

## Analysis Of The Role Of Traffic Units Against Offenders Of Speed Limit Violations That Cause Accidents

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### ABSTRACT

This study aims to find out how the analysis of the role of traffic units against criminal offenders of vehicle speed limit violations that cause accidents in Kotamobagu and what are the obstacles faced in minimizing traffic accidents due to speed limit violations in Kotamobagu and using this type of empirical legal research using qualitative approaches. This method of empirical legal research serves to see the law in reality in the community by collecting data and results with sources. The results of the research obtained the role of the Kotamobagu Resort Police Unit, namely *preventive* efforts (prevention) in the form of socialization and education to the community of road users and traffic engineering and *repressive* efforts (enforcement) in the form of Arrangements, Guarding, Escorts, and Patrols and enforcement against perpetrators of traffic accidents. Then the obstacles faced are the lack of facilities and infrastructure and lack of legal awareness in the community.

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## 1. Introduction

Indonesia as a state of law aims to realize a peaceful, conducive, orderly, and prosperous order of state social life. The achievement of order, peace, and balance between the rights and obligations of society, guaranteed by the state is based on law.<sup>1</sup>

The transportation system is an important component for urban areas and rural areas, especially in densely populated urban areas. Structuring in the field of transportation is one of the determinants of the prosperity or not of a city. But with the increase in vehicle violations also can not be avoided by motorists, so the density of vehicles on the road can cause collisions or congestion on the highway. Traffic violations are mostly violations in cases of excessive speed, marking violations, violations of traffic signs and traffic control lights such as stop bans, parking in prohibited places, breaking red lights, without letters, and vehicle completeness, and other violations. Such violations occur mostly during hours where community activity on the highway is at its peak or during rush hours such as morning work hours and afternoon work hours.<sup>2</sup>

According to Law No. 22 of 2009 concerning Traffic and Road Transport, in Article 1 paragraph (24) "A Traffic Accident is an event on the Road that is not suspected and unintentional involving a Vehicle with or without other Road users resulting in human casualties and/or loss of property".<sup>3</sup>

Violation of the vehicle speed limit is one of the factors behind the occurrence of traffic accidents. Elvik stated that the accident occurred preceded by a violation. Some events occur on the road, for example, speeding (*speeding*) causing high levels of injuries experienced by accident victims. The risk of accidents increases due to higher vehicle speed because if the longer the braking distance is needed, and the lack of time needed to process the decision-making of information while driving, and the difficulty of controlling the vehicle if there is congestion or obstacles both front and on the left or right side.<sup>4</sup>

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<sup>1</sup> Kif Aminanto. 2017. *Politik Hukum Pidana Disparitas Putusan Hakim dalam Tindak Pidana Korupsi (1)*. Jember: Jember Katamedia. hlm 4.

<sup>2</sup> Setiyanto, Gunarto, dan Sri Endah Wahyuningsih. 2017. *Efektivitas Penerapan Sanksi Denda E-Tilang Bagi Pelanggar Lalu Lintas Berdasarkan Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan (Studi Polres Rembang)*. Jurnal Hukum Khaira Ummah Volume 12 Nomor 4 (Fakultas Hukum,). hlm 755.

<sup>3</sup> Pasal 1 ayat 24, Undang Undang Nomor 22 Tahun 2009 tentang Lalu Lintas Dan Angkutan Jalan, Fokusmedia, hlm 5.

<sup>4</sup> Dwi Prsetyanto dan Wimpy Santosa. 2011. *Hubungan Perubahan Kecepatan Kendaraan Dengan Jumlah Korban Kecelakaan Lalu Lintas*. Jurnal Transportasi Volume 11 Nomor 2 (Jurusan Teknik Sipil, Institut Teknologi Nasional, Universitas Katolik Parahyanga,). hlm 96.

Government Regulation of the Republic of Indonesia, Number 79 of 2013 concerning traffic and road transport networks. Chapter 23, verse (4). The speed limit as referred to in paragraph (2) and paragraph (3) is set:<sup>5</sup>

1. At least 60 (sixty) kilometers per hour in free current conditions and a maximum of 100 kilometers per hour for freeways;
2. A maximum of 80 (eighty) kilometers per hour for intercity roads;
3. A maximum of 50 (fifty) kilometers per hour for urban areas; and
4. A maximum of 30 (thirty) kilometers per hour for residential areas.

Article 287 paragraph (5) of Law No. 22 of 2009 on Traffic and Road Transport states that "Any person who drives a motor vehicle on the road that violates the highest or lowest speed limit as referred to in article 106 paragraph (4) letter g or article 115 letter a is punishable by imprisonment of a maximum of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand rupiahs)".<sup>6</sup>

Table 1.1 Traffic accidents due to speed limit violations in Kotamobagu

Year	Sum
2017	287
2018	232
2019	164
Total	683

Data Source: Kotamobagu City Resort Police, 2019.

It is seen that in 2017 in December there were 287 cases of traffic accidents due to vehicle speed limit violations, in 2018 November there were 232 cases of traffic accidents due to vehicle speed limit violations, and in 2019 November there were as many as 164 from year to year there was a decrease in cases of traffic accidents but still fairly many, Because at 1 year there are 365 days, researchers took data in 2019, namely data with the rate of traffic accidents violation the vehicle speed limit that decreased and found that in at least 3 days there was 1 case of traffic accidents due to vehicle speed limits in the jurisdiction of kotamobagu resort police.

Based on data from the Kotamobagu Resort Police Traffic Unit above, material losses from 2017 to 2019 when totaled amounted to Rp 2,803,120,000,-. In the data above which is the data of the results of the enforcement of traffic accidents due to speed

<sup>5</sup> Peraturan Pemerintah Republik Indonesia, Nomor 79 Tahun 2013 tentang  *jaringan lalu lintas dan angkutan jalan*. Pasal 23 ayat 4.

<sup>6</sup> Dewi Keumalasari dan Tarmizi. 2018  *Penegakkan Hukum Terhadap Pelanggaran Lalu Lintas Yang Melanggar Batas Kecepatan (Suatu Penelitian di Wilayah Hukum Kota Banda Aceh)*. Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana, Volume 2 Nomor 3. Fakultas Hukum Universitas Syiah Kuala. hlm 449.

limit violations in Kotamobagu City obtained by the Kotamobagu City Traffic Unit, there were 683 traffic accidents due to vehicle speed limit violations in 2017, 2018, until 2019.

In the formulation of article 360 of the Criminal Code is a criminal who causes injury to others, because his negligence can be held accountable for the criminal act.<sup>7</sup>

An event that can result in harm must be thoroughly monitored and understood by the public so that it must remain vigilant and careful in driving, and for police who monitor and regulate road users. Satjipto Rahardjo stated: "That the law is the most powerful means of social control, but in the form of law, as a rule, will not be carried out without law enforcement that is human." So that law enforcement for example the police in carrying out their obligations can understand the problem of crime or violations faced with it. As one of the law enforcement officers whose authority is regulated in Law No. 2 of 2002 concerning the State Police of the Republic of Indonesia which regulates the rights and obligations of the police,<sup>89</sup> maintaining the security and order of the community; enforcing the law; and provide protection, protection, and service to the community.

## 2. Research Methods

This research includes a type of empirical research. Using data collection methods using interviews and documentation that has the working objects of documents, books, and libraries.<sup>10</sup>

Using data analysis that is descriptive through case *approach*, namely observations related to statements submitted by informants or sources through words, actions and writings and legal approaches <sup>11</sup>(*statute approach*). to uncover the truth of a planned law based on systematics and consistent methods<sup>12</sup>.

## 3. Analysis and Discussion

### 3.1. The Role of Kotamobagu Resort Police in Minimizing Traffic Accidents Due to Vehicle Speed Limit Violations in Kotamobagu

The role of the Police is regulated in Law No. 2 of 2002 concerning the Police of the Republic of Indonesia Article 12 paragraph (1) which contains a description related

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<sup>7</sup> P.A.F. Lamintang, Theo Lamintang. 2012. *Delik-Delik Khusus Kejahatan Terhadap Nyawa, Tubuh, & Kesehatan*. Jakarta : Sinar Grafika. Hlm 233-234.

<sup>8</sup>Hartono. 2012. *Investigation and Enforcement of Criminal Law Through Progressive Legal Approach*, Jakarta:Sinar Grafika. p, 23.

<sup>9</sup> Eddy Santoso dkk. 2018 *Peran Kepolisian Dalam Sistem Peradilan Pidana Terpadu Terhadap Penanggulangan Tindak Pidana Perjudian*. Jurnal Daulat Hukum Volume 1 Nomor 1. Fakultas Hukum. Hlm. 4-5.

<sup>10</sup> Blasius Sudarsono. 2017. *Memahami Dokumentasi*. Jurnal Acarya Pustaka Volume 3 Nomor 1. hlm 53.

<sup>11</sup>According to Mukti Fajar and Yulianti Achmad, *Op Cit* pp. 184-192.

<sup>12</sup> Zainudin Ali. 2016. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika. hlm 14-15.

to the duties and roles of the police, in maintaining security, order, and conducting investigations, investigations and protecting the safety of the body, public property and the environment from disorders of order or disaster including providing assistance and assistance by upholding human rights.<sup>13</sup>

Polri organization is arranged in tiers from the central level to the region. The central-level Police Organization is called the Headquarters of the State Police of the Republic of Indonesia (Mabes Polri); While the regional police organization is called the Regional Police of the Republic of Indonesia (Polda) at the provincial level, the State Police of the Republic of Indonesia Resor (Polres) at the district/city level, and the State Police of the Republic of Indonesia Sector (Polsek) in the sub-district.<sup>14</sup>

The role, duties, and authority of the traffic police include all efforts, work, and activities in traffic control to prevent and eliminate all forms of interference and threats to ensure security, order, safety, and smooth traffic on public roads.

The violation in this study is a violation of the driver factor, namely a violation of the vehicle speed limit, based on Law No. 22 of 2009 on Traffic and Road Transport:

"Any person who drives a motor vehicle on the road that violates the rules of the highest or lowest speed limit as referred to in article 106 paragraph (4) letter g or article 115 letter a is punishable with a maximum imprisonment of 2 (two) months or a maximum fine of Rp 500,000.00 (five hundred thousand rupiahs)."

Based on data obtained by researchers related to traffic accidents in Kotamobagu driver factor, namely speed limit violations from 2017 to 2019 amounted to 683, and in table 1.2 Traffic Accidents in Kotamobagu from 2017 to 2019 amounted to 936. This means that at least 70% of traffic accidents in the last three years in Kotamobagu are driver factor accidents, namely speed limit violations.

To minimize traffic accidents, the driver factor is a violation of the speed limit of the Kotamobagu Police Traffic Unit on the implementation of Tasks and Functions by the Organizational Structure of the Kotamobagu Police Traffic Unit assisted by (In Perkap No. 22 of 2010):

1. Registration and Identification Unit (Unitregident), which serves the administration, registration, and identification of motor vehicles and drivers.

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<sup>13</sup> Arzen Aprillia. 2019. *Peran Kepolisian Dalam Penanggulangan Pelanggaran Lalu Lintas Oleh Anak Sebagai Pengendara Sepeda Motor (Studi di Satlantas Polres Kabupaten Lima Puluh Kota)*. Skripsi. Fakultas Hukum Universitas Andalas. Hlm 42.

<sup>14</sup> Mohammad Rizky Alhasni, Lisnawaty W. Badu, Novendri M. Nggilu. 2019. *Menakar Peran Kepolisian Dalam Mencegah Tindak Pidana Pencabulan Terhadap Anak Di Bawah Umur*. Jurnal Legalitas. Volume 12, Nomor 2. Fakultas Hukum, Universitas Negeri Gorontalo. Hlm 114.

2. The Unit of Arrangement, Regulation, Escort, and Patrol (Unitturjawali), which is tasked with carrying out Turjawali activities and enforcement of traffic violations in the framework of law enforcement.
3. Accident Unit (Unitlaka), which is tasked with handling traffic accidents in the framework of law enforcement.
  - a. Community Education and Engineering Unit (Unitdikyasa), which is tasked with fostering community participation and Then packed.

A useful form of prevention to minimize the events or actions that have occurred so as not to happen again is a role carried out by the traffic unit police in Kotamobagu which is a continuous and continuous effort.

The efforts of the police to overcome crime has two ways, namely preventive (prevent before the occurrence of crime) and repressive measures (efforts after the occurrence of crime) the actions in question are<sup>15</sup> :

1) *Preventive* (Prevention) Efforts

Preventive efforts are efforts to conduct positive coaching related to disturbances in society, preventing criminal acts or violations, namely by providing education by providing socialization to minimize violations or crimes.<sup>16</sup>

As for the preventive efforts of the police through socialization to students and the community by the Kotamobagu Police Traffic Unit in charge of fostering community participation and Dikmas lalu. This is by the statement of the City Police Chief that:<sup>17</sup>

"On the occasion of this operation prioritize community education activities related to traffic in the hope of being able to realize community sympathy to the Police, especially the traffic police. In addition, education to the community to create orderly conditions"

Kotamobagu Police Chief outlined 7 points of traffic violations and one of them is the violation of driving a vehicle at high speed.

Preventive measures by the police in order not to occur violations, especially traffic violations by students who use highway facilities in the midst of passing vehicles on the road and students who drive vehicles, namely by socializing to schools in Kotamobagu(*Police Goes To School*).

Students who obey and understand the rules must be students who can place themselves among the community. Because as a student, which means having an

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<sup>15</sup> Yasri Ahmad. 2016. *Peranan Patroli Polisi Dalam Penanggulangan Pelanggaran Lalu Lintas (Studi pada Polres Majene, Sulawesi Barat)*. Skripsi, Fakultas Hukum Universitas Hasanuddin Makassar. Hlm 31-33

<sup>16</sup> Mirnawati. 2019. *Strategi Kepolisian Dalam Mengurangi Pelanggaran Lalu Lintas di Kabupaten Gowa*. Skripsi. Jurusan Ilmu Administrasi Negara, Fakultas Ilmu Sosial Dan Politik, Universitas Muhammadiyah Makassar. Hlm, 18.

<sup>17</sup> Pernyataan AKBP Gani F. Siahaan. Kapolres Kotamobagu. Senin, 29 april 2019. Pukul 08.00 WIB

advantage in the knowledge and skills of one student must be better than others. Preventive strategy (prevention) of the Police conducts socialization accompanied by training (*safety riding*) as a form of a pattern of behavior when using road facilities and driving vehicles safely and comfortably in the use of motor vehicles. As stated by IPDA A.K. Asjhari that socialization is carried out to students at all levels, ranging from kindergarten level to high school level by providing eika-related coaching that must be prioritized by students while on the road and high school students who can already ride motorcycles (for those who already have a driver's license), to comply with traffic rules. Renaldi Claudio Data said that the police when they come to school is usually Mondays during ceremonies, on Monday it is during the ceremony inspectors ceremony that will discuss ethics and traffic activities that are correct at the student level by traffic rules.

The results of the interview conducted together with IPDA A.K. Asjhari as the Traffic Unit Police and to one of the students at SMAN 1 Kotamobagu, renal Claudio Data obtained information that socialization conducted in schools, especially the high school level, aims to provide legal counseling related to Law No. 22 of 2009 on Traffic and Road Transportation, and how important it is to obey traffic rules to students.

Socialization and appeal to the community is a process of behavior, attitudes, and knowledge in the community. Value socialization in social interaction to improve good values in the community, socialization of counseling methods to provide directional and rules-in-law understanding to individuals contained in the community.<sup>18</sup>

When doing socialization the police always emphasize that caution and caution should always be done when on the highway, because motor vehicles on the highway are not slow and must also be careful of motorists who violate the speed limit of the vehicle or speeding motorists. This is by what is stated by IPDA A.K. Asjhari that when doing socialization and operation he always emphasizes prudence and vigilance to students and the public, emphasizing that on the highway there are various conditions and conditions on the road there are riders who want to violate traffic rules by violating speed limits or speeding so that the danger that can be posed by such motorists is very high. Be careful when crossing the road and when using the sidewalk, also to students who can already drive a motor vehicle so as not to speed when driving because it can increase the risk of traffic accidents that can take casualties.<sup>19</sup>

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<sup>18</sup>Muslimin Ritonga. 2019. *Socialization of Communication of Police Resort of Palembang City in Warding Off Terrorism in Palembang City*. Kalijaga *Journal of Communication*. Volume 1 Number 2. Hlm, 295.

<sup>19</sup> IPDA A.K. Asjhari. *Op.cit*.

Based on the statement of Mr. Kanit Diksaya obtained an explanatory conclusion that the police not only socialize by providing explanations related to traffic rules but also about the conditions and conditions on the road and the impact and danger on the highway in connection with the high lake then the driving factor is a violation of the speed limit or speeding so that students and the public must be careful and vigilant when using motor vehicles, Not speeding because it can increase the risk of accidents for motorists and pedestrians who use road and sidewalk facilities.

## 2) Repressive Efforts (Crackdown)

Repressive efforts take place when the occurrence of violations or criminal acts is given enforcement in the form of punishment as a sanction for violations committed. Repressive efforts in this study are divided into two, namely the efforts made by the traffic unit police in Kotamobagu at the time of the criminal act of violation of vehicle speed limit and at the time of the accident due to vehicle speed limit violation.

The repressive actions of the police through the enforcement of speed limit violations and the enforcement of traffic accidents due to speed limit violations by the Kotamobagu Police Traffic Unit are assisted by the Turjawali Unit in charge of carrying out regulatory activities, guarding, escorting, patrolling, and enforcement of traffic violations in the framework of law enforcement and laka units tasked with handling traffic accidents in the framework of law enforcement.

Kotamobagu Resort Police Traffic Unit in carrying out its duties must be professional and consistent. The traffic unit police in Kotamobagu make legal efforts to uncover to minimize everything from violations of vehicle speed limits to traffic accidents due to vehicle speed limit violations and based on the implementation of police functions and duties by the Law, as for the role of the Kotamobagu Resort Police Traffic Unit, namely:

### a) Speed limit violation enforcement

The enforcement of speed limit violations by the Kotamobagu Police Traffic Unit Police, namely the turjawali unit in charge of carrying out regulatory activities, guarding, escorting, patrolling, and enforcement of traffic violations in the framework of law enforcement.

The results of research efforts to minimize and enforce violations of traffic law, namely violations of speed limits are distinguished into enforcement by punitive and educational sanctions. Enforcement of the law such as education by conducting warnings in the form of reprimands against prospective offenders and offenders of vehicle speed limits. By the results of an interview with IPDA Harun K. Pangalima that the enforcement of speed limit violations is carried out using traffic operations, traffic operations carried out are also seen from the amount of traffic accident data,



where if the number of traffic accident data, for example, driver factor traffic accidents, namely speed limit violations in Kotamobagu is high, traffic operations are carried out. The highest factor causing a traffic accident is preceded by a traffic violation. Thus, it was concluded that traffic operations carried out by the police do not have to be every day, but traffic operations are carried out based on the high number of cases of traffic accidents due to these violations.

As for the traffic operation where traffic operations are often carried out in areas prone to driver factor traffic accidents, namely violations of vehicle speed limits, for example, we conduct traffic operations in one of the accident-prone areas, namely on Jalan AKD Lobong Village, Kec. Passi Barat Kab. Bolmut has become one of the blackspots prone to traffic accidents. If the discovery of motorists who commit police traffic violations make the next police effort or action, namely crossing as a form of sanctions by the form of violation.

The above is supported by crossing data conducted by the Kotamobagu Resort Police Traffic Unit.

Tabel 1.2

Data Breaches in Kotamobagu 2018-2020

<b>Ticketed</b>	<b>Rebuke</b>	<b>Sum</b>
<b>20287</b>	<b>2459</b>	<b>22746</b>

Data Source: Kotamobagu City Resort Police, 2020

The results of interviews related to crossing and data above are crossing as a form of sanctioning offenders given by the police as a form of deterrent effect to the offender, by Indonesian Law No. 22 of 2009 on traffic and road transportation, namely by paying several fines by the violations committed. In particular, violations of the speed limit are acted upon requiring accurate proof. However, in carrying out the task of the traffic unit police in Kotamobagu on violations, especially violations of vehicle speed limits in Kotamobagu can not be overcome properly by the police because there has been no special operation violation of vehicle speed limit violations and based on the above interviews the operation requires supporting facilities, namely vehicle speed gauges or radar guns (speed guns), so the role carried out by the police has not been maximized. Considering the number of traffic accidents that occur as a result of violations of the vehicle's speed limit.

b) Traffic accidents due to speed limit violations

The enforcement of traffic accidents due to speed limit violations by the Kotamobagu Police Traffic Unit is assisted by the Laka Unit in charge of handling traffic accidents in the framework of law enforcement.

Kotamobagu Police Traffic Unit is a unit that regulates, supervises, and acts when there is a traffic accident, especially to get maharaja service insurance. The purpose of the police in dealing with traffic accidents is a form of protection and protection to the community for the creation of a sense of security and the enactment of the law.

To find out the handling of traffic accidents by the Kotamobagu Police Traffic Unit, then in this study researchers used 5 (five) indicators by the Standardization of Accident Handling Mechanism, Receipt of Reports & Traffic Accident Investigation Process by Kotamobagu Police Traffic Unit as follows:

#### 1. Visiting the Scene of a Traffic Accident

A traffic accident is an event that cannot be expected or predicted by the police. The police in this case can not immediately know or determine the incident of the traffic accident so it must enter a report to the police if there has been a traffic accident, after the entry of reports related to traffic accidents in the jurisdiction of Kotamobagu Police, Kotamobagu Police Traffic Unit immediately to the scene of the accident. By the results of the interview with IPDA Harun K. Pangalima where if there is an accident on the road then Sat lalu along with the Laka unit immediately rushed to the scene of the traffic accident. This action is very decisive related to the police rapid response action and law enforcement process during traffic accidents.

Handling cases of traffic accidents varies and the means are directed by the magnitude of the accident that occurred. This is by the statement of IPDA Harun K. Pangalima that the deployment of officers by the Laka incident if a minor traffic accident will not deploy many officers, but if heavy traffic accidents occur then the officers are deployed more and more and handled using Laka cars in which there are tools for handling traffic accidents. There are meters, conical triangles, police lines, basic cameras and there are also other tools that can help handle traffic accidents.

#### 2. Helping Accident Victims

When a traffic accident occurs there will inevitably be accident victims who need immediate help, based on the results of research obtained by investigators to help accident victims often by residents around the crime scene who see the accident if conditions allow. In other conditions, the victim must get first aid from the police both the victim was seriously injured, the victim who for example was crushed by the vehicle so that it was difficult to get issued and the victim who died at the crime scene. By the results of an interview with IPDA Harun K. Pangalima related to the case of traffic accidents, one of the factors of the rescue of accident victims is the citizens of the community who see the accident happen directly, public concern for

the victims of traffic accidents who must immediately get first aid determines the safety of victims.

Given the data obtained by researchers in kotamobagu police that in 2017 to 2019 there were traffic accidents in the jurisdiction of Kotamobagu Police which totaled 936 incidents, the death toll amounted to 936, the victims of severe injuries amounted to 197, minor injuries amounted to 1907. For the case of the victims of the accident who died, the Kotamobagu Police traffic unit has its ambulance vehicle to evacuate. Ambulance facilities are owned by Satlantas Kotamobagu Police as a rescue car for victims of traffic accidents. The community in this case has an important role when there is a traffic accident, especially the community who are at the crime scene and see the accident firsthand should immediately call the police when there is an accident on the road.

### 3. Securing the Crime Scene

At the scene of the traffic accident the first officer came must carry out crime scene security. Handling of crime scenes by police officers includes guarding the sterile crime scene as when first seen and found by the police who carried out the first action at the crime scene, protecting the evidence, cargo, and/or luggage of existing passengers are not lost or damaged, and collecting information and facts as investigative material.

### 4. Securing Suspects

Police in terms of securing the crime scene must secure suspects which include securing and providing protection related to vigilante threats by the local community, by asking brief questions regarding the condition of the rider when before, during, and after the occurrence of the suspect.

### 5. Conducting a Crime Scene (Crime Scene)

This crime scene action is intended to search, collect information and evaluate the crime scene to get useful clues for the next investigation. The crime scene is done because it is an important step in dealing with traffic accidents. The crime scene was carried out by Sat Lalu Polres Kotamobagu. Based on the results of an interview with Kanit Laka above researchers describe the crime scene based on Perkap No. 15 of 2013 on How to Handle Traffic Accidents. Researchers describe the processing of the crime scene as outlined above, namely investigators and/or auxiliary investigators conducting crime scenes by observing the general circumstances of traffic accidents and special observations of the circumstances involved in traffic accidents, and collecting evidence including the identity of the processing activities and conditions of witnesses, perpetrators and victims, the identity and condition of motor vehicles, road conditions and infrastructure, environmental conditions, and

traces of events found, recorded, including the number of evidence listed at the crime scene, photos of the overall state of the crime scene from 4 (four) directions, the location of the vehicle involved in a traffic accident from 4 (four) directions, as well as the situation and location of the victim. before removal from the crime scene, damage to vehicles involved in traffic accidents, as well as brake marks left at the crime scene, broken glass, drops of blood, paint or car putty, oil marks, loose or fallen parts.

In the process of processing the crime scene, Sat Lalu Polres Kotamobagu searched and collected information and evaluated the crime scene to get useful clues for the next investigation.<sup>20</sup>

Researchers formulated a pattern of handling traffic violations and accidents due to speed limit violations by the Kotamobagu Police Traffic Unit, in this study by Lawrence Friedman's theory of legal structure and legal substance where the police carry out the rules of Law No. 22 of 2009 on Traffic and Road Transport so that the law functions and can be carried out properly, Using prevention before an accident occurs.<sup>21</sup> using socialization strategies in the form of education and appeals to students and the general public. Conducting traffic operations in areas prone to accidents or known as *blackspot areas*, which continues in the enforcement in case of violations or accidents that use 5 (five) indicators by the Standardization of Accident Handling Mechanism, Receipt of Reports & Traffic Accident Investigation Process by Kotamobagu Police Traffic Unit based on laws and regulations with police actions that are Measured by Article 7 of the KuHap up to the act of arrest by Article 17 of the Criminal Code which states that "An arrest warrant is carried out against a person suspected of committing a criminal offense based on sufficient preliminary evidence.

The role of the police must also be accompanied by the role of society so that the mechanism of *checks and balances* in life in the order of a democratic country is a natural thing, even very necessary. This is to avoid the abuse of power by a person or an interested party, or also to avoid centralizing power on a person or an institution, because with such a mechanism, between the police and the community will control or supervise each other, can even fill each other.<sup>22</sup>

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<sup>20</sup> Wantu, F. M., Nggilu, N. M., & Towadi, M. (2021). INDONESIA CONSTITUTIONAL INTERPRETATION: CONSTITUTIONAL COURT VERSUS THE PEOPLE'S CONSULTATIVE ASSEMBLY. *Journal of Legal, Ethical and Regulatory Issues*, 24(6).

<sup>21</sup> Gledis Yassin, Dian Ekawaty Ismail, Lusiana Margareth Tijow. 2020. *Penegakan Hukum Kecelakaan Lalu Lintas Akibat Jalan Rusak*. *Gorontalo Law Review*. Volume 3 Nomor 2. Hlm 134.

<sup>22</sup> Ahmad, A., & Nggilu, N. M. (2020). Denyut Nadi Amandemen Kelima UUD 1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution. *Jurnal Konstitusi*, 16(4), hlm 799

Law enforcement carried out by the police consisting of investigations and investigations is a structured pattern of control of violations and crimes that arrive at the construction of a criminal to be within the limits of tolerance that is acceptable to the community and not harm themselves let alone the community.<sup>23</sup> With the hope of a deterrent effect on the perpetrators of traffic violations due to the speed of the vehicle.

### **3.2. Obstacles Faced in Minimizing Traffic Accidents Due to Speed Limit Violations in Kotamobagu**

The role of law enforcement by the police in minimizing this is not easy, the police face various obstacles in minimizing traffic accidents violations of the speed limit in Kotamobagu evidenced by the number of accidents due to this factor are fairly high, namely 683 accidents that occurred in Kotamobagu. So that researchers need to review any obstacles faced with the police in minimizing the accident, will be discussed as follows.

#### **a) Lack of facilities and infrastructure**

Lack of facilities and infrastructure is one of the obstacles faced by the police. The means and infrastructure factors themselves such as the lack of traffic signs, especially speed limit signs, speed guns, and monitoring cameras. Making it difficult for the Kotamobagu Resort Police Traffic Unit in carrying out activities/operations to crack down on traffic offenders, especially violations of vehicle speed limits.

The use of vehicle speed limiting traffic signs in Kotamobagu is still very little. Based on research conducted in Kotamobagu researchers get at least one speed limiting traffic sign and sleeping police (speed limiting device or surprised sign) in the zoss school safe zone located on Jalan Ahmad Yani No. 52 or more clearly located between SMP Negeri 4 Kotamobagu and Satlantas Kotamobagu Office. While in other schools in Kotamobagu no traffic signs are limiting the speed of vehicles. By the results of the interview with IPDA A.K. Asjhari that in Kotamobagu traffic signs are still very lacking, for the vehicle speed limit itself has been set as in schools 20km / h, for vehicle speed limiting traffic signs in Kotamobagu itself is still rare even there is only one on and road and one in front of the Kotamobagu Traffic Unit office.

Furthermore, the obstacles found are Speed gun or Radar Gun has not been provided by Satlantas Kotamobagu and has not been used. The unavailability of supporting facilities and infrastructure to make it easier to see speed limit violations and facilitate crossing, and speed guns have not been used by the police to be a factor in traffic accidents due to violations of the vehicle's speed limit, such as the

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<sup>23</sup> Iriyanto Tiranda, Fenty Pulu Hulawa, Johan Jasin. 2019. *Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan*. Jambura Law Review. Volume 1 Issue 02. hlm 12-13.

use of speed guns in Lampung Police speed gun is used by being carried to vehicles suspected of being too speeding, if there is a violation of the speed limit as evidenced by speed recording. The gun then the enforcement by the police was carried out, but in Kotamobagu itself has not been used the tool so that the crackdown on vehicle speed limit violators by the Kotamobagu Police Traffic Unit has not been maximal. By traffic violation data in the Kotamobagu area.

b) Lack of legal awareness in the community

Lack of legal awareness in society affects the level of traffic violations, where an individual in a good society is someone who obeys and obeys the law and avoids acts that harm himself and the road user. This is by the data obtained by researchers at Kotamobagu Police.

Table 1.5  
Age-Based Data Violations  
2018-2020

Age Group					Sum
<17	17-27	28-50	51-70	>70	
401	8391	9039	2291	473	20595

Sumber data : Kepolisian Resor Kota Kotamobagu, 2020

Traffic violations occur inseparable from the influence of the age factor of traffic users and road transportation lack of education and legal awareness in the community of traffic users and road transportation as seen in table 1.5 above, which shows the highest violations are in the age group of 17-50 years means at that age ranging from teenagers to parents as if unconscious, I'm used to it, and don't feel afraid of traffic violations.<sup>24</sup>

Low public legal awareness to comply with traffic regulations is part of factors that affect low order, security, and smooth traffic.

<sup>24</sup> Dwi Agung Nugroho Arianto dan Arifin Samsul. 2016. *Pengaruh Usia, Pendidikan dan Budaya Terhadap Kepatuhan Lalu Lintas di Wilayah Hukum Polres Jepara*. Jurnal The 3<sup>rd</sup> University Research Colloquium. Hlm, 229.

Researchers formulated the results of an interview with IPDA A.K. Asjhari that if legal awareness is supported by all levels of society then the formation of legal awareness in society can either affect the possibility of society to commit disorderly behavior or commit violations and lack of traffic discipline, not even pay attention to the importance of regulations and instead ignore it because of the urgent interests of most people tend to comply with traffic regulations. traffic when there are traffic officers on duty, not for fear of the threat of accidents when violating, for fear of being ticketed by officers. This proves that people's understanding of traffic laws is very lacking. In particular, the disorderly use of traffic on the road has an impact on traffic accidents and is a driving factor in speed limit violations.

#### **4. Conclusion**

Based on the results of the study and discussion discussed by the researchers draw the following conclusions:

The role of traffic units against criminal offenders of vehicle speed limit violations that cause accidents, namely *preventive* efforts (prevention) in the form of socialization and education to the community of road users and traffic engineering and *repressive* efforts (enforcement) in the form of Arrangement, Guarding, Escort, and Patrol and enforcement of traffic accident perpetrators. Then the obstacles faced are the lack of facilities and infrastructure and lack of legal awareness in the community.

Based on the results of the study and discussions discussed by researchers regarding the role of the police in minimizing traffic accidents due to violations of vehicle speed limits in Kotamobagu, researchers put forward the following suggestions:

The police of traffic units in Kotamobagu should increase crossings related to vehicle speed limit violations by carrying out routine patrols in places of violations and accidents often occur also by equipping supporting facilities and infrastructure such as speed guns (radar guns) and the procurement of vehicle speed limiting traffic signs through cooperation with the Transportation Office in Kotamobagu City.

Kotamobagu City community as motorists and road users should be given education and socialization related to vehicle speed limit rules and the dangers of driving at high speeds by the Kotamobagu Police Traffic Unit directly on the highway, schools, and education through social media such as Facebook, Instagram, and others, so that traffic accidents due to speed limit violations can be minimized.

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