



Traffic accident criminal act resulting in loss of life at Medan city police office (study of decision number 2698/pid.sus/2018/pn lbp)

Suratman^{1*}, Herlina Hanum Harahap²

^{1,2}Legal Studies Program, Al-Washliyah Muslim Nusantara University, Indonesia. E-mail: suratman@umnaw.ac.id

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ABSTRACT

Traffic accidents are one of the serious problems that threaten the safety of people around the world, including in the jurisdiction of the Medan Police. Every year, thousands of lives are lost and tens of thousands of people are injured due to road accidents. The type of research used in this study is juridical-empirical. Juridical-empirical research is legal research regarding the implementation or enforcement of normative legal provisions directly in every specific legal event that occurs in society. Data collection methods are techniques or methods that can be used by researchers to collect data. Techniques in designating an abstract word that is not manifested in objects, but can only be seen in its use through: questionnaires, interviews, observations, exams (tests), documentation, and others. The crime of "due to negligence causing death" as referred to in the Criminal Code concerning "causing death or injury due to negligence" Article 359 of the Criminal Code, the punishment is increased if the crime is committed in a position or job. Based on the above considerations, the judge sentenced the defendant Yanto to 7 months in prison, minus the period of detention that has been served. In addition, the judge ordered the return of evidence to the rightful party. In this case, the evidence returned included the Fuso Dump Truck and other vehicles involved in the accident. The judge also determined the court costs to be paid by the defendant as part of the sanction. A comprehensive solution to dealing with criminal acts of traffic accidents resulting in loss of life requires a comprehensive and integrative approach. So in this closing chapter, a conclusion can be drawn. Based on the analysis, this regulation already covers important aspects such as speeding violations, drunk driving, and vehicle conditions. The judge's considerations in Decision Number 2698 / Pid.Sus / 2018 / PN Lbp show an emphasis on the aspect of proving guilt and imposing penalties that are in accordance with the level of violation and the impact of the accident. The solution to overcoming criminal acts of traffic accidents resulting in loss of life involves several strategic steps. First, stricter law enforcement and increased public awareness of driving safety must be strengthened to prevent violations that have the potential to cause accidents.

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Corresponding Author:

Letterman,
Law, Legal Studies Program,
Al-Washliyah Muslim Nusantara University Medan,
Jl. Garu II A No.93, Harjosari I, Kec. Medan Amplas, Kota Medan,
Sumatera Utara 20147, Indonesia
Email: suratman@umnaw.ac.id

1. Introduction

Traffic accidents are one of the serious problems that threaten the safety of people around the world, including in the jurisdiction of the Medan Police. Every year, thousands of lives are lost and tens of thousands of people are injured due to road accidents. Traffic accidents resulting in death are a major concern for the authorities, because they not only result in physical human losses, but also have a profound emotional impact on the victim's family (Qurni, 2021) .

In the context of the Medan Police, traffic accidents resulting in death are an issue that requires serious handling. This area, which may have diverse traffic characteristics, ranging from urban streets to winding rural roads, is a place where various types of accidents occur. In an effort to reduce and prevent criminal acts of traffic accidents, the Medan Police must consider various factors, including law enforcement, public awareness, safe road infrastructure, and education about traffic safety (Bruggink, 2019) .

The importance of understanding the causes of traffic accidents resulting in death in the jurisdiction of the Medan Police does not only have an impact on prevention efforts, but also on fair and effective law enforcement. By understanding the factors that cause these accidents, authorities can take concrete steps to reduce risks and improve road safety.

The accident was allegedly due to factors of fatigue and lack of driver caution that triggered the accident. Human factors are the main cause of traffic accidents on the highway. This occurs due to the carelessness or negligence of the driver in driving his vehicle (Taruli, 2019).

The driver's carelessness often causes casualties, either the victim suffers serious injuries or dies, and often even takes the life of the driver himself. Traffic accidents that occur can actually be avoided if road users behave in a disciplined, polite and respectful manner (Sutawi, 2018) . In traffic and using road transportation, it has been regulated in Law No. 22 of 2009 concerning Traffic and Road Transportation (hereinafter referred to as the "Traffic and Road Transportation Law") (Ali, 2020) . In the context of traffic accidents, there are 2 (two) things that can be seen to be discussed in this study, namely: investigation of traffic violation cases that cause death, deliberate sanctions and negligence sanctions. Both sanctions are risks for drivers that can trigger traffic accidents. The Traffic and Road Transportation Law states that sanctions for negligent drivers who cause the death of another person can be subject to imprisonment for up to 12 years or a maximum fine of Rp. 24,000,000,- (twenty four million rupiah). Article 310 of the Traffic and Road Transportation Law is specifically for negligent vehicle drivers. The law and its function of regulating all aspects of national and state life can provide maximum contribution to implementation if law enforcement officers and all levels of society submit to and obey legal norms (Farid, 2019) . In a traffic accident (*lakalantas*) a separation between violations and crimes must be made. Because in order to prosecute before the law, the incident that occurs must be a crime, while in a traffic accident the crime that occurs is an unintentional crime or due to negligence or negligence.

The high rate of traffic accidents (*lakalantas*) itself is due to the lack of public awareness in this case motor vehicle drivers with various factors inherent in themselves, for example in terms of physical fitness, mental readiness when the driver is tired, the influence of alcohol, and illegal drugs (Cellebrite, 2017) . The condition of driver unpreparedness opens up a great opportunity for serious accidents in addition to endangering the safety of other road users. Careless, sleepy, unskilled, tired, not keeping a distance, driving too fast are examples of common driver errors. In addition to the causes of traffic accidents that have been described above, the occurrence of traffic accidents on the highway is also influenced by the age factor of the driver, data analysis conducted by the Directorate General of Land Transportation shows that drivers aged 16-30 years are the biggest cause of traffic accidents.

In traffic, there are known as intention and negligence. In the formulation of criminal acts, the element of intention or what is called *opzet* is one of the most important elements. In relation to

the element of intention, if in a formulation of a criminal act there is an intentional act or commonly called *opzettelijk*, then the element of "intentionally" controls or includes all other elements that are placed behind it and must be proven (Sangki, 2020) . In addition to the element of intention, there is also an element of negligence or negligence or *culpa*. In criminal law doctrine, it is called unconscious negligence (*onbewuste schuld*) and conscious negligence (*bewuste schuld*). Where in this element the most important factor is that the perpetrator can anticipate the consequences of his actions or the perpetrator is not careful enough. The most important element in negligence (*culpa*) is that the perpetrator has awareness or knowledge which the perpetrator should be able to imagine the consequences of his actions. In other words, the perpetrator can anticipate that the consequences of his actions will result in consequences that are punishable and prohibited by law.

2. Method

The type of research used in this study is juridical-empirical. Juridical-empirical research is legal research on the enforcement or implementation of normative legal provisions directly on each specific legal event that occurs in society. Empirical legal research is research or observation in the field or field research whose research focuses on collecting empirical data in the field . The location of data collection in this study is at the Gakkum Unit of the Medan Police Traffic Unit located on Jl. Sudirman, No. 18. Lubuk Pakam, North Sumatra, Indonesia.

Data collection methods are techniques or ways that can be used by researchers to collect data. Techniques in designating an abstract word that is not manifested in objects, but can only be seen in its use through: questionnaires, interviews, observations, examinations (tests), documentation, and others. The data analysis technique used in this legal research uses qualitative analysis methods. A qualitative approach is an approach that discusses how to analyze collected data using methods or analysis or legal interpretation known as authentic interpretation, interpretation according to grammar, interpretation based on legal history, systematic interpretation, sociological interpretation, teleological interpretation, or functional interpretation.

3. Analysis and Results

3.1. Legislation Regarding Traffic Accidents Resulting in Loss of Life at the Medan Police Headquarters

In the Law, the term "*strafbaar feit*" has been used to refer to Criminal Acts in the Criminal Code, so there are various opinions about what is actually meant by *strafbaar feit*. *Strafbaar feit* is interpreted as a behavior a person who at a certain time has been rejected in a certain social circle certain lifestyles and are considered as behavior that must be eliminated by law. criminal acts using coercive means that are available in it (Friedman, 2019) . *Strafbaar feit* is a threat or an attack on the rights of others which is considered inappropriate, because humans always socialize in his life, then the nature of the law is coercive in it. An act of violating law that has been done intentionally or unintentionally by someone who can be held responsible for their actions and which by law has been declared an action punishable by *strafbaar feit* above, it is against the law, as if there is an action that is prohibited or required by law, these actions must comply all elements of the crime as formulated in the law . The case was then brought to court, where the Defendant Yanto was found guilty of a criminal act due to his negligence causing the death of another person. The court referred to Article 310 paragraph (4) of Law No. 22 of 2009 concerning Traffic and Road Transportation, which regulates traffic crimes that result in fatalities, with a maximum prison sentence of 6 years and a fine. In its legal considerations, the Court decided several important things. Therefore, the Court decided that the Defendant Yanto was proven legally and convincingly guilty of committing the crime of "Negligence resulting in loss of life" as regulated in Article 310 paragraph (4) of Law No. 22 of 2009. The Defendant was sentenced to 7 months in prison, minus the time served, and was ordered to remain in detention. In addition, the Court also determined that the evidence be returned to the entitled

party and imposed a court fee of Rp. 2,000. This verdict is pronounced in an open session on the day and date determined by the Lubuk Pakam District Court, attended by the relevant parties. The settlement of criminal cases is carried out through the stages of investigation, prosecution, and examination in court. At the stage of settling criminal cases in court, the judge plays a role in determining whether or not the defendant is guilty. The determination of the defendant's guilt is based on the facts in court based on the statement witnesses, and the defendant's own statement is linked to the available evidence. Based on the above, this article will discuss the settlement of criminal acts due to negligence causing another person to die in a traffic accident in Court.

From the above problems, it is necessary to implement and apply the Traffic and Highway Law to the public in general, so that all road users truly understand the traffic signs on the road. The Traffic Control Activities include: a. Providing direction and instructions in the implementation of traffic policies. The provision of direction and instructions in this provision is in the form of determining or providing guidelines and procedures for the purposes of implementing traffic management, with the intention of obtaining uniformity in its implementation and can be implemented properly to ensure the achievement of the predetermined level of service. b. Providing guidance and counseling to the public regarding the rights and obligations of the public in implementing traffic policies.

3.2. Judge's Consideration Regarding Traffic Accident Crimes Resulting in Loss of Life at Medan Police Headquarters Study of Decision Number 2698/Pid.Sus/2018/Pn Lbp

This case began with a traffic accident that occurred on August 14, 2018 on Jalan Besar Tuntungan, Durin Jangak Village, Pancur Batu District, Deli Serdang Regency. This incident involved three vehicles: Fuso Dump Truck No. Pol BK 8028 XA driven by defendant Yanto, Rajawali passenger car BK 1393 MW driven by Suhadi, and goods pedicab BK 4439 AHL driven by witness Darma. The accident was fatal, causing one passenger of the Rajawali car, Pranata AS Surbakti, to die due to the hard impact.

This incident occurred at 15.30 WIB with damaged and potholed road conditions, and sunny weather. The Rajawali passenger car, which was driving slowly due to the road conditions, was suddenly hit by a Dump Truck driven by the defendant Yanto hard. The impact of this collision caused the Rajawali car to bounce and hit the goods pedicab in front of it. As a result, the Rajawali car passenger suffered injuries, one of which was During the trial, the judge assessed various aspects related to the accident. First of all, the judge considered the statements of the witnesses present at the trial. The witnesses who provided testimony included Suhadi, the driver of the Rajawali passenger car, and Darma, the driver of the goods pedicab. According to witness Darma, at the time of the accident, he was driving the goods pedicab at low speed due to the damaged and potholed road conditions. Witness Darma stated that the Rajawali passenger car was driving slowly behind his pedicab, while the Dump Truck driven by the defendant was driving from behind at high speed. Witness Darma also saw that after the collision, the Rajawali passenger car hit his pedicab, causing severe damage to the vehicle. Witness Suhadi, the driver of the Rajawali passenger car, explained that at the time of the accident, he was driving his vehicle slowly because of the damaged road conditions. Suddenly, the Dump Truck driven by the defendant hit his car from behind, causing the car to bounce and hit a goods pedicab. Suhadi also reported that after the accident, several passengers were injured and immediately taken to the hospital, but one of the passengers, Pranata AS Surbakti, was declared dead due to the impact.

In his considerations, the judge assessed that the defendant Yanto's actions fulfilled the elements of a criminal act regulated in Article 310 paragraph (4) of Law No. 22 of 2009 concerning Traffic and Road Transportation. This article regulates negligence resulting in death, with a maximum prison sentence of 6 years and a maximum fine of Rp. 12,000,000.00. The judge also referred to Article 359 of the Criminal Code which regulates criminal acts due to negligence resulting in death, with a maximum prison sentence of 5 years or a maximum imprisonment of

1 year. The judge considered that the defendant Yanto had committed serious negligence in driving the Dump Truck. In such circumstances, drivers are expected to have high alertness, especially when driving on damaged and potholed roads. This accident shows that the defendant did not comply with the expected safety standards, which had fatal consequences for one of the passengers in the Rajawali passenger car. The judge's considerations in this case reflect the importance of criminal responsibility for perpetrators of traffic accidents. Through this decision, it is hoped that it can provide a deterrent effect on the perpetrators and encourage increased alertness in driving. In addition, this decision also confirms that the law will provide appropriate sanctions for those who commit negligence that results in fatal consequences for others. In the context of criminal law, this case provides an illustration of how traffic laws and criminal law are applied in practice. This is important to ensure that each case is handled carefully and provides justice to all parties involved.

3.3 Solutions Regarding Traffic Accidents Resulting in Loss of Life at Medan Police Headquarters Study of Decision Number 2698/Pid.Sus/2018/Pn Lbp

In an effort to address the criminal act of traffic accidents resulting in loss of life at the Medan Police Headquarters, the study on Decision Number 2698/Pid.Sus/2018/PN Lbp provides valuable guidance for formulating effective solutions. First, increasing law enforcement and public awareness is a crucial step. Strict law enforcement against traffic violations, such as drunk driving or high speeding, is essential to reduce the risk of accidents. This includes stricter enforcement of sanctions against serious violations, which are often the main cause of fatal accidents. In addition, efforts to educate and educate the public about road safety must be increased. These programs should include information about the dangers of traffic violations, the importance of obeying the rules, and the impact of these actions on public safety. This campaign can be carried out through various mass media, school activities, and community programs to ensure that safety messages reach all levels of society. Enforcement of regulations and supervision also require serious attention. Regulations related to traffic safety must be strengthened and strictly monitored. This includes routine checks on the condition of vehicles and drivers, as well as monitoring compliance with traffic rules. Strict supervision can help prevent violations that have the potential to cause accidents. In addition, implemented policies should be evaluated periodically to ensure their effectiveness. This evaluation should be based on accurate data and analysis on traffic accidents, their causes, and their impacts, so that policies can be adjusted to existing needs and challenges. Regulation and supervision should also involve a data-driven approach. Comprehensive data collection and analysis on traffic accidents can provide better insight into accident patterns and trends, as well as the effectiveness of implemented policies. This data can be used to formulate more targeted policies and carry out more effective interventions to prevent future accidents. Implementation of a more integrated accident reporting system can also help in collecting accurate and real-time data. Policy evaluations should be conducted by involving all stakeholders, including the community, to obtain constructive feedback. This evaluation should include an analysis of the effectiveness of existing policies, challenges faced, and recommendations for improvement. This evaluation process should be transparent and involve active participation from various parties to ensure that the policies implemented are truly in accordance with the needs of the community and are able to better address the problem. Overall, a comprehensive solution to addressing criminal acts of traffic accidents resulting in loss of life requires a comprehensive and integrative approach. By combining strict law enforcement, improving the case handling system, strict supervision, support for victims, and continuous policy evaluation, it is hoped that a safer and more equitable traffic environment can be created. The consistent and sustainable implementation of these solutions will have a positive impact on reducing accident rates, increasing justice, and protecting the safety of the community as a whole.

4. Conclusion

The laws and regulations governing traffic accidents in Indonesia, including in the Medan Police, include various provisions aimed at regulating traffic safety and setting sanctions for violations. Based on the analysis, these regulations already cover important aspects such as speeding violations, drunk driving, and vehicle conditions. However, the implementation of these regulations in the field often faces challenges, such as inconsistent implementation and limited supervision. Therefore, further efforts are needed to strengthen and enforce these laws and regulations more consistently and effectively. The judge's considerations in Decision Number 2698/Pid.Sus/2018/PN Lbp show an emphasis on the aspect of proving guilt and imposing sentences that are appropriate to the level of violation and the impact of the accident. The judge considered various factors, including intent, level of culpability, and the socio-economic impact of the accident. The judge's decision reflects an effort to balance providing justice for victims and their families and enforcing the law fairly against violators. However, this consideration process often takes a long time and can face obstacles in ensuring that all aspects of the case are handled appropriately.

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