

## **Optimization of the Implementation of Legal Provisions Related to Turning on Motor Vehicle Lights During the Day to Reduce Motor Vehicle Accidents in the Polda Metro Jaya Area**

**Hans Dwi As**

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,  
E-mail: [hansdwias.std@unissula.ac.id](mailto:hansdwias.std@unissula.ac.id)

**Abstract.** *The rate of motor vehicle accidents in traffic is increasing, one of the efforts of the Polda Metro Jaya is to ensure the implementation of the obligation of motorcyclists to turn on their lights during the day. The implementation of the obligation of motorcyclists to turn on their lights during the day in reality is still not optimally carried out by motorcyclists in traffic, this ultimately becomes one of the causes of traffic accidents. This study aims to analyze and describe the optimization of the implementation of legal provisions regarding turning on motor vehicle lights during the day in reducing accidents in the DKI Jakarta area today. To analyze and describe the obstacles and solutions in the problem of implementing legal provisions regarding turning on motor vehicle lights during the day in reducing accidents in the DKI Jakarta area. The research in this thesis is descriptive qualitative. Qualitative descriptive research is a research method that attempts to describe and interpret objects as they are, with the goal of systematically depicting the facts and characteristics of the research object accurately. This allows for further analysis based on the data or materials obtained. Based on the research results, it can be seen that Optimization of the implementation of legal provisions regarding turning on motor vehicle lights during the day in reducing accidents in the DKI Jakarta area has not been implemented optimally, this is proven by the fact that throughout 2024, there were 67 cases of motorcycle accidents due to drivers who drove abnormally, drivers from 43 of these cases stated that when driving they did not concentrate and did not see motor vehicles from other directions and motor vehicles that were overtaking. Obstacles in the implementation of legal provisions regarding turning on motor vehicle lights during the day to reduce accidents in the DKI Jakarta area are in the form of legal obstacles in the form of there are no implementing regulations yet Article 107 paragraph (2) of the Republic of Indonesia Law Number 22 of 2009 concerning Comprehensive Road Traffic and Transportation.*

**Keywords:** Accident; Lights; Motorcycle; Traffic.

## 1. Introduction

The high level of effort to fulfill the needs of life in society has led to an increase in social mobility, this can be seen in the mobility of people going home during long holidays as evidence of the shift of the population from a place as a center of economic activity to their place of origin. The Ministry of Transportation through the Transportation Policy Agency (BKT) released the results of an online survey of the potential for community movement during the 2023/2024 Christmas and New Year (Nataru) holidays. It is predicted that the potential for community movement will reach 107.63 million people or 39.83% of the total national population. Meanwhile, for public transportation, movement is dominated by trains 13.16% (14.79 million people), airplanes 11.91% (13.38 million people), buses 10.94% (12.29 million people), ferry boats 6.04% (6.78 million people), and ships 3.44% (3.86 million people).<sup>1</sup>

Motorized vehicles are one of the most frequently used vehicles to support mobility and meet people's daily needs. Motorized vehicles are the most essential means of transportation. Rapid advancements in technology have made motorized vehicles essential for transportation. Motorized vehicles are designed to help people with time and energy efficiency. The Indonesian National Police Traffic Corps (Korlantas Polri) recorded that the active motorized vehicle population in Indonesia reached 153,400,392 units as of February 9, 2023. This figure includes 147,153,603 private vehicles, of which 127,976,339 are motorcycles (87 percent).<sup>2</sup>

The high number of motorized vehicles is also a problem in the transportation sector. Data accessed from the Indonesian National Police Traffic Corps (Korlantas Polri)'s IRSMS shows that more than 10,000 accidents occur each month. Meanwhile, in the first five days of August 2024, Korlantas handled 723 accidents. The data was accessed on Monday, August 5, 2024. The data shows the number of traffic accidents from January to August 5, 2024. Since the beginning of the year, Korlantas Polri has handled 79,220 accidents. The most accidents handled were in April 2024, with 11,924 incidents. The number of vehicles involved in traffic accidents was 722,470 units. Motorcycles are the most common vehicle involved in accidents. Since the beginning of the year, Korlantas Polri has recorded 552,155

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<sup>1</sup>Bureau of Communication and Public Information, Ministry of Transportation of the Republic of Indonesia, "Survey Results: Public Movement During the 2023/2024 Christmas and New Year Transportation Period Predicted to Reach 107.63 Million People, a Significant Increase Compared to Last Year", <https://dephub.go.id/post/read/hasil-survei-pergerakan-masyarakat-selama-angkutan-natal-dan-tahun-baru-2023-2024-diprediksi-mencapai-107.63-juta-orang-meningkat-signifikan-dilengkap-tahun-lalu>, February 2, 2025.

<sup>2</sup>Association of Indonesian Automotive Industries, "Number of Vehicles in Indonesia 147 Million Units, 60 Percent on Java Island", <https://www.gaikindo.or.id/jumlah-kendaraan-di-indonesia-147-juta-unit-60-persen-di-pulau-jawa/>, February 2, 2024.

motorcycles, or 76.42 percent of the total number of vehicles involved in accidents.<sup>3</sup>

The high number of motor vehicle accidents has forced the government to seriously address this problem. The government has implemented various solutions to reduce the number of motor vehicle accidents, one of which is requiring all motor vehicles to have their headlights on during the day. Turning on headlights serves several purposes in reducing motor vehicle accidents, including:<sup>4</sup>

- 1) Motorcycle headlights from the opposite direction will draw the pupil of the eye to search for the light source. As a result, the driver's eyes will be drawn to that light source.
- 2) Turning on motorcycle headlights is believed to improve rider concentration and help them anticipate other drivers. The light reflected off the rearview mirror is quickly captured by the eye, allowing other drivers to identify the motorcycle and prevent accidents.

The mandatory rule to turn on motorbike lights is regulated in Article 107 Paragraph (2) and 293 Paragraph (2) of Law No. 22 of 2009. Article 107 Paragraph (2) of Law No. 22 of 2009 states that "turning on the main lights during the day is mandatory for motorbike riders." Then Article 293 Paragraph (2) of Law No. 22 of 2009 states that:

Any person who drives a motorbike on the road without turning on the headlights during the day as referred to in Article 107 paragraph (2) shall be punished with imprisonment for a maximum of 15 days or a fine of a maximum of IDR 100 thousand.

Based on the provisions above, it can be understood that every motorcyclist must comply with the rules that require turning on lights during the day as stipulated in the Law. If they violate, the driver will be subject to penalties as stipulated. The existence of positive legal provisions that require motorcyclists to turn on lights during the day in reality has not been able to reduce the number of existing traffic accidents. This can be seen in DKI Jakarta, after the enactment of Article 107 Paragraph (2) and 293 Paragraph (2) of Law No. 22 of 2009 in 2009, the number of motor vehicle accidents in DKI Jakarta City is still relatively high. Based on data

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<sup>3</sup>National Crime Information Center, "Tens of Thousands of Traffic Accidents Occur Every Month", [https://pusiknas.polri.go.id/detail\\_artikel/belasan\\_ribu\\_kecelakaan\\_lalu\\_lintas\\_terjadi\\_tiap\\_bulan](https://pusiknas.polri.go.id/detail_artikel/belasan_ribu_kecelakaan_lalu_lintas_terjadi_tiap_bulan), February 2, 2024.

<sup>4</sup>IDN News, "This is Why Motorcycle Headlights Must Be On During the Day," <https://www.idntimes.com/automotive/motorbike/seo-intern/alasan-lampu-motor-wajib-menyalakan-siang-hari>, February 2, 2024.

displayed in the year-end release, Polda Metro Jaya recorded 11,442 traffic accident cases in 2024.<sup>5</sup>

Such a situation shows how the implementation of the provisions of Article 107 Paragraph (2) and 293 Paragraph (2) of Law No. 22 of 2009 has not been able to optimally reduce the number of motor vehicle accidents, especially in the DKI Jakarta area. The main obstacle in implementing the provisions on turning on motor vehicle lights during the day is public knowledge and awareness. Some people do not understand the meaning of turning on motor vehicle lights during the day, and the fact that people think that turning on lights every day will be wasteful so that many people complain about the existence of these regulations where those who should be for life instead turn to vehicles because the battery will easily die and must be replaced with a new one so that battery sellers will make huge profits and harm two-wheeled vehicle users.<sup>6</sup>

## 2. Research Methods

The research in this thesis is descriptive qualitative. Qualitative descriptive research is a research method that attempts to describe and interpret objects as they are, with the goal of systematically depicting the facts and characteristics of the research object accurately. This allows for further analysis based on the data or materials obtained.<sup>7</sup> This research aims to provide a description of a society or a group of people or a description of a symptom or between two or more symptoms.<sup>8</sup> related to the issue of disease outbreak management policies. Furthermore, this research attempts to fully explain the postulates studied in accordance with field findings.

## 3. Results and Discussion

### 3.1. Optimizing the Implementation of Legal Provisions Regarding Turning on Motor Vehicle Headlights During the Day to Reduce Accidents in the DKI Jakarta Area

The Jakarta Transportation Agency, along with the Jakarta Metro Police, routinely conducts traffic checks and has ticketed 3,215 vehicles for violating traffic

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<sup>5</sup>Detiknews, "619 People Died in Accidents in Jakarta and Surrounding Areas During 2024,<https://news.detik.com/berita/d-7711620/619-people-died-in-accidents-in-jakarta-and-around-2024>", April 11, 2025.

<sup>6</sup>Interview with Brigadier General Pol. Dr. Latif Usman, SIK as Director of Traffic of Polda Metro Jaya on January 20, 2025.

<sup>7</sup>Bambang Sunggono, 2006. Legal Research Methodology, Jakarta: PT Grafindo Persada, p. 116.

<sup>8</sup>Alterton and Klemmack in Irawan Soehartono. 1999. Social Research Methods: A Research Technique in the Field of Social Welfare. Bandung: Remaja Rosda Karya. p. 63

regulations on several roads in Jakarta. Of the 3,215 vehicles, 307 were found to have failed to comply with regulations regarding lights on during the day.<sup>9</sup>

One of the regulations stipulated in Law No. 22 of 2009, namely the obligation for motorcyclists to turn on their lights during the day, is contained in Article 107 paragraph (2) which states "Motorcyclists, in addition to complying with the provisions as referred to in paragraph (1), are required to turn on their main lights during the day."

With this article, it is mandatory for motorcyclists to turn on their vehicle lights during the day, but in reality, there are still many motorcyclists who do not comply with this regulation. The legal policy regarding lights on motorized vehicles during the day is:<sup>10</sup>

a. Prevent accidents:

With better visibility, other drivers have more time to react and avoid potential accidents.

b. Legal rules:

Turning on the motorcycle headlights during the day is also a rule regulated in traffic laws.

c. Sanctions:

Violation of these rules may result in sanctions, such as fines or imprisonment.

The goal of the "lights on" policy for motorized vehicles is to create conducive traffic conditions. Turning on motorcycle headlights is expected to encourage other drivers to be more cautious, and the lights can alert drivers to their location. This "lights on" policy applies not only to Pontianak but also to the entire country. Motorcycles are small vehicles on the road, making it difficult for drivers of larger vehicles to see their position. Furthermore, large vehicles such as cars and trucks have parts that make it difficult to see other vehicles behind them, especially motorcycles. Furthermore, the "lights on" policy for motorcycles, from a legal and philosophical perspective, is also intended to achieve the goals of legal development, which are none other than to create order, security, and public peace.

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<sup>9</sup>Interview with Kompel Gomos Simamora as Head of Traffic Police of Central Jakarta Metro Police, May 12, 2025.

<sup>10</sup>Loc, cit.

In Indonesian positive law, the development of national law is regulated in Law Number 17 of 2007 concerning the National Long-Term Development Plan for 2005-2025 (RPJPN Law), which states:<sup>11</sup>

Legal development is aimed at supporting sustainable economic growth; regulating economic issues, particularly in the business and industrial sectors; and creating investment certainty, particularly through legal enforcement and protection. Legal development is also aimed at eliminating the possibility of corruption and at addressing and thoroughly resolving issues related to collusion, corruption, and nepotism (KKN).

The various views above show the importance of turning on lights even during the day, because the light can help detect the position of the motorcycle, thereby avoiding unwanted collisions or collisions that can have fatal consequences. However, unfortunately, the implementation of this policy made by the government was not well received by the public, especially motorcycle users, so this policy was hampered by public behavior, especially motorcycle users. Many assume that this government policy will only damage motorcycle components such as lights and batteries on motorcycles, so this regulation does not work well.<sup>12</sup>

Police Commissioner Gomos Simamora, Head of Traffic Police of the Central Jakarta Metro Police, stated that throughout 2024, there were 67 motorcycle accidents caused by drivers who drove erratically. In 43 cases, drivers stated that they were not concentrating and did not see motorcyclists coming from the other direction or motorcyclists who were overtaking. Police Commissioner Gomos added that this often occurs because one or both motorcyclists did not follow the light on policy. 15 of the 43 cases resulted in serious injuries, and 4 of them died due to high speed.

He said this could worsen considering that the traffic monitoring system is no longer carried out by police personnel at traffic guard posts located in accident-prone areas. Conventional monitoring has been replaced by digital traffic monitoring by the police since the enactment of the Republic of Indonesia National Police Regulation Number 2 of 2025 concerning Action on Traffic and Road Transportation Violations Based on Electronic Recording Evidence. So the traffic monitoring system is carried out through ETLE.<sup>13</sup>

Until now, stricter solutions or sanctions have only been imposed on violators who overload vehicles, fail to wear complete traffic signs, and drivers who lack proper vehicle registration. However, strict sanctions have not been imposed on road

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<sup>11</sup>Attachment to Law Number 17 of 2007 concerning the National Long-Term Development Plan 2005-2025.

<sup>12</sup>*Loc, cit.*

<sup>13</sup>*Loc, cit.*

users who violate the stopping area boundaries at red lights. Increasingly sophisticated technology is being utilized to regulate traffic, leading to the installation of closed-circuit television (CCTV) systems at every red light.

CCTV, or Closed Circuit Television, is a digital video camera device used to send signals to a monitor in a specific room or location. This is intended to monitor the situation and conditions of a particular location, thereby preventing crime or serving as evidence of a crime that has already occurred. CCTV is generally used to monitor public areas such as banks, hotels, military warehouses, factories, and warehouses (Ino Irvantino, 2004).

In addition to security purposes, CCTV is also used to support police performance, helping ensure smooth traffic flow and detect traffic violations. Indirectly, CCTV is also used for educational purposes, such as shaping the social behavior of road users who violate traffic regulations by issuing warnings or warnings, or even imposing strict sanctions in the form of tickets.

The way CCTV works at red lights is initially to check and monitor traffic conditions (busy, smooth or dense), but currently CCTV also works as a surveillance camera for road users, especially motorized vehicle users who violate traffic regulations, such as not wearing helmets, overloading and motorized vehicle users who stop outside the lane, such as motorized vehicle users who stop at zebra crossings which should be used by pedestrians to cross the road.

If an ATCS transportation officer finds a motorized vehicle user violating the rules, the officer will speak through a loudspeaker installed near the CCTV, stating the type of motorcycle and the license plate number of the offender, then give a warning to the violator in the form of a warning according to the violation. This will then be followed up with the action of taking the key by the traffic police on duty at the TKP (Crime Scene), and may even include issuing a ticket.

Now CCTV ticketing has begun to be implemented, namely ticketing actions monitored by the ATCS transportation service through surveillance cameras (CCTV) to assist the police in maintaining security and supervising the order of traffic behavior of road users. First of all, CCTV surveillance officers at ATCS will see, monitor and check road users who commit traffic violations if found to have committed a violation, the ATCS officer will clarify the image in the recording then crop the image until the police number (motorcycle plate number) of the vehicle is clearly visible, then the image cuts become evidence that is given to the police and will then be checked at Samsat to find out the identity of the driver. After the address is known, the police will come to him and give him a ticket.<sup>14</sup>

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<sup>14</sup>Suhendar, Yaya, and Pawit M. Yusuf, Guidelines for Organizing School Libraries, Jakarta: Kencana, 2007, p. 52.

Based on the existing explanation, it is clear that the involvement of digital technology has replaced the role of police personnel in the field in maintaining stability and order in traffic. The problem is the awareness of motor vehicle drivers who determine traffic order and the safety of other road users. This is because direct manual ticketing carried out by personnel on duty at each traffic guard post has been replaced by digital ticketing, so that the public feels increasingly free to violate traffic regulations and leads to a lack of deterrent effect for traffic violators if they commit continuous violations.

Turning on headlights during the day is often violated, this is mostly done when traffic is heavy, motorcyclists are in areas without traffic control devices, and when seeing other parties also turning off their lights during the day.<sup>15</sup> Traffic accidents also have bad consequences besides causing injuries, fatalities, and vehicle damage, bad consequences include physical disability, economic losses, and arguments between the parties involved in the accident.<sup>16</sup>

Another issue that also results in the suboptimal light on policy is that police personnel as authorized law enforcers have not been able to take firm action by prosecuting if there are still motorcyclists who do not comply with turning on their headlights during the day while on the highway. The rare raids conducted by the police to prosecute motorcyclists who do not turn on their headlights during the day is an indication that the enforcement of this regulation is still weak, but it does not mean that law enforcement police can act arbitrarily, but there are stages that are needed to carry out socialization.

However, if things like this are allowed to continue continuously, the public will consider this regulation not necessary to be obeyed, which will affect the effectiveness of the regulation regarding the policy of turning on the headlights during the day. This occurs because of the many anarchic actions carried out by the public against police personnel, which if acted upon, the firm action will go viral through social media and be framed as if the police have committed arbitrariness against the public.<sup>17</sup>

Based on the various explanations provided, it can also be concluded that Pancasila is also the source of all legal and political sources in Indonesia. This statement aligns with Mahfud MD's view that:<sup>18</sup>

From the various definitions of legal politics, a simple formulation can be made that legal politics is an official directive or line that is used as a basis and method

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<sup>15</sup>Interview with Kompel Gomos Simamora as Head of Traffic Police of Central Jakarta Metro Police, May 12, 2025.

<sup>16</sup>*Loc. cit.*

<sup>17</sup>*Loc. cit.*

<sup>18</sup>Moh. Mahfud MD, *Building Legal Politics, Upholding the Constitution*, LP3ES Library, Jakarta, 2006, pp. 15-16.

for creating and implementing laws in order to achieve the goals of the nation and state. It can also be said that legal politics is an effort to make law a process for achieving state goals the main basis of national legal politics is the state's goals which then give birth to a national legal system that must be built with a choice of content and certain methods.

Based on the explanation from Mahfud MD above, it can be stated that legal policy is basically the direction of legal development based on the national legal system to achieve state goals or the ideals of the state and nation.<sup>19</sup> The goals of the state, which stem from the ideals of the nation's people, have been summarized in the five principles of Pancasila. In other words, the implementation of legal policy is based on the five principles of Pancasila, namely Belief in the One Almighty God, Just and Civilized Humanity, the Unity of Indonesia, Democracy guided by the wisdom of deliberation/representation, and Social Justice for All Indonesian People. Legal policy based on the value of Belief in the One Almighty God means that legal policy must be based on the moral values of God. Legal policy based on the value of Just and Civilized Humanity means that existing legal policy must be able to guarantee respect and protection for human rights in a non-discriminatory manner. Legal policy must be based on the value of the Unity of Indonesia, meaning that legal policy must be able to unite all elements of the nation with all their respective primordial ties.

Legal politics based on the values of the people led by the wisdom of deliberation/representation means that legal politics must be able to create state power that is under the power of the people or in other words legal politics must be able to create a democratic state where the greatest power is in the hands of the people (people's democracy). Then finally, legal politics must be based on the values of Social Justice for All Indonesian People, meaning that legal politics must be able to create a socially just society that is able to create justice for the weak in both the social and economic sectors, so that there is no oppression between the powerful and marginalized communities.<sup>20</sup>

If we look at the explanation above, it is clear that legal policy is basically also aimed at realizing the nation's ideals and state goals as formulated in Pancasila and the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia and in this case is also related to Article 28A of the 1945 Constitution of the Republic of Indonesia which states that "everyone has the right to live and has the right to defend their life and livelihood."

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<sup>19</sup>Basically, there is almost no difference between the ideals of the state and the objectives of the state. However, in the context of legal politics, Mahfud MD distinguishes between the two. According to Mahfud MD, ideals are the spirit that resides in the hearts of the people, while the objectives of the state are constitutive statements that must be used as a direction or orientation for the administration of the state. See: Moh. Mahfud MD, op, cit, p. 17.

<sup>20</sup>Ibid, p. 16.

Meanwhile, according to Yudi Latif, based on Sukarno's various speeches on Pancasila, the value of mutual cooperation is the foundation of all the principles of Pancasila. Yudi Latif further links this value of mutual cooperation to the values contained in the five principles of Pancasila, as follows:<sup>21</sup>

a. The Principle of God

The principle of belief in God, which must be based on mutual cooperation, means that the values of God are also cultural, open, and tolerant. This allows the diversity of beliefs and faiths within a religion to coexist harmoniously without attacking or isolating one group from another. This principle aligns with the fifth principle of Sukarno's Pancasila concept, which Sukarno called "Belief in God with Culture."

b. Principles of Internationalism

According to Yudi Latif, the principle of internationalism based on mutual cooperation is a principle of internationalism that is humanitarian and just. Therefore, the existing principle of internationalism will always uphold peace and respect for human rights. This principle aligns with the second principle of Pancasila, which Sukarno named the Principle of Internationalism and Humanity.

c. Principle of Nationality

According to Yudi Latif, the principle of nationalism, grounded in the values of mutual cooperation, is a nationality capable of realizing unity amidst the diversity of Indonesia, or in other words, of realizing Bhinneka Tunggal Ika (Unity in Diversity). This view aligns with the tenets of internationalism and humanitarianism.

d. Principles of Democracy

According to Yudi Latif, the principle of democracy based on mutual cooperation is one based on deliberation and consensus. It differs from Western democracy, which prioritizes the interests of the majority (mayocracy) and the interests of the ruling elite and capitalists (minocracy). This principle aligns with the principle of consensus or democracy in Sukarno's Pancasila concept.

e. Principle of Welfare

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<sup>21</sup>Loc. cit. The view regarding the mutual cooperation value contained in Pancasila is in line with the opinion of Magnis-Suseno, who stated:

Pancasila is so high and absolute in its value for the sustainability of the Indonesian nation and state because it is a vehicle where various ethnicities, groups, religions, cultural groups, and races can live and work together in an effort to build a life together, without alienation and their own identities. See: Jazumi in Anik Kunantiyorini, Pancasila as the Source of All Sources of Law, Accessed via portalgaruda.org/article.php?...PANCASILA%20AS%20A%20SOURCE%..., On February 18, 2018.

According to Yudi Latif, the principle of welfare based on the value of mutual cooperation is welfare realized through the development of participation and emancipation in the economic sector, grounded in economic spirit. Therefore, the welfare in question is not welfare based on individualism, capitalism, or statism. This principle aligns with the fourth principle of Sukarno's Pancasila concept.

Based on the various explanations above, it can be clearly seen that the concept of Pancasila as a *Philosofische Grondslag* was first initiated by Soekarno in the BPUPK Session on June 1, 1945. In this concept, Soekarno wanted a country that had National Values, Humanitarian Values, Democratic Values, Social Welfare Values, and Divinity Values. These various values were combined by Soekarno into the value of mutual cooperation, in other words, Soekarno wanted a mutual cooperation state that was able to accommodate all the interests of the Indonesian people both in the context of individuals and the nation and state. Apart from that, based on various explanations related to the formulation of Pancasila as a *Philosofische Grondslag*, it is clear that Pancasila can be the only *Philosofische Grondslag* in Indonesia on the grounds that the values of Pancasila have lived with the Indonesian people since long ago, even before the formulation of Pancasila itself, so it can also be concluded that Pancasila has become the identity, identity, and philosophy of life of the Indonesian people.<sup>22</sup>

The problem in criminal justice practice is the relative lack of understanding of the Pancasila philosophy, which underpins the scientific foundations of law enforcement, resulting in cries for justice being constantly echoed and displayed throughout the world. The meaning of retribution in criminal law is seen as the primary weapon in eradicating crime, even though crime has never disappeared, relying solely on retribution. The philosophy of criminal justice, with its indigenous Indonesian legal approach, reflected in legislation, is far from adequate to meet the challenges of the times.

Therefore, knowledge and understanding of the philosophy of criminal justice based on Pancasila must become a new barometer in resolving criminal law conflicts in society, and be resolved using a model of resolution that is authentic to the region. Such a solution is far more beneficial than the desire to punish, which then becomes a burden on the country's economy, making it increasingly difficult. This fundamental change does not merely involve amending the criminal code by adapting it to other criminal laws, but rather seeks to explore various local

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<sup>22</sup>Kaelan calls this reason the indirect origin of the birth of Pancasila as well as a materialist cause. See: Kaelan, Pancasila Education, Reform Process, 2002 Amendment of the State Constitution, Pancasila as a Philosophical System, Pancasila as Political Ethics, Paradigm of Society, Nation and State, Paradigma, Yogyakarta, 2004, p. 88. The view of Pancasila as *Philosofische Grondslag* is also supported by Notonagoro who states that Pancasila is a legal ideal (*rechtsidee*) and a guiding star (guiding star). See: Notonagoro in Jimly Asshiddiqie and M. Ali Safa'at, Hans Kelsen's Theory of Law, Secretariat General and Clerk of the Constitutional Court, Jakarta, 2006, p. 171.

wisdoms regarding the types and forms of punishment that are prevalent in the Indonesian cultural heritage.

The theory and philosophy of punishment are inherently dependent on the nation's cultural values. Therefore, the more civilized and prosperous a nation, the more secure and established the meaning of criminal law in practice. The philosophy of punishment is a reflection of civilization, awareness, and a sound legal culture. Each country affirms in its various constitutions that, as a "state of law," it always places law above human dignity. Law is not a metaphor for economic and political games. Law is a protector of humanity. Therefore, criminal law, with its characteristic deterrence, is a primary pillar of the state of law in the struggle for justice, and the theory and objectives of punishment can be achieved with humanitarian discretion, full of certainty, justice, and benefits within its own orbit. Therefore, in addition to understanding and understanding the criminal justice systems of other countries, it is beneficial to examine the national criminal justice system, with its various variations and influences from law and morality, reflecting the nation's own legal culture and approaching the justice it aspires to achieve. Indonesian criminal law must reflect the spiritual state of its people and acquire a philosophical place within the state within the notions of justice. Thus, the meaning of national independence will be felt by treating criminal law based on the nation's philosophy and eliminating the individualistic characteristics of the criminal justice system and the criminal law currently in force, a legacy of European colonialism. The Indonesian nation, with its highly diverse legal tradition and living in a legal environment with variations and long empirical experience, is influenced by Hindu, Buddhist, and Islamic law.

The spread of Christianity and Islam, as well as the colonial influence of European nations. This tremendous historical experience gave birth to a great ideology, Pancasila, which must enlighten and guide the legal life of Indonesian society and the nation.

In relation to criminalization, it is crucial for all legal practitioners to understand the role of Pancasila in the development of national law. This is because the existence of law itself is inseparable from space and time. Therefore, Indonesian national law, including criminal law, must be born from the spirit of the Indonesian people themselves. National law is law or legislation based on the ideological and constitutional foundations of the state, namely Pancasila and the 1945 Constitution, or law built on creativity or activities based on the taste and engineering of the nation itself. In this regard, national law is actually nothing more than a legal system that originates from the nation's long-standing and evolving cultural values.

In other words, national law is a legal system that emerged as a result of the cultural efforts of the Indonesian people with national reach, namely a legal system that encompasses all people throughout the national borders of Indonesia.

In relation to the 1945 Constitution, Indonesian legal experts generally agree that the Preamble to the 1945 Constitution holds a higher position than the body of the Constitution. This is because the Preamble contains the basic formulation of the state philosophy, which also serves as the state ideology of the Republic of Indonesia.

This formulation is brief, but contains the most fundamental norms for measuring and determining the legitimacy of forms of state administration and important policies adopted in the process of state administration. Viewed from the perspective of legal philosophy, the basic formulation of the state philosophy contained in the Preamble to the 1945 Constitution, although it is outside the legal system, plays a normative role as a leitstern or as a star that will guide the formulation of legal norms that fall under it.

The formulation of Pancasila contained in the preamble to the 1945 Constitution is referred to as the basic formulation of the state ideals (staatsidee) and simultaneously the basis of the legal ideals (rechtsidee) of the Republic of Indonesia. As a legal ideal (rechtsidee), Pancasila contains the most fundamental norms that serve as a guide for the formulation of lower-level legal norms within the state. As a formulation of legal ideals, fundamental norms in the organization of life in society, the nation, and the state of Indonesia, Pancasila guides the direction of law formation in society.

As fundamental norms (staat fundamental norm), the formulation of Pancasila is not an operational legal formulation whose implementation can be subject to sanctions. To make it operational, the state establishes various levels of legislation. At the level of laws and various other lower-level regulations, we find legal norms that serve as operationalizations of the basic norms for the organization of life in society, the nation, and the state.

Criminalization in criminal law reform can be viewed from the perspective of community protection, as the basic idea of the balance of Pancasila, which is oriented towards the moral paradigm (Divinity), Humanity (Humanistic), Nationality, Democracy and the wisdom of wisdom, and the paradigm of social justice. The use of Pancasila as an Indonesian perspective in criminalization is based on the assumption that the Pancasila principles provide an opportunity to formulate what is right and good for humans universally.

Pancasila formulates the abstract principles or essence of Indonesian human life, which are based on three complete human relationships: the relationship between humans and God, the relationship between humans and humans, and the relationship between humans and objects.

The first principle, as an ontological framework, is that humans believe in the power of Almighty God. The Indonesian people believe in God. In Pancasila, the element of divinity is clearly and firmly included. The second principle is

nationality, through the state as a tool of struggle, to mobilize, oppose anything from outside, from within, to realize the ideals of a just and prosperous society. The third principle is humanity. Humanity is the result of spiritual and cultural growth, thus it is the result of evolution in the human heart. As an operational framework, it outlines the boundaries of individual interests, the interests of the state and the nation. The fourth principle is popular sovereignty. Through Indonesian democracy, which must be implemented, it brings out the Indonesian personality itself. Regarding national life, which is self-control over the law, the constitution, and democracy.

The fifth principle, social justice, namely as an ideal to achieve a just and prosperous society, provides direction for each individual to uphold justice, together with others and all citizens. Thus, the principles of the Pancasila principles are reciprocally related to one another, which leads to a balanced arrangement in the matter of criminalization from the perspective of Pancasila.

### **3.2. Obstacles and Solutions to the Problem of Implementing Legal Provisions Regarding Turning on Motor Vehicle Headlights During the Day to Reduce Accidents in the DKI Jakarta Area**

1) Obstacles in the Implementation of Legal Provisions Regarding Turning on Motor Vehicle Headlights During the Day to Reduce Accidents in the DKI Jakarta Area

#### **a. Substantial Legal Obstacles**

Regulations regarding lights on motor vehicles during the day are regulated in Article 107 of the Republic of Indonesia Law Number 22 of 2009 concerning Traffic and Road Transportation. Article 107 of the Republic of Indonesia Law Number 22 of 2009 concerning Traffic and Road Transportation states that:

- a) Motor vehicle drivers are required to turn on the headlights of motor vehicles used on the road at night and under certain conditions.
- b) In addition to complying with the provisions referred to in paragraph (1), motorbike drivers are required to turn on their headlights during the day.

The threat of violating the provisions of Article 107 of the Republic of Indonesia Law Number 22 of 2009 concerning Road Traffic and Transportation is regulated in Article 293 of the Republic of Indonesia Law Number 22 of 2009 concerning Road Traffic and Transportation, which states that:

- 1) Any person who drives a motor vehicle on the road without turning on the headlights at night and under certain conditions as referred to in Article 107 paragraph (1) shall be punished with imprisonment for a maximum of 1 (one) month or a maximum fine of IDR 250,000.00 (two hundred and fifty thousand rupiah).

2) Any person who drives a motorbike on the road without turning on the headlights during the day as referred to in Article 107 paragraph (2) shall be punished with imprisonment for a maximum of 15 (fifteen) days or a maximum fine of IDR 100,000.00 (one hundred thousand rupiah).

Although the obligation to have motorized vehicles' lights on during the day is regulated in Article 107 of Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation and the sanctions for violations are regulated in Article 293 of Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation, neither the government, in this case the executive and judiciary, nor the police, have made implementing regulations, which should include bureaucratic supervision, prevention, handling, and action against violators of the provisions on lights on for motorized vehicles during the day.

So that the problems that occur are often in the operational area of law, not at the legal regulatory stage which is more about regulating community behavior alone. This is clearly contrary to the principle of legal certainty. The purpose of legal certainty is to ensure that the law must be clear, easy to understand, and predictable in legal decision-making, so that the public knows what is expected of them. This creates a stable and trustworthy environment for the community, so that they can carry out their activities with a sense of security and confidence that their rights will be protected. The following are the importance of legal certainty:<sup>23</sup>

1) Eliminating confusion and uncertainty:

Clear and easy-to-understand laws will reduce the risk of misinterpretation and provide certainty to the public about their rights and obligations.

2) Protecting individual rights:

Legal certainty ensures that everyone will be treated equally under the law, without discrimination or abuse of power.

3) Ensuring social order and security:

With legal certainty, society will be more orderly and safe, because they know what is expected of them and what the consequences are if they break the law.

4) Encouraging investment and economic growth:

A stable and trustworthy legal environment will attract investment, both domestic and foreign, because investors will be more confident that their rights will be protected.

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<sup>23</sup>Loc, cit.

The importance of legal certainty is the value of the birth of the obligation to create laws with certainty, which inspires the birth of the principle of legality. The four basic principles of the principle of legality are *lex scripta*, *lex certa*, *lex stricta*, and *lex praevia*. The principle of legality, also known as *Nullum crimen sine lege, nulla poena sine lege* (no crime without law, no crime without law), is a fundamental principle in criminal law that guarantees legal certainty and prevents arbitrary legal handling. The following is an explanation of these four principles:<sup>24</sup>

a. *Lex Scripta* (Written Law):

Criminal law must be formulated in written form, namely statutes or regulations. No criminal law can be applied based on custom, tradition, or unwritten law.

b. *Lex Certa* (Clear Law):

The formulation of criminal offenses must be clear, specific, and unambiguous. There must be no overly broad or subjective interpretation of criminal provisions to avoid creating legal uncertainty.

c. *Lex Stricta* (Strict Law):

The interpretation of criminal provisions must be carried out strictly, and no analogies or interpretations that go beyond the clear boundaries of the provisions may be used. When in doubt, it is better to interpret criminal provisions strictly, with the aim of protecting citizens' rights.

d. *Lex Praevia* (Prospective Law):

Criminal provisions cannot be applied retroactively, meaning that the criminal provisions must have existed before the crime was committed. No act may be punished by a new criminal provision created after the act was committed.

Based on various explanations regarding the four principles in the principle of legality, importance legal certainty, as well as the existence of legal facts that there are no implementing regulations from Article 107 paragraph (2) of the Republic of Indonesia Law Number 22 of 2009 concerning comprehensive Traffic and Road Transportation has become the main cause of the absence of a definite mechanism that must be carried out by Polda Metro Jaya Traffic Unit personnel in regulating violations of the light on policy committed by motorcyclists.

b. Structural Legal Constraints

Absence implementing regulations of Article 107 paragraph (2) of the Republic of Indonesia Law Number 22 of 2009 concerning comprehensive Traffic and Road Transportation, results in the actions of Polda Metro Jaya Traffic Unit personnel in

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<sup>24</sup><https://business-law.binus.ac.id/2016/02/02/asas-legalitas/>, May 12, 2025.

disciplining motorcyclists who violate the light on rule not having clear legal force so that it has the potential to result in anarchic actions and resistance from violators to Polda Metro Jaya Traffic Unit personnel in the field.<sup>25</sup>

c. Cultural Obstacles in Law

The cultural legal constraint in society is the limited public awareness and knowledge of the importance of turning on headlights during daytime traffic. Most motorcyclists involved in accidents due to not turning on their headlights during daytime traffic give the following reasons:<sup>26</sup>

a. Strange Feelings and Unhelpful Perceptions:

Some people find turning on headlights during the day odd and unnecessary, especially since the sunlight is already bright enough. They argue that motorcycle headlights offer no significant benefit during the day.

b. Loss of Headlight Function:

Some riders believe their motorcycle headlights don't function optimally during the day because they can't be seen clearly by other drivers. They also worry that the headlights could be damaged or not detected properly.

c. Potential Damage and Waste:

There is concern that keeping the headlights on continuously during the day may cause damage or waste the battery.

#### **4. Conclusion**

Optimizing the implementation of legal provisions regarding turning on motor vehicle lights during the day in reducing accidents in the DKI Jakarta area has not been implemented optimally, this is evidenced by the fact that throughout 2024, there were 67 cases of motorcycle accidents due to drivers who drove abnormally, drivers from 43 cases stated that when driving they did not concentrate and did not see motor vehicles from other directions and motor vehicles that were overtaking. Obstacles in the issue of implementing legal provisions regarding turning on motor vehicle lights during the day in reducing accidents in the DKI Jakarta area are in the form of legal obstacles in the form of there are no implementing regulations yet Article 107 paragraph (2) of the Republic of Indonesia Law Number 22 of 2009 concerning comprehensive Traffic and Road Transportation. Obstacles in law enforcement include the absence of a legal umbrella in the realm of implementing regulations regarding violations of the

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<sup>25</sup>Interview with Kompel Gomos Simamora as Head of Traffic Police of Central Jakarta Metro Police, May 12, 2025.

<sup>26</sup>Interview with Kompel Gomos Simamora as Head of Traffic Police of Central Jakarta Metro Police, May 12, 2025.

provisions on turning on lights during the day when using motorized vehicles for personnel of the Central Java Metro Police Traffic Unit. Obstacles in the legal culture of the community include public awareness and knowledge of the importance of turning on lights during the day in traffic which is still minimal. The solution that can be done is for the executive, legislative, and police to make clearer implementing regulations regarding the implementation of Article 107 paragraph (2) of the Republic of Indonesia Law Number 22 of 2009 concerning Traffic and Road Transportation comprehensively. For the police, it is necessary to add personnel, increase operational funding, and improve facilities and infrastructure in implementing supervision and handling of violations of the provisions on turning on lights during the day for motorized vehicle users. For the community, it is necessary to provide counseling and legal guidance regarding the importance of the provisions on turning on lights during the day for motorized vehicle users in reducing traffic accidents.

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