

CRIMINAL ACTS AGAINST THE SAFETY OF THE PUBLIC TRANSPORT WITH SPECIAL FOCUS ON THREAT TO PUBLIC TRANSPORT

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Abstract: Road safety is the lack of danger in the activity of overcoming the space. Security is contained in the core of the traffic, as the property of traffic activities. It exist due to danger when a man shakes is managing machines overcoming space, and it is inevitable in case of failing functioning of the traffic, which exhibits a certain reliability, monitor the production process traffic as the inevitable loss due to unplanned costs and damages due to accident events. Traffic was established as a man to satisfy a desire to master space. The level of transport development reflects the current level of development of society. If the development of traffic is lagging behind the development of the society, then it is an obstacle to the further development of society. Optimal development is possible only with coordinated development of transport, economy and society as a whole. Today, most developed countries have the most developed transport. Traffic has contributed much to the overall development of civilization, and it is one of the important elements of its development. However, the adverse effects of traffic threatening to belittle and significantly reduce the use of transport.

In the period 1981 – 2012, 41,064 people were killed in road accidents in the Republic of Serbia. During the same period, 614,437¹ were injured. During the nineties, there has been a drastic increase in the number of accidents and the number of fatalities increased. These data represent a logical sequence of events, taking into account the kind of economic situation in the former Yugoslavia at that. At that time, little attention has been addressed to safety. This trend lasted until the mid-nineties, i.e. improved economic power, and after the growth of all indicators, at the end of the decade decline was obvious. However, all these changes cannot be regarded as a consequence of systemic breakthroughs in the management of road safety, but the current situation in which the Serbian society was. At the end of 2009, the new Road Safety Act entered into force, one of the most systematically significant, written on the model of the acts of leading European countries in terms of road safety.

Keywords: traffic accidents, road traffic, endangering public transport, road safety, RSA

1. INTRODUCTION

Whoever in traffic on public roads fails to observe traffic regulations and thereby endangers road traffic to extent to compromise life and body or property of larger extent, and this consequently results in minor bodily injury or property damage exceeding RSD 200,000 shall be punished by imprisonment up to three years.

¹ Podaci Agencije za bezbednost saobraćaja

Whoever fails to observe traffic regulations and consequently endangers railway, streetcar, trolley bus, bus traffic or cable car transport to imperil life and body or property of larger extent, shall be punished by imprisonment of six months to five years.

If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.²

2. THE PHENOMENON OF AN ACCIDENT

A traffic accident is an accident that happened on the road or started on the road, including at least one vehicle in motion, in which at least one person is killed or injured or damage is caused.³

A traffic accident happens to a direct participant in the accident but the wider community too. A participant who is not to blame for the resulting accident is interested to be satisfied from the economic point of view. The economic interest of the community is to reduce the frequency and severity of the consequences of accidents to a minimum. Each individual case of accidents it is necessary to discuss, and it is necessary to clarify the circumstances and facts why did the accident happen, because there are economic and other interests of the individuals and the community.

Direct protection of the accident cannot be considered the only factor that affects the properties of traffic safety. Objectively, judging on the organization of security or regulatory requirements demands broader observations that are founded on the study of the transportation activities. Direct care is a significant part of the required impact on safety. It usually leads to the "unexpected" oscillation of security, when society reacts more or less violently to the negative effects of traffic events. The dimensions of the actual security are objectively different. It is certain there are two main reasons for engaging each organized community in the prevention of traffic accidents - the need to protect life and health and to protect vulnerable material values in traffic. Given the fact that the accidents are social problem, there is a justification and interest of every organized society for the prevention of accidents, and much wider than interest in the proper orientation of direct care.

- Economic consequences of insecurity materialize as equivalent to the value of the loss, cost and damage to the transportation activities due to accident events.
- Epidemiological vulnerability of the population is evaluated according to death and injuries of people in traffic, compared to other high-risk activities.
- Bearing in mind the existence of correlations in economic development and traffic as particular types of economic activities, point of view that emphasizes the fact that material equivalent of the consequences of accidents directly affects the performance of economic activities is reasonable.

An important step to improve road safety in the Republic of Serbia are high quality, professionally based, enforceable and accepted programs and plans that define the objectives, activities for the realization of the goals and priorities according to the principle of relevance. It is important to clearly establish responsibilities and accountability for the implementation of plans and programs. Facilities that are planned and implemented by the traffic police, despite the fact they have the professional and public support, without significant participation of other stakeholders in the existing traffic conditions it is difficult

² Krivični Zakonik, čl.289, glava XXVI

³ Zakon o bezbednosti saobraćaja na putevima čl.7 tač.82

to significantly contribute to stopping growth and a gradual reduction in the number and severity of accidents and consequences.

Table 1: Overview of the number of accidents with the number of casualties, fatalities and injured persons by year⁴

Year	No. o accidents	The number of traffic accidents with persons victimized	Causalities	Injured persons
1981	N/A	16207	1810	21750
1982	N/A	16357	1838	21829
1983	N/A	15317	1658	19889
1984	N/A	15323	1719	20551
1985	N/A	14941	1603	20123
1986	N/A	15787	1667	21043
1987	N/A	16047	1714	21374
1988	N/A	16162	1704	21829
1989	N/A	16810	1780	22424
1990	N/A	17133	1955	23070
1991	N/A	16294	1892	22182
1992	30465	13664	1595	18071
1993	19963	9902	1183	13209
1994	20037	10951	1198	14084
1995	21578	11556	1090	15341
1996	65015	14283	1215	17974
1997	72059	17139	1496	22601
1998	62224	14491	1331	18856
1999	45339	11860	1100	15079
2000	48830	12749	1048	16620
2001	61711	15099	1275	19906
2002	52177	11586	854	14760
2003	55660	12415	868	15953
2004	62434	13374	960	17557
2005	62036	12769	843	16890
2006	63954	13923	910	18411
2007	70789	16594	968	22209
2008	67786	16672	905	22297
2009	64877	15814	810	21511
2010	47757	14179	660	19326
2011	42438	14119	731	19312
2012	37559	13333	684	18406

⁴ <http://prezentacije.mup.gov.rs/usp/Statistika/Statistika.html>

During the 2010, 660 people were killed in traffic accidents. The following year was even worse in terms of the number of fatalities in traffic accidents. The scientific and professional community usually explains this as weakening effects of the impossibility to implement certain statutory provisions, delays related to the adoption of by-laws, insufficient activity of individual institutions, weakening the positive effects of media influence and lack of enforcement of penal policy.

3. MAN

In a broader conceptual preventing of accidents, the man is regarded as the primary factor of safety. Observing how a person performs the task of driving are important for achieving security, because usually the driver at a critical moment can cause or avoid a traffic accident. A process of receiving and processing information is very important in making decision to drive. Ability to safely drive is shaped in layers: based on acquired knowledge about road safety, training of manual application of basic knowledge and skills of good driving. There are many elements in which man in different ways influence the passive and active safety. The most important elements of a man who influenced a comprehensive road safety are gender, age, ability, knowledge - education, attitudes, experience, behavior, fatigue.⁵ Men and women differ in many characteristics, which affect the difference in risk and their involvement in traffic accidents. Based on the analysis of approximately one hundred twenty five thousand traffic accidents in Serbia, it was concluded that women have a lower risk of involvement in accidents.⁶

Women, on average, they realize the danger better than men and are less prone to risks. Women are less involved in traffic accidents especially rarely exceed speed.

The life and life experience in traffic significantly affect the risk of traffic accidents. According to extensive research conducted in Serbia, it was observed that the driving experience decisively contributes to the safety of drivers.⁷ According to the nominal driving the track, all the drivers were divided into five classes:

- Inexperienced drivers (drivers beginners), up to 5 years of driving experience
- Inexperienced drivers (6 - 10 years of driving experience)
- Experienced drivers (11 - 15 years of driving experience)
- Mature drivers (16 - 20 years of driving experience)
- Very experienced drivers (21– 25 years of driving experience), and
- Old drivers (more than 25 years of driving experience).

It was observed that 42% of drivers involved in road accidents were beginners (up to 5 years of driving experience).⁸

4. VEHICLE

The vehicle is an essential factor in many developments in road transport. Through the number of vehicles in traffic, one of a natural indicator of the achieved level of security -

⁵ Lipovac Krsto, *Bezbednost saobraćaja*, Beograd 2008, str. 105

⁶ Lipovac Krsto, *Saobraćajne nezgode u preticanju, Viša škola unutrašnjih poslova*, Beograd, 1997. (39. str.)

⁷ Lipovac Krsto, *Obuka kandidata za vozače i polaganje vozačkih ispita u funkciji bezbednosti saobraćaja*, (studija), *Viša škola unutrašnjih poslova*, Beograd, 1997

⁸ Lipovac Krsto, *Bezbednost saobraćaja*, Beograd 2008, str.112

the number of accidents and their consequences to the number of passenger vehicles is expressed.

The vehicle is adapted to man in slow motion compared to the developments of modern traffic. Sometimes there is a discrepancy in relation to the needs and expectations of the vehicle to provide security. It is logical that the development of the automotive industry reflects the technical and technological level of the environment. It remains the fact that the traffic environment makes users of the vehicles - a man who operated the machine - that different bears the risk of unsafe outcomes machine control under other various traffic conditions.

Vehicle security is not neglected, as could be judged by the huge loss of humanity in the era of motoring. Aware of the high number of casualties in traffic, many studies and experiments are directed precisely to the vehicle as a "dangerous weapon" that people must use. Driving standards are based on exact explanation of how the vehicle adheres to road, transferring the load to the wheels when the vehicle brakes, accelerates.

5. THE SAFETY ASPECT OF THE ACTIVITIES OF THE POLICE IN PREVENTING CRIMES AGAINST ROAD SAFETY

A study of traffic accidents, as a way of endangering public transportation, shows the complexity of the etiology of traffic accidents. The role of the study of traffic accidents is essential in police work, because the effects of the work are seen through the prism of the frequency and severity of accidents. A great importance is given to accidents, because it is possible to precisely count and assess the legality of the next event. Professional work of the police department in road traffic safety is based on the requirements of the police to ensure the efficient performance of the transportation activities. The next step is implementation of guidance, positioning the organization of work, planning of activities and assessment of the effects of organization and planning.

Materially - the economic equivalent of losses and consequences for the life and health of people committed to the establishment of protection in traffic to the extent that the company is able to organize a preventive approach and to improve the technical and technological organization of the transportation processes.

The safety aspect of the development of police work in traffic is a problem that needs to be considered with care. Mortality statistic in relation to traffic is linearly related to the increase in the index of industrial production. Exposure of the population to death in the traffic accidents occurs with the increase of the motorization level.

Generally, regular checks are the needs of organized traffic, irreplaceable method of operation. The point of control is achieved if its application of the regulation does not retain traffic and does not interfere with its operation.

Police is dealing with preventive propaganda activities in traffic on clear assumptions and the belief that prevention in traffic is effective.

In order to successfully manage the traffic safety, it is necessary to carry out a coordinated series of extensive measures and activities, such as:

- Ensuring and improving traffic flow,
- Ensuring compliance with established modes of transport, detection and treatment of the offenders in traffic

- Support and contribution to the optimal training of drivers and improving the security properties of the vehicle in traffic
- Support and participation in the implementation of programs for the prevention of traffic safety,
- Managing and constant improvement of organization of the traffic police

6. CONCLUSION

Applying the law and changes in traffic behavior

Today, it is estimated that the change in behavior is the greatest potential of the impact on road safety (20 to 40% in the EU). Regulations play an important role in changing behavior. To realize this potential, it is necessary to make a good law and other regulation (already done), and that people comply with regulations while the behavior opposite to law would be punished. Implementation of the law has different goals and objectives implemented in three phases:

1. phase: changing behavior due to police presence

These are the current effects on the field – at the place and in time of traffic control. For example, drivers will obey a red light (or decrease speed) at a given location at a time when they realize there is a police control.

2. phase: changing attitudes

These are short-term memory effects related to the same place or the same offense that continue even after the police control. For example, after long-term control of movement at a red light (or speed control) in a particular place, drivers will obey the light signals (or decrease speed) at that place and even at times when no police control. Automated traffic control can contribute to this.

3. phase: Change of moral - social norms

These are long-term effects of expertly engineered campaigns and consistent application of the law, and rely on understanding the dangers of certain traffic violations.

For example, after many years (or decades) of consistent application of the law in relation to not obeying the red light (or speed control) and comprehensive campaigns that explain the meaning of coercion, most participants agree it is immoral to go thru the red light or exceed the speed drastically. In this way, people are willing to help and support the police in identifying and solving these offenses.

In Europe, there is an ongoing process of harmonization of regulations in road safety.

Particularly are monitored and harmonized:

- Passing the law,
- Respecting the law (police practice in particular), and
- The efficiency of the courts

In adopting new laws and the amendment, of existing state regulations is expected to support the minimum agreed expert opinion. In this regard, there are a number of recommendations of the United Nations, resolutions and other KEMT documents, EU Directives, OECD documents, etc. There is a number of international organizations, commit-

tees and other bodies which constantly monitor the process and help governments and other institutions to create national regulations.

Harmonization process does not end following the adoption of laws and regulations. Today, a great emphasis is given to harmonization of police practices. A uniform level of compliance with the law in the field of traffic safety is expected to be achieved in Europe, especially in the EU. In this sense, the European strategy of police force was adopted, while international experts participate in the reform of police organizations.

The role of law in promoting road safety is great. This role is often simplified and according to law encompass respecting the law, and sometimes only police force in the immediate traffic control (detection and punishment of offenses). However, when it comes to the law (regulations), we should discuss the following important areas:

- 1) Establishing a baseline of professional attitudes underlying the laws and regulations of traffic safety,
- 2) Compliance and verification of attitudes, policies and principles in the wider public,
- 3) Shaping clear scientific opinions in laws and regulations,
- 4) Promoting professional attitudes and legal provisions to public,
- 5) Passing laws and regulations,
- 6) Realization of the broadest campaign aimed at improving the attitudes of the public to accept and support the provisions of the law,
- 7) Law enforcement in practice, and
- 8) Continuous monitoring and improvement of regulations

Beside the fact that police is taking care that traffic law is obeyed, it is important to actively participate in other fields of work, too.

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