

The Role of the Police in Traffic Law Enforcement against Traffic Accidents at the Binjai Resort Police

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ABSTRACT

In the Road Traffic and Transportation Law No. 22 of 2009. In actuality, many people commit traffic offenses, both road users and law enforcement officers, resulting in disruption of public order, losses, and deaths. Based on the description above, the problem formulated is how to regulate traffic law on traffic accidents in the jurisdiction of the Binjai Police, what role the police play in law enforcement against traffic accidents at the Binjai Police, and what obstacles exist in enforcing traffic law at the Binjai Police. A normative approach and an empirical approach are employed. The research was conducted at the Binjai Police Station, and the data was gathered through primary and secondary legal texts as well as interviews with key informants. The data was analyzed using qualitative approaches combined with descriptive analysis, and a conclusion was reached. According to the study's findings, traffic law arrangements are governed by Law No. 29 of 2009, the Criminal Procedure Code, and police rules No. 15 of 2013, which govern how to manage traffic accidents. The police enforce the legislation on road accidents by mediating between the families of the victims and the families of the culprits in a deliberate manner supervised by the police. The difficulty is that if the victim dies, it is difficult for the deceased's family to reconcile, and even the perpetrator is imprisoned.

Keywords: The Role of Police, Traffic Law Enforcement, Traffic Accident, Indonesian Police

INTRODUCTION

The function of law as a means of social control can guarantee the implementation of legal objectives, namely justice, benefit and legal certainty. If the legal function is carried out effectively without the support of adequate facilities and infrastructure, it does not work as expected then a sound legal system is created in various aspects of life in society and the state. The function of the police is a function of the state government in the field of law enforcement, protection and service as well as community guidance in the framework of ensuring order and upholding the law (Sjafii & Pratiwi, 2019).

Police as an integral part of the function of the state government, it turns out that this function has a very broad measure (Fealy, 2020), not just a repressive aspect in relation to the process of enforcing criminal law, but also includes a preventive aspect in the form of tasks carried out which are so attached to the main function of state administration starting from guidance and regulation to police actions that are administrative in nature and not the competence of the courts (Nugraha, 2022).

Road traffic and transportation have a strategic role in supporting development and national integration as part of efforts to promote public welfare as mandated by the 1945 Constitution of the Republic of Indonesia (Natalia, 2021). Road transportation is organized with the aim of realizing road traffic and transportation in a

safe, secure, fast, smooth, orderly, orderly, comfortable and efficient way (Cheng et al., 2011), capable of integrating other transportation modes, reaching all corners of the land area, to support equity, drive and support national development by affordable by people's purchasing power.

From the national transportation system, its potential and role must be developed in realizing security, safety, order and smooth traffic and road transportation in order to support economic development and regional development, with the development of science and technology, regional autonomy (Soehodho, 2017), and state law that is directed and needed to be able to support national development and legal awareness, especially in the field of transportation that is developing in Indonesian society (Rusilowati & Wahyudi, 2020).

A solid national legal system, rooted in Pancasila and the 1945 Constitution by taking into account the plurality of the prevailing legal order, capable of guaranteeing certainty, order, law enforcement and protection as well as for strengthening the implementation of fostering public security and public order within the system of public security and order (Fikri & Hasudungan, 2022), independently with professionals, it is deemed necessary to provide a solid legal basis in the structure of the tasks and authorities of the Indonesian National Police.

In Law Number 2009 concerning Road Traffic and Transportation, it is defined as the movement of vehicles and people in road traffic space, while what is meant by road traffic space is: "infrastructure designated for the movement of vehicles, people and/or goods in the form of roads and supporting facilities." (Silaban & Pase, 2021).

The government has a goal to realize road traffic and transportation that is safe, secure, fast, smooth, orderly and orderly, comfortable and efficient through traffic management and traffic engineering (Rusdiana et al., 2018). Road traffic

procedures are regulated by laws and regulations regarding traffic at intersections. To regulate this, traffic signs are needed to help traffic flow on the road, these signs consist of 4 groups: 1) Warning sign; 2) Prohibition signs; 3) Command signs; 4) Directional signs (Sunaryo et al., 2020).

Traffic signs are part of road equipment, which can be in the form of symbols, numbers, letters, sentences and/or a combination of them as warnings, prohibitions, orders or instructions for road users. These signs are used to express orders or directions for road users. These signs are used to express orders that must be carried out by road users. Laws are made by the state to regulate people's lives, including those who use traffic and roads. It is stated in the basic considerations of Law Number 22 of 2009 concerning Road Traffic and Transportation that Road Traffic and Transportation as part of the national transportation system must develop its potential and role to realize security, safety, order and smooth traffic and realize security, safety, order and smoothness of traffic and road transportation in order to support economic development and regional development (Iswanto, 2019).

Arrangements regarding traffic are regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. Basically the traffic police are tasked with supervising, assisting, keeping the road transportation system functioning smoothly and efficiently. Traffic is one of the important means for the community to expedite various activities carried out (Dresner & Stone, 2008). According to the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation, traffic is the movement of vehicles and people in the road traffic space. With traffic, people's activities on the road will be more orderly and regular (Rahman, 2022).

Apart from being useful for expediting activities, it is undeniable that traffic can also cause huge losses such as accidents and even death. In Law Number 22 of 2009 it is

explained that a traffic accident is an incident on the road that is unexpected and unintentional involving vehicles with or without road users which results in human casualties and or loss of property (Ratnawaty, 2022).

In fact, there are still many people who commit traffic violations, both from the side of road users and the law enforcers themselves (Gultom, 2020). According to what happened in the field, there are many traffic violations that are considered minor but can result in major disturbances to public order, losses, and also deaths. Among these traffic violations are road users breaking through traffic lights and street vendors using the road to sell, this is already a traffic violation.

Traffic violations are a situation where there is a discrepancy between the rules and the

implementation. The rules in this case are meant to be laws regarding traffic that have been stipulated by the state which apply legally, while the community is the executor. In following the rules stated in the articles, if it is not in accordance with these articles, it is called a traffic violation. Traffic violations cannot be allowed to go unpunished because the source of these violations will result in traffic accidents, as traffic accidents that occur are basically the result of drivers who are undisciplined and lack a sense of responsibility towards other road users (Fry, 2023). Traffic violations are a form of problematic that often cause problems on the highway. This can be seen from the indications that the number of accidents continues to occur (Mannering et al., 2020), and even tends to increase every year. As it is in the following table:

Table.1. Data on the number of types of traffic violations in the jurisdiction of the Binjai Police in 2018-2022

No.	Year	Number of Traffic Accidents	Victim			
1.	2018	176	57	28	188	449
2.	2019	253	70	23	304	650
3.	2020	280	70	33	315	698
4.	2021	266	65	18	327	698
5.	2022 (Mei)	102	25	22	137	286
Total		1077	287	124	1271	2759

Source: Binjai Resort Police Traffic Unit, North Sumatra Region, Indonesian National Police, 2022.

Road traffic problems are highly related to legal awareness, including within the scope of legal issues and social values. Legal awareness is often assumed, that legal compliance is considered as an independent variable, while the level of obedience is a dependent variable. In general, legal awareness is associated with legal compliance or legal effectiveness. In other words, legal awareness concerns the issue of whether certain legal provisions actually function or not in society.

Traffic police as law enforcers must be able to act professionally in carrying out their duties, especially in the community of road users. This is in line with Soerjono Soekanto's statement which explained that law enforcers are those who are directly involved in the law enforcement process (Akhmaddhian, 2017).

Broadly speaking, traffic accidents tend to be caused by 4 (four) interrelated factors, namely human factors, vehicle factors, highway factors and environmental factors. Therapy, of the four factors that play an important role is the human factor. The shortcomings that exist in humans as road users, especially the lack of discipline is the main cause of traffic accidents. Accidents as a result of human error are very common in society.

MATERIALS & METHODS

This research is directed at normative juridical research, meaning research that has a positive legal perspective on the role of the Police in the application of traffic law to traffic accidents in the jurisdiction of the Binjai Police. This research not only describes a situation or symptom, both at the positive and empirical legal levels, but also

wants to provide proper regulation (*das Sollen*) and solve legal problems related to the role of the Police in traffic accidents.

When viewed from the point of view of legal research objectives, this research is categorized as normative juridical legal research which is supported by empirical juridical research. Normative juridical law research is a research by examining literature or secondary data. In addition to normative legal research, this research also seeks to examine primary data, which is known as empirical juridical research. In normative legal research, research on legal principles is carried out on legal principles, which are standards of behavior or behaving inappropriately (Negara, 2023). Such research can be carried out primarily on primary and secondary legal materials which contain legal principles. Research on legal systematics is specifically on primary and secondary legal materials. The frame of reference used is the basic understanding of the legal system.

The type of data needed in this study is secondary data, namely library materials. Thus, this data comes from the literature, namely primary legal materials, secondary legal materials and tertiary legal materials. Based on the type and source of the data, this research is commonly called library research. As a support for the secondary data, this research also requires primary data, namely data obtained directly from the field, community and government. The data in question are the results of interviews conducted at the North Sumatra Regional Police (Efendi & Ibrahim, 2018). The location of the research was carried out at the Binjai Police Station. The location selection above is based on the condition that the Binjai Police is one of the Polres that adequately represents identification regarding the role of the Police in the Legal Area of the Binjai Police. Materials or materials used in this thesis were obtained through library research. From the results of library research, secondary data were obtained which included primary legal

materials, secondary legal materials and tertiary legal materials.

RESULT

Traffic law enforcement is one of the traffic functions which has a role so that traffic laws are obeyed by every road user (Susilo et al., 2015). Basically, traffic law enforcement activities can be grouped into two parts, namely preventive traffic law enforcement which includes activities of traffic control, traffic guarding, traffic escorts and traffic patrols, in which these activities constitute a system traffic security between one sub-system and other sub-systems cannot be separated.

Traffic law enforcement in the repressive field includes prosecution of violations and investigation of traffic accidents, while the tasks of prosecution of violations of traffic law include prosecution in an educative manner, namely taking action against traffic violations in a sympathetic manner by giving reprimands or warnings to traffic violators, while enforcement is purely Juridically, it can be interpreted as taking legal action against traffic violations which includes taking action using fines, namely specifically for 28 types of certain violations as stated in the ticket form and prosecution using Short Minutes/Sumir/Tipiring as well as taking action using Ordinary Minutes.

It is used against violations that have a very high value. While the investigation of traffic accidents includes the handling of the traffic accident scene as well as the traffic accident investigation process. The process of enforcing traffic law, as has been stated, is both preventive traffic law enforcement and repressive traffic law enforcement, where the implementation includes the prosecution of traffic violations and the investigation of traffic accidents.

Legal constraints so that the settlement of cases of criminal acts of traffic violations cannot run well, namely:

1. Law Enforcement Human Resources Constraints

Law enforcers are those who are directly involved in the law enforcement process. Law enforcement includes taking action and maintaining peace including justice. As law enforcers, the traffic police, according to their duties and functions, must be able to protect, serve the community and set a good example. However, as is well known, every police officer or law enforcer has a different level of education from one another. There are those whose education level reaches a bachelor's degree, and there are only high school graduates. So that in carrying out their duties as law enforcement officers, especially the traffic police, if they take action against a violation, it will be seen from their attitude, especially in making a policy or decision.

Usually those with lower education seem harsh in taking action against violators compared to those with higher education. Besides that, awareness and moral and mental quality for traffic police officers sometimes still accept bribes, when they catch violators of traffic rules, by settling the case on the spot in a peaceful fine. The deficiencies mentioned above can be overcome in various ways, such as increasing the education level of law enforcement officers by providing opportunities for officers to further study. Every member of the police is given the opportunity to take part in basic and advanced vocational traffic training, so that in carrying out their duties, they can serve the community of road users well by prioritizing the 3 S's, namely Smile (*Senyum*), Greet (*Sapa*) and Greeting (*Salam*).

2. Facilities and infrastructure constraints

Without facilities and infrastructure, law enforcement will be late in its implementation. Facilities and infrastructure are factors that can hinder law enforcement against traffic violations. One example that makes facilities and infrastructure one of the

inhibiting factors is the frequent occurrence of violations caused by unclear traffic signs, both in the form of road markings and others. Besides this, there are other things that are getting attention, namely roads in certain areas that are not in accordance with the volume of vehicles in Binjai City, which tends to always increase.

3. Law enforcement cultural factors

The cultural factor of law enforcement is a factor that greatly hinders law enforcement against traffic violations for motorized vehicles in Binjai City. Cultural factors occur between law enforcers and the community itself. One thing that can be seen is the problem of the policy of entrusted money issued by the police which in the field has been eaten by certain elements to be used as additional money. Even this policy was also welcomed by the general public, especially those who are lazy to attend court hearings.

4. Community Factors

The factor of legal awareness owned by the people in Binjai City is still very low. Also generally people are lazy to attend court hearings. The people don't want to bother with ticketing, so they better leave it to the police as a special power of attorney, the people don't even want to be bothered with the convoluted bureaucratic matters of traffic violations and sometimes in the field there are opportunities to carry out "peaceful fines" with the police in the field.

If you look at the factors encountered in law enforcement, there are traffic violations for motorized vehicles in Binjai City. These factors are indeed problems in law enforcement in Indonesia, which remain one of the inhibiting factors in law enforcement in Indonesia, especially in this case in the traffic. The time available to make payments for traffic violation cases is sometimes when the offender is very busy, so he is reluctant to attend court hearings. People who don't want to be bothered with dealing with law enforcement, especially in cases of traffic violations, so they want

shortcuts, fast and not complicated. The factor of law enforcement officials in the field who are still willing to accept bribes is due to the very light punishment they receive and also the economic factors for the officers themselves.

Some of the obstacles faced by the Binjai City Police in dealing with motorcyclists by children, such as:

1. Lack of Personnel

One of the factors hindering the performance of the Traffic Police in carrying out their duties is the lack of traffic unit police personnel, the presence of law enforcement officers who are willing to accept bribes and do not comply with the rules in force in Law Number 22 of 2009 concerning Road Traffic and Transportation and factors of facilities and amenities.

2. Lack of Legal Awareness in Traffic

There is a lack of awareness in the community about obeying traffic rules because they think it is not important, people only think about how to get to where they want to go. This lack of awareness is what causes people to commit traffic violations.

People always think that committing traffic violations is normal, so they keep doing it. For example, people don't use helmets when their destination is close. This is what causes people to commit repeated violations, both the same violation and different forms of violations, especially people who do not use helmets when their destination is near, but people do not realize that wearing helmets when driving is very important for their own safety as road users. "Most of the people are driving when there are police who are controlling traffic and operating, but if they don't see the police on duty on the main roads, the community is again committing traffic violations.

It can be seen that orderly traffic for two-wheeled drivers is only carried out when the four-wheeled police or are carrying out their duties on the highway, the rest of the time

the community commits traffic violations again with the same or different violations. Most of the people of Binjai City, especially those in urban areas with a larger population. Because they are working people, they are more focused on work than their children. It is this caring attitude that is lacking that makes the children wild in driving. Most of the people who live in urban areas are working people. For this reason, they do not have the opportunity to take their children to school, instead they let their children drive their vehicles, causing traffic violations. This also had an impact on socialization activities carried out by the police which had difficulty meeting the parents of students directly.

Some of the results of the interviews above can be understood that the knowledge and awareness of the people of Binjai City in complying with traffic regulations is still lacking, although many actions have been taken to provide understanding to the community such as counseling, outreach, distribution of brochures and stickers but there are still many people in Binjai City who do violation. This happens because the level of self-awareness is still very lacking. To create safety and comfort for drivers, it is not only enough to be equipped with knowledge, but raising an attitude of awareness for driving is also very important. With an attitude of awareness and supported by public knowledge, drivers will comply more with traffic regulations. But in reality, this is still limited to providing information to the public, but has not been able to change public awareness or instill awareness in the community so that they can comply with traffic rules.

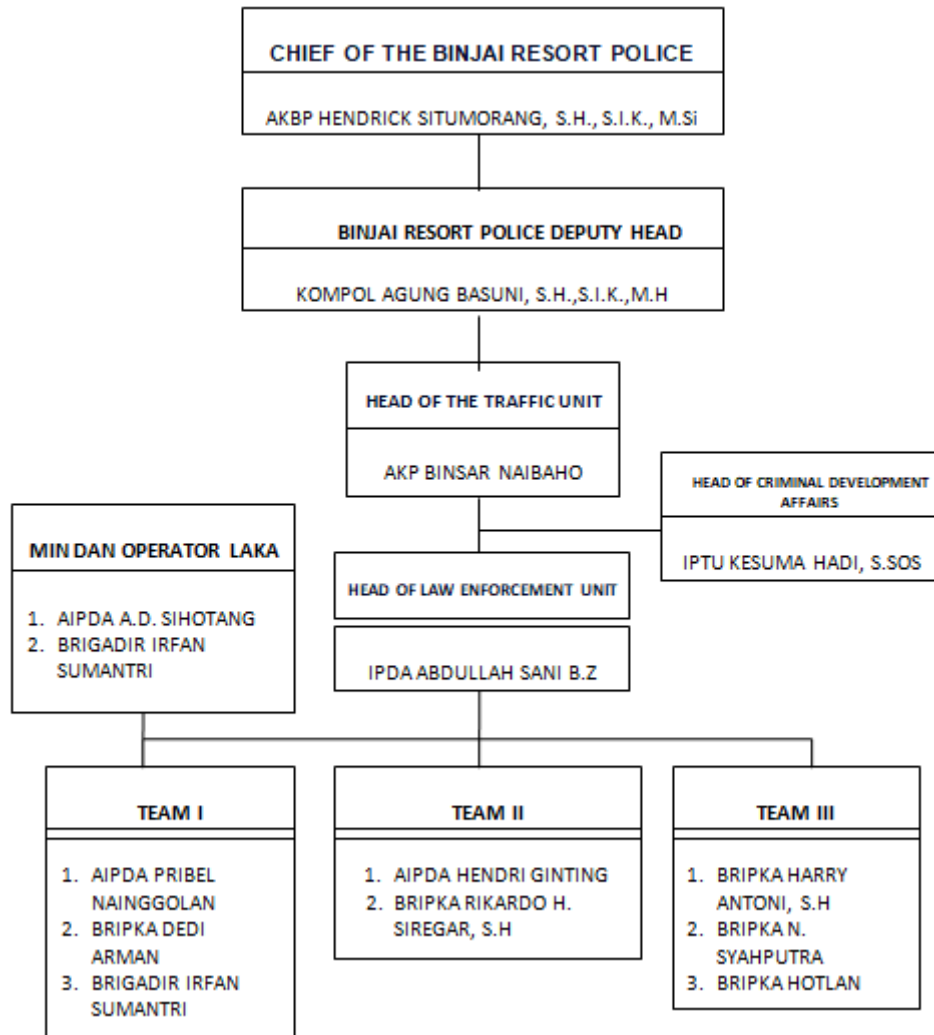
One of the obstacles in conducting outreach is the lack of Police personnel in the Traffic Unit, and the distance is too far so we cannot reach all villages and sub-districts in Binjai City.

From the several interviews above, it can be understood that the lack of traffic police personnel greatly influences the police's strategy, which is an obstacle in reducing traffic violations in the city of Binjai. This

condition is evidenced by the discrepancy between the needs of carrying out tasks in a very crowded field. This causes the Police

to be constrained in carrying out prevention and prosecution efforts in reducing traffic violations.

Figure 1. Unit Organizational Structure Traffic Law Enforcement Process Binjai Resort Police



Law No. 22 of 2009 concerning Road Traffic and Transportation aims to discipline all road users including motorized vehicle drivers. According to Law no. 22 of 2009 Article 1 point 8 states, what is meant by a motorized vehicle is any vehicle driven by mechanical equipment in the form of a machine other than a vehicle that runs on rails. Law No. 5 of 2009 Article 5 that the development of road traffic and transportation (Handono & Istinah, 2021), namely: 1) states: The state is responsible for road traffic and transportation and its development is carried out by the government; 2) states: Development of road traffic and transportation as referred to in

paragraph (1) includes: a. Planning; b. Arrangement; c. Control; and d. Supervision; 3) states: Development of road traffic and transportation as referred to in paragraph (2) is carried out by the fostering agency in accordance with its main tasks and functions which include: a. Government affairs in the road sector, by the state ministry responsible for the road sector; b. Government affairs in the field of traffic and road transportation facilities and infrastructure, by the state ministry responsible for the field of traffic and road transportation facilities and infrastructure; c. Government affairs in the field of traffic and road transport industry development, by the

state ministry responsible for industry; d. Government affairs in the field of traffic and road transport technology development, by the state ministry responsible for technology development; and e. Government affairs in the field of registration and identification of

motorized vehicles and drivers, law enforcement, operational management and traffic engineering, as well as traffic education, by the Indonesian National Police.

Table. 2 Number of traffic accidents at the Binjai Police in 2022

No	Year	Number of accidents	Victim				Settlement of Cases			
			MD	LB	LR	KERMAT	P21	SP3	RJ	LIMPAH
1	Jan	25	7	2	27	Rp 68.650.000	1	2	0	0
2	Feb	12	6	0	11	Rp 9.500.000	0	2	1	0
3	March	20	8	20	21	Rp 6.900.000	0	1	3	0
4	Apr	20	3	0	28	Rp 43.550.000	2	0	9	0
5	May	25	1	0	50	Rp 116.150.000	1	5	10	0
6	Jun	33	6	3	56	Rp 71.950.000	0	0	21	0
7	Jul	31	8	1	38	Rp 131.950.000	0	1	17	0
8	August	19	3	3	30	Rp 40.900.000	0	0	12	0
9	Sept	27	8	0	37	Rp 40.650.000	0	1	22	0
10	Oct	28	5	0	37	Rp 26.750.000	0	0	16	0
11	Nov	36	13	2	38	Rp 26.650.000	0	0	17	0
12	Dec	2323	66	1	31	Rp 21.400.000	0	0	15	1
Total		299	74	32	404	Rp 605.000.000	4	12	143	1

Data source: Binjai Police Office 2022

MD: Meninggal dunia (Die)

LB: Luka Berat (Serious Injury)

LR: Luka Ringan (Minor injuries)

Keramat: Kerugian Material (Material Loss)

Selra: Penyelesaian Perkara (Settlement of Cases)

SP3: Dihentikan (Terminated)

P21: Tahap penyerahan barang bukti (Stage of submission of evidence)

RJ: Restorative Justice

Limpah: Yang dilimpahkan ke kejaksaan (That was assigned to the Attorney General)

Forms of traffic violations include:

1. Using the road in a way that can endanger traffic order or security.
2. Driving a motorized vehicle that cannot show a Driving License (SIM), Vehicle Registration Certificate, valid Vehicle Test Certificate or other evidence according to applicable regulations which or can show but the validity period has expired.
3. Allowing or allowing motorized vehicles to be driven by other people who do not have a driving license (SIM).
4. Does not comply with the provisions of the road traffic laws and regulations concerning vehicle numbering, lighting, equipment, equipment.
5. Allowing motorized vehicles to be on the road without a valid vehicle number plate, in accordance with the relevant vehicle registration certificate.

6. Violation of orders given by road traffic control officers, signs or signs on the road surface.

In improving community traffic discipline, it is recognized that there are many obstacles that must be faced by officials at the implementing level in the field (Fulazzaky, 2014). These constraints result in the fragility of efforts to increase public discipline in road traffic. One of the obstacles found in the field was expressed by members of the traffic police themselves that their inability to control conditions was caused by a lack of personnel who specifically supervised the implementation of traffic discipline in the field (Antlöv et al., 2016). So the lack of personnel at the executive level is the most important factor in carrying out various security measures for road users. The next obstacle is the result of a lack of education level or a lack of people

who have received education at a higher level.

DISCUSSION

Law enforcement is a process to make legal wishes come true. Legal desires are the thoughts of the legislature which are formulated in legal regulations. The process of law enforcement also extends to the making of laws (Utari & Arifin, 2019). The formulation of the thoughts of lawmakers as outlined in legal regulations will determine how law enforcement is carried out. The law enforcement process culminates in its implementation by law enforcement officials. The behavior of people in society is not voluntary, but is disciplined by a network of rules that exist in society. These rules are a kind of signs that bind and limit the behavior of people in society, including law enforcement officials.

The formulation of the thoughts of lawmakers as outlined in legal regulations will also determine how law enforcement is carried out. In reality, the law enforcement process culminates in its implementation by law enforcement officials. The behavior of people in society is not voluntary, but is disciplined by a network of rules that exist in society (Radtke, 2022). These rules are a kind of signs that bind and limit the behavior of people in society, including law enforcement officials.

Law enforcement in a society has its own tendencies caused by the structure of society. This community structure is an obstacle (Wahyudi & Angkasa, 2018), both in the form of providing social facilities that enable law enforcement to be carried out, as well as providing obstacles that prevent law enforcement from being carried out or not being carried out properly. The law as accepted and implemented in Indonesia is included in the category of modern law.

1. The law applies to all regions of the country, the Constitution which states that the Constitution was drafted to protect the entire Indonesian nation and all of Indonesia's bloodshed.

2. Law is a tool used consciously to realize the political decisions of its people. This can be seen in the formulation of previous reports.

An independent Indonesian state did not just appear, but was obtained through a long struggle, Indonesia was colonized by foreign nations who came to extract the wealth of the Indonesian nation (Hasudungan, 2021), the struggle for realizing an independent Indonesia required great sacrifices both in terms of wealth and the blood of the fighters, all of this was done for the sake of establishing an independent, sovereign, and dignified nation, which is run based on legal rules.

Law is the whole of the conditions under which the free will of one person can conform to the free will of another person, complying with legal regulations regarding freedom. The law functions as the protection of human interests. In order for human interests to be protected, the law must be implemented. The implementation of the law can take place normally, peacefully, but it can also occur due to violations of the law. In this case, the law that was violated must be upheld. It is through law enforcement that this makes reality. In enforcing the law, there are 3 elements that must be considered, namely: legal certainty (*rechtssicherheit*), expediency (*zweckmassigkeit*) and justice (*gerechtigkeit*) (Rharve et al., 2020).

Soerjono stated that law enforcement includes the process of investigation, investigation, prosecution, examination at district court hearings, legal remedies and execution (Wantu et al., 2020). In addition, law enforcement also invites the overall meaning of the activities of law enforcement officers towards upholding the law, justice and protection of human dignity, order and peace and legal certainty in accordance with the 1945 Constitution. Law enforcement is associated with the protection of society against crime of course related to the issue of criminal law enforcement. The purpose of establishing criminal law is as a means of

criminal politics, namely to protect society which is often also known as social defense. Law enforcement is an effort made to make law, both in a narrow formal sense and in a broad material sense, a guideline for behavior in every legal action, both by the legal subjects concerned and by law enforcement officials who are officially given the task and authority by Laws to guarantee the function of legal norms that apply in the life of society and the state.

The definition of law enforcement in terms of its object also includes broad and narrow meanings. In a broad sense, law enforcement includes the values of justice contained in the sound of formal rules and the values of justice that live in society. In a narrow sense, law enforcement only concerns the enforcement of formal and written regulations.

Based on the description above, it can be seen that what is meant by law enforcement is an effort made to make law, both in a narrow formal sense and in a broad material sense, a guideline for behavior in every legal action, both by the legal subjects concerned and by law enforcement officials who are officially given the task and authority by law to guarantee the function of the legal norms that apply in the life of society and the state.

Equality before law is a legal state. Likewise for victims who must receive legal services in the form of legal protection (Schaks, 2023). Not only suspects or defendants whose rights are protected, but also victims and witnesses must be protected. In laws and regulations there are no provisions that explicitly provide a definition of law enforcers and anyone who can be called a law enforcer. This will begin with a discussion of judicial power, because judicial power is closely related to law enforcement and justice processes.

Article 24 paragraph (1) of the 1945 Constitution confirms that "judicial power is an independent power to administer justice in order to uphold law and justice" (Agustian & Salim, 2022). Furthermore, in Article 24 paragraph (3) of the 1945

Constitution it is stated that apart from the Supreme Court and the ranks of the judicial bodies under it, there are also other bodies whose functions are related to judicial power. These agencies, according to the Elucidation of Article 38 paragraph (1) of the 2009 Law on judicial power, include the police, prosecutors, advocates and correctional institutions. The police institution with its apparatus called investigators is given the task of carrying out investigations into all criminal acts, the prosecutor's office with the duties of its apparatus called the prosecutor conducts prosecution of the execution of all criminal cases, conducts investigations of all certain criminal cases.

Law enforcement is the process of making efforts to uphold or actually function legal norms as a guideline for behavior in traffic or legal relations in society and the state. From the subject side, law can be carried out by broad subjects and limited or narrow subjects. From a broad subject standpoint, the law enforcement process involves all legal subjects in every legal relationship. Anyone who runs something based on/enforcing the rule of law. As for the narrow subject side, law enforcement is an effort by law enforcement officials to guarantee and ensure that a rule of law runs as it should. An illustration of this can be seen in the work of the police, prosecutors and judges in carrying out their duties and functions in handling a case. The purpose of law enforcement is as a tool to control human behavior in social life, namely:

- a. The law makes restrictions in the sense that there are prohibited actions that must be avoided, there are obligations that must be followed.
- b. Law as a tool to expedite the process of social interaction in social life, so that different and conflicting interests can be overcome.
- c. For the engineering of society from a certain and undesirable social condition to the social condition that is aspired to.
- d. To realize justice, both procedural and substantive justice. What is meant by

procedural justice is the protection of human rights and the legal rights of the parties involved in the judicial process. While what is meant by substantive justice is the judge's decision in adjudicating a case made based on conscience and honesty.

Conceptually, the essence of the meaning of law enforcement lies in the activity of harmonizing the relationship of values that are spelled out in solid and manifest principles and attitudes as a final stage of the elaboration of values, to create, maintain and maintain social peace. This conception, which has a philosophical basis, requires further explanation, so that it will appear more concrete.

CONCLUSION

In connection with the discussion that has been analyzed in chapters two, three and chapter four, the following conclusions can be drawn: 1) Traffic law arrangements for traffic accidents in the jurisdiction of the Binjai Police, are determined and regulated in Law Number 22 of the Year 2009 concerning Road Traffic and Transportation. It is also regulated in the Criminal Procedure Code (KUHAP). Then it continues with the legal arrangements in chapter seven concerning procedures for regulating the smooth flow of traffic, Articles 32, 33, and Article 34 of the Regulation of the Indonesian National Police Number 15 of 2013 concerning Procedures for Handling Traffic Accidents; 2) The role of the Police in law enforcement against traffic accidents at the Binjai Police Station. The Binjai City Police Resort has made maximum efforts to play a role in resolving traffic accident cases outside the criminal justice process through mediation between the victim's family and the perpetrator's family. Police who receive traffic accident reports will immediately seek deliberation between the two parties mediated by police investigators. In the mediation process, the police remain focused on the interests of the victim to be met by the perpetrator's family. If the

deliberation is successful, the police will put it into the deliberation agreement document, which is then signed by both parties and the police investigator. In the next stage, the police will continue to monitor the implementation of the results of the agreement until all of them are actually carried out by the perpetrator to the victim's family. Settlement of cases outside the court in Indonesia has been widely applied in Indonesia, especially in traffic accident cases. Settlement of cases outside the court will guarantee the achievement of a favorable settlement for the litigants in the form of restorative justice; 3) Obstacles in upholding traffic law faced in resolving traffic accident cases outside of court are: a peace agreement between the parties in deliberations is difficult to achieve as a result of the difficulty of bringing together the interests of the parties so that peace is declared a failure, the economic situation of the family of the perpetrator of the accident may not be able to meet relatively large compensation for the victim's family. Another obstacle faced is if the victim dies, so the victim's family dies. So that it became very difficult for the victim's family to make peace and instead wanted the perpetrator to be sentenced to the harshest prison sentence. It is suggested to the central government and local governments to synchronize the role of laws and regulations in the field of regulation in a complete and systematic manner, in accordance with the legislative hierarchy, so that a systemized juridical basis is fulfilled, both at the central and regional levels regarding traffic accidents. It is suggested to the *Kapolri* (Chief of Police of the Republic of Indonesia), *Kapolda* (Regional Police Chief), and *Kapolres* (Resort Police Chief) Binjai, to really implement, implement and manage traffic laws with wise policies in the City of Binjai. It is also advised to people driving both two-wheeled and four-wheeled vehicles to be aware of and comply with traffic signs that are already in force in the traffic regulations on the highway. It is suggested to the regional government, the Head of Police

and related agencies, to build a good cooperative relationship in overcoming various obstacles that result in an uneven flow of traffic, traffic accidents and the impact of environmental damage, especially air pollution.

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