



## THE ROLE OF THE TRAFFIC POLICE REGARDING ROAD USERS WHO OBTAIN PRIMARY RIGHTS UNDER ARTICLE 134 OF LAW NUMBER 22 OF 2009 IN KUNINGAN DISTRICT

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**Abstract:** This study aims to determine the role of the Traffic Police regarding road users who have primary rights in Kuningan District. This type of qualitative research with a juridical-empirical approach. The subject of this study is the Head of Traffic Operations Development Affairs at the Kuningan Police, while the object of this research is the role of the Traffic Police regarding road users who obtain primary rights in Kuningan District. Data collection methods are interviews and documentation. The validity of the data used is triangulation technique. Data analysis techniques namely data reduction, data presentation, and conclusion. The results of this study indicate that the role of the Traffic Police regarding road users who have primary rights in Kuningan Regency, whether firefighters, ambulances, first aid vehicles, cavalcades, and convoys and/or vehicles for certain purposes, are Preventive and Repressive. Preventive is a prevention effort before violations occur in the form of escorts, patrols, and outreach through Dikmaslantas. Repressive measures are taken when prevention cannot be overcome in the form of giving warnings, fines.

**Keywords:** Role, Traffic Police, Kuningan District.

## INTRODUCTION

Since the existence of Legislation Number 22 of 2009 in Indonesia concerning Road Traffic and Transportation which has become the basis for regulations in controlling traffic crimes (Ni Putu et al., 2022). Thus, arrangements regarding violations of priority rights which is focused on the highway is clearly stated in this law. Furthermore, Road Traffic and Transportation play an important role in supporting the smooth running and coordination of the community as one of the characteristics of efforts to encourage government assistance to the community as mandated by the 1945 Constitution of the Republic of Indonesia. Road and traffic transportation is remembered as a component and framework of transportation which must be handled, created and utilized so that there is prosperity, security and demand in road transport traffic in recognizing progress and financial progress as well as increasing knowledge and innovation, regional independence, and responsibility for administering the state (Sudjana, 2017).

Improvements on a public and global scale also encourage the organization of road traffic and transportation to be in line with current developments, innovation and science. Law Number 22 of 2009 concerning Road Traffic and Transportation is a replacement of Law Number 14 of 1992 concerning Road Traffic and Transportation which is currently not in accordance with current developments and changing conditions in road traffic and transportation needs (Priyono & Rusdiana, 2018). Where in Law Number 14 of 1992 it is stated that to

achieve the goal of community development as one component of implementing Pancasila, transportation is an important requirement in building a country that is insightful and can be a reflection of the need for portability in all fields and locally. Transport is characterized as a key method for working the wheels of the economy, strengthening solidarity and honor that impact all parts of the state's existence. Then recently drafted and ratified Regulation Number 22 of 2009 concerning Road Traffic and Transportation.

In big cities and small towns, congestion is a daily problem that can be traced in the business sector, transportation terminals, public roads, and so on. Congestion is a condition of stagnation or even cessation of traffic caused by the massive expansion of the number of vehicles. With the increase in the number of vehicles, both two-wheeled vehicles, this will affect the level of congestion and the level of traffic violations. In fact, currently there are regulations governing the needs of road users in article 134 of Law Number 22 of 2009 concerning Road Traffic and Transportation. Traffic and road transportation are important in supporting the social mobility of society.

Law Number 22 of 2009 concerning Road Traffic and Transportation contains Article 134 concerning road users who have the privilege of having priority with accompanying requests: (a) Fire trucks carrying out their duties, (b) Ambulances transporting people sick, (c) Vehicles to provide assistance in traffic accidents, (d) Vehicles of leaders of the State Institutions of the Republic of Indonesia, (e) Vehicles of leaders and officials of foreign

countries and international institutions who are guests of the State, (f) Convoy delivering corpses, and (g) Convoys and/or vehicles for certain purposes according to the considerations of the Indonesian National Police officers.

Based on Article 134 of Law no. 22 of 2009, the provision of priority rights for road users as stated above should mean that if other drivers violate this, by blocking or breaking through priority vehicles, they can be subject to legal sanctions in the form of imprisonment or fines as stated in Article 287. One of the issues what has often happened lately is the violation of traffic rules against the main rights obtained by ambulances. However, in reality the community or road users did not give way for the ambulance (Observation, 5 May 2022). The case of an ojol driver who accompanied an ambulance that occurred in Kuningan district (Interview, 29 March 2023). There is also a case in the news of a Mercy driver who did not give way to an ambulance (Ma'arif, 2022). Not only were ambulances blocked, but there was also a case of a fire engine being blocked by a Mercedes-Benz car, in which case the car did not immediately pull over (Rosidin, 2021). This condition could be because road users are not aware of the rules during rush hour or even consider the importance of these rules rather than urgent interests so that in the end they do not pay attention to other vehicles which have been given essential freedom on the road. This regulation is given to respect safety, smoothness, security and good traffic order.

In traffic, a road user and traffic police will certainly interact between the two. Where a road user when going through traffic is required to obey the existing rules and the traffic

police are present as enforcers, even if there are road users who do not obey. So the relationship between the two, of course, creates its own perception. To enforce the law on the issue of compliance with the law there is a party that regulates it, namely the Traffic Police. In this case, it can bring authority and be able to build good relations with the traffic police which can influence the obedient behavior of a traffic user.

Thus this research, the authors examine how the Role of the Traffic Police Concerning Road Users Obtaining Primary Rights in Kuningan District. Because issues of obedience and order regarding road users who receive special privileges still tend not to be addressed. Thus, other drivers violate by blocking or passing vehicles that have the privilege of taking precedence. Therefore, the role of the Kuningan District traffic police is very influential in maintaining order and smooth traffic, especially in Article 134 of Law no. 22 of 2009.

## **MAIN PROBLEM**

Based on the background above, the author then formulates the main problem, namely what is the role of the traffic police regarding road users who obtain primary rights in Kuningan Regency?

## **METHOD OF RESEARCH**

This research uses a type of qualitative research, according to Sugiyono, (2010) qualitative research is a research method used to examine the conditions of natural objects, where the researcher is the key instrument, data collection techniques are carried out by triangulation (combination), data analysis is inductive/ qualitative, and the results of

qualitative research emphasize the meaning of generalizations.

In this research, a juridical-empirical approach is used, which is referred to as a juridical-empirical approach according to Soekanto & Mamudji, (2015) which is a combination of two research approach methods, namely juridical and empirical. The use of a juridical approach in legal research is carried out by researchers through an analysis of literature and secondary materials. While the empirical approach through the results of direct field research (primary data) such as interviews. The researcher conducted interviews using an empirical juridical approach because he wanted to reveal and describe the role of the Traffic Police regarding road users who obtain primary rights.

This research activity was conducted at the Kuningan Regency Police Resort (Polres). The reason is because the location wants to know the role of the Traffic Police regarding road users who have primary rights in Kuningan Regency. The subject in this study was the Head of the Traffic Operation Development Affairs (KBO) of the Kuningan Police. Meanwhile, the object that will be studied by researchers is the role of the traffic police regarding road users who have primary rights in Kuningan Regency. Data collection techniques in the form of interviews and documentation. Validity of data using Triangulation Technique. Data analysis techniques are a process for systematically searching and compiling data obtained through interviews and documentation in the form of data reduction, data presentation, and drawing conclusions.

## **RESEARCH RESULT AND DISCUSSION**

### **A.GENERAL OVERVIEW OF RESEARCH LOACTION**

#### **1. KUNINGAN REGENCY**

Kuningan Regency is one of the regencies located in the northeast of West Java Province. This district is nicknamed the City of Horses which has the motto Rapih Winangun Kerta Raharja. The population in Kuningan Regency is 1,087,105 people. Led by the Regent (kuningankab.go.id/).

Kuningan Regency is geographically located at coordinates 108A° 23 – 108A° 47 East Longitude and 6A° 47– 7A° 12 South Latitude. Kuningan Regency, which has an area of 1,110 km<sup>2</sup>, covers 3.14% of the total area of West Java Province.

Kuningan Regency has a road that connects Kuningan Regency to Brebes Regency and Cilacap Regency (Central Java). In general, traffic density in Kuningan Regency is dominated by motorbikes, private cars, public transportation (such as buses, public transportation), and trucks. The presence of heavy traffic flow can cause congestion, this is where congestion is the cause of violations against vehicles that have priority, not to mention the absence of road widening and roads that are not all good (Bambang Eka Permana, 2012).

Based on data obtained by the Department of Highways and Spatial Planning, the length of roads in Kuningan Regency until 2021 will reach 86.330% km, while the condition of roads in Kuningan Regency is not completely in good condition, this shows that the condition of the roads in Kuningan Regency is not completely in good condition. This

certainly requires attention from the authorities because if this situation continues without improvement it will certainly affect people's mobility and will disrupt the smooth flow of traffic.

#### **A. KUNINGAN RESOR POLICE**

##### **a. Description of Kuningan Resort Police**

The Kuningan Resort Police or Kuningan Police is the executor of the duties of the Indonesian Police in the Kuningan Regency area. Kuningan Police which is under the ranks of the West Java Regional Police (Polda) which has the main task of maintaining security and order, enforcing the law, providing protection, protection and service to the community in the jurisdiction for which it is responsible.

Several types of work units under the auspices of the Kuningan Police include intelligence units, criminal investigation units, drug investigation units, community gathering units, Sabhara units, and then units. Meanwhile, the types of police services available include: Integrated Police Service Center (SPKT), SIM, BPKB and STNK, SKCK, Case Monitor, Crowd Permit, Road Guard, and Security for Special Objects.

#### **C. VISION, MISION, AND GOALS OF THE KUNINGAN RESORT POLICE**

The vision, mission and objectives of the Kuningan Police show that maintaining public security and order is the main thing that must be carried out by the Police in order to create safety and smooth traffic, especially in traffic. The vision, mission and goals are clearly related to public order. If the community is not orderly then a violation will arise. And the community must comply and comply with the regulations that have been made.

#### **D. KUNINGAN RESORT POLICE TRAFFIC UNIT ( SAT LANTAS)**

Based on the National Police Chief's Regulation (Perkap) no. 23 of 2010, the Traffic Unit (Satlantas) is an organizational structure that carries out the main tasks under the Chief of Police as stated in Article 10 letter g. The main task of the Traffic Police is contained in article 59 paragraph 2 which explains that the task of the Traffic Police is to be responsible for creating security and public order while driving.

In carrying out its duties, Satlantas also has a function as stated in article 56 paragraph 3 which explains that the function of Satlantas is to maintain security, safety, order and smooth traffic (Kamseltibcarlantas). Which aims to maintain the condition and situation of traffic users so that they feel safe so that they can be free from fear, threats or disturbances that could cause a violation to occur.

#### **The Role of the Traffic Police Regarding Road Users Obtaining Primary Rights in Kuningan District**

##### **1. Fire Fighting Vehicle Carrying Out Duties**

Firefighting vehicles (Damkar) are one of the 7 vehicles that have priority rights to take precedence on the highway, whoever they are must give way to the firefighter who is carrying out their duties. In fact, from the results of an interview conducted by the Head of Operations Development Affairs (KBO) of the Kuningan Police Traffic Unit on March 29 2023, he said that:

*"While driving, if you find or are behind a fire engine siren, you must give way or prioritize it by giving a warning to stop for a moment."*

Based on the results of the interview above, it shows that the fire engine has or has privileges that must take precedence. According to Satjipto Raharjo (2000), in his book *Legal Science*, he explains that obligation or obligation is a burden that is imposed on a person and can bind that person without exception. Therefore, it must be implemented without any exceptions. Because the task of the fire car is considered an emergency, so it must be given a faster way to prevent unwanted things. For example, extinguishing a fire before it spreads and allows for casualties. Then, if another vehicle does not move aside, the traffic police on duty are obliged to give a warning in the form of a reprimand to the violator so that they do not do it again.

If another road user breaks through and obstructs a firefighting vehicle which is carrying out its duties, the road user will face the law as stated in Article 287 paragraph 4:

*"Where every person who drives a vehicle on the highway who violates the provisions regarding the use or main rights for vehicles that use sound and light warning devices will receive a maximum imprisonment of 1 month and a maximum fine of 250,000."*

Based on this article, it is clearly written in a regulation that every person or other road user who is driving their vehicle, if they violate the legal rules. Likewise if it violates Article 134 of the LLAJ Law. Therefore, the role of the Traffic Police regarding Article 134 of the LLAJ Law, if someone violates it, is that the Traffic Police are obliged to issue a ticket in the form of a fine. And the role of the Kuningan Police Traffic Police regarding fire fighting vehicles carrying out their duties is not only to play a role

in enforcing the law (Repressive Sector), but is important in the preventive sector by socializing awareness and obedience in the culture of orderly traffic in the community as well as carrying out escorts by the Police. Based on the results of an interview by the Head of Operations Development (KBO) of the Kuningan Police Traffic Unit, Mr. IPTU SP on March 29 2023, it is known that:

*"Initially, we always appealed to the community through Traffic Community Education (Dikmaslantias) in the form of outreach, as well as appeals to school children, community members, youth leaders or village residents."*

Based on the results of the interview above, it shows that the socialization was held to maintain order to prevent violations. Maintaining order is included in the legal function according to Mochtar Kusumaatmadja, namely to maintain order for the existence of an orderly society (Mertokusumo, 2007). Orderly in this case is neat in order.

## 2. Ambulance Transporting Sick People

The ambulance is the second priority vehicle after the fire engine. The ambulance mentioned in this article is an ambulance that is transporting sick people. If the ambulance driver does not transport sick people, then the ambulance is not prioritized. Because Article 134 letter b clearly explains the ambulance transporting sick people. The ambulance must also give a signal by turning on the siren, so that other road users will know that the ambulance is carrying a patient and automatically ask to be preceded. Based on the results of interviews, there were cases of violations of Article 134 that

occurred in Kuningan Regency, namely ambulances transporting sick people who were carrying out their duties. Based on the results of an interview on April 14, 2023, by the Kuningan Police Traffic Unit KBO, that:

*"Ambulances that have priority rights are ambulances that transport sick people by giving a signal, turning on the signal lights and sounding the siren."*

From the results of the interview above, it shows that priority rights mean rights that have received recognition from the state, government and law. According to Sudikno (2007), in his book "Knowing the Law of an Introduction" argues that rights are interests protected by law. Interests in this case are individual or group demands that are expected to be fulfilled. Therefore, the ambulance is clearly protected by law. In carrying out its duties of carrying sick people, accidents, or mothers who are about to give birth, ambulances must also turn on red signal lights. The red color here serves as a sign that this vehicle has primary rights and does not forget to sound a siren.

In this regard, the role of the Polantas is needed in maintaining order. In this case, the role of the Kuningan Police Traffic Police regarding ambulances is through their role in the Preventive sector. At this stage, the Traffic Police makes preventative efforts by carrying out patrols, outreach and escorts. This patrol policy is in accordance with Article 14 paragraph (1) letter d of the Police Law, where Police officers must always maintain order and guarantee public security and as stated in Article 134 it is explained that vehicles that have primary rights must be escorted

by Police officers as stated in which has been regulated in Article 135 paragraphs (1), (2), and (3) of Law no. 22 of 2009. And the role through the Repressive field, is by giving warnings, fines and fines.

### 3. Vehicles for Providing First Aid in Traffic Accidents

Vehicles that provide first aid in the event of a traffic accident are the third priority vehicles after ambulances, the same as fire engines and ambulances.

Law no. 22 of 2009, if you violate Article 134 letter c, the perpetrator will receive a fine of a maximum of 250,000 and imprisonment for a maximum of 1 month, these provisions are regulated in Article 287 paragraph 4. This was confirmed from the results of an interview with the KBO of the Kuningan Police Traffic Unit on 14 April 2023 says:

*"If anyone violates it, we will give sanctions in accordance with the Traffic Law, but some people already comply and know that blocking priority vehicles will result in sanctions."*

The results of the interviews show that the sanctions in Article 134 letter c cover the actions of motor vehicle drivers/road users who deliberately do not want to give way to vehicles that have priority rights. According to Achmad Ali (2009), people obey the law because they are afraid of being punished (sanctions). Sanctions provide a deterrent effect to violators who commit educational violations and hope that they will not repeat the violation. With these sanctions, indirectly the public will definitely feel afraid if they violate them.

The role of the Kuningan Police Traffic Police regarding vehicles that provide assistance in accidents is in the Preventive sector, namely

prevention efforts before a violation occurs in the form of socialization, escort and security. Meanwhile, in the repressive field, it is an effort to take action by giving warnings and fines.

#### 4. Procession of Carrying the Body

The convoy carrying the body is one of seven road users who have priority rights. As we know, the ambulance and escort/deliverer are two things that are closely related to one another because the causal driver dares to block the vehicle in front of him in order to give the ambulance priority. The procession of accompanying or accompanying the corpse is usually carried out by two-wheeled vehicles (motorcycles), because these vehicles can easily get the front position to stop other vehicles.

In fact, there are still cortege of cavalcades who behave arbitrarily towards other road users, such as reckless driving on the road, not wearing helmets, traveling with 3 people and deliberately raising the sound of the exhaust and shouting loudly which is behavior that is considered not to reflect disorder. especially in traffic, this makes some people anxious about the situation. From the results of an interview with the KBO of the Kuningan Police Traffic Unit on March 29 2023, he said:

*"If a cavalcade of cavalcades commits traffic violations, such as not wearing helmets, traveling in three groups, that's all violating traffic regulations. If there is a violation, we will take action in accordance with applicable traffic laws. Indeed, specifically there is no law that regulates the delivery of corpses, but violations committed by the delivery person will be adjusted to the law on traffic violations."*

Based on the results of the interview above, it shows that the intended violation is as regulated in Article 105 of Law No. 22 of 2009 concerning *"Every person using the road must: a. Behave in an orderly manner; and/or b. Prevent things that can hinder, endanger the security and safety of road traffic and transportation, or that can cause road damage"*. According to the Directorate General of Public Judicial Agency Development, Ministry of Justice (1993), traffic violations are violations committed by road users both against traffic signs and how to drive the road (Ardiyasa, 2018). So, a traffic violation is an act or action of a person that is contrary to the provisions of the law on traffic and road transportation.

To avoid traffic violations, people need to obey and comply with traffic laws in order to maintain the safety of other people, especially themselves. According to Achmad Ali (2009), obedience in the nature of obedience assumes that a person's compliance in obeying an applicable rule is due to fear of punishment (sanctions). Therefore, the role of the Kuningan Police Traffic Police regarding the funeral procession is in the preventive and repressive areas. The preventive sector is in the form of escorts and the repressive sector is in the form of fines.

#### 5. Convoys and/or Vehicles for Certain Interests

Convoys and/or vehicles that have certain interests that are in accordance with the considerations of the police are one of the seventh and last vehicles in Article 134 regarding vehicles that have primary rights. In the elucidation of Article 134 letter g explains about convoys, convoys in



this article are not motorized convoys because motorcycle convoys are not priority vehicles and are not included in vehicles of particular interest or according to the considerations of the Indonesian National Police Officers. Explanation regarding "certain interests" the purpose of this interest is an interest that requires immediate handling. Based on the results of an interview by KBO Satlantas Polres Kuningan on 14 April 2023 said that:

*"What is meant by certain interests are interests that require immediate handling, including vehicles for handling bomb/terrorist threats, vehicles for TNI/POLRI troops, and vehicles for handling natural disasters."*

Based on the explanation above, convoys or vehicles that have interests that require immediate handling must be given way. And if there is a motorbike convoy, you must ask for escort from the Kuningan Police by asking for a request letter first. From the results of an interview on April 14, 2023 by the KBO Satlantas Polres Kuningan, he said: "If someone violates this, we will still give him a ticket, if he doesn't wear a helmet and the motorbike is not up to standard." Based on the interview, if there is a convoy who is not wearing a helmet, we will follow up with a fine. This fine process is made so that violators do not commit violations again. So that the role of the Kuningan Police Traffic Police in enforcing the law against traffic violations committed by road users who do not give way to vehicles that have priority rights to take precedence is in the form of warnings and fines (Repressive). Whereas in prevention (Preventive) in the form of

socialization through Dikmaslantas and escort.

## CONCLUSION

Based on the analysis in research on the Role of the Traffic Police Regarding Road Users Who Obtain Primary Rights in Kuningan Regency, both fire engines, ambulances, first aid vehicles, corpse delivery convoys, and convoys and/or vehicles for certain purposes are Preventive and Repressive. Preventive is an effort to prevent violations before a violation occurs in the form of escorts, patrols and outreach through Dikmaslantas. Repressive action is an action taken when prevention cannot be overcome in the form of giving warnings, tickets and fines.

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