



Research Article

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Road traffic accidents, sanctions and delays in judgments in Court proceedings in Prizren - Republic of Kosovo

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Abstract

Traffic accidents are unexpected and unpleasant cases on the road, which often have consequences of damage to cars, people's injuries and in more severe cases lead to death. These events occur for various reasons and can be the result of factors such as high speed, disregard for traffic signals, alcohol, unused safety belt, technical vehicle problems, bad weather conditions and dangerous drivers' behavior. The consequences of traffic accidents can be very serious, including serious physical injuries, material damage to the vehicle, and in some cases loss of life. Some of the preventive measures to reduce the risk of traffic accidents include the respect for traffic rules, use of seat belts, non-consumption of alcohol at the time of driving, car maintenance, education and information. Road safety is a common challenge that requires cooperation and dedication from drivers, road authorities and the community in general. This challenge is faced by law enforcement institutions to perform the tasks and obligations deriving from the legislation in terms of discouraging legal violations by traffic participants. Therefore, this paper is intended for the discovery and interpretation of any stagnation or negligence that can lead to the encouragement of traffic participants to neglect traffic rules and laws. The analysis of this manuscript is accompanied with statistics, tables and graphs from 116 cases from a population of about 150,000 inhabitants.

Keywords: Law, road safety, court proceedings, penal procedures, duration, stagnation, negligence.

1. Introduction

Security is the avoidance of all activities aimed at endangering persons, constitutional order, objects or the designated space (Geca, 2011). Various public entities and bodies engage in the work of protecting certain values and goods and each of them applies specific methods and measures (legislative action, repressive measures, etc.) (Kerka, 2023). Taking into account the values and goods protected, we distinguish these types of security:

- Personal security, guaranteed by the constitution and laws, which is realized as a

personal right, freedom of citizens and their economic security;

- Traffic safety on the road, traffic rules are defined by laws and acts, which determine the behavior of the participants, of the bodies that regulate and carry out the control about the realism of safety in these areas (Abazovic, 2013).
- Some of the common driving actions that result in accidents are:
- Speeding;
- Driving under the influence of alcohol;
- Distraction of the driver;
- Passing with red light;
- Failure to wear seat belts;
- Disregarding driving and overtaking in traffic lanes in the wrong way (Gold, 1999);

Road safety is a shared challenge that requires cooperation and commitment from drivers, road authorities and the community in general (Gjoka and Xhuvani, 2023). As such, for this challenge to be faced successfully, the burden also falls on the law enforcement institutions to perform the duties and obligations derived from the legislation in order to discourage legal violations by traffic participants (Mehmeti Ademi, 2023). Therefore, this paper aims to discover and interpret any delay or negligence that can lead to the encouragement of traffic participants to ignore traffic rules and laws.¹

2. Methodology and objectives

This research contains various statistical data, primarily those of the relevant state institutions. Qualitative, quantitative and authentic methods have been used for the preparation of this paper. These methods include the analysis of various documents related to the scope and operation of law enforcement mechanisms in practice are elaborated, as well as the analysis of court decisions for a certain period of time which were taken into consideration for the realization of this work. The subject of the study are the criminal offenses committed in road traffic provided for in Article 370 of the Criminal Code of the Republic of Kosovo. Main objective of this research will be to inform and sensitize society about this topic, which is widespread in Kosovo and to serve as prevention and social awareness in order not to become victims and statistics of these road accidents.

3. Statistics

Accident date	
First accident	21.08.2017
Last accident	20.04.2022

¹ For more info see: <https://www.kosovopolice.com/en/documents/internal-police-acts-regulations-administrative-instructions/>

Total	116
The indictment date	
First	17.05.2018
Last	13.07.2022
Total	116
Date of the decision	
First	30.01.2019
Last	15.08.2022
Total	116
Date of the verdict	
First	30.01.2019
Last	24.08.2022
Total	116

Table 1: Research time period, research begins with the date 21.08.2017 and ends on 24.08.2022

Process duration (average)	
Accident -> Indictment	4.9 months
Indictment -> Verdict	8.3 months
Accident -> Verdict	13 months

Table 2: Tabular representation of the average duration of procedures

Sanction type	Frequency	Percentage
Effective Imprisonments	7	6.0
Conditional Imprisonments	41	35.3
Substitution with fine	60	51.7
Sentenced with fine	8	6.9
Total	116	100.0

Table 3: Tabular representation of the frequency and percentage of sentences by type

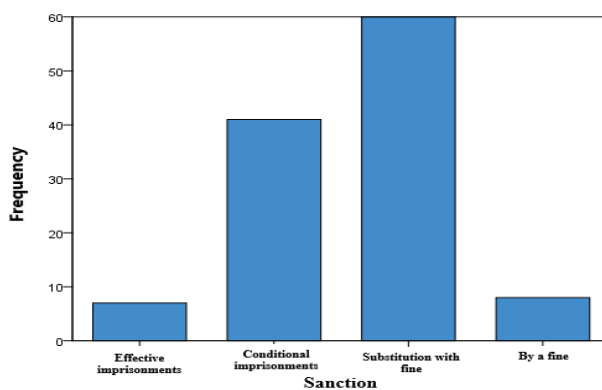


Figure 1: Graphical representation of the frequency and percentage of sentences by type

Accident type	Frequency	percentage
With fatality	10	8.6
With grievous injury	106	91.4
Total	116	100.0

Table 4: Tabular representation of the frequency and percentage of accidents by outcome type

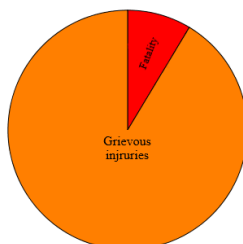


Figure 2: Graphical representation of the frequency and percentage of accidents by outcome type

Punished by imprisonment	Frequency	Percent
0	8	6.9
1	1	0.9
2	2	1.7
3	6	5.2
4	11	9.5
5	2	1.7
6	69	59.5
8	2	1.7
9	1	0.9
12	9	7.8
18	2	1.7
24	3	2.6
Total	116	100.0

Table 5: Tabular representation of the frequency and percentage of those sentenced to prison

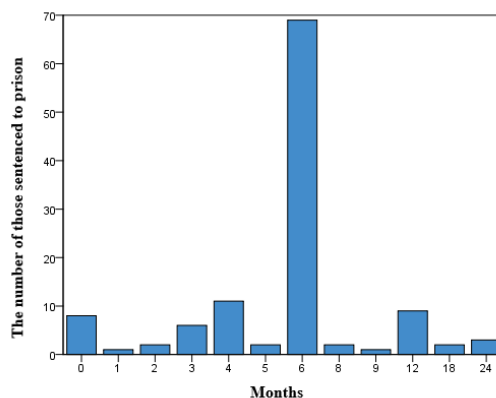


Figure 3: Graphical representation of the frequency and percentage of those sentenced to prison

Imprisonment	
Minimum	0 months
Maximum	24 months
Average	6.31 months

Table 6: Tabular representation of prison sentences by duration

The value of the fine	
The lowest	0 €
The highest	3000 €
Average	794.71 €

Table 7: Tabular presentation of penalties with fines

4. Results

As a result of the evidence of a large number of traffic accident cases in the Prizren region in Kosovo, as well as the cases handled in the district court, it shows an average of 13 months from the day of the accident to the judicial decision. Of the convicts, 7 are in effective imprisonment, respectively 6%, 41 or 35.3 % are in prison with probation, 60 are imprisoned with a fine, or 51.7 % and 8 were sanctioned with a fine or 6.9%. From the point of view of the type of accidents with fatality, it results in 10 deaths or 8.6%, with serious injuries 106 people or 91.4%. Regarding prison sentences, there is an average of 6.3 expressed per month, as well as the maximum sentence for this time period of the research turns out to be 24 months. The average value of the fine is 794.71 Euros, where the highest fine includes the amount of 3000 Euros.

Road safety is a shared challenge that requires cooperation and commitment from drivers, road authorities and the community at large.² As such, for this challenge to be faced successfully, the burden also falls on the law enforcement institutions to perform the duties and obligations derived from the legislation in order to discourage legal violations by traffic participants. The detection and treatment of each delay or negligence can lead to the discouraging of traffic participants who disregard traffic rules and laws. The consequences of traffic accidents can be very serious, including serious physical injuries, property damage to cars, and loss of life. Road safety organizations and agencies take care of monitoring and improving traffic conditions, announcing various campaigns to educate drivers and raise awareness about the risk of accidents. The police carry out activities in the field in order to prevent road accidents, but they are also taking punitive measures against those people who do not respect the rules and traffic signs. It is requested that all drivers, but also other traffic participants, be alert and while participating in the road, respect the legal provisions arising from the law on road traffic, so that everyone contributes to the reduction of road accident statistics.

² For more info see: <https://www.nhtsa.gov/report-a-safety-problem#index>

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