

**VIEWS ON ISLAMIC CRIMINAL LAW AND LAW NO. 22 OF 2009 ABOUT
LLAJ AGAINST TRAFFIC VIOLATIONS ON THE SENDAL JEPIT ROAD,
PEMATANG SIANTAR CITY**



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Abstract

The notion of *jarimah* or criminal offense, a criminal act is an act or behavior that is prohibited by Sharia which is punishable by *had* and *tazir* penalties. Without realizing that violating traffic is a crime, people who go against the flow of traffic can be subject to sanctions in accordance with Article 287 Paragraph 1 of Law No. 22 of 2009 concerning road traffic and transportation. Traffic flow regulations for motorists, either motorbikes or cars, are not explained directly in Islamic jurisprudence, but in general, Islam always stays away from things that can bring harm to the surrounding community. The formulation of the problem in this journal is how Islamic criminal law and Law No. 22 of 2009 concerning LLAJ deal with violations that have occurred. The purpose of this study is to find out the views of Islamic criminal law and Law No. 22 of 2009 concerning LLAJ regarding violations that have occurred. The method used is a qualitative normative-empirical approach and the nature of the research is descriptive. Primary data sources are in the form of interviews, observations, and questionnaires. The interviews that the researchers used were in the form of unstructured interviews and distributed questionnaires to OJOL (motorcycle taxis online) and road users. Traffic violations can lead to accidents, which are certainly very detrimental to oneself or many people. In a year the highest accident rate that the authors get is 12 times a year with the vehicle used in the form of a motorbike. The factors that influence violations on the Sendal Jepit Road in the city of Pematang Siantar, namely: speeding up travel routes, avoiding police, and the habit of going against the direction.

Keywords: Islamic Criminal Law, Offense, Society, LLAJ

INTRODUCTION

Indonesia is a country based on law, as written in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which reads “Indonesia is a country based on law” which means that all Indonesian people must comply with applicable laws because Indonesia has legal sovereignty. Both the people and the rulers of the state. As for the consequences of violating the law, sanctions can be imposed in accordance with the actions committed, such as criminal sanctions in the form of imprisonment or fines and so on (N, 2017).

Law is a set of rules that must be obeyed by everyone in society, if there is a violation or non-compliance with these rules there is a threat of compensation or punishment so that life is harmonious in an orderly and just society. These rules are meant to ensure order in everyday life. The purpose of the law is to prevent threats to order, security, and public order (R, 1984).

The definition of a crime (*jarimah*), there are several mentions of the crime itself, such as offenses, criminal acts, criminal events, acts that can be punished, criminal offenses, and others. In this case, a crime can be interpreted as an act in which the perpetrator can be subject to criminal sanctions, while the perpetrator is seen as the subject of the crime. There are several elements of criminal acts as subjects, such as behavior or characteristics that are against the law, mistakes, and the main elements of a crime (junaidy, 2020).

According to the *fukaha*, the notion of *jarimah* or criminal offense, a criminal act is an act or behavior prohibited by Sharia which is punishable by *had* and *tazir* penalties. The existence of the word Sharia above means that an action or act is only considered a crime if it is prohibited by Sharia The prohibition was ordered to the *mukallaf* so there was no obligation for him to be male or female, but both. The definition above explains that *jarimah* is behavior or actions that are prohibited or actions that have been forbidden and are subject to punishment for their actions (junaidy, 2020, p. 4).

All people in Indonesia, even in remote parts of the country, must comply with applicable regulations, not only in big cities, or when there are police on guard, this often happens, of course, in every city such as Pematang Siantar where at one point of the road which is named Jalan Sendal Jepit which is in the city of Pematang Siantar there are often

violations such as going against the flow. People in the city of Pematang Siantar still often ignore the regulations that apply to the Sendal Jepit road area with various reasons they give.

Pematang Siantar is a municipality located in North Sumatra Province, Indonesia. The city of Pematang Siantar is a strategic city, and because of that Pematang Siantar is traversed by the Sumatra highway. In the city of Pematang Siantar there are still many people from all walks of life who commit violations, be they serious or minor violations, people from minors, adults, and even the elderly, young or old are still often indifferent to the regulations that have been made by the government. Traffic violations do not only occur in the city of Pematang Siantar, even in other big cities these traffic violations often occur, we have often encountered these violations, even consciously or not, we have also violated this traffic, from running through red lights, not using the helmet, ride in three, don't have a sim, and many others.

Without realizing that violating traffic is a crime, a criminal act is someone who has violated state regulations, therefore those who violate these regulations are called criminal offenders. The term crime is basically a term that comes from the translation of the Dutch word *Strafbaar Feit*, sometimes offense, which comes from the Latin word *delictum*. In the criminal law of the Anglo-Saxon countries, the term Rome or crime is used with the same meaning. Because the Criminal Code comes from the Dutch *Wetboek van Strafrecht* (WvS), the original term is the same, namely *Strafbaar Feit*. Members of the Indonesian legislature use the word *Strafbaar Feit* to describe so-called crimes. The word *Strafbaar Feit* was later translated into several Indonesian translations. Indonesian scholars use the words used to translate *Strafbaar Feit* (R, 1984, p. 37).

Traffic violations can lead to accidents, which are certainly very detrimental to oneself or many people. Those who are ignorant of the regulations that apply in Indonesia they commit a crime, what they know is that they have not done anything wrong, which turns out they have committed a violation. And there are also some people who follow a group of motorcyclists who violate traffic signs and follow what the motorists have violated.

Based on the results of observations, it appears that there are people who ride motorcycles with three pillion and do not wear helmets. This action is considered normal

for the community with the thousands of reasons they give, such as the road they are taking is very close so there is no need to wear a helmet, there are also motorbike riders who go against the flow and ignore signs under the pretext of speeding up their journey. It is thoughts like these that we as a society should throw away this mindset, in which the public only obeys when there is a police officer on duty and is responsible for creating a safe and comfortable driving order. With the police, people feel like they are being watched. they are afraid that the police will give sanctions to those who violate them, so not many people violate traffic signs when the police are on duty on the road. The community even has several ways to trick the police so that they are not subject to sanctions in the form of fines.

The community only obeys when the police are on duty, what happens when the police are not on duty, of course, the community returns to their activities, namely violating, as if violating has become entrenched among the community. Violations such as going against the flow of traffic have become commonplace, it is clear that there are traffic signs that explain that one-way streets are prohibited from passing through that road. But the people are indifferent to these signs, they still chuckle to go through the road because it has become a natural thing for them.

People who go against the flow of traffic can be subject to sanctions in accordance with Article 287 paragraph 1 of Law No. 22 of 2009 concerning road traffic and transportation. According to this article, people who violate this can be subject to criminal sanctions in prison or fines. Which reads: “Anyone who drives a motorized vehicle on a road that violates the orders or prohibitions stated in the traffic signs as referred to in Article 106 paragraph (4) letter a or road markings as referred to in Article 106 paragraph (4) letter b shall be subject to imprisonment a maximum of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand rupiahs)”. This law regulates violations such as going against the flow of traffic, running red lights, violating applicable signs, and others. Focused on going against the flow in one direction. In this law, it can be clarified and emphasized that perpetrators who violate can be given criminal sanctions in the form of imprisonment or fines because these violations are classified as minor violations. not to commit a violation of the law.

Traffic violations are the most common problem, one of which is against the direction stipulated in Law No. 22 of 2009 concerning traffic is defined as the movement of

vehicles and people in a traffic area. From the above information, it can be formulated as follows: whatever traffic violations occur on the streets, violations cause traffic problems and how to correct previous violations, this research shows about the possibility of traffic violations occurring.

In accordance with the road transport traffic law that applies to all people to always obey and comply so that there is no chaos during traffic, traffic violations on Sendal Jepit Road such as going against the direction can cause traffic accidents which result in loss of life and disability or injury. In *Fiqh Jinayah*, there is something called unintentional fingering. What is meant by accidental fingering is an act in which the perpetrator accidentally commits a prohibited act and the act occurs as a result of his negligence.

Traffic flow regulations for motorists, be it motorbikes or cars, are not explained directly in Islamic jurisprudence, but in general, Islam always stays away from things that can bring harm to the surrounding community. Therefore, motorbike or car drivers are required to follow the rules that apply in traffic in order to avoid harm for the benefit of the people (*maslahamursalah*). *Maslahamursalah* is a good thing that is accepted by reason and can bring good things and stay away from bad things that are accepted by man. As in Surah An-Nisa verse 30 which reads:

وَمَنْ يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ نُصَلِّيهِ نَارًا ۖ وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا

And whoever does this by violating the rights and persecution, then We will later be put into hell. That is easy for Allah. (QS, An-Nisa 30)

In the interpretation/ *Tafsir* of As Sadi, an interpreter in the 14th H century explained the verse above. Then Allah SWT said “And whoever does this” such as taking other people’s rights in vanity and also killing souls “by violating rights and persecution” that is not due to ignorance “then we will later put them into the fires of hell” as shown by infinite word, “which is easy for Allah”.

Going against the flow includes taking the rights of other motorists can also cause loss of life or maltreatment referred to in the surah An-Nisa, persecution and loss of life can occur due to clashes between other motorists so that persecution occurs because they do not accept being blamed on other motorists and a fight ensued between the riders. You can also lose your life due to negligence and against the flow of other motorists, causing an accident that can take the lives of other people, of course.

This journal focuses on the views of Islamic criminal law and law no 22 of 2009 concerning traffic and road transportation abbreviated LLAJ. *Jarimah* which is embedded in this journal and links to violations that occur in cases that occur, as well as laws that discuss violations that occur in problems that occur in the community. Look for sanctions as well as articles that discuss violations that have occurred.

REVIEW OF LITERATURE

Islamic Criminal Law

According to Sayyid al Sabiq, the notion of Islamic criminal law or *jinayah* are all actions that may not be carried out and prohibited by sharia law to do so. What is meant by the understanding conveyed by Sayyid al Sabiq in the form of prohibited actions are actions that are prohibited by the Sharia and must be avoided, because these actions can bring danger to the soul, religion, mind, self-esteem, and property (Rokhmadi, 2015, p. 2).

The definition of a crime (*jarimah*), there are several mentions of the crime itself, such as offenses, criminal acts, criminal events, acts that can be punished, criminal offenses, and others. In this case, a crime can be interpreted as an act in which the perpetrator can be subject to criminal sanctions, while the perpetrator is seen as the subject of the crime. There are several elements of criminal acts as subjects, such as behavior or characteristics that are against the law, mistakes, and the main elements of a crime.

Traffic Violations

Violating or against a rule is the meaning of violating, violation is an act that deviates from taking action according to one's own will without regard to the rules that have been made. violations of state laws and regulations are included in law violations because laws by the state are contained in statutory regulations. To help create good legal certainty for the parties involved, Law Number 22 of 2009 concerning road traffic and transportation abbreviated as LLAJ is enacted (agus, 2016).

Traffic violations are the most common problem, one of which is against the direction stipulated in Law No. 22 of 2009 is defined as the movement of vehicles and people in traffic areas. From the above information, it can be formulated as follows: whatever traffic violations occur on the streets, violations cause traffic problems, and how

to correct previous violations, this research shows the possibility of traffic violations occurring.

RESEARCH METHOD

Researchers use qualitative research methods. The research approach used by researchers is a normative-empirical approach in which researchers study laws and regulations related to road traffic and transportation and the implementation of these regulations in the field. The nature of the research is descriptive in which the researcher explains the rules written in the law and then the researcher relates them to the phenomena that occur in society. Sources of data in this study are primary and secondary data. Primary data researchers get directly through observation interviews and questionnaires to road users and the community. In the interview technique, the author uses a semi-structured interview where the researcher describes the questions that the researcher wants to convey to the respondent. On the other hand, the questions that the researcher submits to the researcher may ask several questions outside of the question sheet that the researcher gives depending on the events that the researcher gets and the distribution of questionnaires, the researchers distribute questionnaires to motorcycle taxis online and other road users. Secondary data, researchers try to find from other sources such as journals, books, laws, and other sources related to the problem under study.

RESULTS AND DISCUSSION

Views of Islamic Criminal Law Against Traffic Violations

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Going against the flow includes taking the rights of other motorists can also cause loss of life or maltreatment referred to in the Surah An-Nisa, Persecution and loss of life can occur due to clashes between other motorists so that persecution occurs because they do not accept being blamed on other motorists and a fight ensued between the riders. You can also lose your life due to negligence and against the flow of other motorists, causing an accident that can take the lives of other people, of course. In *Fiqh Jinayah* there is such a thing as *jarimah*, *qisas* and *diyat*.

Jarimah Qisas-Diyat

The definition of *qisas-diyat* is in the form of behavior that is prohibited from religion which can be given punishment in the form of *qisas* and *diyat*. *Qisas* and *diyat* are punishments that have defined boundaries which become human rights. This means that if the victim's family forgives the perpetrator, the victim can forgive the perpetrator conditionally or unconditionally. In other words, the punishment is erased. However, the perpetrator must be subject to *tazir* punishment according to *ulul amri* or government, this was determined by imam malik to require *tazir* punishment for the perpetrator (Rokhmadi, Islamic criminal law, 2021)

It is explained in the *qisas* and *diyat* finger that criminal acts that can be subject to *qisas* and *diyat* sanctions are in the form of actions against the body and soul. In *jarimah qisas* and *diyat* it is divided into five types, namely: intentional killing or *al qatlu al amd*, semi-intentional killing or *sibhul arad*, murder by mistake or *al qatlu al khata*, intentional persecution or *jarh al amd* and accidental persecution or *jarh al khata* (latifah, 2011).

Murder by Guilt (*Al-Qatlu Al-Khata*)

Murder by mistake or *al qatlu al khata*, murder by mistake can be called negligence, which can cause the death of another person. In this finger, it is explained that the perpetrator's actions did not have an intentional element of committing prohibited acts and these actions occurred because of his negligence. In this type of *jarimah*, the punishment that is obtained for the perpetrator of the murder by mistake or *al qatlu al khata* is *diyat* and *kifarat* and can be replaced by fasting and *tazir* (latifah, 2011, p. 140) but due to actions that are not careful or because they are trivial, causing loss of life which is not intentional but occurs due to negligence. But because there is an accidental element does not mean that he is free from the punishment that will be given. Abdul Qadir Audah quoted by Ahmad Wardi Muslich explains the elements that occur in homicide by mistake, namely: the act can result in the death of the victim, the action taken occurs accidentally or occurs due to an error (*khata*), there is cause and effect of the error and death (gontor, 2019).

Deliberate Abuse (*Jarh Al-Amd*)

Intentional abuse, namely persecution that is done intentionally to make someone injured, the sanction lies in the form of abuse that is carried out. Meanwhile, according to

Madjloes, persecution is defined as an act that is intentionally intended to injure or cause disability to another person (Madjloes, 1980, p. 35)

Intentional maltreatment is an act with intentional intent to violate or violate the law, it can be interpreted that intentional maltreatment is an act of intentional persecution with clear intent and purpose to injure or injure.

While persecution in terms of object or target is divided into five parts:

Abuse that affects the body or other members of the body

In the form of behavior that can damage the body either by hitting, cutting, and others, for example cutting feet, fingers, nails, gouging out the eyeballs, and others.

Loss of function of an intact limb

In the form of behavior that damages the function of the limbs while the type is still intact but has lost function.

Asy-Syajaj

In the form of acts of injury to the head and face

Al Jirah

In the form of injuring the limbs on the other hand on the face and head.

Actions other than those stated

In the form of an act of hurting which only hurts not to eliminate the function and does not cause disability (ichwanto, 2017)

Abuse can occur in clashes between motorbike or car drivers who are driving and it is found that between the two of them violates a rule such as going against the direction which causes bickering between motorists so that persecution occurs because there is an element of not liking to be blamed, it can be said to be persecution if it fulfils the persecution element itself, such as there is a wound to the head or an act of injuring another person to his body, but not to the point of killing him.

View of Law No. 22 of 2009 concerning LLAJ Against Traffic Violations

In Law Number 22 of 2009 concerning UU LLAJ which is meant by LLAJ is a unified system consisting of traffic, road transportation, traffic network and road transportation, traffic infrastructure and road transportation, vehicles, drivers, road users, and their management. Violating or going against a rule is the meaning of violating, a violation is an act that deviates from taking action according to one's own will without

regard to the rules that have been made. violations of state laws and regulations are included in law violations because laws by the state are contained in statutory regulations. To help create good legal certainty for the parties involved, Law Number 22 of 2009 concerning road traffic and transportation abbreviated as LLAJ is enacted (agus, 2016).

People who go against the flow of traffic can be subject to sanctions in accordance with Article 287 paragraph 1 of Law No. 22 of 2009 concerning road traffic and transportation. According to this article, people who violate this can be subject to criminal sanctions in prison or fines which reads: “Anyone who drives a motorized vehicle on a road that violates the orders or prohibitions stated in the traffic signs as referred to in Article 106 paragraph (4) letter a or road markings as referred to in article 106 paragraph (4) letter b shall be subject to imprisonment a maximum of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand rupiahs)”. This law regulates violations such as going against the flow of traffic, running red lights, violating applicable signs, and others. Focused on going against the flow in one direction. In this law, it can be clarified and emphasized that perpetrators who violate can be given criminal sanctions in the form of imprisonment or fines because these violations are classified as minor violations. not to commit a violation of the law.

Traffic violations are the most common problem, one of which is against the direction stipulated in Law No. 22 of 2009 is defined as the movement of vehicles and people in traffic areas. From the above information, it can be formulated as follows: whatever traffic violations occur on the streets, violations cause traffic problems, and how to correct previous violations, this research shows the possibility of traffic violations occurring. Here the author observes violations against the direction that occur on the Sendal Jepit road in the city of Pematang Siantar, the authors observed violations with a duration of 1 hour with a total of 525 violations obtained, the dominant motorcycle riders going against the direction with a total of 509 violations,

In the data above, the authors can explain that the violations that occurred on the Sendal Jepit road, especially against the direction, have occurred very often, it can be seen that in 1 hour there have been 525 violations. While the authors observed for 1 hour on Sendal Jepit Street, the researchers found several phenomena that occurred on Sendal Jepit Street as if an accident almost happened there. The number of riders going against the

direction and riders going in the same direction crossing the Sendal Jepit road meet face to face which can panic the rider so that he loses concentration on the motorbike and almost falls. From the explanation above, it raises several questions for the author what are the causes of the violations that occurred on Sendal Jepit Street, Pematang Siantar City. The authors also distributed questionnaires to online motorcycle taxis and road users.

In the data from the questionnaire distribution, the authors can apply that some road users do not know or have only just realized that Sendal Jepit Street in the city of Pematang Siantar is a one-way street and motorists who are already aware that it is a one-way road have minimal awareness of the rules and are still going against the direction even though they know that it is one-way street regardless of the rules in force. There were 30% who did not know that Sendal Jepit Street was a one-way street, there were 28.7% who just realized that Sendal Jepit Street was a one-way street, and as many as 41.3% who already knew but were still going against the direction.

Violations according to law number 22 of 2009 concerning road traffic and transportation, article 105 that everyone who uses the road is obliged to: Behave in an orderly manner; and/or Prevent things that can hinder, or endanger the security and safety of road traffic and transportation, or that can cause road damage. If the above provisions are violated it will qualify as an offense involved in an accident.

Traffic Accident

According to Article 1 point 24 of Law Number 22 LLAJ of 2009, a road traffic accident is an incident that occurs suddenly and unintentionally on a road involving other vehicles without other traffic participants resulting in loss of life or loss of property. A traffic accident is a failure in the operation of one or more parts of the driver resulting in death, serious injury, or property damage.

In the data generated from the Pematang Siantar Police Traffic Unit that occurred in 2022, there were 202 cases of accidents that occurred in Pematang Siantar in 2022. The location of the incident was not directly explained and no data was obtained on the Sendal Jepit road, Pematang Siantar city. However, the authors found data from the community using the unstructured interview method that there had been an accident on Sendal Jepit road but no lives were lost and no report was made because it was resolved in a family manner. The authors also succeeded in obtaining data on accidents that occurred on the

Sendal Jepit road in Pematang Siantar City by distributing questionnaires to online motorcycle taxis and Sendal Jepit road users in Pematang Siantar City. that there are 55% of road users who experience or know of collisions that occur on the flip-flops road in the city of Pematang Siantar and in a year the highest accident rate that the authors get is 12 times a year with vehicles that are used mostly motorbikes and the victims of accidents that the authors get are 63% physical injuries, 29.6% material losses and 7.4% fatalities. The rampant violations that occurred on the Sendal Jepit road in the city of Pematang Siantar cannot be stopped anymore, here, of course, the role of the police is urgently needed. The authors also found data on how often the police guarded Sendal Jepit road in a year as many as 24 times a year the police guarded and supervised Sendal Jepit road, Pematang Siantar City, there were also 67, 5% said that the police had never guarded or supervised the road, and 27.3% said that the police had guarded Sendal Jepit road, Pematang Siantar. The important role of the police is to be able to reduce violations that occur and also to avoid incidents such as accidents.

The characteristics of traffic accidents in Law No. 22 of 2009 concerning traffic accidents in Article 229 are divided into three groups, namely: light traffic accidents, moderate traffic accidents, and heavy traffic accidents (dwi, 2023)

Traffic violations can lead to accidents, which are certainly very detrimental to oneself or many people. Those who are ignorant of the regulations that apply in Indonesia they commit a crime, what they know is that they have not done anything wrong, which turns out they have committed a violation. And there are also some people who follow a group of motorcyclists who violate traffic signs and follow what the motorists have violated. According to the road transport traffic law that applies to all people to always obey and comply so that there is no chaos during traffic, traffic violations on Sendal Jepit road such as going against the direction can cause traffic accidents which result in loss of life and disability or injury. Starting from a violation so that there was an accident caused by the driver who violated it.

In the accident that happened, there must have been a cause and effect. The occurrence of the accident on Sendal Jepit road, Pematang Siantar City. In criminal law, negligence or culpability is an error that occurs as a result of not being careful in carrying out activities so as to cause harm to other people. Lack of caution for drivers who are

driving, causing accidents that can harm themselves and others. Article 310 explains the consequences obtained from the accident that occurred, each result obtained is different and the sanctions given, sanctions are given according to the damage received, the more severe the damage the more severe the sanctions given. In article 310 paragraph 1 which reads as a result of his negligence while driving caused an accident to occur on Sendal Jepit road, Pematang Siantar City, causing damage to both the motorcycle itself and other people, the losses incurred due to negligence are his responsibility to compensate for losses which are issued. The incident did not reach the realm of court but was resolved amicably by compensating for repairs to the motorbike and injuries resulting from his negligence.

Factors Affecting Violations on Sendal Jepit Road, Pematang Siantar City

Of course, drivers who go against the directions on the Sendal Jepit road get the factors that are the cause of frequent violations on the Sendal Jepit road in Pematang Siantar, actual actions are prohibited, and clearly written in the law that people should comply with these regulations and not violate, but will ignorance or the existence of an intentional element with various reasons given is a strong support for violating applicable regulations. The factors that influence drivers or the local community to go against the flow are as follows:

Speed up travel routes

Riders go against the direction with the intention of speeding up the travel route so that they get to their destination faster and do not take more time, without realizing that their actions can cause harm to many people, from a selfish nature and do not want to know the effects that will be obtained from them violating, with fear time is running out as they drive so they bravely go against the direction that aims to speed up the route. They are afraid of the time that goes by which consumes their time while driving but are not afraid of the effects if they go against the direction such as an accident.

In addition, the acceleration of the route carried out by the violator is carried out to get to the market because the road shortens the trip. This road can speed up the wheels of the economy because the location is very close to markets and train stations which if you pass through this road can save time and energy. That way it can create low economic value because it saves travel time which can shorten the time in terms of

shipping goods that occur from the market to the train station and can save fuel costs when shipping.

Avoid the police

Many drivers are going against the direction aiming to avoid the police, they will obey if there is a police guard what if the police are not guarding of course they will return to their initial activity which is violating or they will look for another way where there are no police on duty to avoid from police custody, they certainly do various ways to avoid the police without thinking about the effects they will get later.

Habit against direction

There is a habit of drivers going against the direction of the Sendal Jepit road in Pematang Siantar, drivers or the local community consider this a normal thing so it becomes a habit for people to go against the direction, without realizing they are included in the perpetrators of a crime.

Society's habit of going against the flow on Sendal Jepit Road, Pematang Siantar City, can cause a phenomenon that can hinder the economic movement of an ice crystal seller around Sendal Jepit Road, Pematang Siantar City. This inhibition can be seen from the many aspects of the violation against the direction that occurred so that it hindered the movement of the crystal ice workers. Impeding the movement of workers can cause the economic figures of these businesses to fall. It can also cause an accidental risk to the crystal ice business on Sendal Jepit Road, Pematang Siantar City because the exact location of the business is in the middle of a violation. The risk that comes from this business can damage the facilities of the workers or the facilities of the business which can hinder the sales of their crystal ice where their biggest income is the result of selling the ice. If constrained in sales, it is found that the income is smaller than the expenses.

From the factors described above, it can be concluded that these three factors are the roots of the occurrence of accidents that will be obtained, the beginning that will cause victims, the beginning that will make oneself lose money and even other people get the impact of the actions committed from the factors mentioned above. Actions that violate should be a fear for us because these actions can lead to unwanted consequences, if these factors result in accidents not only we who lose money, but other people, such as victims, and families also get the effects of these actions. Families who have lost a loved one as a

result of an act that resulted in the loss of life become sad because of the loss of a loved one.

Everyone has legal awareness, the problem lies in the level of legal awareness itself, whether high, medium or low. Legal compliance depends on legal awareness. Obedience to law is related to legal awareness, every normal human being has a sense of law. The problem lies in the high, medium and low levels of legal knowledge. The criteria for assessing the level of awareness are legal knowledge, legal understanding, attitude towards law, and legal action. A person is considered to have high legal knowledge if his behavior is in accordance with the provisions of the applicable laws and regulations. Thus, a high legal conscience is based on respect for the law, but not all law-abiding people have a conscience towards the law (R, 1984).

CONCLUSION

The definition of a crime (*jarimah*), there are several mentions of the crime itself, such as offenses, criminal acts, criminal events, acts that can be punished, criminal offenses and others. In this case, a crime can be interpreted as an act in which the perpetrator can be subject to criminal sanctions, while the perpetrator is seen as the subject of the crime. There are several elements of criminal acts as subjects, such as behavior or characteristics that are against the law, mistakes, and the main elements of a crime. In *jarimah qisas* and *diyath*, criminal acts can be subject to punishment or threats of had or tazir which can damage the body and soul. In *jarimah qisas* and *diyath* it is divided into 5 types, namely: intentional killing, semi-intentional killing, killing by mistake, persecution or injuring other people's limbs on purpose, and finally accidental abuse. In Law Number 22 of 2009 it is explained that Road Transportation (LLAJ) is a unified system that includes traffic, road transport, road traffic and transport networks, road traffic and traffic infrastructure, vehicles, drivers, road users, as well as its management. violating or rejecting a rule is what is meant by violating, violation is an act of deviating from acting according to one's own will without paying attention to the rules that have been set. Violations of state laws and regulations are included in violations of law because state law is included in legal regulations.

In order to help create legal certainty for stakeholders, Law Number 22 of 2009 concerning Traffic and Road Transportation abbreviated as LLAJ was enacted. The

violations that occurred on the Sendal Jepit Road in the city of Pematang Siantar were very out of reach, the authors observed that in 1 hour the number had reached 525 violations. Lack of awareness among road users and the community so that it becomes a habit to go against the direction of the Sendal Jepit Road in the city of Pematang Siantar. In the data that the authors found, the causes of violations that occurred on the Sendal Jepit Road in Pematang Siantar were none other than: to speed up travel routes, avoid police, cut directions, avoid traffic jams, lack of police supervision, and most often the author finds that there are still many road users who do not know that the Sendal Jepit Road is a one-way street. Traffic accidents which have been written in Law No. 22 of 2009 in Article 1 paragraph 24 are events that occur unexpectedly which result in human casualties or material losses. Violations that occur on the Sendal Jepit Road in Pematang Siantar can also cause accidents that result in physical injury or material loss. On the Sendal Jepit road, Pematang Siantar, the more violations that occur, the greater the chance of an accident that will be found on the Sendal Jepit Road, Pematang Siantar.

Lack of legal awareness for both road users and the surrounding community, the importance of knowledge of the signs that apply at every point of the road, and legal counselling to the community to add insight about road markings is very important so that they understand and understand the rules that cannot be violated which can result in fatal consequences from the wrongdoing. Awareness of drivers and the public is very minimal about the applicable regulations so they become indifferent to the regulations that have been made by the government, the community, or road users as if turning a blind eye to the violations they are committing. The important role of oneself, law enforcers, educators, and parents is to help foster a mindset towards others to heed the regulations that have been in force and are written in the law.

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