

REFORM OF CRIMINAL LIABILITY BY TRAFFIC VIOLATORS RESULTING IN VICTIM FATALITY

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ABSTRACT

The purpose of this study is to analyze the system of criminal liability for traffic offenders resulting in fatalities and propose reforms to improve fairness and effectiveness in handling such cases. The study discusses the system of criminal liability for traffic offenders resulting in fatalities, and reforms that can be made to improve fairness and effectiveness in handling such cases. Through a review of existing regulations and an analysis of common issues in case handling, this study shows that the sanctions stipulated in the Road Traffic and Transportation Law (Law LLAJ) have not been able to provide an adequate deterrent effect for violators. In addition, inconsistent and unprofessional law enforcement also hampers the creation of an effective legal system. Therefore, reforms in the criminal liability system are necessary, including changes in the provision of more severe and strict sanctions, increased consistent law enforcement, and efforts to raise public awareness of the importance of compliance with traffic regulations.

Keywords: Criminal liability; Traffic violations; Victim fatalities

Introduction

Transportation is a mechanism that is often used by people to perform their activities. With the development of the times, many developments in means of transportation are needed to meet the needs of various existing means of transportation such as sea, air, and land transportation as the needs of society (Mahendra et al., 2021). The transportation that is often used by the community is land transportation because it better supports people's mobility in traveling or sending and receiving goods. Land transportation facilities play a very crucial role in providing smooth development and increasing the sense of prosperity for the community. So, there is a need for regulations regarding the traffic of this transportation (Nurfauziah & Krisnani, 2021).

Traffic is one of the means of community communication which plays a very vital role in bringing about smooth development in every aspect of community life. Traffic by road transport is crucial in increasing the social mobility of society because at all times society continues to be faced with transportation and traffic due to various interests (Prastiwi, 2022). So Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) was formed as a regulation for the national transportation system for road traffic and

transportation in Indonesia. The formation of the LLAJ Law is guidance in the field of road traffic and transportation, the implementation of which is carried out jointly by each relevant institution by its main tasks and functions.

The hope in establishing the LLAJ Law is to protect people traveling in traffic so that they are orderly and safe and that there are no traffic violations that result in traffic accidents. However, with the increasing use of current means of transportation, there are many drivers disobeying traffic rules. Motorists often act as they please and ignore applicable regulatory signs such as the LLAJ Law (Efendi, 2022). With the increase in disobedience which constitutes traffic violations, many accidents occur which result in losses, minor injuries, serious injuries, and death. The National Police of the Republic of Indonesia (Polri) is a very crucial institution for maintaining traffic security and safety as regulated in Article 200 and Article 201 of the LLAJ Law.

The National Police of the Republic of Indonesia has an important role in maintaining traffic order and security. This task is carried out through various preventive and repressive efforts, including routine patrols, safety campaigns, and law enforcement against traffic violations. However, traffic accidents still occur frequently, resulting in material losses and even fatalities (Putri, 2021). Every traffic accident that occurs is not only the responsibility of individuals but also demands strict and fair law enforcement to provide deterrent effects and ensure justice for the victims. When a traffic accident occurs, the police, as investigators, must collect and analyze evidence at the scene. Based on sufficient preliminary evidence, investigators can identify suspected parties. The preliminary evidence can include CCTV recordings, witness statements, vehicle conditions, and crime scene investigation results. With this evidence, investigators can determine whether traffic violations caused the accident to occur and assign responsibility to the parties involved.

Articles 234, 235, 236, and 237 of Law Number 22 of 2009 concerning Traffic and Road Transportation regulate the responsibilities and sanctions for traffic violators. These articles affirm that every driver involved in a traffic accident resulting in death or material loss is criminally responsible. Article 234 specifies the driver's responsibility to provide compensation to the victim, while Article 235 mandates the driver's obligation to provide first aid to the victim. Articles 236 and 237 further explain the criminal sanctions for violators, including imprisonment and fines (Raharjo, 2014).

However, it can be seen that despite the existence of sanctions in the law, these sanctions are not fully effective in deterring traffic violators. The high number of traffic accidents that continue to occur indicates that many drivers still do not comply with traffic regulations. This non-compliance can be caused by various factors, including a lack of awareness of the importance of road safety and the perception that the imposed sanctions are not severe enough to deter. One of the main factors causing the ineffectiveness of sanctions is the inconsistent enforcement of the law (Sudjana, 2017). Many cases of traffic violations are not followed up with a strict legal process, or violators are only subject to light administrative sanctions. This creates the impression that traffic violations are not serious violations so that violators do not feel afraid or reluctant to repeat their actions. In addition, corruption and abuse of authority by law enforcement officials also exacerbate this situation, where violators can escape punishment by giving bribes.

Apart from law enforcement issues, the sanctions stipulated in the law may still be considered too light by the public. For example, the fine imposed may not be commensurate with the economic capacity of the violator, so it may not have a significant impact. Prison sentences stipulated in law are also often not implemented optimally, or even reduced for various reasons such as prison overcapacity and humanitarian considerations. As a result, violators do not experience severe consequences for their actions. In reality, it can be seen that the losses experienced by traffic accident victims, especially those resulting in death, have a serious impact. The loss of one's life not only causes deep sorrow for the family left behind but also often has significant social and economic consequences. The victim's family may lose their main breadwinner, causing lasting financial hardship. Children lose their parents, which can affect their education and future. Therefore, the legal system needs to provide adequate protection and justice for victims and their families.

Deaths resulting from traffic accidents also have serious psychological impacts. Victims' families often experience deep and ongoing emotional trauma. They must face a long grieving process, which can affect their mental health and quality of life. Apart from that, the general public who witnesses or hears about this tragic accident can also feel fear and anxiety when on the road. All this shows that the impact of traffic accidents is not limited to direct victims, but also spreads to a wider scope.

Even so, the current sanctions do not reflect the severity of the impact caused by traffic violations that cause death. Sanctions that are too light do not provide a sense of justice for the victim's family and are not enough to deter other violators. In many cases, the fines and prison sentences imposed are disproportionate to the loss experienced by the victim's family. It creates the impression that human life is given little value in traffic law enforcement, which in turn weakens public confidence in the legal system.

So, it is necessary to review the sanctions policy for traffic violators who cause death. Heavier and firmer sanctions must be applied to reflect the severity of the impact caused by the violation. Apart from that, efforts need to be made to improve the law enforcement system to make it more consistent and fairer. In this way, it is expected that traffic violators will be more careful and obey the rules and that the victim's family will receive proper justice. The implementation of heavier sanctions can also serve as a reminder that every action on the road has serious consequences, and traffic safety must be a top priority for all parties.

Research Method

Normative juridical research methods are used to study and analyze legal regulations related to a problem in a systematic and structured manner. In the context of research regarding the reconstruction of criminal legal liability by perpetrators of traffic violations that resulted in the death of the victim, normative juridical methods will involve analysis of various laws, regulations, court decisions, and other legal documents that regulate criminal liability in similar cases. The research will examine existing legal provisions, such as Articles 234, 235, 236, and 237 of Law Number 22 of 2009 concerning Road Traffic and Transportation, as well as relevant court decisions.

Result And Discussion

The Criminal Liability System for Traffic Violations Resulting in Victim Fatalities as Regulated in Indonesian Legislation

Traffic accidents themselves are events within the realm of criminal law that have legal implications, including the accountability imposed on the parties involved. As part of the legal system, traffic accidents are specifically regulated under the Traffic and Road Transportation Law (UU LLAJ). The UU LLAJ functions as a specialized legal regulation addressing traffic accident cases, differing from the General Criminal Code (KUHP), which is general. In the context of criminal law, the UU LLAJ clarifies and emphasizes specific rules related to traffic accidents, potentially overriding the provisions of the KUHP if the UU LLAJ provisions are more relevant. Within the criminal law framework, the applicability of the UU LLAJ is pertinent to a specific domain of criminal law. According to Wirjono Prodjodikoro, special criminal law consists of legal provisions that differ from or deviate from general criminal law, both formally and materially. The special characteristics in special criminal law are often related to substances outside the scope of the KUHP. The UU LLAJ, as part of special criminal law that focuses on legal regulations related to traffic, is applied to criminal cases involving traffic accidents.

One of the provisions in the Traffic and Road Transportation Law (UU LLAJ) that explicitly stipulates criminal sanctions is Article 310, paragraph (4) of the UU LLAJ. This article substantially prohibits individuals who, in their efforts to drive motor vehicles, are negligent (negligence) and cause the death of others. In this case, the offender can be subject to a criminal sanction of up to 6 years in prison and/or a fine of up to Rp12,000,000.00. This provision in criminal law doctrine relates to the concept of negligence as a form of fault in criminal law.

Several articles regulate the criminal liability of traffic violators resulting in fatalities, including:

- a. Article 310, paragraph (1): Regulates the negligence of drivers that causes traffic accidents resulting in fatalities. The penalty is imprisonment for up to 6 years and/or a fine of up to Rp12,000,000.
- b. Article 310, paragraph (2): Increases the penalty for violations under Article 310, paragraph (1) if the driver is intoxicated, under the influence of illegal drugs, or exceeding speed limits. The penalty is imprisonment for up to 10 years and/or a fine of up to Rp25,000,000.
- c. Article 311, paragraph (1): Regulates the negligence of drivers that causes traffic accidents resulting in multiple fatalities. The penalty is imprisonment for up to 12 years and/or a fine of up to Rp24,000,000.
- d. Article 312: Regulates the negligence of drivers that causes traffic accidents resulting in fatalities and serious injuries. The penalty is imprisonment for up to 5 years and/or a fine of up to Rp10,000,000.
- e. Article 313: Regulates the negligence of hit-and-run drivers that causes traffic accidents resulting in fatalities. The penalty is imprisonment for up to 7 years and/or a fine of up to Rp15,000,000.

Reforms That Can Be Implemented in the Criminal Legal Accountability System to Enhance Justice and Effectiveness in Handling Traffic Violation Cases Resulting in Fatalities

There are still deficiencies in the criminal legal accountability system concerning traffic violation cases resulting in the death of victims, highlighting several critical issues that affect justice and the effectiveness of law enforcement. One of the main weaknesses is the inadequacy and leniency of the sanctions imposed on traffic violators causing fatalities. Although there are provisions in the Traffic and Road Transportation Law that regulate criminal sanctions, often the sanctions imposed do not correspond to the seriousness of the crime committed. Relatively low fines and a maximum prison sentence of only six years may not reflect the level of wrongdoing and the impact caused by the violators' actions. It can diminish the sense of justice for the victims' families and fail to provide sufficient deterrent effect for the violators.

Moreover, the handling of traffic violation cases resulting in fatalities is often hindered by issues of inconsistent and unprofessional law enforcement. There are cases where clear traffic violations are not seriously pursued by law enforcement officers, either due to corruption, resource limitations, or other subjective considerations. It can lead to a decline in public trust in the legal system and increase injustice for the victims. Reviews of real cases also reveal that the legal process is often slow and complex, with a lot of administration and bureaucracy to navigate. This not only delays justice for the victims but also increases the psychological and financial burden for the victims' families who have to endure the lengthy and exhausting legal process.

In order to enhance the fairness and effectiveness in handling traffic violation cases resulting in the death of victims, comprehensive reforms are needed in the criminal accountability system. It includes expanding and strengthening existing regulations, adjusting sanctions and penalties to better reflect the level of culpability and impact caused, improving consistent and professional law enforcement, and reforming legal processes to expedite case resolutions. With these measures, it is expected that a more equitable and efficient system can be created to address traffic violation cases resulting in fatalities.

Although the Traffic and Road Transport Law (UU LLAJ) regulates various articles that assert criminal liability for perpetrators of traffic violations resulting in fatalities, in reality, the prescribed sanctions have not been able to sufficiently deter offenders. The sanctions stipulated in the UU LLAJ are sometimes considered too lenient to have a significant deterrent effect. While traffic violations resulting in fatalities are serious offenses, the relatively low fines and a maximum prison sentence of only six years may not adequately reflect the severity of the wrongdoing. Offenders may not feel compelled to abide by traffic regulations in the future if they are only subjected to sanctions that do not match the gravity of their crimes.

Law enforcement that is inconsistent and ineffective also poses a problem in achieving the deterrent effect of criminal sanctions. There are cases where serious traffic violations are not dealt with seriously by law enforcement officers, either due to corruption, resource limitations, or other subjective considerations. When offenders feel they can escape punishment or receive lenient penalties, they may not be afraid to repeat their actions in the future. To create a more effective legal system in handling traffic violation cases resulting in the death of victims, it is important to review the sanctions stipulated in the Traffic and Road

Transport Law (UU LLAJ). Harsher and more stringent sanctions should be considered to provide a stronger deterrent effect for violators. Additionally, consistent and professional law enforcement needs to be enhanced, along with increasing public awareness of the importance of compliance with traffic regulations for collective safety. With these steps, it is hoped that a fairer and more effective legal system can be established in handling traffic violation cases resulting in the death of victims.

Reforms in criminal accountability regarding traffic violation cases resulting in the death of victims are needed to create a more effective and fair legal system. These reforms need to include changes in imposing heavier and stricter sanctions to provide a stronger deterrent effect for violators. Additionally, consistent and professional law enforcement is also key to achieving this goal, requiring concrete steps to enhance law enforcement in the field. Furthermore, reforms also need to involve efforts to increase public awareness of the importance of compliance with traffic regulations for collective safety. By undertaking comprehensive reforms in criminal accountability, it is expected that a more effective legal system can be established in handling traffic violation cases resulting in the death of victims and provide justice for all parties involved.

Conclusion

Although the Traffic and Road Transport Law (UU LLAJ) has regulated criminal accountability for traffic violators resulting in the death of victims, there are still shortcomings in the existing system. The sanctions stipulated tend to be considered too lenient and insufficient in providing a significant deterrent effect for the perpetrators. Additionally, inconsistent and unprofessional law enforcement also poses a barrier to creating an effective legal system in handling such cases. Therefore, reforms in the system of criminal accountability are needed to enhance fairness and effectiveness in handling cases of traffic violations resulting in the death of victims. These reforms need to include changes in imposing heavier and stricter sanctions, enhancing consistent and professional law enforcement, and efforts to increase public awareness of the importance of compliance with traffic regulations. By undertaking these reforms, it is hoped that a more fair and effective legal system can be created for handling cases of traffic violations resulting in the death of victims.

Bibliography

- A. Chazawi, *Pelajaran Hukum Pidana I*, Jakarta: Raja Grafindo Persada, 2011, p. 81.
- B. Poernomo, *Asas-asas Hukum Pidana*, Jakarta: Ghalia Indonesia, 2002, p. 40.
- C. Huda, *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan*, Jakarta: Kencana, 2006, p. 70.
- Efendi, E. R. (2022). Penerapan Hukum Terhadap E-Tilang Dalam Upaya Penertiban Lalu Lintas Pada Undang-Undang No 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 2(2), 521–538.
- A. Chazawi, *Pelajaran Hukum Pidana I*, Jakarta: Raja Grafindo Persada, 2011, p. 81.
- E. O. Hiarij, *Prinsip-Prinsip Hukum Pidana*, Yogyakarta: Cahaya Atma Pustaka, 2014, p. 121.
- Ishaq, *Dasar-dasar Ilmu Hukum*, Jakarta: Sinar Grafika, 2008, p. 244.
- Mahendra, S., Nahdhah, N., & Tista, A. (2021). Mediasi Penal Tindak Pidana Kecelakaan Lalu

- Lintas Yang Menyebabkan Korban Jiwa Berdasarkan Keadilan Restoratif. *Jurnal Penegakan Hukum Indonesia*, 2(3), 459–484.
- Moeljatno, Asas-Asas Hukum Pidana, Jakarta: Rineka Cipta, 2008, p. 71.
- M. Abdul, Pembinaan Kesadaran Hukum Dalam Bidang Lalu Lintas, Yogyakarta: Jaya Abadi, 1981, p. 17.
- M. Ali, Dasar-Dasar Hukum Pidana, Jakarta: Rineka Cipta, 2015, p. 193.
- M. Ali, Dasar-Dasar Hukum Pidana, Jakarta: Rineka Cipta, 2015, p. 193.
- M. Ali, Dasar-Dasar Hukum Pidana, Jakarta: Rineka Cipta, 2015, p. 193.
- N. Rondlon, Menggarairahkan Kesadaran Hukum Masyarakat dan Disiplin Penegak Hukum dan Lalu Lintas, Jakarta: Bina Ilmu, 1983, p. 19.
- Nurfauziah, R., & Krisnani, H. (2021). Perilaku pelanggaran lalu lintas oleh remaja ditinjau dari perspektif konstruksi sosial. *Jurnal Kolaborasi Resolusi Konflik*, 3(1), 75–85.
- Prastiwi, W. D. (2022). Membedah Pasal 77 Ayat (1) Undang-Undang Republik Indonesia Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan Di Masa Pandemi. *JISOS: Jurnal Ilmu Sosial*, 1(7), 639–646.
- Putri, J. R. (2021). Penyelesaian Tindak Pidana Kecelakaan Lalu Lintas Dan Angkutan Jalan Melalui Pendekatan Keadilan Restoratif. *Soumatera Law Review*, 4(1), 80–92.
- Poerwadarminta, Kamus Besar Bahasa Indonesia, Jakarta: Balai Pustaka, 1997, p. 536.
- Raharjo, R. (2014). Tertib Berlalu Lintas. *Shafa Media*, Yogyakarta.
- R. Atmasasmita, Perbandingan Hukum Pidana, Bandung: Mandar Maju, 2000, p. 65.
- R. d. P. A. Lobo, Asas-asas Hukum Pidana, Ujung Pandang: Umithohs Press, 1989, p. 74.
- S. D. S. d. M. F. Hertini, Hukum Pidana Dalam Bagan, Pontianak: Fakultas Hukum Untan Press, 2015, p. 166.
- Sudarto, Hukum Pidana Jilid I, Semarang: Yayasan Sudarto, 1990, p. 43.
- Sudjana, S. (2017). Penyuluhan Hukum Dalam Upaya Peningkatan Kesadaran Hukum Berlalulintas Melalui Pemahaman Terhadap Isi Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan. *Jurnal Pendidikan Ilmu Sosial*, 25(2), 124–137.
- T. Andrisman, Asas-Asas dan Dasar Aturan Hukum Pidana Indonesia, Bandar Lampung: Unila, 2009, p. 8.
- T. Prasetyo, Hukum Pidana, Depok: Raja Grafindo Persada, 2010, p. 85.



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