

Criminal Liability for Negligence in Traffic that Results in the Loss of Life of Another Person According to Law Number 22 of 2009 (Study of Decision Number 1908/Pid.Sus/2024/PN Medan)

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This research aims to analyze the criminal liability for traffic negligence resulting in the loss of life according to Law Number 22 of 2009, identify the causal factors of such negligence, and examine the judge's considerations in imposing a sentence, using Case Decision Number 1908/Pid.Sus/2024/PN Medan as a study. The high number of traffic accidents in Indonesia, predominantly caused by human error, highlights the urgency of this issue. This study employs a normative legal research method with statutory and case study approaches. The findings indicate that the formulation of criminal liability in Article 310 paragraph (4) of Law No. 22 of 2009 is clear, with a maximum threat of 6 years imprisonment. However, its implementation in court decisions often does not reach the maximum penalty, as seen in the Medan District Court ruling where the perpetrator was sentenced to only 2 years and 6 months. Factors causing negligence include human, vehicle, road, and natural factors, with human factors being the most dominant. Judge's considerations are based on juridical, sociological aspects, and trial facts. This research suggests the need for more optimal law enforcement and consistent sentencing to create a deterrent effect.

Keywords: Criminal Liability; Judge's Consideration; Law Enforcement; Traffic Accident; Traffic Negligence.

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1. Introduction

Road traffic conditions in Indonesia today are still quite alarming, especially in big cities. Traffic jams and violations are commonplace, and the number of traffic accident victims remains relatively high. Human factors play the largest role in causing these conditions, compared to other contributing factors such as road conditions, vehicle factors, and natural factors(1)

Road traffic conditions in Indonesia are currently adequate, especially in big cities, where traffic congestion and traffic violations are commonplace, resulting in traffic accidents that we encounter every day, which illustrates that traffic accidents are relatively high. Human factors contribute the most compared to other factors such as road conditions, vehicle factors, and natural factors. The low level of discipline and adherence to traffic rules and etiquette among road users is an issue that requires special attention in order to solve problems in the field of transportation (3)

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Basically, every disaster is unavoidable in any form, including accidents. According to Law No. 22 of 2009 Article 1 paragraph 24 concerning road traffic and transportation, a traffic accident is defined as an unexpected and unintentional event that occurs on the road, involving vehicles with or without other road users, and resulting in fatalities and/or property damage. (7)

The high number of traffic accidents in Indonesia remains a serious problem that requires special attention from various parties, especially in terms of law enforcement. Data shows that the majority of accidents are caused by human factors, such as driver negligence that results in the loss of life. Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) has regulated criminal sanctions for perpetrators of traffic negligence, including in Article 310 paragraph (4) which imposes a maximum imprisonment of 6 years and/or a maximum fine of IDR 12,000,000 for drivers whose negligence results in death.

Laws and their functions regulate all aspects of national and state life and can contribute maximally to their implementation if law enforcement officials and all levels of society submit to and obey legal norms. In traffic accidents, a distinction must be made between violations and crimes. This is because in order to prosecute before the law, the incident must constitute a crime, while in traffic accidents, the crime that occurs is an unintentional crime or one caused by negligence or carelessness. There are various types of negligence that can cause accidents. (9)

However, in practice, the application of these sanctions often does not reach the maximum limit. For example, in Decision Number 1908/Pid.Sus/2024/PN Medan, the defendant was only sentenced to 2 years and 6 months in prison for negligence resulting in the death of a pedestrian. This shows a gap between legal provisions and their implementation in court, which has the potential to reduce the deterrent effect and cause public dissatisfaction, especially among the families of victims.

Previous research that examined in detail criminal liability for traffic negligence resulting in the loss of human life, Research conducted by Dian Adriawan Dani Setiyadi (2023) entitled "The Application of Criminal Sanctions against Drivers Whose Negligence Causes Death in Traffic Accidents" from Diponegoro University aims to analyze the application of criminal sanctions in fatal accident cases. The results of the study show that the application of Article 310 paragraph (4) of Law No. 22 of 2009 is still not optimal due to the tendency of judges to impose minimum sentences.

Based on the above description, this article aims to analyze the forms of criminal liability under Law No. 22 of 2009, identify the factors causing traffic negligence, and examine the judge's considerations in handing down the verdict in the case study of Verdict Number 1908/Pid.Sus/2024/PN Medan. The results of this study are expected to contribute to the development of criminal law theory and provide recommendations for improving the law enforcement system in Indonesia.

Identifying the problems in this study is very important to understand why law enforcement for fatal traffic negligence is still not optimal, as well as to provide recommendations that can improve the effectiveness of the law and create a deterrent effect for perpetrators. Thus, this study not only contributes to the development of criminal law science but also has practical implications for improving the law enforcement system in Indonesia.

2. Literature Review and Problem Statement

Traffic accidents are defined in Law No. 22 of 2009 as unintentional events on public roads involving vehicles and/or other road users that result in fatalities or property damage. The causes of accidents vary,

but the main factor is human error, such as violations or negligence in obeying traffic rules. For example, driving while drowsy, under the influence of alcohol, or exceeding the speed limit.

Negligence is an unintentional act that causes harm and loss to others and also to oneself. This act is not desired by the perpetrator and cannot be avoided once negligence (carelessness) has occurred (11). Negligence is defined in the law in two ways, namely culpable negligence (*culpa*) that causes consequences (*culpose gevolgmisdrijven*) and negligence that does not cause consequences but is punishable by law, namely carelessness. The difference between the two is very easy to understand, namely negligence (*culpa*) that causes consequences, with the occurrence of those consequences becoming a negligence offense (*culpa*), while those that do not need to cause consequences, with negligence or carelessness, are already punishable by law (13).

This criminal liability is often referred to as *teorekenbaardheld* or criminal responsibility, which leads to the punishment of the perpetrator in order to determine whether a defendant is liable for a criminal act that has occurred. The criminal act committed fulfills the elements of the offense as stipulated in the law in order to change the perpetrator's mindset so that they do not repeat their actions (15).

3. Method

This study uses a normative research method with a statutory approach and case study. Normative legal research is legal research that focuses on written regulations or legislation (law in books) or research based on rules or norms that apply in society. Normative research can be described as literature research, where most of the data sources are secondary data sources consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Most of the data comes from written laws or regulations that apply in society (17).

The legislative approach was conducted by analyzing relevant legal provisions, particularly Law No. 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) and the Criminal Code (KUHP), to examine the form and basis of criminal liability for traffic negligence. Meanwhile, the case study approach was applied by analyzing the Medan District Court Decision Number 1908/Pid.Sus/2024/PN Medan as the object of research to understand the application of law in practice and the judge's considerations in imposing penalties.

The data sources used are secondary data sources, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation and court decisions. Secondary legal materials are obtained from textbooks, scientific journals, and other academic works discussing criminal liability and traffic law. Data collection techniques were carried out through library research by searching and analyzing these sources. The collected data was then analyzed qualitatively using content analysis techniques to answer the research questions that had been set.

4. Results and Discussion

Forms of Criminal Liability Regulated in Law Number 22 of 2009 for Perpetrators of Traffic Negligence That Causes the Loss of Another Person's Life

According to Law Number 22 of 2009 concerning Traffic in Indonesia, it is regulated in legislation, namely Law Law Number 22 of 2009 concerning Road Traffic and Transportation, which was created to ensure safety, order, and welfare in society by determining prohibited and required actions. Violations of these provisions are punishable by criminal penalties. Frequent traffic violations, whether intentional or unintentional, may be due to the fact that the penalties imposed on traffic violators are too light, so it is

not surprising that there are more and more traffic violations. The legal consequences of traffic accidents are criminal penalties for the perpetrator or cause of the incident and may also be accompanied by civil claims for material losses incurred. (18)

Penalties for traffic accidents are generally regulated in Article 310 of the LLAJ Law, including in the case of traffic accidents caused by brake failure. This provision regulates criminal penalties of imprisonment for drivers whose negligence causes death, serious injury, or minor injury on the road. (2)

One of the provisions in the LLAJ Law that explicitly imposes criminal sanctions is found in Article 310 paragraph (4) of the LLAJ Law, which substantively stipulates that a person who, in their attempt to drive a motor vehicle, is negligent (careless), resulting in the death of another person, shall be punished with imprisonment of up to 6 (six) years and/or a maximum fine of Rp 12,000,000.00 (twelve million rupiah). The provisions of Article 310 paragraph (4) of the LLAJ Law in criminal law doctrine relate to negligence as one of the forms of fault in criminal law. Traffic and Road Transportation in Article 310 can be concluded that if the driver's negligence or carelessness results in injury or death to another person, the criminal penalty is as stipulated in the above article. . Although the Road Traffic and Transportation Law has been implemented to date, it cannot be denied that accidents still occur. (4)

A driver who commits negligence resulting in death can be said to have committed a criminal offense. Criminal sanctions for drivers involved in traffic accidents are stipulated in Article 310 paragraphs (1), (2), (3) and (4) of Law Number 22 of 2009 concerning Road Traffic and Transportation (6)

- a. Any person who drives a Motor Vehicle and whose negligence causes a Traffic Accident resulting in damage to Vehicles and/or goods as referred to in Article 229 paragraph (2) shall be punished with imprisonment of up to six months and/or a fine of up to Rp. 1,000,000.
- b. Any person who drives a motor vehicle and whose negligence causes a traffic accident resulting in minor injuries and damage to vehicles and/or goods as referred to in Article 229 paragraph (3) shall be punished with imprisonment of up to one year and/or a maximum fine of Rp. 2,000,000.
- c. Any person who drives a motor vehicle and whose negligence causes a traffic accident resulting in serious injury as referred to in Article 229 paragraph (4) shall be punished with a maximum imprisonment of five years and/or a maximum fine of IDR 10,000,000.
- d. In the event of an accident as referred to in paragraph (3) that results in the death of another person, the offender shall be punished with imprisonment for a maximum of six years and/or a fine of up to Rp. 12,000,000.

According to the description in Law No. 22 of 2009 on Road Traffic and Transportation, it can be concluded that if the negligence or carelessness of the driver causes injury or death to another person, the threat of punishment as stipulated in the aforementioned Article. Although the Law on Road Traffic and Transportation has been implemented to date, it cannot be denied that accidents still occur.

Factors Causing Criminal Negligence in Traffic That Results in the Loss of Another Person's Life According to Law Number 22 of 2009

Traffic is one of the means of communication in society that plays a vital role in facilitating our development efforts. Traffic problems are a national issue and are related to the development of society. The number of traffic accidents on urban roads has increased due to several factors, such as human factors, vehicle factors, road factors, and environmental factors. Ninety percent of traffic accidents that occur on public roads are caused by human factors, while 10% are caused by vehicle, road, and environmental factors. Traffic accidents occur due to human factors, such as drivers being careless by driving at high speeds, resulting in collisions with other road users or accidents such as hitting trees or other objects, falling into ravines and ditches. Traffic accidents caused by vehicle factors include bald tires

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that burst and cause the vehicle to overturn, brake failure, loose steering bolts, and loose wheels. These occur because the driver or operator neglects to check the vehicle's equipment before departure or before the vehicle is moved. Traffic accidents caused by natural factors include slippery roads during rain, landslides, and fallen trees(8)

a. Human Factors

Human factors are the main cause of traffic accidents on the road, with driver carelessness or negligence resulting in casualties, including serious injuries or fatalities, claiming the lives of drivers. Those who cause such accidents must be held accountable for their actions in the hope that they will learn their lesson and be more careful. However, being careful is not enough to avoid accidents. Driving conditions are a very important factor, and traffic laws must be obeyed as they should be. (10). Some aspects included in this factor are:

- 1) Negligence and distraction: Drivers who are not focused on the road, whether because they are talking to passengers, using a cell phone, or distracted by other things, can cause accidents. Distractions reduce the driver's attention and reaction time to the situation around them.
- 2) The influence of alcohol and drugs: Driving while intoxicated or under the influence of illegal drugs is very dangerous. Alcohol and drugs can impair a driver's ability to make sound decisions, reduce coordination, and slow reaction times.
- 3) Speed and driving behavior: Driving at excessive speeds or engaging in aggressive behavior, such as reckless overtaking, can increase the risk of accidents.

b. Vehicle Factors

Vehicle factors are anything related to motorcycles that can cause traffic accidents. These factors include brake failure, vehicle lights, and skidding. Although not as common as other aspects, sudden brake failure is also a common problem for riders. The cause could be due to depleted brake fluid or damaged brake components. Other aspects include the age of the vehicle. Therefore, it is necessary for riders to maintain their vehicles regularly to avoid accidents caused by the condition of the vehicle itself. (12). Several things to note are:

- 1) Vehicle maintenance: Vehicles that are not properly maintained, such as worn brakes, unsuitable tires, or broken lights, can cause malfunctions while driving.
- 2) Vehicle quality: Older vehicles or those that do not meet safety standards can be more prone to accidents. For example, vehicles that are not equipped with modern safety features, such as airbags or anti-lock braking systems (ABS), can increase the risk of serious injury in an accident.
- 3) System failure: Damage to vehicle systems, such as the steering or suspension, can result in loss of control. Mechanical failures often occur without warning and can lead to fatal accidents.

c. Road Factors

An increase in the frequency of road users, especially motor vehicles for various personal or public purposes, can indirectly increase the frequency of traffic accidents. Rapid advances in transportation technology have led to an increase in traffic accidents. On the one hand, this has expanded the reach and range of transportation, but on the other hand, it has also caused a significant number of deaths in recent decades. (14)The road factors referred to include road speed limits, road geometry, safety barriers in mountainous areas, the presence or absence of road medians, visibility, and road surface conditions. Damaged or potholed roads can cause accidents and endanger road users, especially pedestrians.

d. Environmental Factors

Environmental factors are factors that we cannot fully control. However, we can still minimize the number of accident victims caused by natural factors, such as during floods, landslides, typhoons, and other natural disasters, so that drivers must be vigilant in dealing with accidents caused by natural factors. (16). As with environmental factors such as weather, which can also contribute to accidents, the weather factor that causes traffic accidents is rain, which can affect drivers' visibility and vehicle performance. Smoke and fog can also interfere with visibility, especially in mountainous areas.

Judicial Considerations in Ruling on Criminal Negligence in Traffic Causing the Loss of Another Person's Life (Study of Decision Number 1908/Pid.Sus/2024/PN Medan)

The legal considerations of the judge in deciding a case of negligence resulting in the loss of another person's life are: the circumstances at the time of the incident, whether it was purely negligence or intentional; the severity of the consequences of the crime; the status of the defendant, whether his detention has caused significant harm or neglect, especially to the public interest; and the defendant's behavior during the trial. The defendant behaved politely during the trial, confirmed all the statements made by the witnesses presented at the trial, admitted to his actions, and stated that he would not repeat them. Furthermore, he had never been involved in a legal case before. This can be taken into consideration by the judge in deciding a case to reduce the sentence to be served by the defendant to 1 (one) year and 1 (one) month imprisonment. (18).

The judge's decision-making process must be supported by objective, justified reasons. In addition, the judge's decision is based on relevant theory and research in order to maximize and balance the results of research at both the theoretical and practical levels. A brief discussion of the events and circumstances revealed in the oral examination, as well as the sources of evidence, will be compiled as the basis for the decision.

a. Legal considerations

Legal factors are decisions made by judges based on legal facts established by the court or legislation as prerequisites for the inclusion of a decision. These include the indictment by the prosecutor, statements by the defendant and witnesses, evidence, points of criminal law, and so on.

b. Sociological considerations

Sociological factors are factors related to sociology, meaning that judges make decisions based on the social background of the defendant and consider whether it is beneficial to society.

c. Trial facts

In making a decision, the facts presented at the trial (witness statements, defendant confessions, facts arising from the examination of evidence) and the elements of the alleged crime are taken into account. The prosecution, including the defendant's legal counsel. For judges, the facts presented at trial can be used as considerations in reaching a final decision, so these trial facts play an important role in the judge's decision. For prosecutors, the trial facts can be used as considerations in formulating charges.

Judge's Considerations in Decision Number 1908/Pid.Sus/2024/PN Mdn

The Panel of Judges declared that the Defendant, Bayu Herianda Sitorus, was legally and convincingly proven guilty of committing a criminal act due to his negligence in driving a motor vehicle, which resulted in a traffic accident that killed the victim, in accordance with Article 310 paragraph (4) of Law No. 22 of 2009 concerning Road Traffic and Transportation.

Grounds for Consideration:

a. The elements of the crime are fulfilled:

- 1) The defendant was driving a motorcycle.

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- 2) A traffic accident occurred due to the defendant's negligence, namely not turning on the headlights and not being aware of pedestrians.
- 3) The accident resulted in the death of the victim (Djamaan Tanjung).
- b. The defendant's negligence constitutes culpa lata (gross negligence), because:
 - 1) He did not turn on his headlights at night.
 - 2) He did not pay attention to road conditions and pedestrians.
 - 3) Driving at high speed in a residential area.
- c. The Defendant admitted his actions, expressed remorse, and promised not to repeat them.
- d. The Defendant has no prior convictions.
- e. There has been a severe impact on the victim's family.
- f. The period of detention already served will be deducted from the sentence imposed.

Verdict:

- a. The defendant is sentenced to 2 years and 6 months in prison.
- b. The evidence is returned to the defendant.
- c. The defendant pays court costs of Rp5,000.00.

5. Conclusion

Based on the results of the research that has been conducted, it can be concluded that the regulation of criminal liability for perpetrators of traffic negligence that causes the loss of life of others has been clearly regulated in Article 310 paragraph (4) of Law Number 22 Year 2009. This provision provides a firm legal basis in taking action against perpetrators of traffic accidents with the threat of imprisonment and fines. However, in practice, the application of criminal sanctions has not been fully optimized, because court decisions often impose sentences below the maximum threat that has been determined. This shows a gap between normative provisions and legal implementation in the field. The results also show that human factors are the main cause of traffic accidents that result in death, compared to vehicle, road, and environmental factors. Negligence, lack of concentration, undisciplined driving behavior, and low legal awareness are the dominant factors that increase the risk of accidents. This finding is in line with various theories and previous studies that emphasize the important role of driver behavior in creating traffic safety.

The judge's consideration in handing down the verdict was based on juridical, sociological, and trial facts. Judges consider the fulfillment of the elements of the criminal offense, the defendant's attitude during the trial, social background, and the impact of the actions on the victim and the community. The cooperative attitude and confession of the defendant are often factors that mitigate the sentence. Although this reflects the principle of individualized justice, the application of a relatively light sentence has the potential to reduce the deterrent effect and sense of justice for victims and their families. This research contributes to the development of understanding of criminal liability in fatal traffic accident cases. This research emphasizes the importance of consistency in law enforcement in order to create legal certainty, justice, and benefit for the community. From the practical side, the results of this research can be an evaluation material for law enforcement officials in applying criminal sanctions more proportionally and firmly.

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