



Enforcement of the Law Against Negligent Traffic Violators Resulting in Fatalities: A Case Study of Decision Number 34/Pid.B/2021/PN.Mgt

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ABSTRACT

Toll roads are constructed to connect distant locations, aiming to reduce travel time and facilitate mobility and transportation. However, the extended travel distances often result in driver fatigue and drowsiness, increasing the risk of traffic accidents. Law enforcement in cases of traffic accidents resulting in fatalities is an effort to uphold legal norms as guidelines for behavior in traffic and to maintain legal order in society. This study examines two main issues: (1) how law enforcement is carried out against negligent drivers responsible for fatalities and (2) the legal considerations of judges in adjudicating cases of fatal traffic negligence.

This study employs a normative juridical method with a statutory approach and qualitative normative analysis using inductive reasoning. Law enforcement against drivers causing fatal accidents involves investigations to collect evidence clarifying the crime and identifying suspects. In this case, the suspect was charged with violating Article 310 paragraph (4) and Article 312 of the Traffic and Road Transportation Law (LLAJ Law), carrying a maximum penalty of six years' imprisonment and/or a fine of IDR 12,000,000, along with an additional penalty of up to three years' imprisonment for further violations.

The findings reveal that the suspect was legally and convincingly proven guilty of negligence in driving, which resulted in an accident causing four fatalities. In their legal considerations, the judges emphasized the ultimum remedium principle as the basis for sentencing, while also taking into account aggravating and mitigating factors in issuing a verdict of three years and two months' imprisonment. These findings highlight the challenges in enforcing traffic laws in Indonesia, including the low level of legal awareness among drivers and the lack of an effective preventive system to reduce accidents caused by negligence.

A. INTRODUCTION

Law enforcement against negligent traffic violators resulting in fatalities is a crucial issue in Indonesia's criminal justice system. The high number of traffic accidents caused by driver negligence, particularly on toll roads, highlights the need for more effective and consistent legal enforcement policies. A case that exemplifies the complexity of law enforcement in this context is the Magetan District Court Decision Number 34/Pid.B/2021/PN.Mgt, in which a bus driver was found guilty of negligence that led to



a fatal accident causing four deaths.

In the context of criminal law, negligence in traffic violations is regulated under Article 310 paragraph (4) and Article 312 of Law No. 22 of 2009 on Traffic and Road Transportation (LLAJ Law). The sanctions imposed in this case reflect the application of the principle of criminal liability against drivers responsible for accidents resulting in fatalities. However, the effectiveness of this enforcement remains questionable, given the low level of legal awareness among drivers and the lack of technology-based supervision to prevent similar violations in the future ([Silaban & Pase, 2021](#)).

With the advancement of technology, the Electronic Traffic Law Enforcement (ETLE) system has been implemented as a strategy to enhance legal compliance in traffic regulations ([Airlangga & Suryokencono, 2024](#)) and ([Oktara Roberto & Yandriza, 2023](#)). Nevertheless, a significant challenge in implementing ETLE is the lack of public awareness, which results in relatively low compliance with traffic laws ([Alexandro Diliyanto Tanur et al., 2024](#)). Therefore, further analysis is needed to evaluate the effectiveness of technology-based law enforcement in reducing traffic accidents caused by driver negligence.

Based on the background above, this study focuses on two main issues: (1) How is law enforcement carried out against negligent drivers responsible for fatal accidents? (2) What are the legal considerations of judges in rendering verdicts in cases of fatal traffic accidents due to negligence?

The general solution proposed in this study is strengthening technology-based law enforcement systems and increasing public legal awareness. In this context, Soerjono Soekanto's theory of legal effectiveness serves as the foundation for analyzing the extent to which legal regulations can be effectively enforced. The effectiveness of law is influenced by several factors, including legal substance, legal structure, facilities and infrastructure, public awareness, and legal culture. The implementation of the ETLE system and the imposition of stricter penalties on traffic violators can serve as strategies to enhance the effectiveness of law enforcement in the road transportation sector ([Soekanto, 2019](#)).

Moreover, this study also emphasizes the importance of legal education, particularly for young and inexperienced drivers. Research has shown that the lack of legal knowledge among minors poses a challenge in enforcing traffic laws against underage violators ([Nugroho & Pujiyono, 2022](#)). Therefore, integrating traffic law education into school curricula can be a long-term solution to improve compliance with traffic regulations.

To improve the effectiveness of traffic law enforcement, this study proposes several solutions based on legal literature and empirical studies. First, the expansion of technology in traffic law enforcement should be prioritized. The ETLE system has been proven to increase legal compliance by automatically detecting traffic violations through surveillance cameras ([Airlangga & Suryokencono, 2024](#)). However, further evaluation is needed to assess the effectiveness of ETLE in reducing traffic accidents caused by driver fatigue, as in the Magetan case.

Second, public legal awareness must be enhanced through systematic legal

education. Traffic education for young drivers can help instill a culture of compliance with traffic laws from an early age (Amir et al., 2023). Public campaigns through social media and the integration of traffic law education into school curricula can be effective strategies for increasing legal awareness among the general public.

Third, the professionalism of law enforcement officers must be improved. Research has shown that the lack of professionalism among law enforcement officers is a major obstacle in the implementation of traffic laws (Nurfauziah & Krisnani, 2021). Therefore, continuous training and the provision of better facilities for traffic police officers are necessary to ensure consistency and effectiveness in law enforcement.

Finally, the application of sanctions against traffic violators must be more consistent. Stricter and more consistent penalties should be imposed on repeat traffic offenders (Hanny & Patros, 2023). In the context of the Magetan case, the application of Article 310 paragraph (4) of the LLAJ Law highlights the need for policy revisions to establish more proportional sanctions for violators.

Several legal theories are relevant to this study in analyzing the effectiveness of traffic law enforcement. The Theory of Legal Effectiveness (Soekanto, 2019) explains the factors that influence the successful implementation of legal regulations, including legal structure, legal culture, and public compliance. The Theory of Legal Compliance (Lawrence, 1975) highlights the importance of legal awareness in shaping a culture of adherence to the law within society. The Theory of Justice in Law Enforcement (Rawls, 1972) emphasizes the need for fair and proportional application of legal sanctions to traffic violators.

This study contributes to the development of a theoretical approach in evaluating the effectiveness of traffic law enforcement in Indonesia, particularly concerning technology-based enforcement, legal education, and the consistency of legal sanctions.

B. METHOD

The research method used in this study is empirical or sociological legal research. This approach was chosen because the researcher conducted direct observations of societal conditions. Additionally, the study is supported by various relevant literature sources (Soekanto, 2019).

Empirical legal research examines the relationship between applicable laws and actual human behavior in daily life. Using this definition as a reference, the scope of empirical legal research includes assessing the effectiveness of laws in real-life application. In other words, this research aims to determine the extent to which existing laws influence or are applied to human behavior in everyday life (Manullang, 2019).

In this study, the researcher conducted fieldwork by directly observing and interacting with informants. The objective of the study is to analyze the enforcement of the law against individuals whose negligence resulted in the death of others. The analysis is based on the case study of Decision Number 34/Pid.B/2021/PN.Mgt, issued by the Magetan District Court.

C. RESULTS AND DISCUSSION

Law Enforcement Against Negligent Drivers Causing Fatal Accidents

Law enforcement against negligent drivers responsible for fatal traffic accidents is a crucial aspect of maintaining public order and upholding legal certainty. In the case analyzed in this study, Magetan District Court Decision Number 34/Pid.B/2021/PN.Mgt, the defendant, Haryono bin Alm. Supeno, was found guilty of negligence that resulted in a traffic accident causing four fatalities. The accident occurred due to the driver's fatigue, which led to a loss of concentration while driving on a toll road. Despite feeling exhausted, the defendant continued operating the vehicle without sufficient rest, ultimately colliding with a truck. The Magetan District Court sentenced the defendant to 3 years and 2 months in prison under Article 310 paragraph (4) and Article 312 of Law No. 22 of 2009 on Traffic and Road Transportation (LLAJ Law).

This case highlights the importance of effective law enforcement mechanisms to prevent similar incidents in the future. The Theory of Legal Effectiveness ([Soekanto, 2019](#)) suggests that law enforcement effectiveness depends on legal substance, legal structure, facilities, public legal awareness, and legal culture. While the LLAJ Law provides a clear legal framework for penalizing traffic violations caused by negligence, its effectiveness is often hindered by weak enforcement mechanisms and limited oversight. The defendant's continued driving despite exhaustion indicates a failure in early detection and enforcement, demonstrating the need for better preventive measures.

The Theory of Legal Compliance ([Lawrence, 1975](#)) further explains that compliance with traffic laws depends on the interaction between the legal system, law enforcement institutions, and public perception. In Indonesia, many drivers lack awareness of the legal consequences of negligence, leading to frequent violations of traffic laws ([Faida & Widodo, 2023](#)). The absence of a real-time monitoring system for driver fatigue in this case reflects the lack of proactive enforcement measures, underscoring the need for broader public education initiatives and the expansion of technology-based traffic law enforcement, such as the Electronic Traffic Law Enforcement (ETLE) system ([Airlangga & Suryokencono, 2024](#)).

Thus, law enforcement against negligent drivers should not only focus on penalization but also incorporate preventive measures, including public awareness campaigns, stricter regulations on driver rest periods, and the use of real-time monitoring technology. These elements would strengthen legal compliance and reduce the likelihood of fatal accidents caused by negligence.

Judicial Considerations in Sentencing Traffic Violators for Negligence

In adjudicating cases of fatal traffic accidents due to negligence, judges must balance the principles of justice, legal certainty, and proportional punishment. In the Magetan District Court Decision No. 34/Pid.B/2021/PN.Mgt, the defendant was sentenced to 3 years and 2 months in prison based on Article 310 paragraph (4) and Article 312 of the LLAJ Law, which provide a maximum penalty of 6 years' imprisonment and/or a fine of IDR 12,000,000.

From the perspective of the Theory of Justice in Law Enforcement ([Rawls, 1972](#)),

judicial decisions must uphold fairness and proportionality in sentencing. The principle of *ultimum remedium* suggests that criminal punishment should be a last resort, applied only when other measures fail to prevent harm. In this case, the court considered both aggravating factors, such as the number of fatalities and the defendant's failure to rest despite exhaustion, and mitigating factors, including the defendant's cooperation during the investigation and lack of prior criminal records. This aligns with Rawls' concept of justice, which prioritizes fairness while maintaining legal accountability.

The Theory of Criminal Liability in Traffic Law Van Hamel, states that criminal liability in traffic law cases must be established based on the existence of unlawful conduct, negligence, causation, and proportional punishment. The court's decision was based on the principle that traffic accidents resulting from driver fatigue constitute negligent conduct, as defined under Article 310 paragraph (4) of the LLAJ Law. The defendant's failure to ensure safe driving conditions was deemed a direct cause of the fatalities, justifying the imposed sentence.

However, while the sentencing aligns with legal provisions, its effectiveness in deterring future violations remains debatable. The Theory of Legal Effectiveness (Soekanto, 2019) suggests that legal sanctions must have a significant deterrent effect to be impactful. In Indonesia, inconsistencies in sentencing traffic violators have led to a lack of deterrence, as penalties often do not reflect the severity of the offense (Silaban & Pase, 2021). To enhance the deterrent effect, judicial consistency in sentencing must be maintained, and penalties for repeat offenders should be more stringent.

Systemic Challenges in Traffic Law Enforcement and Sentencing

While the Magetan case demonstrates the enforcement of legal accountability, it also exposes broader systemic challenges in traffic law enforcement and sentencing consistency. First, the absence of real-time fatigue monitoring contributed to the failure to prevent the accident before it occurred. The lack of proactive technological enforcement, such as ETLE-based fatigue detection, highlights the need for better preventive policies (Airlangga & Suryokencono, 2024).

Second, the judicial approach to traffic violations remains primarily punitive, focusing on imprisonment rather than rehabilitative measures. Research suggests that combining legal sanctions with mandatory driver education programs could enhance the impact of law enforcement (Amir et al., 2023). Implementing alternative penalties, such as compulsory road safety training for convicted traffic violators, could complement existing sentencing measures and promote long-term behavioral change.

Third, the public's legal awareness regarding traffic laws remains low, resulting in high levels of negligence-related violations. The Theory of Legal Compliance (Friedman, 2021) explains that sustainable law enforcement requires strong legal culture and public education. Without proactive education efforts, drivers will continue to disregard safety protocols, increasing the risk of future fatal accidents.

In summary, while the court's verdict aligns with existing laws, systemic improvements in enforcement, judicial consistency, and preventive measures are needed. For a more effective legal framework, sentencing policies should be re-evaluated to

include additional preventive and rehabilitative measures, ensuring that traffic law enforcement contributes to long-term public safety.

D. CONCLUSION

Law enforcement against negligent drivers causing fatal accidents is a crucial aspect of maintaining traffic order and deterring violations. Based on the analysis of the Magetan District Court Decision Number 34/Pid.B/2021/PN.Mgt, this study finds that the bus driver, despite experiencing fatigue, continued driving without adequate rest, resulting in a loss of concentration and a collision with another vehicle. Consequently, the accident led to four fatalities. The court considered negligence as the primary cause of the accident and imposed criminal sanctions under Article 310 paragraph (4) and Article 312 of the Traffic and Road Transportation Law (LLAJ Law). The sentence of three years and two months' imprisonment reflects a legal approach that balances justice for the victims with the *ultimum remedium* principle within Indonesia's criminal justice system.

The findings of this study highlight several challenges in traffic law enforcement, including low driver awareness regarding the criminal consequences of negligent driving and weak preventive mechanisms, such as inadequate legal education and insufficient traffic monitoring systems. Therefore, reforms in traffic law enforcement are necessary, including enhancing legal education for drivers, implementing technology-based monitoring systems, and revising policies on sanctions and penalties to be more effective in preventing accidents caused by negligence. Future research could explore the effectiveness of preventive policies in reducing fatal accidents and analyze the implementation of traffic criminal law enforcement in different regions as a comparative study to improve legal enforcement policies in Indonesia.

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