

Attempt, Complicity, and Participation in Crime

Criminal law extends liability beyond completed offences to include situations where the crime has not been fully realized or where multiple individuals contribute to its commission. This extension reflects a preventive and comprehensive approach to criminal responsibility. From a doctrinal perspective, attempt and complicity raise significant legal qualification issues, particularly regarding the threshold of punishability and the distribution of responsibility among participants.

Attempt is defined, from a legal standpoint, as the beginning of execution of an offence that is not completed due to circumstances independent of the offender's will. The central difficulty lies in distinguishing between mere preparation and the beginning of execution. The doctrine identifies this distinction as a major theoretical problem, as preparation is not punishable while attempt is. The jurisprudential approach tends to adopt a concrete analysis, examining whether the acts performed directly and immediately lead to the commission of the offence.

Voluntary withdrawal constitutes an exception to liability for attempt. Where the offender freely abandons the execution of the crime before completion, criminal responsibility may be excluded. However, courts generally require that the withdrawal be spontaneous and not the result of external constraints such as police intervention.

Complicity refers to the participation of a person in the commission of an offence without being the principal offender. It includes acts of aiding, abetting, or instigating the crime. From a legal perspective, complicity requires two essential elements: a material contribution to the offence and a moral element consisting of knowledge and intent. The accomplice must be aware of the criminal plan and must intentionally contribute to its execution.

A significant doctrinal debate concerns the autonomy of complicity. Some approaches consider complicity to be dependent on the principal offence, while others emphasize its relative autonomy. The jurisprudential tendency generally links complicity to the existence of a principal offence, while still allowing separate evaluation of the accomplice's conduct.

The distinction between principal offender and accomplice is therefore essential. The principal offender directly commits the act, while the accomplice facilitates or

supports it. However, both are subject to criminal liability, reflecting the principle that all intentional contributions to crime must be sanctioned.