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TÍTULO: El concepto y la naturaleza jurídica del objeto de un delito por infracción del tráfico.

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RESUMEN: Las cuestiones de responsabilidad penal derivadas de delitos penales en el ámbito del tráfico son cruciales. El artículo considera ese elemento del cuerpo legal delicti como objeto de delito. La mayoría de los científicos señalan la propiedad del objeto del delito en virtud del art. 264 del Código Penal de la Federación de Rusia, la definición de este elemento de composición es un punto discutible. El delito de tránsito es uno de los problemas más importantes que enfrenta el mundo moderno. Los delitos en el campo del tráfico causan daños significativos a la vida humana, la salud y la propiedad.

PALABRAS CLAVES: objeto de un delito penal, infracción de tráfico, delincuencia, vida y salud humana.

TITLE: The concept and legal nature of the object of a criminal offense for traffic violation.

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ABSTRACT: Criminal liability issues, arising from criminal offenses in the field of traffic, are crucial. The article considers such an element of the legal corpus delicti as an object of crime. Most scientists note the property of the object of the crime under Art. 264 of the Criminal Code of the Russian Federation, the definition of this element of composition is a moot point. Road traffic crime is one of the most important problems facing the modern world. Crimes in the field of traffic cause significant harm to human life, health and property.

KEY WORDS: object of a criminal offense, traffic violation, crime, human life and health.

INTRODUCTION.

Ensuring road safety is one of the main functions of the state in ensuring law and order.

Road safety is considered an important component of the rule of law that the state is called upon to provide. On the one hand, an intensive increase in the vehicle fleet and an increase in the number of road users is accompanied by an increase in the number of administrative offenses on the road, and this figure is huge.

On the other hand, studies show that the level of detectability of traffic violations is usually low. So, speeding, being the most common type of traffic violation, is detected by inspectors of the road patrol service of the State Traffic Safety Inspectorate of the Ministry of Internal Affairs of Russia in only one case out of 80-100 violations.

A survey of a significant number of drivers in several regions of Russia indicates that a considerable number of them, many times a day, exceeding the permissible speed, were never stopped and punished by traffic police. The above studies are certainly of interest and in order to understand them, first of all, it is necessary to turn to the concept of an offense as such, which gives us legal literature (Mayorov et al., 2016).

To begin with, it is worth noting that offenses, depending on the degree of harm done to an individual, society and the state, and the nature of the relations they encroach on, are usually divided into crimes and misconduct. The latter include administrative offenses, civil and disciplinary offenses. Traditionally, the most socially dangerous of the latter are criminal offenses.

DEVELOPMENT.

A traffic offense should be understood as endangering the health and safety of citizens, the safety of vehicles, roads and road structures, road safety and the established procedure for driving it, a socially harmful, unlawful, guilty (intentional or reckless) action or inaction, for which the legislation provides for administrative liability (Meshkov et al., 2002).

V.V. Lukyanov offer the following concept of an accident: this is an event that violates the process of traffic, which occurs as a result of the loss of the ability to drive a vehicle and is accompanied by death, injuries, and material damage (Lukyanov, 2018).

According to the legal definition given to us by the Federal Law of December 10, 1995 No. 196-FL “On Road Traffic Safety”, a traffic accident should be understood as an event that occurred during traffic along the vehicle’s road and with its participation, in which people were killed or injured, vehicles, structures, cargoes were damaged or other material damage was caused (Mayorov, 2008).

Judging from the analysis of road accidents, it can be concluded that the road users are indisciplined, and in the first place, drivers of vehicles. Due to the fault of drivers, about 85% of the total number of road crashes is committed, and the main reasons are gross violations of the Rules of the Road of the Russian Federation (hereinafter - traffic rules), such as:

- ✚ Driving while intoxicated.
- ✚ Exit to the lane intended for oncoming traffic.
- ✚ Exceeding the established speed limit (mode).
- ✚ Driving on a prohibitory traffic signal, etc.

This topic, along with theoretical interest, is also of practical importance in strengthening the rule of law on roads, choosing the most appropriate methods of combating administrative offenses in the field of road safety, ensuring law and order in the field of public administration and protecting individual rights.

Results.

At present, the Federal Program “Improving Road Safety in 2013-2020 in the Russian Federation” is approaching completion. Reducing the mortality rate in road accidents, including among children, by 2020 compared to 2012 is the goal of this program.

However, statistics in this area currently leave much to be desired. Generally speaking, according to official traffic police statistics for 2018, 169 thousand accidents occurred on Russian roads, in which 19 thousand people died and almost 215 thousand people were injured of varying severity (Lukyanov, 2018).

As the reasons for the current situation, in addition to political, economic, social, as well as organizational and technical, it should be noted the problems associated with the lack of an integrated scientific approach to solving problems related to road safety, to solving topics related to the development and implementation of modern legal means of dealing with accidents in freight and

passenger transport. Among the reasons should also be called shortcomings in the organization of work of bodies authorized to carry out activities to prevent accident in transport (Lukyanov, 1979). The totality of these reasons entails the need to resume research on issues related to the fight against accidents in which the health of road users is harmed (Radchenko, 2001).

In this regard, there is a certain position that the effective means of solving this problem is to attract those who commit crimes under Article 264 of the Criminal Code of the Russian Federation.

At the same time, it is worth paying attention that a vehicle, which a modern person cannot do without at present, can turn into irresponsible driving more dangerous than just a source of increased danger.

In order to prevent accidents in vehicles that entail bodily harm, as well as causing death, there is a need for sharp attention on the part of society to the existing problem with the implementation of preventive measures in families, schools, television and Internet networks (Zhulev, 2001).

Most scientists note the property of the object of the crime under Art. 264 of the Criminal Code of the Russian Federation, the definition of this element of the composition, is a controversial issue in the community of scientists. One-part claims that under the object, it is necessary to consider the normal and correct activity of transport, the other group under the object considers road safety, life and health of people (Mayorov, 2008).

The object of a criminal offense is public relations, which are damaged as a result of an administrative offense.

Describing the object of crime, it should be noted that the objects of the offense of crime should be divided into several groups. So, distinguish a common, generic and immediate object.

A common object is a set of public relations related to the exercise of executive power and public administration.

Generic object - a certain circle of social relations, protected by a single set of legal measures, constituting an independent part of the general object.

The immediate object is those social relations that are damaged as a result of a specific crime.

Under the object of crime in the field of traffic are public relations evolving over the provision of road safety and the established procedure for the operation of vehicles.

Road safety is understood as the state of this process, which reflects the level of safety of its participants from traffic accidents and their consequences. Under the provision of road safety, activities aimed at preventing the causes of traffic accidents and reducing the severity of their consequences will rise.

Based on the opinion of V. I. Zhulev, “the object is public relations designed to provide road safety” (Zhulev, 2001). B.B. Lukyanov treats the object of these crimes as “road safety” (Lukyanov, 2018).

You should also pay attention to the position of V.I. Radchenko, in his opinion, “the object of a crime should be understood as the safety of the use of road vehicles, expressed in the prevention of harm to life and health of people, material, environmental or other damage” (Radchenko, 2001). In this definition, the specificity of the object is most reliably expressed. This is the protection of human life and health within the boundaries of road safety (Lukyanov, 2018).

The Federal Law “On Road Safety” was built on a similar principle. Based on Article. 1 the objectives of this Federal Law are: protecting the life, health and property of citizens, protecting their rights and legitimate interests, as well as protecting the interests of society and the state by preventing traffic accidents, reducing the severity of their consequences. As follows from Art. 2, “traffic is a set of social relations arising in the process of moving people and goods with or without means of transport within roads”, road safety is “the state of this process, reflecting the degree of protection of its participants from traffic accidents and their consequences” (Mayorov, 2017).

The main concept of this law is the concept of road safety. The Federal Law “On Road Traffic Safety” defines traffic safety as a condition in the process of movement of vehicles, the security of participants in emerging public relations. Also, based on Art. 3 of the Federal Law, the basic principles for ensuring road safety are: the priority of life and health of citizens participating in road traffic over economic results of economic activity; the priority of state responsibility for ensuring road safety over the responsibility of citizens participating in road traffic; observance of the interests of citizens, society and the state while ensuring road safety; program-targeted approach to road safety activities. From the above it can be concluded that the priority is given to the life and health of people.

Of great importance is the understanding directly which object is the main and which is additional. On this occasion, the opinions of scientists diverged. One group of scientists believes that the object is one, but it is a complex, synthesis of many factors of the offense. Another group believes that there can be several (two or more) main objects. It is understood that the opinion of experts is more correct, according to which the main immediate and additional objects should be distinguished.

The main immediate object is the relationship that ensures the safety of human life and health in compliance with traffic rules of the Russian Federation and the operation of vehicles. An additional object is human life and health. This thereby emphasizes the specifics of this composition, the crime of protecting the life and health of a person participating in the operation of vehicles or traffic.

CONCLUSIONS.

The direct object of the crimes under Art. 264 of the Criminal Code of the Russian Federation, is the relationship between road users to ensure road safety and operation of vehicles. According to the Law of the Russian Federation “On Road Traffic Safety”, road safety is the state of this process, which reflects the degree of protection of its participants from traffic accidents and their consequences.

At the same time, when committing the crimes under consideration, harm is also caused to other law enforcement objects: the identity of citizens, personal property. However, these interests act only as an additional immediate object, which does not and cannot determine the legal nature of this crime.

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