

ABSTRAK

FAKTOR PENGHAMBAT PENEGAKAN HUKUM PIDANA TERHADAP PELANGGARAN PERLINTASAN PALANG PINTU KERETA API (Studi di Wilayah Hukum Polres Metro Tangerang Kota)

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Perkembangan moda transportasi di Indonesia, khususnya transportasi kereta api, terus meningkat setiap tahunnya. Hal ini menyebabkan semakin seringnya pertemuan antara sarana transportasi jalan raya dan transportasi rel. Peristiwa tersebut dikenal dengan istilah perlintasan sebidang. Beberapa kecelakaan yang terjadi di perlintasan sebidang sering kali merupakan akibat dari pelanggaran yang dilakukan oleh pengendara, baik motor, mobil, maupun pengendara lainnya, yang menerobos palang pintu kereta api, untuk itu permasalahan penulis buat :(1) Bagaimanakah penegakan hukum pidana terhadap pelanggaran perlintasan palang pintu kereta api? (2) Apa sajakah faktor penghambat penegakan hukum pidana terhadap pelanggaran perlintasan palang pintu kereta api?

Penelitian ini menggunakan pendekatan yuridis normatif, yakni pendekatan yang menitikberatkan pada pencarian kebenaran berdasarkan ketentuan-ketentuan hukum atau peraturan perundang-undangan yang berlaku serta memiliki kepastian hukum, sebagaimana dijelaskan dalam berbagai literatur hukum, buku-buku rujukan, maupun sumber hukum lainnya. Selain itu, penelitian ini juga memakai pendekatan yuridis empiris, yang dilakukan melalui wawancara langsung dengan satu orang Kanit Gakkum Sat Lantas Polres Metro Tangerang Kota, satu staf Hukum dari DAOP 1 Jakarta, dan satu akademisi dari Bagian Hukum Pidana Fakultas Hukum Universitas Lampung. Data diperoleh melalui studi kepustakaan serta observasi lapangan,

kemudian dianalisis menggunakan metode analisis data interaktif dan interpretasi hukum.

Hasil penelitian dan pembahasan dilapangan menunjukkan bahwa penegakan hukum pidana terhadap pelanggaran perlintasan palang pintu kereta api dilaksanakan melalui proses pemeriksaan tilang sesuai dengan Peraturan Pemerintah Nomor 80 Tahun 2016, yang merupakan implementasi dari Undang-undang Nomor 22 Tahun 2009. Proses ini dilakukan dengan sistem pemeriksaan acara cepat. Adapun beberapa faktor yang menghambat penegakan hukum dalam penelitian ini meliputi faktor hukum, faktor penegak hukum, faktor sarana atau prasarana, serta faktor masyarakat dan budaya.

Saran dari penulis adalah pentingnya peningkatan kesadaran hukum, baik dari sisi pelanggar, aparat penegak hukum, ataupun pemerintah. Selain itu, kerja sama yang lebih baik antar jaringan penegak hukum perlu ditingkatkan, serta pemasangan kamera CCTV di setiap palang pintu kereta api untuk mendukung pengawasan dan penegakan hukum yang lebih efektif.

Kata Kunci : Penegakan Hukum, Pelanggaran Lalu Lintas, Perlintasan Palang Kereta Api

ABSTRACT

Factors Hindering the Enforcement of Criminal Law on Railway Level Crossing Gate Violations (A Case Study in the Jurisdiction of Metro Tangerang City Police)

By
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The development of transportation modes in Indonesia, particularly railway transportation, continues to increase each year. This has led to more frequent intersections between road transportation and railways, commonly referred to as level crossings. Several accidents that occur at level crossings are often the result of violations committed by drivers whether of motorcycles, cars, or other vehicles who force their way through the railway crossing gates. Based on this, the research problems formulated by the author are: (1) How is criminal law enforced against violations at railway crossing gates? (2) What are the inhibiting factors in the enforcement of criminal law against violations at railway crossing gates?

This research employs a normative juridical approach, which focuses on the search for truth based on applicable legal provisions or regulations and legal certainty, as explained in various legal literatures, reference books, and other legal sources. In addition, this research also adopts an empirical juridical approach, conducted through direct interviews with one officer from the Traffic Law Enforcement Unit (Kanit Gakkum Sat Lantas) of the Metro Tangerang City Police, one legal staff member from DAOP 1 Jakarta, and one academic from the Criminal Law Department, Faculty of Law, University of Lampung. Data were obtained through literature study and field observation, then analyzed using interactive data analysis methods and legal interpretation.

The results of field research and discussion indicate that the enforcement of criminal law against violations at railway crossing gates is carried out through a traffic ticketing (tilang) process in accordance with Government Regulation No. 80 of 2016, which serves as an implementation of Law No. 22 of 2009. This process is conducted through a fast-track judicial procedure. Several factors hindering law enforcement in this study include legal factors, law enforcement personnel, infrastructure or facilities, as well as societal and cultural factors.

The author's suggestions emphasize the importance of increasing legal awareness, both among violators, law enforcement officers, and the government. In addition, stronger cooperation among law enforcement networks needs to be enhanced, along with the installation of CCTV cameras at every railway crossing gate to support more effective monitoring and law enforcement.

Keywords: Law Enforcement, Traffic Violations, Railway Crossing Gates