



Efforts to Resolve Law Enforcement Barriers to Traffic Violations on the Waru Toll Road-Juanda Surabaya Indonesia

Nuaiman Hisbullah

Universitas Airlangga, Indonesia

E-mail: nuaimanhisbullah@gmail.com

Received: 4 September 2023; Revised: 20 November 2023; Accepted: 21 November 2023

Abstract

The growth in production of motorized vehicles that is not proportional to the existing road infrastructure causes frequent traffic jams. Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) regulates traffic regulations and provides sanctions for violators. It is important to ensure conformity of regulations with developments in society and technology, and increase the effectiveness of law enforcement against traffic violations. The research method used is empirical research. This research was conducted on the Waru – Juanda Toll road which is one of the Toll roads with a high level of density and many violations. Data on traffic violations on the Waru – Juanda Toll road from January 2019 to May 2019 shows the number of violations based on the type of violation such as speed factor, load factor, completeness factor, documents factor, safety belt factor, sign marking factor, counter – flow factor, use HP factor, and other factors. This research can provide an understanding of patterns of traffic violations on the toll road, and become the basis for increasing law enforcement against traffic violations in the future. The results of this research recommend that it is necessary to provide education in the form of a culture of legal literacy to Indonesian society in general and users of the Waru – Juanda Toll Road in particular.

Keywords: traffic jams, traffic regulations, traffic violations

Introduction

Very significant changes occur in the climate will have a very drastic impact on human life and other living things. The form of impact that arises is in the form of many natural disasters and various kinds of changes related to vital sectors such as food security, safety and health (Ismiartha et al., 2022). Indonesia is known as an archipelagic country so it is very vulnerable to the phenomenon of climate change. In addition, as a developing country, Indonesia's capacity in implementing climate change adaptation actions is not yet on par with developed countries. So it is feared that the implementation of development can be constrained because of this phenomenon. Those who have a very high vulnerability to the impact of climate change are people who are still classified as poor. The influence of globalization in all areas of national and state life today cannot be avoided and its effects have been felt in almost all countries, including

developing countries. This influence is in the form of population growth and technological development which is also followed by the economic development of the community Enumbi Irimin, "Pemahaman Masyarakat Terhadap Lalu Lintas Ditinjau Dari Pemakaian Alat Keselamatan Saat Berkendara (Studi Kasus Di Desa Karaganom Klaten Utara)," August 2020.. Transportation has an important and strategic role in realizing the concept of the archipelago, strengthening national resilience, and for strengthening relations between nations in the effort to achieve national goals based on Pancasila and the 1945 Constitution. This role is a vital role, so that it is used as a basis for consideration for the establishment of the 1945 Constitution. Law Number 22 of 2009 concerning Road Traffic and Transportation as a substitute for Law Number 14 of 1992 concerning Road Traffic and Transportation which is deemed irrelevant to the people of Indonesia (Risdiarto, 2017).

Based on the Indonesian transportation agency, there are 4 factors that cause accidents, namely vehicle factors, road factors, human factors, and natural factors. From these factors, the human factor is the main factor causing high traffic accidents, therefore good traffic awareness is needed for the community, especially among the productive age.

In Indonesia, regulations regarding road traffic and transportation nationally have been regulated in the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation, this law forms the basis and guidelines for prosecution of traffic violations, as well as provisions regarding criminal offenses against driver in a traffic accident (Rompis et al., 2015). Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) is a rule that regulates motorists when driving on the highway. One of the contents of the law is that every driver who drives a motorized vehicle on the highway must be equipped with a driving license (SIM), where the ability of each driver is based on sufficient age, namely at least 17 years and skills in using the motorized vehicle (Rozikin, 2014).

Road traffic and transportation (LLAJ) is important in increasing the social mobility of society. LLAJ has a strategic role in supporting development and national integration as part of efforts to advance public welfare as mandated by the 1945 Constitution of the Republic of Indonesia (Tambunan, 2017). The Waru – Juanda Toll Road is a 12.8 kilometer toll road that connects Circle Waru, the southern part of Surabaya City, and Juanda Airport. This toll road was inaugurated for use by President Susilo Bambang Yudhoyono in 2008 and is operated by PT Citra Margatama Surabaya which is a subsidiary of PT Citra Marga Nushapala Persada. This toll road crosses the area of Surabaya City and Sidoarjo Regency and is connected to the Surabaya - Mojokerto Toll Road, as well as the Surabaya - Porong Toll Road to the east. (Sigit & Setiawan, 2018). The Waru – Juanda Toll Road is also a quite congested toll road and many traffic violations have occurred (Devi, 2007), so that this research takes the toll route as the location for law enforcement research on traffic violations according to the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation.

The purpose of this study is to identify and analyze law enforcement against traffic vio-

lations according to Law Number 22 of 2009 concerning Road Traffic and Transportation on the Waru – Juanda Toll Road, and to identify and describe obstacles and legal solutions to traffic violations according to the Law Number 22 of 2009 concerning Road Traffic and Transportation on the Waru – Juanda Toll Road.

Based on the above background, the legal issues that are the focus of the analysis in this study are: (1) Obstacles to the Implementation of Law Enforcement Against Traffic Violations, and (2) Completion Algorithm for Law Enforcement Obstacles on Traffic Violations According to the Waru – Juanda Toll Road Surabaya.

Materials and Method

This research is included in the type of empirical legal research, the research method used is descriptive analysis method. This research method will be visualized with radar diagrams and carried out by referring to regulations which are used as the basis for analyzing legal phenomena that arise, especially those relating to law enforcement against traffic violations according to Law Number 22 of 2009 concerning Traffic and Road Transportation on the Toll Road. Waru – Juanda. The location of this research was carried out at the East Java Highway Patrol Unit 2 Waru Toll Road as the agency in charge of controlling traffic violations, especially on the Waru - Juanda Toll Road. In this study, researchers used primary data obtained by conducting direct research in the field on the object that was used as a problem by using interview techniques with officers from the East Java Toll road 2 Waru Toll road Patrol Unit and data collection on traffic violations.

Results and Discussion

Obstacles to the Implementation of Law Enforcement Against Traffic Violations

Traffic in Law Number 22 of 2009 concerning Road Traffic and Transportation is defined as "movement of vehicles and people in the 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. The government has the goal of realizing road traffic and transportation that is safe, secure, fast, smooth, orderly, orderly, comfortable and efficient through traffic management and traffic engineering. Road traffic procedures are regulated by laws and regulations concerning traffic direc-

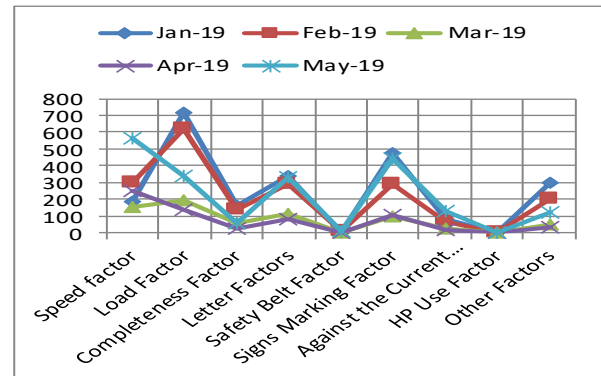
tions, priority use of roads, traffic lanes, traffic lanes, and flow control at intersections.

- a. Humans as Users: Humans as users can act as drivers or pedestrians who under normal circumstances have different abilities and alertness (reaction time, concentration, etc.). These differences are still influenced by physical and psychological conditions, age, gender and external influences such as weather, lighting or street lights, and spatial planning.
- b. Vehicles: Vehicles used by drivers have characteristics related to speed, acceleration, deceleration, dimensions and loads that require sufficient traffic space to maneuver.
- c. Road: Road is a path that is planned to be passed by motorized and non-motorized vehicles including pedestrians. The road is planned to be able to flow traffic flow smoothly and be able to safely support the load of the vehicle axles, so as to reduce the number of traffic accidents.

The application of law to a criminal act is the duty of the government as an official authorized to carry out an application of law to a criminal act. In the event that a criminal act occurs, either a crime or a violation, the government's duty is to enforce the law if a violation of laws and regulations occurs. In the UULLAJ governing violations and also sanctions for the traffic offenders, many of the residents who use the road or as four-wheeled and two-wheeled drivers do not know the contents of the Road Traffic and Transportation Law Number 22 of 2009 which has been in force.

In this context, the application of the law of course experiences many obstacles in terms of structure, culture and substance. In an effort to apply the law to traffic violations, a concept that is mature and can be well organized is needed so that the implementation of the law can run smoothly. The researcher tries to describe the application that has been analyzed in article 245 of Law Number 22 of 2009 concerning Road Traffic and Transportation with the following concepts:

Figure 1. Number of violations on the Waru – Juanda Toll Road from January 2019 to May 2019



Source: data from the ticket section of the Highway Patrol Unit (PJR) East Java 2 Toll Waru.

Law enforcement is one of the functions of the National Police of the Republic of Indonesia, and is carried out by the technical function of the Traffic Police Unit in the context of law enforcement on the roads which includes community education activities, traffic engineering, law enforcement and registration and identification of vehicles and drivers. If there are still lots of traffic jams, violations and accidents found on the highway, this proves that the law enforcement activities carried out by the Police, especially the Traffic Police Unit, are still not optimal (Kurniawan, 2020).

Based on the data above, it can be seen a decrease in traffic violations from January to April, but in May there was a significant increase in traffic violations on the Waru – Juanda Toll Road. Based on the facts in the field, it can be seen that the highest violations are violations of the speed of road users that exceed the maximum limit, and based on the results of interviews with officers and researchers East Java Highway Patrol Unit 2 Toll Waru as a legal subject, it was found that most traffic violators on the Waru - Juanda Toll Road stated that they did not know about the existing traffic regulations. So that the obstacles found in the field stem from the culture of the people as legal subjects who are not aware of the legal substance that is already in effect. Therefore, education must be provided in the form of a culture of legal literacy for Indonesian people in general and users of the Waru – Juanda Toll Road in particular.

Apart from that, the factor of Limited resources law enforcer, limited resources, both in

terms of personnel and equipment, can be an obstacle in carrying out effective law enforcement. The limited number of Traffic Police may find it difficult to carry out intensive patrols and surveillance at all critical points.

Completion Algorithm for Law Enforcement Obstacles on Traffic Violations According to the Waru– Juanda Toll Road Surabaya

Completion of the law on obstacles in carrying out law enforcement against traffic violations is one of the tasks of the government through its legal structure. The government is a state official whose job is to carry out matters concerning interests, protection, and even guarantee legal certainty to the public. The government is obliged to protect every citizen, and has the authority to take action to ensure the peace and welfare of society.

In legal theory, the government is divided into three parts, namely, (1) the government that carries out executive duties, namely the government that runs its government by carrying out every government policy, (2) the government that carries out legislative tasks, namely carrying out the function of forming laws and regulations, and (3) the government that carries out judicial duties, namely carrying out the functions of the judiciary, this is the division of tasks and functions of government in the legal system in Indonesia.

In the field of government duties and responsibilities, the executive is tasked with carrying out government duties in actuating government policies themselves based on laws, evidence of government policies in this case the executive contributes in terms of law enforcement, namely issuing government regulations (implementing regulations) against laws and judiciary have the authority to adjudicate as a law enforcement process, especially in the field of traffic. The government's handling of traffic problems can be described as follows:

1) Generating awareness, this is one of the issues that is quite concerning in Indonesia so that high attention is needed to increase public awareness of the importance of safety in traffic which can be done through disseminating the impact of accidents and accident numbers to decision makers to inspire them like the House of Representatives to be good national and regional levels, central and local government officials. Another step that needs to be taken at this stage is the identification

of traffic safety problems and reviewing the safety programs that have been and are being implemented.

- 2) Priority action plans, after identifying the problems found in stage 1, the next step is to formulate priority programs that need to be implemented immediately, improve the organization that handles accident problems, formulate safety programs and control traffic violations.
- 3) 5 year program for road safety, a further strategic step is to develop a more macro safety program to reduce the number of accidents significantly, for example by amending the law as has been implemented with the issuance of Law Number 22 of 2009 concerning Traffic and Road transportation, which still needs to be followed up with the formulation of implementing regulations, such as implementing regulations relating to the implementation of electronic law enforcement. Another step that needs to be carried out in the 5 year program is the identification and analysis of accident-prone locations and continued with a safety audit, to then take corrective steps.

As traffic growth is increasing rapidly, there is a need for special action by seeking law enforcement, in this case the police should be able to intervene directly and through an approach to the ever-increasing problems related to safe and efficient road and highway transportation. The traffic enforcement programs are as follows:(Cecil, et al, 2011).

a) Driver's License Examination Points

Initially this method was only used to check driving licenses, but due to pressure of increasing the number of vehicles, another objective was added, namely checking vehicle safety. Better communication allows for more detailed and thorough checking of vehicle numbers, and increases the chances of catching criminals or fugitives.

Of course, traffic arrests routinely occur at checkpoints, such as drivers who have recently drunk, drivers who do not have a driver's license or allow someone to drive a vehicle without having a license, drivers who do not have a registration letter or incomplete registration papers. and drunk drivers. Checkpoints should be chosen carefully, carried out mainly during the day, and guarded by a

help police deal with the various problems caused by drunk drivers. Before tests were used, and without taking into account the experience and judgment of police officers, many innocent people, and in some cases people suffering from serious illnesses, were sent to prison. Although the percentage of innocent people is indeed very small, the fact that anyone can lose their liberty and even be punished or have their driver's license revoked, is a strong reason to support the use of a more scientific instrument. Chemical tests should be carried out on every driver who is suspected of being drunk and is willing or asking to be tested. Provide equipment, trained technicians, and facilities for every case is of course not easy, especially in rural areas. As well as being able to measure the ratio of alcohol to respiration, these methods can also analyze blood, saliva and urine samples fairly accurately.

The results of the researcher's interviews with legal subjects as perpetrators of traffic offenders on the Waru - Juanda Toll Road, according to researchers the legal settlement is that if the violator is from outside the city then he is permitted to use a power of attorney for trial in court, but if the person is domiciled in the city he is obliged to visit trial process in court.

Based on data regarding the types of traffic violations in the period January 2019 to May 2019, there are several interesting patterns and trends. First, violations caused by the speed factor show significant fluctuations during the period. In May 2019, speed violations reached their highest number with 563 cases, while in March 2019 it reached its lowest number with only 158 cases, this shows that motorists' awareness of speed rules still needs to be increased in order to reduce the risk of serious traffic accidents.

Second, violations related to loading factors also showed quite large variations during this period, in January 2019 there were 712 cargo violations recorded, but this number dropped dramatically in February 2019 to 618 cases, and despite fluctuations, cargo violations tend to remain at high levels throughout the period. This shows the importance of strict law enforcement against vehicles that violate the specified load capacity and limits to maintain the safety and smoothness of traffic. The data that has been obtained provides an overview of the dominant types of violations in that period and can be the basis for identifying are-

as that need to increase law enforcement and public awareness of traffic rules.

Based on the analysis above, that law enforcement against traffic violations on the Waru – Juanda Surabaya toll road requires a comprehensive and coordinated approach. The following are potential steps in a settlement algorithm to address these enforcement barriers:

- 1) **Analysis and Evaluation:** Conduct a thorough analysis of the inhibiting factors on the Waru – Juanda Surabaya toll road. Identification of the main problems, including the most common types of violations, factors contributing to non-compliance, and existing institutional or operational barriers.
- 2) **Education and Awareness:** Increase public education and awareness regarding the importance of obeying traffic rules on toll roads. Conduct socialization campaigns through mass media, banners, brochures, and social media. This education should prioritize information about the risks and consequences of traffic violations.
- 3) **Personnel and Resource Upgrades:** Add the number of traffic police personnel stationed on the toll road. Ensure personnel have adequate training to carry out effective enforcement and surveillance. Also, provide sufficient equipment and vehicles to support law enforcement operations.
- 4) **Monitoring Technology:** Use advanced technology such as surveillance cameras and infringement detection systems to automatically identify violations. This will help increase law enforcement efficiency and reduce dependence on field personnel.
- 5) **Strict Punishment:** Ensure that penalties for traffic violations are commensurate with the seriousness of the offense and provide an adequate deterrent effect. This can include significant fines, accumulated violation points on a driver's license, or even tougher penalties for repeat offenders.
- 6) **Public Complaint System:** Establish a citizen complaints system to report any traffic violations they witness. This can help law enforcement obtain additional information about violations and perpetrators.

sufficient number of police. These considerations are very important, especially in terms of safety, both for motorized vehicle drivers and for police officers on duty.

Investigation can be announced in advance or independent depending on the purpose, but a checkpoint should always be planned with a reasonable purpose for several reasons. First, it can waste police personnel on tasks that are not really productive. Second, providing comfort and not hindering residents who are traveling is important to avoid congestion and annoyance for residents. Checkpoints are often very useful if they are:

- 1) Shortly after the vehicle registration year begins.
- 2) When a large number of drivers have to renew their license.
- 3) When citizens travel a lot, especially during the holiday season.
- 4) Periodically to check the vehicle safety devices.

b) Road Crossing Safety Program

The intended road crossing safety program is crossings such as schools, shopping areas, and others. Some conditions do justify the use of a police officer, but only temporarily until another solution can be found. The police should be more alert in terms of handling road crossings, criticism should be given to the police patrol system that must exist so that it can regulate traffic at crossings. It should also be noted that this kind of handling should be carried out every day so that crossing comfort can be guaranteed.

c) Airplanes in Traffic Law Enforcement

Airplanes have become an increasingly effective means of enforcing traffic laws. Airplanes are especially useful for patrolling over highways, and other restricted access expressways. As more road systems were opened to traffic, the use of airplanes became more reasonable. Airplanes must be used in cooperation with a patrol car unit. Communication between aircraft and vehicles is carried out via radio. The patrol car should be numbered on the roof of the car so that it can be easily identified from the air. Of course, airplanes are not only used to detect speed violators, they are also useful in detecting drivers

who ignore stop signs, traffic lights, drivers who follow other vehicles too closely,

The use of airplanes has a variety of other benefits that are also very important. Airplanes can be very helpful in reconnaissance tasks, searching for missing persons, for surveying emergency situations such as floods, rescue and guarding. Using an airplane is obviously very expensive. Not only the initial costs for buying planes, radios and other important equipment, the costs for hiring airplane pilots are also quite expensive. In addition, the use of airplanes is limited by weather factors, but there are many benefits and advantages of using airplanes so that without a doubt it can be recommended as a very useful method for a good traffic law enforcement program. Indeed, the use of airplanes must be balanced with funds from each country.

d) Radar or Speed Measuring Devices

Radar is one of the most widely used devices to control speed violators. Of course, there are other methods and devices that measure speed, most of these devices are generally quite effective and accurate. For this discussion, we will assume that radar is synonymous with speed measuring equipment or devices, speed measuring devices are well accepted as speed controllers in locations with high accident rates. Other side effects are also observed, the use of tools like this tends to create a safety impact, and when these tools are used, dangerous speed violations also decrease.

Statistical data confirms the benefits of these tools that can usually be operated in heavy traffic lanes, radar can also be used at night with the same good results, although dark weather can make it a little difficult to identify violating vehicles. This equipment is expensive, and must be operated by at least two police officers, one operating a measuring device or timer and one making the arrest.

e) Chemical Tests To Measure Alcohol Levels

Chemical tests have been proven to be one of the best scientific aids to

- 7) **Cooperation with Related Parties:** Forms of cooperation with related parties such as toll road authorities, toll companies, and other related parties. Good coordination will facilitate law enforcement and supervision.
- 8) **Routine Monitoring and Evaluation:** Carry out regular monitoring and evaluation of the effectiveness of the actions taken. If there are obstacles or changes in the trend of violations, make adjustments to the strategy.
- 9) **Transparency and Accountability:** Ensure that the law enforcement process is carried out in a transparent and accountable manner. This will help build public confidence in law enforcement efforts.
- 10) **Awards and Incentives:** Give rewards or incentives to drivers who comply with traffic rules. This can stimulate people's awareness and compliance.
- 11) **Community Engagement:** Involve the community in awareness campaigns, volunteer patrols, or other initiatives that encourage active participation in law enforcement.
- 12) **Infrastructure Improvements:** Identify and correct potential causes of violations such as unclear signs, poor road conditions, or accident-prone areas.

With a holistic and integrated approach, it is hoped that obstacles in law enforcement against traffic violations on the Waru – Juanda Surabaya toll road can be overcome more effectively.

Conclusion

Based on the data obtained, it can be seen a decrease in traffic violations from January to April, but in May there was a significant increase in traffic violations on the Waru – Juanda Toll Road. Based on the facts on the ground, it can be seen that the highest violation is at the speed of road users that exceeds the maximum limit. Then based on the results of the researcher's interview with the officer East Java Highway Patrol Unit 2 Toll Waru as a legal subject, it was found that most traffic violators on the Waru – Juanda Toll Road stated that they were ignorant of the existing traffic regulations. So according to the researchers, the obstacles found in the field stem from the culture of the people as legal subjects who are not aware of the legal substance that is already in force.

Suggestion

Based on the research results and conclusions above. Then education must be provided in the form of a culture of legal literacy for Indonesian people in general and users of the Waru – Ju-

anda Toll Road in particular.

References

- Cecil, A. R., & et al. (2011). *Penegakan Hukum Lalu Lintas*. Nuansa.
- Devi, R. A. K. (2007). *Hubungan Karakteristik Tenaga Kerja Dengan Kejadian Kecelakaan Kerja Di PT. Waskita Karya Surabaya : Proyek Pembangunan Tol Ss Waru Bandara Juanda Paket Iireferences*. Airlangga University.
- Irimin, E. (2020). *Pemahaman Masyarakat Terhadap Lalu Lintas Ditinjau Dari Pemakaian Alat Keselamatan Saat Berkendara (Studi Kasus di Desa Karangom Klaten Utara)*. Unwidha Perpustakaan Unwidha.
- Kurniawan, B. (2020). *Penegakan Hukum Terhadap Pelanggaran Lalu Lintas Oleh Pengemudi Kendaraan Roda 2 Menurut Undang - Undang Nomor 22 Tahun 2009 di Wilayah Hukum Polres Kuantan Singingi Tahun 2020. Kodifikasi*, 5(1).
- Risdiarto, D. (2017). *Kebijakan dan Strategi Pembangunan Hukum dalam Memperkuat Ketahanan Nasional. Jurnal Penelitian Hukum DE JURE*, 17(2).
- Rompis, A., Mallo, J., & Tomuka, D. (2015). *Kematian akibat kecelakaan lalu lintas Kota Tomohon tahun 2012-2014. Ejournal.Unsrat.Ac.Id*, 4(1). <https://doi.org/https://doi.org/10.35790/ecl.v4i1.10837>
- Rozikin, A. (2014). *Efektivitas Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan yang Berkaitan dengan Penggunaan Helm Standar Di Kabupaten. In core.ac.ukA RozikinSkripsi Tidak Di Terbitkan. Makassar: Sarjana Universitas Hasanuddin Makassar, 2014•core.ac.uk*. Hasanuddin University.
- Sigit, A. A. A., & Setiawan, P. R. (2018). *Perumusan Faktor-Faktor Perubahan Penggunaan Lahan Akibat Pembangunan Jalan Tol Waru-Juanda di Kelurahan Tambakoso Kabupaten Sidoarjo. Jurnal Teknik ITS*, 7(2).
- Tambunan, E. (2017). *Implementasi Pasal 107 Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan Mengenai Penggunaan Lampu Utama Pada Kendaraan Sepeda Motor (Studi Kasus: Masyarakat Desa Hutasoit I Kecamatan Lintong Nihuta Kabupaten Humbang Hasundutan)*. UNIMED.