



Law Enforcement of Criminal Acts of Traffic Violations: Alternative Case Studies in the Settlement of Criminal Acts of Traffic Violations



Annie Myranika ^a

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Corresponding Author ^a



Keywords

*alternative case;
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Abstract

The purpose of this research is to find out: (1). A new idea in the application of a traffic violation settlement model. (2). The settlement model for traffic violations is given proof violation. (3). The new traffic violation crime model in the form of a SIM or STNK was not confiscated by officers, but an ID card as collateral. (4). Violators pay the ticket via ATM, internet banking, and phone banking. This research method uses descriptive qualitative. Data collection techniques are in-depth interviews, field surveys which are analyzed as data, literature studies in the form of notes, videos, CCTV, and other documents. The obstacles in the practice of law enforcement of traffic crime violations have not gone well (1). Human resource constraints for law enforcement are still limited (2). Facilities and infrastructure constraints (3). Law enforcement cultural factors and community factors. Conclusion: (1). The idea of an alternative model for solving traffic violations is simple, fast, cheap, and uncomplicated (2). The idea of a model for completing a SIM and STNK ticket was not confiscated, but an ID card. (3). Violators who have paid a fine through the bank then the bank will forward it to the traffic police sub-directorate.

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^a Islamic Sheikh Yusuf University, Tangerang, Indonesia

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1 Introduction

The police are one of the government institutions that have an important role in law enforcement. The enforcement of the law of life is largely determined by the structural factors of the legal institution, such as the legal substance factor and the legal culture factor (Pangestuti, 2017). Police are an institutional apparatus that carry out government functions in maintaining security and public order. Law enforcement in the form of protection, protection, and service to the community is based on the 1945 Constitution, Law No. 8 of 1981 concerning the Criminal Procedure Code, Law No. 2 of 2002 concerning the Police, and other laws that regulate. The function of the police has a function, namely, the preventive function is carried out in order to provide protection, protection, and service to the community, and the repressive function as a law enforcement function (Waluyo, 2020; Wicaksana et al., 2016).

Traffic law enforcement has a role so that traffic laws are obeyed by every road user. Activities can be grouped into two parts of preventive traffic law enforcement which include activities in traffic regulation, traffic control, traffic control, and traffic patrol, in its implementation is a traffic security system between one sub-system and other sub-systems (Yusnita, 2018). Traffic law enforcement in the repressive field includes taking action against violations and investigating traffic accidents. The task of enforcing traffic law violations includes educative action, namely taking traffic violations by giving warnings or warnings against traffic violations. Juridical action can be interpreted as legal action against traffic violations which includes prosecution by using a ticket.

Law Number 22 of 2009 concerning the regulation and application of criminal sanctions is strictly regulated. Violators of a mild nature are subject to criminal sanctions of imprisonment or relatively lighter fines (Andrisman, 2009). However, for serious violations and there is an element of intent, they are subject to heavier criminal sanctions. This is intended to create a deterrent effect for perpetrators of violations, by not burdening the community. Criminal sanctions in Law No. 22 of 2009, which regulates administrative sanctions for transportation companies in the form of warnings, suspension of permits, revocation of permits, and fines. Provisions regarding criminal and administrative sanctions with threats to officials as executors.

The purpose of the traffic rules

Peace or bribery of officers in the field. Settlement of traffic violations involving law enforcement officers such as prosecutors and courts. To make it easier for the public to prevent collusion by the apparatus, the ticketing system provides a number of options for violators (Rili Anita, 2016). The current ticketing mechanism, which is too long and bureaucratic, is a lengthy process that results in high costs (costly). This condition often gives rise to corrupt practices carried out by officers in the field with traffic violations that are often used peacefully on the spot, which results in a ticket fine that should have been entered into the state treasury and evaporated because of such illegal practices.

The reason for the increase in the level of traffic violations is because many motorized vehicle users do not comply with traffic, for example, do not carry a SIM or STNK and do not wear helmets, rearview mirrors, and so on (Badri et al., 2017). Actions for motorized vehicle users who do not comply with traffic regulations will be given a fine. The current ticketing system provides three options for violators, which are as follows:

- a) Offenders come directly to the Court for trial by bringing a red blank to undergo a traffic violation trial. The trial was held on Friday where the trial was carried out in accordance with the locus delicti and tempus delicti of the offender.
- b) The violator pays directly to Bank BRI because it is a violation on the highway, with a ticket during working hours, the violator can pay a fine at the nearest BRI Bank. By bringing a blue blank, then the violator can take the evidence confiscated by the police.
- c) The violators deposit the ticket through the officer in the field. Misappropriation of money entrusted by violators to officers is often misused by officers in the field. However, the negative assumption from the

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community is that if the police receive fines for ticketing, it is as if officers in the field receive peace money from traffic violators.

- d) The three options are based on the Decree of the Head of the National Police No. Pol: SKEP/443/IV/1998, April 17, 1998 (SK 1998). From a well-intentioned option, in the end, suspicion arose because it was one of the options available for offenders who did not attend the trial.

2 Materials and Methods

This research is sociological juridical research. This type of research is based on a review approach to research based on laws and regulations and other materials related to law enforcement of traffic violations (Arliman, 2015).

Data collection technique

To obtain materials and data in this study, it was carried out in various ways, namely:

- a) Literature research
Activities in collecting data in examining or tracing documents related to research in the literature that can provide information and information needed by this research.
- b) Interview
In this study, primary data was collected through in-depth interviews at the police level, especially the traffic police. The idea as an alternative to solving criminal offenses in traffic violations is fast and closing the opportunity to carry out amicable fines with officers so that the settlement of traffic violations has not gone well.
- c) Data Analysis
The data that has been obtained is presented in a qualitative descriptive manner, which describes the data obtained based on the results of field studies which are then analyzed with theories and concepts that are considered appropriate

3 Results and Discussions

Alternative model ideas in the settlement of traffic violations

According to Law 14 of 1992 which has been enacted, the payment of a ticket fine does not have to be made in court. However, violators can pay directly to Bank BRI, which then takes a SIM or STNK that is being held by the police as collateral (Cecil, 2011). This method is effective at first because it can cut down the bureaucracy of ticketing courts, which is usually no later than a week after the incident. In practice, illegal levies that always corner the police can be reduced. Violators who admit their guilt will feel comfortable because the fine money is included in the state treasury.

The purpose of the ticket regulation is to eradicate the possibility of peace in place, against violators committed by drivers through bribes to police officers in the field. In order to make it easier for the public and prevent collusion and corruption with the authorities, a ticketing system is implemented by providing a number of options for violators (Danang, 2011). For various reasons, time and transportation costs, violators who are ticketed prefer the option of paying a maximum fine of Rp. 500,000.00 (five hundred thousand rupiahs). Offenders authorize a trial to the police.

Settlement of traffic violations that are in the criminal justice system involving law enforcement officers. Prosecutors and courts. To make it easier for the community and prevent collusion by the authorities, the ticket system provides a number of options for violators. Based on this option, deviations arise, because violators who do not want to attend the trial can appoint a proxy, in this case, the police, and deposit the fine money in the bank that has been set. The provisions of the rules regarding fines that must be deposited are

often greater than the judge's verdict and fine, so there is a difference (Setiadi & SH, 2017; Soekanto, 2012; Suparman, 2011).

The judge's decision that has been executed by the prosecutor is that there is excess money in the bank. Even though the amount is abundant, no party can take advantage of it because the legal status of the money actually belongs to the person who was ticketed (Alghuson et al., 2019; González-Iglesias et al., 2012). By reason, time, and transportation costs, violators who are ticketed are reluctant to take the rest of the fine money. It would be unfair if the reluctance of violators were to take care of their rights to the remaining fines so that the police must bear the consequences. The police are often accused and exposed to sap from the deposition of funds in the bank. Various efforts to produce breakthroughs in order to avoid deposition of funds in the bank. It can be anticipated by using a smart SIM that uses microchip technology that functions as a legal means of payment in the form of fines with the right size and no difference (Yagil, 1998; Castillo-Manzano et al., 2019).

The results of efforts to overcome the problem of past violations are already starting to appear. With the enactment of Law No. 22 of 2009 concerning Road Traffic and Transportation. Article 268 of the Law can answer the question of depositing the remaining money for the ticket fine (Gunadi & Efendi, 2014). The first paragraph stipulates the provisions of the remaining fines, which must be notified to violators to be taken. The next paragraph stipulates that if the remaining fine money is not collected within one year, it will be deposited into the state treasury. Article 269 also confirms the money for the ticket fine. Will be deposited into the state treasury as non-tax state revenue. With clearer provisions to prevent prejudice and have legal certainty over the management of the remaining funds (Shaaban & Pande, 2018; Ibrahim et al., 2020).

Offenders come straight to court

Traffic violators who will attend court hearings, the place is jostling, waiting a long time to be processed, minor violations, such as violations of not carrying a helmet, forgetting to bring a SIM or STNK, violating signs, and so on. Creating new problems with the presence of individuals who offer services to assist the process of court ticketing by paying a certain amount of money.

Offenders pay directly through Bank BRI

Violations with fines pay directly through the bank, have limitations, when ticketed in the afternoon or evening or during holidays, the violator cannot pay directly at the bank that has been appointed because the bank's service limit is also limited, and if there are violators who are domiciled outside the area where the violator is ticketed will have difficulty and require excessive costs to take care of the ticketing case (Effendi, 2013). Violators who do not come to court or do not pay through the bank can entrust them to police officers in the field.

Violators are given a red ticket

The increase in the number of traffic violations from year to year in Tangerang City is increasing, with the potential for traffic violations very much. Meanwhile, the number of law enforcers, including the police, prosecutors, and judges in court, has limited personnel to resolve traffic violations. The current ticketing system applies three options, namely: being tried in court, paying to Bank Rakyat Indonesia, or entrusting it to a proxy for trial (Husin, 2016). The court's power is the police. For the three options, the legal basis is the Decree of the Chief of the National Police No. Pol: SKEP/443/IV/1998, April 17, 1998 (SK 1998).

Court trial options

Traffic hearings at the Tangerang District Court, which are always held on Fridays, the condition of the main courtroom which is used as a trial venue is packed with violators. The trial process only runs briefly about 1 to 2 minutes for each violator. Illegal levies are not only the domain of street officers (Hartono, 2014). Violators when following the trial process there are brokers from the ticket number announcement board who offer their services. It is not only a matter of looking at serial numbers, but the practice of brokering is also

continuously offered by individuals so that violators do not need to attend the trial. This is considering a large number of violators with a grace period of trial titles that exist only every Friday. The rest of the violators can take a SIM or STNK at the counter provided or the prosecutor's office after the file is returned.

Option to pay to the designated bank

The trial uses a pure ticket system, but a merging system is used according to the criminal procedure law. The community is given an alternative and everyone brings a blue sheet and can deposit money according to the table list, or can pay directly to BRI (Kusmagi, 2010). If the violator chooses to pay to BRI, the police appoint a special officer or the violator to pay the fine to BRI, then provide a receipt as proof of having paid, so the violator comes to the designated police station. After the violator pays the fine and asks for the driver's license, STNK that he has deposited, the blue sheet is sent to the District Court for a trial without the violator's presence. The amount of the fine is determined from the table of the amount of the ticket that has been agreed upon by the judge. The amount of fines in this table is different for each province. The table which is also attached to the back of this ticket book is made to make it easier for violators.

The violator admits the mistake that has been made and will settle the ticket fine at the BRI bank. The officer will write the highest fine imposed by the law on the ticket so that this alternative is now rarely requested by violators because for the driver's license article only a fine of 1 million rupiahs is imposed (Watson et al., 2015; Retting & Williams, 1996). However, if the traffic violator has enough money, please ask for alternative II, and the traffic violator will receive a blue sheet. Violators come to BRI bank by paying a maximum fine there, then bring proof of payment to the ticketing unit. The weakness with paying directly is that the Bank only serves during working hours from 8 am to 3 pm, while traffic violators are ticketed at night, violators cannot pay directly at the Bank.

Option to entrust the power of attorney for the trial

Paying directly to BRI with a blue slip, violators can pay by entrusting them to a police officer. Such violators authorize the police to be present in court, and the case will be tried in a *verstek* manner. The ticket also acts as a power of attorney (Nugroho & SH, 2019). For example, because BRI was closed because it was night, then the officer paid BRI and sent the slip to the District Court. The violator admits the wrong that has been done and will entrust the fine to the Police officer. This alternative is intended for violators from outside the city who do not have time to complete a trial in court or at BRI bank.

The principle in the new model of ticketing in law enforcement can be done simply, quickly, and cheaply, especially for violations of not carrying a SIM but carrying an STNK, not turning on the lights during the day, not wearing a helmet, vehicles only wearing incomplete rearview mirrors and so on are classified as violations. light. The current law enforcement system against traffic violators is too long, time-consuming, laborious, and costly, thus making traffic violators take shortcuts by entrusting the management of their violations to police officers in the field. The current ticketing model is considered too bureaucratic with a long process, causing high costs. This condition often raises and becomes an opportunity for corrupt practices carried out by officers in the field with traffic violators with the term often used being peaceful in place. As a result, the fines that should have gone into the state treasury have evaporated due to extortion practices (Castellà & Pérez, 2004; Atmaja, 2018).

Law enforcement human resource constraints

Law enforcers are officers who are directly involved in the law enforcement process. Enforcement of the law includes taking action against wrongdoers and maintaining peace, including upholding justice (Kondoahi, 2015). As law enforcement, the traffic police according to their duties and functions must be able to protect, protect and serve the community and provide a good example. But as it is known that every police officer as a law enforcer has a different level of education from one another. with a bachelor's, baccalaureate, or high school education level. So that in carrying out their duties as legal officers, especially traffic police, if they take action against violations, it will be seen from their attitude, especially in making policies or making decisions.

Facilities and infrastructure constraints

Without the facilities and infrastructure, law enforcement becomes too late in its implementation (Elizabeth, 2018). Facilities and infrastructure are important factors that can hinder law enforcement against traffic violations. For example, what makes facilities and infrastructure one of the inhibiting factors is the frequent occurrence of violations caused by unclear traffic signs in the form of road markings, road medians, and others. Besides this, other things must get attention, namely roads in certain areas that are not in accordance with the volume of vehicles in the Tangerang City area which tends to increase (Redelmeier et al., 2003; Bjørnskau & Elvik, 1992).

Law enforcement cultural factors

Cultural factors as law enforcers are factors that greatly hinder law enforcement against traffic violations for motorized vehicles in the city. Tangerang. Cultural factors occur between law enforcement and the user community itself (Muhammad, 2010). One thing that can be seen is the policy problem in which money deposited by the police that occurs in the field has been used by certain traffic police officers to be used as additional money. This kind of policy is also welcomed by the wider community, especially those who are lazy to attend court hearings. The law enforcement that has occurred is still happening so it is something that has become a culture.

Community factor

Community factors as a matter of law enforcement conditions owned by the people in Tangerang City are still very simple and low. Also, in general, people are lazy to attend court hearings. People don't want to be bothered with complicated ticketing matters, so they should entrust the ticket fines to the police as a special authority, and even people don't want to be bothered with bureaucratic matters of traffic violations that are considered complicated that occur in the field, there is an opportunity to impose fines or Peace in place with police on the ground (Terina & Rachman, 2020). As a factor faced in law enforcement, there are traffic violations for motorized vehicles in the Tangerang City area. As for these factors, it is a problem in law enforcement in the Tangerang City area. From the past until now and even in the future, these factors may still be a problem and as one of the inhibiting factors in the enforcement of special laws.

4 Conclusion

Based on the above discussion regarding. Law Enforcement of Traffic Violations can be drawn several conclusions, namely as follows:

- 1) The idea of an alternative model in solving traffic violations can be done simply, quickly, and cheaply and the bureaucracy is not complicated, thus making traffic violators take shortcuts with officers.
- 2) The idea of a new ticket settlement model in which the driver's license and vehicle registration are not confiscated by the officer but a confiscated ID card as a guarantor because within a certain period the violator does not pay the fine, the officer can come to the violator's house or ask the violator by letter. With data on the type of vehicle, motor vehicle violators are recorded by police officers, and the data is forwarded to the Court.
- 3) Violators who have paid a fine through the BRI bank, then the bank forwards the violator's data to the traffic police sub-directorate, forwarded to the court and the prosecutor's office, with a certain time limit the violator does not pay the fine that has been set, the police will block the vehicle number and will give stricter sanctions if within a certain time the fine has not been paid but the person concerned again violates it, the police can confiscate the vehicle.

Suggestion

Based on the discussion and conclusions regarding traffic violation law enforcement, several suggestions can be drawn, namely as follows:

- 1) Need new ideas in the application of the idea model of ticket settlement, the current ticketing system is because it is still not perfect and there are still shortcomings and is still vulnerable to on-site fines and the need for a new ticket settlement idea model with the implementation of a ticketing payment system via ATM, phone banking or internet Banking to avoid amicable fines between police officers in the field and violators.
- 2) There is a need to improve the quality of human resources at the police level by intensifying the training for traffic police officers in the field, both in terms of morals and skills, in order to create a sympathetic, intelligent, and authoritative police force to create strong and capable law enforcement officers and be quick to solve problems.
- 3) The police should continue to disseminate information to the community by involving schools, colleges, and community organizations regarding the socialization of driving properly on the highway and must complete a driving license so that it can reduce the level of violations, especially traffic violations in the Tangerang area considering the crime of traffic violations. traffic that occurs from year to year has increased.

The culture of law and order should be instilled from an early age through the cooperation built by the police and educational institutions at the elementary, middle, and high levels in order to create a young generation who is aware of their rights and obligations, so that it is hoped that criminal acts can be minimized, so as to create a safe, just and fair prosperous

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Biography of Authors

	<p>Annie Myranika Education at SDN Cipaganti , SMPN 1 BDG, SMAN 2 BDG, S1 FAK HK d Bandung S2 MH and S3 Doctor of Law in Jakarta. From 1989 until now as a Lecturer at the Faculty of Law and a Master's Degree Lecturer at UNIS. Currently as Head of Center for Legal Studies at LPPM UNIS (2022). DEAN OF FH (2 Periods) 2013 - 202. VICE DEAN 2 (Two Periods 2005 - 2013. As Member of MPD (Regional Supervisory Council of Notary Kita Tangerang) Email: amyranika@unis.ac.id</p>
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