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CRIMINAL AND CRIMINOLOGICAL ASPECTS OF THE TRAFFIC DELINQUENCY IN THE REPUBLIC OF MACEDONIA

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Abstract: In the series and a wide range of criminal and prohibited behaviors and attitudes, particularly significant traffic delinquency, as a special form of criminal behavior from criminal - legal, penological and criminological - etiological aspect. Interests to study this type of crime is imposed as a necessity, if we take into account the fact that traffic in general is of great importance for the economy as a whole on the one hand, while on the other hand large are harmful consequences that occur as a result of caused traffic accidents. Therefore in this paper will be presented typical forms of traffic delinquency or phenomenology it, then it is detected the reasons for the traffic accidents, that will be determined etiology of the same, as well as prevention through various measures and activities for preventing this socially - negative phenomenon. The entire display phenomenology, etiology and prevention of traffic delinquency will be challenged in the context of developments here in the country regarding this issue.

Keywords: traffic delinquency, Macedonia, statistics, criminal liability, scope and structure.

1. INTRODUCTION

Traffic delinquency is a special form of criminal behavior, which is specific in criminological - etiological, criminal - legal and penological view. It is this specificity that has this socially negative phenomenon implies and the name of it - traffic delinquency (Moguire et al, 2007). In this sense this negative phenomenon categorized in a separate group of crimes within the positive criminal legislation, and the fact that it is regulated in some other legislation, where it makes it makes a legal determination of minor acts of this phenomenon, such as violations .

The historical genesis and development of traffic delinquency talk Arnaudovski professor, who believes that the attention of criminology as a criminological phenomenon and problem of traffic delinquency can be detected and identified in the last forty years of the last century. According to him, this phenomenon is determined by several factors including the most important place is given to those of technical - technological and socio - economic nature which in itself contributes to rapid traffic growth in terms of assets in the traffic in terms of the fact that it has become an important economic branch without which economic life today can not be imagined, in terms of rapid and massive involvement of the population in it in any capacity (Arnaudovski, 2007).

2. SOCIAL CONTEXT OF TRAFFIC DELINQUENCY

Traffic delinquency has multiple social importance. Before we talk about the social importance of traffic delinquency, previously it is necessary to determine the meaning of the term traffic in general. At the present stage of development of society in a constellation of relationships which makes for a better tomorrow, to facilitate the life and realization of human needs, could not be imagined without cars (Munice et al, 2004). Seen from today's perspective, we can conclude that its cars are doing more damage to a man, but otherwise on the other hand they are more and more used. When making the decision to use passenger vehicles not seen even one negative trait and the properties that they carry.

The numbers resulting from some research occurred accidents are striking and frightening. Professor Ignatovic comes to the conclusion that these figures vary from year to year and that number is constantly increasing, and is expressed in hundreds of millions of dead and wounded as a result of traffic delinquency. On the other hand, he cites the size of material damage arising in a generality, which can specifically measure because accidents are more common. Data gathered Ignatovic following - in one of the richest countries in Norway, 100,000 inhabitants killed 16 people in Austria also considered a developed country - 38 persons, 60 persons Germany, Turkey 100 persons and 280 persons Former Yugoslavia (Ignjatović, 2001).

Importance of the traffic development of the economy is undeniable and overwhelming. Through the development of traffic and enable the development of society, economic development, business development. One of the conditions for the successful functioning of a market economy is that there is a good road and transport infrastructure, and developed traffic. Not denying these benefits resulting from the occurrence of

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traffic, still have to stress and its negative aspects that are manifested through vast environmental pollution, the high number of casualties as a result of frequent accidents, creation of great material and property damages. It is thus necessary society to be interested in studying and analyzing the traffic delinquency as a phenomenon that is present in every society.

3. DEFINITION OF TRAFFIC DELINQUENCY

For every correct and reliable research previously necessary to give an adequate definition of the subject phenomenon under study and that is our immediate concern. The literature in the field of criminology there are various definitions of traffic delinquency given by various authors who studied this phenomenon. The diversity of definitions due to the fact of the criteria taken into account for the definition of the phenomenon, there is no single approach to determining the notion of this social negative phenomenon. Following, we will present some of the definitions of traffic delinquency in the literature in the field of criminology.

Arnaudovski considers traffic delinquency is a specific kind of asocial and antisocial social phenomenon resulting from a socially useful activity as a consequence of exercising disorganized traffic. Dezorganizacijata traffic socio - pathological phenomenon has a direct impact on the occurrence of traffic delinquency retroactive effect on dezorganizacijata it. Unlike other forms of criminal and delinquent behavior, aiming to achieve an improper, the traffic delinquency in performing a useful activity that has nothing criminal purpose, due to the impact of certain objective and subjective factors, coming to negative consequences for the participant in traffic (Arnaudovski, 2007).

Inic when talking about this socially - negative phenomenon speaks of illegal behavior and traffic accidents. Of course this term of illegal behavior can be brought as crimes against traffic and misdemeanors. From the definition it can be seen that Inic gave meaning to the element that starts from the violation of legal rules governing the subject matter, whether it was the criminal - legal or misdemeanor - legal aspect (Inic, 1978).

Separovic in defining this socially - negative phenomenon starts from certain elements that constitute the essence of the phenomenon, so he says are important: 1) as potential delinquents are marked all road users, 2) all appearances traffic occurring in motion and the speed is generally greater than that which is provided man and going with some auxiliary technical means, 3) these two elements determine the potential danger and risk as an opportunity to perform accident (Separovic, 1981). According to Kaiser notion of traffic criminality determine two large groups of opinions: one in the form of negligent torts in violation such as negligent bodily injury and death, and endangering traffic and other types of intentional criminal offenses, such as driving without a license or driving despite the withdrawal of the same, escape from the spot in the accident, drunk driving, failure to provide help to a person injured in the accident (Kaiser, 1996).

Krlev this type of delinquency calls "technical delinquency" because for performing the same role of the delinquent, and therefore his responsibility in different jurisdictions resolves differently. It should take into account that we all respect the specific situation of the delinquent criminal traffic (Krlev, 1994). Could not take a hand in any of the foregoing definitions for traffic delinquency, we have to emphasize the fact that they are correct and accurate in its own way, depending on which criteria they took the authors in determining the notion of traffic delinquency. I believe that the traffic delinquency is socially - negative phenomenon is more prevalent, and that appears as a result of the actions of individuals or groups acting not in accordance with the law, whether it is about violation of criminal incriminations or actions violations or together as a whole.

4. PHENOMENOLOGICAL FORMS OF TRAFFIC DELINQUENCY IN MACEDONIA

Already we said that there is some difficulty and diversity in defining the traffic delinquency as a socially - negative phenomenon, so in this part in determining the manifestations of the same it is necessary to set appropriate parameters based on which we will implement our research on the occurrence which is our immediate interest. Immediately it should be emphasized that here in Macedonia there is no proper and unique methodology that examines this socially negative phenomenon, which aims to explore traffic delinquency. So in this sense can be found different results that are presented by the Departments of the Ministry of Interior by the courts acting against tritiated of felonies and misdemeanors in the field of transport, by the State Statistical Office of the Republic of Macedonia other. Because of this inconsistency and lack of a unified methodology for our research we will use data published by the State Statistical Office of the Republic of Macedonia, under the title, "Perpetrators of crimes" for additional years. As you can see, we decided to approach that in the case of traffic delinquency includes only offenses of a group of crimes against the security of public transport that includes the

appropriate chapter in the Criminal Code of the Republic of Macedonia, in particular offenses, endangering traffic safety Article 297 of the Criminal Code and the offense of endangering traffic safety with a dangerous act or means of Article 298 of the Criminal Code of the Republic of Macedonia (Criminal Code, "Official. Gazette no. 37/1996, 80 / 1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 41/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196 / 2015, 297 and 298).

Such a restrictive approach to research can be justified by the fact that this socially - negative phenomenon in the country, as already mentioned there is no adequate research methodology. We believe that by studying only one part of the phenomenon of crimes that are performed against the security on public transport will be able to reach certain conclusions on the basis of which may make recommendations for the future. Empirical research will be done by the respective publications of the State Statistical Office of the Republic of Macedonia with the subject matter of offenders per year. Time frame in which to move our research is 2011 - 2015 and was based on the Perpetrators of crimes in 2015, Perpetrators of crimes in 2014, Perpetrators of crimes in 2013, Perpetrators of crimes in 2012 and Perpetrators of crimes in 2011, all published by the State Statistical Office of Macedonia (<http://www.stat.gov.mk/>, 09.08.2016.).

Table 1. Overview of convicted to total crime and traffic delinquency in Republic of Macedonia

Year	Total criminality	Traffic delinquency	Participation in total criminality %
2011	9810	1770	18,04 %
2012	9042	1595	17,63 %
2013	9539	1670	17,50 %
2014	11683	1708	14,61 %
2015	10312	1432	13,88 %
Total	50386	8175	16,22 %

The analysis of the data presented in Table 1 indicate different states regarding the distribution of traffic delinquency here in the country for the reporting period from 2011 to 2015, so traffic delinquency is mostly used in 2011 with 18.04 percent, and at least represented in 2015 with 13.88 percent. Total committed acts that could be characterized as a traffic delinquency, for the entire period that we analyze from 2011 to 2015 was 16.22%

Table 2. Overview of convicted for traffic delinquency in Republic of Macedonia for the period of 2011 - 2015

Year	Total	%	Endangering traffic safety	%	Endangering traffic safety with a dangerous act or means	%	Other	%
2011	1770	100	1742	98,41 %	7	0,39 %	21	1,18 %
2012	1595	100	1586	99,43 %	3	0,18%	6	0,37%
2013	1670	100	1662	99,52%	2	0,12%	6	0,35%
2014	1708	100	1700	99,53%	0	0	8	0,46%
2015	1432	100	1421	99,23 %	2	0,13 %	9	0,62 %
Total	8175	100	8111	99,21%	14	0,17%	50	0,61%

The analysis of the data listed in Table 2 indicate a conclusion that the structure of traffic delinquency among us in the country takes place most crime endangering traffic safety high 99.21 percent. On the other hand, the participation of the crime of endangering traffic safety with a dangerous act or means is quite insignificant and it is very small as can be seen from the data presented. The same conclusion applies to other crimes that make up the structure of traffic delinquency, and by the State Statistical Office of the Republic of Macedonia in publications Perpetrators of crimes by year stretch in case "other."

Table 3. Overview of convicted for traffic delinquency in Republic of Macedonia for the period of 2011 – 2015 (sex)

	Total	%	2011	%	2012	%	2013	%	2014	%	2015	%
Total	8175	100	1770	100	1595	100	1670	100	1708	100	1432	100
Ladies	460	5,62 %	97	5,48 %	83	5,20 %	104	6,22 %	105	6,14 %	71	4,95 %
Men	7715	94,37 %	1673	94,51 %	1512	94,79 %	1566	93,77 %	1603	93,85 %	1361	95,04 %

Data are presented in Table No. 3 confirm the thesis that prevails in the literature in the field of criminology, which is that crime is primarily considered a man's job, and the most frequent perpetrators appear men. As may be seen from the analyzed period, only 460 women appeared as perpetrators of crimes against public traffic or 5.62 percent, while on the other hand the participation of men in this kind of delinquency is much higher in 7715 expressed offender crimes against public traffic or 94.37 percent. In literature there are numerous attempts by

many authors to explain this situation, but we all agree on that it is due to some psychological traits possessed woman, her emancipation, excessive emotionality that has female features of biological nature, integration in society, traditions, society, culture, morality, customs.

5. CONCLUSION

Based on previously was said it can be concluded that the traffic delinquency stands out array elements as distinctive and specific form of criminal behavior in a social community. This claim has already been proven in criminology and criminal - legal literature, who take special interest in studying this social - a negative phenomenon.

The analysis we have done for the traffic delinquency among us can say that it is present in our society and carry out his destruction. In such a constellation of relationships is still the most important issue to be considered is the question of prevention of traffic delinquency. We believe that this prevention should take place and be established at different levels and prevent the individual level, prevention level relations, prevention at the community level and prevent the level of society. Each of these levels includes a unique mix of measures and actions that should be taken in order to arrive at reducing or eventually eliminating the traffic delinquency. Prevention at the individual level is primarily aimed directly at the driver who is an active participant in traffic. This prevention would include actions aimed at increasing the traffic culture and awareness among drivers indication of the seriousness of disobeying traffic rules and regulations, the importance of meeting the conditions for full participation in traffic, attending various support groups which discuss problems arising from traffic delinquency etc.

Prevention at the level of relations is aimed at influencing the attitude of the victim or the perpetrator with the people that they are often in contact and influence solving problems in the family and the negative influence of peers. This prevention could be achieved even in the moment of committing the accident in which the driver who caused is bound to give help to the injured person. It would be good drivers are aware of the consequences of failure to provide assistance to the injured person in an accident and that it constitutes a crime under the Criminal Code of the Republic of Macedonia This their education and meeting the precautionary measures of repression can be done in various ways through the media, through sharing of educational materials, by organizing mandatory counseling and seminars etc. Prevention, which should be at the level of community encompasses measures and activities aimed at raising awareness among drivers, as well as providing assistance to victims of traffic delinquency in the community. This section includes media campaigns, educational campaigns in schools, improving road infrastructure, improving passenger lighting rigors of alcohol use by drivers, etc. Prevention at the level of society includes programs relating to cultural, social and economic factors that contribute to traffic delinquency and that target changes in legislation, policies and wider, social and cultural environment, in order to reduce and prevent this socially - negative phenomenon. It should be borne in mind that the traffic delinquency as a social evil is present in every society and it can not completely eradicate, only you can do it is to stick to an optimum level, a level where the number of victims and material and property damage will be minimized. The best approach for preventing this socially - negative phenomenon is the integration approach that requires active participation of all compulсарy subject in society.

6. LITERATURE

Arnaudovski, Lj. (2007). Criminology. August 2 Stip;

Criminal Code, "Official. Gazette no. 37/1996, 80/1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011, 135 / 2011 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 41/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196/2015;

Ignjatovic, Đ. (2001). Criminology. Faculty of Law, Belgrade;

Inic, M. (1978). Etiology of accidents on the roads. Prosveta;

Kaiser, G. Criminology. (1996). Alexandria;

Munice, J., Wilson, D. (2004). Student Handbook of Criminal Justice and Criminology. CAVENDISH publishing;

Moguire, M., Morgan, R., Reiner, R. (2007). The Oxford Handbook of Criminology. Oxford University Pres;

Separovic, Z. (1981). Criminology and social pathology. Faculty of Law, Zagreb, Vocational training and cooperation with associated labor;

<http://www.stat.gov.mk/>