THE IMPACT OF ALCOHOLISM ON THE DEGREE OF CRIME

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ABSTRACT—Alcoholism, also known as alcohol dependence, according to its characteristics is a chronic disease, which is manifested through the expressed need to consume alcohol. Alcoholics are people who suffer from this disease. Special interest in determining the consequences of alcoholism attracts the criminal-legal aspect of this disorder, i.e., committing crimes as a result of alcohol use. There is a close connection between alcohol use and crime. The subject of this paper is to determine the impact of alcoholism on individuals to commit various crimes, i.e., to engage in various criminal behaviors.

Keywords: addiction, alcoholism, association, crime, etiology

1. INTRODUCTION

Alcoholism, also known as alcohol dependence, according to its characteristics is a chronic disease, which is manifested through the expressed need to consume alcohol. Alcoholics are people who suffer from this disease. Alcoholics cannot control their drinking even when it becomes a direct cause of serious harm, including medical illness, marital problems, loss of employment, or traffic accidents. There are various factors that affect the occurrence of this disease in humans, but it cannot be said with certainty that the etiology of alcoholism has been fully clarified. Special interest in determining the consequences of alcoholism attracts the criminal-legal aspect of this disorder i.e., committing crimes as a result of alcohol use. There is a close connection between alcohol use and crime. Alcohol use in many cases has shown to be a direct cause of crimes against life and body; crimes related to obstruction of performance of official duties, committing various sexual offenses, crimes against property, traffic delinquency, offenses against the public order and peace, and juvenile delinquency. Research has shown a direct connection between alcohol use and increasing recurrence rate or recidivism in a person.

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2. LINK BETWEEN ALCOHOLISM AND CRIME

Alcoholism, i.e. alcohol dependence, has proven to have a close connection with the practice of crime. Both alcoholism and crime, according to their characteristics and peculiarities, are parasitic social phenomena that directly undermine the functioning of society itself, are responsible for the disruption of relations in society, as well as a number of other unproductive phenomena. Alcoholism and crime are deeply ingrained in every society, so from today’s perspective one cannot even speak of a society in which they are not present. Both alcoholism and crime follow man and society in one continuum.

These two phenomena show a strong connection, so they complement, stimulate and condition each other. This interconnectedness of alcoholism with crime exists regardless of whether these phenomena act simultaneously, i.e. whether they act convergently or divergently.

Throughout history, the legal treatment of alcohol is quite different, we have witnessed complete prohibition, criminalization, and it’s envisagement as a violation of public order and peace, etc. Thus, in a historical review of the criminal-legal aspects of alcoholism, it is interesting to emphasize the legal solutions of the criminal legislation of Ancient Rome, according to which the state of alcoholism of the perpetrator was considered a mitigating circumstance, in relation to the final determination of criminal liability of the person. According to Roman criminal law, a person who was under the influence of alcohol was considered of unsound mind, and on the basis of this claim, criminal liability was excluded for the person who would have committed a crime. For example, a person who has been under the influence of alcohol and who has insulted a person who was nobility was not held criminally liable. Unlike the approach of the ancient Romans to impunity for those who committed a crime under the influence of alcohol, the ancient Greeks took a much stricter stance on this issue. So in this sense in ancient Greece it was provided that a person who commits a crime under the influence of alcohol should be severely punished.¹

There is a close connection between the state of intoxication and criminal law. The direct connection of this state of drunkenness in a person with the criminal legal matter is manifested through the criminal law doctrine Actio Libera in Causa. This doctrine states that a person who deliberately gets drunk and commits a crime might be held responsible for the crime. One of the conditions for determining the criminal liability of the perpetrator of an act is to check if their actions were deliberate and voluntary. The use of alcohol, can affect, and most often affects a person’s mental capacity.

Committing a crime under the influence of alcohol does not exclude the criminal responsibility of the perpetrator of the crime. Alcoholism, i.e. alcohol dependence in many cases is a direct cause to commit some prohibited and illicit actions. Alcoholism shows a cause-and-effect relationship with different types of crime. In addition, we will review and analyze this connection and impact of alcoholism with different types of crime.


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3. CASUAL-CONSEQUENTIAL CONNECTION OF ALCOHOLISM WITH SPECIAL TYPES OF CRIME

In order to establish the relationship between alcohol-related crimes and crimes against life and body we must first define these incriminations in a criminal law context. If these incriminations against life and body are analyzed from a sociological and criminological aspect, it is concluded that this is a type of crime that according to its characteristics is the most elementary form of crime within a society. The way in which these crimes are systematized within a criminal legislation, as well as their specific object of protection, gives them a special meaning within a society. Given the fact that crimes against life and body signify a direct attack on the life of a person, as well as a direct attack on bodily integrity, it is necessary to emphasize the moment of aggression and the use of force as elements without which we could not talk about this kind of incrimination.

In analyzing the crimes against life and body, Kaiser unequivocally points out that this is a type of incrimination that protects the highest values within a community; these crime mechanisms are created to protect human life, as well as protection of bodily integrity. Given this specific object of protection in these incriminations, Kaiser also emphasizes the need of societies to react strictly to the act of crimes against life and body. According to their characteristics, these are criminal acts that can be categorized as serious, i.e. brutal crimes, and consequently they are punished more severely than other types of minor crimes. Kaiser defines these incriminations against human life and body as natural crimes. According to him, the naturalness of this type of incrimination appears as a result of the fact that they have always been present within the criminal legislation. Society, regardless of how much it has changed, always shows its clear position for punishing the perpetrators of these crimes against life and body.2

The use of alcohol shows a direct connection with one of the most serious crimes, murder. Mužinić and Goreta investigating the connection between alcoholism and crimes against life and body, concluded that as many as half of these crimes were accompanied by a state of alcoholism among the perpetrators. Men who have been diagnosed with schizophrenia and are alcoholics are singled out as a special risk group who can commit murder.3 The consumption of alcohol contributes to committing a murder in various ways, so in this sense we can talk about the deprivation of life of a person accompanied by pronounced arguments and physical attacks, taking the nearest objects with the help of which the crime would be committed.

In the overall determination of the crimes against life and body, a special place is occupied by the acts related to bodily injury, and the crime of grievous bodily injury. Alcohol or alcoholism in many cases has shown to be the direct culprit for a number of minor or severe bodily injuries of persons participating in various physical altercations.

This close connection of alcoholism with light and severe bodily injuries is emphasized by Arnaudovski. According to him, a large number of physical fights that end with the injury of a person are characterized by the presence of alcohol in the participants in these fights. It is interesting to mention that the presence of alcohol in these persons influences both the perpetrators of the crimes and the victims of these crimes.4

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The connection and impact of alcohol on the person to commit crimes against life and body is emphasized by the National Institute on Alcohol and Alcoholism. According to their research, the use of alcohol can very easily contribute to a person becoming a victim of violence, or becoming a perpetrator of a crime against life and body. In this sense people who experience mood swings due to drinking, can become aggressive and get into physical fights, which in essence can be understood as a very bad idea, because alcohol can make these physical contacts risky.\(^5\)

Alcohol, i.e. the state of alcoholism, can be considered as a reason for committing crimes against sexual freedom and morality, i.e. as a reason for committing so-called sexual offenses. In order to determine the connection between the state of alcoholism and the practice of crimes against sexual freedom and morality, one must first determine the essence of these incriminations, i.e. what is protected by them.

Sexual freedom, as one of the aspects of the general freedom that every person possesses, is directly related to the willingness of one person to engage or not to engage in sexual relations. The fulfillment of sexual freedom in a specific situation can only be realized in a situation when there is a strong will to engage in such sexual relations by one person. The history of criminal law indicates the fact that the violation of sexual freedom through different stages of development has been treated differently. At the present day in many developed societies it is clearly stated that the right to engage or not to engage in sexual activity is considered one of the basic rights of every individual.

When we talk about sexual relations, we should keep in mind the fact that these are such relations that cannot be regulated and sanctioned by the state, i.e. the state intervention within these relations is minimal, and it is manifested in the incriminations that refer to the protection of sexual morality and freedom.\(^6\)

Alcohol or the state of alcoholism, in many cases has proved to be crucial for committing sexual offenses. This assertion is entirely justified, given the fact that the pronounced consumption of alcohol in the first stage increases a person's sexual drive, to later reduce a person's sexual abilities and it encourages a high degree of jealousy and aggression, which in the final stage can result, and most often it does result in the commission of sexual offenses.

The connection of alcoholism with the crime of rape is interesting, as one of the typical crimes that are categorized within the incriminations against sexual freedom and morality. It should be emphasized the that alcohol, i.e. its use can negatively affect the victim of the rape, as well as the perpetrator of this crime who as a result of the use of alcohol fulfilled their sexual ideas and instincts. The claim that women would be less likely to be sexually assaulted if they stopped drinking alcohol is untrue and unjustified. Alcohol is a weapon that some rapists use in order to control their victims, to achieve a state of powerlessness. As part of the plan, the rapist will encourage the victim to drink, or identify a victim who is already intoxicated. Alcohol itself is not a reason to commit the crime of rape, but alcohol should be understood as one of the many weapons used by the rapist to achieve their ultimate goal.


Some studies have highlighted the ways, i.e. directions through which the use of alcohol contributes to the practice of sexual offenses. Thus, these theoretical explanations for the influence of alcohol on committing crimes against sexual freedom and morality include the distal and proximal influences of this socio-pathological phenomenon. Distal influences are those that in themselves provide a temporary distance of the perpetrator from their intention to commit a sexual offense. In contrast, proximal influences are those that allow the perpetrator to approach their intention to commit a sexual offense. Within these distal influences that provide a temporary distance of the perpetrator from their intention to commit a sexual offense may include the following: personality traits of the perpetrator, attitudes and life experiences of the perpetrator of the crime, as well as attitudes and life experiences of the victim of the crime. The proximal effects of sexual offenses focus on the characteristics of specific situations in which sexual assault occurs, such as whether alcohol consumption occurs, whether the setting is in an isolated area, and what is the relationship between the perpetrator and the victim.\(^7\)

Alcoholism acts as a stimulating circumstance to encourage the delinquent characteristics of perpetrators of sexual offenses, both those who are potential perpetrators and those perpetrators who have a pronounced and developed criminal career. Alcoholism in repeat offenders should often be understood as a motivating factor for committing crimes against sexual freedom and morality, not as a cause or condition, but as a circumstance that brings the person into a subjective state of readiness to commit sexual offense.

Crimes against property, i.e. property crime as well as previous types of crime can be a result of the state of alcoholism in a person. However, it should be noted that the impact of alcoholism on the perpetrators of property crime is not exactly expressed as in the perpetrators of crimes against life and body, i.e. in perpetrators of crimes against sexual freedom and morality.

The notion of property crime can best be defined through the overall perception of crimes against property, which are an integral part of the Criminal Code of a country. Characteristic of these incriminations is that they are directly aimed at the property, whereby the person who practices this property crime seeks through it to obtain some material benefit for themselves or for someone else, i.e. to do material damage to another person.\(^8\)

In analyzing property crime, Boskovic concludes that it is a crime that differs greatly from other types of criminal behavior, as a result of its specificity in terms of the reasons for its occurrence or etiology and as a result of its specificity in terms of its manifest forms, i.e. its phenomenology. According to him, the crimes against property, although especially systematized and categorized, in essence they are all related in terms of the motive, i.e. according to personal gain. The kinship of property crimes, according to Boskovic, is exhausted precisely in the subjective reasons for their practice in reality.\(^9\)

In determining the connection between alcoholism and different types of crime, Arnautovski found that a crime against property in practice is not very typical for people who are addicted to alcohol. According to him, the use of alcohol by the perpetrators of property crimes also has its


impact, but this impact is manifested with different intensity. He found that much more often alcohol, i.e. alcoholism in this type of crime occurs as a motive. In fact, people satisfy their instinct for alcohol, i.e. alcohol dependence by committing crimes against property in order to obtain alcoholic beverages, which is why it is considered that alcohol in this sense should be considered as a motive for committing crimes against property.\textsuperscript{10}

A study in the Republic of Croatia from 1988 determined the percentage of different types of crime committed as a result of alcohol consumption. For the needs of the research itself, a total of 300 alcoholics were hired who were convicted of various types of crime in a given period. From the research itself it was determined that these persons commit crimes against life and body, i.e. murder with 23.3\%, followed by perpetrators of crimes against property with 42\% and finally perpetrators of crimes against honor and morality with 8.2\%.\textsuperscript{11}

Certain aspects of the professional criminal lifestyle are conducive to heavy drinking - unmarried, no permanent address, having alternating periods of intense activity and leisure, and having large amounts of money to spend. Heavy drinking allows easy companionship and relaxation for criminals who lack the normal limits of family and work. There is a complex link between alcohol use and accidental crime of property, executed in groups. Social isolation forces some individuals to drink to form a "primary group atmosphere". The participation of groups in crime serves to maintain the cohesion of the group. Intoxication facilitates participation in unplanned, low-profit, high-risk crime because it causes group members to focus on the immediate rewards rather than on the long-term negative consequences.\textsuperscript{12}

This connection between alcoholism with the practice of criminal acts, more precisely with the practice of property crime, has been emphasized in a research in the United States of America from 2019. The research itself emphasizes the fact that many cities in the country have a steady increase in robberies and crime related to property. It has been determined that a large number of the total committed crimes, or as much as 15\% are related to the use, i.e. abuse of alcoholic beverages. It has been established that alcohol is the one that causes the intensification of the robber’s feeling of despair, and at the same time it is a direct reason to damage some property or to gain some material benefit illegally, i.e. to commit property crime.\textsuperscript{13}

The notion of traffic delinquency is treated differently in the literature and legislation of certain countries. In some legal systems, traffic offenses are divided into crimes and misdemeanors. Some countries recognize only the term traffic offense, which includes both crimes and misdemeanors, which differ in the degree of harmful consequences they cause. The harmfulness of misdemeanors, as acts of wrongdoing, is much lower than criminal acts.\textsuperscript{14}

Alcohol is not the only cause of accidents, but it should be noted that even the smallest amount of alcohol in the blood adversely affects the driving skills of the driver. The inability to drive a motor vehicle increases with the concentration of alcohol in the blood. In this regard, it is considered that drivers with a blood alcohol concentration of up to 1.3 g / kg are relatively incapable of safely driving a motor vehicle, i.e. there is a reduction in driving skills but not to a large extent. As

\textsuperscript{11}Zarkovic – Palijan, T. (2004). Значај кесобности алкohоликара росиинтела и неросинтела казнених дјела. Загреб: Faculty of Medicine, Sveučiliste u Zagrebu
\textsuperscript{13}Galbicsek C, (2020) Alcohol-Related Crimes available at https://www.alcoholrehabguide.org/alcohol/crimes/
for the drivers who drive their motor vehicles with blood alcohol concentration above 1.3 g / kr, are considered to be absolutely incapable of safe driving of the motor vehicle, i.e. their driving abilities are significantly reduced, even eliminated.\textsuperscript{15}

When we talk about drivers who drive under the influence of alcohol, we can talk about several characteristics, through which other road users as well as those who do not participate in traffic would recognize a drunk driver. We can talk about the following characteristics of these drunk drivers. These are people who are usually uncritical towards themselves due to the effect of alcohol in the blood, have a high level of self-confidence and do not think appropriately in the given traffic situation. These people also overestimate their driving skills, causing irreparable damages to the life and body of the people involved, as well as irreparable damage to property. They often underestimate dangerous situations and do not adapt to road conditions, do not follow traffic regulations and will often drive their motor vehicles at speeds that are above the speed limit.

We can define public order through a broader and narrower perspective. The broader view of public order makes it possible to determine that it is an identical picture of the social order, i.e. an identical picture of the legal order within a community. In contrast to this broader view of public order, the narrower view holds only the safety of persons in a society; their unimpeded right to exercise their human rights, and the non-endangerment of human well-being and the wider community.

In analyzing the crimes against public order, Kambovski comes to the conclusion that these incriminations can be systematized in three separate subgroups, based on different criteria. Thus, according to him, we can talk about the following subgroups: acts against officials in the performance of their official duties, acts against public order and peace, protection of the public order in a narrow sense and other acts against the public order and peace.\textsuperscript{16}

Arnaudovski clearly establishes this connection of alcoholism with crimes against the public order; in particular he establishes the connection of alcoholism with committing criminal acts which indicate obstruction of the officials in the performance of their official duties. Arnaudovski bases such claims on the analysis made of various researches from the former Yugoslav republics that refer to the issue in question. Thus, in an older research conducted in the Republic of Croatia it was determined that a large percentage of the total numbers of crimes against the public order were committed by perpetrators who were under the influence of alcohol. Or according to the data presented as many as 68.2\% of the perpetrators of crimes against public order were in an alcoholic state. The research also addresses the location of crimes against public order, it was found that these incriminations most often occur in a bars. Regarding the geographical specificity of the crimes against public order, it has been determined that this is the type of incrimination that is most often committed in larger cities. This claim does not mean that crimes against public order do not occur in rural areas. Similar data were found in a survey in the Republic of Serbia. Thus, in this sense, it has been determined that in the total crime committed in the country, in a given period of time, a large number of people were under the influence of alcohol.\textsuperscript{17}

The interest of many scientific disciplines to study the phenomenon of juvenile delinquency, in particular the interest of criminal law and criminology is primarily due to the fact that children as a

\textsuperscript{15} Bjelakovic, V. (2014). \textit{Alkoholisaobracaj}. Banja Luka: III International Conference "Bezbednostsaobraćaja u lokalnoj zajednici".
\textsuperscript{16} Kambovski, V., (2003) \textit{Казнено право - посебен дел}. Skopje: Prosvetno Delo AD Skopje
category are the most sensitive and vulnerable and therefore they need special protection. In order to
determine the connection of alcohol, i.e. alcoholism with the phenomenon of juvenile delinquency, it
is first necessary to define the general notion of juvenile delinquency. The very notion of juvenile
delinquency determines the characteristics and peculiarities of those persons, i.e. juveniles who may
appear as perpetrators of various crimes and misdemeanors.

In defining the notions of juvenile delinquency Siegel and Welsh come to the conclusion that
this is a behavior that deviates from the generally accepted norms and values by a specific category
of persons in society, i.e. by children. According to them the best term that describes such behavior
is “Juvenile offending” as it directly indicates the maladaptation and disrespect of values and norms
in a society by children.\textsuperscript{18}

Adolescence is one of the most important and turbulent periods in a person's development. The changes that occur within this period take place in different areas and affect the overall
development of the person differently. Sudden changes in children's behavior, psychological crises,
constant arguments, and the attitude that they are misunderstood are just some of the things that can
happen to children in this period of development. Often as a result of such conditions, children
decide to solve these big problems by consuming alcohol. Alcohol consumption, in addition to
causing harm to the psycho-physical health of the child, is also one of the reasons for the juvenile to
decide to take actions that are considered juvenile delinquency.

Family can also be considered as one of the factors that contribute to minors consuming
alcohol, i.e. falling into problems with alcoholism. It should be emphasized that a child who grows
up in an environment where there are pronounced problems with alcoholism can create unfavorable
conditions for the child itself to fall into problems with alcohol abuse. Of course, at a later stage, this
abuse of alcohol by young people in practice leads to various deviant and illegal behaviors, i.e.
behaviors that are considered juvenile delinquency. These types of unfavorable conditions usually
appear in families that lack love, mutual understanding and respect, families in which domestic
violence is present, families in which members do not talk to each other, the family atmosphere is
disturbed and so on. Such situations within the family are an incentive for the child to try to solve
family problems with the help of alcohol.

Peers also have a great influence on a child's behavior. Peer groups have their own rules of
conduct, of dressing and communication. So in this sense, if the group of peers accepts drinking
alcohol as a norm of behavior, then there is a negative impact on the member of the group who does
not want to consume alcohol or who is hesitant.

The social environment is of great importance in shaping the personality of the individual in
a society. Society directly influences the occurrence of alcoholism, by stimulating the consumption
of alcoholic beverages and tolerating the consumption of alcoholic beverages by minors (cafes, bars,
discos).

Within the total framework of illegal and prohibited actions in society, the violations against
the public order and peace attract special attention. When we talk about violations against public
order and peace, it should be emphasized that they differ from crimes as prohibited acts. The best
description through which the phenomenology of these illegal behaviors, i.e. the misdemeanors can
be perceived, is that these are human behaviors that indicate a disturbance of public order and peace

in a society. Such illegal actions are a direct reason for endangerment of the functionality of society, i.e. as a result of their practice there is a pronounced disruption of the relations in society.

Before defining alcoholism as a reason for recurrence, i.e. as a cause of recidivism, we need to determine what this term actually means. Arnaudovski and Chacheva, researching the possibility of recurrence, came to the conclusion that the term itself is directly taken from medicine and it is strongly applicable in legal and criminological sciences. In medicine, the term recurrence refers to the recurrence of a previous illness in a patient, so by analogy it can be determined that in legal sciences the recurrence would mean the re-offending of crimes by a perpetrator.  

Re-consumption of alcoholic beverages by alcoholics is called recidivism. Recidivism in alcoholics is a very common occurrence. When talking about recidivism in alcoholics it should be emphasized that a once treated alcoholic should never in the future consume even the smallest amount of alcoholic beverages. Sometimes alcoholics after a certain period of abstinence usually try to consume alcoholic beverages in normal amounts, but what usually happens is that in a short amount of time they relapse and start abusing alcohol again.

4. CONCLUSION

The previous presentations and analysis of the criminal legal aspects of alcoholism point to the fact that alcoholism and crime are closely related socially negative phenomena. This close connection is primarily manifested in their mutual conditionality in which these same phenomena change the roles of causes and consequences. The debate on whether alcoholism can affect people in order for them to commit crimes is pointless, as we have previously clearly and unequivocally established there is this causal connection between alcoholism and various types of crime.

Alcoholism is one of the criminogenic factors that manifests itself through acute, chronic and phenetic forms. The impact of alcohol on individuals, i.e. the impact of alcoholism on crime can be direct or indirect, but still it should be noted that it has a harmful impact, an impact that directs the behavior of individuals towards committing crimes. Alcoholism as a criminogenic factor according to its characteristics is categorized within those significant, factors that have a strong influence on individuals to engage in criminal activities. Successful fight and prevention of crime in a society is doomed to fail if proper measures and activities are not taken, which also includes prevention of alcoholism as a socio-pathological phenomenon in the community. Successful fight against alcoholism is only possible through the participation of all stakeholders in society, and the measures and activities taken should be aimed at raising public awareness of the dangers of alcohol abuse.

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5. REFERENCES

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