ANALYSIS OF THE CRIME PRIVILEGED TO PUBLIC ORDER AND PEACE IN THE LEGISLATIONS OF EUROPEAN STATES

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Abstract. *In the current situation, marked by the increase in international conflicts and tensions between states, the issue of mass disorder is gaining increasing importance. Such conflicts can directly or indirectly cause internal instability and endanger public safety. The topic analyzed in this study is at the heart of current concerns in the field of criminal law, both at the national and international levels, being considered one of the most serious forms of threat to public order and security.*

At the global level, the need to strengthen an effective criminal legal framework that allows for the rapid prevention, cessation and sanctioning of mass disorder, in order to protect public security — especially in the context of the vulnerabilities generated by current international conflicts.

Keywords: *right of assembly, legal regulations, illegal acts, criminal liability, perpetrator, punishment, damage, etc.*

Introduction. At the European level, the following relevant normative acts have a major significance for the research subject: UDHR of December 10, 1948, International Covenant on Civil and Political Rights of December 16, 1948, ECHR of November 4, 1950, etc.

The ECHR is one of the major international acts that have shaped and continue to shape European legal systems in the field of ensuring and respecting human rights, practically summarizing in a single article two rights that the International Covenant on Civil and Political Rights and the UDHR regulate in distinct norms.

According to Article 11, paragraph 1 of the ECHR, „Everyone has the right to freedom of peaceful assembly and to freedom of association, including the right to form and join trade unions for the protection of his interests. Paragraph 2 of the same article states that the exercise of these rights may not be subject to any restrictions other than those prescribed by law which, in a democratic society, are necessary in the interests of national security, public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prohibit lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State”[1].

[1] European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 [cited 09.10.2025]. Available: https://www.echr.coe.int/documents/d/echr/convention_ron.

Therefore, the text of Art. 11 of the ECHR expressly refers to two freedoms – freedom of assembly and freedom of association, which protect these two rights in their individual aspect, their collective character remaining manifest in their essence and exercise.

According to Art. 83 paragraph (1) of the Treaty on the Functioning of the European Union of 25 March 1957, „The areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime”[2]. According to the same paragraph, „Depending on the development of crime, the Council may adopt a decision identifying other areas of crime which meet the criteria set out in that paragraph”.

Although public order and security are a major social value, they are not regulated within the framework of the special part of the European Union's crimes, which lists Euro-crimes. There are a number of instruments that criminalize or at least prohibit – usually quite precisely – certain forms of behavior. Thus, a special part of criminal law is gradually developing[3].

Basic content. European criminal law is defined as a set of criminal rules (substantive, procedural and penitentiary) common to various European states, in the collective concern to combat crime, especially transnational organized crime. In reality, there is no criminal code or criminal procedure at European level or at EU level, but we can speak of a process of harmonization of criminal legislation in the context of the need for European states to cooperate in the fight against organized crime, which is constantly expanding, regardless of state borders[4].

In the context of the Republic of Moldova's accession to the EU, studying national law, through the lens of European law, can generate an evolution in the normative field of the state. Therefore, researching the provisions of the criminal codes of some EU member states, it is noted that the importance of depicting the main similarities and differences between illegal acts similar to mass disorders incriminated in other states can contribute to the development and improvement of domestic criminal legislation.

Comparative law helps to establish the subtle and profound rendering of the connections, the relationships between the various institutions of a system. It allows, in the set of institutions and rules of a legal system, to reveal what is essential, what expresses the intimate nature of this system, what constitutes the foundations that cannot be touched, without proceeding to a general review of the moral ideas

[2] Treaty on the Functioning of the European Union of 25 March 1957 [cited 18.10.2025]. Available: https://legislatie.just.ro/Public/DetaliiDocument/106460.

[3] KLIP, André. European Criminal Law. An Integrative Approach (translated from English: Dana Manole). Chișinău: Cartie, 2014. p. 211.

[4] PARASCHIV, Gavril. Criminal Law of the European Union. Bucharest: “C.H. Beck”, 2008. p. 1. ISBN 978-973-115-460-2.

that inspired it and without having recognized the social structures that support it[5]. Comparing rights sheds light not only on what they have in common – the area of divergence – but also on what they resemble or are identical, an area of convergence, which reveals a common normative fund, whether extensive or restricted, from which fruitful conclusions can be drawn. Next, we are going to carry out a broad and particularized analysis of illegal acts similar to the crime of mass disorder, which are incriminated in the criminal legislation of some EU member states.

The Romanian Criminal Code regulates the protection of social coexistence regarding public order and peace, seriously violated in Title VIII Chapter I of the Special Part of the Romanian Criminal Code of July 17, 2009. Unlike the offense provided for in Art. 285 of the Criminal Code of the Republic of Moldova, in Romanian criminal legislation, Art. 371 criminalizes the disturbance of public order and peace, which constitutes the act of a person who, in public, through violence committed against persons or property or through threats or serious attacks on the dignity of persons, disturbs public order and peace and is punished with imprisonment from 3 months to 2 years or a fine[6]. From this, an essential difference can be deduced both between the generic names of the offenses and between their objective aspects, which, at first glance, may seem similar.

Making a tangent with art. 285 paragraph (3) of the Criminal Code of the Republic of Moldova, which materializes through calls for active violent disobedience to the legitimate demands of representatives of the authorities and mass disorder, as well as the commission of acts of violence against individuals[7], we note that the Criminal Code of Romania criminalizes, in a separate article, namely in art. 368 – Public incitement, which represents „the act of urging the public, verbally, in writing or by any other means, to commit crimes and is punishable by imprisonment from 3 months to 3 years or a fine, without exceeding the penalty provided by law for the crime to which the incitement was committed"[8].

It is specified that in the local legislation the crime of mass disorder is reflected through the prism of three standard variants of committing criminal activities, while the Romanian legislator divides each prejudicial act into separate articles.

In addition, considerable differences are noted regarding the type and amount of the penalties applicable for the acts invoked *above*. A gap is manifested by the fact that, in the criminal legislation of the Republic of Moldova, the amount of the fine is clearly and concretely established, but in the Romanian one the amount of the fine remains interpretable, taking into account the principle of internal conviction of the

[5] ZLĂTESCU, Victor Dan. Comparative private law. General theory of the comparison of rights – Legal geography. Bucharest: "Oscar Print" publishing house, 1997. p. 44.

[6] Criminal Code of Romania of July 17, 2009 [cited 18.10.2025]. Available: https://legislatie.just.ro/Public/DetaliiDocumentAfis/223635.

[7] Criminal Code of the Republic of Moldova No. 985-XV of April 18, 2002 [cited 21.09.2025]. Available: https://www.legis.md/cautare/getResults?doc_id=150640&lang=ro#.

[8] Criminal Code of Romania of July 17, 2009 [cited 18.10.2025]. Available: https://legislatie.just.ro/Public/DetaliiDocumentAfis/223635.

competent bodies. At the same time, there are disproportionalities in the case of the term of the penalty of deprivation of liberty, which varies depending on the gravity of the illegalities committed by the perpetrator.

In the Polish Criminal Code, crimes against public security are found in Chapter XXXII. Despite the fact that the chapters of the code in question have specific names and are structured according to the legal objects of attack, it is noted that the articles are not named.

Paragraph 1 of Article 254 of the aforementioned code expressly states that „a person who participates in a gathering, knowing that the participants commit a violent attack against a person or property by joint force, shall be punished with imprisonment for a term of up to 3 years". Similarly, paragraph 2 of the same article provides that „if the violent attack results in the death of a person or serious damage to their health, the participant in the gathering referred to in paragraph 1 shall be punished with imprisonment for a term of 3 months to 5 years"[9].

The act described can be relatively similar to the act of active participation in the commission of mass disorders, regulated by art. 285 par. (2) of the Criminal Code of the Republic of Moldova. However, the Polish legislator provides for the sanctioning of the given act with the penalty of deprivation of liberty for up to 3 years, and in case of death or serious damage to the health of the person – with a maximum of 5 years. In the same case, the local legislator establishes the penalty of imprisonment from 3 to 7 years, which is more severe than in Poland, without establishing separate criminal penalties for committing the act in the presence of aggravating circumstances. Therefore, the Polish legislator, in par. 2 of art. 254, directly establishes as an aggravating circumstance – the death of the person or serious damage to health, while art. 285 of the Criminal Code of the Republic of Moldova does not criminalize mass disorders committed in the presence of aggravating circumstances. Accordingly, according to local criminal legislation, in such a case, we are faced with a combination of crimes between art. 285 and art. 151 of the Criminal Code of the Republic of Moldova.

According to art. 255 par. 2 of the Polish Criminal Code, „A person who publicly incites to commit a crime shall be punished by imprisonment for a term of up to 3 years". This legal norm can be analyzed in conjunction with art. 285 par. (3) of the Criminal Code of the Republic of Moldova, or, by analogy, calls for active violent disobedience to the legitimate demands of representatives of the authorities and for mass disorder, as well as for committing acts of violence against individuals, are materialized through public appeals to commit such illegalities.

Following the investigation of the composition of the crime, a similarity between the legal norms in question is noted, a fact existing in the very action of inciting the public to commit mass disorders. At the same time, it is specified on some

[9] Criminal Code of Poland [cited 25.09.2025]. Available: https://codexpenal.just.ro/laws/Cod-Penal-Polonia-RO.html.

differences involving the type and term of the sanction in the case of the mentioned act, since in the Republic of Moldova this act is punished both with a fine and with deprivation of liberty for a period of up to 2 years, and in Poland – only with deprivation of liberty for a period of up to 3 years.

In the German Criminal Code, the standard variants of the crime of mass disorder are found in Section 7 „Offences against public order", in Articles 125, 125a and 126.

The classic variant of the crime is regulated in Article 125 „Disturbance of public security". Thus, in paragraph (1) of the aforementioned article it is stipulated that „a person who participates as an author or participant in acts of violence against people or property or in threats of acts of violence against people, committed within an organized group, in a way that endangers public safety, or a person who incites a group of people to commit such acts, shall be punished with imprisonment for a term not exceeding 3 years or a fine". Paragraph (2) of the same article provides that „where art. 113 provides for a penalty for the actions referred to in paragraphs (1) and (2), the provisions of art. 113 paragraphs (3) and (4) shall apply, taking into account the corresponding changes in meaning. This shall also apply in the cases provided for in art. 114, if the act performed by virtue of the duties of the service is an act within the meaning of the provisions of art. 113 paragraph (1)"[10].

It is specified that the mentioned article refers to art. 113 of the German Criminal Code, which criminalizes resisting law enforcement officers, an offense whose objective side is similar to the actions adjacent to the acts regulated in paragraphs (1) and (2) of art. 285 of the Criminal Code of the Republic of Moldova.

Similarly, a legal reference is observed to art. 114 of the German Criminal Code, which punishes assaulting law enforcement officers, an offense whose specifics can be compared to the adjacent action of violent or armed resistance to representatives of the authorities, regulated in paragraphs (1) and (2) of art. 285 of the Criminal Code of the Republic of Moldova.

Additionally, art. 125a of the German Criminal Code „Disturbance of public security with particularly serious consequences" sets out an aggravating form of the offense referred to above.

Accordingly, in particularly serious cases, provided for in art. 125 para. (1), the penalty is imprisonment from 6 months to 10 years. A particularly serious case is, as a rule, the situation in which the perpetrator:

„1) carries a firearm on him;

2) carries another type of weapon or other dangerous instrument on him;

3) through an act of violence puts another person in danger of death or serious harm to his health;

[10] German Criminal Code [cited 18.10.2025]. Available: https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html.

4) robs or causes considerable damage to property that does not belong to him".

In such circumstances, it is noted that the name of the crime used by the German legislator differs from that used in the criminal legislation of the Republic of Moldova. However, it is inferred that the German legislator directly stipulates criminal liability for the person who participates as an author or participant in acts of mass violence, but does not regulate criminal liability for the organizer or leader as a direct author of the crime. At the same time, in art. 125 para. (1) of the German Criminal Code, we notice a similarity with art. 285 of the Criminal Code of the Republic of Moldova, in the sense of indicating illicit actions, which are similar in both states, such as the use of violence against persons and the presence of firearms or other objects used as weapons.

Similarly, the German legislator regulates criminal liability for inciting a group of persons to commit a disturbance of public peace, and such an action is also provided for in art. 285 para. (3) of the Criminal Code of the Republic of Moldova, in the form of an action calling for active violent disobedience to the legitimate demands of representatives of the authorities and for mass disorder, as well as for committing acts of violence against persons[11].

In Germany, for mass disorders, aggravating circumstances are established in separate articles, for which much harsher penalties are regulated (up to 10 years of imprisonment). In the Republic of Moldova, the maximum prison sentence, established in Art. 285 of the Criminal Code of the Republic of Moldova, is up to 8 years. So, in the Republic of Moldova, criminal liability for committing mass disorders in the classical form is stricter, compared to Germany, the period of imprisonment being practically assimilated to the aggravating forms of mass disorders committed in Germany[12].

In the French Criminal Code, the penalty for disturbing public security is found in Title III, Chapter I, Section 3 „On illicit demonstrations and criminal participation in a public demonstration or meeting", more specifically in Art. 431-9 which does not have a generic name.

According to the art. in question, „the following shall be punishable by 6 months of imprisonment and a fine of 7,500 euros:

1) organizing a demonstration on a public road that has not been the subject of a prior declaration under the conditions established by law;

2) organizing a demonstration on a public road that has been prohibited under the conditions established by law;

[11] Criminal Code of the Republic of Moldova No. 985-XV of April 18, 2002 [cited 21.09.2025]. Available: https://www.legis.md/cautare/getResults?doc_id=150640&lang=ro#.

[12] CHEPESTRU, Ana-Maria, CHIRIȚA, Valentin. The offense of mass disorder in the criminal laws of some European states. In: Journal of criminology and criminal law [online]. Belgrade, 2023. p. 149 [cited 12.10.2025]. ISSN 2956-2198. Available: https://www.iksi.ac.rs/rkk_arhiva/rkk_1_2023.pdf.

3) making an incomplete or inaccurate declaration likely to mislead as to the object or conditions of the planned demonstration". Likewise, the provisions of Art. 431-10, according to which „participation in a demonstration or a public meeting carrying a weapon is punishable by 3 years in prison and a fine of 45,000 euros"[13].

Therefore, the French criminal code is completely different from the local one and does not directly punish the actions of organizing, leading, participating in mass disorders, nor the call for active violent disobedience to the legitimate demands of representatives of the authorities and mass disorders, as well as the commission of acts of violence against individuals. It only punishes the violation of procedural conditions in the process of organizing public demonstrations, i.e. the lack of statements regarding public demonstrations.

However, according to art. 421-1 of the French Criminal Code, „they constitute acts of terrorism if they are intentionally linked to an individual or collective activity aimed at seriously disturbing public order through intimidation or terror. At the same time, art. 421-2-5 of the same code establishes that directly provoking acts of terrorism or public incitement to such acts is punishable by 5 years in prison and a fine of 75,000 euros. The penalties are 7 years in prison and a fine of 100,000 euros if the acts were committed through the use of an online public communication service. If the acts are committed through the written or audiovisual press or through online public communication, the particular provisions of the laws regulating these matters apply with regard to determining the persons responsible".

Taking into account the above, it can be deduced that in France, any action that aims to disrupt public security falls under the scope of acts of terrorism. Making a tangent with the criminal legislation of the Republic of Moldova, it is noted that the terrorist act is criminalized under art. 278 of the Criminal Code of the Republic of Moldova, as a distinct offense. It should be noted that in France the punishment for disrupting public security is quite severe in terms of the amount of the fine, which, compared to the Republic of Moldova, is very expensive. In terms of imprisonment, in France the term of imprisonment is also much harsher than in the Republic of Moldova.

From the very beginning of the statute of limitations, **the Finnish Criminal** Code enumerates and explains an exhaustive list of concepts that are of particular relevance. Namely, it explains that „mass disorder occurs when a group clearly intends to use violence against a person or to cause significant damage to property, and a person who actively participates in the actions of the group and, in this context, does not comply with a lawful order issued by a competent official to disperse, is convicted of rioting"[14].

[13] French Criminal Code [cited 29.09.2025]. Available: https://codexpenal.just.ro/laws/Cod-Penal-Franta-RO.html.

[14] Criminal Code of Finland [cited 29.09.2025]. Available: https://codexpenal.just.ro/laws/Cod-Penal-Finlanda-RO.html.

In chapter XVII, section 2, of the aforementioned code, it is expressly regulated that, for the conduct of mass riots, persons may be fined or sentenced to imprisonment for a maximum of one year. In section 3 of the same chapter, criminal liability for violent rioting is provided, which occurs when a group commits an offense provided for in chapter XVI, section 1, and uses violence against a person or causes significant damage to property, and a person who actively participates in the actions of the group is sentenced for violent rioting to a fine or imprisonment for a maximum of 2 years.

Exactly as in the case of art. 285 para. (1) of the Criminal Code of the Republic of Moldova, the person who leads mass riots in Finland is held criminally liable, only according to a provision separate from the basic component of the offense. Therefore, according to Section 4 ,,Leading violent mass disorder" of the Finnish Criminal Code, a person who incites or leads a group referred to in Section 3 is sentenced for leading violent mass disorder to imprisonment for up to 4 years.

In the same context, in accordance with the Law of the Republic of Finland on Public Order (512/2003), persons who violate public order may be subject to a summary criminal fine, which, according to Chapter II (A), Section 8 of the Criminal Code of Finland, is a pecuniary penalty consisting of a fixed amount in euros, less severe than the amount of a fine. It is worth noting that the term ,,riot" used in Finnish criminal law, as a meaning, is closer to the notion of mass disorder, used in the criminal doctrine of the Republic of Moldova.

The Criminal Code of the Kingdom of Spain protects social values with regard to public security in the content of Title XXII, Chapter III.

In the Kingdom of Spain, the penalty for disturbing the public peace is found in art. 557 ,,Public disorder", which in par. 1 provides that persons who, acting in a group and with the aim of disturbing the public peace, disturb public order, causing injury to persons, causing damage to property, placing obstacles on public roads or on access roads to them, thus endangering traffic on said roads or occupying facilities or buildings, without prejudice to the corresponding penalties that may be applied to them, according to other provisions of the code in question, shall be punished with a prison sentence of from 6 months to 3 years[15].

Consequently, in par. 2 of the same article, it is mentioned that a punishment higher in degree than those provided for in the previous par. will be applied to the authors of the acts mentioned in the cited par., when they occurred on the occasion of events or performances that involve the participation of a large number of people. The same punishment will be applied to persons who, inside the premises where these events are held, disturb public order through behaviors that cause or are likely to cause a dangerous situation for some of the participants. In these cases, the punishment of the prohibition to participate in events or performances of the same kind for a period 3 years longer than the duration of the main punishment applied may also be applied.

[15] Penal Code of Spain [cited 30.09.2025]. Available: https://codexpenal.just.ro/laws/Cod-Penal-Spania-RO.html.

From the content of the composition of the offense it follows that the Spanish legislator, exactly like the native one, emphasizes the material legal object of the offense investigated, in both cases the priority being the physical body of the person and the movable and/or immovable property. Another similarity between the compared crimes lies in their very name, in our view they are exposed through paronymy, differing by a single phrase.

However, a gap is noticeable in the part related to the structure of the article, or, the Criminal Code of the Republic of Moldova includes three standard variants of the crime of mass disorder, while the Criminal Code of the Kingdom of Spain contains the basic composition in par. 1 and an aggravating circumstance in par. 2.

Likewise, it is highlighted that, in the Criminal Code of the Republic of Moldova, the criminal punishment is harsher for organizing, leading and active participation in mass disorder, compared to that regulated in the criminal legislation of the Kingdom of Spain. On the other hand, in the Penal Code of the Kingdom of Spain, for the aggravation of the investigated crime, „a complementary punishment is provided, namely the prohibition to participate in events or performances of the same kind for a period of 3 years longer than the duration of the main punishment applied", its applicability remaining at the discretion of the law enforcement agencies.

In relation to the action of public incitement, it is noted that the Penal Code of the Kingdom of Spain does not highlight a clear norm regarding public incitement of persons to mass disorder, but art. 18 par. 1 contains a general explanation, which shows that incitement exists when there is direct incitement, through printed materials, by radio broadcasting or any other means with a similar effect, which facilitates publicity, or in front of a group of persons, to commit a crime.

Just as in the model of the Finnish Criminal Code, the introductory part of the **Swedish Criminal Code** explains the notion of riot. In art. 1 of chapter XVI of the code in question it is provided that „if a crowd of people disturbs public order, manifesting the intention that, by joining forces, they will protest against an authority or in some other way provoke or prevent the taking of a certain measure and do not disperse on the order of an authority, the instigators and leaders shall be punished for riot by imprisonment for up to 4 years, and other participants in the activity of the crowd by a fine or imprisonment for up to 2 years. If the crowd disperses on the order of an authority, the instigators and leaders shall be punished for riot by a fine or imprisonment for up to 2 years". In art. 2 of the same chapter stipulates that „if a crowd, with the intention mentioned in art. 1, has joined forces against a person or property, the instigators and leaders shall be punished for violent riot, regardless of whether an authority was present or not, with imprisonment for up to 10 years, and other participants in the activity of the crowd - with a fine or imprisonment for up to 4 years"[16].

[16] Swedish Criminal Code [cited 30.09.2025]. Available: https://codexpenal.just.ro/laws/Cod-Penal-Suedia-RO.html.

At the same time, the domestic criminal legislation does not clarify the concept of mass disorder, while in Swedish legislation, just like in Finnish legislation, an exhaustive list of concepts is explained in the introductory parts of the criminal codes, including the term riot. This fact ensures the obvious concretization of actions that can be qualified as mass disorder and directly contributes to facilitating the work of law enforcement agencies in investigating such acts.

Exactly as in the Criminal Code of the Republic of Moldova, in the criminal legislation of Sweden, the same article holds organizers, leaders and participants in mass disorder criminally liable, only each participant is held criminally liable under different paragraphs.

Thus, in the Criminal Code of the Republic of Moldova, for organizers and leaders of mass disorder a prison sentence of 4 to 8 years is provided, based on art. 285 para. (1) of the Criminal Code of the Republic of Moldova. On the other hand, in the criminal legislation of Sweden, the categories of participants mentioned are punished with imprisonment for up to 4 years. For active participation in mass disorders, the local criminal legislation provides for a prison sentence of 3 to 7 years, based on art. 285 para. (2) of the Criminal Code of the Republic of Moldova, while the Swedish one – a fine or imprisonment for up to 2 years. It is relevant to mention that the Swedish Criminal Code does not regulate the minimum and maximum limits of the fine, as stipulated in the Criminal Code of the Republic of Moldova[17].

In art. 2 of chapter XVI of the Swedish Criminal Code, an aggravating form of mass disorders is provided for, which is punished more severely, compared to the classic form of the crime. Practically, in the Republic of Moldova, the penalties for mass disorder are similar in size and duration to the penalties stipulated for committing mass disorder in Sweden in the presence of aggravating circumstances.

The **Danish Criminal Code** criminalizes offences against public security in Chapter XV.

According to Article 133(1) of the Code, a person who incites a crowd to violence or to threaten violence against a person or property shall be liable to a fine or to imprisonment for a term not exceeding three years. Paragraph (2) of the same Article provides that the same penalty shall apply to those who, in front of a crowd, when the said purpose has been made known, act as leaders of the crowd, as well as to any participant who does not comply with an order to disperse, lawfully issued by the public authorities. Similarly, paragraph (3) provides that if an offence is committed in such a crowd in connection with its purpose, the instigators or leaders of the crowd shall be liable to punishment in accordance with the provision concerning the offence in question[18].

[17] CHEPESTRU, Ana-Maria, CHIRIȚA, Valentin. The offense of mass disorder in the criminal laws of some European states. In: Journal of criminology and criminal law [online]. Belgrade, 2023. p. 155 [cited 12.10.2025]. ISSN 2956-2198. Available: https://www.iksi.ac.rs/rkk_arhiva/rkk_1_2023.pdf.

[18] Criminal Code of the Kingdom of Denmark [cited 24.09.2025]. Available: https://www.europam.eu/data/mechanisms/PF/PF%20Laws/Denmark/Denmark_Criminal_Code_2005.pdf.

Analogia iuris, it is specified that, based on art. 285 para. (1) of the Criminal Code of the Republic of Moldova, the organizer and leader of mass disorders are liable for criminal liability, and according to para. (2) and para. (3) of the same article, active participation in mass disorders and calls for active violent disobedience to the legitimate requirements of representatives of the authorities and mass disorders, as well as the commission of acts of violence against persons, are punished[19].

Moreover, the local legislator precisely establishes the limits of the amount of the fine, as a criminal punishment for the commission of mass disorders, while the Danish legislator only specifies the possibility of applying the penalty of a fine, leaving it to the discretion of the responsible authority to decide on the amount of the applicable fine.

A contrario, art. 133 para. (3) of the Criminal Code of the Kingdom of Denmark subjects instigators or leaders of the crowd to criminal liability, even if the mass disorders are not directly committed by them. Thus, based on the said para., instigators or leaders of the crowd are held criminally liable, if a person in the crowd commits an offense in connection with the purpose of disturbing public security[20].

It is specified that the local criminal legislation does not provide for such a component of the crime, since, according to art. 7 para. (2) of the Criminal Code of the Republic of Moldova, when applying the criminal law, the nature and degree of prejudicialness of the crime committed by the guilty person and the circumstances of the case that mitigate or aggravate criminal liability are taken into account[21]. Accordingly, regardless of the crime committed, the perpetrator is not criminally liable for the criminal activity, which, in fact, was committed by a third person, the principle of individualization of criminal liability and criminal punishment being respected.

Art. 134 of the Criminal Code of the Kingdom of Denmark highlights a form of inaction of the crime and provides that any participant in a crowd who, knowing that a dispersal order has been legally issued, does not comply with such an order, is liable to a prison sentence for a period not exceeding three months. It is mentioned that, at the national level, such a normative approach is not found. At the same time, it is highlighted that, according to the provisions of art. 134a of the Criminal Code of the Kingdom of Denmark, participants in brawls or other serious disturbances of public security, if they acted as a result of an agreement or together, are punished with imprisonment of up to 1 year and 6 months[22].

By analogy, according to art. 26 par. (1) of the Criminal Code of the Republic of Moldova, preparation of a crime is considered to be the prior agreement to commit

[19] Criminal Code of the Republic of Moldova No. 985-XV of April 18, 2002 [cited 21.09.2025]. Available: https://www.legis.md/cautare/getResults?doc_id=150640&lang=ro#.

[20] Criminal Code of the Kingdom of Denmark [cited 24.09.2025]. Available: https://www.europam.eu/data/mechanisms/PF/PF%20Laws/Denmark/Denmark_Criminal_Code_2005.pdf.

[21] Criminal Code of the Republic of Moldova No. 985-XV of April 18, 2002 [cited 21.09.2025]. Available: https://www.legis.md/cautare/getResults?doc_id=150640&lang=ro#.

[22] Criminal Code of the Kingdom of Denmark [cited 24.09.2025]. Available: https://www.europam.eu/data/mechanisms/PF/PF%20Laws/Denmark/Denmark_Criminal_Code_2005.pdf.

a crime, the procurement, manufacture or adaptation of means or instruments, or the intentional creation, in another way, of conditions for its commission if, for reasons independent of the perpetrator's will, the crime did not produce its effect[23].

In the junction of the Criminal Code of the Republic of Moldova, preparation of a crime, regardless of the legal object of the attempt, is qualified by grouping art. 26 of the Criminal Code of the Republic of Moldova with the article that directly incriminates the criminal activity. This fact is not expressly stipulated in the Criminal Code of the Republic of Moldova, but is deduced from judicial practice in the field. However, in the Sentence of the Chisinau Court (Buiucani seat) of September 30, 2024, the court decided that „X. pleads guilty to the crime provided for in art. 42 paragraph (3), art. 26, art. 46, art. 285 paragraph (2) of the Criminal Code and is sentenced under this law, establishing his punishment in the form of imprisonment for a term of 3 (three) years and 5 (five) months, with the execution of the sentence in a semi-closed penitentiary"[24].

A unique provision identified in the criminal law of the Kingdom of Denmark and which is an innovation for the criminal laws of the described states is the stipulation of the punishment for the fact that during meetings, assemblies, marches or other public demonstrations, the person has his face completely or partially covered by a visor, a mask, a painting or something similar, so as to make his identification impossible.

Respectively, for such an act, the person can be punished with a fine or imprisonment for up to 6 months, according to art. 134b of the Criminal Code of the Kingdom of Denmark. However, para. (3) of the same article also provides an exception to the respective rule, namely that the aforementioned prohibitions do not apply if the objects serve to cover oneself, to protect against the weather or for other legitimate purposes[25].

Similar to the Criminal Code of the Republic of Moldova, the Criminal Code of the Kingdom of Denmark regulates the imprisonment penalty for organizers, leaders and direct participants in mass disorders, and compared to the domestic legislation, the penalty established in the criminal legislation of the Kingdom of Denmark is milder. Similarly, the criminal legislation of the Kingdom of Denmark regulates the aggravating and mitigating circumstances of the crime of mass disorders in separate articles, listed consecutively after the article stipulating the basic crime, while the Criminal Code of the Republic of Moldova exclusively provides for criminal liability for the crime committed in the form of the three alternative normative modalities, without indicating mitigating and aggravating circumstances.

The notes to the Special Part of the **Greek Criminal Code** explain the notion of inciting citizens to acts of violence or discord, as „actions which in public, in any

[23] Criminal Code of the Republic of Moldova No. 985-XV of April 18, 2002 [cited 21.09.2025]. Available: https://www.legis.md/cautare/getResults?doc_id=150640&lang=ro#.

[24] Sentence of the Chisinau Court (Buiucani seat) of September 30, 2024. File no. 1-1010/2023 [cited 04.09.2025]. Available: https://jc.instante.justice.md/ro/pigd_integration/pdf/NjkwODZhOTAtMjQ1Z-C00OTUwLWE4ZmEtZGE4ZjYzM mU2ZGZi.

[25] Criminal Code of the Kingdom of Denmark [cited 24.09.2025]. Available: https://www.europam.eu/data/mechanisms/PF/PF%20Laws/Denmark/Denmark_Criminal_Code_2005.pdf.

form, provoke or incite citizens to acts of violence among themselves or to mutual discord and thus disturb the public peace, which are punishable by imprisonment, unless a more serious penalty is imposed in accordance with other provisions". Disturbance of public peace is criminalized in art. 189 of chapter VI of the Greek Criminal Code. Thus, par. 1 states that „the act of a person who takes part in a public assembly consisting of several individuals who, en masse, commit acts of violence against persons or things or unlawfully enter other people's houses, dwellings or other immovables is punishable by imprisonment for up to 2 years". Paragraph 2 expressly provides that „the act of instigators and persons who have committed acts of violence is punishable by imprisonment of at least 3 months, and par. 3 regulates that these penalties apply if the act is not punished with a more severe penalty by other special provisions"[26].

In par. 2, there is a mitigating circumstance for the instigators of such acts, the punishment being much lower in relation to that indicated for the perpetrators of the crime, and par. 3 provides only a mention consisting of a determination for information purposes, without incriminating another related act[27].

It is noted that art. 189 of the Criminal Code of Greece differs substantially from art. 285 of the Criminal Code of the Republic of Moldova, both in terms of the structure of the criminal norm, and the types and amount of the penalties applied.

Another related act is found in art. 190 of the Criminal Code of Greece, which provides that „the act of a person who, with the threat of crimes or misdemeanors being committed, causes unrest or fear of citizens is punishable by imprisonment for up to 2 years"[28].

It is worth noting that the local criminal legislation does not include such a regulation, but only offers the possibility of legally classifying the preparation and attempt of mass disorders. Accordingly, when qualifying such acts, art. 285 of the Criminal Code of the Republic of Moldova is to be connected with art. 26 (preparation of a crime) or, as the case may be, with art. 27 (attempted crime).

In the same context, art. 192 of the Greek Criminal Code, although it does not have a specific name, its content states that „the act of a person who, in any public way, provokes or incites citizens to acts of violence among themselves or to mutual hatred and, thus, disturbs public peace, is punishable by imprisonment for up to 2 years, unless the act is punished with a more severe penalty by other special provisions"[29].

Similarly, from the analysis of the Greek Criminal Code in relation to the Swedish Criminal Code, a similarity can be found, in the sense that, in both codes,

[26] Greek Penal Code [cited 25.09.2025]. Available: https://pure.mpg.de/rest/items/item_2498942_17/component/file_3529081/content.

[27] CHEPESTRU, Ana-Maria, CHIRIȚA, Valentin. The offense of mass disorder in the criminal laws of some European states. In: Journal of criminology and criminal law [online]. Belgrade, 2023. p. 156 [cited 12.10.2025]. ISSN 2956-2198. Available: https://www.iksi.ac.rs/rkk_arhiva/rkk_1_2023.pdf.

[28] Greek Penal Code [cited 25.09.2025]. Available: https://pure.mpg.de/rest/items/item_2498942_17/component/file_3529081/content.

[29] Greek Penal Code [cited 25.09.2025]. Available: https://pure.mpg.de/rest/items/item_2498942_17/component/file_3529081/content.

the legislator omits the names of the articles, the core of the regulatory object not being stipulated.

In another vein, it is concluded that, in the Greek criminal legislation, the criminal penalties for actions of disturbing public peace are milder, compared to those stipulated in art. 285 of the Criminal Code of the Republic of Moldova. In the alternative, there is a big difference between the crime component of mass disorder as stipulated in domestic criminal law and the disturbance of public peace regulated in Greek criminal law.

Conclusion. Given the importance of the legal object protected by the criminalization of mass disorder, it is noted that the Republic of Moldova has adhered to several international normative instruments that defend social values regarding public security, such as: UDHR, ECHR, International Covenant on Civil and Political Rights, etc. Art. 285 of the Criminal Code of the Republic of Moldova identifies three standard variants of the crime of mass disorder, each constituting a distinct component of the crime. However, in certain foreign criminal legislation (Denmark, etc.) the normative modalities of committing the mentioned crime may be regulated in a combined form, either similar to Art. 285 of the Criminal Code of the Republic of Moldova, or being regulated in separate articles, each of which incriminates a certain illicit action (Poland, Finland, etc.). In the EU member states, the mildest criminal punishment is regulated in the Criminal Code of Romania, which in Art. 371 provides for imprisonment from 3 months to 2 years. At the same time, the harshest criminal punishment is regulated in the German Criminal Code, in which Article 125a establishes a prison sentence of 6 months to 10 years.

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