

Criminal Liability for Driver Negligence Resulting in Death in Road Traffic Accidents

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ABSTRACT

Traffic accidents that result in the death of victims are still a serious problem in the Indonesian criminal law system. One of the dominant factors causing traffic accidents is the negligence of motor vehicle drivers in complying with traffic rules and the principle of caution on the highway. This study aims to analyze the legal arrangements and forms of criminal liability of motor vehicle drivers who, due to their negligence, cause traffic accidents and cause death. The research method used is normative legal research with a statutory approach and a conceptual approach. The legal materials analyzed include the Criminal Code, Law Number 22 of 2009 concerning Road Traffic and Transportation, as well as relevant court decisions. The results of the study show that the legal regulation regarding the criminal liability of negligent drivers has been specifically regulated in Article 310 paragraph (4) of the Road Traffic and Transportation Law as a *lex specialis* of the general provisions in the Criminal Code. The application of criminal liability is based on the fulfillment of the elements of negligence, the ability to be responsible, and the absence of a forgiving reason. This study emphasizes the importance of consistent and proportionate law enforcement to provide legal certainty, a sense of justice for victims, and a deterrent effect for traffic accident perpetrators.

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1. INTRODUCTION

Traffic accidents are one of the legal and social problems that continue to increase along with the increase in the number of motor vehicles and people's mobility on the highway. Traffic accidents not only cause material losses, but also often result in serious injuries and even death. In many cases, traffic accidents occur due to the driver's negligence in complying with traffic regulations and the principle of prudence, thus causing serious impacts on the safety of other road users (Soejono, 2018).

Driver negligence as the cause of a traffic accident shows that criminal acts are not always born from intentional acts, but can also arise from a lack of caution or ignorance of legal obligations. From the perspective of criminal law, acts due to negligence (*culpa*) can still give rise to criminal liability if they

meet certain elements determined by law. Therefore, driver negligence that results in a traffic accident with fatalities is an act that not only violates social norms, but also criminal law norms (Moeljatno, 2019).

Juridically, the regulation regarding traffic accidents due to driver negligence has been specifically regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. Article 310 paragraph (4) of the law regulates criminal sanctions for drivers who, due to their negligence, cause traffic accidents resulting in the death of others. This provision is a form of special regulation (*lex specialis*) that complements the general provisions in the Criminal Code related to acts committed due to forgetfulness (Prodjodikoro, 2017).

Although legal arrangements regarding the criminal liability of negligent drivers are available, in law enforcement practice there are still often differences in the application of criminal sanctions. Law enforcement officials often face difficulties in proving the element of negligence and determining the boundary between a pure accident and a criminal act. In addition, the existence of family settlement factors between the perpetrator and the victim or their family also often affects the criminal law enforcement process for traffic accidents (Siregar, 2020).

In the context of criminal liability, it is important to assess whether the driver has the ability to be responsible (*toerekeningsvatbaarheid*) and whether the act committed meets the element of fault without any excuse or justification. Criminal liability is not solely determined by the occurrence of the consequences in the form of accidents, but also by the inner attitude of the perpetrator and the causal relationship between negligence and the consequences caused (Lamintang, 2014). Thus, the analysis of the criminal liability of negligent drivers must be carried out carefully and proportionately.

Based on this background, it is important to study criminal liability for driver negligence that results in traffic accidents. This article aims to analyze the legal arrangements and the application of criminal liability of negligent drivers in traffic accidents, particularly those that result in the death of the victim. This study is expected to make an academic and practical contribution in strengthening legal certainty and increasing the effectiveness of law enforcement in the field of traffic.

2. METHODS

This research uses a normative legal research method, which is research that focuses on the study of legal norms that regulate the criminal liability of motor vehicle drivers who due to their negligence cause traffic accidents. This method was chosen because the focus of research is directed at the analysis of the provisions of criminal law and traffic law, especially related to the regulation of faults (*culpa*) and criminal liability in traffic accidents (Soekanto & Mamudji, 2015).

The approaches used in this study include a statutory approach and a conceptual approach. The legislative approach is carried out by examining and analyzing relevant legal provisions, including the Criminal Code and Law Number 22 of 2009 concerning Road Traffic and Transportation. The conceptual approach is used to examine the concepts and doctrines of criminal law, such as the concept of negligence (*culpa*), mistakes, responsibility, and the principle of criminal responsibility.

The types of legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations that have binding force and court decisions related to traffic accidents due to driver negligence. Secondary legal materials are in the form of criminal law textbooks, scientific journals, and the results of previous research that discuss criminal liability and traffic accidents. Tertiary legal materials are used as supporting materials, such as legal dictionaries and legal encyclopedias, to clarify the legal terms and concepts used (Marzuki, 2017).

The collection of legal materials is carried out through library research by tracing and inventorying laws and regulations, legal literature, and scientific works relevant to the research topic. All legal materials that have been collected are then analyzed qualitatively by descriptive-analytical method, namely by describing the applicable legal norms and interpreting them systematically to answer research problems. The analysis was carried out by assessing the suitability between normative

arrangements and the practice of applying criminal liability for negligent drivers in traffic accidents, as well as identifying problems that arise in law enforcement.

3. FINDINGS AND DISCUSSION

1. Characteristics of Traffic Accidents Due to Driver Negligence

Based on the results of normative studies, traffic accidents that resulted in the death of victims were mostly caused by the negligence of motor vehicle drivers. The negligence is reflected in various forms of behavior, such as driving at high speeds, violating traffic signs, driving in improper conditions (tired, drowsy, or under the influence of alcohol), and lack of caution in paying attention to road conditions and other road users. These behaviors show a disregard for legal obligations to ensure traffic safety.

From the perspective of criminal law, negligence (*culpa*) is a form of error that can still give rise to criminal liability if certain elements are met. Traffic accidents due to negligence are different from purely accidents (*force majeure*), because there is a causal relationship between the driver's careless attitude and the consequences caused. Therefore, traffic accidents that occur are not solely accidental events, but the result of a violation of legal obligations by the driver.

2. Legal Arrangements for Criminal Liability for Negligent Drivers

Normatively, criminal liability for drivers who, due to their negligence, cause traffic accidents resulting in death, is specifically regulated in Article 310 paragraph (4) of Law Number 22 of 2009 concerning Road Traffic and Transportation. This provision emphasizes that any person who drives a motor vehicle and due to his negligence causes a traffic accident with the death of the victim can be punished with imprisonment and/or a fine.

The arrangement is a *lex specialis* that overrides general provisions in the Criminal Code related to acts due to forgetfulness. Thus, in the case of traffic accidents, law enforcement officials should prioritize the implementation of the Road Traffic and Transportation Law. However, the results of the study show that in practice there are still differences in the application of norms, both in the determination of the articles used and in the imposition of criminal sanctions.

3. Elements of Criminal Liability in Traffic Accidents

Criminal liability of negligent drivers in traffic accidents requires the fulfillment of several main elements, namely the existence of an act, the existence of an error in the form of negligence, the existence of consequences caused, and the existence of a causal relationship between the act and the result. In addition, the perpetrator must have the ability to be responsible and there are no justification or forgiving reasons.

The results of the analysis show that proving the element of negligence is often the most crucial aspect in handling traffic accident cases. Law enforcement officials must be able to prove that the driver should be able to estimate the consequences of his actions, but not take the necessary actions to prevent accidents from occurring. In practice, the proof of this element often depends on witness statements, technical evidence, and the results of the processing of the crime scene.

4. Law Enforcement Practices Against Fatal Traffic Accidents

In law enforcement practice, the handling of traffic accident cases that result in death still faces various obstacles. One of the main obstacles is the tendency to settle cases in a family manner between the perpetrator and the victim's family. Although such settlements can reduce social conflicts, from a criminal law perspective, settlements outside the judicial process do not eliminate criminal liability of the perpetrators.

In addition, law enforcement officials are often faced with the dilemma between applying criminal sanctions strictly and considering humanitarian factors, especially when the perpetrator also suffers

trauma or losses due to the accident. This condition causes disparities in verdicts and differences in the imposition of criminal sanctions in traffic accident cases that have similar characteristics.

5. Legal Protection for Victims and Victims' Families

The results of the study show that in traffic accident law enforcement, the protection of victims and victims' families has not been fully the main focus. The criminal justice process focuses more on proving the perpetrator's guilt, while the aspect of victim recovery, both materially and psychologically, is still limited. In fact, the traffic accident that resulted in death had a very big impact on the victim's family.

The Road Traffic and Transportation Law actually opens up space for the provision of compensation to victims or the victim's heirs. However, in practice, these mechanisms often do not run optimally due to a lack of public understanding and limited coordination between agencies. This shows that criminal law enforcement needs to be integrated with a more comprehensive approach to victim protection.

6. Factors Affecting the Effectiveness of Criminal Liability

Based on the discussion, there are several factors that affect the effectiveness of criminal liability for negligent drivers in traffic accidents. The first factor is the legal factor, namely the clarity and consistency of the application of laws and regulations. The second factor is the factor of law enforcement officials, which includes professionalism, understanding of the law, and courage in enforcing the law fairly and proportionately.

The third factor is community factors, especially traffic culture and the level of legal awareness of road users. Low traffic discipline and the assumption that accidents are mere disasters often hinder criminal law enforcement efforts. The fourth factor is facilities and infrastructure factors, such as road conditions, traffic signs, and traffic control systems that also affect the accident rate.

7. Critical Analysis of Criminal Liability for Driver Negligence

In a critical analysis, it can be argued that criminal liability for driver negligence in traffic accidents has an important role in creating a deterrent effect and improving traffic discipline. However, criminal liability should not be applied mechanically without considering the principles of justice and proportionality. Each traffic accident case has its own characteristics that must be carefully analyzed.

Consistent and proportionate enforcement of criminal law is expected to increase public legal awareness and reduce the number of traffic accidents. Therefore, criminal liability for driver negligence must be seen not only as a means of punishment, but also as an instrument of prevention and legal education for the wider community.

Based on the results of a normative study on the regulation and practice of traffic accident law enforcement, the author is of the view that driver negligence is the dominant factor that causes traffic accidents with fatal consequences, including the loss of a person's life. In many cases, the negligence is not solely caused by the driver's ignorance of traffic rules, but rather by ignorance and lack of awareness of legal and moral responsibilities as road users. This shows that the problem of traffic accidents is not only related to the technical aspects of driving, but also to the legal culture of the community in traffic.

The author considers that normatively, the regulation regarding the criminal liability of negligent drivers has been regulated quite clearly in Law Number 22 of 2009 concerning Road Traffic and Transportation. The provisions of Article 310 paragraph (4) provide a firm legal basis for the enforcement of criminal law against drivers whose negligence resulted in the victim's death. However, in law enforcement practice, the application of these provisions has not always been consistent. Law enforcement officials often face a dilemma between enforcing the law firmly and considering humanitarian aspects, especially when the accident occurred without an element of intentionality.

In the author's view, proving the element of negligence is a crucial aspect that determines criminal liability in traffic accident cases. Not every accident can be immediately qualified as a criminal offense, but it must be proven that there is a causal relationship between the driver's negligent attitude and the consequences caused. Therefore, the author emphasizes the importance of professionalism of law enforcement officials in processing the crime scene, collecting evidence, and assessing witness statements objectively so that criminal liability can be applied fairly and proportionately.

Furthermore, the author is of the view that the tendency to settle traffic accident cases in a family manner should not override the criminal law enforcement process. Although the settlement can provide peace of mind for the parties, from a criminal law perspective, an out-of-court settlement does not eliminate the criminal liability of the perpetrator. If this practice continues to be allowed, law enforcement has the potential to lose its preventive function and be unable to provide a deterrent effect for traffic violators.

In the context of victim protection, the author considers that the criminal justice system is still not fully oriented to the interests of victims and families of traffic accident victims. Legal processes focus more on criminalizing perpetrators, while the victim recovery aspect is often overlooked. In fact, the traffic accident that resulted in death caused a deep social and psychological impact on the victim's family. Therefore, according to the author, criminal law enforcement must be integrated with victim protection and recovery mechanisms more comprehensively.

Thus, the authors argue that criminal liability for driver negligence in traffic accidents must be applied consistently, proportionately, and fairly. Strict law enforcement, accompanied by increased legal awareness and a culture of traffic order, is expected to reduce the number of traffic accidents and provide more effective legal protection for all road users.

4. CONCLUSION

Based on the results of the study and discussion, it can be concluded that traffic accidents that resulted in the death of victims were mostly caused by the negligence of drivers in complying with traffic regulations and the principle of caution on the highway. Negligence (*culpa*) in the context of criminal law is a form of error that can still give rise to criminal liability if it meets the elements of acts, mistakes, consequences, and causal relationships between the act and the consequences caused.

Normatively, criminal liability for negligent drivers has been specifically regulated in Article 310 paragraph (4) of Law Number 22 of 2009 concerning Road Traffic and Transportation as a *lex specialis* provision that complements the general provisions in the Criminal Code. However, in law enforcement practice, inconsistencies are still found in the application of these provisions, especially in proving the element of negligence and the imposition of proportionate criminal sanctions.

In addition, the practice of resolving traffic accident cases in a family manner often affects the criminal law enforcement process and has the potential to reduce the deterrent effect for perpetrators. On the other hand, the protection of victims and victims' families has not been fully the main focus in the criminal justice system, so the aspect of victim recovery is still less than optimal.

Therefore, criminal liability for driver negligence in traffic accidents needs to be enforced consistently, fairly, and proportionately, accompanied by increasing the professionalism of law enforcement officials and strengthening legal awareness and a culture of traffic order in society. This approach is expected to provide legal certainty, protection for victims, and reduce the number of traffic accidents on the highway.

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