



Juridical Analysis of Massive Traffic Violations Carried Out by the Delivery of the Remains

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ABSTRACT

The bodyguards who carried out massive escorts in carrying out the bodies included violations that often resulted in accidents. Accidents involving motorbikes or cars on the highway that occur due to technical matters, for example, motorbike riders who deliberately hit a car or motorbike who don't want to get out of the way when the motorists delivering the body tell them to move aside, motorists and cars object the road was taken by force and was very undisciplined, as well as the lack of awareness possessed by motorists carrying bodies which resulted in them committing arbitrary acts on the highway. We rarely meet orderly motorists delivering corpses. The factors that cause massive traffic violations committed by funeral drivers are the human factor and the factor of not being escorted by the police. The family of the deceased forced the ushers to speed down the street, indiscipline and ignorance. Meanwhile, preventive efforts are made by guiding the community. attention and guidance are urgently needed as a means to prevent any action that deviates from the values that exist in society and prevention efforts against parents or family, the community, the police, and related agencies. if when delivering the body they damage public facilities which can harm themselves or others.

ABSTRAK

Para pengantar jenazah yang melakukan pengawalan secara masif dalam mengantar jenazah termasuk pelanggaran yang tidak jarang mengakibatkan kecelakaan. Kecelakaan yang melibatkan kendaraan motor maupun mobil di jalan raya yang terjadi karena hal-hal teknis, misalnya para pengendara motor yang secara sengaja memukul mobil atau motor yang tidak mau minggir pada saat para pengendara motor pengantar jenazah menyuruhnya minggir, para pengendara motor dan mobil merasa keberatan jalannya diambil secara paksa dan sangat tidak disiplin, serta kurangnya kesadaran yang dimiliki oleh para pengendara motor pengantar jenazah yang mengakibatkan mereka melakukan perbuatan yang semena-mena di jalan raya. sangat jarang kita temui pengendara motor pengantar jenazah yang tertib Faktor-faktor penyebab terjadinya pelanggaran lalu lintas secara masif yang dilakukan oleh pengantar jenazah adalah faktor manusianya, faktor tidak dikawal oleh pihak kepolisian, pengantar jenazah sifatnya rombongan, berkumpul dan sifatnya irasional. Adanya keluarga jenazah yang memaksakan sehingga para pengantar jenazah ngebut di jalan, kediplinan dan ketidak tahuan. Sedangkan Upaya-upaya dilakukan upaya preventif dengan memberikan pembinaan kepada masyarakat. perhatian dan bimbingan tersebut sangat dibutuhkan sebagai sarana untuk mencegah setiap tindakan yang menyimpang dari nilai-nilai yang ada dalam masyarakat dan upaya pencegahan terhadap orang tua atau keluarga, masyarakat, kepolisian, dan instansi-instansi yang terkait Upaya Represif yaitu tindakan untuk mengamankan para pengantar jenazah apabila pada saat mengantar jenazah mereka melakukan kerusakan terhadap fasilitas-fasilitas umum yang dapat merugikan diri mereka sendiri maupun orang lain.

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I. INTRODUCTION

Legal rules are one of the rules needed to anticipate legal problems (Soerjono Soekanto, 2001). including laws governing road traffic issues. In an atmosphere of technical progress like today, the role of traffic has a very important meaning, namely the discipline of road users (Yuserlina, 2019). This is not only important for mere technical progress but is closely related to other communities.

Discipline is needed in all aspects of life. Communities as legal subjects must comply and be disciplined with the legal rules set by the government, with good discipline, sometimes it feels more profitable to do the opposite, for example in traffic discipline.

To explain the notion of a traffic violation, it is necessary to first explain the meaning of the violation itself and the meaning of the violation put forward by several legal scholars.

In the criminal law legislation system, criminal acts can be divided into two categories, namely crimes (missive) and violations (overtrading) (Adami Chazawi, 2010).

The reason that differentiates between a crime and a violation is that the type of violation is lighter than a crime. In essence, there are no clear differences between the two terms because both are offences or acts that may be punished. This can be seen from the criminal penalties for violations that are not punishable by imprisonment but in the form of imprisonment and fines. While crimes are more dominated by the threat of imprisonment (Andi Hamzah, 2008).

The problems that occur in big cities are: There are quite a lot of traffic problems in big cities in Indonesia. A heterogeneous population with a large number is a major concern in overcoming road traffic and transportation problems. Population growth that occurs every year automatically makes the demand for the need for transportation equipment increase, both public and private transportation.

The messy public transport facilities are also directly proportional to the plan to add roads. The stream of urbanization that continues to flow every year makes vacant land in big cities increasingly scarce and makes building new roads more difficult. The newcomers also brought country driving habits to the city, making conditions on the roads more congested, with less disciplined behaviour. The number of vehicles that are not in proportion to the roads, bad driving habits, and the absence of adequate public transportation automatically cause traffic jams to occur in various places. The distance is getting longer and longer.

Reflecting on such diverse traffic and road transportation conditions, of course, regulations are needed to create order, order, and ensure the safety of each road user. These rules can be used as a reference to solve problems around traffic and road transportation. A few years ago the government passed a new traffic and road transport law. Law Number 22 of 2009 concerning Road Traffic and Transportation replaces the Road Traffic and Transportation Law (UU LLAJ) Number 14 of 1992. This new regulation is more detailed and has quite severe consequences for violators.

Land transportation, which seems to be growing day by day, is a very essential problem to solve because it is the primary need of society. The reality shows that roads are currently unable to keep up with the increase in vehicles, both two-wheeled and four-wheeled, rickshaws and more specifically public transportation (Pete-Pete and taxis). So often lead to violations and traffic accidents. This situation is getting worse because many road users do not understand the rules of road traffic. As can be seen along the road and in other places, there are still many pedicab drivers who pedal their rickshaws on forbidden roads, public transport drivers often stop at random places and do not turn

on their wesen when they want to stop or stop, and many pedestrians crossing at will not at the zebra crossing.

In Indonesia, the legal awareness of its citizens is still very low, among other things, some members of the public, in particular, do not comply with traffic regulations, so conflicts often occur between road users and the police (Apriliana, 2019). This is evident that there are still many drivers of motorized vehicles who do not have a driving license (SIM) or do not have complete vehicle equipment or in other words incomplete documents or other vehicle equipment (Nurfauziah & Krisnani, 2021). As a result of the many violations of traffic orders that occurred.

Traffic violations are currently increasingly troubling, namely motorists massively (together) transporting bodies (Jiang et al., 2021). Every time they deliver the body, the motorists who deliver the body commit violations, including not wearing a helmet, three pillions, not obeying traffic signs, and often carrying wood or bamboo which they use to order motorists or cars to move aside. At present, it is very rare for us to meet motorists carrying corpses who are orderly in traffic (Primanto & Puspitasari, 2022). These violations often result in accidents. Accidents involving motorbikes or cars on the highway that occur due to technical matters, for example, motorbike riders who deliberately hit a car or motorbike who don't want to get out of the way when the motorists delivering the body tell them to move aside, motorists and cars object the road was taken by force and was very undisciplined, as well as the lack of awareness possessed by motorists carrying bodies which resulted in them committing arbitrary acts on the highway. By looking at the phenomena that occur in a society like that, then it is not appropriate to emulate actions that can harm themselves or others (Ramadhan et al., 2021) .

Based on this, the settlement of traffic violations is carried out "peacefully" which is contrary to applicable law (Zulkarnain et al., 2022). The traffic police should not have done this, because such actions or actions are contrary to the Criminal Procedure Code (KUHAP).

II. RESEARCH METHOD

This research is normative juridical research with a state approach method and related literature sources. The data type and source use secondary data backed by primary data. The research type used is descriptive research, then analyzed and presented descriptively.

III. RESULTS AND DISCUSSIONS

Law Enforcement Efforts in Tackling the Occurrence of Massive Traffic Violations Committed by The Delivery of Remains

Countermeasures in this case to save and remind the public not to commit traffic violations that can cause harm to both the person and others. The description of the discussion must be adjusted to the sequence of legal issues which are the main elements in the study. Theories included in the theoretical framework should be cited in this chapter. a. Moralityity System, This is done using a moral approach to provide awareness and warning in the form of an appeal to the delivery men of the corpses and the public not to do traffic refreshments such as violating traffic signs, maintaining safety while driving on the road by not speeding on the road, and not forcing by forcibly opening the road in the place passed by the delivery men so that the safety of the delivery men of the corpses and The rest of the community can be maintained. This system is usually carried out by clerics, educators, and law enforcement (Nugroho & Sulchan, 2020); b. Abolisimistik System, Which is done with a criminological approach through looking for causal factors to be able to apply appropriate countermeasures. In the prevention effort, of course, it involves all parties including the Government, parents, educators and all levels of society regarding awareness of the unity of interests and goals. So it needs to be realized and used as the main foundation and motivation in tackling massive traffic

violations committed by the ushers; a. Preventive efforts include all efforts to prevent the occurrence of crimes and violations among the community by narrowing its sphere of movement and reducing its influence on aspects of life. This can be done by providing information about the adverse influence of a crime and offence (Putu Monika Dewi et al., 2021); b. In connection with this preventive countermeasure, the steps taken by the traffic unit to make preventive efforts include: Conduct counselling to perpetrators of traffic violations and the surrounding community by coordinating with related parties such as community leaders, religious leaders, police and local governments at least once every 3 months (Prasetyono, 2022), giving an appeal to the public and especially the delivery of the body through print media, TV and related governments to keep wearing helmets and stay orderly while driving on the road, giving an appeal to the public to report to the police if there is a body to be delivered so that the police can escort and secure the delivery person. The Police also plan to make counselling the main place to combat traffic violations that often occur in the communities around us.

Thus preventive efforts are intended to look for factors causing massive traffic violations committed by the delivery men. Preventive efforts include general preventive and special preventive (Maclarimboan et al., 2020).

General Preventive Efforts, This effort aims to guide the community. Such attention and guidance are needed as a means to prevent any actions that deviate from the values that exist in society, including: a. In this case, the role of the family is very important because the community, especially the delivery men, must be very close to their families so that their families can advise them not to speed on the road, keep wearing safety when driving and stay in order so that their safety is maintained at all times. b. The role of government, Local governments can give special appeals to their communities either through print media, or TV, as well as direct appeals given by the local RT or RW to the community to keep wearing helmets when transporting bodies and remain orderly (Nurlian et al., 2022).

Special Preventive Efforts, To make efforts to prevent more massive traffic violations perpetrated by funeral drivers more effective, it is hoped that parents or family, the community, the police and other related agencies can work together to cope, at least in terms of providing information to each other so that everything can be controlled properly. well and all parties concerned can know so that prevention or solutions if traffic violations occur are committed by the delivery person and when they want to rebel and damage existing public facilities then all parties involved can prevent this from happening.

The readiness and integrity of the apparatus in this special response effort are directed through forms of legal counselling and supervision by the police.

The preventive effort made by the police is to appeal to all levels of society about the importance of maintaining safety while driving and staying orderly so that we can stay safe on the road. As well as carrying out a monitoring or escort system for the escorts to the bodies. If someone takes the corpse but it is not orderly, the police will try to secure it by escorting them to their destination so that they can remain orderly and safe.

Repressive Efforts, Repressive efforts are intended as an action to secure the funeral processioners if when delivering the bodies they damage public facilities that can harm themselves or others, carry out fights on the street, and create chaos that can disturb the surrounding community, the police will secure them at the police station for questioning and giving advice so that they will no longer commit these acts. So that life can remain safe, prosperous without the slightest violence and rebellion.

IV. CONCLUSION

Law enforcers' countermeasures for massive traffic violations perpetrated by funeral drivers are preventive efforts; a) general preventive efforts to guide the community. attention and guidance are needed as a means to prevent any action that deviates from the values that exist in society; b) special preventive efforts, namely efforts to prevent parents or family, the community, the police, and other related agencies are expected to work together to cope, at least in terms of providing information to one another. Repressive Efforts: an action to secure the escorts of the bodies if when delivering the bodies they damage public facilities which can harm themselves and others.

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