



TRAFFIC ACCIDENTS AND THEIR IMPLICATIONS ON THE BALANCE
OF FAMILY RIGHTS AND OBLIGATIONS FROM THE PERSPECTIVE OF
MAQASHID SHARIA (CASE STUDY OF THE PULAU TALIABU POLICE
DEPARTMENT)

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Abstract

This study aims to analyze the impact of traffic violations, particularly red light violations, on the balance of rights and responsibilities within the family from the perspective of *maqashid syariah*. The research was conducted in Pulau Taliabu Regency using a descriptive qualitative approach. Data were collected through in-depth interviews with victims' families, traffic officers, and community leaders, as well as documentation from related institutions. The findings reveal that traffic violations have serious implications for family life, especially when the victim is the head of the household or primary breadwinner. These impacts include economic disruption, changes in household roles, and psychological stress on family members. In the *maqashid syariah* perspective, such violations indicate neglect of the protection of life (*hifz al-nafs*), property (*hifz al-mal*), and lineage (*hifz al-nasl*). Therefore, addressing traffic violations requires a multidimensional approach: legal enforcement, public education, and the internalization of religious values in traffic behavior.

Keywords: Traffic Accident, Balance of Family Rights and Obligations, Maqashid Syariah



INTRODUCTION

Traffic violations are a form of social indiscipline that have systemic impacts, not only on the perpetrators and victims but also on the smallest social structure: the family. In Indonesia, the number of traffic accidents is still relatively high. Based on data from the Indonesian National Police, in 2022 there were more than 150,000 traffic accidents with thousands of fatalities, mostly caused by road user violations, such as running red lights or not using safety equipment (Korlantas Polri, 2022).

These violations not only disrupt order but also cause significant material and immaterial losses, and impact the stability of the victims' family life. Families who lose their primary breadwinner due to traffic accidents face economic pressure, dysfunction in domestic roles, and psychosocial disturbances in children (Widodo, 2019). In many cases, the impact lasts long-term and disrupts the sustainability of the family's function as the primary social and educational institution.

The perspective of *maqashid al-shariah* provides a normative framework that places the protection of life (*hifz al-nafs*), property (*hifz al-mal*), and lineage (*hifz al-nasl*) as the main objectives of sharia. Traffic violations that result in the loss of life and the destruction of families can be categorized as violations against these objectives (Al-Syatibi, 2003). Therefore, traffic behavior cannot be viewed merely as an administrative action, but must be interpreted as part of moral and spiritual responsibility in national and religious life (Zarkasyi, 2021).

However, until now, the *maqashid sharia* approach has not been widely used in analyzing traffic accident phenomena and their impact on families. Existing studies tend to focus on aspects of positive law or technical criminology, while the dimension of Islamic values in traffic is still minimally addressed systematically. This research attempts to fill that gap by using *maqashid syariah* as the main perspective to assess the impact of traffic violations on the balance of rights and obligations within families, particularly in Pulau Taliabu Regency, which has strong socio-religious characteristics.

Thus, the focus of this research is to evaluate the extent to which traffic violations, particularly red-light violations, impact the imbalance of roles and responsibilities within families, and how *maqashid syariah* can serve as a solution-oriented and preventive approach in fostering a traffic culture in society.



LITERATURE REVIEW

1. Maqashid Syariah in the Context of Traffic Violations

Maqashid syariah is a normative framework in Islamic law aimed at preserving five fundamental aspects of human life, namely: religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-‘aql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-mal) (Lathif, 2020). In the context of traffic violations, at least three maqashid aspects that are often violated are ḥifẓ al-nafs, ḥifẓ al-mal, and ḥifẓ al-nasl.

Traffic violations such as running a red light, not wearing a helmet, or driving in an unfit condition can have fatal consequences, including accidents that threaten life safety, cause property damage, and destroy family structure. In the Islamic view, this is not merely a violation of state regulations, but also a breach of the primary objectives of Islamic law, which are the protection of life and the welfare of the community (Sahid, 2021).

Compliance with traffic regulations is not only viewed as a formal legal obligation but also as a form of religious responsibility in line with the principles of maqashid sharia. When someone ensures their own safety and that of others on the road, they are practicing one of the main principles of sharia, namely ḥifẓ al-nafs (Zarkasyi, 2021).

Traffic accidents that result in loss of life and family destruction are a tangible manifestation of negligence in implementing maqashid sharia in daily life. Therefore, the internalization of maqashid values in traffic culture is very important to build public awareness of safety as part of worship.

Thus, traffic violations cannot be viewed merely as minor or administrative actions. In the perspective of maqashid sharia, any action that threatens life and public welfare must be prevented through a multidimensional approach of law, education, and religion.

2. Lawrence M. Friedman's Legal System Theory

The legal system theory developed by Lawrence M. Friedman divides the legal system into three main interrelated elements that determine the effectiveness of a legal system. First, the legal structure, which includes formal institutions such as the police, courts, hospitals, and other social protection agencies that have the authority to handle traffic violations and accident victims (Friedman, 1975; Ali, 2012). Second, the legal substance, which encompasses written legal rules, such as Law Number 22 of 2009 on Traffic and Road Transportation, the Criminal Code (KUHP), and laws on child and family protection.



Thirdly, equally important is legal culture, which refers to the attitudes, values, and perceptions of society towards the law and law enforcement officials. Legal culture reflects the extent to which society accepts, understands, and consciously complies with the law, not merely out of fear of sanctions. In the context of traffic violations, legal culture greatly determines whether the public adheres to traffic signs out of awareness or merely out of fear of being fined.

Weaknesses in any element of this legal system can directly impact justice for the victims. For example, if legal structures such as the police and hospitals do not function optimally, the handling of accident victims will be slow or unjust. If the substance of the law does not favor the victims or is not enforced consistently, the perpetrators will go unpunished. And most fundamentally, if the legal culture of society is weak, violations will continue to occur due to a lack of legal awareness.

In the research conducted by Suyanto (2022), the legal culture of people in small towns in Indonesia is still weak, especially in terms of traffic safety awareness. That awareness is not formed systematically due to uneven legal education, inconsistent law enforcement, and the low role of community leaders in shaping a collective attitude towards the importance of traffic rules.

Therefore, a systemic approach based on Friedman's theory is important in analyzing traffic violation issues. Without simultaneous structural, substantial, and cultural improvements, the legal system will not be able to provide comprehensive protection for accident victims or effectively prevent violations.

3. The Impact of Traffic Accidents on Families

Traffic accidents have a wide-ranging impact on the balance of rights and obligations within families. If the primary breadwinner experiences death or permanent disability, the family will face economic, psychological, and social pressures. These impacts include:

- Economic: loss of primary income and increased financial burden.
- Psychological: trauma, stress, and disruption of relationships among family members.
- Legal: parental responsibility for accidents caused by children, or legal compensation processes.

In many cases, resolution through a restorative justice approach becomes an alternative solution that is considered.

Several previous studies focused on criminal aspects, victim protection, or restorative justice approaches. This research is different because it specifically



analyzes the implications of traffic violations on the balance of rights and obligations within the family based on the principles of maqashid sharia.

This research is novel because:

- It touches on the spiritual and moral dimensions of traffic.
- It links traffic accidents to the dysfunction of families.
- It proposes an approach based on the values of maqashid sharia as a preventive and corrective solution.

4. Conceptual Framework

This research positions traffic violations as an independent variable that impacts the balance of family rights and obligations as a dependent variable. The analysis uses the maqashid sharia approach as a lens to understand how these violations can disrupt the values of *hifz al-nafs*, *hifz al-mal*, and *hifz al-nasl*. This framework helps explain how traffic violations have multidimensional consequences, not only for the individual offender but also for family stability and social welfare.

5. Hypothesis Formulation

Based on theoretical studies and field findings, the hypotheses proposed in this research are as follows:

- H1: Traffic violations significantly affect the imbalance of rights and obligations within the family.
- H2: The higher the level of traffic violations, the greater the threat to the protection of life (*hifz al-nafs*) and property (*hifz al-mal*).
- H3: The principle of maqashid sharia can mediate the impact of traffic violations on family stability.

RESEARCH METHOD

This research uses a qualitative approach with a descriptive-critical type of research. This approach was chosen because it is suitable for deeply examining complex and contextual social phenomena, particularly traffic violations and their implications for the balance of rights and obligations within the family, from the perspective of maqashid sharia. According to Moleong (2017), the qualitative approach aims to understand the meaning contained in behaviors, values, and social systems analyzed from the perspective of the research subjects. This approach also allows researchers to capture social and religious dynamics that cannot be explained solely by numbers or statistics.

The research location was determined purposively, namely in Taliabu Island Regency, North Maluku Province, considering that this area has



experienced a significant increase in traffic violations, particularly red light violations, over the past three years. The research was conducted from January to April 2024, adjusting to field dynamics and the completeness of the required data.

The data sources used in this research consist of primary and secondary data. Primary data were obtained through in-depth interviews with several key informants, namely family members of traffic accident victims, traffic police officers, religious leaders, and community leaders who understand the local socio-cultural conditions. Meanwhile, secondary data were obtained from official documents such as accident reports from the police, relevant laws and regulations (e.g., Law No. 22 of 2009 on Traffic and Road Transportation), classical and contemporary Islamic literature on *maqashid al-sharia*, as well as relevant previous research findings.

Data collection techniques were carried out through three main methods: semi-structured interviews, direct field observations, and documentation studies. Interviews were used to delve into in-depth information from sources, while observations were conducted to understand the traffic behavior of the community directly at the scene. Documentation studies were used to trace legal evidence, statistics, and other written records that support the analysis (Sugiyono, 2018).

Data analysis in this study uses the interactive analysis model from Miles and Huberman (2014), which includes the processes of data reduction, data presentation, and conclusion drawing and verification. Data reduction is carried out by selecting relevant data that aligns with the research focus, data presentation is done in the form of thematic narratives, and conclusions are drawn based on patterns that emerge from interviews and observations. To ensure the validity of the data, triangulation techniques are used, both in terms of sources and methods. This triangulation is important to avoid researcher bias and enhance the validity of the findings (Patton, 2002).

The validity of the data is tested using the criteria of credibility, transferability, dependability, and confirmability, as formulated by Lincoln and Guba (1985). These four criteria are used to ensure that the data collected truly reflects field reality and can be scientifically trusted. This testing is also conducted through member checks, audit trails, and reflective notes by the researcher to minimize subjectivity in data interpretation.



RESULTS AND DISCUSSION

1. Traffic Violation Patterns in Pulau Taliabu Regency

Traffic violations are a complex issue in Pulau Taliabu Regency, especially violations against red lights that frequently occur in areas without intensive supervision. Based on data and interview results, these violations are not only individual in nature but have become a collective habit that is overlooked by both the community and law enforcement officials. This phenomenon indicates the weak legal compliance in society and the unawareness of traffic accident risks as a real threat to life safety.

Many drivers assume that running a red light is not a serious violation because it does not always result in immediate consequences. In an interview, several offenders admitted to running red lights when the road was empty because they felt there was no risk of being fined or having an accident. This kind of mindset reflects a low legal culture, which is one of the important elements in Lawrence M. Friedman's legal system theory that affects the effectiveness of the law.

Data from the Traffic Unit shows a trend of increasing traffic accident cases caused by running red lights. In 2022, there were 7 cases recorded, increasing to 11 cases in 2023, and reaching 14 cases at the beginning of 2024. This fact shows that traffic violations are not merely administrative offenses, but also have a direct impact on the safety of citizens. The majority of the victims are motorcyclists and pedestrians, who often do not use safety equipment such as helmets or reflective vests.

The developing geographical conditions of Taliabu Island Regency further exacerbate the situation. The road infrastructure is uneven, there is a lack of traffic signs, non-functioning traffic lights, and minimal traffic control posts, making violations increasingly uncontrollable. When regulations are not supported by an adequate monitoring system and facilities, the effectiveness of the law becomes very weak.

In this context, it is important for local governments and the police not only to take repressive actions but also to build a system that supports public compliance through educational and participatory approaches. Running a red light cannot be taken lightly because it has the potential to cause fatal accidents with long-term impacts, both individually and socially.

2. The Impact of Violations on Family Structure and Function

Traffic accidents due to running a red light have proven to significantly impact the balance in the structure and function of families. Based on the results



of interviews with the victims' families, it was found that many families experienced significant changes after the accident, especially when the victim was the head of the family or the main breadwinner. These changes not only involve economic responsibilities but also the patterns of relationships and emotions among family members.

The victim's wife generally has to take on the role of the family's breadwinner, even though she previously played the role of a housewife. This sudden change causes psychological pressure and mental fatigue due to the double burden that must be endured. Some informants admitted that they were not mentally and financially prepared to face the situation, especially when they had to take care of children who were also traumatized by the loss of their father.

Children who were not direct victims of the accident also face significant impacts. They lost their protector, caregiver, and primary guide. In addition, their education is often disrupted due to financial constraints or unaddressed emotional impacts. Families not only lose their source of income but also their social and spiritual stability.

In many cases, the burden on families increases because they have to navigate difficult legal and administrative processes. Not all families have access to or understanding of insurance claim procedures, restitution, or state assistance. This exacerbates the inequality that has already occurred due to the accident.

This condition shows that traffic violations have a wide and deep impact on the smallest social structure, namely the family. Traffic violations can apparently cause systemic damage to family institutions, which has a long-term impact on community development.

3. A Review of Maqashid Syariah on Traffic Violations

In the perspective of maqashid sharia, traffic violations are not only a breach of state law but also a violation of the fundamental principles of Islamic sharia. The objectives of sharia, namely the preservation of life (hifz al-nafs), property (hifz al-mal), and lineage (hifz al-nasl), are all potentially violated due to accidents caused by traffic indiscipline. Therefore, adherence to traffic rules falls into the category of moral and religious obligations.

Hifz al-nafs is directly violated when a driver or road user experiences death or severe injury due to an accident. Cases that occurred in Taliabu show that running a red light leads to loss of life. Meanwhile, hifz al-mal is disrupted because the victims' families often suffer financial losses, whether in the form of



medical expenses, loss of income, or vehicle damage.

Furthermore, this violation also impacts *hifz al-nasl*, especially when children lose their parents or experience drastic changes in their way of life. The balance of education, moral upbringing, and the sustainability of the family's role as a moral institution becomes disrupted. In some cases, children experience a decline in academic performance and prolonged symptoms of psychological trauma.

The concept of *maqashid syariah* emphasizes the importance of avoiding harm (*mafsadah*) and promoting benefit (*maslahah*). Therefore, traffic violations should not be viewed solely from an administrative aspect, but as actions that contradict the noble objectives of Islamic law. The instillation of *maqashid* values in traffic education becomes important to foster religious awareness in driving.

Thus, the enforcement of traffic laws integrated with *sharia* principles can provide a holistic approach in addressing violations. Not only imposing sanctions, but also building spiritual awareness and traffic ethics in line with the *maqashid* of *sharia*.

4. The Role of the State and Society in Preventing Violations

Traffic accidents have a wide-ranging impact on the balance of rights and obligations within a family. If the primary breadwinner experiences death or permanent disability, the family will face significant economic, psychological, and social pressure. This is in line with Widodo's (2019) findings, which state that the families of accident victims generally experience disruptions in functional stability, particularly in the aspects of economic roles and child-rearing. This impact includes:

- Economic: loss of primary income and increased financial burden, including medical and rehabilitation costs (Rohman, 2021).
- Psychological: trauma, stress, and disruption of family relationships, especially for children who lose a father or mother figure (Nurhayati, 2020).
- Legal: parental responsibility for accidents caused by minors or the lengthy and energy-consuming legal process for compensation (Hidayat, 2021).

In many cases, resolution through a restorative justice approach becomes an alternative solution considered by both parties, especially in the context of a communal society that prioritizes social harmony and deliberation (Hidayat, 2021).



Some previous studies have focused more on the criminal aspects of traffic accidents (Suyanto, 2022), victim protection from the perspective of positive law (Arifin, 2020), or the restorative justice approach in resolving legal conflicts (Hidayat, 2021). However, this research offers a new contribution by specifically analyzing the implications of traffic violations on the balance of rights and obligations within the family using the maqashid syariah framework as the main analytical tool. The novelty of this research includes:

- Touching on the spiritual and moral dimensions of traffic that have not been widely studied in contemporary legal or social literature (Sahid, 2021)
- Linking traffic accidents to the dysfunction of families, whether economically, socially, or psychologically.
- Proposing the maqashid syariah value approach as a preventive and corrective solution, not only as a theological doctrine but also as a legal and social policy value.

CONCLUSION

This research shows that traffic violations, particularly red-light violations, in Taliabu Island Regency are not only a legal issue but also a social and moral problem that has a wide-ranging impact on family balance. These violations directly impact the safety of lives, property loss, and the stability of families as the smallest social unit. Accidents caused by traffic violations have been proven to disrupt the roles and functions of families, especially when the victim is the primary breadwinner.

In the perspective of maqashid sharia, traffic violations constitute a breach of the principles of *hifz al-nafs*, *hifz al-mal*, and *hifz al-nasl*. In other words, traffic violations not only cause material harm but also contradict the fundamental values of Islamic law that uphold the welfare of the community. Therefore, public legal awareness needs to be built not only through formal approaches but also through the approach of religious values and local culture.

The factors causing the high rate of traffic violations include low legal awareness, inadequate road infrastructure facilities, weak law enforcement, and the insufficient involvement of religious leaders in traffic safety education. The legal culture of society has not been optimally formed, so violations are considered normal and not seriously impactful.

This research also emphasizes that the state has a significant responsibility in creating a safe and humane traffic system. However, this



responsibility must be supported by active community participation, particularly in internalizing the values of discipline and safety as part of worship and moral obligation.

Thus, addressing traffic violations is not sufficient through legal sanctions alone, but requires a comprehensive strategy that integrates education, spirituality, and legal system reform. Law enforcement based on the values of maqashid syariah can be a holistic approach to preventing accidents and maintaining social balance within families and communities.

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