

Effectiveness of the Application of Fines in Traffic Violations in the Jurisdiction of Dumai Police Resort

Doni Heriawan^{1*}, Zainal Abidin Pakpahan², Nimrot Siahaan³

^{1,2,3} Faculty of Law, Universitas Labuhanbatu, Indonesia

*Email: doniherawan@gmail.com, zainalpakpahan@gmail.com, nimrotsiahaan4@gmail.com

ARTICLE INFO	ABSTRACT
<p>Keywords: Effectiveness, Criminal Fines, Traffic Violations.</p>	<p><i>Traffic violations are a problem that continues to be faced by the Dumai Police jurisdiction. Applying criminal fines as sanctions for these violations is expected to reduce the number of violations and improve road safety. The purpose of this study is to explain the effectiveness of the application of criminal fines for traffic violations in the jurisdiction of the Dumai Police Station and to explain the factors that influence the occurrence of traffic violations in the jurisdiction of the Dumai Police Station. The method used in this research is a sociological juridical approach (sociolegal). The results showed that applying criminal fines for traffic violations at Dumai Police Station is still adequate. This can be seen from the number of offenders required to pay fines by the rules in Law Number 22 of 2009 concerning Road Traffic and Transportation. However, even though fines have been applied, they have yet to have a significant deterrent effect on violators. Violators often consider fines a redeemable punishment, making it possible for them to repeat the same offence in the future. Therefore, imprisonment should be considered in addition to fines to provide a more substantial deterrent effect. Factors that influence the occurrence of traffic violations in the jurisdiction of Dumai Police include human factors, vehicle factors, and road condition factors. This research implies the need to evaluate and review the policy of applying criminal fines for traffic violations. A combination of fines and imprisonment can increase the deterrent effect and reduce the number of traffic violations in the jurisdiction of Dumai District Police.</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 (Ahdi, 2019). The forms of violations are diverse, from ordinary to severe violations. The Rokan Hilir Police have carried out various socializations to minimize the traffic violations that occur every day. However, the number continues to show extraordinary numbers. One of the law enforcement for vehicle drivers who violate traffic is the application of criminal fines whose amount 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 (Sudarsono et al., 2020). However, has the application of criminal fines been maximally carried out, especially in the Rokan Hilir Region? This is a matter of course. Suppose the application for criminal fines has been carried out optimally. In that case, traffic violations in the jurisdiction of Rokan Hilir should have been reduced 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). Regarding traffic procedures on the road, they are regulated from Article 105 to Article 126 (Mustifah, 2023).

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 (Sunaryo et al., 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 need to be more 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 and its guidance control the government to implement it to realize safe, safe, fast, smooth, 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.

The purpose of this research is to evaluate the effectiveness of criminal fines in reducing traffic violations and to understand the factors influencing traffic compliance in the Rokan Hilir region. The benefits of this study include providing insights for policymakers to enhance traffic law enforcement strategies, increasing public awareness of traffic regulations, and ultimately contributing to safer road conditions.

METHOD

The research employs a juridical sociological (sociolegal) approach, examining law sociologically. This interdisciplinary approach allows for a comprehensive understanding of legal phenomena by integrating legal analysis with social science methods. . Sociological, legal, or sociolegal research emphasizes the importance of empirical observation and analytical steps (Utsman, 2010). Data collection techniques include a literature review, which involves analyzing relevant legal texts, statutes, regulations, and academic literature to provide a theoretical foundation. Document analysis is also utilized, examining legal documents, court decisions, and policy papers to gather detailed information. Additionally, observations are conducted by directly observing legal proceedings or relevant social settings to gather contextual data.

RESULTS AND DISCUSSION

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

Fines are a punishment imposed on all motorists who violate traffic laws (Sudarsono et al., 2020). The provisions regarding criminal fines for every traffic violation are clearly and regulated in Law Number 22 Year 2009. A criminal fine is the provision of a certain amount of money as compensation for motorists' violations. (Amrus et al., 2021). However, even though criminal fines are imposed on traffic violators, especially in the jurisdiction of Dumai Police, the number of violations can be categorized as relatively high. This is still a question of whether applying a very light fine is considered not to influence the deterrent effect for the perpetrators of existing violations because the sanctions have to have 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 apply 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 Dumai, who are aware of traffic violations by motorists, both motorbikes and cars, namely by ticketing or direct action by confiscating the SIM, STNK, 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 (Suherman, 2019). Red for traffic violators, green for the court, white for the prosecutor's office, and yellow for the police (Nirvana & Marilang, 2020). 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 violator's SIM, STNK, and motor vehicle (Kusuma et al., 2022).

Based on 2022 data from Satlantas Polres Dumai, cases of traffic violations they reached 11,073 violations, with a total of 7,604 in the form of direct action (ticketing) and as many as 13,469 for reprimand action. Previously, in 2021, there were 15,461 violations, with a total of 10,983 through direct action (ticketing) and 4,478 for reprimand action. This figure shows a slight decrease from the previous year. Traffic violations that occur such as not carrying a driver's license (SIM) not using a national standard helmet, carrying overload or exceeding the specified capacity vehicles not equipped with official vehicle documents, not equipped with motorized vehicle plates, not completing vehicle attributes and violating road markings, and so on (AMYRULLOH, 2024).

There are various forms of violations and several types of ticket fines that are applied to all violators of traffic rules at the Dumai 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 is unable to 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 Dumai Police Traffic Unit, a violation fine of Rp 250,000 or a maximum prison sentence of one month will be 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 Do not Wear 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 Cell Phones While Driving

Drivers of both motorized vehicles and cars who are 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. Many accidents that have occurred so far have occurred because drivers were 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. According to Article 41, paragraph 2, this violation will result in a fine of IDR 500,000. The use of the road shoulder is only allowed in emergencies. For example, on toll roads, the shoulder ensures that vehicles such as ambulances can pass without obstacles.

8. They are 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 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

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

12. Not Fitted with a Motor Vehicle Number Sign

This violation fine applies to motorists who do not install their vehicle license plates. A two-month prison sentence or a fine of Rp 500,000 will result.

13. They are 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 (Aly, 2019). So, the conclusion is that applying criminal fines for traffic violations in the jurisdiction of the Dumai Police is practical, as can be seen from the many violations handled by the Dumai Police.

CONCLUSION

The application of criminal fines imposed by the Dumai Police is practical. This can be seen from the many cases of violations handled by the Dumai Traffic Police Unit. 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 Dumai Police Law area are human factors, vehicles, and road conditions.

REFERENCES

Ahdi, W. (2019). *Implementasi Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan (Studi Tentang Penertiban Lalu Lintas Di Wilayah Hukum Kepolisian Kota Besar Banda Aceh)*. UIN Ar-Raniry Banda Aceh.

Aly, B. (2019). *Kitab Undang-Undang Hukum Acara Pidana*. Ilmu Cemerlang Group.

Amrus, A. B., Abbas, I., & Djanggih, H. (2021). Efektivitas Penerapan Pidana Denda Terhadap Pelanggaran Lalu Lintas. *Toddopuli Law Review*, 1(1), 29–42.

Amyrulloh, B. (2024). Analisis penyebab pelanggaran lalu lintas oleh pengendara kendaraan bermotor. *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora*, 2(2), 81–103.

Desril, R., Elviandri, E., Aksar, A., Raihana, R., Sommaliagustina, D., & Lestari, T. W. (2018). Penyuluhan hukum keselamatan lalu lintas: Strategi mewujudkan budaya patuh hukum lalu lintas. *Jurnal Pengabdian UntukMu NegeRI*, 2(2), 93–103.

Kusuma, A. T., Raharjo, S., Nurnaryanto, E., & Janabadra, M. I. H. (2022). Kajian Hukum Terhadap Penerapan E-Tilang Dalam Memberikan Kepastian Hukum Terhadap Pemberlakuan Sanksi Denda Bagi Pelanggar (Studi Di Dirlantas Polda DIY). *Kajian Hasil*.

KUSUMO, M. J. G. (2022). *Disparitas Putusan Hakim Dalam Penjatuhan Pidana Denda Perkara Tindak Pidana Pelanggaran Lalu Lintas Di Pengadilan Negeri Purworejo*.

Mustifah, A. A. (2023). *Peran Satlantas Polres Brebes Dalam Penegakan Hukum Pelanggaran Kendaraan Bermotor Berdasarkan Undang-Undang Lalu Lintas Dan Angkutan Jalan (Studi Penelitian di Satuan Lalu Lintas Polres Brebes)*. Universitas Islam Sultan Agung (Indonesia).

Nirwana, N., & Marilang, M. (2020). Legalitas Pelanggaran Lalu Lintas Oleh Angkot Pete-Pete di Kota Makassar. *Alaaddin Law Development Journal*, 2(3), 353-373.

Rakhmani, F. (2019). Tanggung Jawab Pemerintah Akibat Kerusakan Jalan terhadap Kecelakaan Kendaraan Bermotor Berdasarkan Pasal 238 Undang-undang No. 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan. *Jurnal NESTOR Magister Hukum*, 4(4), 209676.

Ruusen, A. S. (2021). Penegakan Hukum Pidana Karena Kelalaian Pengemudi Kendaraan Yang Mengakibatkan Kecelakaan Lalu Lintas. *Lex Crimen*, 10(2).

Siregar, L. (2022). Implementasi Undang-Undang No 22 Tahun 2009. *Jurnal El-Thawalib*, 3(2), 349-362.

Sudarsono, M. A. F., Malik, F., & Anshar, A. (2020). Penerapan Sanksi Pidana Denda Sebagai Upaya Menekan Tingkat Pelanggaran Lalu Lintas di Kota Ternate. *Khairun Law Journal*, 4(1), 12-28.

Suherman, M. (2019). *Peran Dan Fungsi Kepolisian Dalam Undang-Undang Ri No 22 Tahun 2009 Tentang Lalulintas Dan Agkutan Jalan (Studi Kasus Polres Kpta Palopo)*. Institut Agama Islam Negeri Palopo.

Sunaryo, S., Fakih, M., Syamsiar, R., & Kasmawati, K. (2020). Peningkatan Kesadaran Hukum Masyarakat Terhadap Undang-Undang Nomor 22 Tahun 2009 Sebagai Upaya Mewujudkan Terciptanya Tertib Lalu Lintas Di Jalan Raya. *Jurnal Pengabdian Kepada Masyarakat Sakai Sambayan*, 4(2), 155-164.

Utsman, S. (2010). Dasar-dasar Sosiologi Hukum: Dilengkapi Proposal Penelitian Hukum (Legal Research). *Yogyakarta: Pustaka Pelajar*.