

## **Juridical Analysis of the Implementation of Law Number 22 Year 2009 Concerning Road Traffic and Transportation in West Jakarta**

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### **Abstract**

Modern society requires transportation in carrying out various activities. However, in reality, traffic accidents are a major source of death caused by various factors. This study aims to identify: 1). How is the implementation of Law no. 22 of 2009 concerning Road Traffic and Transportation; 2). What factors are the dominant aspects that trigger the formation of traffic accidents; 3). How are law enforcement efforts related to traffic disaster problems in the West Jakarta area. This research procedure is normative juridical which focuses on research objects of laws and regulations, with research on the problem of law enforcement efforts on traffic disaster problems in the West Jakarta area. Research result; 1). There are several articles in the implementation of Law no. 22 of 2009 which is a potential source of traffic violations 2). the dominant aspects that trigger the formation of traffic disasters in the West Jakarta area are; human negligence, lack of control over traffic signs, vehicles that exceed standard capacity, as well as cause and effect in nature; 3). Law enforcement against traffic violations is tried in an innovative way, namely on-site justice with the principle of implementing the Criminal Justice System.

**Keywords:** Accident, Traffic, Implementation, Law



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### **INTRODUCTION**

Modern society places transportation as a derived need that becomes the backbone in carrying out various work, economic and social activities of the community. The mindset of modern society which tends to be instant results in people's attitudes that are practical when driving. These practical citizens then urged the erosion of ethics in driving on the highway, causing continued erosion of the sense of tolerance, mutual respect, and gave rise to various capabilities and traffic violations due to the demands of practical and individualistic human needs. Traffic violations are criminal acts that are not as serious as crimes (Sudarsono 2005: 344). On the other hand, according to the Big Indonesian Dictionary (KBBI), violation is an act or violation, which is a crime that is lighter than a crime.

Information for the Republic of Indonesia National Police noted that the number of traffic accident problems in 2019 nationally increased by 3 percent compared to 2018 earlier. The number of traffic disaster problems throughout 2019 totaled 107,500 problems. Compared to 2018, there were 103,672 cases earlier, meaning there was an increase in cases of nearly 3 percent. However, the number of fatalities decreased by 6 percent compared to 2018, from 27,910 fatalities to 23,530 fatalities. The aspect of human error (human error) is a fairly dominant trigger for the formation of traffic jams during 2019. Even though the fatality rate for traffic accidents has decreased. Factors that trigger traffic violations have a cause-and-effect relationship or are interrelated with one another. This aspect can be simplified into 3 main aspects namely; human aspects, vehicle aspects (motorcycles), as well as area aspects or road conditions.

Comments on aspects of human error above are also emphasized by the statement (Hobbs 1998: 334) that the causes of traffic violations and accidents are mostly caused by the human factor, which includes human psychology, sensory systems such as sight and hearing which can lead to negligence or carelessness. In addition, it could be because you don't want to understand traffic signs and don't practice comfortable, orderly and easy traffic procedures. Therefore the human aspect is a very dominant aspect in a disaster (Hobbs: 1998).

Traffic law enforcement, which is still partial, has not been efficient and effective in reducing the number of traffic accidents and being able to provide excellent service to residents. Traffic violations that have the potential for traffic accidents can be caused by various aspects, such as; 1. law enforcement, 2. condition of traffic facilities and infrastructure, 3. quality of drivers including: knowledge, skill, attitude (mental behavior), underestimation and compliance such as rubber watches, 4. Socio-cultural conditions such as unclear about the right and wrong of "the other does the same", the dilemma of economic, social aspects, the difficulty of finding role models, etc.

The aspect of legal culture is closely related to the level of compliance and legal understanding of citizens, especially in traffic, where law enforcement must still be supervised by the apparatus, if there is no supervision it is thought that there is no law in effect. This aspect of society and culture plays a very significant role, this is related to the level of legal understanding and legal compliance of citizens. Understanding the law is a process that includes factors of legal knowledge, legal description, legal behavior and legal attitudes. The level of legal understanding is achieved when citizens comply with the law.

Optimizing the implementation of Law Number. 22 of 2009 concerning Route Traffic and Transportation in West Jakarta aims to produce; a) Traffic safety is the avoidance of everyone from the effects of traffic accidents caused by humans, vehicles, roads and/or areas, b) Traffic discipline is a traffic situation that takes place regularly in accordance with the rights and obligations of each lane user, c) Security traffic is the freedom of every person, object and/or vehicle from the constraints of unlawful acts and/or anxiety in traffic. However, on the other hand, there are many aspects that have the potential to cause traffic violations on the roads that result in loss of life and property.

Law enforcement for traffic and lane transportation is to guarantee legal certainty, the benefit of law in realizing traffic and lane transportation that is comfortable, safe, orderly and easy. According to Friedmann's (2011) theory, law enforcement will only be implemented efficiently if it is supported by (3) the main elements of law namely; legal substance (legitimate substance), legal structure (legitimate structure) and legal culture (legitimate culture). The legal substance is how the quality of the law relates to norms, the value of the provisions whether or not the law is enforced, the legal structure is how the reliability of the apparatus relates to their credibility, integrity and competence in implementing the law, on the other hand legal culture is how the perceptions, values, behavior and expectations of citizens towards the law itself.

For those who violate the Traffic and Transportation Laws, they must be punished based on the legal procedures for criminal activities that have been formalized, because traffic violations are crimes that are lighter than crimes. For Muladi (2010) the criminal justice system is a judicial network that uses material criminal law, official criminal law or criminal activity law. However, this institution must be seen in a social context, which means that it is adapted to the types of problems that are violated in this matter according to the context of the implementation of Law No. 22 of 2009 concerning Traffic and Line Transportation. This matter is intended to achieve justice according to what the people aspire to (Muladi: 1998).

Based on the description stated in the background above, the following are research cases that have been raised, including; How is the implementation of the implementation of Law Number. 22 of 2009 concerning Road Traffic and Transportation? What are the dominant factors that trigger the formation of traffic accidents in the West Jakarta area? How are law enforcement efforts regarding traffic disaster problems in the West Jakarta area?

## **RESEARCH METHODS**

This type of research has a normative juridical character which focuses on research objects in Legislation, with Research on Problems in the Implementation of Law Number. 22 of 2009 concerning Traffic and Route Transportation in the West Jakarta area. This legal research is also called doctrinal research which is conceptualized on the doctrinal factors adopted to establish the truth based on the scientific logic of law from its normative side. For Peter Mahmud Marzuki (2013: 181), the approach used in normative legal research is; (1) statutory approach, (2) conceptual approach, and (3) historical approach (Marzuki: 2013). The Legislative Regulations approach seeks to check regulations that are relevant to the implementation of Law Number. 22 of 2009 concerning Traffic and Route Transportation in the City of West Jakarta. This research includes a type of library research (library research) because the information obtained is focused on the main issues that exist, so that in the research there are no deviations and ambiguity in the review. The materials used in this research include primary legal materials, secondary legal materials, and tertiary legal materials.

## **RESEARCH RESULTS AND DISCUSSION**

Implementation of Law Number. 22 of 2009 concerning Road Traffic and Transportation. Law Number. 22 of 2009 considers that traffic matters and road transportation have a strategic position in supporting development and national integration as part of efforts to promote universal welfare. This matter is explained clearly if the objectives to be achieved through the implementation of this traffic law are:

1. Realization of Traffic and Route Transportation services that are comfortable, safe, orderly, easy, and integrated with other modes of transportation to stimulate the national economy, promote universal welfare, strengthen national unity and integrity, and be able to uphold national dignity.
2. Realization of traffic ethics and national culture.
3. Realization of law enforcement and legal certainty for residents. In view of the current phenomena related to the implementation of the regulations mentioned above, there are still many challenges to face, especially in terms of traffic ethics which reflects the nation's culture of being polite, friendly and full of tolerance.

The reality is that riders still tend to be individualistic and prioritize individual interests, especially in certain issues taking other riders' rights. Not only that, traffic law enforcement is still not optimal considering the limited number of officers and the low legal culture of the residents.

Substantially, Law No. 22 of 2009 concerning LLAJ is still up for debate. starting from the many mandates to make implementation and technical provisions; the value of the effectiveness of law enforcement in the form of administrative sanctions, civil sanctions up to criminal sanctions; the regulation overrides the rights and obligations of state administrators and citizens, and so on. Requirements translated as obligations must be supported by the large availability of technical instructions in the field with the arrival of the supervisory apparatus. Linked to the implementation of Law No. 22 of 2009, the public has questioned the availability

of signs and supporting facilities on the highway. It must be remembered that the application of the Law is not only in one area but applies to all regions of Indonesia, including areas that have limited facilities and infrastructure such as areas in Kalimantan or Papua.

Of the many conditions that have been regulated in Law No. 22 of 2009, there are several articles that have received various reactions and become debated among citizens in the context of implementation, some of these articles include:

**Table 1. Pros and Cons Substance of Law no. 22 of 2009 concerning Road Traffic and Transportation**

Provision	Substance	Notes
Article 107 paragraph (2) And Article 293 paragraph (2)	Motorbike drivers do not only comply with the requirements as defined in paragraph (1) they must turn on their headlights during the day and the threat of a criminal or fine sanction in Article 293 paragraph (2) can be punished with a maximum imprisonment of 15 days or a fine of up to Rp. 100,000 (one hundred thousand).	If there is an alibi for safety, it must be ensured that the direct connection between the lights and the safety of the driver is supported by information on the causes of the accident.
Article 273 paragraph (4)	Route Operators who do not provide signs or characteristics on the damaged route before being repaired as defined in Article 24 paragraph (2) can be punished with very long imprisonment (6) months or a very large fine of Rp. 1,500,000.00,-	These threats and sanctions mean that officers are more pro-active, but in reality there are still many damaged paths or bridges without signs/marks that require officer supervision.
Article 276 paragraph (4)	Anyone who drives a motorized vehicle on a route without stopping at a bus stop as defined in Article 36 can be punished with a maximum imprisonment of 1 (one) month or a fine of up to Rp. 250,000.00 (two hundred fifty thousand rupiah).	There are still many motorized vehicles that do not stop/enter the bus stop.
Article 291 paragraph (2)	Everyone who drives a motorbike without wearing a helmet (SNI) as defined in Article 106 paragraph (8) shall be subject to imprisonment for a very long time of 1 (one) month or a fine of up to Rp. 250,000.00 (two hundred and fifty thousand).	In fact there are still many violations of this article, which ignore the safety of the driver which can have a serious impact.

Source: Processed research data from various sources.

From the various phenomena that occur in the field related to the implementation of Law No. 22 of 2009 concerning Traffic and Route Transportation, the results of the analysis can be presented as follows;

1. The current implementation of the Law on LLAJ universally has been experienced quite efficiently. But in terms of fulfilling the obligation to provide universal transportation within the Regency/City area (according to the mandate of Article 138) it is still lacking. The lack of provision of universal transportation is one of the aspects that urges the growth of application-based alternative transportation, the number of which continues to grow.
2. The implementation of the Law on LLAJ is considered inefficient because there are still problems related to the implementation of traffic and route transportation, including: a). Sanctions for violations that do not change are applied in the field so as not to create a deterrent effect on lane users. b). Coordination between stakeholders is not yet optimal, so that the tasks of regulation, supervision and implementation of sanctions for traffic



violations are still not optimal. c). The implementation of the Line Preservation Fund (DPJ) has so far not been implemented. d). The rise of online or online-based transportation is quite helping residents. Although, on the other hand, they even criticized the damage to the universal transportation system that already existed and disrupted the route network and the traffic of people, objects and vehicles.

From a legal perspective, the law will only be efficient if it is supported by (3) the main elements of the law (*conditio sine quanon*) are good, as follows: a). The legal substance of the Law on LLAJ took over Law Number 14 of 1992. The current situation has seen tremendous growth in the field of transportation compared to 2009. So legally the Law on LLAJ has been left behind ("*het recht think achter de feiten aan*"), the law is no longer as aspirational and responsive, making the law on LLAJ an unjust law. b). Legal structure (legal structure) The legal structure ensures whether or not the law can be implemented properly, in this case related to law enforcement apparatus (land transportation and the police).

It is necessary to see how law enforcement officials carry out their duties and authorities on highways, if they are not supported by complete facilities and infrastructure on highways such as traffic signs, lane markings, traffic signaling equipment. c). Community Legal Culture (legitimate culture) excessive motorized vehicle loads, the attitude of motorbike users to use a wider lane than cars, parking attendants and street vendors have more power to control lanes than officers; economic actors who do not provide parking facilities. Based on the explanation above, the answer is clear that the implementation of the Law on LLAJ has not been efficient. The implementation of this law can be said to have just made many people/citizens recognize what it is.

Thus the implementation of Law No. 22 of 2009 concerning Road Traffic and Transportation has so far not been optimal considering the various obstacles that exist, although on the other hand this regulation should be improved considering the extraordinary growth in progress and transportation. Triggers of disasters can be grouped into 3 factors, namely humans, roads, and vehicles. For Suwardjoko (2002: 109) it is not outrageous to say that almost all violations and traffic accidents are the main cause of the driver. The causes of traffic violations and accidents are also emphasized by the statement (Hobbs 1995: 334) that the causes of traffic violations and accidents are mostly caused by humans, which include human psychology, sensory systems such as sight and hearing, and knowledge of traffic procedures.

The human aspect is a very dominant aspect in disaster. Almost all accidents are preceded by a violation of traffic signs. Violations can occur due to intentional violations, ignorance of the meaning of the applicable provisions or not considering the conditions that apply or pretending not to know. There are also factors that give rise to the formation of universal traffic accidents, which are as follows:

1. Human error itself (human error); The main aspect that triggers the formation of violations is the human being himself. Physical and mental conditions greatly affect traffic conditions, driving skills, especially the influence of alcohol or drugs can have a serious impact. Ethics, tolerance between lane users, emotional control, and concern for lane users on the highway will lead to traffic interactions in realizing security, safety and smooth traffic.
2. Little knowledge of traffic signs; The reason is the lack of understanding of obeying traffic signs, plus when testing to get a SIM, there are still those who prefer to get a SIM practically rather than following all the existing procedures.
3. Aspects of the state of the Path; The condition of the lane can be one of the causes of violations and traffic accidents such as broken lanes, lack of traffic signs for lane lighting.

Violations related to lane aspects are generally related to the lack of lane infrastructure which includes traffic signs, traffic signaling equipment, lane monitoring and security equipment, and other supporting facilities. Aspects of this route such as the geometric design of the track and layout that is not suitable, the condition of the track surface that is hollow or bumpy, inadequate pedestrian facilities (sidewalks) and so on.

4. Vehicles that are not suitable or exceed the standard capacity; Vehicles are one aspect that directly participates in triggering traffic accidents. It is suspected that the vehicle aspect is no less important in traffic that is often overlooked by residents. From the results of traffic surgery, there are many motorized vehicles without complete components such as brake lights, rearview mirrors. Apart from that, it is necessary to pay close attention to the braking system, the condition of the tires, or the steering system that does not work, or even modifications that do not comply with safety regulations, especially the lubricating oil that must be observed so that it is not dangerous.
5. Low understanding of obeying traffic rules; This is also a reflection of the nation's culture. It is certain that supervision carried out by the State apparatus will not be carried out every time. This is because the number of police officers compared to the length of the lines is not proportional. Apart from that, quite a lot of other police duties have become the focus of their attention in maintaining the security and discipline of citizens.
6. Aspects of the areas that cause the following disasters have contributed to the formation of traffic accident problems. No less important is the weather aspect, the condition of the natural area can be when heavy rains form which results in floods, landslides, hurricanes that uproot trees, formations and other natural disasters that can also trigger the formation of traffic disasters.

Law enforcement (law enforcement) can also mean law enforcement by law enforcement officials and by any person who has an interest in accordance with their respective authorities for the applicable legal provisions. For Sudarto (1990: 57), "wets delict is an act that is universally recognized as a criminal act, because the law calls it a delict, so this matter can be justified because there is a law that condemns it as a crime. Violations in this matter are not the same as a crime like the matter stated by Soekanto (1990: 51) describes that traffic violators are negligent citizens. Therefore law enforcers must realize that violators of traffic rules (in the majority of cases) are not criminals, but people who are negligent or negligent. .

Motorcycle riders who violate traffic signs can be fined according to the regulations stipulated in Law No. 22 of 2009 concerning Traffic and Route Transportation. The fine process is carried out by the police, usually during raids or when a driver violates a traffic sign at any time. During the fine, the violator can choose to accept the mistake and choose to receive a blue slip, then pay a fine at the BRI where the incident took place and take the documents held at the Polsek at the scene of the incident, or deny the guilt charged and ask for a court trial and a red slip.

Sanctions for traffic violations on the highway continue to be severe, this matter is based on the implementation of Law No. 22 of 2009 concerning LLAJ. Under this regulation, fines or fines increase by nearly 10 times to around Rp. 250 thousand to Rp. 1 million. This matter aims to provide a deterrent effect on traffic violators so that they think again about committing a violation, even though it has not yet been implemented.

Violations of traffic laws and transportation routes in the city of West Jakarta are quite environmental, including; do not bring driving equipment such as vehicle registration, driver's license, do not have vehicle equipment such as not wearing a helmet, not wearing a safety belt, mirror, brake light, rating light, vehicle number plate etc.

## CONCLUSION

The current implementation of the law on LLAJ universally is experienced quite efficiently. However, in terms of providing adequate universal transportation in the Regency/City area it is still lacking, which has resulted in the emergence of application-based alternative transportation. Cases related to the implementation of traffic and route transportation, among others: a). Sanctions for violations that do not change are applied in the field so as not to create a deterrent effect. b). The supervision carried out by the apparatus is not yet optimal because they are obliged to share duties on regulation, supervision and implementation of sanctions for traffic violations. c). The absence of traffic signs in several positions which are quite prone to disasters; d). The rapid growth of application-based online transportation, but the regulation has not been accommodated in the traffic law, can change the system for the flow of goods and services which can be detrimental to various parties.

The dominant aspects that trigger traffic accidents in the West Jakarta City area are mostly caused by human factors (human error) which include the human body and mental (psychological), sleepiness on the way affects the sensory system such as sight and hearing, haste or fatigue that causes negligence and carelessness. Second, traffic accidents are caused by aspects of vehicle adequacy that do not meet capacity standards, and thirdly because of the condition of the track being bumpy or damaged or because of the frequently changing weather. Law enforcement against violations of the traffic law and transportation routes in the West Jakarta City area has been tried regularly, according to the correct judicial procedures by practicing the Criminal Justice System (SPP) or known as (Criminal Justice System). In its implementation, several innovations have been tried through on-site trials by introducing adrift legal apparatus. In addition, another innovation is that violators of the traffic law do not need to attend court proceedings, but only need to pay the amount of the fine that has been decided and announced at the West Jakarta State Prosecutor's Office.

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