The Concept of Crimination with Responsive Economic Damage Value as a Substitute to Prison Penalty for Traffic Accidents

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Abstract. This study aims to create a concept of punishment based on economic loss as a substitute for imprisonment for traffic accident criminals. The method used in this research is normative juridical with a case approach in the field. The results of this study are the concept of punishment can be replaced with aspects of economic losses suffered by victims as a substitute for prison sentences for traffic criminals, of course with attention to justice for both perpetrators and victims. This study concludes that the concept of justice is the goal of law enforcement so that the aspect of justice, which is then applied in sentencing in terms of traffic accidents, can be replaced by the value of the losses suffered by the victims and their heirs.

Keywords: Criminal Concept; Economic Loss; Traffic Accident Crime

1 Introduction

Indonesia is one of the developing countries in terms of economy and development; therefore, it certainly has many challenges and problems that must be faced by the government so that Indonesia can become a developed country [1]. One of the challenges that must be met and resolved is in the field of law [2]. Law is a human work in the form of norms containing behavioral instructions [3]. There is a reflection of human will about how society should be fostered and where it should be directed. Therefore, in the first place, the law contains a record of the ideas chosen by the organization in which the law was created. These ideas are ideas about justice [4]. The law itself is not just a collection or summation of regulations, each of which stands on its own. The importance of legal regulation is due to its systematic relationship with other legal laws [5].

As an independent and sovereign country, the Indonesian state is expected to have a strong legal system and become the basis for building its nation, especially in legal development. The development of this law must be following the character, personality, characteristics, views, objectives, and functions of the national law of the state of Indonesia [6]. Building a law based on an archipelago perspective means making a national law by combining the objectives of creating a unified federal law or uniting it by considering the cultural diversity of the people who inhabit an archipelagic country. In the context of national law development, it is necessary

to pay attention to several things so that federal law can be carried out properly, including having legal values, legal concepts, and integrated legal norms between one direction and its regulation (not contradicting one legal norm and its legal norm) which can later be implemented through existing legal institutions. If all these things are owned, it can only create integrated legal conditions and support good law enforcement.

If we talk about the development of Indonesian national law, we cannot separate this from building a national legal system. Why is this discussion of legal development inseparable from creating a national legal system so that we don't interpret legal development as only legal reform and new laws? As we know, most of the laws that we currently use as guidelines in law enforcement are still the legacy of the past which may no longer be following the current conditions of the Indonesian state. Good law enforcement is not easy and is often problematic because various parties or related elements must support it [7]. For example, the role of law enforcers who carry out the law is significant, for example, judges, prosecutors, and lawyers. If there is a problem with the law, then what must be harmonized is the reform of the substance of the law and the reform of the behavior of the law enforcers. In the bureaucratic system and corrupt law enforcement (corrupt behavior system of governance), both are a condition sine qua non, and not condition *qum qua non*.

Suppose we want to be critical and honest. In that case, we must dare to admit that most of the current legal developments are still limited to legal reform based on encouragement and pressure from outsiders or the international community, not based on the need for the new law [8]. The development of a national legal system is critical because it is one of the success factors of the government in realizing an advanced, prosperous, and socially just society. If the development of this legal system cannot run well, then the development of the Indonesian nation as is being carried out by the government will not be carried out sustainably in all fields. It is undeniable that the government sometimes uses the current legal reforms in Indonesia as a surprise in implementing government programs in law. These surprises are to make concrete what policies the government wants to do. For example, just as the mass media announced that President Joko Widodo was about to announce a package of legal reforms to fulfill his promise in the Nawacita, suddenly there was an operation to eradicate illegal levies everywhere in the country.

There are 2 (two) things are closely related to the reform, namely the development of the national legal system and the development of the Indonesian legal system. There is essential because the international community's legal system is proliferating and will certainly affect the Indonesian legal system, not necessarily according to. Regarding this, it can also be said that considering the development of the world, technology and information have developed so rapidly that on the one hand, Indonesia must adapt to the development of the international world (international community), but on the other hand, adaptation to global effects (international society) [9]. International community there does not necessarily produce positive things for Indonesia. In the international community, which consists of various nations, the views of life and values are inevitably different, including moral or ethical values that are considered truth. Values that are considered "a truth" by the community or nation must, of course, be used as souls, views of life, and ideals that will be used as the basis for carrying out life in society, nation, and state and "a truth" will undoubtedly be upheld and will be implemented with conscientiously and without coercion.

The Indonesian nation has its view in its legal system, namely Pancasila. The Indonesian people have chosen Pancasila as the view of life and the basis of the state because Pancasila is a value system that inspires and guides the thoughts and ideas of life for the Indonesian people. Because Pancasila has become the way of life of the Indonesian people, it is accepted as the

basis of the state that regulates the energy of the Indonesian state administration. Thus, the consequence is that Pancasila is the source of all legal authorities in force in Indonesia. Pancasila is considered a philosophical grondlag and common platform or, more accurately, regarded as the grundnorm of the Indonesian legal system. There is implemented in the 1945 Constitution, which is used as a fundamental norm or *staats* fundamental norm. That's why when talking about the Indonesian legal system, it cannot be separated from the values of Pancasila and the 1945 Constitution.

One of the renewals of the development of the national legal system (national legal system) or the Indonesian legal system (Indonesian legal system) is criminal law. Criminal law itself can reflect the high and low civilization because criminal law reflects the fundamental values, and the criminal law system is identical or congruent with the criminal law enforcement system. Meanwhile, the reform of the criminal law system in Indonesia is still a big problem. It seems slow, so that it still cannot meet expectations. For example, the renewal of the Criminal Code, which has been discussed for a long time (the first concept was discussed in 1964), is still being drafted by law. Law and has not yet been ratified. The preparation of the concept of the new Criminal Code was motivated by national needs and demands to reform and at the same time change/replace the old Criminal Code (*wet boek van strafrecht*) inherited from the Dutch colonial era. So it is closely related to the idea of "penal reform" (renewal of criminal law), which in essence is also part of a more significant idea, namely the development/renewal (system) of national law.

Suppose we discuss the development/renewal of the legal system. In that case, we cannot be separated from debating the definition of the legal system and the legal system that exists or is currently in effect. The legal system itself is an order or unity that is comprehensive and intact from all elements closely related to one another, such as rules or statements about what should be and is a collection of all factors that exist in an interaction with one another into a single entity. An organized unit and work together towards the goal of a single team so that a legal system is a normative system. The criminal law enforcement system or punishment system can be functional or, in a broad sense, consists of a material criminal law subsystem, a formal criminal subsystem, and an unlawful implementation law subsystem. Then the criminal law enforcement system can also be substantive or, in a narrow sense, refers to the Criminal Code (KUHP) and statutory provisions outside the Criminal Code (remarkable criminal law / ius singular, *ius speciale or bijzonder strafrecht*).

If law enforcement is only concerned with legal certainty, other elements are sacrificed. Likewise, if what is considered is only benefit, legal certainty and justice are offered, and so on. Efforts to reform the legal field are a part that is closely related to "law enforcement policy," "criminal policy," and social policy. The substance of the Criminal Code consists of material criminal law (substantive criminal law/Madi criminal law/material criminal law/criminal law in abstract), formal criminal law (law of criminal procedure/Zahiri criminal law/criminal procedural law/in concrete criminal law), and implementation of the crime (penitentiary law/penitentiary Recht). From the explanation above, it can be interpreted that the nature of the criminal system is the whole of the legislation in the Criminal Code and outside the Criminal Code, which is exceptional. To emphasize all of that, the formulation of the criminal system should be stated in the law so that it is a system of authority to impose criminal penalties.

The essence of producing a sentence requires the formulation of law to provide clear guidelines for judges. Then the punishment is carried out proportionally and proportionally between the crime (discipline) and the error (corruption). More firmly, in sentencing a defendant, it is disproportionate if a too heavy or too light sentence is imposed [10]. Let's talk about the application of criminal acts or punishment. One of the implementations of criminal

acts that are pretty significant and large in number in Indonesia is the crime related to traffic accidents. Data from the Korlantas Polri shows that the number of accidents in 2020 will decrease by 14 percent. In 2018, the number of accidents that occurred was 109,215. In 2019 it rose to 116,411, while in 2020, it fell to 100,028.

"This decline occurred probably due to the Covid-19 pandemic. Even though the situation has changed, accidents still exist," said AKBP Danang Sarifudin during a driving safety webinar, Tuesday, March 30, 2021. In addition, the number of victims who died due to accidents also decreased, about 18 percent. With 29,472 in 2018, it fell in 2019 to 25,671 and lost again in 2020 to 23,529. If we compare all the cases that the Supreme Court can decide in 2020, the number is much higher. Based on the data that the author got throughout 2020, the Supreme Court handled 20,761 cases, consisting of 20,544 patients received in 2020 and 217 points remaining at the end of 2019. Of the total caseload, the Supreme Court succeeded in deciding 20,562 cases so that the remaining cases at the end of 2020 amounted to 199. Comparing the number of cases agreed with the total caseload shows a productivity ratio of 99.04% in deciding cases. There means that the caseload for the 2020 Supreme Court that has not been determined is below 1%, to be exact, 0.96%.

Of the many traffic accidents that exist, this should have been one of the considerations for the state, academics, and law enforcement to create a concept of renewal of punishment or the application of crimes related to traffic accidents so that it is better than current conditions. In addition, this condition should be the basis for special attention from the government because it will significantly impact development and legal reform in Indonesia. Let's talk about traffic accidents and classify those that cause accidents as criminal acts. Several things can be considered to create a new illegal concept that is better than the current one. At a minimum, the idea of punishment or criminal application for perpetrators of criminal acts, victims of traffic crimes, including the state, also gets great benefits from the consequences of the decision, not only a deterrent effect but prioritizes benefits.

According to Chapter I General Provisions, Article 1 number 24 of Law Number 22 of 2009 concerning Road Traffic and Transportation (UULLAJ), a Traffic Accident is an incident on the road that is unexpected and unintentional involving a vehicle with or without other road users—resulting in human casualties and property loss. Many factors cause traffic accidents, and these factors become a series of causes of traffic accidents. It becomes more and more when the humans themselves or the riders do not care and attach importance to the safety of their lives and those of others, and this is evidenced by the many motorists who ignore traffic signs, both motorbikes and cars, recklessly when on the road, and don't wear helmets for motorcyclists or passengers. And do not use seat belts for motorists. Even though the law has an element of coercion, the law is not an instrument of power. The law is a guide for those who hold power. The law also does not make society an object of power or an object of the law. Still, the law results from human reflection to increase the degree of civilization and human dignity and maintain its survival.

2 Methodology

The approach method used in this study is a case approach (case approach). This approach is carried out by surveying cases related to traffic accident criminal cases. The research specification used in this research is analytical descriptive, which describes the research results with as complete and detailed data as possible. The data collection needed in this research is by taking an inventory of primary legal materials in the form of legislation relevant to the study

and secondary legal materials in legal science books, decisions on traffic accident criminal cases. The population and samples used in this study are people related to victims, convicts, and law enforcers in traffic accident cases.

3 Results and Discussion

3.1 The Concept of Criminal Acts of Traffic Accidents in Indonesia

The criminal justice system is the oldest way of dealing with crime, as old as human civilization. The increase or decrease in the crime rate is an indicator of assessing the criminal justice system's effectiveness. However, the criminal justice system so far has been more repressive without paying attention to the interests of victims and perpetrators. The current development of criminal law shows a tendency to shift the concept of justice and the paradigm of punishment in the criminal law system, namely from the idea of retributive justice (criminal justice) to the concept of restorative justice. Restorative justice is a concept of punishment, but it is not only limited to the provisions of criminal law (formal and material).

By reviewing the criminal system, it is easy to know the transport, namely the types of crimes that exist in the steel, both in the main criminal and in additional penalties, as well as strafmaat (the severity of the crime) and the form of criminal imposition (strafmodus). The strafsoort prison sentence includes imprisonment for life or for a specific time (Article 12 paragraph (1) of the Criminal Code). Strafmaat from captivity is explained in Article 12 paragraph (2) and paragraph (3) of the Criminal Code, which explains, as follows:

a. Imprisonment for a certain period at the earliest and most fifteen consecutive years;
b. Imprisonment for a certain period may be imposed for twenty consecutive years if the judge's convicted crime may choose between the death penalty, life imprisonment, and imprisonment for a certain period likewise, if the fifteen-year limit is exceeded because of additional penalties due to concurs, repetition (recidive) or because it is stipulated in Article 52 of the Criminal Code.
c. Imprisonment for a certain period may not exceed twenty years.

First of all, we will explain Article 283 of the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation (“LLAJ Law”), which reads as follows:

Any person who drives a Motorized Vehicle on the road unreasonably and carries out other activities or is influenced by a condition that results in impaired concentration while driving on the road as referred to in Article 106 paragraph (1) shall be punished with imprisonment for a maximum of 3 (three) months or a fine. a maximum of Rp. 750,000.00 (seven hundred and fifty thousand rupiah). In Article 283 of the LLAJ Law above, there are elements that essentially "drive a vehicle unreasonably and carry out other activities or are influenced by a situation that disturbs concentration," which means if the driver takes other actions or interferes with concentration while driving a vehicle such as using a cellphone, committing phone calls, sending messages, or the most dangerous being drunk. Then the driver can be said to have violated this and can be subject to criminal sanctions.

Furthermore, regarding Article 310 paragraphs (1) and (2) of the LLAJ Law, which reads as follows:

a. Everyone who drives a Motorized Vehicle which due to their negligence causes a Traffic Accident with damage to the vehicle and goods as referred to in Article 229 paragraph (2),

shall be sentenced to a maximum imprisonment of 6 (six) months and a maximum fine of Rp. 1,000,000.00 (one million rupiah).

b. Everyone who drives a Motorized Vehicle which due to their negligence, causes a Traffic Accident with minor injuries and damage to the vehicle and goods as referred to in Article 229 paragraph (3), shall be sentenced to a maximum imprisonment of 1 (one) year and a maximum fine of IDR 2,000,000.00 (two million rupiah).

The article above regulates traffic accidents caused by "negligence" or what is known as "negligence"/"culpa."

Prof. Eddy O.S. Hiariej, in his book Principles of Criminal Law (p. 187), describes negligence as follows:

… Imperitia culpae annumeratur, which means negligence is a mistake. This result arises because someone is negligent, reckless, careless, careless, or less predictable. The difference with intentional offenses is that the criminal penalties for intentional crimes are heavier than those for culpa offenses.

Based on the explanation above, it can be concluded that "negligence" or "negligence" or a person's lack of caution can result in him being charged with a crime.

Whether or not a criminal act can be legally processed must consider whether it is classified as an ordinary offense or a complaint offense. In short, to carry out legal proceedings against criminal cases that are classified as common offenses, there is no need for complaints from the victim or other parties. Meanwhile, a complaint offense requires a complaint to process the case further, for example, a complaint from a victim.

Regarding legal assistance, it is regulated in Article 56 paragraph (1) of Law Number 8 of 1981 concerning the Criminal Procedure Code (“KUHAP”) as follows:

Suppose a suspect or defendant is suspected or charged with committing a criminal act punishable by the death penalty or a sentence of fifteen years or more or for those who are incapacitated who are threatened with a sentence of five years or more do not have their own legal counsel. In that case, the official concerned at all levels of examination in the judicial process is obliged to appoint legal counsel for them.

The Criminal Code recognizes maximum criminal arrangements, meaning that in each offense, the criminal threat is only given a maximum illegal limit, but there is no known minimum criminal limit. Further mechanisms regarding strafmatt are handed over to the Public Prosecutor to submit their criminal charges and submitted to the judge to decide the severity of the crime that the convict must carry out if it is proven to be valid and convincing and a sentencing decision has definite legal force (Kracht van gewisjde). Strafmodus in the Criminal Code, if considered carefully, there are four forms of imposition of criminal sanctions, namely:

a. The imposition of a single criminal means that only one type of punishment is imposed on the convict, for example, only imprisonment.
b. An alternative form of imposition of punishment, usually the threats are marked with the word “or,” for example, they are sentenced to 10 years in prison or a fine of Rp. 12,000,000.00 (twelve million rupiah).
c. The imposition of cumulative punishment means that the threat is marked with the word "and"; for example, subject to imprisonment of 15 years and a fine of Rp. 12,000,000.00 (twelve million rupiah).
d. The form of imposition of a combined criminal is usually marked with the word “and,” for example, a prison sentence of 15 years and a fine of Rp. 12,000,000.00 (twelve million rupiahs) and replacement money of Rp. 6,000,000.00 (six million rupiah) or 6 months imprisonment.

In general offenses, it is prohibited to use the accumulation of the leading criminal offense in imposing a sentence on one offense. However, this is possible in crimes widely spread outside the Criminal Code, such as economic crimes, corruption crimes, or narcotics crimes.

3.2 The Concept Of Crimination With A Responsive Economic Damage Value Basis As A Substitute To Prison Penalty

Many factors cause traffic accidents, and these factors become a series of causes of traffic accidents. It becomes more and more when the humans themselves or the riders do not care and attach importance to the safety of their lives and those of others, and this is evidenced by the many motorists who ignore traffic signs, both motorbikes and cars, recklessly when on the road, and don't wear helmets for motorcyclists or passengers. And do not use seat belts for motorists. The various factors that cause traffic accidents that result in death include:

a. The human factor is the most common factor causing traffic accidents. Most of the traffic accidents are preceded by traffic violations. Violations can occur due to intentional violation, ignorance of the applicable rules' meaning, not seeing the relevant provisions, 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 vehicle driver is under the influence of alcohol while driving a vehicle is sleepy or sick, so it is not uncommon to cause traffic accidents.
b. Vehicle condition factors also often haunt traffic accidents. This can be caused by brake function and tire condition. A brake function that is not good or fails or slips will cause the vehicle to lose control and be difficult to slow down, especially when the car is at high speed and a car with an automatic transmission that only controls the brakes without the engine brake. Then the condition of the tires that are no longer good causes the vehicle to be dangerous for the car because it is difficult to control, the car may sway and overturn due to the difference in vehicle height due to a burst or leaking tire, especially when driving at a high enough speed, often causing traffic accidents.
c. Road factors also play an essential role in the occurrence of an accident. Uncertain road conditions such as damaged roads and potholes can cause accidents for road users, especially two-wheeled motorized vehicles. In addition, winding road conditions such as road conditions in mountainous areas.
d. Environmental factors can also affect the occurrence of accidents, especially when the following conditions:
    1. Dark weather at night can affect the visibility of motorized vehicle drivers, both 2 (two) wheels or 4 (four) wheels in driving their vehicles so that they can also cause accidents.
    2. In the dry season, which causes dusty roads is a factor that can be dangerous for road users, especially two-wheeled motorized vehicles. In dusty road conditions, the concentration of the driver's eyes is reduced to cause accidents.
    3. Slippery roads when it rains are also a contributing factor to traffic accidents, both two-wheeled and four-wheeled vehicles, due to slipping or slipping. This causes the driver of the car to lose control so that an accident occurs.

Among these many factors, the human element remains the most critical contributor to traffic accidents. Meanwhile, traffic accidents are a type of case that is quite large from the number of issues that occur, are handled and decided in court, not to mention the material losses that victims and convicts will bear after implementing a crime that starts from a traffic accident. In this position, the state must also increase the budget spent on convicts who have been decided in court and have permanent legal force (*inkracht van gewijsde*) if they have to be in prison.

From the explanation above alone, this can already be used as one of the reasons why a legal reform is needed to the concept of punishment in the current traffic accident event. Legal reform is defined as testing various formulations of applicable laws and regulations and implementing many changes to achieve efficiency, fairness, and the opportunity to obtain justice according to applicable law. In discussing criminal law, we will not be able to escape from the words of criminal responsibility and the ideas of implementing a balance that must be applied, including the following:

a. The principle of "no crime without error" (culpability principle), a humanitarian code, is explicitly formulated in the concept as a partner of the legality principle, a social principle.
b. The concept does not view the two conditions as severe and absolute conditions. In some instances, the idea allows applying the principle of strict liability, the focus of vicarious liability, and the principle of "pardon/pardon by the judge" (*rechterlijk pardon or judicial pardon*).
c. The principle of "judicial pardon" contained ideas / main ideas:
    1. Avoiding the rigidity/absolutism of punishment;
    2. Provide “valve/safety valve” (“*veilighelds valve*”)
    3. The form of judicial correction to the principle of legality (“judicial corrective to the legality principle”)
    4. Implementing/integrating values or paradigms of "wisdom of wisdom" in Pancasila;
    5. Implementing/integrating the “purpose of punishment” into the terms of sentencing (because in granting forgiveness/pardon, judges must consider the purpose of sentencing not only based on the existence of “criminal acts” (legality principle) and “mistakes” (culpability principle), but also the "purpose of punishment."
d. The judge's authority to forgive ("rechterlijk pardon") by not imposing any criminal sanctions/actions is also balanced with the culpa in causa principle (or action Libera in causa principle), which authorizes the judge to remain accountable to the perpetrator of a crime, if the perpetrator of the offense should be blamed (reproached) for the occurrence of the circumstances which became the reason for the abolition of the crime. So the judge's authority to forgive (not to convict) is balanced regarding continuing to condemn even though there is a reason for eliminating the corruption.

If we observe and pay attention, the laws that apply in our country today are still indoctrinated mainly by western thoughts and theories, including hundreds of products of colonial-era legislation that we can still read it. Much of this century's jurisprudence holds to a progressive (and sometimes exaggerated) awareness of the critical fact that the distinction between the uncertainty of communication through classic examples (precedents) and the certainty of communication through authoritative common language (legislation) is much more pronounced than the naive contrast suggests.

The dominant use of western theories in Indonesia has led to hegemony or a kind of coercion of the mind that is colonial, indoctrinated, which is carried out by one nation to another in science, especially legal science in Indonesia. Based on the initial research that the author has done, this traffic accident is not only related to criminal acts but there are also civil elements that can be linked. As an example:

For example, Person A (Employee who is the backbone of the family) drives a car and then hits Person B (Occupation of a motorcycle taxi driver and the breadwinner of the family), who is riding a motorcycle, the location of the accident is in Jakarta, as a result of this accident, Person B is permanently disabled because one arm is broken and paralyzed. After the accident, Si B couldn't work for 1 (one) year because he had to recover. During this 1 (one) year, it is

inevitable that Si B cannot ride a motorbike and generate income for his family, even if Si B is not sick due to the accident and his family still has a source of income from Si B's work. However, after the accident, Si B's family finally has to face economic difficulties, including surviving, because Si, as the family's breadwinner, does not work.

If this case is only seen from the criminal side (assume that the sentence in Article 229 paragraph (4) of UULAJ has been fulfilled), the definition of a victim according to this article is, among others: (a) Falling sick and with no hope of recovery at all or in danger of death; (b) Not being able to carry out the duties of the position or job continuously; (c) Loss of one of the five senses; (d) Suffer from severe disability or paralysis; (e) Disturbed thinking power for more than 4 (four) weeks; (f) Abortion or death of a woman's womb; or (g) Wounds that require hospitalization for more than 30 (thirty) days.

Let's compare the definition of serious injury in the LLAJ Law with Article 90 of the Criminal Code. It will not be much different and relatively the same, so the case example above is categorized as severe injury. Suppose this case is only seen from a criminal perspective, or for example only seen from the point of view of Article 229 paragraph (4). In that case, Person A will be sentenced to a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 10,000,000.00 (ten million rupiah).

For this case, for example, a court decision causes Person A to be imprisoned with a prison sentence of 1 (one) year in prison or 6 (six) months. As a result of this decision, Person A cannot work and generate income for his family. If it is only seen from the criminal side, then as a result of this incident, it is not only the victim who will suffer economic losses but also the convict. If this case only looks at the criminal's point of view, then it could only end up as above the conditions of the convict and the victim, including their families who will share in the hardships caused by the crime. Though maybe the final result of the criminal case can make both parties do not have to be like that.

From the example provided by the author, the author will try to create a criminal concept related to economic loss so that it can be considered for applying a punishment based on the idea of a responsive, financial loss value base as a substitute for imprisonment for traffic accident criminals. So that it can be a solution for both parties, both victims and convicts. Next, the writer will try to explain a little about vicarious liability. Vicarious liability commonly used in civil and criminal law is a new thing because it deviates from the principle of error adopted so far. In the beginning, the application of the vicarious liability doctrine in civil cases was rejected or countered because it was considered convoluted and unfair.

The application of the theory or doctrine of vicarious liability then developed not only in civil cases but also tried to be applied to criminal cases. The relatively rapid development of this doctrine occurs in countries with a standard law system, especially in the UK and the United States, and implicitly actually influences state law enforcement in countries that adhere to the civil law system, for example, such as Indonesia. While the concept that the author will examine and offer is the opposite of applying the vicarious liability doctrine, if vicarious liability has initially been applied only to civil cases and then applied to criminal cases, the concept that the author examines is the opposite, which brings criminal cases into a civil liability.

4 Conclusion

Based on the discussion of the problems revealed in this study, it can be concluded that the regulation of traffic violations is contained in Law No. 22 of 2009, which has explained the rules and criminal sanctions for police. In carrying out traffic activities, it is necessary to have

a regulation that can guide road users. Even though various laws already exist, traffic violations often occur, even though few cause traffic accidents. Further sanctions for perpetrators of criminal acts refer to Article 310 and Article 311 in the traffic law. Traffic violations are often considered a light crime for the community because the sanctions are considered easy. After all, the punishment is mainly in the form of fines, so they still dare to commit traffic violations. In addition to being legally resolved, many traffic cases are also decided at the scene in a familial manner by the perpetrators and victims of accidents.

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