

SAŽETAK DOKTORSKOG RADA

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KAZNENOPРАВNA ZAŠTITA SUDIONIKA U CESTOVNOM PROMETU S OSVRTOM NA KAZNENO DJELO UGROŽAVANJE JAVNOG PROMETA ZBOG OMAMLJENOSTI

Složenost i specifičnost odgovornosti sudionika u cestovnom prometu, danas je značajno pravno i društveno pitanje. Obrada sudionika u cestovnom prometu kao subjekta kaznene odgovornosti, koja je najvažnija odgovornost u suvremenom svijetu. Iako je višestruka odgovornost sudionika u cestovnom prometu za greške ili propuste u prometu, danas prihvaćena u većini pravnih sustava, ponekad je jako teško povući precizne crte podjele između njih. Sve vrste odgovornosti, a posebno ona kaznena i građansko odštetna, povezane su činjenicom da se jednom istom radnjom/propustom može počinuti kako kazneno/prekršajni, tako i građanski delikt. Stoga nakon uvodnih definiranja predmeta i cilja istraživanja, kriminoloških aspekata prometne delikvencije i povijesnog prikaza kazneno pravne zaštite sudionika u cestovnom prometu, doktorski rad opsežno prikazuje kazneno pravnu zaštitu sudionika u cestovnom prometu u poredbenom pravu, kaznenopravnu zaštitu sudionika u cestovnom prometu u materijalnom kaznenom pravu Bosne i Hercegovine i sudskoj praksi. Korištenjem pozitivno pravno-poredbene i dogmatsko pravne metode opsežno sam prikazao problemi kaznene odgovornosti sudionika u cestovnom prometu, od značajki i pretpostavki njihove kaznene odgovornosti do legislativnih aspekata niza kaznenih djela koje sudionici u cestovnom prometu mogu počinuti. Doktorski rad sadrži i opsežno istraživanje prakse tužiteljstava i sudova za kaznena djela počinjena od strane sudionika u cestovnom prometu. O odgovornosti sudionika u cestovnom prometu s osvrtom na Ugrožavanje javnog prometa zbog omamljenosti, raspravljam u drugom dijelu rada koji sadrži problematiku utvrđivanja odgovornosti sudionika u cestovnom prometu koji je pod utjecajem alkohola i drugih omamljujućih sredstava. Također prikazao sam i značajke razgraničenja kaznene i prekršajne odgovornosti sudionika u cestovnom prometu. U Bosni i Hercegovini postoji više zakona i pod zakonskih akata koji reguliraju materiju prometne delikvencije. Pitanja vezana za postojanje odgovornosti sudionika u cestovnom prometu kao počinitelja protupravnih djela regulirana su entitetskim zakonima i zakonom Brčko Distrikta. Dakle, neujednačenost i necjelovitost zakonskog okvira predstavlja prvi problem kod pružanja odgovarajuće zaštite sudionicima u cestovnom prometu. Osim materijalnog kaznenopravnog reagiranja na prometnu delikvenciju,

posebno sam ukazao na neke pod zakonske propise koji su važni za ovu vrstu delikvencije. U doktorskom radu ukazao sam na činjenicu da prometna delikvencija predstavlja značajan problem javnom zdravlju i gospodarstvu.

Ključne riječi: prometna nesreća, kaznena djela, ugrožavanje zbog omamljenosti, sudionici u cestovnom prometu, mjere sigurnosti

SUMMARY OF THE DOCTORAL THESIS

TOMO LUČIĆ

CRIMINAL LEGAL PROTECTION OF ROAD TRAFFIC PARTICIPANTS WITH REFERENCE TO THE CRIMINAL OFFENCE OF ENDANGERING PUBLIC TRAFFIC DUE TO INTOXICATION

The complexity and specificity of the responsibility of participants in road traffic, today is a significant legal and social issue. The treatment of road participants as subject of criminal responsibility is the most important responsibility in the modern world. Although the multiple responsibility of road traffic participants for errors or omissions is accepted in most legal systems today, it is sometimes difficult to make division between them. All types of liability, especially criminal and civil liability, are connected by the fact that the same act or omission can commit a criminal misdemeanor as well as a civil delict.

Therefore, after the introductory definitions of the subject and the goal of the research, the criminological aspects of traffic delinquency and the historical presentation of the criminal legal protection of road traffic participants, this doctoral thesis presents criminal legal protection of participants in road traffic, criminal legal protection of participants in road traffic substantive criminal law of Bosnia and Herzegovina and in court practice.

Using positive legal comparative methods and dogmatic legal methods I have presented the problems of criminal liability of road traffic participants, from the characteristics and assumptions of their criminal liability to the legislative aspects of many criminal offenses that road traffic participants can commit. The doctoral thesis also contains extensive research into the practice of prosecutor s offices and courts for criminal offenses committed by road traffic participants. I discuss the responsibility of road traffic participants with reference to endangering public traffic due to intoxication in the second part of the dissertation, which contains the issue of determining the responsibility of road traffic participants who are under the influence of alcohol or other intoxicants.

I also presented the characteristics of the demarcation of criminal and misdemeanor liability of participants in road traffic. In Bosnia and Herzegovina there are several laws and by-laws that regulate the matter of traffic delinquency. Issues related to the existence of responsibility of participants in road traffic as perpetrators of illegal acts are regulated by entity laws and the law of District of Brcko. Therefore, the non-uniformity and incompleteness of the legal framework

is the first problem in providing adequate protection to road traffic participants. In addition to the substantive criminal law response to traffic delinquency, I specifically pointed out some sub-laws that are important for this type of delinquency. In my doctoral thesis I pointed out the facts that traffic delinquency represents a significant problem for public health and the economy.

Keywords: car accident, criminal acts, endangerment due to intoxication, road traffic participants, security measures.