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**СОВРЕМЕННЫЕ ПОДХОДЫ К КВАЛИФИКАЦИИ И
ПРЕДУПРЕЖДЕНИЮ ПРЕСТУПЛЕНИЙ ПРОТИВ БЕЗОПАСНОСТИ
ДВИЖЕНИЯ И ЭКСПЛУАТАЦИИ ТРАНСПОРТА: КОМПЛЕКСНЫЙ
АНАЛИЗ ПРАВОВЫХ, ПСИХОЛОГИЧЕСКИХ И СРАВНИТЕЛЬНЫХ
АСПЕКТОВ**

Аннотация: В статье представлен комплексный анализ современных подходов к квалификации и предупреждению преступлений против безопасности движения и эксплуатации транспорта. Рассматриваются материально-правовые и процессуальные аспекты противодействия данным преступлениям, анализируется следственная и судебная практика, изучается международный опыт правового регулирования. Особое внимание уделяется психологическим факторам преступлений на транспорте и их значению для профилактической работы. На основе проведенного исследования формулируются предложения по совершенствованию законодательства и правоприменительной практики в данной сфере.

Ключевые слова: транспортные преступления, безопасность движения, эксплуатация транспорта, квалификация преступлений, следственный эксперимент, психология правонарушителя, сравнительный анализ, предупреждение преступлений, уголовная ответственность, правоприменительная практика.

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**MODERN APPROACHES TO QUALIFICATION AND PREVENTION OF
CRIMES AGAINST TRAFFIC SAFETY AND TRANSPORT OPERATION:
A COMPREHENSIVE ANALYSIS OF LEGAL, PSYCHOLOGICAL, AND
COMPARATIVE ASPECTS**

Annotation: *The article presents a comprehensive analysis of modern approaches to the qualification and prevention of crimes against traffic safety and transport operation. It examines substantive and procedural aspects of counteracting these crimes, analyzes investigative and judicial practice, and explores international experience in legal regulation. Special attention is paid to psychological factors in transport-related crimes and their significance for*

preventive work. Based on the conducted research, proposals are formulated to improve legislation and law enforcement practice in this field.

Key words: *transport crimes, traffic safety, transport operation, crime qualification, investigative experiment, offender psychology, comparative analysis, crime prevention, criminal liability, law enforcement practice.*

In the modern world, the problem of ensuring road traffic safety and proper operation of vehicles is becoming increasingly relevant. The rapid growth in public motorization, increasing complexity of transport infrastructure, and rising traffic intensity create new challenges for the legal system and law enforcement agencies. Of particular concern is the fact that thousands of people die annually in traffic accidents, while material damages amount to billions of rubles.

Criminal law regulation of liability for crimes against traffic safety and transport operation represents a complex system of norms requiring constant improvement and adaptation to changing conditions. The effectiveness of counteracting these crimes depends not only on the quality of legislative frameworks but also on the proper application of criminal procedure mechanisms and psychological work with individuals who have committed transport-related crimes.

Within the criminal law doctrine, crimes against traffic safety and transport operation, regulated by Chapter 27 of the Criminal Code of the Russian Federation, represent a system of illegal acts characterized by increased public danger and aimed at disrupting the normal functioning of transport infrastructure.

When analyzing the object of these crimes, a multi-level structure of protected social relations should be identified. At the generic level, the object is relations in the field of transport security as a whole. The specific object is contextualized in relation to various transport systems, while the direct object concerns the operation of specific types of transport. Notably, several crime compositions are characterized by the presence of an additional object (for example, human life and health in Article

271.1 of the Criminal Code) or an optional object (life in Article 266 of the Criminal Code) [1, 87 s].

The specificity of the objective side of these crimes lies in the fact that it can be expressed both in the form of action (for example, violation of traffic rules) and inaction (failure to provide assistance to those in distress). A distinctive feature of these compositions is the predominantly blanket nature of dispositions, which necessitates reference to a wide range of regulatory legal acts, including international conventions and federal laws in the field of transport security.

By construction, the elements of crimes are mainly material, requiring the occurrence of certain consequences for an act to be considered completed. However, there are also formal compositions, such as violation of international flight rules (Article 271 of the Criminal Code). The subjective side is characterized predominantly by a negligent form of guilt, although certain compositions presuppose intentional commission of the act. In some cases, the legislator establishes special characteristics of the subjective side, for example, hooliganistic motives in Article 267.1 of the Criminal Code.

The category of the subject of crime varies from general (a person who has reached the age of 16) to special (for example, road traffic participants). Special note should be made of the reduction in the age of criminal responsibility to 14 years under Article 267 of the Criminal Code. Systematization of these crimes allows for the identification of two main groups: crimes directly infringing on traffic safety and transport operation, and other crimes in the sphere of transport system functioning.

In the criminal law doctrine, researchers M.V. Bavsun and K.D. Nikolaev raised the issue of imperfect legislative constructions regarding liability for transport crimes as early as 2008. The scholars pointed to the need to unify approaches to formulating elements of crimes, particularly regarding the evaluative criterion of "major damage" and the special subject in Article 263 of the Criminal Code [2, S. 133-135].

In our opinion, these problems remain relevant today. The legislator has still not eliminated the noted contradictions, which continues to create difficulties in law enforcement practice. In developing this issue further, it should be noted that more radical changes to criminal legislation in the sphere of transport crimes have also been proposed in academic literature. For instance, V.V. Kusakin justified the need to introduce a separate article in the Criminal Code providing for liability for violation of safety rules in the operation of water transport. According to the scholar, this would eliminate the existing inconsistencies in law enforcement practice when qualifying such acts [3, S. 220-225].

In our view, this proposal deserves attention, as there is indeed a problem of inconsistent approaches to qualifying crimes committed during the operation of small vessels. In some cases, such acts are qualified under Article 268 of the Criminal Code, in others under Articles 109 or 118 of the Criminal Code, which creates certain difficulties in law enforcement practice and may affect the fairness of imposed penalties. In the context of legal psychology, analysis of the subjective aspect of crimes against traffic safety and transport operation is of particular interest. Plotnikova A.L. and Rodionova O.G. demonstrate that driver behavior can be predicted through the lens of planned behavior theory. According to this theory, driver behavior is determined by three key factors: Behavioral beliefs that shape attitudes toward traffic rule compliance. Normative beliefs that determine the degree of submission to social pressure. Control beliefs that enable awareness of one's limitations in specific road situations.

Of particular significance in analyzing the subject of transport crimes is that approximately 95% of traffic accidents occur due to the "human factor." The key reasons are: intentional traffic rule violations, errors in assessing road situations, and various vehicle control mistakes.

In this regard, it is necessary to analyze judicial practice in cases involving crimes against traffic safety and transport operation. As I.N. Mosechkin and A.V. Minina note, of particular importance when considering this category of cases is the

correct establishment of the form of traffic rule violation - whether it was committed through active actions or inaction [4, S. 199-202]. The determining factor is the nature of the violated norm: if a prohibitive norm is violated, the crime is committed by action; if a mandatory norm - by inaction.

Furthermore, for proper qualification and fair sentencing, it is necessary to precisely establish in procedural documents the specific rules violated and the method of their violation. It is insufficient to merely state the fact of violation - a detailed description of the subject's illegal behavior is required.

Analysis of this issue reveals an extremely concerning trend in investigative practice - the substitution of investigative experiments with other investigative actions when investigating transport crimes. According to the cited research, in 70% of cases where an investigative experiment was required, it was not conducted, and investigators limited themselves to additional crime scene examination, interrogations, or on-site verification of testimony [5, S. 538-555].

Of particular concern is the fact that such substitution leads to incomplete establishment of significant case circumstances, particularly the moment when danger arises for the driver. As a result, courts are forced to return cases to prosecutors, order repeated examinations, and conduct investigative experiments during the trial stage, which significantly delays the process and may lead to the loss of important evidence due to changing conditions over time. This problem is exacerbated by the fact that in many cases, defendants change their testimony in court, offering new versions of events, which become extremely difficult or impossible to verify without a timely conducted investigative experiment. This creates a risk of both unjustified conviction of innocent people and escape from liability of truly guilty parties. In the context of constructing sanctions for crimes against traffic safety and transport operation, it seems appropriate to consider foreign experience. Analysis of legislation in other countries, particularly Germany, France, and Serbia, shows that they apply more differentiated approaches to sentencing for transport crimes. The German experience deserves special attention, where criminal

liability is provided not only for the consequences of traffic rule violations but also for the very fact of dangerous driving or driving under the influence. The French approach to implementing additional punishment in the form of driver's license revocation is also noteworthy, where there is a possibility of partially retaining this right for professional activities with clear regulation of its use conditions [6, S. 168-170].

Considering this experience in improving Russian criminal legislation could contribute to increasing the effectiveness of preventive impact of criminal law norms in the field of transport security.

Thus, the conducted study of modern approaches to qualification and prevention of crimes against traffic safety and transport operation demonstrates the need for a comprehensive approach to solving existing problems. The key directions for improving legal regulation in this area should be: unification of legislative constructions of transport crime elements, implementation of advanced foreign experience in liability differentiation, improvement of investigative actions quality when investigating this category of cases, and strengthening the psychological component of preventive work. Only systematic implementation of these measures will allow increasing the effectiveness of countering transport crimes and ensuring proper protection of social relations in the field of traffic safety and transport operation.

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