

The Effort Handling by the Police to follow Criminal crash Running in the City of Medan

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ABSTRACT

The increasing number of motorized vehicles every year and the negligence of the community which often results in traffic accidents. A traffic accident where the perpetrator is not responsible, by leaving the victim alone without providing help is called a hit and run. The crime of hit and run is a problem that needs to be addressed because it is an immoral act and harms others. Hit-and-run crimes that cause harm to others are increasingly common. Seeing the many factors that cause the occurrence of a hit-and-run crime. Both in terms of community factors, road factors, vehicle factors. Thus the purpose of the problem is to find out the factors causing the occurrence of a hit-and-run crime, Handling Efforts by the Police Against Hit-and-Run Crimes in Medan City. The research methods used are library research and field research at the Medan Police Traffic Unit and using Qualitative Data Analysis. The factors that influence the increase in traffic accidents on the highway are due to the lack of public awareness and compliance to obey and obey every traffic regulation. People always put the blame on law enforcement officers (police) without realizing and filtering their own mistakes first, indeed to create military and order in traffic there must be a good cooperative relationship between law enforcement officers and the community itself, because without the intertwining of the rights and obligations of law enforcement officers and the community, it is impossible to create peace, order and comfort in traffic. This is not just a time when it often happens in the community, but it has been a long time since traffic accidents have developed in the State of Indonesia.

Keywords: Efforts to Handle by the Police, The Crime of Hit and Run

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INTRODUCTION

The development of an increasingly modern era is in dire need balanced rules with time development too. Where Indonesian government arrived moment this attempted do your best with carry out various development in some field. the development no only covers development physical just but also from facet life like Upgrade security society . Security in question is one of them is security in use road highway. usage road highway involve tool said transportation as need society. System existing transportation like land, sea and air. all transportation the the goal that is for movement of people and goods as well as To use expedite life processes society. Remote areas could reached with exists transportation.

In Life daily where then traffic and society no could separated same once. this is caused function as well as role from then cross that himself is one available means realize as well as Fulfill interest Public To use Fulfill primary and secondary needs secondary . Smoothness then cross will bring smoothness in all effort, on the other hand if then cross no could create smoothness and regularity with good so many raises traffic jams and accidents that influence will also experienced whole life society .

Order then cross is circumstances where man in a manner orderly , conducive and smooth in passed cross . For realize situation the no free from role man specifically user way and existence rule law that can arrange then cross the . Provision law needed so Public have awareness as well as not quite enough answer to order passed cross .

Likewise with road highway is something infrastructure liaison land in form whatever covers all part road including building necessary accessories and accessories for then cross .¹ Constitution Number 22 of 2009 concerning Highway Traffic and Transportation regulates about problem then cross , especially for every driver vehicle motorized (Berturder Van motor rijtuigen). The amount the orders and prohibitions given to those who aim for save then cross on the road highway , because that there is something provisions that are general forbid every driver car or other dangerous vehicles then cross on the road highway , deep matter this called follow criminal alone .²

Traffic and Road Transportation). Facts on the ground that happened that Article 231 Law Number 22 of 2009 concerning Road Traffic and Transportation no held with good so that raises obstacle in causal investigation difficulty in find responsible perpetrator like when occur accident then cross perpetrator no responsible answer with leave the victim alone just without stop the vehicle . Deeds the is action coward , no moral and not human because when the victim needs it help , offender leave the victim like that just .³

Besides that is, application applicable laws to perpetrator follow criminal hit run it turns out not yet walk with good because exists obstacle in causal investigation difficulty in find responsible perpetrator answer . if a perpetrator hit run no detained, a number violation similar will happened. When si perpetrator caught with fast,

numbers hit run no will increase . So work good cop detain offenders with hurry up affect violation in the future come . On the contrary failure for withhold si perpetrator almost always followed by a series violation similar .⁴

METHODS

The research specifications used in this study are analytical descriptive, namely research that aims to describe a situation or object in its actual state, systematically and the characteristics of the subject or object are examined accurately, but with certain beliefs make decisions or laws that are applicable in relation to legal theories and the practice of law enforcement.

RESULTS AND DISCUSSION

Factor Causes of Many Occurrences crash Run

Term police as an organ or institution existing government within the country, meanwhile term police is as an organ and as function. As an organ ie something institution organized and structured government in state organization. Whereas as function , ie duties and powers as well as not quite enough answer institution on power Constitution for organize functions, including maintenance security, order community , law enforcement law protection , protection , service society .⁵

Indonesian National Police or what is often abbreviated with Police in relation with government is one function state government in the field maintenance security and order society, enforcement law, protection, protection, and service to the community . aim for realize security domestic includes maintained security and order society, orderly and upright law , administration protection , protection and service society, as well creation peace Public with uphold tall right principle human, p this there is in Article 4 of the Law Number 2 of 2002 concerning Police Republic of Indonesia.⁶

The amount case follow criminal hit run that took place in the District Buleleng caused because exists underlying factors. There are several causative factor many occur hit run i.e. lack awareness Public that every incident accident then cross must there is form not quite enough answer. Besides that there is factor to be reason many hit run namely fear . Perpetrator leave the victim at the moment accident because perpetrator feel afraid like perpetrator feel afraid for deal with law. Then perpetrator afraid because feel guilty . What perpetrators fear the most that is perpetrator afraid beaten either by victims or by sympathetic citizens to the victim so perpetrator choose run self. this in accordance with that explained by setyono that afraid mob and reluctant deal with law too convoluted often made as reason for perpetrator hit run .⁷

Besides that factor reason many hit run that is factor road or lonely place . crash run often happened on the street or quiet place and not there is witness. So that easy for perpetrator for blurry after hit. crash run takes place in a quiet place because big possibility for perpetrator for run self .⁸

Efforts Made Police in Enforcing the Law against Perpetrator follow Criminal crash Run

1. follow Criminal crash Run

in the Prior Traffic Field know and identify a accident is a follow criminal , then need is known about follow criminal and type criminal in a manner general then new could explained about follow criminal accident then cross the . According to PAF Lamintang follow criminal is deed To do or no To do something that has element error as prohibited and punishable acts with criminal , where the imposition criminal to perpetrator is for maintenance orderly law and security interest general .⁹

Types follow criminal distinguished on the basics certain , according to Andi Hamzah is as following :

- According to the Criminal Code (KUHP), they are distinguished including crimes committed in Book II and Offenses published in Book III. Distribution follow criminal into those " crimes " and " offenses " . no only is base for division of our Criminal Code Becomes Book to II and Books to III but also constitutes base for whole system law criminal inside legislation in a manner whole .
- According method formulate it , distinguished in follow criminal formal (formeel Delicten) and follow criminal material (Material delicten). follow criminal formal is follow prescribed punishment that formulated prohibition that is To do deed certain . For example Article 362 of the Criminal Code namely about theft . follow Criminal the core material of the prohibition is on raises forbidden consequences , because that who created prohibited effect that 's what is accounted for answer and be punished .
- According form error , act criminal distinguished Becomes follow criminal intentionally (dolus delicten) and follow criminal no on purpose (culpose delicten).

Example follow criminal intention (dolus) regulated in the Criminal Code , among others, as following : Article 338 of the Criminal Code (murder) ie with on purpose cause loss other people's lives , Article 354 of the Criminal Code which with on purpose injure others. On delict negligence (culpa) people can also convicted if there is error , for example Article 359 of the Criminal Code which causes his death someone , for example other as arranged in Article 188 and Article 360 of the Criminal Code.

- According type act , act criminal active (positive), action active is also called deed material is deed for make it happen hinted with exists movement the body of the person doing it , for example Theft (Article 362 of the Criminal Code) and

Fraud (Article 378 of the Criminal Code). follow Criminal passive distinguished Becomes follow criminal pure and not pure . follow criminal pure , that is follow prescribed punishment in a manner formal or follow basically criminal element his deeds form deed passive , for example arranged in Articles 224,304 and 552 of the Criminal Code. follow Criminal no pure is follow basically criminal form follow criminal positive , however could done in a manner no active or follow pregnant crime element forbidden but done with no do , for example arranged in Article 338 of the Criminal Code, mother no breast-feed the baby so that child the died .¹⁰

Follow criminal then cross one of them Traffic accidents that occur on roads that are not suspected and not intentional involve Vehicle with or without Other Road Users that result in human and/ or casualties loss treasure thing . Accident then cross is events that are very difficult to predict when and where happening . Accident no only resulting in trauma, injury , or disability but could resulted death . Case accident difficult minimized and inclined increase along increase long roads and lots movement from vehicle .¹¹

2. Protection Victim's Rights

Understanding protection that is effort for realize function law To use protect Public from harmful act committed by someone or group society , as well holder intended power to physical , mental , health values , and rights its basically . Whereas Deep victim protection draft large covers two thing , namely :

- Protection law for no become a victim of crime or identical with protection right basic man or interest law someone . Means victim protection is not in a manner direct .
- Protection obtain guarantee or compensation law on suffering or loss people who have being a victim of crime , incl victim 's right to obtain assistance and fulfillment right for access to justice and fair treatment.

This means is victim - based protection direct . With so , form victim protection no direct in the policy criminal , that is for obtain right life , security , and well- being .¹²

According to Article 1 point (24) of the Law Number 22 of 2009 concerning Road Traffic and Transportation concerning definition then traffic that reads :

" Traffic Accident is something events on the Road that are not suspected and not intentional involve Vehicle with or without Other Road Users that result in human and/ or casualties loss treasure thing ."

Characteristics accident then cross according to sum vehicles involved classified to be :

- Accident singular , that is its just an accident involve one vehicle motorized or not involve user another way , for example like crash trees , vehicles slipped , and toppled over due to a flat tire .

- Accident double , that is that is involving accidents more from one vehicle motorized or with experienced hikers accident at the same time and place .¹³

As for follow criminal in the field then cross according to Article 310 numbers (1),(2),(3),(4) of the Law Number 22 of 20019 concerning Road Traffic and Transportation , namely :

- Everyone who drives Vehicle Motorized ones because negligence resulted Traffic Accident with damage Vehicle and/ or goods as meant in Article 229 paragraph (2), sentenced with criminal imprisonment for a maximum of 6 (six) months and/ or a maximum fine of IDR 1,000,000.00 (one million rupiahs).
- Everyone who drives Vehicle Motorized ones because negligence resulted Traffic Accidents with injured victims light and damage Vehicle and/ or goods as meant in Article 229 paragraph (3), sentenced with criminal prison maximum 1 (one) year and/ or a maximum fine of Rp. 2,000,000.00 (two million rupiahs).
- Everyone who drives Vehicle Motorized ones because negligence resulted Traffic Accidents with injured victims heavy as meant in Article 229 paragraph (4), sentenced with criminal maximum imprisonment of 5 (five) years and/ or a maximum fine of Rp. 10,000,000.00 (ten million rupiahs).

Deep matter accident as referred to in paragraph (3) which results in the death of another person , shall be punished with criminal maximum imprisonment of 6 (six) years and/ or a maximum fine of Rp. 12,000,000.00 (two mercy million rupiahs). Next about follow criminal hit run arranged in Article 312 Law Number 22 of 20019 concerning Road Traffic and Transportation , namely :

“ Everyone driving Vehicle Motor involved Traffic Accidents and with on purpose no stop the vehicle , no give help , or no report Traffic Accident to The nearest Republic of Indonesia National Police as meant in Article 231 paragraph (1) letter a, letter b, and letter c without good reason convicted with criminal maximum imprisonment of 3 (three) years or a maximum fine of IDR 75,000,000.00 (seven fifty five million rupiah).”

3. Draft Restorative Justice Approach and Theory discretion Police

a. Restorative Justice Theory In one online encyclopedia

it says that Restorative justice (or often also called "reparative justice") or in a manner term in Indonesian can translated with " judicial or justice restorative or reparative " is something approach for justice that focuses on the needs of victims and perpetrators , as well as the people involved , no satisfying principles law abstract or punish perpetrator . Victim takes role active in progress, meanwhile perpetrator pushed for take not quite enough answer on action them ," to repair losses that have they do with request sorry , return stolen money , or service society . Restorative involves both victims and doers and focuses on needs they in a manner personal .

b. Theory discretion Police

discretion is something power or exercised authority based on law on consideration and belief as well as more emphasize moral judgment rather than judgment law .¹⁴

discretion Police in Indonesia by juridical regulated in article 18 Paragraph 1 and 2 of the Law Number 2 of 2002 concerning Police Republic of Indonesia , namely : (1) For interest general official Indonesian National Police in carry out duties and powers could Act according to assessment alone . (2) Execution provision as meant in paragraph (1) only could done in very necessary situation with notice regulation legislation , as well as the Code of Ethics Profession Indonesian National Police .

Traffic Medan Police have element executor in charge organize Duty police covers guard , control , escort , patrol , education society , engineering traffic , and accidents then traffic and enforcement law in field then cross . Besides that Satlantas also organizes a number of function as following :

- coaching then cross police ;
- coaching participation Public through work same cross sectoral , Dikmaslantas , and assessment problem in the field then cross .
- Implementation operation police field then cross in framework enforcement law and security , safety , order , smoothness then cross (Kamseltibcarlantas) .
- Service administration registration and identification vehicle motorized as well as driver .
- Implementation patrol road highway and enforcement violation as well as handling accident then cross in framework enforcement law , as well ensure Kamseltibcarlantas on the way highway .
- Security and rescue Public user road .

b. ACCIDENT UNITS

Service Unit Traffic Accidents (Laka Unit Then) in Traffic at the Medan Police is executor function investigation accident then duty traffic organize administration investigation case accident then cross so that every case accident then cross gain certainty law to create security , safety and order as well as smoothness then cross .

c. The Process of Compensation Services Raharja

- Police make report short happening incident accident in accordance with investigation . 2. The police asked for the victim's data and documents the necessary supporting documents (KK/ marriage certificate/ KTP) .
 - The victim who died is attached letter Dead from house sick or police , if the victim experiences injuries attach receipt cost care or original treatment from house sick .
 - Police report and submit data on accident victims then cross to service king .
 - Victim or expert inheritance fill in form claim insurance .
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CONCLUSION

1. There is three factor reason happening follow criminal accident then resulting traffic Dead that is factor man is the most dominant factor in a accident then cross where they often To do violation then cross . factor vehicle is most frequent factor occur where driver no notice especially formerly condition vehicle his . And factor very influential way as reason accident then cross because condition no way worth .
2. Sanctions law for perpetrator for perpetrator follow criminal accident then cross according to the statute law existing crime in chapter 359 , that someone who is negligent moment drive cause death of people threatened criminal maximum imprisonment of 5 years . As well as Within every case crimes that occur in the jurisdiction traffic police station binjai there is a number of obstacle To use reveal follow criminal accident then cross of them , no exists witness on the spot matter , no Fulfill calling as witness and lack knowledge about law .
3. Deep To do series action effort in cope follow criminal accident then resulting traffic death . Party police To do a number of effort of them , come the place cases , conducting 69 70 TKP investigations, and coordinating to party agency related other . As well as doing prevention effort preventive and repressive .

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