



LEGAL REGULATION OF CURRENT PROBLEMS IN THE ADMINISTRATIVE LIABILITY AREA FOR ROAD SAFETY

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ABSTRACT

The article considers the administrative liability as a means of counteraction to administrative offences in the field of road traffic safety. The practical and legal grounds of administrative liability are discussed, some problems of legal regulation in this field are described.

Perhaps more often, than other branches of law, the problems of administrative responsibility are discussed in the national legislature. Particularly acute is the issue of reducing road accidents and minimizing the damage caused by them.

Lawmakers, by tightening liability and making changes, are trying to keep up with the growth in social relations and the resulting growth in offending. However, for many law enforcers the gaps in the legislation are obvious and do not always correspond to the principles of administrative responsibility: fairness, equality, presumption of innocence, differentiation of responsibility, etc.

Undoubtedly, in order to reduce road accidents, it is necessary to comply with road traffic rules. The legal nihilism of many drivers leads to tragic consequences. Therefore it is necessary to pay more attention to legal education of children and teenagers, to form the legal consciousness and eradicate the negligent attitude to the requirements of the law, to control the use

of child seats, safety belts, observance of speed limits, timely identification of drunk drivers.

The quality of road traffic is heavily influenced by the technical condition of the vehicle and the road surface. Therefore it is necessary to pay attention to innovative developments in urban planning when building roads, building interchanges and bridges, and unloading traffic.

Recently, by analogy with many western countries, the legislators of the CIS countries want to lower the age of driving license issuance, which, in our opinion, is absolutely inexpedient. You may get driving license at age of 16, but in some countries (Germany, Belgium, Denmark, Norway, for instance) it is the so-called learner's license [1]. With them a teenager has the right to drive a car but only in a company of an instructor or an adult whose driving experience exceeds five years. If you break this rule (if you are stopped by local inspectors), you will pay a fine of



1,500 to 5,000 Euro and have your license revoked for three years.

In the USA, the age of issuing a driver's licence is set by each state separately. It is approximately as if every region of Russia sets the age of getting driving licence, as well as the transport tax, individually. The minimum age for a basic driving licence in Wyoming is 14,5. The average age of obtaining a license is the same across the United States, and teenagers in America start driving at the age of 16 [2].

However, as in Europe, such licenses are classified as learner's permits and teenagers may only drive after 10 p.m. when accompanied by a person who is 21 or older. And their driving experience must exceed two years [2].

The practice of issuing a driving license at the age of 16 already existed in the USSR. At that time teenagers could drive in the city accompanied by parents, but it is necessary to admit, that in the 60-70s of the last century there were considerably less cars, and pedestrians were a bit more attentive than now. Smartphones, electric scooters, traffic, the constant sound of the audio system in the car and many other things distract the driver from the road, and even experienced drivers with 30 years of experience also get into accidents [3].

According to experts, awareness comes to drivers in Uzbekistan later than 16 years of age, and it is dangerous to entrust teenagers to drive cars before this age. After all, for a young driver, apart from the right to drive a car, with time comes responsibility not only for their own, but also for other people's lives [4].

In any case, such a bill to give minors the right to drive is far from final. And by the time the Ministry of Internal Affairs and

Parliament formulate amendments to a single document, the regulatory framework may have changed. It does not concern the traffic situation – every year there are more and more cars, and it becomes more and more difficult to drive. The courage at this age often overshadows one's judgement. And it often leads to a red line, when there is no way to influence the road situation. Overtaking on the oncoming lane, two solid lanes, driving into ditches. In normal mode, as all motorists drive, you need to react accurately, keep the pace, do not get nervous and do not consider yourself a king on the road. Teenagers often don't understand that driving is all about self-control, hence the problems. According to the law from the age of 1b, responsibility for committing a criminal offence comes into play, but how it will work, for example, if a teenager runs into the oncoming lane and causes a fatal accident, is extremely difficult to understand. Therefore, in our opinion, this amendment is not relevant for our country. Another problem is the timely assistance to those injured in road accidents. Attention must be paid to the speed of response, the quality of medical care and the equipment of ambulances.

As we can see, road safety is influenced by many reasons. Starting with drivers, their level of training, driving culture, serviceability of the vehicle, quality of the roadway, level of material and technical equipment of the Road Safety Service of the Department of Public Safety of the Ministry of Internal Affairs of the Republic of Uzbekistan, and ending with legislative regulation of the sphere of road traffic and enforcement of these norms.

The achievements of science and technology have been reflected in the



creation of vehicles and other means of transportation, which include mopeds, scooters, monobikes, segways, longboards, jumpers, electric bicycles, motor-skates, electric scooters, fatbikes, gyroscooters, monocycles and many others. By operating these vehicles, which reach a relatively high speed, their owners drive onto the roadway, thereby creating an accident situation. Therefore, we think it is necessary to legislate a unified procedure for granting a driving license to drive these vehicles, to subject these vehicles to state registration, to control the level of drivers' knowledge of traffic rules, and to determine the criteria for classifying these vehicles as vehicles or other means for the purpose of traffic safety in the traffic code.

In our opinion, it is necessary to make the following amendments to the Traffic Rules:

- all sorts of electric scooters, gyroscooters, rollerblades and other similar vehicles should be singled out into a separate group
- personal mobility devices (PMD);
- to envisage a number of responsibilities and restrictions for people using PMD;
- to define the mobility criteria by a legislative definition in the traffic rules: they should be propelled either by human power or an electric motor, and be complex devices, i.e. trainers on wheels do not belong to them;
- define places for individual mobility devices: drivers over 14 years of age must use cycle lanes, cycle zones, cycle lanes on the carriageway, or, in their absence, on the pavement, kerb, edge of the carriageway;
- introduce a ban on overtaking other personal mobility devices and single lane requirements (similar to cyclists);
- limit the speed of PMD on pavements to 20 km/h.

A person who rides a personal mobility device is in fact a driver and a PMD is a vehicle, as it is a device and can be ridden on both roads and pavements, included in the concept of "road". The driver is the person driving the vehicle, Therefore, penalties should be provided for a number of offences for drivers of personal mobility devices, especially for driving PMDs under the influence of alcohol.

In this way, the legislation of the Republic of Uzbekistan will respond in a timely manner to technical innovations as a means of transport.

In addition to legislative changes, to prevent road traffic offences, it is necessary to strengthen the information and educational impact on different segments of the population to form the prevention of traffic violations.

For example, as noted above, involve civil society institutions to suppress offences and improve road discipline, create social advertising for various segments of the population from pre-school age to adults, improve technical equipment of road traffic management, create a safe and modern street and road network, provide all roads of Uzbekistan with markings, road signs, means of video and photo recording of offences, to reduce the load on transport highways organize convenient

Unfortunately, driving culture is not growing along with the number of cars, and its low level is often the cause of various mishaps on the roads. As stated above, this problem is one of the most pressing social and economic issues of our time, because the level of social consciousness of many road users does not correspond to the degree of danger [5].

The process of toughening of responsibility for committing road accidents began in



2007. During the same period the legislator unified the Code on Administrative Offences of the Republic of Uzbekistan and the Road Traffic Rules, however, to date the process of creating state enforcement measures for the commission of a number of unlawful acts has not been completed. And since the punishment is not stipulated by law, it is impossible to bring the perpetrator to administrative responsibility.

Thus, the principle of justice is violated, because the obligation to act in a certain way is not fulfilled and there is no norm imposing responsibility in the law. Of course, the injured party has the right to file a civil law claim in court for compensation for the damage caused or to apply to the insurance company of the person who caused the damage. However,

pecuniary compensation is not a ground for exemption from administrative liability, since the harm is caused not only to the victim, but also to the order of management of the society, which is regulated by administrative law. Despite the fact that both branches of law, civil and administrative, protect the interests of the injured party, but at the same time have different objectives.

Thus, having considered the problems of bringing to administrative responsibility for committing traffic offences, we have identified a number of normative conflicts in the current legislation. In our view, it is necessary to explore opportunities to improve the legal regulation of administrative legislation and fill existing gaps.

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