

AUTHORITY OF CIVIL SERVANT INVESTIGATIVES (PPNS) IN THE FIELD OF TRAFFIC AND ROAD TRANSPORTATION IN TAKING ACTION ON VIOLATIONS OF PEOPLE TRANSPORTATION

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Abstract

The Authority of Civil Servant Investigators (PPNS) in Handling Traffic and Road Transportation Violations is as follows: a. The authority of civil servant investigators in the field of road transportation traffic is carried out at the Terminal and/or the place where the weighing equipment is installed permanently. The authority to inspect motor vehicles on the road can be carried out by civil servant investigators in the field of Traffic and Road Transportation with the obligation to coordinate with and must be accompanied by an Officer of the Republic of Indonesia National Police. b. Handling Traffic and Road Transportation Violations can be carried out by civil servant investigators in the field of Traffic and Road Transportation with the obligation to be accompanied by a Police Officer including checking proof of passing the test for vehicles that must be tested, the physical condition of the Motor Vehicle, carrying capacity and/or method of transporting goods, and/or transportation permits.

Keywords: Civil Servant Investigators, Enforcement and Violations of People's Transportation.

Introduction

The existence of civil servant investigators, in carrying out criminal investigations after the investigation is completed by the civil servant investigator, then submits the results of the investigation to the public prosecutor through the Police Investigator but the implementation of their duties must be under the coordination and supervision of the Police Investigator in accordance with Article 107 paragraph (3) of the Criminal Procedure Code in conjunction with Article 7 paragraph (2) of the Criminal Procedure Code. Law Number 22 of 2009 concerning Traffic and Road Transportation explains that it is an agency formed by the Indonesian Government to prosecute and reduce the number of traffic and road transportation crimes throughout Indonesia. The authority of Civil Servant investigators in the field of Traffic and Road Transportation must be carried out with full responsibility because through the

investigation the investigator can reveal clearly and correctly the forms of criminal acts that have occurred.

Methods

The research method used in this research is a normative research method supported by empirical research, where normative research uses various types of primary legal materials in the form of statutory regulations and secondary legal materials in the form of library materials related to the authority of civil servant investigators as sources of research material. Johnny Ibrahim is of the opinion that normative legal research is a form of scientific research aimed at finding the truth based on the logic of legal science reviewed from the normative part, or which is in the form of an effort to discover law that is adapted to a particular case.

Results and Discussion

The Authority of Civil Servant Investigators in Enforcing Violations of Passenger Transport Vehicles in Terminals

Traffic violations committed by motorists at traffic light intersections are not uncommon in Bali and are considered a common occurrence in everyday life, often receiving little attention from law enforcement officers. This is why these violations are frequently committed at almost all traffic light intersections in Bali.

According to Soemarno Soedarsono, self-awareness is the manifestation of a person's personal identity. A person can be considered a person with identity when their appearance, creativity, and initiative, value system, attitude, and behavior reflect their personality. If an individual is aware of their position, they can develop positive and responsible behavior.

Someone with high self-awareness is able to exercise self-control and tends to develop a strong value system within themselves, reflecting on themselves and behaving in accordance with their positive beliefs. Conversely, those with low self-awareness tend to lack self-esteem and are unable to control their behavior, which can hinder their relationships with their environment.

The investigation process is carried out to seek and discover evidence against a suspect who has committed a crime. Article 1, number 2 of the Criminal Procedure Code (KUHP) explains investigations as follows: "An investigation is a series of actions by an investigator in the manner and according to the methods stipulated in this law to seek and collect evidence that will shed light on the crime that has occurred and to identify the suspect."

The investigation stage is carried out by individuals referred to as investigators, as regulated in Article 1, number 1 of the Criminal Procedure Code (KUHP). Investigators are officers of the Indonesian National Police or certain civil servants specifically authorized by law to conduct investigations. According to M. Yahya Harahap, an investigation is a follow-up process following an investigation into a crime. Strict requirements and limitations apply to the use of coercive measures after sufficient preliminary evidence has been gathered to shed light on an event reasonably suspected of being a crime.

The existence of PPNS, in carrying out criminal investigations after the investigation is completed by PPNS then submits the results of the investigation to the public prosecutor through the National Police Investigator but the implementation of its duties must be under the coordination and supervision of the National Police Investigator in accordance with Article 107 paragraph (3) of the Criminal Procedure Code in conjunction with Article 7 paragraph (2) of the Criminal Procedure Code. Law Number 22 of 2009 concerning Traffic and Road Transportation explains that it is an agency established by the Indonesian Government to prosecute and reduce the number of traffic and road transportation crimes throughout Indonesia.

Realizing a proportional functional relationship between state powers related to the duties and authorities of PPNS LLAJ, in carrying out its duties and functions, PPNS LLAJ must always coordinate with the National Police as the coordinator and supervisor of PPNS, so that there is no overlapping of authority and there is legal certainty as regulated in laws and regulations, including the Criminal Procedure Code. The establishment of the PPNS in the LLAJ sector is an order/mandate from Article 7 paragraph (2) along with the Explanation of Law Number 8 of 1981, so that the source for obtaining its authority is original authority directly derived from the Law or is called attribution authority.

One mode of land transportation frequently used by the public is public motorized vehicles. Public Motorized Vehicles are any vehicles used to transport goods and/or people for a fee. Public Motorized Vehicle Transportation on Routes is transportation served by public passenger cars and public buses from one place to another, with a fixed and regular origin-destination, route, and time, and is charged a fee. More specifically, what will be discussed in this article is Intercity Interprovincial Transportation, namely transportation from one city to another that passes through districts/cities that pass through more than 1 (one) provincial area using public buses bound by Routes. In order to realize safe, secure, orderly, smooth, and integrated Traffic and Road Transportation services, the government has established regulations to achieve these goals. One such regulation is Law Number 22 of 2009 concerning Road Traffic and Transportation. Road traffic and transportation play a strategic role in supporting national development and integration as part of efforts to advance public welfare, as mandated by the 1945 Constitution of the Republic of Indonesia.

The existence of terminals is crucial for the smooth and orderly implementation of intra- and intermodal integration. Essentially, terminals are nodes in the road transportation network system, consisting of two types: passenger terminals and freight terminals. Both serve as road transportation facilities for picking up and dropping off passengers/goods, as well as regulating the arrival and departure of public vehicles. Therefore, terminals must be managed and

maintained to adequately meet the needs of the public and road transportation, including the facilities and amenities required within the terminal. Based on the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 24 of 2021 concerning the Implementation of Road Transportation Terminals, Article 4 paragraph (2) states that Passenger Terminal Nodes consist of Terminal Nodes type A, type B and type C. Then according to Article 5, Terminal Node type A is designated as a terminal node for Intercity and Interprovincial Transportation.

Article 1 of Law No. 22 of 2009 concerning Traffic and Road Transportation, which regulates terminals, explains that a terminal is a base for public motorized vehicles used to regulate arrivals and departures, pick up and drop off people and/or goods, and transfer modes of transportation. The role of the terminal as a transportation node for picking up and dropping off passengers is further specified in Article 36 of Law No. 22 of 2009, which states that "Every public motorized vehicle on a route must stop at a designated terminal, unless otherwise stipulated in the route permit."

The authority of the PPNS in the field of LLAJ as referred to in Law No. 22 of 2009 concerning Traffic and Road Transportation, Article 262 paragraph (1) is implemented on the road. PPNS in the field of LLAJ must coordinate with and be accompanied by Police officers and can only be carried out at terminals and/or places where weighing equipment is permanently installed. Indonesia is a state of law based on Pancasila, where the implementation of government and community life is regulated by law. Civil Servant Investigators in the Traffic and Road Transportation sector obtain authority directly from the Law, namely Law Number 22 of 2009 concerning Traffic and Road Transportation, which was created by the President and approved by the Indonesian House of Representatives. The authority of Civil Servant Investigators in the Traffic and Road Transportation sector, as referred to in Article 262 paragraph (1) of Law Number 22 of 2009 concerning Traffic and Road Transportation, is carried out on the Road and PPNS in the Road Traffic and Road Transportation sector are

required to coordinate and must be accompanied by Polri officers. The authority of PPNS in the Road Traffic and Road Transportation sector can only be carried out at the Terminal or where the weighing equipment is permanently installed.

According to Ardani Nirwesthi, Supervisor of the Mengwi Type A Terminal Service Unit, Polri Investigators have full authority regarding the issuance of SIM, STNKB, STCKB and TCKB, which are their authorized authority. However, regarding proof of passing the inspection for vehicles subject to mandatory inspection, the physical condition of the motor vehicle, carrying capacity and/or method of transporting goods, and/or transportation permits are the authority of the Civil Servant Officers (PPNS) in the Traffic and Road Transportation (LLAJ) sector. The authority to inspect motor vehicles on the road by National Police Investigators and Civil Servant Officers (PPNS) in the LLAJ sector must be based on official duties in the form of a work order issued by the superiors of the National Police Investigators or Civil Servants in the LLAJ sector.

Government Regulation Number 80 of 2012 concerning Procedures for Inspecting Motor Vehicles on the Road and Enforcement of Traffic and Road Transportation Violations. Article 1, number 2 of Government Regulation Number 80 of 2012 defines enforcement of Traffic and Road Transportation violations as a series of actions carried out by National Police investigators or Civil Servant Investigators in the Traffic and Road Transportation sector against Traffic and Road Transportation violations. Article 3 of Government Regulation Number 80 of 2012 concerning inspection of motor vehicles on the road. The authority of Civil Servant Investigators in the field of Traffic and Road Transportation is regulated in Article 262 of Law Number 22 of 2009 concerning Traffic and Road Transportation which can be explained as follows, paragraph: (1) Civil Servant Investigators as referred to in Article 259 paragraph (1) letter b of the UULLAJ are authorized to: a. Conduct investigations into violations of technical requirements and roadworthiness of motor vehicles, the proof of which requires special expertise and equipment. b. Conduct investigations into violations of permits for the

transportation of people or goods by public motor vehicles. c. Conduct investigations into violations of the load or dimensions of motor vehicles at permanently installed weighing stations. d. Prohibit or delay the operation of motor vehicles that do not meet technical and roadworthiness requirements. e. Request information from drivers, motor vehicle owners, or public transportation companies regarding violations of technical and roadworthiness requirements, motor vehicle testing, and permits. f. Confiscate the certificate of passing the test and/or the permit for the operation of public transportation for violations as referred to in letter a, letter b, and letter c by making and signing an inspection report. (2) The authority of the Civil Servant Investigator as referred to in paragraph (1) is carried out at the Terminal and/or the place where the weighing equipment is installed permanently. (3) In the case where the authority as referred to in paragraph (1) is carried out on the Road, the Civil Servant Investigator is obliged to coordinate with and must be accompanied by an Officer of the Republic of Indonesia National Police.

The full authority held by Polri Officers in conducting inspections of motorized vehicles on the road is in stark contrast to the authority related to the issuance of SIM, STNKB, STCKB and TCKB which are their authority. The authority held by PPNS LLAJ is proof of passing the test for vehicles that are required to be tested, the physical condition of the motorized vehicle, the carrying capacity and/or method of transporting goods, and/or transportation permits. This means that the authority to inspect motorized vehicles on the road must be related to the previous authority in carrying out government actions. So that the inspection of motorized vehicles carried out has legal certainty. The authority to inspect motorized vehicles on the road carried out by Polri Investigators and PPNS LLAJ must be based on an official assignment letter in the form of a work order issued by the superior of the Polri officer or the superior of the PPNS LLAJ. The work order in question is a work order issued by the superior of the Polri officer or the superior of the PPNS LLAJ.

Obstacles Faced by Civil Servant Investigators in Investigating Violations of Passenger Transportation

The provisions of the Criminal Procedure Code stipulate three examination procedures in resolving criminal cases: the Ordinary Examination Procedure, the Short Examination Procedure, and the Expedited Examination Procedure. These three examination procedures are carried out based on the type of case received. Therefore, if the type of case received is an ordinary case, it must also be resolved using the ordinary examination procedure. If the case received is a type of case based on Article 203 of the Criminal Procedure Code, the Expedited Examination Procedure is used. However, if the case is punishable by imprisonment or confinement of up to three months and/or a fine of up to seven thousand five hundred rupiah, as well as minor insults and road traffic violations, then the case must be resolved using the expedited examination procedure.

If viewed from the procedure for road traffic violations, everything is very simple. The examination is conducted without a report or an indictment. Likewise, the form of the decision is not specifically made or combined with the report as is the case in the expedited procedure. However, the form of the decision in the case of road traffic violations is quite simple and does not require consideration of Article 197 paragraph (1) of the Criminal Procedure Code. The simplicity of the decision form is as follows: a. A record made by the judge on an examination form submitted by the investigator to the court. The investigator's examination form, in addition to the investigator's notes on the defendant's identity, the offense charged, and notification of the date, day, time, and place of the trial, also contains a record of the court's decision. b. This record of the decision is called a verdict letter, which is the content of the verdict in a road traffic violation case, what the judge records on the investigator's examination form or record. For example, the judge simply records the contents of the investigator's examination form. c. The court clerk records the contents of the decision in a register. The court clerk then transfers the decision contained in the record to the traffic violation case register. The purpose of

recording, in addition to providing legal certainty, is also to create orderly and orderly judicial administration, so that all court activities are recorded in the register. Talking about the obstacles to law enforcement against vehicles that commit violations of people's transportation faced by Civil Servant Investigators for Road Traffic and Transportation according to the theory written by Soerjono Soekanto, there are 5 (five) factors that influence law enforcement, namely: (1) The legal factor itself (2) Law enforcement factors (3) Factors of means and facilities that support law enforcement (4) Community factors (5) Cultural factors.

Based on the factors of law enforcement against violations of passenger transportation according to Soerjono Soekanto's opinion. Of the five factors in this study there are 3 factors that influence law enforcement against violations of passenger transportation: (1) The law enforcement factor is the most important thing in enforcing laws and regulations. Law enforcers are role models in society who should have certain abilities in accordance with the aspirations of society. Law enforcers are officers who carry out the process of efforts to uphold or function legal norms as role models for community life. Law enforcers in carrying out order often experience obstacles in carrying out their role. This can occur from the law enforcers themselves or from their environment. These obstacles are as follows: (a) Limited ability to place themselves in the role of other parties with whom they interact. (b) A relatively low level of aspiration. (c) Very limited desire to think about the future, making it very difficult to make a projection. (d) The lack of ability to postpone the satisfaction of certain needs, especially material needs. (e) Lack of innovative power which is actually a partner of conservatism. In law enforcement, the law enforcement factor is crucial because law enforcers are the ones who carry out the law enforcement process. Therefore, certain capabilities are needed to enforce existing regulations in society. (2) Without certain facilities or infrastructure, law enforcement cannot proceed smoothly. In this study, the inhibiting factor in law enforcement against passenger transportation violations was hampered by the inadequate number of equipment. (3) The lack of community involvement is due to a lack of knowledge of regulations regarding

technical requirements, although in legal theory, the public is assumed to know after the law is enacted. Although not all members of the public are unaware of the technical requirements, this lack of knowledge significantly influences public perception of passenger transportation violations.

In addition to the above, the research results show that Civil Servant Investigators (PPNS) face various obstacles in enforcing passenger transportation violations, including a lack of legal awareness among the public and related parties, as well as a lack of resources and enforcement infrastructure. Furthermore, coordination between agencies is sometimes an obstacle, resulting in ineffective enforcement. Several obstacles can be outlined as follows: 1. Lack of Legal Awareness: Many parties, including drivers and transportation operators, lack understanding of applicable regulations and procedures, resulting in frequent violations. 2. Lack of Resources and Facilities: PPNS sometimes lack trained human resources and adequate infrastructure, such as transportation and enforcement equipment. 3. Inter-Agency Coordination: Enforcement of passenger transportation violations often involves several agencies, such as the police, transportation agencies, and other related agencies. Poor inter-agency coordination can hinder the enforcement process. 4. Legal Challenges: Some passenger transportation violations, such as technical and roadworthiness violations or route violations, can have complex legal consequences and require lengthy investigations. 5. Resistance from Involved Parties: Some violators may refuse enforcement or even resist, making the PPNS's task even more difficult. To overcome these obstacles, efforts are needed to increase public legal awareness, improve human resources and enforcement infrastructure, and improve inter-agency coordination.

Conclusion

The authority of Civil Servant Investigators (PPNS) in handling traffic and road transportation violations is as follows: a. The authority of civil servant investigators in the field

of road transportation traffic is carried out at the Terminal and/or the place where the weighing equipment is installed permanently. The authority to inspect motor vehicles on the road can be carried out by civil servant investigators in the field of traffic and road transportation with the obligation to coordinate with and must be accompanied by officers of the Republic of Indonesia National Police. b. Enforcement of traffic and road transportation violations can be carried out by civil servant investigators in the field of traffic and road transportation with the obligation to be accompanied by police officers. Obstacles faced by civil servant investigators in handling violations of passenger transportation are the lack of legal awareness from the community and related parties, as well as the lack of resources and infrastructure for enforcement. In addition, coordination between agencies is also sometimes an obstacle, so that the enforcement process becomes ineffective.

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