

## **Analysis Of Factors Causing Traffic Accidents And Efforts To Prevent Them On The Cross-Sumatera Highway In The Jurisdiction Of The Deli Serdang Police Station**

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### **Abstract**

Traffic accidents that occur are caused by fatigue, carelessness, lack of caution, and negligence experienced by drivers. It is no exaggeration that all traffic accidents involving private vehicles or public vehicles are caused by factors of drivers, pedestrians, vehicles, facilities and infrastructure, officers / law enforcers in road traffic. The legal consequences of traffic accidents are criminal penalties for the creator or cause of the incident and can also be accompanied by civil lawsuits for material losses incurred. In implementing the law, road organizers have faced many obstacles and problems of a technical and non-technical nature. The dominant technical problem is the occurrence of road infrastructure safety deficiencies that have an impact on sub-standard road geometry. Users of heavy goods vehicles that overload and overdimension can accelerate the rate of road damage and interfere with the driver's visibility which has an impact on the chances of a vehicle accident. A significant non-technical problem is the uncontrolled growth of land use around national roads which can interfere with the function and benefits of the road making it difficult to determine the certainty of the level of road service. The problem in this study is about what are the main factors that cause traffic accidents and what can be done to prevent traffic accidents. The research method is by using a type of normative legal research that has a descriptive analysis nature. Using library research techniques (Library Research): namely by collecting and studying and analyzing concepts, opinions or findings and provisions of laws relating to the law. Then analyzed qualitatively to get answers to the problems studied. The results of the study indicate that there are problems related to regulations governing traffic, the implementing regulations of traffic laws have taken too long to be made, in addition to derivative regulations such as regional regulations and other technical instructions that are still not in sync with field conditions, law enforcement factors also dominate the high number of accidents as well as the legal culture that still ignores prioritizing the safety of road users, while efforts to reduce the number of accidents are through efforts to play the role of law enforcement officers in traffic jurisdictions such as the role of the Traffic Police in preventing traffic accidents, while related to legal policies in efforts to overcome criminal acts of traffic accidents that result in the death of victims in the Sat Lantas Polres, it is carried out through Penal, and from the aspect of legal culture, ways to prevent traffic accidents, for example, by implementing the pattern of Do Not Drive Under the Influence. Driving under the influence of alcohol or drugs can reduce your alertness and reaction time.

### **Keywords :**

Accidents, Traffic, Prevention



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## A. Introduction

To analyze a legal event, it cannot be separated from analyzing the systems that influence each other. There are three legal systems that influence each other, the stagnation of one of the three things results in disharmony in carrying out daily activities. The three legal systems are related to written laws and regulations, law enforcement officers and legal culture (community behavior). None of these three things should be prioritized, because each other must go hand in hand in order to create a dignified life condition because each runs and runs according to its function.

In a social context, if there is chaos, one of which is related to chaos or tragedy that causes accidents on the road is because the three things do not go hand in hand in playing their roles. Many factors cause traffic accidents. Nowadays, road conditions are not safe to pass. Especially in quiet traffic conditions at 23 o'clock and above. At these hours, danger always lurks for drivers who are considered weak. This causes drivers (especially motorcyclists) to speed without thinking about road conditions and traffic signs, this is because it is to avoid criminal acts of mugging or motorcycle gangs.<sup>1</sup>

The problem of crime rates in Indonesia that continue to climb in the graph in the crime rate is also experienced in the field of narcotics crimes, the role of insiders who abuse power also contributes greatly to the increasingly smooth movement of narcotics crimes.<sup>2</sup> The lack of response from the local government to eradicate or take action against road users (motorcycle gangs and muggers and other criminal acts). The actions of motorcycle gangs and muggers are quite a specter that continues to claim victims, there has been no proper solution from the local government. In addition to the actions of motorcycle gangs that continue to be a frightening terror, the poor condition of the road, holes and uneven due to being continuously eroded by rainwater has resulted in many road users becoming victims because they fall and fall into the ditch when it is raining.<sup>3</sup>

When connected with related regulations, Law Number 22 of 2009 concerning Traffic and Road Transportation (LLAJ) is an important regulation for road organizers who must make many new paradigm changes to realize road infrastructure that is safe, legally certain, and sustainable, which is implemented in a transparent, accountable, participatory, efficient and effective manner, as well as integrated.<sup>4</sup>

In implementing the law, road organizers have faced many obstacles and problems, both technical and non-technical. The dominant technical problem is the occurrence of road infrastructure safety deficiencies that have an impact on sub-standard road geometry. Heavy vehicle users who transport goods who overload and overdimension can accelerate the rate of road damage and interfere with the driver's visibility which has an impact on the chances of a vehicle accident. A significant non-technical problem is the uncontrolled growth of land use

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<sup>1</sup>Putra Kadek Aditya Yasa, 2019, Handling of traffic accidents in Probolinggo City, Postgraduate School, Airlangga University Surabaya, Dialectics Vol. 14, No. 5

<sup>2</sup> Yasmirah Mandasari Saragih, The Effectiveness Of Mahkota Witnesses (Kroon Getuide) Evidence On Narcotics Abuse, International Journal of Law Reconstruction Volume 5, Number 1, April 2021. page 141.

<sup>3</sup>Sangki Agio V, 2012, Criminal Responsibility of Vehicle Drivers Causing Death in Traffic Accidents, Lex Crimen Vol.I/No.1/Jan-Mrt, Faculty of Law, Sam Ratulangi University, Manado. page 52

<sup>4</sup>Septiana Putu Ratih Mahalia, 2019, Criminal Responsibility in Traffic Accidents with Fatalities in the Gianyar Resort Jurisdiction, Masters Program (S2) in Notary Law, Faculty of Law, Udayana University Acta Comitatus: Journal of Notary Law, Vol. 4 No. 3 December. Page 73.



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around national roads which can interfere with the function and benefits of the road, making it difficult to determine the certainty of the level of road service.<sup>5</sup>

The implementation of this law will not only have an impact on improving road infrastructure but will also have an impact on changes in operational legality in the form of regulations or decisions of the Minister of Public Works which are followed by technical guidelines and standard operating procedures for the implementation of safe national roads.

Several draft regulations of the Minister of Public Works have not been agreed upon because the laws and regulations above them do not yet exist, while the demands of road users and beneficiaries cannot be postponed any longer. An example is the procedure for determining road classes based on the intensity of heavy vehicles. Another example is the unfulfilled road function eligibility in the unconditional function eligibility category due to the complexity of technical and non-technical problems on the road and the differences in authority between institutions in regulating and repairing road components.<sup>6</sup>

The delay in installing national road signs and markings and the weakness of traffic management and engineering are not the responsibility of the Directorate General of Highways even though the condition of the road infrastructure construction has met technical standards. Likewise, various social problems around the road space (rumija) that have an impact on the disruption of the function and benefits of the road greatly affect the unfeasibility of the road function. In relation to these conditions, it is necessary to evaluate the obstacles and problems in the implementation of Law Number 22 of 2009 concerning LLAJ on the implementation of national roads.<sup>7</sup>

The evaluation aims to examine important articles that demand the achievement of safe and legally certain road management, but until now road management has not been able to realize this due to various technical and non-technical obstacles and problems.

The problem of legal awareness, also included in the scope of legal issues and social values. There is an opinion that says that the binding of the law depends mainly on a person's beliefs. This is called the theory (*rechtsbewustzijn*)<sup>8</sup>. with legal obedience or legal effectiveness. In other words, legal awareness concerns the issue of whether certain legal provisions actually function or not in society.<sup>9</sup> Legal awareness is related to the values that grow and develop in society. Thus, society obeys the law not because of coercion, but because the law is in accordance with the values that exist in society itself.<sup>10</sup>

The causal factors that allow traffic accidents to occur are increasing traffic density caused by increasing community mobility supported by easy ownership of motorized vehicles and the development of traffic facilities and infrastructure that is slower than traffic growth. The increase in traffic density is caused by the high or increasing frequency of vehicles each year.<sup>11</sup>

The occurrence of traffic violation cases on the highway tends to result in violations, disorder of road users and traffic congestion is felt to be increasing. Awareness in traffic is very

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<sup>5</sup>Setyowati Dina Lusiana, 2018, *The Indonesian Journal of Occupational Safety and Health*, Vol. 7, No. 3. Mulawarman University. Page 92.

<sup>6</sup>Utomo Nugroho, 2012, *Analysis of Traffic Accident Causal Factors on the Krian – Balongbendo By-Pass Road Segment*, KERN Civil Engineering Journal Vol. 2, National Development University “Veteran” East Java. Page 51

<sup>7</sup>Dewa Arya Lanang Raharja, *Road Organizers as Subjects of Criminal Law*, Udayana Master Law Journal, Vol. 6, No. 1 2017.

<sup>8</sup>Otje Salman *Several Aspects of the Sociology of Law*, PT Alumni, Bandung 2008, page 49.

<sup>9</sup>Bambang Waluyo, *Law Enforcement in Practice*, Sinar Grafika, Jakarta, 2002, page 16.

<sup>10</sup>Eviera Riza Indriani & Gde Made Swardana, *Law Enforcement Against Road Organizers for Road Damage Resulting in Traffic Accidents (In the Jurisdiction of the Bali Police)*, E-Journal of Legal Studies Kertha Wicara Faculty of Law, Udayana University, Volume 8 Number 6 2019. Page 173

<sup>11</sup>Widyawati Budiningsih & Jefri Hardi, *Criminal Liability of Road Organizers to Victims of Road Damage*, Jurnal Hukum, Vol. XIX, No. 19, 2010. Page 183.



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necessary, because if drivers have high awareness in traffic, violations will not occur and traffic accidents will not increase. If drivers in traffic have high awareness, then in traffic they will be more careful in driving and pay more attention to safety by not violating traffic rules which are one of the factors causing accidents. The increase in the number of violations and traffic accidents is the impact of low traffic awareness of drivers.<sup>12</sup>

From the above, the author is interested in analyzing what factors cause accidents and what can be done to prevent accidents with the title: "**Analysis of the Causal Factors of Traffic Accidents and Prevention Efforts on the Trans-Sumatra Highway in the Jurisdiction of the Deli Serdang Police .**"

## **B. Formulation of the problem**

There are two things that according to the author can be used as a problem formulation in this research, namely:

1. What are the main factors that cause traffic accidents?
2. What things can be done to prevent traffic accidents from occurring?

## **C. Research methods**

The writing method is an important factor in legal writing. used as method For find, develop at a time test truth as well as give description systematics think so that can be accounted for in a way scientific.<sup>13</sup> Method study Which used in This writing is in overall are as follows :

### **1. Type Study**

The type of research used is normative juridical, namely the technique or review procedures based on several legal principles and rules law, and principles law Which related with substance general and specific laws and regulations in force For seeking solutions to legal issues Which arise.<sup>14</sup>

### **2. Approach problem**

Type writing Which used writer is with approach legislation (*statute approach*), conceptual approach (*conceptual approach*) approach, approach case (*case approach*) and approach comparison ( *comparative approach* ) .

Approach legislation (*statute approach*) done with review all laws and regulations related to the issue the law being handled. <sup>15</sup>This writing is based on the regulations legislation, with emphasize on search norm Which contained in the provisions of laws and other regulations related to the problem of writing this by studying and to describe norms And Articles Which related on formulation problem Which has been implemented.<sup>16</sup>

Approach conceptual (*conceptual approach*), is move on from views and doctrines which is developing in science law. Starting from the smallest concept of legal norms and legal theories that furthermore formulated in form preposition or series draft, so that the concept is the smallest element of legal theory and norm law Which related with formulation of the problem Which has set.

Whereas approach comparison ( *comparative approach* ) . And case approach ,

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98. <sup>12</sup>Mahdi, Al, 2013, Peace in Traffic Crimes, Postgraduate Legal Studies Journal of Syiah Kuala University. Page

<sup>13</sup>Marzuki Peter Mahmud, 2011, Legal Research Revised Edition, Prenada Media Group, Jakarta. Page 125.

<sup>14</sup>Lubis M. Solly, 1994, Philosophy of Science and Research, Mandar Maju, Bandung. page 92

<sup>15</sup>Peter Mahmoud Marzuki, *Study Law*, Golden Preface Media Group, Jakarta, 2009, page 93.

<sup>16</sup>Molloeng Lexy, 1993, Quantitative Research Methodology, Remaja Rosdakarya, Bandung. Page 171.



namely comparing the laws of a country with law Country other or law from a time certain with law from time others.<sup>28</sup> Related cases accident traffic Which involving children.

### 3. Source Law

In this writing, legal sources are used, both material primary law and secondary legal materials.

- a) Material law The primary is covering material material law Which consists of from :
  - 1. Constitution Base Republic Indonesia 1945
  - 2. Constitution Number 1 Year 1946 about Regulation Law Criminal
  - 3. Constitution Number 8 Year 1981 about Law Program Criminal
  - 4. Constitution Number 22 Year 2009 about So Cross And Transport Road
  - 5. Book Constitution Law Civil/Food and Beverage Law Book (BW)
- b) Material law secondary Which give explanation about material law primary for example results legal research, results scientific research from for expert law And literature Which related with title And formulation this research problem.

Material law primary in on that is covering material material law Which consists of norms or legal rules that have authority regarding the formulation problem obtained from Regulation Legislation And material law secondary to the opinions of legal experts who write related to the formulation problem as well as jurisprudence Which related with formulation problem Which all of them are completely listed in the reading list, some of them are others in book.<sup>17</sup>

Techniques for collecting legal materials or where primary legal materials come from and secondary legal materials were obtained from *searching on websites and libraries research* or literature study which is usually done by looking for doctrine doctrine from the legal opinions of previous experts which will later be used as material secondary law Which support primary legal materials.<sup>18</sup>

## D. Discussion Analysis

### 1. What are the main factors that cause traffic accidents?

The discussion in this writing will begin by describing through the knife of system theory analysis proposed by the late M. Friedman. That there are three things that become a cycle of a country can achieve progress in various fields, namely starting from the establishment of regulations that have reliable predictive power, a regulation that is indeed prepared to serve the needs of many people, not regulations based on investor orders so that society becomes a guinea pig for the feasibility test of regulations that are carried out based on the previous orders, after that the law enforcement apparatus (Police, Prosecutors, Judges and Lawyers) who occupy positions are truly to serve the state and the Legal Culture of Society.<sup>19</sup>

#### a) Problems in regulating traffic and road transportation regulations

Law Number 22 of 2009 concerning Traffic and Road Transportation (LLAJ) requires national road operators to take proactive, reactive, and anticipatory actions towards the demands of road safety. A decade of implementation of Law Number 22 of 2009 concerning Traffic and Road Transportation (LLAJ Law) still leaves several problems that need to be fixed. There are at least five problems in the implementation

<sup>17</sup>Nasution Bahder Johan, 2011, Legal Science Research Methods, Mandar Maju, Bandung. Page 79.

<sup>18</sup>Sinamo Nomensen, 2010, Legal Research Methods in Theory and Practice, Jakarta, Bumi Intitama Sejahtera

<sup>19</sup>Praja S Juhaya, et al., 2014, Legal Theory and Its Applications, CV. Pustaka Setia. Bandung. Page 63.





of the LLAJ Law, namely in the institutional field, road preservation funds collected from vehicle taxes and allocated for road maintenance, and online transportation practices as an influence of the development of information and telecommunications technology. Meanwhile, in the field of law enforcement, handling traffic accidents (laka lintas) and taking action against vehicles that violate the size and maximum load limits are also still "homework" for traffic and road transportation operators.<sup>20</sup>

From the institutional side, problems arise from both the regulatory and institutional sides. One of them is that this Law mandates the formation of several implementing regulations, but not all of them have been formed so that it affects law enforcement. The heterogeneity of stakeholders in the development and implementation of road traffic and transportation, consisting of elements of the government, regional governments, legal entities, and/or the community is one of the institutional problems of Road Traffic and Transportation.<sup>21</sup>

Roadworthiness issues are also an important issue in the implementation of traffic and road transportation in Indonesia because they are related to the safety and comfort of driving on the road. In order to maintain road conditions, Law Number 22 of 2009 concerning LLAJ provides regulations regarding Road Preservation Funds, namely funds specifically used for road maintenance, rehabilitation, and reconstruction activities on an ongoing basis in accordance with established standards. How the regulation, implementation, and problems of preservation funds in the regions are interesting to analyze.<sup>22</sup>

Land transportation as part of the implementation of traffic and road transportation in practice has not been fully able to realize safe, comfortable and affordable transportation sector services for the community. Along with the increasing mobility of the community that demands speed, comfort, and security in using transportation services and the influence of technological advances that provide opportunities for the community to meet their needs, the existence of online-based transportation has begun to be introduced by offering several conveniences for consumers using land transportation services. Online transportation is now in demand by the community of transportation users.<sup>23</sup>

However, normatively the use of online-based transportation tools is not yet known in the laws and regulations governing LLAJ. Traffic accidents (lakalantas) that occur every year cause many victims, both minor injuries, serious injuries, and death. Referring to the Law on LLAJ, law enforcement for traffic accident cases can be carried out through two channels, namely the courts and outside the courts. Traffic accidents that cause minor injuries can be resolved peacefully. Meanwhile, traffic accidents that cause serious injuries and death must go through the judicial process. However, in its implementation, traffic law enforcement, especially those that cause victims, is often inconsistent.<sup>24</sup>

The root of the problem of proactive action in implementing Law Number 22 of 2009 concerning LLAJ regarding the implementation of national roads which has a fairly large gap between the level of importance and the level of handling is:<sup>25</sup>

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<sup>20</sup>Raharjo Rinto 2014, Traffic Order, Shafa Media, Yogyakarta. page 42

<sup>21</sup>Sulistiono Adi, 2016, The Tangled Thread of Traffic, Pencil, Jakarta. page 59

<sup>22</sup>Tjahjono Tri, 2011, Traffic Safety Analysis, Lubuk Agung, Bandung. Page 60.

<sup>23</sup>Warpani Suwardjoko P, 2012, Traffic Management and Road Transportation, ITB Publisher, Bandung. page 78

<sup>24</sup>Djajoesman S, 2016, Police and Traffic, Yustisia Library, Lembang. Page 95.

<sup>25</sup>Rosydah, BM Kurniasih, D., & Sandora, R. (2017, December). The Effect of Individual Characteristics and Environmental Influence on Aggressive Driving Behavior of Public Transportation Drivers in Surabaya City. In Seminar MASTER PPNS (Vol. 2, No. 1 pp. 15-18).



- 1) road service level has not been determined;
- 2) utilization of road sections is not optimal;
- 3) substandard road geometry on road sections and intersections has not been repaired;
- 4) the road class on each road section has not been determined;
- 5) the technical suitability of the road function cannot yet be fulfilled;
- 6) road infrastructure information and communication systems have not been developed. This means that the six root problems require serious handling related to the problems that occur.

Meanwhile, the root of the problem of reactive actions in implementing Law Number 22 of 2009 concerning LLAJ regarding the implementation of national roads which has a fairly large gap between the level of importance and the level of handling are:<sup>26</sup>

- 1) Installation of warning signs on road sections that have substandard geometry;
- 2) Installation of speed limit signs, especially at black spot locations;
- 3) Installation of warning signs on road sections that are experiencing functional problems;
- 4) Repair of technical components of the road to meet the functional suitability of the road;
- 5) Criminal charges against road operators due to accidents caused by damaged road conditions and the unsuitability of road functions

The reactive action required by the law is the installation of warning signs on road segments that have experienced structural damage to reduce the potential for traffic accidents.

In addition, in Law Number 22 of 2009 concerning Traffic and Road Transportation, several articles mention the need for special regulation with Government Regulations regarding several matters, including:<sup>27</sup>

- 1) Road Traffic and Transport Forum (Article 13)
- 2) preparation and determination of the master plan for the road traffic and transportation network (Article 18)
- 3) special class road (Article 19)
- 4) road class grouping and procedures for determining road classes (Article 20)
- 5) speed limit (Article 21)
- 6) road equipment (Article 25)
- 7) organization and work procedures of the road preservation fund management unit (Article 32)
- 8) function, classification, type, location, facilities, work environment, construction and operation of terminals (Article 42)
- 9) users of parking facilities, permits, requirements and procedures for organizing facilities and parking for the public (Article 43)
- 10) development, management, maintenance, and technical specifications of supporting facilities for traffic and road transportation (Article 46)
- 11) technical requirements and roadworthiness (Article 48)
- 12) modification and type testing (Article 51)

In the closing provisions of Article 320 it is stipulated that "the implementing

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<sup>26</sup> Farouk Muhammad, Law Enforcement Practice (Traffic Sector), Balai Pustaka, Jakarta, 1999

<sup>27</sup> Tjahjono, T., Draft of Introductory Book on Analysis and Prevention of Road Traffic Accidents, Depok, Transportation Laboratory, Department of Civil Engineering, FT UI, 2017. page 153.



regulations of this law must be stipulated no later than 1 (one) year since this law comes into effect". Law Number 22 of 2009 was stipulated on June 22, 2009, this means that no later than June 22, 2010, the implementing regulations of this law must have been made with a Government Regulation. Although Article 324 states that "at the time this law comes into effect, all implementing regulations of Law Number 14 of 1992 concerning Traffic and Road Transportation are declared to remain in effect as long as they do not conflict with or have not been replaced with new ones based on this law".

**b) Problems in regulating law enforcement officers in the field of traffic and road transportation**

In addition to the problem of the law itself, the effectiveness of the legislation is also determined by law enforcement officers, namely those who work in the fields of justice, prosecution, police, legal and correctional. Law enforcement *in* a broad sense encompasses the implementation and application of the law against every violation or deviation of the law committed by legal subjects, in a narrow sense law enforcement is the activity of taking action against every violation or deviation of the legislation.

No matter how good the quality of the law or regulations, if the mentality and behavior of law enforcement officers are damaged, then the law that is enforced is like upholding wet thread. Without ignoring the success of law enforcement in other fields, it is often said that law enforcers are only able to enforce the law against those who are weak, poor, stupid, have no money and no rank.

Law enforcement factors where this factor has a fairly broad scope, where the law enforcers in question are people who are directly and indirectly involved in the field of law enforcement. People who are directly involved in the field of law enforcement, for example, are the police, prosecutors, and judges. While people who are not directly involved in the field of law enforcement referred to by the author are people who carry out educational activities to the community related to law enforcement, in this case, namely teachers, lecturers, counselors, etc. Each of the parties above has their respective duties and functions based on laws and regulations or based on their duties and functions as someone who has a certain functional position.<sup>28</sup>

Sociologically, every law enforcer has its own position (status) and role (role). This position is a certain position in society that may be high, medium or low. The position as a law enforcer can give rise to a certain position in a state institution from the highest institution to the lowest institution in enforcing the law. Based on this, the position or authority of the institution will of course differ in enforcing the law. The authority of a police officer is of course different from the authority held by a prosecutor or judge. Therefore, laws and regulations have given authority to law enforcers according to the function of each institution. Soerjono Soekanto said that someone who has a position is usually called a role occupant.<sup>29</sup>

A certain role is described in the following elements:

- 1) Ideal role (ideal role);
- 2) Expected role;
- 3) The role that is perceived by oneself (perceived role); And

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<sup>28</sup> Soerjono Soekanto, *Sociological Approach to Law*, Jakarta, Bina Aksara., 1987. Page 79

<sup>29</sup> Achmad Ali, *Exploring Empirical Studies of Law*, Jakarta, PT. Yarsif Watampone, Jakarta, 1998.





4) The role that is actually carried out (actual role).

Based on what was stated by Soerjono Soekanto, it can be said that law enforcers have a big role in implementing law enforcement, especially related to traffic regulations. The ideal role must be carried out by law enforcers in Indonesia. This ideal role is where law enforcers must be able to be role models or examples for the community in traffic. Law enforcers in Indonesia have been formulated in several laws and regulations such as Law Number 2 of 2002 concerning the Indonesian National Police (Police Law), Law Number 16 of 2004 concerning the Indonesian Prosecutor's Office (Prosecutor's Law), and Law Number 48 of 2009 concerning Judicial Power (Judicial Law).

The important role played by law enforcers is sometimes hampered in its implementation. Law enforcers who should enforce the law, often violate traffic regulations. This then makes law enforcement against traffic regulations cannot be implemented properly. Law enforcement against traffic regulations will never run well when law enforcers do not reflect compliance with traffic regulations.

Law enforcement of traffic regulations will run well when law enforcers obey the regulations. Legislation is made and enacted for everyone without exception. Everyone is equal before the law is a principle that cannot be avoided by all levels of society, including law enforcers. Law enforcers are role models for society in their attitudes and actions. When law enforcers no longer obey laws and regulations, society will follow suit and no longer obey laws and regulations. Therefore, Soerjono Soekanto said that law enforcement can be carried out well.

Based on the above, law enforcement has a very important role, namely as the spearhead in the implementation of law enforcement in Indonesia. As previously mentioned, law enforcement against traffic violations will run well when all stakeholders can carry out their functions, duties, and authorities properly.

The Indonesian National Police is the front guard in enforcing the law, especially in the field of traffic. Various efforts and programs must be carried out as well as possible, starting from providing seminars or training to motor vehicle drivers, conducting socialization, to conducting stricter selection in providing Driving Licenses (SIM).

**c) Legal Culture Factors in Obeying Traffic Signs**

In essence, all Indonesian people want traffic safety and security as stated in Law Number 22 of 2009 concerning Traffic and Public Transportation (Junef, 2014). With the increasing legal awareness of the community in traffic, it is expected to create a sense of awareness for other drivers who have been negligent or less careful in riding motorbikes and this has had a negative impact on the lives of Indonesian people.

It can be seen from the facts on the ground regarding the growth rate of motor vehicle ownership in Indonesia from year to year has increased significantly. Economic growth and a large population have caused activities to fulfill transportation needs to increase <sup>30</sup>. Based on data from the Traffic Corps of the Indonesian National Police, the number of vehicles still operating throughout Indonesia in 2022 reached 904.211 million units, up 11 percent from the previous year (2023) which reached 3,494.299 million units. However, the facts on the ground

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<sup>30</sup>Soekanto, Soerjono. (2004). Factors Influencing Law Enforcement, Jakarta: Raja Grafindo Persada. page 83.



are not only the problem of congestion that occurs.

Other problems besides traffic jams are the high number of accidents caused by inadequate roads such as potholes and minimal lighting at night, as well as the behavior of drivers who do not obey the law by driving without a driver's license and other driving equipment. The main problem in traffic is traffic accidents <sup>31</sup>. Even according to WHO data, traffic accidents in Indonesia are considered the third biggest killer after heart disease and tuberculosis.

Most traffic accidents involve motorcycles ridden by students <sup>32</sup>. Meanwhile, according to Suananta et al. (2015), infrastructure development that is not balanced with the rate of vehicle growth is believed to be one of the factors in the increase in traffic accidents.

The importance of awareness in building a society that is aware of the law is what is expected to support and make society uphold institutions or rules as a fulfillment of the need to desire obedience and legal order. Some factors that influence society to be unaware of the importance of law are: "The existence of legal uncertainty and static regulations and the inefficiency of the ways in which society maintains applicable regulations".

Talking about "legal obedience", this cannot be separated from legal awareness, and good legal awareness is legal obedience, and good legal unawareness is disobedience. The statement of legal obedience or compliance must be juxtaposed as the cause and effect of legal awareness and obedience. As an inseparable relationship between legal awareness and legal obedience, several literatures expressed by several experts regarding legal obedience are based on legal awareness.

This is reflected in two types of awareness, namely: Legal consciousness as within the law, legal consciousness as obedience to the law, being within the law, in accordance with the rules of law that are realized or understood; Legal consciousness as against the law, legal consciousness in the form of opposing the law or breaking the law. Obedience to the law is an obligation that must be carried out and if it is not carried out, sanctions will arise. This is not the case with social obedience, social obedience when not carried out or carried out, then the social sanctions that apply to society are the judges. It is not an exaggeration if obedience within the law tends to be forced

The Level of Legal Awareness of Motor Vehicle Drivers <sup>33</sup>said that legal awareness is an abstract concept in humans about the harmony between the desired order and tranquility with the appropriate order and tranquility (Village & District, nd). This means that there is harmony between the will and reality to carry out the order or law. Legal awareness is not only for the comfort and safety of others, but also for one's own comfort and safety. Laws are formed to provide a sense of justice and comfort.

Therefore, the law must be obeyed and implemented. Factors causing the lack of legal awareness in society are: first, the rule of law which is a set of laws and regulations that have been made by authorized institutions that still do not show protection for society. Second, people who feel that the law in Indonesia still cannot

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<sup>31</sup>Nonet, Philippe and Selznick, Philip. (2003). *Responsive Law: Options in Transition*, Jakarta: Association for Community-Based and Ecological Legal Reform. Page 91.

<sup>32</sup>Munir Fuady, *Critical Legal School: The Paradigm of Legal Powerlessness*, Bandung: Citra Aditya Bakti, 2003, page 46.

<sup>33</sup> Hermawan Usman, A. (2014). *Legal Awareness of Society and Government as a Factor in Upholding the Rule of Law in Indonesia*. *Journal of Legal Insight*, 30 (1), 26–53



provide guarantees for them. Third, law enforcement officers as the makers and implementers of the law themselves still cannot truly implement the regulations that have been set. Law enforcement officers who should be the implementers actually violate the law (Dewi et al., 2019).

Legal awareness in implementing a regulation is not limited to reading or knowing, but also needs to implement the regulation without being forced. Traffic law awareness means that someone who carries out traffic activities is required to know, understand, and implement traffic regulations. This is quite important to implement in order to create security and safety for everyone who carries out traffic activities.<sup>34</sup>

Knowledge and content of traffic law regulations should be known and understood by motor vehicle drivers. Motor vehicle drivers must have a driver's license (SIM). When registering for a SIM, motor vehicle drivers are required to know and understand the rules of the road. Therefore, there is no reason that motor vehicle drivers do not know and understand the applicable traffic law regulations, such as: Law No. 22 of 2009 concerning Traffic and Road Transportation. Police Efforts to Enforce the Law The role of the police in law enforcement can be found in the law that regulates the rights and obligations of the Police, namely Law Number 2 of 2002 concerning the Republic of Indonesia National Police, which in article 13 reads: Main Duties of the National Police.<sup>35</sup>

Maintaining public order and security, Enforcing the law, Providing protection, shelter and service to the community. In terms of duties, the police are an agency that enforces the law, especially criminal law, which in addition to using a referential approach (law enforcement), a preventive approach (prevention) is also carried out, the main purpose of which is to maintain order and also enforce the law. Speaking of roles, the police have a very important role in enforcing criminal provisions against perpetrators of crimes in public transportation<sup>36</sup>.

The obstacles encountered by the police in dealing with the legal awareness of the traffic community are the people who lack and do not understand, even ignore traffic rules or driving on the highway. There are still many motorized vehicle drivers who do not use driving equipment such as often not wearing a helmet when riding a motorbike. Most drivers do not understand the provisions for motorized vehicle equipment, as regulated in Law Number 22 of 2009 concerning Traffic and Road Transportation.<sup>37</sup>

So as a result, these drivers continue to violate the rules and ignore the safety of other road users. Especially for the drivers themselves, this should be a concern for the government to evaluate policies on the completeness of motorcycle drivers, both in terms of regulation and implementation, so that the objectives of the law consisting of three elements, namely: justice, benefit and certainty can be achieved or aspired to.<sup>38</sup> Lack of awareness in traffic that ignores traffic rules. Indeed, there are still many on the highway who pay little attention to traffic order, lack of understanding of motorcycle riding equipment such as helmets, and legal awareness

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<sup>34</sup> Krug, E. (2012). Decade of action for road safety 2011-2020. *Injury*, 43(1), 6–7.

<sup>35</sup> Rahmawati, C. (2020). Current Indonesian Law Reviewed from the School of Legal Philosophy. *UPNVJ Legal Essence Journal*, 2(1), 113–122

<sup>36</sup> Tenrisau, A. (2019). Spatial Utilization Control Policy Through Criminal Law Enforcement on Violations of Spatial Planning Linked to Law Number 26 of 2007 Concerning Spatial Planning. *Aktualita (Law Journal)*, 2 (2), 402–421

<sup>37</sup> Arif M. (2021). As a Law Enforcer According to the Law. *Journal of Law*, 13 (1), 91–101

<sup>38</sup> Gultom, AF (2022). The Fragility of Evidence in Civic Literacy. *Sophia Dharma: Journal of Philosophy, Hinduism, and Society*, 5 (1), 1-18



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that is not good for the safety of the drivers themselves, which is a habit of people who ignore these rules. Lack of discipline and minimal or low legal awareness of the community towards traffic regulations.<sup>39</sup>

## **2. Things that can be done to prevent traffic accidents from occurring**

The level of legal awareness of the community as road users can be measured from the ability and absorption of individuals, as well as how it is applied on the highway. Humans as road users greatly determine the occurrence of traffic violations that cause traffic accidents. Article 1 number 24 of Law Number 22 of 2009 concerning Traffic and Road Transportation states that "Traffic Accidents are an unexpected and unintentional event on the road involving vehicles with or without other road users that results in human casualties and/or property losses." Ramdlon Nailing also added that:

"The factors that cause accidents are human factors as road users (main factors), vehicle factors, road factors and condition or natural factors."

Therefore, the Government, in this case law enforcement officers, especially the police, especially the traffic police, have made various efforts, both preventive and repressive, to prevent or reduce the occurrence of traffic violations that cause traffic accidents on the road. Traffic Accident Prevention Efforts on the road are through the role of law enforcement officers in the traffic jurisdiction, such as the Role of the Traffic Police in preventing traffic accidents, in handling traffic can be presented through several indicators.

That the indicators are based on applicable legal regulations, namely Law Number 22 of 2009 concerning Traffic and Highways. Police performance in handling traffic can be presented through *Responsiveness, Responsibility, Accountability and Transparency*. Traffic police are *agents of change*, traffic law enforcers are traffic police (Polantas). Traffic police are one of the implementing elements tasked with carrying out police duties including guarding, regulating, escorting and patrolling, public education and traffic engineering, registration and identification of drivers or motor vehicles, investigation of traffic accidents and enforcement of traffic laws in order to maintain security, order and smooth traffic. It is stated in Article 7 paragraph (2) of Law Number 22 of 2009 that "the main duties and functions of the Police in terms of organizing traffic as a government affair in the field of registration and identification of motor vehicles and drivers, law enforcement, operational management and traffic engineering, and traffic education." Furthermore, the duties and functions of the Police are regulated in Article 12 of Law Number 22 of 2009.

The main principles of the safe systems approach are summarized in four elements. The first element is an understanding of human error in transportation systems. The second element is an understanding of human vulnerability and physical limits. The third element is the promotion of system accountability. The final element is the promotion of ethical values in road safety.

Traffic accidents can have serious consequences, but by taking the right precautions, you can help keep the road safe. Here are some tips for avoiding traffic accidents:

- a) Obey Traffic Rules. It is important to always obey traffic rules, including speed limits, traffic signs, and road markings. Self-discipline in traffic is the first step to preventing accidents.

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<sup>39</sup> Hermawan Usman, A. (2014). Legal Awareness of Society and Government as Factors in Upholding the Rule of Law in Indonesia. *Journal of Legal Insight*, 30 (1), 26–53.



- b) Don't Drive Under the Influence. Driving under the influence of alcohol or drugs can reduce your alertness and reaction time. Avoid driving if you are not in optimal condition.
- c) Use Seat Belts. Always wear a seat belt whether you are a driver or a passenger. Seat belts are the most effective safety equipment to protect yourself in the event of an accident.
- d) Avoid Aggressive Drivers. Avoid interacting or competing with aggressive drivers. Let them pass when necessary and avoid confrontations on the road.
- e) Maintain a Safe Distance. Maintain a safe distance from the vehicle in front of you. This gives you enough space and reaction time if there is a sudden change in speed or direction of the vehicle in front of you.
- f) Be Aware of Your Surroundings. Always pay attention to vehicles around you. Monitor your surroundings, including pedestrians and bicycles. Avoid using cell phones or other distractions that can reduce attention.
- g) Check Vehicle Condition. Make sure your vehicle is in good condition. Perform regular checks on brakes, lights, tires, and other systems to reduce the risk of accidents due to technical damage.
- h) Avoid Driving When Tired. If you feel tired or sleepy, take a break before continuing your journey. Good physical and mental condition is essential for driving safety.
- i) Use Lights Properly. Make sure your vehicle lights are working properly and use them wisely, especially in bad weather conditions or at night.
- j) Avoid Cell Phones While Driving. Using a cell phone while driving can distract you from the road. Use a hands-free device if necessary, but it's even better to avoid using your cell phone altogether.
- k) Pay Attention to Weather Conditions. Bad weather conditions such as rain, snow, or fog can increase the risk of accidents. Drive carefully and adjust your speed to suit road conditions.
- l) Learn Defensive Driving Skills. Taking a defensive driving course can help you learn the tactics and skills to avoid potential hazards on the road.
- M) Signal Clearly Signal clearly whenever you are turning or changing lanes. This alerts other drivers to your intentions and reduces the risk of an accident.

Some traffic accidents that occur, can actually be avoided if road users can behave in a disciplined, polite and respectful manner. Some traffic accidents that occur, can actually be avoided if road users obey the regulations stipulated in Law Number 22 of 2009 concerning Traffic and Road Transportation, especially Article 105 and Article 106, which states that: Where the use of the road is regulated in Law Number 22 of 2009 concerning Traffic and Road Transportation.

Article 105: "Every person who uses the road is obliged to:

- a) Behave in an orderly manner; and/or
- b) Prevent things that can hinder, endanger the security and safety of traffic and road transportation, or that can cause road damage."

Article 106:

- a) "Every person who drives a motor vehicle on the road is obliged to drive the vehicle reasonably and with full concentration;
- b) Every person driving a motorized vehicle on the road is obliged to prioritize the safety of pedestrians and cyclists;
- c) Every person who drives a motor vehicle on the road is obliged to comply with the provisions regarding technical requirements and roadworthiness;





- d) Every person who drives a motor vehicle on the road is obliged to comply with the provisions
- e) Every person driving a four-wheeled or more motorized vehicle on the road and the passenger sitting next to him/her must wear a seat belt;
- f) Every person who drives a four-wheeled or more motorized vehicle that is not equipped with roadside guards and passengers sitting next to him/her are required to wear a seat belt and wear a helmet that meets Indonesian national standards;
- g) Every person who drives a motorbike and a motorbike passenger must wear a helmet that meets Indonesian national standards;

With the existence of the above regulation, and if the community implements it in driving, it is likely to reduce the number of accidents that often occur on the highway. Many carelessness results in a person's lack of caution which often causes accidents and with this carelessness has a detrimental impact on others. While the criminal provisions regarding accident cases are regulated in Law No. 22 of 2009 concerning Traffic and Road Transportation, especially in Article 310, stating that:

- a) Any person who drives a motor vehicle who, due to his negligence, causes a traffic accident with damage to the vehicle and/or goods as referred to in Article 229 paragraph (2), shall be punished with imprisonment for a maximum of 6 (six) months and/or a maximum fine of IDR 1,000,000.00 (one million rupiah);
- b) Any person who drives a motor vehicle who, due to his negligence, causes a traffic accident resulting in minor injuries and damage to the vehicle and/or goods as referred to in Article 229 paragraph (3), shall be punished with imprisonment for a maximum of 1 (one) year and/or a maximum fine of IDR 2,000,000.00 (two million rupiah);

The policy to prevent and overcome criminal acts of traffic accidents is included in the field of "criminal policy". This criminal policy is also inseparable from a broader policy, namely social policy which consists of policies/efforts to protect the community (social defense policy). <sup>40</sup>Criminal policy is basically divided into 2 (two), namely: First, prevention policy before the crime occurs, and second, law enforcement policy (formal reactive) after the crime occurs.

The second realm of criminal policy is the full authority of the Criminal Justice System (CJS). Only the CJS can conduct investigations, inquiries, and impose penalties on perpetrators of crimes. Criminal policy focuses more on the state's strategy to prevent society from various forms of crime, one of which is implementing the CJS. While the criminalization policy is a policy in determining an act that was originally not a crime (not punishable) to become a crime (an act that can be punished).

So, in essence, the criminalization policy is part of the criminal policy (Criminal Policy) by using criminal law (penal) means, and therefore is part of the "criminal law policy (penal policy) especially its formulation policy. <sup>41</sup>Here it can be said that criminalization is intended as the process of determining a person's actions as actions that can be punished.

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<sup>40</sup>Barda Nawawi Arif. 2017. Problems of Law Enforcement and Criminal Law Policy in Combating Crime. Kencana Prenadamedia Group. Jakarta, page 77.

<sup>41</sup>Marye Agung Kusmagi, 2010, Safe Driving on the Highway, First Edition: Achieve the Hope of Success, Jakarta, pages 11-13.



### 3. Legal Aspects of Traffic Accidents Causing Fatalities Case Study of Traffic Accidents that Occurred on the Lubuk Pakam - Tebing Tinggi Public Road between a Motorcyclist and a Pickup Truck Driver that resulted in the death of the Motorcyclist.

The existence of Indonesia as a country of law actually means that every legal act carried out by citizens must be based on the principles of the rule of law.<sup>42</sup> The rule of law here functions as an effort to regulate citizens in a certain attitude or legal act.<sup>43</sup> In addition, the supremacy of law also functions as an effort to protect citizens against the possibility of arbitrariness of public officials in carrying out their duties and implementing the law through legal provisions, so that the guarantee of state defense and legal certainty is optimally achieved.<sup>44</sup>

The importance of orientation towards the supremacy of law means that various branches of law are oriented towards regulating and protecting citizens, including criminal law.<sup>45</sup> Basically, criminal law stipulates that every citizen must obey all provisions of criminal law, the purpose of legality is to limit the police in crimes committed by the community, which must be in accordance with the articles of criminal law. legally and carried out based on criminal law and outside criminal law. Criminal acts regulated in the Criminal Code are generally called general crimes, while criminal acts outside the Criminal Code are called special crimes.<sup>46</sup> Violations are provisions that are contrary to criminal law norms.<sup>47</sup> Criminal provisions are provisions that are prohibited by society either for moral, religious, or moral reasons. In criminal law literature, crimes are often referred to as mala because they are crimes with a generally applicable level of guilt.<sup>48</sup>

Traffic regulation is also important in Indonesia because the number of traffic accidents (traffic crashes) is increasing, namely 70,000 accidents in 2021 and 94,617 accidents in 2021-2022. One of the main causes of traffic accidents is carelessness. The large number of motorized vehicles causes traffic accidents. In this context, the task of law is to regulate and plan society to obey, organize and implement legal provisions to protect the rights of individuals and others.<sup>49</sup>

The data obtained regarding traffic accidents that occurred in the jurisdiction of the Deli Serdang Police are as follows:

No.	Year	Number of Accidents	Number of Victims		
			MD	LB	LR

<sup>42</sup>Dicky Eko Prasetyo, "History and Existence of the Formation of Regional Regulations," *Sol Justicia* 5, no. 2 (2022): pages 150–165.

<sup>43</sup>Zainal Arifin Mochtar and Eddy OS Hiariej, *Basics of Legal Science: Understanding Legal Rules, Theories, Principles, and Philosophy* (Jakarta: Rajawali Pers, 2023).

<sup>44</sup>Liza Deshaini and Evi Oktarina, "Legal Protection for Abortion Criminals," *Solusi* 18, no. 3 (2020): pages 322–335,

<sup>45</sup>Helmalia Cahyani et al., "The Policy of Controversial Articles in the Draft Criminal Code Reviewed from the Perspective of the Social and Cultural Dynamics of Indonesian Society," *Journal of Law, Administration, and Social Science* 2, no. 2 (2022): 81–90,

<sup>46</sup>Asep Suherman, "The Essence of the Principle of Legality in the Enforcement of Environmental Criminal Law," *Environmental Law Development* 5, no. 1 (2020): 133–152

<sup>47</sup>Bustomi, "The Legality Principle Application in Indonesian Criminal Law System," *Nurani Hukum* 4, no. 2 (2021): 29–37

<sup>48</sup>Dewa Gede Giri Santosa, "The Changes in Criminal Trial Proceedings During Covid-19: Challenges and Problems," *Indonesian Law Journal* 13, no. 2 (2020): 123–135

<sup>49</sup>Prihatin Effendi and Yonifan Theo Widiabriade, "Two-Wheeled Motorized Vehicle Public Transportation According to the Traffic and Road Transportation Law," *Jurnal Pro Hukum: Journal of Legal Research, University of Gresik* 10, no. 1 (2021): 46–52



1.	2021	353	123	10	436
2.	2022	392	119	12	526
3.	2023	368	113	2	496
4.	2024 (Jan - Sept)	269	95	1	344

*Source: Data from the Deli Serdang Police Traffic Unit*

From the traffic accident data above, it can be analyzed that the causes of fatalities show a downward trend every year. This decline can be attributed to various efforts made by Deli Serdang Police Traffic Unit personnel in improving road safety. One important step is the application of technology in accident data analysis. The use of methods such as Artificial Neural Network (ANN) can help identify accident patterns and characteristics, so that policy makers can formulate more effective strategies in preventing accidents.

In addition, analysis of accident-prone locations (black spots) is also a crucial step. Research shows that by using the Accident Equivalent Number (AEK) and Upper Control Limit (UCL) methods, Deli Serdang Police Traffic Unit personnel can identify areas with high accident rates and carry out necessary interventions. Mapping accident-prone locations using Geographic Information Systems (GIS) can also provide a clear visual depiction of dangerous points on the highway, so that the public can be more alert.

Traffic safety education and campaigns also play an important role in accident prevention. Through educational programs involving the community, such as first aid training and safety campaigns, public awareness of the importance of obeying traffic regulations can be increased. In addition, collaboration with various sectors, including educational institutions and community organizations, can strengthen accident prevention efforts.

The use of information technology for accident reporting can also improve accident response and handling. With a web-based reporting system, accident data can be collected and analyzed in real-time, allowing Traffic Police personnel to take quick and appropriate action. In addition, the application of algorithms such as K-Means Clustering to analyze accident data can help identify patterns and trends that may not be visible in traditional analysis.

Efforts that have been made by the Deli Serdang Police Traffic Unit to prevent traffic accidents include:

- a) Mapping of locations prone to traffic accidents;
- b) Erecting warning banners in locations prone to traffic accidents;
- c) Conducting a coordination meeting in the Deli Serdang Regency Road Traffic and Transportation (LLAJ) forum regarding road safety and security issues;
- d) Conducting surveys with related agencies to road locations that have the potential to cause traffic accidents;
- e) Coordinate with the National Road Implementation Agency (BPJN) regarding repairs to damaged roads;
- f) Carrying out control and law enforcement against drivers who violate traffic regulations such as not wearing SNI helmets, riding a motorbike with more than 1 person, going against traffic flow, reckless drivers on the road, drivers using cell phones while driving and others;
- g) Providing advice on both social media and electronic media about road safety;
- h) Providing education to both students and the community about orderly traffic.

With this comprehensive approach, it is hoped that the number of accidents can continue to decline and road safety can be guaranteed.

As another example, a traffic accident that resulted in the death of another person, the incident occurred on Jalan Umum Lubuk Pakam - Tebing Tinggi precisely near the Marroan Rezeki drug store, DSN I, Sukamandi Hilir Village, Pagar Merbau District, Deli Serdang Regency. The traffic accident involved 1 (one) Yamaha RX-King Motorcycle BK 4345-EB and 1 (one) Suzuki Futura Pick Up car type BL 8293 AJ.

This incident began when the Honda Yamaha RX-King BK 4345 EB motorcycle driven by Rio Andika swerved to the right and entered the opposite lane so that it collided with a Suzuki Futura BL 8293 AJ Pick Up car driven by Afdal Deni who came from the opposite direction, namely from Tebing Tinggi. As a result of the incident, the driver named Rio Andika suffered abrasions on his right arm, bleeding from his mouth and nose, bleeding from his ears, a torn wound on the back of his head, allegedly died at the scene and was then taken to the local health center. If you look at the condition of the road at that time, the weather was dark at night, the traffic flow was quiet, the road conditions were straight and flat, hotmix asphalt, the view forward was free or unobstructed. And the driver named Rio Andika was not wearing a helmet and did not have a Class C SIM.

With this chronology, can the driver of the Pick Up car driven by Afdal Deni who was the opponent of the collision be threatened with imprisonment as per Article 310 paragraph (4) of Law Number 22 of 2009 concerning Traffic and Road Transportation? More details can be explained in Article 310 paragraph (4) of Law Number 22 of 2009 concerning Traffic and Road Transportation (LLAJ Law) which states that:

*" In the case of an accident as referred to in paragraph (3) which results in the death of another person, the perpetrator shall be punished by imprisonment for a maximum of 6 (six) years and/or a maximum fine of IDR 12,000,000.00 (twelve million rupiah) ."*

The investigation conducted by the police will eventually be able to prove the element of negligence from which party. Meanwhile, if in the case of an accident resulting in death for someone, then according to the law, the penalty that must be imposed on the driver of the vehicle is the criminal penalty as regulated in Article 310 paragraph (4) of the LLAJ Law.

In general, there are three factors that cause traffic accidents, namely: (i) human factors.<sup>50</sup> In this case, there are human factors that are often and commonly associated with traffic violations. In this context, ignoring traffic regulations increases the risk of accidents. Next (ii) is the vehicle factor. The LLAJ Law and various police regulations emphasize the standards and specifications of vehicles that are truly roadworthy. This is to ensure that vehicles driving in the middle of traffic are roadworthy vehicles and do not cause harm to other parties. The next factor is (iii) environmental factors. Specific driving conditions and chronology must be considered for this environmental factor. This can be seen for example in rainy conditions, special methods, steps, and recommendations are needed when driving to be careful and minimize accidents.

Of the three factors mentioned above, the human factor is actually the most dominant factor in causing traffic accidents. 23 This is understandable, because the community has an important role as a "driver" of the vehicle, especially if driving carefully so as not to cause an accident. which is detrimental to themselves and others.

The importance of regulating criminal law in traffic is based on at least two arguments, namely: *first* , criminal law as adopted in the Criminal Code is actually divided

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<sup>50</sup>Rahayu Nurfauziah and Hetty Krisnani, "Traffic Violation Behavior by Teenagers Reviewed from a Social Construction Perspective," *Journal of Conflict Resolution Collaboration* 3, no. 1 (2021): 75–85



into two, namely crimes and violations.<sup>51</sup> Crime is a *mala per se* or anything that is "from the start" an immoral act.<sup>52</sup> However, violations are characterized by *mala prohibita*, namely something that is not good and is considered to disrupt order as decided by the authorities. In this context, the regulation of criminal law in traffic actually regulates the aspect of violations. *Second*, one of the main characteristics of law is as *social engineering* whose orientation is to realize society to behave based on certain values.<sup>53</sup> In relation to traffic, as *social engineering*, the presence of the LLAJ Law is expected to be able to regulate and invite the public to drive well, appropriately, and minimize unwanted things.

One of the formulations of norms in the LLAJ Law which explicitly provides criminal sanctions is contained in Article 310 paragraph (4) of the LLAJ Law which substantively emphasizes the prohibition for people who in their efforts to drive motor vehicles and then are negligent (negligence), resulting in the death of another person, then the child will receive a maximum prison sentence of 6 (six) years and/or a maximum fine of IDR 12,000,000.00 (twelve million rupiah). The provisions of Article 310 paragraph (4) of the LLAJ Law in criminal law doctrine relate to negligence as one of the forms of error in criminal law.

## E. Conclusion

1. That there are 3 factors that cause traffic accidents, namely: First, the Human Error Factor, this is what is meant by the legal culture factor, which is caused by traffic violations. The improvement study that must be carried out is by providing counseling or socialization to the entire community so that they always obey traffic regulations in order to maintain safety, Driver Factor, the cause of traffic accidents is because the driver is not concentrating, is sleepy, driving while using a cellphone/telephone, fiddling with audio/video, chatting, watching advertisements/billboards. The improvement study that must be carried out is to provide an understanding to drivers to pay more attention to safety. Second, namely the regulatory factor. That since the traffic law was passed in 2009, it was only in 2021 that this law had implementing regulations. Besides that, there are no derivative regulations to more technically implement the law. From the aspect of the contents of the law, it still has many shortcomings. Third, from the aspect of law enforcement officers. The most dominant party has a role is the police. So in this case, the police also still have shortcomings, both in terms of human resources, regulations, and the budget prepared for implementation in the field
2. Things that can be done to prevent traffic accidents from the aspect of law enforcement officers are through the role of law enforcement officers in the traffic jurisdiction such as the Role of Traffic Police in preventing traffic accidents, in handling traffic can be presented through several indicators. Meanwhile, related to the legal policy in efforts to overcome criminal acts of traffic accidents resulting in the death of victims in the Sat Lantas Polres, it is carried out through Penal, However, in criminal acts of traffic accidents resulting in the death of victims, penal mediation is first attempted, namely peace, between the perpetrator and the victim or the victim's family, although peace efforts continue the criminal law process. And from the aspect of legal culture, ways to prevent traffic accidents, for example, by implementing the Do Not Drive Under the Influence

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<sup>51</sup>Femmy Silaswaty Faried, Hadi Mahmud, and Suparwi, "Mainstreaming Restorative Justice in Termination of Prosecution in Indonesia," *Journal of Human Rights, Culture and Legal System* 2, no. 1 (2022): 66–77,

<sup>52</sup>Emima Alistar (Hirlav), "The Relation Between Law and Morality," in *Research Association For Interdisciplinary Studies*, 2019, 2–4,

<sup>53</sup>Harpani Matnuh, "Law as a Tool of Social Engineering," in *1st International Conference on Social Sciences Education "Multicultural"*, vol. 147, 2018, 118–120



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pattern. Driving under the influence of alcohol or drugs can reduce your alertness and reaction time. Avoid driving if you are not in optimal condition.

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