



*Asesorías y Tutorías para la Investigación Científica en la Educación Puig-Salabarría S.C.
José María Pino Suárez 400-2 esq a Lerdo de Tejada, Toluca, Estado de México. 7223898473*

RFC: ATII20618V12

Revista Dilemas Contemporáneos: Educación, Política y Valores.

<http://www.dilemascontemporaneoseducacionpoliticayvalores.com/>

Año: VII Número: Edición Especial Artículo no.:94 Período: Octubre, 2019.

TÍTULO: Tendencias en el desarrollo de la cultura jurídica de los usuarios de la carretera en la Federación de Rusia y algunos países extranjeros.

AUTORA:

1. PhD. Kseniya Kovalenko.

RESUMEN: El artículo analiza la formación de una cultura de seguridad jurídica para los usuarios de la carretera, compara los mecanismos que afectan la cultura de seguridad jurídica en la Federación de Rusia y los países extranjeros, y analiza los enfoques para la definición del concepto de "seguridad vial" y "cultura de seguridad jurídica". El estudio de los problemas se realiza sobre la base de la legislación y los programas destinados a garantizar la seguridad vial en Rusia y en el extranjero, datos estadísticos y estudios empíricos.

PALABRAS CLAVES: conducción peligrosa, capacitación, transporte, seguridad vial, accidentes de tránsito, conductores novatos.

TITLE: Trends in the development of the legal culture of road users in the Russian Federation and some foreign countries

AUTHOR:

1. PhD. Kseniya Kovalenko.

ABSTRACT: The article discusses the formation of a legal safety culture for road users, compares the mechanisms that affect the legal safety culture in the Russian Federation and foreign countries, and analyzes approaches to the definition of the concept of “road safety” and “legal safety culture”. The study of problems is carried out on the basis of legislation and programs aimed at ensuring road safety in Russia and abroad, statistical data, and empirical studies.

KEY WORDS: dangerous driving, training, transport, traffic safety, traffic accidents, novice drivers.

INTRODUCTION.

Over the past decades, interest in solving problems in the field of traffic and improving safety has been growing in the world community. In September 2015, the heads of state gathered at the United Nations General Assembly adopted the historic Sustainable Development Goals (SDGs). One of the new challenges under SDG (3.6) is to halve by the year 2020 the number of deaths and injuries resulting from road traffic accidents (RTAs). Setting such an ambitious goal of reducing mortality as a result of preventing traffic accidents is an important step towards improving road safety.

Accidents are among the leading causes of injuries and deaths globally. According to the Pulitzer Center, the total number of deaths on world roads has reached 1 million 240 thousand deaths per year, and, unfortunately, there is every chance to triple the number to 3.6 million per year by the year 2030 (Markšaityte et al., 2017).

DEVELOPMENT.

Methodology.

The methodological basis of the research consists of general scientific, private scientific and special methods of cognition. The analysis method was used in the interpretation of regulatory legal acts, the study of special legal literature and the study of materials of judicial practice.

Discussion and results.

In developing countries, road deaths have become the fifth leading cause of death, among such causes as HIV / AIDS, malaria, tuberculosis, etc. Poor countries account for 50% of the world's traffic, but 90% of deaths (Tan et al., 2017). High mortality rates on roads in most cases are due to subjective factors: frivolity of road users, unreasonably risky maneuvering, violation of traffic rules, poor functional condition of drivers, etc. The above factors indicate the relevance of studying approaches that help minimize accidents.

The system of ensuring road safety, according to many scientists, consists of a combination of elements: the degree of development of road transport networks; structure and volume of traffic flows; technical condition of the fleet of vehicles; qualifications and discipline of drivers and personnel; moral and ethical standards of road users; legislative base and system of enforcement of laws and regulations; properties of technical, organizational and information systems.

Conventionally, the above factors can be divided into four clusters:

- ✚ Regulatory and legal framework.
- ✚ Technical, organizational and information systems.
- ✚ Medical care system.
- ✚ Legal culture of road users.

In the framework of this article, the issue of the formation of a legal culture of safety of road users in the Russian Federation and foreign countries will be considered.

Currently, a conceptual apparatus of scientific analysis of the social aspects of road safety has been formed. The generic definition of the degree of road safety is “transport safety”. Transport safety is the state of national transport systems, which is ensured by organizational, technical, financial, regulatory measures and allows to prevent accident rate as much as possible.

Road safety as one of the components of transport security is understood as the state of protection from dangers and threats that can cause irreparable harm (damage) to the vital human interests. The components of this definition are: general understanding of road safety; responsibility of road users to safety requirements; abilities that ensure safe behavior on the road.

An interpretation of the concept of “culture of safe behavior on the road” seems theoretically important in this context. To date, the concept of "safety culture" in Russian and foreign literature can be considered established. However, the issue of semantic content is debatable. In our perception, the legal culture of safety of road users is understood as a combination of knowledge, skills, abilities and value-behavioral attitudes of road users aimed at minimizing emergency situations on the road.

In the Decree of the Government of the Russian Federation of October 3, 2013 N 864 "On the federal target program" Improving road safety in 2013 - 2020 ", the priority tasks for ensuring safe traffic are: creating a system of propaganda impact on the population with the aim the formation of a negative attitude to offenses in the field of traffic; the formation of safe road behavior in children; improving driving culture (Bliznets et al., 2018; Kovalenko, 2019).

At the first stage (2013-2015) of the implementation of the program for teaching preschool and school children the skills of safe behavior on the road, 17 mobile car camps, 1725 pieces of equipment allowing to develop these skills in a game form, and over 2.8 million reflective units were delivered devices for distribution among the specified category of minors. This indicates the purposeful formation of a legal safety culture in young children (Delhomme et al., 2014; Kovalenko, 2019). It seems necessary to lay the foundation for the positive upbringing of the younger generation and teaching them the rules of the road, since at this stage important processes of socialization are taking place. Depending on what idea of traffic will be established, a legal safety culture will be developed for many years.

Another factor that positively affects the formation of a legal safety culture among drivers is the preparation for driving. During 2013-2015, serious steps were taken in the Russian Federation to improve the regulatory framework governing the training of drivers and their receipt of a driver's license. The programs increased the number of hours devoted to practical training of candidates for drivers, and the requirements for final tests were complicated.

The types of drivers that violate traffic rules were identified: a cynical driver (there is experience of impunity for committed traffic offenses); provocative driver (creates conditions for other offenders to commit an offense); aggressive - risky driver (creates conflict situations, prone to reckless actions); inexperienced driver (has a low level of car ownership); emotionally unstable driver (anxious, amenable to fear and stress on the road).

After analyzing the causes of the accident, we can distinguish the guiding installation of car drivers that allow accidents: "nothing will happen to me", "I need something," "I'm the coolest of all", "the traffic police on the road to take money", "I can only drive a car I", "a woman driving is a terrible thing", "I know the way, like the back of my hand". All this suggests that despite the positive trend towards ensuring road safety through a legal culture, there are a number of problems that need to be addressed.

Since the "human factor" is widespread among the causes of road accidents in the form of an insufficient legal culture, poor-quality training for drivers to drive vehicles, it is necessary to continue developing and implementing comprehensive measures to improve the legal culture, education, upbringing and responsibility of road users.

In most countries, public policies are reflected in national accident reduction programs, setting deadlines for specific activities and allocating appropriate resources. National road safety programs operate in Australia, Bulgaria, Great Britain, Germany, Italy, Canada, Latvia, Lithuania, Portugal, Turkey, Finland, Japan.

In some countries, special programs are adopted in addition to national programs. All measures, directly or indirectly, are aimed at the formation of the legal culture of road users. As specific examples will be considered: Germany, the Netherlands, Finland and Japan.

In Germany, the area of safe road traffic is regulated by the Law on Road Safety, the Law on Violations of the Rules of the Road, and the Code of Provisions on Road Traffic. The system of road fines is set out in the Fines Catalog. High fines are mainly the main deterrent from violation of traffic rules. A number of scholars have noted a high legal culture among road users. This is due to the following facts (Regan, et al., 2011).

Firstly, according to German laws, drivers are required to undergo medical and psychological examinations. During the examination, medical workers and psychologists decide on the psychological ability of a person to safely drive a car. Without an approval, getting a driver's license is not possible.

Secondly, high fines act as a deterrent from traffic violations. In the year from fines in the treasury of Germany comes 30 million euros (driving while intoxicated up to 3 thousand euros).

Thirdly, Germany has the politest drivers. According to ADAC (a car club for protecting motorists' rights), even the "most harmless" harsh statement costs at least 250 euros. The courts impose such a fine on the words "touched," "nuts," "idiots." If such actions are committed against a policeman, one of whose duties was to impose fines for improper parking, then the punishment increases in arithmetic sequence ("bandit from the high road" - 450 euros, "rabble roadside" - 900 euros, "idol" or "pig" in uniform" - 1000 euros, "doodle in the uniform" - 1500 euros) (Pyankova, et al., 2017; Freydier et al., 2016).

Fourth, effective preventive measures. The police work according to the following model: stop the traffic violator, conduct an explanatory conversation, show a fine, provide the necessary information, the required level of knowledge.

Fifth, the widespread promotion of safe traffic. Work on the promotion of road safety is carried out for all road users. Target groups were defined: kindergarten, schoolchildren, students, elderly people. Depending on the level of perception of the surrounding reality, consultations, lectures, and classes on road safety are developed by specially trained specialists in road safety.

The World Health Organization (WHO) calls the Netherlands one of the most successful in the world in road safety. The Netherlands is one of the first places in the world for road safety. The mortality rate in accidents is twice as low as the European average (Petrov, 2017; Gaymard, 2017).

It is important to equip drivers who were held accountable for driving while intoxicated with such a penal measure as equipping an automobile with an alcohol lock.

Educational work on the development of a legal safety culture for road users is not carried out, as the Dutch authorities consider that this is not enough to solve problems in the field of road traffic, but specific measures are needed. This does not affect the high level of legal culture prevailing in the Netherlands.

If we consider the experience of Finland, then traditionally the country implements a national road safety program for every 4-5 years, developed on behalf of the Ministry of Transport and Communications by the Advisory Committee on Road Safety and approved by the Government. The last program was valid in 2012 - 2014. Now the Ministry of Transport has changed this system: in 2016, the government adopted a decree on road safety, which is focused on legislation, and there is no program on road safety (Hatfield et al., 2018; Haeger et al., 2018). The most important measures over the past 20 years in Finland aimed at creating a legal safety culture for road users: combating drunkenness while driving (a combination of information campaigns, the use of breathalyzers and special programs to condemn drunk drivers work effectively); increase in the number of seat belt users (94%); trainings for drivers; compulsory driving training and testing of moped drivers (Novaco, 2015).

The experience of Finland in training drivers of vehicles is significant. The driver is trained in driving in different seasons of the year, which undoubtedly reduces his chances of becoming a member of an accident and avoids more serious consequences for all road users.

The main information organization for safe behavior education is the Finnish Road Safety Council (Liikenneturva). There is no current research data on the impact of information and education on road safety. However, annual campaigns for using seatbelts, retro-reflectors, helmets, etc. reduce the number of accidents by 5 - 18% (Moharreri et al., 2018).

In recent years, Japan has seen a downward trend in road accidents. The effectiveness of ensuring road safety was influenced by everything in the complex: “a careful analysis of the causes of accidents, the competent application of the achievements of scientific and technological progress, the adaptation of positive foreign experience taking into account national traditions, the choice of the most effective forms in each direction of activity, their planned implementation, involvement in the process the entire population of the country. ” (Isler, et al., 2011; Hayes et al., 2017).

Much attention was paid to driver training. They did not receive certificates for the right to drive a car until they prove that they are qualified enough, and the deprivation of a driver’s license entailed repeated compulsory training and verification.

The system of measures to ensure road safety in Japan included measures indirectly related to the prevention of road accidents. These measures are mainly aimed at social development: enlargement of parking places, equipping hospitals with necessary medicines for first aid in road accidents, schools and preschool institutions engaged in educational activities, fenced stops of public transport.

An interesting fact is that it was possible to attract wide circles of the population to work to improve traffic safety. Frequent events in Japan are circles to discuss road safety issues. An integrated approach developed and tested in Japan allows us to fully ensure safety for all road users and to foster a legal safety culture among road users.

CONCLUSIONS.

The development of a legal safety culture among road users is influenced by the policy pursued in the country, the normative enforceability of traffic rules, the level of penalties, mentality, especially the worldview, contact between law enforcement agencies and the public, educational work, and a system of measures for prevention and prevention offenses on the road.

The promotion of culture and road safety should be one of the most important directions in the politics of all states. This requires the creation of an information field that provides a high level of social, legal, political, psychological and pedagogical impact on road users. In such work, the main emphasis should be placed on people understanding their common and personal interest in solving the problem, on the need for reasonable, responsible, cultural, mutually respectful and disciplined behavior on the roads, and the attention of road users to each other.

The search for new opportunities to enhance road safety work needs to be encouraged. It is impossible to completely eliminate accidents, but there is a real possibility of reducing the number and specific indicators of serious injuries and deaths in a short period of time.

It is worth focusing on key risk factors, wider and more effective implementation of safety principles and measures and the formation of a positive legal safety culture among road users who have proven their effectiveness in different countries.

BIBLIOGRAPHIC REFERENCES.

1. Bliznets, I. A., Kartskhiya, A. A., Smirnov, M. G. (2018) Technology Transfer in Digital Era: Legal Environment. Dilemas contemporáneos: Educación, Política y Valores. Año: V, Número: 3, Artículo no.: 34, Período: 1ro de mayo al 31 de agosto del 2018.
<https://dilemascontemporaneoseduccionpoliticayvalores.com/files/200003822-64c4d65c28/18.5.34%20La%20transferencia%20de%20tecnolog%C3%ADa%20en%20la%20era%20digital.....pdf>

2. Delhomme, P., & Forward, S. (2014). Transport psychology: Identification of road users' risks and attitudes and behaviour change. *Revue Europeenne De Psychologie Appliquee*, 64(3), 93-95.
3. Freydier, C., Berthelon, C., & Bastien-Toniazzo, M. (2016). Does early training improve driving skills of young novice French drivers? *Accident Analysis and Prevention*, 96, 228-236.
4. Gaymard, S. (2017). Traffic psychology and environment. *Advances in Environmental Research*, 60, 219-232.
5. Haeger, M., Bock, O., Memmert, D., & Hüttermann, S. (2018). Can driving-simulator training enhance visual attention, cognition, and physical functioning in older adults? *Journal of Aging Research*, 1-9.
6. Hatfield, J., Williamson, A., Kehoe, E.J., Lemon, J., Arguel, A., Prabhakaran, P., & Job, R.F.S. (2018). The effects of training impulse control on simulated driving. *Accident Analysis and Prevention*, 119, 1-15.
7. Hayes, D., & Richmond, W. (2017). Using an online assessment to examine entrepreneurship student traits and to measure and improve the impact of entrepreneurship education. *Journal of Entrepreneurship Education*, 20(1), 88-107.
8. Isler, R.B., Starkey, N.J., & Sheppard, P. (2011). Effects of higher-order driving skill training on young, inexperienced drivers' on-road driving performance. *Accident Analysis and Prevention*, 43(5), 1818-1827.
9. Kovalenko, K.E. (2019) The concept of administrative responsibility for violations in the field of road traffic. *Revista Dilemas contemporáneos: Educación, Política y Valores*. Año: VI, Número: Edición Especial, Artículo no.:54 Período: Agosto 2019.
<https://dilemascontemporaneoseduccionpoliticyvalores.com/files/200005619-ab157ac0ed/EE%2019.08.54%20EI%20concepto%20de%20responsabilidad%20administrativa%20por%20violaciones%20en...pdf>

10. Markšaityte, R., Endriulaitiene, A., Šeibokaite, L. & Slavinskiene, J. (2017). The change of driving self-efficacy during and after driving training: Relations to driving behaviour. Paper presented at the Transport Means-Proceedings of the International Conference, 2017-September, 510-513.
11. Moharreri A., Masjedsaraie H., Abouata M., Zolfaghari M. (2019) The Commercial Representative in Jurisprudence and Law. Dilemas contemporáneos: Educación, Política y Valores. Año: VI, Número: Publication no.2, Artículo no.:60, Período: (January 1st to April 30th, 2019).
<https://dilemascontemporaneoseduccionpoliticayvalores.com/files/200004273-3168a325df/19.01.60%20EI%20representante%20comercial%20en%20jurisprudencia%20y%20derecho..pdf>
12. Novaco, R.W. (2015). International encyclopedia of the social & behavioral sciences, (Second edition). ELSEVEIR.
13. Petrov, A. (2017). Model of calculation and subsequent assessment of the economic losses of the Ural Federal District subjects in case of death and injury in road traffic accidents. Paper presented at the Transportation Research Procedia, 20, 493-498.
14. Pyankova, A.I., & Fattakhov, T.A. (2017). Years of healthy life lost due to road traffic accidents in Russia. Profilakticheskaya Meditsina, 20(5), 30-36.
15. Regan, M.A., & Hallett, C. (2011). Driver distraction: Definition, mechanisms, effects, and mitigation. Handbook of Traffic Psychology, 275-286.
16. Tan, F., Wei, D., Zhu, J., Xu, D., & Yin, K. (2017). An aggressive car-following model in the view of driving style. Canadian Journal of Civil Engineering, 44(10), 775-782.

DATA OF THE AUTHOR.

1. Kseniya Kovalenko. PhD, Associate Professor of the Department of Labor, Environmental Rights and Civil Procedure, Altai State University, Barnaul, Russian Federation. She got her Candidate (PhD) Degree in Law in Ural State Law University. Email: kovalenko1288@mail.ru

RECIBIDO: 4 de septiembre del 2019.

APROBADO: 15 de septiembre del 2019.

