

## CRIMINAL SANCTIONS FOR ILLEGAL RACING PERPETRATORS FROM A LEGAL PERSPECTIVE IN INDONESIA

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### Abstract:

This study aims to analyze the legal regulations and criminal sanctions against illegal road racing in Indonesia. Illegal road racing, which is often carried out by teenagers, not only endangers the perpetrators and the community but also constitutes a form of violation of the law regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law). The research method used is normative juridical with a statutory and case approach. The results of the study indicate that illegal road racing is specifically regulated in Article 115 and Article 297 of the LLAJ Law, with the threat of criminal sanctions of imprisonment for a maximum of 1 (one) year or a maximum fine of Rp. 3,000,000.00 (three million rupiah). In addition, this action can also be linked to other articles such as Articles 283, 284, 287, and 311 of the LLAJ Law. This study concludes that although regulations have been in place, the effectiveness of law enforcement still requires a comprehensive approach, including preventive and repressive efforts from law enforcement and the active role of the community.

**Keywords:** Criminal Sanctions, Illegal Racing, LLAJ Law, Juvenile Delinquency, Law Enforcement

## INTRODUCTION

Social life in a modern state cannot be separated from two main pillars: social norms and positive law. Norms function as unwritten guidelines that regulate behavior based on moral values and customs, while law acts as written rules that are coercive and binding. The synergy between the two aims to create an orderly, safe, and just social order, thus enabling every individual to realize their rights and obligations in a balanced manner. Indonesia, as a nation-state entity, has firmly placed law as its supreme law. It is emphasized in the third amendment to the 1945 Constitution of the Republic of Indonesia, Article 1 Paragraph (3), which states that "The State of Indonesia is a state of law." The consequence of this principle is that every action of citizens and state administrators must be based on the law, and any violation of it must be prosecuted and given firm and proportional sanctions (Rosanti & Fuad, 2015)

In the context of juvenile delinquency, law enforcement faces its own complexities. Juvenile delinquency, according to experts such as Kartono and Sarlito, is a form of deviant behavior committed by individuals in the transition from childhood to adulthood. This behavior can cover a wide spectrum, from minor violations of social norms to acts that clearly violate criminal law (Weya & Suwu, 2015). If not intervened in seriously, systematically, and comprehensively, juvenile delinquency has the potential to develop into more serious and dangerous crimes, both for the perpetrators themselves and for the wider community. One manifestation of juvenile delinquency that is most frequently seen and prominent in the public sphere is the phenomenon of illegal racing.

Illegal street racing can be defined as the activity of competing for speed in motorized vehicles conducted unofficially on public roads, not on designated circuits or racetracks. This activity often occurs at night or early morning, taking advantage of deserted roads, such as toll roads, bypasses,



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or flyovers (Tabah, 2002). The impacts of this activity are multifaceted and highly detrimental. First, illegal street racing clearly disrupts public order; the crowds that usually accompany these events and the exhaust sounds of non-standard modified vehicles create noise pollution that disturbs the comfort of residents (Rosanti & Fuad, 2015). Second, and most crucially, it is a threat to public safety. Illegal street racing inherently endangers the lives of the participants themselves, other innocent road users, and spectators on the roadside. The risk of accidents with a high fatality rate is very high. Tragedies like the one that occurred on the Ahmad Yani Airport flyover in Semarang, which killed two teenagers, are stark evidence and a bitter reminder of the deadly consequences of this irresponsible hobby (Manalu, 2022). This kind of incident is not the first, and sadly, it will not be the last.

In response to the dangers posed, the Indonesian government has established a fairly clear legal framework through Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law). Articles within this law, particularly Article 115, explicitly prohibit unreasonably driving vehicles, engaging in road racing, and using roads for activities that disrupt public order and/or security. Therefore, regulations regarding illegal racing already exist and provide a basis for imposing sanctions (Sancaya & Putra, 2021).

However, the reality on the ground reveals a paradox: despite the existence of legal regulations, the phenomenon of illegal racing remains rampant and recurring. This disparity between the existence of the law (law on the books) and its enforcement (law in action) raises fundamental questions about the effectiveness of regulation and enforcement (Suendra & Mulyawati, 2020). Factors such as limited police personnel, a fast-moving and shifting modus operandi, and a legal approach that may still be considered ineffective in providing a deterrent effect are suspected to be the causes of the continued prevalence of illegal racing.

**Problem Formulation.** Based on the description of the problems above, this research intends to conduct an in-depth analysis of the two main problems:

1. What are the legal regulations regarding illegal racing in Indonesia?
2. What are the criminal sanctions for illegal racing perpetrators from the perspective of Indonesian criminal law?

## METHODS

This research employs a normative juridical research method. Normative legal research is a process to find legal rules, principles, and doctrines in order to answer the legal issues at hand. This approach is focused on examining law as a norm system, which is built from a hierarchy of binding rules and regulations (Fajar & Achmad, 2017; Ibrahim, 2007). To dissect the problem formulation, this study utilizes two primary legal approaches. First, the statute approach, which involves a critical and in-depth analysis of relevant legal materials, particularly primary legal sources such as Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law), the Criminal Code (KUHP), and Law Number 35 of 2014 concerning Child Protection. This approach is used to systematically identify, interpret, and construct the legal norms and sanctions applicable to illegal racing perpetrators (Sancaya et al., 2025; Sancaya & Saputra, 2024).

Second, this research incorporates a case approach. It involves examining and analyzing several court decisions or legal cases related to the enforcement of laws against illegal racing (Jayawarsa et al., 2021; Sara & Saputra, 2021). By studying these cases, the research aims to understand the application of legal theories in practice (law in action), identify patterns in law enforcement, and uncover the constraints or challenges faced by authorities in implementing the



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existing regulations. The combination of these two approaches provides a comprehensive perspective, examining not only the law as it is written (law in the books) but also its implementation and effectiveness in the real world, thereby offering a more holistic analysis of the criminal sanctions for illegal racing in Indonesia.

## RESULT AND DISCUSSION

**Legal Regulations on Illegal Racing in Indonesia.** Illegal racing is an activity strictly and firmly prohibited by Indonesian law. The term derives from the words "balap," meaning speed competition, and "liar," signifying its unofficial, uncontrolled, and unauthorized nature, as stated in the Great Dictionary of the Indonesian Language (KBBI). More than just a simple traffic violation, illegal racing has evolved into a dangerous subculture involving complex elements such as professional jockeys, extreme vehicle modifications, betting practices, and the presence of spectators, which only fuels the increasingly chaotic and uncontrolled atmosphere. This activity is not merely an individual matter but has become a social phenomenon that threatens public order and safety (Asiawan et al., 2020).

The intrinsic danger of illegal racing lies in every element. Motorcycle modifications, particularly to the engine, exhaust system, and the removal of safety components such as lights and mirrors, are carried out solely to achieve top speed, ignoring safety. The presence of jockeys, often employed by betting parties, compounds the problem by driving aggressively to win races (Kurniansyah, 2024). The widespread practice of betting at these locations not only violates gambling laws but also serves as a primary incentive for perpetrators to take greater risks, such as cutting into oncoming lanes or refusing to stop when danger arises. Meanwhile, crowds of spectators crowding the roadsides contribute to a permissive and dangerous environment, often obstructing traffic and disrupting legitimate road users (Suendra & Mulyawati, 2020).

The primary legal basis for eradicating illegal road racing is contained in Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law). Article 115, letters a and b of the LLAJ Law, explicitly prohibit drivers from exceeding the established speed limit and from racing with other vehicles on the road. This prohibition is not merely a formality, but rather a provision designed to protect lives (Sancaya & Putra, 2021). A more detailed explanation of these speed limits is regulated in Article 21, which differentiates maximum speeds for toll roads, intercity roads, neighborhood roads, and urban areas. Thus, illegal road racing automatically violates multiple articles of the LLAJ Law.

The essence of this violation is a complete disregard for basic driving principles. It aligns with Article 106 of the Road Traffic and Road Transport Law, which requires every driver to operate their vehicle reasonably, with full concentration, and prioritizing the safety of themselves, their passengers, and all other road users (Wijaya & Arini, 2021). Every acceleration during illegal road racing is a betrayal of this legal and moral obligation. The impacts are far-reaching, ranging from the risk of single accidents and multiple fatalities to trauma for the victims' families and significant material losses (Sancaya & Saputra, 2025). Therefore, law enforcement against illegal road racing perpetrators must be seen as an effort to save lives, not simply to punish rule breakers.

The problem becomes even more complex and concerning when the perpetrators of illegal racing are minors. Their participation in this dangerous activity represents a failure of the child protection system. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (the Child Protection Law) clearly guarantees the right of every child to grow and develop optimally (Mahendra et al., 2025). Specifically, Article 6 emphasizes the



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obligation of the state, government, and parents to provide guidance and protection, while Article 9 regulates children's rights to education and the positive development of their talents. Illegal racing is the antithesis of all these guaranteed rights. Instead of receiving guidance, children are trapped in an environment that encourages destructive behavior (Astrawan et al., 2021). Instead of developing their talents on official racetracks or legal motorsports events, their energies are channeled illegally and dangerously.

Children's participation in illegal racing also reflects deeper problems, such as the lack of positive facilities to channel the adrenaline and automotive interests of the younger generation, weak parental supervision, and the negative influence of social circles. From a developmental psychology perspective, adolescence is a period of searching for identity and recognition, which, unfortunately, in this context, is pursued through incorrect methods (Yulianti, 2014). Therefore, handling it cannot rely solely on a repressive legal approach from the police, but must be a collaborative effort involving families (by strengthening parenting functions), schools (through character education and traffic safety), local governments (by providing safe and targeted motorsport facilities), and the wider community to create an environment that does not tolerate illegal racing activities (Mahendra et al., 2025).

Overall, illegal racing is a multidimensional crime that violates a number of laws and regulations, from the Traffic and Road Traffic Law to the Child Protection Law. It reflects disobedience to the law, disregard for safety, and a failure to fulfill children's rights. Eradicating it requires a comprehensive strategy, combining firm and impartial law enforcement against all parties involved (including perpetrators, spectators, and bookmakers) with educational and social preventive efforts to offer more positive and constructive alternatives for the younger generation, so that road safety and order can truly be achieved (Saputra et al., 2021).

**Criminal Sanctions for Illegal Racing Perpetrators.** Illegal street racing, often known as illegal racing, has long been a complex and dangerous social and legal problem in various parts of the world, including Indonesia (Isnawati, 2024). This activity is not just an act of speeding on the highway, but a phenomenon that threatens lives, damages public facilities, disrupts order, and causes deep social trauma. Therefore, the application of criminal sanctions for perpetrators is not merely a form of punishment, but a multidimensional public policy instrument, aimed at creating a deterrent effect (deterrence), protecting society (protection), rehabilitating perpetrators (rehabilitation), and ultimately restoring a sense of justice (retribution) (Putri et al., 2024).

The dangers posed by illegal racing are multifaceted. At the most basic level, the threat to life is the most obvious. Drivers, spectators, and other innocent road users are at high risk of serious accidents resulting in injury or even death (Felicia, 2024). The vehicles used are often modified without considering safety standards, focusing solely on increasing speed, thus increasing the potential for technical malfunctions. Furthermore, this activity usually takes place at night and takes over public roads, turning them into dangerous arenas that threaten the peace and security of residents (Dewi et al., 2022). The resulting noise, reckless behavior, and the frequent association of illegal racing with motorcycle gangs and other crimes such as theft, betting, and drug abuse further strengthen the argument for imposing strict and proportionate sanctions. Therefore, the basis for criminal considerations should not only look at the act of speeding itself, but also at the entire range of social impacts and disturbances to public order that result.

In Indonesia, legal action against illegal racing is multi-article and can be prosecuted under various laws and regulations. The primary legal basis is Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) (Sancaya & Putra, 2021).



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- Article 115 of the LLAJ Law specifically regulates illegal racing. Paragraph (1) states, "Any person who drives a Motor Vehicle on the Road in an unreasonable manner by engaging in illegal racing shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of Rp. 3,000,000.00 (three million rupiah)." This sanction is aggravated in Paragraph (2) if the act results in an accident with property damage, becoming a maximum imprisonment of 3 (three) years and/or a maximum fine of Rp. 9,000,000.00 (nine million rupiah). The heaviest is Paragraph (3), if it results in serious injury, a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 15,000,000.00 (fifteen million rupiah), and Paragraph (4) if it results in death, a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 18,000,000.00 (eighteen million rupiah).
- Article 310 of the LLAJ Law can also be applied to owners or organizers of illegal racing, with the threat of a maximum prison sentence of 2 (two) years and a maximum fine of IDR 50,000,000.00 (fifty million rupiah).

In addition to the LLAJ Law, illegal racing accompanied by other elements can be prosecuted under more severe articles of the Criminal Code (KUHP).

- Article 212 of the Criminal Code concerns assault. If an illegal racer hits and injures someone, the charge of assault can be added.
- Article 351 of the Criminal Code concerning Serious Assault, if the victim suffers serious injuries.
- Articles 359 and 360 of the Criminal Code concern negligence resulting in death or serious injury. The element of negligence in driving that endangers the public is highly relevant here.
- Article 170 of the Criminal Code on Violence. Illegal racing carried out by groups and disrupting public order can be categorized as an act of violence against people or property.
- Article 406 of the Criminal Code concerning Destruction of Property, if their activities damage public facilities such as road dividers or traffic signs.

In practice, law enforcers (police) often charge perpetrators with various articles cumulatively (concursum) to provide a stronger deterrent effect, considering that the sanctions in the LLAJ Law alone are often considered too light when compared to the potential dangers that can arise (Kurniansyah, 2024).

Criminal sanctions serve as a deterrent, both general (for the wider community) and specific (for the perpetrator). However, for some perpetrators, especially adolescents, the search for identity, adrenaline, and social recognition within a group (peer pressure) often outweighs the fear of punishment. Sanctions considered "light," such as fines of several million rupiah or the threat of a few months in prison, are not enough to deter them (Suendra & Mulyawati, 2020).

Therefore, mitigation efforts cannot rely solely on repressive sanctions. A holistic approach is necessary:

1. Revising the Traffic and Road Traffic Law by reviewing the fines and potential prison sentences to make them more proportionate to the level of danger. Additional sanctions, such as temporary or permanent driver's license revocation, as well as confiscation and auction of vehicles used for illegal racing, could be highly effective, as they address the perpetrators' most valuable assets (Suendra & Mulyawati, 2020).
2. Implementation of alternative or additional sanctions in the form of community service in hospitals or emergency rooms, particularly in units that handle traffic accident victims. Direct experience of witnessing and assisting victims can provide a more profound educational and shock therapy effect than mere imprisonment (Mahendra et al., 2025).



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3. Collaboration between the police, local governments, the education sector, and a healthy automotive community is crucial. Establishing legal and supervised racing facilities (legal drag strips) can provide a positive outlet for this hobby. Public awareness campaigns about the dangers of illegal racing and safety riding training must be intensified, especially among students and motorcycle communities (Kurniansyah, 2024).
4. Strengthening the role of families in supervising and educating their adolescent children, as well as community participation in reporting suspicious activities to the authorities, is a crucial first line of defense (Weya & Suwu, 2015).

Criminal sanctions for illegal racing are a necessity within the framework of a state governed by the rule of law. They serve as a tool to enforce norms, protect the public interest, and declare the social unacceptability of this highly risky behavior (Putri et al., 2024). However, sanctions alone are not a panacea. Sanctions that are too light will lose their deterrent effect, while sanctions that are solely repressive without being balanced with preventive and rehabilitative efforts will only fill prisons without addressing the root of the problem (Suendra & Mulyawati, 2020).

An ideal policy should combine a firm and uncompromising legal approach to the dangers posed, with a socio-cultural approach that is constructive and provides alternatives. Criminal sanctions should be seen as one part of a larger system that aims not only to punish, but more importantly, to prevent, educate, rehabilitate perpetrators, and most importantly, ensure the safety and security of the entire community (Asiawan et al., 2020). Ultimately, the ultimate goal is to create a civilized traffic culture, where roads function as safe and comfortable shared spaces, not deadly arenas for daring.

## CONCLUSION

1. Regulations regarding illegal racing in Indonesia have been comprehensively regulated in the LLAJ Law, specifically Articles 115 and 297, and are reinforced by other articles that regulate traffic safety and order.
2. The criminal penalty for illegal racing is a maximum of one year in prison or a maximum fine of Rp 3,000,000.00. This sanction is the ultimum remedium and must be accompanied by a holistic law enforcement approach, involving pre-emptive, preventive, and repressive aspects.

### Suggestion.

1. For the Police: Increase Traffic Law Enforcement efforts through intensive patrols in vulnerable locations and guide motorcycle communities.
2. For Communities and Families: Increase supervision of teenagers and create an environment that supports positive activities to channel adrenaline.
3. For the Government: Provide safe and legal facilities for motorcycle racing activities, such as circuits, so as to reduce the interest of teenagers in illegal racing on public roads.

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