Criminological Study of Traffic Violations on Numbing Island

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Abstract

Traffic violations are no longer commonplace among society. This often happens in the community, sometimes even causing economic and physical losses due to traffic accidents. Positive law in Indonesia has explicitly regulated traffic safety rules which are regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. To study this, researchers took the research location Numbing Island, which is one of the islands in the Riau Islands Province. And from a criminological perspective, researchers want to examine in more depth what is the basis for the perpetrator to commit this offense. The research method used is empirical juridical research. As support in building the arguments for this research, researchers used primary and secondary reference materials. Data collection techniques used by researchers include observation methods, interviews and literature review. The research data analysis technique was carried out using a qualitative method, then in developing a line of thinking, the researcher used a deductive method. The results of this research show that the level of traffic violations on Numbing Island is sociologically caused by a lack of public awareness on the grounds that the application of traffic laws in the island area is not necessary, in terms of law enforcement factors, supervision by Bhabinkamtibmas is still not strictly implemented so that there is a form of negligence on the part of the authorities. law enforcers to enforce traffic regulations.

Keywords: Criminology; Traffic Violations; Numbing Island.

INTRODUCTION

Numbing Island is a village located in Bintan Pesisir District, Bintan Regency, Riau Islands Province. The location of Numbing Island is also quite far from Bintan Island, which is the largest island in the Riau Archipelago Province, so to cross to Numbing Island we can travel by motorboat via the Pantai Indah Barek Motor Kijang Pier with a journey time of 3 hours. Numbing Island also borders several surrounding islands, such as to the west it is bordered by Mantang Besar Village, and to the east it is bordered by the South China Sea.

The lives of the Numbing people who are generally fishermen, people spend more time at sea than on land, when they are on land they use motorbikes for daily activities, in fact almost all people on Numbing Island have motorized vehicles, considering the large area of Numbing Island. It is quite wide, up to approximately 53 km2, which is also the reason why motorized vehicles are very popular with the people of Numbing. However, it turns out that the high rate of motorized vehicle use on the island is not accompanied by awareness about driving safety or vehicle equipment according to standards and there are several vehicles that do not have vehicle registration certificates. So this raises questions about how the local community is monitored and aware of the importance of knowing what are the criteria for good driving safety.

Positive law currently regulates traffic policies in Indonesia which were formed in Law Number 22 of 2009 concerning Road Traffic and Transportation. The aim is to regulate public order and safety when driving, and violators will be subject to criminal penalties as regulated in these regulations (Nugroho dan Pujiyono 2022). We need to understand together that criminal law has a public nature, where the rules are not formed based on the interests of an individual who is directly harmed, but rather are formed by the government as a representative of the public interest and also has the power to form a rule. (A. E. Dewi, 2020). So that the public, as subjects affected by this, must be able to comply carefully with all the rules established by the government, including traffic rules.

The high level of violations in traffic is the main problem in this paper. The violation was carried out intentionally or unintentionally. So this problem has become something that is no longer commonplace and has even become a habit for Indonesian people to ignore existing driving safety procedures (Dewi, Yuliartini, dan Mangku 2020). Even though the forms of traffic violations have been regulated in detail in Law Number 22 of 2009 concerning Road Traffic and Transportation, such as not wearing a helmet (Article 106 paragraph 8), not having a driver's license and STNK (Article 288 paragraph 1), does not meet technical and roadworthy requirements (Article 285 paragraph 1).

The focus of the research in this writing is also a form of legal review of the high number of criminal cases of detention that occur in the Riau Islands Province, especially in big cities such as Batam City and Tanjungpinang City. This is of course related to the high level of traffic violations, especially driving license violations in small areas such as Numbing Island which is geographically close to Batam City and Tanjungpinang City.

The theory used in this paper is based on Roscoe Pound's theory, namely law as a tool of social engineering, which means that law can change social values in society (Rasjidi dan Rasjidi, 2007). Including the people of Numbing Island, to foster a high sense of caution in traffic by following applicable legal regulations, remembering that driving violations not only have a negative impact on the driver but also other people around them when an accident occurs.
The first research that became a reference for researchers was a journal entitled "Traffic Violations by Children in the Pancur Batu Sector Police in a Criminological Perspective" written by Zen Dinata Sembiring, Ade Namora Siregar, and Gomgom TP Siregar from Darma Agung University (Sembiring et al., 2021). The similarity with this research is that it discusses a criminological review of traffic violators. And what is different about this research lies in the focus of the research discussed in the previous research. The focus of the research is children, whereas in this research the focus is in general, especially the residents of Numbing Island. Previous research focused on the ineffective application of traffic laws which gave rise to traffic violations, whereas this research focuses more on social behavior or community habits that cause violations.

The second research, namely a thesis entitled "Criminological Review of Traffic Violations in the Legal Area of the North Lombok Police" written by Suprayogi Hadiyan (Hadiyan, 2019) from the University of Mataram, the similarity with this research lies in the criminological discussion of traffic violations, and the difference lies in the research locus and methods used, in the previous research the research locus was located in the legal area of North Lombok, whereas in this research it was located on Numbing Island.

The third research is a thesis entitled "Criminological Review of Traffic Violations in Rural Areas from an Islamic Legal Perspective," written by Erika Fitriani from Alauddin State Islamic University, Makassar (Fitriani, 2017). The similarity in this research is that they both discuss a criminological review of traffic violations in rural or small areas far from the government’s attention. The difference lies in the point of view of the previous research, which took an Islamic law perspective, whereas this research focuses on the positive legal aspect approach.

From the background of the problem described above, this research aims to find out what factors cause traffic violations on Numbing Island from an academic perspective, especially through legal science.

RESEARCH METHOD

The research method used in this writing is Empirical Juridical and studied through the Regulatory Approach. The statute approach is a research approach that focuses on the analysis and understanding of legal regulations related to research. This approach involves an in-depth study of law as a set of positive rules or norms within the framework of a legislative system. In implementing this approach, special attention is paid to the hierarchy of laws and regulations, legal principles, and norms that apply in society. (Marzuki, 2005)

The research data source in this writing uses 2 data sources, namely primary data sources originating from direct observation on Numbing Island and interviews with the community. Secondary data sources used are books, journals, theses or theses, and laws and regulations related to the object of this research.

The technique for collecting legal materials or secondary data in normative legal research is carried out by literature study of legal materials, both primary legal materials and secondary legal materials. Searching for legal materials can be done by reading, viewing, listening or searching for legal materials via the internet or websites.

Primary legal materials used in this writing include Law Number 22 of 2009 concerning Road Traffic and Transportation, Law Number 1 of 2023 concerning the Criminal Code, and Government Regulation Number 30 of 2021 concerning the Implementation of Road Traffic and Transportation. As well as secondary legal materials in the form of literature and legal scientific works related to this research. The selected legal materials will then be analyzed for a
RESULT AND DISCUSSION
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The format of the research results and etymologically, criminology comes from two syllables: crime and logos. Crime means evil, while logos can be interpreted as knowledge. So, it can be defined from these two syllables. Criminology is a science that studies crime (Susanti dan Rahardjo 2018). Here are many expert opinions regarding the concept and understanding of criminology because the criminology study material is extensive. So, criminology as a science can be seen from the crime itself and a different perspective. Some people see criminology from the perspective of how the origin of the crime occurred, and there are also views of criminology that deviate from the rules and norms that live in society. Public. So technically, criminology cannot be viewed from one scientific angle, but it also requires other scientific fields that can support ideas in formulating the causes of a crime.

Prof. Dr. WME. Noach defines Criminology as a scientific discipline that researches the phenomenon of crime and inappropriate behavior and investigates the causes, reasons, and consequences. (Achmad & Firganefi, 2016). According to Wolfgang Savita and Jhonston, Criminology is a combination of sciences that focus on crime to understand the characteristics of criminals. The definition of the crime phenomenon in this context refers to a scientific discipline that systematically studies and analyzes information about crime, crime actors, and society’s response to both (Susanti dan Rahardjo 2018).

The scope of criminology studies has 3 (three) main points of study which can formulate how and what are the causes of a crime, which Abdulsyani conveyed in his book Sociology of Crime. These include, among others;

1) Efforts to formulate the symptoms of crime
2) Efforts to explore the causes of crime
3) The concept of crime prevention

Referring to one of the philosophies put forward by the Greek philosopher Cicero, who said Ubi Societas, Ibi Ius, Ibi Crime, which means that when there is society, there is law and crime that go hand in hand (Arifin, 2020).

As a rule of law, Indonesia has established regulations governing criminal matters, which are contained in Law Number 1 of 1946 concerning Criminal Law Regulations revoked by Law Number 1 of 2023 concerning the Criminal Code. In the Criminal Code, we recognize two terms, Crime (misdrivjen) and Violation (overtredingen), but the Criminal Code itself does not expressly define the difference between these two things. However, several experts formulate that Crime is behavior or actions that violate the law, while violations are an attitude of disobeying prohibitions that the authorities have regulated. However, the traffic violations on Numbing Island also imply a relationship between this and the Crime of motorCrimecle theft and detention.

Disobey Crimeraffic rules violate the legal rules contained in Law Number 22 of 2009 concerning Road Traffic and Transportation. Some violations include not wearing a helmet (Article 106, paragraph 8), not having a driver’s license and STNK. (Article 288, paragraph 1), does not meet technical and roadworthy requirements (Article 285, paragraph 1).

The occurrence of a violation of a law, especially regarding traffic, of course, some factors cause it, namely as follows (Krisna, Sugianta, dan Subamiya 2021)

1) The first is the legal factor, as a rule, that should be obeyed; violations arise when a law regulates it.
Furthermore, the structural factor is that law enforcement officers who are the authorities in taking action and supervising a violation are often inadequate; insufficient facilities also support this. So, violations often occur without supervision, which gives rise to the public's perspective as an opportunity to commit a breach.

Community factors also play a role, where the need for care and awareness of the dangers of driving behavior that violates the rules is minimal. In the work "Law Enforcement" by Soerjono Soekanto, it is stated that, in short, the effectiveness of the law depends on the extent to which society has a high level of integrity and awareness to understand the law. At least with this awareness, legal functions can be carried out. Most people may not know about regulation, but they understand the content because it is by the prevailing value system due to an internalization process.

Cultural factors could be a factor in the occurrence of a violation because society's understanding of the law is still too narrow due to cultural experience passed down from generation to generation.

Field inspections did occur on Numbing Island, especially due to the need for public awareness regarding driving equipment and obeying applicable traffic signs. Numbing Island has an area of 1,318 km² and a plywood processing factory, so traffic rules should be very important on this island. The activities of the wood transport industry that pass through residential areas pose a threat to traffic accidents. Furthermore, minors have also been permitted by their parents to be able to ride motorbikes; according to the LLAJ Law, the age allowed to ride a motorbike is 17 years, and having a driver's license (Driving License) is an absolute requirement to be able to ride a motorbike.

### Table 1. Interview results regarding public awareness in traffic

<table>
<thead>
<tr>
<th>No</th>
<th>Knowledge</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Know completely</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Just Knowing</td>
<td>8</td>
</tr>
<tr>
<td>3</td>
<td>Don't Know</td>
<td>6</td>
</tr>
</tbody>
</table>

Source: Results of interviews with the Numbing community

Through the results of interviews with researchers with the people of Numbing Island regarding public knowledge regarding traffic awareness, in general, they know the general requirements, such as

1) Have a driver's license and STNK
2) Wear a helmet
3) Using rearview mirrors, and
4) Use a motorbike that is suitable for use

The public quite well knows it, but if we look at the level of willingness to do this, it can be said that almost the majority of the people of Numbing Island are not indifferent to this matter; instead of obeying the existing legal rules, people tend to ignore the legal rules because it is not important in their opinion.

Apart from social factors, there are also economic factors that cause the people of Numbing Island to prefer to use motorbikes that need proper documents. This is because the price of motorized vehicles that do not have complete paperwork tends to be cheaper than motorized vehicles that have complete paperwork, considering the economic conditions of the people of Numbing Island, the majority of whom are fishermen and casual laborers at the plywood factory on Numbing Island. This behavior was also proven theoretically by Willem Adrianus Bonger. The emergence of deviant societal actions does not originate from biological factors but from economic factors that encourage this. Bert K. Merton said that anomie is a social condition that occurs due to disharmony. Kondisi sosial yang demikian juga menunjukkan penyebab terjadinya tingginya tingkat pelanggaran di Numbing. Seperti masyarakat yang tidak
sadar hukum karena kebiasaan untuk tidak menaati peraturan, kurangnya penegakan hukum yang dilakukan oleh aparat, perhatian pemerintah terhadap daerah tersebut juga menjadi permasalahan (Lily, 2015).

The high level of traffic violations, especially in terms of completeness of correspondence on Numbing Island, is also related to the high number of motor vehicle theft cases in the districts and cities around Numbing Island, such as Bintan Regency, Tanjungpinang City, and Batam City. As stated by the Tanjungpinang Police Chief in December 2022, the crime rate in Tanjungpinang City was high in 2022, which increased significantly from 214 criminal cases, of which 45 cases were cases of motor vehicle theft, and the perpetrators sold the stolen vehicles. These are on remote islands such as Numbing Island (Naim, 2022).

Membeli Purchasing stolen goods is a crime that is classified as a criminal offense in the Criminal Code, as mandated by article 591 of the New Criminal Code, which states that the perpetrator of the robbery can be imprisoned for a maximum of 4 (four) years or a fine of up to category V. and the perpetrator of the theft in question is as follows;

a. buying, offering, renting, exchanging, accepting collateral or pawning, receiving gifts or to withdraw profits, selling, renting, trading, pawning, transporting, storing or hiding an object that is known or reasonably suspected that the object was obtained as a result of a crime;

b. or withdrawing profits from the proceeds of an object, which is known or reasonably suspected that the object was obtained from a criminal act.

The phrase "reasonable to suspect" can be explained as the buyer knows through human reason that the goods purchased are illegal or can suspect that they were obtained from actions that violate the law. Several things that are identical characteristics of stolen goods are.

1) Do not have complete ownership documents

2) Cheap price

3) The condition of the goods is not in good condition, for example, there is damage in several parts

The incident occurred due to the need for law enforcement officers to pay attention to remote areas such as Numbing Island. Special attention to these remote islands can be implemented if Bhabinkamtibmas (Bhayangkara Pembina Security and Public Order), which has a scope of coverage in villages and sub-districts, can run as it should. Researchers see this has yet to be implemented significantly in the Numbing Island area. Considering the administrative status of Numbing Island, it is a village that should be included in the scope of Bhabinkamtibmas' work.

The Urgency of Law Enforcement Efforts Against Traffic Violations on Numbing Island

The law is actually about protecting every person or group who feels disadvantaged by someone’s irresponsible actions. In carrying out this, of course, the elements of law enforcement are the most important point in realizing public security and comfort. (Pasupati, Dewi, dan Karma 2023). Within the scope of villages and sub-districts, there is the Bhayangkara Public Security and Order Trustee (BHABINKAMTIBMAS), which has the duty and authority to carry out preventive measures against potential disturbances to public security and order as contained in the Regulation of the Head of the National Police of the Republic of Indonesia Number 7 of 2021 concerning the Bhayangkara Security and Order Trustee. Community Order.
Bhabinkamtibmas has duties as stated in Article 3 of the Regulation of the Head of the National Police of the Republic of Indonesia Number 7 of 2021 concerning Bhayangkara Building Security and Public Order:

a) carry out community development;

b) collect information and opinions from the public to obtain input on various issues regarding the implementation of the functions and duties of police services as well as problems developing in the community;

c) serve the interests of community members temporarily before being handled by the authorities and/or authorities;

d) develop and train environmental security unit officers;

e) attend activities/crowds in the village/district to convey the message of Kamtibmas;

f) carry out assistance duties and mobilize community members to overcome and restore the situation when natural and non-natural disasters occur, together with officials and other community components;

g) assist other functional units in handling or processing the crime scene; And

h) detect potential disturbances to Public Security and Order early.

In point h contained in the point above, BHABINKABTIMAS, as a law enforcement agency at the sub-district/village level, can provide preventive handling of suspected disturbances in security and public order, apart from that, comprehensive socialization regarding the importance of obeying traffic signs and driving requirements also needs to be carried out on a massive scale.

Law enforcement as a process is the application of discretion regarding a decision regulated according to legal rules. These legal rules become guidelines or benchmarks for behavior or attitudes considered appropriate or appropriate. This behavior or attitude aims to create, maintain, and maintain peace. Such is the philosophical substance of commitment and law enforcement efforts. Efforts that can be made to enforce the law include (Isrul, Thalib, dan Arsyad 2021)

1) Pre-Emptive Efforts

Pre-emptive measures are initial efforts made by the police to prevent crime from occurring. Efforts to avoid pre-emptively instilling good values and norms so that each person can internalize these norms. However, there is an opportunity to commit a crime/violation; if there is no intention, a crime will not occur. So, in pre-emptive efforts, the intention factor is lost even though there is an opportunity.

Pre-emptive crime prevention is carried out to prevent the occurrence or emergence of crimes in the first place. Preventing crime is better than trying to educate criminals to become better again, as the motto in criminology is that efforts to improve criminals need to be paid attention to and directed so that repeat crimes do not occur. (Isrul et al., 2021).

2) Preventive Effort

Preventive is an action taken by law enforcement officers to address crimes or traffic violations in the Numbing Island area by giving warnings by applicable regulations so that the public is alert when law enforcement officers are present. Apart from that, the government can also build adequate road access that is not prone to accidents so that all possibilities of traffic accidents can be resolved.

3) Represive Effort

The final step to enforce the law is a repressive effort; this effort is carried out after a criminal act occurs by providing punishment by applicable law. This can be a deterrent effect for perpetrators of crimes or violations for the actions they have committed.
Some of the efforts above can be carried out on a massive scale and require active participation and contribution from elements of society, government, and law enforcement officials. Guaranteeing traffic safety should be every community’s right, both for people in cities and even rural areas. As a result of the emergence of a legal vacuum in fulfilling the right to create a safe and peaceful environment, society tends to ignore the rule of law because the government and law enforcement officials provide no reciprocal effect.

CONCLUSION

Based on the above description, the author can conclude from the results of this writing. Criminology is a branch of science that studies the causes of crimes related to actions that deviate from the legal rules and norms that apply in society; even though traffic violations are not classified as a crime in the Criminal Code, violations can be analogized as deviations from the legal rules that apply in society.

So according to anomie theory, the social conditions that cause inequality are the main problem, where people feel that they are not paid enough attention by the local government and law enforcement by the authorities is still lacking. And there is a lack of public awareness of this.

Factors that influence the high level of traffic violations on Numbing Island are affected by the lack of public awareness interspersed with economic factors and the lack of law enforcement by law enforcement officers, especially Bhabinkamtibmas as the body authorized to carry out pre-emptive and preventive actions against traffic violators in villages/sub-districts.

REFERENCES


