
Empirical Review Causes Of Hit And Run That Lead To The Victims Death

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ARTICLE INFO

ABSTRACT

Keywords :

Cause; Hit-And-Run; Death

How To Cite :

Ginoga, D.S., Badu, L.W., Sarson, T.Z. (2021). Empirical Review Causes Of Hit And Run That Lead To The Victims Death. *Estudiante Law Journal*. Vol. 3 (1): 140-152

DOI :

This study aims to determine the cause of the hit and run resulting in the victim's death. The method used in this research is empirical or sociological research methodology. This study uses a qualitative approach and sampling using purposive sampling. The results of this study indicate that the causes of hit-and-run resulting in the victim's death are basically caused by several things, including First, the lack of legal awareness of the perpetrators, this is certainly influenced if they do not have formal education. The two perpetrators were afraid when they experienced a collision, so according to him, to avoid the legal process and public outcry, the solution was to run away from responsibility for their actions. Third, the streets are quiet so that when you are driving a motorbike it exceeds the average speed. Handling traffic by creating accident-prone service posts in accident-prone areas, and deploying traffic accident service centers to make it easier for the public to report traffic accidents, especially hit-and-run.

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1. Introduction

In our daily life, even in society, to meet the needs of life there are often crimes and violations committed by certain people and people who threaten some members of the community, which in the science of law are known as criminal acts.¹ Along with the passage of time, the existing transportation technology can be said to be one of the human needs that continues to increase and there are various kinds of transportation such as air, sea and land. However, land transportation is quite widely used by the community as we know the number of motorized vehicles to cars is more than other transportation. Motor vehicles like cars have different and increasingly sophisticated models, this aims to support human activities to travel to places near and far in order to facilitate the process of community and state life.² State involvement which is also one of the characters of the conflict phenomenon.³ Legal protection is very necessary because it is an effort to integrate various needs in the association so that there is no conflict between needs and can enjoy all the rights granted by law.⁴ Then for whom is legal protection given, so that if you look at it humanely, both the perpetrator and the victim must be fully protected.

Knowing the importance of the role of transportation, especially land transportation in our country, it is necessary to address the importance of security, safety, order and smooth traffic. However, in practice the implementation of transportation itself often encounters obstacles that have a broad impact on the services of transportation users and the community. To overcome various obstacles and weaknesses regarding the traffic system by road users, the government issued Law No. 22 of 2009 concerning Road Traffic and Transportation which aims to ensure the safety of humans and motorized vehicles as well as cars, all of which have a high risk in traffic practices in Indonesia. roads, the continuity of traffic order and human life.⁵ The following is case data obtained from the Gorontalo City Police, including:

¹ Dian Ekawaty Ismail, Mohamad Taufiq Zulfikar Sarson. (2021). Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes. *Jurnal Law Review*. 3 (3), 58

²Effendi, Rusly. *Asas-Asas Hukum Pidana Lembaga*. (Makasar:Lembaga Kriminologi Unhas, 2013), 14

³ Yudha Chandra Arwana. (2019). *Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia*. *Jurnal Law Review*. 1 (2), 216

⁴ Jufryanto Puluhulawa, Mellisa Towadi, dan Vifi Swarianata. (2020). *Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck*. *Jurnal Reformasi Hukum*, 24 (2), 197

⁵Fatur Rochmn,dkk. (2020). *Efektivitas Fungsi Kepolisian Dalam Penegakan Hukum Tindak Pidana Kecelakaan Lalu Lintas*. *Indonesia Journal of Criminal Law*. 2 (2), 9

Table 1.
Data on Traffic Accident Cases in the Legal Territory of the Gorontalo City Police for the Year 2017-2021

Year	Traffic Accident Cases	Accident Results			
		Severe		Mild	Minor
		MD	LB	LR	RM
2017	105	16	1	106	4
2018	108	15	5	107	2
2019	158	19	1	157	4
2020	87	16	4	101	3
2021	96	11	1	118	5

Source : Gorontalo City Police Data, 2021

Based on the table above, traffic accidents in the jurisdiction of the Gorontalo City Police in the last 5 (five) years have always occurred. Accidents that often occur on the highway are widely interpreted as a sudden and hard suffering that befalls a person who comes from outside, as described in Law No. 22 of 2009 concerning Road Traffic and Transportation. The increasing number of road users, especially motorized vehicles and cars for various personal or public purposes, can indirectly increase the number of traffic accidents. The development of transportation technology which is currently increasing rapidly also increases traffic accidents. On the one hand, it causes the reach and cruising range of transportation to increase more widely, on the other hand it has become a very serious cause of death in recent decades.

Not to mention that this action is an act of violating human rights, because the victim himself has rights and obligations that must be fulfilled but with the hit-and-run accident, these rights and obligations cannot be fulfilled by him. In addition, the right to life must also be protected by the state, especially the rule of law, especially when it relates to criminal acts that have basically damaged the order of human rights in general.⁶

The existence of human rights (HAM) will not have any meaning if it is not followed up with the law that regulates the relationship of these rights, meaning that it is the law that formalizes human rights into a set of rules to maintain and protect so that

⁶Lisnawaty Badu. (2012). *Euthanasia Dan Hak Asasi Manusia. Jurnal Legalitas*. 5 (1), 1

they do not become clashes in society. social and state life.⁷ Indonesia is the highest agreement among the state-formers, even though it has experienced a constitutional test when the 1945 Constitution was changed to the Constitution of the Republic of the United States of Indonesia in 1949, even though the recognition of regions under the auspices of the Indonesian state is still recognized.⁸ Considering that Indonesia is also one of the countries that puts forward the constitution in every aspect of the life of the nation and state.⁹

If you look at the chronology of one of the cases, on Thursday, June 17, 2021, at 13 noon, the incident occurred at the intersection of three Jalan Joesoef Dali and Jalan Taman Surya, Dembe Jaya Village, North City District, Gorontalo City. The type of vehicle involved is a white Honda Blade motorcycle and a black Mitsubishi Cold L300 car. Prior to the traffic accident, both the driver and passenger were in good physical and mental health, the weather conditions at that time were normal and sunny, the direction of the traffic road was also normal.

A brief chronology of the origin of the traffic accident, namely the motorcycle moving down the Joesoef Dali road from south to north then changing direction, turning right across the Joesoes Dali upper road towards the east. However, suddenly from the southern direction the car moved on the road above Joesoef Dili whose driver was not concentrating so that it hit a motorcycle, after hitting the car driver instead immediately fled without helping the motorcyclist, while the motorcyclist and passengers were immediately taken to the Multazam Hospital, Gorontalo City until finally the motorcycle passenger died after getting medical treatment.

People often think that traffic accidents that occur and cause death, the fault is always with the driver of the vehicle concerned. However, it appears in the field that there are unscrupulous individuals who resolve cases in unethical ways, for example, will pay for all the losses suffered by the victim, even though in the settlement of cases like this it should also be resolved by the perpetrator himself so that it can have a zero effect both on himself and on other people. other.¹⁰ Meanwhile, according to Dolus directus, that is intentional which is not only aimed at his actions, but also to the consequences of his actions, what factors cause traffic accidents to the death of a person?¹¹

⁷Tijow, Lusiana. *Perlindungan Hak Asasi Manusia Teriiadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah*. *Jurnal Legalitas*. 3 (2), 80

⁸ Novendri M. Nggilu. (2020). *Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo*. *Lambung Mangkurat Law Journal*. 5 (2), 110

⁹Fakhris Lutfianto Hapsoro. (2020). *Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution*. *Jurnal Law Review*. 2 (2), 145

¹⁰Fitriyadi, Ahmad Adi. (2020). *Diferensiasi Pengungsi dan Pencari Suaka dalam Hukum Pengungsi Internasional dan Hubungannya dengan Prinsip Non-Refoulement*. *Jurnal Law Review*. 2 (2), 127

¹¹ Hidayat, R. (2015). *Penyertaan dalam Tindak Pidana Korupsi (Telaah terhadap Kelalaian dalam Penyertaan untuk Melakukan Tindak Pidana Korupsi)*. *Katalogis*, 3(12), 5

2.Method

This writing uses empirical legal research, referring to the opinion of Mukti Fajar where it is said that empirical research basically provides knowledge in the form of a complete understanding of legal norms and the context of their application in the social environment.¹² This research generally examines the causes of hit-and-run resulting in the death of the victim obtained through interviews and real actions obtained through direct observation. The author uses purposive sampling and uses a qualitative research approach and data analysis techniques with a qualitative research approach.

3.The Victim Died as a Result of a Hit-and-Run

The existence of an accident is a factor in the driver's error in the absence of a sense of caution and neglect to drive the vehicle. The mistake of the driver of the vehicle who is negligent which results in harm to other people and death can be said that that person has committed a crime. Traffic accidents according to Article 1 number 24 of Law no. 22 of 2009 concerning road traffic and transportation (UULLAJ) is "an incident on the road that is unexpected and unintentional involving vehicles or other road users which results in human casualties and property losses".

Because the incident on the road that is not suspected of being an accident is included in a crime which is an act that violates the law which is included in a criminal act. The occurrence of traffic accidents is influenced by several factors, these factors seem to work together as the cause of traffic accidents. Especially when it is seen that there are many people who are not concerned with saving their lives in driving, such as reckless motorcycle riding without using a helmet or car drivers who underestimate the usefulness of seat belts.¹³ The various factors that cause traffic accidents that result in death include:

1. Human Factor.

The human factor is the most dominant factor because almost every traffic accident is preceded by a traffic violation that has been violated by humans. These violations can occur because they intentionally violate, do not know the applicable rules or pretend not to know the traffic rules. Traffic accidents occur due to negligence that comes from the inner attitude of a vehicle driver, in this case an accident can occur because the driver while driving a vehicle is sleepy, negligent, sick, so not concentrating or being under the influence of alcohol so that it is not

¹² Mukti Fajar & Yulianto Achmad. *Dualisme Penelitian Hukum (Normatif dan Empiris)*, (Yogyakarta: Pustaka Pelajar, 2010), 153.

¹³ Sumarna, D. (2021). *Pertanggungjawaban Pidana Pengemudi Kendaraan Umum Yang Mengakibatkan Meninggalnya Penumpang Ditinjau Menurut Undang-Undang Nomor 22 Tahun 2009 (Studi Putusan Mahkamah Agung Nomor 299 K/Pid/2018)*. *Jurnal Hukum Al-Hikmah: Media Komunikasi dan Informasi Hukum dan Masyarakat*. 2(4), 716

uncommon to cause traffic accidents.

2. Vehicle Factor.

Vehicle factors that often haunt traffic accidents are brake function and tire condition. These factors include:

a. Brake Function.

The brake function is very useful for vehicle drivers, if the brakes block it will definitely make the vehicle out of control and difficult to slow down. You should always check the braking system before traveling.

b. Tire Condition.

Tire condition is one of the causes of accidents, due to vehicle tires that are too thin or broken, the danger is that the vehicle will be difficult to control, especially when driving at a high enough speed, often causing traffic accidents.

3. Road Factor.

Road factors also play an important role in the occurrence of an accident. Uncertain road conditions such as roads with potholes can cause accidents for road users, especially motorized vehicles. In addition, road conditions in Gorontalo City are still fairly damaged and there are potholes as for winding roads such as road conditions in mountainous areas, dark roads at night or lack of street lighting, in this case it is not uncommon to cause accidents.

4. Environmental Factor.

This factor, especially in dark weather at night, can affect the visibility of the driver of the vehicle while driving his vehicle so that accidents often occur. In the dry, dusty season, it is also dangerous for road users, especially two-wheeled vehicles. In dusty conditions, the driver's eye concentration is reduced, causing accidents. The road is slippery when it rains, both two- and four-wheeled riders often slip or slip, this causes the driver of the vehicle to lose control, resulting in an accident. Thick fog can fool the eye as if no vehicle is moving due to limited visibility, this can result in traffic accidents.

Among the factors above, the human factor is the determining factor because it occurs due to carelessness, or negligence by the driver of the vehicle, it is the driver's carelessness that can cause traffic accidents that result in death. Driver errors in driving a vehicle are often concluded that the driver does not use traffic rules such as, the driver does not give a sign when turning directions, drives the car not on the left lane, or at an intersection does not give priority to other vehicles coming from the left, or runs the car too fast. quickly exceed the speed limit specified in traffic signs.

In connection with the factors of traffic accidents above, the existence of an accident is a factor of error for the driver in the absence of a sense of caution and neglect to drive the vehicle. The mistake of the driver of the vehicle who was negligent and resulted in death can be said that the person has committed a crime and to analyze the factors that become obstacles in law enforcement hit and run

resulting in death. Furthermore, the important point in law enforcement comes solely from the mistakes of the community.¹⁴ The reason is that government policies as outlined in laws and regulations are always followed by criminal sanctions¹⁵ What is more important is that currently law enforcement has become one of the most efficient steps in doing business.¹⁶ As stated by Prof. Fenty Puluhuawa in his writings that the Government through the law has provided a starting point for the judiciary, which is carried out for the sake of justice based on the One God.¹⁷

Crime is an act that is prohibited in a society. If in the context of the state, the act is classified as an act that has been criminalized by state administrators, in the form of written or unwritten rules, in order to protect the rights of the people or the public interest above private interests. So that if someone commits a crime, they will receive legal sanctions. The punishment given is aimed at deterring the perpetrators and the community from feeling comfortable and safe from the threats of crime. Hit-and-run crimes are common, especially if they occur in a place where escape is possible, such as in a deserted place. Or it can happen because the perpetrator is afraid to deal with the law or is afraid of being beaten up by the masses.¹⁸ There are a number of theories regarding crime and criminals that explain how crimes occur and classify the types of criminals. This theory is divided into three main categories:

- 1) Theories that explain crime from a biological and psychological point of view.
- 2) Explain the theory of crime from a sociological point of view.
- 3) Theories that explain crime from a different point of view.¹⁹

It is clear that based on the theory above, the author himself examines the object of this research by looking at the psychological form of the child himself and describing crime in a sociological form. The point is that the author will describe how crime develops in society in general. Although an accident is an unintentional crime because initially the perpetrator did not intentionally do the accident, the perpetrator intentionally allowed the victim to die and run away because of this, the perpetrator committed a crime. From some of the explanations described above, there are several assumptions that the criminological study of the hit-and-run crime that resulted in the

¹⁴ Nurdin, Putri Handayani. (2019). *Politik Hukum Pengaturan Pendidikan Politik oleh Partai Politik*. *Jurnal Law Review*. 1 (2), 146

¹⁵ Hwian Christianto, Michelle Kristina. (2022). *Fulfilling the Right of Education during Covid- 19 Pandemic Period: A Comparative Study*. *Jurnal Law Review*. 4 (1), 1

¹⁶ Mohamad Rivaldi Moha. (2020). *Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce*. *Jurnal Law Review*. 2 (2), 115

¹⁷ Fenty Puluhulawa, Lusiana M, Tujow, Sutrisno. (2020). *Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim*. *Jurnal Gorontalo Law Riview*. 3, (2), 184

¹⁸ Rahmat Zulfikar. (2018). *Kajian Kriminologia Terhadap Terjadinya Tabrak Lari (Studi Pada Polresta Bandar Lampung)*. *Skripsi*. Fakultas Hukum Universitas Lampung Bandar Lampung, 4-5

¹⁹ Siti Zulaika Wulandary, Rehnalemken Ginting. (2018). *Tinjauan Kriminologi Kekerasan Seksual Terhadap Anak diwilayah Kota Tangerang Selatan*. *Reciitive. Jurnal Hukum Pidana dan penanggulangan Kejahatan*. 7. (3), 300

victim's death is very important in uncovering the cause of the perpetrator leaving the victim resulting in the loss of a person's life because a person's life is very valuable and difficult to measure with the amount of money.²⁰

Based on the results of an interview with Aipda Yusuf as the Head of Traffic Accidents Unit said that in the factor of the accident occurring due to human factors, namely the negligence of the driver, it was found that the factors for this accident, among others, from the suspect himself, were negligence according to the article imposed on him. suspect Article 310 Paragraph 4. So everyone who drives a motorized vehicle because of his negligence causes a person to die, so the negligence of the person concerned is the confession of the witnesses and the suspect. Among other things, the driver lost concentration and did not pay attention to the traffic flow in front of him, besides that the perpetrator did not have time to take action to avoid an accident, did not have time to honk the horn, did not have time to brake, did not have time to reduce the speed of the vehicle so that was negligence by the perpetrator.²¹ The hit-and-run initially started from an accident due to negligence or a *Culpa* offense in which negligence in driving is regulated in Article 310 of Law Number 22 of 2009 concerning Road Traffic and Transportation while Article 359 of the Criminal Code states that:²²

“Whoever because of his mistake (negligence) causes another person to die, is threatened with a maximum imprisonment of five years or a maximum imprisonment of one year”.

Then, the act of negligence that resulted in the victim along with irresponsible actions, namely not helping the victim or not reporting the accident to the police. But the perpetrator left the victim or ran away, this triggers accidents, including hit-and-run, which is the collapse of driving ethics.²³ The factors that caused the hit-and-run perpetrator to leave the victim and died in the Gorontalo City Police Legal Area are as follows:²⁴

1. Lack of Legal Awareness

The factor that causes a hit-and-run at the Gorontalo City Police is the lack of legal awareness that every traffic accident incident must have a form of accountability from the perpetrator. The perpetrator's understanding of the hit-and-run accident is considered an ordinary accident or the perpetrator's ignorance of what to do, so the hit-and-run perpetrator who is in shock and confused about what to do and does not report to the nearest police station for the incident. So hit-and-run occurs because of a lack of discipline and public awareness in traffic. Indeed, all crimes must be punished in accordance with

²⁰Pramita, K. E., Hartono, M. S., & Sudiarmaka, K. (2021). *Upaya Kepolisian dalam Menegakkan Hukum Terhadap Pelaku Tindak Pidana Tabrak Lari di Kabupaten Buleleng*. Jurnal Komunitas Yustisia, 3(3), 5

²¹ Interview. Aipda Yusuf April 6th 2022 at Gorontalo City Police Traffic Accident Unit

²² Article 359 of the Criminal Code

²³ Toto Suproto. *Keprihatinan Etika Berlalu Lintas*. (Semarang : Dalam Suara Me`rdeka, 2011), 7

²⁴ Interview. Aipda Yusuf April 6th 2022 at Gorontalo City Police Traffic Accident Unit

applicable laws and regulations.²⁵ So that society and every other person, including the government must heed it, by making laws on the basis of natural rights themselves.²⁶

Awareness of the law means awareness that the law is a protection of the interests of the community.²⁷ The low awareness of the law in the community causes the community to be undisciplined in traffic. Smoothness in traffic will certainly have a very good impact on the smooth running of all businesses, and vice versa if traffic does not function properly, we will encounter many obstacles in traffic.

2. Fear

Factors that cause the perpetrator to leave the victim because they have fear. The perpetrator left the accident victim until he died because the perpetrator was afraid to deal with the law, the perpetrator was also afraid because he felt guilty about what had happened but did not dare to help the victim, and what the perpetrator feared the most was the situation or circumstances that forced the accident environment that threatened safety. the perpetrator for fear of being beaten by the surrounding community who sympathizes with the victim so that the perpetrator prefers to run away.

3. Road factor or a empty place

This is one of the opportunity factors for the perpetrator to leave the perpetrator of the accident, namely the road factor or a quiet place, most perpetrators leave the victim because it is a quiet place because there are no witnesses who saw the incident and it is also easy to disappear from the trail so that the perpetrator easily escapes so that they are not caught by the law and do not want to be responsible for what the perpetrators have done.

4. Friend's persuasion

The persuasion of friends is also included in the factor of the perpetrator running away, because the perpetrator does not know what to do, the persuasion of a friend who is sitting next to the passenger driver to run away from the time of the accident is followed by the perpetrator. This was explained by Bripka Fyrdam as a member of the Taffic Accident Unit Then Police said that in the case file number: LP/235/VI/2021/LL/RES Gtlo the perpetrator with the initials E.S ran away from the victim because of persuasion from a friend who was beside him, because he was confused and afraid to be the perpetrator followed the advice of his friend's invitation to run away from the perpetrator's responsibility.

This is in the victim's confession when an examination was carried out

²⁵ Ramdhan Kasim. (2020). *Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (overspanning van het strafrecht)*. *Jurnal Law Review*. 2 (1), 5

²⁶Bakung, Dolot Alhasni. (2020). *Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right*. *Jurnal Law Review*. 2 (1), 67

²⁷ Dwi Oktafia Ariyanti, dkk. (2020). *Penegakan Hukum Pidana Terhadap Pelaku Penambangan Pasir Secara Ilegal*. *Jurnal Law Review*. 2 (1), 40

based on the case file above that victim E.S was 38 years old, occupation of a farm laborer, address Bone Bolango, Case in 2021, the scene of the incident at three intersections Jalan Joesoef Dali and Jalan Taman Surya, Dembe Jaya Village, North City District, Gorontalo City now the perpetrator is carrying out his sentence in a social institution (prison) Gorontalo. Recognition from the perpetrator is that there was negligence when driving a vehicle, after the accident the perpetrator did not help the victim because he did not want to be responsible for the incident that occurred and also the perpetrator did not know what to do besides that there was a friend, namely a passenger beside the perpetrator who invited him to run away from the incident.²⁸

The various factors causing the hit and run that have been described above, can provide an understanding that when we make mistakes on the streets we should be held accountable for ourselves. For example, when we collide with humans, we as perpetrators should be responsible for the actions or mistakes that have been committed, so that this can set an example for others not to run away from responsibility for the actions that have been done. Furthermore, in terms of carrying out law enforcement for hit-and-run perpetrators, coaching or guidance should be given to the perpetrators always to create a sense of love and compassion, mutual respect, mutual respect, help, loyalty, honesty, and physical and spiritual support. adequate. So that by having this feeling, the actions taken will not be repeated again and can have full responsibility in themselves.²⁹

The independence of each law enforcer will work optimally in their respective work environments, but along the way, various problems are often found that affect the smooth running of the judicial process.³⁰ To quote as said by Fence M. Wantu in his Journal that the essence of justice is something that is an assessment from one person to another, which is generally seen from the party receiving the treatment only.³¹ To quote Suwitno Yutye Imran, Justice serves as a guide to distinguish between fair and unfair actions. elements of the aspect of justice can be contained in the substance.³²

1. Conclusion

The causes of the hit-and-run resulting in the victim's death are basically caused by

²⁸ Interview. Bripka Fyrdam April 06 2022 at Gorontalo City Police Traffic Accident Unit

²⁹ Dedi Sumanto, Titin Samsudin, Fikri Asnawi Amiruddin. (2021). The Existence of the Religious Court in Handling Divorce Cases on the Reason of Domestic Violence. *Jurnal Law Review*. 3(2), 228

³⁰ Iriyanto Tiranda, Fenty Puluhulawa, Johan Jasin. (2019). *Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan*. *Jurnal Law Review*. 1 (2), 132

³¹ Fence M. Wantu. (2013). *Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata*. *Jurnal Mimbar Hukum*, 25 (2), 206

³² Suwitno Y. Imran. (2021). The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments. *Jurnal Law Review*. 3 (2), 398

several things, including First, the lack of legal awareness of the perpetrators, this is certainly influenced if they do not have formal education. The two perpetrators were afraid when they experienced a collision, so according to him, to avoid the legal process and public outcry, the solution was to run away from responsibility for their actions. Third, the streets are quiet so that when you are driving a motorbike it exceeds the average speed.

Handling traffic by creating accident-prone service posts in accident-prone areas, and deploying traffic accident service centers in order to make it easier for the public to report traffic accidents, especially hit-and-run.

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