

**LEGAL ANALYSIS OF TRAFFIC ACCIDENTS INVOLVING LARGE VEHICLES WITH CONTAINER LOADS IN INDONESIA BASED ON LAW NUMBER 22 OF 2009 CONCERNING TRAFFIC AND ROAD TRANSPORTATION CASE STUDY: 87/PID.SUS/2021/PN MRS**

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**(Naskah diterima: 1 October 2025, disetujui: 28 October 2025)**

*Abstract*

*This study analyzes the implementation of Law Number 22 of 2009 on Road Traffic and Transportation (UU LLAJ) as a multi-layered accountability framework (layered liability) in major vehicle accident cases, focusing on the gap between the law's legislative intent (ratio legis) and the Judge's main legal consideration (ratio decidendi) in Decision Number 87/PID.SUS/2021/PN MRS. The findings reveal a significant disparity between the law's requirement for multi-party accountability (criminal, civil, and administrative) and empirical law enforcement practices that tend to centralize fault (culpa) on the driver (driver-centric), overlooking potential corporate structural negligence related to Article 48 of UU LLAJ and Over Dimension and Over Loading (ODOL) practices, due to difficulties in corporate criminal prosecution. In the examined case, the Judge found the Defendant (truck driver) guilty of gross negligence (culpa lata) for failing to secure a broken-down truck left on a dark roadway for nine hours without warning signs, an omission that served as the dominating factor in the victim's death (Article 310 paragraph 4). Despite this, the Judge applied substantive justice by imposing a lighter sentence of one year and six months based on humanitarian considerations. The study concludes that reform in technical accident investigation and the consistent application of corporate criminal liability are urgently needed to create structural deterrence and achieve comprehensive justice.*

**Keywords:** traffic accident, large vehicle, ratio legis, legal protection, Law No. 22 of 2009

**Abstrak**

Penelitian ini menganalisis implementasi Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan (UU LLAJ) sebagai kerangka pertanggungjawaban berlapis (layered liability) dalam kasus kecelakaan kendaraan besar, dengan fokus pada evaluasi kesenjangan antara filosofi hukum (ratio legis) dan pertimbangan hakim (ratio decidendi) dalam Putusan Nomor 87/PID.SUS/2021/PN MRS. Hasilnya menunjukkan disparitas signifikan antara niat legislatif UU LLAJ untuk menuntut akuntabilitas multi-pihak (pidana, perdata, administratif) dan praktik penegakan hukum empiris yang cenderung memusatkan kesalahan (culpa) pada pengemudi (driver-centric), mengabaikan potensi kelalaian struktural korporasi terkait Pasal 48 UU LLAJ dan praktik ODOL akibat kesulitan pembuktian pidana korporasi. Dalam studi kasus PN Maros, Hakim menetapkan Terdakwa (pengemudi truk) bersalah atas kelalaian berat (culpa lata) karena omisi membiarkan truk mogok di jalan gelap tanpa tanda peringatan selama 9 jam, yang merupakan dominating factor penyebab kematian Korban (Pasal 310 Ayat 4). Meskipun demikian, Hakim menerapkan keadilan substantif dengan menjatuhkan pidana penjara yang lebih ringan (1 tahun 6 bulan) berdasarkan pertimbangan kemanusiaan. Oleh karena itu, penelitian ini menyimpulkan urgensi reformasi



investigasi teknis dan konsistensi penerapan pertanggungjawaban pidana korporasi untuk menciptakan efek jera struktural dan mencapai keadilan komprehensif.

**Kata kunci:** kecelakaan lalu lintas, kendaraan besar, ratio legis, perlindungan hukum, UU No. 22 Tahun 2009

## **I. INTRODUCTION**

Large container-laden vehicles are the lifeblood of national logistics and goods distribution, providing high efficiency in economic operations. However, this functional advantage is offset by the high inherent risks on the road. The mass and momentum of large vehicles generate highly destructive kinetic energy in collisions, potentially fatal for more vulnerable road users. This reality legally demands very strict legal regulations.

Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) serves as the Primary Legislative Ratio to control risk and ensure public safety, based on the principle of *Salus Populi Suprema Lex Esto* (The Safety of the People is the Supreme Law). Article 310 establishes the basis for criminal liability for drivers due to negligence, while Article 48 outlines the owner's/company's responsibility for the technical roadworthiness of the vehicle.

The high number of accidents involving heavy vehicles is often caused by multifactorial factors: driver negligence (speed violations, fatigue), technical/structural negligence (ODOL, brake failure, failure of vital functions), and environmental factors (damaged roads, poor lighting). A crucial legal issue arises in the evidentiary process: how authorities can personalize multiple layers of negligence (*culpa*) and establish a fair causal relationship (*causal verband*) within the chain of responsibility involving the operator, owner, and regulator.

This research selects Decision Number 87/PID.SUS/2021/PN MRS as a case study to reflect on the quality of traffic criminal justice and examine the application of the concepts of multiple layers of responsibility and substantive justice in handling a fatal container truck accident.

## **II. RESEARCH METHODS**

This research uses normative law, complemented by an empirical juridical approach, to analyze the application of positive law in major vehicle accident cases. The approaches employed include the Statute Approach, the Conceptual Approach, and the Case Approach.

The legal materials used in this study include primary law (Law No. 22 of 2009 and implementing regulations related to ODOL/KIR), secondary law (literature and journals), and tertiary law (dictionaries). The analysis was conducted descriptively-analytical and argumentatively-logically to examine the gap between *ius constitutum* (applicable law) and *ius operandum* (law in practice).

### **III. RESEARCH RESULTS**

#### **1. Analysis of the Ratio Legis and Ratio Decidendi in Large Vehicle Accident Cases**

##### **1.1 Philosophical and Normative Analysis of the Ratio Legis**

The Ratio Legis regulation of large container-laden vehicles in Law Number 22 of 2009 (the LLAJ Law) is based on the philosophical view that the Safety of the People is the Supreme Law (*Salus Populi Suprema Lex Esto*). Lawmakers recognize that large vehicles pose a high potential risk due to their dimensions, weight, and technical characteristics, requiring the state to establish stricter safety standards.

Normatively, the Ratio Legis of the LLAJ Law establishes a layered liability system that includes:

- a. Preventive Protection: This is implemented through roadworthiness regulations (Article 48), periodic roadworthiness inspections (KIR), a ban on Over Dimension Overloading (ODOL), and an elevated duty of care for drivers. Dimension and load restrictions are preventative mechanisms scientifically proven to reduce the potential for accidents.
- b. Collective Accountability (Chain of Responsibility): The law requires accountability not only for the driver (operational negligence/Article 310) but also for the vehicle owner or operator (structural/managerial negligence related to technical roadworthiness/Article 48).

##### **1.2 Analysis of the Ratio Decidendi in Decision Number 87/PID.SUS/2021/PN MRS**

Analysis of this decision crystallizes how the norms of the LLAJ Law are applied in criminal justice:

- a. Determination of *Culpa Lata*: The judge found the Defendant (truck driver) guilty of gross negligence (*culpa lata*). This negligence manifested in the omission of leaving the broken-down truck parked on a dark road for nine hours without displaying warning signs (such as a warning triangle or hazard lights).
- b. Causal Verband (Dominating Factor): This negligence was deemed the dominant causal factor that caused the victim's death, thus fulfilling the elements of Article 310 Paragraph

- (4) of the LLAJ Law. The judge emphasized the principle of foreseeability, which states that a rational driver should have anticipated the fatal risks of operating a large truck without warning signs at night.
- c. Substantive Justice (Sentencing): Although the culpa was considered serious, the judge applied substantive justice by imposing a lighter prison sentence (1 year and 6 months) than the prosecutor's demand. This consideration was based on humanitarian considerations and the defendant's status as the breadwinner.

### **1.3 Implementation Gap Findings**

The research identified significant disparities between the progressive ratio legis and judicial implementation practices:

- a. Inconsistency of Multi-Layered Accountability: Although the ratio legis requires multi-party accountability (Articles 48 and 310), law enforcement practices tend to focus fault on the driver (driver-centric). The ratio decidendi only assesses individual operational negligence and does not deeply analyze potential structural corporate negligence (e.g., related to the vehicle's technical condition or ODOL).
- b. Weak Structural Deterrent Effect: The centralization of fault on the driver results in the inadmissibility of corporate criminal penalties. This results in a deterrent effect that is solely individual, allowing corporations to maintain incentives to ignore safety standards for cost efficiency, which is counterproductive to public safety goals.
- c. Disproportionality of Risk: The legal burden is unequal, as drivers in subordinate positions bear the criminal risk, while corporations that reap the greatest economic benefits escape proportional liability.

## **2. Legal Protection for Large Vehicles as Accident Victims**

Legal protection for container truck owners and drivers as victims is often very weak and does not reflect the principles of substantive justice. Their position in the law enforcement system tends to be disadvantageous due to structural biases that automatically view large vehicles as "dangerous."

### **2.1. Normative Legal Basis for Victim Protection**

Normatively, legal protection for truck victims is enforced through several key principles in Law No. 22 of 2009:

- a. The Principle of No Responsibility Without Fault (Nullum Crimen Sine Culpa): Article 235 Paragraph (1) affirms that a person cannot be held responsible if they have not committed a fault. This principle serves as a legal bulwark prohibiting the unilateral criminalization of truck drivers who are struck.
- b. Limitation on Criminalization of Negligence: Article 310 Paragraph (4) requires an element of negligence on the part of the driver to be subject to criminal prosecution. This norm ensures that truck drivers cannot be automatically punished solely based on fatalities resulting from an accident, especially if they are the victim.
- c. Right to a Suitable Road (Road Liability): Article 73 requires the state/road operator to provide safe, suitable, and standard roads. This norm provides the legal basis for truck owners and drivers to demand compensation or corrective action from the government if an accident is caused by infrastructure failure.

## **2.2. Structural Gaps and Weaknesses in Practice**

Despite a strong normative foundation, law enforcement practices exhibit serious weaknesses:

### **A. Administrative Criminalization and Evidence Retention**

1. Trucks as Victims of Legal Formality: Involved container trucks (including those that break down or are hit) are treated as primary evidence and are automatically detained by investigators. This often overlooks the fact that the vehicles may be in an emergency situation and are themselves victims.
2. Substantial Economic Losses: Prolonged truck detention (months) results in substantial economic losses for owners and companies, due to the loss of income.
3. Bureaucratic Obstacles: The process of recovering vehicles from evidence storage requires complex, slow, and inefficient bureaucratic procedures, increasing the cost burden on vehicle owners. This situation reflects the absence of a fast-track recovery mechanism.

### **B. Absence of Road Liability and State Responsibility**

1. Infrastructure Failure: Case studies show that accidents are often exacerbated by environmental factors such as poor street lighting or inadequate road conditions.
2. Unilateral Risk Burden: Although infrastructure conditions are a significant factor, there is no criminal or civil mechanism that addresses the responsibility of the state or local government as road operators.

3. Implications: The absence of compensation from the state indicates that preventative protection through the provision of safe infrastructure is not working, and vehicle owners bear the legal consequences for the state's failure.

#### C. Investigative Bias and Substantive Injustice

1. Driver-Centric Bias: Investigations tend to focus on finding fault with individual truck drivers, even though accidents are multifactorial. Drivers are often quickly named suspects without adequate legal representation.
2. Criminalization of Drivers: There is a tendency to criminalize large vehicle drivers, making them the easiest to blame, even when accidents are also influenced by other external factors.
3. Vulnerable Legal Position: Truck drivers are in a weak socio-economic position (daily/contract workers), so they do not have a strong bargaining position to fight for their rights in the face of complex legal processes.

### 2.3. Recommended Ideal Model of Legal Protection

The ideal legal protection should be integrative (criminal, civil, and administrative) and built on the principles of substantive justice:

Pilar Reformasi	Rekomendasi Detail
<b>Reformasi Penahanan Barang Bukti</b>	Penahanan selektif berbasis urgensi pembuktian, pembatasan waktu penahanan (misalnya, maksimum 14 hari), dan penyediaan alternatif penyimpanan bukti (dokumentasi 3D). Harus ada hak pemilik untuk meminta penetapan pengadilan.
<b>Mekanisme Road Liability</b>	Negara wajib bertanggung jawab dan memberikan kompensasi apabila kecelakaan disebabkan oleh kerusakan jalan, minimnya penerangan, atau kegagalan infrastruktur.
<b>Penguatan Standar Penyidikan</b>	Menerapkan pendekatan berbasis bukti ilmiah (rekonstruksi digital, analisis kecepatan), melibatkan ahli independen, dan menegakkan asas praduga tidak bersalah kepada pengemudi truk.
<b>Perlindungan Terpadu</b>	Memastikan pertanggungjawaban administratif (terhadap perusahaan yang melanggar Pasal 48) dan perdata berjalan bersamaan dengan pertanggungjawaban pidana (Pasal 310), agar beban risiko tidak dibebankan secara tunggal kepada pengemudi.

#### IV. CONCLUSION

Based on an in-depth legal analysis of accidents involving large container-laden vehicles, this study formulates two main conclusions and constructive suggestions. The first conclusion concerns the inconsistency in the implementation of the ratio legis of the LLAJ Law: although the legal philosophy mandates layered liability or Chain of Responsibility involving drivers, owners, and companies (Articles 48 and 310), law enforcement practices tend to focus fault on drivers (driver-centric), ignoring structural negligence (ODOL/technical airworthiness). This indicates that the goal of protecting public safety through structural accountability has not been fully achieved. The second conclusion concerns the weakness of legal protection for large vehicles that become victims: protection is still partial, marked by the practice of administrative criminalization (disproportionate detention of vehicles as evidence) and the absence of a road liability mechanism (state responsibility) for infrastructure failures, so that the burden of risk is borne unfairly by drivers and owners. To address this gap, it is recommended that the government strengthen structural oversight of transportation companies and consistently apply the Chain of Responsibility principle. In addition, there is a need for reform of the evidence retention mechanism with time limits and compensation, as well as the establishment of a road liability mechanism that allows victims to claim compensation from the state if an accident is triggered by negligence in road infrastructure.

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