



ANALYSIS OF QUANTITATIVE AND QUALITATIVE INDICATORS OF VIOLATIONS OF TRAFFIC SAFETY RULES OR THEIR USAGE

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<https://doi.org/10.5281/zenodo.14785601>

Abstract: This article analyzes the quantitative and qualitative indicators of crimes related to violations of traffic safety rules or their usage. Additionally, a scientific discussion is introduced, engaging with the opinions of national and foreign scholars on this crime. A comparative analysis of the experiences of developed countries regarding violations of traffic safety rules or their usage has been conducted. Furthermore, proposals and recommendations for preventing this type of crime within national legislation have been developed.

Key words: WHO, Switzerland, Cabinet of Ministers of the Republic of Uzbekistan, Criminal Code of the Republic of Uzbekistan, Tashkent city, road traffic accident, statistical data.

The main causes of road traffic accidents are failure to follow traffic rules, high speed, negligence in driving, and other factors. Additionally, there are other reasons related to this issue.

According to the latest report of the World Health Organization (WHO), approximately 3,600 people die daily due to road traffic accidents worldwide, totaling 1.3 million deaths per year.

The report also states that road traffic injuries are one of the leading causes of death among children and young people aged from 5 to 29 [1].

More than half of road traffic accident victims are pedestrians, cyclists, and motorcyclists. Men are more likely to be victims of road accidents than women, with three-quarters of them being men under the age of 25 [2].

In recent years, systematic efforts have been made in our country to ensure road safety. In particular, new roads and bridges have been built in cities and countrysides, and many roads in need of repair have been reconstructed. In the first nine months of 2023, nearly 9,200 pedestrian crossings were marked at unsignalized crosswalks, 417 traffic light systems were installed, and 210 traffic lights were built for pedestrians [3].

However, despite these efforts, we still witness various levels of road traffic accidents or traffic rule violations every day or articles which are published about these issues in the media and on social networks. This is a serious issue that every citizen, government officials, and lawmakers should be concerned about it. According to statistical data, due to the lack of full and effective control over ensuring passenger safety on roads, more than 16 million violations were recorded in 2023. These included over 13 million severe violations, nearly 42,000 cases of driving under the influence, and more than 300,000 pedestrian violations. As a result, 9,839 road traffic accidents occurred in 2023, leading to 9,209 injuries and 2,282 fatalities. Among these, 1,794 accidents involved children, with 1,568 children injured and 263 losing their lives[4]. In many cases, road accidents result in severe injuries and even fatalities.

In response to this situation, the government is implementing several measures to reduce the number of traffic incidents. One such measure is the enforcement of a fine system for traffic violations. The primary goal of such policies worldwide is to encourage drivers and pedestrians to comply with traffic safety regulations and to deter them from engaging in unlawful behaviors.

An analysis of the practices of several countries shows that fines can serve as both a psychological and financial deterrent for violators. Research indicates that in five major cities in Switzerland, increasing fines for speeding and parking violations has yielded effective results. Cases of illegal parking and speeding violations decreased by 32% and 17%, respectively [5].

During our research, we analyzed crimes related to violations of traffic safety rules in our country, considering the population size. It was observed that in 2023, such violations increased by 39.5% [6].

Additionally, when analyzing road traffic accidents (RTAs) based on drivers' experience, it was found that those with three to five years of experience were responsible for the highest number of incidents, accounting for 64% of RTAs. The main reasons behind these accidents were overconfidence and irritability among these drivers.

In Tashkent, in 2023, 4,384 people were caught during driving under the influence of alcohol, and this caused 26 road accidents. The main causes of RTAs were failure to observe speed limits, ignoring traffic lights or road rules, not maintaining a safe distance, failing to yield to pedestrians, and violating overtaking rules [7]. In 2023, a total of 1,343 RTAs led to criminal cases, of which 348 were caused by drivers aged 18 to 25. Additionally, 1,417 people drove vehicles without a valid driver's license [8].

If we examine the disposition of Article 266 of the Criminal Code, we can see that this provision is a blanket norm, primarily referring to the Traffic Rules approved by Resolution No. 172 of the Cabinet of Ministers of the Republic of Uzbekistan on April 12, 2022 [9]. At the same time, it is necessary to fully consider the administrative and legal regulation of road safety in Uzbekistan. The Law of the Republic of Uzbekistan "On Road Traffic Safety" [10] forms the basis of legal regulations governing road safety. It mainly includes definitions of key terms used in road safety legislation, fundamental norms and principles regulating road safety, as well as general legal foundations clarified in other regulatory documents. Therefore, when determining the objective elements of crimes related to violations of vehicle movement or usage safety rules, it is not required to explicitly reference violations of the Law "On Road Traffic Safety."

Since Article 266 of the Criminal Code has a blanket disposition, to substantiate an offense, reference is made to the traffic rules. These rules serve as a normative document that establishes a unified order of movement on roads within the territory of Uzbekistan. Considering that motor vehicles are a source of increased danger, they must operate safely. Given that violations of these rules can lead to severe consequences, lawmakers have established mandatory safety regulations for vehicle use that apply to everyone.

If violations of the rules established by the main legal documents mentioned above pose a threat to traffic safety and result in socially dangerous consequences specified in the law, the issue of criminal liability for the offender may be considered.

However, violations of technical rules and other safety precautions related to the use of transport that are not directly related to ensuring road traffic safety (for example, refueling a

vehicle, loading and unloading operations, and other tasks) do not fall under transport safety regulations. Instead, they affect other objects and do not fall within the scope of Article 266 of the Criminal Code.

According to N. Pikurov, lower-ranking normative documents may also be used to clarify the elements of a crime that includes mixed illegal actions [11]. The existing legislation allows this because, to specify the elements of a crime, an investigator can use only those normative documents that comply with the law and do not contradict it. In such cases, the investigator must clarify whether these normative documents were adopted by authorized bodies, whether they contain all the necessary requisites, and whether their provisions do not merely repeat the provisions of higher-ranking normative documents.

A crime can be committed through both action and inaction, using various ways that fall under additional objective elements of a crime.

In particular, violations of traffic safety rules can be expressed in the following ways:

- a) *Exceeding the speed limit in violation of established restrictions;*
- b) *Choosing a speed that does not match specific road conditions, such as failing to consider traffic density, the characteristics and condition of the vehicle and cargo, as well as road and weather conditions;*
- c) *Disobeying traffic light signals or the instructions of a traffic officer;*
- d) *Failing to slow down or stop the vehicle in time when a dangerous situation arises;*
- e) *Crossing into the oncoming traffic lane;*
- f) *Failing to yield at intersections, improperly overtaking another vehicle, or making incorrect maneuvers on the road;*
- g) *Not maintaining a safe distance between vehicles while driving;*
- h) *Disregarding road signs and indicators, among other violations.*

Violation of transport safety rules can also be expressed in various ways, such as:

- Operating technically defective vehicles;
- Violating passenger transportation regulations;
- Allowing vehicles that are prohibited due to technical defects, unauthorized modifications, lack of proper registration, or failure to pass mandatory technical inspections to be used on the road;
- Driving under the influence of any substance that poses a risk to road safety, including alcohol, narcotics, or medications that impair alertness and attention;
- Driving while fatigued, ill, or without the proper license category;
- Allowing individuals who have not undergone the required medical examination or who are registered as chronic alcohol or drug users to operate a vehicle;
- Engaging in other similar actions that pose a risk to road safety.

At the same time, liability under Article 266 of the Criminal Code applies to offenses directly related to ensuring road traffic safety. When establishing criminal liability for violating transport safety rules, the legislator focuses only on regulations that directly regulate movement safety. Although the range of legal documents governing vehicle operation and road safety is broad, B.A. Kurinov argued that the objective aspect of the crime of violating transport safety rules is not limited to written regulations. He believed that violations of "universally recognized unwritten safety norms" should also be considered when qualifying this type of crime.

Kurinov's reasoning is based on the idea that the behavior of drivers, transport service personnel, and transport users is regulated not only by formal legal documents but also by widely accepted behavioral norms, safety rules, and professional standards. Since it is impossible to fully reflect all behavioral rules in official regulations, the continuous development of science and technology leads to new safety expectations that may not be immediately incorporated into legal frameworks.

To address these potential gaps, he proposed considering violations of "universally recognized unwritten safety norms" as a form of criminal offense under this category[12].

Despite the logical reasoning behind this perspective, it has not been supported in legal theory or judicial practice, as it contradicts established legal principles. P.V. Zamostsev and A.I. Korbeev have emphasized that traffic-related crimes often result in severe consequences. Therefore, the state cannot allow traffic safety rules to remain "unwritten" but must explicitly define them in various legal documents[13].

From these arguments, we can conclude that in order to prevent crimes related to violations of traffic and vehicle operation rules, it is essential to conduct a thorough analysis of both the quantitative and qualitative aspects of such offenses. Additionally, studying the views of researchers in this field, as well as examining the experiences of foreign countries, is of great importance.

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