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RECONSTRUCTION OF THE USE OF DEMERIT POINT SYSTEM (DPS) IN BUILDING A TRAFFIC ORDERLY LEGAL CULTURE

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Abstract

Reconstruction of the use of the Demerit Point System (DPS) in building a culture of traffic orderly law. This study aims to study; (1) how is the regulation of traffic law through the Demerit Point System in order to build a culture of orderly traffic?; (2). How are the problems and effectiveness of traffic law through the Demerit Point System in order to build a culture of orderly traffic?. (3). How is the reconstruction of traffic law through the Demerit Point System for the behavior of motor vehicle drivers in order to build a culture of orderly traffic? . The research method used is empirical juridical with approaches to legislation, concepts, analytics, case studies, and comparisons. The results showed that; (1) Regulation of Traffic Law through the Demerit Point System in order to Build a Culture of Traffic Order is regulated in Police Regulation Number 5 of 2021 concerning the Issuance of Driver's Licenses promulgated on February 19, 2021. The existing regulations regarding the Demerit Point System (DPS) in Indonesia are actually quite systematic. Demerit Point System arrangements in Indonesia apply the following points; a) 1-point violation including; Article 275, Article 276, Article 278, Article 282, Article 285 paragraph (1), Article 287 paragraph (3), (4), (6); Article 288 paragraph (2): Article 289: Article 290: Article 291: Article 292: Article 293: Article 294: Article 295: Article 300: Article 301: Article 302: Article 303: Article 304: Article 306: (2). Problems and effectiveness of Traffic Law through the Demerit Point System in order to Build a Culture of Traffic Order in Indonesia can be seen based on the following factors; (a) legal factors, namely the Regulation on the Demerit Point System, are not yet understandable to the public at large, (b) law enforcement factors, namely the lack of synergy between related agencies in the application of the Demerit Point System, (c) limited budget factors and infrastructure in the application of the Demerit Point System, (d) the factor of legal awareness is the low awareness and observance of the laws of the community, (e) The legal culture of a society that obeys and obeys the law for fear of sanctions is a low level of legal compliance. (3) Reconstruction of Traffic Law Through Demerit Point System for The Behavior of Motor Vehicle Drivers in Order to Build a Culture of Traffic Order, several steps are carried out as follows; (a) legal factors, namely education, socialization, publication of regulations on the Demerit Point System to the wider community, (b) law enforcement factors, namely synergy between related institutions in the implementation of the Demerit Point System, (c) Addition and strengthening of budget factors and infrastructure, (d) legal awareness factors, namely increasing public awareness and compliance with Demerit Point System regulations, (e) Building a Legal Culture of Traffic-Orderly Society

Keywords: Reconstruction, Demerit Point System, Culture, Law, Orderly Traffic

A. INTRODUCTION

Traffic law regulations are contained in Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia and Law No. 22 of 2009 concerning Road Traffic and Transport which aims to create safe, safe, smooth, orderly and orderly traffic and road transportation conditions. The technical function of traffic carries out all businesses, activities and work related to the function of traffic, drivers and motor vehicles and traffic problems





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Road traffic and transportation have a strategic role in supporting national development and integration as part of efforts to promote general welfare as mandated by the 1945 Constitution of the Republic of Indonesia. Development of Traffic and Road Transportation is carried out jointly by all relevant agencies (stakeholders). The division of coaching authority is intended so that the duties and responsibilities of each coach in the field of traffic and road transportation are seen more clearly and transparently so that the implementation of traffic and road transportation can be carried out safely, safely, orderly, smoothly, and efficiently, and can be accounted for as stipulated in Law Number 22 of 2009 concerning Road Traffic and Transportation.¹

Public legal awareness of traffic order in Indonesia is considered far from expectations, therefore the implementation of the Demerit Point System (DPS) is expected to be able to increase public legal awareness in driving to comply with traffic rules in order to create safety and mutual benefit. The higher the legal awareness of the community, the better the legal culture will be created and can change the mindset of the community about the law so far.

Demerit point system is part of the traffic law enforcement system that has been implemented in several countries that applies points to every violation or past action committed by the driver of a motor vehicle at a certain period of time. This system requires support from big data traffic that is able to record and automatically calculate predetermined points, so that officers in other related systems can apply ² rewards and punishments to the data displayed. The application of points in this system depends on the policies and legal systems that apply in a country. The point scale depends on the results of the evaluation of the target of reducing the level of certain violations and the factors causing traffic accidents to be achieved.^{3,4}

The National Police of the Republic of Indonesia (Polri) released Police Regulation Number 5 of 2021 concerning the Issuance and Marking of Driver's Licenses. The Police Regulation regulates the classification of Driver's Licenses (SIM), including regulating the types of violations and sanctions. The regulation was officially signed in February 2021, but socialization will be carried out in advance for 6 months from the issuance of the regulation.⁵

In Police Regulation Number 5 of 2021, points are values given to driver's license owners in every traffic violation and/or accident that are made variously based on the classification of traffic violations and accidents. Then, Article 33 states that the National Police is authorized to provide signs or data on violations of the driver's license belonging to drivers who commit traffic crimes. The violations of traffic crimes in question are traffic violations and traffic accidents. When there is a driver who commits a traffic crime violation, the driver's license will be marked and points will be awarded. The points given, namely 5 points, 3 points, and 1 point, with different types of violations.

The National Police of the Republic of Indonesia issued a new policy in the enforcement of traffic order called the Demerit Point System (DPS) which is integrated with electronic ticketing. The Demerit Point System (DPS) has been developed and implemented in European countries, aiming to address repeated violations in road transport by acting as a deterrent and imposing sanctions. The National Police Corps developed the Demerit Point System (DPS) to





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be implemented in Indonesia. This is considering the incidence of traffic accidents with increasing fatality tolls. Demerit Point System is part of the ticketing and driver's license renewal system by giving penalty points (penalties) to traffic violators.

Points are accumulated if the Driver repeats traffic violations and/or traffic accidents. Accumulation of Points shall be carried out at least: a. 12 (twelve) Points are subject to a penalty of 1 (one); and b. 18 (eighteen) Points are subject to a penalty of 2 (two). For the owner of a driver's license subject to penalty 1 (one) and penalty 2 (two), the National Police officer carrying out the traffic function submits a notification. SIM owners who reach 12 (twelve) Points are subject to temporary suspension of the driver's license or temporary revocation of the driver's license before a court decision. The sanctioned license holder must carry out driving education and training if he wants to regain a driver's license that has been subject to temporary suspension of the license or temporary revocation of the license.^{6,7}

Article 39 (1) SIM owners who reach 18 (eighteen) Points as referred to in Article 37 paragraph (2) point b, are subject to license revocation sanctions on the basis of a court decision with permanent legal force. (2) The owner of a driver's license subject to sanctions as referred to in paragraph (1) must implement the court decision along with the period of sanction for revocation of the driver's license if it is in a court decision with permanent legal force. (3) After the period of sanction for revocation of the driver's license as referred to in paragraph (2) expires, the owner of the driver's license may apply for re-authorization provided that he must carry out driving education and training and follow the procedure for making a new driver's license.

The Demerit Point System (DPS) is a complement to traditional law enforcement. The Demerit Point System (DPS) focuses on repeat offenders by assigning (reducing) 'penalty' points to violators. When the rate of repeated fouls results in a certain number of penalty points being collected or lost then it results in additional penalties. Such violations are grouped into three broad groups: administrative violations; violations that have an impact on traffic jams; and violations that impact traffic accidents. Demerit Point System (DPS) has the following characteristics; Violation leads to the addition of points; The heavier the offense, the more points; If within a certain period, a certain number of points has reached the set critical threshold, then the driver's license will be withdrawn; After the withdrawal period, the driver's license will be regained, once the driver has completed a rehabilitation course or has taken a new driving test.

The basis of the Demerit Point System (DPS) can be seen in Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ) and Government Regulation Number 80 of 2012 concerning Procedures for Inspection of Motor Vehicles on the Road and Enforcement of Traffic and Road Transportation. Article 272 of the Road Transport Traffic Law states that to support enforcement activities in the field of Traffic and Road Transportation, electronic equipment can be used which has been fully integrated in the NTMC (National Traffic Management Center) data center.





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Enforcement of traffic violations through the Demerit Point System (DPS) means that violations are assessed using a point system, one of which can be in the form of revocation of a driver's license (SIM). These provisions are contained in Police Regulation Number 5 of 2021 concerning the Issuance and Marking of Driver's Licenses issued by the National Police. The Police Regulation (Perpol) regulates the classification of driver's licenses, as well as regulates the types of traffic violations and sanctions.⁸

Here are some facts from the Demerit Point System (DPS) related to Police Regulation 1 Number 5 of 2021 concerning the Issuance and Marking of Driver's Licenses issued by the National Police

1) Points System

Points are values awarded to the owner of a driver's license, in any traffic violation and/or accident. When there is a driver who commits a traffic crime violation, the driver's license will be marked and awarded points. The points given include, 5 points, 3 points, and 1 point, according to the type of violation committed.

A 5-point penalty is given for violations in the form of driving a motor vehicle on the road, by not having a driver's license. The points are also awarded to drivers who drive unnaturally, and perform other activities that result in impaired concentration in driving.

For sanctions 3 points are given for violations in the form of using fake license plates, and motorists who do not prioritize the safety of pedestrians or cyclists. Point 3 is also given to motorists who do not carry a Vehicle Number Certificate (STNK) or Motor Vehicle Test Certificate (STCKB).

While point 1 is given to motorcycle riders who do not wear Indonesian national helmets (SNI). A penalty of 1 point is also given to drivers of vehicles that overtake from the left of the road without paying attention to other vehicles.

2) Points Will Be Accumulated

Every point from traffic violations that have been committed will be recorded and accumulated. If the accumulated points reach a certain limit, sanctions will be imposed. If 12 points have been collected, it will be subject to penalty 1, and subject to suspension or temporary revocation of the driver's license before the court decision. This means that the license holder must carry out driving education and training if they want to get the license back. Meanwhile, if 18 points have been collected, a penalty will be imposed

3) The driver's license can be revoked

If subject to penalty 1 and penalty 2, the SIM owner cannot renew the driver's license or replace the driver's license. In fact, the revocation of the driver's license can be done if it is in a court decision with permanent legal force. After the SIM revocation penalty period expires, the SIM owner can apply to get the license back. However, there are provisions under which to carry out driving education and training and follow the procedure for creating a new driver's license.





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4) Still in the Socialization Stage

Currently, the rules regarding the point system and sanctions for traffic violations contained in Police Regulation Number 5 of 2021 are still in the socialization stage. The socialization of sanction points is carried out for 6 months or since the rule was published in February 2021. This was conveyed by the Director of Polda Metro Jaya, Kombes Pol Sambodo Purnomo Yogo. "Yes, it's still socialization. This is already at the national level, we are waiting for directions and policies from Korlantas regarding when it will be implemented," said Sambodo, as reported by Kompas.com, Friday (4/6/2021).

Demerit Point System (DPS) integrated with electronic ticketing (E-ticket) is expected that the entire ticketing process will be more efficient and effective, also helping the police in increasing traffic compliance and reducing accidents and traffic violations. This system is expected to increase traffic compliance and reduce the rate of accidents and traffic violations of motor vehicle users. This ticketing process is assisted by the installation of CCTV (Closed Circuit Television) cameras at each intersection (red light) to monitor road conditions. E-ticketing is a digitization of the ticketing process by utilizing technology, it is hoped that the entire ticketing process will be more efficient and effective in helping the police. ^{9, 10}

B. RESEARCH METHODS

The research method used is normative juridical research with a statutory approach and a concept approach.¹¹

1. Types Of Research

This research is included in the type of doctrinal research, where the approach method used is normative juridical. The study method used in this study is normative legal research, which is a study conducted by examining certain legal problems based on the implementation of applicable laws and regulations or applied to a legal case.¹²

2. Research Approach

Statute approach is an approach taken by reviewing laws and regulations related to the legal issues raised.¹³

Conceptual approach (conceptual approach) is an approach that departs from the views and doctrines that develop in legal science.¹⁴

3. Data Sources And Data Collection

The research source used in this study is the result of data collection carried out with library research data.





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Secondary data are then grouped into three sources of legal materials used in this study are primary legal materials, secondary legal materials, and tertiary legal materials as follows

a. Primary Legal Materials

Primary legal materials are data that are materials in binding legal research sorted based on the hierarchy of legislation.

b. Secondary Legal Material

Secondary legal research is material in the form of all publications on law that are not official documents, including textbooks, legal dictionaries, legal journals, and commentaries on court decisions

c. Tertiary Law Materials

Tertiary legal material, is also legal material that can explain both primary legal material and secondary legal material, in the form of dictionaries, lexicons and others related to the focus of research.

4. Data Analysis

The research technique in this dissertation is descriptive analytical, where analysis is carried out critically using various theories of research problems. The collected data is analyzed descriptively with a qualitative approach, namely by providing a thorough and in-depth presentation and explanation (holistic / verstelen) scientifically.

C. RESEARCH RESULTS AND DISCUSSION

1. Regulation Of Traffic Laws Through The Demerit Point System In Order To Build A Culture Of Orderly Traffic

The National Police of the Republic of Indonesia issued a new policy in the enforcement of traffic order called the Demerit Point System (DPS) which is integrated with electronic ticketing. The Demerit Point System (DPS) has been developed and implemented in European countries, aiming to address repeated violations in road transport by acting as a deterrent and imposing sanctions. The National Police Corps developed the Demerit Point System (DPS) to be implemented in Indonesia. This is considering the incidence of traffic accidents with increasing fatality tolls. Demerit Point System is part of the ticketing and driver's license renewal system by giving penalty points (penalties) to traffic violators.

Points are accumulated if the Driver repeats traffic violations and/or traffic accidents. Accumulation of Points shall be carried out at least: a. 12 (twelve) Points are subject to a penalty of 1 (one); and b. 18 (eighteen) Points are subject to a penalty of 2 (two). For the owner of a driver's license subject to penalty 1 (one) and penalty 2 (two), the National Police officer carrying out the traffic function submits a notification. SIM owners who reach 12 (twelve) Points are subject to temporary suspension of the driver's license or temporary revocation of the driver's license before a court decision. The sanctioned license holder must carry out driving education and training if he wants to regain a driver's license that has been subject to temporary





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suspension of the license or temporary revocation of the license. 15, 16

The following types of violations are given a value of Point 5 based on Police Regulation Number 5 of 2021 Article 35 paragraph (2):

- 1) Driving a motor vehicle on the road, without having a license
- 2) Driving a motor vehicle on the road unnaturally and carrying out other activities that are affected by a condition that results in impaired concentration in driving
- 3) Does not comply with technical requirements such as mirrors, horns, headlights, reverse lights, brake lights, windshields, bumpers, glass wipers, turning radius, accuracy of speed pointing tools, suitability of driving engine power to vehicle weight
- 4) Driving a motor vehicle on a road in violation of the rules, orders, or prohibitions stated by traffic signs
- 5) Violate command rules or violate stated with Traffic Signaling Devices
- 6) Driving a motor vehicle on a road that violates traffic movement rules or stop ordinances
- 7) Breaking the highest or lowest speed limit rules
- 8) Driving a Motor Vehicle at the crossing between the train and the road, not stopping when the signal has sounded, the train door bars have begun to close, and/or there are other signals
- 9) Driving a motor vehicle racing on the road referred to in Article 115 letter b

Point 3 is awarded for: 17

- 1) Any person driving a motor vehicle on the road, who is fitted with equipment that may interfere with traffic safety
- 2) Using fake license plates
- 3) Motorists who do not prioritize pedestrian or bicycle safety
- 4) Any motorist who does not meet the technical requirements such as mirrors, horns, headlights, reverse lights, brake lights, windshields, bumpers, glass wipers
- 5) Any motorist who violates traffic signs
- 6) Any motorist who violates the highest or lowest speed limit rules
- 7) Every driver who is not equipped with a Motor Vehicle Number Certificate or Motor Vehicle Test Certificate





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Point 1 applies to the following violations: ¹⁸

- 1) Any person who damages traffic signs, road markings, traffic signaling devices, pedestrian facilities, and road user safety devices so that they do not work
- 2) Any driver who is not equipped with equipment in the form of spare tires, safety triangles, jacks, wheel openers, and first aid equipment in accidents
- 3) Any motorcyclist who does not meet technical and roadworthy requirements such as mirrors, headlights, brake lights, horns, speed gauges, and exhaust
- 4) Violating traffic movement rules or how to stop and park
- 5) Any driver or passenger sitting next to the driver of the car is not wearing a seat belt
- 6) Any rider or passenger of a motorcycle who does not wear a national helmet
- 7) Any motorcyclist who will turn or reverse direction without signaling a light
- 8) Overtaking from the left of the road without paying attention to other vehicles Everyone who deliberately drives
- 9) Motor Vehicles in a manner or condition that endangers life or property
- 10) Any person who drives a freight car to transport persons except on the grounds of article 137 paragraph 4
- 11) Misuse of vehicle permits to transport people with certain purposes, raise or crowd other passengers along the way or use vehicles that are not suitable and for other purposes.

2. Problems And Effectiveness Of Traffic Law Through Demerit Point System In Order To Build A Culture Of Orderly Traffic

The problems and effectiveness of Traffic Law through the Demerit Point System in order to build a culture of traffic order in Indonesia can be seen based on the following factors; (a) legal factors, namely regulations on the Demerit Point System that cannot be understood by the public at large, (b) law enforcement factors, namely the lack of synergy between related institutions in the implementation of the Demerit Point System, (c) limitations of budget factors and infrastructure facilities in the application of the Demerit Point System, (d) legal awareness factors are low awareness and compliance with public law to regulations Demerit Point System In order to build a culture of orderly traffic, (e) The legal culture of people who obey and obey the law for fear of sanctions is a low level of legal compliance, not because of the legal awareness that is built.

Based on the effectiveness of the law above, related to Traffic Law Problems through the Demerit Point System in order to build a Traffic Orderly Culture from legal factors, namely the Regulations on the Demerit Point System cannot be understood by the public at large.

Traffic Law Problems through Demerit Point System in order to build a Traffic Orderly Culture from law enforcement factors, namely the lack of synergy between related agencies in the





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application of the Demerit Point System. The implementation of the Demerit Point System requires good cooperation between the Indonesian National Police (Polri), the Transportation Service, and the local government. However, there are often obstacles in this cooperation, so that the application of the Demerit Point System becomes ineffective.

The problem of traffic law through the Demerit Point System in order to build a culture of traffic order is the limitation of budget factors and infrastructure. Law enforcement will run well if all supporting components are available including facilities and facilities that support law enforcement itself, the Police have operational facilities such as four-wheeled and two-wheeled vehicles that are very limited in number, to supervise law enforcement at all times, until now. Likewise, the budget provided to carry out the duties of the Police is very minimal and not in accordance with the broad scope of duties and authority of the police, thus one of the obstacles in the implementation of Police duties is the limited facilities and infrastructure including the operational budget.

Traffic Law Problems through Demerit Point System in order to build a Traffic Orderly Culture From the legal awareness factor is the low awareness and compliance of the community with the regulations of the Demerit Point System in order to build a culture of orderly traffic.

Traffic Law Problems through Demerit Point System in order to build a Traffic Orderly Culture from Legal culture factors are the legal culture of people who obey and obey the law for fear of sanctions is a low level of legal compliance, not because of the legal awareness that is built.

3. Reconstruction Of Traffic Law Through Demerit Point System For The Behavior Of Motorized Vehicle Drivers In Order To Build A Culture Of Traffic Order

Reconstruction of Traffic Law through Demerit Point System for the Behavior of Motor Vehicle Drivers in order to Build a Traffic Orderly Culture is carried out in several steps as follows; (a) legal factors, namely education, socialization, publication of the Regulation on the Demerit Point System to the public at large, (b) law enforcement factors, namely Synergy between related agencies in the implementation of the Demerit Point System, good cooperation between the Indonesian National Police (Polri), Transportation Office, Local Government (c) Addition and strengthening of budget factors and Infrastructure Facilities in the application Demerit Point System, (d) legal awareness factor, namely increasing public awareness and legal obedience to Demerit Point System regulations in order to build a traffic orderly culture, (e) building a legal culture of people who obey and obey the law because of the awareness of traffic orderly law.

Traffic Law Problems through Demerit Point System in order to build a Traffic Orderly Culture from legal factors, namely the Regulations on the Demerit Point System cannot be understood by the public at large. Therefore, further education, socialization and publication are needed on the implementation of the Demerit Point System in Indonesia.

In addition to requiring synergy between related institutions in the application of the Demerit Point System. The implementation of the Demerit Point System in Indonesia not only requires an automatic camera system as a detection of traffic violations, in addition to limitations and





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still needed development in terms of supervision of the Demerit Point System in Indonesia through cameras, it also requires police patrols, police officers track traffic violations while driving. Police checks can be random or selective, i.e. checking all passing cars or only checking those suspected of violating. The provision of special budgets and limited capacity, the results of automated implementation in greater opportunities than the handling of police patrols and the consequences will have a greater preventive effect. Therefore, the recommendation is to automatically detect the perpetrator using DPS. It also recommends applying random checks added by selective methods. Traffic Law Problems through Demerit Point System in order to build a Traffic Orderly Culture From the legal awareness factor is the low awareness and compliance of the community with the regulations of the Demerit Point System in order to build a culture of orderly traffic. Therefore, it is necessary to increase public legal awareness related to the Demerit Point System in order to build a traffic orderly culture through education, socialization and publications to increase public legal knowledge which in turn can increase public legal awareness In practice, the legal culture of the community that hinders law enforcement by the Police in the application of the Demerit Point System in order to build a culture of orderly traffic includes;

- 1. Uncooperative traffic offenders with law enforcement
- 2. Traffic violators are not responsible for violations committed
- 3. Indifferent attitude to the existence of violations of the law that exist in society
- 4. Trying to find loopholes in the Demerit Point System for traffic violations
- 5. Lack of legal knowledge of the community

Therefore, it is necessary to do the following things to construct the culture of the community

- 1. Increase the legal awareness of the community that the importance of a law-conscious society
- 2. Increase public legal knowledge through the introduction of legal awareness that is Compliance, Identification, and Internalization
- 3. Developing the attitude of people who care about the law
- 4. Build community behavior that cares, understands, and is aware of the law
- 5. Educating the public that orderly traffic is for the safety of fellow road users, not only for themselves but also for other road users.

D. CONCLUSION

Conclusions that can be submitted based on the results of research and discussion include the following

1) Traffic Law Regulation through the Demerit Point System in order to build a culture of traffic order is regulated in Police Regulation Number 5 of 2021 concerning the Issuance of Driver's Licenses promulgated on February 19, 2021. The existing regulations regarding





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the Demerit Point System (DPS) in Indonesia are actually quite systematic. So that as law enforcers in carrying out their duties, they do not experience doubts because there are clear guidelines that regulate them. The Demerit Point System arrangement in Indonesia applies the following points; a) Violation of 1 point including; Article 275, Article 276, Article 278, Article 282, Article 285 paragraph (1), Article 287 paragraph (3), (4), (6); Article 288 paragraph (2): Article 289: Article 290: Article 291: Article 292: Article 293: Article 294: Article 295: Article 300: Article 301: Article 302: Article 303: Article 304: Article 306:

- 2) The problems and effectiveness of Traffic Law through the Demerit Point System in order to build a culture of traffic order in Indonesia can be seen based on the following factors; (a) legal factors, namely regulations on the Demerit Point System that cannot be understood by the public at large, (b) law enforcement factors, namely the lack of synergy between related institutions in the implementation of the Demerit Point System, (c) limitations of budget factors and infrastructure facilities in the application of the Demerit Point System, (d) legal awareness factors are low awareness and compliance with public law to regulations Demerit Point System In order to build a culture of orderly traffic, (e) The legal culture of people who obey and obey the law for fear of sanctions is a low level of legal compliance, not because of the legal awareness that is built.
- Reconstruction of Traffic Law through Demerit Point System for the Behavior of Motor Vehicle Drivers in order to Build a Traffic Orderly Culture is carried out in several steps as follows; (a) legal factors, namely education, socialization, publication of the Regulation on the Demerit Point System to the public at large, (b) law enforcement factors, namely Synergy between related agencies in the implementation of the Demerit Point System, good cooperation between the Indonesian National Police (Polri), Transportation Office, Local Government (c) Addition and strengthening of budget factors and Infrastructure Facilities in the application Demerit Point System, (d) legal awareness factor, namely increasing public awareness and legal compliance with Demerit Point System regulations in order to build a Traffic Orderly Culture, (e) Building a legal culture of people who obey and obey the law because of the awareness of Traffic Orderly law.

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