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## Juridical Review of Motorcycle Drivers with the Level of Safety at SMP Negeri 1 Padaherang

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### ABSTRACT

*The development of the times has made the younger generation have a lot of expertise in all fields, but on the other hand many young people are doing social deviations today. One of them was riding a motorbike by a minor. The facilities provided by parents aim to make it easier to study at school. This study aims to determine the level of vehicle use by minors and the level of safety, the factors that influence the use of vehicles by minors and to analyze in order to find out more about the use of motorized vehicles by minors in the Pangandaran Regency area, especially at SMP NEGERI 1 PADAHERANG. The results of the study showed an increase in the number of underage drivers, especially at SMP NEGERI 1 PADAHERANG School students in the Pangandaran Regency area. Factors in the use of motorized vehicles by minors are internal factors and external factors. The policy strategy for preventing the motor level of vehicle use by students in Pangandaran Regency is by means of preventive and repressive efforts.*

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## I. INTRODUCTION

In the regulation of Law No. 35 of 2014 concerning amendments to Law No. 23 of 2002 concerning Child Protection Article 1 paragraph 1 states that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb, in the sense before the age of 18 and do not have a good identity in citizenship. After the age of 18, you may have your own identity as a citizen in the form of a KTP. Which was signed by President Susilo Bambang Yudhoyono on December 24, 2013, has signed and ratified the entry into force of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration. 1 The rights and obligations of children, namely taking education during Article 7 paragraph 2 of the August 2022 version of the National Education System Bill, explains that Indonesian citizens are required to receive 10 years of basic education and three years of secondary education. the explanation, compulsory education at the basic education level for citizens aged six to 15 years and Temporary compulsory education at the secondary education level for citizens aged 16-18 years. 2 Compulsory education at the basic education level is implemented nationally, while compulsory education at the secondary education level is implemented in stages in regions that meet the criteria set by the central government. The 3 rights and obligations of children in obtaining education and self-development are stated in Article 9 paragraph 1 ,2,3.<sup>3</sup>

Students who study in their respective areas or in areas far from where they live usually have public transportation, as well as the existence of an online motorcycle taxi makes it easier for them to get to school. As for those who go to school accompanied by their parents. Or students who are given motorized vehicle facilities with the aim of keeping them going to school, usually these students are in remote areas far

from the city and there is a lack of public transportation that reaches their area, so there is no other way besides driving that will make it easier for them.

Even though their parents provided the motorbike facilities in the hope that they would still go to school, the parents only provided a solution which was quite difficult as well as considering road safety and traffic regulations such as a driver's license. It is certain that students driving motorbikes are not old enough under the law and do not have a SIM, so of course this solution is wrong, but according to the compelling circumstances it allows them to do so. In the traffic regulations, you must bring complete motor vehicle documents such as a driver's license and vehicle registration, wear a helmet, obey traffic signs and drive at a maximum speed of 40 km/hour. For motorcycles or two-wheeled vehicles, they must have SIM C in article 88 of Law no. 22 of 2009. This article describes the types of individual SIMs with several types according to the type of vehicle to be driven. To obtain a SIM is contained in article 7 paragraph (3) in Law no. 22 of 2009 which states that "To obtain a driver's license, prospective drivers must have driving competence which can be obtained through education and training or self-study." These educational and training institutions must obtain permits and be accredited by the Government. The requirements for making a SIM that an individual SIM applicant is explained in Article 81 paragraph (2), (3), (4), and (5) of Law no. 22 of 2023, which is like 17 years old for SIM A, C and D.<sup>4</sup>

But even though there are many regulations explaining this, there are still many underage drivers who commit traffic violations and this is a concern and a question for the wider community, therefore the author raises the title Application of Law against Underage Drivers as traffic violators. in order to find out what causes children to violate traffic, as well as how law enforcement in the field deals with these violations committed by children. In my area, in Pangandaran district, there are several junior high schools, but what I will be doing research is near my house, namely SMP N 1 Padaherang where the school is located on a cross-district route in one direction with limited access to public transportation and online motorcycle taxis along with driving safety. in students of SMP N 1 Padaherang.

## **II. RESEARCH PROBLEMS**

1. What is the existence of article 88 of Law no. 22 of 2009. in accordance with the norms that apply in society, especially the students of SMP N 1 Padaherang?
2. What are the supporting factors and for the weaknesses in article 88 of Law no. 22 Year 2009?

## **III. RESEARCH METHODS**

This study uses a qualitative descriptive which takes from interview sessions conducted with informants, namely several children as perpetrators of motorbike users, some children who use bicycles, some children who walk and use public transportation. The reason is, there are so many traffic violations committed by minors that are found in this area. This is the main focus because the police and schools must be able to guarantee the safety of the community from things that are dangerous, including students.

The data source used is the results of interview sessions from several student actors and then combined with primary legal materials. The results of the interview session were then structured properly in order to get better results and become important information in accordance with the facts on the ground. From the interview session there were results that were quite relevant to the primary legal material in the form of laws and regulations

Approach used In this study the authors used a qualitative approach, namely a method of analyzing research results that produces descriptive analysis data, namely data expressed in writing or orally as well as real behavior, which is researched and studied as a whole. In this approach the emphasis is on data quality, so that in this approach, it is required to be able to determine, choose and which data or materials have quality and which data or materials are irrelevant to the research material.

## **IV. RESULT AND DISCUSSION**

### **1. First Research Problem Discussion**

The enforcement of this article is not present in the presence of the community, because in this one road there is a lack of strict supervision of perpetrators of underage drivers, lack of concern for law enforcement in this case. In my area there are no raids conducted by law enforcement officers so the community thinks that there is no need for safety riding because there is no one to enforce the law there. then because the distance traveled is relatively close so that people are less aware of their safety, it does not mean that there are no law enforcers, they go around as they please, but they must understand driving safety. the weakness of the school and law enforcers such as the police is the lack of socialization about driving safety and the regulations that apply if you want to ride a motorbike in accordance with existing regulations.

## 2. Second Research Problem Discussion

Levels and factors of vehicle use by underage students in Pangandaran District. It has been found that there are relatively many underage drivers, especially junior high school (SMP) children. Based on data on child perpetrators taken from research. According to the data obtained from the interview session, there were 40% of the students at school using motorized vehicles who did not have SIM C, 30% of the students using bicycles, 20% of the students going to school on foot, and 10% the number of students taking public transportation. Of the total number of students at SMP N 1 Padaherang relatively use motorbikes because access to school is difficult to reach by public transportation and motorcycle taxis around there. From the data generated, there are three areas with relatively far and close distances to schools, namely:

1. Areas covered by public transportation, The lowland interior areas are not accessible by public transportation.
2. Mountainous or highland interior areas are not accessible by public transportation.

In a radius of approximately 1km in the first area there are students who walk and take public transportation, in a radius of approximately 1km – 2km in the second area there are many students using bicycles to go to school, but there are also some who use vehicles motorized. And finally, in a radius of approximately 1km – 2km in the third area, there are already many students who use motorized vehicles because the access road is quite steep uphill and downhill, not supporting them to walk or ride bicycles.

Perpetrators of accidents under the age of approximately 30% per year. where the actor with the child's elementary education level, junior high school. This is of course an indication that many accidents, both those caused and those that result in child casualties, are of particular concern to schools. Underage drivers must be cared for by their parents, as well as do not carelessly give motorbike licenses because they can endanger themselves and others.

## V. CONCLUSION

From the explanation of the previous chapter above, the following conclusions will be drawn: There is a significant increase in the use of vehicles by minors, most of whom come from junior high school students in the Pangandaran Regency area. Factors that motivate minors to ride motorbikes consist of internal and external factors. Internal factors are immature emotional control and parenting factors. While external factors consist of environmental factors, friends, and school. My strategy is to be more aware and prevent, to make awareness of how important safety is when driving, with a number of vehicles used by minors. then the efforts that I give are preventive and repressive efforts. This is a preventive measure by distributing brochures and awareness dissemination to several members of the public. Repressive action using a ticket to punish underage motorcyclists, the motorcycle was taken to the police station. The vehicle will be returned as the student's parents accommodate administration and receive some counseling from the police department.

Based on the conclusions above, the writer would like to suggest several things, such as follow:

- To parents. Parents must support the government to prioritize safety riding program habits by not equipping their children with motorbikes. Instead of following today's fashion trends live or to shorten the time for their children to go to school, it is best for minors to buy public transportation or by picking them up at school.
- To school. Schools can take the initiative to incorporate traffic education into their curricula and facilitate them, he said

can also work with the police to conduct socialization of traffic awareness.

- To the Human Resources and Social Information Section of the Padaherang Police. therefore for increase the synergy between teachers and police officers to improve awareness to parents about the dangerous decision of allowing their children to ride motorcycle. Eventually, parents will realize that it's their job to accompany and pick up their children to school. In addition, parents can afford to support their children bicycles or public transport instead of providing motorbikes for them law.

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