

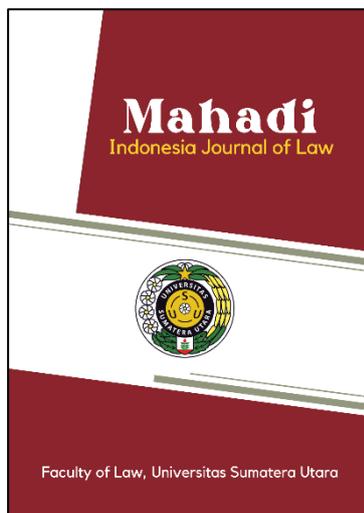


The Problematics of Turning on The Main Light Lettings For Two-Wheeled Motor Vehicle Under The Laws Number 22 Year 2009 On Traffic And Road Transport

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Abstract

For two-wheeled vehicles, it is expressly required by Law Number 22 of 2009 Concerning Road Traffic and Transportation to switch on the primary lights during the day. A requirement for vehicle eligibility on the road is the regulation of this obligation. The provisions in the UULLAJ do not yet control the ATPM's accountability for vehicle requirements that ensure the headlights stay on and the availability of an automatic device as a warning when the headlights are damaged. This has ramifications for traffic-related duties performed by the National Police in the area of law enforcement. Only drivers who fail to fulfil their requirements to ensure the specifications of their primary lights throughout the day without touching the ATPM are the targets of law enforcement. Because there was no legal framework for the Police to take action against the ATPM, this law enforcement was not carried out. In reality, considerations of legal certainty, justice, and advantages must be given while establishing a legal norm. Data were collected using interviews as main sources and library research as secondary sources. This study employs a qualitative research methodology and is a descriptive analysis.

Keywords : setting turning on the main light for motorcycles

INTRODUCTION

The introduction of main lights for two-wheeled vehicles in Law Number 22 of 2009 concerning Road road and Transportation (UULLAJ) addresses one of the factors that contributes to road accidents: drivers failing to turn on their main lights throughout the day. To achieve security, safety, smoothness, and traffic order, UULLAJ is anticipated to significantly alter road traffic and transportation in terms of material substance.¹ Additionally, it is anticipated that UULLAJ will have a significant impact on these areas philosophically, sociologically, and legally.

Articles 107 and 293 of Law Number 22 of 2009 Concerning Road Traffic and Transportation (UULLAJ), which deal with the consequences for motorists who fail to turn on

¹ Generally speaking, Law Number 22 of 2009 Governing Road Traffic and Transportation states that the two have a key role in fostering national cohesion and growth. This is a component of efforts to advance public welfare, with the intended outcome being the realisation of road traffic and transport services that are safe, secure, orderly, smooth, and integrated with other modes of transport in order to strengthen unity and national unity, be able to uphold national dignity, and boost the national economy. 1 Additionally, the realisation of national culture and law enforcement, as well as the realisation of community legal certainty.

their main lights during the day, specifically state that drivers of two-wheeled vehicles must turn on their main lights during the day.²

Law Number 22 of 2009 concerning Road Traffic and Transportation (UULLAJ) established the requirement for two-wheeled vehicles to put on their main lights throughout the daytime and included the following considerations:³

First, it ensures the driver's personal safety when operating a motorised vehicle;

Second, a car or motorcycle driver must quickly glance in the rearview mirror, making

It simpler for other drivers to see a car approaching through the mirror.⁴

According to information gathered at the North Sumatra Regional Police's Traffic Directorate, drivers of two-wheeled motor vehicles are the primary cause of the majority of traffic incidents on the highways. In North Sumatra, there were 6,232 traffic accident cases from January to December of 2013, resulting in 1,895 fatalities, 2,761 serious injuries, 6,652 minor injuries, and material or property losses of Rp. 6.75 billion. If the number of victims killed in traffic accidents is calculated per day, 4 to 5 people die on the roads in North Sumatra every day.⁵

If the amount of traffic accident lawsuits is anything to go by, motorcyclists make up as much as 80% of the vehicles involved. This demonstrates that one of the reasons of traffic accidents is the failure to comprehend, know, and obey traffic by turning on the lights during the day. The National Police and affiliated organisations can take preemptive, preventive, and repressive measures in carrying out functions in the traffic sector that are perceived as criminal policies in this situation of high accident rates.⁶

Traffic organisers are required by Law Number 22 of 2009 concerning Road Traffic and Transportation to carry out direct service activities carried out by the government, regional governments, legal entities, and/or the community in accordance with Article 7 Paragraph 1. (2) The government's management of road traffic and transport, as mentioned in paragraph (1), is done in accordance with the following primary duties and responsibilities:

- a) Government affairs in the following areas and government affairs in the road sector by the state ministry in charge of the road sector;

² According to Sudarto, *Law and Criminal Law*, Alumni, Bandung, 1981, p. 12, the special purpose of criminal law is to protect legal interests from acts that want to rape them (*rechtsgiiterschutz*) by enacting sanctions in the form of punishment that are more severe in nature than sanctions found in other branches of law. These legal interests (objects) can originate from an individual, a group, or a collectivity. Sharp penalties can have an impact on a rapist's body, honour, property, and occasionally even life. One could argue that the criminal code establishes guidelines for dealing with bad conduct.

³ Ferry Hadary, *Program Menyalakan Lampu Utama Bagi Sepeda Motor di siang hari (Daytime Running Lights)*, <http://www.untan.ac.id/?p=314>, page 2 as of August 1, 2013

⁴ *Ibid*, page 3

⁵ Traffic Directorate Report for North Sumatra Police, 2013

⁶ According to Barda Nawawi Arief, *Anthology of Criminal Law*, Alumni, Bandung, 1992, pp. 30-31, there are two main problems in the politics of criminal law by using penal means, namely the issue of deciding what behaviours should be classified as crimes and the issue of deciding what penalties should be applied to or imposed on offenders. Additionally, a pattern and approach that may be utilised as a guide are needed in order to combat crime. In this regard, it is necessary to use a "policy approach," in the sense that there is integration between penal countermeasures and legal (criminal) and non-penalistic approaches (means other than using criminal law, which is more curative and preventive). Criminal law cannot be viewed as the only tool for preventing crime; rather, it must be considered as an integral part of both social politics and criminal politics, as well as the interaction between penal and non-penal measures. *Capita Selecta Criminal Justice System* by Muladi, Semarang: Diponegoro University Publishing Agency, 1995, p. 8.

- b) government affairs in the field of road traffic and transportation facilities and infrastructure by the ministry of religion, which is in charge of the infrastructure for roads;
- c) government affairs in the field of traffic and the development of the road transportation industry by the state ministry;
- d) government affairs in the field of registration and ide Additionally, the Indonesian National Police teaches road safety.⁷

With the background that has been given, the authors limit the Law Number 22 of 2009 concerning Road Traffic and Transportation regulation of turning on the main lights during the day for 2 (two) wheeled motorised vehicles based on good statutory principles and having expediency.

Thus, the issue is:

1. According to Law Number 22 of 2009 concerning Road Traffic and Transportation, what does it mean legally for two-wheeled motorised vehicles to turn on their main lights throughout the day? ; and
2. How does Law Number 22 of 2009 concerning Road Traffic and Transportation prohibit law enforcement from turning on the primary lights of two-wheeled motor vehicles during the day?

The purpose of this paper is to:

1. To examine and explain how Law Number 22 of 2009 about Road Traffic and Transportation's requirement that two-wheeled motor vehicles switch on their main lights during the day is construed legally; and
2. To examine and describe how Law Number 22 of 2009 concerning Road Traffic and Transportation prohibits two-wheeled motorised vehicles from turning on their main lights during the day.

These are the advantages of this article:

1. Theoretically, this can be used as a source for further research in the development of legal science, particularly in criminal law, in the form of statutory requirements on the turning on of the main lights during the day for 2 (two) wheel motorised vehicles in Law Number 22 of 2009 concerning Road Traffic and Transportation. Additionally, it is anticipated that this research would contribute to the improvement of legal guidelines related to traffic and road transportation; and
2. It serves as a practical suggestion to law enforcement agencies and other organisations when they are developing rules relating to the prosecution of offences, such as failing to switch on the primary lights for two-wheeled vehicles during the day. Additionally, it is anticipated that this research will be helpful for parties involved in the regulation of turning on the main lights during the day for two-wheeled vehicles. As a result, it is anticipated that this research will serve as a guide for legal professionals, government organisations, and the police in establishing legal procedures and policies, particularly with regard to turning on the main lights during the day for two-wheeled vehicles.

The theoretical and conceptual framework :

⁷ First Edition of Law Number 22 of 2009 relating to Traffic Operators, CV. Eka Jaya, Jakarta, 2009, p.

1. The theoretical framework :

The growth of Indonesia's legal system, which balances and pays attention to the laws that are present in society, cannot be separated from the framework for legal formation.⁸ To put it another way, the job of law is generally to create legal order, and to do this, it must be adjusted to the dynamics of society as they grow, pay attention to issues of justice, and offer protection. This is consistent with Roscoe Pound's sociological jurisprudence theory, which emphasises the role of law as a social engineering tool for constructing society.

This is consistent with Mochtar Kusumaatmadja's theory of development law, subsequently known as the Theory of Development Law, which is founded on the premise that forms the basis of the following teachings or principles:⁹

- 1) Change is a hallmark of all evolving communities, and laws serve to ensure that change takes place in a controlled manner. According to Mochtar, legislation, judicial rulings, or a mix of both might facilitate routine adjustments. He employed outright violence to thwart disruptive reforms;
- 2) Since order and change are both the original objectives of a society that is still forming, legislation becomes a means (rather than a tool) that cannot be improved upon during the growth process;
- 3) The role of law in society is to uphold order through the certainty it provides, and law (as a social standard) must be able to control (help) social change;
- 4) A good law is one that is in line with the existing legislation in a society, which is, of course, also appropriate or indicative of the societal values that are in place;
- 5) A power is required to carry out the law in order for the legal function indicated above to be realised, but the power itself must work within the bounds of the rules outlined in that legislation.

According to Mochtar Kusumaatmadja, this demonstrates the need for law in development, not just as a social engineering tool, as there are issues with developing law as a social engineering tool¹⁰, in part because law cannot be separated from the system of values upheld by a society.¹¹ This is in accordance with the opinion of Roscoe Pound which states: *"For present purposes I am content to see in legal history the record of a continuously recognizing and satisfying of human wants or claims or desires through social control; a more embracing and more effective securing of social interests; a continually more complete and effective elimination of waste and precluding of friction in human*

⁸ According to John Rawls' Theory of Justice, which was published in the Student Library in Yogyakarta in 2006, the main virtue in social institutions is justice, just as it is in all philosophical systems. If a theory is incorrect, it must be rejected or amended, just as laws and institutions that are efficient and well-organized must be changed or eliminated if they are unjust.

⁹ Legal Concepts in Development by Mochtar Kusumaatmadja, Op. cit., pp. 65–66

¹⁰ Ibid, page 19

¹¹ Ibid, page 23

enjoyment of the goods of existence – in short, a continually more efficacious social engineering.”¹²

METHODOLOGY

The research method employed is normative legal research with secondary data in the form of primary, secondary, and tertiary legal materials. A normative juridical strategy was employed to collect descriptive data, as well as secondary data derived through library research.

Primary legal materials, secondary legal materials, and tertiary legal materials are used to collect data. This study also makes use of primary data, which was gathered through field research with informants, specifically Polri personnel who perform functions in the field of traffic, particularly traffic law enforcement, motorised vehicle drivers, and sole agent brand holders (ATPM).

Collect primary data through interviews with informants, including:

- i. Police officers in the Traffic Unit of the Medan Police;
- ii. Drivers who violate the law while operating a vehicle with two wheels fail to turn on their lights throughout the day; and
- iii. Agen Tunggal Pemegang Merek (ATPM) / Brand Owner And Exclusive Agent

The analysis employed is both qualitative and normative in nature. Based on the subject matter analysis, interpretation can be performed using the method of interpretation known in the science of law. The outcomes of this juridical interpretation are expected to fully address all legal issues highlighted in this study.

RESULT AND DISCUSSION

The National Police's Role In Managing Traffic Accidents Through The Traffic Function

One type of service offered by the police to the public is service in the area of traffic to carry out security and surveillance in order to create a secure and orderly condition and ensure that vehicles are driven on the road without incident.¹³ It is hoped that through law enforcement measures, including preventive and repressive ones, assertive and balanced with other initiatives in the form of active traffic education and traffic engineering measures, high traffic violations that have been successfully prosecuted by law enforcement officials and violations that in plain view still colour daily traffic life will be suppressed (minimised). In order to alter the disorderly environment to one that is more ordered, it is anticipated that the targeted effort will be able to minimise the number of traffic violations that occur. This would then lower the number of traffic accidents.

¹² Roscoe Pound, *An Introduction to the Philosophy of Law*, Yale University Press, New Haven and London, 1982, page. 47.

¹³ According to the General Explanation of Law Number 22 of 2009 Concerning Road Traffic and Transportation, these areas play a crucial strategic role in fostering national integration and growth. This is a component of efforts to advance public welfare, with the intended outcome being the realisation of road traffic and transport services that are safe, secure, orderly, smooth, and integrated with other modes of transport in order to strengthen national unity and integrity, be able to uphold national dignity, and boost the national economy. Additionally, the realisation of national culture and law enforcement, as well as the realisation of community legal certainty. According to benchmarks for traffic accidents, traffic safety is a state that depends on a number of factors, including the calibre of the driver, the suitability of the vehicle, and the level of safety of the road system.

Law Enforcement Involves The Enforcement Of Violations Such As Two-Wheeled Vehicles' Failure To Turn On Their Headlights Throughout The Day.

In Article 107 of RI Law No. 22 of 2009 on Road Transportation Traffic, the government mandates that drivers of motor vehicles utilise their primary lights while driving on the road at night and in specific circumstances. (2) Motorcycle drivers are required to turn on their main lights during the day in addition to abiding by the rules mentioned in paragraph (1), with a violation sanction as follows: Any person operating a motorcycle on the road without complying with Article 107 paragraph (2) shall be punished with imprisonment for a maximum of 15 (fifteen) days or a fine of up to Rp. 100,000 (one hundred thousand rupiah).

The goal is to lower the accident rate. It is hoped that by turning on the motorcycle's primary light, other motorcyclists will be cautious and that by doing so, it will be possible to determine the motorcycle's location. Motorcycles are small vehicles on the highway, therefore it can be challenging for drivers of larger vehicles to see them. In addition, large vehicles like cars and trucks have a region where it is challenging to notice other moving objects behind them, particularly motorcycles. To avoid unnecessary bumps or crashes that could be fatal, it is crucial to turn on the lights, especially during the day. The light can assist in determining the location of the motorcycle.

The majority of drivers do not turn on their main lights when they are driving during the day, despite the fact that these provisions have been made mandatory in the 2009 Traffic Law, according to the results of field research conducted through interviews with informants for 2 (two) wheelers on the highway. This clearly shows that UULLAJ has not yet been assimilated into the community. Public ignorance of these rules is related to public ignorance regarding the possibility of criminal penalties being applied in the event that the requirement to switch on lights during the day is broken.

In addition to ensuring that the community is fully aware of the purpose, benefits, and content of a new rule, socialisation strives to introduce it to the public. To observe the police's outreach to motorbike riders in the areas under the control of the North Sumatra Regional Police's Directorate of Traffic, particularly the City of Medan

Community Compliance with the Programme for Two-Wheeled Vehicles to Turn On Their Headlights During the Day

Based on the findings of interviews with officers from the Law Enforcement Sub Directorate of the Traffic Directorate of the North Sumatra Regional Police, it is believed that the implementation of the policy of turning on the vehicle's main lights (light on) for motorcyclists is not done to the best of its ability, with the following indicators:

- i. A large number of motorcycle riders continue to disobey the light-on rule.
- ii. Socialisation is a crucial component of the implementation of policies.
- iii. A lot of motorbike riders still hesitate to turn on their headlights during the day, indicating that the general public's awareness of safe driving practises is very poor.
- iv. The police fail to take strict action against bikers who disobey the light-on directive.

The Actions Done By The National Police To Implement The Programme Turning On Daylight For Two-Wheeled Vehicles.

1. Planning

Choosing the objectives and course of action to be taken is the act of planning. It can be seen that setting targets has not been carried out ideally in order to actualize the light on programme for 2 (two) wheeled vehicles under the control of the Directorate of Traffic of the North Sumatra Regional Police. For instance, the author's observations and the results of his or her interviews at the Traffic Directorate of the North Sumatra Regional Police revealed that the program's actualization to turn on the lights during the day for two-wheeled vehicles within its purview has not been integrated, carried out partially, so of course there are challenges and restrictions in carrying it out.

2. Organizing

The planning and deployment of unified resources at the North Sumatra Regional Police Traffic Directorate are the actions that should be made in the organisational aspect in order to implement the light-on programme for two-wheeled motorised vehicles. The North Sumatra Regional Police's Traffic Directorate will find it simpler to manage and identify the personnel required to complete the assigned tasks when implementing the light-on programme for two-wheeled motorised vehicles as a result of this organisation.

3. Implementation

Based on the findings of the authors' interviews, the following conclusions on the implementation of the light-on programme for two-wheeled vehicles at the North Sumatra Traffic Directorate were made: *First*, the operational strategy for implementing the light-on programme for two-wheeled vehicles was not prepared in the best possible way by the implementing agency under the North Sumatra Regional Police's Directorate of Traffic. *Second*, the North Sumatra Regional Police Traffic Directorate has not been particularly aggressive in implementing the socialisation programme for turning on the lights during the day (light on) for two-wheeled vehicles, which is usually accompanied by slogans distributed through pamphlets, banners, or the media, including print and electronic media.

Even though there have been numerous efforts made by members of the North Sumatra Regional Police Traffic Directorate. As for the implementation of the "Light On Socialisation Through the Traffic Education Programme such as Safety Riding, Traffic Safety Campaign, Police Goes To School, Enforcement of Tickets, Installation of Banners/Warnings on the Road, Reminding R-2 Users at Any Time During Tr" programme, which has been carried out by the ranks of the Traffic Directorate of the North Sumatra Regional Police.¹⁴

4. Controlling

Steps, such as intense directives and direct instructions from leaders at the Sumatran Regional Police Traffic Directorate, are required for the control to be effective in the actualization of the light-on programme for two-wheeled vehicles at the North Sumatra Regional Police Traffic Directorate. Utara is responsible for implementing the two-wheeled motor vehicle light-on programme. In order to achieve the goals and objectives of holding a lightning programme in carrying out law enforcement actions and implementing correlative actions as a form of evaluation of the level of success aimed

¹⁴ Results of an interview conducted on January 2 with employees of the Gakum Sub Directorate of the Traffic Directorate of the North Sumatra Regional Police

at within the framework of community legal compliance, lights should be turned on during the day for two-wheeled vehicles.

Police Procedures for Implementing Daytime Main Light Regulations

It is difficult to implement traffic management measures in the context of ensuring public legal compliance with laws, particularly in Indonesia's major cities, including North Sumatra, as there are still a number of more fundamental factors to consider, such as aspects of coordination, perception, interpretation, and integration between relevant agencies. This still requires complete dedication to restore and improve. Aside from that, there is still need for improvement in the current road system, and many of the present roads are under construction or substandard. As a result, the National Police, particularly the Directorate of Traffic for the North Sumatra Regional Police and their ranks, held a programme titled "revitalization of a culture of orderly traffic" that included the following rules: 1. the left lane is slow, the right lane precedes; 2. stops behind the stop line; and 3. light on motorbikes.¹⁵

According to the Directorate of Traffic of the North Sumatra Regional Police, there are a number of factors that can affect the stability of security, safety, order, and smoothness of traffic on the highway that are interactions as well as a combination of two or more factors that mutually influence the traffic situation. These factors include the level of public compliance with the provisions contained in the UULAAJ norms.

The following elements affect traffic:

- i. Human factors, such as mental capacity, knowledge, and skills;
- ii. Vehicle factors, such as the number and calibre of vehicles;
- iii. The road; and
- iv. Environmental factors, such as the environment as a source of information, sight, touch, hearing, noise, and weather.

In the context of law enforcement operations, public traffic education initiatives, and traffic engineering initiatives, related elements must be included in accordance with their respective areas of jurisdiction in order to manage efforts to reduce traffic offences that do occur. The following recommendations can be made in this situation:

- i. In order to effectively socialise people, it is necessary to use a variety of media, prioritising reason and the urgency of the importance of the rule of law;
- ii. All societal groups and stakeholders must participate in socialisation efforts in order to establish the community as subjects and parties with a legal stake in maintaining order and safety in traffic; and
- iii. The need of using a persuasive strategy while maintaining a tough, constant, and nondiscriminatory approach to law enforcement.

CONCLUSION

According to article 107, paragraph 2, of the Road Traffic and Transportation Act No. 22 of 2009 concerning Road Traffic and Transportation, motorcycle drivers are required to turn on their main lights during the day in addition to abiding by the rules referred to in paragraph

¹⁵ Traffic Directorate of the North Sumatra Regional Police, Revitalization Report in the Field of Traffic, February 2011, p. 4

(1). According to Article 293 paragraph (2), "everyone who drives a motorbike on the road during the daytime as mentioned in Article 107 paragraph (2) shall be subject to imprisonment for a maximum of 15 (fifteen) days or a fine of up to Rp. 100,000,- (one hundred thousand rupiah)." It is clear from this article's tone that only motorcycles are required to turn on their main lights throughout the day, which serves as a means of reducing and preventing traffic accidents on highways. During the day, it is legally required to switch on your lights to prevent accidents involving motorcyclists. This is done in accordance with the "To See and To Be Seen" principle, which states that while driving, you should be aware of your surroundings and allow others to see you. The legal idea should be taken into account when observing the driver's behaviour and assisting the driver in seeing distant vehicles (such as motorcycles) arriving from the front, side, and rear (through the rearview mirror). Additionally, compared to the speed of sound (344 m/sec), the speed of light is far faster (300,000 km/sec). This indicates that the horn's response takes longer to reach the driver than the lights' response does (through the mirrors).

The police's enforcement of the requirement that two-wheeled vehicles turn on their main lights during the day in an effort to provide a secure environment for orderly traffic on the road and in an effort to prevent and reduce the frequency of traffic accidents for motorcycle drivers. Along with a lack of knowledge and comprehension of UULAJ regulatory requirements, failure by drivers to turn on the main lights for two-wheeled vehicles during the day is a major cause of violations. When considering the factors that affect it, such as the driver's own factors, vehicle factors, natural factors, as well as road infrastructure, it is impossible to separate the implementation of the policy of turning on the main lights during the day for 2 (two) wheeled vehicles from the National Police's programmes. Additionally, the Polri organisation at the North Sumatra Regional Police Traffic Directorate needs to take strategic actions in order to implement the law requiring the turning on of the main lights during the day.

Suggestion

It is hoped that the idea of turning on the main lights during the day for drivers of two-wheeled vehicles, as stated in the Road Traffic and Transportation Act No. 22 of 2009, will be improved so that the regulation is not only a requirement for drivers with legal consequences but also requires rules so that ATPM as a manufacturer of motorised vehicles can ensure that the headlight specifications can be used in accordance with the light standard. Additionally, a device that sends a signal automatically in the event that the main light is damaged must be included in the specifications for the main lights mentioned by the ATPM. This assurance necessitates the existence of UULLAJ legal standards as well as criminal prosecution of ATPMs who fail to uphold the main lights' specifications. Furthermore, if a system does not automatically indicate that the main lights are off, drivers may be exempt from criminal prosecution for failing to turn on the main lights during the day.

The National Police enforcing the rule requiring two-wheeled vehicles to turn on their main lights throughout the daytime in order to take more aggressive action. It is intended that Polri officers will take strong measures, such as revoking the driver's licence or seizing the car, in the case of recurrent prosecution of drivers who fail to turn on their primary lights throughout the day. This is based on the idea that traffic enforcement doesn't just focus on punishing offenders but also considers other road users' safety because traffic accidents have the potential

to claim the lives of other road users. Additionally, according to Polri staff, ongoing socialisation is needed to ensure that the public understands the significance of turning on the main lights during the day for 2 (two) wheeled vehicles. This is done by actualizing the rules for turning on the main lights during the day for 2 (two) wheeled vehicles.

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