

## THE ROLE AND STRATEGY OF THE HOLY POLICE AGAINST TRAFFIC VIOLATIONS BY CHILDREN

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### Abstract

The purpose of this research is to find out the role and efforts that can be carried out by the police in resolving cases of traffic violations by children by paying attention to several factors that lead to minor traffic violations, the factors include: a. The first factor comes from the family: child traffic violations cannot be committed without parental/family support. parents/family allow him to ride a motorbike. educational factors, especially schools: Schools play a very important role in educating children. The final factor is the environment (associations): where the environment (associations) has a big influence on the development of children's thinking patterns, children are easily influenced by the surrounding environment. Judging from the factors above, the task of the police is to prioritize and follow up well to reduce traffic crimes committed by underage children or teenagers. Efforts that can be taken by the police to prevent violations of traffic regulations by minors: a. First of all, the police certainly provide an understanding of the importance of legal awareness and educate schools to provide advice about traffic regulations in schools. B. Follow-up action, with retaliation at the discretion of the police, allows the police to provide a deterrent effect and prevent children or teenagers from committing traffic crimes.

Keywords: Legal Policy, Violations, Traffic .

### Abstrak

Tujuan dari penelitian ini adalah untuk mengetahui peran dan upaya apa yang dapat dilakukan pihak kepolisian dalam menyelesaikan kasus pelanggaran lalu lintas yang dilakukan oleh anak dengan memperhatikan beberapa faktor yang mengakibatkan terjadinya pelanggaran lalu lintas ringan, faktor tersebut antara lain: a. Faktor pertama berasal dari keluarga: pelanggaran lalu lintas anak tidak mungkin dilakukan tanpa dukungan orang tua/keluarga. orang tua/keluarga mengizinkannya mengendarai sepeda motor. Faktor pendidikan khususnya sekolah: Sekolah memegang peranan yang sangat penting dalam mendidik anak. Faktor yang terakhir adalah lingkungan (pergaulan): dimana lingkungan (pergaulan) mempunyai pengaruh yang besar terhadap perkembangan pola pikir anak, anak mudah terpengaruh oleh lingkungan sekitar. Dilihat dari faktor-faktor di atas, tugas polisi adalah memprioritaskan dan menindaklanjuti dengan baik untuk mengurangi kejahatan lalu lintas yang dilakukan oleh anak di bawah umur atau remaja. Upaya yang dapat dilakukan kepolisian untuk mencegah pelanggaran peraturan lalu lintas yang dilakukan oleh anak di bawah umur: a. Pertama, pihak kepolisian tentunya memberikan pemahaman akan pentingnya kesadaran hukum dan mendidik pihak sekolah untuk memberikan imbauan peraturan lalu lintas di sekolah. B. Tindak lanjut dengan tindakan pembalasan sesuai kebijaksanaan polisi, memungkinkan polisi memberikan efek jera dan mencegah anak

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atau remaja melakukan kejahatan lalu lintas.

Kata Kunci : Kebijakan Hukum, Pelanggaran, Lalu Lintas.

## Introduction

As time progresses, modern patterns of behavior also develop . Plus technology is increasingly sophisticated and consumer behavior is increasingly high. So it can make it easier to complete activities quickly and efficiently. One of the impacts that occurs is increasing behavioral changes for teenagers . Teenagers are stages of change from childhood to adulthood. These changes are usually characterized by social, cognitive and biological changes. One example of social change that occurs is following what is becoming a trend, for example the use of motorized vehicles . It is not uncommon to find teenagers under 18 years old who drive without having a driving license . Of course this is caused by a lack of knowledge about traffic and a lack of control from parents.

One of the duties of the police agency is to regulate traffic for the safety of road users . The police work to resolve various problems. Various penalties have been imposed to enforce those who violate the road or cause road accidents and inconvenience. The police apparatus, in this case the police, acts in a political function as a deterrent and implementer. In addition, the traffic police also carry out regulatory functions and audit functions, especially in the area of approval or initiation. (Soekanto, 1989)

In the Kudus area itself there are children/ Teenager riding a motorbike. Those under 17 years of age are prohibited from riding motorbikes carelessly. This can be seen from the large number of people riding motorbikes when going to school, hanging out and other activities. Of the majority of them, there are quite a few who pay proper attention to the ethics of motorcycling, meaning that most of them ride motorbikes recklessly, side by side, racing, not using helmets, not turning on or turning off the motorbike rating, and breaking through traffic signs. Sociologically, compliance with the law is a condition of compliance and compliance with applicable laws. (Rosana, 2014)

According to Article 22, Article 52 Paragraph 2 of the 2009 Road Traffic Law,

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vehicle modifications according to (1) endanger traffic safety, hinder traffic flow, or damage the road surface. Can't be damaged. / Load capacity of the road it passes through. (Yuserlina, 2019) People under 17 years of age often still have an unstable emotional level. easily influenced/offended and tends to be overly sensitive to criticism so that he is unable to control the situation well. So this can influence him to take actions that are beyond the limits in the public environment.

The main perpetrators of them riding motorbikes freely are parents. Where most of them choose practical things in terms of shortening the time in paying attention to children or teenagers when they are busy with a lot of activities. And from the start, it was permitted to ride motorbikes, so most children or teenagers would prefer to ride motorbikes. However, there are not only these factors, but also environmental factors, where most of their friends can already ride motorbikes. And this makes them behave in the same way as other friends and of course tends to choose their ego to follow the style of their friends or others.

To overcome this problem, parents must be dominant, we often find that parents easily let their children drive without being limited by the environment where their children live. However, school buses are also allowed, even from any point of view, it makes no sense for students to drive vehicles because they do not have a driving license (SIM). Teachers and parents must be firm in resolving this problem, if students do not obey school regulations, they will be punished or form a special team with the police to monitor school regulations. Another specific action is to announce through the media that students are the most serious traffic violators. (Anindhito a& Maerani, 2018)

Therefore, there needs to be cooperation from parents, legal officials and police officers in providing firmness in responding to this matter. And there is also a law protecting children or young people as an effort to protect children's freedom and human rights. However, parents are the ones who have the most dominant attitude towards this. So that it can anticipate and reduce the problem of traffic accidents.

From the explanation above, the problem can be formulated as follows: 1.) What are the weaknesses of the legal policy regarding traffic crimes committed by children or teenagers within the Kudus Police Station? 2.) What is the solution to the weak legal policy regarding traffic crimes committed by children or teenagers within the Kudus Police Station? 3.) What are the efforts and role of the police in responding to legal

policies regarding traffic crimes committed by children or teenagers within the Kudus Police Station?

## RESEARCH METHODS

The research method used is sociological legal research. The sociological legal approach prioritizes research that aims to gain legal knowledge empirically by acting directly on the main problem. (Soekanto, 2005) Study Effectiveness : Ministry regulations and studies aim to find relationships between various symptoms or variables as data collection tools including documentary research , library materials and interviews. (Amiruddin, 2012) In this type of research, law is conceptualized as an empirical phenomenon which can be observed clearly and correctly. The Sociological Juridical Method in completing this research is descriptive analysis, supported by primary data sources and secondary data sources and described with analysis and providing a detailed and clear discussion.

The main data sources or legal case facts obtained by researchers were obtained through field research , by attaching information about the relevant sources. Meanwhile, secondary data sources were obtained through library research. Supporting data in this research are: 1) 1945 Constitution, 2) Criminal Law, 3) Law no. 11 of 2012 concerning the Criminal Code, 4) Law no. 17 of 2006 concerning the Second Amendment to Law no. 23 Concerning Child Protection, 5) Law no. 22 of 2009 concerning Road Traffic and Transportation, 6) books related to this research, 6) Documents resulting from research in the legal field, especially documents related to this research, 7) Guidelines for writing scientific papers.

In collecting data, researchers focus on what is available, with the aim of not straying into the discussion being discussed. Don't forget that this research also uses library research. This means collecting data obtained through reliable sources and literature, and of course scientific research. Regulations and other

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written sources related to the problem under study are used as a theoretical basis. Therefore, second hand information is obtained. Raw data is used to examine the operation of law in society through field observations, interviews, questionnaire surveys, and data collection methods from small documents.

The data analysis method used after the data is collected is the qualitative normative data analysis method. This reason is called normative because the study is based on existing regulations, namely active legal norms, while the characterization is based on information obtained through sources for clarification purposes.

The method in this research is a normative analysis method. This method is carried out by paying attention to the facts (field practices) that exist in society and comparing them with explanations in the literature. Furthermore, from this analysis, we discovered the effectiveness of the legal system, which provides the general public with the opportunity to learn general guidelines regarding juvenile traffic violations.

## DISCUSSION

### Weaknesses of the Legal Policy Against Traffic Crimes by Children or Adolescents within the Kudus Police Station

Something that becomes an obstacle is usually called a weakness. With these weaknesses, implementing legal policies against traffic crimes by children or teenagers does not work properly. So it is very necessary to know what kind of weaknesses and be able to find the best solution.

Case studies in this area can identify law enforcement weaknesses in maintaining law and order, especially those related to traffic violations by children and teenagers:

**1. The public still lacks legal awareness**

As modern lifestyles increase, there is a significant increase in mobility. The increasing level of consumers driving both 2-wheeled and 4-wheeled etc. is quite rapid and there is a lack of balance regarding the addition of appropriate road facilities and infrastructure. In addition, there is still low or lack of legal awareness regarding traffic law policies in creating public order by obeying traffic regulations. This gives rise to several aspects that can influence whether or not a good, comfortable, orderly and easy traffic system is created.

**2. Lack of expertise on the part of the Police**

Of course, we really hope that the police officers will play an important role in carrying out their duties well. Both in terms of quality in the form of technical mastery/investigation techniques and quantitatively. There are also things that arise from various cultural aspects, namely the behavior of officials who are stubborn, not providing good service, being discriminatory, manipulative and so on.

The law which is the legal basis for police authority still leaves behind various existing polemics, such as:

- a.** There are still laws and regulations in the Dutch era. And it is considered unable to accommodate current developments, but its existence is still maintained to this day.

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- b. There are still laws whose substance is still vague, so that as a result of this lack of clarity, many different interpretations (multiple interpretations) emerge.
3. Lack of adequate infrastructure that supports the proper implementation of a traffic law policy.

It can be seen that there are still many road traffic facilities such as fire lights that are damaged, which can disrupt the smooth flow of traffic. This destruction can give rise to many people committing violations and fighting over routes, so that no one is willing to give in. Basically, a set of traffic rules, such as signs and road signs made by the police, are not in accordance with Law Number 2 of 2002 concerning traffic and road transportation.

### **Solutions to Weak Legal Policies Against Traffic Crimes by Children or Teenagers in the Kudus Police Area**

In carrying out its duties, the police always carry out inspections . The inspection was carried out on all over citizens who passing by while doing activities on a public road. Such as the existence of a rapid inspection program. Rapid inspections are regulated in the Criminal Procedure Code which includes inspection programs for minor crimes & traffic crime cases. Article 211 of the Criminal Procedure Code states that those who are examined in the criminal offense inspection program traffic is a criminal offence exclusive traffic related to traffic laws and regulations. (Samapto, 2009)

What is meant by a violation problem according to Article 211 of the Criminal Procedure Code is:

- 1) Using lanes at will disrupts traffic regulations and traffic safety and endangers the risk of road damage.
- 2) Driving a vehicle without having a driving license (SIM), vehicle number plate, vehicle test certificate, or other proof of road traffic, but which has expired.
- 3) Authorizing or authorizing the driving of a car by someone without a driver's license.
- 4) Road traffic regulations requirements for numbering, lighting, equipment, vehicle loading and other agreements are not met.
- 5) Makes it possible to find cars in traffic without a license plate. Violation of road traffic authority orders, as well as existing road traffic control signals, signs or road features.
- 6) Violation of dimensions and permissible load requirements. procedures for unloading both passengers and property.
- 7) Violations related to route permits, the types of vehicles that are allowed to travel on predetermined routes. (PAF Lamintang, 2013)

Therefore, it can be seen in detail what is meant by the problem of road  
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traffic violations. What can be seen in the legal council trial is by checking the problem of road traffic violations which is carried out using the checking method in a very short time. Confiscation in traffic crimes in accordance with KUHAP Article 38 paragraphs (1) and (2), namely: 1. Confiscation can only be carried out by investigators with the approval of the local regional legal council. 2. In urgent conditions, if the investigator is forced to act and does not obtain prior approval, the investigator can only confiscate movable property without prejudice to the provisions of paragraph (1). This can be done and must be immediately reported to the local government for approval. (Rizki, 2008)

### **Efforts and Role of the Police in Addressing Legal Policies Against Traffic**

#### **Crimes by Children or Adolescents within the Kudus Police Station**

The National Police of the Republic of Indonesia (POLRI) is a police force that is directly responsible to the President. The police carry it out police missions throughout Indonesia . Among other things, maintaining security and discipline of citizens , upholding the law , providing protection, protection and providing services. The police are on their toes law enforcement representatives and security and discipline advisors . (Arif, 2021)

Article 1 (5) Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia explains the function of the police as follows:

*"Security and order are a dynamic condition as one of the prerequisites for the implementation of the national development process which is characterized by ensuring order and upholding the law and maintaining peace which contains the ability to foster and develop potential and strength in warding off, preventing and overcoming all forms of law violations and forms of other forms of interference can be unsettling"*

It can be seen from the contents of the article above that the police always carry out their dual role as law enforcers and social workers, as well as playing a role in the form of service. In general, the function of the police agency is to maintain security and orderly law enforcement.

Article 13 of Law Number 2 of 2001 regulates the main obligations of the Indonesian National Police, namely:

1. Maintain order, security and peace.
2. Enforcement.
3. Providing protection, guidance and service to the community.

Therefore , in carrying out its obligations, the Police have the right to provide investigation. Discursion is a broad authority or freedom of action. Police officers who are at the forefront of criminal law enforcement must be able to use the authority given to them as well as possible, especially in the best interests of children or teenagers who violate the law.

Law enforcement agencies carry out investigations in the criminal justice system. as aimed at advancing the public interest as regulated in the Preamble to the 1945 Constitution, additional functions for the public interest. In a welfare state it has several consequences for national administration, in other words the government must play a participatory

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role. Play an active role in socio-economic and law enforcement. Therefore, the government is obliged to serve the public. (Astari, 2015)

Article 18 (1) of Law Number 2 concerning the National Police of the Republic of Indonesia of 2002 regulates that the police have a legal basis for traffic crimes committed by children, namely discussions about the general interests of the Indonesian nation. In Indonesia, when carrying out their duties, the authorities can act according to their judgment. According to information from the Polda Metro Jaya Transportation Service, in 2018 there were 32 cases of child traffic crimes resolved by the police using appropriate reconciliation methods between perpetrators and victims. (Agustina, 2020)

According to Satjipto Rahardjo, "The task of the police is actually not far from the task of prosecution. Isn't it the job of the prosecutor to clarify the criminal law when dealing with certain perpetrators? (Prinst, 2014) therefore, the dissertation is actually an integral part of the legal supervision system itself. (Rahardjo, 2003)

Apart from being appropriate for carrying out investigations, there are also important things for carrying out police duties. The reasons are as follows:

1. The statute's language is too general to serve as a detailed implementation statement for local officials.
2. Law is a means of achieving justice and maintaining order, and the judicial process is not the only means of achieving these goals.
3. Consider the resources and skills of police officers. (Said, 2012)

Article 27 of the 1945 Constitution explains the equality of position in law and government for all of Indonesia. Police officers have an obligation to provide protection and create security and order for all. As explained by Barda Nawawi Arief in his book, which explains the goals achieved for the benefit of society through criminal justice, namely:

1. Maintaining Order inside.
2. Protects from criminal acts in the form of crimes, losses, etc.
3. Reconciliation to parties who violate the law.
4. Defend and maintain the integrity of views regarding social justice, individual justice and human dignity. (Nawawi, 2006)
- 5.

## **CLOSING**

In implementing the Legal Policy Against Traffic Crimes by Children or Teenagers within the Kudus Police, it is very necessary to understand the influencing factors, the existence of weaknesses that need to be updated, and prepare the best solution to create a Legal Policy Against Traffic Crimes Crossing by Children or Teenagers in the Kudus Police Area.

1. Factors that influence traffic crimes by children or teenagers within the Kudus Police Station:
  - a. Family Factors

Family is the most important factor in forming a child's mindset in today's life. Where most parents or families provide support and even  
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facilitate children with vehicles. which is without any supervision from them. So quite a few of them have committed traffic violations, and this has a big impact on public order.

b. Educational Factors, especially at School

School is a place where they are well educated. So there needs to be cooperation between schools and the police. There needs to be a requirement that the school impose restrictions or prohibit them from driving vehicles to school.

c. Environmental Factors (Social)

In everyday life, children or teenagers certainly play with each other. By frequently gathering together, the same pattern automatically forms. The increasing intensity of their relationships with each other will certainly have a negative impact on them.

2. The weaknesses that the police take in their efforts to enforce the law for children or young people regarding traffic crimes are:

a. Society still lacks legal awareness

b. Lack of expertise on the part of the police

c. Lack of adequate infrastructure that supports the proper implementation of a traffic law policy.

3. Solutions for efforts and roles that can be carried out by the police in anticipating the occurrence of traffic crimes by children or teenagers are:

a. Main Steps (Initial Attempts)

In anticipating the occurrence of traffic violations caused by children or teenagers who are still underage, by providing an understanding of how important it is to be aware of the legal policies that have been implemented in order to create public order, then by conducting socialization regarding traffic rules in schools . school. With the aim of holding this outreach, it is hoped that there will be cooperation between schools and police officers in providing an understanding of driving well and in accordance with traffic rules. Not only does it provide understanding but it should also prohibit them from riding motorbikes to school.

b. Repressive Efforts

This effort is a Police Discersion in carrying out its duties. Police officers have the authority to take direct action against traffic violators, especially children or teenagers who are underage. with the aim of providing a deterrent effect and preventing children or teenagers from committing traffic crimes.

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