
**COUNSELING AGAINST TRAFFIC VIOLATIONS BY DRIVERS UNDER THE INFLUENCE OF ALCOHOL
(CASE STUDY IN SURAKARTA CITY)**

Raga Farros Al Bassith¹, Marisa Kurnianingsih²¹ Fakultas Hukum, Universitas Muhammadiyah Surakarta (C100190232@student.ums.ac.id)² Fakultas Hukum, Universitas Muhammadiyah Surakarta (mk122@ums.ac.id)

ABSTRACT

The aim of conducting the research is to find out: (1) traffic violations by drivers under the influence of alcohol in the City of Surakarta based on Law Number 22 of 2009; and (2) efforts to overcome traffic violations by drivers under the influence of alcohol in the city of Surakarta. In Indonesia, especially in big cities, the traffic situation is still far from orderly, the cause of traffic violations is someone who deliberately drives under the influence of alcohol. With the help of empirical juridical research methods, through field research which focuses on collecting empirical data in the field so that it can reviewing the implementation of criminal law policies regarding traffic violations committed by drivers under the influence of alcohol at the Surakarta Police through interviews and the implementation of Law Number 22 of 2009 concerning Road Traffic and Transportation. The results of these findings state that as a form of law enforcement against traffic violations by drivers under the influence of alcohol in the city of Surakarta, it is basically in accordance with the applicable regulations of Article 311 of the LLAJ law. Efforts to overcome the occurrence of traffic accidents in the city of Surakarta with the aim of providing comfort for road users through education, advocacy, outreach and campaigns.

Keywords: Alcohol, Traffic, Violations, Countermeasures

INTRODUCTION

In accordance with Law Number 22 of 2009, "traffic" is defined as the movement of vehicles and people within the "road traffic space", defined as the road network and related facilities provided for that traffic.¹ The new law clarifies which government agency is responsible for dealing with traffic and road transportation problems. The government attempts to adopt engineering and traffic management measures that make driving fast, simple, safe, comfortable and efficient.²

There are many things that happen in traffic, besides traffic jams and accidents. The majority of people who drive buses, trucks, two-wheeled vehicles, four-wheeled vehicles, or other vehicles with four or more wheels will commit traffic violations, which are the most common things that occur on the road. The police have an important job to do as this is a major problem on the route. The traffic problem is not only related to these cars but also how complete the vehicle certification is, as many of the vehicles now on the road do not have sufficient permits or have successfully completed the required time.³

In the Republic of Indonesia, especially in big cities, traffic conditions are quite uncertain. Road accidents may be caused by concerns about reckless behavior. There is no other way to handle this situation, therefore the government makes rules for roads and traffic. Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ), especially regulates traffic, which was ratified by the government and the DPR. This law explains the rules governing highways. Of course, these rules can set expectations to ensure a calm and friendly traffic flow for everyone who uses the road. According to widely held beliefs,

¹ Raharjo, R. *Tertib Lalu Lintas*. Shafa Media, Yogyakarta. 2014.

² Kusmagi, MA. *Selamat Berkendara di Jalan Raya*. Raih Asa Sukses, Bogor. 2010.

³ Sasambe RO. *Kajian terhadap penyelesaian pelanggaran peraturan lalu lintas oleh kepolisian*. *Lex Crimen*. 2016 Jan 21;5(1).

drivers who lack self-control and a sense of duty to ensure the safety of passengers are often the cause of traffic accidents.⁴

According to Suharto's statement, SH as Head of the Law Enforcement Unit (Kanit Gakkun) of the Surakarta Police stated that the main cause of traffic accidents is humans who are the focus of most vehicle drivers. Traffic violations involving drivers are the main cause of road accidents. One of the criminal acts is a traffic violation, especially someone who deliberately drives while drunk. The possibility of an accident on the road increases if the driver's health is not normal. Drivers who are unable to concentrate, drowsy, or under the influence of alcohol/drugs are potential causes of this disaster.⁵

Based on information on the annual record of traffic violations from the Surakarta City Police Department, the traffic violations that occurred in the last 4 (four) years are as follows:

Table 1. Annual Data on Traffic Violations for the City of Surakarta

Year	2019	2020	2021	2022
Number of Traffic Violations	46,770	19,520	13,325	6,545

Violations of traffic laws by individuals contribute to anarchy and even accidents. Drivers often disregard their own safety or the safety of others. For example, they take it for granted that an accident will occur when a red light is activated (a collision between one vehicle and another vehicle).

Based on this reality, there are problems raised through this research regarding: (1) traffic violations by drivers under the influence of alcohol in the City of Surakarta based on Law Number 22 of 2009; and (2) efforts to overcome traffic violations by drivers under the influence of alcohol in the City of Surakarta.

RESEARCH METHODS

Research methods are methods carried out with the aim of obtaining data in accordance with the desired objectives (Lasa, 2009).⁶ Research through field studies which focuses on collecting empirical data in the field is known as empirical legal research.⁷ Research conducted on each subject in the field is qualitative and is based on searches or investigations that produce descriptive information, such as written or verbal, of individuals or behavior. The research methodology method in conducting research is legal-empirical. Empirical-legal research looks at how the adoption or application of normative laws influences certain legal events in society.⁸

Using an empirical-legal methodology, the implementation of the Surakarta Police criminal policy towards traffic violations committed by drunk drivers is examined. Through primary sources, interview results and Law Number 22 of 2009 concerning Road Traffic and Transportation as secondary sources as well as supporting data relevant to the research.

RESULTS AND DISCUSSION

Traffic Violations by Drivers Under the Influence of Alcohol in Surakarta City Based on Law Number 22 of 2019

Traffic violations often lead to accidents, backups, and potential environmental damage, which places them at the heart of traffic flow problems. In general, this often occurs as a result of several variables, including road users, road conditions and motorized vehicles, as well as enforcement of traffic

⁴ Hadiman, H. Gerakan Disiplin Nasional dalam BerlaluLintas Sejak Dini. Asosiasi Keselamatan Jalan Indonesia, Jakarta. 1998.

⁵ Enggarsasi U, Sa'diyah NK. Kajian terhadap faktor-faktor penyebab kecelakaan lalu lintas dalam upaya perbaikan pencegahan kecelakaan lalu lintas. Perspektif. 2017 Sep 27;22(3):238-47.

⁶ Lasa. Manajemen Perpustakaan Sekolah. Pinus Book, Yogyakarta. 2009.

⁷ ND MF, Achmad Y. Dualisme Penelitian Hukum Normatif dan Penelitian Hukum Empiris. Pustaka Belajar, Yogyakarta. 2010.

⁸ Muhammad, A. Hukum dan Penelitian Hukum. Citra Aditya Bakti, Bandung. 2004.

regulations by the government. A traffic accident can be described as a collision that occurs on the road unexpectedly, rather than fighting, involving one of two vehicles together with another driver, resulting in loss of life and property damage. Traffic collisions can occur, according to Soerjono Soekanto,⁹ if there is a motor vehicle involved on a public route. It involves people, property, and risks that have the potential to result in loss, harm, or death. Light, moderate and serious traffic accidents can generally be divided into three categories. In line with recent studies, driving characteristics can change quickly and drastically when the driver is drunk or under the influence of other substances, injured, bored, or uncomfortable.¹⁰

Reviewing the data above for the last 4 (four) years, it can be seen that traffic violations in Surakarta have decreased every year but there are still a lot of traffic violations, so it can be said that traffic is not running well. Among the most frequent causes of accidents, especially human error, are collisions caused by drivers who are drunk or under the influence of alcohol. Drunk driving is illegal because the person handling the transportation is considered a time bomb that can explode at any time. As a result, action can be taken immediately because there is no need to wait for the bomb to explode.¹¹

In essence, the movement of cars and individuals in road traffic spaces is determined by the laws that regulate such traffic. Road traffic space is infrastructure specifically created for the transportation of people, merchandise, or both in the form of roads and supporting facilities. This is basically in accordance with statutory regulations, the LLAJ Law which applies as a means of law enforcement against drunk driving in the city of Surakarta, where the law has established rules and standards around a list of violations and fines that must be paid by those who violate traffic laws by classifying perpetrators and types of violations, for example as follows:

a. Applies to everyone

Causing interference with the operation of pedestrian facilities, traffic signaling devices, road markings, traffic signs and road user safety devices is explained in article 28 paragraph (2), where every person whose activities contribute to this will face legal consequences.

b. Every road user

In order to maintain order and smooth traffic in several situations, it is necessary to: Stop, continue, accelerate, slow down, and/or divert the flow of cars. This is mentioned in Article 104 Paragraph 3–3rd Paragraph Article 282 in conjunction with Article 104. Therefore, the implementation of this article only applies to drivers who violate traffic regulations.

c. Each driver (drivers of all types of vehicles), for example:

- 1) A 4 month prison sentence and a fine of IDR 1,000,000.00 are imposed on drivers who violate this regulation (Article 281 in conjunction with Article 77 paragraph (1)). Apart from that, those who violate Article 288 Paragraph 2 and Article 106 Paragraph (5) (Letter B) are threatened with imprisonment for one month and a fine of Rp. 250,000 fine for not having a driver's license.
- 2) The National Police determines that those who do not/have not prepared a STNK or STCK for motorized vehicles of Rp. 500,000 are mentioned in Article 288 Paragraph 1 and Article 106 Paragraph 5.

All parts of the traffic law must interact with each other, especially between people using roads, cars and other vehicles which is described in article 245 of Law Number 22 of 2009 concerning Road Traffic and Transportation, so that the concept is mature must also be arranged well. It includes traffic management, traffic planning, traffic management, traffic monitoring, and traffic control tasks. This operation is anticipated to assist traffic law enforcement initiatives to improve traffic flow.

Being drunk while driving transport is of course dangerous. For drivers who still dare to operate their vehicles while under the influence of alcohol, the police have established various strict and legally enforceable regulations. The police will issue a fine in accordance with Article 311 of Law Number 22 of

⁹ Soekanto, S. Faktor-Faktor Penyebab Kecelakaan Lalu Lintas, Graha, Bandung. 2000.

¹⁰ Pamungkas NS. Mengenal perilaku pengendara kendaraan dalam upaya mencegah terjadinya kecelakaan di jalan raya. Teknis. 2014 May 1;9(1).

¹¹ Jacobs JB. The law and criminology of drunk driving. Crime and Justice. 1988 Jan 1;10:171-229.

2009 concerning Road Traffic and Transportation if the driver is found to be drunk. If the driver receives this penalty, they can spend up to a year in prison or pay a fine of IDR 3,000,000. In fact, the penalties will be much more severe if it is revealed that the driver caused the collision and property damage. Driving under the influence of alcohol is prohibited by Article 492 of the Criminal Code (KUHP) which has been explained previously.

Operating a vehicle while intoxicated is prohibited, and operating a vehicle in an appropriate state and based on a complete sense of focus is required. This is regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation, Article 106 Paragraph 1. A person who is drunk, the incident must occur in public, and the driver or perpetrator must disturb the peace in order to be drunk, subject to Article 492 of the Criminal Code. R. Soesilo (1995) explains that in order to apply Article 492 of the Criminal Code it must be determined that:

- a. The person is drunk

In this context, drunkenness refers to when a person consumes alcohol to the point where he loses control of one or more of his five senses or limbs.

- b. In public place

This phrase refers to areas accessible to the general public, such as parks and streets. If you just get drunk at home, it's not covered.

- c. Obstructing traffic or disturbing public order

Article 429 means it will not apply if the drunk individual remains silent and does not disturb anyone or anything while at home.

Efforts to Prevent Traffic Violations by Drivers Under the Influence of Alcohol in the City of Surakarta

In traffic law, it is very important to drive and drive safely to ensure efficient transit. Safe driving also seeks to prevent collisions and reduce their impact. As a result of safe driving, traffic must be smooth and safe for all users. Law is a social problem and in this case society must adapt and regulate driving safety standards set by the government. Because driving safety is basically difficult to achieve, this is due to a lack of public knowledge, discipline and understanding of the benefits of driving.

A person who only drinks alcohol may believe that they can still operate a vehicle, but they are unable to focus on other crucial factors such as traffic lights, cars stopped on the side of the road, or pedestrian crossings. Additionally, drinking will slow a person's reaction time, which can be dangerous. Driving under the influence of alcohol can have potentially severe consequences. In fact, many fatal accidents occur due to people forcing themselves to drive after being drunk. The law also affects many people because it causes other people to become victims.

To make road users more comfortable, efforts are being made to reduce the frequency of traffic violations or accidents in the city of Surakarta. The action consists of the following:

- a. Campaign via social media, both electronic and print

In channeling community capabilities regarding traffic, socialization programs and traffic safety campaigns are carried out. Television is also radio – the most suitable information media for public publication. In an interview with Suharto, SH as the Head of the Surakarta Police Gakkum Unit, stated that in practice the Surakarta Police often present programs related to traffic advisories on the TATV Solo television station. Also provides daily reports uploaded every day on social media regarding Surakarta City traffic.

- b. Applying sanctions for drivers whose blood alcohol levels are above the permitted limit by applying criminal sanctions in accordance with Article 311 of Law Number 22 of 2009 concerning Road Traffic and Transportation.

- c. Rehabilitation for drivers who are found to have alcohol levels exceeding the limit.

- d. Install signs and posters about occupational health and safety (K3).

- e. Increasing knowledge about the rules prohibiting the consumption of alcoholic drinks/drugs that make people drowsy while driving transportation through education, advocacy, outreach and

campaigns.

A number of issues have not received the adequate attention required for effective enforcement of traffic rules. Providing concrete examples of law enforcement as traffic rule makers themselves can include transparent strategies from law enforcement agencies that consider efforts to teach the public an understanding of traffic rules, a summary of the real benefits associated with those rules, and an even greater degree of oversight and supervision from authorities to the general public to assist in enforcing regulations. To advance their work, traffic police – tasked with enforcing road laws – must be able to maintain their authority. However, to provide justice, authorities must also have confidence in their own capacity to make decisions.

By establishing, promoting, and maintaining effective legal and traffic security is the goal of traffic law. The traffic police continue to carry out various control efforts to promote safe driving conditions and traffic order, as well as public discourse initiatives aimed at improving traffic order.

If we examine it more deeply, it turns out that the Surakarta Traffic Police's response to traffic incidents is actually a form of police public service. In order to build public trust in the police, the public always wants the police to function well. Police personnel should work responsively and accountably (accountability to the community). Bureaucratic ethics that support community responsiveness and police accountability in providing good services to the community are needed to limit the behavior of police officers in carrying out their duties and functions.

Under normal circumstances, it is believed that transportation is an essential societal service because it drives the activities and outcomes necessary for society to function.¹² However, there are many complex problems with traffic that arise every day. Road users, system infrastructure, transportation, officials or people in charge (Polri, Transportation Service, DPUPR), the business world, spatial planning are all groups that use roads as business facilities. not to mention related to environmental problems and other social problems. Traffic management requires an integrated and continuous approach rather than just one approach from one side.¹³

CONCLUSION AND SUGGESTION

Conclusion

The majority of people involved in accidents under the influence of alcohol often drive vehicles at high speeds so that this can be dangerous for road users – both vehicles and pedestrians. This is basically in accordance with the guidelines of article 311 of the relevant provisions of the LLAJ Law as a method of police action against traffic violations by drunk drivers in the city of Surakarta.

Actions taken to reduce the number of incidents on the roads in Surakarta: the aim is to provide comfort for road users, including several steps being taken. These action steps include conducting outreach through mass media (both electronic and print), giving sanctions to vehicle operators who move with blood alcohol levels above the threshold, providing rehabilitation for operators proven to have violated the law, putting up posters and occupational health signs. and safety (K3), as well as increasing public awareness of the dangers of driving by providing information, advocacy, outreach and campaigns regarding the prohibition of alcohol.

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¹³ Kansil, CST dan Christine ST. Disiplin Berlalu Lintas Di Jalan Raya, Penerbit Rineka Cipta, Jakarta. 1994.

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