

WHO WILL WE BLAME WHEN NO ONE IS DRIVING? RETHINKING CRIMINAL LIABILITY FOR ACCIDENTS CAUSED BY CONNECTED AND AUTONOMOUS VEHICLES*

INÊS PEREIRA LOPES**

TABLE OF CONTENTS: I. Introduction II. Are we there yet? III. Who will we blame when no one is driving? IV. Can Autonomous Vehicles commit crimes? V. Rethinking Criminal liability at a crossroads VI. Conclusion.

ABSTRACT: 'Self-driving' cars have moved from our collective imaginary to our parking spots. The high expectations which have followed their emergence and the predicted benefits that this novelty will bring are tempered, however, by the great legal challenges that a transition to automation will pose. Among these challenges lies the problem of assessing criminal liability for car accidents caused by Connected and Autonomous Vehicles. Criminal Law systems around the globe should adapt to and prepare for the upcoming reality of autonomous cars, as current legal frameworks will not suffice, and their inadequate response may instead hinder their arrival. Criminal liability must be rethought, and new rules should be set in place to ensure one does not miss out on the opportunity of witnessing a safer, greener, and more equal future, all the while ensuring fundamental principles of criminal law remain safeguarded and impunity does not ensue. This is the complex balance that criminal law must reach and which this article hopes to contribute to.

KEYWORDS: Self-Driving Cars; Connected and Autonomous Vehicles; Car Accidents; Criminal Liability; Criminal Law.

SUMÁRIO: Os carros autónomos, outrora apenas parte do nosso imaginário coletivo, ocupam hoje os nossos lugares de estacionamento. As elevadas expectativas que seguiram o seu aparecimento e a promessa de um futuro melhor que esta novidade traz consigo estão, contudo, a ser freadas pelos tremendos desafios legais que a transição tecnológica irá impor. Entre estes, surge a responsabilidade penal em casos de acidentes causados por carros autónomos. Os sistemas penais devem adaptar-se e preparar a realidade que se avizinha, pois que os atuais regimes não irão bastar e podem até inviabilizar a sua concretização. A responsabilidade penal por acidentes causados por carros autónomos deve, então, ser repensada, com vista à criação

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** Master's student – Specialization in International and European Law at the Nova School of Law.