



Criminal responsibility for driver negligence causing death in the jurisdiction of the Langkat district police

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Abstract

Means of transport play an important role in facilitating the development of cities and regions. Despite this, traffic conditions in Indonesia are still poor, with accidents often caused by driver negligence. This article reviews criminal liability for drivers who cause death in traffic accidents in the Jurisdiction of Polres Langkat. This study uses descriptive normative legal methods to analyze primary and secondary legal sources related to criminal liability, as well as identify obstacles in law enforcement. It was found that criminal liability against negligent drivers is regulated in Article 359 of the Criminal Code and Law Number 22 of 2009 concerning Road Traffic and Transportation. Despite this, the Langkat Regional Police faced obstacles in law enforcement, including a lack of resources and a lack of cooperation from the community. Preventive and repressive efforts have been made, but have not achieved maximum results. Community support and the application of appropriate methods are needed to improve the effectiveness of law enforcement in cases of negligence of vehicle drivers leading to death.

Keywords: Self-efficacy, school climate, discipline behavior

Introduction

Transportation facilities are one of the important factors in realizing the process in terms of smoothness for the implementation of urban development and regional development. With the increasing number of means of transportation, of course, the construction of facilities is also increasingly needed. This aims to make it easier and smoother for humans to travel (Miro, 2012) ^[17]. Transportation is one of the derivative needs as a result of economic, social, and other activities.

Road traffic and transportation have a strategic role in supporting national development and integration as part of efforts to promote general welfare as mandated by the 1945 Constitution (1945 Constitution). The national transportation system must develop the potential and smoothness of traffic and road transportation to support economic development and regional development (Kansil, 2008) ^[15].

In Indonesia, the current traffic condition is still quite poor. The negligence of road users in traffic is still often encountered every day so many cause accidents that are still relatively high. One of the factors that has the largest share as the cause of the above conditions is the human factor, compared to other causative factors such as road factors or vehicle factors (Ikhwan *et al.*, 2020 ^[10]; Pinayungan & Isnaini, 2018) ^[18]

The level of understanding and discipline of the rules and manners in traffic that is less than road users is something that needs special attention in efforts to solve problems in the field of traffic. Humans are said to be pedestrians or drivers on the highway, which is the main element of traffic actors, in appearance influenced by the psychological condition of each person, especially those concerning discipline and physical conditions of the surrounding environment (Jonatan *et al.*, 2020 ^[14]; Saragih *et al.*, 2021) ^[19].

Traffic violation is a condition where there is a discrepancy between the rules and the implementation. The rules in this

case are meant to be laws regarding traffic that have been determined by the state that apply legally, while the community is the implementer. In following the rules stated in the articles if it is not by these articles, it is called a traffic violation. Traffic violations cannot be left alone because the source of a violation will cause traffic accidents, as traffic accidents that occur are mostly the result of the actions of drivers who are not disciplined and lack a sense of responsibility towards other road users (Miro, 2012) ^[17].

Traffic accidents that occur are caused by, among others, fatigue, carelessness, lack of caution, and negligence experienced by drivers. Not an exaggeration that all traffic accidents involving private vehicles and public transportation are caused by factors of drivers, pedestrians, vehicles, facilities and infrastructure, and officers/law enforcement in road traffic. Traffic accident factors that often occur due to human error (human factor) (Sodikin, 2007) ^[23].

Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ) states that a traffic accident is an unexpected and accidental road event involving vehicles with or without other road users resulting in human casualties and/or property losses (K. P. R. Indonesia, 2009). However, the amount of carelessness and carelessness of a driver often causes traffic accidents and with this carelessness will certainly have a detrimental impact on others or for the driver.

Law number 22 of 2009 concerning traffic and road transportation also regulates problems related to traffic accidents that result in minor injuries, serious injuries, and victims of the world. Namely in article 310 of Law number 22 of 2009.

Accident cases are part of the criminal act of negligence mentioned in Article 359 of the Criminal Code (Criminal Code). Article 359 of the Criminal Code (Criminal Code) is affirmed in two ways that the death of another person is the result of the negligence of the maker, namely by not mentioning the maker but his fault (negligence). In the

situation of a motorist, doing wrong and not doing as if it were one act (Hatta, 2012)^[8].

The legal consequences of a traffic accident are criminal for the maker or cause of the event and may also be accompanied by civil claims for material losses caused. As stated by Andi Hamzah, "In various kinds of mistakes, where the person who did wrong caused harm to others, then he must pay compensation" (Hamzah, 2009)^[5].

The problems of omission in the Criminal Code are explained in the provisions of Articles 359 and 360, namely:

1. In Article 359, whoever for his negligence causes the death of another person shall be threatened with imprisonment for a maximum of 5 years or imprisonment for a maximum of 1 year.
2. Article 360, (1) whoever by negligence causes another person serious injury shall be punished with imprisonment for not more than 5 years or imprisonment for not more than one year, and (2) whoever by his fault causes injury to such a person that that person becomes temporarily ill or is unable to perform his office or work temporarily, shall be punished with imprisonment for not more than nine months or imprisonment for not more than six months or fine as high as Rp. 4,500

Traffic accidents that cause deaths in the Langkat Police Jurisdiction have fluctuated where in 2020 there were 132 cases, then decreased in 2021 by 123 cases, and in 2022 to 108 cases, then in 2023 to 104 cases.

Previous research relevant to this topic includes several works, including a law journal by Rinaldi Putra Anwar from the Postgraduate Program of Gorontalo State University discussing "Criminal Law Enforcement against Negligence of Motor Vehicle Drivers Resulting in Traffic Accidents", as well as a law journal from the University of North Sumatra written by B. A. S. Faomasi Jaya Laia, Madiasa Ablisar, Alvi Syahrin, and M. Ekaputra with the title "Criminal Responsibility in Cases of Accidents Resulting in Death for the Impact of Road Damage (Case Study of Rembang District Court Decision Number 129/Pid.Sus/2019/PN Rbg)". In addition, a thesis by Rizky Ramadhan Baried from Universitas Islam Indonesia discusses "Legal Analysis of Evidence against Negligence in Traffic Accident Cases (Study of Court Verdicts on Defendant Muhammad Taufiq)", focusing on the law of evidence and judges' considerations in similar cases.

Based on the background and formulation of the above problems, this study aims to examine in depth the legal arrangements related to the negligence of vehicle drivers resulting in death in the jurisdiction of Langkat. In this case, the author will analyze the criminal liability imposed on violators, and identify obstacles and efforts that may arise in the criminal liability process.

Through a deeper understanding of this issue, it is hoped that this research can contribute to efforts to increase awareness and compliance with traffic rules, as well as the effectiveness of the legal system in handling cases of traffic accidents resulting in death.

Research methods

The type of research used in this study uses normative legal research methods that are descriptive analysis, namely research conducted by examining library materials (secondary data) or library legal research (Ediwarman,

2016)^[3]. According to Johnny Ibrahim, normative legal research is a scientific research procedure to equate truth based on scientific logic from its normative side (Ibrahim, 2006)^[9].

In normative legal research, the main source used is legal material that contains rules in the form of literature. The data sources used are secondary data, obtained through literature review, library materials, and interview results related to research problems or materials. This secondary data is obtained through analysis of legal materials, which consist of three types of materials, namely primary, secondary, and tertiary legal materials. Primary legal materials include the Criminal Code and Law Number 22 of 2009 concerning Road Traffic and Transportation. Secondary legal material explains in general terms the primary legal material and consists of books, law journals, theses, internet sources, and scholarly opinions relating to criminal liability for driver negligence causing death. Meanwhile, tertiary legal materials act as a complement and include legal dictionaries, Big Indonesian Dictionaries (KBBI), magazines, newspapers, and regulations and laws.

Data analysis in this study is qualitative. Qualitatively means analyzing, describing, and summarizing various conditions, and situations from various data collected in the form of interviews or observations about the problems studied that occur in the field. Secondary data obtained from the results of the research are arranged in such a way as descriptive, logical, and systematic analysis, which is stated by related parties orally and poured in writing, and linked to secondary legal materials using deductive methods guided by laws, laws, and regulations related to the problem under study to answer the problem.

The focus of the research includes an analysis of criminal liability for violators, as well as the identification of obstacles and efforts that may arise in related law enforcement processes. The case that is the object of research is a traffic accident that causes death in the Jurisdiction of the Langkat, with fluctuations in the number of cases from 2020 to 2023, which shows a change from 132 cases in 2020 to 104 cases in 2023.

Result and discussion

Legal Regulation on Negligence of Vehicle Drivers Causing Death in the Jurisdiction of Langkat Police Station

Negligence (*culpa*) by science and jurisprudence has indeed been interpreted as a lack of foresight about the possible consequences or a lack of prudence and to distinguish it is often used in doctrine the words conscious negligence and unconscious negligence (Schaffmeister *et al.*, 1995)^[20]. Negligence contains a meaning of reproach for the behavior of the perpetrator for working carelessly, not being careful, not thinking about consequences, ignorance, and so on, to cause harm to others and be considered guilty (Anny, 2015)^[1]. Negligence is one form of error that arises because the perpetrator does not meet the standards of behavior that have been determined according to the law, negligence occurs due to the behavior of the person himself (Sianturi & Kanter, 2012)^[22].

In the Criminal Code (hereinafter referred to as the Criminal Code), negligence is usually referred to as error, carelessness, or negligence Article 359 of the Criminal Code states "Whoever through his fault (negligence) causes another person to die, shall be threatened with imprisonment

for a maximum of five years or imprisonment for a maximum of one year." The law does not give a definition of what negligence is. Only explanatory memory (*Memorie van Toelichting*) says, that negligence (*culpa*) lies between intentionality and chance. However, the *culpa* was seen as lighter than intentional. Therefore Hazewinkel-Suringa said that the *culpa* offense was a *quasidelict* offense so a criminal reduction was made (Hamzah, 2010)^[6].

A person can be said to have or there is a *culpa* in doing an act that is if the person has done his act without being accompanied by the term *de nodige en mogelijke voorzichtigheid en oplettendheid* or the caution and vigilance necessary and perhaps he can give (Sengi, 2019)^[21].

Acts due to negligence / negligence resulting in the death of another person are threatened with imprisonment for a maximum of 5 (five) years or imprisonment for a maximum of 1 (1) years. Initially, the offense in Article 359 of the Criminal Code was only threatened with "imprisonment for a maximum of one year or imprisonment for a maximum of nine months".

This offense increased the criminal threat based on Law Number 1 of 1960 concerning Amendments to the Criminal Code, which in Article 1 specifies that the punishment in Articles 359, 360, and 188 of the Criminal Code is increased so that the articles in their entirety read as follows: Article 359: "Whoever for his fault causes death to death, shall be punished with imprisonment for not more than five years or imprisonment for not more than one year".

Furthermore, Article 360 of the Penal Code states that: (1) Whoever for his fault causes serious injury to a person shall be punished with imprisonment for not more than five years or imprisonment for not more than one year. (2) Whoever, through his misconduct, causes injury to such a person that he becomes temporarily ill or is unable to perform his office or work temporarily, shall be punished with imprisonment for not more than nine months or imprisonment for not more than six months or a fine of not more than Rp. 4,500.

The content of this Article is almost the same as Article 359 of the Criminal Code, the difference is only that the result of Article 359 of the Criminal Code is the death of the person, while Article 360 of the Criminal Code is:

1. Seriously injured. In Article 90 of the Criminal Code, what is meant by serious injury is a disease or wound that should not be expected to heal again completely or that brings the danger of death continuously no longer able to perform positions or work, no longer using one of the five senses, paralyzed, changing his mind or (reason) for more than 4 (four) weeks, aborting or killing the child from the mother's womb.
 2. Injuries that cause illness or obstruction of daily work.
- The increase/increase in criminal threats is because

according to the explanation of Law Number 1 of 1960, it has long been felt that there is a need for strict action against the negligence of people who cause death or serious injury, especially against motorized vehicle drivers, who due to negligence or nature do not pay attention to the value of the soul of fellow humans, causing traffic accidents".

The Law also does not define the meaning of *culpa*, but related to *culpa*, Law no. 1 of 2023 which will take effect for the next 3 years after the year of issuance there is an amendment to the article regarding negligence resulting in the death of another person as stipulated in Article 474

paragraph (3) of Law 1/2023, which reads, "Any person who, due to his negligence, results in the death of another person, shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V, namely Rp500 million" (MPR, 2023).

In the Explanation to Article 474 paragraph (1) of Law 1 of 2023, it is explained that negligence shows that the perpetrator does not want the consequences of his actions to occur. However, in concrete events, there is difficulty in determining that an act can be called negligence. Therefore, based on these considerations, the understanding of negligence is left to the judge's consideration to assess the case at hand.

Traffic accident cases that cause victims to die in sentencing before the change in the law judges refer to the Criminal Code which regulates criminal acts that cause a person to die or be injured due to wrongdoing in Article 359 of the Criminal Code, and after the existence of a special law regarding traffic, it now refers to Article 310 paragraph (4) of Law No. 22 of 2009 concerning Traffic and Road Transportation. In addition to having different forms of criminal sanctions, the two articles also differ in the core contained in them.

Legal provisions regarding traffic accidents in general were previously regulated in Articles 359, 360, and 361 of the Criminal Code and specifically regulated in Law No. 22 of 2009 concerning Traffic and Road Transportation. In the event of a traffic accident, the legal provisions that must be imposed refer to Law Number 22 of 2009 concerning Road Traffic and Transportation (UULLAJ). This is due to the regulation of Article 63 paragraph (2) of the Criminal Code which reads:

"If an act falls under a general penal code, it is also regulated in a special rule, then only that particular one is applied."

The fault of the driver of a vehicle that commits negligence resulting in death can be said that the person has committed a criminal offense. Criminal sanctions for drivers involved in traffic accidents as written in Article 310 paragraphs (1), (2), (3), and (4) of Law Number 22 of 2009 concerning Traffic and Road Transportation which reads:

1. Any person who drives a Motor Vehicle which due to his negligence results in a Traffic Accident with damage to the Vehicle and/or goods as referred to in Article 229 paragraph (2), shall be punished with a maximum imprisonment of six months and/or a maximum fine of Rp. 1,000,000 (one million rupiah).
2. Every person who drives a Motor Vehicle which due to his negligence results in a Traffic Accident with minor injuries and damage to Vehicles and/or goods as referred to in Article 229 paragraph (3), shall be punished with a maximum imprisonment of one year and/or a maximum fine of Rp. 2,000,000 (two million rupiah).
3. Every person who drives a Motor Vehicle which due to his negligence results in a Traffic Accident with serious injuries as referred to in Article 229 paragraph (4), shall be punished with a maximum imprisonment of five years and/or a maximum fine of Rp.10,000,000 (ten million rupiah).
4. In the event of an accident as referred to in paragraph (3) that results in the death of another person, it shall be punished with a maximum imprisonment of six years and/or a maximum fine of Rp.12,000,000 (twelve million rupiahs).

Article 231 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation (Kementrian Perhubungan Republik Indonesia, 2009), Drivers of Motor Vehicles involved in Traffic Accidents, must:

- a. Stop the vehicle he is driving.
- b. Assisting victims.
- c. Report the accident to the nearest Indonesian National Police, and Provide information related to the accident.

Sanctions imposed on drivers who are negligent in driving their vehicles are not only in the form of crime but there is also a liability in the form of assisting heirs in the form of medical expenses and/or funeral costs. As mentioned in Article 235 of Law No. 22 of 2009 concerning Road Traffic and Transportation, namely (Kementerian Perhubungan Republik Indonesia., 2009):

1. If the victim dies due to a Traffic Accident as referred to in Article 229
2. Ayat (1) huruf c, Pengemudi, pemilik, dan/atau Perusahaan Angkutan Umum wajib memberikan bantuan kepada ahli waris korban berupa biaya pengobatan dan atau biaya pemakaman dengan tidak menggugurkan tuntutan perkara pidana.
3. If there is an injury to the victim's body or health due to a traffic accident as referred to in Article 229 paragraph (1) point b and huff c, the driver, owner, and/or public transportation company must assist the victim in the form of medical expenses by not dropping the criminal case charges.

The article is affirmed in particular in the words "do not abort criminal prosecution". This means that even though the driver of the vehicle as the impactor has provided payment of a sum of money or compensation by the impactor to the victim as reimbursement for medical expenses at the hospital or provided compensation costs for the deceased victim to the victim/victim's family but still does not drop the criminal case charges, or in other words, the legal process must continue.

Criminal acts must meet certain conditions to prove it. These certain conditions are usually referred to as elements of a criminal act. So a person can be charged with a crime if the act committed meets the requirements of a criminal act (strafbaarfeit). Various formulations of criminal acts put forward by legal experts, if considered consist of several elements/elements. Some experts put forward the elements of criminal acts in a simple manner consisting of only objective elements and subjective elements, and some detail the elements of criminal acts taken based on the formulation of laws (Ekaputra, 2015)^[4].

Criminal Liability for Negligence of Vehicle Drivers Causing Death in the Jurisdiction of Langkat Police Station

Criminal liability is also called responsibility, or criminal liability. The concept of criminal responsibility is not only a matter of law but also concerns the moral values or general decency adopted by a society or group in society. This is done so that criminal accountability is achieved by fulfilling a sense of justice (Hanafi, 2015)^[7]. Criminal liability is a form of determining whether a Suspect or Defendant is held accountable for a criminal act that has occurred. In other words, criminal liability is a form that determines whether a

person is acquitted or convicted of a criminal act he has committed.

The current system of criminal liability in positive criminal law adheres to the principle of guilt as one of the principles in addition to the principle of legality. In a narrow sense, mistakes can take the form of intentionality (opzet) or negligence (culpa). Talking about mistakes means talking about accountability. The basis for accountability for one's actions is placed in the concept/rationale for proving or not the elements of a criminal act. That is, if the elements of a criminal act are proven then the guilt is also proven and automatically convicted. This definition means that criminal responsibility is attached to the elements of the criminal act (Kanter & Sianturi, 2002)^[16].

Criminal liability imposed on perpetrators of criminal offenses relates to the basis for imposing criminal sanctions. A person will have the nature of criminal liability if a thing or action done by him is against the law, but a person can lose his responsible nature if an element is found in him that causes the loss of one's ability to be responsible.

Perpetrators of traffic crimes that result in the death of the victim can be sentenced to criminal liability in the form of imprisonment, confinement, or fines and in addition can be sentenced to additional crimes in the form of revocation of the driver's license or compensation caused by traffic crimes. Homicide can occur when a person kills another person without the intention to do so. In many cases, the loss of human life in the act of eliminating life is not the intention of the perpetrator of the crime, but rather the result of negligence that resulted in the loss of life.

Traffic accidents are an act against the law, which is one element of a criminal act. Traffic accidents include criminal acts committed accidentally due to negligence or negligence from road users. Based on his negligence, resulted in an accident that could be punished under Article 359, Article 360 of the Criminal Code Article 229, Article 230, and Article 310 of Law Number 22 of 2009 concerning Road Traffic and Transportation.

In case of a traffic accident resulting in death, criminal liability should be applied. The defendant, in this case, has been negligent in driving a motor vehicle resulting in a fatal accident. In handling this case, pay attention to Article 310 paragraphs (3) and (4) of Law Number 22 of 2009 concerning the Road Transport Traffic Law. That the perpetrator is legally and conclusively proven guilty of a criminal offense due to negligence in driving a motor vehicle resulting in a traffic accident with the victim dying and vehicle damage.

If the victim dies due to a traffic accident, the Motor Vehicle Owner, and/or this transportation company is regulated in Article 235 at (1) of the LLAJ Law which reads: "The driver, owner, and/or public transportation company must assist the victim's heirs in the form of medical expenses and/or funeral costs by not dropping the criminal case."

In addition, criminal liability, but such liability can also be prosecuted in civil law. This is because there is a civil element in traffic accidents, namely the existence of an element of unlawful acts. An unlawful act is an act that violates the provisions of the law and causes losses. If the unlawful actions of road users cause losses to other parties due to traffic accidents, it is natural for the injured victim to claim responsibility to the driver of the motor vehicle to compensate for civil losses, by Article 1365, Article 1366 of

the Civil Code and Article 234, Article 235, Article 236 of Law Number 22 of 2009 concerning Road Traffic and Transportation. So that legal liability in traffic accidents can be accounted for in criminal law with the main crimes: death penalty, imprisonment, confinement, and closure, as well as other additional crimes according to the judge's decision.

Obstacles and Efforts in Criminal Liability for Negligence of Vehicle Drivers Causing Death in the Jurisdiction of the Langkat Police Station

Law enforcement according to Soerjono Soekanto is the act of harmonizing the interweaving of rules described in the teachings and behavior as a chain of deciphering the final step of value to create, maintain, and enforce the peace of the mix of life. Law enforcement cannot be separated from the participation of law enforcement because law enforcement is the one who will straighten out the relevant legal procedures in the future (Arliman, 2015)^[2].

Law enforcers are judges, police, prosecutors, and other law enforcement agencies. Traffic violations are given criminal sanctions by those stipulated in the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation. Law enforcement cannot be separated from the role of law enforcement because law enforcement is the one who will straighten out the relevant legal order in the future (Arliman, 2015)^[2].

Traffic violations are given criminal sanctions by those stipulated in the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation. To impose a crime it must meet certain conditions. These certain conditions are usually referred to as elements of a criminal act. So a person can be charged with a crime if the act committed meets the requirements of a criminal act (strafbaarfeit).

Traffic police is an implementing element in charge of carrying out police duties including guarding, organizing, escorting and patrolling, community education and traffic engineering, registration and identification of drivers/motor vehicles, investigation of traffic accidents, and law enforcement in the field of traffic, to maintain security, order and smooth traffic.

There are obstacles in criminal liability for the negligence of vehicle drivers that cause death, one of which is in the investigation obstacles. In carrying out their duties, of course, traffic police also often experience several obstacles, including:

- a. lack of number of cars available to conduct traffic patrols.
- b. lack of traffic police personnel. lack of traffic patrol hours.
- c. lack of cooperation from the community to create orderly, safe, and smooth traffic conditions, including::
- d. Motorists fleeing at high speed during traffic operations.
 - The motorist never feels deterred even though he has repeatedly committed traffic violations.
 - Many people tell information about traffic operations to other motorists so that other motorists are reluctant to visit the road that is being held in traffic operations.
 - Always abuse the position of parents, family, and relatives when conducting traffic operations.

To create safe, orderly, and smooth traffic conditions, support from the community itself is needed, we cannot leave all these traffic problems only to the police, but there must be good cooperation between the police and the community because the community also has an important role in creating the desired traffic conditions, this is contained in article 256, 257, 258 CHAPTER XVII of Law No. 22 of 2009 concerning Road Traffic and Transport which reads:

1. The public has the right to participate in the implementation of Traffic and Road Transport.
2. Community participation as referred to in paragraph (1) in the form of:
 - a. Monitoring and maintaining Security, Safety, Order, and Smooth Traffic and Road Transport.
 - b. Input to the supervisory agencies and operators of Road Traffic and Transport at the central and regional levels in improving regulations, guidelines, and technical standards in the field of Road Traffic and Transport.
 - c. Opinions and considerations to the supervisory agencies and operators of Traffic and Road Transport at the central and regional levels on the activities of implementing Traffic and Road Transport that cause environmental impacts, and
 - d. Support for the implementation of Traffic and Road Transport.
3. The Government and/or Regional Government considers and follows up on inputs, opinions, and/or support submitted by the community as referred to in paragraph (2).

Article 257 of Chapter XVII of Law No. 22 of 2009 concerning Road Traffic and Transport which reads: "Community participation as referred to in Article 256 can be carried out individually, groups, professional organizations, business entities, or other community organizations by the principles of openness and partnership".

Article 258 of Chapter XVII of Law No. 22 of 2009 concerning Road Traffic and Transport which reads: "The public must participate in the maintenance of road facilities and infrastructure, the development of traffic discipline and ethics, and participate in the maintenance of Security, Safety, Order, and Smooth Traffic and Road Transport"

In the face of obstacles that hinder criminal liability for negligence of vehicle drivers that cause death in the Jurisdiction of the Rank Police Station, it is clear that community participation is vital. Although law enforcement is carried out by police officers, without the support and cooperation of the community, the achievement of traffic order and safety will be difficult to realize.

The efforts of the Langkat Police Station in tackling traffic violations are considered not optimal, as can be seen from the significant fluctuations in the number of traffic violations from 2020 to 2023. In its duties, the Langkat Police Station uses two methods: preventive and repressive. Preventive methods include routine patrols, special operations, and educational programs such as Polsana, Cross-University Socialization, Driving Safety, Traffic Safety Campaigns, Legal Counseling, and the Establishment of Traffic and Automotive Related Organizations. In addition, the establishment of a Traffic Orderly Area (KTL) and a Driving School were also carried out. Repressive

methods include raids of unqualified vehicles. Public awareness and active cooperation are needed to achieve the desired traffic security and order.

In addition to using preventive methods, the ranks of the Langkat Police Station also apply repressive methods. In essence, this method is the last resort taken when the educational measures contained in preventive methods cannot overcome traffic problems. Repressive methods are usually accompanied by attempts at forced application. Repressive measures are carried out against any type of traffic violation or in the form of violations of traffic accident cases. Traffic law enforcement as a form of repressive method activity is carried out against every road user who violates traffic and road transport laws. An example of a repressive method is a speeding ticket, if the violation is severe so that it causes an accident, it can also be sanctioned in the form of imprisonment by Law No. 22 of 2009 concerning traffic and road transportation.

In addition, in the application of the law with repressive methods, it also conducts investigations for crimes and violations according to the provisions of the Law. This repressive duty as a police duty in the field of justice, is imposed on police officers, that police officers are burdened with a special responsibility to maintain public order and deal with crimes, both in the form of actions against perpetrators of crimes and the form of actions against perpetrators of crimes as well as in the form of crime prevention efforts so that members of the community can live and work in safe conditions and serene.

The preventive and repressive tasks at a certain level become a simultaneous task, therefore the work of the police is not easy, on the one hand, faced with social structures to maintain public security and order, on the other hand, faced with bureaucratic structures and modern laws that have rational characteristics. Thus the tasks of the police become dynamic and oriented to the interests and development of society, even though in reality the development of society is faster than the patterns of law enforcement carried out by the police, especially in the field of communication and information technology.

Conclusion

Criminal liability for perpetrators of traffic violations due to negligence resulting in the death of others is regulated in Article 359 of the Criminal Code and is a maximum imprisonment of five years or imprisonment of a maximum of one year, criminal sanctions may also be given as stipulated in Article 310 Paragraph (4) of Law No. 22 of 2009 concerning Road Traffic and Transportation is a penalty of 6 (six) years and/or a maximum fine of Rp.12,000,000., (twelve million rupiah), and Article 474 paragraph (3) of Law no.1 Thun 2023 with a criminal penalty of 5 years in prison and a maximum fine of Rp.500,000,000., (five hundred million rupiah).

The concept of criminal responsibility involves legal and moral aspects, to achieve justice. Criminal liability is based on proven guilt in the elements of a criminal act, be it intentional or negligent. In the context of traffic accidents, criminal liability is applied to drivers who commit violations resulting in death, taking into account both criminal and civil laws. Law enforcement in this case includes criminal sanctions such as imprisonment, fines, revocation of driver's licenses, and compensation to victims or their heirs. The legal system must ensure that perpetrators

of criminal acts are given sanctions according to the degree of guilt, as well as pay attention to the rights of aggrieved victims. Thus, criminal liability in traffic accident cases is an important part of efforts to maintain justice and public order.

Polres Langkat faces obstacles in criminal liability for negligence of vehicle drivers causing death in their jurisdiction. These obstacles include a lack of resources such as patrol cars, personnel, and patrol hours, as well as a lack of cooperation from the community. To overcome these obstacles, the Langkat Regional Police has used preventive and repressive methods, but their efforts have not achieved maximum results, as can be seen from the fluctuations in the number of traffic violations from 2020 to 2023. Despite this, the Langkat Regional Police continues to strive with the support of the community and the application of appropriate methods to achieve law enforcement objectives in cases of negligence of vehicle drivers causing death.

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