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# The Law Enforcement against Children Perpetrators of Traffic Accidents in the Magelang Jurisdiction, Indonesia

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## ABSTRACT

*Law enforcement is an important aspect of creating orderly traffic. The application of legal sanctions against perpetrators of traffic violations needs to be applied fairly, including legal sanctions against children who commit traffic violations. This study is normative research, with prescriptive specifications. The approach method used in this research was a statutory approach to cases that occur—and the data required consisted of primary and secondary data. The data analysis method carried out was inductive analysis, namely an analysis method carried out by providing a clearer picture of law enforcement against children perpetrators of traffic accidents. Based on the results of the research and discussion regarding law enforcement against children perpetrators of traffic accidents in the Magelang jurisdiction, it can be concluded that law enforcement officials still provide sanctions even though they still have to consider the legal aspects contained in the Juvenile Justice System. Sanctions imposed on children perpetrators of traffic accidents in the Magelang jurisdiction, specifically for traffic accidents resulting in loss of life of the victim, legal settlements are carried out through diversion. The basis for considering sanctions against children perpetrators of traffic accidents in the Magelang jurisdiction is in accordance with the laws in the Juvenile Justice System laws, in principle that there is no element of deprivation of children's rights.*

**Keywords:** Law Enforcement, Traffic Violations, Juvenile Justice System, Magelang.

## I. INTRODUCTION

Nowadays, it is not only adults who commit traffic violations but also school children who are still underage. This is due to their level of awareness in traffic that is still low. In responding to this problem, parents should be dominant. In many cases, it is found that parents are so easy to allow their children to drive vehicles and not be limited to the environment where the child lives. They also allow their children to drive vehicles to school, even though from any perspective, it is not acceptable for a student to drive a vehicle because they are not old enough

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and do not have a driving license (SIM) yet. Teachers should be firm in responding to this problem that if there are students who do not comply with school regulations, they will be subject to sanctions. Furthermore, teachers also need to form a special team with the police to monitor the rules issued by the school.

In cases of traffic violations committed by children, the investigative authority carried out by the police is the initial process in a juvenile court process. This is because whether or not children in conflict with the law can be processed in juvenile court is very dependent on the results of the investigation carried out by the police—by first asking for consideration from community counselors. Diversion is the authority of law enforcement officers who handle criminal cases to take action—whether to continue or stop the case, including taking certain actions under their policies (Nashriana (2011:1).

This condition means that in cases of traffic violations involving child perpetrators, the police cannot apply legal sanctions as in the case of traffic violations committed by adults. To investigate this problem further, this study therefore, is entitled "The Law Enforcement against Children Perpetrators of Traffic Accidents in the Magelang Jurisdiction, Indonesia."

#### **(A) Formulation of the problem**

Based on the aforementioned description in the background, the researcher formulated the problems which became the main focus in this study, namely:

1. How is the law enforced against children perpetrators of traffic accidents in the Magelang jurisdiction?
2. What sanctions are imposed on children perpetrators of traffic accidents in the Magelang jurisdiction?
3. What is the basis for considering sanctions against children perpetrators of traffic accidents in the Magelang jurisdiction?

#### **(B) Theoretical basis**

A traffic accident is an unexpected and unintentional event involving a vehicle, with or without other road users, resulting in human casualties (minor injuries, serious injuries, and death) and property loss (Antory, 2014:27).

Furthermore, a traffic accident is a rare and random event that is multi-factorial in nature, which is generally preceded by a situation where one or more drivers are deemed to have failed to control the road environment (Arif Budiarto and 26 Mahmudan, 2012:43).

#### **(C) Research methods**

A study cannot be separated from the method used so it can achieve the target. A method is a way or path in relation to scientific endeavors, so it concerns the way to work, namely to understand the object that is the target of the science in question (Koentjaraningrat, 2012: 15).

Normative-empirical (applied) legal research begins with written positive legal provisions that apply to in concreto legal events in society, thus in a study there is a combination of two stages, namely (Abdulkadir and Muhammad, 2013: 43):

1. The first stage is the study of the applicable normative law
2. The second stage is the application to in concreto events in order to achieve predetermined objectives. This application can be realized through concrete actions and legal documents. The results of the application will create an understanding of whether the application of the normative law being studied has been carried out properly or not.

The concept of children who are criminals or juvenile delinquents is regulated by various instruments, both international legal instruments and Indonesian laws and regulations. The term children delinquency is taken from the term juvenile delinquency, but it is not the delinquency referred to in Article 489 of the Criminal Code. Gultom (2010:22) provides formulations regarding the meaning of juvenile delinquency, which read as follows:

1. All actions prohibited by criminal law committed by adults are crimes, but by children they are delinquencies. These actions include stealing, assaulting, killing, and so on.
2. All actions of deviation from the norms of a particular group that cause trouble in society.
3. All actions that demonstrate the need for social protection, including homelessness, begging, and others.

Based on these, it can be stated that a child who is said to be a perpetrator of a criminal act is a child who commits a crime or violates the laws.

Individual behavior that is contrary to the condition and general opinion that is considered acceptable and good by a social environment or the laws that apply in a society with a certain culture, if the doer of such behavior is still a child, then this behavior is often referred to as naughty behavior. But, if the doer of such behavior is an adolescent or preadolescent, then this behavior is often referred to as delinquent behavior. Finally, if the doer of such behavior is an adult, then this behavior is often referred to as psychopathic behavior and when it is openly against the laws it is referred to as criminal behavior.

#### **(D) Research Specifications**

The specification of this study is prescriptive research, meaning that there is research that describes the application of appropriate legal sanctions for children who commit traffic violations. By explaining the application of the laws, the law enforcement against perpetrators of traffic violations will be known clearly.

### **(E) Approach Method**

In legal studies, there are several approaches, where with this approach, the researcher will obtain information from various aspects regarding the problem they are trying to find answers to. An approach is needed in a scientific paper to better explain and achieve the aims and objectives of the study. This approach is intended so that the discussion can focus on the problem being addressed, in accordance with the scope of the discussion that has been determined. An approach is the whole element that is understood to approach a field of science and understand knowledge in an orderly, rounded manner—looking for targets studied by that science (Abdulkadir and Muhammad, 2013:39).

The approach method used in this study is the law and case approach, meaning that the problems in this study will be answered by examining aspects of the law and cases. The laws used in this study were Law Number 22 of 2009 concerning Road Traffic and Transportation and Law Number 11 of 2012 concerning the Juvenile Justice System. The case studied was traffic violations where the perpetrators were minors (underage children).

### **(F) Data analysis method**

The data analysis method carried out was qualitative. Therefore, it is hoped that this study can produce descriptive data, namely data that have been observed and studied in its entirety to achieve clarity on the problems discussed.

## **II. CONCLUSIONS**

Based on the results of the research and discussion that have been described, the following conclusions can be drawn:

1. Law enforcement against children perpetrators of traffic accidents in the Magelang jurisdiction, law enforcement officials continue to provide sanctions even though they still have to consider the legal aspects contained in the Juvenile Justice System. In principle, legal efforts are still ongoing as an aspect of law enforcement so perpetrators do not repeat their actions.

2. Sanctions imposed on children perpetrators of traffic accidents in the Magelang jurisdiction, specifically for traffic accidents resulting in loss of life of the victim, legal settlements are carried out through diversion. This is because the perpetrators are still minors,

so with diversion, their rights as minors are still maintained and they still have to undergo training in accordance with what is stated in the diversion agreement.

**3.** The basis for considering sanctions against children perpetrators of traffic accidents in the Magelang jurisdiction is the Juvenile Justice System laws. The Juvenile Justice System is implemented based on the principles of a) protection, b) justice, c) non-discrimination, d) best interests of the child, e) respect for the opinion of the child, f) survival and growth and development of the child, g) development and guidance of the child, h) proportional, i) deprivation of liberty and punishment as a last resort, and i) avoidance of retaliation.

#### **(A) Suggestions**

The conclusions that have been drawn from the results of the research and discussion allow the following suggestions:

1. There is a need for intensive parental guidance, which is intended so that parents can control their children or minors who are not yet ready to drive vehicles.
2. There is a need for understanding from parents, which is intended so that parents can always supervise the family environment.

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