



CRIMINAL LAW POLICY IN THE SETTLEMENT OF TRAFFIC ACCIDENTS OF DEATH VICTIMS IN MUARO JAMBI REGENCY

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Article Info

Article history:

Received Juni 05, 2022

Revised Juni 27, 2022

Accepted Juli 29, 2022

Keywords:

Criminal Law Policy

Effectiveness

Accident

Traffic

ABSTRACT

Traffic accidents often cause motorists and road users to suffer minor injuries or death. Based on the law, traffic violation cases should be resolved through legal channels. In reality, there is peace against traffic violations at the police level. This study is intended to determine the cause of the police allowing the peace of highway traffic crimes, to find out the peace made by the perpetrators of accidents related to victims of road traffic crimes. The research method used is normative research methods and empirical research methods. The data used are secondary data including primary legal materials, secondary legal materials, and tertiary legal materials, which were obtained through field research. To complete the data, it is used. field research by interviewing respondents and informants. The data that has been collected, analyzed and processed using a qualitative approach. There have been several cases of violations, including 6192 cases of motorcycles, 1532 cases of trucks, and St. Wagon 882 cases, pick up 393 cases, bus 350 cases and sedan 55 cases. The increase in the number of accidents was also followed by an increase in the percentage of victims who died due to traffic accidents. In handling it, there are obstacles, both internal and external.

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1. INTRODUCTION

The enactment of Law No. 22 of 2009 starting from June 22, 2009 is the beginning of a change in the system in traffic regulation and the application of sanctions for traffic violations. Law No. 22 of 2009 concerning Road Traffic and Transportation has reached the stage of socialization to Indonesian citizens who are legal subjects of the law. It is not easy to socialize new legal products such as Law No. 22 of 2009 as a replacement for Law No. 14 of 1992 concerning Road Traffic and Transportation, especially since the implementation of this Law has been running for more than 2 years. It is hoped that the contents of this new law can be accepted by the public and be able to change habits in the community to make traffic more orderly on the highway [1].

This law is expected to serve as a benchmark and legal protection for the public as well as users of public transportation services and service companies in the field of transportation or public transportation against the legal rules and sanctions as applicable in the law.

Traffic is a subsystem and has an important role in the urban ecosystem, developing as part of the city because of the instincts and needs of residents to move or use transportation to move people and or goods from one place to another [17; 19]. The instincts and desires of the people to travel or move goods of a general nature always creates problems and is also common in urban transportation [20; 21]. However, on the other hand, there are certain

influences that cause disturbances to the peace of human life. The reality shows how many traffic accidents occur every day that result in human loss, human injury and material loss [2].

Law No. 22 of 2009 concerning Road Traffic and Transportation, which was initiated by the Ministry of Transportation, is made so that the implementation of road traffic and transportation is in accordance with the expectations of the community, in line with the conditions and needs of the current traffic and road transportation administration, as well as harmony with other laws.

By realizing the importance of the role of transportation, road traffic and transportation must be organized in an integrated national transportation system and be able to realize the availability of transportation services that are in accordance with the level of traffic demand and transportation services that are orderly, comfortable, fast, regular, smooth and at a cost. which is affordable by people's purchasing power [22; 23]. For this reason, the Indonesian government has issued a policy in the field of land transportation, namely the issuance of Law no. 22 of 2009 concerning Road Traffic and Transportation as a Substitute for Law no. 14 of 1992, as well as Government Regulation no. 41 of 1993 concerning Road Transportation which is still valid even though PP no. 41 of 1993 is an implementing regulation of Law no. 14 of 2003 because it is stated in Article 324 of Law no. 22 of 2009 that: "At the time this Law comes into force, all implementing regulations of Law 14 of 1992 concerning Road Traffic and Transportation (State Gazette of the Republic of Indonesia of 1992 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 3480) are declared to remain in effect. as long as it does not contradict or has not been replaced with a new one based on this Law [3].

Article 2 and Article 3 of the Traffic and Road Transportation Law (hereinafter abbreviated as UULAJ) regulates the principle and purpose of transportation. The principle of traffic management is regulated in Article 2 of the UULAJ, namely that Road Traffic and Transportation is carried out by taking into account 9 principles, namely, the principle of transportation, the principle of accountability, the principle of sustainability, the principle of participation, the principle of benefit, the principle of efficiency and effectiveness, the principle of balance, the principle of integration, and independent principle [4]; [5].

With the enactment of Law no. 22 of 2009 is expected to help realize legal certainty for parties related to the implementation of transportation services, be it transport entrepreneurs, workers (drivers/drivers) and passengers. Operationally, transportation management activities are carried out by the driver or transportation driver where the driver is a party that binds himself to carry out transportation activities on the orders of the transportation entrepreneur or carrier. The driver in carrying out his duties has the responsibility to be able to carry out his obligations, namely transporting passengers to the agreed destination safely [24], meaning that in the process of moving from one place to another, it can take place without obstacles and the passenger is in good health, not experiencing any problems. danger, injury, illness or death. So that the purpose of transportation can be carried out smoothly and in accordance with the use value of the community [6; 25].

In general, the majority of people in the jurisdiction of the Muaro Jambi Police are dominated by motorized vehicles to fulfill their mobility needs. Muaro Jambi Regency is a strategic area, because it is located in a highway crossing area between Jambi Province and South Sumatra. As a strategic area and the highway between Jambi and South Sumatra Provinces makes it easier for road users and public transportation services and not infrequently as a means of speeding for road users which causes frequent traffic accidents.

In jurisdictions such as the Mestong Sub-district Police, transportation drivers often take actions that are considered to cause harm to passengers and drivers. For example, the actions of drivers who drive unnaturally while carrying out their duties are influenced by being sick, tired, drunk so that it affects their ability to drive vehicles recklessly causing accidents and other people who become victims. We often see this happening in Mestong and this often happens to motorized vehicle drivers who do not comply with traffic regulations, accidents often occur until the driver runs away and the victim is silenced by local residents because these residents think they don't dare to take help, they are afraid of dealing with the police.

A traffic violation is an act that is contrary to traffic and or its implementing regulations, whether or not it can cause loss of life or property as well as traffic law and order [7; 26 - 27]. As for the criminal provisions regarding accident cases, it is regulated in Law No. 22 of 2009 concerning Road Traffic and Transportation, especially in Article 310 which reads as follows [8]:

1. Everyone who drives a motorized vehicle due to his/her negligence resulting in a traffic accident with damage to the vehicle and/or goods as referred to in Article 229 paragraph (2) shall be sentenced to imprisonment a maximum of 6 (six) months and/or a maximum fine of Rp. 1,000,000.00 (one million rupiah).
2. Any person who drives a motorized vehicle due to his/her negligence resulting in a traffic accident with minor injuries and damage to the vehicle and/or goods as referred to in Article 22 paragraph (3), shall be



sentenced to a maximum imprisonment of 1 (one) year and/or or a maximum fine of IDR 2,000,000.00 (two million rupiah).

3. Everyone who drives a motorized vehicle due to his/her negligence resulting in a traffic accident with serious injuries as referred to in Article 229 paragraph (4), shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 10,000. 0000.00 (ten million rupiah).

4. In the event of an accident as referred to in paragraph (3) which results in the death of another person, the punishment shall be a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 12,000,000.00 (twelve million rupiah).

Article 310 of the Road Traffic and Transportation Law can be concluded that if the driver's negligence or negligence causes another person to be injured or die, the penalty is as regulated in the Article above. Although the Traffic and Road Transport Law has been implemented up to now, it cannot be denied that the accident rate still occurs. With so many cases of road accidents, at least it can reflect the society's lack of legal awareness for motorcyclists, because there are still many people who drive unruly and obey traffic signs [9].

In terms of sanctions for perpetrators of traffic accidents that cause loss of life, Islamic law views the act of taking a life as an act that deserves appropriate legal sanctions. This is because the act is not only detrimental to the victim (al-majna`alah), but also to society (al-mujtama'). In the Qur'an al-Maidah: 32, Allah states, that killing one person is the same as killing all humans [10].

Based on the description above, is a traffic accident that intentionally causes the loss of life including intentional murder, as contained in Article 311 paragraph 5 of Law no. 22 of 2009 concerning Road Traffic and Transportation.

From the data that the authors get in the field that the number of traffic accidents is increasing. In a month there are at least 3 traffic accidents and fatalities. In a year traffic accidents reach 50 cases of traffic accidents, deaths and accidents due to driver's negligence / driver negligence. Meanwhile, based on the initial observations that the author made, in resolving cases of traffic accidents that occurred at the Mestong Police, the jurisdiction of the Muaro Jambi Police, in this case, the community preferred the family route and not the proper legal route. Based on this, the authors are interested in studying, understanding and researching in more depth about the Effectiveness of the Law on Public Transportation and Highways in Muaro Jambi, Jambi Province, Indonesia.

2. RESEARCH METHOD

Legal research is basically a scientific activity based on certain methods, systematics, and thoughts that aim to study one or several certain legal phenomena by analyzing them, besides that, an in-depth examination of the legal facts is also held for later seek a solution to the problems that arise in the symptom concerned.

In this study, research using empirical juridical research is in-depth, follows the process, is carried out by the research itself, may not represent or ask others to collect data, this research is also often referred to as field research.

The problem approach in this study uses a sociological juridical method, namely: an approach that starts from the provisions of the legislation and the practice of applying law in the field to obtain the supporting factors and obstacles [11]. This empirical juridical approach is an approach based on norms or statutory regulations that are binding and have clear legal consequences and their application in legal practice in society [28]. This research was conducted in the jurisdiction of Muaro Jambi Regional Police, especially Mestong Police. Several related parties were involved, such as the police chief, members of the police, and the local community.

3. RESULTS AND ANALYSIS

3.1. Implementation of Law NO 22 of 2009 concerning Public Transportation and Highways in the Muaro Jambi Region.

Law enforcement does not distinguish between social status, education level, skin color, ethnicity and religious differences. This is confirmed in the 1945 Constitution article 27 paragraph (1) "all citizens have the same position in law and government and are obliged to uphold the law and government with no exceptions" [16].

Therefore, the enactment of Law Number 22 of 2009 concerning Road Traffic and Transportation replacing the old Law Number 14 of 1992, has brought important changes to the regulation of the national transportation system, Traffic and Road Transport in Indonesia. In this Law, the development of the Traffic and Road Transportation sector is carried out jointly by all relevant agencies (stakeholders) as follows:

- a. Government affairs in the field of Road infrastructure, by the ministry in charge of Roads;
- b. Government affairs in the field of Traffic and Road Transportation facilities and infrastructure, by the ministry responsible for Traffic and Road Transportation facilities and infrastructure;

- c. Government affairs in the field of development of the Road Traffic and Transportation industry, by the ministry responsible for the industrial sector;
- d. Government affairs in the field of Traffic and Road Transportation technology development, by the ministry responsible for technology; and
- e. Government affairs in the field of registration and identification of Motorized Vehicles and Drivers, Law Enforcement, operations, Traffic Management and Engineering, as well as traffic education by the Indonesian National Police [12].

The division of guidance authority is intended so that the duties and responsibilities of each supervisor in the field of Traffic and Road Transportation are seen more clearly and transparently so that the implementation of Traffic and Road Transport can be carried out safely, safely, orderly, smoothly, and efficiently, and can be accounted for.

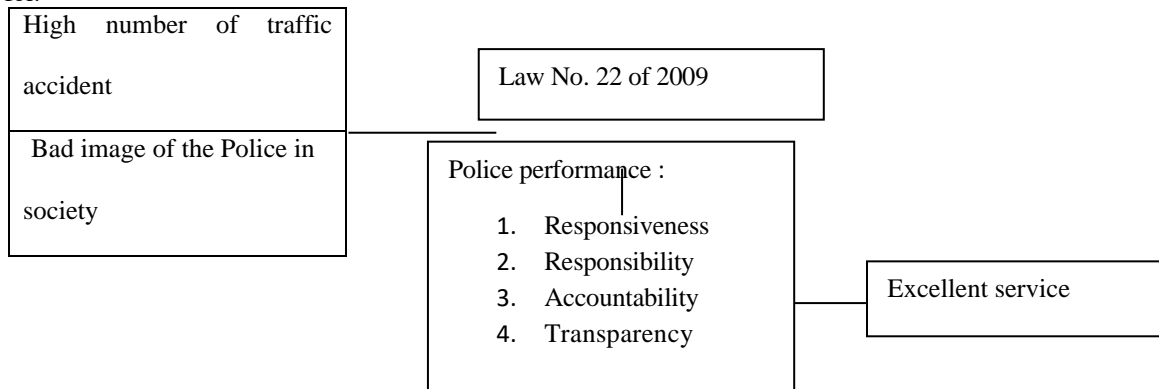


Figure 1. Thinking Framework of Mestong Police Performance in Handling Traffic Accidents

Sharpening the principles and objectives of Law no. 22 of 2009 is also formulated, in addition to creating safe, safe, orderly, smooth, and integrated Road Traffic and Transportation with other modes of transportation, it also has the aim of encouraging the national economy, realizing people's welfare, national unity and integrity, and being able to uphold high dignity of the nation [13].

The increase in the number of victims in an accident is something that is not desired by various parties, considering how very valuable a person's life is which is difficult to measure with a certain amount of money just a favor. The person who caused the accident must be held accountable for his actions in the hope that the perpetrator will be deterrent and be more careful. Even being careful is not enough to avoid accidents, the condition factor is very important in driving a vehicle and also awareness of traffic laws must be obeyed properly.

The number of cases of road accidents that cause many victims requires researchers to know the application of criminal sanctions to cases of driver negligence that cause accidents. The traffic police is the implementing element in charge of carrying out police duties including guarding, regulating, escorting and patrolling, public education and traffic engineering, registration and identification of drivers or motorized vehicles, investigation of traffic accidents and law enforcement in the field of traffic, in order to maintain security order and smooth traffic [29; 30].

In traffic, everyone who uses the road must comply with any existing signs as stipulated in the legislation and do not look at the economic, cultural, position, level, and so on.

Various controversial cases have appeared before the public through media, newspapers and internet reports related to the process of resolving criminal cases. It is so easy for someone to be convicted of an act committed, even though it is only a small case that can actually be resolved quickly outside the court. What makes things even worse is the emergence of "Heretic Courts" where people are brought before the court without knowing what wrong they have committed. As in the case of Lanjar Sriyanto, where he was tried at the Sengeti District Court on charges of Articles 359 and 360 of the Criminal Code. As is known, Lanjar Sriyanto's motorbike hit a Suzuki Carry car in front of him. As a result, the motorcycle fell, his wife and child were thrown from the opposite direction, the Isuzu Panther car hit his wife's body, resulting in her death instantly.

Until now, there is no legal process for the driver of the car that hit Lanjar's wife. The misfortune did not stop there, the police named him a suspect because he was considered negligent, causing other people to die and be injured. It is time now for this country to develop progressive law. Progressive law places more behavioral factors above regulations. Human factors and contributions are considered more decisive than existing regulations. Progressive law does not move on a legalistic-dogmatic, analytical-positivistic level, but rather on a sociological



principle. Law is not absolutely driven by positive law or statutory regulations, but progressive law also moves in non-formal directions.

In Islam a person may not deprive another person of the right to life except for five things, namely 1) the law of retaliation (*qishas*) imposed on people who kill someone intentionally; 2) in war, self-defense (*jihad*) against the enemies of Islam. It was only natural that several fighters were killed; 3) death penalty for traitors who try to overthrow the Islamic government. 4) a married man or woman who was sentenced to hadd for adultery; and 5) people who rob/rob (*hirabah*) [14].

In Islamic criminal law, severe criminal sanctions are imposed for intentional murder, namely by *qishas* punishment, however, the implementation of the sentence is left to the decision of the family of the murdered. The choice is whether to carry out the *qishash* punishment or to be forgiven by replacing it in the form of a *diyat* (fine) as determined by the slain's family. Although the decision is left to the family of the murdered, but this *qishash* punishment is effective in minimizing the killing of innocent people [15].

The high number of road traffic accidents which is the third biggest killer in Indonesia and the bad image of the police in the eyes of the public in providing services on the highway even though it is only carried out by some irresponsible officers are expected to change by looking at Law no. 22 of 2009. Fundamental changes must occur in the performance of the police [15].

The types of vehicles involved in traffic violations in Mestong vary, the following is data on the types of vehicles involved in traffic violations at the Mestong Police, Muaro Jambi Regional Police, (data taken on 19 November 2014) .

Table 1. Drivers Involved in Criminal Acts of Traffic Violations at Mestong Police Sector Legal Area of Muaro Jambi Police

No	Type of Vehicle Involved	Year			Total
		2012	2013	2014	
1	Bus	107	136	107	350
2	Truck	494	459	579	1532
3	Pick up	129	124	140	393
4	St. Wagons	287	187	348	882
5	Sedans	1	5	49	55
6	Motorcycles	2067	1724	2401	6192
7	Others	200	108	262	570

From the table above, we can see that the types of vehicles that are most often involved in traffic violations are at the Mestong Police Station in the Polres area. Muaro Jambi is a motorcycle, from the last three years the number of cases of traffic violations involving motorcycles was 6192 cases, then trucks were 1532 cases, vehicles type st. There were 882 cases of wagons, 393 pick-up cases, 350 cases of buses and 55 cases of sedans. The increase in the number of accidents was also followed by an increase in the percentage of victims who died due to traffic accidents. In 2012, the death toll was 443 people. In 2013 there were 457 people, and in 2014 there were 585 people. From 2014 data, we can see that the incidence of traffic accidents in the Mestong Police Sector is classified as extraordinary events. However, in the implementation of Law No. 22 of 2009 it has not been implemented effectively because the majority of victims and perpetrators resolved through mediation or peacefully.

Nevertheless, the process of resolving the case turned out to not only use the applicable positive legal regulations, but also the customary law provisions of the Muaro Jambi Regency Community Institution. Case Examples:

- 1) There has been a traffic crime on Saturday, November 26, 2012, a Dump Truck driven by CK crashed into a Honda Supra motorcycle driven by SI on Jalan Raya Mestong, Muaro Jambi Regency, resulting in death on the spot. The customary law community has carried out a ceremony or calculation of the Jambi Malay Customary Crime led by the local customary head and the suspect must prepare the items that have been attached or by replacing the costs that will be incurred in the ceremony.
- 2) A traffic crime has occurred on Wednesday, September 3, 2013. A Menerva motorcycle driven by S (late) and a Honda motorcycle driven by suspect HA. SU when what happened on the Sebapo highway, Muaro Jambi Regency, where the suspect while riding his motorcycle did not have or was equipped with a Driving License (SIM) resulting in an accident/collision which resulted in the victim of the motorcycle rider being treated at Raden Mattaher Jambi General Hospital and 3 (three) days later the victim dies. The settlement of cases that use the application of customary law, of course, raises quite principal legal issues. Especially in relation to the criminal responsibility of the perpetrator as referred to in Article 310 paragraph (4) of Law Number 22 of 2009 concerning Traffic and Transportation which stipulates: "Everyone who drives a Motorized Vehicle due to his negligence causes a Traffic Accident that results in the death of another person. , shall be sentenced to a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 12,000,000.00 (twelve million rupiah)". On the basis of Article 359 of the Criminal Code, the perpetrators who because of their negligence caused the death of another person, must still be processed to the Court and get the verdict of the Panel of Judges. In other words, a peace agreement according to customary law as well as the perpetrator and the victim does not necessarily eliminate the criminal responsibility of the perpetrator. Traffic congestion has the potential to cause accidents.

3.2. Obstacles in the Settlement of Sentences in Traffic Accidents at the Mestong District Police, the jurisdiction of the Muaro Jambi Police.

When it comes to law enforcement in general, then like it or not, obeying the law is one of the main elements. Talking about law enforcement issues, we should first provide information about the meaning of the law. In this case, it explains the understanding given by the community, namely: Law as a science, law as a discipline, law as a method, law as a legal system, law as law officer, law as a decision of the authorities, law as a government process, and law as a fabric of values.

The problem of public legal awareness and its relation on the highway is a very complicated issue, if it is to be discussed thoroughly. Legal awareness is actually defined as an assessment of the existing law or the law that is expected. Every citizen actually has legal awareness, because there are no citizens who do not want to live in an orderly state. The problem is how far the level of legal awareness that exists in the community itself. Some only know about the regulations, some know the contents of the regulations, some have the legal attitude [18].

Handling traffic accidents and taking action against violations on the highway is the duty and authority of the police which is a manifestation of law enforcement efforts. The traffic police always carry out socialization activities for Law no. 22 of 2009 to road users both two-wheeled and four-wheeled so that vehicle users always comply with traffic rules and signs so as to reduce accidents and traffic violations. However, if there is no synergy between officers and the community, safety in driving will not be achieved. The characteristics of traffic tasks and functions that are in direct contact with the community have the consequence of making this traffic function the target of various external controls.

In Mahmudi mentions that performance is a multidimensional construct that includes many influencing factors. Factors that affect performance, among others:

- 1) Personal/individual factors, including: knowledge, skills (skills), abilities, self-confidence, motivation and commitment possessed by each individual.
- 2) Leadership factors, including: quality in providing encouragement, enthusiasm, direction, and support provided by managers and team leaders.
- 3) Team factors, including: the quality of support and enthusiasm given by colleagues in a team, trust in fellow team members, cohesiveness and closeness of team members.
- 4) System factors, including work systems, work facilities or infrastructure provided by the organization, organizational processes and performance culture within the organization.
- 5) Contextual factors (situation), include: pressures and changes in the external and internal environment of the organization.

In handling traffic accidents to the community, the Muaro Jambi Police Resort, Mestong Police, must not be separated from the obstacles in providing services, both from within the Mestong Police and the community as



service users. From the results of an interview with a representative from the Muaro Jambi Police Resort Mestong Police, in providing accident handling services to the community, the Muaro Jambi Police Resort Mestong Police experienced several obstacles that came from inside and outside. Included in the inter barriers include:

1) Funds. Limited funds for providing optimal services to the community are an important obstacle and problem in providing traffic accident handling services. In handling accidents, the Mestong Police have limited funds, due to the limited budget provided by the office. And the limited funds are quite disturbing in the process of handling accidents.

"The obstacle is operational funds for daily activities. If someone reports an accident, we have to issue the papers, where does the paper come from? Not to mention if the facilities and infrastructure that we use are damaged, we also need funds to repair them, even though the availability of our funds is limited."

Explaining another problem of limited funds, the Mestong Police said that,

"...in handling the accident, we also had to ask for information from eyewitnesses who were at the scene. But this eyewitness is reluctant to come, it costs money to go to the office. Even though the funds at the office are limited, so we also have to spend personal money to replace the witness fees."

2) Facilities and Infrastructure. Barriers to the performance of the Muaro Jambi Resort Police of the Mestong Police in handling traffic accidents are also influenced by the limited facilities and infrastructure available to facilitate the operational implementation of tasks and activities.

"Limited facilities and infrastructure also affect the operation of our duties, even now it has been 2 days since the operational car as a supporting facility in handling traffic accidents cannot be used because it's broken. In addition to cars, the lack of computers also interferes with us in preparing reports or letters for users."

Limited facilities and infrastructure greatly affect the performance of officers in handling accidents as a service provider to the community. Furthermore, the external barriers, among others, are fear.

Community fear and lack of public awareness to report. Often people are still afraid to get in touch with the police. They sometimes choose a family way without the intervention of the police to resolve accidents that occur. So it has not been cultured to report every traffic accident that occurs.

"The general public is still reluctant to report any traffic accidents that occur. So, their assumption is that as long as there are no serious victims, there is no need to report to us, they can be resolved amicably by themselves. But this can actually harm both parties because there is no underlying law."

Lack of public awareness to report every accident experienced, hampers the performance of the police in providing services to deal with accidents. By not reporting the accident that occurred, it is not a good thing for the parties involved in the accident, it will inevitably have an unpleasant outcome. Lack of public awareness to report every accident experienced, hampers the performance of the police in providing services to deal with accidents. By not reporting the accident that occurred, it is not a good thing for the parties involved in the accident, it will inevitably have an unpleasant outcome. Muaro Jambi Resort Police Mestong Sector cannot provide traffic accident handling services, if there are no people willing to report. They cannot provide traffic accident handling services, if there are no people willing to report.

3.2. Efforts to Overcome Traffic Accident Obstacles at the Mestong District Police, the jurisdiction of the Muaro Jambi Police.

Traffic violations are acts that are contrary to traffic and or its implementing regulations, both which may or may not cause loss of life or property as well as the traffic police [7]. With a regulation mentioned above and if people want to apply these rules in driving, it is likely to reduce the number of accidents that even often occur on the highway.method.

The role of the Muaro Jambi Resort Police, the Mestong Police in handling traffic accidents, is as an investigator, so that investigators are obliged to carry out a series of investigative actions and according to theregulated in the law to seek and collect evidence, so that with that evidence it makes light of the criminal act that occurred and to find the suspect. In handling traffic accidents on the road, officers must act in accordance with existing procedures, this was revealed through the following interview with Aiptu Neighbor.

" In dealing with the accident, we didn't just play around. Always act in accordance with existing procedures. We are working with applicable procedures."

The handling procedure is still common to the general public. The general public is not familiar with the procedures for handling accidents. The traffic unit of the Muaro Jambi Resort Police Traffic Unit of the Mestong

Police in handling accidents adheres to procedures in accordance with applicable rules. Every action taken by officers must be based on existing procedures. Procedures for handling traffic accidents, namely:

- a) Visiting the crime scene (TKP);
- b) Processing the crime scene (TKP);
- c) Securing evidence,
- d) Delivering the victim to the nearest hospital;
- e) Make a police report, sketch the scene (TKP) and describe the crime scene before and after the incident,
- f) Conduct an investigation; g) summon witnesses; h) summon the suspect; i) request letters from the relevant offices;
- j) A post-mortem from a doctor for an injured or dead victim,
- k) A letter requesting a confiscation determination from the court;
- l) Confiscation letter from DLLAJR;
- m) Do the filing.

As expressed by one of the following service users.

" *I don't know the procedure for handling the accident, Ms. I just followed the way Mr. Police. I don't understand things like that.*"

The same thing was also expressed by one of the community users of other services on different occasions.

" *I don't know at all. What is the procedure.*"

The procedure for handling accidents is not well known to the general public. Because this procedure is only used by the police to handle accidents. So it is not widely introduced to the public.

" *Accident handling procedures are not introduced to the public, Non. Because these procedures are used as our basis for action.*"

In handling accidents, the Muaro Jambi Resort Police, the Mestong Police, carries out roles and duties in accordance with applicable regulations. Things or conditions that are not appropriate or that have not been regulated in the legislation can be handled properly but still adhere to the settlement of traffic accidents through a restorative justice approach which has positive and negative impacts on perpetrators, victims, and the community. The positive impacts include: Guaranteeing the rights of perpetrators, victims and the community; Losses that occur as a result of traffic accidents; Resolve problems with the best solutions that are just for the perpetrators, victims and the community without having to go through the criminal procedural justice process; and Produce a balanced peace between perpetrators and victims (Win-Win Solution). impacts include: Perpetrators who come from the lower middle class who are unable to provide compensation to victims, tend to be unable to implement the Alternative Dispute Resolution (ADR) concept; and Without the role of the traffic accident unit police as a mediator, the implementation of the Alternative Dispute Resolution (ADR) concept can lead to an unbalanced mediation result between the perpetrator and the victim (Win Lose Solution).

CONCLUSION

Based on a review of studies that have been carried out on the Criminal Law Policy in the Settlement of Traffic Accidents for Death Victims in Muaro Jambi Regency, several conclusions were obtained that on a regional scale in the Mestong Police Sector and Muaro Jambi District, traffic violations at the Mestong Police Sector were motorcycles from the last three years the number of cases of traffic violations involving motorcycles was 6192 cases, then 1532 cases of trucks, st. There were 882 cases of wagons, 393 pick-up cases, 350 cases of buses and 55 cases of sedans. The increase in the number of accidents was also followed by an increase in the percentage of victims who died due to traffic accidents. From the data in 2012 we can see that the incidence of traffic accidents in the Mestong Police area is classified as an extraordinary event. However, in the implementation of Law No. 22 of 2009 it has not been implemented effectively because the majority of victims and perpetrators resolved through mediation or peacefully.

Then, in handling traffic accidents to the community, the Muaro Jambi Police Resort Mestong Police must not be separated from the obstacles in service delivery, both from within the Muaro Jambi Police Resort Mestong Police and the community as service users.

Finally, some obstacles that come from inside and outside the internal barriers such as funds and infrastructure that are not yet adequate if the obstacles that arise from outside are external obstacles coming from the community who are still reluctant to report traffic accidents to the Muaro Jambi Resort Police Polsek Mestong so it is difficult in handling and resolving traffic accident cases. The procedure carried out by the Muaro Jambi Resort Police, Mestong Police in resolving traffic accidents through a form of restorative justice approach is in the form of mediation based on the National Police Chief No. Pol: B/3022/XII/2009/SDEOPS dated December 14, 2009 called Alternative Dispute Resolution (ADR) but not all types of traffic accidents can be resolved through the concept of



Alternative Dispute Resolution (ADR), traffic accident cases that can be resolved are cases that are not included in the category of criminal provisions in Law Number 22 of 2009 Ten Traffic and Road Transportation with the threat of imprisonment of more than 5 (five) years in prison or any type of traffic accident that results in serious injury and death. Therefore, with the study that has been carried out, the author hopes that the Court judges (especially the Sengeti District Court) who handle traffic violations criminal cases will impose higher fines on the perpetrators of traffic violations in order to provide a deterrent effect to the perpetrators. so that an orderly atmosphere of traffic can be realized. And also to the government through the Indonesian National Police (POLRI) continue to provide socialization to the public about Law no. 22 Concerning Road Traffic and Transportation as well as providing an understanding to the public of the importance of traffic order.

ACKNOWLEDGEMENTS

The authors would like to thank the Mestong Police and Muaro Jambi Resort Police, as well as all those who have assisted in this research.

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