

Law Sanctions Article 300 And 307 Law Number 22 Of 2009 Concerning Traffic Traffic And Road Transport (Llaj) Against Vehicle In Goods

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Abstract

This research was conducted to further analyze the imposition of ticket sanctions for motorists loaded with goods on the toll road. Four drivers of cargo vehicles that have received ticketing sanctions were interviewed to get more detailed and valid information regarding the ticketing sanctions. Furthermore, the information obtained from the four respondents will be analyzed in the form of qualitative analysis. In addition, information from the authorities will also be explored further in order to get a fair view of the two parties. From the research results obtained information about the process of applying two articles namely Article 300 and Article 307 The Traffic and Road Transport Law (LLAJ), which is used by the authorities in providing ticketing sanctions for motorists loaded with goods. In addition, there are also other factors besides the Traffic and Road Transportation Law (LLAJ) which are used by the authorities in providing ticketing sanctions for motorists loaded with goods.

Keywords

Traffic and Road Transportation Law (LLAJ), Traffic Sanctions, Goods Loaded Vehicles

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Preliminary

Indonesia is ranked number one as the country with the highest increase in the number of accidents (Ruslan, 2016). The number one sequence was achieved after the accident rate in Indonesia increased to more than 80% or around 120 people lost every day due to accidents in this country. This fact certainly makes traffic in Indonesia very complex with various problems that are often encountered in traffic in Indonesia. This is what made Pantja Dharma Oetojo as Head of the Program and Evaluation Center for Road and Bridge Research and Development, the Ministry of PUPR to take preventive and anticipatory actions that are useful for improving urban safety management. The preventive and anticipatory actions suggested by Pantja Dharma Oetojo must be based on strong laws. This is because Indonesia is a country based on the law in accordance with what is written in the 1945 Constitution of the Republic of Indonesia (NRI) and confirmed in the Fourth Amendment in 2002 (Asshiddique, 2011). In Article 1 paragraph (3) it is explained that "The State of Indonesia is a State of law." The concept requires the law as commander in the dynamics of state life, not politics or economics. In other words, the law must be made as a system in the life of the state.

However, in reality, preventive and anticipatory actions that should be taken by all parties often encounter various problems and conflicts in the field. One case that was viral on social media occurred on February 22, 2019 as written on the official website of the Tribune Kaltim, <http://kaltim.tribunnews.com/>. The case involved a police officer who ticketed a truck loaded with chili in Balikpapan, East Kalimantan. The truck driver did not accept because he felt he had stopped his truck to rest in a location that was not listed as a prohibition to park and stop. This viral incident also involved a debate between the police officer and the truck driver. After the viral on social media, East Kalimantan Regional Police Chief Inspector General Priyo Widyanto issued a shocking statement that he had removed the position of a police officer who ticketed the chili-loaded truck driver and withdrew the ticket because the driver was unable to show the completeness of the cargo document, in accordance with what was written in the Law Number 22 Year 2009 concerning Road Traffic and Transport (LLAJ). The driver cannot show the document of charge because the driver argues that the chili charge does not have any document of charge. Various articles are also widely used by police officers who give tickets to truck drivers loaded with heavy goods, such as Article 300 letter a jo the Traffic and Road Transportation Law (LLAJ). The application of this article must of course be accompanied by strong arguments and reasons in order to provide explanations for truck drivers who are charged with ticket sanctions. This is based on the background of Article 300 letter a jo of the LLAJ Law which reads: "Convicted with a maximum imprisonment of 1 (one) month or a maximum fine of Rp 250,000.00 (two hundred and fifty thousand rupiah), each Public Motor Vehicle Driver which: do not use a predetermined path or do not use the leftmost lane except when going ahead or change direction. The writing of the word "public motor vehicle driver" in the article must be clarified and reiterated in order to reduce misunderstandings or conflicts that arise between the authorities and the truck drivers with goods.

Theory Review

Transportation

Ruktiningsih (2017) sets out the definition of transportation according to Khisty and Lail as moving goods, people and services from one place to another. This transfer applies the principle that the material transferred must be in the appropriate conditions in a new place as the condition of the material in the previous place. The greater the population, the need for transportation also increases. This causes an increase in the number of means of transportation. Not only an increase in the number of means of transportation, regional and regional development can also lead to the growth of activity centers and settlements so that movement is increasingly needed. Transportation in this case has several objectives, namely organizing transfers that are:

Secure

Safe means the condition of the material moved must be in accordance with its conditions in place before being transferred without interruption in the process of movement.

Comfortable

The object or material that is moved needs to get treatment in accordance with the standards during the transfer process.

Economical

This aspect requires the occurrence of effective and efficient things, especially in terms of time and cost as the two most important things in the process of moving or transportation.

Research Methods

This research was conducted by collecting various valid data from several respondents who have experienced being subjected to ticketing sanctions when driving vehicles loaded on the highway. All data and information provided by the respondents will be validated through an interview or question and answer process with the authorities or the police.

The data collection process for this research which is based on real experiences experienced by respondents is a form of empirical research. This is because the process of collecting data for this research involves several crucial processes, such as observation and interview processes. Both observation and interview processes also involve observation by the human senses which are an important component in empirical research. After various data are obtained from the interview session, the writer will process the data based on several articles of the Traffic and Road Force Law (LLAJ) in a juridical approach.

Results and Discussion

The decision of the authorities to give ticketing sanctions to the two respondents can be analyzed as a form of decisive action to achieve a good transportation destination as outlined by Ruktiningsih (2017), namely the purpose of transportation in creating safe, comfortable and economical trips. In this case, the ticketing sanction to the two respondents aims to create safe transportation, which is where all road users are obliged to and should be able to reach their destination or be moved without interruption in the process of movement. If the movement of the lane or the two respondents who drive vehicles loaded with goods on the lane other than the left lane can be detrimental to other motorists, then this first objective cannot be achieved. In addition to being safe, the authorities also firmly impose ticketing sanctions in order to realize convenience as a second transportation destination according to Ruktiningsih (2017). All motorists are entitled to the standard treatment during the process of moving or traveling. In this case, if the drivers of goods loaded vehicles are not in the right lane, that is, the comfort of the drivers of other vehicles can be disrupted. While other transportation destinations, namely the economic goals regarding time and cost issues which are also the two most important things in the transportation process cannot be realized by the authorities who provide traffic cards to the respondents. Of course the third destination of the transportation system can be a strong reason for JT respondents who were experiencing severe traffic congestion at that time. Therefore, JT respondents decided to run vehicles loaded with goods in all lanes due to road conditions that are not conducive to being able to reach their destination more quickly and effectively. This can also be seen from the perspective of SW respondents who decide to "cut off" other vehicles that are running slowly and are considered to be dangerous to themselves. The authorities advise JT respondents to be patient in facing traffic which certainly does not reflect the purpose of the transportation system in order to realize the economic aspects. Meanwhile, the authorities gave advice to

SW respondents to go straight back to the left lane after cutting another vehicle. This certainly can endanger SW respondents or other drivers if done in a hurry. In other words, the authorities do not think about the purpose of transportation in terms of security.

In conclusion, the authorities do have good reason to impose ticketing on lane errors to both SW and JT respondents. The authorities also strive to always uphold transportation destinations in order to realize safe and comfortable transportation. However, the authorities who sanctioned the two respondents also did not consider the economic and security aspects of transportation. As can be seen from the results of the interviews of five informants from the authorities, one of the interviewees claimed to be given direction by their leaders to act decisively against the use of lanes by vehicles loaded with goods without exception. This is certainly understandable as an effort to create a safe and comfortable trip. Other authorities also claimed that it was not uncommon to find drivers of vehicles loaded with goods that were continuously driving for long periods of time in their vehicles in lanes other than the leftmost lane because they wanted to save time. This certainly can be understood as an act that violates the legislation of Article 300 of the Road Traffic and Transport Law (LLAJ).

Authorities who do not carry measuring equipment when stating that the cargo dimensions of goods transported by RH respondents have crossed the line are also followed by zero Standard Operating Procedure (SOP) processes for ticketing sanctions during raids according to Chandra (2014). The authorities have certainly carried out the first SOP, which is the preparation process in preparing ticket blanks, pens, coating equipment sets and ticket labels. However, for points number 5 and 6, namely the preparation of a raid notification board and Article 111 of the Criminal Procedure Code was not shown by the authorities. So that the raids carried out impressed suddenly and quietly. It was proven because all four respondents felt suddenly stopped when they were driving their vehicle. The second SOP on raids procedures was also not implemented as a whole because the authorities did not show a warrant when stopping vehicles loaded with the four respondents in this study. So that the raids do not look organized and organized. For the last procedure, the raid was carried out quite well because it was carried out on a straight and free vision public road, namely the toll road.

When viewed from the results of interviews with the five authorities, four out of five police officers explained that acts of violation of Article 307 were the most frequently encountered in the field at this time. One of the authorities claimed to have a tolerance level for cargo dimensions as long as it does not threaten traffic safety. This action of the authorities is certainly a positive action because as he acknowledges that there are still many drivers of vehicles loaded with goods that do not know this important information. Another resource person admitted that he would ticket a violation of this article without exception because it could cause accidents and damage both to themselves and other motorists around them. This certainly can be assessed as a preventive measure, as written by Ruktiningsih (2017).

Meanwhile, criticism from RH respondents who felt that the authorities did not bring the dimensions of the cargo when measuring the ticket sanctions to him were also explained by another police source who explained the procedure for assessing vehicle cargo in plain sight by adjusting the capacity of the vehicle as written in the KIR book the vehicle and the dimension measuring device as written in the Law.

In addition to state laws and regulations, the decision of the authorities in providing ticketing sanctions for respondents is also influenced by various factors. The authority as an instrument of law enforcement is an individual who has a different character and character from the enforcers or other individuals. As described by Chandra (2014) in the previous chapter, the attitude of law enforcement is one of four factors that can hinder the law enforcement process of Law Number 22 Year 2009 concerning Road Traffic and Transportation. For example, there was an authority interviewed who claimed to have a tolerance level for the cargo he met. However, there are other authorities who directly ticketed without exception as an effort of granting acts of deterrent to the cargo drivers.

The moral ethics and professionalism of law enforcement officials are the first law enforcement attitudes in the effort to enforce Law Number 22 Year 2009 concerning Road Traffic and Transportation. In this study, the attitude of arrogance and the weakness of moral ethics and professionalism of law enforcement officers is not proven. This is because the four respondents

in this study were penalized and not released with bribes. In addition to not asking for bribes, law enforcement officials who provide ticketing sanctions to the four respondents in this study also proved not to take actions that exceed the limits of authority as law enforcement officials such as violence and actions that do not reflect the protective figures, patrons and public servants, as written Chandra (2014). Although law enforcement officials have shown professionalism in providing ticketing sanctions to respondents in this study, the authorities have been shown to have weak coordination between other law enforcement officials, both fellow law enforcement officers on the road and with elements of the *Criminal Justice System* (CJS). This is because when the raid implementation process took place, law enforcement officers who gave ticketing sanctions were seen alone and did not coordinate with other officials. In addition, the last law enforcement character written by Chandra (2014) is *Traffic Education* that has not been carried out in a cool and continuous manner. This can be found in the implementation process in the field because the authorities who impose sanctions also do not provide solutions or suggestions that can be used by respondents. Such as the authorities who give advice to one of the respondents to be patient and not move the lane to the middle and right lane even though the road is jammed. This certainly cannot be positively accepted by respondents. In addition, the authorities who do not carry measuring equipment and only check the dimensions of the cargo of goods by eye can certainly cause distrust from the public, as expressed by RH respondents about the experience he has.

In addition to the nature of law enforcement officers who have a crucial role in enforcing Traffic law in Indonesia, the applicable law is also considered to be very important as written by Chandra (2014). UU no. 22 of 2009 has been used as the basis for providing ticketing sanctions for law enforcement officers who provide ticketing sanctions to respondents in this study. However, there are still a number of cases where the authorities are unable to be consistent in deciding which articles will be applied, as experienced by respondents H. Such incidents certainly have to be minimized in order to create trust from the general public in Indonesian law enforcement officials. Thus, the feeling of "looking for my mistakes" as experienced by respondent H will not be repeated in the future. Utilization of technology is also very necessary in efforts to enforce the law on Traffic and Road Transportation Law. This is based on the general public's trust in the authorities which is still quite low, so that evidence from the development of existing technologies such as road CCTV footage will be very positive in nature and assist in efforts to impose traffic sanctions on road users. This has not yet been applied by the authorities because all evidence of violations committed by the respondents in this study was still in the form of "inspecting" the authorities only without concrete evidence through CCTV recordings or other technological uses. Apart from law enforcement authorities or the authorities, the law enforcement process is also influenced by other important factors, namely the drivers of vehicles and road users. Chandra (2014) explained that the cultural factor which is very crucial because it is related to the attitude of the community to obey the rules. In this study, the drivers of goods loaded vehicles consisted of the four respondents. First, mentality is formed from the smallest social unit, namely the family because it is a culture. In this case, the four respondents in this study showed a positive mentality because they received sanctioned speeding tickets. Although there were some respondents who felt innocent by expressing various reasons and aspirations during the ticket sanction process, however, all respondents still received the ticket sanction without a commotion.

The second factor of the attitude of road users is that knowledge is also shared by some of the respondents in this study. Two respondents, namely SW and RH, have more knowledge about traffic laws. This is recognized by them as a form of their habit of delivering their business items to customers every day. However, knowledge of traffic laws and regulations is not disseminated evenly to the entire community at large. Only people who frequently interact with the authorities on the street are able to gather various information about these laws and regulations. Another dominant factor on the part of road users is the skill factor. Of course all road users must have good skills and can be proven by the ownership of a driving license which is a SIM issued by the National Police SATPAS. Although Chandra (2014) wrote about various cases involving road users without a permit, the four respondents in this study had all the letters needed to drive a vehicle loaded with goods. Likewise with all documents or letters

about the vehicle being driven. Another factor that can influence the process of law enforcement in traffic is the facility and infrastructure factor. In this study, facilities and infrastructure factors which could hamper such as road damage were not found. This is because the four respondents in this study were driving vehicles loaded with their goods on good toll roads and were not damaged. Facilities and infrastructure that occur in the field are also already good enough so as not to disturb traffic order and smooth traffic.

Obstacles That Affect Law Enforcement Law Number 22 Year 2009 Concerning Road Traffic

According to Chandra (2014), members of the National Police and PPNS who have the authority to take and take action in the context of law enforcement in road transport must have "moral and ethical quality of law enforcement officers". Both of these important aspects must be owned and applied in the processes that occur in the field in order to create professional and good performance. However, in reality not all law enforcers can work professionally and well. Here are a few examples:

Law enforcement

1. Application of the law as mandated in Law No. 22 of 2009 and the existing government regulations are not implemented as it should, such as the application of the articles of criminal threats Article 273 to article 317 and articles governing driver education as stated in article 78 to article 79 juncto articles 87 to article 89.
2. Sentencing by the judge against the perpetrators of traffic violations still refers to a speeding table (Dijapol agreement) not heeding the criminal threat listed in the provisions stipulated in the articles contained in Law Number 22 Year 2009 with a nominal nominal that is relatively very mild so the sentence handed down does not have a deterrent effect for convicted offenders.
3. The ticketing system and the judicial process mechanism for traffic violations are not implemented in the same way as a proper court hearing mechanism, even seemingly careless.
4. Consistency in implementing law enforcement has not been projected in efforts to improve traffic safety and community legal compliance despite the concept of enforcement with the pattern of the Potential Point Target System (SPPT) and the implementation of an orderly traffic zone (KTL).
5. Application of local regulations that are contrary to the provisions of the hierarchy of legislation.
6. Utilization of forensic technology and laboratories in the field of traffic accident disclosure, especially prominent accidents cases has not been implemented.

Law Enforcement Attitude

1. Weak moral ethics and professionalism as law enforcement officers as well as the arrogance that still mele k at in carrying out law enforcement duties.
2. The number of irregularities that are carried out by way of exceeding the limits of authority, extortion, act rudely and do not reflect as a protective figure, protector and public servant.
3. Weak coordination between law enforcement officials both fellow law enforcement officers on the road and with elements of the *Criminal Justice System* (CJS).
4. The implementation of law enforcement by the Department of Transportation / LLAJR civil servant investigator (PPNS) for violations in accordance with their authority is not carried out in accordance with existing provisions.
5. The handling and management of public transportation routes both inter-provincial public transportation and routes in one province often cause protests due to overlapping route licensing and irrational route administration as well as irrational distribution of routes to certain areas under the pretext of regional autonomy.

6. *Traffic Education* has not been implemented well and continuously.

Factors of law enforcement attitudes also cannot be separated by the image of law enforcement. Wardani (2017) conducted research on the image formed by the people of West Surabaya to the police agency. The image is essentially abstract and cannot be directly assessed. However, from the results of an assessment of a collection of public opinions provided by a particular company, an image can be formed and concluded. In this research, public opinion is an opinion that comes from the people of West Surabaya itself, whereas, companies that are considered are police institutions. The provision of public opinion can come from experience, knowledge and understanding experienced and obtained by the public during interacting with the company being assessed. Image also has several impacts, especially if the company's image is positive and constructive. Companies with a positive image will certainly be better known to the public positively and companies will be more motivated to move forward and gain the trust of the public who judge it. Therefore, companies with a more positive image are certainly more acceptable and supported by the public compared to companies that have a negative image. After getting a positive image, the company is expected to be able to further develop creativity and be more beneficial to the wider community.

Wardani (2017) also describes the four elements formed by the image of a company, namely:
- *Personality*

This first element is a combination of the overall characteristics of the company that are understood by the target public (publicly owned knowledge about the company), such as a trustworthy company, a company that has social responsibility.

Reputation

The second element deals with the perspective of the actions of the organization that have been carried out or passed along with the prospects of the organization in the future. This perspective will certainly be compared with similar organizations or companies or competitors. Reputation is related to what the company has done and is believed to be the target public based on the experience of others and themselves. The reputation itself, according to Charles J. Fombrun in his book entitled "*Reputation: Realizing Value from the Corporate Image*" as written by Wardani (2017), is built by four other elements:

Credibility

An organization or company that has this credibility element is expected to be able to show profitability, be able to maintain stability and have good growth prospects.

Reliability

The second element is related to the expectations of customers or the public so that the organization or company can always maintain the quality of the product or service in order to guarantee the optimal and excellent service provided to the public.

Trustworthiness

This third element relates to the expectations that employees or officers of the organization and company have. Organizations or companies are expected to be trusted and able to empower employees optimally. It is intended that the organization or company can create a sense of belonging and pride for its employees.

Responsibility

This fourth element is related to the expectations of the community. The organization or company has the responsibility to help the development of the surrounding community and

show the concern of the organization or company to the surrounding community as well as being an environmentally friendly organization or company.

- value

Values held by a company in other words, corporate culture such as the attitude of management who care about customers, employees who are responsive to requests and customer complaints.

Corporate Identity

This last element relates to components that facilitate the public or community recognition of an organization or company. An introduction to this organization or company can consist of logos, colors and slogans. When discussing a positive image, it certainly cannot be separated by the attitude or professional action given by an organization or company to the public or the public. Richard Hall in 1968 as described by Wardani (2017) measured the way professionals look at their profession that can be shown from the attitudes and behavior of these professionals. Hall first assumes that there is a reciprocal relationship between the attitudes and behavior of these professionals. In other words, their behavior and actions are a reflection of their professionalism, and vice versa.

Cultural Factors

Chandra (2014) describes the definition of culture as an attitude of the community to obey a rule. In the process of traffic, interactions are established between pedestrian communities consisting of pedestrians and driving motorized and non-motorized vehicles with vehicles, roads and the environment. In this social interaction, the human factor is the most dominant factor in determining the life of the traffic. Human factors can be based on several things.

Mentally

The mentality and behavior of road users is a major factor influencing traffic situations that occur on the road. Both of these aspects can be said as culture or habits that have been formed in a long time and not short, even by educational institutions and other institutions. This culture can only be formed continuously from the smallest social unit that is family, environment and traffic situation that can be seen by users so that it is formed as a culture of mentality in traffic.

Knowledge

In an effort to create and maintain security, safety, order and smooth traffic, the community has been given various regulations that are always developing in the field of transportation technology both related to vehicles, facilities and infrastructure of roads and other environments. The setting - the setting is firm and clear, and is formed through a process of gradual socialization before used as guidance in life in traffic. Knowledge - knowledge that is written in the law, a regulation, government regulations, legislation and other regulations. Conflicts can occur if the community experiences different levels of knowledge and understanding, both between road users and between road users and the authorities.

Skills

Users of motorized and non-motorized vehicles on the highway which are the most dominant factor in traffic life are required to have good driving skills. Therefore, drivers must have a driving license or license listed in the Driving License (SIM) issued by the National Police SATPAS. However, in reality, many drivers do not get a formal SIM specifically, but without the test as required.

Facilities and Infrastructure Factors

The last factor is the facilities and infrastructure which are no less important in the life of traffic. This factor involves vehicles and roads. Issues such as the factor of vehicles that are old are still widely driven on roads with low quality and dangerous vehicles. The number of facilities and infrastructure on the road is also an important factor that must be considered. The absence of additional facilities and infrastructure on the road will affect the smooth and order traffic.

Conclusion

This study aims to find out how to apply the two articles contained in the Road Traffic and Transportation Law (LLAJ) No. 22 of 2009, namely Articles 300 and 307. In addition to the process of applying these two articles, this research also aims to analyze various other factors besides the laws and regulations used by law enforcers in imposing traffic sanctions on road users. These other factors can also be factors that hamper the law enforcement process of the Road Traffic and Transport Law (LLAJ) No. 22 of 2009.

In the process of collecting data, this research conducts qualitative research in the form of collecting valid and detailed data from both parties that are closely related to traffic life. The first party was the four respondents who were accustomed to driving vehicles loaded with goods and had experience being ticketed by law enforcement officers. Meanwhile, the second party is five law enforcement officers who are willing to share their views and opinions. After analyzing all the information obtained from the respondents and informants from the authorities in this study, various information was obtained. First, the process of applying Articles 300 and 307 in the Road Traffic and Transport Law (LLAJ) carried out by law enforcement officials or the authorities in giving ticketing sanctions to the four road user respondents. Of course, the process of applying these two articles differs between one respondent and another road user respondent because the mistakes made are also different. Other data obtained from this study are various important factors that also affect the process of law enforcement in life in traffic. These various factors comprise the factors of law enforcement attitudes which in this case are law enforcers who impose traffic tickets, law enforcement factors consisting of the application of the Traffic and Road Force Law, cultural factors which are factors of the road user (mental, knowledge and skills possessed), and facilities and infrastructure factors. In addition, it can also be concluded that the image of the four road user respondents interviewed in this study was less positive because the authorities were seen as "finding faults."

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