

**CONSUMER PROTECTION FOR TRAFFIC ACCIDENT VICTIMS
DUE TO A COLLISION WITH AN ONLINE MOTORCYCLE TAXI THAT
VIOLATES**

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ABSTRACT

In the era of globalization, the number of private vehicles is increasingly two-wheeled. Hit-and-run traffic violations in Gelora Karno, Central Jakarta Polrestabes area between scooters against and private motorcycles and traffic accidents between online motorcycle taxis that go against the flow and private motorcycles. This study aims to determine consumer safety standards against traffic accidents caused by online motorcycle taxi drivers. The legal research method that the author uses is empirical juridical, the method is carried out by examining the law or from facts that are actually obtained from the field in the form of information, characteristics and effectiveness. The results of the study concluded that Law Number 8 of 1999 concerning Consumer Protection and Law Number 22 of 2009 concerning Road Traffic and Transportation are regulations that regulate motorists when driving on the highway, through consumer protection efforts and driver legal responsibility designed to reduce the number of traffic violations by conducting frequent socialization and routine patrols every day in the field. The driver is liable based on the category of misdemeanor, moderate or severe against applicable law. Consumer protection is given to victims so that they do not experience trauma and are healthy again.

Keywords: consumer protection, traffic accident, online motorcycle taxi



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INTRODUCTION

In the development process includes building structures, highways as a symbol of the development of an area, roads are land transportation facilities and infrastructure on all parts of the road including the equipment of traffic signs intended for highways. In addition, roads have a very important role in the fields of economy, politics, social relations, culture, safety, security and law and make the most of them for the progress of society. Therefore, roads are a network system that connects urban centers with areas under the influence of their working relationships and leadership. Where residents use roads for primary, secondary and tertiary purposes. (Leksmono S. Putranto., 2013) .

The Indonesian government develops in various fields supporting community development and participation as part of efforts to promote the welfare of the community, as recorded in the rules of the 1945 Constitution of the Republic of Indonesia. This development includes physical development such as house construction, road construction, construction of public buildings, road repairs. The benefits of road construction are to improve the safety and comfort of road users,

because a safe life is one of the factors that encourage the creation of community welfare. The security in question includes driving safety while using the highway. (Munawar Ahmad, (2017). The controversy that occurred about transportation using the mode of transportation in the Ministry of Transportation of the Republic of Indonesia became clear evidence of the issuance of the Law from the Ministry of Transportation. The development of society contributes to various points of view that sometimes cause conflicts of interest, including conflicts of interest between members of the community, between people, or conflicts of interest between nations, which are things that have existed since the beginning of legal studies. In accordance with its function, law is a catalyst for various conflicts of interest that exist in society. According to L. J. Van Apeldoorn in *Inleiding Tot De Studie Van Het Nederlandse Recht*, the purpose of law is to regulate community relations peacefully. (LJ Van Apeldoorn, 1996), including Mochtar Kusumaatmadja argues that the purpose of law is the system as the main requirement (principle) and other objectives, namely obtaining justice whose content and quality vary depending on the country and time of occurrence. (Sudikmo Mertokusumo, 1999).

The legal relationship arising from the practice of online transportation is a direct legal relationship between the travel mode company and its partners, such as Go-Jek and Grab drivers. Direct legal relations between online public transport service providers and their users, as well as direct legal relations with the government. The emergence of disputes from a legal relationship is a dynamic during the operation of the mode of transport and must be resolved by a special body based on existing laws and regulations, so that consumers get legal protection in accordance with their rights. This consumer protection law refers to the philosophy of development which includes the development of consumer protection laws to build a complete Indonesian human being, based on the philosophy of the Republic of Indonesia, namely Pancasila and the 1945 Constitution of the Republic of Indonesia. Furthermore, the *Burgerlijk Wetboek* or Civil Code also regulates various provisions covering consumer protection, such as in many articles of Book III, Chapter IV, Part II starting with article 1365 (Liza Fauzia, 2008). Consumer protection law is part of consumer law that contains regulations or laws that regulate and have a plan to protect the interests of consumers, while consumer law is the law that regulates relationships and problems between parties in dispute regarding social goods or services. life that occurs (Siahaan NHT, 2005).

According to Law Number 8 Year 1999 on Consumer Protection, the objectives of consumer protection are:

1) make customers aware, right and free to protect themselves; 2) improve the dignity of consumers by preventing consumers from using products and / or services excessively; 3) increase consumer power to choose, decide and take their rights as consumers; 4) create a consumer protection system with legal features and transparency of information and access to information; 5) increase awareness of economic actors of the need for consumer protection in order to grow good behaviour and common sense in business; 6) improve the quality of products and/or services that ensure the continuity of production and/or services, health, comfort, safety, and security of consumers.

The ability of economic actors to accept payment based on changing conditions and exchange rates for goods and/or services indicates that economic actors cannot demand anything more if the conditions of the products and/or services provided to consumers are unavailable or inadequate, such as the general prices prevailing above, the same products and/or services. The common practice is that if the goods and/or services are cheaper than similar products, the other party will agree to the lower price. That is, what is important in this case is a fair price (Celina Tri Siwi Kristiyati, 2016). In addition to the rights and responsibilities that need to be considered by business actors, there are responsibilities/discontinuities that must be carried out by developers/business actors as part of their work. Business actors must be careful in producing the goods and/or services they produce (Abdul Halim, 2010). The correlation of consumer protection of online transportation modes has a positive impact on citizens and the business actors themselves, including Grab and Go-jek. Easy access to order online transportation makes the demand for services very high, especially users of online motorbikes and electric scooters/grabwheels. However, the speed of time provided by online motorcycle taxis also causes

problems on the road, namely traffic violations such as: breaking stop lights, fighting the flow, not using helmets and so on which results in casualties from the opposite party.

Legal protection for victims of traffic accidents also benefits from their rights, in accordance with Article 240 of Law Number 22 of 2009 concerning Roads and Road Transport, which states that victims of traffic accidents have the right to:

1) assistance and supervision from those responsible for traffic accidents, namely the government; 2) compensation for losses due to traffic accidents; and 3) compensation for traffic accidents from insurance companies.

If a traffic accident injures many people, the perpetrator will be charged with manslaughter for negligence in using a vehicle, as stipulated in Law Number 22 Year 2009 on Traffic and Travel. The rationale for the implementation of Law No. 22/2009 on Roads and Road Transport as referred to in the 'special' section (b) is that 'Roads and Transport as part of the national transport system will have their authority developed in the field of transport.' Their responsibility is to ensure safety, security, and quality on roads and road transport to support economic development and regional development. This study aims to determine the safety standards of consumers against traffic accidents caused by motorcycles travelling against traffic on the road.

RESEARCH METHODS

In conducting this research, the author uses a method, namely empirical juridical, in analysing legal problems based on legal principles and legal principles related to the problem under study. The author confirms through direct interviews with respondents. The problem of legal studies of street workers and legal protection of victims of traffic accidents due to collisions with online motorcycle taxis that violate traffic is the legal system of consumer protection, in order to have a clear picture of the provisions that regulate it can be used to remember the criminal consequences by negligence of street workers who violate traffic flow and provide compensation to victims based on consumer protection law. (Siti Rukmini, R., (2019).

RESULTS AND DISCUSSION

1. Consumer protection for victims of traffic accidents caused by online motorcycle taxis that commit traffic offences

a. Rights of victims of traffic accidents

The causes of accidents are human factors, traffic factors, vehicle factors, weather factors caused by poor lighting, but traffic signs, damaged roads and community culture also have a greater risk of accidents. Damaged road infrastructure and the culture of people always wanting to cut the compass by going against the flow contribute to the occurrence of road accidents. In general, there are many causes of traffic accidents, including human negligence, poor road conditions, poor quality vehicles, especially those that do not meet the Indonesian National Standard, which cause chaos when driving. Therefore, the occurrence of traffic accidents requires the existence of laws to improve the road in order to create traffic order. (Kaawoan, Y. J. (2023).

Traffic accidents often occur in cities due to many factors, namely the negligence of road users, the poor quality of vehicles and the condition of environmental road infrastructure. Accidents usually occur due to the negligence of traffic officers. Law of the Republic of Indonesia No. 22 Year 2009 on Traffic and Transport Article 240. Victims of traffic accidents are entitled

to: 1) assistance and treatment of the person who caused the traffic accident from the government; 2) compensation for losses due to traffic accidents; and 3) compensation in the event of a road accident from an insurance company. Law of the Republic of Indonesia Number 22 Year 2009 on Road Traffic and Transport regulates the procedures for handling traffic accidents as stipulated in Article 227. In the event of a traffic accident, steps are required for the Indonesian National Police to handle road traffic accidents:

1) immediately proceed to the place; 2) provide assistance to the victim; 3) take the first step at the scene of the crime; 4) organise the criminal situation; 5) organise the traffic system; 6) obtain evidence; and 7) conduct an investigation into the case. Article 241 of Law of the Republic of Indonesia No. 22 of 2009 concerning Traffic explains that anyone who experiences a road accident is entitled to receive first aid and necessary treatment as a priority at the nearest hospital, Article 227 letter (b) also explains what is meant by 'victim assistance' is an effort to provide assistance to reduce the burden of suffering of victims of traffic accidents, including providing first aid at the scene and transporting victims to the hospital. Article 229 paragraph (1) explains that traffic accidents are classified into: a) minor traffic accidents resulting in damage to vehicles/goods; b) moderate traffic accidents causing minor injuries and damage to vehicles/goods; and c) serious traffic accidents resulting in the death or injury of the person.

Criminal fines are in foreign languages called *toereken-baarheid*, punishment, duty or criminal fine. The criminal charge here aims to determine whether a person can die as a result of a crime for his actions. In fact, criminal liability as contained in Article 1 paragraph (1) of the Criminal Code confirms that punishment will only be imposed based on the authority of existing criminal provisions or what is called legal principles. The field of criminal liability is closely related to criminal law and justice. The concept of crime is closely related to justice according to its philosophy. Organisations that can register legal obligations are legal entities, one of which is an individual. Everything about the law has rights and obligations, so society must have power. Legal liability arises when there is a legal relationship with criminal law and civil law. The application of criminal law and behavioural practices and it is regulated in the Criminal Code and the Criminal Code, when civil law applies, among others if there is an agreement, which is regulated in the Civil Code. Criminal responsibility applies to those who commit crimes (*daders*), or criminal acts or violations of the law or violations of the law. A criminal offence or '*rechtsdelikten*' is an act that, although the law does not define it as a criminal offence, is considered an *onrecht*, i.e. an act against the law, because it is a violation or law.

'*Wetsdeliktern*' is an act that can only be illegal after someone says it is. Article 230 of Law Number 22 Year 2009 on Roads and Transport which states that 'the problem of traffic accidents as referred to in Article 229 paragraph (2), paragraph (3), and paragraph (4) is handled by the criminal justice system and Based on the above legal system, the criminal process can also be accompanied by a civil lawsuit for property damage caused by the person, as referred to in article 236 paragraph (1) of Law Number 22 Year 2009 on Traffic and Transport. which states that: 'The parties responsible for a traffic accident as referred to in Article 229 shall pay compensation, the amount of which shall be determined in the case judgement.

Law No. 22 of 2009 on Roads and Transport, on the aid and treatment of accident victims, regulates article 231 paragraph (1) explaining:

1) a driver involved in a traffic accident should: stop the vehicle he is driving, assist the victim, report the accident to the nearest Indonesian National Police station; and provide information about the accident.

2) The driver, in the event of an emergency, is unable to fulfil the provisions of paragraph (1) above, then: immediately report to the nearest Indonesian National Police, assist the person to be evacuated to a safe place away from the traffic so as to avoid congestion.

The occurrence of traffic accidents due to driver negligence on the road may result in criminal charges. The prohibition against those who commit traffic accidents is considered very serious, because those who commit crimes can be fined and also receive rights from the person who is the victim or even the heirs of the person's family. It is felt that this does not provide a sense of justice if applied to the criminal offence of traffic accidents.

Justice will affect the victim because their rights and obligations are recorded in Law No. 22/2009 on traffic and transport, but justice will not be affected to the perpetrator who allegedly caused the traffic accident and did no harm. This will also have an impact on the perpetrators of traffic accidents if law enforcement officials immediately conduct investigations, especially regarding the role of the perpetrator after a traffic accident. Accident victims are also sometimes unwilling to admit their guilt, resulting in mutual blame between the parties involved in the accident. These incidents are also believed to have an impact on the city as crimes can also occur in the city, where sometimes people take matters into their own hands without finding the wrongdoers by arresting those who work without suffering. Injuries or any serious consequences. Law enforcement and the criminal justice system are also intertwined to better co-operate in creating justice.

Online motorcycle taxis with electric scooters/grabwheels do not belong on the road. However, they are currently used on roads, pedestrian paths, and even on pedestrian bridges, which is very detrimental to pedestrians. At the same time, road use is also a frequent occurrence of traffic accidents. Electric scooters/GrabWheels have their own rules regarding their use, but it has identified many potential hazards, such as children using them, workers not wearing safety equipment, damage to public service buildings such as pedestrian bridges, etc. On Sunday, 10 November 2019 at around 02.00 WIB, two electric scooter operators died in an accident in Senayan. Ammar Nawwar Tridarma (18), one of the dead victims, borrowed an electric bike with five of his friends and used the electric bike to ride around the Fx Sudirman area, right on the road next to Gelora Bung Karno, which is included in the Tanah Abang Metro Police area. The government is considered too fast in anticipating the progress of the times. The current law on vehicles and roads, law number 22 of 2009 on roads and road transport. In addition, it is not specifically listed in Presidential Regulation 55 of 2019 concerning the acceleration of the battery vehicle programme for road transport. However, traffic accident data in the Metropolitan Police area is still high, especially in the North Jakarta Police Station area, recorded traffic violations of two-wheeled motor vehicles reaching 1078 cases dominated by violations against the current (Ramadhan, D. N. (2020). Based on observations of online motorcycle taxi drivers, there are 60% motorcycle taxi drivers who have harmless driving habits, 40% of which violate traffic. An example of bad driving behaviour is riding a motorcycle at high speed. Drivers often drive on the highway, often break through red lights and do not know the minimum distance between lights and low lights. In addition to these, other factors that can lead to driver accidents include lack of family support and lack of attention to driver behaviour while driving.

Steps that can be taken to fight for the rights of victims of travel users or aggrieved consumers are as follows:

1. According to Article 47 of the Consumer Protection Law, this can be done through settlement between consumers and economic actors outside the court. This procedure can be carried out through discussion or communication of negative consumers/travellers with the online travel agency. Then, travellers and consumers can also file a complaint with the Consumer Dispute Settlement Agency, which will carry out its duties and authorities as stated in articles 49 to 58 of Law 8/1999.

2. Resolving disputes through the courts Consumers can initiate legal proceedings, with legal attention from the Consumer Protection Agency or an accompanying lawyer. The legal

process is as follows: First, through the criminal process, through the level of investigation by the police or the apparatus of the Indonesian Adin Group. Second, through the civil justice system.

3. using Personal accident insurance is insurance that provides protection or protection against risks or hazards that result in death, disability, or medical expenses. Personal accident is an event that is sudden, unpredictable, unwanted, violent, and dangerous according to medical science.

Consumer protection for online ojek operators is a very important and complex issue in Indonesian law. Here are some aspects related to customer protection in online ojek cases: 1) Responsibility of Service Providers: Online ojek service providers such as Gojek have the obligation to provide legal protection to victims of online ojek drivers. They must ensure that their drivers respect safety laws and take necessary measures to prevent accidents; 2) Consumer Protection Law: Law No. 8 Year 1999 on consumer protection guarantees legal protection to users of online transport services. Users of online travel services must obtain legal protection, including protection against accidental losses; 3) driver error: Online ojek drivers who cause accidents will be responsible for the losses. They must compensate the victims and take necessary measures to prevent accidents in the future; 4) Legal protection for victims: Victims of online ojek are entitled to appropriate legal protection. They will receive compensation commensurate with the losses incurred, as well as adequate legal protection to prevent future accidents; 5) Government regulation: The government plays an important role in the supervision and regulation of online travel companies, including online ojek. They must provide clear and effective rules to prevent accidents and protect consumers; 6) In summary, consumer protection for victims of online ojek includes the responsibility of service providers, consumer protection laws, driver errors, legal protection for victims, and government supervision. All these aspects must be considered to prevent accidents and protect consumers who use online travel services.

b. The legal protection of victim safety is reviewed by Law Number 8 of 1999 concerning Consumer Protection and Law Number 22 of 2009 concerning Roads and Transportation.

Supporting human resource development in the transport sector is a government responsibility, which should be carried out based on general principles of good governance that lead to planning, integration and coordination within federal and regional governments and others. Human services and transport sector development should be done uniformly across the country. National and local governments as well as all stakeholders are requested to play their role in sensitising those involved in the transport sector on the need to improve the quality of human services in the transport sector. On the other hand, job security and work organisation for human workers in the transport sector must be good so that they are always healthy, able to concentrate fully and always able to deal with the worst possibilities and locations, including human resources to regulate the size of vehicles. (Rahmah, T. W., & Muliya, L. S. (2020).

In this era of globalisation, especially in the world of transportation, especially motorbike transportation is growing rapidly, the development and growth of the transportation industry cannot be separated from the increasing number of land transportation users as well. has a fast growth rate. The need for transport continues to increase, along with the increasing need to send goods and move people themselves. Land transport is any form of transport that uses roads to transport passengers or goods. It is proven that all consumer protection principles in the consumer protection law have criminal sanctions and all consumer protection efforts are not only obstacles, but also countermeasures in all areas of consumer protection. Based on this review, online operators do not pay attention to the safety, comfort, rights, equality and regularity aspects of application service users. Environmental conditions affected by the increasing number of oil-

fuelled vehicles have led to the development of technologies that aim to develop environmentally friendly transport models for use by people around the world. Meanwhile, the development of transport infrastructure is starting to shift from fuel oil to electric power.

Online motorbike taxis with electric motors include use on roads. Unfortunately, what happens is that they are used on roads, pedestrian paths, and even on pedestrian bridges. This is very detrimental to pedestrians. At the same time, the use of highways also often causes traffic accidents. Electric bikes/GrabWheels have their own rules regarding their use, but it has identified many potential hazards, such as children using them, workers not wearing safety equipment, damage to public service buildings such as pedestrian bridges, and others. On Sunday, 10 November 2019 at around 02.00 WIB, two electric scooter operators were killed in an accident in Senayan. Ammar Nawwar Tridarma (18), one of the dead victims, borrowed an electric bicycle with five of his friends and used the electric bicycle to get around the Fx Sudirman area, right on the road next to GBK. The government is considered too fast in anticipating the progress of the times. The current law on vehicles and roads, law number 22 of 2009. In addition, this is not specifically listed in Presidential Regulation 55 of 2019 concerning the acceleration of the battery vehicle programme for road transport.

In addition, the public should not only focus on the open law regarding Grabwheels, but also should focus on the interests of Grabwheel consumers to avoid losses.

A Grabwheels victim as a hit-and-run victim is when someone injures another person in some way but is not an excuse or an attempt to flee. This kind of situation often happens on the road, especially when the situation is calm, there are not many witnesses, or there is fear. In Law Number 8 Year 1999 on Consumer Protection also provides flexibility for online transportation users, including online motorcycle taxis, if they face unexpected events or situations such as emergencies or accidents, Article 19 of the law states that economic actors such as online motorcycle taxi companies are obliged to provide compensation to consumers for damage, pollution, or loss due to consumption of goods or services produced or exchanged.

2. Legal liability of online motorcycle taxi drivers who violate the flow of traffic on the highway

a. The role of the police as law enforcement against traffic violations.

Regarding traffic violations according to Law Number 22 of 2009 concerning Traffic and Transport in Article 1, traffic is a unified system that includes roads, road transport, road networks and road infrastructure intended for cars, drivers, road workers, and management. Law enforcement is a function that realises or fulfils legal demands (Satjipto, 2000). Meanwhile, many factors can affect the implementation of the law, the first of which relates to the law or legal principles according to Soerjono (1983). In addition, there are other parties involved in this issue, such as labour, and then the existence of culture and society affects the state of the country's law. Basically, law enforcement in road traffic can be grouped into two categories, namely:

1) enforcement of traffic regulations in the field which includes traffic regulation work, and traffic supervision, where the implementation of these activities is an effort to traffic safety as another subsystem that cannot be separated; 2) traffic law enforcement includes, among others, the prosecution of violations and investigation of traffic accidents, while the task of prosecuting traffic violations includes educational actions, namely taking action against traffic violations with compassion by giving warnings or warning violators according to the law, including prosecution. using punishment as a means of education (Gultom & Anda, 2012).

Traffic accidents often occur in the city of Surabaya. Based on the results of an interview with Mr Aiptu Fatollah Banit III, Surabaya City traffic officer from Satlantas Polda Jatim, field research was conducted at the Ahmad Yani Wonocolo Oil Refueling Station, Surabaya City on 5

March 2022. Data from field research and interviews with members of the East Java Police Satlantas revealed that people from Surabaya committed 886 cases of violations. The most common law violation cases in Surabaya City in 2022 are as follows: Breaking through stop lights, not wearing a helmet, not turning on vehicle lights, incomplete vehicle documents, against the flow and violating traffic signs. Based on the results of research on traffic violations committed by residents of Surabaya City, by interviewing members of the East Java Police Traffic Unit. (Arsanu, B., 2022).

The results of research data regarding traffic violations committed can be seen from the following table:

No	Types of Violations	Number of Cases Year 2022
1.	Breaking through the stoplight	77
2.	No Helmet	236
3.	Vehicle lights are not turned on	105
4.	Vehicle Supplies Mail	334
5.	Breaking the countercurrent	81
6.	Violating traffic signs	53
Jumlah		886 Case

Source: :P olrestabas Surabaya, 2022

The most common traffic violation data search results are drivers who run red lights and do not have a driver's license. These violations are often caused by people's lack of understanding of the importance of knowing traffic rules. We often hear about traffic violations such as traffic accidents that cause casualties, these violations are minor category criminal offenses such as damage to vehicles only, humans only experience minor injuries, moderate violations such as vehicle damage and the victim is injured so it needs hospitalization because it needs special handling and serious violations such as the victim has organ loss, The severe injuries were treated for more than 30 days and eventually died. The violation is included in the criminal law, considering that the act is a legal act and therefore makes it criminal. The effectiveness of law enforcement can be seen through the application of restrictions or the legal system itself. In case of violation, the reasons are as follows:

- 1) key factors influencing existing and applied values in society;
- 2) what is regulated is that law enforcement officials have the power to control the type of violation;
- 3) inadequate for law enforcement, road conditions, traffic sign infrastructure and lack of road lighting are still damaged and there is no attention from the authorities;
- 4) The cause of society, namely behavior/culture wants to violate because it wants to travel time quickly so that it is less careful and less aware of the dangers of driving erratically. In the book Law Enforcement written by Soerjono Soekanto, it is said that in summary the law can work well if the community has a high level of understanding of the law itself. At least in this case the role of law can have such an influence (Soerjono, 1983). The majority of people do not know the existence of the law, but know its content, because the content is in accordance with the current value system, this is due to the existence of intervention systems such as (Lubis, 2018).
- 5) culture mainly because of work, creativity and influence based on human charities and social life such as (Soekanto, 1983).

b. Legal responsibility of online motorcycle taxi drivers violates the countercurrent

There are differences in the enforcement of traffic violators in court and on the road, this is due to violations and law enforcement committed by some community members in the field. In the trial, the defendant's verdict becomes the basis for the application of the criminal act of traffic violations according to laws and regulations, which is proportional to the importance of the offense committed. This is in accordance with the provisions of Article 54 of Law No. 14 of 1992 concerning Road Traffic and Transportation. This law has an impact on the many threats of criminal penalties and sanctions that can be imposed on those who violate the law, which in the case of old traffic laws, the more diverse they are, the more severe the penalties. If combined with events in the Criminal Code such as in Article 10 of the Criminal Code concerning the types of criminal acts regulated, it is only a criminal law event. In principle, as a condition, every wajin driver has a driver's license which is an administrative decree from the state and shows that the person is fit, capable, and considered to be able to drive the vehicle on the highway. The regulation is based on the guidelines of Article 18 of Law Number 14 of 1992 concerning Roads and Transportation. There are many other documents that must be owned by drivers, namely Vehicle Number Certificate, certificate of passing vehicle health tests and other related evidence. and deemed necessary to ensure driving safety for drivers, which is carried out on the basis of legal principles (Karyadi, 1999).

Cases related to traffic violations are considered simple, because only judges and clerks can appear in pretrial hearings. In this case the lawyer does not need to be present because there is no work as the legal system usually does. All of this is clearly seen from the reference to articles 54 to 57 of Law No. 14 of 1992 concerning traffic violations. Similarly, the investigation report in traffic cases is as important as any other criminal case. In fact, this case is a type of matter that is fast and easy in terms of its limitations, if we consider the investigation process to the case. Fines are given to those who commit crimes or those who violate traffic so that the figure can be reduced and casualties also decrease in number. Traffic accidents caused by breaking typhoon lights, not using helmets, not turning on lights, going against the flow, and violating traffic signs. Currently, the Road Transport Traffic Law number 22 of 2009 regulates the sanctions for serious violations, including:

1) Violation of road signs and traffic signs will be subject to an electronic fine of Rp 500,000 or two months' imprisonment; 2) not using a seat belt on the car will result in an electronic fine of Rp 250,000 or two months imprisonment. Driving while using a mobile phone is subject to a fine of Rp750,000 or three months in prison; 3) Violating the speed limit will result in a fine of Rp500,000 or 2 months imprisonment. Use of a fake driver's license will result in a fine of Rp500,000 or two months in prison; 4) driving violating traffic limits is subject to a fine of IDR 500,000 or more for 2 months; 5) break through the stoplight, a fine of IDR 500,000 or 2 months imprisonment; 6) not using a helmet or helmet that does not meet the Indonesian National Standard (SNI), an electronic fine of IDR 250,000 or imprisonment for a maximum of 1 month.

Based on traffic violations and fine costs incurred, in an effort to suppress traffic violations, the Indonesian National Police from the East Java Regional Police Mr. According to Aiptu Fatollah Banit III (dated April 24, 2022) views the following:

1) apply personal discipline continuously; 2) Every worker, ojek driver or public is encouraged to use moderate speed adjusted to the busyness of the existing road section; 3) organize and manage traffic so that the situation is smooth and orderly; 4) conduct socialization in the community regarding driving obedience and traffic discipline; and 5) provide advice on the condition and condition of road infrastructure in the event of a crack so that it is more careful.

Reviewed from the government that regulates what drivers must do after an accident. All these things are mentioned in Law Number 22 of 2009 concerning Roads and Transportation. The Directorate General of Roads as a road operator has the responsibility of carrying out several main functions as well as coordinating policies and planning in the field of roads. has a work program

and authority to carry out road management (Ministry of Transportation., (2010). Severe sanctions imposed on drivers for traffic accidents due to traffic violations are regulated as stipulated in Law Number 22 of 2009 concerning Roads and Trips that Occur, as follows: 1) accidents that result in minor injuries or damage to vehicles are punishable by imprisonment with a minimum penalty. a maximum of 6 months or a maximum fine of Rp12,000,000.00 (twelve million rupiah); 2) if the victim causes heavy losses, the driver shall be punished with a maximum imprisonment of 1 year with a maximum fine of Rp24,000,000.00 (twenty-four million rupiah); 3) if the act results in the death of another person, it will be punished with a maximum of five (five) years or a maximum fine of Rp120,000,000.00 (one hundred and twenty million rupiah); and 4) if the driver violates a traffic sign and causes harm to the person, he shall be punished with imprisonment for more than six months (principal) or a fine. maximum six months (primary). amounting to Rp1,500,000.00 (one million one hundred thousand rupiah).

CONCLUSION

In the era of globalization, the internet has mastered people's lives, including using online transportation modes. Electric scooters/Grabwheels and online motorcycle taxis are technology products that are easily accessible and utilized by people in Indonesia, for example in big cities Jakarta and Surabaya. Traffic violations that occur today are dominated by two-wheeled vehicles. The existence of undisciplined drivers and a culture of wanting to violate resulted in significantly increased casualties. Types of two-wheeler traffic violations, such as: breaking through typhoon lights, not using helmets, not blaming headlights while driving, going against the flow, and violating traffic signs. Due to traffic accidents, victims get consumer protection because they hit online motorcycle taxis. Getting indemnified compensation for damage, pollution, or loss due to consumption of goods or services produced or exchanged

In addition, the legal response of the crashing driver is adjusted to the type of violation. The Law on Traffic and Public Transport confirms that as a motorized vehicle driver, he must have a Driving License and Vehicle Number Certificate as proof that the driver is fit to drive a motorcycle used on the highway. If there is a traffic violation and a victim occurs, the violation is adjusted to the light, moderate and severe categories. Legal liability for minor violations can be in the form of imprisonment for 6 months or a maximum fine of Rp.12,000,000.00 (twelve million rupiah); if the type of violation is moderate, then the penalty of imprisonment for 1 year and a fine of Rp. 24,000,000.00 (twenty-four million rupiah); if the type of violation is severe causing the victim to die, then the penalty is 5 years imprisonment and a fine of Rp.120,000,000.00 (one hundred twenty million rupiah).

BIBLIOGRAPHY

- Abduh, S. (2023). Revolutionary Development: Is There Legal Protection for Gojek Accident Passengers? Retrieved from kumparan.com: <https://kumparan.com/syahidah-abduh/perkembangan-revolusi-apakah-ada-perlindungan-hukum-penumpang-kecelakaan-gojek-1zbXYCWgBua/full>
- Arsanu, B. (2022). LAW ENFORCEMENT AGAINST PERPETRATORS OF TRAFFIC VIOLATIONS (CASE STUDY AT THE SURABAYA EAST JAVA POLICE STATION IN 2022). Legal Transparency, 5(2).
- Abdul Halim Berkatullah, (2010) Consumer Rights, Nusa Media, Bandung.
- Celina Tri Siwi Kristiyanti.,(2011) Consumer Protection Law, Cet. III, Sinar Grafika, Jakarta.
- Departemen Perhubungan.,(2010) Directorate General of Highways, Jakarta.
- Ramadhan, D. N. (2020). Operation Patuh Jaya in West Java followed up 287 riders. Retrieved from Antara. Indonesian News Agency: <https://www.antaranews.com/berita/1635938/operasi-patuh-jaya-di-jakbar-tindak-287-pengendara>

- L.J. Van Apeldoorn, (1996) Introduction to Law. Cetakan ke-26. Diterjemahkan dari buku *Inleiding Tot De Studie Van Het Nederlandse Recht* oleh Oetarid SadinoPradnya Paramita, Jakarta.
- Leksmono S. Putranto,(2013) Traffic Engineering Edition 2 ,Bandung: CV. Mandar Maju, hlm 51.
- Liza fauzia,(2008) “Legal Protection of Electricity Consumers on PT. PLN (Persero) Wilayah Sumatera Utara”, Gramedia, Medan.
- Munawar Ahmad,(2017) Urban Traffic Management (Bandung: ITB, 2017), hlm 38.
- Siahaan N.H.T, (2005)“Consumer Law, Consumer Protection and Product Liability”, Pantai Rei, Jakarta.
- Sudikno Mertokusumo,(1999) “Knowing the Law, An Introduction” Liberty, Yogyakarta.
- Siti Rukmini, R. (2019). Legal Protection for Victims of Traffic Accidents Due to Damaged Roads on Provincial Roads of North Penajam Paser Regency (Doctoral dissertation, Universitas Balikpapan).
- Kaawoan, Y. J. (2023). Indemnity by the party responsible for the occurrence of traffic accidents. *LEX PRIVATUM*, 11(3).
- Rahmah, T. W., & Muliya, L. S. (2020). Legal Protection for Consumers Using Electric Scooter Transportation (Grabwheels) Based on Law Number 8 of 1999 concerning Consumer Protection and Based on Law Number 22 of 2009 concerning Traffic and Road Transportation. *Proceedings of Legal Studies*, 6(2), 440-447.
- Satjipto, R. (2000). Legal Sciences, Publisher PT. Citra Aditya Bakti. Bandung.
- Soerjono, S. (1983). Factors Affecting Law Enforcement, PT Raja Grafindo Persada.
- Gultom, T. S., & Anda. (2012). Law enforcement of traffic violations.
- Lubis, M. R. (2018). Responsibility of perpetrators of traffic crimes that cause victims to die due to negligence. Article, 97–111.
- Soekanto, S. (1983). Factors Affecting Law Enforcement. CV. Rajawali. Jakarta.
- Karyadi, M. (1999). Traffic and Road Transport Legislation in Denpasar. Publisher Poli tea. Bogor.