

Medico-Legal Outlooks in Preventing Traffic Violations and Accidents by Enforcing the Structure and Function of the Police Unit

Yusriyadi

Lecturer at Faculty of Law, Diponegoro University, Indonesia

Abstract

By using medico-legal outlooks, the focus of this research is the structure, function and role of the Dikyasa Unit as part of law enforcement by the Police. This focus is normatively found in Law Number 22 of 2009 concerning Road Traffic and Transportation. There are two problems, first, what is the structure, function and role of the Dikyasa Unit and what are the two social and personal factors that affect the function and role of the Dikyasa Unit. To analyze this problem, a research was conducted in the Legal Area of the Semarang Police as an alternative legal study that positions the law in a broader community context. The research findings show that firstly, the Dikyasa Unit is in charge of fostering community participation and traffic education and secondly there are social and personal factors that affect the function and role of the dikyasa unit.

Keywords: *Traffic violations, accidents, police, function, medico-legal perspective.*

Introduction

The structure, function and role of the Dikyasa Unit then in preventing traffic violations and accidents, are essentially part of law enforcement by the Police. The Dikyasa Unit then provides guidance and outreach to the community. The National Police, as one of the road transport traffic stakeholders, plays an active role in preventing traffic violations and accidents.

As the expected outcomes of Law No. 22 of 2009, the World Health Organization (WHO- World Health Organization) made an official statement, that by 2030 traffic accidents are the fifth cause of the “top ten” human deaths. In Indonesia, the death toll from traffic accidents is increasing. In 2013, there were 28,161 people, an increase of 1.8 percent compared to 2012 with 25,944 people who died. Article 2 of Law no. 22/2009 mentions

road transportation as one of the national transportation based on the principles of benefit, joint effort, fairness, equality, balance, public interest, integration, legal awareness and self-confidence. The goal is to create road traffic and transportation services in a safe, secure, orderly, smooth and integrated manner. The development of transportation demands the availability of means of transportation with various implications. The more means of transportation, the more road users are at risk of driving safety. As the number of road users increases, the number of traffic violations and accidents increases. These problems underlie the importance of this research.

Problem: There are two problems, namely: First, what is the structure, function and role of the Dikyasa Unit? Second, what social and personal factors influence the function and role of the Dikyasa Unit?

Literature Review: This research can be called an alternative legal study that positions law in the context of a broad society¹. Qualitative data consists of primary and secondary data. The data sources are in the form of words and actions, accompanied by additional data such as documents². Primary data sources were obtained from informants, namely members of the Dikyasa Unit through observation, interviews, document

Corresponding Author:

Yusriyadi

Lecturer at Faculty of Law, Diponegoro University,
Indonesia

e-mail: yusriyadi.undip@gmail.com

interpretation. Researchers as participant observe/key instrument. Interpretation and checking of the validity of the data using technical analysis models^{3,4}. Researchers as participant observe/key instrument. The theory used is the theory of law enforcement from Chambliss & Seidman and Soekanto theory of the effectiveness of law, normative logic, not emphasized and more to empirical reality^{5,6}.

Two theories are used to analyze two problems, namely Chambliss & Seidman's theory of law enforcement and Soerjono Soekanto's theory of the effectiveness of legislation⁷. The two theories are relevant for use in socio legal studies. Here, law is not only a normative document, but also as a socio-cultural symptom⁸. Normative logic (deductive-normological) is not emphasized, but rather empirical reality. By Chambliss & Seidman, this empirical reality is called social force and individual force⁵. Apart from these two theories, the concept of operational management of the Traffic Police is also used.

Structure, Function and Role of Dikyasa Units:

Law enforcement essentially is to realize the objectives of law, namely justice, certainty, and benefits⁹. Law is conceptualized as statutory regulation (*Sollen*) which must be realized, as well as as a social institution, so that this type of research is non-doctrinal. Law is seen as both the dependent and independent variable.

Initially, the analysis of the research results would be compiled based on field findings, but due to the Corona Virus Disease 2019 (COVID-19) outbreak which was declared a global pandemic by the World Health Organization (WHO) March 11, 2020, the research was not carried out optimally. Not maximizing, especially after the publication of the Semarang Regent Instruction No. 2 of 2020 concerning the Implementation of Restrictions on Community Activities in the Context of Accelerating the Management of Corona Virus Disease (Covid-19) as a protocol, so that the analysis is more based on literature study.

Affecting Social and Personal Factors: Law is made to be implemented, therefore it is not surprising that people say that law can no longer be called law when it has never been implemented¹⁰. Research on the role and function of this unit in power also wants to examine these roles and functions in the realm. Empirical, so that it is consistent with the notion of law as something that must be implemented.

In particular, the form of law can be seen through explicitly formulated rules. Within those legal principles, actions that must be carried out are contained in none other than law enforcement¹⁰. Discussing the function and role of the unit *dikyasa* essentially also talks about the implementation of abstract legal ideas (*Sollen*) into reality. From here we enter into a discussion about the operation of law in society which includes the role and function of the unit in power. The roles and functions of the *dikyasa* unit occupy an important and decisive position in preventing traffic violations and accidents. Legal objectives can ultimately become a reality in or through the roles and functions of the unit in power.

The role and function of the *dikyasa* unit is a function of the work of the influence of social and personal forces. It cannot be ignored the fact that law enforcers, *cq* unit *dikyasa* and adat community members will tend to give their own interpretation of the functions and roles that must be carried out. There are social and personal forces. This research stems from the awareness to distinguish law in the books and law in action.

The function and role of the unit is closely related to the law enforcement system, whose elements are (1) substance, (2) structure and (3) culture. To study the social and personal factors that contribute to the implementation of the function and role of the unit in power, the theory of Chambliss & Seidman⁵, theory Soekanto & Mamudji¹¹ is used regarding the effectiveness of a statutory regulation.

In addition to this theory, the concept of literature on the operational management of the Traffic Police is also used. This management refers to a process of planning, organizing, implementing, supervising and controlling in order to carry out police operations in order to achieve predetermined objectives effectively and efficiently.

Measuring the progress of an organization at all levels always concerns the neatness of the elements in order to achieve its goals. A neat organization, for example a crime organization, if it is neatly organized, it is often eradicated by the unorganized truth enforcers. Management has a literal meaning as "the art of implementing and managing" it is very crucial for the implementation of tasks in the organization. The art of implementing and managing this in the context of carrying out organizational tasks is in principle building synergy of every element of the activities involved in it.

The implementation of the functions and roles of the dikyasa unit is essentially a manifestation of legal ideas, or legal objectives become reality. The implementation of the functions and roles of the dikyasa unit is part of law enforcement. In understanding the implementation of these functions and roles, it can be started by analyzing the process of the operation of law in society.

William J. Chambliss & Robert B. Seidman basically reveals about the process of law operation in society⁵. This process is determined by the operation of the entire social and personal complex of each of the stakeholders. This theory of the operation of law in society can be used as an analogue regarding the implementation of the function and role of the unit in power. The implementation of the functions and roles of the Dikyasa Unit is determined by the operation of the entire social and personal complex of each of the role holders, namely the parties involved in it. Through Chambliss & Seidman's theory, it can be described, revealed and even explained the implementation of the function and role of the unit in the field.

In line with Chambliss & Seidman⁵, Satjipto Rahardjo¹², states that the enactment of law as a process involves various elements, namely (1) the regulations themselves, (2) citizens as the regulatory environment, (3) implementing bureaucratic activities and (4) the existing and participating socio-political-economic-cultural framework determines how each element in the law carries out what it is a part of.

These elements can be seen in relation to one another in a dynamic interaction process, for example the relationship between statutory regulations (cq. The National Police Law and others), and citizens using the means of transportation as their custom. These laws and regulations are seen in the "expectation and performance patterns" (expectation and performance), which contains the hope that citizens, as legal codes, can implement them at a practical level as a means of fulfilling their obligations. Even though normatively these functions and roles have been "punished" in the statutory regulations, this does not mean that since then the roles and functions of the powerful unit have been completed.

The implementation of the functions and roles of the dikyasa unit is a sub system of the traffic law enforcement system. It contains elements as subsystems, namely (1) substance, (2) structure and (3) culture. The substance

relates to its normative aspects, namely positive law which regulates the structure, function and role of the unit in power. Satjipto Rahardjo¹² states that the enactment of law as a process involves various elements, namely (1) the regulations themselves, (2) the citizens as the customary rules, (3) the activities of the implementing bureaucracy and (4) the socio-political-economic-cultural framework exist and participate determine how each element in the law carries out what is part of it. In this research, these elements are seen in a dynamic interaction process, for example the relationship between laws and regulations (cq. The National Police Law, etc.) and the customs, namely citizens using transportation, the laws and regulations can be seen in the "pattern of expectations and implementation". Normatively, these functions and roles have been "punished", but that does not mean that since then the roles and functions of the unit have been resolved.

The implementation of the functions and roles of the dikyasa unit is essentially a manifestation of legal ideas, or legal objectives become reality. The implementation of the functions and roles of the dikyasa unit is part of law enforcement. Referring to Chambliss & Seidman, in analyzing the function and role of the unit dikyasa, it begins with analyzing the process of the operation of law in society⁵. This process is determined by the operation of the whole complex of social and personal forces of the role holder¹³. This means that the effectiveness of legislation is influenced by several factors, namely legal/statutory factors, law enforcement, facilities or facilities, society, and culture¹¹. These factors are closely related, because they are the essence or measure of the effectiveness of law enforcement.

Conclusion

Within the scope of the organization, the Semarang Police has a Dikyasa Traffic Unit as an element of implementing the main tasks that is under the invisible, tasked with fostering community participation and traffic education. In carrying out its duties, the Dikyasa unit carries out the function of carrying out community participation fostering through cross-sectorial cooperation, carrying out public education in the field of traffic, carrying out studies and engineering of traffic problems, carrying out coaching and counseling to students, communities, driving schools, and groups, implementing coordination with related agencies regarding cross-sectorial cooperation on traffic problems and innovation in the traffic sector. The unit dikyasa,

led by Kanit Dikyasa and in carrying out its duties is responsible to the visible and then under the control. The function and role of the unit is arguably part of law enforcement. The social and personal factors that dominate each other in the implementation of the functions and roles of the powerful unit in preventing traffic violations and accidents, the process of law operation in society, are determined by the operation of the whole complex of social and personal power of the role holders.

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