

## **Is Criminalizing Traffic Accidents from Negligence and Dangerous Road Traffic the Basis of a Rational Criminal Policy?**

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This paper provides a theoretical analysis of the legal provisions of Article 323 of the Penal Code (KZ-1, 2008) and Article 324 of the Act Amending the Criminal Code (KZ-1B, 2011), which defines the concept of the criminal act of causing a traffic accident resulting from negligence and the criminal offense of dangerous road traffic. The basic hypothesis is that, due to a series of conceptual ambiguities and their mutual legal logical discrepancies, it cannot be rationally justified in the way required by the principle of legality. Therefore, they are not a reliable normative starting point for assessing these two offenses in the case law, nor can they be justified from the point of view of a rational criminal policy of criminal law protection of road transport.

This would be sufficient if the normative basis for the prevention of the most dangerous criminal offenses relative to road traffic would be the provision of Article 324 of the KZ-1B (2011), provided that it would be adequately refined. Namely, that both provisions express only excessive repression. The purpose of this paper is to draw attention to nomotechnical inconsistencies and propose future regulation in this area.

**Key words:** the criminal act of causing a traffic accident from negligence, the criminal act of dangerous driving in road traffic, audacity, recklessness, an omission criminal offense

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