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**SOME QUESTIONS REGARDING THE FORMATION
OF TRAFFIC ACCIDENT MATERIALS FOR MINORS**

The family is the primary and basic cell of society. Mainly at the family level, a general view is formed in the child's mind. Here, parents play a leading role in the formation of the minor's personality. In our topic, parents consciously or unconsciously instill in their children a nihilistic or even negative attitude towards the law, handing over the car keys to minors, thereby teaching children to break the law already at the beginning of life.

School and the immediate everyday environment are also important but secondary social centers that influence the consciousness and behavior of the minor. It is in this environment that the child first acquires friends, rivals, and acquaintances. Here, for the first time, she focuses her attention on the behavior of a reference (influential) group of teenagers, usually high school students. This is an independent source of indirect education. At school or in the everyday environment, minors are a particularly submissive social group.

Psychological comfort means a valuable change in children's behavior or thinking vectors under the influence of authoritative peers, reference groups, etc. Often, minors (especially boys) like to talk among themselves about cars, etc.

Such conversations with elements of bragging, fearlessness and at first glance «cool» can be called a cliché of the modern teenage subculture – «golden youth». They exert a tangible influence on children of their age, and in half of the cases they were the driving force behind minor motor vehicle and careless crimes in Part 1 of Art. 124 of the Labor Code of Ukraine. At the same time, neither the parents nor the child think about the terrible consequences of such escapades: damage to property, mutilation, huge expenses for the consequences of road accidents, their own death and the death of other people.

In the Register of Court Decisions, starting from January 1, 2018, until today, we found a considerable number of decisions of judges of the first instance in cases about AP regarding cases of committing AP by minors, provided for in Art. 124 of the Labor Code of Ukraine. Let's analyze some of them.

On May 17, 2018, the judge of the Storozhinetsk district court of the Chernivtsi region Buzhora V.T. established in the issued resolution: «Minor PERSON_1 on 04/10/2018 at 7 p.m. 10 minutes in the village Miracles on the street Bukovynska 94, Storozhinetsky district, Chernivtsi region, while driving a Mercedes-Benz 220

vehicle, number plate NUMBER_1, did not choose a safe speed of movement, did not keep the distance, as a result of which he collided with car NUMBER_2. The cars were partially damaged, there were no victims, which violated clauses 12.1, 13.1 of the Traffic Code and the requirements of Article 124 of the Code of Criminal Procedure. The guilt of a minor PERSON_1 is confirmed by the administrative offense protocols dated April 10, 2018, DB series No. 352885, DB series No. 352886, the scheme of the consequences of a traffic accident dated April 10, 2018. Article 13 of the Code of Administrative Offenses establishes that persons between the ages of sixteen and eighteen years, who have committed administrative offenses, influence measures provided for in Article 24-1 of the Code of Administrative Offenses are applied». In the operative part of his decision, the judge ruled: PERSON_1 INFORMATION_1 resident INFORMATION_2, to be found guilty of committing an administrative offense provided for in Art. 124 of the Criminal Procedure Code and apply a warning measure to it [1].

On January 5, 2018, the judge of the Tyachiv district court of the Zakarpattia region Bobrushko V.I., after considering the case of an administrative offense, established the following: «Minor PERSON_1, 12/18/2017 at 4 p.m. 18 min., in the village Nerensitsa street I. Franka, driving a car of the brand «Person_2 A5», state license plate NUMBER_1, did not observe the safe interval, overtaking the car in front and collided with a car of the brand «Peugeot 306», state license plate 3C 29014, driven by PERSON_3, as a result that the cars received mechanical damage, that he violated clause 13.3 of the Traffic Rules. Having considered the case of an administrative offense, I believe that the actions of a minor PERSON_1 constitute an administrative offense provided for in Art. 124 of the Code of Administrative Offenses as a violation of traffic rules by road users that caused damage to vehicles, which is confirmed by the administrative offense protocol of the BR series No. 059615 dated 18.12.2017, the breathalyzer tests of PERSON_4 and PERSON_1 dated 12/18/2017, the diagram of the scene of the traffic accident from 12/18/2017, by written explanations of PERSON_3 and PERSON_1 dated 12/18/2017. Taking into account that PERSON_1 was under the age of eighteen at the time of committing the offense, I believe that a measure of influence in the form of a warning should be applied to him. The judge decided: against PERSON_1 to apply a measure of influence for the administrative offense committed by him, provided for in Art. 124 of the Criminal Code of Ukraine in the form of a warning» [1].

In the above-mentioned court decision, we recognized that the judge incorrectly applied the rules of substantive law and violated the rules of procedural law. We provide the following arguments in support of this claim.

Clause 2.13 of the Traffic Rules [2] enshrines the right to drive vehicles of category «B» for persons from the age of 18. That is, one of the main legal signs of a driver is reaching his 18th birthday. A person who has not reached this age cannot obtain a driver's license for the right to drive category B vehicles and, accordingly, drive them. Even when a person has reached the age of 18, he is not allowed to drive vehicles without a driver's license of the appropriate category. To obtain a driver's

license, you must complete theoretical and practical training at a driving school and successfully pass an exam. Therefore, the driver's license is the main document that certifies that the person whose information is indicated in the license has the knowledge and skills necessary to drive a vehicle.

In the above resolutions, judges recognize minors, who are not drivers by law, guilty of the offense provided for in Art. 124 of the Code of Administrative Offenses, not complying with the requirements of the law. However, one can agree with such decisions, but partially. Guilt is a person's subjective attitude to the act he committed, which is expressed in the form of intent or carelessness. Therefore, the persons who are brought to administrative responsibility in these cases are really guilty of what they have committed. Minors in these proceedings in relation to the offense committed by them, provided for in Art. 124 of the Code of Administrative Offenses, are not subjects of an administrative offense. This is explained as follows: Clause 1.10 of the Traffic Rules stipulates that a driver is a person who drives a vehicle and has a driver's license of the appropriate category. In the situations described in the regulations, minors did drive a vehicle, but they did not have a driver's license for the appropriate category of vehicles, because they did not reach the legal age of 18.

As is known from the theory of administrative responsibility, the mandatory elements of the composition of any AP are: object, objective side, subject and subjective side. If at least one of the mandatory elements is missing, the proceedings in the case, in accordance with Clause 1, Part 1 of Art. 247 of the Administrative Code of Administrative Offenses, subject to closure due to the absence of members of the AP. In accordance with Part 2 of Art. 284 of the Code of Administrative Offenses of Administrative Offenses, the decision to close the case is issued in the absence of members of the Administrative Court.

A general subject is a person who has reached the age of 16 at the time of committing an offense (Article 12 of the Code of Administrative Offenses). In accordance with Part 1 of Art. 13 of the Code of Administrative Offenses, if persons aged 16 to 18 years commit an offense under Art. 124 of the Code of Criminal Procedure, then they are subject to administrative liability on general grounds. In all such proceedings, the courts refer to the mitigating circumstance provided for in Clause 4, Part 1, Art. 34 of the Criminal Procedure Code and apply to minors the influence measures provided for in Art. 24-1 of the Labor Code of Ukraine. We remind you that measures of influence can be applied only to a minor who, firstly, has reached the age of 16 at the time of committing an offense, secondly, all the signs of the composition of the offense committed by him are present in his actions, thirdly, when, taking into account the circumstances of the offense committed, it will be appropriate to apply measures of influence to such a person.

Therefore, in the listed proceedings regarding the bringing of minors to administrative responsibility for their commission of the AP, provided for in Art. 124 of the Code of Criminal Procedure, the courts had no right to apply to minors the measures of influence provided for in Art. 24-1 of the Code of Criminal

Procedure, because the actions of minors do not have the composition of the AP – they are not special subjects, they do not have the status of a driver. Courts had to issue a resolution on closing the proceedings in the case of AP under Art. 124 of the Labor Code of Ukraine.

1. Єдиний державний реєстр судових рішень. URL : <https://reyestr.court.gov.ua>.
2. Про Правила дорожнього руху : постанова Кабінету Міністрів України від 10.10.2001 № 1306. URL : <https://zakon.rada.gov.ua/laws/show/1306-2001-%D0%BF#Text>.
3. Про дорожній рух : Закон України від 30.06.1993. URL : <https://zakon.rada.gov.ua/laws/show/3353-12#Text>.
4. Кодекс України про адміністративні правопорушення : Закон України від 07.12.1984. URL : <https://zakon.rada.gov.ua/laws/show/80731-10>.

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**ДЕЯКІ ОСОБЛИВОСТІ ВІДПОВІДАЛЬНОСТІ
НЕПОВНОЛІТНІХ ДІТЕЙ**

Відповідно до ст. 13 Кодексу України про адміністративні правопорушення особи віком від шістнадцяти до вісімнадцяти років, які вчинили адміністративні правопорушення, підлягають заходам впливу, передбаченим ст. 24-1 цього кодексу. У випадку вчинення особами цієї вікової категорії адміністративних правопорушень, які перераховані вище, вони також можуть бути притягнуті до адміністративної відповідальності на загальних підставах, залежно від характеру вчиненого правопорушення та особистих обставин правопорушника, за винятком правопорушень, передбачених ст. 185 [1].

Згідно зі ст. 24-1 Кодексу України про адміністративні правопорушення щодо неповнолітніх у віці від шістнадцяти до вісімнадцяти років можуть бути застосовані такі заходи впливу:

1. Zobov'язання публічно або в іншій формі попросити вибачення у