

Reconciling Legal Norms: A Comparative Study of Road Marking Violations under National Law and Islamic Criminal Law

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Abstract: Road markings constitute an essential component of traffic signs, typically appearing as transverse, longitudinal, or diagonal lines on road surfaces. These markings play a critical role in directing traffic flow, guiding road users, and delineating vehicle lanes. Their presence contributes significantly to maintaining traffic order and reducing the risk of accidents. Although formally regulated under Article 287 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation, violations of road markings by drivers remain prevalent. This study aims to examine and compare the legal sanctions applied to such violations under Indonesian positive law and Islamic criminal law. The research employs both normative and empirical juridical approaches, using comparative legal analysis as the main method. The study was conducted in the city of Palembang, with data collected through interviews and literature review. The findings reveal that within the Indonesian legal framework, violations of road markings are subject to both administrative and criminal sanctions in accordance with existing regulations. From the perspective of Islamic criminal law, such violations are classified as *jarimah ta'zîr*, referring to offenses whose penalties are determined by state authorities to uphold public welfare. The comparative analysis indicates that although there are differences in legal sources and forms of punishment, both legal systems underscore the importance of maintaining traffic order as a means of safeguarding human life and the public interest. Nevertheless, law enforcement regarding road marking violations in Palembang has not been effective. This ineffectiveness is primarily attributed to the low level of public legal awareness, which undermines the implementation of sanctions and hinders efforts to foster compliance.

Keywords: Violations, Traffic, Road markings.

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INTRODUCTION

Transportation plays a vital role in contemporary societal life, particularly in large urban areas with dense populations and high levels of activity. It enables individuals to move easily from one location to another using various modes of transport. As such, the use of transportation facilities requires a high level of traffic discipline, which involves adhering to established regulations to ensure both safety and smooth mobility for all road users. Compliance with traffic rules is also essential to prevent accidents that may result from negligence on the part of road users.¹

Every member of the public, whether a pedestrian or a vehicle operator, has the right to use public roads comfortably and safely. At the same time, all road users are obligated to comply with traffic regulations, and violations may result in legal penalties or fines. Maintaining discipline while driving is crucial not only for one's personal safety but also for the well-being of others sharing the road. However, widespread traffic violations still occur due to a lack of discipline and awareness among drivers, many of whom perceive traffic rules as unimportant or unnecessary. The increasing number of

¹ Soerjono Soekanto, *Kesadaran Hukum Dan Kepatuhan Hukum* (Jakarta: CV Rajawali, 1982).

traffic law violations by motor vehicle users serves as a clear indicator of the general public's low level of legal awareness concerning traffic regulations.²

Traffic violations committed by motor vehicle drivers reflect a broader issue of low legal awareness and lack of discipline among road users. This underscores the urgent need for clear and enforceable traffic regulations to prevent various forms of misconduct that could lead to accidents. According to Ali Ahmad, law in a societal context functions as a form of social control. It serves to regulate human behavior and provides a framework that governs all aspects of communal life, including matters related to road traffic and transportation.³

Law Number 22 of 2009 concerning Road Traffic and Transportation clearly outlines various forms of traffic violations, and therefore, citizens are expected to be aware of and comply with these legal provisions, particularly in urban areas such as Palembang. Despite the existence of established traffic regulations, many drivers continue to commit infractions, one common example being the failure to obey road markings. Such violations often stem from a lack of awareness, insufficient knowledge, or a general disregard for the rules governing road markings. This trend is observable on public roads, where numerous motor vehicle users are frequently seen crossing or ignoring the designated lane lines.⁴

One of the most frequent traffic violations committed by motorcyclists and drivers involves disobeying road markings, particularly solid lane dividers and transverse lines such as pedestrian crossings (zebra crossings), which are commonly found at traffic light intersections and serve as safety boundaries for stopping vehicles. Such violations pose a risk not only to the drivers themselves but also to other road users, including pedestrians attempting to cross safely at designated areas.⁵ In the city of Palembang, many drivers appear undeterred by existing traffic regulations or the presence of traffic police. It is not uncommon to witness motorists blatantly crossing the stop line at red lights, encroaching upon zebra crossings. This behavior not only disrupts pedestrian safety but also contributes to a range of traffic accidents, some resulting in minor or severe injuries, and in more tragic cases, fatalities directly caused by the disregard for these road markings.⁶

METHOD

This study adopts a normative juridical approach, which emphasizes the examination of written legal norms and prevailing legal principles. In addition, an empirical juridical method is employed to complement the analysis with real-world data. Primary data were obtained through interviews, while secondary sources include primary legal materials such as Law Number 22 of 2009 on Road Traffic and Transportation, along

² Denico Doly, "Penegakan Hukum Terhadap Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan: Tantangan Dan Prospek," *Kajian* 20, no. 3 (2016): 219–240.

³ Ahmad Ali, *Menguak Tabir Hukum Suatu Kajian (Filosofi Dan Sosiologis)*, 2nd ed. (Jakarta: Kencana, 2015).

⁴ Rani Agustina, "Penegakan Hukum Terhadap Pelanggar Garis Marka Jalan Yang Mengakibatkan Kecelakaan Lalu Lintas" (Universitas Atma Jaya Yogyakarta, 2018).

⁵ Noval Alfaridzi Hulinggi, Erman I Rahim, and Moh Rivaldi Moha, "Penghambat Penerapan Peraturan Daerah Penertiban Marka Jalan," *SINERGI: Jurnal Riset Ilmiah* 2, no. 2 (2025): 622–633.

⁶ Anisa Febriani Husain, "Implementas Pasal 287 Ayat (1) Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Angkutan Jalan Terhadap Pelanggaran Marka Jalan" (Universitas Negeri Gorontalo, 2020).

with classical Islamic jurisprudence texts relevant to Islamic criminal law. Supplementary legal sources such as academic literature, journals, and prior research were also utilized to reinforce the analysis. The research was conducted in the city of Palembang. A comparative legal method was applied to examine and contrast the legal sanctions related to traffic marking violations under both Indonesian positive law and Islamic criminal law. The analysis was carried out qualitatively by interpreting legal norms and linking them to the actual conditions surrounding road marking violations in society. This approach provides a comprehensive and in-depth understanding of the similarities and differences in law enforcement between the two legal frameworks.

RESULT AND DISCUSSION

The Enforcement of Sanctions for Traffic Violations (Road Marking Offenses) in Palembang City

The growing population in Indonesia has been accompanied by a significant increase in road users, both those operating motorized and non-motorized vehicles. One of the consequences of this growth is the rise in traffic congestion and, more alarmingly, an increase in traffic-related fatalities. This situation is largely attributed to the non-compliance of road users with traffic regulations and their frequent violations. In response to the rising number of traffic accidents reported annually, the government enacted Law Number 22 of 2009 concerning Road Traffic and Transportation. This legislation outlines specific provisions regarding the operation of motorcycles, including the required equipment that riders must adhere to, as well as the sanctions imposed on those who violate these rules.⁷

Traffic regulations established by the government aim to ensure the smooth operation of transportation systems, promote discipline among road users, and reduce the incidence of accidents. As outlined in Chapter I, Article 3 of Law Number 22 of 2009 on Road Traffic and Transportation, there are three core objectives underlying the enactment of traffic regulations:

1. To realize a safe, orderly, integrated, and efficient traffic and road transportation service system. With this objective in mind, each mode of transportation is expected to operate synergistically in support of national development. Ultimately, this integration contributes to the enhancement of the national economic system and the overall well-being of society. Furthermore, the level of order within the traffic sector is often viewed as a reflection of a nation's cultural maturity.
2. Traffic order can serve as a cultural hallmark of a nation. Fostering a culture of discipline on the road indirectly cultivates ethical awareness among the population, encouraging mutual tolerance and respect among road users. Courtesy in traffic interactions not only contributes to individual safety but also fosters a sense of collective comfort and security for all who share the road.

⁷ Chintya Elva Yuliana, Hartuti Purnaweni, and Aloysius Rengga, "Implementasi Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan:(Khusus) Untuk Pengendara Sepeda Motor Di Kota Semarang," *Journal of Public Policy and Management Review* 4, no. 2 (2015): 143–153.

3. The existence of legal provisions in the field of traffic provides a legal framework that ensures equal enforcement for all individuals. These laws apply universally without exception, with the aim of establishing equality before the law. This legal certainty supports the notion that everyone, regardless of status is subject to the same rules when using public roads.⁸

Fundamentally, every regulation is not designed to coerce, but rather to establish an orderly, structured society that ensures the rights of all individuals governed by the law. As members of the community, we are obligated to comply with the laws in force, not only to protect others, but also to safeguard our own well-being. Every person holds the right to security and comfort in carrying out their daily activities, especially when it comes to road traffic. In the city of Palembang, one of the major urban centers in South Sumatra Province, there remains a concerning cultural tendency among many residents to overlook the importance of personal safety, particularly in matters related to traffic discipline.⁹

Law Number 22 of 2009 explicitly regulates Road Traffic and Transportation, including provisions for imposing sanctions on individuals who violate traffic rules. One of the most frequently committed violations pertains to road markings. This type of infraction is particularly common in several areas of Palembang, especially along Jalan Jendral Sudirman, at the Charitas intersection, the DPRD traffic light, in front of the Heroes' Cemetery, and at the Demang Lebar Daun traffic light. The most prevalent offenses involve the violation of solid line markings and crosswalks (zebra crossings). Such conduct not only disrupts traffic order but also compromises the safety and comfort of other road users, including pedestrians who rely on zebra crossings. These acts clearly contravene the provisions stipulated in Law Number 22 of 2009 on Road Traffic and Transportation.

The regulation concerning road marking violations is outlined in Article 106, paragraph 4, which states:

"Every individual operating a motor vehicle on public roads is required to comply with the following provisions":

1. *Traffic signs indicating commands or prohibitions;*
2. *Road markings;*
3. *Traffic signal devices;*
4. *Traffic movement regulations;*
5. *Stopping and parking rules;*
6. *Audible and visual warnings;*
7. *Maximum or minimum speed limits.*

⁸ Azrianoor Azrianoor, "Pemahaman Norma Berlalu Lintas Pada Siswa Sman 7 dan SMKN 5 Banjarmasin," *Jurnal Pendidikan Kewarganegaraan* 4, no. 7 (2014).

⁹ Fahririn and M. Lu'ay Al Hakim, "Analisis Yuridis Larangan Merokok Bagi Pengemudi Sepeda Motor Di Jalan Raya," *Iuris Scientia* 1, no. 2 (2023): 54–63.

Table. Data on road marking violations was obtained from the Palembang City Police Traffic Unit

No.	Year	Road Marking Violators in Palembang City
1	2021	6189 Violators
2	2022	6427 Violators
3	2023	5829 Violators
	Total	18.445 Violators

Source: Traffic Unit (Satlantas) of the Palembang Metropolitan Police Department (Polrestabes Palembang), obtained from the ticketing division on June 26, 2024.

Based on the table above, it can be observed that traffic violations related to road markings have generally decreased over the observed period. However, there were instances of increased violations, indicating that a significant number of individuals continue to disregard traffic regulations on public roads. Field observations reveal that the enforcement of Article 287 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation has not yet been fully effective in curbing these infractions.

Based on an interview with Briptu Ibnu, a member of the Palembang Traffic Police Unit (Satlantas), the reality in the field suggests that traffic violations are not primarily due to a lack of public knowledge about road markings or the relevant legislation. In fact, most individuals are already aware of traffic regulations, including those outlined in the law. However, a significant portion of the public still fails to comply and maintain discipline on the road. This non-compliance is often driven by situational factors and personal egos, rather than ignorance. Such behavior not only increases the risk of traffic accidents and endangers the violators themselves but also compromises the safety and comfort of other road users.

According to an interview with Iptu Bambang, Head of Operational Unit at the Traffic Division (Kaur Bin Opsnal Satlantas), the enforcement of traffic regulations by the police does not always proceed smoothly due to several inhibiting factors. One of the main obstacles in implementing Article 287 paragraph (1) of Law Number 22 of 2009 on Road Traffic and Transportation is the lack of public awareness. Society plays a pivotal role in cultivating a culture of discipline in traffic behavior. Unfortunately, the public's awareness and adherence to regulations remain insufficient. As observed in the field, many traffic violations, particularly those involving road markings stem from a lack of compliance. People often fail to realize that obeying traffic rules can significantly enhance their own safety and that of other road users. In practice, compliance tends to occur only when police officers are visibly present. Once traffic operations or checkpoints are no longer in place, many individuals revert to violating the rules. This behavior is particularly concerning given that traffic accidents can happen at any moment, especially when drivers behave recklessly on the road.

The researcher also conducted several interviews with motorists to explore the underlying reasons that lead individuals to commit traffic violations. One such interview was conducted with a motorcyclist, identified as Ms. F, who admitted to crossing the stop line at the traffic light in the Charitas intersection. Ms. F explained that her decision to

violate the road marking was influenced by following the behavior of other riders who had stopped ahead of the designated line. Her intention, she noted, was to gain a quicker start once the light turned green and avoid being delayed by the next red light cycle. She further mentioned that the long waiting time at the Charitas traffic light, especially under hot midday conditions, often compels riders to act impatiently. Although she acknowledged that her actions were in violation of traffic regulations and disrupted the rights of pedestrians to cross safely, she nonetheless justified the behavior as situational and common among fellow road users.

An interview with another motorcyclist, referred to as Mr. B, revealed that his reason for violating road markings stemmed from a perception that such markings are not important. He admitted that his behavior was influenced by the actions of others, stating that since many riders disregard the markings, he simply followed their lead. This reflects a broader issue of social conformity and a lack of awareness or concern regarding the significance of traffic regulations.

Interviews conducted with two motorcyclists, identified as Mr. A and Mr. D, indicated that their decision to violate road markings was driven by situational urgency. Both individuals admitted that they were in a hurry to reach their destination, which led them to disregard traffic rules, including the road markings. This suggests that time pressure and personal convenience are common factors contributing to traffic violations, often at the expense of road safety and legal compliance.

An interview with a motorcyclist, identified as Mr. T, revealed that there was no specific reason behind his violation of road markings. He acknowledged that his actions were wrong and that he was fully aware of the existing traffic regulations. However, he admitted that the widespread behavior of other motorists who routinely disregard road markings at several traffic light intersections had influenced him. As a result, he consciously followed this pattern, violating zebra cross markings. Over time, this behavior became habitual. Mr. T also cited a desire to reach his destination quickly and avoid being caught by a second red light cycle particularly during hot weather as further motivation for his actions.

Wawancara selanjutnya kepada pengendara motor saudari S mengatakan bahwa alasan tidak patuhnya terhadap peraturan marka jalan karena tidak mau berhenti di paling belakang berdekatan dengan mobil dikarenakan dapat terkena lampu merah dua kali, jadi apabila ada yang kosong di depan maka akan memilih untuk berhenti di paling depan meskipun tau jika melanggar garis marka jalan tersebut.

Selanjutnya hasil wawancara peneliti dengan pengendara motor saudara R, mengatakan alasan melakukan pelanggaran karena belum terlalu paham dengan marka jalan dan juga saudara R mengatakan bahwa ada beberapa oknum polisi yang tidak memperhatikan pelanggar marka jalan. Saudara R mengatakan bahwa beliau pernah menjumpai seorang pengendara yang melewati marka garis melintang (zebra cross) dan saat itu ada seorang polisi yang sedang berjaga di simpang lima di rs charitas, tetapi sangat disayangkan polisi tersebut tidak melakukan tindakan kepada pelanggar, meskipun demikian tidak semua anggota polisi diam saja tidak melakukan penilangan kepada pelanggar beberapa polisi juga biasanya memberikan penilangan atau teguran kepada pelanggar.

The subsequent interview with a motorcyclist, identified as Ms. S, revealed that her reason for not complying with road marking regulations was a reluctance to stop at

the back, particularly near cars. She expressed concern about being delayed and potentially having to wait through a second red light cycle. As a result, whenever she noticed space available at the front, she would choose to move ahead and stop there, even though she was fully aware that doing so meant crossing the designated stop line and violating the road markings.

With regard to the criminal sanctions imposed on those who violate road markings, the primary form of punishment is the imposition of a fine, commonly referred to as a traffic ticket (*tilang*) in public discourse. Under the Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana* or KUHP), particularly Article 30, fines are classified as one of the principal forms of punishment. A fine is defined as a criminal penalty whereby the offender is required to pay a specified sum of money as a consequence of committing an act that contravenes criminal law provisions. Although the law does allow for custodial sentences in traffic violations, in practice, fines remain the most commonly applied sanction. To date, there have been no known cases in which violators of road markings have received prison sentences or custodial penalties.

In relation to the sanctions imposed on individuals who violate road markings, Article 287 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation stipulates the following: “Any person who operates a motor vehicle on the road and violates the provisions or prohibitions indicated by traffic signs as referred to in Article 106 paragraph (4) letter b, or by road markings, shall be subject to a maximum imprisonment of two (2) months or a maximum fine of IDR 500,000 (five hundred thousand rupiah).”

The legal mechanism for processing traffic violation tickets (commonly referred to as *tilang*) in Indonesia is guided by the provisions set forth in Law No. 22 of 2009 concerning Road Traffic and Transportation. The ticketing process begins when a traffic officer issues a citation. There are two types of citation slips that may be given depending on the response of the violator:

1. Blue slip: this slip is issued when the individual admits the violation and agrees to pay the fine voluntarily:
 - a. The violator is required to deposit the maximum fine for the offense directly to Bank Rakyat Indonesia (BRI), which has been designated to receive such payments.
 - b. Once payment is made, the violator may retrieve any confiscated items such as the driver's license (*Surat Izin Mengemudi/SIM*), vehicle registration certificate (*Surat Tanda Nomor Kendaraan/STNK*), or the impounded vehicle (*Ranmor*) from the evidence storage unit of the local traffic police (*Sat Lantas Polresta*).
 - c. If the court's ruling imposes a lower fine than the amount deposited, the remaining balance can be reclaimed from BRI.
2. Red slip: this slip is issued when the violator denies the allegation and wishes to appear before the court:
 - a. The ticket file and any confiscated documents are recorded and compiled by the ticket administration officer (*Baur Tilang*) before being submitted collectively to the court, following the schedule indicated on the citation.

- b. The violator, or a representative, must attend the court session on the appointed date.
- c. Upon receiving the court's decision, the violator must pay the imposed fine at the designated counter at the District Court or the State Prosecutor's Office.
- d. Confiscated items such as the SIM or STNK may be retrieved from the appropriate counter at either the District Court or the Prosecutor's Office.
- e. If a vehicle was impounded, it can be reclaimed from the traffic police's evidence storage facility, provided the violator presents proof of payment along with valid vehicle registration and/or a driver's license.

The enforcement of penalties for road marking violations in Palembang is under the authority of the Traffic Unit of the Palembang Metropolitan Police (Satlantas Polrestabes Palembang), as stipulated in Article 287 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation. Although this provision allows for imprisonment as a sanction, in practice, such penalties are not imposed. Instead, law enforcement relies primarily on the issuance of fines through a ticketing system (*tilang*), which is considered a sufficient legal response to such infractions. This was affirmed during an interview with Bripda Ibnu, a traffic officer within the ticketing division. In practical terms, traffic officers on duty in the field take enforcement actions through direct ticketing or verbal warnings. However, when large numbers of violations occur simultaneously, officers may choose not to issue tickets on the spot. In such instances, the police employ an alternative method known as Electronic Traffic Law Enforcement (ETLE), a system designed to capture and process violations digitally. In addition to enforcement, the police have undertaken preventive measures to reduce incidents of road marking violations. These efforts include disseminating information through pamphlets, roadside billboards, social media campaigns, educational outreach in schools, and engagement with community groups such as ride-hailing driver communities. Despite these initiatives, the cultural context of Sumatera often differs from that of Java. It is frequently observed that when no police officers are visibly present, many drivers disregard traffic rules and commit violations, highlighting an ongoing challenge in cultivating a culture of compliance.

However, it is not uncommon for the researcher to encounter situations in which traffic offenders, despite initially being stopped by law enforcement, ultimately avoid receiving a formal ticket. This often occurs when individuals request to "settle" the matter on the spot, and the officer in question accepts the offer, allowing the violator to leave without further consequence. As a result, many members of the public perceive the enforcement process as negotiable and lacking in seriousness, which undermines the intended deterrent effect of traffic sanctions. Based on these observations, the researcher argues that the enforcement of traffic laws in Palembang remains significantly inadequate. This aligns with Soerjono Soekanto's theory on the factors that influence the effectiveness of law, particularly as it relates to the role of legal authorities. Supporting this view, Mr. Iptu Bambang, Head of Operational Development at the Traffic Division, emphasized several critical aspects:

1. The Role of Law Enforcers

Field observations reveal that many traffic violations persist due to the presence of officers who are willing to accept informal settlements. This practice,

while widely known among the public, has become normalized, further eroding respect for the rule of law. It underscores the urgent need for law enforcement officers to demonstrate firmness and consistency in upholding traffic regulations.

To achieve this, the police as law enforcers must carry out their duties with professionalism, guided by a strong ethical foundation. Professional ethics form the cornerstone of the police role in upholding justice, requiring officers to act with fairness, wisdom, and a commitment to public safety. In addition to possessing the requisite technical knowledge, officers must also uphold a code of conduct that serves as a benchmark for ethical performance. The task of maintaining public order is inherently self-reliant, requiring initiative, autonomy, and a high degree of institutional integrity. It is therefore essential that the state's law enforcement apparatus is composed of skilled, competent, and respected individuals.¹⁰

Effective implementation of traffic regulations requires that officers are guided by clear legal frameworks and standard operating procedures that define their responsibilities. Even with well-drafted laws, weak enforcement, whether due to lack of competence or deliberate negligence can render legal provisions ineffective. Conversely, when the legal framework is sound and law enforcement officers carry out their duties diligently, the legal system as a whole can function optimally to support public order and justice.

2. Infrastructure and Facilities Factor

Another factor that influences the effectiveness of law enforcement is the availability of adequate infrastructure and supporting facilities. In the context of traffic regulation, limitations in this area can significantly hinder the implementation and success of traffic laws. These supporting elements include qualified and skilled personnel, as well as sufficient and functional equipment. Currently, these components remain insufficient, which in turn affects the overall goal of achieving smooth and orderly traffic flow. The lack of well-trained human resources and reliable infrastructure continues to be a major obstacle in realizing effective traffic management and enforcement.¹¹

3. Public Legal Awareness Factor

Public awareness of the law plays a crucial role in shaping a well-functioning society. When individuals lack legal knowledge, it becomes increasingly difficult to maintain social order. Every person has the right to feel safe, and therefore, each individual is expected to respect the rights of others to the same sense of security. This principle is especially relevant in the context of traffic behavior. A heightened sense of legal awareness among road users is essential to ensure a disciplined and safe traffic environment. Such awareness not only protects the individual but also contributes to the safety and well-being of other road users.¹²

¹⁰ Kelik Pramudya and Ananto Widiatmoko, "Pedoman Etika Profesi Aparat Hukum," *Yogyakarta: Pustaka Yustisia* (2010).

¹¹ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: RajaGrafindo Persada, 2007).

¹² Ibid.; Syamsarina Syamsarina et al., "Kesadaran Hukum Dan Kepatuhan Hukum: Analisis Faktor Yang Mempengaruhi Kesadaran Hukum Dan Kepatuhan Hukum Masyarakat," *Jurnal Selat* 10, no.

Fundamentally, compliance and discipline among drivers with respect to traffic regulations remain inadequate. Observations in the field reveal that many members of the public continue to violate road markings and tend to disregard traffic rules, viewing these markings as nothing more than ordinary lines. This reflects a general lack of understanding regarding the purpose and function of road markings. When people are unaware of the meaning behind such traffic symbols, the effectiveness and utility of the law are inevitably diminished. Therefore, the role of the police becomes essential in educating the public about traffic regulations, particularly regarding road markings and their specific functions. This aligns with the overarching objective of criminal law, which is to prevent traffic accidents through proactive deterrence.¹³

The various factors discussed above are interrelated and serve as fundamental elements in legal enforcement. They collectively act as benchmarks for evaluating the effectiveness of law enforcement mechanisms. Among these factors, the role of law enforcers is central, as they are responsible for not only interpreting and applying the law but also setting an example for the community in terms of legal adherence and ethical behavior.¹⁴

One of the key indicators of a rule-of-law-based state is the effectiveness of its law enforcement. A legal system is considered successful when the laws established are properly implemented and consistently obeyed by the public. In contrast, the absence or weak enforcement of laws can undermine the credibility of both the lawmakers, the implementing authorities, and the society at large. In this context, the traffic police play a crucial role in ensuring legal compliance, especially in the area of road safety. Every regulation formulated by law enforcement aims to foster a disciplined and law-abiding society. The vision of establishing traffic order and discipline can only be realized when the fundamental legal components are effectively in place, particularly the role of law enforcers and the compliance of the community. A culture of order stems from individuals who respect and adhere to rules. Without firm enforcement and public obedience, traffic discipline will remain elusive, and traffic accident rates will likely continue to rise.¹⁵

Law enforcement is the process through which efforts are made to ensure that existing legal norms are upheld and effectively function as behavioral guidelines within traffic systems or broader legal relationships in societal and national life. For this reason, legal provisions must not remain static or dormant; instead, they must remain active and

1 (2022): 81–90; Atang Hermawan Usman, “Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia,” *Jurnal Wawasan Yuridika* 30, no. 1 (2014): 26–53.

¹³ Muhammad Harismansyah Putra Arifin, Sirajuddin, and Ismail Jalili, “Peran Polantas Dalam Mengimplementasi Peraturan Tentang Lalu Lintas Dan Angkutan Jalan Perspektif Fiqih Siyasah,” *Journal of Sharia and Legal Science* 2, no. 1 (April 30, 2024): 51–72, <https://jurnal.dokicti.org/index.php/JSLS/article/view/404>; Davit Kristianto, John Kenedi, and Ismail Jalili, “Implementasi Sistem Informasi Layanan Call Center 110 Terhadap Pelayanan Publik Perspektif Fiqh Siyasah,” *Journal of Sharia and Legal Science* 1, no. 3 (December 31, 2023): 105–126, <https://jurnal.dokicti.org/index.php/JSLS/article/view/160>.

¹⁴ Andi Hakim Lubis et al., “The Problematics Of Law Enforcement Against The Execution Of Electoral Penalties In Indonesia,” *Semarang Law Review (SLR)* 5, no. 1 (2024): 143–169; Ariq Rafii Utama, “Analisis Pro Dan Kontra Terkait Penerapan Pidana Mati Terhadap Pelaku Kekerasan Seksual Anak” (2023); Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

¹⁵ Agus Rianto, “Penegakan Hukum, Masalahnya Apa?,” *BINUS University*, last modified 2018, <https://business-law.binus.ac.id/2018/12/26/penegakan-hukum-masalahnya-apa/>.

dynamic, continually moving forward in accordance with the objectives established by the government.¹⁶ No matter how minor a traffic violation may seem, law enforcement officers must issue appropriate warnings and take action in accordance with existing regulations to instill a deterrent effect both on the offender and other road users. Law enforcement officials have the responsibility to address every traffic violation occurring in the city of Palembang, and their actions must align with established legal procedures. Based on the researcher's findings, the enforcement of traffic laws related to road markings remains suboptimal, as essential legal principles have not been fully realized and the law has not been effectively upheld. As a result, violations of road markings have become a common practice in Palembang, contributing significantly to traffic accidents. Consequently, the implementation of sanctions under Article 287 paragraph 1 of Law Number 22 of 2009 on Road Traffic and Transportation has yet to be carried out effectively.

Islamic Criminal Law Perspective on the Implementation of Sanctions for Traffic Violations (Road Markings) in Palembang City

According to Islamic criminal law, a criminal act (*jinayah*) refers to a legally reprehensible action committed by an individual, which is subject to specific sanctions. In Islamic legal doctrine, any violation that disrupts public order or moral conduct can be classified as *jarimah*, a term that broadly encompasses criminal behavior. This includes not only acts causing direct harm but also behaviors that undermine collective welfare or violate prescribed norms. Thus, traffic violations, such as disregarding road markings, fall within the category of *jarimah ta'zīr*, offenses for which the specific punishments are not fixed in the primary sources of Islamic law but are left to the discretion of the authorities (*ulil amri*) to preserve public interest and societal order.

In Islamic criminal law, a criminal act is understood as a legal offense subject to punishment arising from a person's conduct. Within this framework, such offenses fall under the category of *jarimah* or *jinayah*, terms which broadly correspond to what is known in Indonesian legal terminology as a criminal offense.¹⁷

A traffic violation refers to any act or behavior that contradicts established traffic regulations. Every individual who uses public roads is expected to act in an orderly manner within society in order to prevent undesirable outcomes such as road accidents or transportation-related hazards. The obligation to obey traffic rules is essential. Adhering to traffic signs, including road markings, plays a crucial role in minimizing the risk of accidents. From the perspective of Islam, compliance with lawful commands is considered a mandatory duty. The Qur'an underscores this principle, as reflected in Surah An-Nisa (4), verse 59, where Allah commands believers to obey those in authority.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

¹⁶ PKBH UAD, "Penegakan Hukum," *Pusat Pengembangan Konsultasi Dan Bantuan Hukum FH UAD*, last modified 2012, <https://pkbh.uad.ac.id/penegakan-hukum/>.

¹⁷ Muhammad Nur, *Pengantar Dan Asas-Asas Hukum Pidana Islam* (Banda Aceh: Yayasan Pena Aceh, 2020).

“O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it back to Allah and the Messenger, if you truly believe in Allah and the Last Day. That is the best course of action] and will yield the most favorable outcome.”

This is in accordance with the saying of the Prophet Muhammad (peace be upon him): *‘It is obligatory for a Muslim to listen and obey (those in authority) in matters he likes or dislikes, unless he is commanded to commit a sin. In that case, there is neither listening nor obedience.’*

In Islamic teachings, the primary objective of the *shariah* is to achieve public benefit (*maslahah*), which refers to the promotion of general welfare and the preservation of safety and comfort in society. This concept of *maslahah* must be realized not only in religious matters but also in worldly affairs. In this regard, traffic police officers are entrusted by the authorities with the responsibility to uphold public welfare. Therefore, enforcing rules and imposing sanctions on traffic violators is not merely a procedural task but a duty that must be fulfilled. The enforcement of Article 287 Paragraph 1 of Law No. 22 of 2009 on Road Traffic and Transportation represents a well-established legal measure aimed at preventing road accidents. This regulation serves to protect both motorcyclists and pedestrians from harm and, in more severe cases, from the loss of life.¹⁸

The criminal sanctions imposed on individuals who violate road markings are classified within Islamic criminal law as *jarimah ta'zir*, a category of offenses for which the specific penalties are not explicitly determined by *syara'* (divine law). Among Islamic jurists (*fuqaha'*), such offenses are known as *ta'zir* crimes, where the punishment is left to the discretion of the ruling authority to maintain public order and welfare. The legal basis for the application of *ta'zir* is found in the *hadith* of the Prophet Muhammad (peace be upon him), which affirms the legitimacy of discretionary punishment in matters where the *syara'* has not prescribed a fixed penalty:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : أَقْبِلُوا ذَوِي الْمُنْتَابِ عَثْرَاتِهِمْ إِلَّا
الْحُدُودَ. (رواه أبي داود)

Based on the explanation above, *jarimah ta'zir* can be categorized into two main types: *Jarimah 'zir* offenses that concern the rights of Allah, and *Jarimah ta'zir* that relate to individual rights.¹⁹ Islamic law (*syara'*) does not provide a fixed list of punishments for each type of *ta'zir* offense. Instead, it offers a range of possible punishments, from the lightest to the most severe, leaving the authority to determine the specific form and degree of punishment to the discretion of the ruler or judge (*ulil amri*). While some *ta'zir* offenses have been consistently recognized, such as engaging in usury (*riba*), unlawfully consuming another person's property, or verbal abuse, the classification remains largely open to contextual interpretation depending on the social and moral harm caused by the offense.²⁰

¹⁸ Marsaid, *Perlindungan Hukum Anak Pidana Dalam Persepektif Hukum Islam (Maqasid Arssyari'ah)* (Palembang: NoerFikri, 2015).

¹⁹ Ahmad Wardi Muslich, *Hukum Pidana Islam* (Jakarta: Sinar Grafika, 2016).

²⁰ Abdul Azis Dahlan, *Ensiklopedi Hukum Islam*, Jilid III. (Jakarta: Pt. Ikhtiar Baru Van Hoeve, 2006).

Islamic criminal law, rooted in the broader framework of Sharia, fundamentally aims to safeguard five essential elements of human life. These include the protection of religion, intellect, life, property, and lineage. These five aspects are considered foundational in Islam's vision of a just and orderly society. When linked to criminal law, these objectives form the philosophical and moral basis for the formulation of legal sanctions and punishments. Each of these purposes aligns with specific prohibitions and penalties within Islamic law to ensure societal well-being, prevent harm, and uphold the balance between individual rights and communal responsibility.²¹

1. Safeguarding Religion. Given the vital role religion plays in human life, Islam places the preservation of religious belief and practice as a fundamental necessity. Maintaining and respecting religious values is deemed essential for human existence and societal harmony.
2. Preserving Life Recognizing the intrinsic value of human life, Islamic law strictly prohibits unlawful killing. To uphold this, it prescribes qisas (retributive justice) as a deterrent and a means to ensure justice for victims.
3. Protecting Intellect. Because the intellect is central to human function and moral responsibility, Islam prohibits the consumption of intoxicants and narcotics. Such substances are considered harmful as they impair reason and judgment.
4. Preserving Lineage. To maintain the sanctity and legitimacy of family lineage, Islamic teachings strictly forbid acts of adultery or fornication. These acts are met with severe penalties to protect moral integrity and social order.
5. Safeguarding Property. Islam guarantees the protection of individual and communal wealth by prohibiting theft, robbery, and unjust acquisition of others' possessions. The enforcement of these prohibitions aims to ensure economic justice and public welfare.

One form of violation is traffic offenses, particularly the breach of road markings. While such actions are not explicitly and specifically outlined in Islamic legal texts (nash), this does not imply the absence of legal certainty in addressing them. Islamic criminal law, by its nature, is established and developed through human reasoning and interpretation that remain universally applicable across different eras and contexts. Consequently, even in the absence of direct textual references, traffic violations such as crossing road markings can be addressed through the principles of Islamic legal reasoning (ijtihad) under the category of *ta'zīr* offenses, which are discretionary penalties imposed to maintain public order and safety.²² Traffic violations, from the perspective of Islamic criminal law, are considered criminal offenses comparable to *jarimah ta'zir*, which pertain to the protection of public welfare. Such violations are viewed as potentially hazardous and capable of disrupting social order or endangering others within the community. Although not explicitly mentioned in the primary Islamic legal sources, traffic violations fall within the category of *ta'zir* offenses due to their public impact. In Islamic jurisprudence, *jarimah ta'zir* refers to offenses for which the punishments are not prescribed in the Qur'an or Hadith but are instead determined by the governing

²¹ Ade Maman Suherman, *Pengatur Perbandingan Sistem Hukum* (Jakarta: Rajawali Pers, 2008).

²² Syamazka Zakirni, "Tindak Pidana Pemalsuan Vaksin Menurut Hukum Positif Dan Hukum Pidana Islam (Analisis Putusan PN Bekasi No. 1508/Pid. Sus/2016/PN. Bks)" (Jakarta: Fakultas Syariah dan Hukum UIN Syarif Hidayatullah, n.d.).

authorities. These offenses may involve violations against both divine and human rights. Since there are no fixed penalties established by scriptural texts, it becomes the responsibility of the judicial or governmental authority, known as *Ulil Amri*, to establish appropriate sanctions. These decisions are to be made with careful attention to the broader public interest and guided by principles derived from Islamic teachings.²³ It is widely recognized that *ta'zir* sanctions are directly associated with offenses classified under *ta'zir* in Islamic criminal law.

In general, traffic violations are a form of misconduct for which the penalties are determined by the authorities or government. One example of such violations is the breach of road markings. Compliance with traffic regulations is considered obligatory as a manifestation of public obedience to the government, aimed at promoting collective welfare. Traffic laws have proven effective in reducing the risk of road accidents. This reflects the integration of Islamic values within the social system. In Islamic criminal law, there is no strict distinction between crimes and violations; all are categorized as *jarimah* or *jinayah*. An act is classified as *jarimah* if it causes harm to society.

Violating road markings falls under the category of *jarimah ta'zir* in Islamic criminal law, as the resulting harm disrupts public order. There are three essential elements that constitute a criminal act within the framework of *jarimah*:

1. The formal element (*rukn shar'i*), which refers to the existence of a legal text that explicitly prohibits the act and prescribes a punishment for it.
2. The material element (*rukn maddi*), which pertains to the actual conduct that aligns with the nature of the offense, whether through action (commission) or inaction (omission).
3. The moral element (*rukn adabi*), which requires that the offender be a *mukallaf*, meaning a person who bears legal and moral responsibility for their actions.²⁴

Based on field research, this study concludes that violations of road markings in the city of Palembang fall within the category of *jarimah ta'zir*, as they fulfill the three key elements required under Islamic criminal law. These elements include the formal, material, and moral components, which can be elaborated as follows:

1. The formal element is satisfied as the act of violating road markings is clearly regulated under traffic law, specifically Article 287 Paragraph 1 of Law Number 22 of 2009. This establishes a legal basis that classifies the offense as a form of *jarimah*.
2. The material element is evident in the fact that the act directly contravenes the provisions outlined in the traffic regulation. The unlawful nature of the behavior is thus clearly demonstrated, fulfilling the material requirement.
3. The moral element is also met, as most individuals who commit road marking violations are considered *mukallaf*, or legally accountable persons. Therefore, they are subject to responsibility for their actions under the law.

Therefore, based on the entire analysis of Islamic legal principles regarding the application of sanctions for traffic violations related to road markings in Palembang City,

²³ Nurul Irfan and Masyrofah, *Fiqh Jinayah* (Jakarta: AMZAH, 2018).

²⁴ Ahmad Hanafi, *Azas-Azas Hukum Pidana Islam* (Jakarta: PT Bulan Bintang, 1986).

and in accordance with Article 287 Paragraph 1 of Law Number 22 of 2009, the author argues that the appropriate form of punishment for such offenses under the category of *jarimah ta'zir* is either a monetary fine or imprisonment. These sanctions are to be determined and enforced by the competent authorities, who have the discretion to assess the nature of the violation, the characteristics of the offender, the location, and the broader circumstances surrounding the incident. However, such sanctions must remain consistent with the foundational texts of Islamic law and its general ethical principles. The primary aim of this approach is to ensure that offenders comply with the law and refrain from repeating the violation in the future. Moreover, it is expected that such legal measures will contribute to shaping responsible behavior and improving societal order. Through effective regulation and fair enforcement, the government can better safeguard public interests under various conditions and uphold the collective welfare of the community.

CONCLUSION

According to Law Number 22 of 2009 on Road Traffic and Transportation, all drivers are required to observe order and obey both the mandates and prohibitions outlined in the legislation. However, in the context of Palembang City, the enforcement of sanctions against road marking violations as stipulated in Article 287 Paragraph 1 of the law has not been fully effective, despite the existence of prescribed legal penalties. Several contributing factors have been identified, including the lack of firm action from law enforcement officers and the general public's low level of legal awareness, particularly regarding traffic regulations and the importance of disciplined conduct on the road.

Violations of road markings fall under the category of *jarimah ta'zir* in Islamic criminal law, which necessitates the imposition of *ta'zir* punishment. This type of sanction is determined by the local authority or *Ulu' Amri*, who holds legitimate power to impose penalties while taking into account the nature of the offense, the identity of the offender, the location, the prevailing circumstances, and the broader context. The ultimate aim of applying such sanctions is to ensure that violators develop a sense of accountability and refrain from repeating the offense in the future. Additionally, it is expected that this process will contribute to behavioral transformation within society, thereby supporting the overall purpose of the law and enhancing public order.

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