



**OBJECTIVE INDICATORS OF NONCOMPLIANCE WITH SAFETY
REGULATIONS FOR VEHICLE MOVEMENT OR UTILIZATION**

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ABSTRACT

This article offers a detailed examination of the tangible indications of breaching regulations for the safe operation or use of vehicles, as outlined in Article 266 of the Criminal Code of the Republic of Uzbekistan. It specifically addresses matters pertaining to the physical aspects and objective aspects of this offense. Specifically, when discussing the subject of this crime, we provide clarification on the vertical and horizontal categories of the subject. This includes the general subject, special subject, related subject, and direct subject of the crime. Additionally, we address the direct primary subject, direct secondary subject, and direct optional subject. The covering of concerns pertaining to the object of the crime also centers on the perpetrator of the crime. The investigation of the objective aspect of this crime includes a thorough examination of the concerns of social risk harkakat (inaction), which is categorized under Article 266 of the JC. It also delves into the socially harmful result that arises from the crime, as well as the causal link between the act and the consequence. Specifically, sound judgments have been made on the categorization of an action based on its effects, such as harm to an individual's well-being due to a car accident or the death of the victim. The paper primarily examines the perspectives of scientists for each instance under analysis, scrutinizes legislative norms, and delineates the author's viewpoints and findings.

Keywords

criminal target, criminal intent, automobile, traffic safety, vehicle safety regulations, interpersonal dynamics, offender, vehicle administration, target of crime.

Introduction.

The offense outlined in Article 266 of the Criminal Code of the Republic of Uzbekistan poses a threat to the social connections that guarantee the safe movement and use of vehicles, which are deemed integral to maintaining public safety and order. Currently, due to this criminal act, other legally protected entities, such as human life and well-being, might also be harmed. Nevertheless, these interests not only pertain to the legal aspect of this offense but are also regarded as



a supplementary entity to the primary aim safeguarded by Article 266 of CC. Alternatively, the crime in question should have been classified as a crime against life and well-being responsibility for crimes relating to infractions of vehicle safety laws or their specific elements, as well as difficulties regarding their qualification and guaranteeing their safe usage. In their study, q.R. Abdurasulova, G.A. Alimov, N.O. Allayarov, M.Appakov, M.Kadirov, N.R. Mallaev, M.H. Rustambaev, M.Usmanaliev, J.T. Kolmominov, and other scientists [1; 2; 3; 4; 5; 6; 7; 8] conducted research.

Experimental procedures and techniques. In this study, we will need to seek solutions to the subsequent inquiries: 1) Which social interactions suffer as a result of breaking traffic and vehicle safety laws? 2) How can a definitive decision be reached about the nature of this crime? 3) What specific behaviors constitute this crime, and how does immobility play a role? 4) How do different socially harmful outcomes impact the categorization of a criminal act? This study utilized legislation, specifically legislative actions enacted throughout the history of criminal law in Uzbekistan, as well as materials from applied practice and the works of scholars on this topic. As the author has presented, the study then derived conclusions and viewpoints from these sources.

The research was implemented using methodologies such as historical analysis, systematic analysis, logical analysis (including analysis and synthesis), and comparative-legal analysis of scientific information. Findings from the research.

Some criminal law textbooks characterize the goal of this offense as the regulations pertaining to road safety and the utilization of cars [9, 429 P.]. Nevertheless, this definition assumes a broad and inclusive nature. It fails to consider the current categorization of the criminal offense's object as established in contemporary criminal law. Some literature suggests that the direct object of the crime of violating safety rules for vehicle movement or use is the social relations that pertain to ensuring road safety. These relationships reflect the level of protection provided to participants in this activity from traffic accidents and their consequences. [10, 385-b.; 11, p. 813].

Regarding this matter, V. Lukyanov's perspective, as stated in [12, 25–26 P.], emphasizes that safety should not be measured just by the level of protection provided to road users against traffic accidents but rather by their entire protection from such incidents. Due to this factor, security is defined as the condition in which the traffic process is entirely free from the possibility of a traffic accident. While practicing safe driving, the driver maintains the ability to skillfully control the automobile according to their own discretion while adhering to traffic regulations.



The focus of the analysis is on the object of the crime. H. Rustambaev states that the primary target of the crime is the security of road traffic and vehicle usage, while an additional target is the well-being and physical condition of inhabitants [6, 108-b]. M. Kadyrov asserts that the primary target of this offense is the social connections that provide safety in the domain of vehicle transportation or utilization [5, 360-b].

A review of the research and the opinions of scientists and experts in the field on the subject of who should be held responsible for breaking vehicle safety rules or misusing them showed that there isn't a single, all-encompassing approach to the offense that was being looked at.

The controversy surrounding the subject of this murder should be acknowledged. The crime pertains to several types of vehicles, including cars (such as freight, passenger transport, light cars, sports cars, etc.), as well as trams, trolleybuses, tractors, and other mechanical vehicles.

The reference can be found in [6, p. 109]. However, according to the majority of writers, it is not concluded that a vehicle is considered a criminal weapon just because a road accident happens within it. Otherwise, these crimes would have been classified as manslaughter [13, 84-b]. It is important to acknowledge that the viewpoints of the two aforementioned scientists about this matter cannot be regarded as exhaustive. M.H. is the first. Rustambaev made the incorrect claim that "the object of the offense encompasses all types of vehicles."

As per the legislation of the Republic of Uzbekistan, specifically the "Road Safety Law" enacted on April 10, 2013 [14], a vehicle is defined as a mechanism intended for the transportation of individuals, goods, or for carrying out certain tasks. This version of the notion encompasses all modes of transportation for the movement of individuals, commodities, or specialized tasks, including railways, maritime, inland waterways, and aviation. As you are aware, the infringement of regulations pertaining to the operation or use of rail, sea, river, and air transportation is classified under Article 260 of the JC. Consequently, these vehicles are the focal point of the offense outlined in Article 260. Furthermore, categorizing a car as a criminal weapon necessitates classifying these offenses as manslaughter, thereby concluding the matter. In our opinion, Isaev's ideas are incorrect. When a vehicle is involved in a crime, it is necessary to establish the intention behind the conduct in order to classify it under the relevant item of the JC. To accurately determine the nature of a crime, a thorough analysis of all four components of the crime must be conducted. The sole legal foundation for accurately determining the classification of a crime is now limited to the specific details of the act itself [7, 58 p.]. If the driver of the vehicle intends to do significant harm to the victim's body or cause their death, the vehicle should be regarded as a weapon in the context of



manslaughter or bodily harm. Otherwise, it should be evaluated as a weapon for the specific offense under examination.

Consequently, any vehicles that are not rail, water (sea, river), or air transport are considered to be in breach of safety regulations for vehicle movement or usage.

In order to prosecute an individual under Article 266 of the JC, it is necessary to discover the specific indicators that define the objective elements of the crime.

An examination of the definitions ascribed to the notion of the objective aspect of the content of a crime allows for the inference that there is a lack of uniform understanding among individuals on its substance. A number of writers refer to the collection of indicators that demonstrate the severity of social harm brought about by an act of aggression as the "objective side of the crime." These indicators have objective, social, and legal significance, and they reflect the outward manifestation of moral standards. Socially harmful aggression targets an item that is safeguarded by criminal legislation [15, 148 P.]. Certain scholars have defined this as "a collection of legally significant characteristics that define the external aspects of a criminal act" [16, p. 145]. According to another group of authors, the objective side of a crime is defined as "a significant, adequate, and essential collection of indicators that superficially identify a socially harmful act that causes damage to an object protected by criminal law" and "an outward depiction of an action or inaction that causes harm or poses a threat to the criminal object" [17, 194].

L.D. Glasman defines the objective aspect of criminal content as a collection of external, objective, socially significant characteristics that reflect the kind and magnitude of its social harm. The text [18, p. 90] defines it as.

While the broad definition of a crime includes all indicators, the specific nature of a single crime may only involve a few distinctive indicators. An act, whether it is an activity or a failure to act, is unquestionably an essential element of the objective aspect of any criminal offense. The crime examined is a consequence of a breach of safety regulations pertaining to the operation and utilization of vehicles.

Authors who have examined the indicators of the objective aspect of traffic offenses at various points in time [6, p. 109; 19, pp. 12-24; 12, pp. 25-26] have conducted an analysis of their scientific work, leading to the conclusion that the objective aspect of violating safety regulations for vehicle movement or usage is manifested in the following:

Firstly, in contravention of the safety regulations pertaining to the operation or utilization of vehicles. The primary regulations governing this matter are outlined in the traffic laws of the Republic of Uzbekistan and the regulations pertaining to the authorization of vehicle usage. Additionally, the act in question can lead to socially perilous outcomes, such as the demise of young individuals, extensive destruction, and other severe consequences. This applies in cases where there is



moderate to severe bodily harm (as stipulated in Part One of Article 266 of the Judicial Code) or when a person loses their life (as stated in Part Two of Article 266 of the Judicial Code).

The third section of Article 266 of the Criminal Code states that the crime of violating safety regulations for vehicle movement or usage may only be shown if there is a clear causal connection between the outcomes that occurred and the breach of these rules. In order to prosecute someone under Article 266 of the CC, the objective signs of the crime in question include: 1) the violation of safety regulations for vehicle movement or usage; 2) the occurrence of negative consequences as defined by law; and 3) the need to establish a causal connection between the negative consequences and the violation of safety regulations for vehicle movement or usage.

When establishing the indications of the objective aspect of the crime, it is necessary to ascertain that the rules broken before pertain to the regulations controlling the safety aspects of vehicle movement and use. Subsequently, it is imperative for the perpetrator to ascertain the specific traffic safety regulations that have been breached and explicitly identify the driver's activities that contravene these regulations, as well as the necessary steps that must be taken to adhere to the laws [19, 12-13].

Section 266 of CC addresses infractions related to safety regulations governing the operation and utilization of vehicles. Hence, the initial step in examining a criminal case and identifying the indications of the objective aspect of the criminal framework is to establish whether these regulations are actually breached. If they are breached, the nature of the occurrence needs to be determined, specifically if it pertains to transportation (i.e., the execution of the transport function) or if it has a distinct nature (such as certain technological aspects). However, in order to do this, it is necessary to have a precise understanding of the laws that are encompassed in Article 266 of the JC.

Article 266 of CC possesses the characteristic of a comprehensive provision. Specifically, the Cabinet of Ministers of the Republic of Uzbekistan, in its decision 172 of April 12, 2022, makes a reference to the traffic regulations adopted by [20]. Currently, it is imperative to thoroughly consider the administrative and legislative framework governing road safety in the Republic of Uzbekistan. The laws controlling road safety in the Republic of Uzbekistan are primarily established by the statute "on road safety." The content is mostly definitions of basic terms used in road safety law, basic rules and guidelines for keeping people safe on the roads, as well as general legal principles that are explained in more detail in other laws. Therefore, it is unnecessary to ascertain if the driver breached the legislation of the Republic of Uzbekistan "on road safety" while identifying the indicators of the



objective aspect of offenses related to the violation of regulations for vehicle movement or usage.

Aside from laws, the current legislation on road safety also encompasses other regulatory legal actions that are enacted according to the procedures established by the authorities, various ministries, and agencies. When there are violations of the regulations of vehicle usage, it is important to consider all pertinent regulatory statutes. Given that Article 266 of CC is a comprehensive provision, the authoritative legal instrument that should be consulted to ascertain the commission of an act specified in this article is the "traffic rules." This document establishes the standard method for traffic movement on roadways within the territory of the Republic of Uzbekistan. In order to ensure the safe operation of mechanical transport, which is widely recognized as a common source of danger, and to mitigate the potential for severe consequences resulting from any violations, the Legislature has established mandatory rules for the safe use of vehicles that apply to all individuals.

According to Pikurov, normative materials with lesser legal authority can also be utilized to determine the elements of a crime, including mixed misdemeanors [19, p. 16]. Under present laws, this practice is permissible, as investigators rely solely on regulatory papers that align with the law and do not contradict it in order to establish the elements of the crime. In this case, the investigator should ascertain whether the relevant regulatory documents have received official approval from the relevant authorities, whether they contain all necessary requirements, and whether their rules do not overlap with those of a higher-ranking regulatory document.

As previously stated, there are numerous ways to commit a crime that use both active and passive methods and include indicative elements of the objective aspects of the crime's composition.

Thus, is in breach of the rules pertaining to vehicle traffic safety in the following ways: a) in exceeding the established speed limits; b) in disregarding the speed appropriate for specific road conditions, regardless of traffic intensity, vehicle and cargo characteristics, and weather conditions; c) in failing to comply with traffic signals and instructions. Violations of vehicle safety regulations include using vehicles that are technically faulty, transporting passengers in violation of regulations, using vehicles that are prohibited due to technical issues or lack of appropriate permission, failing to register vehicles properly, and not undergoing state technical inspections. Other violations include driving under the influence of alcohol, drugs, or substances that impair sensitivity and attention, driving while fatigued or insecure, and allowing individuals without the appropriate driving qualifications or medical examination to operate vehicles in a specific category.



Currently, it is important to consider that the liability under Article 266 of the JC arises from a violation that is closely connected to the promotion of road safety. The Legislature establishes regulations that directly govern the safety of transportation, with the condition that criminal responsibility is imposed for breaching the safety regulations pertaining to the usage of vehicles.

While there is a wide range of regulatory legal acts that establish rules for vehicle movement and safety, B.A. Kurinov argued that violations of safety rules for vehicle movement or use can occur not only by breaking "written" rules but also by disregarding "generally recognized unwritten rules of care." This conclusion is based on the observation that universally accepted behavioral norms, cautionary guidelines, and professional codes of conduct all have an impact on how drivers, transportation employees, and passengers behave. Regulatory texts are unable to comprehensively capture the entirety of vehicle movement and the corresponding standards of behavior. The advancement of science and technology in transportation might result in the establishment of new behavioral norms for individuals, which may not be promptly addressed in the corresponding regulation papers [21, P. 31]. In order to address such loopholes, he suggested classifying the breach of "widely acknowledged unspoken standards of caution" as a relevant criminal offense. This perspective, while having some logical basis, has not been substantiated as a proposition against the law in both theoretical and judicial contexts. Section 266 of JK is specifically limited to the present regulatory documents that control the safety of vehicle traffic and their usage. As per Article 266 of the JK, the offense is of material composition, implying that legal responsibility for breaching safety requirements for vehicle movement or usage can only arise if particular consequences occur. According to the legislation, these effects encompass either fairly severe bodily harm or the death of individuals. Consequently, a breach of the safety laws pertaining to the operation or use of vehicles is the subsequent manifestation of the objective aspect of the offense, as stated in Article 266 of the JC.

Section 266, subsection one, pertains to the death of an individual. Section 266, subsection two of the JC, addresses the deaths of many individuals. Section 266, subsection three, of the JC deals with the destruction and occurrence of other serious effects. According to the law, everyone who suffers as a result of the offender violating the safety rules for the operation or use of vehicles can be considered a victim. To assess the severity of the damage sustained by the victim, a forensic examination must be conducted in compliance with the established protocols. To prosecute the driver of the vehicle under Article 266 of the JC, it is insufficient to just establish the violation of applicable regulations and the occurrence of detrimental outcomes. Additionally, it is necessary to ascertain



whether there exists a causal relationship between detrimental outcomes and breaches of safety regulations pertaining to the operation or utilization of vehicles. In any crime involving material composition, there is an inherent connection between the causal link, which refers to the violation of safety regulations for vehicle movement or usage by the driver, and the resulting harmful consequences, such as bodily injury or death. A causal relationship needs to be established between an action that violates the applicable regulations and the resulting consequences. Any instance of disregarding safety regulations regarding vehicle movement or usage might lead to potentially hazardous outcomes in reality. However, if such consequences arise, it is necessary to determine whether specific safety standards for vehicle movement or usage have been broken and precisely identify the cause of the illegal outcome. It is important to acknowledge that, similar to any other indication of a motor vehicle offense, a direct connection cannot be presumed but must be substantiated throughout the investigation and legal processes. We believe that the notion that motor vehicle crimes may only be linked through a direct cause-and-effect relationship [22, 23; 24] is incorrect. It precludes the criminal prosecution of the actual culprits for the offense. Transportation authorities will also be held accountable for traffic rule infractions that are not only determined by the criminal outcome resulting from the victim's actions. The causal relationship in the situations that fall under the category under discussion is complex and characterized by a number of distinctive elements. Experts claim that a variety of factors, some of which indirectly contribute to the development of a causal link, can cause traffic accidents. As a result, the harmful consequences of accidents are often situation-dependent or random and may not always correspond to the severity of the rule violation [26, 30]. It can be hard to figure out the link between the rules about driving or using vehicles and the bad things that happen, as described in Article 266 of the JC. For example: 1) The existence of a bad consequence was caused by a breach of the applicable norms; 2) Yinki was an essential factor in the occurrence of a harmful outcome or presented a chance for it. When there is a failure to comply with safety laws for the movement or usage of vehicles, the causal connection demonstrates distinct features. In such instances, a) the individual is obligated to satisfy the stipulations of the applicable regulations; b) he was capable of carrying out the anticipated activities; c) the existence of a causal connection may be taken into account to ascertain if the execution of the expected action might avert adverse outcomes. Failure to fulfill an individual's duty to follow the applicable regulations can result in harm to legally protected interests and is a valid reason for being held liable for inactivity. V.V. Lukyanov provides further evidence of the objective aspect of the crime. According to his viewpoint, if we consider the offense committed by the driver, a breach of



traffic regulations that poses a potential danger of a car collision is considered an unlawful action [12, 25–26 B.]. According to him, the hazard associated with a traffic collision is an essential aspect of the objective side of a traffic offense and is a complete and fully developed symbol. According to V.V. Lukyanov, the possibility of traffic accidents always causes them. For instance, when a vehicle exits the driveway of another or when a driver loses control of their car on a wet and slick road,

Analysis of the results of the research.

1. Regarding the offense of breaching regulations pertaining to the safe operation and utilization of vehicles:

- The common object refers to social relations that safeguard an individual's rights, freedoms, and the interests of society and the state, as stated in Article 2 of the JC;

- The special object pertains to social relations that protect public safety and maintain public order;

- The related object encompasses social relations that ensure the safety and proper use of traffic;

- The direct main object involves social relations that guarantee the safety and appropriate use of all types of vehicles, excluding rail, sea, river, and air transport;

- - The direct additional object involves social relations that safeguard the inviolability of an individual's life and health;

- The direct optional object refers to social relations that protect a person's property rights.

2. Any kind of transportation, except rail, water (sea, river), and air travel, is susceptible to safety regulation violations pertaining to vehicle movement or usage.

3. The subsequent indications of the tangible aspects of the crime being investigated for the legal prosecution of an individual under Article 266 of the Judicial Code are as follows:

- breach of safety regulations regarding vehicle movement or usage;
- occurrence of legally stipulated negative consequences in reality;
- need to establish a causal connection between the negative consequences that occurred and the violation of safety regulations for vehicle movement or usage.

Conclusion.

Ultimately, the author posits that a road collision resulting in detrimental outcomes is a direct consequence of an unlawful action. Moreover, the infringement of traffic regulations engenders many consequences that adhere to



inherent principles and are unrelated to the driver's entitlement. If an automobile experiences this series of events, it has the potential to crash with another vehicle, overturn, ignite, detonate, submerge in a nearby body of water, or veer off the road. Aggressive behaviors at different stages of development can cause harm to the life, health, and property of individuals who are targeted.

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