

**LAW ENFORCEMENT FOR SMOKING DRIVERS IN SURAKARTA****Rachma Putri Dwi Amalia<sup>1</sup>, Marisa Kurnianingsih<sup>2</sup>**<sup>1</sup>Fakultas Hukum Universitas Muhammadiyah SurakartaEmail:<sup>1</sup> [c100210137@student.ums.ac.id](mailto:c100210137@student.ums.ac.id)<sup>2</sup>Fakultas Hukum Universitas Muhammadiyah SurakartaEmail:<sup>2</sup> [mk122@ums.ac.id](mailto:mk122@ums.ac.id)**ABSTRACT**

This study aims to identify law enforcement for motorists who smoke and obstacles faced by the Police as well as obstacles in prosecuting motorists who smoke while driving in Surakarta. The increasing number of motor vehicles in Indonesia, especially in Surakarta, contributes to the ease of daily activities, but also increases traffic violations, including smoking while driving. One of the habits that is still widely found among motorcyclists is the behavior of smoking while driving, even though the potential danger is very large. This behavior not only endangers the rider himself, but also others around. Based on Lawrence M. Friedman's theory, the three elements of the legal system, legal structure, legal substance and legal culture, still face major challenges in their implementation. The method used in this study is an empirical juridical approach that focuses on examining community behavior. The results of the research are expected to contribute to improving law enforcement and traffic safety. Law enforcement against motorists who smoke while driving in the city of Surakarta, focusing on the role of the Police in tackling traffic violations related to smoking habits.

**Keywords:** Law enforcement, motorists, smoking.**INTRODUCTION**

Indonesia is a country with a rapidly developing automotive industry, in line with the increasing public demand for faster and more efficient transportation. One of the main factors underlying this is the inadequacy of public transportation facilities in several areas, including urban areas.<sup>1</sup> The presence of private vehicles, especially motorcycles, is now almost owned by every household in Indonesia. People choose motor vehicles as an alternative mode of transportation because they are considered more

practical, agile, and time-efficient compared to existing public transportation. In addition, the ease of purchasing vehicles through credit or installment systems, as well as the relatively simple vehicle tax payment process, also contribute to the increasing number of motor vehicle owners in Indonesia.<sup>2</sup>

Based on data from the Central Statistics Agency (BPS) of Surakarta City up to May 2024, there are 414,998 registered motor vehicles in this city. The increase in the number of motor vehicles certainly brings positive impacts on the ease of the community in carrying out daily activities, especially in mobility between places.<sup>3</sup> However, on the other hand, the surge in the number of vehicles also brings about various problems, one of which is the increase in traffic violations. These violations include various forms of actions, such as not carrying complete vehicle documents, not wearing helmets, ignoring traffic signs, and even driving in conditions that reduce focus, such as smoking while riding.<sup>4</sup>

Smoking while riding has become one of the habits still commonly found among motorcyclists, despite the significant potential danger it poses. This behavior not only endangers the rider themselves but also others around them, such as riders behind who could be hit by ash or sparks from a lit cigarette.<sup>5</sup> In addition, smoking while driving can also reduce the driver's concentration, which potentially increases the risk of accidents on the road. The harmful effects of smoking also extend to health, both for active and passive smokers, with risks of diseases such as lung cancer, heart attacks, and strokes.<sup>6</sup> In response to this issue, the role of the police in enforcing the law becomes very important. The Indonesian National Police has the authority to create security and order, as well as enforce the law on the highways. In this case, traffic police have the duty of prevention and enforcement against various traffic violations, including the act of smoking while driving. However, despite the clear risks of this violation, many drivers in the city of Surakarta have not yet faced legal action for this offense. This indicates a challenge in the implementation of effective law enforcement.<sup>7</sup>

It is important to note that although smoking while driving clearly violates traffic safety principles, regulations specifically governing smoking on the road are still limited to this day.<sup>8</sup> This causes many drivers to ignore the dangers posed by the habit of smoking while driving. In this case, the Surakarta Police Department has the responsibility to enhance supervision and enforcement against such violations, in order to create a safe and orderly traffic condition for all road users.<sup>9</sup> Based on that background, the author is interested in conducting research on law enforcement against drivers who smoke in Surakarta, as well as the obstacles faced by the police in addressing violations. Previous research examined "The Implementation of Regulations Against Drivers Who Smoke While Driving in

the Traffic Unit (Satlantas) of Gorontalo City," so the author will investigate how law enforcement is conducted for drivers who smoke in Surakarta. And the obstacles to law enforcement against drivers who smoke while driving. This research is expected to contribute to the development of more effective law enforcement policies and strategies in the field of traffic.

### **RESEARCH METHOD**

This research uses an empirical juridical approach, which focuses on the study of empirical facts related to community behavior through interviews and direct observation. The purpose of this research is to obtain a clear and concrete picture of the phenomenon that occurs. The types of data used in this research consist of primary and secondary data. Primary data is obtained directly from the field, such as observing community behavior through direct research, while secondary data is obtained from existing sources, such as documents that have been collected and analyzed by previous researchers. Data collection techniques were carried out through in-depth interviews with the Surakarta Police Department and drivers, field observations at busy traffic points in Surakarta to observe the behavior of smoking drivers and their interactions with police officers, and document studies related to laws and law enforcement reports. For data analysis, a qualitative descriptive method was used, where the collected data in the form of images, narratives, and other information were systematically organized, and then concluded to provide a clear picture of the phenomenon being studied.

### **FINDINGS AND DISCUSSION**

#### **Law Enforcement Against Drivers Who Smoke While Driving**

Lawrence M. Friedman stated that the effectiveness and success of law enforcement depend on three elements of the legal system, namely the structure of law, the substance of the law, and legal culture. The legal structure involves law enforcement officers, the legal substance includes legislative instruments, and the legal culture is the living law adhered to within a society.<sup>12</sup>

**The legal structure**, which consists of law enforcement officers with the authority to take action against drivers who smoke on the road, specifically the Surakarta City Police, particularly the Traffic Unit. *Based on an interview with one of the police officers, Mrs. AKP Endang Tri Handayani, S.H., who is part of the Head of the Law Enforcement Unit of the Traffic Police, the enforcement efforts by the police regarding the behavior of smoking drivers are still not optimal. Drivers who smoke while riding are not the main focus for Polresta Surakarta to impose actions or sanctions; they can only issue*

warnings or appeals without any stricter measures. In some cases, this violation is only addressed if other traffic violations occur, such as riders not wearing helmets, using mobile phones while driving, not carrying official driving documents, or violating traffic rules. In addition, the limited resources and the number of officers patrolling the roads are obstacles in taking action against smokers.<sup>13</sup>

The act of smoking is not only dangerous for the driver who is riding their vehicle or other road users, but smoking can also be beneficial for each person, providing positive effects for their body such as reducing stress or making them feel more relaxed when driving while smoking. This is also one of the reasons why Polresta Surakarta does not prioritize smoking behavior as a major violation compared to other traffic violations. Although Polresta Surakarta has conducted general traffic safety campaigns, forming the Bhabinkamtibmas organization (Community Security and Order Maintenance Officers) is a police unit tasked with maintaining security and order in the community, particularly at the village or sub-district level. An organization that helps the community by providing understanding about the dangers of smoking, law enforcement related to smokers while driving, there is currently no program that specifically highlights the dangers of smoking while driving. This causes drivers to feel that the habit is still acceptable and does not pose a significant risk. This organization has made efforts to prevent the dangers of smoking while driving through educational activities for the community, such as legal counseling, legal empowerment, legal socialization, and so on.

The results of interviews with several drivers also show that they consider smoking while driving as a habit that is not directly dangerous. Many of them believe that as long as they can still control the vehicle, smoking is not a big problem. Such an attitude shows that efforts to raise awareness are still very much needed so that drivers understand that smoking while driving can reduce focus and increase the risk of accidents.

**The legal substance**, the prohibition of smoking while driving, can be linked to several applicable regulations, including:

- a) Law on Traffic and Road Transportation Number 22 of 2009
  - Article 106 paragraph 1 states that *"Every motor vehicle driver is required to drive their vehicle with full concentration and reasonableness."* Every person driving on the road with a motor vehicle must drive with focus and concentration, including smoking, which can disturb concentration and even affect other drivers or road users.

- Article 283 states, *"Every driver who engages in activities that disrupt concentration while driving may be subject to a maximum fine of Rp. 750,000.00 or imprisonment for up to 3 months"*.<sup>14</sup>

In that article, it does not specifically or explicitly mention that one of the behaviors that disrupt concentration is smoking.

b) Surakarta City Regional Regulation Number 9 of 2019

This regulation governs the prohibition of smoking in public places, including public transportation, but it does not explicitly include a ban on smoking while driving on the road, which violates this regulation, and its enforcement is still lacking. With the existence of this regulation, the Surakarta Police Resort is still reluctant to take action against violations of smoking while driving, because this regulation does not explicitly state that driving on the road is included in the area that must be free of cigarette smoke.

The above regulation is quite clear, but its implementation is still limited, as there is no specific prohibition explicitly stating that smoking while driving is an offense, so its enforcement still depends on the interpretation of law enforcement officers.

**Legal culture**, which encompasses the attitudes and compliance of the community towards regulations, is a crucial focus in the success of law enforcement. The city of Surakarta is one of the cities with the highest cigarette consumption rates in Indonesia. Many people consider smoking to be a normal habit, including while driving.<sup>15</sup> Thus, the low public awareness of the dangers of smoking while driving can reduce concentration and increase the risk of accidents. Some members of the community, especially active smokers, namely men, believe that smoking is one of the needs for their bodies because it can reduce stress or make their bodies more relaxed. One of the efforts made by Polresta Surakarta as part of their duty to maintain public security and order is to conduct legal counseling and socialization. Bhabinkamtibmas and members of the Law Enforcement Unit of the Surakarta Police Traffic Unit have conducted several outreach and socialization activities to educate the public about the dangers of smoking and the enforcement of laws against smokers, which can harm other drivers and road users.

### **Obstacles to Law Enforcement against Drivers Who Smoke While Driving**

Law enforcement against drivers who smoke on the road by Polresta Surakarta faces various complex obstacles. One of the main obstacles is the lack of awareness and discipline among the public in adhering to traffic regulations, particularly regarding the prohibition of smoking while driving. Smoking

while driving is often considered a normal habit, so many drivers are unaware that this action can disrupt concentration and endanger their own safety as well as that of other road users.<sup>16</sup> Moreover, the limited resources and personnel in conducting thorough monitoring and enforcement pose a unique challenge. Polresta Surakarta must divide its focus and resources to address various other traffic violations that also require serious attention. The legal aspect also contributes to this obstacle; although there are regulations governing the obligation of drivers to concentrate fully while driving, as stated in Article 106 paragraph (1) of Law No. 22 of 2009 on Traffic and Road Transport, the implementation of sanctions for violators who smoke while driving has not been effective. This is due to the varied interpretations of the regulation and the lack of consistent law enforcement. Additionally, the strong smoking culture among the Indonesian population adds complexity to the enforcement of this law. Smoking has become a part of daily life for most people, so the ban on smoking while driving is often ignored. To address these obstacles, a comprehensive approach is needed, including increased socialization and education for the public about the dangers of smoking while driving, stricter and more consistent law enforcement, and more specific regulatory support related to the ban. In addition, increasing the number of personnel and supporting facilities for law enforcement officers is also an important factor in ensuring the effectiveness of enforcement against this violation. In addition, the increase in personnel and supporting facilities for law enforcement officers is also an important factor in ensuring the effectiveness of enforcement against these violations.

## CONCLUSION

Law enforcement against drivers who smoke while driving in the city of Surakarta still faces various significant obstacles. Based on Lawrence M. Friedman's theory, the effectiveness of the law depends on three main elements: legal structure, legal substance, and legal culture. From the perspective of legal structure, the police, particularly the Traffic Unit of the Surakarta Police, have the authority to take action against drivers who smoke, but this effort has not yet become a top priority. Enforcement against this behavior is often only carried out if it coincides with other traffic violations, such as not wearing a helmet or using a mobile phone while driving. The limited number of personnel and resources also become a hindrance in stricter monitoring and law enforcement.

From the legal substance aspect, the regulation prohibiting smoking while driving is not explicitly stated in the legislation. The Traffic and Road Transportation Law Number 22 of 2009 does require drivers to drive with full concentration (Article 106 paragraph 1) and prohibits activities that disturb

concentration (Article 283), but it does not explicitly mention smoking as an offense. Similarly, Surakarta City Regional Regulation Number 9 of 2019 only regulates the prohibition of smoking in public places, but does not cover the prohibition of smoking while driving. The absence of more specific regulations leads law enforcement officers to have varied interpretations and reduces the effectiveness of imposing sanctions on drivers who smoke.

Legal culture is also an important factor that influences the success of law enforcement. The city of Surakarta has a high level of cigarette consumption, and many people consider smoking to be a normal habit, including while driving. Public awareness of the dangers of smoking while driving is still low, with many drivers believing that smoking does not distract them as long as they can still control the vehicle. Although the Surakarta Police have made various educational and socialization efforts through legal counseling and Bhabinkamtibmas activities, there is still no specific program highlighting the dangers of smoking while driving.

The main obstacles in law enforcement include the lack of public awareness, limited police resources, and the absence of regulations explicitly prohibiting smoking while driving. Regulations that explicitly govern both at the national level, police duties, and local regulations in every city/district need to be enforced. To improve the effectiveness of law enforcement, a more comprehensive approach is needed, including more intensive education for the public, stricter and more consistent law enforcement, and the establishment of clearer regulations regarding the prohibition of smoking while driving. In addition, an increase in the number of police personnel and supporting facilities is also necessary so that monitoring of smoking drivers' behavior can be carried out more optimally. Smoking behavior, which is not prioritized compared to other violations, needs more attention because the dangers of smoking and the risk of accidents from smoking can harm many parties. The behavior of smoking, which is not prioritized compared to other violations, needs more attention because the dangers of cigarettes and the risk of accidents from smoking can harm many parties.

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