Criminal Sanctions for Online Transportation Drivers using Mobile Phones While Driving Based on Article 287 Paragraph (1) of Law Number 22 Of 2009 Concerning Road Traffic and Transportation

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The use of mobile phones while driving by online transportation drivers has become a common phenomenon that potentially threatens road safety. This study aims to analyze the implementation of criminal sanctions against online transportation drivers who use mobile phones while driving based on Article 287 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation. In addition, this study also examines the obstacles faced in law enforcement and the role of online transportation companies in supervising their drivers. This research uses a juridical normative and juridical empirical approach with a descriptive qualitative method. Data were obtained through literature study and field research including interviews with traffic police officers, legal academics, and online transportation drivers. The results show that the use of mobile phones while driving clearly violates Article 106 paragraph (1) and Article 287 paragraph (1) of Law Number 22 of 2009. However, the existing sanctions have not been fully effective in reducing violations because the penalties are relatively light and law enforcement is still limited. Another factor contributing to violations is the operational system of online transportation applications which requires drivers to respond quickly to incoming orders. Therefore, stronger law enforcement, technological supervision systems, and collaboration between the government, law enforcement agencies, and online transportation companies are needed to reduce violations and improve traffic safety.
Keywords: Criminal Sanctions, Mobile Phone Use, Online Transportation Drivers, Traffic Law.

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1. Introduction

Traffic safety has become an important issue in modern transportation systems due to the increasing number of vehicles and road users. Along with technological developments, the use of mobile phones has become an integral part of everyday life, including while driving. However, the use of mobile phones during driving activities can cause distractions that reduce driver concentration and increase the risk of traffic accidents. Distracted driving has been identified as one of the major causes of road accidents worldwide [1]. The rapid development of smartphone technology has significantly influenced human behavior in various aspects of life, including transportation. Smartphones provide many functions such as communication, navigation, and internet access that are often used while driving. Although these technologies offer convenience, they also create potential risks when drivers divide their attention between driving and operating mobile devices [2].

Several studies have shown that the use of mobile phones while driving negatively affects driving performance. Activities such as texting, making phone calls, or interacting with smartphone applications can reduce reaction time, impair vehicle control, and increase the likelihood of traffic accidents. According to Caird et al. (2018), drivers who engage in texting while driving experience significant cognitive distraction that affects their ability to maintain safe driving behavior [3]. In Indonesia, the increasing use of smartphones has also influenced driving habits, particularly among drivers involved in

online transportation services. Online transportation platforms require drivers to rely heavily on mobile applications to receive passenger orders, determine routes through digital navigation systems, and communicate with customers. As a result, drivers often interact with their smartphones even while operating vehicles, which may lead to distracted driving behavior. From a legal perspective, the use of mobile phones while driving is regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. Article 106 paragraph (1) states that every driver must operate a motor vehicle with full concentration. Violations of this obligation may result in criminal sanctions as regulated in Article 287 paragraph (1). This regulation aims to ensure that drivers maintain full attention while driving in order to protect public safety.

Despite the existence of these legal provisions, violations related to mobile phone use while driving are still frequently found in practice. Many drivers continue to use mobile phones while driving due to work demands, personal habits, or a lack of awareness regarding traffic safety risks. This situation indicates that legal regulations alone are not sufficient without effective law enforcement and public awareness [4]. Previous studies also highlight that distracted driving caused by smartphone use is a growing concern in many countries. Research conducted by Strayer and Drews (2016) shows that drivers who use mobile phones while driving experience decreased situational awareness and slower response times compared to drivers who focus entirely on driving. These findings emphasize the importance of addressing mobile phone use while driving through legal, technological, and educational approaches [5]. Based on the background described above, this study aims to analyze the implementation of criminal sanctions against online transportation drivers who use mobile phones while driving based on Article 287 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation. In addition, this research also examines the factors influencing such violations and evaluates the effectiveness of legal enforcement in improving traffic safety.

2. Literature Review and Problem Statement

Sanctions are the result of an act or a reaction that is a punishment from another party (human or social organization) for the act. Criminal sanctions are defined as punishments given to a person who is caught or proven to have committed a violation or mistake that can cause public unrest [6]. Criminal is a translation of the word "straf" in Dutch. In daily life, people also use the term "punishment" as a translation of the word straf. According to Sudarto, there is a difference between the terms punishment and criminal. The term punishment contains a general meaning as a sanction that is deliberately imposed on a person who has committed a violation of the law, both criminal law and civil law, while the term criminal is a specific meaning related to criminal law. That is, in the event of a violation of the provisions of the criminal law. Therefore, the perpetrators can be subject to criminal sanctions [7]. A mobile phone according to the Great Dictionary of Indonesian Language Edition V in Setianingsih, is an electronic or mechanical device with a practical function; Gadgets. Wijanarko in Setianingsih, explained that mobile phones are a renewable technology that has a great influence on human life, provides convenience, and has a positive influence [8]. Through mobile phones, communication becomes easier and also cheaper [8]. The meaning of transportation comes from the Latin word transportare, where trans means opposite or the other way and portare which means transportation means transportation means transportation or carrying something from another place to another place through land [9].

3. Method

In writing this study, the problem approach used is a normative juridical approach and an empirical juridical approach. This normative juridical approach is an approach that is carried out by studying,

looking at and studying theoretical matters related to legal principles, conceptions, legal doctrines, legal regulations and legal systems related to the problems of this research. This research was conducted in several specific areas that were sampled, such as: the city of Medan. The selection of this location is based on the level of traffic density, the number of seat belt violations, and the availability of data from local law enforcement officials. This Primary Data will be taken from interviews with the Traffic Unit (Satlantas) of the Medan City Resort Police, Lecturers of the Faculty of Law, Criminal Law Section, and Online Transportation Drivers. Secondary data has characteristics such as form and content that have been formed and filled in by previous researchers, secondary data in general is in a state ready to be made, secondary data can be obtained without being bound or limited by, time and place [10]. The data collection techniques used in this study with, Literature Study, Field Study. After all the data has been processed qualitatively, it is then analyzed according to the subject matter, namely analyzing the application of criminal sanctions to the use of mobile phones while driving by online transportation drivers.

4. Results and Discussion

The use of mobile phones while driving is widely recognized as one of the most common forms of distracted driving in modern transportation systems. Distracted driving occurs when a driver's attention is diverted from the primary task of driving due to other activities such as texting, making phone calls, or operating digital applications. This behavior significantly reduces driver concentration and increases the risk of traffic accidents, making it a serious concern for road safety authorities worldwide [1].Several international studies have demonstrated that the use of mobile phones while driving significantly increases the likelihood of traffic accidents. According to research conducted by Caird *et al.* (2018), drivers who engage in texting or interacting with smartphones experience reduced reaction time, impaired lane control, and decreased situational awareness[3]. These factors can increase the probability of accidents by several times compared to drivers who focus entirely on driving activities.

The growing use of smartphones in daily life has also contributed to increased distracted driving behavior. Smartphone dependence has been identified as an important predictor of mobile phone use while driving. Individuals who are highly dependent on smartphones tend to check notifications, read messages, or interact with applications even while driving, which can compromise their ability to maintain full attention on the road [11].In the context of online transportation services, the use of mobile phones has become an integral part of drivers' work activities. Online transportation drivers rely on mobile applications to receive ride requests, communicate with passengers, and navigate routes using digital maps. As a result, drivers often feel compelled to interact with their smartphones even while operating vehicles, which increases the likelihood of distracted driving behavior [12].From a legal perspective, the use of mobile phones while driving may constitute a violation of traffic regulations because it reduces driver concentration and endangers public safety. In Indonesia, Law Number 22 of 2009 concerning Road Traffic and Transportation requires drivers to operate vehicles with full concentration. Violations of these provisions may result in criminal sanctions as stipulated in Article 287 paragraph (1) of the law.

However, the implementation of these legal provisions still faces several challenges in practice. One of the major obstacles in enforcing the law is the difficulty in detecting drivers who use mobile phones while driving. Unlike other traffic violations such as speeding or running red lights, the use of mobile phones is often temporary and difficult to observe directly by law enforcement officers.Another challenge lies in the relatively low level of legal awareness among road users. Some drivers perceive the use of mobile phones during driving as a minor or harmless activity, particularly when it involves

checking navigation systems or briefly reading messages. This perception leads to a normalization of distracted driving behavior among certain groups of drivers, including online transportation drivers [4]. Empirical studies have also shown that interacting with smartphone applications while driving significantly affects driving performance. Activities such as reading text messages, scrolling through applications, or typing responses require visual, cognitive, and manual attention simultaneously. This multitasking condition reduces the driver's ability to respond quickly to sudden changes in traffic conditions [5].

Furthermore, research has indicated that distracted driving caused by smartphone use can lead to unstable driving behavior, such as inconsistent speed control, delayed braking responses, and difficulties in maintaining proper lane position. These factors collectively increase the risk of collisions and pose significant threats to road safety[13].Behavioral factors also contribute to the persistence of mobile phone use while driving. Many drivers believe that they can manage both activities simultaneously without compromising safety. This overconfidence often leads to risky behavior because drivers underestimate the cognitive load involved in multitasking while driving [11].To address this issue, many countries have implemented stricter policies regarding mobile phone use while driving. These policies include bans on handheld phone use, the introduction of automated traffic enforcement systems, and the implementation of public awareness campaigns to educate drivers about the dangers of distracted driving. Such measures have proven effective in reducing distracted driving incidents in several regions [1]. In addition to regulatory approaches, technological solutions are also being developed to mitigate distracted driving behavior. Advanced driver monitoring systems and smartphone applications designed to block notifications while driving have shown potential in reducing mobile phone usage among drivers.

These technologies can serve as preventive tools that complement legal enforcement efforts and promote safer driving behavior [12]. Overall, addressing the issue of mobile phone use while driving requires a comprehensive approach involving legal enforcement, technological innovation, and public education. Cooperation between government institutions, transportation companies, law enforcement agencies, and road users is essential to improve compliance with traffic regulations and enhance road safety for all members of society.

From a criminological perspective, the use of cell phones while driving by online motorcycle taxi drivers can be categorized as a form of non-conventional traffic crime that is, a legal violation that does not cause immediate public alarm but has a significant impact on public safety. Criminology views such unlawful behavior as arising not solely from an individual’s malicious intent, but due to structural conditions, economic pressures, and a social system that legitimizes such violations. One criminogenic factor driving this violation is the low legal awareness among drivers. Many online ride-hailing drivers understand that using a cell phone while driving is dangerous, yet they do not internalize this norm as something that must be strictly adhered to. When penalties are light, inconsistent, and fail to deter, violations tend to recur. Furthermore, criminology also notes that the absence of internal monitoring and sanction systems within the companies further increases the likelihood of violations. Online transportation app companies have not yet established effective control mechanisms to detect and prevent the use of mobile phones while driving. The absence of penalties or rewards prevents drivers’ behavior from changing. A work system that prioritizes daily order performance leads drivers to neglect safety considerations.

The concept of neutralization techniques in criminology explains how offenders attempt to justify their actions using socially acceptable reasons. In this context, drivers often claim that they are “forced” to use their cell phones due to work demands. This justification is accepted by fellow drivers and even by customers, so that the violation is no longer viewed as a criminal act but rather as part of the work

process. As a preventive measure, criminology suggests a more holistic and systemic approach. Law enforcement alone is insufficient to address non-conventional traffic offenses. Efforts are needed in legal education, fostering a culture of traffic discipline from an early age, utilizing preventive technologies such as apps that automatically deactivate when the vehicle is in motion, and an integrated monitoring system involving companies, the police, and the public. Furthermore, a situational crime prevention approach can be applied, which minimizes the opportunity for violations through the design of safe systems. For example, companies can implement a system that locks the app when the vehicle's speed exceeds a certain threshold. This system has been widely implemented in other countries and has proven effective in reducing violations.

Based on the three perspectives above criminal law, social phenomena, and criminology—it can be concluded that the violation of using cell phones while driving by online motorcycle taxi drivers is a multidimensional problem. Addressing this issue cannot be done in a sectoral manner; rather, it must involve all elements: law, technology, social culture, and corporate policy. Without synergy and a shared commitment, these violations will continue to be treated as "common crimes" that are overlooked, ultimately leading to greater losses in the future.

5. Conclusion

Based on the results of this study, it can be concluded that the use of mobile phones while driving by online transportation drivers constitutes a violation of traffic regulations as stipulated in Law Number 22 of 2009 concerning Road Traffic and Transportation, particularly Article 106 paragraph (1) which requires drivers to operate vehicles with full concentration. Violations of this provision may result in criminal sanctions as regulated in Article 287 paragraph (1). The use of mobile phones while driving reduces driver concentration and increases the risk of traffic accidents, thereby posing a significant threat to public road safety.This study also finds that the implementation of criminal sanctions against drivers who use mobile phones while driving has not been fully effective. Several factors contribute to this condition, including the operational demands of online transportation applications that require drivers to constantly monitor their smartphones, the limited capacity of law enforcement in detecting such violations, and the relatively low level of legal awareness among drivers regarding the dangers of distracted driving.Furthermore, the study highlights that addressing the problem of mobile phone use while driving requires a comprehensive approach that involves multiple stakeholders. Strengthening law enforcement mechanisms, improving traffic monitoring systems, and increasing public awareness about road safety are essential steps in reducing violations. In addition, cooperation between government institutions, law enforcement agencies, and online transportation companies is necessary to develop policies and technological solutions that can minimize distracted driving behavior.Therefore, in order to enhance road safety and reduce the risk of traffic accidents, stricter supervision, improved legal enforcement, and continuous education for drivers are needed. These efforts are expected to encourage greater compliance with traffic regulations and promote safer driving practices among online transportation drivers and other road users.

6. References

[1] World Health Organization, "Global Status Report on Road Safety 2018," *WHO*, 2018. .

[2] O. Oviedo-Trespalacios, M. M. Haque, M. King, and S. Washington, "Understanding the impacts of mobile phone distraction on driving performance: A systematic review," *Transp. Res. Part C Emerg. Technol.*, vol. 72, pp. 360–380, 2016, doi: https://doi.org/10.1016/j.trc.2016.10.006.

[3] J. K. Caird, K. A. Johnston, C. R. Willness, M. Asbridge, and P. Steel, "A meta-analysis of the effects of texting on driving," *Accid. Anal. Prev.*, vol. 71, pp. 311–318, 2014, doi: 10.1016/j.aap.2014.06.005.
[4] S. Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: Raja Grafindo Persada, 2012.
[5] D. L. Strayer and F. Drews, "Cell-phone-induced driver distraction.," *Curr. Dir. Psychol. Sci.*, vol. 16, no. 3, pp. 128–131, 2007, doi: 10.1111/j.1467-8721.2007.00489.x.
[6] A. Hamza, *Hukum Pidana Indonesia*. Jakarta: Sinar Grafika Persada, 2019.
[7] Muladi and B. Nawawi, *Teori-teori dan Kebijakan Pidana*. Bandung: PT Alumni, 2005.
[8] T. Setianingsih, "Analysis of Individual Factors on Mother's Behavior in The First Neonatal Visit (Kn1) in 8 Provinces in Indonesia," *Heal. Sci. Res.*, vol. 30, no. Ichd, pp. 310–314, 2020, doi: 10.2991/Ashr.K.201125.054.
[9] N. S. Aksa, *Pengantar Transportasi Wilayah dan Kota*, 1st ed. Makasar: Universitas Alaudin, 2014.
[10] S. Soekanto, *sosiologi Suatu Pengantar*. Jakarta : Grafindo Persada, 2001.
[11] O. Oviedo-Trespalacios, V. Truelove, B. Watson, and J. A. Hinton, "The Impact of road advertising signs on driver behavior and implications for road safety: A critical systematic review," *Transp. Res. Part A Policy Pract.*, pp. 85–98, 2019, doi: 10.1016/j.tra.2019.01.012.
[12] T. Rosenbloom and A. Shahar, "The role of mobile phone use in distracted driving behavior.," *J. Safety Res.*, vol. 76, pp. 98–104, 2021.
[13] National Highway Traffic Safety Administration, *Distracted Driving 2019*. Washington DC, 2020.
[14] B. Ashshofa, *Metode Penelitian Hukum*. Jakarta: PT Asdi Mahasatya, 2004.
[15] T. Rosenbloom, A. Perlman, and A. Shahar, "The effect of Peer Influence on Young Drivers' Risk-Taking Behaviors," *Accid. Anal. Prev.*, vol. 123, pp. 74–80, 2019, doi: 10.1016/j.aap.2019.01.
[16] M. Anshori and D. Widyaningrum, "Peramalan Permintaan Produk Cepat Rusak Dengan Metode Moving Average dan Single Exponential Smoothing," *J. Serambi Eng.*, vol. 7, no. 4, pp. 3725–3732, 2022, doi: 10.32672/jse.v7i4.4701.
[17] Moeljatno, *Asas-asas Hukum Pidana*. Jakarta: Rineka Cipta, 1993.
[18] A. Chazawi, *Pelajaran Hukum Pidana*. Jakarta: Raja Grafindo Persada, 2011.
[19] Undang-undang Republik Indonesia Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan.