

Секция «Юриспруденция»

Dreams crashed by a car.
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Dreams crashed by a car ... Is it so can go further? Are we not able to cope with this deadly arrow, piercing our society? This problem is very important, requires certain measures to address it. There are a lot of defects in modern society, but the most important – these defects can hurt a lot of people at once. Drunk driving is a serious problem, because drunk driving is a threat to other road users. Most accidents with the most serious consequences occur are the fault of drunken drivers. Each driver must start working on themselves except that a small dose of alcohol can not affect the ability to drive. More dangerous sequela in the morning after parties, when the driver finds himself sober, although the percentage of alcohol in the blood can be off scale.

In connection with this problem the head of the Duma Committee on State Building Vladimir Pligin and deputy Vyacheslav Lysakov presented to journalists bill to toughen the responsibility of drivers for driving under drunk as well as the performance of “drunk” accident.

These essence of the bill in its present form is reduced to a total increase penalties for drunk drivers, but in the final version of it was not quite so absurd ideas – of life imprisonment, confiscation of automobiles and similar proposals made immediately after the accident at the Minsk street in Moscow.

Penalties will become stricter for drivers who refused to undergo a medical examination. For it will depend a fine of 50 thousand rubles and imprisonment for five years. The parliamentarians find preventive measures against drivers deprived of the right for drunkenness, but still who decided to drive without documents. For such violation would face up to three years in prison. For “drunken” accidents have killed the person responsible for long time to say goodbye to the freedom. If the death of one person, the driver will spend in a prison from 5 to 10 years (now up to 7 years), and if the death of two or more people – from 5 to 15 years. In addition, accidents killed several proposed to deprive the culprit driver’s license for life.[1]

At the same time legislators are going to close a loophole for motorists who commit accident in a drunken stupor and run away instead from the scene, and sobered up. Come to the police and undergo a criminal case is a sober and thus get a lower sentence. Now escape from the accident scene will be considered by analogy with the rejection medical examination as committing an accident while intoxicated.

Thus, the driver fled, according to the new rules, will get one for the accident victims from 5 to 10 years in prison. Also invited to administrative liability (a fine 3-5 thousand rubles) drunk eye lists and moped drivers. It should be noted that all road users, regardless of whether they accept drunk driving or not, will affect the following: a return to the points system of penalties. Scored 200 points will automatically lose the right to one year, and for this return after this term will have to retake the exam in the traffic police on the knowledge

of the rules of the SDA. To fight infringers proposed to increase the minimum fine from 100 rubles to 500 rubles, well, the maximum increase from 5,000 rubles to 50.000 rubles. Also for the first practice of the SDA was prompted to enter the gradation of punishment, which will depend on the proportion of alcohol in the blood of the offender. For example, the alcohol content of up 0,2 ppm would not result in any liability, as the driver in this case is a sober, because he held instrument may allow some error or man simply used medicines. But the case of a motorist from 0,2 to 0,5 ppm of punishment it cannot be avoided, as it will be deprived of his driving license for a period of 1,5 to 2 years and will be obliged to pay a fine of \$ 20 000,. From 0,5 to 0,8 ppm – from three years driving license revocation and a fine as early as 30 thousand.

At detection blood in 0,8 ppm and more – will apply to drivers of the most severe punishment to fine of 50 thousand rubles, and license suspension for a period of five years. However, some politicians considers that the return of the permitted amount of alcohol in the blood unfounded.

More on meeting start talking about increasing the punishment for exceeding the permissible driving speed set by the SDA, running a red traffic light and so on. Namely, increase the fine for violation of data points, up to the amount of more than 50 thousand.

It is known that alcohol, affecting the central nervous system, affects his mind and will, weakens self-control, difficult thinking. However, despite the degree of intoxication, including the most severe, such a person is considered legally responsible, and not exempt from criminal responsibility (Article 23 of the Criminal Code) due to lack of medical criteria. Intoxication though cause mental confusion, but it isn't recognized by medical painful condition because the subject doesn't lose touch with reality, maintains voice contact with others, recognizes the "I", so he can be aware of their behavior and to control to some extent their actions.[2]

Article 23 of the Criminal Code of Russian Federation provides: " A person who commits a crime in a state of intoxication caused by alcohol, drugs or other substances shall be subject to the criminal liability.[3]" Intoxication criminal legislation of the Russian Federation traditionally refers to circumstances precluding criminal responsibility in the case of a person in such a state crime. However, pathological intoxication is considered and the criminal law, and law enforcement as a form of insanity, excluding criminal responsibility.

The law applies to him indifferent, considering intoxication neutral factor. It does not mitigate or aggravate the liability. But what's the point of the rule? While we believe that the introduction o the item in Part 1 of the article 63 would be appropriate.[4]

In conclusion, the solution of this problem should involve not only the state, but society itself. Public reprimand and employee assistance services in road convicted drunk drivers will contribute a significant reduction in these crimes and offensive police in the roads. We must remember that our indifference can turn us in the end with dire consequences.

As for me, alcohol is an evil, ruining millions lives, thousands families. We must stop this evil by all legal ways. Put up with it? No, no and no!

Литература

1. The Criminal Code of Russian Federation.
2. Federal Law of 18 July 201 № 218-FZ "On Amending the Federal Law" On state regulation of production and turnover of ethyl alcohol and alcohol products "and

Certain Legislative Acts of the Russian Federation and the Annulment of the Federal Law” On limited retail sale and consumption (drinking) beer and beverages produced on its basis””

3. Rarog A.I. – Criminal Law of the Russian Federation. General part
4. Krukligov L.L. – Criminal Law of the Russian Federation. General Part