



Criminal policy regarding traffic accident cases that result in the death of the victim in the jurisdiction of the Deli Serdang police

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Abstract

Traffic accidents that result in death are a serious problem that requires effective criminal policies to reduce the number of accidents and provide justice to victims and society in general. This research aims to analyze the criminal policies implemented in traffic accident cases that result in death in the jurisdiction of the Deli Serdang Police. The research method used is a case study with a qualitative approach through data collection from various sources, including legal documents, interviews with legal officers, and field observations. The results of the research show that the criminal policy applied to traffic accident cases that result in death in the jurisdiction of the Deli Serdang Police includes the processes of investigation, prosecution, and law enforcement. Factors that influence the implementation of this policy include the adequacy of human resources and infrastructure, cross-sectoral cooperation, and public awareness of traffic rules. However, there are still several challenges in implementing this criminal policy, such as the lack of public legal awareness, the slow process of resolving cases, and the low level of compliance with traffic rules. Therefore, more serious efforts are needed from various parties, including law enforcement officials, the government, and the community, to increase the effectiveness of criminal policies in handling traffic accident cases that result in death in the jurisdiction of the Deli Serdang Police.

Keywords: Criminal policy, traffic accidents, death, jurisdiction

Introduction

The transportation framework can be supposed to be one of the necessities of society, which keeps on working on both quality and quantity. Among the different existing transportation frameworks, for example, ocean, air, and land transportation, it just so happens that land transportation is very predominant (Andriani & Yuliatuti, 2013) ^[2]. Understanding the significant job of transportation, particularly land transportation, it is important to control how protected, organized, smooth, and productive traffic can be guaranteed to guarantee the smooth running of different exercises towards acknowledging local area government assistance. The parkway is an option for everybody to utilize to get someplace. Where highways are explicitly intended for full use by mechanized vehicles and human power, the actual roadways can be utilized for the most part. Indonesia is a country. A similar interstate is much of the time called traffic, where it is deciphered precisely as individuals complete exercises, starting with one spot, and then onto the next (Ikhwan *et al.*, 2020 ^[11]; Jonatan *et al.*, 2020 ^[14]; Putri & Tajudin, 2015) ^[22]. Traffic itself is an office that exists to help the state complete everyday local area exercises, even to make things simpler in terms of the country's financial development (Febriani & Dewi, 2019) ^[8].

The utilization of traffic is planned for land transportation, where all are provided with a similar ability to use it. The capability of traffic can measure up to the capability of blood dissemination in the human body since it requires a method for circulating similar blood all through the body (Galuh Sambodo, 2021) ^[10]. Additionally, traffic is where the public authority's job is most required in its execution, security, request, and perfection, which carries different offices to the local area. This is a decent utilization of traffic, which likewise decidedly affects the government

assistance of society. Consequently, to ultimately benefit from accomplishing this, legitimate guidelines regarding traffic use were shaped. A similar law and order has the will to accomplish its legitimate goals, specifically to establish social order and equilibrium. It is hoped that public order will safeguard human interests. The distribution of rights and responsibilities among members of society is the responsibility of the law to accomplish this objective. The law regulates how legal issues are resolved and how legal certainty is maintained. It also divides power. This is the very thing that underlies the arrangement of the Law of the Republic of Indonesia Number 22 of 2009 concerning the Street Traffic and Transportation Regulation (hereinafter referred to as the LLAJ Regulation) (Daulay *et al.*, 2022 ^[5]; Ikhwan *et al.*, 2020 ^[11]; Styawan *et al.*, 2019 ^[26]; Yunita *et al.*, 2023) ^[27]

The arrangement of the LLJA Regulation itself plans to lay out inward traffic rules and fines for traffic violators. The reason for the LLAJ Regulation itself has been expressed in Article 1 Point 1 of the LLAJ Regulation, which states, "Traffic and street transportation is a brought-together framework comprising of traffic, transportation, street organization, traffic, and transportation (Doly, 2016) ^[7]. Street foundation, traffic, and transportation. Streets, vehicles, drivers, street clients, and their administration" In the meantime, Article 1 Number 2 of the LLAJ Regulation expresses that traffic is the development of vehicles and individuals in rush hour gridlock regions. While utilizing this vehicle itself, it is an unquestionable requirement to have a few arrangements or rules to get somebody to utilize the vehicle on the highway (Isak *et al.*, 2023 ^[12]; Putra, 2019 ^[21]; Saragih *et al.*, 2021) ^[23].

The actual mishap might be brought about by the bungle between the vehicle and the driver in rush hour gridlock. Then, to drive a vehicle in traffic, each driver must meet

certain requirements (Lubis, 2018)^[17]. Article 77, paragraph 1, of the LLAJ Law, says that everyone who drives a motorized vehicle on the highway must have the right driving license for the vehicle they are driving. Article 77, paragraph 3, of the UULLAJ, says that to get a driver's license, potential drivers must have driving skills that they learned through education and training or that they learned on their own. This driving permit is intended to provide legal protection in case of a mishap that could happen to the individual. Since in a mishap, there will be positive misfortunes, at the end of the day, the public authority will be considered responsible through protection. I believe car crashes are under the full control of the police as per Article 1 Point 35 of the LLAJ Regulation, which expresses that examiners from the Indonesian Public Police or HR Officials are explicitly approved by regulation to do examinations. The auto collision itself is an occurrence that causes fatalities, so it is, as of now, during the time spent being dealt with. The job of the police is extremely vital, as authorities are explicitly selected by regulation to manage Indonesian traffic. Due to the characteristics of traffic accidents, the procedure for dealing with them has its mechanism that is distinct from criminal activity as a whole. The presence of the police here plans to be protected or an extension to take care of issues. In this instance, the police will report the incident by processing the scene to determine the accident's cause and effect (Deni, 2023)^[16].

In light of information acquired from the Shop Serdang Police from 2019 to 2022, car crashes in the last three (three) years have resulted in six (6,000,000) mishap cases. This episode brought about deaths, serious wounds, minor wounds, and material misfortune. As the information shows, the quantity of casualties who experience serious wounds and even pass on builds consistently. The reason for the expansion in street mishaps, aside from populace development and flourishing, which makes an ever-increasing number of individuals travel, is likewise because of street and natural circumstances, vehicle conditions, and the state of drivers. One of the traffic issues that needs serious consideration is car crashes, which typically start with a criminal traffic offense. A type of infringement that frequently happens in street traffic is a car crash that can harm property or the existence of others, brought about by human, vehicle, street, and ecological elements, as well as different variables. A mix of these elements can happen among individuals and vehicles, for instance, by exceeding the set speed limit or a punctured tire making the vehicle slow down or stop unexpectedly (Komang, 2020)^[15].

This issue ought to be smothered or even dispensed with on the off chance that there is mindfulness in general society, particularly among street drivers. Not only should one be aware of safety for one's safety but also for the safety of others. Lawful mindfulness issues additionally fall within the scope of legitimate issues and social qualities. Legitimate mindfulness is, in many cases, expected to be firmly connected with lawful consciousness (Soekanto, 2004)^[4]. Lawful mindfulness is viewed as a free factor, while the degree of consistency is a dependent variable. As a general rule, lawful mindfulness is related to legitimate constancy or lawful viability. Thus, at the end of the day, legitimate mindfulness concerns the issue of whether certain lawful arrangements have capability in the public arena. Cultivating and upholding traffic discipline out and about requires severe legitimate guidelines that can cover all

authorizations of infringement that happen, so these infringements can be managed immovably and endeavors can be made to forestall them before they happen. As a general rule, the issue of criminal traffic offenses is often experienced by each locale in Indonesia. This can be demonstrated by the fact that the quantity of car crashes frequently increases consistently (Kurniawan, 2023)^[16].

There are numerous ways of examining regulation or general sets of laws, one of which is to talk about it as regulation, or, to be specific, an assortment of composed or unwritten standards connecting with good and bad ways of behaving, privileges, and commitments. This is a typical utilization of legitimate terms; for instance, we find out if the law permits us to pay for our lunch by deducting cash from our personal expense discount and whether it would be unlawful if we ran a red light or other traffic occurrence happened. The overall set of laws Hypothesis As per (Friedman, 1975)^[9], a teacher of regulation, student of history, master of American lawful history, and productive essayist, The power of policing is ensured by regulation. So that in doing their obligations, they are liberated from the impact of government power and different impacts. Even though this world is falling apart, the law should be implemented. The law can't work or be maintained assuming that there is no valid, capable, and free policing. If good law enforcement officials don't back up laws and regulations, justice is just a pipe dream. The powerless mindset of policemen brings about policing running as it ought to (Moho, 2019)^[19].

Methods

The kind of examination completed in setting up this postulation is regulating juridical exploration (Bachtiar, 2018)^[4]. The application of positive legal rules or norms is the primary focus of normative juridical research. In this study, the implementation of normative research typically focuses on research on legal synchronization. This examination is arranged as regularizing juridical legitimate exploration (library legitimate exploration), specifically by investigating library materials or optional information, which remembers research for legitimate synchronization as well as future (modern) regulation (Ashshofa, 2003)^[3]. Aside from regulating lawful exploration, this examination additionally endeavors to inspect essential information, which is known as standardizing juridical legitimate examination (Purwati, 2020)^[20].

The nature of the research is analytical-descriptive, which, from these results, can be described thoroughly and systematically regarding criminal policies regarding traffic accident cases that result in victims dying in the jurisdiction of the Deli Serdang Police Department using normative legal research, namely research aimed only at written regulations and other legal materials.

Discussion

Legal Rules for Traffic Accidents That Result In The Death Of The Victim According To The Criminal Code

The Crook Code (KUHP) comprises three books, in particular Book I, containing "General Arrangements" (Algemeneleerstukken), significance: arrangements for every lawbreaker act (acts whose culprits can be dependent upon criminal punishments), both those referenced in Book II and Book III, as well as those referenced in different regulations. Book II contains "Violations." Book III

contains "Infringement." In addition, there are teachings or theories in criminal law science that are not spelled out in a law. These include the concepts "intentional" (Dolus/Opzet) and "negligence" (Culpa), which are implied in several regulations related to criminal law, such as articles from the Criminal Code (KUHP) itself. There are times when the outcomes of a lawbreaker act are so serious and negative to somebody's inclinations, for example, the demise of a person, that it is felt to be unreasonable, particularly by the casualty's main beneficiaries, that the culprit was imprudent in making someone else pass on. In any case, didn't get the fitting discipline as directed by regulation. A car crash is an unforeseen and unexpected occasion out and about, including vehicles regardless of other street clients, which brings about misfortune as well as loss of property. In the interim, as per the Huge Indonesian Word reference, the meaning of a mishap is an occasion that makes somebody endure hurt. Given the legitimate arrangements in force in Indonesia, activities that hurt the casualty can be handled by regulation, both common and general. In a civil context, criminal and unlawful acts are fundamentally distinct. However, the similarities between the two are erroneous, and each violates a legal prohibition (a commission) or obligation (an omission). If the infringement brings about criminal outcomes connected to the infringement, the infringement is a criminal offense. The criminal results alluded to are criminal accusations under the steady gaze of a lawbreaker court and criminal assents whenever demonstrated liable (Al Mahdi & Din, 2013)^[1].

The book Standards of Criminal Regulation in Indonesia makes sense of the fact that most crook acts have a component of expectation, or opzet, not culpability. This is because, generally, the individuals who merit criminal discipline are those who accomplish something deliberately. As a result, a crime with intent carries a much greater criminal risk than one with carelessness. Based on this, it appears that the discussion of turnover and negligence itself is very close, with the determination of guilt for negligent criminal acts largely dependent on the criminal's will (Willens) and knowledge (wetness). This will give a response to a regulation master in regards to whether the crook act he committed was to be sure of the goal of the culprit or whether it was the consequence of the culprit's imprudence. Aside from the component of the will of the culprit of the lawbreaker act, something that can't be isolated from carelessness is the component of shortcoming for a crook act because, as is notable, a criminal episode is for the most part indivisible from the shortcoming of the culprit. Because of this error, it is possible to determine a criminal's guilt or innocence. This error is one of the most important factors in determining a criminal event (Moeljatno, 2002)^[18].

Legal Rules for Traffic Accidents Which Result in The Death Of The Victim According To Law No. 22 Of 2009 Concerning Road Traffic And Transportation

Street Traffic and Transportation play an essential part in supporting public turn of events and combination as a feature of endeavors to propel general government assistance as ordered by the 1945 Constitution of the Republic of Indonesia. As a component of the public transportation framework, street traffic, and transportation should foster their true capacity and job to acknowledge security, flourishing, traffic requests, and street

transportation to help financial turn of events, the improvement of science and innovation, provincial independence, and responsibility in the state organization. Regulation Number 22 of 2009 concerning Street Traffic and Transportation was established at the DPR RI Entire Gathering on May 26, 2009, which was then confirmed by the Leader of the Republic of Indonesia on June 22, 2009. This regulation is a continuation of Regulation Number 14 of 2009. 1992 the continuation is a critical improvement as far as the number of conditions it directs, specifically from 16 parts and 74 articles to 22 sections and 326 articles. Assuming that we take a gander at the past regulations, in particular Regulation Number 14 of 1992, it is expressed that to accomplish public improvement objectives as an execution of Pancasila, transportation has a significant and key role in the advancement of an earth-sound country, and this should be reflected in the versatility needs of all areas and locales. Transportation is a vital and key method for smoothing the wheels of the economy, reinforcing solidarity, and impacting all parts of the existence of a country and state. Not the same as Regulation Number 22 of 2009, this Regulation sees that street traffic and transportation play an essential part in supporting public turn of events and coordination as a feature of end eavors to propel general government assistance.

Investigating the soul referenced above, we should look all the more profoundly at the items in the articles in Regulation Number 22 of 2009. From here, we will know whether the soul is by the items in the guidelines or whether it is unique. Then, we can perceive how this regulation will work in the public eye and how the public authority, as the state manager, can screen and authorize it. The regulation of Indonesia's national transportation system, traffic and road transportation, has undergone significant revisions since Law Number 22 of 2009, which replaced the previous Law Number 14 of 1992. The circulation of training authority is expected so the obligations and obligations of every boss in the field of street traffic and transportation are seen all the more obviously and straightforwardly so the execution of street traffic and transportation can be completed securely, safely, precisely, easily, and effectively, and can be represented. Honing the standards and goals of Regulation No. 22 of 2009 was additionally formed, aside from providing protected, secure, deliberate, smooth, and incorporated traffic and street transportation. Preventing traffic accidents is done in phases, with short-term, medium-term, and long-term programs. Aside from that, a program to prevent accidents is being implemented by the Road Traffic and Transportation Forum. The law that governs and applies criminal penalties is more strictly regulated in this law. For minor infringement, detainment or a somewhat lighter fine will be imposed. Nonetheless, serious infringements that contain a component of the plan are dependent upon a lot heavier crook sanctions. This is planned to deterrently affect culprits of infringement without putting an over-the-top weight on society (Sari & Saleh, 2022)^[24].

Traffic crime is an act of violation of the laws governing traffic. Violations committed can result in traffic accidents. Actions that originate from violations can result in harm to other people or yourself. The Criminal Code does not specifically regulate traffic crimes, but traffic crimes are regulated in Law Number 22 of 2009 concerning Traffic and Road Transport. In Law Number 22 of 2009 concerning

Road Traffic and Transportation, there are 44 articles regarding traffic crimes, which are regulated in Chapter XX. Criminal provisions start from Article 273 to Article 317 UULAJ (Jalan & Pelawi, 2016)^[13].

Conclusion

The lawful standards for auto collision cases that result in the casualty's demise are, for the most part, directed in Article 359 of the Crook Code and Article 360 of the Lawbreaker Code. In any case, the Crook Code doesn't explicitly control traffic wrongdoings, yet traffic violations are managed in Regulation Number 22 of 2009 concerning Traffic and Street Transport. The guideline of *Lex specialis derogat legi generali* implies that the standard of lawful translation expresses that particular regulations supersede general regulations. Because our criminal system for resolving traffic accident cases that result in fatalities is based on Law Number 22 of 2009 on Road Transport and Justice, restorative justice will cause a conflict of norms as it is implemented. Restorative justice is not a mechanism that is regulated by the law. In any case, on the off chance that a car crash brings about fatalities, helpful equity endeavors can be completed; it can't kill the assent of detainment. As per Indonesian positive regulation, even though the respondent has given sympathy cash to the casualty's family (harmony), it doesn't nullify the crook case as expressed in Article 235 of the LLAJ Regulation.

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