

### A REVIEW OF CRIMINAL LAW ON THE PHENOMENON OF TEENAGE ILLEGAL SPRINT RACING DURING RAMADAN

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#### **Abstract**

*Illegal sprint racing is a prominent type of adolescent delinquency in Indonesia, especially during Ramadan. This occurrence not only undermines public order but also violates various applicable laws. This study employs a normative legal approach, with a focus on legal principles, to identify positive legal doctrines relevant to the phenomenon of illegal sprint racing. A case study approach is used to investigate various aspects of the phenomenon using primary legal texts such as the Law on Roads, the Law on Road Traffic and Transport, and the Law on Policing. The investigation found that illicit sprint racing without appropriate license is a severe violation of the law. The findings demonstrate the critical role that law enforcement plays in preserving community welfare, security, and order in locations that are frequently the scene of illicit sprint racing. Repressive law enforcement, more frequent patrols, and raising community understanding of the law are all effective ways to address this issue. The goal of socializing legal awareness is to increase community knowledge of relevant laws and regulations, and routine patrols are carried out to stop and identify illegal activity before it gets a chance to start. Repressive law enforcement makes it clear to offenders that their actions will not be accepted.*

**Keywords:** Criminal; Illegal; Teenage; Delinquency; Racing.

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## A. INTRODUCTION

Juvenile delinquency refers to the involvement of young individuals in deviant activities, although the exact definition may vary depending on the local legal system. Essentially, juvenile delinquents are individuals who have committed criminal offences, which cover a broad spectrum of behaviours governed by different legal frameworks and subject to law over time.<sup>1</sup> Juvenile delinquency is a component of crime in general, having the same general characteristics as other crimes, but also has special characteristics because it involves offenders who are underage.<sup>2</sup> Juvenile delinquency can be defined as an impulse against society and can be explained as an act or series of acts of an individual or group that violates various accepted social or moral standards and brings those individuals into conflict with society. A juvenile is an adolescent between the ages of 9 to 18 who engages in deviant behaviour.<sup>3</sup>

Juvenile delinquency has become a source of great societal concern worldwide. The phenomenon not only affects the individual juvenile who engages in the delinquency directly, but also has a far-reaching impact on society. When adolescents engage in deviant behaviour, it can disrupt the public order in society and cause harm to others. In addition to this, it creates a sense of insecurity in society. Juvenile delinquency also has serious long-term effects, including an increased risk of involvement in criminality as adults, disruption in education, and difficulties in achieving well-being and success in life.<sup>4</sup> One of the most common forms of juvenile delinquency is engaging in illegal sprint racing, which is often done at night and can even increase during the month of Ramadhan.

The phenomenon of illegal sprint racing has become a frequent phenomenon in terms of security and order in communities in Indonesia, especially during the month of Ramadan.<sup>5</sup> This phenomenon is often carried out by many teenagers at night, which

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<sup>1</sup> Susan Young, Ben Greer, and Richard Church, "Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions: A Global Perspective," *BJPsych Bulletin* 41 (2017): 21.

<sup>2</sup> Roman V. Kolesnikov, "Current State of Juvenile Delinquency," *Jurisprudence* 16, no. 1 (2022).

<sup>3</sup> Meera Gungea, Vishal Chandr Jaunky, and Vani Ramesh, "Personality Traits and Juvenile Delinquency : A Critical Analysis," *International Journal of Conceptions on Management and Social Sciences* 5, no. 1 (2017): 43.

<sup>4</sup> Antonella Bobbio, Karin Arbach, and Santiago Redondo Illescas, "Juvenile Delinquency Risk Factors: Individual, Social, Opportunity Or All Of These Together?," *International Journal of Law, Crime and Justice* 62 (2020): 1.

<sup>5</sup> Irwan Nugraha and Teuku Muhammad Valdy Arief, "Balap Lari Liar Di Tasikmalaya Dibubarkan Polisi, Ajang Perjudian Dan Ganggu Arus Kendaraan," *Kompas.Com*, March 28, 2024, <https://bandung.kompas.com/read/2024/03/28/141639478/balap-lari-liar-di-tasikmalaya-dibubarkan-polisi-ajang-perjudian-dan-ganggu>.

indirectly disrupts public order in general. In addition, this race has also directly violated various applicable laws.<sup>6</sup> This phenomenon often occurs in the month of Ramadan, a month when Muslims are fasting and increasing various religious activities, the phenomenon is even more distressing because it clearly contradicts the various religious and cultural values that have been upheld by the Indonesian people. Illegal sprint racing clearly disturbs comfort, peace and can threaten the safety of others. It clearly undermines social order and compliance with the law.

Through social media, participants, the majority of whom are university students, organise matches and find opponents for street racing, often at night. One of the participants, called Muhammad Ali, said that this phenomenon became popular during the 'new normal' of the COVID-19 pandemic, citing the reason for taking part in this activity to fill free time with fun and healthy activities. However, despite attracting many people, there is no official communication or association overseeing these activities. This raises concerns regarding the regulation and supervision of these activities and their potential negative impact on public safety and order in general. Therefore, it is important to conduct research on the criminal law on the phenomenon of teenage street racing in the month of Ramadan. This research is expected to provide a deeper understanding of this phenomenon and evaluate the role of the police in tackling this problem effectively and efficiently.<sup>7</sup>

The research will focus on examining the phenomenon of illegal sprint racing in the view of Indonesian criminal law and the role of the police in tackling the phenomenon. This is motivated by the increasingly rampant phenomenon of illegal sprint racing in various regions, which has become a serious concern because of its effects on social comfort and order. In this research, various legal aspects related to illegal sprint racing will be examined, as well as the role of the police in handling this phenomenon, including law enforcement efforts made by the authorities to reduce the incidence of illegal sprint racing.

Previous research related to illegal race-running is limited, so this study is one of the first to explore this issue in depth. In this study, Rici Kardo and Yasrial Chandra

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<sup>6</sup> Kiki Andi Pati and Ardi Priyatno Utomo, "Polisi Bubarkan Balap Lari Di Kendari, Diduga Jadi Ajang Judi Hingga Ganggu Arus Lalu," *Kompas.Com*, April 18, 2022, <https://regional.kompas.com/read/2022/04/18/235700378/polisi-bubarkan-balap-lari-di-kendari-diduga-jadi-ajang-judi-hingga-ganggu>.

<sup>7</sup> "Viral, Warga Malang Mulai Ramaikan Balap Lari Jalanan," *Kumparan.Com*, September 16, 2020, <https://kumparan.com/tugumalang/viral-warga-malang-mulai-ramaikan-balap-lari-jalanan-1uD7oeMollg/full>.

from the Proceedings of the 2020 PD ABKIN JATIM & UNIPA SBY National Guidance and Counselling Seminar & Workshop paid attention to internal factors that may be the cause of wild run racing behaviour, while research by Agus Sunandar, Egidio Fernando Alfamantar, Dodi Pratama, Ahmad Ghifar Al Ahfaqsyi, Moehamad Probandono Bobby Danuardi, and Agustinus Chandra Pietama published in EKOMA: Journal of Economics, Management, Accounting Vol. 3, No. 3, March 2024, examines the phenomenon of wild sprint racing in the context of Subculture Theory.

## **B. RESEARCH METHODS**

This research uses a normative legal approach, focusing on legal principles research to identify positive legal principles or doctrines relevant to the phenomenon of illegal sprint racing. The case approach is used to conduct an in-depth review of cases related to illegal racing behaviour, making it possible to explore various aspects related to the phenomenon. Primary legal materials that are the focus of this research include the Law on Roads, the Law on the Second Amendment to Law No. 38/2004 on Roads, the Law on Road Traffic and Transport, and the Law on Police. In addition, various scientific journals and relevant books were also used as reference sources to support the analysis. In analysing the data, a qualitative approach was used to process the data and obtain an in-depth understanding of the subject matter studied.

## **C. RESULTS AND DISSCUSION**

The definition provided by Law No. 38 Year 2004 on Roads, the term 'road' is explained in detail in Article 1 paragraph (4). In terminology, road refers to all land transport infrastructure which includes any part of the road itself, including elements such as traffic lanes, pavements, bridges, overpasses, road markings, traffic lights, and all other facilities related to the movement of vehicles and pedestrians. It also includes supporting structures that are necessary to support the functionality of the road as well as accessories that are above ground or water level, or even above the water surface.<sup>8</sup>

The definition given of a road according to the Law of the Republic of Indonesia Number 2 Year 2022 on the Second Amendment to Law Number 38 Year 2004 on

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<sup>8</sup> Muhammad Hisyam Dani, "Pandangan Ulama MUI Sumatera Utara Terkait Polemik Hukum Menutup Jalan Untuk Keperluan Hajatan Berdasarkan UU Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan (Studi Kasus Di Kecamatan Medan Perjuangan, Kota Medan, Sumatera Utara)" (Medan, UIN Sumatera Utara, 2019), 23.

Roads is given an even broader definition, which includes various aspects that need to be understood comprehensively. Roads not only refer to the surface on which vehicles travel, but also include all elements involved in land transport infrastructure. This includes all types of buildings and supporting structures that play a role in supporting traffic activities, such as sidewalks, bridges, special lanes, traffic lights, signs, and more.

From this definition, it can be understood that roads are not only limited to the physical space in which vehicles move, but also include everything needed to support and facilitate that movement. In fact, this definition extends the scope of roads to below ground or above water level, indicating that road infrastructure is not only visible to the naked eye but also includes underlying structures that are not immediately apparent. However, it is important to understand that there are certain exclusions in this definition, such as railways, roads for large trucks, and cableways. This indicates that not all types of land transport infrastructure are included within the scope of the definition of 'road' provided by the Act. A comprehensive understanding of this definition is therefore important in the context of effective and efficient planning, development and management of road infrastructure.

According to the Law of the Republic of Indonesia No. 22 Year 2009 on road traffic and transport, the term 'road' is defined as any part of road infrastructure, including buildings and equipment, used for public traffic purposes. This definition includes all types of roads located on the surface of the ground, above the surface of the ground, below the surface of the ground, and above the surface of the water, except for railways and cableways. These roads have different statuses, namely:<sup>9</sup>

1. National Roads, which are roads that connect provinces. National roads consist of several types, including primary arterial roads, primary collector roads connecting provincial capitals, toll roads, and national strategic roads.
2. Provincial roads, which connect between regencies/municipalities within one province. Provincial roads are divided into primary collector roads connecting the provincial capital with district or city capitals, provincial strategic roads, and other roads except for certain types included in the national road category.
3. Regency roads, which connect urban villages within a regency. Types of district roads include primary collector roads that are not included in the national and

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<sup>9</sup> Hikmah Lailatuts Tsuroyya, "Penggunaan Jalan Umum Untuk Acara Walimahan Di Masyarakat Perspektif Hukum Islam Dan Perkapolri Nomor 10 Tahun 2012 Tentang Peraturan Penggunaan Jalan Selain Untuk Kegiatan Lalu Lintas" (Malang, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2017), 21.

provincial road networks, primary local roads, secondary roads, and district strategic roads.

4. City Roads, which connect service centres within the city, parcels, settlement centres, and between settlement centres within the city.
5. Village Roads, which connect areas and/or between settlements within the village, as well as neighbourhood roads within residential areas.

According to Law of the Republic of Indonesia No. 2 of 2022 on the Second Amendment to Law No. 38 of 2004 on Roads, road sections refer to road segments that include all infrastructure related to vehicular traffic, including main traffic lanes, medians, and shoulders. In this context, there are three main aspects to understand:

1. Road Benefit Space, which includes all parts directly used by vehicles and pedestrians. This includes the carriageway, which is the part where vehicles move, the roadside drains that carry stormwater and waste away from the road, and its safety thresholds that serve to provide a boundary between the road and the surrounding area.
2. Road Right-of-Way, consisting of the road right-of-way and certain areas of land surrounding the road. This space has predetermined boundaries, such as the width, depth and height of the road. Road right-of-way is part of the ownership rights owned by the government or relevant agencies responsible for road maintenance and management.
3. Road Surveillance Space, is the area around the road right-of-way that is designated for various surveillance and security purposes. This includes monitoring road conditions, traffic control, supervision of road construction, and securing the road area to ensure safe and orderly use. This road surveillance space also allows a clear view for drivers to minimise the risk of accidents and ensure optimal road function.

#### **1. Illegal Sprint Racing in Indonesian Criminal Law Review**

From a sociological perspective, the phenomenon of road racing can be understood as an act that not only affects the individuals involved, but also society as a whole. As explained in the paper, crimes or acts that harm not only individual victims, but can also cause disruption to public order and social balance. Professor Simons argues that the concept of 'crimes against public order' includes behaviour that is less clear or ambiguous, and can often be interpreted more broadly than it actually is. In the context of road racing, this can refer to the violation of traffic

rules established to maintain order and safety of road users. The act of road racing that takes place without a permit or in unauthorised places may be considered a public order offence. In addition, road racing activities can also jeopardise public safety and disrupt the convenience of road use. Closing roads for the purpose of road racing without proper authorisation can cause severe traffic congestion, increase the risk of accidents, and disrupt the mobility of people who use the roads for their daily needs. Therefore, the phenomenon of road racing can be understood as a form of crime against public order that needs to be addressed and strictly regulated in accordance with applicable law.<sup>10</sup>

In general, based on the provisions in Article 494 paragraph (6) of the Criminal Code (KUHP), the act of obstructing or blocking a public road without the permission of the competent authority is an offence punishable by a maximum fine of twenty-five rupiahs. In this context, ‘obstructing’ or ‘blocking’ a public road is defined as an act that causes a public road to not function properly, whether on land or water. In other words, if someone without permission obstructs undue access to a public road, it is considered a violation of the law that can be subject to criminal sanctions according to the applicable provisions.<sup>11</sup>

The phenomenon of road racing is a clear example of a violation of the rules contained in Article 494 paragraph (6) of the Criminal Code (KUHP). This article clearly states that any act of obstructing a public road without a permit issued by the competent authority is a violation of the law that can be subject to criminal sanctions. In reality, the organisation of these races often involves restricting access for other vehicles without a permit. While they may be organised for the sole purpose of entertainment or competition, they often result in real disruption to traffic and public safety. In the context of Article 494 paragraph (6) of the Criminal Code, the concept of ‘blocking’ a public road includes any act that results in interference with the function of the road as a public transport route. This includes partial or total closure of a road for the purpose of road racing without a valid permit. As such, the organisation of road racing can be considered an offence against the law as it contravenes the principle

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<sup>10</sup> Alicia Teresa, “Analisis Penegakan Hukum Terhadap Kejahatan Ketertiban Umum (Studi Kasus Penghinaan Lambang Negara Oleh Zaskia Gotik)” (Bandar Lampung, Universitas Lampung, 2017), 21.

<sup>11</sup> Extrix Mangkeprijanto, *Pidana Umum & Pidana Khusus, Serta Keterlibatan Undang – Undang Perlindungan Saksi Dan Korban* (Guepedia, 2019), 64.

that public roads should remain available for use by the whole community without unnecessary interference.

In principle, criminal law aims to maintain order and security in society. Every individual has different needs and interests, but sometimes the effort to fulfil these needs can cause conflict with others or even cause harm to them. To prevent unwanted disturbances or losses, criminal law provides rules that regulate human behaviour. With these rules, individuals cannot act at will or violate the rights and interests of others in order to fulfil their personal needs or desires. In terms of the phenomenon of road racing, the importance of criminal law is very much felt. Organising road racing on public roads without permission or proper regulation can disrupt traffic order and the safety of other road users. By understanding the function of criminal law, we realise that breaking the rules in road racing activities can endanger public interest and safety. Therefore, it is important for race organisers to comply with the applicable laws in order to maintain security and order in the community.<sup>12</sup>

In addition, the purpose of criminal law is to safeguard and protect individual interests and human rights, while also considering the interests of society and the state in an equal balance. This is done by preventing crimes or actions that harm individuals on the one hand, and also preventing arbitrary actions of the authorities or excessive force on the other.<sup>13</sup>

## **2. Illegal sprint racing Running According to Law 38 of 2004 on Roads**

Running wild races at night during Ramadan, especially by teenagers, is a behaviour that not only endangers oneself, but also violates the law. The government, as the representative of the state's governing power, has the responsibility to regulate the operation of roads as an important part of transport infrastructure. The road management process, which involves public and government participation, needs to be conducted in an integrated and collaborative manner between sectors, regions, government and the private sector. This aims to ensure that road management can provide optimal services for the community. Law No. 38/2004 on Roads provides clear provisions related

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<sup>12</sup> Fitri Wahyuni, *Dasar - Dasar Hukum Pidana Di Indonesia* (Tangerang Selatan: Nusantara Persada Utama, 2017), 7.

<sup>13</sup> Takdir Takdir, *Mengenal Hukum Pidana* (Laskar Perubahan, 2013), 10.



to prohibitions against actions that can interfere with the function of roads in the road benefit space, road right-of-way, and road surveillance space.<sup>14</sup>

As stipulated in Article 12 of Law 38 of 2004 concerning roads, illegal sprint racing is a criminal offence because it seriously threatens the safety of road users and damages the function of the road. The article reads:<sup>15</sup>

- (1) Every person is prohibited from committing an act that results in the disruption of the function of the road within the road's useful space.
- (2) Every person is prohibited from committing an act that results in the disruption of road function within the road right-of-way.
- (3) Every person is prohibited from carrying out actions that result in the disruption of road functions in the road surveillance space.

Article 12 paragraph 1 of Law No. 38/2004 on Roads states unequivocally that every person is prohibited from committing an act that results in the disruption of the function of the road within the road right-of-way.<sup>16</sup> In the context of illegal sprint racing, the offence becomes very clear. Illegal sprint racing activities often cause serious disruption to the function of the road. This is especially true because illegal sprint racing are often conducted at high speeds and without regard to the applicable traffic rules. As a result, the risk of traffic accidents is very high, which not only endangers the lives of the motorists involved, but also other road users who are passing by.<sup>17,18</sup>

The article strictly prohibits any person from committing acts that interfere with the function of the road within the road's useful space. Illegal sprint racing can be considered a violation of this article as the activity directly interferes with the function of the road as a means of public transport. Not only that, illegal sprint racing can also be categorised as an act that violates public order and can disturb the peace of the surrounding community. The act of organising a road race

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<sup>14</sup> Wandrii. K. Tumewu, "Tindak Pidana Pelanggaran Fungsi Jalan Menurut Undang-Undang Nomor 38 Tahun 2004 Tentang Jalan," *Lex Crimen* VIII, no. 9 (2019): 29.

<sup>15</sup> Wulandary Putri Rompis, Meiske Mandey, and Rony Sepang, "Pemberlakuan Ketentuan Pidana Denda Terhadap Badan Usaha Apabila Melakukan Perbuatan Yang Mengakibatkan Terganggunya Fungsi Jalan," *Lex Crimen* X, no. 5 (2021): 6.

<sup>16</sup> Hafas Novriansyah and Ainal Hadi, "Penegakan Hukum Terhadap Perusakan Yang Mengakibatkan Terganggunya Fungsi Jalan (Suatu Penelitian Di Kota Banda Aceh)," *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* 2, no. 4 (2018): 816.

<sup>17</sup> "Undang-Undang Republik Indonesia Nomor 38 Tahun 2004 Tentang Jalan," Pub. L. No. 38 (2004).

<sup>18</sup> Christovel Y. Pandean, "Sanksi Pidana Atas Kegiatan Yang Mengakibatkan Terganggunya Fungsi Jalan," *Lex Crimen* IV, no. 7 (2015): 35.

without proper permits can be considered a violation of Article 12 of Law No. 38/2004 on Roads. This article stipulates that the use of highways must be in accordance with their designation and must not interfere with the smoothness and safety of traffic.

Road racing has the potential to disrupt the smoothness and safety of traffic, which can pose a risk of accidents for other road users. In addition, the use of highways for activities that are not in accordance with their functions can also disrupt public transport and economic activities around the area. As stated by Soerjono Soekanto, traffic has a vital role in transportation and must pay attention to several important aspects, including assurance of safe and smooth traffic, adequate road infrastructure, economic sustainability of traffic and transport, and protection of the environment. As such, the organisation of road races that do not take these aspects into consideration can be considered to be in violation of the principles set out in the regulation of traffic and transport.<sup>19</sup>

It is important to consider the implications of the phenomenon of road racing in relation to the functions of roads as set out in the Road Law. According to the Law, roads have several main functions that are very important to society, including as a means of transport that plays a role in the economy, social, cultural, environmental, political, and defence and security. The use of roads must be optimised to improve the welfare of the people, taking into account various important aspects such as:<sup>20</sup>

1. Firstly, roads function as transport containers that have an important impact on the community's economy. Organising road races without proper permits can disrupt the smooth flow of transport and trade, which in turn can have a negative impact on economic activity in the region. Disruptions to traffic flow can also affect the distribution of goods and services and hamper overall economic growth.
2. Roads also serve social, cultural and environmental purposes. Road racing can affect the social activities of the community, such as population movement, access to important places, and local cultural activities. Environmental disturbances caused by the race, such as air and noise

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<sup>19</sup> T. Muhajir, Sumardi Efendi, and Syaibatul Hamdi, "Pelanggaran Lalu Lintas Menurut Hukum Positif Dan Hukum Islam Di Kota Meulaboh Kabupaten Aceh Barat," *Al Ushuliy: Jurnal Mahasiswa Syariah Dan Hukum* 21, no. 2 (2022): 133.

<sup>20</sup> Ario Anggara and Ukas Ukas, "Pertanggungjawaban Pidana Terhadap Badan Usaha Sebagai Pelaku Tindak Pidana Gangguan Fungsi Jalan," *Scintia Journal* 1, no. 2 (2019): 4.

pollution, should also be considered in the context of environmental protection.

3. Furthermore, roads are an integral part of the transport infrastructure that connects various regions in Indonesia. The organisation of a road race must take into account its impact not only on the area where it is held, but also on the overall road connectivity in Indonesia. Disruption to traffic flow in one region can impact mobility and connectivity between other regions, which can disrupt economic and social activity more broadly.

Road racing can be considered a violation of the provisions contained in Article 42 of the Law of the Republic of Indonesia Number 38 Year 2004 on Roads. This article explicitly states that everyone is prohibited from organising roads that are not in accordance with applicable laws and regulations. Therefore, road racing can be considered as the implementation of roads that are not in accordance with the law. This is understandable because such activities have the potential to result in unauthorised road closures, violations of traffic rules, or even disrupt public safety and order.

The organisation of road races, if not conducted in accordance with the provisions set out in Law of the Republic of Indonesia No. 2 of 2022 on the Second Amendment to Law No. 38 of 2004 on Roads, could be considered a violation of Article 62 of the Law. This article states that the public is obliged to participate in maintaining order in the utilisation of road functions. In the context of road racing, organising such activities without proper permits or without paying attention to traffic order may disrupt the road functions that have been established by law. This can include disruption to traffic flow, risk of accidents, or even harm to the public using the road. Therefore, it is important for race organisers and participants to ensure that their activities comply with applicable legal requirements, in order to maintain orderly use of the road and prevent unwanted disruptions.<sup>21</sup>

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<sup>21</sup> “Undang-Undang Republik Indonesia Nomor 2 Tahun 2022 Tentang Perubahan Kedua Atas Undang-Undang Nomor 38 Tahun 2004 Tentang Jalan,” Pub. L. No. 2 (2022).

### **3. Illegal Sprint Racing According to Law 22 of 2009 on Road Traffic and Transport**

Road racing, Article 28(1) of the Road Traffic and Transport Law (LLAJ) confirms that every person is prohibited from committing acts that cause interference with the function of road equipment, as described in Article 25(1) of the LLAJ Law. This article expressly prohibits actions that can interfere with the function of various road equipment, including traffic lanes, traffic signs, road markings, and so on. As such, organising a road race without careful consideration can be considered a violation of this provision. Activities such as road races, if not properly organised, can result in disruptions to the function of road equipment, such as inappropriate road closures, violations of traffic signs, or even damage to road infrastructure. Therefore, it is important to consider the legal provisions set out in the LLAJ Law in planning and implementing such activities, to maintain smooth and safe traffic and ensure compliance with applicable rules for the common good.<sup>2223</sup>

Article 28 paragraph (2) of the Road Traffic and Transport Law (LLAJ) explicitly states that every individual is prohibited from taking any action that may interfere with the function of road equipment. This reminds us that as members of society, we should not act individualistically or selfishly in utilising the road. As a concrete example, the organisation of road racing reflects a violation of this principle. In the context of road racing, such activities often cause significant disruption to the smooth flow of traffic and the safety of other road users. Therefore, road racing not only violates legal provisions, but also contradicts the spirit of safety and orderliness in using the road as a shared asset.

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The phenomenon of illegal sprint racing contradicts the rules stipulated in Law No. 22 Year 2009 on Roads, particularly regarding the use of roads for public and private purposes. Article 127 of the Law states that the use of district/city and

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<sup>22</sup> Tasya Bella Pratiwi and Amad Sudiro, "Pelanggaran Penggunaan Zebra Cross Dalam Citayam Fashion Week Berdasarkan Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan," *Syntax Literate: Jurnal Ilmiah Indonesia* 8, no. 4 (2023): 2547.

<sup>23</sup> Angga Wahyu Prihantoro, Ardiansah, and Bagio Kadaryanto, "Penerapan Sanksi Terhadap Pelaku Yang Mengakibatkan Gangguan Fungsi Jalan Berakibat Korban Kecelakaan Lalu Lintas," in *Meningkatkan Semangat Keilmuan Berbasis Nilai Keagamaan*, vol. 1 (National Conference on Social Science and Religion, Sumatera Barat: Proceeding IAIN Batusangkar, 2022), 389.

<sup>24</sup> Gery T. Ontorael, "Penyalahgunaan Trotoar Menjadi Lahan Parkir Kendaraan Roda Dua Menurut Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan," *Lex Privatum V*, no. 5 (2017): 78.

village roads must be authorised for national, regional, and/or private public interests. If considered in the context of organising a running race, the activity falls under the category of road use for public purposes, especially in the category of sports activities. However, it is important to note that the road closures undertaken by such activities can be problematic as they require proper authorisation from the authorities, in accordance with established rules. Article 17 Paragraph (1) of Perkapolri Number 10 Year 2012 confirms that road use permits that result in road closures must be granted by POLRI.<sup>25</sup>

The procedure for obtaining a road use permit is also regulated in detail, including submitting a written application to the Kapolda, Kapolres/Kapolresta, or Kapolsek at least 7 working days before the event. The application must fulfil the specified requirements, in accordance with applicable regulations. Thus, the organisation of road racing competitions needs to pay attention to the procedures and provisions stipulated in the laws and regulations. Road closures for such activities must be properly authorised by the authorities to maintain traffic order and safety and ensure compliance with applicable regulations.<sup>26</sup>

#### **4. The Role of the Police in Addressing Illegal Sprint Racing**

In dealing with the phenomenon of illegal sprint racing, the role of the police is vital and complex in maintaining order, security, and the general welfare of the community around the area used for the race. Illegal sprint racing, which are often conducted without authorisation or proper supervision, can cause a variety of problems including disruption of road functions and disturbance to the comfort and safety of other road users. The police therefore need to play a highly proactive and responsive role in responding to and addressing the challenges posed by such activities.

Becker's predictions regarding the relationship between police presence and crime suggest that when there is an increase in police resources, either through human capital or productivity, the likelihood of arresting individuals who commit offences will increase. This expectation comes from the deterrence effect,

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<sup>25</sup> Rico Antonius Fauzi Siregar, "Analisis Fungsionalisasi Hukum Pidana Terhadap Penggunaan Jalan Untuk Kepentingan Pribadi (Studi Kasus Di Polda Bandar Lampung)" (Bandar Lampung, Universitas Lampung, 2022), 27.

<sup>26</sup> Kepolisian Negara Republik Indonesia, "Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 10 Tahun 2012 Tentang Pengaturan Lalu Lintas Dalam Keadaan Tertentu Dan Penggunaan Jalan Selain Untuk Kegiatan Lalu Lintas," Pub. L. No. 10 (2012).

where potential offenders feel they have a higher risk of being arrested due to increased police presence, thus reducing crime.<sup>27</sup>

The main tasks of the Indonesian National Police are described in Article 13 of Law No. 2/2002 on the National Police, which include maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community. To achieve these objectives, the police carry out two types of tasks, namely preventive tasks and repressive tasks. Preventive tasks are carried out by applying the concept of guidance that focuses on providing protection, protection, and services to the community, with the aim that people feel safe, orderly, and peaceful so that their activities are not disturbed. This preventive effort aims to prevent the occurrence of crime or criminality by preventing the meeting between intention and opportunity to commit harmful acts.<sup>28</sup>

The function of the Indonesian National Police, as stipulated in Law Number 2 of 2002, has a very important role in maintaining security and public order. Article 2 of the Act explains that the functions of the police include several aspects, such as the maintenance of public security and order, law enforcement, protection, protection, and service to the community. In the context of an illegal race, the role of the police is very relevant in maintaining security and order on the road and enforcing the law related to the offences that occur. In addition, Article 4 of the Act also confirms the scope of the Indonesian National Police, which includes efforts to realise domestic security. This includes the maintenance of public security and order, the enforcement of orderly laws, and the implementation of protection, protection, and services to the community as a whole. By upholding human rights, the police strive to create safe and secure conditions for the community, including in the context of dealing with the phenomenon of illegal road racing that can endanger public safety and undermine road order.<sup>29</sup>

Therefore, the main role of the police in maintaining public security and order is to strive to maintain social conditions that are free from threats and

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<sup>27</sup> Aaron Chalfin and Justin McCrary, "Chalfin and McCrary: Criminal Deterrence: A Review of the Literature," *Journal of Economic Literature* 55, no. 1 (2017): 13.

<sup>28</sup> Aniza Lakoro, Lisnawaty W. Badu, and Nuvazria Achir, "Lemahnya Kepolisian Dalam Penanganan Tindak Pidana Perjudian Togel Online Di Kota Gorontalo," *JELTA : Jurnal Legalitas* 13, no. 1 (2020): 33.

<sup>29</sup> Sukama and Reza Aldiansyah, "Analisis Yuridis Peranan Pihak Kepolisian Resor Kota Cirebon Dalam Menangani Tindak Pidana Pencurian Dengan Kekerasan Dihubungkan Dengan Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian," *Focus : Journal of Law* 2, no. 2 (2022): 140.

anxiety, so that people feel confident and comfortable with the guarantee of all their interests, and avoid violations of applicable laws and norms.<sup>30</sup> To tackle the phenomenon of illegal sprint racing, the police have various strategies and tactics that can be applied. As a law enforcement agency responsible for upholding public order and security, the police have a very important role in preventing and acting against perpetrators involved in such activities. With a comprehensive and sustainable approach, the police strive to create a safe, orderly and comfortable environment for the entire community. The steps that can be taken are:

a. Socialisation of legal awareness to the community

Police efforts to tackle illegal sprint racing can be closely related to efforts to socialise legal awareness to the community. In police efforts to tackle illegal sprint racing, it is important to socialise legal awareness to the community. Legal awareness is the understanding of individuals or community groups of the rules and laws that apply. This awareness is very important because it aims to create order, peace, tranquillity and justice in social interactions. Without high legal awareness, these goals will be difficult to achieve. Therefore, socialisation of legal awareness is one of the effective strategies in helping people understand the importance of applicable rules and laws in maintaining order and security in their environment.<sup>31</sup>

One approach that can be used is through legal counselling. Legal counselling is one of the strategies in building and creating a strong legal culture in the community. General legal education to all levels of society through legal counselling is important in instilling an understanding of the rules and legal consequences related to illegal racing. The Ministry of Law and Human Rights has designed a Grand Design for legal counselling that is adjusted to the development of community dynamics and advances in information technology. In the future, the implementation of legal counselling is expected to be more innovative by utilising modern communication media such as print media, electronic media, and other media. Thus, through legal awareness dissemination efforts, it is hoped that

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<sup>30</sup> Abdul Muin, "Peran Kepolisian Dalam Menanggulangi Genk Motor Di Kota Makassar," in *Indonesian Annual Conference Series* (Proceedings of the 1st Conference on Social, Politics, and Culture (IACS-CSPC2022)), Makassar: Fisipol Universitas Sawerigading Makassar, 2022), 48.

<sup>31</sup> Elan Nora, "Upaya Kesadaran Hukum Dan Kepatuhan Hukum Dalam Masyarakat," *Nomos: Jurnal Penelitian Ilmu Hukum* 3, no. 2 (2023): 63.

the community can better understand the legal consequences of illegal sprint racing and minimise the practice in their environment.<sup>32</sup>

The importance of this awareness is the foundation in building a society that respects the law. Awareness of the law is expected to encourage people to respect and obey the rules, thus creating order in the common life. Legal awareness is also closely related to obedience to the law. This obedience can manifest in the form of obedience to rules that are realised or understood, or even through opposition or violation of the law. However, legal obedience is an obligation that must be obeyed, and its violation can lead to sanctions.<sup>33</sup>

According to Soerjono Soekanto, there are concrete indicators that can illustrate the extent of legal awareness of a person or a community group. First, legal knowledge refers to a person's awareness of the legal rules governing certain behaviours, both prohibited and permitted. Second, legal understanding includes knowledge and correct understanding of certain rules. Third, legal attitudes reflect an individual's tendency to value and respect the law. Finally, legal behaviour indicates the extent to which a person or society complies with the applicable rules. Awareness of these aspects is key in forming a law-abiding society, including in combating the harmful and dangerous practice of illegal sprint racing.<sup>34</sup>

These efforts are part of building a good legal culture, where the government needs to pay special attention to increasing the number of law instructors. Concrete steps taken in supporting legal culture and increasing public awareness of the law include the use of appropriate and effective methods in socialisation, as well as utilising various existing media and infrastructure. In addition, it is also important to continue socialising various legal materials so that the public can keep up with the latest developments related to legislation. Improving the professionalism of law enforcement officers and bureaucracy is also a focus in the development of legal culture, as this will have an impact on public confidence in the legal

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<sup>32</sup> Yul Ernis, "Implikasi Penyuluhan Hukum Langsung Terhadap Peningkatan Kesadaran Hukum Masyarakat (Implication Of Direct Legal Education To The Improvement Of Public Legal Awareness)," *Jurnal Penelitian Hukum de Jure* 18 No. 4 (2018): 481.

<sup>33</sup> Rahma Marsinah, "Kesadaran Hukum Sebagai Alat Pengendali Pelaksanaan Hukum Di Indonesia," *Jurnal Ilmiah Hukum Dirgantara* 6, no. 2 (2016): 94.

<sup>34</sup> Ibrahim Ahmad, "Rencana Dan Strategi Peningkatan Kesadaran Hukum Masyarakat," *Gorontalo Law Review* 1 No. 1 (2018): 16.



system. In addition, there is a need for planned legal culture patterns and programmes based on the facts of existing legal problems. All this needs to start early, even from the household level, as part of the effort to create a society that is aware of the law and complies with applicable rules. Thus, through the socialisation of legal awareness, it is hoped that the community can be more involved in efforts to prevent and overcome illegal sprint racing, as well as build a strong and sustainable legal culture.<sup>35</sup>

b. Conducting routine patrols

The police have a very important role in maintaining order and security on the road, especially in relation to illegal sprint racing activities that can endanger public safety. One action that the police can take is to increase patrols in areas that are often the location of illegal sprint racing activities. This involves the deployment of police personnel and the use of technological tools such as surveillance cameras to monitor road activities more effectively. In addition, the police can also increase the frequency of preventive patrols in areas known to be prone to illegal sprint racing. These patrols aim to provide early detection of such illegal activities and prevent them before they can occur. In addition, raids can also be conducted by the police to crack down on the perpetrators of illegal sprint racing and reduce the number of related offences. These raids involve checking the vehicles and identities of suspicious drivers, as well as enforcing the law in accordance with applicable regulations. By combining these strategies, it is hoped that the police can effectively prevent and reduce the number of illegal sprint racing offences, thereby increasing the sense of security and safety for road users.<sup>36</sup>

Patrolling is one of the most important strategies in tackling crime, both current and potential, including in the context of the phenomenon of illegal race-running. The approach used in patrols is not only reactive to crimes that have already occurred, but also proactive in preventing them before they occur. Through a community approach, patrols not only aim to increase a sense of security in the community, but also to bring the police institution closer to the community. This strengthens the relationship

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<sup>35</sup> Ni Wayan Eka Sumartini, "Penyuluhan Hukum Di Era Digita," in *Digitalisasi Pendidikan Sekolah Dasar*, vol. 3 (Palangka Raya: Institut Agama Hindu Negeri Tampung Penyang Palangka Raya, 2021), 136.

<sup>36</sup> Nikma Gustiani Hasan, Lisnawaty Badu, and Nuvazria Achir, "Penanganan Kasus Balap Liar Oleh Kepolisian Resort Gorontalo Kota di Kota Gorontalo," *Jurnal Sosial Dan Sains* 3, no. 5 (2023): 525.

between the police and the community and increases trust and co-operation in crime prevention efforts.<sup>3738</sup>

Patrol is a mobile activity carried out by Sabhara members with the aim of preventing crime, providing a sense of security, as well as protection and protection to the community. According to Kabaharkam Polri Regulation No. 4 of 2011, patrols are defined as police activities involving two or more members of the National Police. The aim is to prevent offences or criminal acts by visiting, exploring, and monitoring situations and conditions that have the potential to cause security and public order disturbances.<sup>39</sup>

The police run routine patrols at night to monitor areas that are thought to be prone to crime, such as illegal sprint racing. They approach crowds deemed suspicious to ensure there are no activities that could endanger the community. In this case, the police act not only as law enforcers, but also as crime prevention agents by being a visible presence in the community. Through this effort, it is hoped that security and order in the area can be maintained, and the community feels safe and protected from various criminal threats, including from illegal sprint racing activities that have the potential to endanger public safety.<sup>4041</sup>

Article 14 of Law No. 2 of 2002 outlines that the National Police of the Republic of Indonesia has the responsibility to maintain security and public order by conducting active patrols. In the context of illegal sprint racing, such patrols are particularly important as they help prevent the occurrence of illegal sprint racing activities by monitoring the streets and identifying areas that may be potential locations for such activities. By conducting regular patrols, the police can understand the behavioural

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<sup>37</sup> Muhamamad Daffa Setiadi and Mutho'am, "Efektivitas Patroli Sebagai Tindakan Pencegahan Penanggulangan Kejahatan Dan Pelanggaran Studi Polres Wonosobo," *Transformasi Hukum* 2, no. 1 (2023): 36.

<sup>38</sup> Maria Felisitas Isna Lodang, Adrianus Djara Dima, and Darius Antonius Kian, "Analisis Peran Kepolisian Resor Sikka Dalam Mengurangi Kasus Pencurian Kendaraan Roda Dua Di Kota Maumere," *Jurnal Hukum Dan Sosial Politik* 2, no. 2 (2024): 258.

<sup>39</sup> Redho Rizki Pratama, "Upaya Patroli Dialogis Unit Patroli Satuan Sabhara Dalam Mencegah Tindak Pidana Curanmor Di Wilayah Hukum Polres Cilacap," *Advances in Police Science Research Journal* 1, no. 1 (2017): 256.

<sup>40</sup> Martono, Nastiar Hidayat, and Muhammad Hidayat, "Upaya Yang Dilakukan Aparat Kepolisian Polres Kota Makassar Dalam Penanggulangan Kejahatan Begal Pelaku Pelecehan Seksual (Begal Payudara Dijalan Raya)," *LEGAL: Journal of Law* 2, no. 1 (2023): 71.

<sup>41</sup> Nyoman Loka Hari Prabawa, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani, "Peranan Patroli Satuan Sabhara Dalam Upaya Pengoperasian Tindak Kejahatan Di Wilayah Hukum Polda Bali," *Interpretasi Hukum* 2, no. 1 (2021): 70.

patterns of the offenders so that they can be more effective in preventing and tackling such activities. In addition, patrols also help to enforce the law and provide a sense of security to the public who may feel disturbed by the illegal race. Thus, patrols are one of the important strategies in tackling the phenomenon of illegal race-running to maintain security and order in the community.<sup>42</sup>

This is also supported by the results of research from Anthony A. Braga, Brandon S. Turchan, Andrew V. Papachristos, David M. Hureau corroborate the argument that concentrating police efforts in locations where illegal race-running often occurs can be effective in suppressing the phenomenon. By strengthening police presence in areas that are hotspots for illegal race-running, the likelihood of criminals engaging in criminal activity can be reduced. This is in line with the strategy of repressive law enforcement, where an emphasis on direct action against lawbreakers in places where crime occurs is a top priority.<sup>43</sup>

Any patrol effort requires active participation from the community to assist in prevention efforts, starting from reviving security posts in neighbourhoods, even down to the Rukun Tetangga level. This opinion was supported by community leaders, who stated that one effective strategy is to utilise community resources to prevent and ward off crime with their own efforts. This will involve many volunteers who are expected to play a role in reducing the opportunities and motivation of criminals, making it difficult for them to commit criminal acts, including in the context of tackling illegal race-running.<sup>44</sup>

c. Repressive law enforcement

One of the approaches that can be used by the police to tackle illegal sprint racing is to use criminal law repressively. This approach involves strict law enforcement against the perpetrators and various offences that occur, including sanctions given to the perpetrators of illegal sprint racing. In this context, the police take direct action against those involved in these

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<sup>42</sup> Alpin Iskandar, Hendri Darma Putra, and Happy Yulia Anggraeni, "Peran Dan Fungsi Sat Sabhara Polres Banjar Dalam Pelaksanaan Patroli," *Jurnal Pemuliaan Hukum* 3, no. 2 (2020): 24.

<sup>43</sup> Anthony A. Braga et al., "Hot Spots Policing And Crime Reduction: An Update Of An Ongoing Systematic Review And Meta-Analysis," *Journal of Experimental Criminology* 15 (2019): 306.

<sup>44</sup> Burhanuddin, "Efektifitas Pelaksanaan Patroli Terpadu Dalam Upaya Menekan Tingkat Kriminalitas (Pada Polres Bungo)," *Jurnal Serambi Hukum* 11, no. 1 (2017): 63.

activities, either by making arrests, or other repressive actions in accordance with applicable legal provisions. By showing that such offences will not be tolerated and will have serious consequences, it is expected to reduce the incidence of illegal race-running and provide a deterrent effect for the perpetrators. In addition, repressive law enforcement also gives a strong message to the public that the act of illegal sprint racing is a serious offence that must be dealt with firmly by the authorities to maintain safety and order on the road.

As the main law enforcement institution in the country, the National Police has direct authority in law enforcement against all criminal offences, including illegal sprint racing. This action is in accordance with the basic functions of the police as stipulated in Law Number 2 Year 2002 on the Indonesian National Police. These functions include law enforcement, maintenance of public security and order, as well as protection, protection, and service to the community. Article 3 of the Act clearly states that one of the objectives of the National Police is to realise the rule of law. Therefore, the Police are responsible for repressively enforcing the law against the perpetrators of illegal sprint racing to maintain security and order on the road and provide a sense of security to the community.<sup>45</sup>

One of the instruments of law enforcement is the application of criminal sanctions. Criminal sanctions are legal consequences in the form of punishment given to the perpetrators of criminal offences because of their actions. Criminal sanctions can be in the form of imprisonment or other legal actions imposed by the authorities. These criminal sanctions are painful in nature and are imposed to protect the interests of the law from interference or harm caused by criminal offences. Although criminal sanctions are mostly aimed at rehabilitating the behaviour of criminals, but in some cases, criminal sanctions also serve as a threat to individual freedom. Therefore, the application of criminal sanctions is one of the steps taken by the police to provide a deterrent effect to the perpetrators of illegal sprint racing and ensure effective law enforcement.<sup>46</sup>

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<sup>45</sup> Toto Hartono, Mhd Ansori Lubis, and Syawal Amry Siregar, "Penegakan Hukum Terhadap Tindak Pidana Pencurian Dengan Kekerasan (Studi Pada Kepolisian Resor Kota Besar Medan)," *Jurnal Retentum* 2, no. 1 (2021): 37.

<sup>46</sup> RachmadAlif Al BuchoriAli, I Made Sepud, and I Made MingguWidyantara, "Sanksi Pidana Terhadap Pelaku Tindak Pidana Santet," *Jurnal PreferensiHukum* 2, no. 3 (2021): 455.

#### **D. CONCLUSION**

The conclusion of this research is that the phenomenon of illegal sprint racing from the perspective of Indonesian criminal law is not only detrimental to the individuals involved but can also disrupt public order and the safety of society as a whole. Through analysis of various relevant laws, such as the Law on Roads, the Law on Road Traffic and Transport, and other regulations, it is concluded that the conduct of illegal sprint racing without proper permits can be considered a serious violation of the law. The Law on Roads and the Law on Road Traffic and Transport also stipulate prohibitions against organising activities that may interfere with the function of public roads. Illegal road racing, if not appropriately organised and properly licensed, may constitute a breach of the legal provisions governing the use of roads for public purposes and traffic safety.

The police have a vital role to play in maintaining order, security and the general welfare of the community near areas frequently used for illegal road racing. Such activities, which are often conducted without authorised permits or adequate supervision, can lead to a range of problems that include impairment of road functions and compromising the comfort and safety of other road users. Effective strategies to address this issue include socialisation of legal awareness to the public, increased routine patrols, and repressive law enforcement. Socialisation of legal awareness aims to increase the public's understanding of the applicable rules and laws, so that they can understand the legal consequences of illegal racing and minimise the practice. Routine patrols are conducted to prevent and early detect such illegal activities, while repressive law enforcement gives a strong message to perpetrators that such offences will not be tolerated.

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