

THE ROLE OF VICTIMOLOGY IN THE PROTECTION OF VICTIMS OF TRAFFIC ACCIDENTS

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Abstract

Every activity contains the danger of accidents. Anyone can have an accident anywhere, including on the highway. The chance of an accident on the road increases due to the high level of community mobility. The study of victim issues, including those arising from traffic accidents, is known as victimology. The Road Traffic and Transportation Law Number 22 of 2009 regulates traffic accidents in Indonesia. Families of victims who died in car accidents act as witnesses to help police identify victims and reconstruct incidents. Without eliminating the charges against the defendant, the victim's family also participates in the peace process, namely determining the amount of compensation that must be given as accountability.

Keywords: **Sexual Violence, Psychology, Victims.**

1. INTRODUCTION

Every time we step foot onto the pavement or buckle up behind the wheel, we embark on a delicate dance with fate. It's a dance where the rhythm of life can be abruptly interrupted by the screech of brakes or the shatter of glass. The highways, once symbols of connectivity and progress, now serve as battlegrounds where the struggle for safety unfolds daily. India, with its vast populace, showcases a microcosm of this global dilemma. Its streets pulse with the energy of millions on the move, each journey carrying with it the potential for both triumph and tragedy. And in Indonesia, where the thrum of urban life never ceases, the roads bear witness to a constant influx of vehicles, each one a harbinger of both promise and peril (Kragting et al., 2024).

But amidst the chaos, there lies a glimmer of hope—a reminder that with awareness and diligence, we can tip the scales in favor of safety. From stringent traffic regulations to public awareness campaigns, efforts are underway to tame the beast that is road accidents. Yet, the journey towards safer streets is a marathon, not a sprint, requiring collective action and unwavering commitment. So, as we navigate the asphalt arteries that bind our communities together, let us do so with caution, compassion, and an unwavering commitment to safeguarding not only our own lives but the lives of those we share the road with. For in this shared space, the difference between a near miss and a tragic collision often

lies in the choices we make and the care we extend to one another (McKinley & Rogers, 2024).

The sheer volume of vehicles traversing our roads stands as a formidable catalyst for accidents, serving as a stark reminder of the fragility of safety in our modern world. When collisions occur, they often involve multiple parties, igniting a complex web of legal and moral implications. Picture the scene: vehicles careening into one another, pedestrians caught in the crossfire, and the once-sturdy facades of roadside establishments crumbling under the force of impact. In the aftermath, the tendrils of criminal law extend to encompass the chaos, seeking to untangle the web of responsibility and consequence. Was there intent behind the actions that led to the collision? Who are the victims, and who bears the weight of culpability? These are the questions that demand answers, navigating the murky waters of justice in the wake of tragedy (Mandal, 2024).

Victimology emerges as a guiding light in this labyrinth of legalities, offering solace and support to those who find themselves ensnared in the aftermath of a fatal traffic accident. It is a discipline that goes beyond the mere identification of victims, delving deep into the nuances of their experiences and the impact of trauma on their lives. This journal, dedicated to the role of victimology in safeguarding the rights and well-being of those affected by traffic accidents, serves as a testament to the importance of empathy and understanding in the pursuit of justice (Naibaho, 2023).

2. IMPLEMENTATION METHOD

Mini research is qualitative research, namely research that seeks to understand the phenomena that occur related to death penalty law in Indonesia. Using the statue approach and conceptual approach. The data collection technique is carried out through library research, which uses library materials. Supported by primary data sources, in the form of books on the death law in Indonesia and legislation that will be the object of research. Then from the data, the author uses descriptive data analysis, which describes the whole problem in research based on the materials and data sources owned (Sugiyono, 2018).

3. RESULTS AND DISCUSSION

Understanding Victimology

Victimology is the study of victims (victim = victim), which includes the victim's interactions with perpetrators and the legal system, including their interactions with the police, the courts, and the system as a whole. It also discusses the relationships victims have with various organizations and social circles, such as the press, big business, and political movements. According to J.E. Sahetapy, victimology is a field of study or profession that deals with the problem of victims from all angles (Rahman, 2017).

Traffic Control Provisions in Indonesia

Traffic accidents are defined by law as unexpected and accidental road events involving vehicles, whether or not they involve other road users, resulting in loss of life or property loss. Traffic accidents can be caused by violations or the cause of accidents. Law No. 22 of 2009 concerning Traffic and Transportation Jalan Ndi Indonesia.

The National Police of the Republic of Indonesia must respond to traffic accidents in accordance with Article 227 of the Road Traffic and Transport Law.:

- a. Attend the scene immediately;
- b. Helping victims
- c. Perform the first act at the scene of the crime;
- d. Processing crime scenes;
- e. Manage traffic accidents;
- f. Securing evidence;
- g. Conduct a case investigation

The regulation of the Chief of Police of the Republic of Indonesia regulates additional conditions on how traffic accidents are handled in accordance with PPasal 228 of the Road Traffic and Transport Law. Traffic violations are acts of disobedience to traffic rules committed by drivers of two-wheeled vehicles or more, which may result in collisions with other road users and death or serious injury to other road users. Traffic violations in this sense are acts of disobedience committed either intentionally or unintentionally.

Applicable traffic law regulations. According to Law Number 22 of 2009 concerning Road Traffic and Transportation Article 1 relating to Traffic Violations, traffic is a cohesive system consisting of traffic, road transportation, traffic networks and infrastructure, vehicles, drivers, and road users, and their management. In accordance with Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 Against the Protection of Witnesses and Victims, a victim is a person who experiences physical, mental, and/or economic losses caused by a criminal act.

In accordance with Law Number 22 of 2009 concerning Traffic and Road Damage Regarding the Classification and Handling of Traffic Accident Cases, PPasal 229.

1. Traffic accidents are classified upon:
 - a. minor traffic accidents;
 - b. Moderate traffic accidents; or
 - c. Heavy Traffic Accidents.

Vehicles and/or commodities may suffer damage due to minor traffic accidents as referred to in paragraph (1) letter a. As referred to in paragraph (1) letter b, a moderate traffic accident is an accident that only causes minor injuries and property damage to vehicles and/or products. Accidents that cause death or serious injury are considered serious traffic accidents as referred to in paragraph 7 (1) letter c. Traffic accidents as referred to in paragraph (1) may be caused by unreliable vehicles, unreliability of the road and/or environment, and/or irresponsible road users.

Based on Article 231 of the Road Traffic and Transport Law:

1. The driver of a Motor Vehicle involved in a Traffic Accident, shall:
 - a. stop the vehicle he is driving;
 - b. providing assistance to victims
 - c. report the accident to the nearest Indonesian National Police; and

- d. provide information related to the accident.
2. The motorized driver, who, due to force majeure, is unable to carry out the provisions as referred to in paragraph (1) letter a and letter b, immediately report himself to the nearest Indonesian State Police.

Factors Causes of traffic accidents include:

1. Drowsy driver
2. Don't understand road markings
3. Brake blong
4. The driver has not experienced
5. Traveling at high speed
6. Sudden stop
7. The distance with the vehicle in front is too short

Examples of collision cases that caused many casualties were deadly accidents at intersections, BBalikpapan, East KKalimantan, JJumat January 21, 2022 morning. A truck crashed into several cars and motorcycles that stopped at traffic lights because of red lights. The truck, which carries loads of up to 20 tons, has long brakes so that the speed of the vehicle cannot be stopped when there is a red light. Another vehicle that had stopped in front of a red light also became a victim of the incident. The truck hit a six cars and 14 motorcycles. Five people died and empatorangg were seriously injured in the accident. Police named the truck driver as a suspect on the basis of being convicted of traffic violations causing the loss of life of others. The reason is, the path it passes is not intended for heavy equipment transportation. WalikKota Balikpapanm already has a rule that states from 06.00 WITAs to 21.00 WITAAheavy equipment transportation is not allowed to cross the road. Meanwhile, the suspect passed through the road at the forbidden hour (Liability et al., 2022).

Apart from road use violations committed by truck drivers, the condition of the truck can also be a highlight. Because heavy vehicles owned by companies usually have gone through a roadworthiness test process before traveling. Carrying a heavy load increases the risk of accidents because if something happens on the road and the truck has to stop suddenly, it will be very difficult to brake with the heavy load earlier. Therefore, the efficiency of the main brake system must be considered in accordance with the recommendations of the Law of the Republic of Indonesia Number 222 of 2009 concerning Traffic and Road Transport article 48apagraph 3. If it does not meet the standards, then the company that owns the vehicle must be responsible for accidents that occur as a result of the roadworthiness of the truck vehicles they have (Yunara & Kemas, 2024).

In handling traffic accident cases, before the case is transferred to the court process, of course, the case goes through the examination process first, starting from investigation, investigation, arrest and detention Because in accidents there is often an element of accident, then in the case of minor accidents usually the police will advise the parties involved to settle family. Unlike the case of severe accidents or those that cause the loss of other people's lives.

The victim has the right to be fulfilled by the party responsible for the accident that occurred, it is regulated in article 240 of the Road Traffic and Transport Law.

Traffic Accident Victims are entitled to:

- a. assistance and care from those responsible for the occurrence of Traffic Accidents and/or the Government;
- b. gantiklosses from the party responsible for the occurrence of Traffic Accidents; dannelsantunan

According to Article 235 of the Road Traffic Law, "If the victim dies due to a Traffic Accident as referred to in Article 229 paragraph (1) point c, the Driver, owner, and/or Public Transport Company must provide assistance to the victim's heirs in the form of medical expenses and/or funeral costs by notifying the insurance company until the death of the victim." In the case of a fatal traffic accident, the function of the heir is more than just getting compensation; They can also serve as witnesses who can be called to testify to keep the legal process going. The family can also assist the police in arranging the flow of the case and carrying out the case title. Before receiving compensation, the family can also help the legal process by making peace. Peace here does not mean eliminating all lawsuits against suspects, but peace is in the form of negotiations with the suspect or those responsible for the accident regarding the amount of funds that should be given to the heirs. The fund is intended as compensation for the families left behind by the victim and also as a form of good faith of the suspect or responsible party in the accident to account for the incident (Ariyanti, 2023).

4. CONCLUSION

According to the description above, the responsibility of the victim's family in the event of a fatal traffic accident is as a sasiddan as the beneficiary of compensation from the suspect or responsible for the order. To identify the victims and help police reconstruct the crash site, relatives of the victims must appear in court as witnesses. To complete the peace process and decide on the level of compensation, victims are also presented.

According to article 240 of the Traffic Law, victims of accidents resulting in fatalities are legally protected by receiving assistance, medical care, and compensation from the guilty party. However, the actions given above will be void or void if they comply with article L234 paragraph T3 of Law Number 22 of 2009.

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