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**CRIMINAL LEGAL DESCRIPTION OF THE SUBJECT OF CRIME WITHIN  
VIOLATION OF ROAD TRAFFIC SAFETY OR RULES OF OPERATION  
OF TRANSPORT BY PERSONS THAT DRIVE IN UKRAINE**

Composition of the crime “Violation of road traffic safety or rules of operation of vehicle by persons that drive” (Art. 286 of the Criminal Code of Ukraine), as well as any other offense under current criminal legislation of Ukraine is characterized by such a compulsory element as the perpetrator of the crime, the lack of which excludes the presence of the offense and therefore criminal liability for his commission.

The driver is a person who drives the vehicle and has a driver’s license of the appropriate category. Driver is also the person who teaches driving being in the vehicle itself.

However, unlike the concept of “driver” the concept of “person who drives” is much wider. As opposed to the concept of “driver” that covers only the category of persons having a driver’s license, the concept of “person who drives” covered all persons who drive a vehicle, regardless of whether they have the rights to do this or not.

Thus, the people driving a vehicle can be divided into two categories:

- 1) drivers (those entitled to drive vehicles);
- 2) persons driving the vehicle without a driver’s license (the right to drive vehicles).

Thus, studies and analysis of the features of the subject of crime under Art. 286 of the Criminal Code of Ukraine, makes it possible to conclude that the subjects of violations of road traffic safety or rules of operation of vehicle by persons that drive, are sane physical persons who at the time of the offense have reached the age of sixteen and were driving a vehicle. However, given the fact that the passenger as a participant of road traffic, who has the responsibility to create safe conditions for road traffic, can roughly break them thus leading to serious consequences, we find it necessary, to determine the passenger as the subject of crime under Art. 286 of the Criminal Code of Ukraine together with the person that drives the vehicle.

