

Application of Fines for Traffic Violations at Rokan Hilir Police Station

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ARTICLE INFO	ABSTRACT
<p>Keywords: Criminal, Fines, Traffic Offenses.</p>	<p><i>Traffic violations are a persistent issue in road traffic systems globally, including in Indonesia. Despite the enforcement of traffic laws, violations remain prevalent across various regions. This study focuses on the effectiveness of applying criminal fines for traffic violations in the jurisdiction of the Rokan Hilir Police Station and examines the factors that influence these violations. The purpose of this study is to explain the effectiveness of applying criminal fines for traffic violations in the jurisdiction of Rokan Hilir Police Station and explain the factors that influence the occurrence of traffic violations in the jurisdiction of Rokan Hilir Police Station. The results of the first study show that the application of criminal fines for traffic violations at the Rokan Hilir Police Station to date is practical, and this is to the applicable rules by Law Number 22 of 2009 concerning road traffic and transportation. Many traffic violations that occur in the jurisdiction of the Rokan Hilir Police only impose criminal fines, so in the future, imprisonment with the maximum threat must also be applied to traffic violators; this is considering that only the imposition of criminal fines has not provided a deterrent effect on violators. We can see this from the increase in violations that occur every year. The criminal fines imposed have not been able to reduce the level of traffic violations that existed previously in the Rokan Hilir Police jurisdiction, even though they have always been applied to traffic violators in the Rokan Hilir Legal Area. Second, the factors that influence the occurrence of traffic violations in the jurisdiction of the Rokan Hilir Regional Police, among others, are human factors, vehicle factors, and road condition factors.</i></p>

INTRODUCTION

Traffic violations often occur in road traffic, and even though the laws on road traffic have been enforced, violations still occur in every region in Indonesia (Doly, 2016). The forms of violations are diverse, from ordinary to severe violations. The Rokan Hilir Police carry out various socializations to minimize the number of traffic violations daily. However, the quantity continues to show extraordinary numbers. One of the law enforcement for vehicle drivers who violate traffic is to apply criminal fines, the amount of which has been determined by the law (Kusumo, 2022).

Applying criminal fines imposed on motorists who violate traffic regulations will deter the community from better complying with and obeying the rules imposed (Amrus et al., 2021). However, has the application of criminal fines been maximally carried out, especially in the Rokan Hilir Region? This is a matter of course; if the application of criminal fines had been carried out optimally, then traffic violations that occur in the jurisdiction of Rokan Hilir should have decreased by the previous quantity.

We already know that the legal rules governing traffic and road transportation are regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation (hereinafter abbreviated as Law-LLAJ) (MUSLIMAH, n.d.). Regarding traffic procedures on the road, they are regulated from Article 105 to Article 126.

Law enforcement in the field of traffic must emphasize this to all motorists, as it is related to the high level of accidents that occur on the streets (Rafki, 2020). Given the need for public legal awareness of the importance of complying with existing rules so far. The higher the level of traffic violations that occur, the higher the rate of

traffic accidents on the roads (Desril et al., 2018). However, several factors influence the occurrence of road accidents. These factors include driving vehicles not according to the rules, pedestrians who are less careful with speeding vehicle traffic, vehicle damage, road situations and conditions, and disobeying existing traffic signs (Ruusen, 2021).

Traffic and road users have a vital and strategic role, so the state controls its implementation. The government carries out its guidance to realize safe, fast, smooth, orderly, and orderly traffic and road users (Rakhmani, 2019). Development in the field of road traffic, which includes aspects of traffic regulation, control, and supervision, must be aimed at the safety, security, order, and smoothness of road traffic (Siregar, 2022). The parties responsible for the operation are not only POLRI but also other parties, namely the active participation of the community itself.

Based on the background that has been described, the objectives of this research are to analyze the effectiveness of criminal fines in reducing traffic violations in the Rokan Hilir region and to identify factors that influence the implementation of traffic laws. The benefits expected from this research include providing insights for policymakers to enhance traffic law enforcement strategies, offering recommendations to improve public awareness and compliance with traffic regulations, and contributing to the overall reduction of traffic violations and accidents. By achieving these objectives, the research aims to support the creation of a safer and more orderly traffic environment in Indonesia.

METHOD

The approach used is a juridical sociological (sociolegal) approach, which examines law sociologically. The sociolegal approach is interdisciplinary. The aim is to combine all aspects of disciplinary perspectives, social science and law, into a single approach. Because of this approach, the sociolegal goal is to thoroughly combine the knowledge, skills, and forms of research experience from two (or several) disciplines to overcome some of the theoretical and methodological limitations of the disciplines concerned and create a foundation for developing a new form of analysis (Wiratraman, 2008). Sociology of law is a branch of sociology in the field of law that has an understanding of science that studies legal symptoms in society. Thus, the type and approach taken are empirical; in other words, they are juridical sociological approaches or sociological studies of law.

According to Sabian Utsman, law can be studied and researched as a non-doctrinal and empirical study of the law that lives in society (Utsman, 2010). Sociological, legal research emphasizes the importance of empirical observation, observation, and analytical steps, better known as sociolegal research. So empirically, the things that will be researched regarding the application of criminal fines in traffic violations in the Rokan Hilir Police Legal Area are as follows:

The type of data used in this study is qualitative data, namely data that is not in the form of numbers that can be obtained from recordings, observations, interviews, or written materials (laws, documents, books, and so on). When viewed from the source, there are two data sources, namely primary data sources and secondary data sources.

Data collection is carried out through field studies and continues with literature studies. Field studies, namely data collection using observation and interviews with the Rokan Hilir Police Traffic Unit. Observation is carried out by observing the activities to connect and link between primary and secondary data in this study. The literature study is data collection by studying and reading literature related to the problem that is the object of research. Data collection in literature studies involves tracing, examining, and reviewing secondary data. (Taufani, 2018).

RESULTS AND DISCUSSION

Effectiveness of the Implementation of Criminal Fines for Traffic Violators in the Legal Area of Rokan Hilir Police Station

Fines are a punishment imposed on all drivers who violate traffic laws. The provisions regarding criminal fines for every traffic violation are clearly and regulated in Law Number 22 Year 2009 (Laluyan, 2022). A criminal fine is the provision of a certain amount of money as compensation for motorist violations (Fitri et al., 2023). However, even though criminal fines are imposed on traffic violators, especially in the jurisdiction of Rokan Hilir Police Station, the number of violations can be categorized as relatively high. This is still a question of whether applying a very light fine is not to influence the deterrent effect for the perpetrators of existing violations because the sanctions have to provide a deterrent effect as the real purpose of punishment. The number of traffic violations

that are not by applicable regulations, as well as the behaviour of unscrupulous officials who seem to help violators escape from the law, adds to the fact that traffic violators are not punished for the violations committed. The behaviour of unscrupulous officials in securing violators is a criminal act that can be punished. For violators who ask not to be given legal sanctions by giving bribes to unscrupulous traffic unit officers, with a maximum imprisonment of 2 years and eight months by Article 209 of the Criminal Code: "Whoever gives a gift or agreement to a public servant to induce him to do or omit something in his work contrary to his obligations, as well as giving a gift to a public servant because or in connection with the public servant has made or omitted something in carrying out his work contrary to his obligations, shall be sentenced to imprisonment for a maximum of two years and eight months or a maximum fine of Rp. 4,500,-. Meanwhile, for unscrupulous officers of the Traffic Police Unit, if they are found to have received bribes, Article 419 of the Criminal Code will be applied with a maximum imprisonment of five years, which reads: "Who accepts a gift or agreement, knowing that the gift or agreement is given to him to induce him to do or do something in his position contrary to his obligations, and who accepts a gift, knowing that the gift is given to him because of or in connection with what has been done or done in his position contrary to his obligations. So, between those who give bribes and those who receive bribes for traffic violations, both are given punitive sanctions by the Criminal Code.

Direct law enforcement is carried out by Satlantas Polres Rokan Hilir, who knows of traffic violations by motorists, both motorbikes and cars, namely by ticketing or direct action by confiscating a driver's license, vehicle registration, or vehicle and giving a ticket to the traffic violator. The ticket's form and format contain the violator's identity, the type of offence, the location of the offence, the evidence requested, the time of the hearing, the data of the violator, and the signature. The ticket consists of 4 copies of different colours. Red for traffic violators, green for the court, white for the prosecutor's office, and yellow for the police. According to its function, the ticket serves as a cover letter for the summons to the district court, as well as an introduction to the payment of fines to the bank and as evidence that is confiscated, such as the SIM, STNK, and motor vehicle of the violator.

Based on 2019 data obtained by the author from the Rokan Hilir Police Traffic Unit, traffic violation cases reached 10,923 violators. These violations were dealt with from several locations in the Rokan Hilir Police Law area. Previously, in 2018, the number of violations only reached 8,076. This proves that violations have increased every year. Of the many violators who were prosecuted, dominated by motorcyclists, violations were committed for not carrying a driver's license (SIM) or not using a national standard helmet as for four-wheeled riders who were prosecuted for carrying overloads or exceeding the specified capacity.

There are various forms of violations and several types of ticket fines imposed on all violators of traffic rules at the Rokan Hilir Police Station committed by motorists on the road; these violations start from ordinary traffic violations to severe violations, including:

1. Does not have a driver's license

Article 288, paragraph (2) of the UULAJ provides that:

"Every person driving a motor vehicle on the road who cannot show a valid driving license as referred to in Article 106 paragraph (5) letter b shall be punished with a maximum imprisonment of 1 (one) month and a maximum fine of Rp250,000.00 (two hundred fifty thousand rupiah). Suppose the driver has no license and carries the vehicle on the streets. In that case, a fine of Rp 1 million or imprisonment for four months will be imposed.

2. No vehicle registration

STNK (vehicle registration number) is a mandatory document for every motorist in Indonesia. If the driver cannot show the STNK during a raid by the Rokan Hilir Police Traffic Unit, a violation fine of Rp 250,000 or a maximum prison sentence of one month is imposed in accordance with Article 288 paragraph 1.

3. Not Wearing SNI Helmet for Motorcycle Riders

The use of SNI helmets for motorcyclists is a special requirement. Motorcyclists who do not wear SNI helmets on the road are subject to a sanction of Rp 250,000 according to Article 106 paragraph 8 or a maximum imprisonment of one month. The use of SNI standard helmets is not just a formality to avoid being ticketed by the Traffic Police; wearing SNI standard helmets is more about providing a sense of security and comfort for the rider while driving and providing safety for the rider.

4. Motorcycle Passengers Not Wearing Helmets

Traffic violations are not only committed by motorcyclists; passengers who ride with them can also violate traffic rules. Both the rider and the pillion must wear helmets for their own safety. If the pillion does not wear

a helmet, a fine of Rp 250,000 will be imposed under Article 106 paragraph 8 or a maximum of one month in prison.

5. Not Turning on the Headlights at Night

Violation fines apply to motorists who do not turn on the headlights of their motor vehicles at night. Drivers on the road without turning on the headlights are subject to imprisonment for a maximum of 1 month or a fine of Rp 250,000,- thousand according to Article 285, paragraph 1.

6. Using Cellphone While Driving

Drivers of motorized vehicles and cars caught in the raid while driving while on the phone are subject to a fine of Rp.750,000, - according to Article 106 or three months imprisonment. The ban on making phone calls while driving is being implemented to avoid traffic accidents because many accidents have occurred so far due to drivers not focusing on driving due to telephone use on the road.

7. Driving on the Shoulder of the Road

Motorists passing on the shoulder of the road are not allowed at all. This violation will be subject to a fine of IDR 500,000, according to Article 41, paragraph 2. The use of the road shoulder is only allowed for emergencies. For example, on toll roads, the shoulder ensures that vehicles such as ambulances can pass without obstacles.

8. Not giving priority to road users

There are several criteria for vehicles that get priority to take precedence. This is stated in Law Number 22 Year 2009 Article 134 letter b. The vehicles in question are firefighters, ambulances, corteges, and official vehicles. If other drivers do not give this priority to the vehicle in question, a fine of Rp 250,000 will be imposed.

9. Driving Over the Speed Limit

One of the traffic rules that must be obeyed is the speed limit in driving a vehicle. For car and motorcycle drivers who violate the rules of the lowest or highest speed limit while on the highway, a fine of Rp 500,000 is imposed according to Article 106 paragraph 4 or a maximum imprisonment of two months.

10. Does not meet technical and roadworthy requirements

Motorized vehicles going through the highway must meet other technical requirements, such as headlights, taillights, windshields, mirrors, horns, brake lights, bumpers, car wipers, etc. Vehicles that do not meet the technical requirements and are not even roadworthy are subject to a fine of IDR 500,000 or imprisonment for two months. This is regulated in Article 286 of ULLAJ Number 22 the Year 2009 (not meeting roadworthy requirements). While Article 288 of ULLAJ Number 22 Year 2009 (Not equipped with periodic test certificate and test pass mark).

11. Not Wearing a *Safety Belt*

Forgetting or for any other reason, drivers and passengers who do not use *safety belts* are subject to a fine of Rp 250,000 or two months' imprisonment.

12. Not Fitted with a Motor Vehicle Number Sign

This violation fine applies to motorists needing to install their vehicle license plates. This will result in a two-month prison sentence or a fine of Rp 500,000.

13. Not complying with provisions regarding loading procedures, carrying capacity, and vehicle dimensions.

This is regulated in Article 307, as referred to in Article 169 paragraph (1). A person who violates this shall be punished with a maximum imprisonment of 2 (two) months or a maximum fine of Rp500,000.00 (five hundred thousand rupiah).

Based on the explanation of Article 267 Paragraph (1) of the LLAJ Law, the settlement of traffic violation cases is resolved according to the speedy trial procedure. Article 201 of the Code of Criminal Procedure regulates the speedy examination procedure. The examination of traffic violation cases can be interpreted as a bare punishment that a person must serve as a law or reciprocity of an act that has been committed where the act is contrary to the laws and regulations (Hamzah, 2010). So, the conclusion is that the application of criminal fines for traffic violations in the jurisdiction of the Rokan Hilir Police is practical, as can be seen from the number of violations handled by the Rokan Hilir Police.

Factors affecting the occurrence of traffic violations in the Rokan Hilir District Police jurisdiction

Three factors influence the occurrence of traffic violations in the Rokan Hilir Police Law Area, namely:

1) Human Factors

Human factors occur due to a person's lack of legal awareness of existing rules. This factor includes behaviour and knowledge about driving on the road. The human factor is the highest factor that causes traffic violations

in the Rokan Hilir Police jurisdiction. For example, when making a SIM (Driving License), the right thing to do is to follow all the procedures to get it. However, some people prefer shortcuts to get it without going through the existing procedures. Lack of understanding of traffic signs and road markings and need to know about laws relating to road traffic.

2) Vehicle Factor

The vehicle factor is the second factor that influences the occurrence of traffic violations on the highway. Vehicles are a determinant for motorists who commit traffic violations. Unstable or unhealthy vehicle conditions make it more difficult for drivers to drive on the road and even interfere with the safety of other drivers or users of the same road. Thus, many accidents occur on the road because of the condition of vehicles that are not roadworthy but are still being driven.

3) Street Factor

Road factors are very decisive for motorists who commit traffic violations. We can see that motorists will take shortcuts if they see that other roads cannot be used for their vehicles even though the road can only be used for other motorists according to existing rules. As a result, motorists go against the flow or use lanes that these motorists should not use. Eventually, a violation occurs. This can even be dangerous for other drivers and lead to road traffic accidents.

As a result of the many traffic violations that occur in the jurisdiction of the Rokan Hilir Police, there are high accidents in this region. So, it is necessary to improve the pattern of understanding of the community little by little so that they realize that it is essential to drive appropriately by obeying the rules that apply to road traffic. Whether or not there is a law officer, obeying and complying with the rules that apply in traffic will bring safety to yourself and others.

CONCLUSION

Applying criminal fines imposed by the Rokan Hilir Regional Police is effective. This can be seen from the number of cases of violations handled by the Rokan Hilir Traffic Police. Although criminal fines are imposed on traffic violators, this has not yet deterred the perpetrators. Criminal fines are still considered light for the violator to make up for it. So, the reduction in the level of traffic violations still needs to be expected. The number of traffic violations is increasing every year. Factors that influence the occurrence of traffic violations in the Rokan Hilir Police Law area are human factors, vehicles, and road conditions.

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