

# Criminal Law Enforcement Against Violations of the Use of Sirens and Signal Lights by the Indonesian Ambulance Escorting Community Reviewed from Law Number 22 of 2009 on Traffic and Road Transport

K. Martono<sup>1\*</sup>, Joshua Mendila<sup>2</sup>

<sup>1</sup>Bachelor of Law University Of Indonesia, Magister Of Law University Of Mc Gill Canada, Doctor Of Law University Diponegoro

<sup>2</sup>Student from Faculty of Law, Universitas Tarumanagara, Jakarta, Indonesia

\*Corresponding author. E-mail: martono@fh.untar.ac.id

## ABSTRACT

Sirens and signal lights or commonly referred to as strobes are tools used in certain vehicles. Certain vehicles in question are vehicles that have the main rights set forth in Law No. 22 of 2009 concerning Traffic and Road Transport. Now formed a community called Indonesian Escorting Ambulance (IEA), they are proven to use sirens and strobes on their private vehicles to conduct escorts to ambulance cars. Their actions are traffic violations. Police as law enforcement officers have become the duty of the police to make amendments. The problem in writing this thesis is How is the enforcement of criminal law conducted by the police against members of the Indonesian Escorting Ambulance (IEA) who violate Article 287 Paragraph 4 of Law No. 22 of 2009? The research method used is normative, with a statutory approach. The data of this study was conducted through library studies, and interviews. The conclusion of this study is that the enforcement of criminal law carried out by the police has not been maximized, it is proven because IEA members are still using sirens and strobes. The police should take decisive and consistent action to discipline violations committed by IEA members, and IEA members should be disciplined and comply with all applicable traffic rules in Indonesia by not using sirens and strobes.

**Keywords:** Law Enforcement, Sirens And Signal Light

## 1. INTRODUCTION

Traffic and road transport is a much needed thing in supporting the social mobility of the community, because in doing their daily mobility, the community uses traffic and road transport. Traffic and road transport have a role to play in supporting development and as part of efforts to promote shared prosperity. In Indonesia, regulations on traffic and road transport are regulated in the Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transport (LLAJ Law). LLAJ Law is a regulation that regulates every road user in driving and becomes the basis of regulations in the crackdown on violators. Traffic and Road Transport turns out to have a daily problem that is congestion.[1] Furthermore, traffic jams can be found in

markets, schools, bus terminals, stations, and others. Red lights and intersections of highways, as well as railways or railway crossings, which almost every road 4 to 5 times that take a long time so that there is a build up of vehicles at the crossing of railway crossings. The increasing volume of vehicles also affects the factors of congestion such as in Jakarta, Surabaya, Bandung, Medan, Semarang, Makassar, Palembang, Denpasar, Yogyakarta, Bekasi City, and other major cities in Indonesia. Traffic congestion has caused losses i.e. vehicles that have the main right are difficult to get smooth road access. Vehicles that get the main right must be put first by other motorists because it has an interest that takes a fast time to get to the destination. So the use of sirens and signal lights is important for vehicles that get the main right, because with the sirens and signal lights indicate that the vehicle that has the main right must take precedence

by other motorists. Vehicles that get the main rights have been mentioned in the order in article 134 of Law No. 22 of 2009 on Traffic and Road Transport, namely:

- a. Firefighting vehicles that are carrying out their duties;
- b. Ambulances transporting the sick;
- c. Vehicles to provide assistance in Traffic Accidents;
- d. Vehicles led by the State Institution of the Republic of Indonesia;
- e. Vehicles of leaders and officials of foreign countries and international institutions that are guests of the state;
- f. The delivery procession of the body; and
- g. Convoy and/or vehicles for certain purposes according to the consideration of officers of the National Police of the Republic of Indonesia.[2]

Discussing the color of signal lights and sirens has been set in article 59 paragraph 5 of Law No. 22 of 2009 on Traffic and Road Transport explained about vehicles that can use signal lights and sirens, namely:

- a. Blue signal lights and sirens are used for Motor Vehicles of officers of the National Police of the Republic of Indonesia
- b. Red signal lights and sirens are used for prisoner Motor Vehicles, Indonesian National Army escorts, firefighters, ambulances, red crosses, rescues, and corpses; and
- c. Yellow signal lights without sirens are used for Motor Vehicles toll road patrol, supervision of facilities and Prasana Traffic and Road Transport, maintenance, and cleaning of public facilities, towing vehicles, and transportation of special goods. [3]

Recently, a community called Indonesian Escorting Ambulance has been formed. Indonesian Escorting Ambulance (IEA) is a volunteer organization that escorts ambulances to avoid traffic jams on the road. The IEA provides assistance to ambulance cars by escorting, instructing road users to pull over vehicles, and ordering other road users to continue. But in fact, some IEA members have installed sirens and signal lights in their private vehicles with the aim of making the public also prioritise them in escorting ambulance cars. The IEA in using sirens and signal lights does not have the capacity to use them, as their private vehicles are not included in the vehicles that have the primary right. The use of sirens and signal lights carried out by the IEA may be subject to criminal sanctions in accordance with article 287 of Law No. 22 of 2009. In addition to violating article 287, violations of the use of signal lights and sirens that the IEA commits may result in irresponsible conduct. Moreover, the signalling lights and sirens used in the same way as cars that have the primary right are vulnerable to triggering arrogance by IEA members. The use of signal lights and sirens that the IEA does will also disturb other road users because excessive

use of sirens and signal lights will cause bright light and noise for other motorists. Such noise and light can make it difficult for other road users to get clear concentration and street vision. In the main purpose of law enforcement to realize a sense of fairness, legal certainty, and benefit in the community. Against criminal offences of violations of the use of sirens and signal lights carried out by the IEA, the function of the Police as a maintainer of security and public order is still the main basis in carrying out law enforcement, so that in its capacity as a law enforcement officer, the National Police is given the responsibility to ensure the establishment of the law, so that there is order and security in the country. This requiring every individual in the community to be able to run the whole dynamics of life well, safely, and peacefully.

### ***1.1. Related Work***

Based on the description above, the title of the research entitled: “Criminal Law Enforcement Against Violations Of The Use Of Sirens And Signal Lights By The Indonesian Ambulance Escorting Community Reviewed From Law Number 22 Of 2009 On Traffic And Road Transport”.

#### ***1.1.1. Enforcement of criminal law conducted by the police against members of the Indonesian Escorting Ambulance (IEA) violate Article 287 Paragraph 4 of Law No. 22 of 2009***

Violations committed by IEA members regarding the use of sirens and strobes if there is no decisive action from the police will appear that Law No. 22 of 2009 on Traffic and Road Transport fails in carrying out its purpose of law enforcement. Even the police's job will fail. Any offence that installs sirens and strobes on an IEA member's personal vehicle must be subject to deterrent effect and strict sanctions, in order for the violation to be suppressed in number. The deterrent effect and strict sanctions imposed on IEA members carried out by the police can be in the form of confiscation of goods, fines or tickets, and can be criminal confinement. police crackdowns on misconduct by IEA members are still lacking. Because until now IEA members still use sirens and strobes. It can be concluded that the police efforts in dealing with the problem of violations of the use of sirens and strobes by the police are considered less effective. It should be law enforcement efforts made by the police that cause certainty, benefit, and justice can not be achieved. The sense of compliance and compliance with the law of IEA members is still lacking, they know that the use of sirens and strobes is specifically for vehicles that have the primary right but still to use the tool. This can happen because the deterrent effect, sanctions, or supervision and efforts of the police do not cause legal compliance for IEA members. The police

should do coercion for IEA members to be given action in the form of tickets, confiscation of goods, namely sirens and strobes, or according to the consideration of judges can be penalized confinement. These efforts are made so that IEA members are responsible for what they do because basically if they violate the existing provisions they should be at risk if they break the rules. In the social media application that is youtube can be seen that a lot of escort videos conducted by IEA members. In a video uploaded by a youtube account called Dean Motovlog, it is clear that the person is an IEA member and carries his vehicle disorderly and is shown to be using sirens and strobes. Furthermore, there is a youtube account called Yoss MV which has a total of 250,000 followers (two hundred and fifty-three thousand) which is quite a lot. Yoss MV is an IEA member who can be seen from the jacket he wears, then Yoss MV also uses sirens and strobes and in some videos of his account he performs contra flow, stops other road users, breaches red lights, and disobeys road markings.

### ***1.2. Our Contribution***

The purpose of this research based on the formulation of the problem is to know the enforcement of criminal law conducted by the police against members of the Indonesian Escorting Ambulance (IEA) who have violated article 287 paragraph 4 of Law No. 22 of 2009. This research to find out how the law has a view on traffic crimes committed by members of the Indonesian Escorting Ambulance (IEA) who have used sirens and signal lights. It is expected to be used as a reference for further writing that discusses the enforcement of criminal law against the community of ambulance guards who have abused the use of sirens and signal lights. This research is expected to provide input and useful for the Police, especially for traffic police as law enforcement officers against traffic violations committed by a community namely Indonesia Escorting Ambulance (IEA). In addition, to provide information to the ambulance guard community about the use of sirens and signal lights has been regulated in the legislation, and the use of sirens and signal lights conducted by the IEA is not in accordance with the Law has been established.

### ***1.3. Paper Structure***

The type of research used in this study is normative. According to Soerjono Soekanto and Sri Mamuji normative law research or also called literature law research is legal research conducted by researching library materials or secondary data.[4] This research use normative legal methods because the problems raised in

this thesis focus on norms or rules derived from legislation, as well as doctrines of leading legal experts. The nature of the research used is descriptive research analystis. Descriptive analyst is a form of research specification that describes a condition or circumstance that takes place that aims to provide data on research objects so that it can explore something ideal, then analyzed based on legal theory or prevailing laws and regulations.

## **2. BACKGROUND**

### ***2.1. Legal certainty***

Legal certainty is when a rule is properly and correctly enacted, because it governs clearly and reasonably. There will be no doubts and multi-interpretations that cause a problem. Legal certainty can also mean that the law can determine concrete matters, and assurance that the law is exercised, that the rightful according to the law can obtain its rights and that the award can be exercised. Legal certainty is an integral part of the law, it focuses on written law. Law without the value of legal certainty will lose meaning because it can no longer be used as a code of conduct for everyone, especially for the general public. There is legal certainty, the public will know about rights and obligations, and any actions or actions that do not violate the law. In terms of legal certainty, a satisfactory law is a law that has a responshif and a responsive law is only born from if there is interference from the community. Without the intervention of the community, in the process of legal legislation that arises is not independent, and the law is made only based on the wishes of the government so as to cause problems that the government will be considered by the public contrary to the purpose of the law.[5] The interests of society will not be used as the main reference, because the law has an independent nature and only refers to self. Legal certainty is the most important thing of the law or more specifically from the legislation, based on positive laws that govern human interests in society must be obeyed even if the law is not superanit. Furthermore, legal certainty is a condition in which there must be certain provisions and provisions. The law should be made definitively and adil, as a code of conduct and adil because the code of conduct must support a structure that is considered commonplace. If it is adil and has been implemented properly, surely the law can carry out its own function, because legal certainty is defined by the conditions under which the law can serve as a regulation that must be obeyed.

## **2.2. Criminal Law Policy Theory**

In order to realize the goals of a prosperous, prosperous and prosperous country for all communities.[6] Then it is necessary to set policies so that people do not act that create chaos within their own country. Indonesia has chosen a social policy in the form of a policy to realize social welfare policy, and a policy of providing social defence policy. Policies in providing social defence policy are passed by efforts to prevent and counteract actual or potential crimes. All efforts to safeguard, prevent and overcome these crimes or crimes are included in the criminal policy section. Efforts in order to overcome crime through the creation of criminal law law is basically part of the efforts to protect the community (social Defence) and efforts to achieve community welfare (social welfare). Crime or crime is one form of deviant behavior that is always present and attached to every form of society, no society is free from evil. It can be ensured that in committing such crimes requires good laws and policies as a way to overcome criminal acts and achieve a goal that is to create protection for the entire community.

## **2.3 Legal Effectiveness**

Effectiveness contains meanings that have the effect of success or efficacy. Effectiveness is the ability to carry out tasks, functions (operation of program activities or missions) of an organization or the like that there is no pressure or tension between its implementation. Regarding the effectiveness of the law, it is certainly inseparable from the analysis of the characteristics of two related variables, namely: the characteristics or dimensions of the target object used.[7] When speaking the extent of the effectiveness of the law then it must first be able to measure the extent to which the rule of law is obeyed or not obeyed. If a rule of law is obeyed by most of the targets targeted for obedience, it will be said that the rule of law in question is effective. factors that affect, so that in law enforcement arises positive and negative effects that lie in the content of these factors. These factors are legal factors, law enforcement, facilities or facilities, community factors and cultural factors.

1. Law. The law intended is a Law that is generally applicable to the public and created by the Government. The legal factor in question stems from the law itself which is problematic, that there is an indecision of the provisions in the content of the Law. Because basically to determine whether or not such written law can function properly is dependent on the rule of law itself.

2. Law Enforcement. Namely parties directly involved in the field of law enforcement. Law enforcement must carry out its duties properly and professionally in accordance with their respective roles that have been regulated in the laws and regulations. The logical consequence is that law enforcement officials have more ability to handle any crime in a professional way and all law enforcement officials are required to be at once and make legal discoveries, so there is no reason to hide behind the principle of narrow legality that the legislation is incomplete or there is no legislation that regulates it. Law enforcement officials have more ability in conducting investigations, evidentiary both at preliminary examinations and in the judicial process. Extensive knowledge and insight into materiel delik as well as legal events as well as discipline and dedication in carrying out its funding.

3. Facilities and facilities. Without adequate facilities or facilities, law enforcement will be difficult to carry out properly, regarding facilities and facilities, among others include human resources who have education and knowledge and competent skills, the role between organizations that run well, and adequate equipment.

4. Society. Law enforcement in the community aims to achieve peace and order in the community. Every citizen must have awareness of the law, in order for legal compliance to arise. The existence of legal compliance conducted by the community to the law, is one of the signs of the proper functioning of the law in question.

5. Culture. Culture has a very big function for people and society, which is to regulate people to be able to understand how they should act, do, and determine their attitudes when they relate to others. As such, culture is central to behavior that sets rules about what should be possible, and what is prohibited.

## **2.4 Legal Liability**

Responsibility is the circumstances of the obligation to bear everything (if anything happens can be prosecuted, blamed, litigated, and so on).[8] Responsibility can raise awareness of human behavior or actions, so that responsibility can be a manifestation of consciousness and obligation for humans. Responsibility becomes an inherent part of human life and every human being each bears it, so that responsibility itself is certain. If a person does not want to be responsible for what is done, then there are other individuals who insist on being held accountable especially if the actions or actions committed violate the laws that have been set out in the regulations. Responsibility is not only about the actions done alone but in groups or organizations also the existence of responsibilities known as

Accountability. Regarding liability in criminal law is explained in article 2 of the Penal Code that the provisions of criminal law in legislation with Indonesia applied to everyone who commits a criminal offence in Indonesia. In Article 3 of the Penal Code, it is stated that the criminal provisions in Indonesian law apply to anyone outside Indonesia who commits a crime in an Indonesian water vehicle or aircraft. Based on the above article, that every

### 3. CONCLUSION

In this section the author will briefly explain the answers to the problems contained in the enforcement of criminal law committed by the police against violations of the use of sirens and signal lights by the Indonesian Escorting Ambulance community in violation of article 287 paragraph 4 of Law No. 22 of 2009 concerning Traffic and Road Transport. It is clear that the establishment of the Indonesian Escorting Ambulance Community originated from a sense of concern for ambulance cars that often do not get the right of priority to be given way by other road users. Another reason that IEA members want to also make it aware to other road users how important it is to give way to road users, is because ambulance cars carry patients who need medical help, whether accident victims or hospital patients. Indonesian Escorting Ambulance community's concern is hit by traffic regulations. A well-intentioned act becomes an unlawful act. IEA members have clearly violated the provisions contained in Article 287 Paragraph 4 of Law No. 22 of 2009 concerning Traffic and Road Transport. In the article it is clear that the use of sirens and strobes that are not suitable for their allocation will be sanctioned in the form of criminal confinement or fines. IEA members have used sirens and strobes on their private vehicles, this use of which goes into traffic violations. The use of sirens and strobes that the IEA does in addition to violating the provisions of the law has an impact on traffic safety. Sirens and strobes used by the IEA will disrupt the concentration of other road users and

person who commits a criminal offence in Indonesia must be held accountable by being penalized to him which has been stipulated in the provisions of criminal law. The person who commits the crime will be held criminally liable or sentenced if proven to have committed a criminal act. But even if he commits a criminal act, as long as the evidence does not exist then the person who is suspected of committing the crime will not be able to be found guilty

### ACKNOWLEDGMENT

This work was supported by Lecturer from Universitas Tarumanagara Faculty Of Law.

### REFERENCES

- [1] Dadang Hartanto, "Analysis of Georaphy Information System-Based Congestion Prone Potential Map in Medan City", Issue No. 12 of 2020 p. 18.
- [2] Indonesia, Law No.2 of 2002 concerning the State Police of the Republic of Indonesia, Article 134.
- [3] Indonesia, Law No.2 of 2002 concerning the State Police of the Republic of Indonesia, Article 59, paragraph 5.
- [4] Soerjono Soekanto and Sri Mamudji, Normative Law Research: A Brief Review, (Jakarta: Rajawali Press, 2009), p. 100. 13-14.
- [5] Van Apeldoorn, Introduction to Law, 24th Printing. (Jakarta: Pradanya Paramita, 1990), p. 199. 24.
- [6] Romli Atmasasmita, Reconstruction of The Principle of No Criminality Without Mistakes Geen Straf Zonder Schuld, (Jakarta: PT Gramedia Pustaka, 2017), p. 141.
- [7] Barda Nawawi Arief, Criminal Law Policy, 1st Printing. (Jakarta: Kencana Prenadamedia Grub, 2008), p. 100. 26.
- [8] Soerjono Soekanto, Factors affecting Law Enforcement, (Jakarta: PT Raja Grafindo Persada, 2008), p. 100. 22.