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## **Handling Of Traffic Criminal Actions At The Traffic Unit Of Asahan Resort Police**

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### ***Abstract***

*As a state based on law in achieving a goal of national and state life in order to achieve public welfare. That road traffic and transportation as part of the national transportation system must develop its potential and role to realize security, safety, order, and smooth traffic and road transportation in the context of supporting economic development and regional development. There are many problems related to criminal acts in traffic, ranging from mild to severe. This study aims to determine how the process of handling traffic crimes, how to apply sanctions based on their violations, and to find out the role of the police to minimize the occurrence of traffic crimes. The formulation of the problems raised in this paper are: 1) How is the process of handling criminal cases that cause loss of human life in traffic accident cases at the Asahan Police Traffic Unit, 2) How is the application of criminal sanctions against traffic violations at the Traffic Unit Asahan Police, 3) What are the efforts made by the Asahan Police Traffic Unit in tackling traffic violations. This research is a type of empirical legal research (field research), namely research conducted in the field. The type of data used is primary data by conducting direct field studies. The type of data used is primary data by conducting a direct field study, based on the results of the research from the title above, it can be seen that for proof of the high level of crime in traffic. And we can know the regulations that discuss traffic crimes, namely Law No. 22 of 2009 concerning Road Traffic and Transportation*

**Keywords:** *Traffic crime*

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## **INTRODUCTION**

Traffic is a subsystem of the urban ecosystem, as the need for residents to move or use transportation to move people and goods from one place to another. The needs and desires of residents to travel to move goods or people of a general nature, so that it can make it easier for residents to carry out their daily activities.

As a country that depends on the law in achieving a goal of social and state life to provide general government assistance. Criminal law regulates the meaning of an act that can be done, an act that cannot be done, and which actions are classified as criminal acts, including the threat of punishment. That traffic and road transport as components of the public transport framework must develop their latent capacities and parts to recognize safety, welfare, demand, and smooth traffic traffic and road transport in relation to supporting financial turnover and provincial turnover.<sup>2</sup>

There are many problems related to traffic law violations, from mild to severe. Minor violations that often occur in traffic are not carrying a driver's license, running red lights, not wearing a helmet, not turning on the lights during the day, and riding in threes.

The increase in the number of fatalities in the event of an accident is something that is not desired by all groups, because of how important a person's life is which is difficult to measure by the number of prizes. Everyone who is negligent in traffic must be given a sanction in accordance with the applicable regulations as regulated.

## RESEARCH METHODS

### Research Design

The approach method used in this study uses the Juridical Empirical approach, which is the approach method used to solve the problem by examining secondary data first, then researching primary data from the field, and from a juridical point of view, this research can be viewed from the regulations - regulations governing the handling of traffic crime violations as secondary data.

While the Empirical approach itself is research that aims to obtain data, by conducting research directly into the community or related parties related to this research through interviews and requests for data requests to obtain objective data, where this data is primary data.

### The Place And Time Of Research

In this study, the researchers chose a location in the city of Kisaran, Asahan Regency, where there are things related to the title that will be studied by the author.

#### Populations And Sample

Interviews from sources in the form of information obtained from informants. The informants who were selected purposively meant those who really knew about handling traffic crime violations. Therefore, the informant is a police officer on duty in the area of Kisaran city.

### Research Instruments

The Research Conducted by the researcher is a juridical empirical research, the data sources needed by the researcher are primary data and secondary data, while the explanation regarding the data is as follows :  
data analysis techniques.

### Data analysis techniques

#### 1. Primary Data

Primary data is data obtained directly through interviews from these sources, where primary data is in the form of information obtained from informants. The informants who were selected purposively meant those who really knew about handling traffic crime violations. Therefore, the informant is a police officer on duty in the area of Kisaran city.

#### 2. Secondary data

Secondary data is data in the form of materials consisting of primary legal materials and secondary legal materials. In the form of official documents, books, and other research results. Data collection in this study refers to Law No. 22 of 2009 concerning Road Traffic and Transportation.

## RESULTS AND DISCUSSION

### A. The process of handling criminal cases that cause human life in traffic accident cases at the Asahan Police Traffic Unit.

It is contained in the formulation of Article 359 of the Criminal Code which reads: "Whoever because of his negligence causes the death of another person, is threatened with a maximum imprisonment of 5 (five) years and a maximum imprisonment of 1 (one) year." The elements of the formulation of Article 359 of the Criminal Code mentioned above are:

- a. Whoever is meant by goods to determine who is the perpetrator of the offense as a legal object who has committed the offense and has the ability to account for his actions. In this case, the purpose of legal subjects who have the ability to be responsible is based

on the state and mental ability of the perpetrator accused of committing an offense, which in criminal law doctrine is interpreted as a state of consciousness.

- b. Because of his fault (negligence or negligence) In this element is that the death of the victim is the result of behavior that was not desired by the defendant (the person who did it).
- c. Resulting in the loss of another person's life In this element, because his negligence or negligence causes another person to die, then this element is to see the relationship between the actions that occurred with the resulting consequences so that this formulation becomes an absolute requirement in this offense is the effect.

**B. In the process of handling criminal cases that cause loss of human life in cases of traffic accidents at the Asahan Police Traffic Unit consists of:**

**1. Police Report**

There are reports from the public regarding traffic accidents that occurred in Asahan Regency which resulted in the loss of human life in criminal cases. There are in article 8, namely:

- a) Reports on the occurrence of Traffic Accidents shall be submitted to:
  1. Police officers at the nearest location or at the police station directly; or
  2. Integrated Police Service Centers through telephone numbers, short message numbers, online media, and electronic mail addresses to then inform the officers as referred to in letter a.
- b) The report as referred to in paragraph (1) shall be provided with a report certificate.
- c) The report format and evidence of the occurrence of traffic accidents as referred to in paragraphs (1) and (2) are contained in attachment "A" which is an integral part of this regulation.

**2. Conducting crime scene**

and examination at crime scene

What is meant by Traffic Accident crime scene :

Accidental crime scene analysis is a series of actions at the crime scene to seek and collect information, clues, evidence, suspect identities, and witnesses/victims, look for relationships between witnesses/victims, suspects, and evidence and to obtain an overview of the causes of traffic accidents.

There are 3 important activities carried out by police officers in crime scene processing, so that they can present a comprehensive description of the Laka Traffic incident and be able to become evidence in court, including:

**1) Observing the accident scene**

Observations were made to determine the situation of traffic accidents (general observation) and the conditions involved in traffic accidents (special observations).

General observation targets:

1. The condition of the road is related to the narrowness or width of the road, the condition of the incline or derivative of the road, the condition of the bend or intersection of the road, or related to the straight or not straight road.
2. Environmental conditions are related to crowded or quiet traffic conditions, or conditions that are free or obstructed by the driver's view.
3. Weather conditions at the time of the Traffic Accident.
4. Vehicles involved in Traffic Accidents.
5. The direction of arrival of the vehicle involved in the Traffic Accident.

Specific observation targets:

1. Data regarding the identity and condition of the perpetrator/victim
2. Motorized vehicles
3. Road conditions and their infrastructure.

## 2) Collecting Evidence of Accidents

The evidence collected is tangible, movable or immovable goods that can be used as evidence and its function is to be shown to the defendant or witnesses in court in order to strengthen the judge's confidence in determining the defendant's guilt. The evidence includes:

The identities, statements and conditions of witnesses, perpetrators/victims include:

1. The identity of the witness, perpetrator/victim includes ID card, driver's license, passport and other identity cards.
2. The physiological and psychological level of the perpetrator/victim prior to the accident.
3. The extent of the victim's injury.

The identity and condition of motorized vehicles include:

1. Damage to the vehicle.
2. Complete vehicle documents.
3. Condition and function of vehicle lights and the direction of the lights.
4. The situation and the sound of the horn.
5. State of the wiper.
6. Gear position.
7. Steering condition.
8. Adjustment of the rearview mirror.
9. Brake condition.
10. Condition of vehicle tires.
11. Speedometer position/vehicle speed measurement;
12. Suspension conditions.
13. Vehicle payload.

The condition of the road and its infrastructure include:

1. Roadworthiness (hotmix / sand and stone / potholes / corrugated).
2. Completeness of traffic signs around the scene.
3. Road markings.
4. Road safety device.

Environmental conditions include:

1. Crowded or quiet traffic flow.
2. The state of freedom or obstruction of the driver's view.
3. Weather conditions.

The incidents that were found included:

1. Brake marks or tire tracks.
2. Impact marks.
3. Blood spills.
4. Broken glass.
5. Loose vehicle tools.
6. Holes or scratches on the road surface.

## 3) Collecting Documentation

Documentation is a record that can be proven and used as legal evidence (Tung Palan, 1983).

Documentation is required for complete the results of observations and collection of evidence so that later it can become evidence in court.

The required documentation is:

1. Give the numbering of the evidence at the crime scene.
  2. Photographing the crime scene as a whole from 4 (four) directions.
  3. Photographing the position of the vehicle involved in the Traffic Accident from 4 (four) directions.
  4. Photographing the condition and position of the victim before being transferred from the scene.
  5. Photographing damaged vehicles involved in Traffic Accidents.
  6. Photographing the marks left at the crime scene in the form of brake marks, broken glass, drops of blood, paint or car putty marks, oil marks, loose or fallen spare parts.
- 4). Carry out investigation orders

An investigative order is a series of actions by an investigator in terms of and according to the method regulated by law to seek and collect evidence with which evidence makes light of the traffic accident that occurred and in order to find the suspect. And there are several procedures for investigating traffic accidents, namely:

- a) Investigators conduct an assessment of the results of crime scene processing to determine whether or not there is an element of crime in a traffic accident as the basis for conducting an investigation.
- b) Investigators conduct traffic accident investigations, if there is sufficient evidence or the elements of a criminal act are fulfilled.
- c) Investigators terminate traffic accident investigations, if there is not enough evidence or it is not a criminal act or is null and void by law.
- d) Traffic accident investigators convey the results of the progress of the investigation to the victim or the victim's family through the Notification of Investigation Results

5). Doing a case

The case title is part of the integrated criminal justice system and process. Formally, the case is carried out by investigators by presenting the reporting party and the reported party. If the complainant and the reported party do not present the case being carried out, it can be legally flawed. The stages of holding a case title contained in Article 60 of the National Police Chief Regulation No. 15 of 2013 include:

1. The preparation stage includes:
  - a. Preparation of case title presentation materials by the investigative team;
  - b. Preparation of facilities and infrastructure for the case title;
  - c. Sending a letter of invitation to the title of case;
2. Stages of carrying out case titles include:
  - a. The opening of the case title by the head of the case title;
  - b. The investigation team's explanation of the subject matter of the case, the implementation of the investigation, and the results of the investigation that has been carried out;
  - c. The response of the participants of the case;
  - d. Discussion of issues related to case investigation; and
  - e. Conclusion of the case.
3. The stages of continuation of the results of the case title include:
  - a. Making a report on the results of the case title;
  - b. Submission of reports to authorized officials;
  - c. The direction and disposition of the authorized official;
  - d. Discontinue the results of the case title by the investigator and report its progress to the investigator's superior; and
  - e. Checking the implementation of the results of the case title by the investigation supervisor.

## 6. Completion of Case Files

Completion of case files is an investigator's action in completing the entire series of results of the investigation process in the form of administrative investigations which include recording, reporting, making official reports, correspondence, and data collection which are compiled, tied up, given a cover, sealed / sealed and neatly bound for immediate submission. investigator to the public prosecutor.

## 7. Submission of Traffic Accident Case Files

The submission of a traffic accident case file is an action by the investigator to submit the case file to the Public Prosecutor (JPU) in order to settle traffic accident cases through the judicial process in the District Court. Based on article 67 of the National Police Chief Regulation No. 15 of 2013 the submission of case files is carried out in two stages as follows:

1. The first stage, submit the case file; and
2. The second stage, handing over the responsibility of the suspect and evidence after the case file is declared complete.

Efforts made by the Asahan Police Traffic Unit in tackling traffic violations.

Before providing an explanation of the efforts made by the police to tackle traffic violations, Soedjono Dirdjosisworo explains the definition of a violation, which states that anything that deviates or violates the provisions that have been formulated in the norm is an abnormal act, which will lead to reaction from the group concerned which will delegate to the violator of the norm. Looking at the opinion above, it can be seen in a simple sense, that the violation occurred because of a change that deviated or violated the provisions that had been formulated, whereby the perpetrator of the violation would be subject to sanctions. These violations can be in the form of deviating actions against predetermined rules or norms, such as violating orders or permissibility prohibitions. Likewise for a traffic regulation and road transportation, these violations can occur due to the ineffectiveness of a traffic regulation, this may be caused by the regulations themselves being too abstract and complicated, perhaps to law enforcers or the community members themselves or perhaps on all three. In line with the above, a violation is also often influenced by the opportunity factor or opportunities created so as to encourage someone to commit a violation, especially in a traffic regulation and road transportation.

Traffic violation is a crime against the provisions and laws and regulations that regulate traffic and road transportation order by road users, both actions that result in damage to road functions, regarding the completeness of vehicle documents, other signs traffic, as well as how to drive a vehicle on public roads.

According to Muhammad Rony, S.H. Satlantas Polres Asahan, according to Muhammad Rony, to overcome violations so that violations can be minimized. His party held regular counseling on how to use the road properly and correctly in accordance with the laws and regulations. starting from preparation for the trip, stopping it, the type, color and function of road markings as well as the types and functions of traffic signs.

Apart from providing counseling According to Muhammad Rony, S.H. Satlantas Polres Asahan also routinely conducting vehicle raids, particularly regarding motor vehicle equipment, including:

1. Equipment for motorcycle riders in the form of Indonesian national standard helmets
2. Meanwhile, equipment for four or more wheeled motorized vehicles shall at least consist of:
  - a. safety belt,
  - b. Spare tire,
  - c. safety triangle,
  - d. Jack,
  - e. wheel opener,



- f. Helmets and reflective vests for drivers of motorized vehicles with four or more wheels who do not own houses, and
- g. First aid equipment in traffic accidents

Furthermore, in the context of tackling other transgressions that are no less important according to Muhammad Rony, SH Satlantas Polres Asahan are: "Tightening the requirements to get a driver's license, either because of age, administration, health, and passing theory exams, practical exams, and or exams skills through the simulator." From what has been described above, it can be seen that the efforts made by the police to tackle traffic violations in Asahan Regency are:

- a. Conduct regular outreaches on the proper and correct use of roads in accordance with the prevailing laws and regulations.
- b. Conducting raids on the completeness of motorized vehicles.
- c. Tighten the requirements for obtaining a driver's license

## CONCLUSION

As for the conclusions from the results of the discussions in the writing of this journal, namely :

1. The application of criminal sanctions against traffic violations in Asahan Regency are:
  - a. "Criminal imprisonment and fines (as regulated in article 273, article 313 of law number 22 of 2009 concerning road traffic and transportation)
  - b. Additional penalties (as referred to in articles 310, 311, 312 of law number 22 of 2009 concerning other road traffic and transportation)".
2. Efforts made by the police to tackle traffic violations in Asahan Regency are ;
  - a. Conduct regular outreach on the use of roads properly and correctly in accordance with applicable laws and regulations,
  - b. Conducting raids on motorized vehicle equipment.
  - c. Tighten the requirements for obtaining a driver's licence..

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