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PENALTIES FOR THE ROAD TRAFFIC OFFENSES - THE GOAL IS TO PUNISH OR TO EDUCATE?

Erika Statkienė

Mykolas Romeris University, Lithuania
erstatkiene@stud.mruni.eu

Abstract

Purpose – Lithuanian legislations regulating road traffic procedures indicates that main purpose of legal regulations is to improve traffic safety requirements on roads in order to protect the life, health and property of road users and other persons, to improve transport and pedestrian traffic conditions[1]. Thus, the statistical data analysis indicates otherwise as well as evaluations of protocols and legal acts for the offences of road violation. Using the retrospective assessment, when assessing the past situation and its change, examining the reports of the work of police institutions in carrying out traffic supervision from 2008 to 2020, an increasing trend of traffic violations in Lithuania is observed. The number of road traffic offenses detected in 2008 is almost forty-two thousand, while in all twelve months of 2020 more than four million road traffic offenses are recorded, which presupposes that the Lithuanian law enforcement and law enforcement system and road prevention traffic offenses do not work properly and do not seek the goal indicated in the legislations of Lithuania[2]. Therefore, the finding of the fact, that the mitigating circumstances provided for in the legislation[3] and the possibility to not penalize the road violation offense, by applying mitigating circumstances, or to issue only a warning or another alternative measure of responsibility, so that a person in fault could learn from his mistakes, without imposing a fine, rarely are applied by the law enforcement officer in charge. Thus, these indications arise reasonable doubt of the

[1] Law of the Republic of Lithuania on Road Safety. *Official Gazette*. 2000-10-31, No. 92-2883.
[2] *My movement. Lithuanian Road Police Service. Statistics on road traffic offenses* [interactive]. [accessed 2021-06-01]. https://lkpt.policija.lrv.lt/lt/statistika/keliu-eismo-taisykliu-pazeidimu-statistika.
[3] Code of administrative offences of Republic of Lithuania. *Official Gazette*. Consolidated version from 2021-07-15 to 2021-10-31, No. 2015-11216.

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purpose of the legislation of the requirements of traffic rules in Lithuania and the effectiveness of our legislation, as well as the ways to seek the goal indicated in it.

Design/methodology/approach – the research paper is based on qualitative-comparative document analysis method for comparing statistical data, case law decisions, publications and legislation in the field of road traffic offences. The analysis, evaluation and interpretation of case law decisions, as well as protocols of administrative offences for the violation of road traffic regulations of Lithuania, are taken into account by summarizing research conclusion.

Finding – the legal legislation and its implementation for the road traffic offenses in Lithuania are goal orientation mechanism. The formally indicated aim of these regulations are noticed to be for the purpose of educating people and fulfilling the pursuit of the legislation in reaching the aim to ensure to protect the life, health and property of road users and other persons. Thus, investigation and the results of this research pointed out dysfunctional areas of implementation of such regulations as well as reasonable doubt for its purpose, seemingly indicating the pursuit to seek different goal to punish, to show the high number of results of offences which have been investigated and gain profit in the process of implementing the requirements of traffic rules, thus education and teaching society is not implemented productively.

Research limitations/implications – to indicate the gaps in the legislations of the requirements of traffic rules, to understand what should be improved to seek the goal of narrowing down such offences. Thus, it is inevitable to investigate and point out the indicators, which specifies the different purpose and its implementation for penalties imposed for the violation of road traffic regulation in Lithuania.

Practical implications – the comparative analysis provides a background on further discussions concerning legal ways to apply road traffic regulations by seeking its true purpose.

Originality/Value – there are no recent scientific research carried out in which the legal requirements of offences for the violation of road traffic regulations were analyzed. There are limited access of academic insights analyzing the issues of the goal of implementing the indicated penalties for such offences and reasonable solutions to reduce the growing numbers of such violations in Lithuania.

Keywords: road traffic offences, penalties, purpose of implementation.

Research type: research paper.