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TÍTULO: El problema cuestiona el uso de medios para corregir los delitos administrativos como conducción peligrosa (agresiva) en Rusia y países extranjeros.

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RESUMEN: La alta carga de tráfico, la mala calidad de la superficie de la carretera, el nivel insuficiente de equipo de carretera con medios técnicos, y la violación de las normas de tránsito por parte de los conductores de vehículos resultan en un número significativo de accidentes, y como resultado, daños a la salud y la vida de las personas. Un nuevo tipo de delito administrativo en el campo de la seguridad vial se denominó delito como conducción peligrosa (agresiva). El problema es que es difícil y casi imposible llevar a la persona ante la justicia. El objetivo principal de este trabajo fue estudiar los medios para reparar los delitos administrativos en el campo de la seguridad vial en Rusia en países extranjeros.

PALABRAS CLAVES: Automóviles, conducción peligrosa, infracciones administrativas, tráfico, medios automáticos de corrección de infracciones.

TITLE: Problem questions the use of means of fixing administrative offenses as dangerous (aggressive) driving in Russia and in foreign countries.

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ABSTRACT: High traffic load, poor quality of road surface, insufficient level of road equipment with technical means, and violation of traffic rules by vehicle drivers often result in a significant number of accidents, and as a result, harm to people's health and lives. Therefore, the problem of accidents in road transport is not only national, but also international. A new type of administrative offenses in the field of road safety called such an offense as dangerous (aggressive) driving. The problem is that it is difficult, and at times, almost impossible to bring the person to justice. The main purpose of this article was to study the means of fixing administrative offenses in the field of road safety in Russia and in foreign countries.

KEY WORDS: car, dangerous driving, administrative offenses, traffic, automatic means of fixing offenses.

INTRODUCTION.

For the Russian Federation, the term dangerous driving under the rules of the road is new, while for foreign countries it is already rooted in the legal plane. The rules of the road indicate that dangerous driving is the repeated accomplishment of one or several consecutive actions, if these actions caused the driver to create a situation in which the traffic and (or) the movement of other road users in the same direction and with the same speed creates a threat of death or injury to people, damage to vehicles, structures, cargo or other material damage (Bliznets, et al, 2018).

At the same time, it is necessary to take into account positive foreign experience. As a punishment for aggressive driving, the laws of different countries provide imprisonment; deprivation of a driver's license; retake the driving test, as well as listening to a training course on safe driving and /or behavior culture; monetary penalties (Artemyev, 2016).

In the United States, they are serious about the problem of aggressive driving and believe that such driving has become a threat to the safety of the entire country. In Washington, for example, the traffic police have a special unit - the ADAT (Aggressive Driving Apprehension Team) - the team of detention of aggressive drivers, making "active efforts to find and arrest drivers who drive aggressively". ADAT uses official car with video cameras without special coloring and identification marks. In our opinion, the measures taken to ensure road safety in the area of tightening penalties for violators of the traffic regulations deserve attention. The example of Belarus and the Baltic countries clearly demonstrates that the introduction of high rates of fines and their rigorous application can reduce the number of violations by 30–50%.

In the United States, Australia and several countries in Europe and Asia, in addition to generally accepted and obvious traffic violations, there are concepts of violations that trigger the creation of emergency situations and violations that cause inconvenience to other road users, reducing the safety and predictability of the situation on the road (Lytkin, 2012).

These violations are the consequences of aggressive driving behavior. These include: trimming when overtaking; the use of high beams; not turning on turn signals during rebuilds; non-compliance with safe intervals and distances; passage to the prohibitory signal of the traffic light; sudden braking or acceleration; mobile phone use; non-compliance with the requirement to give way to pedestrians and cyclists; frequent rebuilds; beep abuse; insulting other drivers; aggressive facial expressions and gestures; obstruction of overtaking; riding on the side of the road, sidewalks and footpaths (Prokofiev, 2006). A characteristic feature of dangerous driving is a combination of several of the above violations.

In the legislation of most US states, as well as in the UK, France, Germany, Australia, Japan, Singapore, there are the concept of "negligent driving" with unintentional violation of traffic rules (careless driving) and "dangerous driving" with intentional violation of traffic rules.

“Careless driving” is recognized as an administrative violation of law, and “dangerous driving” can be recognized as a criminal offense as a more serious form of negligence. There is even a special term describing drivers who are most prone to aggression on the road and frequent violations - accident prone driver (Kovalenko et al., 2018).

When qualifying driving as “dangerous,” the following points are taken into account:

- Dangerous driving must be accompanied by a real risk and the likelihood of injury or serious property damage.
- The movement of the car is dangerous. The driver with the proper qualifications, it is obvious that the management of this car in its current technical condition is dangerous.

Driving style is considered in the context of related circumstances; for example, taking into account the density of traffic flow, visibility, weather conditions, etc.). These specific factors are taken into account when making a guilty decision on a case-by-case basis (Galyamova et al., 2009).

Driving in such a psychophysiological state, which obviously and significantly affects the driver's driving skills, such as the presence of a plaster cast on an arm or a leg, vision problems, is considered dangerous. This may also include the late intake of prescribed medications, as well as driving in the conditions of notoriously limited sleep or rest.

DEVELOPMENT.

Discussion and results.

The task of most states is to reduce the level of road accidents. It seems that taking into account the experience of foreign countries in ensuring road safety and preventing crime in this area will allow the use of methods that are consistent with the development of scientific progress, which will increase the effectiveness of the fight against accidents on roads (Chen et al., 2018).

Today, special tools are quite widespread that have functions of photographing and filming, videotapes, or means of photographing and filming, video recordings that work in automatic mode, the purpose of which is to fix administrative offenses and bring the responsible persons to justice. The Russian Federation is no exception. The Code of Administrative Offenses of the Russian Federation contains provisions that provide for the use of special technical equipment operating in automatic mode for fixing administrative offenses in the field of road traffic.

Quite interesting is the fact that the first in the world camera, which began to determine the speed of cars, was invented by the racer from Holland, Moriss Getsonides. The purpose of creating such a device was not to slow down the car, but rather to accelerate. After all, using the camera, he checked the speed of the car on the turns. Friendship riders with the highest police officers of Holland, who, in fact, for a long time and were the main customers of his video recorders, became the starting point for the development of his successful business in the 50s of the last century (Monteiro et al., 2019), and yet, despite the high objectivity, video cameras for the whole fifty years gave way to the championship by radar, as the main technical means of controlling the speed of movement (Rudinsky et al., 2006).

The first radar to control the speed of cars began to be used in the United States, in the states of Michigan and Indiana, even in 1954 (Sitnikov, 2018). It is during these years that the total automization of America falls. A huge army of new drivers, who did not have family traditions of driving, rushed on American roads at top speeds, provoking many accidents (Gribanov et al., 2016). Let us turn to the experience of modern advanced countries in the use of means of photo and video recording of offenses in the road and transport sphere.

Germany today is a country with fairly disciplined drivers. The reason for this are a huge number of different video recording systems of traffic violations. In Germany, there were serious protests about the use of camera fixing violations. However, the high death rate on the roads forced the government

to adopt fixation systems. In addition to the classic photo and video cameras with radars in anti-vandal boxes, there are devices mounted in metal bump stops on the sides of the tracks. Such devices are not amenable to anti-radar, because they act on other principles, based on the use of lasers (Kovalenko et al., 2018).

As for antiradar, it should be noted that most European countries prohibit their use, and if the driver uses, for example, a GPS- navigator, on the maps of which, as a rule, radars and cameras are marked and there is a driver warning function about their presence, then this function should be disabled. Otherwise, the driver faces an impressive fine.

For Germany, now the use of anti-radar in this state is even encouraging, as it helps deter drivers from committing offenses; for example, Belgium prohibits the manufacture, import, possession, offer for sale, sale and free distribution of equipment, which shows the presence of devices that control the movement, and prevents their functioning. In France and Switzerland, the car in which such a device is located could be confiscated. Denmark and Sweden expressly prohibits the use of such devices, otherwise the person faces imprisonment. Norway, for example, allows the use of anti-radar, but with some restrictions. In China, there are no restrictions on the use of such devices. In addition, she is actively engaged in the production and sale abroad of these technical means. Among the countries that do not prohibit the use of such devices include Bulgaria, Romania, Norway, the Czech Republic, Russia and others. Therefore, when traveling abroad by car, you need to familiarize yourself with the rules of some countries that restrict or prohibit the use of anti-radar (Kapenko et al., 2011).

It seems that the use of anti-radar has more advantages than disadvantages. As a rule, automatic systems for fixing offenses are located on the most dangerous sections of roads. Approaching, for example, the vehicle speed fixation camera; the driver will receive a warning from the anti-radar warning that this fixation is taking place on this section of the road. The driver will drive this area at

the permitted speed, and thus, avoid a possible traffic accident. A similar approach can be observed in Britain. There, long before the place where the speed-fixing camera is installed, there are signs warning of this. The aim of the authorities is not to “catch” as many violators as possible who would not have time to slow down the vehicle’s speed, namely, to secure movement.

If you turn to the experience of the United States of America, here the question of the camera fixing violations is solved differently from state to state. Some states use cameras that record speeding and exit at a red traffic light. In others, they are completely absent. Everything depends on the opinion of the population, which can be expressed, for example, through a referendum (Smorti et al., 2018).

In the practice of using systems of automatic fixation of a violation, two approaches were developed to address the issue of bringing to justice those who violated traffic rules (Chen et al., 2018):

- The first is that the results of fixing the offense in automatic mode exclude the possibility of bringing the driver to legal responsibility. This requires the mandatory participation of the person authorized by law to execute documents on the violation; for example, such a rule applies in Sweden. In Scotland, moreover, the testimony of two witnesses is necessary (Korelsky et al., 2002).
- The second approach takes into account the level of modern technology development and the intensity of traffic flows and allows autonomous operation of devices for fixing violations and the subsequent bringing of those responsible to justice on the basis of the photographic video materials automatically generated by them.

At the same time, in those countries where the owner of the vehicle is held liable, the law resolves this issue by establishing a legal presumption. Thus, the California State Transport Code establishes that when an automatic violation of parking rules is detected, it is assumed that the registered owner was driving. Article 68 Sec. 3 of the UK Law "On Offenses in Road Traffic" establishes the

requirement to hold accountable the owner in whose name the vehicle is registered. Article 2.6.1. The Code of Administrative Offenses of the Russian Federation provides for a similar rule.

Of course, the results of fixing the offense by a device operating in automatic mode are not always objective. Often, it is not the perpetrators who are brought to justice. An example of this is the situation in Italy. Thousands of drivers were challenged by the fines imposed on them according to the results of the system fixing the exit to the red signal of the traffic light. As it was found out later, the automatic system was configured incorrectly. For almost two years of its operation, the fines for leaving the traffic light prohibitively increased. According to some information, the organizers raised about 170 million dollars for such a fraud (Kim, 2007).

In Shenzhen, China, at one of the pedestrian crossings, there is a camera that instantly identifies an intruder who ran for a red traffic light and sends a penalty to such a pedestrian. Initially, as part of testing, the photo of the offender was displayed on the screen next to the transition. Later, a website was created where information about this person began to be posted. With the full launch of the system, penalty receipts were published on social networks on the pages of violators. In addition, the fact of fixing the violation affects the credit rating, which is calculated for all Chinese citizens (Chen et al., 2018).

Of course, modern technologies are not standing still, and in recent years, along with the proliferation of automatic traffic law fixation systems, drivers have begun to use devices whose actions are aimed either at neutralizing the effect of these automatic systems or at distorting the registration plate during photo-video violation (Yin et al., 2018); for example, devices that send a device to automatically fix a ray of light in the direction of a photo-video camera, which “illuminates” a photograph, or devices that, when the driver of a vehicle presses a button, “illuminates” a registration mark, and it becomes unreadable for a photo-video camera.

In other matters, a person will in every possible way look for possible ways to avoid accountability for violation of traffic rules. It seems that the mechanism of action of such devices should be taken into account when developing automatic systems for photo-video recording of violations, as well as by specialists from institutions authorized to bring violators of traffic rules to justice. In addition, it is advisable to introduce regulations that provide for the responsibility for the use of such devices that distort the state registration number of the car or neutralize the action of automatic means of fixing the offense.

CONCLUSIONS.

Summarizing all the above, it can be said that the experience of using special-purpose technical equipment in automatic mode, equipped with the function of photo-video recording by foreign countries, testifies, first of all, to the effectiveness of such devices, the discipline of drivers and a decrease in traffic accidents. In addition, there is a fixation of each offense committed within the radius of the device, and the offender will not be able to "go unnoticed" (the "anti-radar" is not taken into account).

Thus, it seems that the proliferation of automated systems for fixing the offense in dangerous sections of the road traffic will allow securing the lives of the majority of the population, both in a separate state and in the world as a whole.

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BIBLIOGRAPHIC REFERENCES.

1. Akhmetyanova, Z. A., Gladilin, K. V. (2018) To the question of the protection of Real Rights. Revista Dilemas contemporáneos: Educacón, Política y Valores. Año: VI, Número: Edición Especial, Artículo no.:14 Período: Diciembre 2018. https://dilemascontemporaneoseducacionpoliticayvalores.com/_files/200004126-5c1fe5d153/EE%2018.12.14%20A%20la%20cuesti%C3%B3n%20de%20la%20protecci%C3%B3n%20de%20los%20derechos%20reales..pdf
2. Artemyev, Z. (2016) "VM" learned how traffic cameras work in different countries. Evening Moscow. Retrieved from https://vm.ru/news/2016/10/09/proverki-na-dorogah-progress-protiv-lihachej-335723.html (access date: 11/10/2018).
3. Bliznets, I. A., Kartskhiya, A. A., Smirnov, M. G. (2018) Technology Transfer in Digital Era: Legal Environment. Revista Dilemas contemporáneos: Educación, Política y Valores. Año: V, Número: 3, Artículo no.:34, Período: 1ro de mayo al 31 de agosto del 2018. https://dilemascontemporaneoseducacionpoliticayvalores.com/_files/200003822-64c4d65c28/18.5.34%20La%20transferencia%20de%20tecnolog%C3%ADa%20en%20la%20era%20digital.....pdf
4. Chen, Y., Zhao, D., Lv, L. (2018) Multi-task learning for dangerous object detection in autonomous driving. Information sciences, 432.
5. Gazizov, Ilnaz F., Kovryzhnykh, O. E., Akhmadeeva, O. A. (2018) Problems in determining the fair value of intellectual property in accounting practice. Dilemas contemporáneos: Educación, Política y Valores. Año: VI, Número: Edición Especial, Artículo no.:87, Período: Diciembre 2018. https://dilemascontemporaneoseducacionpoliticayvalores.com/_files/200004199-c0f78c1ea7/EE%2018.12.87%20Problemas%20para%20determinar%20el%20valor%20razonable%20de.....pdf

6. Galyamova E.V., Karpenko A.P., Sokolov N.K., Yagudaev G.G. (2009) Control of conceptual knowledge of the subject of training in the training system. Bulletin of MADI (STU), 2 (17).
7. Gribanov D.V., Kovalenko K.E. (2016) The realization of resoblessness. State and Law, 4.
8. Kapenko A.P., Domnikov A.S., Belous V. V. (2011) Test method of quality control of training and quality criteria of educational tests. Review. Science and education. Retrieved from http://techno-new.developer.stack.net/doc/184741.html.
9. Kim V.S. (2007) Testing of educational achievements. Monograph. Ussuriisk: UGPI Publishing House.
10. Korelsky V.M., Perevalov V.D. (2002) Theory of State and Law: A Textbook for High Schools. Moscow.
11. Kovalenko, K. E.; Kovalenko, N. E. (2018) Problematic issues of the definition of dangerous driving. Revista universidad y sociedad, 10 (3).
12. Lytkin, A.V. (2012) Features of the use of special technical equipment operating in automatic mode in the field of road traffic by police units of foreign countries. Bulletin of Moscow University of the Ministry of Internal Affairs of Russia, 5.
13. Monteiro, R. P., Emerson, D., Nascimento, B. (2019). Psychometric evidences of the Dula Dangerous Driving Index in Brazil. Revista iberoamericana de diagnostico y evaluacion-e avaliacao psicologica, 1 (50).
14. Prokofiev N.O. (2006) Questions of the organization of computer knowledge control. International electronic journal. Educational Technology & Society, 9 (1).
15. Roselló M.M., Piña F. R. Effectiveness of a didactic alternative for the development of student scientific culture (2018) The formation of ethical values in the university student: a proposal from the Didactics of Literature: Revista Dilemas contemporáneos: Educación, Política y Valores. Año: VI, Número: 3, Artículo no.: 99, Período: May 2019.

https://dilemascontemporaneoseducacionpoliticayvalores.com/_files/200004780-e78e6e884d/19.05.99%20%20La%20formaci%C3%B3n%20de%20valores%20%C3%A9ticos%20del%20estudiante%20universitario.....pdf

16. Rudinsky I.D., Askerov E.M., Emelin M.A., Stroilov N.A. (2006) Principles and technologies for the creation of an integrated automated knowledge control system. Information technology in education and science: Sat. Works of VNPK.
17. Sitnikov, A. (2018) Six facts about car radar. Free Press. Retrieved from https://svpressa.ru/post/article/80711/.
18. Smorti, M., Andrei, F., Trombini, E. (2018) Trait emotional intelligence, personality traits and social desirability in dangerous driving. Transportation research part f-traffic psychology and behavior, 58.
19. Yin, J-L, Chen, B-H, Lai, K-H. R. (2018) Automatic dangerous driving intensity analysis for advanced driver assistance systems from multimodal driving signals. Ieee sensors journal, 18 (12).

BIBLIOGRAPHY.

1. Arstanov M. Zh., Pidkasisty P.I., Khaydarov Zh.S. (1980) Problem-model training: questions of theory and technology. Alma-Ata.
2. Askerov E. M. (2010) Automation of multi-criteria evaluation of the level of formation of professional competencies of future specialists. Moscow.
3. Chen, H., Feng, S., Pei, X. (2017) Dangerous Driving Behavior Recognition and Prevention Using an Autoregressive Time-Series Model. Tsinghua science and technology, 22(6).
4. Freer, Elaine (2018) Driving force: self-defence and dangerous driving. Cambridge law journal, 77 (1).
5. Kovalenko K.E. (2014) The teaching of I.A. Il'in about advocacy. Barnaul.

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