

TO THE PROBLEM OF INCREASING THE EFFICIENCY OF MEASURES TO PREVENT INJURIES IN ROAD TRAFFIC ACCIDENTS

Khakimov Sarvar Abduazimovich

*Associate professor (PhD), Department of forensic
medicine and medical law, Tashkent Medical Academy*

Abstract: The subject of the study is the system of legal relations in the sphere of traffic road safety. The object of the study is social relations arising in the process of implementation of the rights and legitimate interests of minor pedestrians. The aim of the research was to examine the legislative and regulatory framework, regulating the administrative status of minor pedestrian and prevention of violation of minor pedestrian's rights and legitimate interests. The authors address the problems of regulatory management of the process of implementation of the rights and legitimate interests of minor pedestrians. The authors emphasize the use of segways, electric unicycles, self-balancing scooters, and other vehicles by minor pedestrians. The methodological basis of the work consists of dialectical, historical, structural-systemic, statistical, comparative-analytical, and other methods widely used in legal science.

The novelty of the study is determined by the need of improvement of the legal framework for the prevention of the violation of minor pedestrians' rights and legitimate interests in the sphere of traffic road safety. The authors expose the problems in the sphere of movement of minor pedestrians on segways, electric unicycles, self-balancing scooters, and other vehicles. Also, they suggest a regulatory and legal solution to the problem. The main conclusion of the conducted study is the need for revising the regulatory legal acts in the sphere of road traffic safety in the aims of efficiency improvement of prevention of infant road traffic injuries of minor pedestrians. Field of study results application: the provisions of the work can be used in the legislative activity of government bodies, law-enforcement activities of law enforcement agencies, the educational process of educational organizations, scientific research of specialists on the problems of road traffic safety, improving the branches of the Russian legal system. Keywords: pedestrian, minor, statistics, security, road traffic, legal education, law regulation, Segways, self-balancing scooter, prevention according to data

According to the World Health Organization, approximately 3,000 people die in road accidents every day and another 100,000 people are seriously injured. The total number of road accidents per year worldwide is 11,365,000 accidents. Of this number of accidents, approximately 1,250,000 people die per year in the world, and another 30-50 million are seriously injured. Of those killed and injured, 22% were pedestrians.

Of the total number of 1,250,000 deaths, approximately 186,000 are minors. The vast majority of the planet's inhabitants are pedestrians, i.e. persons who are outside a vehicle on the road, or on a pedestrian or bicycle path and are not doing work on it. Of course, the most vulnerable participant in road traffic is a pedestrian, which is why his rights and legitimate interests require the greatest protection from public authorities. If we analyze which pedestrians are the most vulnerable in traffic conditions, then minors are precisely the category that needs to be addressed in order to improve the efficiency of road safety. Legal education of minors is an important component of the activities of parents, teachers and law enforcement agencies. This is an integral element that contributes to the effective process of developing a child as an individual.

That is why it is important to give an idea from an early age about the existence of legal norms establishing both possible behavior and obligations, i.e. proper behavior, strict adherence to which will allow one to occupy a decent social position. According to official data from the State Traffic Safety Inspectorate of the Ministry of Internal Affairs of the Russian Federation (hereinafter referred to as the State Traffic Safety Inspectorate of the Ministry of Internal Affairs of Russia), in 2018, 19,930 road traffic accidents (hereinafter referred to as RTAs) involving minors occurred in the country, in which 628 children died and 21,718 received injuries of varying severity. Minors were pedestrians in 8,388 cases, which is 42% of the total. Analysis of statistical indicators of road safety for the parameter in question once again confirms the increased danger of RTAs involving minors on the road as pedestrians. The development of technological achievements in the modern world, in our opinion, somewhat aggravates the situation. We are talking about the emergence of innovative inventions such as gyro scooters, unicycles and segways. The listed devices have been popular among minors for several years, but the legal status of a person moving on such means has not yet been fully determined. Issues related to the prevention of offenses by minors in the field of road traffic are reflected in the works of K.A. Nedbaylo, V.D. Legoshin, I.E. Ilyina, M.M. Iskhakov, P.I. Kokarev, N.M. Kuznetsova, E.S. Pozhidaeva. According to many researchers, the administrative legislation of the Russian Federation does not contain sufficient standards that, although they do not directly affect compliance with traffic rules, have a preventive effect, which gives rise to administrative delinquency. In particular, it is appropriate to supplement administrative legislation with standards establishing the responsibility of parents for violation of traffic rules by their minor children. An analysis of fundamental regulatory legal acts in the field of ensuring road safety, unfortunately, shows that the main way to solve the problem of ensuring road safety is to tighten sanctions for violating certain standards. However, in our opinion, the factor determining the occurrence of emergency situations on the roads with the direct participation of minors is the uncertainty in understanding the standard of safe behavior on the roads.

In this issue, there are differences of opinion regarding the priority of individual aspects: knowledge of legal norms, culture, ability to navigate in situations subject to constant change, etc. We believe that singling out one of the components as a priority is incorrect, since achieving the most effective result is possible by following the principle of complexity, which involves using available resources in combination. Until now, the slogan "Take care of the child", under which Catherine II in 1764 issued a decree on the application of the death penalty to a coachman or cabman guilty of the death of a child, has not lost its relevance and should be a guide to action for adults (parents, teachers of educational organizations, representatives of public organizations, etc.). The main course should be taken to prevent violations of road safety rules. The main place in the activities to prevent child road traffic injuries should be occupied by the prevention of administrative offenses by minors. This position can be substantiated by several arguments. Firstly, a person can be brought to administrative responsibility upon reaching the age of 16, however, statistics of road accidents and information on administrative offences in the field of road traffic indicate a fairly young age of the persons involved (under 16). Therefore, the application of liability measures to teenagers is inappropriate, since it will not have the desired effect on the formation of their legal awareness. Secondly, the peculiarities of psychophysiological development of children and adolescents require a delicate approach, therefore, punitive measures will have a negative impact. The key link in preventing traffic violations by minors are the road safety propaganda units, which carry out activities aimed at increasing the legal culture of road users, legal awareness of the population, related to the dissemination of knowledge of the basics of safe behavior on the roads and regulations in this area through information and propaganda events.

Employees of these units of the State Traffic Safety Inspectorate of the Ministry of Internal Affairs of Russia, among other things, carry out large-scale work among children, teenagers, their parents and teachers, aimed at preventing child road traffic injuries. One of the tasks is to prevent violations of traffic rules that pose a threat to life and health. Mandatory use of reflective elements by pedestrians when moving in the dark has been a component of the legislation on road safety in many countries for several years. The current norm in the Russian Federation requires a number of clarifications. Thus, in the current legislation, when crossing the road and moving along the shoulders or edge of the roadway in the dark or in conditions of poor visibility, pedestrians are recommended, and outside populated areas pedestrians are required to have items with reflective elements and ensure the visibility of these items to drivers of vehicles. Thus, a pedestrian, for example, wearing a reflective badge with a diameter of 5 cm on his chest, in accordance with the wording of paragraph 4.1 of the Traffic Regulations of the Russian Federation, complies with all the requirements and is not subject to administrative liability. Of course, the visibility of this object to

drivers of vehicles moving in the opposite direction is ensured, but drivers of vehicles moving in the same direction cannot see it. In addition, a round element at a distance sufficient to take the necessary safety measures may not be perceived as an element ensuring the visibility of a pedestrian. Therefore, it is necessary to establish standards for the placement of reflective elements on pedestrians' clothing and their size. In our opinion, the most optimal places in this case are the forearm and shin of the opposite arm and leg. Another shortcoming of this pedestrian obligation is the wording "objects with reflective elements". The disadvantage of this norm is that when considered literally, a pedestrian who ensures his visibility to vehicle drivers not with the help of reflectors, but, for example, with the help of an autonomous light source (flashlight), can be brought to administrative responsibility, despite the fact that he ensures visibility.

In order to increase the effectiveness of preventing traffic violations and avoiding similar controversial situations, the following adjustment to the wording of paragraph 4.1 of the Russian Federation Traffic Regulations is advisable: "When crossing the road and moving along the shoulders or edge of the roadway at night or in conditions of poor visibility, pedestrians are recommended, and outside populated areas pedestrians are required to use means and elements that ensure visibility to drivers of vehicles from all sides"; "Elements of reflective materials must be located on opposite limbs and completely cover them." For several years, technical devices that allow a person to move short distances have been gaining popularity. We are talking about segways, unicycles, gyro scooters and other similar items. The principle of operation is to impart movement to the mechanisms that rotate the wheels due to the energy of the battery, which provides the ability to move up to 39 km on a single charge. The technical characteristics of some models allow them to be compared with mopeds due to the fact that, for example, the maximum operating speed is up to 50 km/h. At the same time, Russian legislation does not contain any rules regulating the procedure for operating these devices in road traffic, and does not define the status of persons riding them. The listed factors predetermine the occurrence of situations, the resolution of which does not seem to be unambiguous. The absence of age restrictions for riding the devices in question is of significant concern.

Children are allowed to ride them if the average weight of the Segway or unicycle is from 10 to 35 kg. It is worth noting that at a certain age, the child's weight is approximately equal to the weight of the device, which can make it difficult to balance on it while moving and lead to a fall or other serious consequences. Let's look at several examples of such incidents. The primary issue is determining the legal status of a child riding a hoverboard or similar vehicle. Thus, on May 29, 2018, at 2:00 p.m. in Oktyabrsky (Republic of Bashkortostan), the driver of a BMW X1, moving on a green light, hit a 10-year-old boy riding a hoverboard in a perpendicular direction from

left to right in the direction of the vehicle's movement. As a result, the child received serious injuries and was taken to a medical facility. The current situation is of interest in determining the culprit of the accident. Did he have an advantage over the driver of the car, being a pedestrian, or is he recognized as the driver of the vehicle, in connection with which he violated the requirements of the traffic rules on several points, including committing the most primitive violation: did not give way to a vehicle approaching from the right (abstracting from the place of the accident - a pedestrian crossing). However, at present, Federal Law No. 196-FZ "On Road Safety" contains rights and obligations that apply to all road users, which does not meet the requirements of ensuring road safety, since some road users are less protected than others. Similar cases are numerous. Minors move on segways, gyro scooters, etc. along the edge of the roadway, on sidewalks, cross the roadway at a pedestrian crossing on a device. It is definitely necessary to combat such negative phenomena, but in most cases it is not possible to identify the guilty traffic violator due to the presence of gaps in the legislation in regulating this issue. Therefore, for the effective implementation of the mechanism of administrative and legal warning and bringing violators to justice, it is necessary to give legal status to persons moving on such devices.

In this regard, it seems relevant to use the category of "pedestrian vehicle". In our opinion, it is advisable to be guided by the rules for cyclists with some amendments due to the specifics of the devices in question. In particular, when crossing the roadway in a perpendicular direction, it is proposed to be guided by the rule that the bicycle must be carried in the hands. At the same time, it will be relevant to apply the norm contained in paragraph 24.6 of the Traffic Regulations of the Russian Federation, according to which "if movement on the sidewalk, pedestrian path, shoulder or within pedestrian zones endangers or creates obstacles for the movement of other persons, the cyclist (the person driving the "pedestrian vehicle") must dismount and be guided by the requirements provided for the movement of pedestrians." Granting legal status to these persons will allow for active preventive measures aimed at preventing traffic violations and, as a consequence, accidents. Thus, preventing traffic violations among minors is the main tool on the way to achieving the goal of preventing child road traffic injuries. However, today, due to a number of circumstances, it is necessary to supplement and amend the current legislation in order to make it accessible in understanding and unambiguous, which is important for children and adolescents when they study the basics of road safety.

LITERATURE

1. Доклад о безопасности дорожного движения в мире за 2018 год. URL: <https://www.who.int/ru/news-room/fact-sheets/detail/road-traffic-injuries>(дата обращения: 11 марта 2019 г.).

2. Статистика ГИБДД за 2018 год URL: <http://www.gibdd.ru/news/672> (дата обращения: 1 марта 2019 г.).
3. Капустина Е.Г. Административно-правовые методы профилактики правонарушений в области дорожного движения // Вестник Уральского финансово-юридического института. 2017. № 4 (10). С. 22-25.
4. Кузнецова Н.М. Культура безопасного поведения несовершеннолетних на дороге как условие профилактики детского дорожно-транспортного травматизма // Вестник НЦБЖД. 2015. № 3 (25). С. 63-66.
5. Кодекс Российской Федерации об административных правонарушениях от 30.12.2001 N 195-ФЗ (ред. от 06.02.2019) // СПС КонсультантПлюс. URL: <http://www.consultant.ru/>. (Дата обращения: 12.02.2019).
6. Приказ МВД России от 29.12.2018 № 903 "Об утверждении Наставления по организации деятельности Государственной инспекции безопасности дорожного движения Министерства внутренних дел Российской Федерации по пропаганде безопасности дорожного движения" // СПС КонсультантПлюс. URL: <http://www.consultant.ru/>. (Дата обращения: 22.02.2019).
7. Постановление Правительства РФ от 23.10.1993 № 1090 (ред. от 04.12.2018) «О Правилах дорожного движения» (вместе с «Основными положениями по допуску транспортных средств к эксплуатации и обязанности должностных лиц по обеспечению безопасности дорожного движения») // СПС КонсультантПлюс. URL: <http://www.consultant.ru/>. (Дата обращения: 12.02.2019).
8. ДТП в Башкирии: «BMW» сбила ребенка, катающегося на гироскутере // Sputnik / новости : сайт. URL: <https://news.sputnik.ru/obrazovanie/ef818adbd3b2d2ad1b29b721556b22899de574>. (Дата обращения: 20.02.2019).
9. Амеличкин А.В. Особенности и проблемы административно-правового статуса пешеходов на современном этапе развития дорожного движения // ВВ: Административное право и практика администрирования. — 2018.-№ 3.- С.15 DOI:10.7256/2306-9945.2018.3.27509. URL: http://e-notabene.ru/al/article_27509.html References
10. Doklad o bezopasnosti dorozhnogo dvizheniya v mire za 2018 god. URL: <https://www.who.int/ru/news-room/fact-sheets/detail/road-traffic-injuries>(data obrashcheniya: 11 marta 2019 g.).
11. Statistika GIBDD za 2018 god URL: <http://www.gibdd.ru/news/672> (data obrashcheniya: 1 marta 2019 g.).
12. Kapustina E.G. Administrativno-pravovye metody profilaktiki pravonarushenii v oblasti dorozhnogo dvizheniya // Vestnik Ural'skogo finansovo-yuridicheskogo instituta. 2017. № 4 (10). S. 22-25.

- 13.Kuznetsova N.M. Kul'tura bezopasnogo povedeniya nesovershennoletnikh na doroge kak uslovie profilaktiki detskogo dorozhno-transportnogo travmatizma // Vestnik NTsBZhD. 2015. № 3 (25). S. 63-66.
- 14.Kodeks Rossiiskoi Federatsii ob administrativnykh pravonarusheniyakh ot 30.12.2001 N 195-FZ (red. ot 06.02.2019) // SPS Konsul'tantPlyus. URL: <http://www.consultant.ru/>. (Data obrashcheniya: 12.02.2019).
- 15.Prikaz MVD Rossii ot 29.12.2018 № 903 "Ob utverzhdenii Nastavleniya po organizatsii deyatel'nosti Gosudarstvennoi inspektsii bezopasnosti dorozhnogo dvizheniya Ministerstva vnutrennikh del Rossiiskoi Federatsii po propagande bezopasnosti dorozhnogo dvizheniya" // SPS Konsul'tantPlyus. URL: <http://www.consultant.ru/>. (Data obrashcheniya: 22.02.2019).