

The Criminal Liability for Negligence of Motor Vehicle Driver that Causes Traffic Accident

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Abstract. *The purpose of this research is to find out and analyze the factors that cause traffic accidents due to the negligence of motorized vehicle drivers in the Majalengka Police Legal Area and to find out and analyze Criminal Liability for the negligence of motorized vehicle drivers which result in accidents in the Majalengka Police Legal Area. The theory used in this research is theory law enforcement and the theory of criminal responsibility. This study uses an empirical juridical approach and the nature of this research is analytical descriptive. Data collection was carried out through a literature study in order to obtain secondary data, both in the form of primary legal materials, secondary legal materials, and tertiary legal materials. The technical analysis used in this study is a qualitative analysis technique. Based on the results of the study it is known that traffic accidents as an event that often occurs are caused by several factors including the human factor which is the most dominant cause of traffic accidents. Vehicle factors due to vehicles that are not feasible to run. The road factor is due to the bad condition of the road. Environmental/weather factors are not the power or will of man himself but are circumstances that are difficult to prevent such as heavy rain or visibility covered by thick fog. The Criminal Liability of Drivers of Vehicles Causing Traffic Accidents starting from the stages of investigation, prosecution to court proceedings is almost the same as the legal process in the Criminal Procedure Code.*

Keywords: Driver; Liability; Negligence; Traffic.

1. Introduction

Indonesia is a constitutional state where the state whose administration of power is based on law. In a rule of law state, the power to run the government is based on the rule of law (rule of law) and aims to carry out legal order. According to Logemann, a rule of law is a social organization that aims with its power to regulate

and organize a society. While the law according to Achmad Ali¹namely "a set of rules or standards arranged in a system that determines what can and cannot be done by humans as citizens in their social life". Thus in a rule of law state, state power is based on law, not mere power and state government is based on a constitution that understands constitutionalism, without this it is difficult as a rule of law country

Indonesia which is a state based on law has been clearly stated in the 1945 Constitution of the Republic of Indonesia after the amendment to Article 1 paragraph (3) which states that "the state of Indonesia is based on law (rechtstaat). It is not based on mere power (machtstaat), is not absolutism (unlimited power)", so that the law and all its supporters are the basis and framework for the process of administering the life of the nation and state. To achieve the goals of the state, it is necessary to improve order and legal certainty. In increasing order and legal certainty starting from increasing order and legal certainty in terms of orderly traffic.

The development carried out by Indonesia is development in all fields which is a part of the modernization process to create prosperity and peace for the people of Indonesia. Of course, the current development has its advantages and disadvantages and one of the most frequent drawbacks is the high level of congestion during rush hour. Congestion is one of the negative impacts of the increasingly advanced development, especially in the field of motorized vehicle production, which in turn causes more and more confusing road traffic, this is due to the incomparability of the number of vehicles and the number of roads, in the end, road users will be increasingly uncomfortable.

The condition of road traffic in Indonesia today is still quite apprehensive, especially in big cities. We often encounter traffic jams and violations on a daily basis as well as victims of traffic accidents which are still relatively high. The human factor has the biggest contribution as a cause of the above conditions compared to other causal factors, namely road factors, vehicle factors, natural factors.²The low level of discipline and understanding of traffic rules and courtesy of road users is something that needs special attention in its efforts to solve traffic problems.

Based on Article 3 of Act No. 14 of 1992 as amended by Act No. 22 of 2009 concerning Road Traffic and Transportation it is stated that: "road transportation is organized with the aim of realizing road traffic and transportation in a safe, secure, fast, smooth, orderly, orderly and comfortable and efficient, capable of integrating other modes of transportation, reaching all corners of the mainland,

¹Ahmad Ali. 2002. *Revealing the Law, (A Philosophical and Sociological Study)*. PT. Gunung Agung Shop Tbl. Jakarta. h 30

²Junaedi Maskat, 1998, *Knowledge of Traffic Practices on Highways*, CV Sibaya, Bandung, p. 5

to support equity, growth and stability as a driver, driver and supporter of national development at a cost that is affordable to the people's purchasing power. To achieve this goal is inseparable from the role of the police apparatus in helping smooth traffic and imposing strict penalties on traffic violations.

Traffic in Act No. 22 of 2009 concerning road traffic and transportation is defined as the movement of vehicles and people in the road traffic space, while what is meant by road traffic space is infrastructure designated for the movement of vehicles, people, and/or or goods in the form of roads and supporting facilities. The government has the goal of realizing safe, secure, fast, smooth, orderly and orderly, comfortable and efficient road traffic and transportation through traffic management and traffic engineering³, but with the increasing number of motorized vehicles, increasing the level of problems that exist in traffic. Traffic jams and accidents are problems that have yet to be resolved, in fact the number of traffic jams and accidents is increasing.

Traffic accidents do not happen because there is an intention from the perpetrator, but generally because of the driver's negligence and lack of discipline when driving on the road. In a legal review to declare a driver or someone guilty, it must consider the issue of criminal liability related to the fault of a driver who because of his negligence causes a traffic accident, let alone causes the death of another person. The error referred to here is an error caused by intention (intention/opzet/dolus) and negligence (negligence or schuld).⁴

Discomfort for road users in their activities has a very large impact, namely an increasing psychological burden, which can cause prolonged stress and ultimately lead to negligence or negligence in carrying out their obligations as road users which of course can be detrimental to themselves and others.

Negligence or negligence itself can be avoided by upholding and complying with legal provisions, this is based on that Indonesia is a rule of law where its citizens are subject to and obey the rules that apply. The high rate of traffic accidents (lakalantas) itself occurs from a lack of public awareness, in this case motorized vehicle drivers, with various factors attached to them, for example in terms of physical fitness, mental readiness when the driver is tired, the influence of alcohol and illegal drugs. . The condition of the driver's unpreparedness opens up a great opportunity for a serious accident to occur as well as endangering the safety of other road users. Being careless, sleepy, unskilled, tired, not keeping their

³Novia Kusumastuti IP and Astri Dyah Utami, Criminal Liability of Public Transport Companies in Traffic Accidents Causing Victims of Injury and Death, Journal of the Faculty of Law, Universitas Sebelas Maret Surakarta Recidive Volume 3 No. 1 January- April 2014, p 2, <https://jurnal.uns.ac.id/recidive/article/download/40474/26675> accessed on 31/10/2022. 14.00 WIB

⁴Leden Marpaung, 2005, Principles of Theory of Criminal Law Practice, Sinar Graphic, Jakarta, p.9

distance, going too fast are examples of driver errors in general.

In relation to the carelessness of road users, according to Wirjono Prodjodikoro stated that car driver errors can often be concluded by using traffic rules, for example, he did not give a sign to turn, or he did not drive the car in the left lane, or at an intersection he did not give priority to other vehicles coming from the left, or driving the car too fast beyond the speed limit specified in the road signs in question.⁵The statement above, the existence of an accident is a factor of human error. The driver's fault is the lack of caution and negligence in driving the vehicle. The examples of cases that occurred in the Majalengka Regency, West Java are as follows:

On August 21, 2022, An elf bus for passengers traveling from Bandung to Majalengka. Hitting the back of a container truck that was in front of it, on the village road of Sinar Jati, Dawuan sub-district, Majalengka district, West Java, Saturday afternoon. As a result of the accident, the elf driver and a number of passengers were injured. The elf bus vehicle was badly damaged at the front after hitting the part of the truck in front of it. The elf bus accident with a container truck occurred when the elf bus was traveling from Bandung to Majalengka and was suspected of being a reckless driver. As a result, the elf vehicle that required passengers hit the container truck in front of it. In addition, as a result of the incident, the elf driver and a number of passengers were injured and had to be rushed to the hospital to get help. Meanwhile, As a result of the accident, the route from Bandung to Majalengka experienced a traffic jam. The accident case is now being handled by the Majalengka Police Laka Unit.

The example of the case above is an illustration of the behavior or behavior of the driver, in order to determine whether criminal law can play a role or not, that is by constructing a relationship between the behavior and the causes and effects that occur and so on, determine the relationship between the resulting behavior and the nature of the violation of the law. Finally, a relationship is needed between the behavior that results in an unlawful incident and criminal responsibility whose implementation is according to the provisions of criminal law.

Based on the description above, the author is interested in creating a scientific paper with the title "Criminal Responsibility for Negligence of Drivers of Motorized Vehicles Causing Traffic Accidents in the Legal Area of the Majalengka Police"

Research related to the problem causing a traffic accident Previously it had been carried out by other researchers, but there were still substantial differences from this study. The research that is almost the same as this research is research that was carried out by INDRA JAYA SYAFPUPTRA, on a thesis at the Sultan Agung Islamic

⁵Wirjono Prodjodikoro, 2003 Certain Criminal Acts in Indonesia, Refika Aditama, Bandung, p 81.

University Semarang in 2021, which is the Implementation of Restorative Justice in Settlement of Traffic Accident Cases in the Legal Area of the Rembang Police⁶,

The research conducted by Indra Jaya Syafputra, discusses Restorative Justice in the Settlement of Traffic Accident Cases and concludes that the implementation of restorative justice in the settlement of traffic accident cases in the jurisdiction of the Rembang Police is in accordance with the provisions of laws and regulations, especially Article 12 Perkap Polri Number 6 of 2019 This is an embodiment of law that functions to solve problems that arise in society, in which investigators have thought and acted progressively by not applying textual regulations but making breakthroughs by resolving cases through restorative justice.

Look at the object or scope of the research Indra Jaya Syafputra, there are similarities and differences with this research. The equation is Traffic accident, while the difference is that the research focus of Indra Jaya Syafputra, focuses on studies on solving cases through restorative justice, while the object (focus) of this research is the factors that cause traffic accidents and when traffic accidents occur. One of the parties was not satisfied with the investigation at the police level. Then the aggrieved party continues the case to court, so that the aggrieved party gets justice in law. The purpose of this research is to know and analyze factors that cause traffic accidents due to negligence of motorized vehicle drivers in the Majalengka Police Legal Area and to know and analyze Criminal liability for the negligence of motorized vehicle drivers resulting in accidents in the Majalengka Police Legal area.

2. Research Methods

The approach used in this study is empirical juridical, namely a combined methodology between normative approaches to statutory provisions and various legal aspects with an empirical approach, namely application in the implementation stage in the field or commonly known as socio legal research.⁷In addition, it also explains the legality of legal principles and legal aspects relating to criminal liability for the negligence of motorized vehicle drivers which result in traffic accidents. The specification of this research uses descriptive analysis, namely research that describes the applicable laws and regulations associated with positive legal theories concerning the problems being studied.⁸Source of data comes from primary data and secondary data. Data collection methods include interviews, document studies or library materials. The data analysis method used

⁶Indra Jaya Syafputra, Implementation of Restorative Justice in Settlement of Traffic Accident Cases in the Legal Area of the Rembang Police Resort Thesis, Masters Program (S2) in Law Studies Postgraduate Program at Sultan Agung Islamic University Semarang 2021

⁷Peter Mahmud Marzuki, Legal Research, Pranada media Group, Jakarta, 2009, p. 87.

⁸Rony Hanitijo Soemitro, 2013. Legal and Jurimetric Research Methodology. Ghalia Indonesia, Jakarta. p. 11.

in analyzing the data is a qualitative analysis technique.

3. Research and Discussion

3.1. Factors that cause traffic accidents due to negligence of motorized vehicle drivers in the Majalengka Police Legal Area

Humans in social life, basically have certain views about what is good and what is bad. These views are always embodied in certain pairs, for example, there are pairs of order values with peace values, pairs of public interest values with private interests values, pairs of sustainability values with innovation values, and so on. In law enforcement, these pairs of values need to be harmonized. The harmonized pair of values requires a more concrete elaboration, because values are usually abstract in nature.⁹A more concrete description occurs in the form of rules, in this case legal rules, which may contain orders, prohibitions or permissibility. These rules become guidelines or benchmarks for behavior or attitudes that are considered appropriate, or what should be. This behavior or attitude aims to create, maintain, and maintain peace. Such is the concretization of conceptual law enforcement.¹⁰

Law enforcement as a process is essentially the exercise of discretion which involves making decisions that are not strictly regulated by the rule of law, but have an element of personal judgement. By quoting Roscoe Pound's opinion, LaFavre stated that in essence, discretion is between law and morality (ethics in the narrow sense). On the basis of this description, it can be said that disruption to law enforcement may occur if there is a mismatch between the "trinity" of values, norms and patterns of behavior. The disturbance occurs when there is a mismatch between paired values, which manifests itself in conflicting rules, and patterns of behavior that are not directed which disturb the peace of social life.¹¹Therefore it can be said that law enforcement does not merely mean the implementation of legislation, even though in reality in Indonesia the tendency is this way, so that the notion of law enforcement is very popular. In addition, there is a strong tendency to interpret law enforcement as implementing judges' decisions. These factors have a neutral meaning, so that the positive or negative impact lies in the content of these factors. These factors are as follows:¹²

⁹Lakoro, A., Badu, L., & Achir, N. 2020. Weak Police in Handling Online Togel Gambling Crimes. *Journal of Legality*, Vol 13, No 01, p 3, <https://ejournal.ung.ac.id/index.php/JL/article/view/7304>, accessed on 21/01/2023 at 19.50 WIB

¹⁰Soerjono Soekanto, 2016, *Factors Influencing Law Enforcement*, Ed. 1, Cet. 14, Rajawali Press, Jakarta, p. 5-6

¹¹*Ibid.*, p. 7

¹²*Ibid*

- a. The legal factor itself. The purpose of the law itself as a law enforcement factor is because the law functions as justice, certainty and expediency. In the practice of administering law in the field there are times when there is a conflict between legal certainty and justice. Legal certainty is concrete in nature, whereas justice in legal certainty is concrete in nature, while justice is abstract.¹³
- b. Law enforcer. Law enforcers are a group of role models in society, who should have certain abilities, in accordance with the aspirations of the community. They must be able to communicate and gain understanding from the target group, besides being able to carry out or carry out roles that are acceptable to them. The purpose of law enforcement as a law enforcement factor is that in the functioning of the law, the mentality or personality of law enforcement officers plays an important role, if the regulations are good, but the quality of the officers is not good, there are problems. Law enforcement is considered as one of the inhibiting factors in the settlement of criminal cases because sometimes there is disharmony between investigators and public prosecutors, so that in carrying out their duties misunderstandings often occur between the two agencies,
- c. Facilities and Facilities The existing facilities in Indonesia are admittedly still quite behind when compared to developed countries which have complete facilities and sophisticated technology in helping enforce the law. According to Soejono, Soekanto and Mustafa once argued that how can the police work properly, if they are not equipped with vehicles and communication tools that are proportional. Therefore, facilities or facilities have a very important role in law enforcement. Without these means or facilities, it will not be possible for law enforcers to harmonize their supposed roles with their actual roles.
- d. The community in this case is a factor that influences the effectiveness of law. If the community is not aware of the law and/or does not comply with the law, there will be no effectiveness. Legal awareness is an abstract conception within human beings, regarding the harmony between the desired order and peace with the establishment of law, the formation of law, and the effectiveness of law. Legal awareness is the awareness or values expected from the law
- e. Culture has a very large function for humans and society, namely to regulate so that humans can understand how they should act, act and determine attitudes when they relate to other people. Thus, culture is a

¹³Ahmad, A. 2021. Purification of Granting Amnesty and Abolition: An Effort to Improve the 1945 Constitution. *Ius Civile: Reflections on Law Enforcement and Justice*, Vol 5, No 2. [http://jurnal.utu.ac.id/jcivile/article /view/2547](http://jurnal.utu.ac.id/jcivile/article/view/2547), accessed on 21/01/2023 at 19.50 WIB

basic line of behavior that determines the exchange of what must be done and what must not be done or prohibited.

According to Soerjono Soekanto's view of law enforcement theory, among the five factors, they must be interrelated with one another. This is because the high and low degree of legal compliance with written positive law is determined based on the following factors:¹⁴

- a. Knowledge of regulations
Knowledge of the rules is one's knowledge of some behavior regulated by law. This knowledge is related to behavior that is prohibited or permitted by law.¹⁵
- b. Legal understanding
Legal understanding is the amount of information that is owned by a person regarding the contents of the regulations of a particular law or an understanding of the contents and objectives of a regulation in a particular law, written or unwritten and its benefits for the parties whose lives are regulated by the regulation.¹⁶
- c. Legal stance
Legal attitude is a tendency to accept law because of respect for law as something useful or profitable if the law is obeyed.¹⁷
- d. Patterns of legal behavior
The pattern of legal behavior is the main thing in legal awareness because here one can see whether a rule applies or not in society

Legal compliance is generally associated with legal awareness. Wijaya argues that legal awareness is a condition where there are no clashes in life in society, people in a balanced, harmonious and harmonious life. Legal awareness is accepted as coercion, even though there are restraints from outside the human self or society itself in the form of legislation.¹⁸

Besides that, Paul Scholten explained that legal awareness is the awareness that exists in every human being about what law is, a certain category of our psychological life with which we distinguish between law and not law between what should be done and what should not be done.¹⁹ There are many factors that influence the occurrence of road traffic accidents every year. These factors include the existence of an instant society paradigm of thinking in modern times, the fading of sensitivity in driving, and the lack of driving etiquette for order, mutual respect, mutual respect, resulting in a deeper sense of ownership of something. If

¹⁴Musalam Abdurrahman, 2006, TKI Disobedience, UMM press, Malang, p. 49.

¹⁵Ibid.

¹⁶Ibid., p. 50

¹⁷Ibid., p. 51

¹⁸Widjaya. 1984. Awareness of Human Law and Pancasila Man. Private Era. Jakarta. p. 14.

¹⁹Martokusumo. 1986. Knowing the Law of an Introduction. Yogyakarta. liberty. p. 57.

you look at the causes of traffic accidents that have been grouped into the four previous elements where the factors above have a quality or causal relationship that are interrelated with one another.

Traffic accidents according to Article 1 point 24 of Law no. 22 of 2009 concerning road traffic and transportation (UULLAJ) is an incident on the road that is unexpected and unintentional involving vehicles or other road users which results in human casualties and loss of property.²⁰

The occurrence of traffic accidents is influenced by several factors. These factors seem to work together as a cause of traffic accidents. It becomes even more so when the humans themselves are seen to be not so concerned with the safety of their lives as evidenced by the many reckless motorists without wearing helmets or car drivers who underestimate the usefulness of seat belts.

The various factors that cause traffic accidents that result in injury or death include:²¹

a. human factor.

The human factor is the most dominant factor. Almost all traffic accidents are preceded by traffic violations. Violations can occur due to intentional violations, ignorance of the meaning of the applicable rules or not seeing the provisions that apply or pretending not to know. The occurrence of traffic accidents due to negligence comes from the inner attitude of a vehicle driver, in this case accidents can also occur because the driver of the vehicle while driving the vehicle is drowsy or sick, is under the influence of alcohol so that it often causes traffic accidents.

b. vehicle factor.

Vehicle factors that often haunt traffic accidents are the function of the brakes and the condition of the tires. These factors include:

1) brake function.

Failure or slip brakes will definitely make the vehicle go out of control and it will be difficult to slow down. Especially on cars with automatic transmissions that only control the brakes without the engine brake. We recommend that you always check the braking system before traveling.

2) tire condition.

he danger is that the vehicle is difficult to control, the vehicle may roll and overturn due to the difference in the height of the vehicle due to a

²⁰Agio V. Sangki, *Criminal Responsibility of Drivers of Vehicles Causing Death in Traffic Accidents*, *Jurnsl Lex Crimen*, Faculty of Law, University of Sam Ratulangi, Manado. Vol.1/No.1/Jan-Mrt/2012, p.35

²¹Ibid

blown tire. Moreover, when driving at a high enough speed, it is not uncommon to cause traffic accidents.

The most frequent vehicle factor is negligence in the maintenance carried out on the vehicle, to reduce the vehicle factor vehicle maintenance and repair is needed, besides that there is an obligation to carry out regular motor vehicle tests. Factors in this vehicle include the brakes not working well, the steering gear not working well, the tires/wheels in poor condition, the axles broken, the vehicle not complying with lighting regulations, using lights that dazzle other vehicle drivers.

3) Road factor.

Road factors also play an important role in the occurrence of an accident. Uncertain road conditions such as potholes can cause accidents for road users, especially motorized vehicles. In addition, winding road conditions such as road conditions in mountainous areas, dark roads at night or lack of street lighting, in this case, often cause accidents. Road factors are related to road design speed, road geometry, safety fences in mountainous areas, whether there is a road median, visibility and road surface conditions. Damaged/potholed roads are very dangerous for road users, especially for cyclists and bicycle users.

4) Environmental factor.

This factor, especially in dark weather at night can affect the visibility of vehicle drivers in driving their vehicles so that accidents often occur. In the dusty dry season it is also dangerous for road users, especially two-wheeled vehicles. In dusty conditions, the concentration of the driver's eyes is reduced, causing an accident. The road is slippery when it rains, both two-wheeled and four-wheeled drivers often slip or skid, this causes the vehicle driver to lose control resulting in an accident. Thick fog can trick the eye as if there are no oncoming vehicles due to limited visibility, this can result in traffic accidents. Smoke and fog can also interfere with visibility, especially in mountainous areas.

Among these factors the human factor is the most decisive factor. This happens because of the driver's carelessness or negligence in driving his vehicle, the driver's carelessness often causes traffic accidents that result in death. Almost all accidents are preceded by a violation of traffic signs. Violations can occur due to intentional violations, ignorance of the meaning of the applicable rules or not seeing the provisions that apply or pretending not to know. The violation is committed by 2 (two) parties in traffic, namely the driver and pedestrians/other road users. It is this driver factor that commits a lot of violations causing traffic accidents. These violations include the driver not giving priority to road users who must take precedence, people who want to cross, when leaving the yard/field to

enter the main road, traffic from in front of him when turning right, traffic behind him when turning right, tram/train at the intersection. The driver when overtaking does not move to the right enough, the view is obstructed/not clear, when overtaking is at a corner, overtakes/overtakes from the left, overtakes from a prohibited place, overtakes a tram that stops on the Then lane next to a drop off/ascension where there is no control strip on that side. The driver, when preceded, increases speed, not enough to move to the left. The driver does not signal when turning left, when turning right, when reducing speed, when will stop. Speed exceeded the speed limit, too fast for local traffic conditions, too slow for local traffic conditions. When following another vehicle, do not pay attention to the distance. Incorrect use of the road: walking on the right side of the road for no reason, using a path other than the one specified. Wrong departure from the parking lot. Parking violations: parking is diverted/turned, parking at intersections/blocks, violating parking prohibition signs. Violation of traffic signs, traffic lights, traffic markings: failure to slow down, negligence of traffic signs (stop and go signs), ignoring flashing yellow lights, leaving the lane line before it is safe, ignoring train doorstops, violating stop line sign. Violation of pedestrians: not giving Voorang to pedestrians at intersections regulated by lights, not paying attention to and respecting pedestrians. Condition of the driver: poor health condition, too tired and sleepy, drunk, drinking alcohol/drugs not to get drunk, poor eyesight/hearing. Miscellaneous driver mistakes: ignoring police officers, skidding. Violations committed by pedestrians/other road users include being careless when crossing at intersections, not being careful when crossing not at intersections, ignoring pedestrian control lights, walking in the lane and then going fast and not crossing, playing/playing lie down in fast-traffic lanes, walk in fast-traffic lanes, walk where sidewalks are provided, and get on/off moving vehicles.

Article 229 UULLAJ classifies various types of accidents namely:

- 1) Traffic accidents are classified into:
 - a. Minor traffic accident;
 - b. Moderate traffic accident; or
 - c. Heavy traffic accident.
- 2) Minor traffic accidents as referred to in paragraph (1) letter a are accidents that result in damage to vehicles and/or goods.
- 3) Moderate traffic accidents as referred to in paragraph (1) letter b are accidents that result in minor injuries and damage to vehicles and/or goods.
- 4) Heavy traffic accidents as referred to in paragraph (1) letter c are accidents that result in death or serious injury.

- 5) Traffic accidents as referred to in paragraph (1) can be caused by road user negligence, vehicle unworthiness, and road and/or environmental unworthiness.

Errors of vehicle drivers can often be concluded not using traffic rules. For example, he doesn't give a signal to turn, or he doesn't drive in the left lane, or at an intersection he doesn't give priority to other vehicles coming from the left, or he drives the car too fast beyond the speed limit specified in traffic signs.²²The existence of an accident is a factor of driver error in the absence of a sense of caution and negligence in driving the vehicle. The mistake of the driver of the vehicle who made a mistake which resulted in injury can be said that the person has committed a crime.

In this regard, the element of negligence plays an important role, the problems of negligence in the Criminal Code (KUHPidana) have been regulated in Chapter XXI of book II, which starts from Article 359 to Article 361 of the Criminal Code.

Criminal sanctions for vehicle drivers whose negligence causes death are regulated in Article 359 of the Criminal Code, namely: "Whoever because of his negligence causes the death of another person is threatened with imprisonment for a maximum of five years or imprisonment for a maximum of one year". In addition, if due to negligence causes injury, he can be subject to criminal sanctions regulated in the Criminal Code Article 360 paragraph (1) which reads "Whoever because of his negligence causes other people to receive serious injuries, is punishable by imprisonment for a maximum of five years or light imprisonment one year at the most" and paragraph (2) which reads "Whoever because of his negligence causes another person to be injured in such a way as to cause illness or obstruction to carry out work, position or search for a certain time,

R. Soesilo in his explanation said that: "His negligence caused another person to be seriously injured or injured here was not meant at all by the defendant, but the injury was only the result of the defendant's negligence or negligence".²³Thus, it is the driver of the vehicle who is the perpetrator of the crime of a traffic accident which results in serious injury because the action taken is against the law. This unlawful nature shows the error of the driver of the vehicle in the form of negligence/negligence or in other words the action is disgraceful and the perpetrator is aware of the action he has taken.

According to the description in Article 360 of the Criminal Code, it can be concluded that due to negligence causing another person to be seriously injured

²²Wirjono Prodjodikoro, *Certain Criminal Acts in ...Op.Cit*, p. 80

²³R. Soesilo, *The Criminal Code (KUHP) and its Complete Commentary Article by Article*, Politea Bogor, 1988, h, 248

or injured so that person becomes temporarily ill or temporarily unable to carry out his position or work, and the criminal sanction is imprisonment for a maximum of nine months or imprisonment for a maximum of six months or a fine of up to Rp. 4,500.

UULLAJ contains high criminal provisions, including articles related to traffic accidents that result in serious injuries, namely Article 310 paragraph (3) which stipulates that every person driving a motorized vehicle due to his negligence results in a traffic accident with the victim being seriously injured as referred to with Article 229 paragraph (4), shall be punished with imprisonment for a maximum of 5 (five) years and/or a fine of up to Rp. 10,000,000.00 (ten million rupiah). Meanwhile, paragraph (4) in the case of an accident as referred to in paragraph (3) which results in the death of another person, shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp. 12,000,000.00 (twelve million rupiah). Unlike Article 311 (UULLAJ), namely:

- (1). Anyone who deliberately drives a motorized vehicle in a manner or condition that endangers life or property is subject to imprisonment for a maximum of 1 (one) year or a fine of up to Rp. 3,000,000.00 (three million rupiah)
- (2). In the event that the act as referred to in paragraph (1) results in a traffic accident with damage to the vehicle and/or goods as referred to in Article 229 paragraph (2), the offender may be punished with imprisonment for a maximum of 2 (two) years or a fine of up to Rp. 4,000,000.00 (four million rupiah)
- (3). In the event that the act as referred to in paragraph (1) results in a traffic accident resulting in a minor injury to the victim and damage to the vehicle and/or goods as referred to in Article 229 paragraph (3), the offender shall be punished with imprisonment for a maximum of 4 (four) years or a fine of up to a lot of Rp. 8,000,000.00 (eight million rupiah).
- (4). In the event that the act as referred to in paragraph (1) results in a traffic accident and the victim is seriously injured as referred to in Article 229 paragraph (4), the offender shall be subject to imprisonment for a maximum of 10 (ten) years or a fine of up to Rp. 20,000,000.00 (twenty million rupiah)
- (5). In the event that the act referred to in paragraph (4) results in the death of another person, the offender shall be subject to imprisonment for a maximum of 12 (twelve) years or a fine of up to Rp. 24,000,000.00 (twenty four million rupiah).

Drivers of vehicles involved in traffic accidents as stipulated in Article 231 of Law no. 22 of 2009 concerning traffic and road collection, namely:

- a. Motorized Vehicle Drivers involved in Traffic Accidents, must:
 - 1) Stop the Vehicle he is driving
 - 2) Provide assistance to victims;
 - 3) Report the accident to the nearest Indonesian National Police; And
 - 4) Provide information related to the accident.
- b. Motorized Vehicle Drivers, who due to forced circumstances are unable to carry out the provisions referred to in paragraph (1) letter a and letter b, immediately report themselves to the nearest Indonesian National Police.

Due to forced circumstances, vehicle drivers are sometimes unable to stop the vehicle or provide assistance to the victim when a traffic accident occurs. In this case, the forced situation means that the situation in the environment at the accident site can threaten the safety of the vehicle driver, especially from the mass rage and the condition of the vehicle driver who is not powerless to help.

Driver negligence is something that is difficult to avoid, but you should always be vigilant when driving a vehicle by limiting things that can lead to traffic accidents. Thus the driver of a vehicle that commits a traffic accident crime resulting in serious injury is threatened with imprisonment for a maximum of 5 (five) years and/or a fine of up to Rp. 10,000,000.00 (ten million rupiah).

With the application of Article 360 of the Criminal Code, all elements of Article 360 of the Criminal Code must be proven in court. Although it must be admitted that proving this is not an easy matter, it is often an obstacle in convicting traffic accident perpetrators, in this case the vehicle driver.

Article 184 paragraph (1) of the Criminal Procedure Code stipulates that valid evidence is witness testimony, expert testimony, letters, instructions and statements of the accused. And to determine whether a person can be sentenced to a criminal sentence, there are at least two valid pieces of evidence (Article 183 of the Criminal Procedure Code). Specifically for traffic accident crimes, with the provision of Article 183 of the Criminal Code, it will be easier to prosecute the perpetrators. Therefore, in order to be able to convict the criminal act of a traffic accident which resulted in serious injury in Article 360 of the Indonesian Criminal Code, carefulness is required, including witnesses, in this case issuing statements about the condition of the victim and information about the occurrence of an accident which resulted in serious injury. So that the testimony of witnesses in cases of criminal acts of traffic accidents makes it easier for the police to examine cases more quickly and immediately transfer the case to the prosecutor's office. Juridically, we know that Article 360 of the Criminal Code, which carries a maximum penalty of five years, has encouraged vehicle drivers not to be afraid of committing criminal acts of traffic accidents that result in serious injuries, so many accidents have occurred in the last few decades. . Thus, the criminal responsibility

of a vehicle driver who causes serious injury in Article 360 of the Criminal Code is a maximum of five years in prison, if the act fulfills all the elements of the article, or in other words all the elements of Article 360 of the Indonesian Criminal Code. -Criminal Law namely:

The maximum penalty for imprisonment is five years or one year's imprisonment in Article 360 of the Indonesian Criminal Code, which greatly disappoints the public, especially the victim's family, because judges often sentence defendants too lightly, for example the defendant was only sentenced to one year's imprisonment. , so that the defendant does not become deterrent and the drivers of other vehicles do not become afraid and are not more careful in driving their vehicles so that there are still many traffic accidents that result in injuries to death. As in cases involving traffic accident crimes that resulted in injuries and deaths that have not been examined at the court level, a driver of a vehicle was once sentenced to eight months in prison.

Even though legally, the criminal act of a traffic accident which results in serious injury in Article 360 of the Criminal Code with a maximum penalty of imprisonment for a maximum of five years or imprisonment for a maximum of one year is intended to prevent the occurrence of a criminal act of a traffic accident and will cause psychological pressure on the victims. drivers of other vehicles to be afraid of committing traffic accident crimes, but because traffic accident cases that result in serious injuries have been regulated in the LLAJ Law as special regulations, the public prosecutor in his indictment and the Panel of Judges tried by applying the provisions in Article 310 paragraph (4) of the LLAJ Law with a maximum penalty of 6 (six) years, and not Article 360 in the Criminal Code.

The occurrence of a traffic accident that causes serious injury is generally not intentional and there is an element of negligence. Therefore, the perpetrators and the victims' families are usually aware of each other so that in resolving cases they choose out of court or by peaceful means. So in summary the form of settlement of traffic cases outside the court in an amicable way means that the perpetrator and the victim's family agree after holding deliberations to resolve the case amicably.

The traffic police as investigators in handling traffic accident cases must first look at the causes of the traffic accident, so that whether or not the case can be resolved out of court or must go through court. The police in determining these criteria must have a special expertise base in the field of traffic because the police in handling these cases must be able to resolve them properly and fairly. As for this matter, it is directly related to the way to solve it.

Every traffic case that causes a victim to be seriously injured is in principle a criminal case and must be resolved through the courts. However, in practice,

traffic accident crimes can also be resolved out of court. What is meant by settlement outside the courtroom is the settlement of cases in a family manner, namely between the perpetrator and the victim's family to make peace. In daily practice, the police as investigators, especially in dealing with traffic cases that cause injuries or death to other people, can accept that the settlement is carried out out of court even though the case is considered an ordinary offense. This arises because the law cannot accommodate all the actions that exist in society.

Customary law is often better able to meet the needs of society. Settlement of cases peacefully in cases of road traffic crimes resulting in the death or serious injury of the victim is legally deemed to be contrary to the provisions of criminal law and criminal procedure law. However, investigators and prosecutors tend to accept an amicable settlement between the maker and the victim or the victim's family²⁴An example of a case that occurred in the Majalengka Regency area of West Java occurred on August 21, 2022, an elf bus that required passengers to travel from Bandung to Majalengka. Hitting the back of a container truck that was in front of it, on the village road of Sinar Jati, Dawuan sub-district, Majalengka district, West Java, Saturday afternoon. As a result of the accident, the elf driver and a number of passengers were injured. The elf bus vehicle was badly damaged at the front after hitting the part of the truck in front of it. The elf bus accident with a container truck occurred when the elf bus was traveling from Bandung to Majalengka, allegedly being a reckless driver. As a result, the elf vehicle that required passengers hit the container truck in front of it. Besides that, As a result of this incident the elf driver and a number of passengers were injured and had to be rushed to the hospital to get help. Meanwhile, due to the accident, the route from Bandung to Majalengka experienced a traffic jam. The accident case is now being handled by the Majalengka Police Laka Unit.

Disasters are events that cannot be avoided but can be minimized, one of which is a traffic accident. Every human being certainly does not want bad things to happen to him. Often we hear about and know about traffic accidents, so we should be more alert and careful when driving. However, there are still many motorists who do not pay attention to their own safety. The occurrence of accidents in traffic can be caused by several factors, including human factors, vehicles, weather and road conditions

Traffic accidents are generally carried out by drivers as stated by Wirjono

²⁴Muhammad Ridwan Lubis . Accountability of Traffic Crime Perpetrators Causing Victims to Die Due to Negligence, Jurnal Hukum Rule h 109 [Vol 17, No 2 \(2018\)](https://journal.uisu.ac.id/index.php/jhk/article/view/357) <https://journal.uisu.ac.id/index.php/jhk/article/view/357>, accessed on 21/01/2023 at 19.50 WIB

Prodjodikoro:²⁵

"Car driver errors can often be inferred by using traffic rules. For example, he doesn't give a sign to turn, or he doesn't drive in the left lane, or at an intersection he doesn't give priority to other vehicles coming from the left, or he drives the car too fast beyond the speed limit specified in road signs".

The statement above shows that many accidents are caused by human errors. The driver's mistake is not being careful and negligent in driving his vehicle. If one of these traffic rule violations occurs, it is easy to presume that there is a culpa, if the vehicle then hits another vehicle or a person with the result that someone is seriously injured or dies. In the traffic regulations there is also a separate crime in the form of endangering traffic, such as high speed and so on. Traffic conditions on the highway, road users have the desire to use the highway in an orderly and safe manner. However, the presence of various distractions hinders the goal of using the road in an orderly and peaceful manner.

Usually traffic accidents are partly caused by human behavior itself which deviates from the rules formulated by humans.²⁶Running a vehicle at a speed that exceeds the maximum limit as permitted by regulations or signs, transporting passengers outside or the terminal specified by regulations, overtaking other vehicles that ask to overtake and so on is a violation of traffic rules and all of that depends on factors the human being who plays a role in the vehicle with his position as the driver. In a criminal case, sanctions are imposed in a judicial process, while the authority for this is the judge. But there are legal developments that demand attention, they are not the same as other criminal law violations that must be sanctioned, but there are other ways, for example by making peace. This occurs in cases of traffic accidents.

3.2. Criminal liability for the negligence of motorized vehicle drivers resulting in accidents in the Majalengka Police Legal area

Traffic accidents are events that are not wanted by everyone but as a person cannot avoid these incidents. Traffic accidents can occur due to someone's negligence or because of the conditions around them. An accident can cause fatalities or damage to public facilities and traffic accidents also do not cause casualties or damage to public facilities or are often referred to as single accidents. In a traffic accident there must be material loss for someone or the government. Any person who causes harm to another person must be responsible for

²⁵Wirjono Prodjodikoro, 2003, *Certain Criminal Acts in Indonesia*, Bandung, Refika Aditama, p. 81.

²⁶Soerjono Soekanto, 1990, *Police and Traffic (Analysis According to Legal Sociology)*, Mandar Maju, Bandung, p. 4-5

compensating for the loss caused by his actions²⁷.

Talking about criminal responsibility, it cannot be separated from criminal acts. Even though in the sense of a crime it does not include the problem of criminal responsibility. Criminal acts only refer to the prohibition of an act. The basis for the existence of a crime is the principle of legality, while the basis for the punishment of the maker is the principle of error. This means that the perpetrator of a crime will only be punished if he has a fault in committing the crime.

Based on this, Sudarto, also stated the same thing, that: "A person's sentence is not enough if that person has committed an act that is against the law or unlawful. So even though the act fulfills the element of offense in the law and is not justified (an objective breach of a provision panel), it does not yet meet the requirements for a criminal imposition. For punishment there is still a need for conditions, that the person who committed the act has guilt or guilt (subjective guilt).²⁸In other words, the person must be accountable for his actions or when viewed from the point of view of his actions, new actions can be accounted for to that person.

A person who has committed a crime is considered to have made a mistake if there are elements including: the ability to be responsible for the maker, meaning that the maker's mental state must be normal, the maker's inner relationship with his actions, which is intentional or negligent, there is no reason to erase the mistake or no excuses. If these three elements are present, then the person who commits an act (criminal act) can be found guilty, so that he can be sentenced to a sentence. Basically people think and act consciously. In the cupoos delict, the maker's awareness is not running properly and if the result is something that is not wanted by the legislators, then what is called conscious negligence and unconscious negligence can occur. In conscious neglect, the maker can be aware of what is being done and its consequences, but he believes and hopes that the consequences will not occur. This is known as gross negligence. Whereas unconscious negligence, the maker does something that is not aware of the possibility that something will arise as a result when he should have been able to foresee it. This is known as mild negligence.

A traffic accident is an unexpected and unintentional road event involving a vehicle with or without other road users, resulting in human casualties or property loss. This definition provides clarity that planned or intentional road accidents will have different legal consequences from accidents that do not contain an element of intent. Meanwhile, based on Article 1 of Law no. 22 of 2009 concerning Road

²⁷Ramadhani Ardiyanto, Responsibilities of Traffic Accidents Causing Damage to Public Facilities (Case Study at the Klaten Police), Thesis Parogram Study of Law Faculty of Law, University of Muhammadiyah Surakarta 2018, p 6

²⁸Sudarto, Criminal Law I, Agency ...Op.Cit, p, 85.

Traffic and Transportation Traffic accidents are unexpected and unintentional road events involving vehicles with or without other road users resulting in human casualties and/or property loss.²⁹

Traffic accidents generally do not occur due to a single cause. There are a number of things that can simultaneously contribute to an accident. Environmental conditions often influence the type and severity of accidents. Environmental conditions that may affect: weather (sunny, rainy, cloudy, foggy, snowy), lighting (bright, dark, dusty, street lights), road surface (dry, wet, snowy, icy)

Traffic accidents in the LLAJ Law are classified into 3, first, minor traffic accidents, which are accidents that result in damage to vehicles and/or goods. Second, moderate traffic accidents, are accidents that result in minor injuries and damage to vehicles and/or goods, while heavy traffic accidents are accidents that result in death or serious injuries.

The form of liability for traffic accidents which only results in material losses without loss of life is in the form of compensation. The party that causes a traffic accident resulting in material loss without victims is the perpetrator of a crime and will be prosecuted criminally because of his crime. The perpetrators of traffic crimes can be punished in the form of imprisonment, confinement, or fines and in addition they can be subject to additional punishment in the form of revocation of their driver's license or compensation for losses caused by traffic crimes. In the Criminal Code, an article that can be used to ensnare motorized vehicle drivers resulting in death in traffic accidents is Article 359 of the Criminal Code, which reads: "Whoever because of his mistake (negligence) causes another person to die, shall be punished by a maximum imprisonment of five years or a maximum light imprisonment of one year." Meanwhile, Article 360 of the Criminal Code states that:

- (1). "Whoever because of his negligence causes another person to be seriously injured, shall be punished by a maximum imprisonment of five years or a maximum light imprisonment of one year".
- (2). "Whoever because of his negligence causes another person to be injured in such a way as to cause illness or hinder him from carrying out a job or search for a certain time, shall be punished by a maximum imprisonment of nine months or a maximum imprisonment of six months or a maximum fine of three hundred rupiahs".

The content of this article is almost the same as Article 359 of the Criminal Code, the difference being that the consequence of Article 359 of the Criminal Code is "death of a person", while the consequence of Article 360 of the Criminal Code is

²⁹Law Number 22 of 2009 concerning Road Traffic and Transportation

serious injury or injury that causes illness or obstruction of daily work. However, the laws and regulations that regulate more specifically regarding negligence/negligence in driving a vehicle causing injuries and death, namely Act No. 22 of 2009 concerning Road Traffic and Transportation (hereinafter referred to as the LLAJ Law), in the LLAJ Law, the articles that can be used to ensnare vehicle drivers whose negligence causes injury and death to other people are regulated in Article 310 paragraphs (1), (2), (3) and (4) of the LLAJ Law.

- a. Each person,
- b. drive a motorized vehicle,
- c. due to negligence,
- d. Resulting in a Traffic Accident with serious injuries

Regarding the four elements in Article 310 of the LLAJ Law, generally element (3) which requires more time to be proven. Through investigations, law enforcement officials, in this case the police, must prove that there was an element of negligence. Based on these two rules, if the accident results in a traffic accident resulting in a person being seriously injured, then according to the law what must be imposed on the driver of the vehicle is the criminal charge stipulated in the LLAJ Law, in this case in accordance with the provisions referred to in Article 63 paragraph (2) of the Criminal Code states that "If an act is included in a general criminal code, it is also regulated in a special criminal code, then only the special one is applied."

Referring to Article 63 paragraph (2) of the Criminal Code, because the case of a traffic accident which resulted in a traffic accident has been regulated in the LLAJ Law as a special regulation, the public prosecutor in his indictment and the Panel of Judges tried by applying the provisions in Article 310 paragraph (3) UU LLAJ with a maximum sentence of 5 (five) years, and not Article 360 in the Criminal Code.

Table of Traffic Accident Data for 2022 at the Majalengka Police

No	Month	Number of events	Settlement of Cases	
			SP3	Lik
1	January	23	4	2
2	February	16	2	2

3	March	56	10	9
4	April	45	5	4
5	May	27	5	1
6	June	22	5	-
7	July	33	5	6
8	August	41	6	-
9	September	40	8	1
10	October	28	4	4
11	November	44	9	3
12	December	25	4	1
Amount		400	67	13

Majalengka Police Data Source

Based on the table above, it can be seen that within 12 months during 2022, there were 400 traffic accidents. In this case as many as 67 incidents were resolved through restorative justice so that an Investigation Termination Letter (SP3) was issued, while as many as 13 cases continued to the investigation process.

The data above shows that investigators in resolving traffic cases prioritize peaceful efforts (restorative justice). This is in accordance with the results of an interview with Mr. Ryans Bachtiar who stated that as much as possible the settlement of traffic accident cases is carried out by restorative justice.³⁰

³⁰Results of an interview with Mr. Ryans Bachtiar, as the Majalengka Police Investigator, January

Traffic accidents are criminal acts that must be punished in accordance with applicable laws and regulations (Criminal Law), but they are still found in the community regarding traffic accidents, the settlement of these cases which should be resolved in court but resolved outside the court. This settlement is usually resolved by way of peace or peace. This still happens because people think that traffic accidents are an act that can be forgiven, because the perpetrators have no intention of these actions.

Only people who are in a normal state of mind can be held accountable for their actions. Therefore only a person whose mental state is normal meets the requirements to be assessed, whether he can be reproached for a crime he has committed. The normal state of mind is determined by the factor of the maker's mind. His mind can discriminate between what can be done and what cannot be done.³¹Criminal sanctions imposed on drivers must be based on truth, justice and certainty. Criminal imposition or action is an action that must be accountable and beneficial for the driver and the victim.

Traffic accidents according to Article 1 to Article 24 of Act No. 22 of 2009 are unexpected and unintentional road events involving vehicles with or without other road users resulting in human casualties and/or loss of property. There are several factors that cause traffic accidents, namely:

- a. Negligence of road users, for example: using a mobile phone while driving, tired and sleepy body condition, driving a vehicle while drunk, lack of understanding of traffic signs.
- b. Vehicle unfitness, for example: vehicles with non-standard modifications, brake failure, tire conditions that are no longer suitable for use, load limits that exceed vehicle transport limits.
- c. Road and/or environmental inadequacies: potholes in road conditions, lack of installation of traffic signs

Types of Accidents according to Article 229 of Act No. 22 of 2009 are classified into several classifications, namely:³²

- a. Minor traffic accidents, which are accidents that result in damage to vehicles and/or goods.
- b. Moderate traffic accidents, namely accidents that result in minor injuries and damage to vehicles and/or goods. Minor injuries are meant as injuries that cause the victim to suffer pain that does not require hospitalization or other than those classified as serious injuries.

19, 2022.

³¹Roeslan Saleh. 1988. Criminal action and accountability. Bara script, p. 80

³²Article 229 of Law Number 22 of 2009 concerning Road Traffic and Transportation.

- c. Serious traffic accidents, namely accidents that result in fatalities and/or serious injuries. The intended serious injury is one that results in the victim:
 - 1) Falling sick and there is no hope of recovery at all or poses a mortal danger.
 - 2) Not able to continue to carry out the duties of a position or job.
 - 3) Losing one of the five senses.
 - 4) Suffering from severe disability or paralysis.
 - 5) Disturbed thinking power for more than 4 (four) weeks.
 - 6) Fall or death of one's womb.
 - 7) Wounds that require hospital care for more than 30 days.

Traffic accidents are events that are not wanted by everyone but as a person cannot avoid these incidents. Traffic accidents can occur due to someone's negligence or because of the conditions around them. An accident can cause loss of life or damage to public facilities which inevitably results in material losses. Any person who causes harm to another person must be responsible for compensating for the loss caused by his actions.

Being accountable for someone in criminal law does not only mean that it is legal to impose a sentence on that person, but also that it can be fully believed that it is indeed the right place to ask for accountability for the crimes they have committed.³³

Criminal liability is something that is criminally accountable to someone who commits a criminal act or criminal act, for criminal responsibility to exist it must be clearer in advance who will be held accountable³⁴

Based on this, Sudarto stated the same thing, that: "A person's sentence is not enough if that person has committed an act that is against the law or unlawful. So even though the act fulfills the element of offense in the law and is not justified (an objective breach of a panel provision), it does not yet meet the requirements for criminal imposition. For punishment there is still a need for conditions, that the person who committed the act has guilt or guilt (subjective guilt).³⁵In other words, the person must be accountable for his actions or when viewed from the point of view of his actions, new actions can be accounted for to that person.

Talking about criminal responsibility, it cannot be separated from criminal acts. Although in the sense of criminal acts it does not include criminal liability issues.

³³Chairul Huda. 2011. From No Guilt Without Guilt To No Criminal Liability Without Guilt: A Critical Review Of The Theory of Separation of Criminal Offenses and Criminal Liability. Kencana, Jakarta p. 65

³⁴Roeslan Saleh. Actions and responsibilities ...Op.Cit, p. 75

³⁵Sudarto. 1989. Criminal Law I, Agency for Provision of Lecture Materials FH UNDIP, Semarang, p. 85

Criminal acts only refer to the prohibition of an act. The basis for the existence of a crime is the principle of legality, while the basis for the punishment of the maker is the principle of error. This means that the perpetrator of a crime will only be punished if he has a fault in committing the crime.

A person who has committed a crime is considered to have made a mistake if there are elements including: the ability to be responsible for the maker, meaning that the maker's mental state must be normal, the maker's inner relationship with his actions, which is intentional or negligent, there is no reason error eraser or no excuse excuse.

A person who has committed a crime is considered to have made a mistake if there are elements including: the ability to be responsible for the maker, meaning that the maker's mental state must be normal, the maker's inner relationship with his actions, which is intentional or negligent, there is no reason error eraser or no excuse excuse. If these three elements are present, then the person who commits an act (criminal act) can be found guilty, so that he can be sentenced to a sentence.

4. Conclusion

Traffic accidents as an event that often occurs are caused by several factors including the human factor which includes drivers and pedestrians/road users, vehicle factors, road factors and environmental/weather factors. The human factor is the most dominant cause of traffic accidents due to traffic violations that are often committed by drivers and pedestrians/other road users. The vehicle factor is due to vehicles that are not feasible to run but are still run so that they become the cause of traffic accidents. Road factors due to bad road conditions such as potholes or slippery are also causes of traffic accidents.

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