and special prevention. Secondly, we are talking about a sociological and criminological connotation, which refers to the set of activities that are carried out in order to identify, explain and diminish the causes and general and special conditions.

It should be noted, however, that the effectiveness of preventive policy may be affected by certain inherent limits, such as the impossibility of completely eliminating delinquency, for the simple reason that it is part of any society [4, pp.218-220]. Therefore, the scientific objective of any prevention action is to limit the criminal phenomenon and a more rational and efficient mobilization of resources to combat criminal behavior.

Another limitation affecting the effectiveness of crime prevention policies is the difficulty of knowing and accurately assessing the effects of measures applied in preventive programmes. This problem is determined both by the complexity of the social environment and by the multidimensional nature of prevention interventions.

Another important factor is the impossibility of completely eliminating the root causes of delinquency. However, they can be diminished through interventions at individual, social and group levels, without being able to be completely eradicated.

Preventive measures also often involve the use of specialised techniques that entail high costs, which makes it difficult to apply them on a large scale. In certain situations, such actions can generate perceptions of insecurity among the population or lead to the restriction of individual freedoms, as is the case with electronic surveillance.

In this regard, the principle of preventing the commission of the acts provided for by the criminal law highlights the need for a balance between the effectiveness of prevention measures and the observance of fundamental rights and freedoms, "the entire legal-criminal regulation must ensure, on the one hand, the achievement of the general preventive function of the criminal law, and, on the other hand, the prevention of the commission of new acts provided for by the criminal law, as a result of the application of criminal law sanctions. The achievement of the purpose of the criminal law must take place, mainly, through the prevention of the acts provided for by the criminal law, as a result of knowledge and observance of the law or as a result of the preventive measures provided by the law for this purpose. The application and implementation of criminal law sanctions must be based on the need to prevent the commission of new antisocial acts, both by those to whom such sanctions have been applied, and by other persons" [5, p.51].

The function of criminal law is to prevent crimes, by carrying out both general and special prevention, aimed at avoiding recidivism. To this end, criminal sanctions are the main instruments for controlling crime, although they are not the only means and not always the most effective.

In this context, criminal sanctions reflect the balance between the freedom of the individual and the need for social defense, based on different political-ideological options.

Thus, in some criminal law systems, emphasis is placed on the intimidating and repressive nature of punishment, while in others the function of re-education and social reintegration of the convicted person predominates.

The primary function of preventing the commission of crimes (general prevention) is based on a sanctioning rigor that finds its most drastic expressions in the death penalty, in the sentence of life imprisonment, in the cruelty and inhuman treatment of the execution of the sentence. The criminal law of liberty, without abdicating the requirement of defending society against crime, disapproves of any idea of public vendetta, of disproportionate punishment, of inhuman execution of punishment [5, p.4].

In the area of crime prevention, the Council of Europe has drawn up a number of specific recommendations. Relevant is Recommendation (1987)19 of the Committee of Ministers of the Council of Europe, which refers to the following important aspects. Member States must include prevention as a permanent mission in government programmes and set out concrete actions to prevent crime. They must also establish, encourage and maintain crime prevention bodies at national, regional and local level and establish and promote prevention programmes aimed at solutions to crime-specific problems, reducing the possibilities of committing crimes and increasing the risk for offenders of being discovered. Finally, the Member States must promote and encourage research with a view to international cooperation in the field of prevention. In the context of these concerns for crime prevention, a European prevention model has been configured, which overcomes the existing differences at national level regarding preventive strategies.

This model capitalizes on a concept of “small-scale prevention, which involves the mobilization of local resources”, which reveals: the establishment of an effective partnership between the police, local authorities and residents; the decentralization of strategies and the implementation of programs that co-opt interested local bodies; the search for means to increase citizens’ trust in public authorities; the development of programs that include measures to reduce criminal opportunities, as well as the discouragement of committing them; the search for effective solutions for minor acts, especially those in the family, and their informal resolution; limiting the crimes committed by young people, which can be punished with detention, and finding alternative, local solutions [6, p.169-170].

II. Principles of Criminal Crime Prevention Policy. The principles of preventive criminal policy aim to give rigour to preventive actions, to the extent that they are respected and materialized in the practices of European countries [4, p. 160-163].

2.1. Principle of Determined Scope. That principle highlights the fact that preventive action must be carried out in a given territory. This was the structure on which action will be taken with a set of measures including socio-cultural optimization, professional integration, habitat improvement, etc. This should not be meant to diminish the role of state institutions, which continue to be partners in the fight against crime. From this idea, a new principle emerged, which is detailed below.

2.2. The Principle of Partnership. This principle imposes the requirement of cooperation at local and regional level of citizens, local representatives, but also of specialists in order to ensure better security both at local and regional level, but also in order to prevent the commission of criminal acts.

It is increasingly important for the public to participate in the achievement of crime prevention objectives. Thus, the new policies focus on obtaining the support of the public in several areas and directions of activity, among which I mention social prevention with all its components, including criminal prevention, general and special. Another direction in which public participation is desired is the design and implementation of means and methods of social reaction against delinquency. I also mention here the reform of the

punishment system, at least in the individualization of punishments through measures that can be applied within the community and at the same time specific measures for the treatment of delinquents.

2.3. The Principle of Contracting. This principle brings to the fore the state as the main pillar of elaboration and application of preventive measures, with the following clarifications. First of all, even if these are problems identified by the local investigation and security apparatus, it is necessary that the preventive approach has continuity over time, continuity that can only be offered by the state, through the financial support that is very much needed in the fight against crime. This facilitates both the emergence at national, regional or local level of public bodies for the coordination and planning of prevention, the development and support of concrete programmes and research in the field of prevention, as well as cooperation at all levels, including international cooperation in the field of crime prevention.

It is very important that these aspects are correlated with the dynamics of the social reality that highlight both the multiplication of risk factors such as the economic and financial crisis, unemployment, the reduction of the possibilities of social integration of young people through professional insertion, etc., and the increase in the crime rate. In this context, a more effective application of the measures included in the prevention programmes is necessary.

III. Types of preventive actions. 3.1. Prevention of delinquency in general and juvenile delinquency. As it is appreciated in the specialized literature, delinquency is “a severe form of social deviance that affects the values and social relations protected by the legal norms of a criminal nature” [7, p.13]. And this designates “the set of acts that violate the criminal law” [8, p.2-4]. The significance of delinquency is seen differently in Europe, unlike the position of American authors. Thus, according to the European authors, only criminal acts fall within the scope of delinquency, even in the case of juvenile delinquency, while the American authors are of the opinion that in addition to these, delinquency also includes “contraventions, as well as civil, disciplinary and even banal acts of violation of moral rules or politeness” [8, p.2-4].

Delinquent behavior is distinguished by the fact that it has a series of negative consequences because it can harm the interests of society as a whole. At the same time, this behavior has a destructive, deliberate and antisocial purpose, and the act committed is subject to prohibitions or constraints formulated by the criminal law.

Being a complex phenomenon, delinquency includes statistical, legal and sociological aspects, as well as psychological, economic, cultural and prospective aspects [9, p.166]. Thus, the statistical dimension highlights the state and dynamics of delinquency in time and space, by evaluating it in environments, proscriptions and indices of different crimes, and by correlating them with a series of cultural, social, geographical and ecological indicators and variables. The legal dimension highlights the type of legal norms that are violated by antisocial acts, the social dangerousness of delinquents, the seriousness of the damages caused, the intensity and type of sanctions adopted, but also the ways of resocialization of delinquents. The psychological dimension is the one that brings to the fore the structure of the personality of the delinquent individual, the motivation and motive for committing the crime, the attitude of the delinquent towards the committed act, and the sociological dimension is centered on the identification, explanation and social prevention of crimes, in relation to the multiple aspects of maladjustment, disorganization and deviance existing in society and to the forms of social reaction to the various crimes. As for the prospective dimension, it highlights the evolution of delinquency as well as the predisposition of certain individuals or social groups towards crime. Finally,

when we talk about the economic dimension, we refer to the cost of crime, or the direct but also indirect consequences that crime has from a material and moral point of view.

There is currently a return to the traditional concepts of murder, criminal, criminality [8, p.3]. Crime is a form of social deviance that includes all antisocial manifestations, which harm the most important values and social relations protected by criminal norms: life, the person and its integrity, public order, individual rights and freedoms, etc. The general and specific characteristics of the various antisocial acts that are circumscribed to the crime phenomenon are defined by the criminal norms, which determine differences from one country to another and from one legislative system to another, regarding the criminalization of various antisocial acts and their punishment [1, p.72].

Crime involves a series of problems and aspects addressed at a theoretical, practical and methodological level; these approaches allow the identification and explanation of the causes and conditions that generate crime in society, but also the finding of appropriate solutions to ensure the prevention and reduction of potential sources of crime [10, p.7-9]. In recent decades, both internationally and at European level, there has been an increase in the crime rate and an aggravation of current forms of crime, which requires an interdisciplinary approach to this phenomenon by lawyers, criminologists, sociologists, psychologists, specialists with positions of responsibility in the field of law enforcement and crime prevention, as well as an active participation of the community in the prevention activity [11, p.25-26].

Among the main elements to be taken into account in the field of crime and delinquency in general, there are also the clarifications regarding the elements defining juvenile delinquency, which have particularities determined by certain biological, psychological and social characteristics of minors who have committed crimes, which the legislator took into account when regulating their criminal liability [10, p.16-17]; on the basis of these characteristics, measures are established to prevent and combat crimes among minors, measures which must meet the requirements regarding their coherence, efficiency and adequacy to the concrete reality.

In order to develop prevention measures in harmony with these requirements, it is necessary to know the factors that favor juvenile delinquency, to make an in-depth analysis of them in the broad context of the dynamics of juvenile delinquency, but also to identify the material, financial and human resources, which would make it possible to reduce the action of these factors.

Among the main causal factors mentioned by the literature are the dysfunctions of the process of schooling, social understanding and social control, which can be caused by certain links in the chain of the process of socialization, understanding and control manifest contradictions whose dysfunctions can influence the criminal behavior of minors. It should be noted, however, that each offence or antisocial behavioural act of the minor is determined by the specificity of the circumstances of each minor.

Another causal factor mentioned in the literature is the deficient character of the educational function at the family level, manifested by tense family situations that are resolved by means that, as a rule, provoke attitudes of rejection on the part of the child, the lack of affectivity and communication in the relationship between parents and children and sometimes, the low level of school education of the parents, which generate limitations of the educational process and which affect the possibilities and prospects of the minor for socio-professional integration.

3.2. Prevention of Juvenile Delinquency at International Level. At both the international and European levels,, special attention is devoted to the issue of juvenile delinquency and, implicitly, to solutions aimed mainly at controlling and reducing the level of

juvenile delinquency. Thus, a series of measures were adopted in this regard, following several congresses and conventions.

On the occasion of the first UN Congress for the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, the issue of establishing a common definition of all states, the notion of delinquency, was addressed. At the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in London in 1960, a Recommendation was adopted, which establishes that the notion of juvenile delinquency should be used only in the case of acts provided for by the criminal law.

3.3. Prevention of Juvenile Delinquency at European Level. As for the European regulations on juvenile delinquency, they are reflected in the European Convention on the Rights of the Child, adopted in Strasbourg on 25 January 1996, in accordance with the provisions of the UN Convention on the Rights of the Child. The doctrine emphasizes that the acts committed by minors present a lower degree of social danger than those committed by adults, which justifies a differentiated regime of criminal liability and sanctions.

Consequently, the focus is mainly on prevention, both ante-delinquency and post-delinquency, as well as on the re-education of minors. They are considered easier to influence and reintegrate socially because their mental and behavioral development is still ongoing and antisocial behaviors are not fully reinforced.

Thus, the legislation provides for a special sanctioning regime for minors, in which the main purpose is education and social reintegration, the sanction having a subsidiary character. Re-education institutions are a specific instrument through which society expresses both its reaction to juvenile delinquency and its orientation towards the recovery and social reintegration of minors [12, p.2-4].

3.4. General Prevention and Special Prevention. The purpose of punishment derives from the vital necessity of social defense against crimes, and punishment achieves the purpose of prevention both by its simple provision in the criminal law, and by its concrete application to the offender and therefore by the exemplarity that is given to other persons. Thus, the premise reflects that criminal law sanctions cannot fulfill their purpose of preventing the commission of new crimes, respectively of new acts provided by the criminal law, both on the part of the perpetrator and on the part of other persons, and can only influence the conscience of the offender unless they are perfectly adapted to the individual case, to the particularities of the person of the perpetrator but also to his needs to correct and re-educate or to the requirements for removing the state of danger [4, p.52].

A very important thing is the fact that the punishment can be applied concretely, only if it is provided for by law, only to a criminal and only by the judicial bodies, in order to prevent the commission of new crimes, it being an instrument of law, because it is based on justice [12, p.39].

The doctrine discusses not only the purpose of punishment, which emphasizes the complementarity of the two forms of prevention, the general and the special, but also the purposes of punishment, in order to better highlight the distinction between general prevention and special prevention [13, pp.238-239].

General prevention is achieved by providing for the punishment in the criminal norm and by knowing it by the members of society, which determines either compliance with the law or fear of sanction. At the same time, the concrete application of penalties helps to strengthen the preventive effect, as examples of sanctions can discourage other people from committing crimes. The main goal of general prevention is to avoid the transformation of potential criminal behavior into actual criminal behavior.

Within it, a distinction is made between negative general prevention and positive general prevention. Negative prevention is based on the effect of intimidation and de-

terrence, but its effectiveness depends on the effective and proportionate application of sanctions, and compliance with this ratio is essential in the rule of law. At the same time, the exaggeration of the repressive character can lead to disproportionate sanctions and illiberal effects, which is why a balance between severity and legality is necessary.

Positive general prevention emphasizes the educational function of criminal law, considering that punishment contributes to the formation and strengthening of the legal and moral conscience of citizens. In this perspective, criminal law has a role of collective education, strengthening respect for the law and protected social values.

The special prevention aims to prevent recidivism, respectively to avoid the commission of new crimes by the convicted person. This is achieved through the re-educational function and, in some cases, through the intimidating effect of punishment. By executing the sanction, the offender is subject to measures designed to positively influence behavior, conscience and discipline, with the aim of social reintegration and compliance with the rules of conduct. A difference between the two types of prevention is that, unlike special prevention, general prevention is achieved only through the function of intimidation of punishment [14, p.54-68].

The main objective of special prevention, both in its negative and positive forms, is to prevent recidivism, respectively to avoid the commission of new crimes by the same convicted person. Various techniques are used to achieve this goal, such as intimidation, special negative prevention and special positive prevention.

Intimidation manifests itself through a psychological coercion, consisting of the application of a sanction designed to discourage the repetition of criminal behavior. Special negative prevention is of a direct coercive nature, helping to neutralise the dangerousness of the offender, in particular by means of measures involving deprivation of liberty, such as imprisonment, which materially prevent the commission of new offences.

Positive special prevention aims to influence the offender's behavior through re-education and moral correction, with the purpose of his social reintegration.

At the same time, the doctrine expresses some objections to special prevention, in the sense that it cannot be absolute in relation to the other functions of punishment. From this perspective, modern criminal law systems maintain a balance between the special preventive purpose and the guaranteeing principles of the rule of law, which explains the maintenance of the minimum and maximum limits of custodial sentences. Such limits, put in contact with the objective gravity of the crimes in question, reflect a proportional relationship between the crime and the sanction, expressing the guarantee requirement to put limits on the pressure of individual rights "sacrificed" by the criminal sanction, limits that must be respected [15, p.163-168].

3.5. Social Prevention and Situational Prevention. In order to comply with the Council of Europe's recommendations in the field of crime prevention, member states are obliged to develop coherent and effective criminal policies, mainly aimed at preventing the criminal phenomenon. These include both social prevention, achieved through socio-economic, educational and information measures for the population, and situational prevention, focused on reducing the opportunities and means of committing crimes. At the same time, preventive policies aim at sanctioning and individualizing punishments, social reintegration of offenders, as well as supporting victims.

Social prevention involves identifying the factors that favor delinquency and implementing programs aimed at reducing their impact. In this process, the institutions of socialization and social control are involved, which contribute to identifying and combating the sources of crime, reducing social damage and restoring social order.

This model starts from the idea that delinquency reflects dysfunctions of the social

environment, which requires intervention on their root causes. Thus, social prevention targets both vulnerable groups and risk situations, as well as social actors such as individuals, families, groups and institutions, aiming to reduce criminogenic factors and strengthen solidarity and social responsibility. Applied experiences, including the model developed in France in the 1980s, highlight the importance of cooperation between the police, authorities and social organizations in the implementation of preventive programs. The effectiveness of these programmes depends on the economic, social and cultural resources available, as well as on their adaptation to the specific needs of the community.

Situational prevention, in turn, aims to reduce the opportunities to commit crimes by involving the community and the public in activities to prevent and neutralize delinquent behaviors.

For this reason, an important aspect that must be respected is the information of the public and individuals in certain criminogenic areas about the potential but also the real dangers of committing crimes, as well as about the existence of risk factors in certain areas [1, p.227].

The situational prevention model is also relevant for crime prevention policies in the Republic of Moldova, being oriented towards reducing the opportunities to commit crimes by intervening on risk situations and by protecting potential victims, in order to reduce the phenomenon of victimization.

In this regard, community partnership initiatives can be mentioned, in which citizens are encouraged to collaborate with the police in identifying and reporting suspicious behavior within local communities. Such models imply a permanent cooperation between the population and public order institutions, in which the police have the role of coordinating, informing and guiding preventive actions.

At the same time, the police bodies contribute by providing information on the evolution of crime and by making prevention recommendations to the population. The effectiveness of these measures depends on the local specificity, the level of community involvement and inter-institutional cooperation, with the effect of reducing the feeling of insecurity among citizens.

3.6. Defensive Prevention and Emancipatory Prevention. An important aspect revealed by the Romanian criminal policy is that one of the most recent typologies regarding the means and objectives of prevention reflects two forms of prevention. It is, first of all, about defensive prevention, a prevention focused on the values of fear and exclusion, which raises the problem of dealing with a certain undesirable situation, through its consequences. Secondly, we are talking about emancipatory prevention which, being focused on the values of inclusion and integration, trusts in the spontaneous possibilities of the population, as being prepared to react to any type of problem [4, p.225].

Lately, there has been a transformation of criminal law in the sense that, while classical criminal law isolates the guilty person from what surrounds him and analyzes especially his will at the moment when he committed the crime, the new criminal law targets social beings who have obligations to the community and sees in the criminal, person who harms the social order.

According to the classical school, according to Aristotle, the act is contained in thought, and murder is always considered as the externalization of a guilty thought and the criminal as an intelligent and free individual who commits evil being aware that he is committing it and intending to commit it. Thus, the murderer is responsible, because the act is conscious and voluntary, and punishment, in the classical sense of the word, is the only and main remedy for the crime and the only reasonable compensation for the act committed. The departure from the principle of personality of responsibility and punish-

ment could lead to the punishment of the innocent and to the non-punishment proportional to the gravity of the facts, of the guilty.

In the debate on criminal law as the extreme ratio of social policy, emphasis is placed on the idea that the use of the criminal instrument is justified only in cases of strict necessity for the repression of socially dangerous behaviors, for which the means available in other branches of law have proven to be inadequate.

The defensive character of criminal law is opportunely revalued in the face of apparently progressive, but substantially illiberal conceptions that concern it and label it as an instrument of social promotion, as an instrument propulsive of new ethical-social concepts.

Taking into account these considerations, it is necessary that the criminal sanction be adequate for the achievement of the protection objectives envisaged: hence the need to collect empirical-criminological data capable of indicating either the real effectiveness of the various sanctioning instruments or the existence of a relevant consensus regarding criminalization; Also, this leads to the need for a subsequent assessment in relation to the degree of (in)tolerability of the damage to an asset. This is particularly about the way in which the complex assessment that the legislator has to make is viewed, as well as the complex and delicate task of selecting punishable behaviour.

The approach to criminalization is not without consistent tensions. The propulsive function of the criminal law reveals that it is conceived as an instrument that contributes to the realization of the model and goals of social promotion prefigured in the Constitution. The need to value criminal law in an emancipatory perspective indicated by Art. 3 para. (2) of the Italian Constitution must not be misunderstood, namely, criminal law cannot be used as an instrument of social transformation or as an instrument capable of leading to the acquisition of future goods. Criminal law, by its nature, tends to guarantee or strengthen the protection of already existing goods, goods that the social conscience perceives as in need of protection.

Lately, there has been an evolution of criminal law, in the sense of moving from the classic model, centered on the analysis of the will of the offender at the time of committing the act, to a modern model that regards the criminal as a social subject with obligations towards the community, and the criminal act as an infringement of the social order.

According to the classical school, inspired by Aristotelian thought, crime is the result of a conscious and voluntary action, and the offender is considered a free and responsible individual. In this context, punishment is the main instrument of social reaction, having a retributive and preventive role, being considered the only adequate compensation for the committed act. At the same time, the importance of respecting the principle of personality of criminal liability is emphasized, in order to avoid punishing innocent persons or the disproportion between the act and the punishment.

In contemporary debates on criminal law as the *ultima ratio* of social policy, it is stated that criminal intervention is justified only in situations where other branches of law cannot ensure the effective protection of social values.

In this context, criminal law retains a defensive character, being an instrument for the protection of existing social values, and not a means of social transformation or promotion of ethical-social models. The use of criminal sanctions must be based on criminological data and the assessment of the degree of social danger, so that criminalisation is justified and proportionate.

At the same time, the criminalization process involves a careful selection of the behaviors sanctioned by criminal law, given the tensions between the need for social protection and the respect for fundamental freedoms. Criminal law does not have the role of

creating new social values, but of protecting and consolidating the assets already recognized by society as necessary for legal protection.

Conclusion. Overall, crime prevention is a fundamental element of modern criminal policy, at the intersection of legal, criminological and sociological approaches. The analysis highlights the fact that prevention is not limited to the application of criminal sanctions, but includes a complex of social, institutional and situational measures aimed at reducing criminogenic factors and strengthening social order.

The study highlights the existence of a diversity of forms of prevention – general, special, social and situational – each with specific mechanisms and purposes, but which function in a complementary system. At the same time, the evolution of criminal law reflects the transition from a strictly retributive model to one oriented towards prevention, social reintegration and the protection of existing social values.

It was also found that the effectiveness of prevention policies is influenced by a number of factors, such as available resources, institutional cooperation, community involvement and adaptation of measures to social realities. At the same time, the inherent limits of prevention confirm the need for a balance between the effectiveness of criminal intervention and respect for fundamental rights and freedoms.

Finally, crime prevention is emerging as a complex and dynamic field, which requires an interdisciplinary approach and a continuous improvement of social and legal response mechanisms, in order to ensure an effective protection of social values and to strengthen community security.

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