

**DRIVING UNDER THE INFLUENCE OF PSYCHOACTIVE
SUBSTANCES.
„INFLUENCE” AN ISSUE IN JUDICIAL PRACTICE?**

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ABSTRACT: *"At the end of the 19th century, the punitive celebration disappears, punishment becomes the most hidden part of the criminal process, leaving the domain of everyday perception to enter in abstract consciousness," recorded Michel Foucault in his famous work "Discipline and Punish: The Birth of the Prison" (Foucault, 1997). Therefore, it tends to a change of paradigm, it is desired that the effectiveness of the punishment is not the product of its visible intensity, but of the high degree of certainty. Metamorphosed from a theatrical act (often violent and public) into an administrative act, hidden from the eyes of citizens, criminal policy had to be adapted to encompass the new valence of the act of justice. One of the main means of punitive efficiency by referring to the abstract consciousness is that of the punishment limits that the legislator adjusts according to the criminal phenomenon, aiming both at an inhibitory, repressive and educational effect. It has often been assumed that the criminal recrudescence is due to low sentencing limits, and thus increasing the sentencing limits has been considered to fight all crime, omitting the adaptation of the entire legal norm to contemporary realities. Even the judicial act was not spared from this approach, although the scientific processes evolved and the probation together with them, in the face of a rigid legal norm, the judicial practice refuses to adapt to the new reality. Against the background of a national hysteria due to the scourge of drugs, legal arguments take precedence over scientific arguments.*

KEYWORDS: *criminal law; driving under the influence of psychoactive substances; the influence of the psychoactive substance; alteration of reflexes; medico-legal expertise*

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¹ in this sense, the Balance Sheet of the Cluj Court of Appeal for the year 2023, according to which "The number of drug cases, newly registered before the Cluj Court of Appeal, as an independent court, doubled in 2023