



Case Study

A REVIEW OF CHILDREN'S ILLEGAL RACING BASED ON LAW NO. 22 OF 2009 CONCERNING ROAD TRAFFIC AND TRANSPORTATION**Haris Kondang Pradana^{1)*}, Nur Chasanah¹⁾, Eileen Savage²⁾**¹⁾ Faculty of Law, Universitas Islam Kediri Kediri, Indonesia²⁾ University College Cork, Ireland

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ABSTRACT

Background. The occurrence of illegal racing crime is caused by poor self-control of children and also weakening social control due to lack of family supervision, environment, school, and law enforcement to carry out their control functions. The study aimed to identify the chronology and illegal motorcycle street racing area that became a favorite place where illegal racers held in Ploso Kertosono Nganjuk and the surrounding area.

Research Method. This research is considered as a field research or case study. It is used descriptive analysis method and the type of research is qualitative research. The data collection procedures of this study were observation, interviews, and documentation. The primary sources included interviewing illegal riders, the society around the illegal street racing area, and police officers from the county police of Nganjuk. The secondary data were collected from books, journals, and documents. The research analyzed from Ius Constitutum included No. 22 of 2009 about Indonesian traffic law.

Findings. This research results more on the chronology and describes the flow of illegal races that are so popular with children in the Ploso Kertosono Nganjuk road area and its surroundings in Nganjuk Regency and is continued with an analysis in terms of Positive Law in the form of Law No. 22 of 2009 concerning Road Traffic and Transportation. The final result is the absolute truth of Positive Law in analyzing illegal racing under applicable laws and regulations.

Conclusion. The concept of Ius Constitutum analyzes illegal motorcycle street racing according to the applicable laws and regulations.

Keywords: Children; Illegal Motorcycle Street Racing; Traffic Laws.

BACKGROUND

Law No. 35 of 2014 explains that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. According to Law No. 4 of 1979 children, and adolescents are individuals who have not reached the age of 21 (twenty-one) years or have not married. According to Article 330 of the Civil Code, an adult is someone who has reached the age of 21 (twenty-one) years or has been married. Children who have not even reached the age of 18 are perfect photocopies or imitators if drawn in the concept of sociology, namely at the imitation stage or play stage the socialization process includes 4 stages, namely the preparatory stage (preparatory stage), the imitation stage (play stage), the preparation stage for action (game stage), the stage of acceptance of collective norms (generalized stage / other). Which is the stage of imitation or play stage is the stage of starting the formation of awareness about one's name and who is the names of parents, siblings, and so on, and the assumption that what is seen, heard, and understood is the right thing [1]. Not infrequently at this time, the subjects who become public figures and indirectly become idols are teenagers coincidentally teenagers who are idolized by children are entering a transitional period or transition period.

The transition period or transitional period is a phase of change from childhood to adolescence is a stage that is not free from a series of lives that are prone to negative

influences such as drugs, and gambling.

Many internal and external factors range from family, school environment, and peers. For example, illegal racing because adolescence is a period of high curiosity is susceptible to being influenced by movies and stories from seniors / local teenagers who package things like violations as adrenaline. By racing two-wheeled vehicles on public tracks, there is an indication of unlawful activities [2].

Illegal racing is an organized, illegal activity that involves racing vehicles, either motorcycles or cars, on public tracks with benchmarks based on type, speed, and engine capacity [3]. This means that illegal racing activities are not carried out in official racetracks but on the highway.

Factors causing the occurrence of illegal racing crime are caused by poor self-control of adolescents who cannot control the desire to find their identity by testing themselves with new things and also weakening social control due to lack of family supervision, environment, school, and law enforcement to carry out their control functions. Common factors causing illegal racing include the absence of circuit facilities for the race itself which makes teenagers choose the highway for the track instead.

As a community, they should not want the area where they live to be used for illegal racing. The efforts of the surrounding community that can be done to prevent illegal racing from happening in the area where they live is that when the community sees that there will be wild racing in their neighborhood, the community will contact the police to disperse the gangs that will carry out wild racing.

In social life, if all levels of society are willing to obey and obey the applicable rules, all mobility in society related to security will certainly run smoothly and orderly. Government institutions in a country are tasked with formulating regulations that aim to realize justice, certainty, and benefit for the community. As regulated in Article 1 paragraph (3) of the 1945 Constitution, which explains that Indonesia is a State of Law.

A legal product can be called successful if it can provide benefits to the wider community, it can also provide juridical and philosophical meaning as is the case with traffic regulations contained in Law NO. 22 of 2009 concerning road traffic and transportation, which is defined as the movement of vehicles and people outside road traffic. 22 of 2009 concerning road traffic and transportation, which is defined as the movement of vehicles and people outside road traffic. Traffic has an important role in driving mobility because it is directly related to transportation and road transportation. Three things must be fulfilled to create order in traffic. The first is the guarantee and smoothness and security in traffic, the second is road infrastructure, and the third is traffic that takes place economically and protects the environment.

Law Number 22 of 2009 is a replacement law for Law Number 14 of 1992 concerning road traffic and transportation which has been refined and updated. Furthermore, the government has passed Law of the Republic of Indonesia Number 22 of 2009 concerning road traffic and transportation, hereinafter referred to as the road traffic and transportation law. Chapter XX on criminal provisions of road traffic and transportation, more precisely in articles 273-317, contains sanctions or punishments for motorists and users of transportation equipment who commit violations. The development of traffic and road transportation has been regulated in a unified system, which is carried out by combining elements in traffic including road transportation networks, vehicles, and their drivers as well as regulations and procedures that are made as detailed as possible according to Standard Operating Procedures (SOP) with the hope of realizing SOPs that are effective for traffic actors [4].

The fundamental difference between a violation of law and a crime is that a violation of law is an act of one or more persons who violate rules that are not applicable rules or laws. Violation of the law is a form of defiance of the law that is in force [5]. Criminal law is a

rule or law that can regulate offenses and crimes against the public interest, and the perpetrators can be punished in the form of suffering or torture [6].

Through the above background, the author wants to know more from a positive legal perspective. The formulation of the problem: 1) How is illegal racing among children reviewed based on the Traffic Law? 2) What are the efforts to tackle illegal racing?

RESEARCH METHOD

The research methodology used in the research is an empirical research method using a qualitative approach. In other mentions, Empirical is also called Non Doctrinal. In general, in legal research methods, there are two types of research, namely Normative (Doctrinal) and Empirical (Non Doctrinal). The clear difference between Doctrinal/Normative research and Non Doctrinal/Empirical research lies in the research targets of the two methods. Doctrinal / Normative Research is more focused on Doctrine or Norms, while in Non- Doctrinal / Empirical research is more focused on finding out about the law in its application and social context [7]. difference between doctrinal and non-doctrinal research has consequences for each step. Although the methodology between the two is not different. However, the technical steps in the two studies are different. One emphasizes speculative-contemplative and normative-qualitative analysis, while the other is on observational action and empirical-quantitative analysis [8].

This research is aimed at examining the law in a real sense and examining how the law works in a community environment. The author will conduct field research to find out the application of the law on the action of children's illegal racing on the Ploso Kertosono Nganjuk road. To strengthen the validity of data in extracting information, the author uses a closed questionnaire on research subjects in the form of law enforcement officials and traffic violators as well as containers that facilitate vehicles to be used for illegal racing such as motor *drag* workshops and similar places [9].

1. Data source

The types and sources of data used, especially supporting data, include primary legal documents, secondary legal data, and tertiary legal documents.

2. Data Collection Techniques

Data collection is carried out with secondary data, namely literature study by collecting data by searching library materials, namely books, scientific papers, literature, existing records related to the problem of Children's Wild Racing on the Ploso Kertosono Nganjuk road. Field studies to collect data are useful research to further analyze primary data.

3. Data analysis

This research uses a qualitative analysis approach to analyze additional data related to the legal review of traffic violations against children's wild races on the Ploso Kertosono Nganjuk road. Then the data is arranged inductively, namely from the general to the specific, so that conclusions can be drawn.

FINDINGS

1. Calculated Data of Illegal Racing Each Year in Nganjuk Regency

Based on data obtained from the Nganjuk Resort Police, it is known that the cycle of illegal races increases every year and this often occurs in certain months such as Ramadan and so on. And it is also known that in Nganjuk Regency 9 points are still used for fast-paced vehicle activities or illegal races, which include [10]:

1. Begadung Ring Road - Nganjuk

2. A.Yani Road – Nganjuk Kota (Ploso intersection)
3. Raya Kelurahan Kramat Road - Nganjuk
4. Raya Berbek, Ds. Teken Road - Nganjuk
5. Tanjung Tani Village Road - Prambon
6. Jekek - Baron Village Road
7. Godean Village Road - Loceret
8. Bay Pass Highway - Pehserut
9. Ploso Kertosono - Lengkong Road

Data of the nine illegal race centers in Nganjuk Regency that are still operating today, each has different characteristics and road conditions, but in this research, the author focuses more on Jalan Ploso Kertosono - Lengkong Nganjuk Regency because it is possible that in the data collection stage, data processing to data analysis is easier in the process so that the author himself will be easier to analyze the data that has been collected.

The following is the Calculation Data of illegal racing vehicles caught by the Nganjuk police traffic unit

Table 1. State Police of The Republic of Indonesia East Java Region Nganjuk Resort

NO	YEAR	AMOUNT VIOLATIONS
1	2017	362
2	2018	404
3	2019	464
4	2020	328
5	2021	201
6	2022	330
7	January-June 2023	200

DISCUSSIONS

The elements of illegal racing include [11]:

1. Jockey

A jockey is a person who controls the motorcycle/vehicle during wild racing. Jockeys are usually selected by each workshop according to the criteria and character of the vehicle.

2. Racing Motorcycle

A racing bike is a vehicle that is specially assembled by a hostile workshop and developed according to the jockey's ability.

3. Gambling or betting

Gambling is one of the elements contained in wild racing, so it is not uncommon for one of the wild racing players to bet. The betting players are not only from the workshop and motorbike owners but often the spectators also take part in these activities.

4. Competition between workshops

The first thing that often accompanies the occurrence of wild racing is that each workshop argues, so it has become a culture to end with wild racing.

5. Spectators as betting players

The existence of the subject of the audience who participated in enlivening wild racing activities is also no less important than the wild racing activities themselves, because the existence of a mass base that is considered sufficient also contributes to the fate of one of the jockeys.

Factors in the occurrence of illegal racing [5]:

1. Lack of Circuit Facilities for Racing

The absence of circuit facilities in the Nganjuk district is an important factor that makes racing players choose to use public roads as racing arenas.

2. Prestige and Big Name

The existence of labeling theory in criminology makes workshop owners indirectly want to continue to improve their *image* or popularity in the community regarding service on each customer's motorbike, so for the sake of this name, the workshop owners focus on each event they get.

3. Betting Money

One of the aggravating factors of the packaging of illegal racing towards criminality is the betting money that is not much different from togel pairs, dice gambling, and cockfighting.

4. Fun and Adrenaline-Inducing

The results of an interview with one of the jockeys explained that it is not only limited to speeding on the race track but there is a sense of fun from the sensation of wild racing.

5. Family and Environment

Problems within the family, lack of attention from parents, or too much attention from parents to children and so on, are internal factors in the occurrence of illegal racing. And other external factors in the form of a peer environment that likes to invite negative activities.

6. Unchanneled Talent

In general, not everyone can control a vehicle at average speed on a certain track, especially when there are opponents who must be defeated when going fast, and must be able to maintain personal safety. If this talent is channeled appropriately, it is very minimal for things that have the potential for criminality.

The compatibility between Positive Law about illegal racing is a regulation that is firmly accompanied by its sanctions, which include notifications, prohibitions, and sanctions that exist and are contained in Law No. 22 of 2009 concerning Road Traffic and Transportation [12]. In Positive Law, illegal racing is an offense. It is said to be a violation because what the perpetrator does does not have a direct impact on the general public but rather has a direct impact on himself.

Langgar is the root word of offense. To violate means to hit, bump into, crush, violate, resist, attack, or strike [13]. Violation means an act of violating the rules or a criminal offense that is less serious than a crime. With the suitability of a sentence of less than five years or a fine that is not so large compared to the fine of a felony. Based on the results of field and literature studies conducted by the author, the action of illegal racing among children on the Ploso road in Kertosono Nganjuk, contains elements that contain violations on road traffic as regulated in Law No. 22 of 2009 concerning road traffic and transportation [14].

CONCLUSION

The road traffic and transportation law are that Article 297 of Law No. 22 of 2009

concerning Road Traffic and Transportation states explicitly that "every person who drives a motor vehicle racing on the road as referred to in Article 115 letter B shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of Rp.3,000,000.00 (three million rupiah)". By the regulations and sanctions, the perpetrators of illegal racing on the Ploso Kertosono-Lengkong road in Nganjuk district can be categorized as perpetrators of criminal offenses and violate the road traffic law.

Efforts that can be made for preventive and repressive measures related to illegal racing traffic violations committed by children are as follows: a) There is an effort to approach parents persuasively towards children's developmental patterns that are increasingly easy to change paths so that it requires the right method to overcome this and provide education regarding the adverse effects of any delinquency they do; b) The need for the role of the community and the surrounding government to dare to eradicate delinquency and deviations that occur by providing sanctions or strict punishment in order to provide a deterrent effect on every perpetrator of illegal racing and not forgetting to provide facilities and infrastructure for official wild racing so that it is not on the highway again the perpetrators of illegal racing channel their hobbies.

Conflict of Interest

The author declares there is no conflict of interest with the publication of this paper.

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