

Legal Enforcement Efforts On Traffic Violations Made By Students Under The Age In Surabaya City

Ebit Rudianto¹, Vivin Indrianita², Mohammad Roesli¹

¹Faculty of Law, Merdeka University Surabaya,

²Faculty of Health Sciences, Merdeka University Surabaya

E-mail : ebitrudianto@gmail.com, vivin.carissa89@gmail.com

ABSTRACT

Law enforcement in the State is carried out in a preventive and repressive manner. Preventive law enforcement is in place to prevent violations of the law by citizens and this task is generally assigned to the executive bodies and the police. Repressive law enforcement at the operational level (its implementation) is supported and through various institutions that are organizationally separate from one another, but remain within the framework of law enforcement, starting from: the Police, the Attorney General's Office, the Courts, to Correctional Institutions. There are many problems related to law violations, ranging from minor to severe. Minor offenses that often occur in traffic problems, such as not wearing a helmet, running a red light, not having a SIM or STNK, not turning on the lights during the day, and hitchhiking are considered cultured among the community and school students. Traffic violations like that are considered to have become a habit for road users, so that every time an orderly operation of traffic is carried out on the highway by the authorities, not a few cases of traffic violations are caught and often because these violations often lead to traffic accidents. cross. Driving a vehicle inadvertently and exceeding the maximum speed seems to be an immature behavior. However, most drivers are aware of the dangers faced when driving a vehicle over this maximum speed. However, in reality, there are not a few drivers who do this, especially school students, so that many traffic violations cause traffic accidents.

Keywords: law enforcement, traffic violations, underage students

1. INTRODUCTION

Traffic violations today are increasingly alarming, recorded in the jurisdiction of the Traffic Unit (Satlantas) of the Surabaya Big City Police in 2018, members of the Indonesian Police have taken direct action against 139,291 [1] cases of traffic violators (ticket). Traffic violation cases that occur are directly proportional to traffic accidents, it is proven that during 2018 there were 1,702 traffic accidents [2]. The data also recorded that as many as 77,988 direct actions against traffic violations were committed by school children.

There are many problems related to law violations, ranging from minor to serious [3]. Minor violations that often occur in traffic problems, such as not wearing a helmet, running a red light, not having a SIM or STNK, not turning on the lights during the day, and hitchhiking are considered to be cultured among the community and school children. Traffic violations like that are considered to have become a habit for road users, so that every time an orderly operation is carried out on the highway by authorities, there are many cases of traffic violations and not infrequently because these violations often lead to traffic accidents.

Law Enforcement Officials (Traffic Police) have a role as deterrent (*politie toezicht*) and as a (*perpetratorpolitie dwang*) in political functions. In addition, the traffic police also carry out

regulatory functions (for example, regulating the obligation for certain motorized vehicles to equip a safety triangle) and functions *bestur*, especially in terms of licensing or *begunstiging* (for example, issuing a driving license).

Driving a vehicle inadvertently and exceeding the maximum speed seems to be an immature behavior. However, most drivers are aware of the dangers faced when driving a vehicle over this maximum speed. However, in reality, there are not a few drivers who do this, especially school children, so that many traffic violations cause traffic accidents.

The laws and regulations governing road traffic and transportation problems are not completely synchronous and there are provisions that have been left behind by the development of society. However, it is not an exaggeration to suggest several ways of enforcing traffic regulations which according to experience will be more efficient.

The usual way is *periodic reinforcement* or *partial reinforcement*. This method is applied when certain behaviors are not always rewarded or punished. If a driver is accustomed to following certain highway routes, there is a tendency to exceed the maximum speed. This is because the driver considers himself familiar with this part of the highway. If a road patrol officer is stationed at certain places on the road, then he does not have the opportunity to violate the maximum speed limit. However, if the placement of officers is done regularly, then the driver will know when he has to comply with traffic regulations. This method aims to produce well-behaved drivers. The second method is usually called *conspicuous enforcement*, which usually aims to prevent drivers from dangerous driving. In this way it is intended as a way to place a police car or other means prominently so that the driver sees it as clearly as possible. This will usually prevent someone from breaking the rules. This method aims to maintain the safety of the human soul and of course, that both methods require adequate facilities and capable and skilled human resources.

2. RESEARCH METHOD

The approach to the problem in this study uses the normative juridical method, namely: an approach that has a starting point from the provisions of legislation and is examined in the field to obtain supporting factors and obstacles.

3. RESULTS AND DISCUSSION

The legal arrangements regarding traffic violations committed by underage students contained in Law Number 22 Year 2009 are divided into two parts, namely in the form of violations and crimes. In the form of violations, namely: violations of motorized vehicle equipment, violations of traffic and driving procedures, and violations of road functions and traffic signs (Article 281 to Article 313 of Law Number 22 of 2009). In the form of crime, namely: which results in damage and / or disruption to the function of the road, because it will cause accidents for

other people as road users, this prohibition is contained in Article 28 paragraph (2), this means that everyone is prohibited from destroying facilities and infrastructure. traffic and road transportation such as traffic signs, road markings, traffic signaling devices, pedestrian facilities and road user safety devices.

Based on the data obtained from the Surabaya City Police (the last 3 years), it can be concluded that there has been a decrease in the number of traffic violations committed by underage students. Data can be presented in table form as below:

Table1. decrease in the number of traffic violations committed by underage students.

YEAR	NUMBER OF VIOLATIONS
2018	32.066 Cases
2019	31.970 Cases
2020	16.990 Cases

After looking at the data above, it can be concluded that the application of the law in cases of traffic violations committed by underage students is strictly obeyed by students. In an application of the law against traffic violations committed by underage students, several supporting factors are needed so that the application of the law can run smoothly.

Application of the Law of Traffic Violations by Underage Students According to Law Number 22 Year 2009

Traffic in Law Number 22 Year 2009 concerning Road Traffic and Transportation is defined as "the movement of vehicles and people in the road traffic space", Meanwhile what is meant by road traffic space is infrastructure designated for the movement of vehicles, people and / or goods in the form of roads and supporting facilities. The government has the aim of realizing road traffic and transportation that is safe, safe, fast, smooth, orderly and orderly, comfortable and efficient through d the traffic managementan traffic engineering. Themethod of traffic on the road is regulated by the relevant laws and regulations traffic direction,prioritize using roads, traffic lanes, traffic lanes traffic andflow control at intersections. In implementing traffic law, it must have components so that traffic interactions can occur, namely humans as users, vehicles, and roads.

In the application of the law on traffic violations, a mature and well-organized concept is needed so that the implementation of the law can run smoothly. The elaboration of the analysis of article 245 of Law Number 22 Year 2009 concerning Road Traffic and Transportation, namely

with the following concepts: traffic management, traffic planning activities, traffic control activities, traffic control activities, and traffic control activities. With the various concepts described above, the implementation of the law against traffic violations committed by underage students can run well and smoothly so that it can cause comfort in traffic.

In applying the law regarding traffic violations, the police are guided by Law Number 22 of 2009 concerning Road Traffic and Transportation, wherein in imposing sanctions on traffic offenders, the police use the law as a reference. There is no difference in the punishments given, both violations committed by underage students and those committed by other communities.

Supporting factors for the application of the law of traffic violations committed by underage students

In an application of the law against traffic violations committed by underage students, several supporting factors are needed so that the application of the law can run smoothly. The supporting factors for the application of the law must be carried out in accordance with the principles of road traffic and transportation as stated in Article 2 of Law Number 22 Year 2009 concerning Road Traffic and Transportation, namely the principle of transparency, accountability principle, sustainability principle, participatory principle, principles of benefit, principles of efficiency and effectiveness, principles of balance, principles of integrity, and principles of independence.

With the application of these principles, in article 3 of Law Number 22 of 2009 concerning Road Traffic and Transportation, the objectives of road traffic and transportation are stated, namely the realization of safe, safe, orderly, smooth, and integrated road traffic and transportation services. with other modes of transportation to encourage the national economy, promote public welfare, strengthen national unity and integrity, and be able to uphold the dignity of the nation, the realization of traffic ethics and national culture and the realization of law enforcement and legal certainty for the community.

Barriers to Application of Law Against Traffic Violations Committed by Underage Students

In general, there are no obstacles in implementing the law, in general the community has accepted and understood the application of the law to this traffic regulation, it's just that the level of awareness is still very lacking. In an effort to implement the law, traffic violations have not been implemented optimally because there are still many factors that become obstacles in its implementation, namely as follows. There are still a lot of road users who do not comply with traffic regulations and still often violate, especially underage students. Inadequate facilities and infrastructure in realizing order in traffic, Lack of awareness in orderly traffic activities, Lack of coordination between law enforcement officers and the community so that there are still many traffic violations, Implementation of police operations, especially traffic units is still lacking Right on target, Implementation of traffic training and education to schools is still lacking, Lack of

socialization in driving on the highway so that there are still many traffic violations. Lack of service quality in realizing orderly and smooth road traffic and transportation, Lack of vehicles to synergize the main tasks and functions of each traffic and road transportation agency, Lack of supervision of policy implementation, accident handling, and reporting of traffic-related events cross and road transport

Countermeasures to Overcome Barriers to Law Application Against Traffic Violations Committed by Underage Students

The efforts made by the National Police to overcome obstacles in the application of the law against traffic violations can be carried out through 2 policies, namely penal policies and non-penal policies. also called Penal policies are criminal law policies, namely policies that regulate people's behavior through criminal (legal) sanctions. Criminal law is almost always used to frighten or secure various criminal acts that may arise in various fields, a product of legislation will feel less than perfect if it does not have one criminal provision.

The functional stage of prevention and overcoming of crime must go through several stages, namely the formulation stage (legislative policy), the application stage (judicial policy) and the execution stage (executive / administrative policy).

Policies for overcoming criminal acts by using non-penal means are policies to prevent the occurrence of a crime before the occurrence of a crime or violation. Prevention of violations and crimes in the field of road traffic and transportation can be carried out in various ways, namely socializing the law, establishing guard posts at every major road intersection, carrying out random patrols, increasing the participation of the community, conducting special operations (raids), Organizing competitions / contests, Providing education and introduction to traffic from an early age and Conducting traffic discipline education.

4. CONCLUSION

The legal arrangements regarding traffic violations committed by underage students contained in Law Number 22 of 2009 are divided into two parts, namely in the form of violations and crimes. In the form of violations, namely: violations of motorized vehicle equipment, violations of traffic and driving procedures, and violations of road functions and traffic signs (Article 281 to Article 313 of Law Number 22 of 2009). In the form of crime, namely: which results in damage and / or disruption to the function of the road, because it will cause accidents for other people as road users, this prohibition is contained in Article 28 paragraph (2), this means that everyone is prohibited from destroying facilities and infrastructure. traffic and road transportation such as traffic signs, road markings, traffic signaling devices, pedestrian facilities and road user safety devices.

Factors supporting the application of law against traffic violations include 1) The

application of the law is carried out with the participation of the community. 2) Providing guidance, training, certification, and permits to underage students in traffic. 3) Quality assurance of environmental functions by setting technical requirements. 4) Community participation in the policy making process. 5) Supervision of the implementation of traffic carried out by underage students so that there are no violations that could disturb the order and smoothness of traffic. 6) Testing and issuing motorized vehicle driving licenses (SIM) for school students who own motorized vehicles

REFERENCES

- Barda Nawawi, Arief.(1998). *Several Policy Aspects of Criminal Law Enforcement and Development*. Bandung: PT. Citra Aditya Bakti.
- Barda Nawawi, Arief.(2005). *Several Aspects of Policy and Development of Criminal Law*, PT. Citra Aditya Bakti, Bandung.
- Barda Nawawi, Arief.(2004). *Interest of Criminal Law Policy*, Bandung; PT Citra Aditya.
- Kansil,(1994). *CST Introduction to Indonesian Law and Legal System*, Jakarta: Balai Pustaka, 1994
- Moeljatno,(1992). *Criminal Code*, Jakarta: Bumi Aksara.
- Mertokusumo, Sudikno.(1993). *Chapters on Legal Inventions*, Yogyakarta:, PT Citra AdityaBakti.
- Mulyadi, Mahmud.(2011). *Criminal Law Politics*, lecture material at the USU Faculty of Law.
- Mertokusumo, Sudikno.(1999). *Knowing the Law*, Yogyakarta: Liberty.
- Prodjodikoro, Wirjono.(2003). *Principles of Criminal Law in Indonesia*, Bandung: Refika Aditama,
- Poerwagarnminto, WJ.(1989). *Big Indonesian Dictionary*, Jakarta: Balai Pustaka.
- Poernomo, Bambang.(1982). *Criminal Law Collection of Scientific Essay*, Jakarta: Bina Aksara.
- Prasetyo, Teguh, and Halim Barkatullah, Abdul. (2005). *Criminal Law Politics Criminalization and Decriminalization Policy Study*, Yogyakarta: Student Library.
- Prakoso, Djoki.(1987). *Criminal Law Reform in Indonesia*, Yogyakarta: Liberty.
- Ramadahann Naning. *To stimulate public awareness of law and discipline of law enforcers in traffic*, Surabaya: Bina Ilmu, 1983.
- Soekanto, Soerjono. (1989). *An Overview of Legal Sociology of Social Problems*, Bandung: Citra Aditya Bakti.
- Soekanto, Soerjono.(1983). *Factors Affecting Law Enforcement*. Jakarta: PT. Raja Grafindo Persada.

Sunggono, Bambang.(2002). Legal Research Methods, Raja Grafindo Persada, Jakarta.

Waluyo, Bambang.(1996). Legal Research in Practice, Sinar Grafika, Jakarta.