

Legal Aspects the Use of Dashboard Cameras as an Effort to Develop Traffic Law

by Andika Prawira Buana

Submission date: 05-Aug-2023 08:56PM (UTC+0800)

Submission ID: 2141654330

File name: 163-Article_Text-1009-2-10-20220826.pdf (320.91K)

Word count: 3634

Character count: 19617



Received: December 01, 2021

Revised: December 10, 2021

Accepted: December 30, 2021

¹Affiliation: Faculty of Law, Universitas Muslim Indonesia, Makassar, Indonesia

*Corresponding author: Andika Prawira Buana, Faculty of Law, Universitas Muslim Indonesia, Makassar, Indonesia

E-mail: andika.prawira@umi.ac.id

LAW & SOCIAL POLICY | RESEARCH ARTICLE

Legal Aspects the Use of Dashboard Cameras as an Effort to Develop Traffic Law

Andika Prawira Buana^{1*}, Arfah Tjolleng², Aan Aswari³

^{1,2,3} Faculty of Law Science, Universitas Muslim Indonesia, Makassar, Indonesia. Email: andika.prawira@umi.ac.id

Abstract: This study aims to determine the legal protection of personal data in online transactions and determine the legal consequences of individual data violations committed by online business entities. This study indicates that legal protection for personal data in online loan transactions is carried out through preventive measures, namely preventing disputes or legal problems. And through repressive measures, namely resolving disputes to the authorities carried out by both parties. The legal consequences carried out by online loan business entities are causing material losses and also material losses by demanding compensation. This research recommendation requires a regulation regarding the protection of personal data in a special regulation that contains a comprehensive and comprehensive and the need to establish a clear and definite legal protection institution. So as not to cause harm to either party.

Keywords: Legal Protection; Personal Data; Online Loans;

1. INTRODUCTION

The development of information technology today has spread in almost all sectors of life. Technological development is a phenomenon that is absolute and must be adjusted for changes. The positive impacts arising from these developments are things that may be good to be adopted and implemented in policies whose direction is the development and development of a policy. As a concrete example that is being and has been implemented by the Traffic Police of the Republic of Indonesia (Korlantas Polri) is the implementation of ETLE (Electronic Traffic Law Enforcement) which is a law enforcement system in the field of traffic based on information technology which is directly recorded through a camera recorder. to act against traffic violators (Wicaksono & Dwilaksana, 312). The application of the system is certainly a good policy because it will reform the implementation of traffic law, especially for law enforcement for traffic violators and prevent acts of collusion, corruption, and nepotism for law enforcement officers. This breakthrough, in substance, regulation is certainly a psychological trigger for road traffic users to continue driving in accordance with good driving standards and in accordance with applicable laws and regulations. However, according to the author, the psychological lighter must be carried out massively by also utilizing various other technologies to achieve traffic user compliance in driving, given the level of community driving compliance is still low (Agus, A A, 63)

Article 7 paragraph (2) of Law Number 22 of 2009 concerning Road Traffic and Transportation states that "The administration of Road Traffic and Transportation by the Government is carried out in accordance with the main tasks and functions of the respective relevant agencies", and Article 11 letter b states "Development of motorized vehicle equipment technology that guarantees the security



and safety of traffic and road transportation." According to the author's analysis based on the article, government representatives in this case the relevant agencies need to continue to develop technology for the realization of good motor vehicle conditions and meet standards to ensure the security and safety of traffic and road transportation. One of the things that often happens in road traffic and transportation is an unexpected and unintentional traffic accident. In fact, people blame each other and there is even a saying in society that the big ones (four-wheeled vehicles) will always be wrong if this traffic accident occurs, even the police are sometimes confused about who is wrong and who is right. This of course causes confusion and injustice for the community because each other feels right and blames the other party. This condition is certainly caused by the unclear basis of the evidence used by the drivers to determine who is at fault. Article 310 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation states that "everyone who drives a motorized vehicle which due to negligence causes a Traffic Accident with Damage to Vehicles and/or goods shall be punished with imprisonment for a maximum of 6 (six) months and/or a maximum fine of Rp. 1,000,000 (one million rupiah). The explanation of the article certainly provides enforcement for perpetrators and provides protection for victims of traffic accidents and forms the basis that technology development for use as motor vehicle equipment must be optimized.

One of the goals of developing this technology is the use of a dashboard camera as a tool to prove the truth and clarity of the traffic accident. Most and even almost all four-wheeled vehicle manufacturers in Indonesia have not used this feature as a mandatory equipment, even though the phenomenon of traffic accidents that are difficult to prove continues to occur. The completeness of the vehicle for some features such as (rear camera) has basically been implemented by some manufacturers, but this is only an additional feature and is not mandatory. Based on the background of the problem, the problem in this research is how urgency the use of a dashboard camera is for motorized vehicle equipment and what is the use of a dashboard camera is a development of traffic law.

2. Research Method and Materials

This type of research uses an empirical legal research approach that tries to analyze and examine the laws and regulations related to seeing how people's behavior responds to the application of these regulations. Types and sources of data in empirical legal research using primary data as data directly obtained from respondents and secondary data obtained from various literatures relevant to this research. For primary data, data collection techniques were used through closed questionnaires and interviews. For secondary data using data collection techniques by searching documents and literature and legislation books relevant to this research. The data obtained through research activities, identified and grouped according to the characteristics of the research objectives, then analyzed descriptively qualitatively by outlining, explaining and describing various factors revealed by a juridical approach related to this research, while the results of the questionnaire in the form of a questionnaire were analyzed in the form of a frequency distribution.

3. Results and Discussion

A. The urgency of using dashboard cameras as motor vehicle equipment

Gustav Radbruch said, there must be 3 (three) basic values that must be contained in every legislation, namely justice, expediency, and certainty. It aims that every legal regulation that has these basic values must be combined to realize the highest hope of law, namely the concept of the rule of law (Islamiyati, 2018). These basic values are the basis of the author's thinking to analyze and make juridical facts related to the urgency of using a dashboard camera. Indonesia is a state of law



(rechtstaat) so that everything related to the livelihood of the people of many countries must take the biggest role in creating justice, benefit, and legal certainty.

Data from unit traffic accident Makassar police station, reported that the number of accidents in the Makassar Polresta jurisdiction until December 2019 was 1,281 cases with a total loss of Rp 2,096,720,000 (two billion ninety-six million seven hundred and twenty thousand rupiah). The Polresta said that the accident was dominated by violations of traffic rules and appealed to the public to always be orderly in traffic to minimize the risk of traffic accidents (Muslimin Emba, 2019). According to the author, the violation of traffic rules occurs because of the lack of legal awareness of motorists in traffic, one of which is not feeling watched by a camera device so that psychologically they give behavior that sometimes ignores traffic rules. Based on one of the functions of the dashboard camera, namely as a self-monitor and recording all unexpected events while driving, it certainly provides signs for motorists to always be careful and obey traffic rules. Based on the results of the questionnaire, which was analyzed using the frequency distribution model, it was found that the answers were obtained directly in the community, that is:

Table 1: Respondents' Responses About Motorized Vehicles (Cars) Need to Use a Dashboard Camera

No.	Answer category	Frequency	Percentage
1.	Yes	43	86%
2.	No	7	14%
	Total	50	100%

Source of data: processed based on the results of the questionnaire, 2021

Based on the results of the questionnaire data above, it shows that, as many as 43 respondents chose the answer category (Yes) and as many as 7 respondents chose the answer category (No). This also describes that the use of a dashboard camera is a mandatory device/component that people want to be installed on every motorized vehicle (car). The reasons for safety and driving comfort are the main factors why people choose that the tools need to be installed, as well as being evidence for drivers when unexpected things happen. Based on the results of interviews conducted with users of motorized vehicles (cars), said that the use of a dashboard camera could be a feature that can provide a sense of security. This is because the dashboard camera can record all situations that occur and become a psychological trigger so that criminals do not commit their crimes. There are several other reasons that the use of a dashboard camera can provide a sense of security and comfort to the rider and is not only an additional feature, among others:

1) Supervise the vehicle when it is parked

Some crimes occur when the vehicle is in a parked position, such as the theft of valuables in the vehicle and destruction of the vehicle which of course results in losses. The use of a dashboard camera will certainly record all events that occur so that it can become a security system to provide a sense of security.

2) Record all events during the trip

The use of a dashboard camera not only provides a sense of security and comfort to the driver personally but can also be used as a surveillance camera to record all events during the trip so that it can also function as an auxiliary camera if unexpected things happen during the trip or incident to the driver other.

3) Records are evidence of a crime

The use of a dashboard camera that records all events that occur during the trip can certainly be evidence of guidance (Article 184 of the Criminal Code and Article 272 paragraph 2 of the Traffic Law) because it keeps recordings of events in the event of a crime, both to vehicle users personally and to the surrounding environment, so that they can also help the performance of

law enforcement

4) Complementary claim coverage/insurance agreement

The use of a dashboard camera can of course also be a complementary document to make a claim against the insurance agreement if the driver has an accident (Bella Lesmana, 2021).

Some of the arguments mentioned above confirm the urgency of using a dashboard camera, which is one of the features that must be installed on motorized vehicles (cars) that must be provided by motor vehicle manufacturers operating in Indonesia, not just additional features. The increase in vehicle ownership will be directly proportional to the increase in traffic accidents, so the development of traffic law needs to continue to be carried out to realize safety and minimize accidents (Umi Enggarsari & Nur Khalimatus Sa'diyah, 2017).

B. Using the Dashboard Camera as an Effort to Develop Traffic Law

Law Number 22 of 2009 concerning Road Traffic and Transportation in Article 11 letter b states "Development of technology for motorized vehicle equipment that ensures the Security and Safety of Traffic and Road Transport". Based on the article, the government needs to continue to develop technology in the field of traffic to realize the condition of motorized vehicles that are good and meet the standards to ensure the security and safety of traffic and road transportation. The use of a dashboard camera is basically not a new thing in Indonesia, but the mechanism for adding this feature is still an initiative depending on the vehicle owner, it is not imperative where motor vehicle manufacturers have not added this feature as a feature that must be available on every vehicle. Based on the results of the questionnaire, which was analyzed using the frequency distribution model, it was found that the answers were obtained directly in the community, that is:

Table 2: Use of the Dashboard Camera is a Mandatory Feature on Motorized Vehicles (Cars)

No.	Answer Category	Frequency	Percentage
1.	Required	48	98%
2.	Not Required	2	2%
17	Total	50	100%

Source of data: processed based on the results of the questionnaire, 2021

Based on the results of the questionnaire data above, it shows that, as many as 48 respondents chose the answer category (Mandatory) and as many as 2 respondents chose the answer category (Not Mandatory). This also describes that the use of a dashboard camera is a mandatory feature / component that people want to be installed on a motorized vehicle (car). The reasons for safety, comfort and driving safety are factors why people choose this feature as a mandatory component.

Based on an interview conducted with one of the traffic officers, he said that developments in traffic law must continue to be carried out, due to changes in community behavior patterns that continue to change as well as the construction of roads that also continue to experience changes as well as the various motives of crimes that occur, demanding traffic laws to continue. adjust to provide legal certainty and a sense of security to motorists. The use of a dashboard camera is certainly a positive thing in the development of traffic law because it will increase awareness of driving laws and assist officers in controlling traffic. Efficient and effective traffic transportation depends on the performance of various important elements, but the performance of the police coupled with the development of traffic technology will have a very good effect (Andrea R. Sumampow, 2013).

The development of the motor vehicle (car) industry in adding features to support safety and security must continue to be carried out. The government as a regulator must continue to innovate

in terms of adjusting laws and regulations with changes in people's behavior to realize justice, benefit and legal certainty. Several countries have required car manufacturers entering the domestic market to add a dashboard camera feature. The Director of Law Enforcement (Dirgakkum) of the Korlantas Polri, Brigadier General Aan Suhanan, emphasized that the use of dashboard cameras on private vehicles was recommended for security reasons. Besides functioning for security and avoiding fraudulent actions, dashboard cameras can also be a kind of 'social police', because they can record the actions of traffic violators. However, further analysis and assessment is still needed because there are certain standards for making evidence because there are technical requirements that must be met (Ridwan Arifin: 2022). The importance of electronic evidence as an effort to develop traffic law, so that it is not only electronic records that are facilitated by the government to act against traffic violations, but also electronic evidence that is directly attached to the motorized vehicle of the driver to be used as a basis for traffic accident resolution process. The use of a dashboard camera as a tool to prove the truth and clarity of traffic accidents is considered important by the author to also set the policy direction. The recording recorded by the dashboard camera can of course also be used as legal evidence based on the laws and regulations that the author has previously stated, so that it no longer causes confusion by the public and law enforcement officials themselves to determine what is right and wrong in a traffic accident.

The use of a dashboard camera is considered a mandatory feature to provide a sense of security and comfort while driving because it has several main functions, namely the main function of the dash cam can be used as evidence for accidents involving the car being driven. Dash cams can record things that can later help drivers respond to accidents while driving. When there is an unexpected event such as a vehicle running a red light or when someone crashes into the driver's car, the dash cam will record the incident and save it for the driver's reference.

4. Conclusion

The use of a dashboard camera that must be installed on a motorized vehicle (car) is a form of development of traffic law because it is an instruction from the law to continue to adapt to changes in community behavior and enforce law against perpetrators of traffic violations and crimes in creating safety and driving comfort. the use of a dashboard camera that must be installed on a motorized vehicle (car) is a form of development of traffic law because it is an instruction from the law to continue to adapt to changes in community behavior and enforce law against perpetrators of traffic violations and crimes in creating safety and driving comfort. The government needs to form special regulations that regulate what components and features must be installed on motorized vehicles (cars) which aim to provide justice, benefit, and legal certainty in order to create conducive traffic conditions. It is better if the government needs to integrate regulations for all parties related to licensing and distribution of motorized vehicles to add the dashboard camera feature as a component that must be installed because it provides many benefits in its use.

References

- Abraham, W., & Firmansyah, H. (2018). Analisis Pembuktian Alat Bukti Closed Circuit Television (CCTV) Sebagai Alat Bukti Petunjuk. *Jurnal Hukum Adigama*, 1(2), 153-177.
- Achmad. 2016. Mengenal Car Dashboard Camera. <https://www.keselamatankeluarga.com/mengenal-car-dashboard-camera/>. (accessed date 21 June 2021).
- Agus, A. A. (2017). Analisis Tingkat Kepatuhan Hukum Berlalu Lintas Bagi Pengemudi Angkutan Umum Antar Kota Di Makasar. *Jurnal Ilmiah Ilmu Administrasi Publik*, 6(2), 55-64.
- Aswariningsih, Y. (2021). Kepatuhan Hukum Berlalu Lintas. *Varia Hukum*, 31(40), 238-244.
- Bella Lesmana. 2021. 5 Alasan Penting Kenapa Kamu Perlu Menggunakan Dash Cam pada Mobil. <https://www.popmama.com/life/health/bella-lesmana/alasan-penting-kenapa-kamu-perlu-menggunakan->



- dashcam-pada-mobil/5. (diakses 15 November 2021).
- Enggarsasi, U., & Sa'diyah, N. K. (2017). Kajian terhadap faktor-faktor penyebab kecelakaan lalu lintas dalam upaya perbaikan pencegahan kecelakaan lalu lintas. *Perspektif*, 22(3), 238-247.
- Islamiyati, I. (2018). Kritik Filsafat Hukum Positivisme Sebagai Upaya Mewujudkan Hukum Yang Berkeadilan. *Law, Development and Justice Review*, 1(1), 82-96.
- Gakindo. 2021. Hasil Sensus BPS: Jumlah Kendaraan Bermotor di Indonesia Tembus 133 Juta Unit. <https://www.gaikindo.or.id/data-bps-jumlah-kendaraan-bermotor-di-indonesia-tembus-133-juta-unit/> (accessed date 21 October 2021).
- Muslimin Emba. 2019. Angka Lakalantas di Makassar Tinggi, Kerugian Lebih dari Rp 2 Miliar, Ini yang Mendominasi. <https://makassar.tribunnews.com/2019/12/23/hingga-desember-2019-97-nyawa-melayang-di-jalanan-kota-makassar>. (accessed date 12 December 2021).
- Pinayungan, J., Kusmanto, H., & Isnaini, I. (2018). Implementasi Peraturan Menteri Perhubungan Republik Indonesia Tentang Standar Keselamatan Lalu Lintas Dan Angkutan Jalan. *Jurnal Administrasi Publik: Public Administration Journal*, 8(1), 108-123.
- Rendra Topan. 2019. Lalu Lintas dan Angkutan Jalan. <https://rendratopan.com/2019/05/02/lalu-lintas-dan-angkutan-jalan/>. (accessed date 21 October 2021).
- Ridwan Arifin. 2022. Korlantas Kaji Tilang Pelanggar Lalin dari Rekaman Dashcam Mobil Pribadi. <https://oto.detik.com/berita/d-5884572/korlantas-kaji-tilang-pelanggar-lalin-dari-rekaman-dashcam-mobil-pribadi>. (accessed date 5 January 2022).
- Sumampow, A. R. (2013). Penegakan hukum dalam mewujudkan ketaatan berlalu lintas. *Lex Crimen*, 2(7), 63-73.
- Wicaksono, D. A., & Dwilaksana, C. (2020). Penegakan Hukum Lalu Lintas Jalan Secara Elektronik Sebagai Wujud Pembangunan Hukum Dalam Era Digital. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 9(2), 311 – 329.

Legal Aspects the Use of Dashboard Cameras as an Effort to Develop Traffic Law

ORIGINALITY REPORT

12%

SIMILARITY INDEX

11%

INTERNET SOURCES

7%

PUBLICATIONS

6%

STUDENT PAPERS

PRIMARY SOURCES

1

repository.up.ac.za

Internet Source

2%

2

www.semanticscholar.org

Internet Source

2%

3

Submitted to Universitas Muhammadiyah
Purwokerto

Student Paper

1%

4

bajangjournal.com

Internet Source

1%

5

jurnal-umbuton.ac.id

Internet Source

1%

6

eprints.walisongo.ac.id

Internet Source

1%

7

ejurnal.ung.ac.id

Internet Source

<1%

8

ijmra.us

Internet Source

<1%

Submitted to Leeds Beckett University

10

Muhamad Amiruddin, Didik Rohmantoro. "MODIFIKASI SISTEM PENERANGAN AHO DENGAN PENGISIAN FULLWAVE UNTUK MENINGKATKAN ARUS DAN TEGANGAN PENGISIAN PADA MOTOR HONDA SCOOPY", Journal of Automotive Technology Vocational Education, 2020

Publication

<1 %

11

etheses.uin-malang.ac.id

Internet Source

<1 %

12

rechtsvinding.bphn.go.id

Internet Source

<1 %

13

voi.id

Internet Source

<1 %

14

Syarifuddin Nojeng, Syamsir Syamsir, Arif Jaya, Andi Syarifuddin, Mohammad Yusri Hassan. "Distribution Factor Method Modified for Determine of Load Contribute based on the Power Factor in Transmission Line", Indonesian Journal of Electrical Engineering and Computer Science, 2018

Publication

<1 %

15

Submitted to Universitas Sang Bumi Ruwa Jurai

Student Paper

<1 %

16	ejournal.unib.ac.id Internet Source	<1 %
17	Submitted to Birkbeck College Student Paper	<1 %
18	Suardi Suardi, Takdir Takdir, Muhajir Muhajir, Auliah Andika Rukman et al. "Pengetahuan Hukum, Pemahaman Hukum, Sikap Hukum dan Perilaku Hukum Pengemudi Ojek Online dalam Berlalu Lintas di Kecamatan Rappocini Kota Makassar", Jurnal Pendidikan PKN (Pancasila dan Kewarganegaraan), 2022 Publication	<1 %
19	download.atlantis-press.com Internet Source	<1 %
20	jurnal.stikes-alinsyirah.ac.id Internet Source	<1 %

Exclude quotes On

Exclude matches Off

Exclude bibliography On