



## **Judges' Considerations On Traffic Accident Cases In Relation To The Law On Road Traffic And Transportation (Decision Study Number: 35/Pid.Sus/2022/Pn.Pwk)**

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**Abstract:** This study analyzes law enforcement in traffic accident cases resulting in fatalities, focusing on Article 310 paragraph (4) of Law Number 22 of 2009 concerning Road Traffic and Transportation. The main objective is to examine how the law is applied and how judges make considerations in handing down verdicts. Using a normative legal research method, this study analyzes Judgment No. 35/Pid.Sus/2022/PN.Pwk. The results show that the defendant, who was negligent and caused the victim's death, was indeed charged under this article, which carries a maximum sentence of six years in prison. However, an interesting finding from this study is the gap between the maximum penalty and the sentence imposed. Although the defendant's actions were proven to violate the article and cause death, the judge imposed a sentence of 4 years in prison, which is lighter than the maximum penalty. This decision was based on legal and non-legal considerations, including mitigating and aggravating factors. It is concluded that this lighter sentence than the maximum penalty is considered contrary to the spirit of Article 310(4) of the LLAJ Law.

**Keywords:** Traffic Accident, Judge's Considerations, Law No. 22 of 2009.

### **INTRODUCTION**

Traffic accidents are a multidimensional problem that has a major impact on Indonesian society. Based on data, Indonesia is still among the countries with the highest number of traffic accidents in the world. More than 100,000 cases are recorded annually, with the majority of victims coming from the productive and lower-middle age groups [Puspasari, M. A., 2023]. The main factors causing accidents are dominated by human behavior, such as lack of concentration, fatigue, and non-compliance with traffic regulations. Motorcyclists are the most vulnerable group, contributing to approximately 90% of road accidents [Halim, W., Puspasari, M. A., 2025 ].

Risky driver behavior, such as not using turn signals, stopping past the stop line, and the inability to recognize road hazards are the main causes of 57% of accidents [Halim et al., op. cit., e42495.], [Zainafree, il., 2021]. This problem is exacerbated by the high use of

motorcycles as the main mode of transportation due to economic and practical factors. Fatigue and drowsiness, especially in drivers who work long hours or lack sleep, also increase the risk of fatal accidents. [Puspasari et al., op. cit., e19500] Efficient law enforcement efforts will be hampered if the public is accustomed to ignoring traffic regulations and considers violations as something normal. Thus, it is crucial to foster a new awareness of respecting and obeying all driving regulations. [Luky Abdul Majid, 2025]

Furthermore, social factors such as low education, safety awareness, and infrastructure conditions are also significant triggers for the increasing number of accidents in Indonesia.

In an effort to reduce these accidents, law enforcement plays a very strategic role. Clear rules and consistent law enforcement can prevent risky driving behavior and encourage compliance with traffic regulations. [Helmi, R., D2024] Law Number 22 of 2009 concerning Traffic and Road Transportation is the main basis for prosecuting traffic accident perpetrators, especially those caused by negligence or carelessness. However, the implementation of the law in the field still encounters many obstacles, both in terms of evidence, reporting, and public legal awareness [Hutomo, 2022], [Wulan, 2020].

A judge's considerations refer to the assessment or opinion used to determine the truth or falsity of a case before rendering a legal decision. Decisions made by judges, both in the Supreme Court and in first-instance courts, play a significant role in uncovering relevant facts, particularly in cases involving accidental death. Herman Bakir stated that judges are extensions of God on earth. [Suwandi, 2021]

This study aims to examine the reasons judges consider when deciding traffic accident cases. This study uses Law Number 22 of 2009 concerning Road Traffic and Transportation as a reference, primarily the implementation of Article 310 paragraph (4). To obtain a clear explanation regarding the application of the law in court, this study uses Decision Number 35/Pid.Sus/2022/PN.Pwk as an example. The results are expected to broaden insight into criminal law, particularly in the context of traffic law, and serve as a basis for developing legal policies that are more relevant to societal developments.

In cases governed by the Road Traffic and Transportation Law (LLAJ Law), a negligent driver who causes death can be sentenced to up to six years in prison. However, in Decision Number 35/Pid.Sus/2022/PN.Pwk, the judge imposed a different sentence. Although the defendant was found guilty, the judge sentenced him to four years in prison, less than the maximum penalty stipulated by law. This decision does not violate legal norms, as the purpose of punishment is not solely to inflict suffering on the perpetrator, but rather to serve as a deterrent, learning, and improvement measure. Therefore, this verdict is considered more proportional, reflecting justice commensurate with the defendant's level of culpability, and aligning with the concept of justice firmly held by society.

Based on the explanation above, the author seeks to gain a deeper understanding of the judge's considerations when handing down the verdict in Decision Number 35/Pid.Sus/2022/PN.Pwk. The goal is to uncover the rationale behind the sentencing of the defendant in this case.

The results of this study are expected to make a significant contribution to strengthening and developing the study of criminal law, particularly as it relates to traffic law, and serve as a reference in efforts to reform legal policies that are more adaptive and responsive to community needs. Based on the previous explanation, this study focuses on the regulation of traffic accidents as stipulated in Article 310 paragraph (4) of the LLAJ Law, as well as on the judge's considerations in deciding traffic accident cases as stated in Decision Number 35/Pid.Sus/2022/PN.Pwk.

## RESEARCH METHODS

This research was conducted using a qualitative normative legal approach. This method is an approach in legal science that examines written norms, such as regulations and laws that are in accordance with the research topic. [Raka Indra Pratama, 2025] The analysis is through literature study, with a focus on the principles, rules, and provisions of existing law, especially those contained in Law Number 22 of 2009 concerning Traffic and Road Transportation. The purpose of the research is to review the application of law in traffic accident cases through a study of court decisions, while also revealing various obstacles in providing legal protection for victims. Based on the opinion of I Wayan Puja Astawa in his written work entitled Normative legal research is research whose main focus is on examining the content or substance of legal norms, such as laws, jurisprudence, opinions of legal experts (doctrines), and various other legal sources. [ Ibid. ] Ahmad Mukti Fajar ND and Yulianto explain normative legal research as "legal research that places law as a normative system [Muhaimin, 2020]. Soerjono Soekanto and Sri Mamudji, explain normative legal research as "legal research conducted by examining library materials (secondary data) [ Ibid, p. 47]. It is called normative legal research or library legal research (in addition to sociological or empirical legal research which primarily examines primary data)" [ Ibid, p. 47].

## RESULTS AND DISCUSSION

### **Regulations Concerning Traffic Accidents in Law Number 22 of 2009 Article 310 paragraph 4 concerning Traffic and Road Transportation**

Law Number 22 of 2009 concerning Traffic and Road Transportation (LLAJ) can serve as a basis and guideline for enforcing traffic violations. The law clearly defines criminal penalties for those involved in accidents. The existence of these official regulations regarding driving fosters hope that the public will be more disciplined and careful when driving, resulting in a decrease in the number of accidents and an increase in the standard of living in Indonesia. [Halim et al., op. cit., 162]

Article 4 of Law Number 22 of 2009 concerning Traffic and Road Transportation establishes the principles, objectives, and general principles for the implementation of the national traffic system. This provision plays a crucial role as a normative foundation in efforts to create safe, secure, orderly, and orderly traffic. More specifically, Article 4 stipulates that the traffic system must ensure the safety of all road users, prioritize traffic ethics, reduce accident fatalities, and provide fair legal protection.

In the context of implementation, Article 4 does not directly stipulate sanctions, but serves as the philosophical and legal basis for various operational provisions scattered throughout other articles, including Articles 310 and 311, which regulate criminal sanctions for negligence or dangerous driving. This is evident in how the courts use Article 310 as the basis for criminal liability for traffic accident perpetrators who have been proven negligent in driving and caused minor injuries to the victim. The sentencing in this case demonstrates that the courts based their decisions on the spirit and basic principles contained in Article 4, namely ensuring the safety of road users and providing fair legal protection.

The explanation of Article 310 of Law Number 22 of 2009 is as follows:

#### 1. Article 310 Paragraph 1 of Law Number 22 of 2009

- (1) Any person who drives a motor vehicle who, due to his or her negligence, results in a traffic accident;
- (2) And results in damage to Vehicles and/or goods as referred to in Article 229 paragraph (2), shall be punished with imprisonment for a maximum of 6 (six) months;

#### 2. Article 310 Paragraph 2 of Law Number 22 of 2009

- (1) Any person who drives a Motor Vehicle who, through negligence, causes a Traffic Accident;

(2) And results in minor injuries and damage to Vehicles and/or goods as referred to in Article 229 paragraph (3), shall be punished with imprisonment for a maximum of 1 (one) year;

3. Article 310 Paragraph 3 of Law Number 22 of 2009

(1) Any person who drives a Motor Vehicle who, through negligence, causes a Traffic Accident

(2) And results in serious injuries as referred to in Article 229 paragraph (4), shall be punished with imprisonment for a maximum of 5 (five) years;

4. Article 310 Paragraph 4 of Law Number 22 of 2009

(1) In the case of an accident as referred to in paragraph (3), a traffic accident resulting in the death of another person, shall be punished with a maximum imprisonment of 6 (six) years;

5. Article 311 Paragraph 1 of Law Number 22 of 2009

(1) Any person who intentionally drives a Motor Vehicle in a manner or under conditions that endanger life or property shall be punished with a maximum imprisonment of 1 (one) year;

6. Article 311 Paragraph 2 of Law Number 22 of 2009

(2) In the case of an act as referred to in paragraph 1 (one) resulting in a Traffic Accident with damage to the Vehicle and/or property as referred to in Article 229 paragraph (2), the perpetrator shall be punished with a maximum imprisonment of 2 (two) years;

Furthermore, the implementation of Article 4 is concretely realized through traffic supervision, preventive measures by traffic police, and repressive measures in the form of administrative or criminal sanctions. This article provides legitimacy for law enforcement to enforce traffic norms, including the prohibition of using telephones while driving, violations of road markings, convoys that disturb public order, and other violations that have the potential to cause accidents [Arief, BardaiNawawi. 2016], [Daud, 2023], [Hamzah, Andi. 2017].

Indonesia is a state of law (rechtsstaats), so anyone who commits a crime must be held accountable for their actions through legal proceedings. Law enforcement implies that a crime is an act prohibited by a legal regulation, where the prohibition is accompanied by a threat (sanction) in the form of a specific penalty as accountability. [Saryana, 2024.]

According to Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation, Article 1 number 2, traffic is the movement of vehicles and people in road traffic space. Article 1 number 24 states that a traffic accident is an unexpected and unintentional incident on the road involving vehicles with or without the use of other roads that results in human casualties and/or property losses. Article 310 paragraph 4 of Law Number 22 of 2009 concerning Traffic and Road Transportation, which regulates criminal sanctions for negligence or dangerous actions while driving. How does the court use Article 310 as the basis for criminal liability for traffic accident perpetrators who have been proven to be negligent in driving and causing the victim's death? The sentencing in this case shows that the court based its decision on the spirit and basic principles contained in Article 4 of Law Number 22 of 2009, namely ensuring the safety of road users and providing fair legal protection.

When viewed from the theory of law enforcement according to Soerjono and Soekanto and Abdullah, there are three important components that must synergize for the law to be effective: legal structure, legal substance, and legal culture [Soekanto, S., 2009]. The findings in this study indicate that although the legal structure is in place and the legal substance is quite clear in Law No. 22 of 2009, the legal culture of society, such as awareness of victims' rights and the preference for informal resolution, is a major obstacle. The legal culture that tends to be permissive towards traffic violations and prefers peaceful settlements within the family actually reduces the deterrent effect and weakens formal legal protection for victims.

#### **Judge's considerations regarding traffic accident cases in Decision Number: 35/Pid.Sus/2022/PN.Pwk**

A judge's reasoning is an assessment of the truth or falsity of a case as the basis for issuing a verdict. Decisions made by judges in the Supreme Court and in first-instance courts, as

outlined in decisions regarding the defendant's statements, play a significant role in uncovering the facts of a case, particularly cases involving accidental death. [Halim et al., op. cit., 161]

In formulating legal reasoning, a judge is required to be meticulous, structured coherently, and use Indonesian language that adheres to the rules. Accuracy in formulating reasoning means that the content of the reasoning must encompass all essential elements, including the sequence of events, a legal review of the facts, the formulation of legal facts, and the application of appropriate legal norms, whether derived from written law (positive), customary law, court decisions (jurisprudence), or expert opinions or other legal theories. All of these elements serve as the argumentative basis (legal rationality) for the judge's decision. [Nur Iftitah Isnantiana, 2017]

In a traffic accident case, a man named Ahmad Sudirman was deemed negligent in driving, resulting in injuries to three other people and the death of Yan Bastian. This case was decided by the Purwakarta District Court under decision number 35/Pid.Sus/2022/PN.Pwk. The public prosecutor filed cumulative charges against the defendant, namely:

**FIRST:**

- a. First: Article 311 paragraph (5) of the LLAJ Law states that the defendant's actions constitute a criminal offense punishable by applicable regulations.
- b. Second: Article 310 paragraph (4) of the LLAJ Law states that the defendant's actions are punishable by criminal sanctions.

**SECOND:**

- a. First Primary: The defendant committed an act covered by Article 311 paragraph (4) of the ULLAJ, which regulates and imposes a criminal penalty for that act.
- b. Subsidiary: The defendant committed an act regulated by Article 311 paragraph (3) of the ULLAJ, and therefore may be punished according to that article, or.
- c. Second Primary: Based on Article 310 paragraph (3) of the ULLAJ, the defendant's actions can be categorized as a traffic violation that could potentially be subject to criminal sanctions.
- d. Subsidiary: The defendant's actions are included in the actions regulated and subject to sanctions as stipulated in Article 310 paragraph (2) of the ULLAJ.

**THIRD**

- a. First: The defendant committed an offense for which the penalty is stipulated in Article 312 of the ULLAJ.
- b. Second: The defendant's actions fall within the provisions and criminal penalties stipulated in Article 311 paragraph (2) of the LLAJ Law.
- c. Third: The defendant's actions fall within the provisions and criminal penalties stipulated in Article 310 paragraph (1) of the Traffic and Road Traffic Law.

**FOURTH**

- a. The defendant's actions constitute a criminal offense punishable by Article 311 paragraph (1) of the Traffic and Road Traffic Law, as stated in the prosecutor's indictment.

In Purwakarta District Court Decision Number 35/Pid.Sus/2022/PN.Pwk, the Public Prosecutor stated that Ahmad Sudirman bin Udin Halim (deceased) was found guilty of negligence while driving, resulting in a fatal accident, resulting in fatalities and serious injuries.

The panel of judges sentenced Ahmad Sudirman bin Udin Halim (deceased) to six years in prison. Based on Decision Number 35/Pid.Sus/2022/PN.Pwk, the defendant was found guilty of multiple charges. The first charge is the primary charge under Article 310 paragraph (4) of the ULLAJ, with supporting charges (subsidiary) under Article 310 paragraph (3) of the same law. He was also charged with violating Article 310 paragraph (2) of the ULLAJ.

The panel of judges made a decision based on the facts that emerged during the trial. This decision took into account various pieces of evidence, such as the indictment, statements from witnesses and the defendant, and other evidence presented. Based on all available evidence,

the defendant's actions were deemed to have fulfilled the elements of Article 310 of the UULLAJ. Therefore, the judge's decision in case No. 35/Pid.Sus/2022/PN.Pwk was deemed appropriate and in accordance with applicable legal procedures. These procedures included determining the place and time of the incident (locus and tempus) taken from the case, as well as fulfilling the elements of intent or negligence (dolus and culpa) by the defendant.

Regarding the first charge from the Public Prosecutor, the Panel of Judges will assess and prove the alternative charge which is in line with the legal facts revealed in the trial, namely the first and second alternative charge as stated in Article 310 paragraph (4) of the UULLAJ, with the following elements:

The element of "every person": Considering, that "every person" is defined as any legal entity, whether an individual or a legal entity, brought to court on suspicion of committing a crime. Considering, that based on the examination of documents and the testimony of witnesses and the defendant, the identity of the defendant, AHMAD SUDIRMAN BIN UDIN HASIM (deceased), has been verified. His identity matches the data in the case file, the indictment, and the information provided. Therefore, the court believes that the defendant present at the trial is the correct person and that there is no identity error.

The element of "driving a motorized vehicle which, due to negligence, results in a traffic accident resulting in death." Considering that under the Traffic and Road Transportation Law, a vehicle is defined as a means of transportation used on the road, which can be either motorized or non-motorized. Furthermore, the UULLAJ also explains that a motorized vehicle is a vehicle driven by an engine or other propulsion device.

The Panel of Judges will consider and prove the second charge from the Public Prosecutor. Specifically, the Panel of Judges will focus on the second alternative charge outlined at the primary level, namely regarding Article 310 paragraph (4) of the UULLAJ. This assessment and proof will be based on the evidence and legal facts that emerged during the trial, with the following elements:

The element of "every person": Considering, that regarding this element, the Panel of Judges will take over the consideration of the element of "every person" contained in the second Alternative First Charge, so that the Panel of Judges is of the opinion that the element of "every person" referred to in this article has been legally proven and its truth is believed to be based on juridical grounds.

The element of "driving a motor vehicle which due to negligence results in a traffic accident with serious injuries": Considering, that this element insofar as it concerns the act of "Driving a motor vehicle which due to negligence results in a traffic accident" has been considered in proving the elements of the First Alternative Second Charge, the Panel of Judges also takes over the consideration of this element insofar as it concerns the act of "Driving a motor vehicle which due to negligence results in a traffic accident" Based on the judge's consideration, the defendant was proven to have been negligent in driving his vehicle which caused the accident.

Referring to Article 310 paragraph (4) of the UULLAJ, it can be concluded that if a "traffic accident occurs which causes another person to die, the perpetrator can be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of IDR 12,000,000.00 (twelve million rupiah)". Meanwhile, based on the provisions of Article 310 paragraph (3), "accidents that result in serious injuries to the victim, the perpetrator shall be punished with a maximum prison sentence of 5 (five) years or a maximum fine of IDR 10,000,000.00 (ten million rupiah)".

The case position according to the Public Prosecutor's indictment That began on Friday, October 15, 2021 after completing Friday prayers, the Defendant Ahmad Sudirman Bin Udin Hasim (Alm) went to the Le Minerale Factory in the Cianjur area using a container vehicle No. Pol B9318 UIY, at approximately 17.00 WIB the Defendant arrived at the location, then the

Defendant queued for cargo and stayed overnight at the factory location, then at approximately 23.00 WIB the vehicle entered the warehouse loading and finished loading at approximately 12.00 WIB the next day, at approximately 15.00 WIB the Defendant left the Le Minerale factory carrying products from the factory, namely small bottled mineral water with a total weight after being weighed of approximately 38 tons, even though in the KIR book the permitted weight (JBI) for the head tractor vehicle No. Pol B 9318 UIY is 14.32 tons so the total excess weight over the JBI weight is 10.68 tons. - That throughout the journey while driving the container vehicle with Police Number B 9318 UIY, the Defendant drove it at high speed and often drove in a zigzag manner, even though heavy vehicles must remain in lane one, while the Defendant often drove his vehicle in lane two with the aim of avoiding obstacles, namely the convoy of heavy vehicles in lane one. - That when the Defendant was driving a container vehicle with Police Number B 9318 UIY in lane two on the Purbaleunyi toll road at approximately KM 91, the Defendant suddenly changed lanes from lane two to lane one because there was a queue of vehicles in front of the vehicle driven by the Defendant, because suddenly changing lanes and this blocked the road in lane one, namely a minibus with Police Number B 1152 SSV which was behind the container vehicle with Police Number B 9318 UIY and the minibus honked the horn at the container vehicle with Police Number B 9318 UIY so that the Defendant was shocked and immediately turned the steering wheel to the right. The Defendant could not control his car, because the contents of the Defendant's vehicle were water, this caused the body of the vehicle to immediately roll over and hit the minibus with Police Number B 1152 SSV and was on the left side of the Defendant's car which had previously tried to overtake the container vehicle with Police Number B 9318 UIY and as a result of this incident, one of the passengers of the minibus with Police Number B 1152 SSV passed away.

When rendering a verdict in a case, a judge is required to consider the legal aspects stipulated, for example, in Article 310 of the Traffic and Traffic Law. In addition to legal aspects, judges also consider non-legal factors when rendering a verdict in a case. These considerations include:

"(1) taking into account prevailing societal values and unwritten laws; (2) assessing factors that could mitigate or aggravate the defendant's position; (3) considering the existence of reconciliation, the degree of culpability, and the role of the victim; and (4) considering community environmental factors, particularly the application of applicable laws in the area." The aggravating circumstances are:

"1)The Defendant's actions resulted in the loss of life; 2) The Defendant's actions left traumatized the victims."

The mitigating circumstances are:

"1)The Defendant admitted and regretted all of his actions and promised not to repeat them; 2) The Defendant has never been convicted of a crime."

In this case, the judge sentenced him to four years in prison, which is lighter than the six years demanded by the Public Prosecutor. The judge's reason for imposing a lower sentence was because during the trial the defendant demonstrated responsibility, admitted all of his actions, and promised not to repeat them in the future. The author considers the sentence imposed too lenient, even though Article 310 paragraph (4) of the UULLAJ allows for a maximum sentence of six years in prison. It is feared that a sentence that is too lenient will not have a deterrent effect or teach the defendant a lesson. Nevertheless, this remains part of the judge's consideration of justice. In other words, from both legal and non-legal considerations, the Court decided that the defendant was proven guilty of violating traffic regulations as regulated in Article 310 paragraph (4) of the Traffic and Road Transportation Law. Meanwhile, in the second decision, the defendant was found guilty of violating Article 310 paragraph (3) and Article 310 paragraph (1) of the same Law.

## CONCLUSION

Under Indonesian law, specifically Law Number 22 of 2009 Article 310, traffic accidents caused by driver negligence have varying criminal consequences. If the negligence results in death, the perpetrator can be sentenced to up to six years in prison. If the negligence results in serious injuries, the maximum prison sentence is five years. Meanwhile, for accidents that only result in minor injuries and damage to vehicles or property, the driver can be imprisoned for a maximum of one year.

In a court decision, the judge considers various aspects, both legal (juridical) and extralegal (non-juridical), to determine the appropriate sentence. These aspects can either mitigate or aggravate the defendant's sentence. In the traffic accident case under Decision Number 35/Pid.Sus/2022/PN.Pwk, the judge sentenced the defendant to four years in prison. This sentence is considered lighter than the maximum sentence of six years. This case drew attention because the defendant's actions caused several injuries and even one death. Therefore, this judge's decision is considered to be in conflict with Article 310 paragraph (4) of the Traffic and Road Transportation Law which should be used as a reference.

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