

Analysis of Law Enforcement Against Over Dimension Over Load (ODOL) Violations According to the Road Traffic and Transportation Law

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ABSTRACT

Over Dimension Over Load (ODOL) is one of the most serious violations in road traffic and transportation in Indonesia, with high risks to safety and damage to infrastructure. Although Law No. 22/2009 on Road Traffic and Transport regulates ODOL violations, there is an imbalance in the categorization of punishment: *over dimension* violations are considered a crime (Article 277), while *over load* is only categorized as a misdemeanor (Article 307). This research utilizes a normative legal research method with a statutory approach, highlighting weaknesses in the enforcement and substance of the law that risk leading to unfairness and ineffectiveness of sanctions. The results show that the disparity in ODOL penalty categories does not provide an adequate deterrent effect and has the potential to reduce legal compliance. To address this inconsistency, it is recommended that Article 277 and Article 307 be revised so that they are both regulated as equivalent criminal offenses with more severe sanctions, including high fines or imprisonment. This reformulation aims to strengthen law enforcement and improve road safety.

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INTRODUCTION

Road traffic and transportation in Indonesia has an important role as a means of national transportation that supports development and economic integration and supports the welfare of the community. As a state of law, Indonesia has established the legal basis for all policies, including the transportation sector, as mandated in Law No. 22/2009 on Road Traffic and Transportation (LLAJ Law). This law aims to create security, safety, order and smoothness of

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traffic which is expected to reduce the risk of accidents, as well as support economic development and overall regional development.

However, one of the serious problems in traffic management in Indonesia is violations related to Over Dimension Over Load (ODOL). ODOL is a condition in which vehicles have dimensions and loads that exceed the limits permitted by legislation. These violations result in safety risks for other road users, as well as potentially damaging road infrastructure that requires high maintenance costs. According to the data collected, ODOL violation cases in Indonesia include 81.07% of freight transportation that exceeds the permitted load limit, and only 18.93% of vehicles that comply with the regulation.

Law enforcement on ODOL violations has been regulated in the LLAJ Law, specifically in Article 277 and Article 307. Article 277 regulates the prohibition of modification of motor vehicles that change their type or technical specifications without a valid type test, while Article 307 provides sanctions for vehicles that violate the maximum load provisions. However, there is a category difference between *over dimension* and *over load*, where *over dimension* is considered a crime while *over load* is only an offense. This categorization has led to debates regarding the equality of consequences and the effectiveness of penalties.

This research focuses on law enforcement related to ODOL violations based on criminal law provisions in the LLAJ Law. In this context, the different legal formulations between over dimension and over load violations are of particular concern due to their impact on road safety and maintenance, which should be governed by more stringent and unambiguous standards. For example, the absence of explicit limitations on the maximum carrying capacity of certain types of vehicles shows weaknesses in the substance of the law governing sanctions against overload violations, thus not providing an adequate deterrent effect.

Based on these problems, this study aims to theoretically find the concept of law enforcement against over dimension over load (ODOL) violations based on Article 277 and Article 307 of the Road Traffic and Transportation Law. As well as analyzing the formulation of future punishment in the traffic and road transport law against over dimension over load (ODOL) violations.

METHOD

Type of Research

The type of research used in this research is normative legal research, namely document study, which uses legal sources in the form of laws and regulations, contracts/agreements/accords, legal theories, and opinions of legal experts. (Waluyo, 1996)

Nature of Research

The nature of the research used by the author is descriptive analysis research. "Descriptive research, meaning research that describes certain objects and explains matters related to describing systematically the facts or characteristics of certain populations in certain fields factually and carefully." (Azwar, 1998)

Research Type

This research uses a statute approach, to find out whether there is a legal vacuum or vagueness or conflict of norms in an event under study.

Types and Sources of Legal Materials.

There are three (3) legal materials used in this research, namely as follows:

1. Primary Legal Material, which consists of:
 - a. Constitution of the Republic of Indonesia Year 1945;
 - b. Law Number 22 of 2009 concerning Road Traffic and Transportation;
 - c. Government Regulation of the Republic of Indonesia Number 80 of 2012 concerning Procedures for Inspection of Motor Vehicles on Roads and Enforcement of Road Traffic and Transportation Violations;

1. Secondary Legal Materials, namely literature, legal journals, research results, and legal articles related to the subject matter in this study.

2. Tertiary Legal Materials consist of Legal Dictionaries and Indonesian Language Dictionaries and the Internet.

3. Legal Material Collection Techniques.

The collection of legal materials carried out in this research is through literature studies to obtain primary legal materials and secondary legal materials in the form of laws and regulations, books, articles and journals related to the object of research. After the legal material is collected, the processing and analysis of legal material is compiled and analyzed qualitatively, then the data is described descriptively in order to obtain a picture that can be understood clearly and directed to answer the problem under study.

RESULTS AND DISCUSSION

Law Enforcement of Over Dimension Over Load (ODOL) Violations based on Article 277 and Article 307 of the Road Traffic and Transportation Law

Over Dimension Over Load (ODOL) violations on freight vehicles are a serious issue in the traffic and road transportation system in Indonesia. The high frequency of ODOL violations has an impact on traffic safety, infrastructure conditions, and the burden on the state budget for road maintenance. Article 277 and Article 307 of Law Number 22 Year 2009 on Road Traffic and Transportation (LLAJ Law) are the legal basis for prosecuting this violation.

1. Implementation of Article 277 of the RTT Law in ODOL Law Enforcement

Article 277 of the LLAJ Law emphasizes the prohibition against modification of motor vehicles that results in a change in type without going through a valid type test procedure. Any person who imports, assembles, or modifies a motor vehicle, which causes changes in dimensions or technical specifications to violate the provisions, may be subject to sanctions. This article expressly stipulates that modifications that change the type of vehicle must meet safety requirements for domestic operations. Criminal sanctions imposed for violations of Article 277 include imprisonment for a maximum of one year or a maximum fine of Rp24,000,000.

The application of this article is challenging, especially in identifying the perpetrators responsible for illegal modifications to vehicles involved in ODOL violations. It is not uncommon for drivers or vehicle owners to give the excuse that the modifications were made by a third party,

who is not themselves. The vagueness of the definition in the phrase "domestically operated" is often a legal loophole that allows violators to avoid liability. In some cases, weak oversight of modified vehicles exacerbates this problem.

2. Application of Article 307 of the Traffic and Transportation Law to Over Load Violations

Article 307 of the LLAJ Law contains provisions regarding overloading violations in public goods transportation vehicles. Any person who operates a vehicle with a load that exceeds the maximum capacity, or violates the prescribed loading procedures, is liable to a maximum imprisonment of two months or a maximum fine of Rp500,000. This provision is closely related to Article 169, which emphasizes the obligation of drivers and freight transport companies to comply with the provisions of the carrying capacity and dimensions of the vehicle in accordance with the class of road being traversed.

The implementation of Article 307 aims to curb overloading violations that adversely affect traffic safety. Vehicles that exceed the load limit pose a high risk of damage to roads and bridges, and have the potential to cause accidents that harm other road users. The tendency of overloading violations is due to economic reasons, where entrepreneurs often maximize the volume of transportation without considering the recommended vehicle capacity.

An obstacle that arises in the implementation of this article is the limited facilities and infrastructure for law enforcement. The number of weighing equipment available to monitor vehicle loads is still limited, so load control cannot be carried out effectively. In addition, the limited number of law enforcement personnel and the problem of the legal culture of the community, where compliance with load limits is still low, are the main obstacles in the implementation of Article 307.

3. Challenges in Law Enforcement against ODOL

A major obstacle to ODOL enforcement is the complexity of monitoring and enforcement in the field. Over-dimensional or overloaded vehicles often go undetected before they cause damage or cause accidents. In addition, the low legal compliance of the public and the lack of knowledge of drivers and vehicle owners regarding the applicable regulations exacerbate this situation.

Consistent law enforcement against ODOL requires synergy between the police, the Transportation Agency, and other related parties. Unfortunately, coordination between agencies often faces administrative and technical challenges. More intensive supervision and heavier sanctions are expected to provide a deterrent effect for ODOL violators.

Formulation of Future Penalties in the Road Traffic and Transportation Law for Over Dimension Over Load (ODOL) Violations

Handling ODOL violations requires an update in sentencing policy to strengthen the deterrent effect and prevent repeat offenses. The current formulation of punishment is not considered effective enough to address the growing ODOL problem, especially considering its impact on safety and infrastructure damage.

1. Proposed Reformulation of Article 277 related to Over Dimension Violations

Article 277 of UU LLAJ, which regulates the prohibition of vehicle dimension modification, needs to be revised to make it clearer and not cause multiple interpretations in its law enforcement practice. The ambiguity in the phrase "domestically operated" in Article 277 often becomes a legal loophole for violators to avoid sanctions. This reformulation is important in order to accommodate stricter supervision of vehicle dimensions and close legal loopholes for violators.

In addition, the criminal sanctions stipulated in Article 277 are currently considered too light considering the impact caused by over dimension violations. Therefore, an increase in criminal sanctions in the form of longer imprisonment or higher fines can be an option to strengthen the deterrent effect.

2. Proposed Reformulation of Article 307 related to Over Load Violations

Under Article 307, overloading violations are only punishable by two months' imprisonment or a maximum fine of Rp500,000, which is considered too light to provide a deterrent effect. Given the huge losses caused by overload violations to road infrastructure and public safety, it is necessary to increase more severe criminal penalties to suppress violations.

This increased punishment can take the form of categorizing overloading as a traffic crime, just like over dimension violations. This would not only encourage higher compliance but also demonstrate the government's commitment to addressing the growing number of ODOL violations. In addition, in applying sanctions, the government can consider additional penalties, such as detaining the vehicle until the owner pays the fine or completes the repair of the vehicle according to the applicable technical provisions.

3. The Need for Additional Regulations Related to ODOL Control and Supervision

In addition to toughening sanctions, improvements are needed in the surveillance system involving the installation of weighing devices at critical points and the use of modern technology to monitor overloaded vehicles. Surveillance can be focused on roads frequented by heavy transport, especially interprovincial link roads and major cross roads.

4. Strengthening Inter-Agency Cooperation and Law Enforcement

Effective law enforcement against ODOL requires synergy between agencies such as the police, the Department of Transportation, and the Ministry of Public Works and Public Housing (PUPR). Better coordination will allow for more intensive monitoring and faster enforcement of vehicles that violate dimension and load requirements. This cooperation can also include education and counseling to the public, especially drivers and owners of freight vehicles, on the risks and legal consequences of ODOL violations.

5. The Need for Incentives and Rewards System for Effective Law Enforcement Officers

To increase the spirit of law enforcement against ODOL, incentives in the form of a reward system can be given to officials who have succeeded in cracking down on violations effectively. This reward system is expected to increase the motivation of law enforcers in carrying out their duties optimally.

6. Community Legal Awareness Education and Campaign

One aspect that is no less important is increasing public legal awareness related to ODOL. The government needs to promote safety campaigns and compliance with vehicle load and dimension regulations more massively through mass media and social media. This traffic law education can also be integrated into the training curriculum for prospective commercial vehicle drivers, so that an understanding of this regulation can be created from the start.

CONCLUSION

The crime of over dimension and over load (ODOL) in the road traffic and transportation law has differences in its regulation and sanctions. The crime of over dimension is regulated in

Article 277, but there is a lack of clarity in its application, especially regarding the phrase "domestically operated." This allows perpetrators to avoid liability on the grounds that they are not the party that modified the vehicle. This allows perpetrators to avoid liability on the grounds that they are not the ones who modified the vehicle. On the other hand, overload violations are not explicitly regulated in the law, but are considered to have similarities with Article 307, which regulates violations of loading procedures and vehicle carrying capacity. However, this rule is limited to monitoring the loading of goods and does not specify the maximum carrying capacity for each type of public transport vehicle, indicating a weakness in the substance of the law. The current formulation of punishment distinguishes ODOL based on the category of violation: over dimension is categorized as a crime with heavier sanctions, while over load is only considered an ordinary violation with lighter sanctions. This categorization creates injustice because the impact of ODOL, both over dimension and over load, equally threatens the safety of road users and has the potential to damage infrastructure. Therefore, an updated legal formulation is needed that equalizes the legal consequences for both and ensures clearer and fairer sanctions. There are research suggestions, namely 1) There needs to be a revision to Article 277 and Article 307 so that the provisions regarding ODOL violations are clearer and do not cause legal confusion, so that law enforcement can run effectively and consistently. This revision must ensure that there is no ambiguity in the definition, elements, and scope of ODOL violations that allow violators to avoid sanctions. 2) New formulations are needed in the legislation to clarify criminal sanctions related to ODOL. Over load should be categorized as a crime, just like over dimension, given its similar impact on public safety. More severe criminal penalties, either in the form of fines or imprisonment, should also be applied to both types of violations to provide an adequate deterrent effect and strengthen compliance with road safety regulations.

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