

Traffic Accident Criminal Offence Due to Over Dimension Overload on Goods Transport Vehicles

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Abstract

This article analyzes the criminal liability of traffic accidents caused by Over Dimension Overload (ODOL) in goods transport vehicles. ODOL practices lead to increased road damage, traffic congestion, and higher accident rates, posing significant safety risks to both vehicles and public infrastructure. The research focuses on case number 49/Pid.Sus/2022/Pn-Idi, in which a logistics company was convicted for modifying a truck and violating load capacity regulations. The study explores the legal framework regulating vehicle dimensions and load limits in Indonesia, and examines the enforcement of these laws, particularly the challenges in controlling ODOL practices despite existing regulations. The results highlight the need for stricter enforcement and clearer legal standards to ensure road safety and reduce infrastructure damage.

Keywords: Over Dimension Overload (ODOL), Traffic Accidents, Vehicle Modifications, Road Safety, Law Enforcement.

INTRODUCTION

The problem of Over Dimension Over Loading (hereinafter abbreviated as ODOL) is often in the spotlight from the perspective of road organizers, traffic and road transportation organizers, and business actors. ODOL vehicles can cause potential traffic accidents, disrupt traffic flow, accelerate the rate of road damage, and can have fatal consequences, namely bridge collapse. Vehicles that carry dimensions and loads that do not match the vehicle's capacity can also trigger premature damage to the vehicle itself.

Vehicles with overloaded loads cause an increase in the Vehicle Damage Factor (VDF) which results in an acceleration of the rate of damage to the road pavement, thereby reducing the service life of the road. If the road is often passed by ODOL vehicles, it will accelerate the occurrence of road damage. Vehicles passing through damaged road segments drive at low speeds, if done continuously will worsen the damage to the road and the vehicle itself.¹

Vehicle violations with Over Dimension Over Loading (ODOL) still often occur, especially for logistics transportation vehicles using trucks. One of the causes of this is that business actors assume that by practicing ODOL, they can provide benefits, namely by maximizing transport capacity even more in each trip, they can cut transport costs. This is considered an efficient and economically beneficial step.

In addition to limited transportation modes, the cost of transporting and loading goods is also a problem why many freight service companies violate ODOL. The income obtained does not match the costs incurred, there are even unexpected costs incurred by the company

¹Arya Bagus Kevin Rajendra, Herry Vaza.. Issue of Over Dimension Over Loading (Odol) Logistics Transportation and Strategic Solution Concept. Jakarta, Director General of Highways. Ministry of PUPR, 2019, page.2

or owner of the freight vehicle. Unexpected costs are in the form of loading costs, ship transportation (if outside the island), KIR costs and vehicle repair costs²

Currently, there are many cases of violations of goods loads that result in damage to road infrastructure and traffic accidents. The causes of road damage are the age of the road passed and the load is unable to withstand the pressure on the road passed. Roads are infrastructure that is very much needed for land transportation. The function of roads is to connect one region to another. Roads are the infrastructure that plays the most important role in the national and regional economy. If the infrastructure (road) experiences a lot of damage due to human actions, it can hinder or harm road users.³

The procedures for transporting goods are regulated in the Decree of the Minister of Transportation Number KM. 69 of 1993 concerning the Implementation of Goods Transportation on the Road, where Article 7-Article 10 of the Decree of the Minister of Transportation Number 69 of 1993 regulates the procedures for the Transportation of General Goods, namely:

1. Raising and/or lowering general goods must:
 - a. carried out in places that do not disrupt security, smoothness and order of traffic
 - b. Loading of general goods in the transport vehicle must be covered with material that is not easily damaged and tied securely.
2. General goods that protrude beyond the rear of the freight car must not exceed 2,000 millimeters. Parts that protrude more than 1,000 millimeters must be marked with a reflective light placed at the end of the load. If the protruding general goods block the lights or reflectors, then lights and reflectors are added to the end of the load.
3. Loading of general goods in the cargo space of a goods vehicle must be arranged properly so that the load is distributed proportionally on the vehicle's axles.

Based on data from the Ministry of Defense in 2018, overloaded trucks or ODOL were the main cause of road damage which cost 43.45 trillion rupiah to repair. Based on data from the Motor Vehicle Weighing Implementation Unit (UPPKB) in 2018, of the 600,174 vehicles entered the UPPKB, 71.82% or 431,045 vehicles violated regulations, of which 46% violated the provisions on carrying capacity (overload), and 22% violated the provisions on vehicle dimensions.⁴

Article 277 of Law Number 22 of 2009 concerning Road Traffic and Transportation states:

That any person who imports motor vehicles, trailers and attached trailers into the territory of the Republic of Indonesia, makes, assembles or modifies motor vehicles

²Dini Ayu Pratiwi. "Implementation of Over Dimension Over Loading Supervision by the Riau Provincial Transportation Agency", Faculty of Economics and Social Sciences, Sultan Syarif Kasim State Islamic University, Riau, Pekanbaru. 2021, p.9

³Silfy Yuli Anggreini Nugroho. "The Role of the Police in Handling Traffic Violations for Overloaded Vehicles (Case Study at the Genuk Police Station, Semarang Police Headquarters)". Faculty of Law, Sultan Agung Islamic University (Unissula) Semarang, 2022, page 18

⁴Abdurrahman, & Febrianty, R. "Analysis of Ideal Tariff for Freight Transportation Across Banjarmasin, Palangka Raya". Transukma Journal, Vol.02 No.1. 2017. page 96

which causes a change in type, trailers, attached trailers and special vehicles operated domestically which do not fulfill the type testing obligations as referred to in Article 50 paragraph (1) shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of IDR 24,000,000.00 (twenty four million rupiah).

In the article it is stated that drivers or business actors will be subject to a maximum of one year's imprisonment or a maximum fine of 24 million rupiah. However, if the vehicle is not produced domestically, it will be modified in accordance with applicable regulations. This is stated in Article 50 paragraph (1), namely "type testing as referred to in Article 49 paragraph (2) letter a must be carried out for every motorized vehicle, trailer, and attached carriage, which is imported, made and/or assembled domestically, as well as modifying motorized vehicles that cause changes in type

Article 307 of Law Number 22 of 2009 concerning Road Traffic and Transportation states:

Any person who drives a Motorized Vehicle for Public Goods Transport who does not comply with the provisions regarding loading procedures, carrying capacity, vehicle dimensions as referred to in Article 169 paragraph (1) shall be punished with imprisonment for a maximum of 2 (two) months or a maximum fine of IDR 500,000.00 (five hundred thousand rupiah).

One of the cases of criminal acts of traffic accidents due to Over Dimension Overload on Goods Transport Vehicles is case Number: 49 / Pid.Sus / 2022 / Pn-Idi) where Mr. Ibrahim bin Ahmad (40 years old) living in Dusun Selatan, Rayeuk Kuta Village, Tanah Luas District, North Aceh Regency was declared legally and convincingly proven to have committed a traffic and road transportation crime and was sentenced to a fine of IDR 2,500,000 (two million five hundred thousand rupiah) with the provision that if the fine is not paid, it will be replaced with imprisonment for 4 months and is required to return the condition of the car to its original form in accordance with the motor vehicle inspection card (KIR) in accordance with statutory regulations.

Based on the background above, the author chose the title of this research, namely: ***"Criminal Act of Traffic Accidents Due to Over Dimension Overload on Goods Transport Vehicles (Analysis of Decision Number: 49/Pid.Sus/2022/Pn-Idi)"***.

Formulation of the problem

The main problems in this research are:

1. How Legal Aspects of Traffic Accidents Due to Over Dimension Overload on Goods Transport Vehicles?
2. How is the Law Enforced Against Traffic Accident Crime in Case Number: 49/Pid.Sus/2022/Pn-Idi?

Research purposes

The objectives of this research are:

1. To know and study Legal Aspects of Traffic Accidents Due to Over Dimension Overload on Goods Transport Vehicles

2. To Know and Study Law Enforcement Against Traffic Accident Crime In Case Number: 49/Pid.Sus/2022/Pn-Idi

LITERATURE REVIEW

Traffic Crimes

Regarding the content of the definition of a criminal act, there is no consensus among scholars. Criminal acts in the Criminal Code are known as strafbaarfeit and in the literature on criminal law as a crime, while the law makers formulate the term criminal event or criminal act or what is often referred to as a criminal act. The term Criminal Act or strafbaarfeit or criminal act is an act that is prohibited by a prohibition law rule which is accompanied by a threat (sanction) in the form of a certain penalty, whoever violates the prohibition.⁵

Criminal acts basically tend to look at behavior or actions (which result in) which are prohibited by law. Special criminal acts are more on issues of legality or those regulated in law. Special criminal acts contain references to legal norms alone or legal norms, so it can be said that special criminal law is criminal law or criminal law regulated in separate criminal law.

Traffic crimes are one of the violations of traffic laws, one of which can be a traffic accident that can harm people or oneself. The reality that is often encountered every day is that there are still many drivers who are not mentally prepared, especially city bus drivers. They overtake each other without regard to their own safety and that of their passengers. Some traffic accidents that occur can actually be avoided if road users can behave in a disciplined, polite and respectful manner. In addition to being subject to imprisonment, detention, or a fine, perpetrators of traffic accidents can also be subject to additional penalties such as revocation of a Driving License or compensation for losses caused by the traffic accident.⁶

Traffic crimes generally occur due to negligence, therefore the criminal sanctions imposed on the perpetrators are strict liability. Absolute liability is a special form of tort, namely the principle of responsibility in unlawful acts that are not based on error, but this principle requires the perpetrator to be directly responsible for the losses arising from the unlawful act. Therefore, the principle of strict liability is also called liability without fault.

According to Muladi, the doctrine of punishment based on the concept of strict liability, is not based on subjective error, but on the basis of the interests of society which aims to maintain the balance of social interests, so that the harmonization of the socio-cultural values of the Indonesian nation can be created which prioritizes harmony, compatibility, and balance between the lives of society and individuals. This is mostly found in crimes regulated in the Law which are generally crimes against public welfare. Criminal

⁵Andi Hamzah, *Criminal Law Lessons Part I*, Jakarta, Raja Grafindo Persada, 2012, p. 71

⁶Ramadhan Helmi, Danialsyah, Mukidi. "Law Enforcement in Traffic Accident Crimes Due to Driver Negligence Causing Victims to Die (Case Study at Serdang Bedagai Police Department)". *Jurnal Meta Hukum*, Vol.1 No.1, November 2022, page 176

responsibility can be imposed on the perpetrators of the crime concerned without the need to prove the existence of the perpetrators' fault (intentional or negligent). However, it is emphasized that the consequences of their actions have caused losses to society.⁷(Muladi, 2015).

Freight Transport Vehicles

Not only the movement of passengers is currently growing very rapidly, but also the movement of goods from one region to another. This is due to the economic development in a region. Rapid economic development requires adequate transportation services. Because without the fulfillment of transportation needs as a supporting facility, it cannot be expected to achieve satisfactory results in economic development efforts.

Land transportation began to be developed with simple driving technology (means) in the form of wheels, which then produced several types and sizes. In line with the development of automotive, metal, electronic and informatics technology, humans have succeeded in utilizing available natural resources to create various types of transportation modes and locomotives. Land transportation has so far been developed in 2 types of transportation modes, namely road transportation modes and rail/train transportation modes.

Every vehicle operated on the road must be in accordance with its intended use, namely in accordance with its intended use design, the vehicle must be roadworthy, and the vehicle must be in accordance with the class of road it will be used on, namely:⁸

1. Size, general motorized vehicles must meet the following size requirements:
 - a) Length does not exceed 12,000 (twelve thousand) millimeters, 18,000 (eighteen thousand) millimeters for trailers/attached cars; Width does not exceed 2,500 (two thousand five hundred) millimeters; Height does not exceed 4,200 (four meters two hundred) millimeters and is not more than 1.7 (one point seven) times the width of the vehicle; the angle of departure of the vehicle is at least 8° (eight degrees) measured from the top of the flat road surface;
 - b) The clearance between the lowest permanent part of the motor vehicle and the surface of the road does not touch the surface of the road;
 - c) The length of the part of the vehicle that extends to the rear from the rearmost axle is a maximum of 62.50% (sixty two point five zero percent) of the axle distance, while that which extends to the front from the frontmost axle is a maximum of 47.50% (forty seven point five zero percent) of the axle distance.
 - d) If the vehicle has an overall height of more than 3,500 (three thousand five hundred) millimeters, it must be equipped with a sign in the form of writing that is easy for the driver to see in the driver's compartment;

⁷Muladi and Barda Nawawi Arief, *Criminal Theories and Policies*, Bandung, Alumni, 2015, p. 11

⁸Atasya Syahpa Novelany. "Criminal Law Policy on Overdimension and Overloading of Vehicle Loads Against Traffic Accidents in the Jurisdiction of South Lampung". Bandar Lampung, Faculty of Law, University of Lampung. 2022, p.28

- e) The size of the open cargo bed of a goods vehicle is adjusted to the axle configuration, JBB, JBI and specifications of the type of motor vehicle runway. If the height of the open cargo bed is lower than the rear cabin window, a trellis must be installed;
 - f) The length, width and height of open and closed cargo bodies must comply with the technical specifications of motor vehicles and carrying capacity;
 - g) The distance between the outermost rear wall of the cabin and the front loading area is at least 150 (one hundred and fifty) millimeters for single rear axle vehicles and 200 (two hundred) millimeters for motor vehicles with double or more rear axles;
 - h) The outer wall of the rear cargo bed does not exceed the end of the rear runway except for dump trucks;
 - i) The maximum width of the open cargo bed does not exceed 50 (fifty) millimeters from the outermost tire on the second axle or rear axle of the vehicle for dual-axle motor vehicles or the width of the cabin plus 50 (fifty) millimeters on the left side and 50 (fifty) millimeters on the right side for single-axle motor vehicles;
 - j) For closed cargo containers, in addition to meeting the requirements, they must also meet the height measured from the ground surface of a maximum of 4,200 (four thousand two hundred) millimeters and no more than 1.7 (one point seven) times the width of the motor vehicle.
2. Bodywork, including glass, doors, hinges, seats, and vehicle number plate mounting.
 3. The technical design of the vehicle is in accordance with its intended use, every motorized vehicle is for transporting people or for transporting goods.
 4. Loading, is the procedure for loading people and/or goods;
 5. Use, goods cars are only used to transport goods, likewise passenger cars are only used to transport passengers;
 6. Motor vehicle coupling, namely coupling a motor vehicle with a trailer or articulated bus, is carried out using a specific coupling device;
 7. Attachment of motor vehicles, is done using a coupling device, using a fifth wheel equipped with a locking device or equipped with supporting legs;
 8. Additional technical requirements for goods vehicles, in the form of Column Shields, must be added to goods vehicles whose runway/rear/side height is more than 700 (seven hundred) millimeters measured from the road surface, and/or the rear axle is more than 1,000 (one thousand) millimeters, hydraulic, pneumatic or mechanical equipment that functions to raise or lower the wheels from the ground according to the load; and vehicle control devices (Novelany 2022).

Over Dimension Overload

The presence of transportation, besides being a means for the state to develop the economy and society through industrialization, is also a means of dividing the main tasks of each component of society based on the expertise they have so that in transportation a mutualistic relationship arises between various variables in human life such as moving,

directing, transferring goods systematically and in a structured manner so that human clothing, food and shelter needs are met.⁹

Article 277 of the UULAJ, which essentially prohibits the modification, manufacture, or assembly of motor vehicles that change the type, attached carriage, and trailer, must be followed by those who do business in the transportation sector. Based on Article 8 of PM 60/2019, it is known that public goods transportation has transportation requirements that must be followed, including the height of the load not exceeding the height of the closed cargo tank, measured from the ground surface to a maximum of 4.2 m and no more than 1.7 times the width of the motor vehicle. Modifications to goods transportation carried out by business actors are actually a crime that causes the state both in terms of the levies that must be paid and the risk of traffic accidents that may arise from the modification of the goods transportation. making changes or alterations to means of transporting goods that do not meet the criteria for goods transportation is a criminal act.¹⁰

Overloaded vehicles may not be over dimension but vehicles that are overloaded, for example, should carry a load or payload of 12 tons but in fact the vehicle carries 24 tons or even 32 tons where its capacity exceeds 2-3 times. While over dimension is a condition (modification) where the dimensions of the vehicle body frame do not meet the factory production standards where modifications to the dimensions of motor vehicles can be in the form of modifications to the engine dimensions and carrying capacity that can endanger traffic safety and disrupt traffic flow and damage the pavement or bearing capacity of the road being passed, for example, the dimensions of the vehicle should be 2x2x5 but are modified or changed to 2x5x2 which causes the vehicle to be over dimension.¹¹

Overloading is the total weight of the load of passenger vehicles, goods cars, special vehicles, trailer trucks and trailer trucks that are transported in excess of the permitted amount (JBI) or the heaviest axle load (MST) exceeding the capacity of the specified road class. In addition to the existence of overloading on vehicles that carry loads exceeding the specified load limit provisions which will significantly increase the vehicle's damage power (VDF = vehicle damage factor) which will then shorten the service life of the road.¹²(Simanjuntak, 2014).

An over-dimension vehicle is a condition where the dimensions of the vehicle do not comply with factory production standards or are the result of modification, while an

⁹Abdulkadir Muhammad, Commercial Transportation Law, Bandung, Citra Aditya Bakti, 2008. p. 7.

¹⁰Nicholas Rachmanata, "Responsibility of Business Actors as Carriers of Over Dimension & Overload (Odol) Goods Based on Law Number 22 of 2009 Concerning Traffic and Road Transportation". Adigama Law Journal, Vol.5 No.2 December 2022, page 232

¹¹Gusvita Maya Sari, Zaili Rusli. "Supervision of Over Dimension Over Loading (Odol) Vehicles on the Indragiri Hulu Crossroad". Journal of Public Administration. Saraq Opat Journal, Vol 5 No 1 January 2023, page 3

¹²G. Irwan Simanjuntak, Adri Pramusetyo, Bambang Riyanto, Supriyono. "Analysis of the Effect of Overloading on Road Performance and Design Life of Flexible Pavement (Case Study of Pringsurat Highway Section, Ambarawa-Magelang)". Journal of Civil Engineering Works, Volume 3, Number 3, Year 2014, page 541

overloaded vehicle is a condition where the vehicle carries a load that exceeds the specified load limit (Directorate General of Land Transportation, 2008)

Over Dimensionis is a condition where the dimensions of the vehicle do not comply with traffic regulation standards. Over Loading is a condition where a vehicle carries a load exceeding the standard loading limits of roads and bridges that have been set. The impact of Over Dimension Over Loading (ODOL) can cause impacts, including the following:¹³

1. Damage to road, bridge and port infrastructure.
2. The need for infrastructure maintenance costs increases.
3. Decreasing levels of road traffic safety which causes traffic accidents.
4. Causes damage to vehicle components and shortens vehicle life.
5. Injustice in the business of transporting goods.
6. Traffic congestion due to accidents and road damage will harm many parties in terms of time, transportation costs and emotional disturbance.

METHOD

Types of research

This type of research is normative legal research, namely descriptive library legal research, descriptive means that it aims to describe and provide data in as much detail as possible about the research object so that it can strengthen the facts related to the research.. The type of research in this study is a normative legal research that critically and comprehensively examines the legal enforcement of Over Dimension Over Loading violations.

Problem Approach

The approach used in this study is the statute approach and the case approach in analyzing the case (case study). The case approach is carried out by reviewing case number: 49/PID.SUS/2022/PN-IDI.

Source of Legal Material

Primary legal materials consist of laws and government regulations, court decisions that have permanent legal force, other related regulations such as the Criminal Code, Law No. 22 of 2009 concerning Traffic and Road Transportation. Secondary legal materials are materials that provide explanations regarding primary legal materials such as research, proceedings related to research. Tertiary legal materials are materials that provide instructions or explanations for primary legal materials and secondary materials such as dictionaries, encyclopedias (wikipedia) and tables related to the object of research.

RESULT AND DISCUSSION

The mission of road transportation is to support, drive, and encourage national growth and become the basis of the economy, politics, socio-culture, and defense and security

¹³Rajendra, Op.Cit, p.5

systems. The purpose of road transportation is to build a reliable and competent system that will encourage the movement of people and goods to support regional development.¹⁴ The use of cars for the movement of goods is one type of transportation that is a substitute for driving the economy. Truck-based freight transportation has developed into a vital component of the economy in almost every region of Indonesia. The basis of trade and industrial activities is freight transportation. The movement of commodities allows industry to access raw materials and industry to deliver goods to customers.

Transportation Vehicle transportation in the form of trucks used in transporting goods must comply with Law Number 22 of 2009 such as vehicles used are roadworthy; conducting periodic vehicle tests, vehicles are equipped with equipment according to needs and drivers use a Driving License, specifications according to the vehicle used for transporting goods.¹⁵

The law governing the transportation of goods is intended to protect various interests, including those related to public safety, maintenance of road infrastructure, environmental sustainability, and the financial interests of those who use or organize the transportation itself. However, there are still many violations in the field of product transportation, including vehicle and transportation sizes that exceed the permitted size and load weights that exceed the permitted load capacity.¹⁶

Vehicle violations with Over Dimension Over Loading (ODOL) still often occur, especially for logistics transportation vehicles using trucks. One of the causes of this is that business actors assume that by practicing ODOL, they can provide benefits, namely by maximizing the transport capacity even more in each trip, they can cut transportation costs. This is considered an efficient and economically beneficial step. Unwittingly, this practice has a negative impact on vehicles, namely premature damage to vehicle components and has the potential to be catastrophic because they are forced to transport dimensions and loads exceeding their capacity. Logistics business actors, especially vehicle owners, have to spend more on vehicle maintenance and repairs.

Law Number 22 of 2009 concerning Traffic and Road Transportation aims to realize traffic security, safety, and order which must be able to bring significant changes to the implementation of roads in Indonesia. However, real evidence shows a decline in law enforcement in society as evidenced by the large number of vehicles on the highway. Many drivers ignore traffic laws and regulations due to inadequate supervision and law enforcement.¹⁷

1. Legal Aspects of Traffic Accidents Due to Over Dimension Overload on Goods Transport Vehicles

¹⁴Yunanto Dwi Handoko and Maryanto Maryanto, "Traffic Crime Law Enforcement On Over Dimensions," *Law Development Journal* 3, no. 3 (2021), p. 630.

¹⁵Hambariska, I Gusti Agung Bagus Putu Editya and Rudy, Dewa Gde. "Legal Regulations on the Liability of Expedition Transportation Service Companies for Losses Experienced by Consumers", *Kertha Semaya Journal*, Vol. 9 No. 5 Year 2021: 765

¹⁶Nicholas Rachmanata. Amad Sudiro. Op.Cit, page 327

¹⁷Randhi Permana, Iyah Faniyah, and Fahmiron Fahmiron, "Law Enforcement Against Overload Trade Truck Drivers Resulting in Many Traffic Accident Victims (Study on Traffic Unit of Padang Pariaman Police Resort)," *UNES Journal of Swara Justisia* 5, no. 1(2021), p.65.

Vehicle dimension regulation is not only important for law enforcement, but is also very necessary for transportation service providers and producers of goods being transported. So that in carrying out business activities it can be in accordance with regulations and not commit violations. ODOL regulation in Indonesia is not regulated in a single regulation but in various types of regulations because ODOL policy is closely related to transportation and roads which are not only on a national scale, but also the authority of local governments. Regulations related to motor vehicle dimensions, operational supervision and law enforcement are regulated in the following regulations:¹⁸

1. Law Number 22 of 2009 concerning Traffic and Road Transportation
2. Government Regulation Number 55 of 2012 concerning Vehicles
3. Government Regulation Number 74 of 2014 concerning Road Transportation
4. Regulation of the Minister of Transportation Number 133 of 2015 concerning Periodic Testing of Motor Vehicles
5. Regulation of the Minister of Transportation No. 134 of 2015 concerning the Implementation of Motor Vehicle Weighing
6. Regulation of the Minister of Transportation Number 27 of 2016 concerning the Regulation and Control of Vehicles Using Air Transportation Services
7. Regulation of the Minister of Transportation Number 33 of 2018 concerning Motor Vehicle Type Testing.

Article 277 of Law Number 22 of 2009 does not allow motor vehicles to be assembled modified differently from their designation and permits according to their standards. This has fatal consequences for drivers, other people, and even causes road damage. The occurrence of ODOL trucks began with modifying vehicles so that they could carry excess. ODOL trucks have a significant impact on the profits of companies that can load goods beyond their capacity, but are very detrimental to the Government in terms of PAD.

The perpetrator in this case, the entrepreneur who committed Over Dimension Overload (ODOL) on the Goods Transport Vehicle can be categorized as an unlawful act, because it fulfills the following elements:¹⁹

1. Acts committed in conflict with the legal obligations of a legal subject;
it can be seen from the actions of entrepreneurs who legalize overload capacity in distributing to consumers. This is certainly contrary to the regulations where the government has stipulated a ban on the practice of overload capacity.
2. The act committed is contrary to the subjective rights of others
This can be explained by the fact that overload capacity violators are able to endanger other drivers, especially since these actions are able to have impacts that can directly disrupt the comfort and safety of other people.
3. The actions carried out are contrary to good decency
When an act significantly harms others without legitimate interests, is worthless, or causes injury to others, it is called "contrary to propriety". Violations committed by

¹⁸Arya Bagus Kevin Rajendra, Herry Vaza. Loc. Op. Cit, page 6

¹⁹Nicholas Rachmanata, Op.Cit, p. 332

business actors in carrying out overload capacity are of course very disturbing and detrimental to others. The damage to the road caused can make other drivers feel uncomfortable, especially when it can cause an accident. Of course, this can threaten the lives of others.

4. Acts committed contrary to propriety, accuracy and caution

This can be seen from the nature and attitude of business actors who ignore the dangers that can arise from their actions. They only think about themselves to gain profit by ignoring the principle of caution where their actions can be classified as negligent and can endanger others.

The Ministry of Transportation has a very important role through its role and function in efforts to overcome violations by goods transport vehicles that exceed capacity. The role of the Ministry of Transportation is very necessary in accordance with its function firmly to provide legal protection to all parties, both to companies; goods carriers; trucks and the community. Supervision is carried out by controlling goods transport trucks that exceed maximum capacity, modifying vehicles, trucks used in transporting goods are ensured to have proof of passing the motor vehicle test and are given full authority from detention; arrest and investigation and investigation to making BAP (Case Files) and submitting them to court.

In the Minister of Transportation Regulation Number 134 of 2015, concerning the Organizers of Motor Vehicle Weighing on the Road and Law Enforcement against ODOL vehicles, it is necessary to conduct field checks at the location of the bridge. weigh, this aims to:²⁰

1. Minimize the occurrence of violations against vehicles that exceed their load by tightening supervision of motor vehicles at the UPPKB.
2. By enforcing the law by giving the most severe sanctions, reducing road damage due to overloaded vehicles.
3. Carrying out law enforcement in the field of road traffic, especially the transportation of goods.
4. Carrying out effective law enforcement by reducing equipment that is manually carried out by humans, but moving towards technology.
5. Strengthen law enforcement against trucks that transport goods exceeding the maximum limit.

Actions that can harm people or goods in traffic are traffic violations. Criminal acts can be imposed on a person from legal consequences that cause loss of life or property. The problem of violations related to traffic needs to be reflected in a complete Law, especially in this case the Law on Traffic. All implementing regulations aim to create security and smooth traffic, from the behavior of road users who deviate from the Traffic Law which will result in a disruption of traffic stability, one of which is the use of goods transport vehicles

²⁰I Gede Putra Kebayan, "Implementation of Criminal Sanctions Against Drivers of Over Dimension and Over Loading Vehicles at Uppkb Cekik". Kertha Semaya Journal, Vol. 9 No. 6 of 2021, p. 1026

that are modified not in accordance with their original conditions, so that it will have an impact on safety on the highway.

In principle, modification of motor vehicles is permitted as regulated in Article 50 paragraph (1) and Article 52 of Law Number 22 of 2009 concerning Traffic and Road Transportation.

Article 50 Paragraph (1) states:

The type test as referred to in Article 49 paragraph (2) letter a must be carried out for every Motor Vehicle, trailer and attached trailer, which is imported, manufactured and/or assembled domestically, as well as modifications to Motor Vehicles which cause changes in type.

Article 52 states:

- 1) *Modifications to motor vehicles as referred to in Article 50 paragraph (1) may include modifications to dimensions, engines and carrying capacity.*
- 2) *Modifications to motor vehicles as referred to in paragraph (1) must not endanger traffic safety, disrupt traffic flow, or damage the pavement/bearing capacity of the road being used.*
- 3) *Every motor vehicle that is modified so as to change the construction and material requirements must undergo a re-type test.*
- 4) *For motor vehicles that have undergone a re-type test as referred to in paragraph (3), re-registration and re-identification must be carried out.*

For every Driver and/or Public Goods Transport Company, it is mandatory to comply with the provisions regarding loading procedures, carrying capacity, Vehicle dimensions, and road class as regulated in Article 169 paragraph (1), then in paragraphs (2) and (3) it is emphasized that to supervise compliance with the provisions as referred to in paragraph (1), supervision of goods transport loads is carried out. Supervision of goods transport loads is carried out using weighing equipment.

Violations of modifications that change dimensions that do not receive type testing and type changes as regulated in Article 277 which states:

Any person who imports Motor Vehicles, trailers and attached trailers into the territory of the Republic of Indonesia, makes, assembles or modifies Motor Vehicles which causes a change in type, trailers, attached trailers and special vehicles operated domestically which do not fulfill the type testing obligations as referred to in Article 50 paragraph (1) shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of IDR 24,000,000.00 (twenty four million rupiah).

2. Law Enforcement Against Traffic Accident Crime In Case Number: 49/Pid.Sus/2022/Pn-Idi

In Case Number: 49/Pid.Sus/2022/Pn-Idi, where the defendant Ibrahim Bin Ahmad (40 years old) a resident of Dusun Selatan, Rayeuk Kuta Village, Tanah Luas District, North Aceh Regency was charged with violating Article 277 Jo Article 50 of Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation subsidiary Article 131 of Government Regulation of the Republic of Indonesia Number 55 of 2012

concerning Vehicles. and was charged with a fine of IDR 5,000,000.00 (five million rupiah) subsidiary to 1 (one) month imprisonment and ordered the defendant to return the condition of the car to its original condition in accordance with the motor vehicle periodic inspection card (KIR) (in accordance with statutory regulations).

The defendant bought a Mobar Mitsubishi Dump Truck Tronton BK 8427 BE on October 3, 2019 from Mr. Muhammad Abbas for Rp. 155,000,000.00 (one hundred and fifty five million rupiah), to transport Sertu, Sand, soil and others. In early January 2022, the Defendant's friend invited him to transport bulk fertilizer, on January 23, 2022 the Defendant asked for help from Mr. M Jafar in Rayeuk Kuta Village, Tanah Luas District, North Aceh Regency to weld the Mobar body approximately 30 cm so that it was higher and the fertilizer would not spill with a fee/cost of Rp. 500,000.00. (five hundred thousand rupiah), the defendant never carried out a periodic motor vehicle test because the Defendant had only changed the shape of the body on January 23, 2022.

On January 29, 2022, the defendant brought the Mobar Mitsubishi Dump Truck Tronton to the city of Medan and was driven by the nephew of Witness Anil Dahwan who had an accident against a Honda Beat Street motorcycle BL 5674 DBB against a Honda Vario motorcycle BL 5796 and against a Yamaha N MAX motorcycle BL 6113 DAY and 2 kiosks owned by the community which resulted in material losses and no loss of life. on Monday, January 31, 2022 on the Medan-Banda Aceh highway, Keude Aceh Village, Idi Rayeuk District, East Aceh Regency

The police conducted a crime scene investigation and conducted an investigation and found that the Periodic Inspection Card (KIR) did not match the condition of the specifications or dimensions of the vehicle and the book had expired. From the results of the physical examination of the vehicle conducted by the transportation service, the following facts were obtained:²¹

- a. Vehicle identity according to the STNK letter:
- b. Vehicle Registration Number: BK 8427 BE, Owner CV. Karya Agung Sejati, Address Jl. Perwira II Krakatau Ujung No 115 Medan Timur, Mitsubishi Brand, Type: FU 416 U 16752, Type of Goods/Load Vehicle, Model Truck Tronton, Year of Manufacture 1997, Cylinder Capacity: 16752 CC, Chassis Number: FU416U-531094, Engine Number: 8DC10-375815T, Fuel: Diesel, TNKB Color Yellow, Old Registration Number: BK 8427 BE
- c. That the vehicle does not match the data listed in the Test Book (KIR) such as the data on the height of the vehicle. If a comparison is made between the vehicle specification data from the physical test results and the data in the Periodic Test Book (KIR) of the vehicle, several dimensions of the vehicle are found, namely:
 - 1) Vehicle dimension data or specifications:
 - Total Length : 7400 mm
 - Total width: 2300 mm.
 - Total height: 3440 mm.

²¹Case Excerpt Number 49/Pid.Sus/2022/Pn-Idi

2) Vehicle periodic inspection book (KIR) of the vehicle found:

Total Length : 7800 mm.

Total width: 2500 mm.

Total height: 3100 mm

Based on the defendant's statement, witness statements and legal facts revealed at trial, the panel of judges issued the following decision:²²

1. Declaring that the defendant Ibrahim Bin Ahmad was proven legally and convincingly guilty of committing a "road traffic and transportation" crime as stated in the Public Prosecutor's primary indictment.
2. Therefore, imposing a criminal penalty on the Defendant with a fine of Rp. 2,500,000.00 (two million five hundred thousand rupiah), with the provision that if the fine is not paid, it will be replaced with imprisonment for 4 (four) months.
3. Ordering the Defendant to return the car to its original condition in accordance with the motor vehicle periodic inspection card (KIR) (in accordance with statutory regulations).

The act of modifying and overloading (Over dimension overload) is a criminal act. The inclusion of ODOL (Over dimension overload) violations as a crime refers to Article 277 and Article 316 Paragraph (2) of Law Number 22 of 2009 concerning Traffic and Road Transportation. The Traffic and Road Transportation Law will be passive when there is no legal event and will be active when there is a legal event.

The purpose of Article 277 of Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation is to supervise the practice of modifying motor vehicles and as a tool to limit modifications of motor vehicles that change the original form of motor vehicles to be inconsistent with the laws and regulations that have been made and modify motor vehicles excessively which can also endanger the driver and other motorcyclists on the highway. Article 277 of the Traffic and Road Transportation Law states;

Any person who imports motorized vehicles, trailers and attached trailers into the territory of the Republic of Indonesia, makes, assembles and modifies motorized vehicles which cause changes in type, trailers, attached trailers and special vehicles operated domestically which do not fulfill the type testing obligations as referred to in Article 50 paragraph (1) shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of IDR 24,000,000.00.

Article 49 of the LLAJ Law explains that every motor vehicle modifier must carry out testing of the modified vehicle through type tests and periodic tests as regulated in Article 50. The motor vehicle modification regulations in Article 49 of the LLAJ Law also state that:

- a. Motor vehicles, trailers and attached trailers imported, manufactured and/or assembled domestically which will be operated on the road must undergo testing.
- b. Testing as referred to in paragraph (1) includes: a. type testing; and b. periodic testing.

²²Case Excerpt Number 49/Pid.Sus/2022/Pn-Idi

Furthermore, Article 50 states that:

1. The type test as referred to in Article 49 paragraph (2) letter a must be carried out for every motor vehicle, trailer and attached trailer, which is imported, manufactured and/or assembled domestically, as well as modifications to motor vehicles which cause a change in type.
2. The type test as referred to in paragraph (1) consists of:
 - a. physical testing to fulfill technical requirements and roadworthiness carried out on motor vehicle foundations and motor vehicles in complete condition
 - b. research on the design and engineering of motor vehicles carried out on houses, cargo bodies, trailers, trailers, and vehicles whose types have been modified.
3. The type test as referred to in paragraph (1) is carried out by the Government type test implementing unit.

Article 1 number 12 of PP Number 55 of 2012 concerning Vehicles explains that Motor Vehicle Modification is a change to the technical specifications of dimensions, engines, and/or carrying capacity of Motor Vehicles. Every modified motor vehicle that causes a change in type

In the form of dimensions, engines and carrying capacity, research will be carried out on the design and engineering of Motor Vehicles, as referred to in Article 52 paragraph (1) of Law Number 22 of 2009 concerning Traffic and Road Transportation.

Criminal sanctions in the form of imprisonment or fines are given to anyone who carries out modifications, whether the owner of a motor vehicle, driver or motor vehicle repair shop, when the modified motor vehicle violates the existing type test or the modified vehicle has not undergone a repeat type test. In general, regarding the obligations and responsibilities of drivers, motor vehicle owners and/or transportation companies, this is regulated in Article 234 paragraph (1) of the LLAJ Law, which reads:

Drivers, Motor Vehicle owners and/or Public Transportation Companies are responsible for losses suffered by Passengers and/or owners of goods and/or third parties due to the Driver's negligence.

CONCLUSION

The act of modifying and overloading (Over dimension overload) is a criminal act and violates the law as regulated in Article 277 of Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation. Every motorized vehicle that is modified which causes changes in type in the form of dimensions, engine, and carrying capacity will be subject to research on the design and engineering of Motor Vehicles, as referred to in Article 52 paragraph (1) of Law Number 22 of 2009 concerning Traffic and Road Transportation ("Law Number 22/2009") in conjunction with Article 123 paragraph (1) letter b in conjunction with Article 131 letter (e) of PP Number 55/2012.

Modification of motor vehicles can only be done after receiving a recommendation from the sole agent holding the brand. The one who has the right to carry out modifications is a general workshop appointed by the minister responsible for the industrial sector. This is

regulated in Article 132 paragraph (5) and paragraph (6) of PP Number 55/2012. This means that vehicle modifications that can be carried out include:

1. Dimensional modifications can only be made by extending or shortening the chassis without changing the wheelbase and construction of the motor vehicle;
2. Engine modification is done by replacing the engine with an engine of the same brand and type;
3. Modification of carrying capacity can only be done on motorized vehicles by adding a rear axle without changing the original axle distance and the added axle must have the same material as the original axle and calculations must be made according to the carrying capacity of the road being used.

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