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POSSIBILITY OF TRAFFIC CRIME PREVENTION*

Jelena KOSTIĆ, PhD*

Recently, there is often talk about the need to tighten the penal policy when it comes to the protection of road traffic safety. However, it seems that the imposition of a penalty by itself isn't sufficient means of deterring potential perpetrators of traffic offences. It's necessary to strengthen the certainty of the application of prescribed sanctions, and in addition to improve and apply preventive measures in a timely manner. Those measures can't replace the threat of sanctions as a means of prevention, but their application should be more frequent and adapted to different social groups, with the aim of improving their awareness of both their own safety and safety of other road users. In this paper, we are focused exclusively on the prevention of crime in road traffic, bearing in mind that the factors that threaten the safety of its participants are numerous and that it's constantly necessary to adapt to modern conditions, considering the increasing density of traffic, the speed of the vehicles being driven, as well as increasing number of road users. In the paper, we point out the factors that affect traffic safety, and then by analysing the proposed and realized activities from the previous Action Plan with the Road Traffic Safety Strategy, as well as by analysing the report of the Road Traffic Safety Agency of the Republic of Serbia, we want to point out the need for improvement and timely application of preventive measures.

That is why the content analysis method dominates the paper. Besides, in this paper we point out the importance of predictive activities of the police in order to effectively prevent traffic crime. However, one should keep in mind the specifics of both the perpetrators of traffic offences and the all traffic participants. Therefore, the possibilities of prevention should be considered in more detail and measures of preventive action should be

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adapted depending on the characteristics of road users. Research results from various fields (psychology, sociology, law and technical sciences) could contribute to this to a large extent. They should represent the basis for the creation of national strategies, and later the implementation of relevant measures aimed at combating traffic offences.

KEY WORDS: safety / road traffic / prevention / opportunities

INTRODUCTION

Traffic crime refers to various behaviours that violate traffic safety and which, due to their characteristics, are prescribed as criminal offenses by national legislation. Bearing in mind that they endanger both - life and physical integrity, as well as property, they carry a greater degree of social danger than misdemeanors. Common to both mentioned categories of traffic offenses is the violation of regulations regulating the safety of public traffic. Traffic offenses are mostly committed out of negligence, while there are also those committed with intent (Ignjatović, 2016: 129; Vujičić, 2018: 299).

Bearing in mind that difference between criminal offenses and misdemeanors against traffic safety is mainly based on consequences, it should be borne in mind that by preventing offenses that have a lower degree of social danger, the occurrence of more serious offenses (criminal offenses) that have more serious consequences is prevented. Preventive measures don't mean only sanctioning, but also different types of social prevention (Radulović, 1999: 38). Although recently the media often talks about the need to tighten the penal policy in order to suppress traffic crime, it seems that its prevention first of all requires improving the efficiency both in detecting and prosecuting offenders, and in the application of preventive measures (*Ibid.* 39). Such an approach contributes to establishing a balance between criminal law repression and social prevention. This doesn't mean the weakening of criminal protection, but the improvement of its effectiveness (Radulović: 35). Punishment can't be the only means of combating crime, but it should be an important means of prevention (Mrvić-Petrović and Đorđević, 1998: 127).

The authors believe that the main factors that influence the increase in the number of traffic accidents are: a large number of motor vehicles, traffic density, driving and meteorological conditions, lack of well-organized roads, insufficient application of traffic regulations, lack of traffic culture (Vujičić: 299). However, today some of them are quite dominant. Traffic density is increasing, traffic regulations are not respected, while the level of traffic culture is extremely low. Apart from the mentioned factors, the psychological properties and characteristics of road users, especially drivers, are also important for the occurrence of traffic accidents. Thus, the authors highlight the lack of self-regulation of drivers in order to adapt to risky situations and reduce te

possibility of negative consequences as a significant factor contributing to the occurrence of traffic accidents (Lazuras *et al.* 2022: 466 and 477). This is precisely why, when developing national strategies aimed at improving the safety of public transport, it should be taken into account in addition to research in the field of legal and technical sciences and research concerning the safety of road users from other scientific fields, such as psychology and sociology.

In this paper, we start from the assumption that in order to improve the safety of public traffic in the coming period, it's necessary to invest additional efforts that don't only mean tightening the traffic policy, but also the implementation of other preventive activities. That is why we are analysing the content of both the Action Plan and the Road Traffic Safety Strategy of the Republic of Serbia for the period from 2015-2020¹, as well as by analysing the draft of the new Strategy for the period 2023-2030, as well as the draft of the Law on Amendments to the Law on Road Traffic Safety. The goal of such an approach is not to criticize unrealized activities, but to give recommendations for the improvement of preventive measures in the field of road traffic safety.

1. OBLIGATIONS OF ROAD USERS AND THE CURRENT SITUATION

According to the Constitution of the Republic of Serbia, every person is guaranteed the right to life, physical integrity and personal security (article 25). It is necessary to ensure these rights when it comes to participation in traffic. That is why both the obligations for traffic participants and the sanctions for violating regulations in the field of traffic safety are prescribed. Traffic participants are obliged not to disturb, endanger or injure other participants with their behaviour, as well as to take all necessary measures to avoid or eliminate dangerous situations caused by other traffic participants, if they don't put themselves or others in danger (article 3, paragraph 1 of the Law on road traffic safety, *Official Gazette of the Republic of Serbia*, no. 41/2009...128/2020 – another law). The law prescribes obligations for a legal entity and an entrepreneur who performs the activity of manufacturing, maintaining, putting into circulation, repairing or modifying vehicles or devices, spare parts and equipment for vehicles. This obligation consists in performing tasks in the prescribed manner and in accordance with the rules of the profession, with the aim of safe participation of the vehicle in traffic (article 4.). In addition, the obligation of legal entities and entrepreneurs who are owners or users of vehicles to ensure that their vehicles in road traffic are technically correct and meet other conditions, as well as that the drivers of their vehicles meet prescribed health and other conditions for safe driving of vehicles (article 5. paragraph 2) According to the Law, the obligation of every natural person who is the owner or user of a vehicle is to ensure that his vehicle is technically correct in

¹ Conclusion on the adoption of the Action Plan for the implementation of traffic safety of the roads of the Republic of Serbia for the period from 2015 to 2020, *Official Gazette of the Republic of Serbia*, no. 1/2017.

traffic (article 5, paragraph 3). Therefore, obligations are not prescribed only for drivers, but also for pedestrians participating in traffic. Therefore, it's of particular importance to improve safety and continuous education at all levels. When it comes to urban environments, non-compliance with traffic regulations and a low level of traffic culture represent a special threat to safety. Activities undertaken at the local level are of great importance in the prevention of traffic crime. Therefore, local authorities are obliged to implement adequate measures in order to eliminate any type of danger to the safety of citizens (item 4.6, paragraphs 2 and 3 of the European Urban Charter).² Those measures should be based on up-to-date and comprehensive statistics and information. In order to act on them, the data contained in them must be precise and based on the research of experts who possess specialized knowledge in various fields. In addition, it should be borne in mind that the effectiveness of the measures undertaken to improve every type of security depends primarily not only of the close cooperation of formal social control authorities, but also on the activities of the entire local community (security principles, items 1-4 of the European Urban Charter).

According to the data from the Traffic Safety Strategy on the Roads of the Republic of Serbia for the period 2015-2020, the number of fatalities decreased after the passing of the Law from 2009. Media campaigns about a stricter penal policy also contributed to this. However, that number increased over time as a result of inconsistent application of the law and adequate measures to combat traffic crime (Strategy, 21 and 22). Based on the data stated in the Strategy, the largest number of traffic accidents were recorded on local roads and streets in the settlement, while young drivers dominate among those injured. The largest number of victims are passengers in passenger cars, while in the period before the adoption of the Strategy a large number of pedestrians were also recorded (Strategy, 23 and 24).

Along with the Strategy, an Action Plan was adopted. It defines five pillars in the framework of which measures are contained that should contribute to the prevention of traffic offences. In the framework of the first pillar, measures are defined regarding the improvement of the efficiency of traffic safety management. The second pillar consists of measures concerning the improvement of road safety. Within the framework of the third pillar, activities related to improving the safety of road users are defined, while the fourth pillar contains activities related to action after a traffic accident.

Bearing in mind the above mentioned, in order to improve the efficiency of traffic management in the following period, it was necessary to improve strategic management in the mentioned area, which also entailed the adoption of traffic safety strategies at the level of local self-government units. Other activities that were supposed to contribute to the realization of the same goal were the establishment of a modern and accessible database on traffic safety features, the improvement of the quality of data collection on traffic accidents and their consequences, the improvement

² Text in english is available at: <https://rm.coe.int/168071923d>, accessed on 13.5.2023.

of traffic control by the traffic police and inspections, and the establishment of a research system in the field of traffic safety and application of their results. Some of the mentioned activities in the following period were realized through reporting by the Road Traffic Safety Agency.

In order to improve the safety of road users, the Action Plan defined activities that should contribute to the realization of that goal, such as: improving the level of knowledge and skills of motor vehicle drivers, improving the safety of road users, improving the safety of vulnerable categories of road users and improving traffic education and education in traffic. In order to improve the safety of vulnerable categories of road users, the Traffic Safety Agency has established a reporting system on the state of their safety, which, like other reports, is available on its website.

According to the latest report of the Agency for Traffic Safety, the largest number of traffic accidents are caused by the participation of two or more cars, and the largest number of victims in accidents are drivers and passengers in cars. However, among the victims there is also a large number of people over 65 years of age, which points to a special need to protect older road users. When it comes to the days of the week, the fewest fatal traffic accidents occurred on Thursdays, while the largest number of such accidents occurred on Saturdays. The reason for this may be the increase in traffic density due to frequent trips during the weekend, which may affect the increased stress of the driver or the possible consumption of alcohol during the weekend. According to the available data from the report, the most common types of traffic accidents with one vehicle, and then traffic accidents involving at least two vehicles without turning (Traffic Safety Agency, Statistical Report on the state of traffic safety in the Republic of Serbia in 2021: 129).³ The above may indicate the need to increase the attention and traffic culture of drivers and other traffic participants, bearing in mind the fact that pedestrians can often contribute to their own victimization by their careless behaviour.

The most common cause of traffic accidents with fatalities in 2021 is reckless action by drivers in 64% of cases, followed by incorrect actions in traffic by drivers in 43% of cases (Traffic Safety Agency, Statistical Report on the state of traffic safety in the Republic of Serbia in 2021: 100). This indicates the need to raise the awareness of drivers both about their own safety and the safety of other road users. In addition, it can also indicate a lack of self-regulation drivers in order to control and adapt their behaviour to risky situations and reduce the possibility of harmful consequences.

According to the months, the highest number of traffic accidents in which young people died is the period from June to August. The least number of young people died in the month of March. Young drivers and passengers were mostly killed during the evening, night and morning hours. It is possible that the reason for this is the density of

³ Text is available: https://www.abs.gov.rs/admin/upload/documents/20220915105252-statisticki_konacno_2021.pdf, accessed on 13.5.2023.

traffic during the summer period due to annual vacations and more frequent stays away from home, while fatalities at night, evening and early hours could be related to the influence of fatigue or possible use of alcohol or psychoactive substances. Similar conclusions could be connected with the fact that a large number of young people died in the period from 10 pm to 2 am (Traffic Safety Agency, Statistical Report on the state of traffic safety in the Republic of Serbia in 2021: 101).

However, although the previous Road Traffic Safety Strategy was adopted for the period 2015-2020, the new one has not yet been adopted. The draft of the new Road Traffic Safety Strategy for the period 2023-2030 is currently before the Government. Bearing in mind that traffic safety is an area that is of great importance for the protection of basic human rights, such as the right to life and physical and bodily integrity, it seems that this area is not considered one of the priorities. It should be mentioned that in the Action Plan, in addition to the previous Strategy, the adoption of a new Public Traffic Safety Strategy for the period from 2020-2025 was foreseen. Therefore, it can be concluded that the work on its preparation and adoption is very late, because the new one for the period from 2023-2030 is still not in the parliamentary procedure.

2. PROPOSAL FOR NEW MEASURES TO PREVENT TRAFFIC CRIME

The draft of the Traffic Safety Strategy of the Republic of Serbia for the period from 2023 to 2030 has been prepared and submitted to the Government of the Republic of Serbia. The document lists shortcomings in the implementation of the previous strategy, which should be overcome by implementing the measures proposed in the new one.⁴ They are reflected in the lack of organization and management of traffic safety, insufficient awareness of the need to invest in traffic safety, insufficient commitment, lack of regular expert analyzes and reporting on traffic safety, unwillingness to monitor and implement measures and activities aimed at assessing the goals achieved, weak communication and coordination of important entities (Draft of the Traffic Safety Strategy of the Republic of Serbia for the period 2023-2030, March 2023: 13). The goals of the previous strategy weren't achieved at a satisfactory level, and as one of the priorities, the goal concerning the reduction of the number of dead and injured persons was not achieved either. Little use of seat belts on the back seat was observed, and the desired goal of reducing driving under the influence of alcohol, as well as the percentage of speeding, was not achieved. Likewise, there is still a very low percentage of use of child protection systems. Instead of the planned goal of 96% the use of such protection was recorded in only 48,7% of cases (Draft of the Traffic Safety Strategy of the Republic of Serbia for the period 2023-2030: 14).

⁴ Text is available at: https://ekonsultacije.gov.rs/topicOfDiscussionPage/152/1#_Toc100211922, accessed on 13.5.2023.

When it comes to the attitude of citizens towards traffic safety, a very negative attitude was recorded towards the use of seat belts by drivers, the use of cell phones while driving, as well as the use of helmets. However, a positive attitude towards the speed limit was recorded (Draft of the Traffic Safety Strategy of the Republic of Serbia for the period 2023-2030: 15). That was probably positively influenced by the use of technical means to detect speeding, as well as the sanctioning of drivers who violate regulations.

Although one of the important activities in addition to the previous Traffic Safety Strategy was the adoption of strategic documents at the level of local self-government units, according to the available data, only 20% of local self-government units have adopted such documents. In the reporting period, the adoption of some was still in progress. In addition, the implementation of such activities wasn't systematically monitored, nor was a competent institution clearly identified that would monitor the adoption of strategic documents and regularly monitor their implementation, as well as the harmonization of national and local documents and regularly analyze the achieved results and inform the public about it. According to the draft of the Strategy, the implementation of the previous activities was negatively affected by the lack of motivation, expertise, responsibility and support. Lack of interests at the local level was mentioned as one of the problems. In the previous period, the municipalities didn't conduct an independent assessment of the road's impact on traffic accidents with fatalities, which additionally reflected on the impossibility of improving traffic safety from the aspect of road safety (Draft of the Traffic Safety Strategy of the Republic of Serbia for the period 2023-2030: 22-24).

During 2023, a draft law on amendments to the Law on Road Traffic Safety was prepared. This was due to both economic and security reasons. In this paper, we will focus exclusively on the changes concerning the improvement of the safety of road users. The new provisions of the Law on Traffic Safety should improve the way of crossing railway tracks, given that they propose the introduction of two-color traffic lights for the regulation of crossing, bearing in mind that they have proven to be a more efficient and cheaper solution for the maintenance and regulation of railway tracks crossing. As a part of the draft law on amendments to the Law on Road Traffic Safety, the introduction of a new signal was proposed as a novelty in order to inform road users that the devices at the railway crossing are broken and that their increased attention is needed (articles 11 and 14-16 of the draft law on amendments to the Law on Road Traffic Safety).⁵

In the previous period, electric tricycles were used in traffic, and their use wasn't regulated by law. The new draft proposes a way of using electric vehicles (light electric vehicles) with the introduction of sanctions for non-compliance with those rules and

⁵ Text is available at: <http://www.mup.gov.rs/>, accessed on 13.5.2023.

define the term „light electric vehicle“.⁶ According to the proposal, a person under the age of 18 must wear a bicycle helmet while driving a light electric vehicle.

According to the new proposal, the driver of a light electric vehicle is obliged to use a bicycle path, a pedestrian-bicycle path or bicycle lane for movement, provided that he doesn't obstruct the movement of pedestrians and that he moves at the speed of a pedestrian, a maximum of 5 km/h. The possibility of moving on the road on a road where the speed of movement is limited to 30 km/h is also exceptionally prescribed, provided that there is no possibility of moving on a pedestrian path, pedestrian zone or sidewalk. In that case, the driver of a light electric vehicle must wear a luminous vest or be illuminated or marked with reflective material at night and in conditions of reduced visibility. Apart from the above, according to the proposed regulations, a person under the age of 14 will not be able to drive a light electric vehicle on public roads (articles 4-10 of the draft law on amendments to the Law on Road Traffic Safety). However, the proposed measures haven't yet been adopted, and their prescription will have no effect, unless there is an increase in controls by the competent authorities, which will check whether these measures are actually implemented in practice.

The draft also emphasized the importance of preventive police activities, so it was proposed that, in addition to the Agency for Traffic Safety, preventive activities should also be carried out by the traffic police (article 1 of the draft law on amendments to the Law on Road Traffic Safety): However, these prevention measures must be well thought out and timely planned and implemented.

In addition to prescribing sanctions and tightening the criminal policy, the so-called predictive police work can also be important for the prevention of traffic crime. It means the development of a police strategy or tactic that develops and uses information and advanced analysis for the purpose of informing and, above all, a proactive approach to crime prevention. Such an approach implies taking into account data on previous crimes, perpetrators and victims in order to predict the probability of committing traffic offenses in the following period and take preventive measures. The authors believe that it is possible to use information about predictable patterns of traffic accidents through proactive crime mapping. This can be done on the basis of a risk assessment based on events that occurred in the previous period. On the basis of such an analysis, it's possible to establish the presence of the police in places that represent the greatest danger for the occurrence of traffic crime. The authors believe that the presence of the police affects the reduction of aggressive driving behavior, which at the same time reduces the risk for traffic safety. At the same time, the point is to a smaller number of studies on the appropriateness of using the method, based on a limited number of studies in order to better predict the predictability of traffic crime

⁶ Article 2 of the draft of law on amendments to the Law on Road Traffic Safety defines a "light electric vehicle" as a vehicle with at least two wheels with a mechanical steering wheel, without a seat, whose continuous rated power doesn't exceed 0,6 kW, whose maximum design speed doesn't exceed 25 km/h and whose empty weight doesn't exceed 35 kg.

(Sieveneck and Sutter, 2021: 9). Predicting the possibility of committing traffic offenses and assessing the increased risk of accidents isn't an easy and simple task at all. This involves the use of various information, such as: geographic information, weather forecast, terrain information analysis, risk assessment information, as well as location analysis. Today, such an approach based on retrospective analysis is a modern approach to traffic accident prevention. The so-called „hot spots“ are identified according to the density and severity of traffic accidents from the previous period. However, according to the author, it's still not possible to draw a conclusion about the effectiveness of measures based on that method (*Ibid.*).

As already stated in this paper, the research of experts from different fields is very important for the implementation of preventive measures. According to research in the field of psychology, traffic safety risks are also related to personality structure and aggressiveness. In addition to the condition of roads, vehicles and weather, traffic safety is also affected by the behavior of drivers. Even the last component has a dominant influence on the occurrence of traffic accidents. According to the results of the researchers, the driver's anger while driving is a way of reacting to provocation or frustration (Failde-Garrido *et al*, 2021: 1 and 3). Based on the research on a sample of 245 men convicted of crimes against public traffic safety in the territory of Galicia (Spain) authors conclude that it's necessary to identify the profiles of different drivers and, based on that, apply both prevention measures, as well as punishment and rehabilitation of perpetrators of crimes against public traffic safety (*Ibid.* 8-11). Therefore, the results of similar research should be an integral part of both national and strategic documents of local-self government units.

CONCLUSION

Considering the complexity of traffic crime, it can be concluded that its prevention requires the application of various measures. These measures require the cooperation of various institutions as well as individuals. The prevention of traffic crime can't be contributed solely by a strict criminal policy. Of course, it's certainly an important tool that can be used to influence traffic participants to comply with legal obligations.

Traffic safety is affected by a large number of factors such as traffic density, condition of roads and motor vehicles, weather conditions, but to the greatest extent the behavior of the participants. They are obliged to adapt both to road conditions and weather conditions, as well as to the behavior of other road users. There is no doubt that driving aggression increases the risk of traffic accidents. According to the authors, anger caused by traffic conditions or the behavior of other participants contributes to it. For this reason, perhaps mandatory psychological workshops should be organized for drivers who have been involved in traffic accidents due to aggression, and alternatively for other interested drivers and road users. However, it requires an

adequate and timely strategic approach. This is precisely why, when developing national strategies, the research of not only experts in the field of legal and technical sciences, but also other scientific disciplines, especially psychology and sociology, is of particular importance.

Although a strategic approach is important for the further shaping of preventive action measures in the field of traffic safety, it seems that it should be much more serious. Thus, in the Republic of Serbia, the Road Traffic Safety Strategy was adopted for the period 2015-2020, and the new one has not yet been adopted. Some of the activities that were proposed with the stated strategy were not implemented. According to the reports of the Agency for Traffic Safety, a large number of traffic accidents occur on local roads. However, although one of the activities for the implementation of the aforementioned Traffic Safety Strategy was the adoption of road traffic safety strategies by local self-government units, very few local authorities have adopted such a strategy. That's why the activities from the Strategy, the draft of which was prepared, should be considered not as a formal obligation, but as a need for everyone to improve the safety of road users with their own contribution. Bearing in mind the low level of traffic culture, workshops should be organized during schooling, starting from the youngest age, the topic of which is the safety of road users. In addition, preventive action could be adapted to road users according to their characteristics, and the results of both scientific research and statistical data from the Agency for Traffic Safety and other relevant institutions would significantly contribute to the conception of those preventive measures.

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MOGUĆNOST PREVENCIJE SAOBRAĆAJNOG KRIMINALITETA

U poslednje vreme, često se govori o potrebi zaoštavanja kaznene politike kada je u pitanju zaštita bezbednosti drumskog saobraćaja. Međutim, čini se da samo propisivanje kazne nije dovoljno sredstvo za odvratanje potencijalnih izvršilaca saobraćajnih delikata. Potrebno je pojačati izvesnost primene propisanih sankcija, a osim toga unaprediti i blagovremeno primenjivati preventivne mere. Te mere svakako ne mogu da zamene pretnju sankcijom kao sredstvo prevncije, ali bi njihova primena trebala da bude učestalija i prilagođena različitim društvenim grupama, a u cilju unapređenja njihove svesti kako o vlastitoj, tako i o bezbednosti drugih učesnika u saobraćaju.

U ovom radu smo fokusirani isključivo na prevenciju kriminaliteta u drumskom saobraćaju, imajući u vidu da su faktori koji ugrožavaju bezbednost učesnika u njemu brojni i da je konstantno neophodno prilagođavanje savremenim uslovima s obzirom na sve veću gustinu saobraćaja, brzinu vozila kojima se upravlja, kao i sve veći broj učesnika u saobraćaju. U radu ukazujemo na faktore koji utiču na bezbednost saobraćaja, a zatim analizom predloženih i realizovanih aktivnosti iz

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