

## VI INTERNATIONAL ROAD USER ANTHROPOLOGY SYMPOSIUM: LAW, OFFENCES AND PENALTIES

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### CONCLUSIONS

**1. Freedom and independence must be guaranteed, whilst stressing safety.** Freedom of movement and transport is one of today's society's key freedoms. However, this individual freedom is limited by the need to uphold the common good. Traffic laws stem from two principles: independence and safety. The tension between the two forms the basis for the dynamics of this type of legislation. We must guarantee freedom and independence, but must place ever-greater stress on safety. Today, this means we must revise the system, complementing administrative with criminal penalties.

**2. The legal system covering road use does not begin and end with traffic regulations.** The legal organisation chart for the road use action system is highly complex. Legislation goes beyond traffic regulations and should be further extended to fields such as the production of motor cars, infrastructure, driving licence administration, education and training, formal control, communications, etc. Currently, the entire system is fragmented and, all too often, management lacks transversal and collating tools.

**3. For laws to be effective, the public must accept and respect them.** It is proven that, as far as road use is concerned, good laws are effective in reducing accident rates and improving traffic conditions. For laws and regulations to be effective, the public must accept and respect them –with good reason is it said that the worst kind of law is that which is not complied with. In this way, laws receive the required public acceptance, without which they are not effective. For this reason, laws and regulations must be significant: in other words, credible. If not, a dangerous situation arises of tolerance of infringement, and the law therefore loses its effectiveness.

**4. There is a need to complement penalties with education.** There is a direct relationship between legislation and teaching. If one is looking for a real change in road user and civic attitudes, there is a need to complement penalties with education. This also means tempering repression with prevention or, more generally "social control" (or "formal control") with the taking on board of regulations by the road-using public. A step forward in this direction is provided by the "by-points" driving licence, because it

combines the two: it penalises, but also rewards and provides positive reinforcement.

**5. Improvements are needed in the penalty process.** Before changing laws and penalties, there is a need to improve the penalty process. For a penalty to be really effective in improving road use, it must meet certain requirements, important amongst which is the swiftness of its enforcement. A fresh look also needs to be taken, in a number of senses, at the civic and moral value of financial penalties, beyond their income-generating value. A proper relationship should be established and an attempt made not to confuse offenders, leading them to believe that the main reason for them is financial and not civic.

**6. 40% of the most dangerous attitudes, acts and omission are not penalised.** The law, offences and penalties solely (or in their great majority) cover conduct that is aware of the public and thus can have no direct effect upon a large part of the main causes of accidents, which are not aware of it. As a result, it is estimated that up to 40% of the most dangerous attitudes, acts and omissions are not punishable: examples include distraction, non-intentional conduct, etc. Improving serious road use problems depends in the first place more on the safety model employed than the legal model.

**7. Spain's Penal Code needs revision: breaking the speed limit and exceeding blood alcohol limits should be classified as crimes.** There is also a call for revising the Penal Code to include certain types of conduct leading to serious accidents, and also risk-causing drivers (the majority of whom will re-offend, etc.) Excess speed and drunk driving should be crimes, since they place the common good at serious risk. In the case of driving without a licence, a distinction should be drawn between a misdemeanour (such as driving with an expired licence) and a crime (driving without having passed the licence or when legally banned from doing so).