

Application Of Act No. 22 Of 2009 As A Traffic Accidents Countermeasures Management In The Blora Police Law Area

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Abstract. The problems discussed in this study are efforts to tackle traffic accidents by law enforcers in the Blora Police Law Area and the application of Act No. 22 Of 2009 On Road Traffic and Transportation to accident rates in the Blora Police Law Area. The approach method used is sociological juridical, descriptive analytical research specifications. The data used are primary data and secondary data. Data collection methods are field studies and library studies. The data analysis method uses qualitative analysis. As a knife analysis, crime prevention theory and law enforcement theory are used. The results of the research show that the handling of traffic accidents by law enforcers in the Blora Police Law Area is carried out through preventive and repressive measures. Preventive efforts are carried out through routine patrol activities, zebra operations, counseling at schools and in the community and installing billboard warning signs in accident-prone areas. The repressive effort is carried out through a series of investigative actions against traffic accidents which are guided by applicable laws and regulations. The application of Act No. 22 Of 2009 On Traffic and Road Transportation towards accident rates in the Blora Police Law Area is not optimal. The accident rate is still relatively high from year to year despite various efforts have been carried out. This is due to the lack of public awareness and legal culture of the community which does not support the programs implemented by the Blora Police Law Area in reducing the level of traffic accidents.

Keywords: Implementation; Countermeasures; Traffic Accidents.

1. Introduction

The issue of road traffic accidents is a big job for the Police. In Indonesia, in addition to the drug emergency, it is also an emergency. An average of 89 people die every day due to traffic accidents. This figure is very alarming, so it is not excessive if *Kakorlantas* uses the term emergency to conclude the condition.⁴

Traffic accidents that have occurred so far are caused by negligence, negligence, carelessness experienced by the driver. In general, traffic accidents involving private vehicles and public vehicles are caused by several factors, including drivers, pedestrians, infrastructure that is not supportive. The main driver error is the lack of caution when driving a vehicle.⁵

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⁴ "Opinion", (<http://m.riaupos.co>, accessed 10 November 2019).

⁵ Syakiar, Unit Pratimaratri, Deaf Wahyuni Ramadhani, Pelaksanaan Penyidikan Terhadap Anak Pelaku Pelanggaran Lalu Lintas Yang Mengakibatkan Korban Meninggal Dunia (Studi : Polresta Padang), Jurnal Penelitian, (<http://www.ejurnal.bunghatta.ac.id>, accessed November 20, 2019).

Traffic accidents often occur in people's lives, even the culprit is often a minor. This is due to lack of legal awareness and supervision from parents so that children are allowed to drive motorized vehicles before having a driver's license.

In the Central Java regional police jurisdiction it was revealed that the number of traffic accidents in 2019 increased compared to last year. The increase reached 45 percent. In Central Java, from 1 January to 30 September 2019 there were 19,261 incidents. An increase of 45 percent compared to the same time period in 2018, amounting to 13,270 events.⁶

The accident rate at Blora Police Law Area also increased. In year after year. This is known from the results of a preliminary survey at Blora Police Law Area, where in 2017 the total number of traffic accidents was 386, while in 2018 it was 421. The figure showed an increase in the level of traffic accidents by 9%.

Several attempts have been made to reduce the level of traffic accidents at Blora Regional Police Station. Polri which is a state instrument that plays a role in maintaining security and public order, enforcing the law, as well as providing protection, protection and services to the community in the context of maintaining domestic security. This is as explicit in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia which states that the National Police is a state instrument that maintains security and public order to protect, protect, serve the community and enforce the law. Furthermore, Article 5 of Act No. 2 of 2002 On the Indonesian National Police also states that the National Police is a state instrument that plays a role in maintaining security and public order, enforcing the law, and providing protection, protection and service to the public in the context of maintaining it internal security.

The task of the police is to foster public security and order or in other words monitor the community so that things do not interfere with traffic. In this case, especially the Blora Police Traffic Unit (*Satlantas*) as part of the members of the Indonesian National Police (POLRI) has an important role in managing traffic accidents both preventive and repressive. Preventive action is a preventive measure, while repressive action is an effort to handle after a traffic accident through an investigation process carried out by the investigator.

Based on the description above, the authors are interested in conducting research with the title: " Application Of Act No. 22 Of 2009 As A Traffic Accidents Countermeasures Management In The Blora Police Law Area".

Based on the background description described above, the following problems are formulated: What is The Effort To Deal With Traffic Accidents By Law Enforcement In The Blora Police Law Area?; How is The Application of Act No. 22 Of 2009 On Traffic And Road Transportation To Accident Rates In The Blora Police Law Area?

⁶ This Year's Traffic Accident Rate in Central Java Increases 45%, (<https://news.detik.com>, accessed 11 November 2019).

Research Methods

The method of approach used in this study is the empirical juridical approach method, where the research base is normative law but examines the reactions and interactions that occur when the norm system works in society.⁷The research specification is analytical descriptive, which provides a clear, detailed and systematic picture. The data used include primary data and secondary data obtained through field studies and literature studies. The data analysis method uses qualitative analysis.

2. Result And Discussion

2.1. Traffic Accident Management by Law Enforcement in the Blora Regional Police Area

The procedures for handling traffic accidents are regulated by the regulations of the Head of the Indonesian National Police. In this case the Rules Consideration (*Perkap*) in question is *Perkap* Polri Number 15 of 2013 On Procedures for Handling Traffic Accidents. Thus based on the provisions of the articles above it can be seen that the National Police is one of the law enforcement officers responsible for the prevention and handling of traffic accidents.

In Blora's jurisdiction, the accident rate is still relatively high. This can be seen from the following table:

No	The Traffic Accidents case	Year		
		2017	2018	2019
1	Total traffic accidents	386	421	393
2	Number of fatalities	83	65	70
3	Number of victims seriously injured	15	11	20
4	Number of minor injuries	518	547	410

Source: Saltantas of Blora Police Station

Based on the table above it can be seen that the accident rate from year to year in the Blora Police jurisdiction experienced fluctuating changes. In 2017 there were 386 cases of traffic accidents with 83 people died, while in 2018 there were 421 cases of traffic accidents with 65 people died and in 2019 there were 393 cases 70 people died in traffic accidents.

Blora Police Law Area has made efforts to deal with traffic accidents which include preventive and repressive measures. Preventive efforts are efforts made to prevent traffic accidents, while repressive efforts are efforts made after a traffic accident.

Based on the results of interviews with *Kasatlantas* Blora Police, it is known that the preventive efforts undertaken by the Blora Police Law Area to reduce the number of

⁷Mukti Fajar ND and Yulianto Achmad, 2013, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajara, Yogyakarta, 2013, p. 47

traffic accidents are by patrol and zebra operations. In addition, counseling was also carried out in schools in the Blora district, this is because many cases of traffic accidents are the perpetrators of teenagers or students. In addition to the aforementioned activities, the National Police have also put up warning signs in accident-prone areas and warning signs in the form of billboards on the roadside. With these warning signs it is hoped that people who cross the road will be more careful in driving.⁸

In addition to preventive measures, efforts to deal with traffic accidents in the Blora Police Law Area are repressive measures. Repressive efforts are all actions taken by law enforcement officials after a traffic accident through a series of investigative activities. As a guideline for the implementation of handling traffic accidents is the Criminal Procedure Code, Act No. 22 Of 2009 On Traffic and Road Transportation and its implementing regulations in this case Regulation of the Head of the Indonesian National Police (*Perkap Polri*) Number 15 of 2013 On Procedures for Handling Accidents Past Cross.⁹

The handling of traffic accidents is done after there are reports about traffic accidents. In the event that a police officer receives a report on a traffic accident, it is in accordance with the provisions of Article 11 *Perkap Polri* Number 15 of 2013 On Procedures for Handling Traffic Accidents.

Repressive efforts undertaken by law enforcement officials in the prevention of traffic accidents are the conduct of investigations that are based on the provisions of the applicable laws and regulations. The investigation began with reports of traffic accidents, handling at the scene of the crime, requests for *visum et repertum*, examination of witnesses, examination of suspects, drawing conclusions that have been fulfilled elements of traffic accidents up to the filing of investigations and submission of files and suspects to the prosecutor .

In practice, not all cases of traffic accidents continue through the legal process, because many cases of traffic accidents that occur in the Blora Police Law Area are settled out of court (peacefully). This is as stated by AKP Dodiawan which states that traffic accident cases are usually settled amicably, especially for minor and moderate traffic accidents. The case of heavy traffic accidents usually goes to court, even though there has been a peaceful situation between the victims' families and the perpetrators.¹⁰

As in the example above, there is actually a peace agreement between the perpetrator and the victim's family. However, this cannot be used as an excuse to stop the investigation. A peace agreement between the perpetrator and the victim's family can only be used as an attachment to the case file as a consideration of the judge in deciding the case.¹¹

⁸ Interview with AKP Dodiawan S as Kasatlantas Blora Regional Police, on February 20, 2020.

⁹ *Ibid.*

¹⁰ *Ibid.*, on February 21, 2020.

¹¹ *Ibid.*

2.2. Application of Act No. 22 Of 2009 On Traffic and Road Transportation towards Accident Rate in the Blora Police Law Area

Act No. 22 Of 2009 On Traffic has brought important changes to the regulation of the national transportation system, Road Traffic and Transportation in Indonesia. Number 22 of 2009 optimally. These efforts include preventive and repressive efforts, namely through patrol activities, zebra operations, counseling and installation of billboard / warning boards and law enforcement efforts.

In practice, data in the field shows that the level of traffic accidents in the Blora Police Law Area is still relatively high. This can be seen from the data of the number of traffic accident incidents at Blora Police Law Area which showed that in 2017 there were 386 traffic accidents, in 2018 there were 421 cases and in 2019 there were 393 cases. The incident shows that the accident rate in the Blora Police Law Area is still high.

Based on the results of interviews with the Blora *Kasatlantas*, it can be seen that law enforcement officials have made every effort to reduce the level of traffic accidents, but the level of traffic accidents is still relatively high. This is because the community has not fully supported the traffic accident management program implemented by the National Police. The programs that have been prepared and implemented by Blora Regional Police will be successful if all parties support one another, especially the community as road users. However, if the community does not want to heed or support a program that aims to reduce the number of accidents, the program will not succeed.¹²

The results of the interview illustrate that the implementation of Act No. 22 Of 2009 in suppressing the level of traffic accidents has not been optimal. This is because the accident rate in the Blora Police Law Area is still high. The non-optimal implementation of Act No. 22 Of 2009 in suppressing the level of traffic accidents is influenced by the people who do not support the programs that have been implemented by the Blora Police Law Area.

Based on the theory of law enforcement, there are several factors that influence law enforcement, namely the legal factors themselves, law enforcement factors, facility or facility factors, community factors and cultural factors.¹³ The following describes the supporting factors and inhibiting factors in the implementation of Act No. 22 Of 2009 On Traffic and Road Transportation in suppressing the level of traffic accidents in the Blora Police jurisdiction.

- The legal factor itself

Judging from legal factors, Blora Police Law Area has a strong legal basis in efforts to deal with traffic accidents. Act No. 22 Of 2009 On Traffic and Road Transportation has arranged in such a way regarding the duties and responsibilities of the Indonesian National Police in efforts to deal with accidents which are further stipulated in *Perkap* Number 15 of 2013 On Handling of Traffic Accidents.

¹² *Ibid.*, on February 20, 2020.

¹³ Soerjono Soekanto, *Op.Cit.*, p.8

In the second legislation mentioned how the duties and authority of the National Police in preventing traffic accidents and handling traffic accidents.

- Law enforcement factors

Law enforcement officers at Blora Police Law Area have tried to implement Act No. 22 Of 2009 On Traffic and Road Transportation in suppressing the level of traffic accidents both through preventive and repressive measures.

- Facilities factor

In the ranks of the Blora Police Traffic Unit, the requirements as officers who handle traffic accidents and as investigators have been met. This was stated by the Head of the Traffic Unit of the Blora Police Law Area who stated that members of the national police in the *Satlantas* function had competencies in dealing with traffic accidents. The competency is obtained through education and training conducted by Blora Regional Police.¹⁴

In handling traffic accidents, adequate equipment is needed. In the availability of facilities and infrastructure have been adequate, including communication equipment, vehicles and others. Blora Police Law Area also cooperates with health workers in handling traffic accidents for the availability of ambulances. Likewise with regard to the budget, according to *Kasatlantas* Blora District Police is sufficient. Thus the factor of facilities and facilities is one of the supporting factors in tackling traffic accidents in order to reduce the level of traffic accidents in the Blora Police jurisdiction.

- Community factors

Article 258 of Act No. 22 Of 2009 has given the mandate to the public to participate in the maintenance of road facilities and infrastructure, the development of traffic discipline and ethics, and to participate in maintaining security, safety, order, and smooth traffic and road transportation.

In practice in the field, not all communities have participated in the maintenance of security, safety, order and smooth traffic and road transport. The condition of the people in Blora Regency is an inhibiting factor in the implementation of Act No. 22 Of 2009 in suppressing the level of traffic accidents in the Blora Police Law Area. Public legal awareness is still low in obeying traffic rules. Even though there has been counseling and coaching, there are still people who are not law-abiding. There are still many people who do not comply with traffic regulations such as not wearing a helmet in driving, not using a seat belt, not lighting a lamp, or the younger generation who are still reckless in driving.

- Cultural factors

The legal culture of the community in the Blora Police Law Area is still low, for example it has become a habit for people in the Blora Regency to buy their children motorized vehicles even though the child is not old enough. Many cases of traffic accidents in the Blora district area involve minors. Thus the cultural factors of the community in the Blora Police Law Area have not yet supported the implementation of Act No. 22 Of 2009 in suppressing the level of traffic accidents.

¹⁴ Interview with AKP Dodiawan S as Kasatlantas Blora Regional Police, on February 20, 2020.

Based on the description above, it can be seen that Blora Police efforts in implementing Act No. 22 Of 2009 to reduce the level of traffic accidents have not been optimally successful. This is due to the lack of public awareness and the factor of the community's legal culture in the Blora police precinct which is still low.

3. Closing

3.1. Conclusion

- Tackling traffic accidents by law enforcement in the Blora Police Law Area is carried out through preventive and repressive measures. Preventive efforts are carried out through routine patrol activities, zebra operations, counseling at schools and in the community and installing billboard warning signs in accident-prone areas. The repressive effort is carried out through a series of investigative actions against traffic accidents which are guided by applicable laws and regulations.
- The application of Act No. 22 Of 2009 On Traffic and Road Transportation towards accident rates in the Blora Police Law Area is not optimal. The accident rate is still relatively high from year to year despite various efforts have been carried out. This is due to the lack of public awareness and legal culture of the community which does not support the programs implemented by the Blora Police Law Area in reducing the level of traffic accidents.

3.2. Suggestion

1. It is necessary to strengthen the participation of the community to participate in efforts to tackle traffic accidents to reduce the level of traffic accidents
2. Socialization or outreach activities need to be improved by making regular schedules to increase legal awareness in traffic

4. References

- [1] "Opini", (<http://m.riapos.co>, accessed 10 November 2019).
- [2] Act No. 2 of 2002 On the Indonesian National Police.
- [3] Act No. 22 Of 2009 On Road Traffic and Transportation.
- [4] Criminal Procedure Code
- [5] Mukti Fajar ND dan Yulianto Achmad, 2013, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajara, Yogyakarta, 2013
- [6] Regulation of the Head of the Indonesian National Police Number 15 of 2013 On Procedures for Handling Traffic Accidents
- [7] Syakiar, Unit Pratimaratri, Deaf Wahyuni Ramadhani, Pelaksanaan Penyidikan Terhadap Anak Pelaku Pelanggaran Lalu Lintas Yang Mengakibatkan Korban Meninggal Dunia (Studi : Polresta Padang), Jurnal Penelitian, (<http://www.ejurnal.bunghatta.ac.id>, accessed November 20, 2019).

[8] This Year's Traffic Accident Rate in Central Java Increases 45%, (<https://news.detik.com>, accessed 11 November 2019).