

# The Role Of Police In Traffic Law Enforcement In Indonesia

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## **ABSTRACT**

Indonesian traffic laws have been around for a long time. Regulations on how people can carry out their traffic on Indonesian roads. It's a shame that people are still violating these regulations. There are still many community members who do not commit violations such as exceeding the speed limit, exceeding the capacity, and even racing. So here is the importance of the role of the police as law enforcers. The method used in this study is a normative juridical method which takes the applicable law as the main data and other data as supporting data. The results of this study found that the police in fulfilling their role in enforcing the law can take preventive action, namely preventing violations of the law. The police also have the right to take repressive measures, namely actions against lawbreakers in an effort to make them not want to break the law again.

**Keywords:** Police, Traffic, Law

## **INTRODUCTION**

Law is something that is made by a government where, the whole of the law is binding on everything it regulates (Ngutra, 2016) . Therefore, the law is something that must be implemented. A law which is no longer implemented by those who are regulated by it can be said to be a law that no longer functions as a law that has legitimacy. The law, namely the law that has been ignored, is a law that cannot be called a law (Lubis & Fahmi, 2021) . In order to ensure a law runs well, the law itself provides what are known as sanctions for individuals who violate the law or do not carry out their obligations in accordance with what is required by law (Hart, 2019) .

Indonesia is a state of law, this can be seen in the Constitution which is owned by Indonesia, namely the 1945 Constitution which is the foundation of all applicable laws in Indonesia. So by reflecting on this, Indonesia is a state of law (Tjandra, 2021) . The rule of law is a state that exercises the supremacy of law which means that the law is above all else. The rule of law means that the state has guaranteed the rights of its people in guaranteeing life, justice, and fair lawmaking which does not side with anyone or benefits one party blindly (Ridlwani, 2011) . A country that has been said to be a state of law, then in that country everything that is done in society is regulated by law by prioritizing elements of justice so as to create a country whose people are prosperous and prosperous (Salam, 2019) .

A society can be measured in its progress to develop as a country by looking at the behavior of the community. A society that has developed and is said to be advanced if the country is aware of the applicable law (Rosana, 2014) . Awareness is meant here is that the community understands the existing law and obeys it. The community is aware that they are bound by law and it is an obligation for them to comply with applicable laws (Usman, 2015) . When the community has complied with the importance of the law and the importance of obeying the law for the common good, then the community is already considered an advanced society. This is because all members of the community have complied with the law, causing the rights and obligations of each individual in the community to be guaranteed by the law itself (Asriati & Muhdar, 2020) .

Indonesian society today is a society that cannot be said to be aware of the law. Indonesian society is currently still not aware of the importance of the law, this can be seen from the violations that often occur in Indonesia (Adam et al., 2021) . An example can be seen in the implementation of social restrictions caused by the Covid-19 pandemic, where people should not gather in large numbers and close together in order to reduce the spread of the virus through physical or air contact (Wuryaningrat et al., 2020) . Many violations have been recorded, some have even made it to the news because openly individuals who have violated existing regulations spread videos and photos of him gathering together on a large scale on social media regardless of the existing law (Boer et al., 2020) . Another example that can be seen is traffic violations, which from the past have often occurred in violation of applicable laws that have regulated the procedures for how a person must comply in operating his vehicle (Apriliansa & Jaya, 2019) . Indonesian people often ignore the mandatory rules for wearing a helmet when driving a two-wheeled vehicle or motorcycle. There are also many motorists who drive motorbikes without having a driving license or driver's license which is a must in accordance with applicable law (Azrianor, 2014) . Violations committed not only endanger themselves but will also endanger the lives of others. Negligence in complying with traffic laws will cause many losses, ranging from material losses to causing loss of life (Rosanti & Fuad, 2015) . So the role of law enforcement officers is needed in efforts to enforce the applicable law, so in this case the need for the role of the police in regulating and enforcing the laws that apply in traffic (Barthos, 2018) .



Sourced from BALIPOST.COM, 2020 .

The State of Indonesia has a police unit known as the Indonesian National Police or better known as POLRI (Danendra, 2013) . This unit is tasked with enforcing laws that apply on Indonesian soil. This is in accordance with the applicable law, namely Article 13 of Law Number 2 issued in 2002 which discusses the authority possessed by the Indonesian National Police (POLRI) (Nur'usman, 2019) . The regulation states that the National Police of the Republic of Indonesia has the duty to maintain security and order for all Indonesian people in the State of Indonesia, carry out law enforcement actions in force, and provide protection, protection, and services to the Indonesian people in accordance with the needs and authority given to the unit. ( ACT OF THE REPUBLIC OF INDONESIA NUMBER 2 OF 2002 CONCERNING THE STATE POLICE OF THE REPUBLIC OF INDONESIA, 2002) .

Therefore, the role given to the Indonesian National Police requires the institution to make the necessary efforts which of course do not violate the law itself, to enforce the applicable law. The police must play an active role in fighting crime and all unlawful acts (Nuryan, 2017) . So in ensuring the safety and welfare of drivers in Indonesia, the police also have an important role in controlling drivers. Oftentimes police are blamed and even given inappropriate names and names while doing their job. So it is very important for the community why it is important to obey the law and understand that what is the role of the police in controlling traffic.

Therefore, the researcher feels the need for a study that examines the role mandated by the Indonesian National Police in an effort to enforce the applicable traffic law in accordance with its role that has been determined by applicable law. In the discussion of this study, the

researcher uses the normative juridical method, namely collecting data relevant to the existing discussion and the data is the law that applies in the country. Data can also be anything relevant as secondary data (Zaini, 2011) .

## RESULT AND DISCUSSION

### Driving Law in Indonesia

Before looking at the role played by the Indonesian National Police in efforts to enforce traffic law in Indonesia, it is better if we look at the applicable traffic law itself so that we can see what laws are relevant to traffic that need to be enforced by the POLRI. Therefore, it is necessary to look at the existing traffic laws as a way to see how the existing laws regulate traffic that must be obeyed by the community first.

Basically, the main law that regulates traffic is Law No. 22 of 2009 concerning Road Traffic and Transportation which regulates everything related to vehicular traffic in Indonesia. This law applies to motorists in particular and must also be obeyed by all individuals who live and drive in this part of Indonesia. Here are some details of the article which drivers need to pay attention to before driving on Indonesian roads.

Law Number 22 of 2009 concerning Road Traffic and Transportation	
Article 48	Every motorized vehicle to be driven needs to meet the requirements and roadworthiness test before it can be used
Article 49 – 56	Is a regulation that regulates how motorized vehicles will be tested
Article 57 – 59	This article is an article that regulates the equipment needed to ride a motorcycle which is required to wear a helmet. Meanwhile, four-wheeled motorized vehicles must at least have the following: <ul style="list-style-type: none"> <li>• Seatbelt</li> <li>• Spare tire</li> <li>• Safety triangle</li> <li>• car jack</li> <li>• Tool for unlocking wheels</li> <li>• Reflective helmets and vests for cars that don't have a protective body</li> <li>• First aid kit</li> </ul>
Article 64 – 75	Every vehicle is required to register and identify existing motorized vehicles
Articles 77 – 89	The article that regulates the driver for a driving license (SIM) for each vehicle according to the class of the SIM
Article 105 – 126	In article 106; <ul style="list-style-type: none"> <li>• Paragraph 6 states that drivers of four-wheeled motorized vehicles must wear seat belts.</li> </ul>

	<ul style="list-style-type: none"> <li>• Paragraph 7 states that for a car that does not have a protective housing when driving, the driver and passenger are required to use seat belts and wear helmets that meet the Indonesian National Standard (SNI).</li> <li>• Paragraph 8 states that every driver and passenger must use a helmet that meets the Indonesian National Standard (SNI).</li> <li>• Paragraph 9 states that a motorbike that does not have a side carriage section is not allowed to carry more than one (1) person.</li> </ul>
Article 107	Paragraph 2 states that motorcycle drivers are required to turn on the motorcycle's headlights during the day
Article 112	Paragraph 3 Motorists are prohibited from directly turning left on roads that have traffic signaling devices unless there are traffic signs directing them

Every driver who wants to operate a motorized vehicle needs to comply with the above regulations. Each of these regulations is a regulation aimed at ensuring that people drive with maximum safety and prevent traffic accidents. The law has very good benefits for the community where people should understand the importance of it (Sadono, 2015) . But in reality on the ground there are still many traffic violations that occur such as not wearing a helmet, motorcycle vehicles carrying more than one passenger (Lestari & Sumardjoko, 2015) . There are even students who are underage operating a motorcycle at high speed which is a danger to themselves and others. Many motorists have accidents due to violating traffic lights, using telephones while driving, smoking, and exceeding the passenger capacity of a reasonable capacity (Setyowati et al., 2018) .

The number of traffic violations is not only done individually or personally, there are even traffic violations carried out in groups such as holding illegal races. In Indonesia, there are still many illegal races carried out by responsible groups using public roads that should be accessible to many people. They closed the road unilaterally and used motorcycles that were not suitable for use, which were designed to prioritize speed over safety in driving. This is not only dangerous for motorcyclists but also dangerous for the surrounding community and the spectators of the wild race itself (Febry & Marnelly, 2017) . Not to mention the rampant gambling in wild races which is also a violation of law in Indonesia.

Seeing that there are still many violations of applicable laws regarding traffic procedures, the role of the police is very important in this regard. Communities tend to comply more with applicable regulations when there are parties who have the authority to follow up on violations (Kurniasari, 2013) . The existence of the authorities who supervise the community is one of the efforts that the POLRI needs to make in order to maintain the safety and welfare of motorcyclists. So let's look at the role that the Indonesian National Police can play in enforcing traffic laws in Indonesia.

### **Police Role in Traffic Law Enforcement**

The police in their role in the law have the essence of being law enforcers. POLRI plays a role in enforcing legal norms in all their forms, whether it be in the form of traffic behavior or whatever activities have been regulated by law in social life (Asshiddiqie, 2010) . One of the roles of the police in carrying out their duties within the POLRI is to deal with and handle any traffic violations and accidents that have occurred or will occur (Sahelluna, 2019) . So the police in their role as law enforcers need to do everything they can to enforce the applicable law. The police can take preventive action to the community and can take repressive actions for lawbreakers in order to make them deterrent in committing violations (Ricardo, 2012) .

The police, in their role in maintaining security and order in the community, can take preventive action. These actions have the aim of minimizing or preventing incidents or violations of traffic laws (Sasambe, 2016) . POLRI can take preventive action by conducting counseling and the importance of complying with applicable laws for mutual security. When the police take preventive action by educating the public on the importance of traffic rules, it is hoped that the public will understand and be aware of the importance of driving according to the law (Nurmawan, 2020) . An educated society will develop by itself and can think in a logical and appropriate way.

Preventive actions will be very useful for the community, because these actions prevent violations of applicable laws without providing further action which can be in the form of sanctions. The police have this role which if done properly and targeting the right sections of society can reduce existing traffic violations (RIZKI ARIS, 2021) . People often violate traffic laws such as driving speed limits, after investigating why violators do this because they do not know that there is a speed limit for driving. We can doubt the truth of this reason, but there are indeed sections of society who really do not know the limits and prohibitions on driving (Keumalasari & Tarmizi, 2018) . So it is hoped that the police will be more frequent in conducting socialization about driving rules, especially for young people such as teenagers and early adults who like to drive at high speeds (Lady et al., 2020) .

Police can conduct patrols driving through roads that are prone to drivers who drive at high speeds beyond the existing limits. This road can be a fairly long straight road, a road that often has accidents, a road that is often used for illegal racing, and so on. The police are expected to patrol these roads by using a speed checker or speed gun that can be used to measure the speed of motorized driving so that it becomes strong evidence of violations that occur so that violations will be minimized and prevent irresponsible persons from abusing authority. as a police officer to commit fraudulent offenses for his own benefit.

Another action that can be taken by the police is repressive activities. This action is an action taken against lawbreakers in an effort to deter them from violating the law. This action can be in the form of giving warnings, fines, to arresting violators. In traffic law enforcement itself, the police can carry out what is known as a raid.

In article 3 Government Regulation of the Republic of Indonesia No. 80 of 2012 concerning Procedures for Inspection of Motorized Vehicles on the Road and Enforcement of Traffic and Road Transportation Violations, it is stated that the police may conduct inspections of motorized vehicles on the road. In activities known to the public as raids, the police may check the completeness of motorized drivers by asking them to show the necessary documents to drive, such as a driving license (SIM), a motorized vehicle registration certificate, a motorized vehicle trial certificate, a motorized vehicle number, or Motor Vehicle Trial Mark. As for them, they can ask for the following things that can provide evidence that the vehicle has complied with applicable laws.

- a. Proof that the vehicle has passed the due diligence or mandatory test
- b. Physical motor vehicle (this physical includes mirrors, vehicle number plates, or engine when there are indications that it could cause a traffic accident)
- c. Power and mode of transportation of the vehicle (What is meant is a vehicle that is indicated to have carried passengers or goods exceeding its capacity)
- d. Transportation operation permit (This is a permit granted to motorists who carry or carry public forces, transport goods, containers, and so on)

In repressive actions, the police can also disguise themselves in an effort to find information and the target they are looking for. The police can disguise themselves as undercover police officers in a crowd of illegal races to find out information about where the next illegal race will be and which person is responsible for conducting illegal racing (CANDRA P, 2014) . The disguise carried out by the police is very beneficial for public security, because illegal races that are held are often difficult to detect due to the sophistication of technology that is developing rapidly, using places that are always moving, the number of parties willing to help in the procurement of illegal races, the difficulty of getting evidence if not disguised first. It is hoped that by taking this repressive action, people who have violated legal norms will not repeat the act by arresting the violator and giving him sanctions through the legal process.

The police have a very vital role in law enforcement (Anshar & Setiyono, 2020) . As described above, the police have a role in preventing and following up on all matters relating to traffic law. Unfortunately, in reality on the ground, there are still many irresponsible police officers who do something inappropriate and even assist in violating the law by covering up violations or even eliminating evidence. So in the implementation of traffic law and law in a big way, the police also need to eradicate corruption in the POLRI agency itself and other government agencies in order to create a government that can run well and benefit the community (Ferawati, 2013) .

## **CONCLUSION**

Indonesia, which is a state of law, already has a traffic law that is considered adequate. The law has regulated what kind of vehicle is suitable for driving in Indonesia which is not dangerous for the driver and certainly does not endanger the Indonesian people. The law has regulated for motorcycle drivers to wear safety equipment that must be worn by motorcycle drivers and passengers, namely helmets that have been licensed by the Indonesian National

Standard. For car drivers can use seat belts and not drive with distractions such as telephone, alcohol, or drugs. So it can be said that the existing traffic law in Indonesia is good and protects the people in Indonesia.

Unfortunately, there are still many Indonesian people who violate traffic regulations. There are still many violations that occur such as driving a motorized vehicle beyond the applicable speed limit, which endangers yourself and others. There are still many people who are not aware of the importance of obeying the law in order to guarantee the lives of the drivers themselves and the surrounding community so that their right to live freely is not disturbed. So here the role of the police is very important as an authorized institution in preventing and taking action against all kinds of violations that violate traffic rules. The police can take preventive actions, namely preventing actions that violate applicable rules. This can be done by socializing the applicable regulations and conducting patrols in areas prone to violations. The police also have the right to take preventive action, namely actions taken against law violators in an effort to make violators deterred from violating the law they have committed. In this effort the police have the right to arrest law violators, while efforts to arrest the police can carry out investigations and disguises in an effort to find perpetrators of violations.

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