

The Effectiveness of Law Enforcement Against Traffic Violations in Efforts to Mitigate Traffic Accidents (A Research Study at the Labuhanbatu Police Resort)

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ABSTRACT

According to the Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transport, traffic police are not only responsible for law enforcement but also for road and traffic safety, including the collection, monitoring, processing, and presentation of traffic data. Therefore, a reliable and efficient source of traffic accident data is crucial for traffic police. The problem formulation includes the factors that cause traffic accidents, prevention efforts and handling of traffic violations in the jurisdiction of the Labuhanbatu Police Resort, and the effectiveness of law enforcement against traffic violations to reduce the number of traffic accidents in the jurisdiction of the Labuhanbatu Police Resort. This research method is descriptive analytical, a type of empirical legal research, data collection methods using field studies and library studies, data analysis techniques with qualitative descriptive, and the data sources from primary legal materials, secondary legal materials, and tertiary legal materials, as well as analysis techniques. The factors causing traffic accidents include legal factors, road factors, driver factors, pedestrian factors, and vehicle factors. Efforts to prevent and address traffic violations in the jurisdiction of the Labuhan Batu Resort Police include pre-emptive, preventive, and repressive measures. The effectiveness of law enforcement against traffic violators in the jurisdiction of the Labuhan Batu Resort Police has not been effective because the police face many internal and external obstacles. Law enforcement is the process of making efforts to establish or ensure the functioning of legal norms as a guideline for behavior in traffic or legal relationships in social and state life.

Keywords: Effectiveness of Law, Violations, Traffic Accidents.

INTRODUCTION

Article 1 paragraph 3 of the Constitution of the Republic of Indonesia states that Indonesia is a state based on law. This means that the law serves as the primary foundation in making various important decisions in social and state life, as the law regulates actions that are permissible and impermissible. The enforcement of criminal law in Indonesia is based on norms or regulations that are repressive in nature, with the aim of providing a deterrent effect to law violators, including in cases of traffic violations.

Traffic and road transportation play a crucial role in supporting development and strengthening national integration, which is part of the efforts to improve the welfare of the people as stated in the 1945 Constitution of the Republic of Indonesia. To achieve the goals of national development as a manifestation of the implementation of Pancasila values, an adequate transportation system is required, supported by technology that meets the mobility needs in various sectors and regions. This becomes a very critical aspect, especially in the management and regulation of transportation and traffic.

Based on the Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation, the duties of traffic police are not only limited to law enforcement, but also include efforts to ensure safety on the roads, including activities of collecting, monitoring, processing, and presenting data related to traffic. Therefore, the availability of

accurate and efficient traffic accident data sources becomes very important for the execution of traffic police duties. Law is a product of human creation in the form of rules or norms that provide guidelines regarding human behavior. Law reflects human will regarding how society should be formed and directed. Therefore, law represents the ideas chosen by a society as an effort to realize justice.

Problem Formulation

1. What are the factors that cause traffic accidents?
2. What are the efforts for prevention and handling of traffic violations in the jurisdiction of the Labuhanbatu Police Resort?
3. How effective is law enforcement against traffic violations in the efforts to mitigate traffic accidents in the jurisdiction of the Labuhanbatu Police Resort?

RESULTS AND DISCUSSION

RESULT

Factors Causing Traffic Accidents

The Labuhanbatu Resort Police (Polres) is located in Rantau Prapat, specifically at Jalan MH. Thamrin No. 07 Bakaran Batu, Rantau Prapat, Rantau Selatan District, Labuhanbatu Regency, North Sumatra 21412. This Resort Police is tasked with carrying out the duties of the National Police in the jurisdiction of Labuhanbatu Regency. In carrying out its policing duties, the Labuhanbatu Polres uses the motto 'Serving with All Our Heart, Respecting, Enthusiastic, the Community is Happy, the Police is Proud'. In managing the day-to-day operations of the organization, the Labuhanbatu Polres is headed by a Resort Police Chief (Kapolres) who is represented by a Deputy Resort Police Chief (Wakapolres) and assisted by several heads of work units overseeing the various work units within the Labuhanbatu Polres. Meanwhile, several types of work units within the Labuhan Batu Police Resort include the criminal investigation unit, narcotics unit, traffic unit, intelligence and security unit, public relations section, and professional and security unit.

In carrying out police duties to the community, the Labuhan Batu Police Station has several types of services, which consist of Integrated Police Service Center (SPKT), Driving License (SIM), Motor Vehicle Ownership Book (BPKB), and Vehicle Registration Certificate (STNK), Police Clearance Certificate (SKCK), Case Monitoring, Crowd Permits, Road Escort, and Vital Object Security. Traffic police are one of the executing elements tasked with carrying out police duties that include guarding, regulating, escorting, and patrolling, public education, and traffic engineering, registration, and identification of drivers or motor vehicles, traffic accident investigations, and traffic law enforcement to maintain security, order, and the smooth flow of traffic. Public service in the field of traffic is also carried out to improve the quality of life of the community, because in modern society, traffic is a key factor supporting its productivity.

Traffic accidents are unforeseen and unintended events that involve vehicles or other road users, which can result in casualties and/or property damage. Unpredictable, traffic accidents can not only cause trauma, injuries, minor wounds, serious injuries, or disabilities but can also lead to death or the loss of someone's life. Therefore, matters related to traffic accidents

can be described as follows:

- a. Occurring on the road;
- b. Resulting in injuries and/or death; and
- c. Causing property damage and loss.

Efforts to Prevent and Overcome Traffic Violations in the Jurisdiction of the Labuhanbatu Police Resort

Law is a rule or a set of norms that exists in society which, when violated, will result in sanctions. Crime is a social problem faced by society since ancient times. Crime tends to be related to violations of the norms that apply in society. It is very important to be aware of the high level of crime in society and the need for action to take preventive and remedial measures against the occurrence of these crimes. Efforts to tackle crime have been undertaken by all parties, both the government and society in general.

Efforts to prevent crime are an endeavor aimed at creating a safe and better condition. The government has a very significant role in crime control. The government must implement all policies that have been established in the legislation and official bodies aimed at upholding the central norms of such a wide society. Rational efforts to control or tackle crime (criminal policy) certainly cannot rely solely on penal means or criminal law, but also must use non-penal means.

Barda Nawawi Arief argues that penal policy emphasizes a repressive nature (suppression or eradication) after a crime has occurred. The problem in criminal policy using penal means or criminal law is the issue of determining which acts should be categorized as crimes and what sanctions should be applied to offenders.

The Effectiveness of Law Enforcement Against Traffic Violations in Efforts to Mitigate Traffic Accidents in the Jurisdiction of the Labuhanbatu Police Resort

Riswandi stated that there are many traffic accidents occurring which result in victims in the jurisdiction of the Labuhanbatu Police, but he resolves traffic accident issues amicably. In such cases, the perpetrator is willing to bear all costs or provide compensation in the form of financial assistance to the victim so that the victim does not pursue legal proceedings in a criminal court. He believes that incidents of traffic accidents resulting in death are generally not due to intentional actions but are a result of negligence. Therefore, both the perpetrator and the victim's family usually recognize and understand each other, so they prefer to settle the matter peacefully.

Traffic police as investigators in handling traffic accident cases must first look at the factors causing the traffic accident. They have to assess whether the case can be resolved amicably or requires resolution through the court. In determining these criteria, the police must have a special expertise in the field of traffic because they must act fairly and justly when handling a case. In traffic cases, if the traffic accident occurs due to the negligence of the perpetrator and the victim is deemed at fault, then the case can be settled amicably or out of court. However, if the opposite occurs, and the traffic accident happens due to the fault of the perpetrator, then the police, as investigators, will refer the case to the Prosecutor's Office for prosecution, which must then be resolved through the court.

In this study, the author focuses on researching the effectiveness of the enforcement of criminal sanctions against traffic accident perpetrators that result in death within the jurisdiction of the Labuhanbatu Police Resort. The ineffectiveness of criminal sanction enforcement against traffic accident perpetrators that cause death has resulted in a high number of traffic accident cases occurring within the jurisdiction of the Labuhanbatu Police Resort. Particularly, in terms of the enforcement of criminal sanctions, it has been less effective because many traffic accident cases are settled between the perpetrator, the victim, or their families amicably, thus not proceeding to legal processes in court.

Some cases of accidents that the author has seen resulting in loss of life, the parties involved, both the victims and the perpetrators, tend to engage in criminal mediation because they feel that mediation will create a sense of safety and comfort. This is done by making a peace statement signed directly by both families, where both parties state that the basis for the traffic accident is a mutual misfortune and the family of the victim does not file any claims either civil or criminal. The resolution of traffic accident cases through mediation, especially for victims who have died, is carried out for humanitarian reasons.

CONCLUSION

1. Traffic accidents are unexpected and unintended events involving vehicles and other road users that can cause casualties and/or property damage. Unpredictable, traffic accidents can not only lead to trauma, injuries, minor wounds, serious injuries, or disabilities but can also result in death or the loss of someone's life. Thus, the aspects related to traffic accidents can be explained as follows: Occurring on the road, resulting in injuries and/or death; and causing damage to property and loss of possessions.
2. Rational efforts to control or tackle crime (criminal politics) certainly cannot be done solely using penal means or criminal law, but also by using non-penal means. Barda Nawawi Arief argues that penal policy emphasizes a repressive nature (suppression or eradication) after a crime has occurred. The issue in criminal policy using penal means or criminal law is the determination of what actions should be classified as crimes and what sanctions should be imposed or applied to the offender.
3. In traffic cases, if a traffic accident occurs due to the negligence of the perpetrator and the victim is considered at fault, then the matter can be resolved amicably or out of court. However, if the accident occurs due to the fault of the perpetrator, the police as the investigator will refer the case to the Prosecutor's Office for prosecution and it must then be resolved through the court.

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