Multidiszciplináris Tudományok, 14. kötet, 4. szám (2024) pp. 187–196. **https://doi.org/10.35925/j.multi.2024.4.16**

CRIMINAL LIABILITY THROUGH THE PRISM OF THE THEORY OF OBJECTIVE IMPUTATION

Balla Bulcsú
PhD student, University of Miskolc, Institute of Criminal Justice,
Department of Criminal Law and Criminology
3515 Miskolc, Miskolc-Egyetemváros, e-mail: bullcsuballa@gmail.com

Abstract
Since the purpose of criminal law is the protection of society, I believe that particular attention needs to be paid to the criminal dangerousness of different human actions. Some acts can cause results that are so harmful to society that criminal law must act against them. There are. however, acts which, because of the intervention of external circumstances unrelated to the perpetrator, produce results that are punishable by criminal law, and in such cases, it would hardly be fair to hold the perpetrator liable. These circumstances intervene by altering the causal link between the cause and the effect. Causation is examined by applying various theories of causation, one potential shortcoming of which stems from the perpetrator-centered nature of Romanian criminal law, namely that they do not sufficiently take into account the role of the victim, third parties or various events in shaping the result of the act. The theory of objective imputation offers a new approach to the issue of liability in criminal law. The importance of the theory lies in the fact that it recognizes the importance of factors other than the offender's behavior in determining criminal liability.

Keywords: *criminal law, causation, theory of objective imputation, result, sanction*

1. Introduction

The aim of this paper is to introduce the reader to the position and controversial aspects of causation in Romanian criminal law, focusing on its importance in case of crimes against life. As a first step, a brief introduction to the notion of crime in Romanian criminal law is necessary, followed by a general introduction to crimes against life, in order to place the causation analysis in that context. Art. 15 of the Romanian Criminal code defines crime as „an act provided for by criminal law, committed with guilt, unjustifiably and that is imputable to the person who committed it." As it is expressed in the Romanian criminal law doctrine, based on the previously qouted legal text the main pillars of criminal liability are typicality, illegality, guilt and imputability. (Udroiu, 2014) As it follows, the legal definition of a crime makes no mention of a causal link between the act and the result, but its examination in the criminal proceedings is essential to establish that the result in question is the consequence of the perpetrators's action or omission. (Streteanu, 2008) This aspect becomes even more pronounced in the case of crimes against life, which require a careful case-by-case determination of the link between the perpetrator's conduct and the victim's death. Crimes against life are regulated in Chapter 1 of Title 1 of the Special Part of the Romanian Criminal Code. This chapter covers five crimes, with homicide and manslaughter being the two most significant in the context of this paper. Article 188 paragraph (1) of the Romanian Criminal Code regarding homicide stipulates that "the killing of an individual shall be punishable,"

while Article 192 paragraph (1) concerning manslaughter states that "manslaughter of an individual shall be punishable." In both cases, the legal text does not specify the exact actions or methods by which the perpetrator might take another person's life, leaving the conduct open-ended and not limited to any particular means. The literature provides various examples of possible methods of committing homicide, such as striking the victim with different objects, using weapons to kill, failing to intervene to save a life, or causing death by starvation, among others. Additionally, based on both literature and case law, it is important to note that causaing fatal road accidents due to the disregard of traffic rules is considered manslaughter under Romanian criminal law and is punished accordingly. (Cioclei, 2020)

2. About causation in criminal law

Causation is not a concept specific to criminal law, but it has leaked from philosophy into other disciplines, including juridical science. As a term, it is based on the interaction of circumstances and outcomes, and as such, in criminal law, it refers to the link between the conduct and the outcome under investigation. The examination of causation in criminal law centers on the occurrence of a punishable result (or at least an attempt to achieve such a result). To establish the perpetrator's criminal liability, it is essential to demonstrate a sufficiently close connection between the perpetrator's conduct and the legally sanctioned result. This connection must be strong enough to conclude beyond a reasonable doubt that the offender's actions were the cause of the result, warranting criminal sanctions. Causation does not depend on the perpetrator's mind, as the link between the act and the result establishes independently. Consequently, the causal link between the act and the result exists independently of the offender's mental state, which is why causation is considered an objective element in the analysis of a crime under criminal law. (Alecu, 2010)

The importance of examining causation is to determine, in the light of the result, whether the human conduct under investigation requires the intervention of criminal law. To this purpose, several theories have been put forward to establish the link between the act and the result, of which I will outline the most relevant ones to the topic of this paper. Nothing reflects the complexity of the causation issue in criminal law better than the number of theories that have been developed to address the problem. Several of these theories have proved to be useless, and others, although they have worked to some extent in practice, or still do to this day, are not without their critics in the existing literature. In order to put into contrast the possible advantages of the theory of objective imputation, I must first briefly discuss theories which have quickly proved their inadequacy, and other theories from which we can discover certain elements in the theory of objective imputation. The *efficient cause theory* considers that the cause of an outcome is the action or event that allowed the subsequent causes to produce the outcome. Therefore, only the action that set the sequence in motion could be considered a cause. In complete contrast the *theory of proximate cause* holds that only the phenomenon or action that immediately preceded the commission of the offence can be a cause. According to this theory the contributory value of the act in triggering or sustaining the course of events that caused the final result is irrelevant. According to the *preponderant cause theory*, the act or phenomenon which most decisively contributed to the result is to be considered the cause. (Botnaru et al., 2005) In the case of all three theories, it is noticeable that they are not able to adequately examine the question of causation in case of interaction of several acts or circumstances, since they try to select as cause one of the several events in different ways. This is also a major disadvantage because an oversimplified method (first or last act) is used to establish liability, which completely precludes an examination of the extent to which the causes contributed to the outcome. On the other hand, the preponderant cause theory relies on an examination of a subjective element (the

decisive character of the commission of the act in determining the outcome), the finding of which cannot be based on objective grounds. (Mitrache et al., 2022)

2.1. The equivalence theory

According to this theory, the cause of an outcome is any antecedent without which the outcome would not have occurred or would have occurred differently. According to the test used by this theory, causation is established by mentally omitting the action under consideration from the antecedents and then examining the possibility of the occurrence of the outcome. Thus, if we omit the act under investigation from a causal chain and the result is not omitted, then the act under investigation is not the cause of the result. *Per a contrario*, if we omit the act and the result does not intervene, then the act under investigation is considered a cause (*conditio sine qua non*) (Alecu, 2010). The second basic principle of the theory is that there is absolute equality between the causes established using the aforementioned "sine qua non test", no matter how remote a cause may be. (Mitrache et al., 2022) Two major shortcomings of this theory are:

I) the possibility of tracing the causal link back to infinity (*regressus in infinitum*), meaning that theoretically, the causal link can be traced back to the perpetrator's ancestors.
II) the possibility of holding the perpetrator liable for a result to which his act is very distantly related, on the one hand, in the case of several interdependent acts, and, on the other hand, in imposing liability, the theory equates the offender's act with external causes (which may be decisive in determining the outcome) over which he had no control and without which, the result would have been far less serious.

2.2. Adequate causation theory

According to the theory of adequate causation, causation relevant to criminal law can be established if the commission of the act could be expected to produce the result. In simple terms, an act can be considered a cause of the result if it is capable of causing it, meaning that the perpetrator could foresee or should have foreseen the result when he carried it out. (*Ibidem.)* The theory has been criticized, and not without reason. Firstly, this theory is an artificial construct, specifically tailored for application in criminal law and not suitable for other contexts. More importantly, a significant shortcoming of the theory is its discussion of "foreseeability" without clarifying the criteria used to assess it. The basis for determining foreseeability could vary widely — including general knowledge, professional expertise, the specific circumstances of the given case, or the perpetrator's diligence in considering those circumstances. Although causation is supposed to be an objective element of a crime, this theory introduces factors related to culpability, which belongs to the subjective aspect of the crime's commission. Finally, as highlighted in the literature, the theory falls short in addressing situations where the offender achieves the result in an atypical manner that deviates from common experience. (Streteanu et al., 2014)

2.3. Relevance theory

According to the relevance theory, criminal liability is not simply based on the existence of a causal link, but on the existence of causation, which can be considered relevant from the perspective of criminal law. The question to be examined under the theory is whether the act which produces the result corresponds to the conduct that can be regarded as typical punishable behaviour under criminal law. Thus the theory mixes the basis of *conditio sine qua non* in order to examine the existence of a cause,

and then determines whether the existing cause is relevant enough to justify liability. Causation is not considered relevant if it is too distant or if the offender is in breach of a prohibition or order that is not relevant from a criminal law point of view. (Streteanu, 2008) In other words, an act can be declared to be the cause of a result only if it, in addition to preceding the occurrence of it, corresponds to the typical act incriminated and sanctioned by criminal law. A good example of this is when X sends Y for a walk in the woods, in the hope that he will be attacked by a wild animal and die. However, X's act cannot be considered a cause if a wild animal actually kills Y in the forest, as this is a "natural cause" of death, but not a punishable act of killing. What can be seen as a weakness of this theory is that, as in the previous example, for offences where no typical conduct is defined, there is no objectively defined way of narrowing it down to the acts that are relevant in imposing criminal sanctions. (Streteanu et al., 2014). This aspect is emphasized in the case of crimes against life, as both homicide (art. 188 of the Romanian Criminal code) and manslaughter (art. 192) in Romanian criminal law are crimes with open content, which means that the legal text referring to them does not list the possible conducts by which they may be committed, but only the result to be punished. As there are innumerable forms of taking human life, both intentionally and negligently, it is necessary to select the relevant forms of commission for the purposes of criminal law. However, given that there are several atypical modalities such as the example just given, it is not certain that there would be consensus among the scholars or practitioners on all such conduct that could be described as atypical.

2.4. The theory of objective imputation

The theory of objective imputation cannot be called a true or proper theory concerning only causation but it is meant to help determine those situations in which the result sanctioned by the criminal law is or is not "imputable" to the perpetrator. It incorporates criteria on the basis of which the perpetrator's responsibility for the harmful result can be determined. With this in mind, this theory contains elements of the theory of equivalence of conditions, the theory of adequate cause and the theory of relevant cause. In order to establish the causal link, this theory requires a two-stage examination: first, it must be verified whether the perpetrator's action has created a criminally relevant danger for the social value protected by law, and then, in the second stage, it must be examined whether the danger has materialized into a result, i.e., whether this is the consequence of the risk created by the perpetrator. (Nițu, 2005)

3. The theory of the seven risks

The theory of objective imputation creates an approach, that could be named the *theory of the seven risks,* as it is often reffered to as the theory of risk, or theory of risks (Nițu, 2005). The main point of this view, is that it identifies seven situations of danger in which criminal responsibility should be excluded due to lack of causation between the act and the final result. These seven risks refer to the first or second step of the objective imputation test. The first three - permissible risk, non-existent risk and reduced risk - exclude the occurrence of a risk that can be considered relevant for criminal law. In case of the four remaining risks – deviated risk, culpable risk, equal risk and unprotected risk - although it can be established that the offender`s actions creat a danger to society that is protected by criminal law, the result is such that there is not a sufficiently clear or close link between the creation of the danger and the result to justify criminal liability.

3.1. Permissible risk

Permissible risk refers to situations that threaten social values protected by criminal law, but which it must tolerate because they are linked to activities that can be considered as essential to society, despite the level of danger they mean. Driving is the most appropriate example to illustrate permissible risk, because it has become indispensable in the 21st century, even though it involves significant risk to physical integrity or in some cases, to human life. In 2022 20,653 persons were killed in road accidents in the EU, based on Eurostat statistics, and 46,027 motor-vehicle deaths were registered in the USA, according to the National Safety Councils report. Therefore, the question arises, on what basis can an activity be considered as a risk tolerated by criminal law? First of all, we must examine the frequency with which the conduct in question produces the harmful consequence sanctioned by law. Then, by examining the degree of social utility of the activity, we have to determine the balance between the risk and the benefits of such activity. If the expected benefit is reasonably high compared to the risk, we can conclude that it is an activity that society should face, up to a certain level of exposure to the hazard. Another important aspect that has to be taken into consideration is the extent to which the activity could be substituted by other, less hazardous means. If, taking all this into account, the legislator considers that the activity is necessary for the development of society, it authorizes it, and at the same time lays down a legal framework referring to the given activity, in order to reduce danger to the lowest possible level. (Curt, 2021)

Remaining at the example of driving, replacing the cars and trucks by animal-drawn vehicles would certainly greatly reduce the number of road accidents and the resulting injuries and deaths. However, this would greatly reduce the distances that can be travelled and the comfort of traveling, not to mention the unforeseeable economic consequences. For this reason, legislators consider that the danger posed by driving while obeying the traffic rules in force constitutes a danger that society must live with. It follows that no criminal liability can be imposed on an offender who, while driving within the limits of permissible risk, due to various reasons (in particular the negligence of the victim) causes an outcome sanctioned by criminal law (for example the death of the victim). It is important to underline that if it is proven that the perpetrator acted within the limits of permissible risk, it is not necessary to "test the guilt" of the victim in order to exclude criminal liability, as it is irrelevant for the perpetrator whether the victim negligently or intentionally caused the result. (*Ibidem.)*

3.2. Non-existent risk

According to non-existent risk theory the perpetrator cannot be held criminally liable if the creation of a risk or the aggravation of an existing risk is only imaginary. By this I mean, that the threat does not materialize in a way that the adequate causation theory would consider appropriate to achieve the outcome. The most common example is the case of the nephew, who want to inherit from his rich uncle, so he often buys him plane tickets waiting for the plane to crash. According to the equivalence theory if the plane crashes and the uncle dies, the nephews act would be causal, but according to the adequate causation and objective imputation theory, under normal circumstances buying plane tickets cannot be considered as ground for criminal liability. The argument in favor of using the method borrowed from the theory of adequate causation is that holding the nephew liable would lead to the sanctioning of everyday acts (such as buying a plane ticket for a relative) that fall outside the scope of criminal law. Similar everyday actions might include buying a swimming pool pass expecting the victim to drown, hiking on a rocky trail hoping the victim might fall, or buying tickets to a football match in the hope that the victim will be killed in a heated conflict between fans. With regard to the non-existent risk, it should

also be noted that its applicability is limited to cases in which the perpetrator wants to achieve the result by relying on chance, as in the previous example. In cases when the danger is no longer only in the mind of the perpetrator, but is concretized by the concrete information available to him, a causal link between the act and the result can be established. To continue with the previous example, if the nephew knows that the plane on which he buys the ticket is going to be the object of a bomb attack, he will be liable for the death of his uncle. (Streteanu et al., 2014)

3.3. Reduced risk

Reduced risk refers to situations in which the perpetrator, through his intervention, alters the causal course by reducing the risk of an already existing dangerous situation. A good example is when X, seeing a rock coming towards B's head, pushes him so that the rock hits a less vital area of B's body. According to the opinions expressed in traditional Romanian doctrine, in this situation there is a causal link between X's act and the final result, even if it would have been much worse without the perpetrator's intervention. In such cases, acquittal is expected because there would be serious social consequences if criminal law also sanctioned acts which, although having a criminal outcome (e.g., bodily injury), might have had a much more serious consequence without it (e.g., a fatal blow to the head by the rock). This was recognized by the classical doctrine and jurisprudence as well, but since it could not get away from the *conditio sine qua non* theory, it solved the problem of acquittal by excluding guilt, based on state of necessity. (*Ibidem.)* Using the theory of objective imputation, however, it can be concluded that the perpetrator did not create or aggravate a situation of danger relevant to criminal law (on the contrary, he reduced an already existing danger), so criminal liability has to be excluded at the first step of the aforementioned two-step test. I consider the second solution to be preferable, as in my opinion, in such cases, it is sufficient to establish that the perpetrator did not cause a threat to the victim, without the investigation having to reach the question of guilt, in order to exclude liability.

3.4. Deviated risk

Deviated risk occurs in cases in which although the perpetrator creates a danger that threatens the protected social value, but the result occurs because of the intervention of an external circumstance and not actually because of the created danger. Relevant examples would be when the stabbed person is taken to hospital and dies due to a fire that broke out on the floor where he was being treated. Or the case of an attempted murder victim who dies due to malpractice during surgery. In both the aforementioned cases, we can only speak of attempted murder, as they illustrate that an external element is embedded in the link between the initial danger and the final outcome, which strongly influences the causal link. This aspect was already recognised in classical criminal law, according to one writer the causal link brakes when „after an action, a natural phenomenon or the action of a third person intervenes, producing the result independent of the previous action, as a cause in its own". (Pop, 1923) Starting from this idea, the contemporary doctrine points out that, on the basis of the theory of objective imputation, we can state that unquestionably the initial actions in the examples endanger the social value protected by criminal law, but *in concreto,* the occurrence of the result is attributable to independent causes, whether natural or resulting from the act of a third party. (Curt, 2021) The case of a victim who is taken to hospital in an unconscious state after a road accident and whose parents refuse the lifesaving treatment on religious grounds could be another example for deviated risk. In such cases, if the perpetrator's act has constituted a criminal offence before the parents' refusal, the liability must extend

up to that moment, and not till the moment of the more serious consequence, since a new causality starts from the moment the parents intervene.

3.5. Culpable risk

Culpable risk refers to situations in which the perpetrator's conduct creates a danger to the victim, but the victim plays a decisive role in the final outcome. These hypotheses refer to situations in which the victim, by his actions or omissions, contrary to his own interests, diverts the result of the crime towards a more serious harm to social values protected by law. In line with the doctrine, I believe that this theory finds application only when the victim subsequently aggravates the danger already posed to him by the offender. It can be seen that as in the case of a deviated risk, in this case as well the final result is deviated. (Curt, 2021) The fundamental difference between the two, is that in case of a deviated risk the impact comes from the „outside" (a natural phenomenon, the action of a third part, etc.), but in the case of culpable risk, the causal link is disrupted by the victim's own subsequent action or omission. Examples of culpable risk would be, when due to negligence the victim fails to follow the treatment prescribed by the doctor that would certainly lead to full recovery, but his condition deteriorates significantly due to his own omission. The best example of culpable risk due to the victim's action might be when, on arrival at the hospital, he or she refuses treatment that would certainly save his or her life, out of religious conviction, and dies as a result. This example also illustrates the difference from the case of deviated risk, as there I used the parents' refusal to allow the unconscious victim to be treated. In that case, a third party is the 'cause' of the more serious consequence, and in this case the victim himself, who is making his situation worse by a similar decision of his own. Two issues related to the theory need to be clarified, firstly, how do we determine whether the victim's act was decisive in the outcome? Secondly, what are the circumstances in which we can apply the culpable risk in order to mitigate the punishment or exclude criminal liability?

Several studies tried to answer the first question. A position expressed in the common law system suggests that the degree of decisiveness of the victim's act or omission should be judged on the basis of ordinary negligence and gross negligence as known in civil law. (Hart et al., 1985) Accordingly, if the victim refuses care, this should break the causal link and liability should be assessed only up to that point. However, as the Romanian literature has pointed out, the concept of negligence known from civil law cannot be applied *mutatis mutandis* in criminal law, since there is no legal framework for examining the degree of negligence of the victim. (Curt, 2021) According to another view expressed in German criminal law, the decisive question is whether the victim is aware that he or she is worsening his or her situation by his or her action or omission. According to this view, if the victim knowingly refuses care in the circumstances or knowingly does not seek help, the perpetrator's responsibility for the aggravated result must be excluded on the basis that the victim has created a new dangerous situation for himself, and criminal law cannot punish "third parties" for the danger caused by the victim to himself. In case the victim is not aware that he is worsening his own situation (in my opinion, this refers in particular to situations in which the victim negligently worsens his or her own situation without foreseeing it), a lighter sentence or the exclusion of criminal liability is possible if the result can be attributed to the "victim's area of responsibility", in the sense that in situations in which avoiding danger is the victim's responsibility. (Roxin, 1997) An example of this might be when the victim, while continuing hospital treatment at home and disregarding the doctor's instructions, accidentally overdoses on prescribed medication. In this case, the victim's negligent action creates a situation of danger which is too distant from the original danger created by the perpetrator, and the prevention of this danger (or rather, the prevention of its occurrence) is the sole responsibility of the victim. An example of a victim's omission

could be when he does not seek medical help at all or late after an injury, and as a result his injury becomes more severe over time. I agree with this position, because it takes due account of the fact that the victim may play a decisive role in the outcome, and therefore criminal law cannot be expected to protect the victim's interests more seriously than he himself did, acting against his own interests or negligently and without having regard to them.

3.6. Equal risk

Equal risk occurs if the risk to which the victim was subjected to would have had the same result, even if the perpetrator had respected the limits of permissible risk. The greatest challenge of applying the theory is to determine with what certainty the outcome would have been the same if the offender had stayed within the bounds of the law. The solution is simple in cases in which it can be established beyond reasonable doubt that the result would have occurred even if the offender had acted in full compliance with the law, since in this case the excess of the permissible risk is not reflected in the result. (Streteanu et al., 2014) However, the situation is less clear in cases in which it is only plausible that if the act had taken place within the lawful framework, it would have reduced the severity of the result or could even have prevented it. A good example is a frequently cited decision of the German Supreme Court in the literature. According to the factual situation in the case in question, the driver of a truck engaged in overtaking a cyclist, at a speed of about 26 km/h, but without maintaining the minimum lateral distance required by law (it is 1-1.5 m and the driver approached the cyclist by 0.75 m). During the overtaking maneuver, the intoxicated cyclist suddenly turned left – according to the expert's report most probably due to the alcohol intoxication – fell under the trailer of the truck, and died as the result of the accident. During the investigation it became clear that even if the minimum lateral distance – set by traffic regulations – had been maintained, the accident would probably still have happened. On this basis, the court considered that the accident would have been similar even if the defendant had kept the minimum distance from the cyclist. The court pointed out that, given the cyclist's highly intoxicated state, it can be assumed that he would have reacted in a similarly irrational manner if the truck had approached him only 1.5 m. Based on this conviction, applying the principle of *in dubio pro reo*, the court acquitted the accused of criminal liability for lack of causation. (Roxin, 1997)

Two different opinions have emerged in the doctrine in response to the decision. One German author considered that the imputation of the result would be mandatory because the cyclist's life could have been saved if the overtaking maneuver had been carried out legally, even if not certainly. The author points out that exceeding the limits of the permissible risk has significantly increased the likelihood of an accident. He also states that the limit of permissible risk is the minimum lateral distance laid down by the law, and that if this limit had been respected, and the result had nevertheless occurred, the result would not have been imputed based on permissible risk. For this reason, anything over that limit requires the perpetrator to be held liable. (*Ibidem.*)

On the other hand, some authors consider that in similar cases criminal liability is only appropriate when, having a lawful conduct would certainly have avoided the result, or there is a very high probability that the result would not have occurred if the perpetrator had acted with the diligence required by law. (Curt, 2021) In line with this part of the doctrine, I consider that any doubt to the contrary, as to the potential occurrence of the result, should be assessed in favor of the perpetrator.

3.7. Unprotected risk

Unprotected risk refers to situations in which although the perpetrator exceeds the limit of permissible risk, the events unfold in such an atypical way that it cannot be said that the outcome would be the materialisation of this danger. In other words, the result is not happening in the way that criminal law was intended to prevent. An example given in the literature is the case of a doctor who goes into surgery drunk, but the patient dies from an infection from a badly sterilised instrument. In this case, it was rightly pointed out that the doctor's drunkenness did not affect the outcome, since the purpose of the prohibition of similar negligence is not to guarantee the sterility of the instruments used, but to ensure that the doctor is sufficiently mentally competent during the operation. (Curt, 2021)

4. Conclusion

The theory of objective imputation, seems to incorporate and develop all other theories, including the *conditio sine qua non* theory, adequate causation theory and relevance theory. Indeed, the theory of objective imputation takes into account not only the direct causal link but also other aspects necessary to establish liability, such as the relevance of social factors, and human behavior. It thus provides a broader and more comprehensive framework for determining criminal liability. The theory is essentially based on the logic of the *sine qua non* theory, which states that an act or omission can be considered to be causal if, without it, the result would not have occurred. The theory of adequate causation further clarifies this connection by taking into account only those causes that are objectively foreseeable in a way that leads to the given outcome. Relevance theory, on the other hand, narrows the scope of causation even further, focusing on those causes that are legally relevant for establishing liability.

The theory of objective imputation integrates and develops these theories by examining a wider range of factors necessary to establish legal liability. It takes into account not only causation but also a complex web of social, and legal factors. In this way, it allows legal liability to be determined more fairly and accurately, taking into account the wider context of the act or omission in question. As such it can reasonably be said that it is not a clearly causation-only theory, as it uses a complex system of analysis that takes elements from the areas of culpability, imputability, and foreseeability. Although the theory of adequate causation has been criticized precisely because it introduces subjective elements into the analysis of causation, I do not think that the same criticism can be levelled against the theory of objective imputation. It becomes evident that the practical application of classical causation theories is limited, as they tend to oversimplify or overly generalize the events leading up to an outcome, failing to clearly differentiate between cause and circumstance. To hold a person accountable under criminal law, it is not enough to simply establish the existence of a causal link using criteria from other fields of other sciences (causation theories based on philosophy and natural sciences), but the result must also be attributable to the perpetrator. The objective imputation theory could give the answers to questions that arise during this attributibility test, by introducing a broader context for examining the link between human conducts and their results. If we accept this view, then we should consider the theory of objective imputation as a valuable tool in establishing criminal liability. Although it goes beyond the strict limits of causation, it is essential for a thorough examination of the issue in the 21st century, when global social and economic contexts are becoming increasingly complex. The theory's flexibility and comprehensive approach allows legal systems to deal more effectively and fairly with new types of legal problems that arise as a result of technological developments and increased global interactions.

References

[1] Streteanu, F., & Nițu D. (2014). Drept penal. Partea Generală. Vol. I., Universul Juridic. pp. 298-314.

[2] Streteanu, F. (2008). Tratat de drept penal. Partea generală. Vol. I., C.H. Beck, p. 418.

[3] Curt, I. (2021). Contribuția victimei la producerea rezultatului în dreptul penal, Hamangiu. pp. 24-47, 177-188.

[4] Roxin, C. (1997). Derecho penal. Parte general. Tomo I., Civitas. pp. 380-398.

[5] Botnaru, S., Șavga, A., Grosu, V., & Grama, M. (2005). Drept penal. Partea generală. Vol. I., Cartier, pp. 168-169.

[6] Nițu, D. (2005). Teoria riscului în dreptul penal. *Revista de Drept Penal,* (1) 2005, 107–110.

[7] Mitrache, C., & Mitrache, C. (2022). Drept penal român. Partea generală. Universul Juridic, pp. 168-170.

[8] Pop, T. (1923). Drept penal comparat. Partea generală. Vol. II., Institutul de Arte Grafice Ardealul, pp. 299-300.

[9] Hart, H. L. A., & Honoré, T. (1985) *Causation in the Law*. 2nd Edition, Oxford University Press, p. 359. **https://doi.org/10.1093/acprof:oso/9780198254744.001.0001**

[10] Udroiu, M. (2014). Drept penal. Partea generală. Noul Cod penal, C.H. Beck, p. 37.

[11] Alecu, G. (2010). Instituții de drept penal. Partea generală și partea specială, Ovidius University Press, pp. 50-53.

[12] Cioclei, V. (2020). Drept penal. Partea specială I., C.H. Beck, pp. 8-10, 50-52.

[13] https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Road_safety_statistics_in_the_EU&oldid=630784

[14] https://injuryfacts.nsc.org/motor-vehicle/historical-fatality-trends/deaths-and-rates/