

Bahirov S. Drawbacks of the bill project about supplementing article 286 of the Criminal Code of Ukraine with the norm of exemption from criminal liability and the risks of its adoption

The article analyzes the quality of the bill number 10236 dated April 17, 2019, filed by the People's Deputy of Ukraine I. O. Lapin, which proposes to amend the Article 286 of the Criminal Code of Ukraine as regards liability for violations of traffic safety rules.

The attention is focused on a number of shortcomings and criminal-law risks that this bill contains.

Such drawbacks are:

1. The logical inconsistency of the considerations of the initiators of the bill, which, criticizing the legal uncertainty of the norms of the Road Traffic Rules of Ukraine, suggest that amendments be made not to the relevant points of the Rules, but to the Criminal Code of Ukraine.

2. Failure to comply with the logical structure of the norms for exemption from criminal liability – exemption is not made dependent on the positive post-criminal behavior of the perpetrator.

3. Ignoring the theoretical developments of the criminal law doctrine, according to which the consequences of a traffic accident may be causally related to violations of traffic safety rules imposed by several participants in traffic.

4. Instead of reducing the amount of criminal liability (mitigation of responsibility) of a road accident participant who participated in the process of causing the consequences together with the others, it is unreasonable to propose complete and unconditional exemption from criminal liability.

In addition to the above, the bill contains the risks of unjustified avoidance of criminal responsibility by persons who, along with other traffic participants, violated the rules of road safety and allowed the onset of traffic accidents.

The research, carried out in this article, updates the problems of the quality of scientific support of the lawmaking process and the problem of criminal legal risks in law-making and law-enforcement activities, which have already been set in the domestic theory of criminal law.

Key words: road safety, violation of safety rules, traffic participant, exemption from criminal liability, causality, criminal-legal risk.