

**Review Article****FACTORS OF TRAFFIC VIOLATIONS IN THE JURISDICTION OF PADANG LAWAS POLICE AND THEIR LEGAL CONSEQUENCES**<sup>1</sup>Safdinan Adli Hutasuhut, <sup>2</sup>Abdul Hakim, <sup>3</sup>Maya Jannah**Email :**[adlihtasuhut007@gmail.com](mailto:adlihtasuhut007@gmail.com) <sup>2</sup> [abdulhakim1846@gmail.com](mailto:abdulhakim1846@gmail.com), <sup>3</sup> [mayaeriadi@gmail.com](mailto:mayaeriadi@gmail.com)**Article History**

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**Journal homepage:**<https://jurnal.arjunajusticia.com/index.php/ijeck>**Abstract:**

Traffic violations often occur throughout Indonesia, especially in the city of Padang Lawas. Traffic violations are a result of a lack of legal awareness among the public and behavior that does not reflect driver discipline in traffic on the highway. Traffic violations committed by drivers can trigger accidents, whether accidents that result in minor, serious injuries, or even death. There are several factors that influence drivers to commit traffic violations, especially in the city of Padang Lawas. This research uses a qualitative research approach. Research Results and discussion: There are three factors causing traffic violations by motorbike riders in the jurisdiction of the Padang Lawas Police, namely human factors, vehicle factors, and road condition factors. These human factors include: behavior and knowledge regarding understanding driving on the highway. These vehicle factors include: vehicle condition and completeness of vehicle attributes. These road condition factors include: facilities and infrastructure, traffic signs and road markings as well as monitoring equipment and other supporting facilities. 2. The legal consequences of traffic violations committed by motorists on highways in the Padang Lawas Police area refer to Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation. Violations of traffic rules can be subject to both criminal sanctions and administrative sanctions;

*Keywords: Faktor-faktor, Pelanggaran Lalu Lintas, Akibat Hukum*

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## INTRODUCTION

Traffic violations are currently not an open secret for the Indonesian people. Traffic violations often occur throughout Indonesia, this is due to the lack of legal awareness and public behavior in traffic on highways.

Traffic violations can trigger accidents. This is due to the driver's actions violating traffic rules. Traffic violations do not only occur in big cities, but also in district-level areas. Even though the government should have set rules for driving, there are still people who violate these rules. Usually violations have an element of intention, but there are also people who commit violations because they do not understand the existing rules.

Traffic Violations are actions or actions of a person that are contrary to the provisions of traffic and road transport laws and regulations.<sup>1</sup> Furthermore, traffic and motorized road vehicles have a very important and strategic role so that its implementation is controlled by the state and its guidance is carried out by the government with the aim of making traffic and road transportation safe, secure, fast, smooth, orderly, comfortable and efficient and functional. to increase growth and stability as a driving force for national development. Development in the field of road traffic which includes aspects of regulation, control and supervision of traffic must be aimed at safety, security and smooth traffic..<sup>2</sup>

Traffic law enforcement has a role so that traffic laws are obeyed by every road user. Divided into 2 parts, namely preventive traffic enforcement and repressive traffic enforcement. Preventive traffic enforcement includes traffic control activities, traffic guarding, traffic control and traffic patrols, where in the implementation of these activities constitute a traffic security system in which one sub-system and another sub-system cannot be separated. while the repressive sector of traffic enforcement includes taking action against violations and investigating traffic accidents, the tasks of taking action against traffic law violations include educative action, namely taking action against traffic violations sympathetically by giving reprimands or warnings for traffic violations, while enforcement is Juridical can be interpreted as taking legal action against traffic violations which includes taking action using tickets.

Law Number 22 of 2009 concerning Road Traffic and Transportation, strictly regulates traffic violations and applies criminal sanctions and administrative sanctions. Light criminal sanctions for minor violations and serious sanctions if the violations committed are also very serious. It is hoped that the application of criminal sanctions for perpetrators of traffic violations will have a deterrent effect on the perpetrators, so that in the future the perpetrators of the violations will not repeat their actions. Criminal sanctions in the form of imprisonment and administrative sanctions in the form of warnings, suspension of permits, revocation of permits, and imposition of fines.

The National Police of the Republic of Indonesia, hereinafter abbreviated as (Polri), is an institution that carries out government functions in the areas of maintaining security and public order, law enforcement, protection, protection and service to the community. The police is one of the government institutions that has a role in the rule of law. In a legal state, legal life is largely determined by structural factors or legal institutions, in addition to other factors, such as legal substance factors and legal culture factors. So the main tasks and functions of the police in traffic include: educating the public, enforcing the law against traffic violations, reviewing traffic problems, identifying and collecting data on drivers and motorized vehicles, and routinely carrying out patrols on highways.

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<sup>1</sup> Ranlon Naning, 1983, Menggairahkan Kesadaran hukum Masyarakat dan Disiplin Penegakan Hukum Dalam Lalu lintas, Bina Ilmu Surabaya. hlm.19.

<sup>2</sup> Soerjono Sukanto, Faktor-Faktor Yang Mempengaruhi Penegakan Hukum (Jakarta: Grafindo Persada, 2020). hlm. 3

There are many factors for violations in traffic, which makes the author want to know and understand what factors influence the occurrence of violations in traffic on the highway and the legal consequences of these traffic violations. So the problem formulation that the author raises in this research is: what are the factors that cause traffic violations in the jurisdiction of the Padang Lawas Police? And what are the legal consequences for traffic violations committed by vehicle drivers on the highway?

## RESEARCH METHODS

This research uses a qualitative research approach. Qualitative research is known as a scientific method that is often used and carried out by a group of researchers in the field of social sciences, including educational sciences. Qualitative research enriches the results of quantitative research. Qualitative research is carried out to build knowledge through understanding and discovery. The qualitative research approach is a research and understanding process based on methods that investigate social phenomena and human problems. In this research, researchers create a complex picture, examine words, detailed reports from respondents' views and conduct studies in natural situations.<sup>3</sup>

Bogdan and Taylor explain that qualitative research methodology is a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior.<sup>4</sup>

## RESULTS AND DISCUSSION

### 1. Factors that cause traffic violations in the jurisdiction of the Padang Lawas Police

There are three factors causing traffic violations by motorbike riders in the jurisdiction of the Padang Lawas Police, namely human factors, vehicle factors and road condition factors.

#### 1. Faktor Manusia

This human factor is the main factor causing traffic violations on the highway that occur in the Padang Lawas Police area. This human factor includes: behavior and knowledge regarding understanding driving on the highway. In the Padang Lawas area, this factor is the most influential factor in the occurrence of traffic violations. A vehicle driver on the highway really has to understand that driving is not just driving a vehicle, so there are driving rules that must be fulfilled, for example carrying vehicle documents such as a driver's license, STNK, wearing a helmet and understanding traffic signs and road markings. those on the highway. However, research results in the field show that drivers often ignore traffic signs and road markings. In fact, the meaning of traffic signs and road markings really helps people when moving on the highway to make themselves and other drivers safe. The lack of ethics and tolerance between road users means that one driver and another cannot control their emotions when they touch each other, this is due to a lack of self-control when driving on the highway and understanding that the highway is not only used by one or two people, but for everyone, and everyone has the right to use it. In fact, every road user must have a sense of responsibility for the safety of other people too. By having legal awareness and behavior that reflects discipline on the road, road users can indirectly create more conducive, safe and comfortable traffic conditions because the main aim of obeying driving rules is to create safe and orderly conditions on the road.

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<sup>3</sup> Iskandar, Metodologi Penelitian Kualitatif (Jakarta: Gaung Persada, 2009) cet.1 h. 11

<sup>4</sup> Lexy J. Moleong, Metodologi Penelitian Kualitatif (Bandung: Remaja Rosdakarya, 2000) cet. 18, h.5

The above opinion is confirmed by Hobbs' statement, the causes of traffic violations and accidents are mostly caused by humans, which includes human psychology, sensory systems such as sight and hearing, and knowledge of traffic rules.<sup>5</sup> The human factor is the most dominant factor in accidents, where almost all accidents are preceded by violations of traffic signs.

Violations can occur because people themselves deliberately violate them, they are ignorant of the applicable rules, or they don't see the provisions in force and pretend they don't know the existing rules. People's disobedience to traffic rules means that people's legal awareness never exists. In fact, traffic regulations are obeyed and adhered to with a little element of coercion, but over time you will get used to it and become a habit. Currently it appears that these rules are obeyed only because there are legal officers, when there are no legal officers then the rules are just rules..

## 2. faktor Kendaraan

The vehicle factor is the second triggering factor for traffic restrictions on the highways of Padang Lawas city after the human factor. These vehicle factors include: vehicle condition, vehicles used on the highway in principle must be healthy, because usually the roads are very congested, unhealthy vehicles can affect the travel of other vehicles, apart from that, vehicle equipment must be considered such as rear view mirrors, vehicle plates, and other equipment must be completed. Vehicles that are not equipped with these attributes are more susceptible to traffic accidents. Because these attributes support safety for drivers and other road users.

## 3. faktor Kondisi jalanan

Road condition factors are the third factor in the city of Padang Lawas after human factors and vehicle factors. These factors include: facilities and infrastructure, traffic markings or signs as well as monitoring equipment and other supporting facilities. Road conditions greatly influence motorists to commit traffic violations, for example drivers choose to use alternative roads because the roads they normally travel on are damaged, by choosing alternative roads they arrive at their destination faster than having to use damaged roads. Choosing a lane that turns out to be one way can result in traffic jams because of the difference in direction, and other drivers continue to use the right lane without thinking about drivers who use the wrong lane. This can actually make things difficult for the driver himself, and threaten the safety of other drivers. This method can even cause traffic accidents. Traffic markings or signs and road monitoring equipment as well as other supporting facilities are supporting tools to avoid traffic violations on the highway. With this unavailability, drivers do not understand the road they are traveling on because there are no traffic markings or signs installed. Even street monitoring devices such as CCTV on the streets or violation proof cameras can be a measuring tool for drivers not to commit traffic violations, but the absence of these monitoring devices means that drivers act as they please while driving without thinking about their safety and the safety of other road users.

The provision of legal sanctions has basically been in effect for a long time. Legal sanctions for traffic violations in the city of Padang Lawas can be in the form of a ticket or administrative fine. Criminal sanctions will even be imposed if the violation causes harm to other people or even results in loss of life. So this is in the category of negligence in driving due to not obeying traffic rules. We certainly understand that the impact of not obeying traffic rules is that it will cause traffic jams, which is even more fatal, causing many fatalities due to traffic

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<sup>5</sup> Hobbs, F.D 1995. Perencanaan dan Teknik Lalu Lintas. Jogjakarta: Gajahmada University Press.hlm 334

accidents, so there is a need for legal awareness for drivers to prioritize their discipline in obeying and understanding traffic rules.

## **2. Akibat Hukum Terhadap Pelanggaran-Pelanggaran Lalu Lintas Yang Dilakukan Pengendara Kendaraan Di Jalan Raya di wilayah Polres Padang Lawas**

The legal consequences of traffic violations committed by motorists on highways in the Padang Lawas Police area refer to Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation, including:

1. Not equipped with equipment in the form of a spare tire, safety triangle, jack, wheel opener, and first aid equipment for accidents.

Article 278 is punishable by a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah), Every person who drives a motorized vehicle with four or more wheels on the road that is not equipped with equipment. in the form of spare tires, safety triangles, jacks, wheel openers, and first aid equipment in case of accidents.

2. Installed with equipment that could interfere with traffic safety and not fitted with the Motor Vehicle Number Sign as determined by the National Police of the Republic of Indonesia.

Article 279 is punished with imprisonment for a maximum of 2 (two) months or a fine of a maximum of IDR 500,000.00 (five hundred thousand rupiah), Every person who drives a motorized vehicle on the road that is equipped with equipment that can interfere with traffic safety as intended in Article 58 Article 280 Every person who drives a motorized vehicle on a road that is not equipped with a motor vehicle registration number as determined by the National Police of the Republic of Indonesia as intended in Article 68 paragraph (1) shall be punished with imprisonment for a maximum of 2 (two) months or a fine of a maximum Rp. 500,000.00 (five hundred thousand rupiah).

3. Do not have a driving license;

Article 281 is punished with a maximum imprisonment of 4 (four) months or a maximum fine of Rp. 1,000,000.00 (one million rupiah), Every person who drives a Motorized Vehicle on the Road who does not have a Driving License as intended in Article 77 paragraph ( 1)

4. Disobeying orders given by officers of the Indonesian National Police;

Article 282 is punished with imprisonment for a maximum of 1 (one) month or a fine of a maximum of Rp. 250,000.00 (two hundred and fifty thousand rupiah), every road user who does not comply with orders given by officers of the Indonesian National Police as referred to in Article 104 paragraph (3)

5. Driving a motorized vehicle on the road unreasonably and carrying out other activities or being influenced by a situation that results in impaired concentration while driving on the road ;

Article 283 is punished with a maximum imprisonment of 3 (three) months or a maximum fine of Rp. 750,000.00 (seven hundred and fifty thousand rupiah), Every person who drives a motorized vehicle on the road unreasonably and carries out other activities or is influenced by a condition that results in impaired concentration while driving on the road as intended in Article 106 paragraph (1)

6. Driving a motorized vehicle without prioritizing the safety of pedestrians or cyclists; Article 284 is punished with a maximum imprisonment of 2 (two) months or a maximum fine of IDR 500,000.00 (five hundred thousand rupiah), Every person who drives a motorized vehicle without prioritizing the safety of pedestrians or cyclists as intended in Article 106 paragraph (2).
7. Driving motorbikes and four-wheeled vehicles on roads that do not meet the technical and roadworthy requirements which include rearview mirrors, horns, headlights, brake lights, direction lights, light reflecting devices, speed measuring devices, mufflers and tire tread depth and reverse lights, vehicle body dimension limit marking lights, trailer lights, windshields, fenders, bumpers, couplings, attachments or windshield wipers;

Article 285 (1) is punishable by a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah), every person who drives a motorbike on a road that does not meet the technical requirements and roadworthy which includes rear view mirrors, horn, main lights, brake lights, direction indicator lights, light reflecting devices, speed measuring devices, mufflers, and tire tread depth as intended in Article 106 paragraph (3) in conjunction with Article 48 paragraph (2) and paragraph (3) (2) shall be punished with a maximum imprisonment of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand rupiah), Every person who drives a motorized vehicle with four or more wheels on a road that does not meet the requirements technical equipment which includes rear view mirrors, horn, main lights, reverse lights, vehicle body dimension boundary lights, trailer lights, brake lights, direction lights, light reflecting devices, speed measuring devices, tire tread depth, windshield, fenders, bumpers, coupling, attaching or removing glass as intended in Article 106 paragraph (3) in conjunction with Article 48 paragraph (2).

8. Driving a motorized vehicle with four or more wheels on a road that does not meet roadworthy requirements.

Article 286 is punishable by a maximum imprisonment of 2 (two) months or a maximum fine of IDR 500,000.00 (five hundred thousand rupiah), Every person who drives a motorized vehicle with four or more wheels on a road that does not meet the roadworthy requirements as stated in referred to in Article 106 paragraph (3) in conjunction with Article 48 paragraph (3) ;

9. Violating command or prohibition rules stated in traffic signs or road markings, traffic signaling devices, traffic movements, highest or lowest speed limits.
10. Article 287 (1) is punishable by a maximum imprisonment of 2 (two) months or a maximum fine of IDR 500,000.00 (five hundred thousand rupiah). Every person who drives a motorized vehicle on the road who violates the command or prohibition rules stated in traffic signs as intended in Article 106 paragraph (4) letter a or road markings

as intended in Article 106 paragraph (4) letter b (2) shall be punished with a maximum imprisonment of 2 (two) months or a maximum fine of IDR 500,000.00 (five hundred thousand rupiah), Every person who drives a Motorized Vehicle on the Road who violates the rules of order or prohibition stated by a Traffic Signaling Device as intended in Article 106 paragraph (4) letter c (3) shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of IDR 250,000.00 (two hundred and fifty thousand rupiah), Every person who drives a Motorized Vehicle on the Road violates traffic movement rules as intended in Article 106 paragraph (4) letter d or procedures for stopping and parking as intended in Article 106 paragraph (4) letter e (5) shall be punished with imprisonment for a maximum of 2 (two) months or a maximum fine IDR 500,000.00 (five hundred thousand rupiah), Every person who drives a motorized vehicle on a road that violates the highest or lowest speed limit rules as intended in Article 106 paragraph (4) letter g or Article 115 letter a.

- i. Driving a motorized vehicle on the road that is not equipped with a motor vehicle registration certificate or motor vehicle registration certificate and cannot show a valid driving license.
- ii.
- iii. Article 288 is punishable by imprisonment for a maximum of 2 (two) months or a fine of a maximum of Rp. 500,000.00 (five hundred thousand rupiah) and a maximum of 1 (one) month and/or a fine of a maximum of Rp. 250,000.00 (two hundred and fifty thousand rupiah), Every person who drives a motorized vehicle on the road who is not equipped with a motor vehicle registration certificate or motor vehicle registration certificate and cannot show a valid driving license.
- iv. Not wearing a safety belt ;
- v.
- vi. Article 289 is punishable by a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah), not wearing a safety belt as intended in Article 106 paragraph (6);
- vii. Driving and riding a motorized vehicle other than a motorbike that is not equipped with a housing and not wearing a safety belt and wearing a helmet;
- viii.
- ix. Article 290 is punishable by imprisonment for a maximum of 1 (one) month or a fine of a maximum of Rp. 250,000.00 (two hundred and fifty thousand rupiah), every person who drives and rides a motorized vehicle other than a motorbike that is not equipped with a housing. home and not wearing a safety belt or helmet;
- x. Driving a motorbike that allows passengers not to wear helmets.
- xi.
- xii. Article 291 is punished with a maximum imprisonment of 1 (one) month or a maximum fine of IDR 250,000.00 (two hundred and fifty thousand rupiah), Every person who drives a motorbike does not wear a national standard helmet and is punished with a maximum imprisonment 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah), Every person who drives a motorbike who allows the passenger not to wear a helmet;
- xiii. Driving a motorized vehicle which due to negligence results in a traffic accident with damage to the vehicle and/or goods, resulting in minor injuries and damage to the vehicle and/or goods and serious injuries to the victim.

- xiv.
- xv. Article 310 (1) shall be punished with a maximum imprisonment of 6 (six) months and/or a maximum fine of Rp. 1,000,000.00 (one million rupiah), Every person who drives a motorized vehicle whose negligence results in a traffic accident with damage Vehicles and/or goods as intended in Article 229 paragraph (2), (2) shall be punished with imprisonment for a maximum of 1 (one) year and/or a fine of a maximum of IDR 2,000,000.00 (two million rupiah), Every person who drives Motorized Vehicles which due to their negligence result in Traffic Accidents with minor injuries and damage to Vehicles and/or goods as intended in Article 229 paragraph (3), (3) shall be punished with imprisonment for a maximum of 5 (five) years and/or a fine of a maximum IDR 10,000,000.00 (ten million rupiah), Every person who drives a Motorized Vehicle which due to his negligence results in a Traffic Accident with serious injury to the victim as intended in Article 229 paragraph (4), (4) shall be punished with a maximum imprisonment of 6 (six ) year and/or a maximum fine of IDR 12,000,000.00 (twelve million rupiah), In the event of an accident as intended in paragraph (3) which results in the death of another person,
- xvi.
- xvii. Driving a motorized vehicle in a manner or condition that is dangerous to life or property, resulting in a traffic accident with damage to the vehicle and/or goods, resulting in a traffic accident with minor injuries, resulting in a traffic accident with serious injuries, resulting in the death of another person world.
- xviii.
- xix. Article 311 is punishable by a maximum imprisonment of 1 (one) year or a maximum fine of Rp. 3,000,000.00 (three million rupiah), every person who deliberately drives a motorized vehicle in a manner or condition that endangers life or property. Sentenced to a maximum imprisonment of 2 (two) years or a maximum fine of Rp. 4,000,000.00 (four million rupiah), an act which causes a traffic accident with damage to vehicles and/or goods resulting in a traffic accident with minor injuries to the victim and is sentenced to a maximum prison sentence of 4 (four) years or a maximum fine of Rp. 8,000,000.00 (eight million rupiah), damage to vehicles and/or goods resulting in a traffic accident with serious injury to the victim as intended in Article 229 paragraph (4), the perpetrator shall be punished with imprisonment for a maximum of 10 (ten) years or a fine of up to a lot of IDR 20,000,000.00 (twenty million rupiah). (5) shall be sentenced to imprisonment for a maximum of 12 (twelve) years or a fine of a maximum of IDR 24,000,000.00 (twenty four million rupiah). In the event that the act as intended in paragraph (4) results in the death of another person, the perpetrator ;
- xx.
- xxi. Article 314 Apart from imprisonment, imprisonment or a fine, perpetrators of traffic crimes may be subject to additional penalties in the form of revocation of their driving license or compensation for losses caused by traffic crimes.



## CONCLUSION

1. There are three factors causing traffic violations by motorbike riders in the jurisdiction of the Padang Lawas Police, namely human factors, vehicle factors and road condition factors.
2. Human factors include: behavior and knowledge regarding understanding driving on the highway.
3. Vehicle factors include: vehicle condition and completeness of vehicle attributes. Road condition factors include: facilities and infrastructure, traffic signs and road markings as well as monitoring equipment and other supporting facilities.
4. The legal consequences of traffic violations committed by motorists on highways in the Padang Lawas Police area refer to Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation. Violations of traffic rules can be subject to both criminal sanctions and administrative sanctions.

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