BALKAN RESEARCH JOURNAL

DOI: https://doi.org//10.69648/ZZEJ8525

Balkan Research Journal(BRJ), 2026; 3(1): 63-79

brj.ibupress.com

Online ISSN: 2955-2524

Application: 07.03.2026

Revision: 14.04.2026

Acceptance: 17.05.2026

Publication: 22.05.2026

Croj, S. (2026). Legal-criminal analysis and practical judicial application of the criminal offense "reckless driving of a motor vehicle" sanctioned under Article 297-a of the criminal code of the Republic of North Macedonia. Balkan Research Journal, 3(1), 63-79.

https://doi.org//10.69648/ZZEJ8525

Shpati Croj

South East European University, Tetovo, North Macedonia

https://orcid.org/0009-0001-3479-7201

Correspondence concerning this article should be addressed to Shpati Croj

Email: advokat.croj@gmail.com

BALKAN JOURNALS

Legal-Criminal Analysis and Practical Judicial Application of the Criminal Offense "Reckless Driving of a Motor Vehicle" Sanctioned Under Article 297-a of the Criminal Code of the Republic of North Macedonia

Shpati Croj

Abstract

Road traffic safety represents one of the most sensitive and at the same time most important areas of criminal legal protection in modern societies. The increase in the number of motor vehicles, the intensification of road traffic, and frequent violations of traffic rules have resulted in an increase in accidents with serious consequences for human life and health. In this context, the legislator of the Republic of North Macedonia, through the amendments of September 2023 to the Criminal Code, introduced the criminal offense "reckless driving of a motor vehicle," sanctioned under Article 297-a of the Criminal Code as a continuation of Article 297 "Endangering Traffic Safety," with the aim of sanctioning particularly dangerous conduct in road traffic.

This paper examines this criminal offense in an expanded and analytical manner, focusing on the object of criminal protection, the subject of the offense, the objective and subjective elements, the forms of guilt, as well as its distinction from traffic misdemeanors and other criminal offenses related to traffic safety. The paper also analyzes the relationship of Article 297-a with criminal offenses that produce concrete consequences, as well as the role of this provision within the criminal system and in the prevention of accidents and traffic-related crime. The analysis is based on legislative, doctrinal, and judicial practice sources, with the aim of contributing to a clearer interpretation and more effective application of this criminal offense.

Keywords: Reckless driving, traffic safety, criminal liability, Article 297-a, Criminal Code

Introduction

Road traffic constitutes one of the most important segments of social and economic life in modern states. The free movement of people and goods is a prerequisite for economic and social development, but at the same time it represents a serious source of danger to the life and health of traffic participants. Road accidents, especially those caused by irresponsible and dangerous conduct of motor vehicle drivers, represent a major social and legal problem.

In an effort to address this issue, states have developed a complex system of legal norms, where in addition to administrative and misdemeanor rules, criminal law also plays an important role. Criminal intervention is considered a measure of last resort (ultima ratio), used in cases where violations of traffic rules reach such a degree of dangerousness that they seriously endanger fundamental social values.

Within this framework, Article 297-a of the Criminal Code of the Republic of North Macedonia criminalizes driving a vehicle in a dangerous and reckless manner, thereby creating a concrete danger to the life, health, and safety of persons. This criminal offense represents a specific form of criminal protection of traffic safety and aims to have both a repressive and preventive effect (Criminal Code of Republic of North Macedonia, 2026).

The purpose of this paper is to analyze in depth this criminal offense, examining its constituent elements, practical problems in its application, as well as its importance within the overall criminal system.

Until 06.09.2023, the Criminal Code of the Republic of North Macedonia contained only Article 297 as previously emphasized, with the amendments of 2023, Article 297 was expanded and Article 297-a was added. In the following, a detailed analysis between the two articles will be presented. It is also important to note that on 28.01.2026, new amendments to the Criminal Code were adopted and entered into force on 01.02.2026, which include Articles 297 and 297-a. Furthermore, it should be emphasized that with the amendments of 28.01.2026, two new articles were added, Article 300-a and Article 300-b, which will be discussed below and which tighten the penal policy and aggravate the position of perpetrators of these criminal offenses, this will be analyzed further below.

"Endangering traffic safety"
Article 297

(1) A participant in traffic on a public road who does not comply with regulations and thereby endangers public traffic by endangering the life or body of persons or property to a significant extent, and as a result a person suffers bodily injury or significant property damage occurs, shall be punished with imprisonment from three months to three years or with a fine.

(2) Whoever does not comply with traffic safety regulations in bus, railway, air and maritime traffic, cable car traffic or traffic by other means of mass public transport, and thereby causes danger to the life or body of persons or property to a significant extent, shall be punished with imprisonment from six months to five years and with a fine.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 through negligence shall be punished with a fine or imprisonment of up to one year (Criminal Code of Republic of North Macedonia, 2026).

"Reckless driving of a motor vehicle"
Article 297-a

A participant in public traffic who does not comply with traffic safety rules and thereby endangers public traffic by driving a vehicle recklessly, in a state of inability to drive caused by the use of alcohol at a concentration of at least 1.50 g/kg in blood, drugs, psychotropic substances or their precursors, by driving in a prohibited direction, by overtaking a column of vehicles in a location where visibility is impossible, or by driving at a speed exceeding 50 km/h within populated areas or 70 km/h outside populated areas above the permitted limit, shall be punished with a fine or imprisonment of up to three years (Criminal Code of Republic of North Macedonia, version in force until 28.01.2026).

"Reckless driving of a motor vehicle"
Article 297-a

(1) A participant in public traffic who does not comply with traffic safety rules and thereby endangers public traffic by driving a motor vehicle recklessly, with a blood alcohol concentration above 1.5 g/kg, under the influence of drugs, psychotropic substances or precursors, by driving in the opposite direction on a public road where traffic lanes are physically separated or on a motorway, by overtaking a column of vehicles at an inappropriate place (without visibility), or by driving at a speed exceeding the permitted speed by at least 50 km/h in a populated area or at least 70 km/h outside a populated area, shall be punished with imprisonment from three months to three years and a fine.

(2) The punishment referred to in paragraph (1) of this Article shall also apply to a person who organizes, participates in, or in any other way enables unauthorized vehicle races, as well as a participant in public traffic who drives a motor vehicle without having passed the driving exam, without a valid driving license, or if a driving prohibition measure has been imposed on him which is still in force at the time of the commission of the offense, or a measure of termination of the validity of the driving license, without possessing a new valid driving license (Criminal Code of Republic of North Macedonia, version adopted on 28.01.2026, no. 08-629/1).

"Mandatory imposition of punishment – prohibition on driving a motor vehicle"
Article 300-a

Under the conditions determined by Article 38 of this Code, for criminal offenses under Articles 297 paragraphs (1) and (2), 297-a and 300 paragraphs (1) and (2), the court shall impose on the perpetrator the security measure – prohibition on driving a motor vehicle for a period of six months to 10 years (Criminal Code of Republic of North Macedonia, 2026).

"Confiscation of the motor vehicle used to commit the criminal offense"
Article 300-b

(1) Under the conditions determined by Article 100-a of this Code, the vehicle used to commit the offense under Article 297 paragraph (1), Article 297-a paragraphs (1) and (2) or Article 300, which is owned by the perpetrator, shall be confiscated if at the time of committing the offense he did not have the right to drive a motor vehicle.

(2) If the vehicle referred to in paragraph (1) of this Article is owned by a third party, it shall be confiscated only if that person knew or was obliged to know that the perpetrator did not have the right to drive a motor vehicle.

(3) Under the conditions determined by Article 100-a of this Code, the vehicle used to commit the offense under Article 297 paragraph (1), Article 297-a paragraphs (1) and (2) or Article 300 may be confiscated if the perpetrator drove at a speed exceeding the permitted speed by at least 70 km/h in a populated area or at least 90 km/h outside a populated area, and the vehicle is owned by the perpetrator.

(4) Under the conditions determined by Article 100-a of this Code, the vehicle used to commit the offense under Article 297 paragraph (1), Article 297-a paragraphs (1) and (2) or Article 300 shall be confiscated if the perpetrator drove at a speed exceeding the permitted speed by at least 70 km/h in a populated area or at least 90 km/h outside a populated area, if he had previously been convicted of a criminal

offense against public traffic safety committed by exceeding the permitted speed by at least 70 km/h in a populated area or at least 90 km/h outside a populated area (Criminal Code of Republic of North Macedonia, 2026).

Article 297 and Article 297-a share the same object of protection: road traffic safety and the protection of life, health, and property of persons. Both provisions sanction conduct that creates serious danger for traffic participants and at the same time constitute among the most frequent criminal offenses in judicial practice in the Republic of North Macedonia.

However, certain differences are observed: Article 297 addresses cases where the violation of rules causes concrete consequences, such as bodily injuries or significant material and non-material damage, whereas Article 297-a is a new provision introduced to address particularly dangerous conduct even when no concrete consequence has occurred (Criminal Code of Republic of North Macedonia, 2026).

An essential element of Article 297-a is the inclusion of driving under the influence of alcohol above 1.5 g/kg in blood, as well as under the influence of drugs, psychotropic substances, or precursors. This clearly shows that the legislator, prompted by serious traffic offenses committed by drivers operating vehicles in a state of incapacity caused by the use of alcohol at a concentration of at least 1.5 g/kg in blood, drugs, psychotropic substances, or their precursors, aimed to sanction not only aggressive or reckless conduct, but also conduct related to the impairment of the ability to drive due to the influence of such substances. Furthermore, other dangerous situations have been added, such as driving in a prohibited direction, dangerous overtaking, exceeding the permitted speed by more than 50 km/h in urban areas or more than 70 km/h outside urban areas, organizing or participating in unauthorized vehicle races, and driving a motor vehicle without having passed the driving exam or without a valid driving license (Criminal Code of Republic of North Macedonia, 2026).

Thus, while Article 297 requires the occurrence of a consequence, Article 297-a has a preventive character, treating dangerous driving and driving under the influence of substances as a criminal offense in itself. This reflects the legislator's effort to protect the life and health of traffic participants by sanctioning conduct that creates serious danger for society even before an accident occurs and a consequence is caused (Criminal Code of Republic of North Macedonia, 2026).

In the following, two statistical tables are presented regarding persons killed and injured in traffic accidents involving one or more persons under the influence of

alcohol, as well as the total number of persons killed and injured in traffic accidents in the Republic of North Macedonia. It is clearly observed that the number of accidents with serious consequences is steadily increasing. It is also evident that victims of traffic accidents include persons who are not drivers of the vehicles causing the accident but merely traffic participants. Furthermore, it is clearly observed that the main perpetrators of accidents are drivers under the influence of alcohol, which constitutes one of the main arguments of the legislator for the proposal of Article 297-a of the Criminal Code.

Table 1

Persons killed and injured in traffic accidents involving one or more persons under the influence of alcohol, by year (2018–2023)

Description	2018	2019	2020	2021	2022	2023
Accidents involving persons killed or injured	361	344	433	468	634	625
Persons killed	10	10	7	2	41	23
Persons injured	591	555	458	424	959	982
Pedestrians and drivers under the influence of alcohol – total	393	368	1,440	1,442	1,169	1,103
Pedestrians	10	9	27	36	13	17
Bicycle riders	22	27	21	19	10	11
Moped riders	0	0	44	39	45	37
Motorcycle riders	27	30	63	41	36	33
Drivers of passenger vehicles	313	289	1,173	1,156	970	908
Drivers of other vehicles	0	0	0	..	..	-
Other persons	21	13	91	151	95	97

(Source: State Statistical Office and the Ministry of Interior of the Republic of North Macedonia)

Table 2

Persons killed and injured in traffic accidents – total (2018–2023)

Year	Killed Total	Killed Drivers	Injured Total	Injured Drivers
2018	133	77	5,860	2,687
2019	132	58	5,164	2,335
2020	125	69	5,741	2,868
2021	116	67	6,659	3,204
2022	124	66	6,296	3,082
2023	127	64	6,978	3,440

(Source: State Statistical Office and the Ministry of Interior of the Republic of North Macedonia)

Object of Criminal Protection

The object of criminal protection in the criminal offense of "reckless driving of a motor vehicle" is road traffic safety as a protected social value. Traffic safety encompasses a number of legal interests, such as the protection of life and health of persons, protection of physical integrity, and protection of property (Constitution of Republic of North Macedonia, 1991).

Unlike classical criminal offenses against life and body, where the direct object of protection is a specific individual, in this criminal offense a broader public interest is protected. Dangerous conduct in traffic does not endanger only one specific person, but an indefinite number of traffic participants, which significantly increases the degree of social dangerousness (Kambovski & Tupanceski, 2011).

For this very reason, the legislator has considered criminal intervention necessary in cases of reckless and uncontrolled driving of a vehicle, even when no concrete consequence in the form of an accident or bodily injury has occurred (Kambovski & Tupanceski, 2011).

Subject of the Criminal Offense

The subject of this criminal offense may be any natural person who drives a motor vehicle in public traffic. The offense has a general character and does not require any special quality of the perpetrator, except the fact that he or she is the driver of the motor vehicle at the moment of committing the offense (Kambovski & Tupanceski, 2011).

In paragraph (2), the circle of subjects is expanded and includes persons who organize or participate in unauthorized motor vehicle races, persons who drive without a driving license, persons against whom a driving prohibition measure is in force, persons with expired or invalid driving licenses. This makes the criminal offense general in nature, without requiring any special characteristic of the perpetrator.

From the perspective of criminal liability, the subject may only be a person who has reached the age of criminal responsibility and who is mentally capable of understanding the significance of his actions and controlling them (Kambovski & Tupanceski, 2011).

Objective Element of the Criminal Offense

The objective element of the criminal offense provided for in Article 297-a consists of the act of driving a motor vehicle in a reckless, uncontrolled, or dangerous manner, in serious violation of road traffic rules.

This conduct may manifest in various forms, such as:

- extreme exceeding of the permitted speed;
- driving under the influence of alcohol or narcotic substances;
- dangerous overtaking;
- failure to comply with traffic signals and right-of-way rules;
- aggressive and uncontrolled driving.

An essential element of this criminal offense is the creation of a concrete danger to the life or health of persons. It is not necessary for this danger to materialize in the form of an accident or concrete consequence; it is sufficient that the conduct of the perpetrator is such that it realistically endangers the safety of traffic participants (Salihu, 2014).

Subjective Element of the Criminal Offense and Forms of Guilt

The subjective element of the criminal offense of "reckless driving of a motor vehicle" relates to the psychological attitude of the perpetrator toward his act and the possible consequences. This criminal offense is committed with guilt, which in practice most frequently appears in the form of negligence, although the possibility of eventual intent is not excluded (Kambovski & Zejneli, 2018).

Negligence exists when the driver of the motor vehicle is aware of the danger posed by his conduct but, without real grounds, believes that the danger will not materialize or that he will be able to avoid it. In the case of reckless driving, this form of guilt is manifested when the driver, despite knowing the traffic rules and the risk arising from their violation, continues to operate the vehicle in a dangerous manner (Kambovski & Zejneli, 2018).

On the other hand, eventual intent exists when the perpetrator is aware that as a result of his action or omission a harmful consequence may occur but accepts its occurrence; that is, his conduct may create danger to the life or health of persons and nevertheless he accepts this risk. In such cases, the driver does not directly aim to cause the consequence but accepts the possibility of its realization. Determining the form of guilt is of particular importance for the individualization of criminal responsibility and for determining the measure of punishment (Kambovski & Zejneli, 2018).

Distinction Between the Criminal Offense and Traffic Misdemeanors

One of the most complex issues in judicial practice is the distinction between the criminal offense provided under Article 297-a and misdemeanors in the field of road traffic. This distinction is not always clear and often depends on the specific assessment of the circumstances of the case (Law on Road Traffic Safety of Republic of North Macedonia, with new amendments, 2015; Law on Misdemeanors of Republic of North Macedonia, 2019).

Traffic misdemeanors generally include formal violations of traffic rules which, although punishable, do not create a serious and concrete danger to the life or health of persons. In contrast, the criminal offense under Article 297-a requires a higher degree of social dangerousness, manifested through the intensity of the violation and the real danger created (Salihu, 2014).

The main distinguishing elements are:

- the degree of violation of traffic rules
- the concrete danger to the life or health of persons
- the manner of driving and the specific circumstances of the case.

In this sense, not every instance of speeding or violation of traffic rules constitutes a criminal offense; only those cases where the driver's conduct is particularly

dangerous and seriously endangers the life and health of traffic participants and traffic safety, and where the criminal elements provided in the Criminal Code are fulfilled (Salihu, 2024).

Judicial Practice

The judicial practice of the courts of the Republic of North Macedonia shows that the criminal offense under Article 297-a is primarily applied in cases of very serious violations of traffic rules. In assessing criminal responsibility, courts pay particular attention to the concrete danger created and the conduct of the perpetrator before and during the driving of the vehicle.

Court decisions indicate that for the existence of this criminal offense it is not necessary for an accident or concrete consequence to occur it is sufficient that the driver's conduct was such that it realistically endangered the life or health of persons and that the elements of the criminal offense provided in the Criminal Code are fulfilled.

Below, the operative part of two final judgments will be presented, one from the Basic Court of Tetovo and the other from the Basic Court of Debar, concerning the criminal offense "reckless driving of a motor vehicle" under Article 297-a, and the fulfillment of the elements of this criminal offense by the perpetrators or convicted persons will be analyzed.

-Note: Since the new amendments to the Criminal Code of the Republic of North Macedonia were adopted on 28.01.2026, the judgments analyzed below were rendered on the basis of Article 297-a, version of the Penal Code of the Republic of North Macedonia that was in force until 28.01.2026.

Case No. **K-750/25** taken from the Basic Court of Tetovo:

IN THE NAME OF THE CITIZENS OF
THE REPUBLIC OF NORTH MACEDONIA!

The Basic Court Tetovo, as a first-instance criminal court, with Judge J. V. as a single judge, and court recorder I. A., deciding upon the proposal for issuing a penal order of the Public Prosecutor's Office – Tetovo, No. V KO. ....., dated 03.11.2025, against the defendant M. R. from T., for the criminal offense RECKLESS DRIVING OF A MOTOR VEHICLE under Article 297-a of the Criminal Code, pursuant to Article 499 paragraph 1 of the Criminal Procedure Code, on 07.11.2025, rendered and publicly announced the following:

JUDGMENT
WITH A PROPOSAL FOR A PENAL ORDER

THE DEFENDANT:

M. R., daughter of A. and A., born in ... in T., where she resides at ..., with Personal Identification Number, previously not convicted, Albanian, citizen of the Republic of North Macedonia.

IS GUILTY

BECAUSE:

On 31.08.2025 at 15:28, on M. T. Boulevard, specifically at the "M." intersection in T., the defendant, as a participant in public traffic, by failing to comply with traffic safety rules, through reckless driving of a motor vehicle, endangered public traffic, in the following manner:

She drove a passenger vehicle "Passat" with license plates TE-.....-AK, within a populated area, at a measured speed of 105 km/h, acting contrary to Article 36 of the Law on Road Traffic Safety, aware that on that road the permitted speed indicated by traffic sign is limited to 50 km/h, and aware of the possible harmful consequences of such excessive speeding, and nevertheless drove at a speed 55 km/h higher than permitted.

By which act she committed the criminal offense **RECKLESS DRIVING OF A MOTOR VEHICLE under Article 297-a** of the Criminal Code.

On the basis of this provision, as well as Articles 33, 38 and 39 of the Criminal Code,

SENTENCED

To a fine in the amount of 100 daily fines.

The value of one daily fine is 10 EURO, equivalent to 61.5 denars, totaling **1000 EURO**, equivalent to **61,500.00 denars**.

Pursuant to Article 38-v of the Criminal Code, the following is also imposed:

PROHIBITION ON DRIVING A MOTOR VEHICLE

The prohibition on driving a motor vehicle shall last for a period of 6 (six) months after the judgment becomes final and shall apply to category "B" motor vehicles (K-750/25, Basic Court Tetovo).

Analysis of the above-mentioned judgment No.**K-750/25**.

The subject of this criminal offense may be any participant in public traffic who drives a motor vehicle. In the present case, the defendant was the driver of a passenger vehicle and therefore had the capacity of active subject of this criminal offense. This element is fully fulfilled, as the defendant was driving a vehicle on a public road within a populated area (Kambovski & Zejneli, 2018).

The objective element consists of non-compliance with traffic safety rules and driving in a reckless and particularly dangerous manner. Article 297-a enumerates forms of prohibited conduct, including exceeding the speed limit by more than 50 km/h in a populated area. In this case, the defendant drove at 105 km/h where the permitted speed was 50 km/h, thus exceeding the limit by 55 km/h, surpassing the criminal threshold provided under Article 297-a. Therefore, the defendant's conduct fulfills the legal elements of this criminal offense.

Endangerment of public traffic. For the criminal offense under Article 297-a, it is not required that a concrete consequence (accident, injury, or damage) occur; serious endangerment of public traffic is sufficient. In this case, the extremely high speed within a populated area in itself creates serious danger to the life and body of traffic participants. The Court correctly established that the endangerment was realized solely through the defendant's conduct, without the need for further consequences.

The subjective element (guilt). The offense under Article 297-a is committed with intent, and from the judgment it results that the defendant was aware of the speed limit (50 km/h) and aware of the danger arising from such extreme speeding, yet consciously continued driving at a high and prohibited speed. This constitutes eventual intent, since the perpetrator accepts the possibility of dangerous consequences and reconciles herself with them (Kambovski & Zejneli, 2018).

From the analysis of this judgment, it is concluded that the defendant's conduct fulfilled the criminal elements of the offense provided under Article 297-a of the Criminal Code. From the analysis, it results that there exists a criminally responsible subject, there exists an act prohibited by law, there exists endangerment of public traffic, and there exists culpability (eventual intent) (Kambovski & Zejneli, 2018).

-Case no**. К-7/2026** taken from the Basic Court of Debar:

IN THE NAME OF THE CITIZENS OF THE REPUBLIC OF NORTH MACEDONIA

THE BASIC COURT DIBËR, as a first-instance criminal court, through Judge O. A., acting as a single judge, with court clerk A. D., proceeding upon the proposal for issuance of a Penal Order by the Basic Public Prosecutor's Office – Dibër, no. KO.173/2025, dated 20.01.2026, against the defendant P P from Dibër, for the criminal offense "Reckless Driving of a Motor Vehicle" under Article 297-a of the Criminal Code, in accordance with Article 499 of the Criminal Procedure Code, today, on ….2026, rendered the following:

JUDGMENT
WITH A PROPOSAL FOR A PENAL ORDER

THE DEFENDANT:

P P, son of ….. and mother ……, born on …… in Dibër, where he permanently resides, at address "……." Street, of Albanian nationality, employed, with average financial status, previously not convicted, unmarried, with completed higher education, citizen of the Republic of North Macedonia,

IS GUILTY

BECAUSE:

On 18.11.2025, at around 00:10 hours, as a participant in road traffic, while operating a passenger motor vehicle of the make Volkswagen ……, with registration plates DB-….-AB, owned by the company "……..", he endangered public traffic by driving the vehicle recklessly, in a state of driving incapacity caused by alcohol consumption, in such a way that the defendant drove the vehicle on the regional road in the direction from the Bllato border crossing toward Dibër, at a speed not adjusted to the characteristics and condition of the road, visibility, transparency, weather conditions, and other traffic conditions, so as to be able to stop the vehicle in time before any obstacle, and under the influence of alcohol with 1.86 per mille (contrary to Article 228 paragraph 8 of the Law on Road Traffic Safety), at the critical moment and place, before the entrance to the road for the village ……., with the front part of the vehicle he struck the rear part and bumper of the motor vehicle DACIA, property of the Ministry of Interior, with police registration plates ……, which at that moment was moving in the same direction ahead of him.

As a result of the traffic accident, material damage was caused to both vehicles, while there were no injured persons.

By the above-mentioned actions, the defendant P.P. from Dibër committed the criminal offense "**Reckless Driving of a Motor Vehicle**" under Article 297-a of the Criminal Code.

On the basis of the cited legal provision, as well as Articles 32, 33, 39, 48, 48-a, 49 and 50 of the Criminal Code and Articles 102, 105 and 114 paragraph 2 of the Criminal Procedure Code, the court imposes upon the defendant:

ALTERNATIVE MEASURE
SUSPENDED SENTENCE

The defendant is sentenced to imprisonment for a term of 3 (three) months, and at the same time it is determined that this sentence shall not be executed if the defendant, within a period of 1 (one) year from the day the judgment becomes final, does not commit another criminal offense.

The Court, pursuant to Article 38-v of the Criminal Code, also imposes upon the defendant the supplementary penalty – prohibition of driving a category B motor vehicle for a duration of 3 (three) months, after the judgment becomes final.

Analysis of the above-mentioned judgment no**. K-7/2026** of the Basic Court of Debar.

The subject of the criminal offense under Article 297-a of Criminal Code is any participant in traffic who operates a motor vehicle; in the present case, the defendant was the driver of a passenger motor vehicle, was traveling on a public regional road, had full legal status and criminal capacity; the court established the existence of the active subject of the criminal offense, without the need for any special quality, treating the offense as a general criminal offense (Kambovski & Zejneli, 2018).

-Object of criminal protection and its consummation.

The object of protection under Article 297-a is the safety of public traffic, the life, health, and property of traffic participants.

In the present case, the court established that: driving the vehicle under the influence of alcohol at 1.86 per mille, at a speed not adjusted to road and visibility conditions, resulted in a traffic accident with material damages, which clearly indicates that the safety of public traffic was realistically endangered, thereby fully consummating the protected object of the criminal offense, and the court assessed

that the danger was not abstract, but concrete and realized in the form of an accident (Kambovski & Zejneli, 2018).

-The subject of the criminal offense under Article 297-a CC is any participant in traffic who operates a motor vehicle; in the present case, the defendant was the driver of a passenger motor vehicle, was traveling on a public regional road, had full legal status and criminal capacity; the court established the existence of the active subject of the criminal offense, without the need for any special quality, treating the offense as a general criminal offense (Kambovski & Zejneli, 2018).

-The objective element of the criminal offense and its consummation.

In the judgment, the court identified several cumulative elements of the objective element and the consummation of the elements of the criminal offense provided under Article 297-a of the Criminal Code, such as: Driving under the influence of alcohol – 1.86 per mille of alcohol in the blood, which significantly exceeds the criminal threshold provided in Article 297-a; Driving at excessive speed – contrary to the principle of vehicle control and Article 228 paragraph 8 of the Law on Road Traffic Safety; and Creation of a concrete danger realized through collision with another vehicle in traffic.

The court assessed that the conduct of the defendant consummates the criminal elements of the offense provided under Article 297-a of the Criminal Code (Kambovski & Zejneli, 2018).

-The subjective element (culpability) and the reasoning of the court.

Criminal offenses under Article 297-aof Criminal Code are usually committed with eventual intent (doluseventualis).

In the present case, the court reasoned that the defendant was aware of his intoxicated condition under the influence of alcohol, was aware that driving in such a condition violates traffic rules, nevertheless accepted the risk and continued driving the vehicle.

This form of culpability fulfills the standard of acceptance of risk, which is sufficient for criminal liability in offenses of concrete endangerment (Kambovski & Zejneli, 2018).

-Reasoning regarding the criminal sanction.

The court applied a suspended sentence and a supplementary penalty – prohibition of driving a motor vehicle for a duration of 3 months; this reasoning reflects the

principle of individualization of punishment, considering the personal characteristics of the perpetrator, evaluating the evidence, and considering the mitigating and aggravating circumstances that influenced the determination of the sentence (Kambovski & Zejneli, 2018).

The analysis of the judgment indicates that the defendant's conduct satisfies the constitutive elements of the offence prescribed under Article 297-a of the Criminal Code.

Conclusion

The criminal offense of "Reckless Driving of a Motor Vehicle," provided under Article 297-a of the Criminal Code of the Republic of North Macedonia, represents an important instrument of criminal protection in the field of road traffic safety. The analysis conducted in this paper shows that this criminal norm aims to punish particularly dangerous conduct which seriously endangers the life and health of persons, even in the absence of concrete consequences.

Through this norm, the legislator seeks to strengthen preventive criminal policy and to influence the change of behavior of motor vehicle drivers, and the safety of all of us as citizens in traffic. Nevertheless, the effectiveness of this criminal offense largely depends on its proper and consistent application by the competent authorities.

In conclusion, it may be established that Article 297-a constitutes an indispensable component of the contemporary criminal system in the Republic of North Macedonia, contributing to the protection of public safety and the prevention of road crime.

References

Basic Court Debar. (2026). *Case No. K-7/2026*.

Basic Court Tetovo. (2025). *Case No. K-750/25*.

Constitution of the Republic of North Macedonia. (1991). Official Gazette of the Republic of North Macedonia.

Criminal Code of the Republic of North Macedonia. (1996). Official Gazette of the Republic of North Macedonia (with subsequent amendments and supplements, No. 08-629/1, January 28, 2026, effective February 1, 2026).

Kambovski, V., & Tupanceski, N. (2011). *Criminal law – Special part*. Skopje.

Kambovski, V., & Zejneli, I. (2018). *Criminal law – General part*. Tetovo.

Law on Misdemeanors. (2019). Official Gazette of the Republic of North Macedonia.

Law on Road Traffic Safety of the Republic of North Macedonia. (2015). *Official Gazette of the Republic of North Macedonia*, No. 169/2015 (with subsequent amendments).

Salihu, I. (2014). *Criminal law – Special part*. Prishtina.

World Health Organization. (2018). *Global status report on road safety 2018*