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LEGAL SIGNS OF AN ADMINISTRATIVE OFFENSE UNDER THE LAWS OF THE RUSSIAN FEDERATION

SIGNOS LEGALES DE UNA OFENSA ADMINISTRATIVA BAJO LAS LEYES DE LA FEDERACIÓN RUSA

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ABSTRACT

The article reveals the main problems and prospects of the classification of administrative offenses, discusses the main features of the legal composition of an administrative offense. The author examines the concept of guilt, and the effect of having it on the definition of measures of administrative responsibility for a particular subject of a legal relationship. The article describes the statistics of auto accidents for 2019 in Russia.

Keywords:

Administrative offenses, drivers, accidents, legal relationship.

RESUMEN

El artículo revela los principales problemas y perspectivas de la clasificación de los delitos administrativos, discute las características principales de la composición legal de un delito administrativo. El autor examina el concepto de culpabilidad y el efecto de tenerlo en la definición de medidas de responsabilidad administrativa para un sujeto particular de una relación legal. El artículo describe las estadísticas de accidentes automovilísticos para 2019 en Rusia.

Palabras clave:

Delitos administrativos, conductores, accidentes, relaciones legales.

INTRODUCTION

Compliance with such rules is in the interests of citizens, society and the state, and their violation is contrary to them and often leads to harmful and even socially dangerous. The relevance of the topic of this study is that the legal norms in force in Russia are aimed at ensuring law and order, state discipline in certain areas of activity that directly affect the interests of the majority of citizens. In this connection, the problem of defining the concept of an administrative offense, its characteristic features, seems to require additional scientific research.

Along with the theoretical interest, this topic has an important practical value in strengthening the rule of law, choosing the most appropriate methods of dealing with administrative offenses, ensuring the rule of law in the field of public administration and the protection of individual rights.

DEVELOPMENT

In the legal literature of the offense, depending on the degree of harm done to the individual, society and the state,

and the nature of the relationship to which they encroach, it is customary to subdivide into crimes and misdemeanors. The latter include administrative offenses, civil and disciplinary offenses. Traditionally, the most socially dangerous of the latter are administrative offenses.

It should be noted and such a characteristic of administrative offenses as their multiplicity, generated by the extensive environment of legal regulation of administrative rules and causing the diversion of significant forces and means of law enforcement agencies to fight them.

In January-August 2018 The number of persons identified as having committed administrative offenses as part of an organized group or criminal community (criminal organization) amounted to 7.2 thousand people (in January-August 2017 - 6.8 thousand people). The number of persons who committed administrative violations while intoxicated amounted to 225.0 thousand people, which is 6.7% less than in the corresponding period of the previous year, of which women - 24.4 thousand people (a decrease of 2.3 %), minors - 3.1 thousand people (a decrease of 9.3%) (Table 1).

Table 1. The number of persons, who have committed administrative offenses.

	<i>January-August 2018 thousand%</i>	<i>January-August 2017, %</i>	<i>Reference January-August 2017 in % to january-august 2016</i>
Identified perpetrators of administrative offenses	636,5	96,8	92,3
of them: women	100,1	99,6	93,0
men	536,5	96,3	92,1
minors	26,1	97,8	81,1
not having a steady source of income	414,0	95,3	92,1
unemployed	2,4	85,4	45,6
previously committed crimes	355,3	97,4	95,6

Statistics indicate a significant scale of these offenses (more than 80 million administrative offenses are detected annually).

In legislation, the concept of an administrative offense was first formulated in the Foundations of Legislation of the USSR and Union Republics of October 23, 1980. With clarification, it was reproduced in the Administrative Code of the RSFSR. According to Art. 10 administrative offense (offense) is an encroachment on the state or public order, social property, rights and freedoms of citizens, established management procedure, unlawful, guilty (intentional or careless) act or omission, for which the law provides for administrative liability. Administrative responsibility comes, if the offense is not by its nature entails criminal liability in accordance with the current legislation.

In the Code of Administrative Offenses of the Russian Federation, the concept of an administrative offense is defined, firstly, without specifying the objects of encroachment, secondly, in relation to individuals and legal entities, thirdly, without indicating the ratio of administrative and criminal liability. The main features and legal characteristics of administrative offenses are contained in the RF Code of Administrative Offenses. In Art. 2.1 the official definition of

such an offense is formulated: an administrative offense is recognized as an unlawful, guilty action (inaction) of a natural or legal person for which administrative liability is established by this Code or laws of the subjects of the Russian Federation on administrative offenses. This concept encompasses constitutive features of an administrative offense. They are: a) anti-publicity; b) wrongfulness; c) guilt; d) the punishment.

An administrative offense as an act is a unity of the physical and the mental, i.e. it is a conscious, volitional act of human behavior, expressed in a consciously motivated action or inaction. It includes the purpose, the means, the result and the process of the act itself, and also covers such personal categories as motives, value orientations, psychological attitudes towards the deed.

An administrative offense is a variant of legal pathology, deviant behavior, which takes the form of action or inaction.

The action is an active failure to comply with a duty, a legal requirement, and also a violation of a ban, for example, driving to a prohibitory signal or a prohibitory gesture of the traffic controller (Russian Federation. State Duma, 2002), exceeding the established speed of movement.

Inaction is a passive failure to comply with a duty, for example, failure to comply with requirements for a medical examination for intoxication (Russian Federation. State Duma, 2002), failure to fulfill obligations due to a traffic accident (12.27 of the Administrative Code of the Russian Federation). Often the same duties can be violated both by action and inaction, for example, violation of the rules for the repair and maintenance of roads, railway crossings or other road structures (art. 12.34 of the Administrative Code of the Russian Federation).

According to its social significance, the act is antisocial, harming the interests of citizens, society and the state. Antisocial nature emphasizes the tasks of the legislation on administrative offenses, and this is manifested in the wrongfulness of such violations.

What act within the framework of the institution of administrative responsibility is antisocial is determined by law? Consequently, not every antisocial act is related to the content of signs of an administrative offense.

Legal expression of a sign of public danger of an administrative offense is wrongfulness. The Russian state, recognizing this or that action or inaction as socially dangerous, establishes legal prohibitions to commit them. Wrongfulness is that a certain person performs an action prohibited by the law, or does not perform the action prescribed by a legal act. At the same time, the wrongful act is

not connected by the legal norm with the obligatory occurrence of harmful consequences. For bringing to administrative responsibility, the fact of violation (non-fulfillment) of the requirements prescribed by the legal norm is usually sufficient, since administrative offenses in the considered sphere are considered to be completed from the moment of the commission of the wrongful acts, i.e. creating a threat to one or another public relations.

Licit is to commit an act that violates the norms of not only administrative law, but also a number of other branches of law. Fundamentally, compliance with the relevant standards is protected by measures of administrative responsibility. This, in addition to administrative, may be the norms of constitutional, financial, civil, labor and other branches of law. So, when traveling without a ticket, the contract of carriage is not executed, and in case of tax evasion, the rules of financial law. An act that is not illegal cannot constitute an administrative offense and entail administrative responsibility.

An administrative offense is a guilty act or omission, i.e. the act, which is a manifestation of the will and mind of the acting (or inactive) person. In society, there are people who have consciousness, act deliberately, striving for certain goals. Here, nothing is done without conscious intention, without the desired goal. A person, committing this or that offense, is aware of its result, foresees and takes into account its consequences.

When committing an administrative offense, wine can be expressed both in the form of intent and negligence. Guilt - is the mental attitude of the offender to the perfectly socially dangerous, unlawful action or inaction, its consequences in the form of intent or negligence. The presence of guilt of the offender in one form or another is a necessary sign of an administrative offense.

A legal entity is held liable only for committing separate administrative offenses. Only an individual can be brought to administrative responsibility for committing an offense in the field of road traffic.

The presence of guilt is a mandatory sign of an administrative offense, the absence of guilt precludes the recognition of an act as an administrative offense, including when it is formally wrongful. For example, a deranged citizen violates the rules established for pedestrians.

An important feature of an administrative offense is its administrative punishability. A specific action or inaction can be recognized as an administrative offense only if the law provides for administrative responsibility for its commission.

The sign of administrative punishability is closely related to the legal consequences of the application of administrative liability measures. Their essence is that the imposition of an administrative punishment on the offender entails for him a state of administrative punishment; its legal status includes an element that characterizes the new legal status of the individual.

Article 4.6 of the Code of Administrative Offenses establishes that the state of administrative punishment, as a rule, unless otherwise established by law, lasts for a year from the day the enforcement of the decision on administrative punishment is terminated and is annulled upon expiration of it, i.e. without special decision or authorization of any state body or official. A person after the expiration of this period is not subject to administrative punishment.

Repeatedly committing an administrative offense in a state of administrative punishment before the expiration of the statute of limitations for prosecution established by current legislation may entail the imposition of a more severe administrative punishment, usually major penalties and even administrative arrest.

Administrative responsibility for the act also refers to the unconditional signs of an administrative offense. They recognize only the act for which the law provides for administrative responsibility.

On the one hand, an administrative offense is the basis of administrative responsibility, on the other hand, such responsibility is a sign of an administrative offense that determines its legal nature. Measures of administrative responsibility are aimed at stopping the offense and bringing the offender to justice in accordance with the nature of the offense committed by him. Administrative punishment is used in order to prevent the commission of new offenses by the person himself or others.

As a general rule, administrative offenses are formal, consist in the fact of unlawful behavior. But there are also material, entailing, besides wrongfulness, real adverse consequences. In cases established by law, in order to recognize an act as an administrative offense, it is necessary to have a causal relationship between the act and its adverse unlawful consequences in the form of injury to health, property, the environment, etc.

For example, material compositions constitute offenses that entail causing minor harm to the health of the victim (Russian Federation. State Duma, 2002), creating interference in the movement of vehicles. The legislator for the convenience of the law enforcer in the Administrative Code of the RF administrative offenses are grouped:

1. Depending on the form of the act:

- Administrative offenses committed in the form of an action (for example, Art. 20.1 of the Administrative Code of the Russian Federation “Petty hooliganism”).
 - Administrative offenses committed in the form of inaction (for example, Article 17.8. Of the Administrative Code of the Russian Federation “Hindering the lawful activities of the bailiff”).
 - Administrative offenses committed in the form of actions and omissions (for example, Article 17.3 of the Administrative Code of the Russian Federation “Failure to execute a judge’s order or a bailiff to ensure the established order of the courts”).
2. Depending on the object of encroachment, there are:
- Administrative offenses infringing on the rights of citizens
 - Administrative violations infringing on healthier, sanitary and epidemiological well-being of the population and public morality.
 - Administrative violations in the field of property protection.
 - Administrative violations in the field of environmental protection and environmental management.
 - Administrative offenses in industry, construction and energy.
 - Administrative violations in agriculture, veterinary medicine and land reclamation.
 - Administrative offenses in transport.
 - Administrative offenses in the field of road traffic.
 - Administrative violations in the field of communications and information.
 - Administrative offenses in the field of business activities.
 - Administrative violations in the field of finance, taxes and fees, the securities market.
 - Administrative violations in the field of customs (violation of customs rules).
 - Administrative offenses infringing on the institutions of state power.
 - Administrative offenses in the field of protection of the state border of the Russian Federation and ensuring the regime of stay of foreign citizens or stateless persons on the territory of the Russian Federation.
 - Administrative offenses against the order of management.
 - Administrative offenses infringing on public order and public safety.

- Administrative violations in the field of military registration.
3. Depending on the form of guilt:
 - Offenses committed intentionally (Russian Federation. State Duma, 2002), “Intentional damage or breakdown of seal.
 - Offenses committed out of negligence (Russian Federation. State Duma, 2002), “Violation of the deadlines for registration (re-registration) of a weapon or deadlines for its registration”).
 4. Depending on the source of attachment:
 - Administrative offenses established by the Administrative Code of the Russian Federation (from Chapter 5 to Chapter 21 inclusive).
 - Administrative offenses established by the laws of the subjects of the Russian Federation on administrative offenses.

Today, quite often there are accidents with fatal outcomes on the territory of the Russian Federation. The reasons for this may be very different.

Moreover, according to statistics, the most frequent all kinds of accidents have serious consequences not only in terms of material damage, but also harm to health and life.

For this reason, relatively recently, the limit of payments on compulsory OSAGO insurance policies was again increased. For 2019, the amount of such amounts is about 500 thousand rubles.

The dynamics of such incidents on the territory of the Russian Federation varies relatively little over time. Nevertheless, it is important to know the official statistics.

Especially attentively it is necessary to understand in advance how to deal with the receipt of insurance payments in the event of this kind of traffic accidents.

Today, it will be possible to receive information about road mortality in our country from public sources.

In 2019 alone, about 126 thousand road accidents were recorded in the Russian Federation - in which victims and dead were registered.

It should be noted that, in general, automobile accidents have become significantly less than they were last year. At the same time, the total number of deaths has increased quite significantly - by 16.6 thousand people.

The main causes of death of people in traffic accidents, according to official statistics, are the low quality of the roadway and driving while intoxicated - alcoholic or otherwise.

The total number of victims, but survivors and seriously injured, remained slightly decreased, but in comparison with other countries it remains excessively high - 160 thousand people.

At the same time, there is a relatively low percentage of mortality directly related to the driver's violation of traffic regulations. This figure is only 2.2% of the total number of fatal accidents.

It is also necessary to take into account that the number of accidents with different outcomes varies significantly in different regions. Accordingly, the causes of such situations also differ quite significantly.

Today, the general statistics of road accidents in various regions as a whole is not comforting. That is why it is necessary to be as careful as possible on the roads. Since many drivers simply do not want to abide by the rules of the road.

Usually, it is precisely because of this circumstance that all kinds of accidents and other unpleasant situations involving motorists arise.

For 2019, the total statistics of road traffic accidents on the territory of the Russian Federation is as follows (Table 2):

Table 2. Accidents on the territory of the Russian Federation.

The total number of accidents	133 203
The number of deaths in the accident	16 600 accidents
Mortality among children involved in an accident	582
Injured but not dead	168 146
Wounded among persons less than 18 years old	15 860

Despite the negative dynamics, the total number of accidents is quite large. In general, Russia is one of the first in terms of the number of accidents among other countries.

Mortality in road accidents is throughout the territory of our country more than 16 thousand people. At the same time, this indicator significantly differs depending on the region.

For the entire 2019 by region, the following number of citizens died in traffic accidents for various reasons (Table 3):

Table 3. Number of citizens died in traffic accidents.

Name of the city	Total deaths in the region
Moscow	492
Nizhny Novgorod	379
St. Petersburg	253
Rostov	501
Volgograd region	248

In general, the number of deaths in different cities differs relatively insignificantly. For the most part, all kinds of

accidents occur precisely because of the poor quality of the roadway.

Also a very important point is the large number of drivers who use their vehicles while intoxicated.

Motorcycling is not one of the most dangerous and extreme days. Due to the danger of this type of transport, a large number of accidents involving motorcycles occur. And most often the driver of a two-wheeled vehicle is the initiator of accidents. Usually the main reason is the neglect of the rules of the road, dangerous driving, as well as motorcycle malfunction.

Accordingly, the number of deaths of motorcycle drivers is much higher than the same indicator, but for drivers of cars.

Again, according to official statistics, motorcyclists get into fatal accidents 29 times more often than car drivers.

There is a fairly simple explanation for this - in the case of controlling an ordinary car, the driver is corny protected by the body. Also in most cases, the motorcycle has the opportunity to develop greater speed.

In 2019, about 181 accidents involving motorcycles were recorded. However, this figure has changed from the previous year as follows (Table 4):

Table 4. Accidents involving motorcycles.

The total number of accidents	Decreased by 23%
Mortality reduced in accidents of this kind.	By 28.9%
The number of injured decreased	By 23.5%
Over the past 12 years, the total number of accidents involving motorcycles	Reduced by 2 times

CONCLUSIONS

Based on the work done, we can draw the following conclusions: an administrative offense is recognized as an unlawful, guilty action (inaction) of a natural or legal person for which administrative liability is established by this Code or the laws of the subjects of the Russian Federation on administrative offenses.

But it should be borne in mind that, compared with other countries, Russia is essentially losing precisely in terms of the number of traffic accidents that occur.

Today, quite often there are accidents with fatal outcomes on the territory of the Russian Federation. The reasons for this may be very different.

Moreover, according to statistics, the most frequent all kinds of accidents have serious consequences not only

in terms of material damage, but also harm to health and life. The reasons for this are many. One of the most serious and most insurmountable is the poor road surface almost throughout the entire territory of the Russian Federation.

Statistics of road accidents allows you to determine what exactly the cause of the accident. Accordingly, on the basis of the data thus obtained, the state determines the methods for solving problems.

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