



Urgency of Traffic Implementation Regulations against Violations Committed by Foreign Citizens

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Abstract

Bali tourism has surged again since the government made the decision to reopen the tourism sector in order to encourage activity and economic recovery. Tourism is the mainstay sector of Bali's economy. Tourist visits to Bali shot up sharply to more than hundreds of visits every week. This raises problems for Bali tourism in the future, especially in the transportation and accommodation sector, because to support daily activities and reduce vacation costs, foreign tourists prefer to rent motorized vehicles freely without showing an international driving license that must be owned by foreign citizens to be able to rent a motorized vehicle in Bali. This is of course an advantage for motor vehicle rental business actors, but on the other hand, traffic violations by foreign nationals have increased, even from minor violations to violations that result in the loss of a person's life. This study uses normative legal research methods with a statue approach, to find a rule, principle, or legal doctrine to answer the legal problems faced.

Keywords: Urgency, Implementation, Regulation, Traffic Violations, Foreign Citizens

Introduction

Today Bali is increasingly known for its tourism sector, this makes the island of Bali the largest tourism destination in Indonesia. The stunning natural beauty, the diversity of traditions/customs and culture and the friendly people, seem to bewitch tourists to keep choosing Bali as their favorite destination. In fact, Bali's existence as an international tourist destination began at the beginning of the 20th century (Ginaya Gede, 2023). The uniqueness and all the beauty of nature is wrapped in religious power and combined with culture so that it can present a very strong unity from the side of people's lives (Farmawaty Malik, 2016). For the Balinese themselves, the increase in the number of foreign tourist arrivals to visit Bali can be inspired as one of the positive impacts, especially in terms of the people's economy (Sujono & Nasution, 2023). Of course, this development was very unplanned and uncontrolled by the government for foreign tourists coming to Bali. The development of the tourism industry in Bali not only has a positive impact on the surrounding community, but also has a negative impact which then raises legal issues, public unrest and has a negative impact on the sustainability of tourism activities.

The legal problem that has often occurred lately is the large number of traffic violations committed by foreign tourists which of course threatens the orderliness of the driving environment in Bali. Over time, the start of post-covid-19 tourist visits has had a huge impact on the development of Bali tourism. The rapid increase in tourist visits provides business opportunities that bring economic value to Bali tourism actors, such as the rental of two-wheeled vehicles (motorcycles) and four-wheeled vehicles (cars). This has an impact on the easier access of tourists in Bali in driving motorized vehicles, so it is not uncommon to find tourists committing traffic violations such as not using head protectors (helmets), riding motorcycles for more than 2 (two people), and so on, which even makes matters worse. This condition means that some of these tourists do not have an International Driving Permit license. Under certain circumstances, foreign tourists can commit traffic violations which are fatal and harm themselves and others around them. This is a serious issue because it not only threatens the safety and comfort of the people, but also affects the image of the islands of Bali and Indonesia as tourist destinations. Differences in traffic rules and driving culture between the countries of origin of foreign tourists and Indonesia are one of the main factors in the occurrence of traffic violations by foreign tourists. In addition, the lack of understanding and knowledge of foreign tourists regarding traffic rules and different languages can complicate communication and law enforcement against traffic violations committed by these foreign tourists. Open access to commit violations provided by local residents is also a factor in the occurrence of traffic violations by foreign tourists.

Literature Review

The role of traffic has the most important significance in stimulating various community activities as well as driving the country's development. In carrying it out, the government has a major role in managing road traffic and transportation so that it runs quickly, smoothly, orderly, comfortably, safely and responsibly. If this rule is violated, the competent authority has the right to impose external sanction (Ali Achmad, 2002). Traffic violations committed by road users on the highway can cause accidents and increase the disorder felt by the community. Traffic violations are also considered a crime. Sanctions for traffic violations are not only aimed at causing suffering to violators, but also to uphold the rule of law and protect the public (Syamsu M.A, 2016). So that it is necessary to take firm action from law enforcement in the tourism areas of Bali to take action against tourists who commit these traffic violations. Based on the description of the background above, the problems that can be drawn are: (1) What is the urgency of regulating and implementing traffic rules in Bali for violations by foreign nationals (foreigners)?

Research Method

This research is qualitative with an empirical approach. Data is collected from facts originating from events in society. The data obtained is carefully analyzed and then associated with existing rules, then conclusions are drawn.

Results and Discussion

The Urgency of Implementing Traffic Rules in Bali for Violations by Foreign Tourists

The existence of Bali as a tourism destination has become a public conversation and felt by every visitor who comes to Bali, making Bali an island rich in its distinctive cultural works that come from the embodiment of creativity, taste and love of humans who live in society. Based on this impression, it gave rise to a strong attraction to the island of Bali as the center of tourism in eastern Indonesia, as well as a benchmark for the potential success of tourism development in Indonesia. The view of foreign nationals visiting Bali is very frequent and we encounter it not infrequently (Raka Tjokorda, 1984). Therefore, it is not surprising that the government, which has the authority and legitimacy to take action at the implementation level, started proposing the concept of sustainable tourism development. The aim of this concept is to maintain the consistency and continuity of Bali's role and contribution in the tourism sector, besides that the concept of sustainable tourism development is expected to maintain the consistency and continuity of its role and contribution to Bali (Widiatedja Parikesit, 2011).

Means of transportation have always been the main support in encouraging the implementation of tourism activities throughout the world, and land transportation remains the most dominant form of transportation used by the public. Along with the large number of people and tourism actors who use land transportation, this can also increase various problems related to traffic on the highway, so that it is not uncommon for various problems to arise on the highway. In Bali, there are many foreign tourists who use vehicles, both two-wheeled vehicles and four-wheeled vehicles. All people who carry out various activities that interact directly with transportation and traffic must really understand traffic rules as a guideline for social life. Even though there are still good rules in traffic regulations that are still often ignored and many violations cause accidents. Acts committed by violating the rules are against the law. Violation of these regulations will certainly be subject to sanctions, namely in the form of administrative sanctions. Where referring to the definition of violation above that the act of violating the sanction is lighter than the criminal act of crime. Therefore, traffic violators will be given sanctions according to their actions (Rinto, 2004). Perpetrators of traffic violations do not only come from ordinary people who do not understand the law, but also involve foreign nationals. Traffic violations by foreign tourists in Indonesia, especially in Bali, are frequent cases. Traffic violations committed by foreign tourists in Bali are a serious problem that must be dealt with quickly and precisely. These traffic violations can threaten the safety and comfort of the people of Bali and damage the image of Bali tourism which has been well-known in the world.

Some of the factors behind the commission of traffic violations by foreign nationals are the result of a lack of awareness and knowledge of traffic rules, both traffic signs and road markings, poor mentality which causes low awareness of traffic obedience and discipline, driving in a drunken state, as well as driving skills that are still below the Indonesian national standard. According to Kompas, Bali Police records show that the raids, which began in late February to early March 2023, saw more than 171 foreign nationals who violated traffic order. Most of the motorized vehicles driven by foreign tourists are rented vehicles rented out by

motorcycle rental service providers in Bali. Therefore, the authorities and the community must make appropriate efforts to deal with these problems. The handling and prevention of traffic violations by foreign tourists need to get serious attention from the authorities and the public in tourist destination countries (Sujono & Nugroho, 2023). Efforts are needed in the form of disseminating traffic rules and driving culture that apply in tourist destination countries to foreign tourists, tighter supervision, and fair and firm law enforcement against violators. Thus, it can be expected that there will be an increase in awareness and safety in traffic for foreign tourists visiting Bali.

Socialization that can be carried out by the provincial government of Bali, namely socialization can be carried out through social media, brochures and leaflets. In this socialization, foreign tourists are given information about the traffic rules that apply in Bali, safe traffic methods, and sanctions for violators of traffic rules. With this socialization, it is hoped that foreign tourists can understand and obey the traffic rules that apply in Bali. Based on Article 77 of Law Number 22 of 2009 concerning Road Traffic and Transportation, it states that everyone who drives a motorized vehicle on the road is required to have a driving license (SIM) according to the type of motorized vehicle being driven by that person. With regard to foreign nationals/foreigners driving on the island of Bali, in Indonesia itself provisions are stipulated based on article 27 of the Indonesian National Police Regulation Number 9 of 2012 concerning Driving Permits, in that article it states that foreign citizens/foreigners who do not have a permanent domicile in Indonesia can apply for a new driving license that is temporary in nature by submitting requirements in the form of immigration documents. Then as the implementation of article 88 of Law Number 22 of 2009 concerning Traffic and Road Transportation it is necessary to establish rules in PERKAPOLRI Number 9 of 2012 concerning Driving Permits. Based on the provisions above, in the jurisdiction of the Denpasar Police, they have implemented the use of a temporary SIM for foreign tourists, where the application of this rule has been carried out in accordance with the provisions of the applicable laws and regulations, namely PERKAPOLRI Number 9 of 2012 concerning Driving Permits.

The administrative procedures and practices for making a new SIM for foreign tourists are exactly the same as making a new SIM for Indonesian Citizens (WNI). Requirements that must be met include administrative requirements, medical examinations for both physical (physical) and psychological (spiritual) health by attaching a doctor's certificate, as well as passing several stages of exams such as theoretical exams, practical exams, and skills tests through simulators available at the police station local. Based on the Chief of Police Regulation No. 9 of 2012 concerning SIMs, in article 27 explains that the process of making a new SIM for foreigners involves filling out a SIM application form. In addition, they must also have immigration documents that match their status, such as a passport or permanent residence permit card (KITAP) for those who have permanent domiciles in Indonesia. For diplomatic staff or family, they must provide a passport, diplomatic visa, diplomatic membership card or other identification. As for experts or students studying in Indonesia, they must attach a passport, service visa, or temporary residence permit card (KITAS). Whereas for foreign tourists who do not have domiciles in Indonesia, they must include a passport and a visit or stopover permit card.

Conclusion

Some of the factors behind the commission of traffic violations by foreign nationals are the result of a lack of awareness and knowledge of traffic rules, in this case regarding traffic signs and road markings, poor mentality which causes low awareness of traffic obedience and discipline, drunk driving, and driving skills that are still below the Indonesian national standard. Therefore, the authorities and the community must make appropriate efforts to deal with these problems. The handling and prevention of traffic violations by foreign tourists need to get serious attention from the authorities and the public in tourist destination countries. Efforts are needed in the form of disseminating traffic rules and driving culture that apply in tourist destination countries to foreign tourists, tighter supervision, and fair and firm law enforcement against violators. Thus, it can be expected that there will be an increase in awareness and safety in traffic for foreign tourists visiting Bali.

Suggestion

It is hoped that the Provincial Government of Bali will issue new regulations that provide firmness to perpetrators (foreign tourists) who commit traffic violations. In addition, it is important for the government to socialize and supervise regulations and impose strict sanctions regarding traffic violations by foreign tourists which can cause accidents. In this case, the government is expected to provide clear and fair sanctions to foreign tourists who violate traffic rules, as well as take action against parties involved in "helping" foreign tourists who violate traffic rules. Especially for foreign nationals, it is advisable to pay attention to requirements such as having an international driving license and paying attention to conditions under the influence of alcoholic beverages before driving. In addition, the public, especially those who are involved in the vehicle rental business, need to pay more attention to the vehicles that will be rented so that they comply with national standards. They also have to check the letters and documents provided by foreign nationals as vehicle renters.

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