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World experience of legal regulation of road safety

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Abstract

The article analyzes the characteristics of the legal regulation of road safety in different countries of the world. In addition, current issues in the field of road safety are revealed, which can be conditionally divided into several groups. Such issues include legal regulation; the structural organization of legal regulation: personnel, material, technical and financial support. The key directions of the state policy of different countries of the world in the field of ensuring road safety are identified, as well as new principles for the formation of criteria to guarantee road safety. It analyses the positive experience of some countries in the field of road safety. In particular, the experience of China, Japan, and some European countries in the field of ensuring road safety could be considered by other countries at the same time as the legal regulation of road safety. It is concluded that, to improve the efficiency of the legal regulation of road safety, a systematic approach is required, including the development of objective indicators, the use of systematic and evidence-based measures aimed at preventing road accidents and reducing the severity of their consequences.

Keywords: road safety; motorized transport; accidents; traffic accidents; traffic rules.

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Experiencia mundial en regulación legal de la seguridad vial

Resumen

El artículo analiza las características de la regulación legal de la seguridad vial en diferentes países del mundo. Además, se revelan temas de actualidad en el campo de la seguridad vial, que pueden dividirse condicionalmente en varios grupos. Tales temas incluyen la regulación legal; la organización estructural de la regulación legal: personal, material, soporte técnico y financiero. Se identifican las direcciones clave de la política de estado de diferentes países del mundo en el campo de garantizar la seguridad vial, así como nuevos principios para la formación de criterios para garantizar la seguridad vial. Se analiza la experiencia positiva de algunos países en el ámbito de la seguridad vial. En particular, la experiencia de China, Japón y algunos países europeos en el campo de garantizar la seguridad vial podría ser tomada en cuenta por otros países al mismo tiempo que la regulación legal de la seguridad vial. Se concluye que, para mejorar la eficiencia de la regulación legal de la seguridad vial, se requiere un enfoque sistemático, que incluya el desarrollo de indicadores objetivo, el uso de medidas sistemáticas y basadas en evidencia dirigidas a prevenir accidentes viales y reducir la severidad de sus consecuencias.

Palabras clave: seguridad vial; transporte motorizado; siniestralidad; accidentes de tráfico; normas de tráfico.

Introduction

The transport sector is a strategic component of the infrastructure that should ensure the interests of individuals. The leading place in it is occupied by motor transport. Without it, modern society cannot exist. At the same time, along with the positive consequences, motorization has created a number of issues. First of all, it is a high level of mortality and injuries due to traffic accidents.

The relevance of ensuring the safety of road users is indisputable, and causes the alarm of the entire world community. This circumstance makes this direction one of the priorities in the social and economic policy of the ONN. The UN General Assembly adopted the “Global Plan for the Implementation of the Decade of Action for Road Safety 2011-2020” (World Health Organization, 2011), which was considered within the framework of the 2030 Agenda for Sustainable Development of the year. The Global Plan recognizes the inevitability of the consolidation of the forces of the world community in overcoming the problems of ensuring the safety of road users. As a tool to achieve this goal, the World Health Organization

(WHO) and the UN Regional Commissions are tasked with coordinating the follow-up to the Global Plan using a phased series of reports on the state of global road safety. The first report was presented in 2009 in anticipation of the adoption of this UN resolution, the second in 2013, the third in 2015, and the fourth in 2018.

The latest report from the World Health Organization (WHO), published in December 2018, notes that road traffic deaths continue to rise, with 1.35 million deaths per year. The 2018 WHO Global Road Safety Report highlights that road traffic injuries are currently the leading cause of death in children aged 5 and under and young people under 30. This report encourages national governments to significantly intensify their efforts to implement measures to prevent car accidents. Strong government action, traffic enforcement, smart road construction, and powerful public awareness campaigns can save millions of lives in the next decades around the world.

By the beginning of the XXI century, most of the developed countries of the world have accumulated a fairly large and diverse experience in the field of road safety. There is no doubt that the socio-political, economic, legal characteristics of each state, together with historical and cultural traditions, determine the variety of principles for the formation, definition of competence and functioning of state road safety systems. Their analysis allows us to identify some common features and determine stable trends in this activity.

1. Historical aspects of formation and development of legal regulation of road safety

Tracing the evolutionary path of development of the world states, it can be noted that with the development of urbanization, it became necessary to influence the authorities on road traffic. Attempts were made to alleviate the position of pedestrians to some extent by protecting them from the effects of horse-drawn vehicles. In Rome there was a ban on the entry of carts and carriages during the daytime. The use of chariots was the exclusive privilege of the upper classes.

In the Middle Ages, there were practically no carriages, and the rules of behavior on the road were determined, first of all, by the social rank of the traveler. In particular, a knight could trample a peasant, but everyone was obliged to yield to the passage of the bishop or lord of the sovereign.

The rapid development of trade, manufacturing, money circulation caused the rapid growth of cities of a different type. The population grew rapidly, and new ties arose between regions. The intensity of freight and

passenger traffic on the roads grew. At the same time, there were also problems of road traffic and its safety. In each country, they tried to solve them in their own way. However, the general tendencies were considered even then.

Along with the rules governing road traffic, responsibility for their violations was introduced everywhere. Thus, in 1687, in North America after an accident with a child crushed by a horseman, a fine was imposed for excessively fast driving. In 1767, in England, a law was renewed prohibiting the parking of carriages on the streets.

In 1822, the British authorities have already introduced the real rules on the order of movement. They implemented rules to keep to a certain side, to not go too fast, to not come close to the front carriage, to not block the road for others, etc.

The creation of an internal combustion engine in the middle of the 19th century paved the way for the development of a new industry - the automotive industry, which has been leading its history since 1887.

The first laws associated with the emergence of the car, set the maximum speed of the car: on state and highways - 6 km / h; in a village - 3 km / h. It was forbidden to give sound signals at crowded intersections. In Germany, at the beginning of the century, there was a law according to which cars could only be driven on certain days and only along the route permitted by the police (Chamlin and Sanders, 2017).

In 1910, there were 20 million cars in the world. Having become one of the main types of mechanical means of transportation, the car has had a strong impact on the development of road infrastructure. It caused not only widespread road construction in all European countries and the USA, but also changed the type of road surface itself. The construction of highways of a new type has been especially intensive since the 1930s in Germany and the USA. The need to ensure road safety was evident in the middle of the 19th century. In the 1860s, street traffic controllers appeared in London, manually controlling light, gas signals. The first installation of modern traffic lights, originally two-section, took place in England in 1926 (Mayorov and Andreeva, 2017).

Moreover, in England and Germany, a certain order was immediately established: the red signal was placed at the top, the green one at the bottom. In the cities of the USSR and the USA, the location of red and green lights remained arbitrary (Agureeva, 2006).

The first traffic lights were made in the form of cups, like a turtle's shell, which had glass slots. In 1908, the first four international road signs were approved by the first international congress and the International Tourism Conference held in Paris. They designated "turn", "bumps", "railway

crossing” and “crossroads”. The results of the long work to create a kind of traffic code, binding on all countries, were summed up in 1968 at the United Nations Conference on Road Traffic, held in Vienna. There were adopted two fundamental documents - the Convention on Road Traffic and the Convention on Road Signs and Signals. The adopted documents formed the basis for the regulation of international road traffic and the establishment of uniformity of traffic rules, basic rules and signal signs.

The first victims of road accidents were officially registered in England in 1896, when two people died as a result of car accidents. Across the ocean, the tragic countdown of deaths under the wheels of cars began in 1899. Subsequently, the number of victims of the car multiplied with such a terrifying speed that it assumed the dimensions and nature of a natural disaster. A similar situation developed for many reasons: low quality roads, imperfect traffic management, non-observance of traffic rules by drivers and pedestrians.

2. Current issues of legal regulation in the field of road safety

The issues of legal regulation in the field of road safety are divided into three main groups (Bulavkin, 2016):

- 1) regulatory legal regulation.
- 2) the structural organization of legal regulation.
- 3) personnel, material, technical and financial support.

Most governments have taken vigorous steps to develop and improve the legal framework governing the main groups of public relations in the field of road traffic. At present, the entire set of such acts is a certain system, which consists of international legal acts that apply to all countries of the world community, to a separate continent (for example, Europe, unions of states (EU), national legislation). It should be noted that the system of normative legal regulation in the considered area of public relations in European countries is built and developed on certain principles of state regulation, key directions of state policy, criteria for ensuring road safety and the main trends in the state of road safety.

It is important to emphasize that during the development and implementation of legal norms, their social orientation is traced. This position is quite understandable and is due to the deep connection of public administration in the field of road traffic with social processes and phenomena occurring in the state, where the main goal is to implement measures aimed at creating conditions that ensure a dignified life and free human development (Hysing, 2021).

Therefore, the leitmotif of the legal regulation of the relevant activities is to consolidate as the main principle the leading role of the state in ensuring road safety and its responsibility for the final results. The key directions of the state policy in the field of road safety are recognized by experts from many countries:

- a) risk reduction in road traffic: applying new approaches to land use issues; stimulating the transition from high-risk modes of transport to safer vehicles, for example, giving priority to the movement of vehicles carrying more passengers; introduction of a phased system for issuing driving licenses.
- b) creating a safer road environment: classifying roads and setting speed limits according to their function; separation, if possible, motorized and non-motorized movement; implementation of safety audit in the process of design and construction of roads; equipment of roads with means of protection in case of collision; reconstruction of the most dangerous sections of the road network.
- c) transition to more advanced and safer vehicles: increasing the visibility of vehicles on the road; improvement of vehicle design (installation of so-called pedestrian-friendly front bumpers on all vehicles, ensuring the protection of the driver and passengers with restraints and inflatable devices); stimulation of the operation of "intelligent" vehicles, equipping them with systems of anti-alcohol blocking, speed adaptation, stabilization of braking, alarm reminiscent of seat belts, etc.
- d) ensuring compliance with traffic rules: improving supervision over compliance with the established speed, the use of seat belts and protective helmets, the regime of work and rest of drivers; active control of the sobriety of vehicle drivers; adoption of relevant legislative and other normative acts; propaganda in the media.
- e) improving the system of providing medical assistance to victims of road accidents: improving the procedure for providing emergency care; improving the organization of trauma treatment in hospitals; provision of rehabilitation of victims (Mayorov and Gorovenko, 2018).

Experts from WHO and the World Bank note that in recent years there has been a major shift in understanding the issue of road safety, new principles for the formation of criteria for ensuring road safety have been defined and are becoming more widespread:

1. Road traffic accidents cannot be completely prevented, but road traffic injuries can be predicted and reduced.

2. Reliable data and a scientific approach are essential to enable rational analysis and plan effective remedial actions.
3. Road traffic injuries are such an important issue that many sectors, including health, must fully share responsibilities and participate in advocating for the necessary action to prevent road traffic injuries.
4. All parties involved in the operation of the transport system must consistently build in and ensure safety elements in order to avoid common mistakes, better take into account the vulnerability of the human body and understand the key importance of speed management.
5. Road traffic injuries are a social equity issue, so equal protection of all road users should be sought to avoid unfairly shifting the burden of injury and death onto poorer and more vulnerable users, such as pedestrians and children.

Even in high-income countries, children from low-income families are five times more likely to be injured than those from wealthy families.

6. The transfer of knowledge and best practices is beneficial if local issues, conditions, traffic patterns and local expertise are taken into account.
7. Action at the local, regional and national levels helps to ensure an effective and rapid response to road traffic injuries (World Health Organization, 2011).

At the same time, the main event of recent times in the road safety policy, according to foreign experts, was a departure from the previous emphasis on the fact that road traffic safety issues are more likely to be blamed on the victims of road accidents than on various structural elements and the functioning of a highly demanding modern transport system.

The Road Safety Committee of the International Association of Police Chiefs has formulated 10 major trends in road traffic in the 21st century (Simonson, 2021):

- increase in the congestion of highways and the number of congestions on them.
- the emergence of “smart” vehicles and “smart” highways.
- reducing the speed of movement (cars and roadside posts will be equipped with electronic devices capable of controlling and interrupting the operation of ignition and fuel supply systems of vehicles, forcing the driver not to exceed the set speed).

- changes in the size and weight of vehicles (a decrease in the world's mineral reserves will contribute to an increase in the number of light and fuel-efficient vehicles, while trucks will become longer and more carrying capacity, which will make cars more vulnerable in collisions with trucks and will cause an increase in the number of deaths in such accidents);
- increasing aggressiveness on the road.
- an increase in the number of accidents caused by elderly drivers, whose share in the structure of the population will increase.
- wider use of devices for automatic detection and fixation of traffic violations.
- the use of the latest technical means when working at the scene of an accident.
- reducing the time for stopping and checking the driver and vehicles.
- preservation of the important role of the traffic police in the fight against crime (criminals will continue to come to and from the crime scene in cars, illegally transport drugs, weapons, stolen property in them. Therefore, the active work of the traffic police will remain an equally important means of suppressing criminal activities and crime detection).

3. Good practices in the field of legal regulation of road safety

In countries where progress has been made in road safety, it is largely attributable to improved laws regarding key risk factors such as speeding, drunk driving and not wearing seat belts, motorcycle helmets and child restraints; enhancing the security of infrastructure, for example by building sidewalks and paths for cyclists and motorcyclists improving vehicle standards, for example, through the mandatory requirement of an electronic safety system and anti-lock braking system; and improved medical care after accidents.

Despite the increase in the total number of deaths, mortality rates remain stable. This suggests that the measures taken in 48 countries of the world with middle and high income, contribute to a significant mitigation of the situation and reduce deaths from road accidents.

However, no low-income country has experienced a decline in overall mortality, largely due to the lack of specific measures in the field of road safety. In fact, the risk of road traffic deaths in low-income countries is still three times higher than in high-income countries. The highest rates

are observed in Africa (26.6 cases per 100,000 people), and the lowest in Europe (9.3 cases per 100,000 people).

Differences in road traffic death rates have differential differences according to the types of road users (drivers, passengers, pedestrians). Globally, pedestrians and cyclists account for 26% of all road traffic deaths, with 44% in Africa and 36% in the Eastern Mediterranean. Motorcyclists and their passengers account for 28% of all road traffic deaths, but in some regions this figure is higher - for example, in Southeast Asia it is 43%, and in the Western Pacific 36%. According to the general forecast, as the number of vehicles grows, road traffic injuries may become the eighth leading cause of death in the world by 2030 (Snyder and Ni, 2017).

Pursuing the achievement of the “global” goal of improving road safety for its participants, it is necessary to take into account that the organization and functioning of state systems in this area depend on many factors, and above all on the economic level of the country, on the quality of life of citizens, on the development of public institutions. The low level of ensuring the safety of road users in developing countries is associated with insufficient funding for activities aimed at prevention and preventive means of accidents. Countries with a high risk in the field of road safety, as a rule, are characterized by significant wear and tear of vehicles, an inappropriate level of road infrastructure, inconsistency in the actions of emergency services, low efficiency of medical care, imperfect legal framework, and in this perspective, they are considered either “lagging” or “catching up” (Petrov, 2016). The relevant UN organizations provide assistance and support to states in strengthening the basic foundations of ensuring the safety of road users, and also call for the study of effective experience in this area.

Low rates of road accidents and human casualties in Western Europe, USA, Canada, Australia, which have significant experience and constant improvement in the security system, in modern conditions show a steady trend (4-8%) to further reduce the risk for the health and life of road users, with a high level of motorization. In the reports of the WHO, it is noted that among the milestones of the regions of the world, only the countries of the European Union have achieved the best results.

Such results in the field of road safety in the EU countries are explained primarily by the legal provisions on liability for traffic violations. The main emphasis is placed on material responsibility. This is not only heavy fines, deprivation of a driver’s license, linking the number and severity of violations to the payment for compulsory car insurance, but also confiscation of the vehicle.

In European countries, a new approach to calculating fines for traffic violations has also emerged: the amount of the fine directly depends on the

offender's monthly salary or the minimum wage established in the country, and the offender's annual earnings (income).

In addition, the minimum fines for especially dangerous violations on the road have been increased from 2 to 10 times. In the case violators pay a fine on the spot to the police or within 3-7 banking days, the amount of the fine is reduced from 30 to 50%. The amount of the fine is increased by 2–3 times (due to penalties) if the offender has not paid for it within 1 month or more.

In some countries (Belgium, Israel, Spain, USA), for non-payment of a fine, it is envisaged to confiscate a vehicle on bail or pay for storage in a parking lot, and revoke a driver's license (Japan).

Nowadays, the center of gravity of the global political and economic activity is shifting more and more from West to East. In the Asia-Pacific region (APR), in the countries of the east coast (China, Japan, Republic of Korea, Mongolia, Singapore, India, etc.), where almost half of the world's population is concentrated (more than 3.5 billion people), legal regulation, organization and maintenance of road safety is carried out with different levels of efficiency. The APR states are included in the largest integration communities of countries (ASEAN, APEC, SCO, BRICS), which gives an intensive impetus to their development (Tsygankov, 2016).

Over the past decade, China has been actively addressing issues related to transport, road and social risks in the field of road safety. China has a population of about 1.4 billion, making it the most populous country in the world. According to the forecasts of authoritative studies, including the Morgan-Stanley banking holding, by 2022 the volume of China's gross domestic product may increase to \$ 12 trillion and reach the level of the United States. Such a rapid economic growth would have been impossible without the development of transport infrastructure, which is constantly being modernized, including the increase in the number of highways and car parks (Troshchinsky, 2015). Intensive rates of road construction in China were in the period 2000-2005, when the length of public roads increased almost 3 times. The total length of China's roads, including rural ones, is 4.69 million km. By now, China has one of the most developed road networks in the world (Aleksandrov and Petrykin, 2017).

Particular attention in the legislation of most countries is paid to driving a car in a state of alcoholic (or drug) intoxication. This offense is considered one of the most dangerous (along with exceeding the speed limit and passing a red traffic light) and is severely punished. In China, for quite a long time, they did not attach particular importance to the high degree of public danger to this offense. Statistical data show that in 1998, due to the fault of drivers in a state of alcoholic (drug) intoxication, 2,363 people died in the country, in 2008 - 3,060 people. Nevertheless, for this offense

(without road accidents and human casualties), 12 points were canceled (limit for 1 year), deprivation of the right to drive a car from three to six months, a fine from 500 to 2000-yuan, administrative arrest up to 15 days (Chimarov, 2015).

However, everything changed “at a critical point” in 2009, after several high-profile cases (traffic accidents with a large number of victims, due to the fault of young drivers in a state of alcoholic intoxication), the most decisive and harsh measures were taken, changes were made in the current legislation of the PRC, establishing criminal, administrative and disciplinary responsibility for driving while intoxicated. In the event of the death of two or more persons, severe measures of criminal liability are provided in the form of life imprisonment, and in some cases - the death penalty (Mayorov and Dunaeva, 2018).

The traffic police (transport departments) stepped up activities to identify drivers in a state of alcoholic intoxication, and in the same 2009, 722 thousand similar cases were identified, with corresponding consequences. The result is a sharp reduction in road accidents and human casualties due to the fault of drivers in a state of intoxication. General positive results were achieved with the help of consistent state (program) policy, improving the legislative framework, increasing the effectiveness of the activities of the People's Police of the PRC.

Japan has been demonstrating one of the vivid and stable examples of a successful solution to the problem of ensuring the safety of road users for several decades. The country has 1.2 million km of roads, which have high-quality road surface and developed infrastructure, an efficient transport system that serves the country's population of 126 million people. In the world statistics on the rate of decrease in the number of fatalities as a result of road accidents and road safety, Japan occupies one of the first places. In 1990, the country recorded 14,595 deaths as a result of road accidents, in 2003 - almost 2 times less - 8877 people, and in 2013 - 4373 people, (who died within 24 hours), the death toll in road accidents later amounted to 5151 people (in Japan, those who died within 30 days after an accident are separately taken into account), in 2017 - 3904 people (who died within 24 hours), which corresponds to the statistics of 1949 (Polyakova and Dunaeva, 2019).

Since the 2000s, the Government of Japan has been carrying out road safety activities within the framework of the adopted long-term Program (until 2020). Currently, Japan has a Universal Traffic Management System (UTMS), which began in the 1990s, which significantly increases the mobility and safety of road users. The main functions of UTMS are as follows: 1) prevention of road traffic accidents; 2) quick response to road traffic accidents; 3) reduction of “traffic jams” in “rush hour” 4) assistance to the elderly and disabled 5) expansion of mobile communication with

other systems (related to road transport) 6) reduction of “interference and pollution” of the road environment.

The main trend in the organization of road safety is the reduction of direct contacts between the police and traffic offenders, due to centralized electronic control points, automatic complexes for photo and video recording of traffic violations, as well as other innovations, which reduces the factor of psychological stress in potentially conflict situations. Despite a significant decrease in the personal presence of police representatives on the roads of Japan (mainly only in road traffic accidents), the social significance of the department is highly appreciated by the public (Mayorov and Sevryugin, 2015).

Thus, a high level of efficiency in ensuring safety in the field of road traffic in Japan should be sought in the key factors:

- 1) a flexible and timely legislative framework for the organization of road traffic corresponding to the changing conditions of development.
- 2) program-targeted nature of state policy in this area;
- 3) timely improvement of road infrastructure.
- 4) application of innovative road safety management systems.
- 5) preventive work on the involvement of the entire population of the country in the observance of traffic rules and maintenance of safety.

The long-term result of the state policy is that in modern Japan (as well as in the “closest neighbor” South Korea, which has adopted this positive experience), one of the lowest rates of road accidents not only in the Asia-Pacific region, but also in the world. Violation of traffic rules is considered by the Japanese and Koreans as a sign of “low culture”, “bad taste” and is very much condemned by society (Chimarov, 2015), which may indicate a stable social institution of road safety and high legal integration of society.

Conclusions

Thus, the modern development of public institutions, economics and technologies qualitatively change road traffic, which increases the requirements for public administration, for improving legislation, for the activities of the traffic police in the field of ensuring the safety of road users.

The analysis of statistics shows that the most serious violations on the road in the whole world are considered to be exceeding the established speed, driving a car under the influence of alcohol and drugs, driving at a red traffic light. The greatest responsibility is established for these offenses in almost all countries of the world.

The above analysis of the practice of legal regulation in the field of road safety allows us to draw the following main conclusions:

1. At present, a systematic approach to ensuring road safety, which includes the development of target indicators, the use of systematic and evidence-based measures aimed at preventing road accidents and reducing the severity of their consequences, as well as providing medical assistance after an accident, is an objectively necessary condition for reducing accident rate.
2. The regulatory legal framework in the field of road safety is built primarily on the basis of the constitutional principles of building legislation and national characteristics.
3. In the overwhelming majority of countries, the general principle of “primacy of the law” is in effect, i.e. all requirements that are binding on traffic participants are enshrined in legislative acts.

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