

The Effectiveness of the Law of the Republic of Indonesia Number 22 of 2009 Concerning Road Traffic and Transportation on Road Accidents

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ARTICLE INFO

Article history:

DOI:

[10.30595/pssh.v14i.1011](https://doi.org/10.30595/pssh.v14i.1011)

Submitted:

June 08, 2023

Accepted:

September 29, 2023

Published:

November 16, 2023

Keywords:

Traffic Technology, Road Accidents, Effectiveness of the Law

ABSTRACT

Due to rapidly growing prosperity and the development of traffic technology, the traffic of passengers and goods by motorized vehicles is increasing. This has resulted in an increasing number of traffic accident victims, both drivers and road users. Accidents are caused by three main factors, namely first the human factor, second the vehicle factor, and finally the road factor. Starting from this road factor, the author discusses the causes of traffic accidents. Article 273 of the Road Traffic and Transportation Law Number 22 of 2009 states that the state is responsible for accidents caused by damaged roads. In order to use legal theory as an analytical tool in the research, theories such as the theory of responsibility and the theory of police are used in the handling of events or legal issues raised in the work. The author uses empirical or sociological research methods. The factor that limits the implementation of Article 273 of the Government Transportation Law No. 22 of 2009 is the absence of government regulations that regulate the provisions of Article 273 in more detail. The road administration is responsible for this problem. This uncertainty may affect the application of Article 273 by police authorities. People who do not report accidents due to damaged roads or potholes. Some do not know for various reasons and some do not want to engage with law enforcement officials who treat accidents as accidents. In this case, the police institution itself and the laws made by the government are not implemented because they are related to the government's responsibility.

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I. INTRODUCTION

The purpose of legislative products is to realize certain interests as objectives. Law No. 22 of 2009 replacing Law No. 14 of 1992 aims to ensure safe, orderly and smooth traffic and transportation. Every road user with or without a vehicle expects a safe space that is free from the risk of crime or social disturbance when driving. Road users also want their traffic to be safe, i.e. no accidents occur so that they can reach their destination safely. Smooth traffic is the wish of every road user, as long as there are no obstacles in traffic, either traffic jams that lead to congestion or poor road conditions. There is another expectation of an orderly traffic situation where every road user obeys all signs, signals, traffic signs and traffic regulators from the authorities.

Community activities are strongly supported and bring many benefits. But the presence of motorized vehicles also brings other consequences, such as the provision of adequate roads, the regulation of vehicle traffic,

and the problem of accidents. If we are driving, it means that the vehicle has interacted with other vehicles. Basically, the road is a common property. Therefore, the driver and the team on the highway must be orderly, and if there is a violation, it will lead to the beginning of an accident that regulates the occurrence of accidents is a two-wheeled vehicle.

Traffic problems are developing into increasingly complex problems and are becoming a strategic part of long-term development. In developing countries such as Indonesia, traffic problems are the leading cause of death. The development of vehicle traffic, especially two-wheeled traffic, can affect people's lives. It is known that the number of vehicles on the road increases every year. This can not only meet people's needs, but also contribute to the increase in traffic accidents. In order not to cause serious negative impacts on traffic safety, traffic regulations are issued based on Law No. 14 of 1992, the current Traffic Law No. 22 of 2009. To ensure the implementation of the provisions of the law, the Traffic Police, as a law enforcement agency, is given the authority to supervise and control. Traffic problems that require serious attention include traffic accidents, which are usually preceded by traffic violations.

This two-wheeled vehicle user dominates from all areas that can be reached by the lower middle class because of its easy-to-drive shape and low price, so there is a wide variety of road users who use motorized vehicles. The number of motorized vehicles across Indonesia increased to more than 20 million, of which 60% are motorcycles and the rest are cars. Motorcycle vehicles are used out of necessity and are helpful in all walks of life. However, people use motorcycles unfairly and cause traffic violations. Committing traffic violations can lead to disruption of public order and security.

Violations are actions that are not in accordance with applicable rules, both in community norms and in applicable laws. In this case what is meant by traffic violations is intentional or unintentional actions that violate traffic regulations, and usually these traffic violations are the trigger for traffic accidents. Due to rapidly growing prosperity and the development of traffic technology, the traffic of passengers and goods by motorized vehicles is increasing. This has an impact on the increasing number of victims of traffic accidents both drivers and road users. In Palembang two-wheeled vehicle users have a higher risk of accidents than other modes of transportation, driving on the highway is part of people's daily activities. Some people do transportation activities to reach places of activities such as offices, schools, markets, tourist attractions, etc. Damaged road conditions (potholes) can cause traffic accidents, not to mention caution in driving.

Law Number 22 of 2009 concerning Road Traffic and Transportation in Article 273 Paragraph 1 Every road user who does not repair damaged roads in a timely and correct manner resulting in a traffic accident as referred to in Article 24 Paragraph 1 which results in minor injuries to the victim. and / or property damage Violation of vehicles and / or goods shall be punished with imprisonment for a maximum of 6 (six) months or a maximum fine of Rp. 12,00,000.00 (Twelve Million Rupiah). If the act as referred to in paragraph 1 causes serious damage, the perpetrator shall be punished with imprisonment for a term not exceeding 1 (one) year or a fine not exceeding 24,000,000.00 rubles. (If the act referred to in paragraph 1 results in the death of another person, the offender shall be punished by imprisonment for a term not exceeding 5 (five) years or a fine not exceeding Rp. 120,000,000.00 (one hundred and twenty million rupiah). And Article 4 Road operators who do not install signs or markings on a road that is damaged and has not been repaired according to Article 24 Paragraph 2 shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of Rp. 1,500,000.00 (one million five hundred thousand rupiah).

II. RESEARCH PROBLEMS

1. How is the effectiveness of Law No. 22 of 2009 concerning traffic on road accident
2. What factors are obstacles for the Government in implementing Law No. 22 of 2009 concerning traffic?

III. RESEARCH METHODS

The legal research method used, namely normative, is a combination of normative legal approaches with the addition of various empirical elements. In this normative-empirical research method, it also discusses the implementation of normative legal provisions (laws) in action in each specific legal event that occurs in society. then Research Normative law research uses normative case studies in the form of legal behavior products, for example examining laws. The subject of study is law which is conceptualized as norms or rules that apply in society and become a reference for everyone's behavior.

IV. RESULT AND DISCUSSION

1. How is the effectiveness of Law No. 22 of 2009 concerning traffic on road accidents?

The application based on the judge's decision uses the theory of criminal responsibility, where criminal responsibility refers to the continuation of objective demands that occur in criminal acts and subjectively to a person who qualifies for punishment for his crime. Law enforcement is closely related to society and in general

society is the most important part of the state. Traffic problems tend to grow faster than efforts to solve transportation problems, causing the problem to worsen over time. To solve traffic problems, bold actions must be taken, based on studies and resources in other cities. The influence of the environment on drivers driving on the highway can be seen from the speed of vehicles on the highway. The road environment requires attention from the driver. This requirement varies with location and time as the road environment changes with time and location. Maintaining a constant level of alertness while driving is almost rare. Sometimes attention is high at certain times, but at a relatively low (more relaxed) level at other times. Law gains meaning when people's behavior is influenced by the law itself and when people follow the law to control their behavior, while on the other hand legal effectiveness is closely related to the issue of legal compliance as a norm.

This is in contrast to fundamental politics, which is relatively neutral and depends on the universal value of the purpose and justification of legislation. In practice we see that most laws are obeyed and some laws are not. Of course, the legal system collapses when everyone breaks the law, and the law loses its meaning. The ineffectiveness of the law tends to affect the working time and frequency of non-compliance, and has a significant impact on legal behavior, including the behavior of lawbreakers. This condition concerns law enforcement that ensures security and justice in society.

Looking at field data shows that people as perpetrators and victims of traffic accidents are increasing with the rules and laws promulgated by the government, namely Law Number 22 concerning Road Traffic and Road Traffic. The accident rate is a type of system that does not work as it should. Society has a very strong role in the state as a counterweight to state power that carries out the duties and authority of government to maintain peace, security and order for the common good, because society is involved in all fields. And if you look at the results of the study on the effectiveness of Article 273 of the Road Traffic and Transportation Law No. 22 of 2009, there are several factors that can affect the stability, security, order and smoothness of traffic on the highway.

Interaction and combination of two or more mutually exclusive factors. Factors that affect traffic conditions include human factors, vehicle factors, road factors, and environmental factors. Traffic and road transport have their own characteristics and advantages that must be developed and utilized. The development of road transport and transportation organized in a unified system is carried out thoroughly through the integration and dynamics of its elements, consisting of road networks, vehicles and their drivers, as well as regulations, procedures and methods, which are more efficient, use and work. One form of reform in the field of law is the enactment of Law No. 22 Year 2009.

2. What factors are obstacles for the Government in implementing Law No. 22 of 2009 concerning traffic?

Roads are public spaces used by people with different personalities. Road traffic and transportation are essential to the growth of society, people rely heavily on land transportation such as motorcycles and cars, and regulations are needed to regulate and ensure the smooth operation of road traffic and transportation systems. Road Traffic and Transportation Law No. 22 of 2009 is a legal product that is the main reference for regulating aspects of road traffic and transportation in Indonesia. This law is a development of the previous law, Law No. 14 of 1992 concerning Road Traffic and Transportation, which is no longer responsive to the circumstances, changes in the strategic environment and the needs of road traffic flow and transportation implementation. must be replaced with a new law.

The new road traffic and transportation law has caused mixed reactions in the community, especially among the lower classes whose education is still low. There are also people who think that the socialization that has been carried out has not been sufficient, so that people do not clearly know the contents and objectives of this traffic law, as well as the rights and obligations of road users. This can be seen from the controversies that arise in the community. People still follow bad habits. It is important for the public to know the content and purpose of traffic laws to ensure comfort and safety on the road. Compliance with traffic regulations is one of the traffic functions in charge of ensuring that every road user obeys and complies with traffic regulations. Traffic police can be divided into two parts. First, traffic law enforcement in the area of prevention, including monitoring, guarding, guarding and patrolling. Second, repressive police, which includes eradicating violations and investigating traffic accidents.

Judging from Soerjono Soekanto's legal theory, namely the law itself, which in this case is limited only to the law. The legal factor itself, which must be the main requirement, is that there is sufficient clarity about the meaning and scope of the provisions, there are no gaps, because the implementing regulations do not yet exist, the regulations are vertically and horizontally synchronized, which reduces the scope of legal interpretation Law officers serve justice, certainty and expediency. There are times when in the practice of legal administration there is a conflict between legal certainty and justice. Legal certainty is more real and concrete, while justice is more abstract. So when a judge decides a case by applying the law alone, there are times when the value of justice is not met. So when you see a problem with the law, at least justice comes first. Because the law is seen not only in terms of written law, there are still many rules in society that can regulate people's lives. If the goal of law is

justice, then the difficulty comes from the fact that justice is subjective and depends heavily on the subjective inner values of each person.

Then the mentality or personality of police officers plays an important role for police officers in applying the law. If the regulations are good but the quality of the officials is not good, then there is a problem. Sociologically, law and law enforcement are two different things, law including legislation and various legal principles behind it is something abstract, while judicial improvement including court work is something concrete. In law enforcement, the relationship between the abstract and the concrete is carried out by law enforcement officials, especially judges in court. Status is a certain position in the social order, which can be high, medium or low. This position is a container whose contents include certain rights and obligations. These rights and responsibilities form a role, so that a person in a certain position is often referred to as a role holder. The actual right is the power to do or not to do when the duty is a burden or obligation. Which in this case is limited only to the law, viz. Special laws supersede general laws. Subsequent law supersedes previous law.

The enactment of Law Number 12 Article 12 on Traffic and Roads that was imposed on the public in 1992 is outdated and expired and has been updated to Law Number 22 Year 2009 on Traffic and Roads. According to article 273 of the Criminal Procedure Code, accidents due to road damage that result in minor injuries or even death, which is actually regulated by law, accidents due to damaged roads or potholes can be claimed because the emergency service is a traffic guard.

Facilities and infrastructure in the implementation of traffic regulations, especially facilities and infrastructure on the highway must be good and responsive to the conditions concerned, as well as traffic signs on the highway must be perfect. It is recognized that Indonesian institutions are currently lagging far behind in law enforcement compared to developed countries that have complete facilities and advanced technology. In this case, the author argues that the facilities used by law enforcement cannot be said to be good for law enforcement. Both space and facilities are very important here to support driving safety.

Society is an organization of people connected to each other while culture is an organized system of norms and values that guide society. When Section 273 of the Traffic Act comes into force, the target audience is the general public, with compliance with rights and obligations as well as compliance with applicable laws being important factors. Information and understanding of Section 273 of the Traffic Law is provided to the public with the aim of creating legal awareness in the community.

V. CONCLUSION

Judging from the facts in the field, many damaged roads are not immediately repaired, even if they are repaired, they are allowed to linger and do not provide warning signs. This results in traffic accidents and no accountability. The author concludes that law enforcement officers have not implemented properly and firmly, but the first inhibiting factor is the community factor that does not support the implementation of Article 273 of Law No.22 of 2009 concerning Road Traffic and Transportation. Likewise, road traffic and transportation have their own characteristics and advantages that must be developed and utilized. The development of road traffic and transportation organized in a unified system is carried out thoroughly through the integration and dynamics of its elements, consisting of road networks, vehicles and their drivers, as well as regulations, procedures and methods that are more efficient and effective.

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