



## RECONSTRUCTION OF THE CRIMINAL LIABILITY OF ROAD OPERATORS IN TRAFFIC ACCIDENTS

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### Abstract

The road organizer under Law Number 22 of 2009 on Road Traffic and Transportation (LLAJ Law) can only be subjected to criminal liability for road damage (Article 24 in conjunction with Article 273). However, criminal sanctions for road organizers who neglect to provide road equipment (Articles 25 and 26) have not been clearly regulated. Essentially, road organizers have a fundamental obligation to provide and ensure the availability of road equipment such as traffic signs, road markings, traffic signal devices (APILL), and other road safety facilities. A crucial issue arises regarding the regulation of liability, the application of criminal liability, and the reconstruction of criminal liability concerning road organizers who fail to provide road equipment. This study employs a normative juridical method with statutory, conceptual, case, and comparative approaches. Data were collected through literature studies, regulatory analysis, and interviews with relevant resource persons, then analyzed qualitatively. Case studies of accidents in Purwakarta and Cibubur show that criminal liability has so far only been imposed on drivers, even though evidence indicates the contribution of road organizers, such as the ineffective installation of sharp turn signs and speed limits. This situation creates legal uncertainty and fails to deliver justice in enforcing criminal liability against road organizers. The findings highlight the need to reconstruct the regulation of criminal liability for road organizers who neglect to provide road equipment, based on the provisions of Articles 25 and 26 of the LLAJ Law, by adding criminal sanctions for such negligence. Recommendations from this research include the immediate revision and/or amendment of criminal provisions through Article 273 b of the LLAJ Law, referring to Article 25 paragraph (1) of the LLAJ Law. Additionally, comprehensive supervision is suggested, both internal supervision (through the Propam Division, inspectorate, and performance audits of investigators), and external supervision (through the National Police Commission, the Ombudsman of the Republic of Indonesia, and the National Human Rights Commission) for traffic accident cases related to road equipment.

**Keywords:** Reconstruction; Criminal liability; Road organizer; traffic accident.

### Abstrak

Penyelenggara jalan dalam Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan (UU LLAJ) hanya dapat dipidana atas kerusakan jalan (Pasal 24 juncto Pasal 273), namun pidana bagi penyelenggara jalan yang lalai melengkapi perlengkapan jalan (Pasal 25 dan 26) belum diatur secara tegas. Penyelenggara jalan pada intinya memiliki kewajiban mendasar untuk melengkapi dan memastikan terpenuhinya perlengkapan jalan seperti rambu lalu lintas, marka jalan, alat pemberi isyarat lalu lintas (APILL), serta fasilitas keselamatan jalan lainnya. Terdapat permasalahan krusial mengenai aspek pengaturan pertanggungjawaban, penerapan pertanggungjawaban pidana dan rekonstruksi pertanggungjawaban pidana terhadap bagi penyelenggara jalan yang lalai melengkapi perlengkapan jalan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, kasus, dan perbandingan. Data dikumpulkan melalui studi kepustakaan, analisis peraturan, dan wawancara dengan narasumber terkait, lalu dianalisis secara kualitatif. Studi kasus kecelakaan di Purwakarta dan Cibubur menunjukkan bahwa pertanggungjawaban pidana selama ini hanya dibebankan kepada pengemudi, meskipun terdapat bukti kontribusi penyelenggara jalan, seperti pemasangan rambu tikungan tajam dan batas kecepatan yang tidak efektif. Hal ini memunculkan ketidakpastian hukum serta

tidak memberikan keadilan dalam penegakan pertanggungjawaban pidana terhadap penyelenggara jalan. Hasil penelitian menegaskan perlunya rekonstruksi pengaturan pertanggungjawaban pidana bagi penyelenggara jalan yang lalai melengkapi perlengkapan jalan berdasarkan ketentuan Pasal 25 dan 26 UU LLAJ dengan menambahkan ketentuan pemidanaan bagi penyelenggara jalan yang lalai dalam melengkapi perlengkapan jalan. Saran dari temuan ini agar segera dilakukan revisi dan/atau perubahan ketentuan pidana melalui ketentuan Pasal 273 b UU LLAJ dengan merujuk pada ketentuan Pasal 25 ayat (1) UU LLAJ serta diupayakan dilakukan pengawasan menyeluruh, baik pengawasan internal (melalui Divisi Propam dan inspektorat serta audit kinerja penyidik), dan pengawasan eksternal (melalui Kopolnas, Ombudsman RI dan Komnas HAM) terhadap perkara kecelakaan lalu lintas yang terkait dengan perlengkapan jalan.

**Kata Kunci:** Rekonstruksi; Pertanggungjawaban pidana; Penyelenggara jalan; Kecelakaan lalu lintas.

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## A. INTRODUCTION

Road traffic accidents (lakalantas) are one of the crucial problems that continue to haunt the transportation system in Indonesia. Almost every day the media reports accidents with significant casualties and material losses. Reports from the Indonesian National Police in recent years show that the number of accidents tends to increase, so it is not only a traffic problem, but also concerns social, economic, and legal aspects. The large number of victims indicates that safety on the highway has not been a priority that is optimally realized in policies and law enforcement. This condition requires a serious study of how the law can play a more effective role in preventing and overcoming lakalantas. Furthermore, the increasing number of accidents also indicates structural weaknesses in the national transportation system, including in terms of infrastructure management, traffic engineering, and road user behavior.

The social aspect cannot be ignored, because every accident always leaves a deep psychological impact on the victim's family and affects the stability of people's lives. From an economic perspective, the high number of accidents also contributes to large losses in the form of health care costs, loss of labor productivity, and an increase in the burden on the state in public services. Meanwhile, in the legal aspect, this condition shows that there is a gap between existing normative regulations and the reality of implementation in the field, where regulation and enforcement of the law are often still partial and have not touched the root of the problem. A more comprehensive approach is needed by positioning the law not only as a repressive instrument, but also as a preventive, corrective, and educational means to realize a safer, fairer, and more sustainable transportation system.

So far, public discourse and law enforcement practices have focused more on the causes of the crime on human factors, especially drivers. The human error paradigm is the dominant explanation that seems to place the driver as the only responsible party. In fact, various studies show that traffic accidents are multifactorial. Studies conducted by the UGM Center, IAARD of the Ministry of Transportation, and the investigation of the National Transportation Safety Committee (KNKT) emphasized that in addition to human factors, vehicle conditions, road infrastructure, and the environment also have significant

contributions. This means that a legal approach that only focuses on individual mistakes has the potential to cause injustice and ignore the structural responsibility of road operators.<sup>1</sup>

In a legal perspective, this problem can be analyzed through the framework of utilitarianism theory and justice theory. Utilitarianism, as formulated by Jeremy Bentham and John Stuart Mill, views good law as the law that produces the greatest benefit to as many people as possible.<sup>2</sup> When applied to traffic laws, the rules are not enough to punish guilty drivers, but also ensure that road operators carry out their obligations to provide safe infrastructure.<sup>3</sup> Similarly, Gustav Radbruch's theory of justice asserts that law should not stop at formal certainty, but must guarantee substantive justice.<sup>4</sup> In this context, imposing the legal burden only on drivers while ignoring the role of road operators is a form of injustice that is not in accordance with the ideals of Indonesian law.

The Constitution also provides a strong foundation. Article 1 paragraph (3) of the 1945 Constitution affirms Indonesia as a state of law, which means that the state is obliged to protect the basic rights of citizens, including the right to safety and security. Article 28A and Article 28H guarantee the right of everyone to live and have a healthy environment and a sense of security. Thus, safe roads and decent traffic infrastructure are the constitutional rights of citizens. The state's obligation to provide infrastructure that meets safety standards is also a manifestation of Pancasila values, especially the precepts of Fair and Civilized Humanity and Social Justice for All Indonesian People.

The fulfillment of this constitutional right should not only be understood as a formal responsibility, but must be realized in real terms through consistent policies, adequate budgets, and effective supervision of the quality of road infrastructure.<sup>5</sup> The state is obliged to ensure that every infrastructure development policy must prioritize the dimension of public safety as a top priority, not just pursuing aspects of economic growth.<sup>6</sup> This is in line with the principle of the rule of law which places the protection of human dignity and dignity at the center of all government actions. Thus, the provision of safe roads and high safety standards is not only a form of fulfilling rights, but also a tangible manifestation of the implementation of Pancasila in the life of the nation and state, as well as reflecting the state's constitutional commitment to maintaining the safety of citizens' lives in a sustainable manner.

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<sup>1</sup> Noor Rohmat, *Sistem Peradilan Pidana*, (Yogyakarta, K-Media, 2024)

<sup>2</sup> Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (London: T. Payne and Son, 1789).

<sup>3</sup> John Stuart Mill, *Utilitarianism* (London: Parker, Son, and Bourn, 1863).

<sup>4</sup> Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law BT - Law in a Time of Crisis," in *Law in a Time of Crisis*, ed. Bonnie Litschewski Paulson and James M Brown (Oxford: Oxford University Press, 2009).

<sup>5</sup> Hendra1, Arry Halbadika Fahlevi, Implementation of Good Corporate Governance (GCG) Principles in PDAM Tirta Ogan, Ogan Ilir District, IAPA International Conference 2024 Towards World Class, Bureaucracy ISSN Print: 2686-6242, ISSN Online: 2686-6250, <https://doi.org/10.30589/proceedings.2024.1052>

<sup>6</sup> Hendra1, Arry Halbadika Fahlevi, Implementation of Good Corporate Governance (GCG) Principles in PDAM Tirta Ogan, Ogan Ilir District, IAPA International Conference 2024 Towards World Class, Bureaucracy ISSN Print: 2686-6242, ISSN Online: 2686-6250, <https://doi.org/10.30589/proceedings.2024.1052>

The above description shows that the problem of *lakalantas* is not only a technical problem of transportation, but also a constitutional, philosophical, and juridical issue that is closely related to state accountability. The reconstruction of criminal law in the field of traffic, especially related to the accountability of road operators, is an urgent need to realize a fairer and more sustainable public safety. This is because the problem of traffic accidents is directly related to the basic rights of citizens as guaranteed in the constitution, so that the state cannot remain silent when infrastructure factors or the negligence of the organizers trigger casualties. From a philosophical perspective, criminal law reconstruction efforts also reflect the spirit of Pancasila, which emphasizes the values of justice, humanity, and collective responsibility in protecting others. Meanwhile, from the juridical dimension, the weakness of norms that are still partial requires strengthening through strict, comprehensive, and legal certainty-oriented regulations. The reconstruction of criminal law in the field of traffic is not only a legislative project, but also a strategic means to uphold state accountability, strengthen legal legitimacy, and build a national transportation system based on substantive justice and adaptive to the evolving needs of society.

Empirical data shows that traffic accidents in Indonesia are one of the main causes of death that have a major impact on society. The *Korlantas* Police report in 2023 recorded more than 148 thousand cases of *lakalantas* with more than 22 thousand deaths. In addition, there are hundreds of thousands of victims of serious injuries and minor injuries, as well as material losses estimated at hundreds of billions of rupiah. These figures reflect that traffic accidents are not only a transportation problem, but also a complex social and economic problem. Health costs, loss of labor productivity, and psychological trauma of the victim's family are real burdens borne by the community. The impact is not only felt by the individual victims and their families, but also by the state, because the high number of accidents increases the burden on the health care system, slows down economic growth, and reduces the overall quality of human resources. It also illustrates that traffic accidents have become a serious threat to sustainable development, given that the losses caused are not only instantaneous, but also have a long-term impact on social stability and people's well-being. The high number of traffic accidents must be seen as a structural problem that requires comprehensive handling through legal policies, infrastructure improvements, public education, and strengthening criminal liability regulations for negligent parties. In this way, the role of traffic law will truly be realized not only as a regulatory tool, but also as an instrument of protection and community empowerment.

If examined more deeply, traffic accidents occur as a result of a combination of four main factors: people, vehicles, roads, and the environment. Although human factors are indeed dominant, the results of research by Pustral UGM and IAARD show that the condition of road infrastructure also contributes a significant percentage in the occurrence of accidents. KNKT investigations have even repeatedly found that major accidents in Indonesia are often triggered by road factors, such as the lack of warning signs, the absence of rescue lanes, or poor street lighting. Thus, road operators have a strategic role in preventing accidents. Unfortunately, this role has not been fully reflected in the legal arrangements. Law Number 22 of 2009 concerning Road Traffic and Transportation (UU

LLAJ) does regulate criminal liability for road operators.<sup>7</sup> However, these provisions are very limited, only listed in Article 273. This article regulates two forms of negligence: not immediately repairing damaged roads and not installing signs on damaged roads that have not been repaired. With its narrow scope, this norm fails to accommodate various other forms of negligence that actually occur, such as non-standard road designs, confusing markings, or the absence of road safety in accident-prone areas.

The limitation of this regulation has an impact on the weak legal accountability of road operators. In practice, almost all cases of *lakalantas* only ensnare drivers, while road operators escape criminal liability, even though evidence shows the contribution of infrastructure factors. This creates a substantive injustice, as the victim and his family do not receive equal protection from the state. On the other hand, the law loses its preventive function, because road operators do not have strong enough legal pressure to improve the quality of infrastructure. This phenomenon confirms the existence of an imbalance in traffic law enforcement. The state seems to be easier to punish individual road users, but it fails to enforce the accountability of institutions that have structural obligations in ensuring safety. Thus, the existence of Article 273 of the LLAJ Law is only symbolic, it has not been able to answer the complexity of the factors that cause traffic accidents in Indonesia.<sup>8</sup>

The above conditions show that there is a fundamental gap between *das sollen* and *das sein*. Normatively (*das sollen*), the LLAJ Law has recognized criminal liability for road operators. Ideally, this norm is a guarantee that any negligence of the organizer that contributes to the accident can be acted upon according to the law. However, in reality (*das sein*), the very limited provisions of Article 273 actually make the criminal liability of road operators almost never realized in practice. As a result, traffic law enforcement is not balanced and tends to sacrifice the driver as a sole actor, while structural factors are ignored. Furthermore, this situation shows weaknesses in the implementation of regulations that are not in line with the purpose of establishing the law, which is to provide comprehensive protection for road users. The imbalance between legal norms and their application creates legal uncertainty, where people do not feel the presence of the state to ensure their safety optimally. In addition, the dominance of law enforcement that is only oriented towards individual faults further removes the dimension of institutional responsibility that should be recognized, even though road operators have the authority and strategic capacity to prevent accidents. Therefore, the gap between *das sollen* and *das sein* must be immediately bridged through the reconstruction of regulations and law enforcement practices in order to achieve a balance between individual protection and institutional accountability, so that traffic law enforcement truly reflects the substantive justice expected by the community.<sup>9</sup>

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<sup>7</sup> L R Aju, "Criminal Liability of Road Operators Based on Law Number 22 of 2009 concerning Road Traffic and Transportation" (Brawijaya University, 2019).

<sup>8</sup> R D Hutagalung, "Model of Criminal Liability in Article 273 of Law Number 22 of 2009 concerning Road Traffic and Transportation," *Philosophia Law Review* 1, no. 2 (2021): 126–50.

<sup>9</sup> M T A Siregar, "Efforts that can be made by victims/road users to hold road operators criminally responsible for accidents due to damaged roads," *EduTech: Journal of Educational and Social Sciences* 6, no. 1 (2020): 36–44.

This gap poses a number of serious implications. First, the law loses its function as an instrument of public protection because it is unable to ensnare all responsible parties. Second, the value of substantive justice is not achieved, because the victims of accidents do not get proportionate justice. Third, the preventive function of the law does not run optimally, because road operators do not receive normative pressure to ensure the quality of safe infrastructure. Thus, the inconsistency between *das sollen* and *das sein* shows that there is an urgent need to reconstruct the regulation of criminal provisions in the LLAJ Law. Furthermore, this implication is also related to the decline of the legitimacy of the law in the eyes of the public, because when the law only burdens individual drivers without touching the road operator, the law is seen as unfair and discriminatory.

This gap also opens up the potential for the recurrence of accidents at vulnerable points, because road operators still feel safe from legal snares even though they do not meet safety standards. Not only that, the domino effect of weak law enforcement includes the occurrence of economic, social, and psychological losses that are increasingly burdensome for victims and their families, as well as worsening the state's image in providing protection to its people. The reconstruction of criminal regulations in the LLAJ Law is very important not only to strengthen legal certainty, but also to ensure the fulfillment of substantive justice and the establishment of legal functions that are truly preventive, repressive, and educational.

The novelty of the research (*state of the art*) lies in the focus of the analysis of the criminal liability of road operators from the perspective of infrastructure factors outside Article 273 of the LLAJ Law. Previous research has mostly discussed aspects of criminalization of drivers, a paradigm shift in *ultimum remedium*, or legal protection for transportation service users. There has been no study that comprehensively examines the gap between legal norms and empirical reality in the context of road operators' responsibilities. Therefore, this research not only fills an academic void, but also offers a more fair, proportionate, and applicable reconstruction of traffic criminal law.

Based on this description, the main purpose of this study is to reconstruct the regulation of criminal liability of road operators in traffic accidents. To achieve these main objectives, this study specifically aims to: (1) analyze the criminal liability arrangements of road operators in the LLAJ Law; (2) examine the practice of applying criminal provisions in the case of traffic accidents triggered by infrastructure factors; and (3) formulate a more comprehensive form of reconstruction of criminal provisions, so that the accountability of road operators can be enforced in accordance with the principles of justice, utility, and legal certainty.

## **B. RESEARCH METHODS**

This study uses descriptive-analytical research specifications with the aim of providing a systematic overview of the regulation and practice of criminal liability of road operators in traffic accidents and offers a more comprehensive reconstruction of legal arrangements. The type of research used is normative legal research, because the focus of the study is directed at positive legal norms, principles, and legal doctrines related to the criminal liability of road operators. The approach methods used include a *statute approach*, a *conceptual approach*, and a *case approach* to examine the practice of law application in relevant traffic accident cases. The data collection technique is carried out through

literature studies by examining primary legal materials in the form of laws and regulations, secondary legal materials in the form of literature, journals, and previous research results, and tertiary legal materials in the form of legal dictionaries and encyclopedias. The collected data is then analyzed using a qualitative analysis method, namely by deciphering, interpreting, and constructing legal data so as to produce logical and argumentative conclusions in accordance with the research objectives.

### **C. RESULTS OF RESEARCH AND DISCUSSION**

#### **Conceptual Framework for Criminal Liability of Road Operators**

The discussion of the reconstruction of the criminal liability arrangements for road operators in traffic accidents requires a preliminary understanding of the underlying conceptual framework. Reconstruction in the context of traffic criminal law is not only understood as a normative revision of existing rules, but also as a process of rearranging the legal paradigm to be more responsive to social dynamics, technological developments, and the need for community protection. This process not only focuses on criminal sanctions, but also emphasizes the importance of prevention, education, and the development of a legal culture that supports traffic safety. In this framework, it is also necessary to review the roles and responsibilities of all stakeholders, both the government, law enforcement officials, and the community as road users, in order to create a system that balances state responsibility and public participation. Thus, the reconstruction of criminal liability for road operators is not only repressive, but also prioritizes preventive, corrective, and rehabilitative aspects in an effort to reduce the number of traffic accidents. In addition, this reconstruction effort needs to be accompanied by consistent regulatory updates, continuous supervision, and the application of restorative justice principles that place public safety as a top priority, so that traffic laws can function not only as an instrument of control, but also as a means of protection and empowerment of road users.<sup>10</sup>

Principles such as *strict liability* and *vicarious liability* are important in placing road operators as the subject of criminal law. Through *strict liability*, legal liability can be imposed even if there is no direct fault, while *vicarious liability* affirms the responsibility of the corporation for the acts or negligence of its employees. With the implementation of *strict liability*, road operators can no longer shirk from responsibility just because of the difficulty of proving the element of error, but are automatically required to ensure that every obligation related to road equipment is carried out optimally. Meanwhile, *vicarious liability* emphasizes that responsibility does not stop with the individuals implementing the field, but is also attached to the institution or legal entity that oversees them, thus ensuring broader accountability. These two principles, when placed within the framework of traffic law, serve to expand the scope of criminal liability so that it is not solely imposed on the driver as the last party on the road, but also on the road operator who has a fundamental obligation in creating safe traffic conditions. The adoption of the principles of *strict liability* and *vicarious liability* in traffic regulation will provide legal certainty while increasing the standard of prudence, as well as encouraging the professionalism of road

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<sup>10</sup> Rocky Saputra M Ibrahim, Fence M Wantu, and Dian Ekawaty Ismail, "Reconstruction of Fines and Penalties For Not Having a Driver's License in Relation to Legal Reform," *Philosophia Law Review*, 2021, 179–201.

operator institutions in carrying out their functions consistently and responsibly.<sup>11</sup> The integration of these two principles allows road operators to be not only administratively responsible, but also criminally when their negligence causes accidents and public losses. Thus, traffic criminal law is geared towards the creation of broader accountability, which includes individuals as well as institutions.

Criminal provisions are an important instrument to ensure legal certainty while forming public awareness. Based on the principle of legality in Article 1 paragraph (1) of the Criminal Code, only acts regulated by law can be punished.<sup>12</sup> This principle avoids arbitrariness in law enforcement. In its development, the form of punishment is not only limited to basic crimes such as imprisonment or fines, but also includes additional penalties, conditional penalties, and alternative penalties in the form of social work or rehabilitation. The new paradigm even encourages the use of restorative justice approaches, which emphasize the restoration of social relations between perpetrators, victims, and society. This shows that criminalization in traffic is no longer solely oriented to punishment, but also to coaching and prevention.

The position of road operators is increasingly important when it is associated with regulations. Law Number 38 of 2004 concerning Roads and Government Regulation Number 34 of 2006 affirms the obligation of the government and business entities to ensure that roads are in safe and decent condition. Negligence in carrying out these obligations, such as not immediately repairing road damage, can give rise to legal liability.<sup>13</sup> Similar practices are seen in various countries. In the United States, *the Federal Highway Administration* requires the maintenance of national roads to certain standards; in the United Kingdom, *the Highways Act 1980* emphasizes the obligation of road authorities to ensure the feasibility of infrastructure; while in Australia, road regulation is carried out through the collaboration of the federal and state governments with an emphasis on user safety. This comparison shows that the responsibility of road operators in Indonesia is in line with international practices that emphasize public safety as a priority.

The legislative aspect strengthens the framework. The Indonesian legal system follows the theory of the Kelsen hierarchy of norms, where every regulation must be sourced from a higher norm.<sup>14</sup> Therefore, the reconstruction of traffic criminal rules must be consistent with the constitution and not contrary to the norms above. In the formation of modern laws, the modification approach is more relevant than codification because it is able to respond quickly to technological developments, such as electric vehicles, online transportation, *electronic road pricing*, and *electronic traffic law enforcement*. In this way, traffic laws do not lag behind the ever-evolving social reality.

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<sup>11</sup> Alfisol Rahardi Man, "Settlement of Traffic Accident Crimes," *Judge : Legal Journal* 06, no. 02 (2025): 89–103.

<sup>12</sup> Barda Nawawi Arief and Muladi, *Criminal theories and policies* (Bandung: Alumni, 1998).

<sup>13</sup> Theodorus Lerich Manuputty, "Analysis of Flexural Pavement Thickness Using the Road Pavement Design Manual Method (MDP 2017) on the Road Section of Kowatu Village - Ramberu Village, Inamosol District, Western Seram Regency," *Manumata Journal* 10, no. 1 (2022): 1–52, <https://doi.org/10.21608/pshj.2022.250026>.

<sup>14</sup> Sofyan Apendi, "The Absence of Ministerial Regulations in the Hierarchy of National Laws and Regulations and Its Implications for the Structuring of Regulations in the National Legal System," *PALAR (Pakuan Law Review* 07, no. 01 (2021): 111–26.

Traffic accidents, which are essentially unforeseen events due to a combination of human, vehicle, environmental, and system factors, demonstrate the importance of a more comprehensive approach. The WHO emphasizes that accidents are not solely the fault of individuals, but also the result of systemic interactions. Therefore, prevention is not only directed at driver behavior, but also at infrastructure improvement, safety management, and the application of modern surveillance technology. The concept of a *safety management system* (SMS) is relevant here because it requires the participation of all actors, including road operators, in creating a safe traffic system.

Roads as vital infrastructure also have a strategic position in economic and social development. Poor road conditions not only trigger accidents, but also hinder the distribution of goods, reduce productivity, and cause economic losses. In addition, inadequate road quality can slow down people's mobility, reduce accessibility to public services such as education and health, and reduce regional competitiveness in attracting investment. Damaged or unsuitable roads can also increase vehicle operational costs, shorten the useful life of transportation, and increase the economic burden on the community and business actors. Therefore, the implementation of reliable, safe, and sustainable roads is a key factor in supporting national economic growth while ensuring social welfare.<sup>15</sup> Road operators have a legal, social, and moral responsibility to keep this infrastructure well maintained. The use of technology such as real-time monitoring and transportation data integration is part of the reconstruction needed to make road management more adaptive and sustainable.

Finally, traffic and road transportation as a whole of the national transportation system need to be seen in a broader framework. Law Number 22 of 2009 has become the basis for regulation, but there are still gaps, especially related to online transportation, electric vehicles, as well as classic problems such as overloading. Rapid changes in society demand more responsive laws. The reconstruction of criminal law in this context must be able to bring substantive justice, legal certainty, as well as protection for the community as road users. Thus, the conceptual framework that initially stood alone in the research can now be understood as an analytical basis for the discussion of the criminal liability of road operators. The integration between theory, regulation, and practice is a prerequisite for the traffic law system in Indonesia to be not only normative, but also applicative, adaptive, and fair.

### **Case Study of Traffic Accidents in Indonesia and International Comparison**

The conceptual framework is increasingly finding relevance when it is linked to empirical data on traffic accidents that occur in Indonesia. One of the prominent cases is an accident on the Cipularang Toll Road, Purwakarta, which involved a number of vehicles and caused fatalities. The results of the investigation showed that this accident was not only the result of driver negligence, but also related to road conditions, traffic management, and the absence of an adequate early warning system in accident-prone locations. This fact strengthens the argument that criminal liability cannot be fully imposed on individual drivers, but must consider the contribution of negligence of road operators

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<sup>15</sup> Ridwan Syah Nuhun et al., "Evaluation of Road Length and Condition in Regencies/Cities of Southeast Sulawesi Province: Implications for Infrastructure Management," *Journal Of Social Science Research Volume 4* (2024): 8824–35.

who do not conduct regular safety evaluations or repair infrastructure facilities according to standards. Furthermore, the case shows structural weaknesses in traffic management and infrastructure maintenance, which should be the responsibility of the state and its institutional apparatus. The lack of application of early detection technology and the lack of special warning signs at accident-prone points further exacerbate the risk, causing great losses to the community. The accident on the Cipularang Toll Road is not only relevant as a tragic incident, but also as empirical evidence of the need for a reconstruction of traffic criminal law that places road operators as legal subjects who can be held accountable. Thus, substantive justice can be better realized, as the law no longer places the driver as the only party at fault, but rather acknowledges the complexity of the factors causing accidents, as well as affirms the importance of institutional accountability in the transportation system.<sup>16</sup>

Another case that emphasizes a similar problem is the fatal accident in Cibubur, which involved a heavily loaded truck with a brake system not functioning optimally. This accident caused many fatalities because the truck lost control while going down the road in heavy traffic conditions. Analysis of the incident showed weaknesses in traffic supervision, especially in the aspects of road engineering and traffic light regulation in areas with high intensity of heavy vehicles. Law enforcement was ultimately directed only at truck drivers, while road operators and relevant authorities were not held accountable, despite indications that traffic management and infrastructure safety standards were not being met. This condition shows a legal gap, where institutional responsibility has not been fully accommodated in the traffic criminal regime in Indonesia.

This situation raises serious questions about the effectiveness of existing regulations, because the focus of law enforcement that is only aimed at drivers ignores the structural and institutional factors that play a role in the occurrence of accidents. In fact, in the context of complex traffic accidents, the role of road operators, supervisory authorities, and traffic engineering policies has a significant impact on public safety. Thus, the accident in Cibubur can be used as a clear example of the need for a more fair and comprehensive reformulation of policies and regulations, which not only impose responsibility on individual drivers, but also place road operators and related institutions as parties who must participate in criminal and administrative responsibility.<sup>17</sup>

A comparison with international practice gives the impression that this problem is not new. In the United States, road authorities are required to conduct regular road safety audits, and failure to meet safety standards can lead to lawsuits against institutions. In the UK, the Highways Act 1980 confirms the road authority's legal responsibility to maintain the roadworthiness; Negligence in carrying out this obligation opens up room for lawsuits and criminal and civil liability. In Australia, meanwhile, the approach is emphasizing collaboration between the central government and the states, where road management bodies have clear legal obligations regarding user safety. These practices demonstrate the

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<sup>16</sup> Muhammad Uzair, "Who Is Liable When a Driverless Car Crashes?," *World Electric Vehicle Journal* 12, no. 2 (2021), <https://doi.org/10.3390/wevj12020062>.

<sup>17</sup> Wisnu Wardana Kusuma, "Legal Aspects of Corporate Responsibility for Road Damage Caused by Oversized and Overloaded Transport Vehicles," *Mercatoria Journal* 16, no. 1 (2021): 91–98.

recognition that road operators are not just administrative actors, but also legal subjects who can be held accountable when their negligence causes accidents.

In comparison, Indonesia still tends to focus on criminal liability on vehicle drivers. This is evident from the two major cases, where the focus of law enforcement is only on the individual perpetrators, while the road organizers are untouched.<sup>18</sup> In fact, the conceptual framework of modern criminal law, including the principles of strict liability and vicarious liability, actually demands broader liability, including institutions or corporations that are negligent in carrying out their legal obligations. This difference shows that the Indonesian legal system still needs to be reconstructed in order to be able to answer the complexity of traffic problems with a fairer and more comprehensive approach.

Therefore, the combination of conceptual analysis and empirical data confirms the need to reposition the role of road operators in the traffic law system.<sup>19</sup> Reconstruction of criminal rules is not only important to provide a deterrent effect, but also to build institutional accountability. Thus, traffic accidents are understood as the result of the interaction of various factors, not just the fault of the driver. This is also in line with the principle of substantive justice which demands that legal responsibilities be distributed proportionately to all actors involved, both individuals and institutions.

### **Analysis and Reconstruction of Traffic Criminal Law Regulations**

Further analysis shows that the main weakness of the traffic law system in Indonesia lies in the regulation of criminal liability for road operators which is still partial and ineffective.<sup>20</sup> Law Number 22 of 2009 does regulate criminal provisions through Article 273, but its implementation shows the tendency of law enforcement to only be directed to individual drivers. In fact, this norm actually opens up space to demand accountability from road operators when they are negligent in carrying out their obligations, for example not immediately repairing damaged roads or not providing safety equipment according to standards. In practice, this normative opportunity is not optimally utilized by law enforcement officials, so that the deterrent effect or systemic improvement is never achieved. This situation in turn creates injustice, as drivers are positioned as the only guilty party, while the contribution of the road organizers' negligence is simply ignored. Furthermore, the unequal pattern of law enforcement shows the weak understanding of the essence of Article 273 as an instrument of public protection, not just a tool of individual punishment. If this norm is applied in a balanced manner, road operators should be encouraged to be more proactive in maintaining infrastructure and providing safety facilities, so that public safety standards can be truly guaranteed. The provisions of Article 273 should not only be understood narrowly, but need to be reconstructed at the implementation level in order to be able to provide legal certainty, justice, and comprehensive protection for all road users.

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<sup>18</sup> Nilvany Hardicky, Feni Hardianti, and Adella Sahuritna, "Government Accountability for Traffic Accidents Caused by Damaged Roads," *Journal of Law, Humanities and Politics* 4, no. 6 (2024): 2726–34, <https://doi.org/10.38035/jihhp.v4i6.2866>.

<sup>19</sup> Solhani Guntur Siregar, "The Government's Legal Responsibility for Road Damage Resulting in Accidents," *Legal Journal "THE JURIS"* VIII, no. 1 (2024): 313–31.

<sup>20</sup> Dedi Santoso, *Law Enforcement Challenges in Traffic Accident Cases Due to Damaged Road Infrastructure* (Jakarta: Indonesian Center for Transportation Studies, 2024).

The cases of Purwakarta and Cibubur are clear evidence that the existing normative framework has not been able to be applied optimally. In both incidents, infrastructure and traffic management factors contributed to the accident, but law enforcement did not touch the road operators. This creates a gap between formal law and substantive justice, where victim communities do not receive proportionate protection. This situation emphasizes the need for criminal law reconstruction in the field of traffic so that the responsibility of road operators can be truly enforced. Furthermore, various field findings show that weak supervision, lack of evaluation of road infrastructure, and lack of implementation of safety standards are factors that aggravate the risk of accidents. On the other hand, the limitations of law enforcement that only focus on direct actors such as drivers actually reinforce a culture of impunity in road management institutions, which should have the main obligation in ensuring infrastructure security. Reconstruction of traffic criminal law is not only important to provide legal certainty, but also a strategic instrument in strengthening institutional accountability, improving the quality of road safety, and ensuring justice for accident victims who have tended to be ignored.

The reconstruction offered must be based on three main principles: legal certainty, justice, and utility. From the aspect of legal certainty, regulations need to be formulated more strictly regarding the limits of the responsibility of road operators, including the criteria for negligence that can give rise to criminal liability. From the aspect of justice, the distribution of responsibility should not only be imposed on drivers, but also on institutions that neglect to carry out their legal obligations.<sup>21</sup> Meanwhile, from the aspect of utility, criminal regulation should not only be oriented towards punishment, but also encourage systemic improvement through education, rehabilitation, and improvement of traffic safety culture. Thus, the criminal function does not stop at the repressive effect alone, but also plays a role in shaping more orderly and law-conscious social behavior. Education can be realized through road safety campaigns, integration of traffic materials in formal education, and training for stakeholders. Rehabilitation focuses not only on the perpetrator, but also on the victim, through the provision of adequate access to compensation, counseling, and social support. Improving traffic safety culture also requires synergy between law enforcement, community participation, and the responsibility of road operators in providing infrastructure facilities that meet safety standards.<sup>22</sup> Therefore, the orientation of benefits in the regulation of traffic crimes will be more effective if it is able to produce sustainable changes, strengthen legal awareness, and create a safe and fair transportation system for all citizens.

In this framework, the application of the principle of strict liability is important, because it allows road operators to be held accountable without the need to prove subjective errors. In addition, the vicarious liability mechanism can also be used to demand corporate or business entity accountability for the actions of employees who act within the scope of their authority. Thus, the reconstruction of traffic criminal law will result in a

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<sup>21</sup> Tom Cornford, "THE NEGLIGENCE LIABILITY OF PUBLIC AUTHORITIES FOR OMISSIONS," *The Cambridge Law Journal* 78, no. 3 (2019): 545–569, <https://doi.org/10.1017/S0008197319000692>.

<sup>22</sup> M. Amirkhani, "The Effect of Educational Intervention Based on the Theory of Planned Behavior on Children's Traffic Safety: A Randomized Controlled Trial," *International Journal of Adolescence and Youth* 30, no. 2 (2025): 168–86.

system that is more adaptive, fair, and in line with international practice.<sup>23</sup> Furthermore, the combination of these two principles is able to expand the scope of legal responsibility so that it does not stop at individuals alone, but also extends to entities that have a structural function in the implementation of road infrastructure. The implementation of strict liability, for example, will encourage road operators to be more careful in planning, construction, and road maintenance, because any negligence can directly lead to criminal consequences. Meanwhile, vicarious liability ensures that the corporation as an institution cannot avoid liability, because all forms of actions or omissions of employees remain attached to the organization's responsibility.<sup>24</sup> Therefore, the reconstruction of traffic criminal law through the application of these two principles is expected to create a legal order that is not only repressive in imposing sanctions, but also preventive through improving safety and accountability standards, as well as progressive in following the dynamics of global legal practice.

Reconstruction also needs to accommodate contemporary political and legal developments, including strengthening public participation through the citizen lawsuit mechanism in cases of accidents due to the negligence of road operators. This mechanism provides space for citizens to demand accountability from the state or business entities that are negligent in their obligations to provide secure infrastructure.<sup>25</sup> In addition, the issue of over dimension and over loading (ODOL) must also be placed within the framework of criminal responsibility of road operators, considering that ODOL practices often cause infrastructure damage and increase the risk of accidents.

The use of cutting-edge technologies such as big data-based monitoring systems and the Internet of Things (IoT) is also a key element in the reconstruction. The integration of the real-time surveillance system with law enforcement allows for early detection of potential accidents, while strengthening the accountability mechanism of road operators. Big data technology enables the massive collection, analysis, and processing of traffic information through smart sensors, cameras, and other connected devices, so that vehicle flow management can be carried out dynamically based on actual conditions in the field<sup>26</sup>. IoT presents the opportunity to monitor road conditions, traffic density, and even infrastructure maintenance automatically and integrate with data centers. The application of IoT-based traffic sensors to red lights, road markings, and vehicles, makes operational decisions such as setting traffic signals or providing early warnings to drivers can be done quickly and based on real-time data. All of these efforts support digital evidence-based law enforcement efforts, increase the transparency of accountability of road management

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<sup>23</sup> Richard A. Epstein, "A Theory of Strict Liability," *The Journal of Legal Studies* 2, no. 1 (2014): 151–204.

<sup>24</sup> Ahmad Najemi, "Criminal Liability of Road Organizers in the Perspective of Law Number 22 Year 2009 Concerning Traffic and Road Transportation," *Berumpun: International Journal of Social, Politics, and Humanities* 3, no. 2 (2020): 102–12.

<sup>25</sup> Indah Ramadhani Istiawan, "Enforcement of the Law Against Negligent Traffic Violators Resulting in Fatalities: A Case Study of Decision Number 34/Pid.B/2021/PN.Mgt," *Justice Voice* 3, no. 1 (2025): 1–7, <https://doi.org/10.37893/jv.v3i1.1020>.

<sup>26</sup> Fauza Aulia and Risa Puspa, "Analysis of the Influence of IoT Technology on Optimizing Traffic Management in Cities," *MERCURY Journal* 6, no. 3 (2024): 212–25.

institutions, and optimize the use of resources for the realization of a safer, more efficient, and adaptive transportation system for city growth.

The use of cutting-edge technologies such as big data-based monitoring systems and the Internet of Things (IoT) is also a key element in the reconstruction. The integration of the real-time surveillance system with law enforcement allows for early detection of potential accidents, while strengthening the accountability mechanism of road operators. Big data technology enables massive collection of traffic data through sensors, CCTV, and smart devices, so that traffic flow conditions can be monitored and analyzed quickly and accurately for evidence-based decision-making. Meanwhile, the use of IoT in traffic management allows road condition monitoring, traffic light settings, and early warning to be not only carried out automatically, but also integrated directly with law enforcement command centers.<sup>27</sup> In this way, law enforcement is not only repressive after the incident, but also proactive in preventing accidents.

Finally, the reconstruction of criminal regulations in the field of traffic should be seen as a step towards a new paradigm of more equitable transportation law. This paradigm places road operators as legal subjects on an equal footing with road users in terms of accountability, so that the distribution of responsibilities is more proportionate. With clearer, participatory, and technology-adaptive regulations, the traffic law system in Indonesia can be more effective in protecting the public, reducing the number of accidents, and realizing safe and sustainable transportation. Furthermore, this new paradigm will also strengthen the principle of restorative justice, where the interests of victims and the rights of the community in obtaining a sense of security are the top priorities in every policy. Reconstruction of criminal law in the field of traffic should not only be understood as an instrument of sanctioning, but also as a means of education, prevention, and collective awareness of the importance of road safety. In addition, integration with the development of *intelligent transport technology* and the digitalization of traffic supervision will further increase the effectiveness of law enforcement.<sup>28</sup> Therefore, traffic law reform through the reconstruction of criminal regulations must be directed not only at repressive enforcement of norms, but also at strengthening the legal culture of society, increasing institutional accountability, and building a national transportation system that is able to respond to global challenges and the needs of future generations.

In addition to normative problems, weaknesses are also seen in the implementation aspect of Article 273 of the LLAJ Law. This norm has provided a legal basis for the criminalization of road operators who neglect to repair infrastructure damage, but in practice it is almost never implemented. This shows that there are serious obstacles in the law enforcement process, both because of the limited courage of the authorities to process road operators as legal subjects, and because of the strong legal culture that still tends to position drivers as the only party to blame. The absence of a clear legal precedent also weakens the function of Article 273 of the LLAJ Law, so that the norm seems to have

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<sup>27</sup> Hamza Farooq et al., "DrunkChain: Blockchain-Based IoT System for Preventing Drunk Driving-Related Traffic Accidents," *Sensors* 23, no. 12 (2023): 1–21, <https://doi.org/10.3390/s23125388>.

<sup>28</sup> Nurul Izzah, "Restorative Justice Approach in Traffic Crime Law Enforcement," *International Journal of Law and Society* 1, no. 4 (2024): 140–152.

lost its applicative meaning in the criminal justice system. As a result, road operators do not feel strong legal pressure to improve the quality of infrastructure management, so violations of legal obligations often do not have real consequences. The existence of Article 273 only stops as a static norm on paper, without being able to present the expected legal certainty or deterrent effect.<sup>29</sup> This condition is influenced by several factors. First, the low coordination between agencies, especially between the police, transportation agencies, and local governments, which often throw responsibility at each other when accidents occur. Second, there are difficulties in proving causality between the negligence of the road operator and the consequences of the accident caused. Third, law enforcement officials still tend to be based on the classic paradigm that emphasizes responsibility for drivers as the sole cause of accidents.

This situation shows that legal reconstruction is not enough just by changing norms, but must also touch on institutional and cultural aspects of law. Traffic law institutions need to be strengthened through clear coordination mechanisms, firm division of authority, and transparent accountability mechanisms. Meanwhile, the legal culture of law enforcement officials needs to be directed towards a more progressive approach, by acknowledging the complexity of the causes of accidents and expanding the scope of legal subjects for which criminal liability can be held accountable. Furthermore, this institutional strengthening also requires a periodic evaluation system of the performance of road operators and supervisory officials, to ensure that safety standards are not only set in regulations, but are actually implemented consistently in the field.<sup>30</sup> On the other hand, the formation of a progressive legal culture needs to be accompanied by increasing the capacity of human resources, including continuous education for law enforcement officials to be more sensitive to technological developments, social dynamics, and the need for community protection in the transportation sector. Legal reconstruction that touches on institutional aspects and legal culture will not only strengthen the foundation of traffic criminal law enforcement, but also be able to present a system that is more responsive, accountable, and oriented towards public safety.

The reconstruction of criminal sanctions for road operators also requires reformulation. So far, criminal sanctions have placed more emphasis on fines or imprisonment, which in many cases do not cause a deterrent effect or systemic improvement. Alternatives that can be offered are the application of combination sanctions, such as the obligation to repair infrastructure, the publication of the responsibility of the organizer in the public space, or the obligation to compensate the victim. This kind of sanction is not only repressive, but also corrective and educational. Thus, road operators are encouraged to improve infrastructure management standards in a sustainable manner. Furthermore, the application of combination sanctions can open up space for restorative justice, where the success of sanctions is not only measured by the level of punishment, but also by the extent to which the action is able to restore public security and trust. The enforcement of infrastructure improvement obligations, for

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<sup>29</sup> Vicki Dwi Purnomo and Surodjo, "Analysis of Motor Vehicle Accidents Due to Damaged Roads," *Journal of Legal and Cultural Analytics* 1, no. 4 (2023): 235–52, <https://doi.org/10.55927/jlca.v1i4.2411>.

<sup>30</sup> Weijia Rao, "Social Science Research and Reforms of International Institutions," *Chicago Journal of International Law* 22, no. 1 (2021): 156–167.

example, will directly provide real benefits to the public, while the publication of responsibility in the public sphere can strengthen social control and increase transparency. The obligation to compensate victims not only presents individual justice, but also provides important lessons for organizing institutions to be more safety-oriented. Therefore, the reformulation of criminal sanctions with a combination approach will create a more proportionate, accountable, and positive impact on the development of a legal culture that emphasizes prevention as well as community protection.<sup>31</sup>

The integration of the principle of restorative justice in the context of traffic also needs to be considered. This approach emphasizes the restoration of social relations between the perpetrator, the victim, and the community, by placing the victim as the center of attention. Through the application of restorative justice, the settlement of traffic accident cases does not only stop at the provision of criminal sanctions, but is also directed at the recovery of losses suffered by the victim, both in the form of material compensation, psychological support, and guarantees of the non-recurrence of similar incidents. This principle opens up a space for dialogue between the parties involved in the accident, resulting in a more humane and substantive justice-oriented solution. Furthermore, the application of restorative justice in traffic law can also increase public trust in the legal system, as it shows that the law is not only there to punish, but also to protect and restore. The integration of restorative justice is not only relevant to provide a sense of justice to victims, but also able to be an effective instrument in reducing the burden of criminal cases in the judiciary, as well as building a more civilized and humanitarian-oriented legal culture.<sup>32</sup> In the case of traffic accidents due to the negligence of road operators, the penal mediation mechanism facilitated by the state can be an alternative to a more equitable settlement. This kind of settlement allows the victim or the victim's family to obtain real compensation and recovery, while also fostering road operators' awareness of the importance of social responsibility.

The socio-economic implications of this reconstruction cannot be ignored either. Losses due to traffic accidents are not only in the form of casualties, but also cause a large economic burden on the community and the state. World Health Organization (WHO) data shows that traffic accidents are one of the leading causes of death in the world, with significant economic losses every year. In Indonesia, economic losses due to traffic accidents are estimated to reach trillions of rupiah per year, both in the form of maintenance costs, lost productivity, and infrastructure damage. The above description shows that the problem of *lakalantas* is not only a technical problem of transportation, but also a constitutional, philosophical, and juridical issue that is closely related to state accountability. The reconstruction of criminal law in the field of traffic, especially related to the accountability of road operators, is an urgent need to realize a fairer and more

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<sup>31</sup> Lovita Aprillia Helena, Nur Hakim, and Tubagus Achmad Darodjat, "Reconstruction Of Restorative Justice-Based Settlement Of Traffic Accident Offences," *Journal Evidence Of Law* 4, no. 1 (2025): 129–34, <https://doi.org/10.59066/jel.v4i1.1058>.

<sup>32</sup> Bagus Basuki Hadi and Received, "Juridical Review of the Application of Restorative Justice in Traffic Accidents (Case Study at the South Jakarta Police in 2018 - 2020)," *Scientific Journal of Education* 9, no. 9 (2023): 167–86.

sustainable public safety.<sup>33</sup> Therefore, the reconstruction of traffic criminal law that places road operators as the subject of accountability has strategic implications in reducing economic losses while improving the quality of public safety.

With this additional perspective, it is clear that the reconstruction of traffic criminal law must be carried out comprehensively, including changes in norms, institutional strengthening, reformulation of sanctions, the application of the principles of restorative justice, and the use of modern technology. This comprehensive approach is expected to be able to close the gap that has caused weak legal protection for the community, as well as encourage the creation of a safe, fair, and sustainable traffic system. The reconstruction of criminal sanctions for road operators also requires reformulation. So far, criminal sanctions have placed more emphasis on fines or imprisonment, which in many cases do not cause a deterrent effect or systemic improvement. Alternatives that can be offered are the application of combination sanctions, such as the obligation to repair infrastructure, the publication of the responsibility of the organizer in the public space, or the obligation to compensate the victim. This kind of sanction is not only repressive, but also corrective and educational.

Road operators are encouraged to improve infrastructure management standards in a sustainable manner. More than that, this form of combined sanctions provides a broader dimension of responsibility, because it not only repairs the losses incurred for the victims, but also creates collective benefits for the community through improving the quality of transportation facilities. On the other hand, public information disclosure regarding the responsibilities of organizers will encourage public participation in carrying out social control, so as to create a more effective supervision mechanism. The implementation of compensation obligations can also be a powerful preventive tool for road operators to be more disciplined in meeting safety standards, because the consequences of negligence are not only in the form of formal punishments, but also the burden of moral and social responsibility. Thus, the reformulation of sanctions in the framework of the reconstruction of traffic criminal law will give birth to a system that not only punishes, but also prevents, corrects, and educates, as well as encourages the creation of a more humane and public safety-oriented legal culture.

#### **D. CONCLUSION**

The application of criminal liability for road operators in Law Number 22 of 2009 concerning Road Traffic and Transportation has significant limitations. In the case of traffic accidents in Cibubur and Purwakarta, criminal liability is only imposed on drivers who are negligent so as to cause the victim's death, while road operators cannot be criminally prosecuted for negligence in completing road equipment. Article 24 juncto Article 273 of the LLAJ Law only accommodates criminal liability for road operators due to negligence in road repairs, while liability for negligence or intentionality related to the installation of road equipment has not been clearly regulated. Article 273 of the LLAJ Law only affirms the responsibility of road operators who do not immediately repair damaged roads, so that

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<sup>33</sup> Santi MY. Sugiyanto G, "Road Traffic Accident Cost Using Human Capital Method (Case Study in P Urbalingga)," *Technology Journal* 2, no. 79 (2017): 107–16.

it does not provide legal certainty or justice for accident victims who are not caused by damaged road factors. The reconstruction of the norms of Article 273 should include the responsibility of the road operator in terms of the installation of road equipment (signs and APILL), as part of the material legal sources in Article 25 and Article 26 of the LLAJ Law. The addition of criminal liability norms for road operators who are negligent in not completing road equipment through the reconstruction of Article 273 b of the LLAJ Law is expected to strengthen legal protection, justice, and benefits for the community and ensure that every factor causing traffic accidents can be acted upon legally.

## **E. SUGGESTION**

Criminalization of acts as stipulated in the provisions of Article 25 and Article 26 of the LLAJ Law related to the responsibility of road operators to ensure that road equipment is revised and/or changed by adding criminal provisions through the provisions of Article 273 b of the LLAJ Law, where the initiation of revision and/or change can come from the DPR, President or DPD. The form can be in the form of minor revisions related to the provisions of the criminal liability of road operators related to road equipment, or make a thorough revision related to the overall aspect of criminal liability.

The application of future criminal liability arrangements in traffic accidents must be carried out in a more selective and precise way to find out the true factors of the traffic accident, whether it comes from the negligence of the driver, road damage factors and/or lack of road equipment. In addition, comprehensive supervision is sought, both internal supervision (through the Propam Division and the inspectorate as well as audit the performance of investigators), and external supervision (through the National Police Commission, the Ombudsman of the Republic of Indonesia and the National Commission on Human Rights).

The lawmakers are to reconstruct the criminal aspects and criminal liability for negligence in the installation of road equipment as stipulated in the provisions of Article 25 paragraph (1) by adding a clause of Article 273 b in the LLAJ Law.

## **BIBLIOGRAPHY**

- Aju, L R. "Criminal Liability of Road Operators Based on Law Number 22 of 2009 concerning Road Traffic and Transportation." Brawijaya University, 2019.
- Amirkhani, M. "The Effect of Educational Intervention Based on the Theory of Planned Behavior on Children's Traffic Safety: A Randomized Controlled Trial." *International Journal of Adolescence and Youth* 30, no. 2 (2025): 168–86.
- Appendix, Sofyan. "The absence of ministerial regulations in the hierarchy of national laws and regulations and its implications for regulatory structuring in the national legal system." *PALAR (Pakuan Law Review)* 07, no. 01 (2021): 111–26.
- Arief, Barda Nawawi, and Muladi. *Theories and Criminal Policies*. Bandung: Alumni, 1998.
- Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation*. London: T. Payne and Son, 1789.
- Cornford, Tom. "THE NEGLIGENCE LIABILITY OF PUBLIC AUTHORITIES FOR OMISSIONS." *The Cambridge Law Journal* 78, no. 3 (2019): 545–569. <https://doi.org/10.1017/S0008197319000692>.

- Epstein, Richard A. "A Theory of Strict Liability." *The Journal of Legal Studies* 2, no. 1 (2014): 151–204.
- Farooq, Hamza, Ayesha Altaf, Faiza Iqbal, Juan Castanedo Galán, Daniel Gavilanes Aray, and Imran Ashraf. "DrunkChain: Blockchain-Based IoT System for Preventing Drunk Driving-Related Traffic Accidents." *Sensors* 23, no. 12 (2023): 1–21. <https://doi.org/10.3390/s23125388>.
- Hadi, Bagus Basuki, and Received: "A Juridical Review of the Application of Restorative Justice in Traffic Accidents (Case Study at the South Jakarta Police in 2018 - 2020)." *Scientific Journal of Education* 9, no. 9 (2023): 167–86.
- Helena, Lovita Aprillia, Nur Hakim, and Tubagus Achmad Darodjat. "Reconstruction Of Restorative Justice-Based Settlement Of Traffic Accident Offences." *Journal Evidence Of Law* 4, no. 1 (2025): 129–34. <https://doi.org/10.59066/jel.v4i1.1058>.
- Hutagalung, R D. "Model of Criminal Liability in Article 273 of Law Number 22 of 2009 concerning Road Traffic and Transportation." *Philosophia Law Review* 1, no. 2 (2021): 126–50.
- Ibrahim, Rocky Saputra M, Fence M Wantu, and Dian Ekawaty Ismail. "Reconstruction of Fines and Penalties For Not Having a Driver's License in Relation to Legal Reform." *Philosophia Law Review*, 2021, 179–201.
- Istiawan, Indah Ramadhani. "Enforcement of the Law Against Negligent Traffic Violators Resulting in Fatalities: A Case Study of Decision Number 34/Pid.B/2021/PN.Mgt." *Justice Voice* 3, no. 1 (2025): 1–7. <https://doi.org/10.37893/jv.v3i1.1020>.
- Izzah, Nurul. "Restorative Justice Approach in Traffic Crime Law Enforcement." *International Journal of Law and Society* 1, no. 4 (2024): 140–152.
- Kusuma, Wisnu Wardana. "Legal Aspects of Corporate Responsibility for Road Damage Caused by Oversized and Overloaded Transport Vehicles." *Mercatoria Journal* 16, no. 1 (2021): 91–98.
- Mill, John Stuart. *Utilitarianism*. London: Parker, Son, and Bourn, 1863.
- Najemi, Ahmad. "Criminal Liability of Road Organizers in the Perspective of Law Number 22 Year 2009 Concerning Traffic and Road Transportation." *Summary: International Journal of Social, Politics, and Humanities* 3, no. 2 (2020): 102–12.
- Nilvany Hardicky, Feni Hardianti, and Adella Sahuritna. "The government's responsibility for traffic accidents caused by damaged roads." *Journal of Law, Humanities and Politics* 4, no. 6 (2024): 2726–34. <https://doi.org/10.38035/jihhp.v4i6.2866>.
- Nuhun, Ridwan Syah, La Welendo, Muhamad Faza Almaliki, Ismayana, Herianto, and Harmianto. "Evaluation of Road Length and Conditions in Regencies/Cities of Southeast Sulawesi Province: Implications for Infrastructure Management." *Journal Of Social Science Research Volume* 4 (2024): 8824–35.
- Puspa, Fauza Aulia and Risa. "Analysis of the Influence of IoT Technology on Traffic Management Optimization in Cities." *Journal of MERCURY* 6, no. 3 (2024): 212–25.
- Radbruch, Gustav. "Statutory Lawlessness and Supra-Statutory Law BT - Law in a Time of Crisis." In *Law in a Time of Crisis*, edited by Bonnie Litschewski Paulson and James M Brown. Oxford: Oxford University Press, 2009.
- Rahardi, Alfisol Man. "Criminal Settlement of Traffic Accidents." *Judge : Journal of Law* 06, no. 02 (2025): 89–103.

- Rao, Weijia. "Social Science Research and Reforms of International Institutions." *Chicago Journal of International Law* 22, no. 1 (2021): 156–167.
- Santoso, Dedi. *Challenges of Law Enforcement in Traffic Accident Cases Due to Damaged Road Infrastructure*. Jakarta: Indonesian Center for Transportation Studies, 2024.
- Siregar, M T A. "Efforts that can be made by victims/road users to hold road operators criminally responsible for accidents due to damaged roads." *EduTech: Journal of Education and Social Sciences* 6, no. 1 (2020): 36–44.
- Siregar, Solhani Guntur. "The Government's Legal Responsibility for Road Damage Resulting in Accidents." *Journal of Legal Sciences "THE JURIS"* VIII, no. 1 (2024): 313–31.
- Sugiyanto G, Santi MY. "Road Traffic Accident Cost Using Human Capital Method (Case Study in P Urbalingga)." *Journal of Technology* 2, no. 79 (2017): 107–16.
- Theodorus Lerich Manuputty. "Analysis of Flexural Pavement Thickness Using the Road Pavement Design Manual Method (MDP 2017) on the Road Section of Kowatu Village - Ramberu Village, Inamosol District, Western Seram Regency." *Journal of Paleontology* 10, no. 1 (2022): 1–52. <https://doi.org/10.21608/pshj.2022.250026>.
- Uzair, Muhammad. "Who Is Liable When a Driverless Car Crashes?" *World Electric Vehicle Journal* 12, no. 2 (2021). <https://doi.org/10.3390/wevj12020062>.
- Vicki Dwi Purnomo, and Surodjo. "Analysis of Motor Vehicle Accidents Due to Damaged Roads." *Journal of Legal and Cultural Analytics* 1, no. 4 (2023): 235–52. <https://doi.org/10.55927/jlca.v1i4.2411>.