The Historical and Legal Aspects of Car Theft

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ABSTRACT: It is well known that technology has contributed on a large scale in the last 300 years to the improvement of human life and society in general. One such element is represented by the car, a machine capable of covering a significant distance in a short amount of time, faster than any horse or other animal used for transportation. Recognizing the benefits brought to commerce, security and comfort within large scale domains, we cannot neglect the fact that this invention is a huge step for everyday individuals as well. In this era a car is a necessity, thus having it stolen could result in severe consequences for some of us. Considering this aspect, the current paperwork will analyze how a car can be stolen, the methods used by the judicial police for finding the author, the legal implications and ways of prevention. The main focus will be on how the identification, collection and preservation of the traces left behind by the thief are completed alongside the research done in the forensic laboratory, these activities having the purpose of uncovering details which could serve in finding the truth about the illegal action and the person responsible for it.

KEYWORDS: truth, traces, details, laboratory, research

Introduction

In accordance with the criminal law doctrine the action of stealing can be defined as an illegal act done in order to affect another person`s patrimonial values by taking a certain object from the victim's possession without his acceptance, the purpose being that of acquiring the product in an unjust way (Udroiu 2015, 204).

Humans have gathered into communities in order to satisfy basic needs such as security, food and reproduction. With the passing of time, the tribes evolved into empires, kingdoms and eventually to states. The present form of a democratic state protects and assures certain right and freedoms to their citizens, reprehending any opposite behavior towards its fundamental values through the institutions facilitated with this task and with the help of the coercive force of the state. By stealing an asset from its owner, his right to property is disregarded by the author. As a direct consequence, a social value instated and guaranteed by the constitutional and civil legal regulations is directly put in danger.

Although today we have complex laws created in order to protect the freedom of the individual to have, possess and use the goods in his property as he sees fit, the stipulations made in order to prevent or punish the act of theft have gone through several evolution stages since immemorial times.

Legal stipulations in regards of stealing throughout history

Two thousand years ago the continent of Europe had an abundance of civilizations which left cultural marks that withstood the test of time.

Examples of such communities were the people of Carthage with their military ingenuity, the philosophers of Greece, the juris consults of the Roman Empire and the druids from today's territory of Great Britain. Relevant for the paperwork, we will first expose the forms of law implemented during the period of the Roman Empire.

Three stages can be distinguished during the lifespan of one of the most powerful social structures of the past, those being the period before the Law of the XII Tablets, the period under the governance of the dispositions of the XII Tablets and finally the classic period.

Before the introduction of the Tablets, stealing was punished in convergence with the locally accepted customs by which the owner could avenge his loss against the author. Afterwards, the regulations of the tablets imposed alongside the old methods the possibility of the magistrate to intervene. Following the progress implemented in the classical period, we can remark a more complex analyzation of the presented illegal action due to the appearance of concepts such as: the abuse of trust, the stealing of an asset by the owner himself in case he left it as an insurance to his creditor and the concretization of terms like bad faith or the will of the proprietor (Molcuț 2011, 340-343).

After the disappearance of the Ancient World, a transition took place until the Middle Ages, during which regulations could be found in religious texts such as The Old and New Testament, The Koran or The Talmud.

During the time before the Modern Era, in the space which today serves as the territory of Romania, several documents were published, these served as the first law codes for the middle aged kingdoms of our ancestors. The term used to name these laws was "codices", and so in the year 1640 is was brought to the public's attention the Codices of Govora and in 1646 the Codices of Vasile Lupu (Cernea 2008, 110).

Nowadays, as a result of the general progress of civilization, the legal norms which refer to stealing and, especially for the presented subject, the illegal acquisition of an automobile are far more complex, precise and provide a more suitable form of punishment.

Possible scenarios in which a vehicle can be stolen

Generally, a good can be taken away from someone either as a result of the skills developed by the felon for this kind of operation or due to the neglect shown in the owner's behavior. In this manner, a person can leave his car unlocked with the keys in the contact because he had to rush back in the house in order to retrieve a forgotten element necessary for him at that time. Next, a stranger can pass by and simply enter the vehicle and drive away. This is a typical case in which we can observe the lack of precaution and prevention.

No less important is the possibility that an individual can improve a set of talents which can serve in illegal actions. For the analyzed topic we will list the following: the ability to unlock a car without it`s set of keys; the skill of deactivating the alarm of the vehicle; the way in which an engine can be started by only using the wires and so on.

Fortunately, every step taken in the process of completing an illegal action leaves behind a set of traces. These "footprints" can be used to help determine how the act was committed and what the identity of the outlaw is.

The identification, preservation, conservation and analyzation of the traces

In the situation that a car had been stolen and the owner reported the event to the authorities, the process of finding the truth will consist of the next components: the forming of the team and their arrival at the scene, the research performed on the spot and the analysis done in the forensic laboratory.

Firstly, the team will be composed of the forensic prosecutor who leads the operation, the officers and forensic specialists from the police department and other possible experts from various domains such as engineers, mechanics or biologists (Buzatu 2013, 29).

Secondly, the members will proceed with the investigation of the place of deed. This is an important step because the success of it is directly proportional to the quality of the results obtained later in the forensic laboratory.

As main objectives for this stage we can mention: the direct investigation of the place where the illegal act was performed; the correct understanding of the event; the discovery, fixing and lifting of the traces; the obtaining of data in regards of the methods used by the author; the

identification of possible witnesses and the elaboration of a general version in regards to the unjust action (Stancu 2015, 360).

Precursory to the investigation, the team must determine the place where the action was completed alongside fixing the circumstances which with the passing of time can suffer changes or can completely disappear and they also have to prevent and to dispose of any imminent dangers, plus the withholding of any suspicious suspects (Stancu 1997, 19-21).

For the procedure itself we can distinguish two parts, the static one which involves the initial contact with the desired location - it can be resumed to a simple observation (the team does not attempt any contact with the circumstantial elements), and a dynamic part that includes a more complex approach involving the examination of objects, the maneuvering of them as well as the identification, preservation, conservation of the traces and the material means of evidence (Ionescu 2007, 28-35). The team has several options at their disposal in order to collect the data, for example sketching the area of interest or the orientation, detailed and digital photography (Nechita 2009, 47).

Thirdly, after the information has been gathered and secured it is transported to a laboratory where the forensic expert will start the forensic identification. The matter of finding the true identity of someone can be defined as the procedure based on technical and scientific methods by which a subject of the law who has affected a legally protected social norm by his own actions can be found out and brought to justice (Ionescu and Sandu 2011, 47).

In the forensic laboratory a large focus is placed on the method of comparison. This way of identification assumes that a trace is compared with another model either one created or already present in the database.

The study of the evidence found at the scene starts from a general point of view and ends with the main attention on the special characteristics so that the correct circumstances are deduced and the one responsible for the event can be found (Ionescu and Sandu 2011, 110-121).

Taking into consideration the information presented above, we can state that with such a large arsenal at their disposal the judicial police could shed light on almost any case of vehicle theft.

Conclusions

In order to prevent a car theft from the perspective of the owner, one should exercise caution, attention to surroundings and double checking if all the security measures to his property have been taken. Society should offer its citizens possibilities to fulfill their desires on a material and spiritual level so that nobody would take into consideration the use of an illegal act as a method for self-accomplishment.

If a situation of vehicle stealing came into existence, there are legal implications present for both sides, the target having to press charges and to wait possibly years in order to see the case resolved and the suspect needing to come to terms with the fact that he might have to serve several years in prison.

The forensic expertise is a complex operation reuniting methods from different domains with the end goal of finding the truth about the criminal activity and assisting the judicial organs in delivering justice.

As technology evolves from one particular form into a multitude of branches so does the phenomenon of stealing. In other words, the more suitable and advanced an item is, the more a subject of the law with low financial status may be tended to take it through a non-legal way for his own use. Therefore, the domains tasked with preventing and tackling with these type of events must have at their disposal the latest model of equipment alongside the most actual and accurate knowledge on the matter.

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