

Criminal Law Description of Violation of the Rules for Ensuring the Safe Operation of Transport in Uzbekistan

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Annotation: In road traffic accidents that occur in traffic and practice in a person's life, the criminalization of road traffic phenomena caused by illegal activities of not only motor vehicle drivers, but also other participants (pedestrians, bicycles, horse carriages), its analysis and proper qualification and application in practice have finally become an urgent task.

Key words: Looking at international statistical sources, about 22.8% of the total number of deaths observed in world countries per year is caused precisely by the consequences of criminal violations of traffic safety rules.

In road traffic accidents that occur in traffic and practice in a person's life, the criminalization of road traffic phenomena caused by illegal activities of not only motor vehicle drivers, but also other participants (pedestrians, bicycles, horse carriages), its analysis and proper qualification and application in practice have finally become an urgent task. Looking at international statistical sources, about 22.8% of the total number of deaths observed in world countries per year is caused precisely by the consequences of criminal violations of traffic safety rules². In particular, more than 9 million traffic violations were recorded in Uzbekistan in January-August 2023 alone. Of this, there were 5,772 road accidents, which killed 1,415 people, with another 5,448 civilians receiving varying degrees of body injuries. According to analysis, 55% of accidents happen under the fault of drivers. In this case, the state of disdain of the rules by drivers is 45 percent, and inexperience is 10 percent. In 45 percent of the cases, however, there is a violation of traffic safety rules by a passenger, pedestrian, bicycle, driver of horse-traffic or other participants in road traffic.

In fact, on highways, vehicle damage occurs irregularly. Each driver chooses a convenient mode of movement, and he himself does not calculate the selected mode of movement with its effect on other participants of movement. Also, in the movement of different dynamic quality of cars with different rusms, the interaction of cars increases the more the amount of movement. These, in turn, indicate the relevance of research on issues related to the development of new methods of prevention and Prevention of crimes observed on the roads.

In today's global world, the World Car Park is in stagnant growth. The first car to appear on World roads of 1886 has now become a means of mass transportation. If in 1900 6 thousand cars were counted in the World Car Palace, then in 1950 its figure increased by about 10 thousand times and amounted to 62.3 million. formed the Navy. In 1970, 246.4 million worldwide. there was a car, and in 1990 the number of cars was 500 mln.ga it has grown, and by the same time, every year the world automobile industry has grown to 40 million rubles. around dona began to produce cars. In addition to cars, the concept of motorization began to appear in the lives of countries. The motorization indicator is the level of the country's car supply. Typically, this indicator is determined by the number of types of passenger cars per 1000 people. Often, however, the motorization pointer is anicized by the number of light cars per 1,000 people. If in 1937 the figure was 16.8 avt\1000 people worldwide, in 1967 it was 47.2, and by 2000 it was 108 avt\1000. In some countries, the level of motorization was

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² Margie Peden, Richard Scurfield. « World report on road traffic injury prevention». World Health Organization, Geneva. 2004. – 244p.



significantly higher, with a figure of 575 avt\1000 in the United States in 1990, 413 in France, 356 in the United Kingdom, 268 in Japan, and 67 avt\1000 in the former Soviet Union.

Experts say that in addition to the unconditional positive effect of motorization on the social and economic development of states, a new set of problems, namely the emergence of road transport phenomena and their growth every year, are served³. Road traffic accidents refer to incidents that occur in the presence of a local single vehicle in motion, causing the death or injury of people, damage to vehicles, structures, cargo. In this understanding, we think that it would be advisable for the issue of the nature of material damage to also be reflected.

In the special literature, too, various concepts of the traffic phenomenon are presented, in our opinion, concept cited by I.V.Julev can be distinguished as the most clearly expressed opinion. According to him, "a vehicle accident is understood as a condition associated with transport, people, property, which occurs according to various reasons in the process of vehicle movement. If in fact this is considered, the breakdown of the car that occurs during the movement of the vehicle can also be considered a traffic accident. But, from the point of view of the safety of movement and its criminal law protection, the phenomenon of Motor Transport includes only those that, in specific road conditions, arise in the process of motor vehicle movement, cause injury or death of people, serious material damage or other consequences established by law⁴".

Today, the material damage caused by road traffic accidents on roads is becoming very large. These losses, according to the assessment of American specialists, initially amounted to 12.3 billion. dol.ni while the amount was US \$ 85bn by 1988 and US \$ 786bn by 2010. Globally, the number of traffic-related incidents began to skyrocket. And violations of the safety rules of traffic and its use began to have a serious negative impact on public order and public safety.

It is not for nothing that Pugachev, considered one of the mature experts in this field, noted in his work that "violation of the safety rules of traffic and its use can cause injury to human health, the death of a person or person, property damage, even a somewhat entanglement of international relations⁵".

It should be noted that the occurrence of traffic accidents is not always caused by drivers, but also by violations of traffic safety rules or rules for the use of all types of vehicles by a passenger, pedestrian, bicycle, horse-drawn transport driver or other participants in road traffic. However, very little attention is paid to this issue in practice. The subject has also been little researched scientifically.

Aspects of some of the issues of response to garden crimes with violations of traffic safety rules by vehicle traffic or other organizations in Uzbekistan Studied in the work of the Q.R.Abdurasulova, G.A.Alimov, N.O.Allayarov, M.Appakov, M.Kadyrov, N.R.Mallaev, M.H.Rustambaev, M.Usmanaliev, J.T.Kholmominovs. This topic was discussed by foreign scientists I. S. Alekseeva, V. D. Erhan, P. V. Zamoskovtsev, N. Yu.Isaev, A. I. Korobeev, V. V. Lukyanov, L. V. Lyubimov, P. P. Oshepkov, N. I. Pikurov, A. Larry, J. Studied by Michael, Benites, Lucas⁶.

³ A transport accident is a transport accident committed by a vehicle by causing fatal or fatal damage to a vehicle, object, vehicle, vehicle, vehicle, vehicle, vehicle, or vehicle by causing material damage to a vehicle. The Uzbek Legal Encyclopedia. Justice publishing house. – T.: 2009, – 704 p.

⁴Жулев В. И. Предупреждение дорожно транспортных происшествий // - М., 1989. - С. 33.

⁵Пугачев И.Н. "Организация и безопасность движения". Учеб. Пособие. – Хабаровск; 2004г. – 232с.

⁶Алексева И.С. Уголовно-правовая характеристика преступного нарушения правил дорожного движения // Проблемы предварительного следствия и дознания: Сборник научных трудов. – М., 1998. – С. 51.; Ерхан В.Д., Ощепков П.П. Проблемы человеческого фактора водителей автотранспортных средств и его влияние на безопасность дорожного движения (психологический аспект) // Проблема обеспечения безопасности на объектах транспорта и пути ее улучшения. – М.: Издательская группа «Юрист», 1998. – С. 303.; Замосковцев П.В., Коробеев А.И. Квалификация транспортных преступлений органами внутренних дел: Учебное пособие. – Хабаровск, 1999. – С. 29-30.; Исаев Н.Ю. Уголовная ответственность за нарушение правил дорожного движения и эксплуатации транспортных средств. Дисс... на соис. уч. степ. канд. юрид. наук. – М., 2009. – С. 84.; Коробеев А.И. Транспортные преступления. – СПб.: Юридический центр Пресс, 2003. – С. 65.; Лукьянов В.В. Проблемы квалификации дорожно-транспортных преступлений и административных правонарушений. Специальные вопросы уголовного и административного права. – М.: Дашков и Ко, 2003. – С. 25-26.; Лукьянов В.В. Проблемы квалификации дорожно-транспортных преступлений и административных правонарушений. Специальные вопросы



The objective side of the crime of violating the rules for ensuring the safe operation of transport is expressed in the following:

first of all, in violation of the rules for ensuring the safe operation of transport. The main of these rules are provided for in the traffic rules;

secondly, the socially dangerous consequences of this act are expressed in the fact that a moderately severe or severe injury to the body or death of a person is caused by the death of young people, Destruction, other serious consequences;

thirdly, the crime of violation of the safety rules for the movement of vehicles or their use occurs only in the presence of a causal link between the consequences that occurred with violation of the safety rules of the movement of vehicles or their use.

In crimes of violation of the rules for ensuring the safe operation of transport: a) violation of the rules for ensuring the safe operation of transport was committed before the occurrence of criminal consequences (criminal result); b) violation of the relevant rules was a necessary factor in the occurrence of a harmful result; c) provided an opportunity for it to happen; d) a causal link can be considered defined if such an opportunity has become reality.

An analysis of the criminal laws of foreign countries shows that in violation of the rules for ensuring the safe operation of transport, in most foreign countries, in contrast to the criminal legislation of our country, the norm of injury to human health is taken into account, as well as the norm of property damage. In our opinion, when considering the issue of liability for a crime, which is also being analyzed in the criminal law of the Republic of Uzbekistan, it is advisable to include damage to the property of a person in the scope of criminal legal protection. The introduction of similar amendments to criminal law would have served, we think, the guaranteed elimination of the consequences of the crime.

The process of qualifying a violation of the rules for ensuring the safe operation of transport can be divided into the following stages:

- a) to determine the type of vehicle and its compliance with the signs specified in the criminal law norm provided for by criminal liability for violation of the rules for the movement of vehicles or the safety of their use;
- b) to determine the type of security violation, more precisely, its connection with the violation of the rules for the safety of the movement of vehicles or the safety of the use of vehicles;
- c) determination of driver violations of traffic rules or safety rules for the use of vehicles;
- d) determination of the nature of the consequences and their degree of severity provided for by the article of the criminal law on liability for violation of the safety rules for the movement of vehicles or their use;
- e) to determine the causal link between violations of the safety rules of the movement or use of vehicles and the consequences that have occurred;
- f) identification of signs of a criminal entity;
- g) determination of the content of the subjective side of the composition of the crime;

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h) To legally consolidate the results of the qualification of the crime in the due process document.

As a conclusion, it should be noted that in cases where the crime of violating the rules for ensuring the safe operation of transport is violated by several participants in the movement, there are three main models of interaction of participants in a traffic accident, if this has led to the occurrence of harmful consequences mentioned in Article 268 of the: the first model as a traffic violator is characterized by the fact that one participant in this action applies and is practically harmed by it. But this traffic accident occurs as a result of the guilty behavior of another participant: in the second model, the same person applies as a traffic violator and a victim of a traffic accident. However, unlike the first Model, damage to it is a consequence of the innocent behavior of another participant in the traffic; in the third model, violation of the safety rules for the movement or use of vehicles is committed by several (mostly two) participants in the road movement. The harm caused by these individuals is the overall result of their guilty conduct.

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