

LEGAL RESPONSIBILITIES IN THE FIELD OF TRANSPORT

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This article identifies and discusses the concept of "legal responsibility" of its function, the content and meaning of certain principles of legal liability, as well as features, types and content of legal liability for violations in transport.

Transportation, legal liability, tort, principles, functions, penalty.

Last decade is characterized by the rapid development of transportation. In today's environment does not only transport part of vehicle passengers and cargo. The transport system has become an integral part of the overall progress of humanity, bringing people and countries to modern civilization achievements in various fields. This process takes its development in Ukraine, which, along with other European countries is quite large and well-developed transport system, linked to many countries. This system consists air, sea, river, rail, road, highway, pipeline transport, subways, developed urban and non-urban grid of electrical and various departmental transport.

The level of safety of the transport system depends largely on the successful resolution of socio-economic programs of the Ukrainian state. But with the development of the transport system and increase the number of vehicles increases the level of traffic offenses and the number of dead and injured in transport, not to mention the huge material losses.

Since independence in Ukraine began the difficult work aimed at creating a legal framework that must ensure safe operation of vehicle.

One of the mechanisms for the maintenance of the legal order in social relations, consisting in transport is the use of the legal responsibility of these relations for the offenses they had committed. Therefore, it is important to thoroughly examine legislation in terms of its noramatyvno legal regulation of issues arising in connection with liability for an offense to transport. It should be noted that the offense in general and transport in particular offenses - a socio-threatening, harmful, unlawful, culpable act person or entity that provided by applicable law and entailing legal responsibility.

Social Security to be the subject of these offenses means a set of relations that ensure the protection of life and health, property, environment, trouble-free operation of transport in general. The consequences of these offenses often accidents, disasters, accidents involving people and stuff. The result is the harmful effects to human health, property, the environment or there is a threat to them. Often as a result of traffic offenses violated the schedule of vehicles delayed transportation of cargo and passengers, disorganized operation of transport services. Social danger of the crime is twofold: first, there is a danger to life and health; secondly, applied or there is a threat of material damage and with it broken safe operation of the vehicle. A feature of these types of traffic offenses is that the damage caused to person or property mainly in violation of the rules of use of sources of increased danger, and by a security breach. This allows us to identify traffic violations in an isolated independent group.

The article's goal is the research on the types of infringements on vehicle safety, vehicle operation, rules and conditions of carriage of passengers and cargo, the failure of contractual obligations, and especially

relevant types of legal liability: disciplinary, civil, administrative-term , criminal.

Legal liability is a form of social responsibility, the meaning of which is to apply to persons who have committed offenses, penalties provided by law, are compulsorily provided by the State.

Legal liability - a kind of social responsibility, which is enshrined in legislation and state-Enabled legal obligation to know the offender incarceration of certain values that he owned. In other words, it is applied to the perpetrator of coercive measures by the offense.

The only reason is the legal responsibility of the person committing the offense subject to the availability of legal (contractual and legal) rules establishing the extent of responsibility for it, and the conditions that prevent the use of legal liability are:

- Insanity person;
- The presence of conditions that would exclude public danger (hazard) act (irresistible force, self-defense, extreme necessity, reasonable risk of physical or mental coercion, pursuant to an order or instruction, conciliation, etc.);
- Lack of corpus offense;
- Coincidence of limitation periods prosecution;
- Publication of an act of amnesty or pardon, or cancellation of the act that established the legal liability.

Objectives (function) of legal liability - preventive and criminal. Preventive associated with general crime prevention and educational influence on personality (general prevention). Karna is the adverse effects of sanctions regulations to a specific subject (special prevention).

There are also protective, pravovidnovnu, preventive, educative, punitive, regulatory functions.

You can identify these signs legal liability:

- Based on state coercion.

- Gets its expression through the obligation of a person to experience certain needs.

- Comes only when committed or perpetrated the offense.
- Used by the competent authority in strict compliance with the law.
- Is determined by certain procedural order.

Principles of legal liability - a requirement for it, determining its meaning, function, reason, safeguard procedures for the exercise. Form consolidate the principles of legal liability may be direct - by fixing the text normative - legal acts, and other indirect sources of law. The principles of legal liability are:

- The principle of justice;
- Rule of law;
- The principle of inevitability;
- The principle of expediency;
- The principle of reasonableness;
- The principle of humanity;

Disciplinary liability - the kind of legal responsibility, which is to meet the obligation of the employee to the employer for offense and subject to disciplinary sanctions under the labor legislation.

The offense - unlawful failure to perform or improper performance of the employee their job duties, according to him which may be imposed disciplinary action.

For example, according to the Regulation on discipline railway employees in Section II «Disciplinary sanctions" indicates that the railway employees may impose the following penalties:

- a) reprimand;
- b) deprivation of the right to operate a locomotive engine drivers of the provision of work assistant engineer, and withdrawal of the certificate driver motor-rail transport and non-removable type certificate assistant locomotive

driver with the provision of work not related to running an engine and motor-rail, for a period one year;

c) moving to a lower paid job for up to three months;

d) moving to a lower position for up to six months;

e) exemption.

Civil liability-type legal liability that is provided by the occurrence of civil law property adverse effects, which are always added to the offender's property encumbrance. For example, in accordance with Chapter 11 of "crimes against the safety and operation of transport", p. 283 of the Criminal Code of Ukraine, the subjective aspect unauthorized unnecessarily stopping trains characterized as intentional or careless fault.

Administrative responsibility - the kind of legal responsibility of citizens and officials for their misdemeanors committed by the commission which rise to criminal liability under Chapter 10, "Administrative Offences for transport in road management and communication" Code of Ukraine on Administrative Offences.

Criminal liability - the kind of legal liability – ness, which is based on the use of the court on behalf of a person who has committed a criminal offense (misdemeanor or crime), state coercion in the form of punishment. Moreover, the specific property of this type of liability is that it comes only guilty socially dangerous act, all listed by Section XI «Crimes against the safety and operation of transport" of the Criminal Code of Ukraine, which entered into force on 1 September 2001, a separate section determines the transport offenses.

The onset of any of these types of legal liability caused by the commission of a disciplinary, civil, administrative or criminal offense, under which it is possible to realize a socially dangerous or harmful illegal (illegal) guilty, willful or negligent act (action or inaction) tort capable person, which entails a legal responsibility, which has a specific structure, namely: the subject, the subjective side, the object and the objective.

