






LEX JOURNAL: KAJIAN HUKUM DAN KEADILAN

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**DISPARITY OF PRISONING IN CASES OF TRAFFIC ACCIDENTS THAT
CAUSE THE DEATH OF PERSONS
(Study of Decisions of the Mataram District Court in 2024)**

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ABSTRACT

This study aims to determine the Disparity of Punishment in Traffic Accident Cases Resulting in the Death of people, as observed in the decisions of the Mataram District Court in 2024. This research uses normative research with a statutory approach, a conceptual approach, and a case approach. Data collection techniques are carried out by means of literature study and study of court decision documents. Disparities in judges' decisions in traffic accident cases that result in the death of people arise in the process of law enforcement in the criminal justice system. Decisions on traffic accident cases that resulted in the death of other people / resulted in traffic accidents with injured victims, and property damage, 58 decisions have been made by the Mataram District Court. Among them, 11 decisions occurred in 2024, and of the eleven decisions 8 traffic accidents resulted in the death of people, this is the focus of attention for researchers because in the 8 case decisions there has been a disparity in punishment, namely all of them are different in the provision of punishment even though in the same article of indictment. Has been proven guilty of legally violating Article 310 paragraph (4) of Law No. 22 of 2009, committing a similar criminal offense due to negligence in driving a motor vehicle, which resulted in the death of another person. The need for proportional consideration by judges in the judicial system before passing a verdict, based on the principle of justice, to ensure that both the perpetrator and the victim's family receive legal protection. The factors that contribute to the disparity in criminal decisions in traffic accident cases resulting in death are the first factor of the judge's discretion, the second factor of legislation, the third factor stemming from the nature of the crime, the fourth factor of public prosecutors, and the fifth factor of aggravating and mitigating

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circumstances. The impact of criminal disparity in similar cases will have an impact on legal uncertainty, injustice, and decreased public confidence in the institution of justice institutions.

Keywords: Disparities, Traffic Accidents, Deaths of People

1. INTRODUCTION

The high number of traffic accidents in Indonesia is not a new problem. From a number of data stating that the number of cases, injured victims, and fatalities due to road traffic accidents continues to increase every year, the Indonesian National Police recorded 148,575 cases of traffic accidents in 2023. The number increased in 2022, with 139,364 traffic accidents. Accidents in 2023 were also the highest in the last 5 years. Meanwhile, in 2024, the data released from the National Police's Traffic Corps, as explained by the Head of the Traffic Corps (Kakorlantas) of the National Police Inspector General Aan Suhanan, during a working meeting with Commission V of the House of Representatives, as quoted from Tempo media. Aan explained that 1,150,000 accidents occurred in the January-December 2024 period. The incident killed around 27,000 people. He explained that this means that in one hour, 3-4 people have died due to traffic accidents (Rengganis, 2024).

While accidents in Mataram City from the data obtained in 2023, there were 439 cases handled, and the details were 58 cases of traffic accidents that had been given decisions by the Mataram District Court (Viqi, 2023). For 2024, it reached 567. If calculated in the percentage of comparison between the number of cases in 2023 and 2024, the Mataram Police Chief Commissioner Ariefaldi Warganegara, in his press conference, said there was an increase with a percentage of 28.86 percent (Suarantb.com, 2025).

The increasing number of victims in an accident is one of the things that is not wanted by various parties, considering how very valuable a person's life is, which is difficult to measure with a certain amount of compensation. The person who causes the

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accident must take responsibility for their actions in the hope that the perpetrator can be deterred and more careful. A person must be able to take responsibility as a result of their actions.

Moreover, in the special rules that apply, namely Law No. 22 of 2009, as a rule governing traffic, there are criminal sanctions in Article 310 of Law No. 22 of 2009. The author argues that the consequences of traffic accidents are generally human factors, such as negligence or lack of caution, non-compliance with traffic rules, such as not meeting traffic standards, use of speed, lack of awareness, or education on traffic hazards. However, there are also external factors that are part of the triggers for traffic accidents.

Negligence that results in the death of a person has legal implications, but a person's negligence must be determined normatively and not physically or psychologically. A person's true inner demeanor is unknown; in determining negligence, one must look at a series of events. The normative measure that can determine negligence is the judge. The judge must assess an act in concreto with a measure of the norm of prudence or presumption while considering in it all the personal circumstances of the perpetrator of the traffic accident.

The regulations that explain the negligence of driving in traffic resulting in the death of another person as described above are contained in Law No. 22 of 2009, the criminal threats that have been made so far do not provide strict punishment which is the basis for judges in punishing the defendant, because the existing law is only used as a guideline for providing maximum penalties. Therefore, ideally, the guidelines for the provision of punishment should be explicitly included in the law to avoid arbitrariness committed by judges in imposing their decisions. This is what often happens to cause disparity in the imposition of punishment by judges (Gulo, 2018).

The law that specifically regulates the judiciary is Law Number 48 of 2009 concerning Judicial Power. Judicial Power is an independent power to administer justice to uphold law and justice. This power is independent and free, which means that judges, in carrying out their duties and powers, are free from any intervention. In essence, the

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judge's duty to adjudicate contains two meanings, namely, upholding justice and upholding the law. Article 5 paragraph (1) of Law Number 48 of 2009 states that judges and constitutional judges are obliged to explore, follow, and understand the values of law and a sense of justice that live in society. This is intended so that the decisions of judges and constitutional judges are made by the law and the sense of justice of the community.

Article 8, paragraph (2) states that the judge must also be able to consider the good and bad character of the defendant during the trial. The judge's decision to impose a punishment is based on the threats mentioned in the criminal article charged. The assessment of how severe or lenient the criminal punishment should be imposed on the defendant in accordance with the severity of the defendant's guilt in the commission of the criminal offense lies with the judge.

Judges at the Mataram District Court in handing down criminal verdicts on traffic accidents that result in the death of people refer to the applicable laws and regulations, namely the Road Traffic and Transportation Law (Law No. 22 of 2009) article 4 on a criminal case which reads: "in the event of an accident as referred to in paragraph (3) resulting in the death of another person, shall be punished with imprisonment of up to 6 (six) years and/or a fine of up to Rp. 10,000,000.00 (ten million rupiah)".

In judicial practice, the application of the provisions of Article 310 paragraph (4) of Law Number 22 of 2009 in the jurisdiction of the Mataram District Court to cases of traffic accidents, which, as a result of negligence, resulted in the death of another person, has resulted in disparities in terms of punishment. As written above, there are 58 cases of traffic accidents that have permanent legal force through the verdict of the Mataram District Court, of which 11 decisions occurred in 2024, while, as a result of traffic accidents that resulted in the death of people in 2024, there were 8 decisions. This is of concern to researchers because in the 8 verdicts of the case, there has been a disparity in punishment, namely, all of them are different in the provision of punishment, even though in the same article of indictment, namely Article 310 paragraph (4) of Law Number 22 Year 2009.

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Based on what the author has described above, this title is important because traffic accident cases often become a concern for the community and also cause polemics as a result of the criminal sanctions given not being balanced with the actions that have been committed, even though the cause is accidental by the perpetrator.

2. RESEARCH METHODS

Legal Research is a form of scientific activity based on certain methods, systems, and thoughts that aim to study certain legal symptoms by analyzing them (Soekanto, 2007). This research uses the type of Normative legal research. Normative research where the law is conceptualized as what is written in laws and regulations (law in books), or law is conceptualized as rules or norms that are benchmarks for human behavior that are considered appropriate (Amiruddin & Asikin, 2006). Normative research is based on primary and secondary legal materials. This research refers to the norms contained in laws and regulations. Normative legal research methods are commonly referred to as doctrinal legal research, or also called library research. The dynamics of doctrinal legal research because this research is only aimed at written regulations so and the research is very closely related to the library, as normative law will require secondary data in the library (Syahrums, 2022).

3. DISCUSSION

In this study, the decision of the Mataram District Court in a traffic accident case contains aggravating circumstances and mitigating circumstances in its decision, including those that are the basis for the judge's consideration in deciding. In the decision of the Mataram District Court in 2024, 8 decisions in traffic accident cases resulted in the death of people.

The 8 decisions are contained in case numbers:

- a. No.7/Pid.Sus/2024/PN Mtr defendant Agus Imam Fatoni (25 years old)

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In this case, the judge imposed a prison sentence of 3 years. The defendant was proven guilty of committing the crime as regulated and punishable in Article 310 Paragraph (4) of Law No. 22 of 2009 concerning Road Traffic and Transportation.

1) Aggravating circumstances:

- The Defendant's actions disturbed the community.

2) Mitigating circumstances:

- The defendant has reconciled with the victim's family.
- The defendant admitted his actions.
- The defendant has never been convicted.
- The defendant has family dependents.

b. No.358/Pid.Sus/2024/PN Mtr defendant Nengah Bagi Arta (43 years old)

In this case, the Defendant was sentenced to imprisonment for 3 (three) years and a fine of Rp. 1,000,000 (one million rupiah).

1) Aggravating circumstances:

- Actions causing the death of the victim.

2) Mitigating circumstances:

- The defendant was polite in court.
- The defendant confessed and was frank about his actions.
- The defendant and the victim's family have reconciled, and the victim's family has forgiven the defendant..

c. No. 399/Pid.Sus/2024 PN Mtr defendant Lalu Junrin (25 years old)

In this case, the defendant was sentenced to 1 year and 6 months' imprisonment.

1) Aggravating circumstances:

- There was no reconciliation between the Defendant and the victim's family.

2) Mitigating circumstances:

- The defendant regretted and confessed frankly to his actions.
- The defendant has never been convicted.
- The defendant was polite during the trial.

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d. No.400/Pid.Sus/2024/PN Mtr defendant Lalu Hardian Azmi Putra (34 years old)

In this case, the Defendant was sentenced to 3 months' imprisonment.

1) Aggravating circumstances:

- Actions causing the death of the victim.

2) Mitigating circumstances:

- The defendant was polite during the trial.
- The defendant confessed and was honest about his actions.
- The defendant and the victim's family have forgiven the defendant.

e. No.403/Pid.Sus/2024/PN Mtr terdakwa Nur Maya Sari

1) Aggravating circumstances:

- Actions causing the death of the victim.

2) Mitigating circumstances:

- The defendant was polite during the trial.
- The defendant confessed and was honest about his actions.
- The defendant was polite during the trial.
- The defendant and the victim's family have forgiven the defendant..

f. No.811/Pid.Sus/2024/PN Mtr terdakwa Mahsin (43 Tahun)

In this case, the Defendant was sentenced to imprisonment for three years.

1) Aggravating circumstances:

- The actions of the defendant caused the death of the victim, Robby Binur.

2) Mitigating circumstances:

- The defendant was polite during the trial.
- The defendant was straightforward in providing testimony.
- The defendant confessed and was frank about his actions.
- The defendant has never been convicted.

g. No. 814/Pid.Sus/2024/PN Mtr defendant L. Nova Wira Raja (31 years old)

In this case, the Defendant was sentenced to 3 years' imprisonment..

1) Aggravating circumstances:

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- The actions of the Defendant caused the witness E.V. Toto Nugroho to suffer a broken leg and difficulty in moving.
- The defendant was drunk when riding a motorcycle, which resulted in an accident and serious injuries.
- There was no reconciliation.

2) Mitigating circumstances:

- The defendant was polite during the trial.
- The defendant confessed and regretted his actions.

h. No. 919/Pid.Sus/2024/PN Mtr defendant H. Turmuzi (47 years old)

In this case, a prison sentence of 1 year and 6 months was imposed.

1) Aggravating circumstances:

- The actions of the Defendant caused the death of I Made Ganti Yasa and Ni Ketut Seni Arti.

2) Mitigating circumstances:

- The defendant was cooperative in following the trial process.
- The defendant has never been convicted.
- The defendant regretted and admitted his guilt.

Based on the 8 decisions above, it is clear that disparity has occurred, according to the theory of disparity. According to Cheng Molly, disparity of sentencing or criminal disparity is the application of unequal punishment for the same offense or for crimes whose dangerous nature can be compared without clear justification.

According to Muladi, disparity is the application of unequal punishment for the same criminal offense or for criminal offenses whose nature of danger can be compared without clear justification. From this understanding, we can know that disparity arises from the imposition of a sentence for a similar criminal offense (Muladi & Arief, 2018).

From the theory above, the researcher analyzes the disparity in the 8 decisions of the Mataram District Court above because of the same case and different sentences. Against these 8 decisions that the basis for the judge in deciding is inseparable from the

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discretion of the judge himself, which is a fundamental concept in the legal system that allows judges to not only apply the law literally, but also consider substantive justice in each case, although judges are the mouthpiece of the law (*la bouche de la loi*), but in practice justice often goes beyond the limits of written legal texts. In this research note, the researcher interprets justice using the theory of legal justice (Wahyuni, 2017).

This discretion becomes especially important when the law does not explicitly regulate all possible situations or when the rigid application of an article results in injustice or the opposite of what should be. In the case of a traffic accident that results in the death of a person, it has been regulated in Article 310 Paragraph (4) of Law Number 22 Year 2009, that this article does not explain the minimum penalty limit but only lists the maximum penalty.

This discretion can also be interpreted as the freedom of judges to act on their initiative in resolving issues that are critical or not rigidly regulated by law. Judges have the freedom to make considerations and decisions, including deviating from the normal principle of legality to achieve justice.

The principle of legality is the foothold of the judge in deciding a case, but the judge's decision is also guided by 3 three things, namely:

- a. The juridical element, which is the first and main element.
- b. The facts of the trial were truthful and fair.
- c. The sociological element, namely, consideration of the cultural values that live and develop in society, the facts of the sociological trial in a short time, and a large number of criminal cases, are not easily achieved by the judge (Achjani, 2014).

The occurrence of disparity in decisions is based on, in addition to the consideration of judges in deciding traffic accident cases resulting in the death of people are the overall matters of aggravating circumstances, mitigating circumstances, the fulfillment of criminal elements, evidence at trial based on valid evidence, witness statements, prosecutor's charges, and judge's beliefs.

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In the eight decisions where disparity occurred in this study, that the judge in handing down his decision was by the applicable laws and regulations as the two decisions were the result of a single indictment by the Public Prosecutor in the form of article 310 paragraph (4) of the Law on Road Traffic and Accounts, in this article states that the category of criminal sanctions is only a special maximum, namely a criminal sanction of 6 years and a fine of Rp. 12,000,000.00 (twelve million rupiah). The judge in deciding this case was bound by the applicable law.

Decision Number	Name of Defendant	Prosecutor's indictment	Sanctions	Description
7/Pid.Sus/ 2024/PN Mtr	AGUS IMAM FATONI	3 years 6 months in prison	3 years in prison	Drunk driving, 1 victim dead, 1 victim seriously injured
358/Pid.Sus/202 4/PN Mtr	NENGAH BAGI ARTA	4 years in prison and a fine of Rp. 1,000,000	3 years in prison and a fine of Rp. 1,000,000	Driving a pickup truck while intoxicated
399/Pid.Sus/ 2024/PN Mtr	LALU JUNIRIN	1 year 8 months in prison	1 year 6 months in prison	No reconciliation with the victim's family
400/Pid.Sus/ 2024/PN Mtr	LALU HARDIAN AZMI PUTRA	13 months and 15 days in prison	3 months, 15 days in prison	1 victim died, the motorcycle brake malfunctione d, and there has been peace and compensation

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403/Pid.Sus/2024/PN Mtr	NUR MAYA SARI	3 months in prison	2 Months in Prison	1 victim died, and there has been an amicable settlement with the victim's party, and all of the victim's needs have been taken care of
476/ Pid.Sus/2024/PN Mtr	RATMADI	4 years in prison	3 years 6 months	1 victim died, drunk driving, no avoidance efforts
811/ Pid.Sus/2024/PN Mtr	MAHSIN	4 years in prison	3 years in prison	1 victim died, no compensation for grief
919/ Pid.Sus/2024/PN Mtr	H. TURMUZI Alias H. TUR	1 year 6 months	1 year 6 months in prison	There has been peace with the victim's family; 2 victims died

From the brief review in the table above, it can be seen that there are several potential disparities in the imposition of punishment by the Mataram District Court for traffic accidents resulting in death. This disparity can be observed from the differences in the punishment imposed despite the similarity in the factors of the case.

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traffic accidents resulting in death. This disparity can be observed from the differences in the punishment imposed despite the similarity in the factors of the case.

The case of Agus Imam Fatoni is the same as the case of Nengah Bagi Arta, in which the prosecutor demanded 3 years and 6 months imprisonment, and the verdict was given 3 years imprisonment and a fine of Rp 1,000,000, which was in addition to Nengah Bagi Arta. Meanwhile, in the case of Ratmadi, the criminal charges filed by the Public Prosecutor were to impose a prison sentence of 4 (four) years minus the time the defendant was detained and remained in detention, and then the judge in trying this case imposed a prison sentence of 3 (three) years and 6 (six) months.

The case of Agus Imam Fatoni is the same as the case of Nengah Bagi Arta, in which the prosecutor demanded 3 years and 6 months imprisonment, and the verdict was given 3 years imprisonment and a fine of Rp 1,000,000 was given additionally to Nengah Bagi Arta. Meanwhile, in the case of Ratmadi, the criminal charges filed by the Public Prosecutor were to impose a prison sentence of 4 (four) years minus the time the defendant was detained and remained in detention, and then the judge in trying this case imposed a prison sentence of 3 (three) years and 6 (six) months.

Compared to the case of Lalu Junirin (Decision 399/Pid.Sus/2024/PN Mtr), where there was no reconciliation and he was sentenced to 18 months, even though the number of victims who died was the same (1 victim). However, it should be noted that the case of H. Turmuzi (Decision 919/Pid.Sus/2024/PN Mtr), with 2 victims who died and there was an amicable settlement, still received a sentence of 18 months. This shows that although peace can be a mitigating factor, the level of negligence and impact (number of victims) are also heavily considered.

The number of fatalities is also an important factor. The case of H. Turmuzi, with 2 fatalities, received a sentence of 1 year 6 months or 18 months, the same as Lalu Junirin with 1 fatality and no reconciliation. This can be interpreted as the existence of peace in H. Turmuzi's case, alleviating the punishment that should have been more severe due to the greater number of victims. Meanwhile, Agus Imam Fatoni's case of Nengah Bagi Arta

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and Ratmadi, with 1 fatality but drunk driving, received a much higher punishment (40 and 42 months), indicating that gross negligence (drunk) is more dominant in determining the severity of punishment than the number of victims.

The Mahsin case (Decision 811/Pid.Sus/2024/PN Mtr), with 1 death and no compensation for the bereaved, received a prison sentence of 3 years or 36 months, which was relatively high compared to other cases with 1 death that had a settlement. This reinforces the indication that the absence of peace efforts or compensation can result in more severe punishment. Overall, it appears that factors such as drunk driving and lack of reconciliation/compensation tend to result in harsher sentences.

Conversely, the existence of peace and compensation can be a significant mitigating factor, even in cases with more than one victim. However, disparities remain, such as the difference in sentences between Lalu Hardian Azmi Putra (3.5 months) and Lalu Junirin (18 months) despite both involving 1 fatality, which may be due to other factors not explicitly noted in the supplementary testimony or the judges' more in-depth deliberations. This disparity could also be due to differences in judges' interpretation of the level of negligence, social impact, or other non-legal factors that are not always revealed in the verdict summary.

The researcher means that from the eight case decisions, the judge has decided following the provisions of the applicable law and created a sense of justice, including justice for the defendant. And when viewed from the theory that researchers use in this study, namely legal certainty according to Jan Michiel Otto, namely the availability of clear rules, meaning that there are rules that specifically regulate traffic accidents that result in the death of people or cause other people to die. The theory of legal justice is fair treatment of the equality of all individuals before the law and the right to get the same justice for everyone, in this case, namely, justice for the victim and justice for the defendant.

The theory of legal protection, according to Philipus M Hadjon, is to provide assistance and protection of dignity, as well as recognition of human rights owned by

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legal subjects based on legal provisions and arbitrariness (Faisal & Mariyani, 2022). And the theory of criminal responsibility is an act to punish an act that violates the law. The basis of criminal liability is an error committed either intentionally or unintentionally that fulfills the elements that are prohibited and proven, so that criminal punishment is threatened by law, and must be accounted for by the perpetrator (Harahap, 2022).

The theories that researchers use above have a relationship to the decision being studied, in that the theory is the basis or analytical tool in studying the decision in this study. Analysis of the eight decisions of the Mataram District Court in 2024 shows that there are disparities in the imposition of punishment for traffic accidents that result in death. Factors such as drunk driving and the absence of peace/charity tend to aggravate the punishment, while the presence of peace/charity can be a significant mitigating factor. However, this pattern is not always consistent, demonstrating the complexity of the judges' decision-making process and the potential for other factors to influence the decision, such as aggravating and mitigating circumstances.

4. CLOSING

Disparity in judges' decisions regarding punishment in cases of traffic accidents resulting in the death of persons in the Decision of the Mataram District Court in 2024. There are 8 decisions. Decision Number 7/Pid.Sus/2024/PN Mtr, Decision Number 358/Pid.Sus/2024/PN Mtr, Decision Number 399/Pid.Sus/2024/PN Mtr, Decision Number 400/Pid.Sus/2024/PN Mtr, Decision Number 403/Pid.Sus/2024/PN Mtr, Decision Number 476/Pid.Sus/2024/PN Mtr, Decision Number 811/Pid.Sus/2024/PN Mtr, and in Decision Number 919/Pid. Sus/2024/PN Mtr there is a disparity in decisions that occur even though the criminal acts committed by the eight Defendants are the same and violate the same article, namely Article 310 paragraph (4) of Law Number 22 of 2009 concerning Road Traffic and Transportation, namely negligence in driving a motor vehicle which resulted in the death of another person, but received different prison sentences. Disparity in criminal decisions occurs due to the freedom of judges as

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stipulated in Law Number 48 of 2009 concerning Judicial Power, so that judges in deciding cases provide their considerations before passing a verdict. Legal considerations that are not rational and consistent have an impact on the disruption of a sense of justice for perpetrators and victims, so that law enforcement is needed based on justice. And the disparity in decisions is based on factors other than the judge's consideration in deciding the overall matters of aggravating circumstances, mitigating circumstances, the fulfillment of criminal elements, evidence at trial based on valid evidence, witness statements, prosecutor's charges, and the judge's belief.

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