

Criminal Liability for Perpetrators of Illegal Two-Wheeled Motorized Vehicle Racing in Gorontalo City

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Abstract

Many violations of the law and crimes that occur in Indonesia, these violations or crimes can occur because of the lack of legal awareness in themselves. In criminology, crime means certain actions or deeds that are not approved by society. an action or negligence in acting, Seeing cases of traffic violations in the form of illegal racing, basically illegal racing is motorbike racing that is carried out illegally. The vehicles used are also not equipped with safety and security standards, this motorbike racing activity is usually carried out without using driving safety and security standards. This study uses an Empirical legal research method using a legal research method whose empirical facts are taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation. Empirical research is also used to observe the results of human behavior in the form of physical remains and archives. The results of the study show; Review of Law No. 22 of 2019 concerning Traffic and Road Transportation The implementation of the law related to illegal racing in Gorontalo City is considered ineffective and not in line with the desired expectations. Although many drivers violate traffic rules and types of vehicles, the police continue to take action in accordance with Law Number 22 of 2019 by providing warnings. If the warning is ignored, violators will be subject to sanctions in accordance with legal provisions. The role of the police is vital in enforcing the law and maintaining public order. They have the responsibility to resolve conflicts or violations in accordance with the provisions of the Police Law as regulated in Law Number 2 of 2002, articles 13, 14, 15, and 16, by maintaining order, ensuring security, providing assistance to the community, and arresting lawbreakers in their area.

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1. INTRODUCTION

In an effort to realize a peaceful, safe and secure life, rules are needed to regulate the social life of society so that fellow human beings can behave well and harmoniously. However, friction and disputes between fellow human beings cannot be eliminated. Therefore, the law is enforced against anyone who commits an unlawful act. Law is a coercive rule containing commands and prohibitions and is used to provide limits on whether or not the actions of its citizens are permissible. More narrowly, law is made to create order. According to Utrecht, a scientist and legal expert, law is a collection of

regulations (commandments and prohibitions) that regulate the order of a society and therefore must be obeyed by that society.

All Indonesian people, both ordinary people and political elites, are required to submit and obey the laws in force in Indonesia. The law is the basis for a person to act, in the legal realm everyone must act and behave in accordance with the applicable law. Because one of the purposes of the law is to realize order, peace, tranquility, and harmony in social relations in society.

Although there are laws that regulate it, there are still many violations that occur in Indonesia such as crimes, sexual harassment, traffic violations, speeding, illegal racing and other crimes. Someone who commits a violation that violates the applicable legal rules, then in order to create order, peace, tranquility and legal certainty in society, the law must be truly enforced, someone who violates the provisions of the law must be held accountable in front of a court or judge that is open to the public.

If there is no law that regulates then society will act and do as they please without thinking about the consequences. The term law in society has been wrongly termed the sociology of law. In fact, the study of law in this society should focus on the problem of authority and control that allows collective human life to always be in a relative and orderly state. The power of control and authority of the government as the bearer of state power that underlies control is formed in a system of rules called 'law'. However, in reality there are still many people who violate applicable laws.

Many violations of law and crimes occur in Indonesia, these violations or crimes can occur because of the lack of legal awareness within themselves. In criminology, crime means certain actions or deeds that are not approved by society. an action or negligence in acting.

Seeing the case of traffic violations in the form of illegal racing, basically illegal racing is a motorcycle race that is carried out illegally. The vehicles used are also not equipped with safety and security standards, this motorcycle racing activity is usually carried out without using safety and security standards such as not installing a motorcycle body, headlights, brake lights, direction lights, tires that are not standard sizes, loud exhausts, not wearing helmets and jackets as a means of driving safety.

Referring to the definition of legal motorcycle racing, it is an activity carried out by people who already have a driver's license and is carried out in an organized manner in honing the motorcycles they ride based on speed, type and engine capacity. The motorcycle racing activity is usually carried out as a sporting event that is a hobby that will later lead to a profession as a racer if supported by the racer's achievements. The motorcycle racing activity should be carried out professionally, with permission from the authorities, and with certain requirements. However, in motorcycle racing it developed into illegal racing because there was no permit and did not follow the applicable rules.

Illegal racing is one of the social problems in society, the applicable laws and regulations based on Article 115 letter b of Law Number 22 of 2009 concerning Traffic and Road Transportation (Law on Traffic and Road Transportation), "motor vehicle drivers on the road are prohibited from driving vehicles exceeding the highest speed limit permitted as intended or racing with other motor vehicles".

The phenomenon of illegal racing culture carried out by young people and teenagers is increasingly rampant in cities and villages, one of which occurred on Jalan Panjaitan and on Jalan Anadadas, Gorontalo City. where the traffic violations are in the form of illegal racing carried out at night until morning when the public facility road is quiet or the road is quiet for drivers, the vehicles used are also not equipped with safety and security standards, this motorcycle racing activity is usually carried out without using safety and

security standards such as not installing a motorcycle body, headlights, brake lights, direction indicators, tires that are not standard size, loud exhausts, not wearing helmets and jackets as a means of driving safety.

illegal racing cases in the Gorontalo Police area in 2022 there were 11 cases, in 2023 there were 16 and in 2024 there were 2 cases per January. From these cases, illegal racing often occurs at night and often occurs in the month of Ramadan.

Basically, in the applicable regulations, motorbikes must be complete, this is due to the existence of Article 285 Paragraph (1), "that everyone who drives a motorbike on the road must meet the technical and roadworthy requirements which include rearview mirrors, horns, headlights, brake lights, direction indicators, light reflectors, speedometers, exhausts and tire tread depth. Incomplete motorbike equipment can cause discomfort and disturbance to public order."

Traffic violations are a complicated and complex problem that can be understood from various different sides, that is why in our daily lives we can catch various comments about a traffic violation event that differs from one another. While the socialization of Law Number 22 of 2009 concerning Traffic and Road Transportation is not fully understood by various levels of society.

Therefore, the Traffic Police ranks at the Gorontalo Regional Police need to provide socialization to the community, both to schools, crowded places, the general public, through print and electronic media. So that the public understands and comprehends the extent of the renewal of the new traffic law. The provisions in Article 115 of Law Number 22 of 2009 concerning Traffic and Road Transportation explain that motor vehicle drivers on the road are prohibited from:

A. Driving a vehicle exceeding the highest speed limit permitted as referred to in Article 21.

B. Racing with other motor vehicles.

Furthermore, regarding the sanctions given as stated in Article 297, it states that it is punishable by imprisonment for a maximum of 1 (one) year or a maximum fine of Rp. 3,000,000. (three million rupiah).

However, in reality, the law applies when illegal racing is still taking place in the field, in other words, the law does not apply or is not relevant to the provisions of the applicable laws.

2. RESEARCH METHOD

This type of research is Empirical legal research using legal research methods whose empirical facts are taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation. Empirical research is also used to observe the results of human behavior in the form of physical remains or archives.

3. RESEARCH RESULTS AND DISCUSSION

Criminal Liability for Offenders of Illegal Two-Wheeled Motorized Vehicle Racing

Illegal motorcycle racing is a form of delinquent behavior among teenagers that has a high level of danger and has the potential to threaten the safety of others. One of the causes is the implementation of this activity without meeting adequate safety standards, such as the use of helmets, jackets, and protective gloves, as well as motorcycle equipment such as mirrors, lights, and engine conditions that are not suitable. In addition, speeding on public roads also contributes to congestion, thus disrupting the smooth flow of traffic around it. Often, illegal motorcycle racing results in detrimental accidents, both in terms of injuries and loss of life. Illegal motorcycle racing can be understood as an activity to compete

between vehicles, both motorbikes and cars, which is carried out on public roads. This means that this activity is not carried out on an official race track, but on the highway. This activity generally occurs at night until the morning when the road situation is starting to be quiet.

The role of the police as a government agency that obeys the law should be an example for the community. The police need to be able to resolve conflicts or violations that occur in the community in accordance with the police law as stated in Law Number 2 of 2002 articles 13, 14, 15, and 16, namely carrying out their duties and authorities in maintaining peace, security, helping the community, and making arrests and detentions if there are violations in the legal area that is their responsibility through prevention and law enforcement efforts.

Unlawful behavior certainly needs to be addressed, because if left unchecked it can become a real danger, such as illegal racing. Illegal racing activities have their own rules regulated in Law Number 22 of 2009 concerning Traffic and Road Transportation. In addition to prohibiting illegal racing, the law also stipulates criminal sanctions and fines as a form of threat.

The following is an explanation of each article related to the law: The content of Article 115 is that drivers of motorized vehicles on the road are prohibited from:

- a. Driving a vehicle exceeding the highest speed limit permitted as referred to in Article 21; and/or
- b. Racing with other motor vehicles.

Regarding the speed limit in Article 115 letter (a) it is contained in Article 21. The contents of Article 21 are:

- a. Each road has a nationally set maximum speed limit of 71
- b. The highest speed limit as per paragraph (1) is determined based on residential areas, urban areas, intercity roads and toll roads.
- c. For safety or other special considerations, local governments may set speed limits which must be stated on traffic signs.
- d. The lowest speed limit on motorways is set at an absolute limit of 60 km/h.
- e. Further provisions regarding speed limits as referred to in paragraphs (1) and (2) are regulated by government regulations.

In Law Number 22 of 2009 concerning Traffic and Road Transportation, there are clear provisions regarding the punishment for illegal racing perpetrators with various fairly severe sanctions. Especially in the Central Aceh Police, the perpetrators are often still young and in school, so they are not directly charged with the relevant articles, but are given education. Vehicles that do not meet Traffic and Road Transportation standards will be confiscated to reduce the possibility of the perpetrators repeating the same actions. However, if they cause fatalities, they will be charged with Article 311 paragraph (4). In this case, the perpetrators will be imprisoned and fined.

Many illegal racers carry out their actions at night, so they can easily escape, especially since they use vehicles that have been specially modified for racing. Therefore, it is important for the police to take firm action so that the perpetrators can be subject to sanctions according to applicable laws, so that it can have a deterrent effect on them.

Based on the findings of researchers, regarding illegal racing, the Gorontalo Police have made several law enforcement efforts, namely preventive efforts and repressive efforts. Preventive efforts:

1. Installation of banners or billboards
2. Conducting patrols and raids
3. Conducting counseling in the school environment. Repressive efforts

4. Conducting an investigation to find information about illegal racing
5. Conducting patrols or raids and arresting illegal racing perpetrators
6. Conducting data collection which is then checked during coaching
7. Give a letter of warning written agreement
8. Making a parent call
9. Temporarily confiscate modified vehicles and order them to be replaced according to national standards.

In addition, in the field there are violations of the law caused by illegal racing by teenagers. They are given education, and vehicles that do not comply with LLAJ regulations will be confiscated to reduce the possibility of the perpetrator repeating the act. It is different if the perpetrator causes the victim to lose his life, then they will be punished according to Article 311 paragraph (4). The perpetrators will be sentenced to prison and fined.

One of the strategies implemented by the Gorontalo Police to prevent and eradicate illegal racing in Gorontalo City is through the implementation of traffic patrols. Raids or patrols related to illegal racing have been carried out by the police for a long time. However, this is not considered a police tradition, but rather the responsibility of the traffic police in maintaining security and comfort on the highway. The implementation of illegal racing raids is expected to continue by the police, always held with the aim of reducing the number of illegal motorcycle racing incidents in Central Gorontalo City, or even preventing illegal racing from disappearing thanks to routine and responsible police efforts in prevention.

This action is one way to directly supervise any activity that may disturb the comfort of the surrounding community and road users, as well as to reduce the possibility of crime or violations. This periodic patrol activity is carried out by members of the Traffic Police and Sabhara in groups, with a schedule set based on the policy of the Traffic Police Chief. Illegal racing often occurs on Saturday nights, so patrols or operations are carried out routinely every Saturday night starting at 21.00 WIB to 02.30 WIB to 04.00 WIB. During the patrol, if there is a group of young people gathering on the side of the road, the Traffic Police will take action to disperse the gathering. This is done to prevent young people from committing acts that violate the law.

The government's task in dealing with crime requires appropriate steps to control the crime. When the government is involved in handling this by using criminal policy, it is important to take the right and comprehensive approach between criminal law policy and policies outside criminal law. In dealing with crime, criminal law functions as a last resort to overcome this criminal act, so that criminal law enforcement needs to be carried out effectively by paying attention to the principles of good criminal law. The effectiveness of criminal law is not only reflected in existing laws, but also in the implementation of law enforcement in the field.

4. CONCLUSION

Review of Law No. 22 of 2019 concerning Traffic and Road Transportation The implementation of the law related to illegal racing in Gorontalo City is considered ineffective and not in line with the desired expectations. Although many drivers violate traffic rules and types of vehicles, the police continue to take action in accordance with Law Number 22 of 2019 by providing warnings. If the warnings are ignored, violators will be subject to sanctions in accordance with legal provisions. The role of the police is vital in enforcing the law and maintaining public order. They have the responsibility to resolve conflicts or violations in accordance with the provisions of the Police Law as regulated in

Law Number 2 of 2002, articles 13, 14, 15, and 16, by maintaining order, ensuring security, providing assistance to the community, and arresting lawbreakers in their area.

5. BIBLIOGRAPHY

- Anwar, R. P. (2021). *Penegakan Hukum Pidana terhadap Kelalaian Pengemudi ... di Kota Gorontalo*. Skripsi, Universitas Negeri Gorontalo.
- Dosen & Penyusun, Perkapolri Nomor 15 Tahun 2013 tentang Tata Cara Penanganan Kecelakaan Lalu Lintas – meski fokus pada kecelakaan, relevan dalam konteks penindakan di jalan raya.
- H. Pudi Rahardi, 2007, *Hukum Kepolisian Profesionalisme dan Reformasi Polri*, Surabaya: Laksbang Mediatama.
- Hasan, N. G., Badu, L., & Achir, N. (2023). *Penanganan Kasus Balap Liar oleh Kepolisian Resort Gorontalo Kota di Kota Gorontalo*. *Jurnal Sosial dan Sains*, 3(5).
- Karim, A. R., Ismail, D. E., & Imran, S. Y. (2023). *Upaya Kepolisian dalam Penegakan Hukum terhadap Pelaku Tindak Pidana Tabrak Lari di Kota Gorontalo*. *Jurnal Ilmu Sosial, Humaniora dan Seni*, 1(3), 194–198.
- Kif Aminanto, 2018, *Bunga Rampai Hukum*, Kupang: Jeber Katamedia.
- M.Ali Zaidan, 2016, “Kebijakan Kriminal”, Sinar Grafika, Jakarta.
- Ni Putu Rai Yulianti, “Kajian Kriminologi Kenakalan Anak dalam Fenomena Balap Liar di Wilayah Hukum Polres Buleleng” Vol.7 No.3 2014, pada : 02 November 2021
- Novendra, A. Y., Listyarini, D., & Saputra, A. (2022). *Penegakan Hukum dan Sanksi serta Kendala UU No. 22/2009 terhadap Balap Liar di Kabupaten Kudus*. *Humani (Hukum dan Masyarakat Madani)*.
- Putra, A. A., & Zakaria, C. A. F. (2021). *Penegakan Hukum Terhadap Kegiatan Balap Liar ... Studi Kasus di Kota Bandung*. *Prosiding Ilmu Hukum*, 7(1).
- Republik Indonesia. Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan (LLAJ). (Lembaran Negara RI Tahun 2009 Nomor 96; LN RI Nomor 5025).
- Republik Indonesia. Undang-Undang Nomor 38 Tahun 2004 tentang Jalan: mencakup Pasal 12 dan Pasal 63 ayat (1).
- Satjipto Raharjo, 2005, *Ilmu Hukum*, Bandung: Citra Aditya Bakti.
- Satjipto Raharjo, 2016, *Ilmu Hukum di Tengah Arus Perubahan*, Bandung: Surya Pena Gemilang.
- W. Sidik Rastra Hendra, 2016, Tesis: *Kebijakan Penal dan Non Penal dalam Menanggulangi Kekerasan Antar Perguruan Pencak Silat (Studi Kasus di Eks Karisidenan Madiun*, Yogyakarta: Universitas Islam Indonesia.