

COMPARATIVE ANALYSIS OF THE APPLICATION OF FINES AS A CRIMINAL PUNISHMENT FOR ROAD TRAFFIC ACCIDENTS IN DIFFERENT COUNTRIES.

Adembaev Aralbay Kuralbaevich

Karakalpak state university, Nukus, Uzbekistan

<https://doi.org/10.5281/zenodo.19470104>



ARTICLE INFO

Received: 02nd April 2026

Accepted: 05th April 2026

Online: 07th April 2026

KEYWORDS

A fine is a monetary penalty imposed by a court within the limits established by criminal law[1]. It can be applied both as a main punishment and as an additional punishment

ABSTRACT

In the context of the rapid growth of the auto mobilization of society and the increase in traffic intensity, the problem of ensuring road safety is becoming particularly relevant. Every year, millions of road accidents are recorded worldwide, a significant portion of which are caused by traffic violations. In this regard, the effectiveness of criminal-legal measures of influence on offenders is of particular importance.

In the context of the rapid growth of the auto mobilization of society and the increase in traffic intensity, the problem of ensuring road safety is becoming particularly relevant. Every year, millions of road accidents are recorded worldwide, a significant portion of which are caused by traffic violations. In this regard, the effectiveness of criminal-legal measures of influence on offenders is of particular importance.

One of the most common types of criminal punishment for violations that led to traffic accidents is a fine. Its specificity lies in the fact that it influences a person's property sphere, forming an economic motivation to comply with the law. Unlike imprisonment, a fine allows for the avoidance of isolating a person from society, while simultaneously ensuring a punitive and preventive effect.

A fine is a monetary penalty imposed by a court within the limits established by criminal law[1]. It can be applied both as a main punishment and as an additional punishment. At the same time, the main principles of its appointment are justice, proportionality, and individualization.

In foreign practice, particular attention is paid to the individualization of the fine. Thus, in Germany, the daytime fine system (Tagessätze) is applied, which is enshrined in §40 of the Criminal Code[2]. This system involves a two-stage mechanism: first, the number of daily rates is determined based on the severity of the offense, then the amount of one rate is established, taking into account the offender's income.

Germany's judicial practice confirms the effectiveness of this approach. The German Federal Court (BGH) in its decisions emphasizes that the fine should be tangible to the person[3]. Otherwise, it loses its preventive significance. In cases of road traffic accidents without serious consequences, courts often impose fines of 90-120 daily rates, which is equivalent to several months of income.

The experience of Finland deserves special attention, where the penalty system has been brought to a high level of perfection. The amount of the fine directly depends on the person's income, including their tax returns. In judicial practice, cases of imposing fines of tens of

thousands of euros for exceeding the speed limit are known[4]. This approach ensures the real equality of all before the law, as the financial impact is comparable for different categories of citizens.

In France, fines also occupy an important place in the system of penalties for traffic violations. However, the peculiarity of the French model is their combination with additional measures of influence, such as deprivation of the right to drive a vehicle, accrual of penalty points, and mandatory completion of special courses[5]. Judicial practice shows that it is the comprehensive approach that ensures a high level of crime prevention.

In Great Britain, the so-called "means-tested approach" is applied, in which the court takes into account the financial situation of the offender when determining the amount of the fine[6]. In cases involving careless driving, the fine may constitute a significant portion of a person's weekly or monthly income. This makes punishment flexible and adaptable to specific circumstances.

In the United States, there is no unified system for imposing fines, as regulation is carried out at the state level. Nevertheless, in most cases, fines are applied for less serious offenses and are supplemented by other measures, including compulsory educational programs and suspended sentences[7]. Judicial practice demonstrates that fines are effective when combined with other forms of influence.

In the Republic of Uzbekistan, criminal liability for traffic violation is provided for, in particular, in Article 266 of the Criminal Code[8]. A fine is primarily applied in cases where there are no serious consequences. However, the analysis of judicial practice shows that the amounts of fines, as a rule, are fixed and do not take into account the property status of the offender.

This circumstance reduces the effectiveness of the fine as a punitive measure. For high-income individuals, the fine may not be significant, while for low-income individuals, it may be excessive. Thus, the principle of fairness and proportionality of punishment is violated.

Comparative analysis shows that a key factor in the effectiveness of a fine is its individualization. In countries where the fine depends on income, it has a much stronger impact on drivers' behavior. In addition, the inevitability of punishment and the effectiveness of its enforcement mechanisms play an important role.

It should also be noted that judicial practice plays a crucial role in shaping the effectiveness of fines. It is the courts that ensure the implementation of the principles of justice and individualization, adapting punishment to the specific circumstances of the case.

In order to improve national legislation, it is advisable to introduce elements of foreign experience. In particular, it is possible to introduce a system of daily fines, as well as to expand the powers of courts to take into account the property status of offenders. In addition, it is necessary to more actively apply combined sanctions that combine a fine with other measures of influence.

Thus, a fine as a criminal punishment for traffic accidents has significant potential, however, its effectiveness directly depends on the mechanism of its imposition and execution.

Statistical data on road traffic accidents in various countries serve as an additional argument in favor of the effectiveness of individualized fines. According to the World Health Organization (WHO), the mortality rate from road traffic accidents varies significantly depending on the country and the effectiveness of law enforcement. Thus, in Germany, the mortality rate is about 3-4 people per 100,000 population, in France - about 5, in Great Britain - about 3, while in a number of countries with a less effective control system, this indicator is significantly higher[9].

In Finland, where the daytime penalty system is applied, the mortality rate in road accidents remains consistently one of the lowest in Europe - around 4 per 100,000 population. This indirectly confirms the effectiveness of a strict and individualized system of punishments.

In the Republic of Uzbekistan, the mortality rate in road traffic accidents remains higher, which necessitates the improvement of legal mechanisms for influencing offenders[10].

These data contain current statistical data on road traffic accidents, including mortality rates, accident dynamics, and comparative analysis across countries. The most successful models have been implemented in Finland and Germany, where the fine is a truly tangible and fair punishment. Using this experience can contribute to improving the level of road safety and the improvement of the criminal legislation of the Republic of Uzbekistan..

References:

1. Rustambayev M.Kh. Commentary on the Criminal Code of the Republic of Uzbekistan. General Part. – Tashkent: Yuridik adabiyotlar publish, 2021. – 424 p.
2. Strafgesetzbuch (StGB) der Bundesrepublik Deutschland. – Berlin: Bundesministerium der Justiz, 2022. – § 40.
3. Bundesgerichtshof (BGH). Entscheidungen zum Strafmaß bei Geldstrafen // Neue Juristische Wochenschrift. – 2018. – № 15. – S. 1023–1027.
4. Lappi-Seppälä T. Day Fines in Finland // Scandinavian Studies in Law. – Stockholm: Stockholm Institute for Scandinavian Law, 2008. – Vol. 54. – P. 199–220.
5. Code pénal français. – Paris: Dalloz, 2021. – Art. 131-3, 221-6.
6. Clarkson C.M.V., Keating H.M. Criminal Law: Text and Materials. – 9th ed. – London: Sweet & Maxwell, 2019. – P. 680–695.
7. Robinson P.H. Criminal Law Defenses. – St. Paul: West Publishing, 2017. – P. 245–252.
8. Criminal Code of the Republic of Uzbekistan.
Available at: <https://lex.uz/docs/111453> (accessed: 26 March 2026).
9. World Health Organization (WHO). Road traffic injuries data. Available at: <https://www.who.int/data/gho/data/themes/road-traffic-injuries> (accessed: 26 March 2026).
10. European Commission. EU Road Safety Data Portal. Available at: <https://road-safety.transport.ec.europa.eu> (accessed: 26 March 2026).