



The Effectiveness of Otanaha Compliant Operations in Preventing Traffic Violations

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Abstract: Purposeful research on the effectiveness of the implementation of Otanaha compliance operations in preventing traffic violations in the city of Gorontalo and what are the inhibiting factors for the implementation of Otanaha compliance operations in preventing traffic violations in the city of Gorontalo. This type of research uses empirical research methods carried out with a qualitative approach to primary and secondary data. The research was conducted at the Gorontalo City Police, and the data used in this study were obtained using interview techniques. The results of this study can be concluded that The effectiveness of the implementation of the Otanaha Obedience Operation in Preventing Traffic Violations in the City of Gorontalo, namely: Lack of awareness from the public, The weather factor is not supportive, the community is not orderly towards traffic order, there is a lack of awareness of road users. The inhibiting factors for the implementation of Otanaha compliance operations in preventing traffic violations in the city of Gorontalo are: Helping the community in safety and public order in driving on the road, Reducing the number of road accidents, Increasing legal awareness in driving people, Socializing and notification of operations to the community.

Keywords: Operation Patuh; Violations; Traffic

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1. Introduction

Law as a form of law in society, especially for the teachings of countries that adhere to Civil Law as well as Indonesia.¹ Indonesia is one of the countries with the fourth largest population in the world. The more the human population, the more interests will develop so that the need for law to regulate the order of human life in society. Through the Directorate General of Civil Registry, Indonesia's population data in the second semester of 2021 was recorded as 273,879,750 souls. In the 1945 Constitution of the Republic of Indonesia (1945 Constitution). Article 1 Paragraph (3) explains "The Republic of Indonesia is a constitutional state". Therefore one of the characteristics of a rule of law state is based on law (*rechstaat*) and not based on power (*machstaat*).² In this case, it means that all community actions must be based on law and be subject to sanctions against violators without exception.³ One of the violations that often occur in Indonesia is a traffic violation. The increasing number of traffic violations in Indonesia means that existing regulations must be improved.

Indonesia has declared itself as a state based on law in the life of its nation and state.⁴ This is as stated in Article 1 Paragraph (3) of the third amendment of the 1945 Constitution. The affirmation of this constitutional provision means that "all aspects of life in society, statehood and government must always be based on law, not based on mere power (*machtsstaat*)."⁵ The basic conception of Indonesia as a rule of law country certainly has a big meaning that in the administration of social, national and state life, law has the highest and most honorable place.⁶

The law exists, where people differ in *ubi societas ibi ius*. This has become an old theory that is often heard when studying law. Basically the law will be bad if the people cannot accept it because they cannot protect their interests.⁷ The

¹ Ahmad dan Novendri M. Nggilu, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution of the Constitution Through the the Principle of the Guardian of the Constitution," *Jurnal Konstitusi* 16, no. 4 (2019): 785–8.

² Badan Pusat Statistik, "Perkembangan Jumlah Kendaraan Bermotor Menurut Jenis (Unit), 2018-2020," [bps.go.id](https://www.bps.go.id/indicator/17/57/1/jumlah-kendaraan-bermotor.html), accessed July 23, 2023, <https://www.bps.go.id/indicator/17/57/1/jumlah-kendaraan-bermotor.html>.

³ Azhari, "Negara Hukum Indonesia: Dekolonisasi Dan Rekonstruksi Tradisi," *Jurnal Hukum Ius Quia Iustum* 4, no. 1 (2012): 490.

⁴ Dian Ekawaty Ismail and Yowan Tamu, "Upaya Perlindungan Hak-Hak Tersangka/Terdakwa Melalui Mekanisme Praperadilan Di Kota Gorontalo," *Mimbar Hukum* 21, no. 1 (2009): 81–92.

⁵ Moh U Rusdiyanto Puluhulawa et al., "Kebijakan Kriminal Dalam Penanggulangan Tindak Pidana Penganiyaan Menggunakan Panah Wayer Oleh Anak Di Kota Gorontalo," *Jurnal Yuridis* 6, no. 2 (2019): 93–117.

⁶ R; D. E. Lamusu and Ismail, "Model Penegakan Hukum Terhadap Tindak Pidana Korupsi Dana Desa," *Philosophia Law Review* 1, no. 1 (2021).

⁷ W.A. Dunga, "Implementasi UU Perlindungan Saksi Dan Korban Di Kota Gorontalo," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 21, no. 2 (2009): 298.

consequence of a rule of law state is in the form of demands for guarantees of equality before the law for everyone before the law. Therefore, the 1945 Constitution also stipulates that everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law as stated in Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia .⁸

The government, through the Indonesian National Police and the police in each region, has carried out several programs to deal with the problem of traffic violations, such as routine operations, obedience operations and sympathetic operations in each region and has also made socialization for the public to orderly and obey traffic.

Polantas has a role as a deterrent (*politie toezicht*) and as a follow-up action (*politie dwang*) in politics, in addition to that the traffic police also perform a *regeling* function (for example, regulation regarding the obligation for certain motorized vehicles to be equipped with a safety triangle) and the *bestuur* function, especially in matters licensing or commencing (for example issuing a driver's license).⁴ This operation is also included in the operation of maintaining security and law enforcement, which is carried out routinely every year. Traffic violations are also often referred to as ticketing, which is the scope of criminal law regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation.⁹

The negligence or types of traffic violations are classified into three of them:

- a. Serious Violation. This type of violation carries a maximum criminal sanction of six months or more and a maximum fine of more than Rp. 1 million rupiah. Violations that fall into this category are damaging and disrupting the function of the road and illegal racing on the highway.
- b. Moderate Violations Types that fall into this group are violations that receive a maximum criminal sanction of 3-4 months or a maximum fine of Rp. 500 thousand-Rp. 1 million. While the types include not having a driver's license, not concentrating while driving, and breaking through the railroad crossing.
- c. Minor Violations Violations that fall into this category are quite a lot. The criteria for this one is a maximum sentence of 15 days-2 months or a maximum fine of Rp. 100 thousand-Rp. 500 thousand. There are 40 types of violations that fall into this category, namely wearing dangerous

⁸ Jufryanto Puluhalawa, "Analisis Pengaturan Hak Imunitas Advokat Dalam Menjalankan Profesinya Ditinjau Dari Perspektif Undang-Undang Nomor 18 Tahun 2003 Tentang Advokat" (Universitas Muhammadiyah Malang, 2015).

⁹ Soerjono Soekanto, *Suatu Tinjauan Sosiologi Hukum Terhadap Masalah-Masalah Sosial* (Bandung: Citra Aditya Bakti, 1989).

accessories in vehicles, not using vehicle license plates, and not prioritizing pedestrians and cyclists.

Literally, violation comes from the word "langgar" which means a place of worship, bump, landa. Violating means bumping into, violating, fighting, attacking, or striking, while violation is a criminal act whose punishment is lighter than the crime. Moeljatno stated that violations are acts that are unlawful in nature and can only be known after a law stipulates this. So, violations are synonymous with the provisions of the applicable laws and regulations. It cannot be said to be a violation if there are no rules prohibiting it. Violation is a criminal act that is classified as a non-serious crime and is regulated in Article 532 of the Criminal Code, namely a three-day period and a fine of two hundred and twenty-five rupiahs. Whatever the justification reasons between crime and violation, violation is still lighter than crime. We can see this from the criminal threat for violations that are not punishable by imprisonment and fines, while crimes are punishable by imprisonment. Whatever the justification reasons between crime and violation, violation is still lighter than crime. We can see this from the criminal threat for violations that are not punishable by imprisonment and fines.

The Otanaha compliance operation organized by the Gorontalo Regional Police Traffic Directorate will begin in June 2022 with the aim of ensuring security, safety, order and smooth traffic and increasing public compliance and discipline in traffic on the roads thereby reducing the number of accident cases. In the Otanaha compliant operation itself, there are still many traffic violations, such as drivers who use cell phones while driving, underage drivers, traveling with more than one person, drivers who do not have a driver's license (SIM), drivers under the influence of alcohol, going against the grain, not using a safety belt is an obvious violation such as not wearing a helmet, a vehicle that does not have a rear view mirror, and not paying vehicle tax.

In general, the general public only knows that official raids are marked with an inspection sign, officers wearing vests, and showing an assignment warrant. Apart from that, the community considers raids to be unofficial. It should be noted, in taking action against traffic violations, the Polantas act based on the law which is spelled out through government regulations (PP), police chief regulations, standard procedures, to vademikum (summary and elaboration of existing laws and regulations).

Procedures (SOP) concerning Procedures for Conducting Raids for guidelines for the implementation of activities in the field in the context of Law Enforcement say traffic. In its implementation, the enforcement procedure consists of:

1. Preparation

Before taking action against certain road traffic violations using a Ticket Form, it

is necessary to make the following preparations:

- a. Ticket forms that have been stamped/stamped by the unit according to the needs including the table of violations and deposit money
- b. Ballpoint (black or blue)
- c. Tilang Blank set tool (Hard Board, Thick Cardboard, Zinc Plate, etc.)
- d. Evidence label

Stationary (Place) preparing a raid notification board f. By hunting (moving)
Article 111 KUHAP

2. Raids procedures

- a. Task Order
- b. Leadership briefing event (APP)
- c. Division of tasks :

❖ Officer slowing down

1. The officer who stopped the vehicle
2. The officer carrying out the inspection
3. Officers who carry out enforcement with a ticket
4. The officer who secures the goods
5. The officer in charge of securing the site

The legal basis for carrying out raids or Otanaha compliance operations is contained in article 265 of Law No. 22 of 2009 concerning road traffic and transportation. These vehicle raids include checking the completeness of vehicle documents, such as:¹⁰

1. Driving license check
2. Examination of motor vehicle registration certificates
3. Motor vehicle test certificate
4. Motor vehicle number sign, or motor vehicle test sign.

The place where the raid is carried out is on a public road, which is free so that public order is not disturbed and it is far from places of worship. Raids are prohibited at corners, places that are blocked from the view of Laka then. The location of the raid must be posted with instructions indicating the conduct of the raid. The forms of raids are joint raids carried out in an integrated manner with related agencies (POM TNI, Transportation Agency, Jasa Raharja, Bid Propam, Dit Sabhara, etc.). Independent raids are raids carried out independently by traffic personnel. The police who stop violators must greet

¹⁰ Tim Redaksi Sinar Grafika, *KUHAP Dan KUHP* (Jakarta: Sinar Grafika, 2014).

politely and show their identity clearly. The police must explain clearly to violators what mistakes have been made, what articles have been violated and a table containing the amount of fines to be paid by violators.

The violator can choose to accept the mistake and choose to receive a blue ticket slip, then pay a fine at the bank where the incident occurred and take the documents held at the Polsek at the scene of the incident, or refuse the guilt charged and ask for a court hearing and receive a red ticket slip. The court will then decide whether the offender is guilty or not, by hearing information from the police concerned and the offender in court at the Gorontalo City Court, at a predetermined time (usually 5 to 10 working days from the date of the offence).

2. Method

The research method used in this paper is empirical research using a research approach qualitative. Source of data in this writing consists of interview data and library data. Furthermore, the data collected, then analyzed by descriptive analysis.

3. Factors Inhibiting the Implementation of Otanaha Compliance Operations in Preventing Traffic Violations in the City of Gorontalo

The implementation of the Otanaha compliance operation lasted for 14 days in the city of Gorontalo., society in general has no shame when breaking a rule. In fact, they do not hesitate anymore to fight people who intend to rebuke them. Many of the violators when prosecuted by the traffic apparatus, try to avoid and refuse to be given legal sanctions, and even try to fight against the apparatus.¹¹

The number of traffic violations in Otanaha compliance operations has increased the number of violations every year for the last two years, namely, in 2020 there were 25 people, while in 2021 the total violations were 30 people. The types of traffic violations include: not using a helmet, not completing equipment vehicles and documents, violating traffic signs, going against the flow, not using safety belts, loads exceeding the provisions, and so on. The increase in the number of traffic offenders in the City of Gorontalo is directly proportional to the increasing number of residents, as well as the increasing number of motorized vehicle ownership each year, which is not balanced with the development of road facilities and infrastructure in the City of Gorontalo. Implementation (Law No. 22 of 2009 concerning Road Traffic and Transportation) has not been properly

¹¹“Wawancara. Andika Abdjul Selaku Baur Tilang Tanggal 14 November 2022 Di Polres Gorontalo Kota,” (n.d.).

realized, judging from article 77, namely that everyone driving a motorized vehicle on the road is required to have a driving license according to the type of motorized vehicle being driven.¹²

Based on the results of interviews about obstacles to the implementation of Otanaha compliant operations with Mr. Andika Abdjul as a traffic ticket, saying that:¹³The police have carried out socialization and carried out compliance operations in order to reduce the number of road accidents with the aim of reminding that there is awareness in the community even though the police have tried but the awareness is still low. back to ourselves, we as traffic parties only suggest, socialize and direct the rest back to the community and also the inhibiting factors for the implementation of the Otanaha compliant operation due to rain.¹⁴

As for the inhibiting factors for the implementation of Otanaha compliance operations in preventing traffic violations in the City of Gorontalo, this is based on direct observations in the City of Gorontalo. namely as follows.¹⁵

Lack of awareness from society

Society has a role in law enforcement. In this case the awareness of each community group certainly has differences, the awareness of the law owned by the community can affect the effectiveness of law enforcement itself. Public understanding of traffic rules is very low. Everyone who drives tends not to prioritize safety, be it safety for himself or for other riders. Even though every driver who takes to the road can pose a risk, so they must have the ability to drive by fulfilling certain competencies in driving.

The weather factor does not support

The unfavorable weather factor greatly affected the performance of officers in implementing Otanaha compliance operations. Bad weather such as heavy rain will hinder the police from carrying out Otanaha compliance operations so that this operation will be hampered..

Society is not disciplined against traffic order

Many people do not obey traffic rules when driving on the highway, resulting in various traffic violations which often result in traffic jams and accidents. There are many traffic violations that often occur, such as: violating the red light, not wearing a helmet or seat belt when driving, going against the flow, picking up

¹² "Data Satuan Lalu Lintas Kota Gorontalo," (2022).

¹³Op. Cit, Andika Abdjul.

¹⁴Ibid.

¹⁵ Asep Ridwanul Hakim, "Penegakan Hukum Terhadap Pelanggaran Lalu Lintas Oleh Kendaraan Modifikasi (Studi Kabupaten Sleman)" (Universitas Islam Indonesia, 2019).

and dropping off passengers in any place for public transport, parking in any place, not turning on the headlights while driving for vehicles. two wheels and so on.

Lack of ethics in driving

Lack of awareness of road users there are still many road users who do not apply ethics and tolerance among road users. This is exacerbated by the number of drivers whose level of maturity is still lacking in vehicle control and who also use the road by endangering themselves and others, for example driving at high speed, riding two wheels with more than 2 people, driving while drunk and also a car that is loaded with more than one person. capacity.

The Effectiveness of Otanaha Compliant Operations in Preventing Traffic Violations in the City of Gorontalo

This study tries to explore how effective the implementation of Otanaha compliance operations is in preventing traffic violations in Gorontalo City. Judging from the table below, the number of traffic violations in terms of the type of violation of the Gorontalo City Police traffic unit is

Based on the results of an interview with Mr. Andika Abdul as Baur Tilang member of the Gorontalo City Police SatLantas Police said that:¹⁶ One of the effectiveness of implementing Otanaha compliance operations in preventing violations is: The police carry out the Otanana Operation once a year and there are also three Traffic Operations, namely, Obedient Operation is an operation that immediately takes action, Sympathetic Operation is to remember or warn motorists but does not rule out the possibility that the police will find a prominent violation, the police will immediately carry out pening., Operation Otanaha will penalize visible or invisible violations. When the Police will carry out a ticket, a week before the enforcement action the police will make information via social media so that the public will know that there are compliance operations and others will be carried out.

Based on the results of the interview, Mr. Andika Abdul said that:¹⁷ The Otanaha Compliant Operation is currently also considered effective because it can help the community, it is effective in reducing the number of road accidents, and it also increases public awareness in driving so that the Otanaha Obedient Operation is said to be effective, to increase public awareness in this way the

¹⁶Op. Cit, Andika Abdjul.

¹⁷Ibid.

awareness returns to Kediri respectively, we from the police only convey, socialize and direct the rest back to the community.¹⁸

One of the effectiveness of implementing Otanaha compliance operations in preventing violations is: The Police carry out the Otanana Operation every year and it is carried out 1 time and there are also three Traffic Operations, namely:

1. Obedient Operation is an operation that directly takes action
2. Sympathetic Operation, which is a reminder or warning to motorists, but does not rule out the possibility that the police will find a prominent violation, the police will immediately issue a ticket.
3. Operation Zebra will penalize visible and invisible violations.

When the Police will carry out ticketing activities, a week before the enforcement action the Police will make information via social media so that the public will know that there are compliance operations and others will be carried out.

Based on the interview above the author summarizes various types of effectiveness of the implementation of Otanaha Compliant Operations in preventing traffic violations namely Helping the community in safety and public order in driving on the road and increasing traffic discipline by emphasizing vehicle fatalities.¹⁹

In carrying out Traffic Obedience or Otanaha Compliance Operations, the target of motorized vehicle inspection is not only to check documents and vehicle equipment, but also to provide advice regarding traffic regulations to motorists or drivers of motorized vehicles and also to target dangerous goods such as sharp weapons, explosives, , drugs, alcohol and also people who are suspected or suspicious so that drivers will be careful when going to drive a vehicle and use vehicle facilities and also not carry sharp objects or commit acts that cause accidents²⁰

Increasing legal awareness in the community when driving is an important matter, because with the legal awareness of a person or a group of people about the rules or laws that apply with the aim of order, peace, tranquility and justice

¹⁸ “Wawancara. Andika Abdjul Selaku Baur Tilang Tanggal 14 November 2022 Di Polres Gorontalo Kota.”

¹⁹ “Wawancara. Andika Abdjul Selaku Baur Tilang Tanggal 14 November 2022 Di Polres Gorontalo Kota.”

²⁰ “Wawancara. Andika Abdjul Selaku Baur Tilang Tanggal 14 November 2022 Di Polres Gorontalo Kota.”

in the community when driving. Legal awareness needs to be instilled in social life since, both within the family and in social life.²¹

The Police disseminate information about the existence of a Traffic Order to the public who drive vehicles in the City of Gorontalo. The socialization is in the form of socialization of appeals for example Operation Obey Otanana. Outreach activities are implemented directly to the public and drivers, this is done so that the public knows and is not surprised if there is an Otanaha Obedience Operation, the police also appeal to the public to be orderly in traffic and ask the public to be disciplined and complete vehicle facilities in driving.²²

4. Conclusion

Based on the results of the research that has been stated in the results of the research and discussion above, the authors can draw the following conclusions Lack of awareness from the community so that they still commit violations, this causes preventive strategies (prevention) and repressive strategies (enforcement) to be carried out not optimally. 2). Unfavorable weather factors such as heavy rain will hinder the police from carrying out Otanaha compliance operations so that this operation will be hampered from carrying out Otanaha compliance operations. 3) The community is not disciplined about traffic order, this causes various traffic violations which often result in traffic jams and accidents. 4) Lack of awareness of road users there are still many road users who do not apply ethics and tolerance among road users. This is exacerbated by the fact that there are many drivers whose level of maturity is still lacking in vehicle control. The effectiveness of implementing Otanaha compliance operations in preventing traffic violations in Gorontalo City are: 1) Helping the community in safety and public order in driving on the road. 2). Reducing the number of road accidents, in the implementation of Traffic Obedience or Otanaha Obedience Operations.

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²¹ "Wawancara. Andika Abdjul Selaku Baur Tilang Tanggal 14 November 2022 Di Polres Gorontalo Kota."

²² "Wawancara. Andika Abdjul Selaku Baur Tilang Tanggal 14 November 2022 Di Polres Gorontalo Kota."

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Results of Interviews

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