



Legal Analysis of the Decision on a Hit-and-Run Traffic Accident Case in Semarang: Case Study of District Court Decision No. 386/Pid.Sus/2023/PN.Smg

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ABSTRACT

The hit-and-run case that killed Selvi Amalia Nuraeni by Kevin Meikacandra has attracted public attention. This research aims to analyze the judge's decision in this case (Decision Number 386/Pid.Sus/2023/PN.Smg.) and provide its implications for law enforcement and public safety. This research uses a normative method with a statutory approach and a case approach. Secondary data consisting of primary and secondary legal materials is analyzed using a deductive mindset. The judge's decision in the Kevin Meikacandra case shows that the judge considered various factors, including elements of negligence, intentionality and the community's sense of justice. The judge sentenced Kevin Meikacandra to 4 years in prison, which was considered a light sentence by some in the community. The judge's ruling in this case has important implications for law enforcement and public safety. On the one hand, this decision shows that the judge is trying to provide justice for all parties. On the other hand, this decision also shows that there are still gaps in the legal system that allow hit-and-run perpetrators to receive light sentences.

1. Introduction

On January 26th, 2023, a hit-and-run tragedy claimed the life of Selvi Amalia Nuraeni, a student of Universitas Suryadarma. This case immediately attracted public attention and became the focus of the national mass media. The public was shocked by this tragic incident, especially because it involved a student, and there were allegations that the perpetrator was trying to escape responsibility. The hit-and-run case that killed Selvi Amalia Nuraeni presents various questions and urgency for an in-depth study. Hit-and-run cases in Indonesia show a significant increase. Data from the National Police Traffic Corps shows that in 2022, there will be 103,643 hit-and-run cases with 25,266 deaths. This figure shows that, on average, 283 hit-and-run cases occur every day in Indonesia, and 69 people die as a result of these incidents. This high number shows the

urgency to understand the factors that contribute to hit-and-run cases and find solutions to overcome them. The case of Kevin Meikacandra, the suspected hit-and-run perpetrator who is a student at Universitas Suryadarma, has raised public doubts about law enforcement. The public questioned the legal process, which was deemed not transparent and fair, and questioned the judge's decision, which was considered too lenient. Public distrust of law enforcement can result in decreased compliance with traffic regulations and trigger vigilantism.¹⁻³

Hit-and-run cases are a serious threat to public safety. This incident not only claimed the victim's life but also caused trauma for the victim's family and relatives. Apart from that, hit-and-run cases can also cause material loss and disrupt community activities. Hit-and-run cases also raise questions about ethical and moral dimensions. The behavior of a driver who

runs away from responsibility after hitting a victim shows a lack of responsibility and empathy. This needs to be studied further to understand the factors that contribute to this behavior and find solutions to increase people's ethical and moral awareness.^{4,5} This research aims to analyze the judge's decision in the Kevin Meikacandra case (Decision Number 386/Pid.Sus/2023/PN.Smg.) and provide its implications for law enforcement and public safety.

2. Methods

This research uses a normative method with a statutory approach and a case approach. Analyzing laws and regulations related to hit-and-run cases, such as Law Number 22 of 2009 concerning Road Traffic and Transportation, the Criminal Code, and other laws and regulations. Examining the judge's decision in the Kevin Meikacandra case (Decision Number 386/Pid.Sus/2023/PN.Smg.) and the judge's decision in other hit-and-run cases. Compare the judge's decision with applicable laws and regulations to assess its suitability. The case approach taken is to analyze the facts and chronology of the hit-and-run case that killed Selvi Amalia Nuraeni, study the legal process followed in the case, including the investigation, prosecution, and trial process, and examine the legal arguments used by the parties involved. in that case.

This research uses secondary data, which consists of 1. Primary legal materials are Law Number 22 of 2009 concerning Road Traffic and Transportation, the Criminal Code, the judge's decision in the Kevin Meikacandra case (Decision Number 386/Pid.Sus/2023/PN.Smg.) as well as the judge's decision in another hit-and-run case. 2. Secondary legal materials are books about criminal law and traffic law, scientific articles about hit-and-run cases, and mass media news about hit-and-run cases. The data collection technique used in this research is a literature study. Data is collected from various sources, such as libraries, official websites of government agencies and related organizations, online legal databases, and mass media.

The collected data was analyzed using a deductive mindset. The deductive analysis begins with general premises. Then, specific conclusions are drawn. The premises used in this research are: 1. Law Number 22 of 2009 concerning Road Traffic and Transportation, 2. Criminal Code, 3. Judge's decision in other hit-and-run cases. Conclusions drawn from this research must be based on established premises. To ensure the validity of the data, this research uses triangulation techniques. Triangulation is carried out by comparing data from various sources. This research was conducted by upholding research ethics, such as Respecting the privacy rights of parties involved in hit-and-run cases, not spreading misleading or inaccurate information, and stating data sources clearly.

3. Results and Discussion

Based on the analysis of Table 1, the judge considered the elements of negligence and intentionality in imposing a sentence on Kevin Meikacandra. The judge decided that Kevin Meikacandra was proven negligent in driving his vehicle, causing the accident that killed Selvi Amalia Nuraeni. This is proven by the fact that Kevin Meikacandra did not drive his vehicle with full attention and alertness. He did not see Selvi Amalia Nuraeni, who was crossing the road. However, the judge did not find any element of intent in Kevin Meikacandra's actions. This is proven by the fact that Kevin Meikacandra did not try to escape after the accident occurred. He was also cooperative with the authorities during the investigation process. The 4-year prison sentence handed down to Kevin Meikacandra is considered a light sentence by some in the community. The community feels that Kevin Meikacandra should be punished more severely because he caused the death of a female student.

The judge considers the community's sense of justice when imposing a sentence. He understands that the public is disappointed with Kevin Meikacandra's actions and wants a heavier sentence. However, the judge also had to consider other factors that mitigated Kevin Meikacandra's sentence. The

judge considered several other factors that lightened Kevin Meikacandra's sentence, such as Kevin Meikacandra's young age. Kevin Meikacandra was 20 years old when the accident occurred. Kevin Meikacandra's status as a student. Kevin Meikacandra is currently studying at Universitas Suryadarma. Kevin Meikacandra's mental health

history. Kevin Meikacandra has a mental health history that needs to be considered. The judge decided that these factors could mitigate Kevin Meikacandra's sentence. He hopes that Kevin Meikacandra can learn from his mistakes and become a better person in the future.

Table 1. Analysis of the judge's decision in the Kevin Meikacandra case.

Factor	Judge's considerations	Narrative
Element of negligence	It was proven that he was negligent in driving his vehicle, causing an accident that killed Selvi Amalia Nuraeni.	The judge considered that Kevin Meikacandra did not drive his vehicle with full attention and alertness. This is proven by the fact that Kevin Meikacandra did not see Selvi Amalia Nuraeni, who was crossing the road.
Element of intentionality	It has not been proven that Kevin Meikacandra's actions were intentional.	The judge considered that Kevin Meikacandra did not intend to hit Selvi Amalia Nuraeni. This is proven by the fact that Kevin Meikacandra did not try to escape after the accident occurred.
Sense of community justice	Some people consider it a light punishment.	The judge considers the community's sense of justice when imposing a sentence. This is proven by the large number of people who are disappointed with the judge's decision.
Other factors	Kevin Meikacandra's young age, his status as a student, and his mental health history.	The judge considered other factors that mitigated Kevin Meikacandra's sentence. This is proven by the fact that Kevin Meikacandra is still young, has the status of a student, and has a history of mental health.

The judge in the Kevin Meikacandra case imposed a sentence based on an analysis of two main elements: negligence and intent. Based on the facts revealed at trial, the judge decided that Kevin Meikacandra was proven negligent in driving his vehicle. This negligence is proven by several things, including Kevin Meikacandra did not see Selvi Amalia Nuraeni, who was crossing the road; Kevin Meikacandra drove his vehicle at high speed; Kevin Meikacandra did not focus on driving because he was playing with his cellphone. Kevin Meikacandra's negligence resulted in an accident that killed Selvi Amalia Nuraeni. Therefore, the judge sentenced Kevin Meikacandra for his negligence. The judge found no evidence that Kevin Meikacandra intended to hit Selvi Amalia Nuraeni.

This is proven by several things, including Kevin Meikacandra not trying to escape after the accident occurred, Kevin Meikacandra helping Selvi Amalia Nuraeni and taking her to the hospital, Kevin Meikacandra's cooperation during the investigation and trial process. Based on this evidence, the judge decided that Kevin Meikacandra had not been proven to have committed the act intentionally.⁶⁻⁹

There are several examples and related studies that can strengthen the analysis of the elements of negligence and intentionality in the Kevin Meikacandra case. In the case of a traffic accident involving two vehicles, the judge will analyze whether one of the drivers was negligent or not. Negligence can be proven by several things, such as not obeying traffic

signs, driving a vehicle at high speed, or driving under the influence of alcohol. A study shows that human negligence is the main cause of traffic accidents in Indonesia. The study found that 70% of traffic accidents were caused by driver negligence, such as not focusing on driving, driving vehicles at high speed, and not obeying traffic signs.^{10,11}

The judge's decision to sentence Kevin Meikacandra to 4 years in prison in the hit-and-run case that killed Selvi Amalia Nuraeni has given rise to various pros and cons. One of the main points highlighted was the belief that the punishment was too light. Many people feel that a sentence of 4 years in prison is not commensurate with the lives lost. Human life is something that is priceless. Loss of life due to someone else's negligence causes a deep sense of loss and trauma for the victim's family. Society has expectations that perpetrators who cause death must receive appropriate punishment. A sentence of 4 years in prison is considered to have no deterrent effect and does not reflect a sense of justice for the victim and family. A judge's decision that is considered light can trigger public doubt and distrust of the law enforcement system.^{12,13}

Kevin Meikacandra's case is not the only case that has sparked debate about whether the punishment should be light for hit-and-run perpetrators. Accident case on the Jagorawi Toll Road. In 2019, a car driver hit 8 people who were helping accident victims on the Jagorawi Toll Road. The driver was sentenced to 4 years in prison. This decision was also considered light by the public. A study shows that the average sentence for hit-and-run perpetrators in Indonesia is 3.5 years in prison. This study also found that there was a disparity in punishment between hit-and-run cases involving fatal victims and injured victims. In some other countries, such as the United States and Australia, the punishment for hit-and-run perpetrators that cause death can reach decades in prison.¹¹⁻¹³

There are several factors that can explain why sentences for hit-and-run perpetrators in Indonesia are often considered light: 1. Legal provisions: Law

Number 22 of 2009 concerning Road Traffic and Transportation regulates penalties for hit-and-run perpetrators. However, some people still consider the maximum penalty stipulated in the law to be low. 2. Law enforcement process: The law enforcement process in Indonesia still has several weaknesses, such as a lack of evidence and witnesses, as well as a long trial process. This can result in the perpetrator receiving a lighter sentence. 3. Social factors: Social factors, such as culture and economics, can also influence the judge's decision.^{14,15}

4. Conclusion

The judge's decision in the Kevin Meikacandra case has raised various pros and cons. On the one hand, the public is disappointed because the sentence handed down to Kevin Meikacandra is considered too light. On the other hand, there are those who believe that the judge's decision is fair and in accordance with the existing facts. This case is an important example of how complex the legal system is and how judges must consider various factors in imposing sentences.

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