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(Review Article)

Criminal liability of public transportation companies for traffic accidents caused by vehicle unfitness

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Abstract

This study investigates corporate criminal liability in public transportation accidents caused by vehicle unfitness, a pressing issue in Indonesia's road safety framework. While Law Number 22 of 2009 on Road Traffic and Transportation (UU LLAJ) aims to promote safety, it predominantly emphasizes driver accountability, leaving corporate negligence largely unaddressed. The research aims to analyze the gaps in the legal framework and propose reforms to ensure corporations are held accountable for their roles in maintaining vehicle roadworthiness. Using a normative legal research design, this study integrates statutory analysis, case law review, and conceptual exploration to examine corporate liability frameworks. Legal theories such as vicarious liability, identification theory, and delegation theory are utilized to conceptualize corporate accountability. Case studies and international legal comparisons provide insights into enforcement challenges and best practices. The findings reveal significant deficiencies in UU LLAJ, including ambiguous provisions and weak enforcement mechanisms, leading to systemic non-compliance. Proposed reforms include stricter penalties for corporate negligence, enhanced vehicle inspection protocols, and expanded legal provisions targeting corporate accountability. This study contributes to the discourse on corporate liability by bridging theoretical principles with practical enforcement in Indonesia's transportation sector. Its implications extend to policy reforms, road safety improvements, and fostering a culture of accountability within the industry.

Keywords: Corporate Criminal Liability; Public Transportation Safety; Vehicle Roadworthiness Regulations

1. Introduction

Traffic plays a pivotal role in supporting economic growth, social integration, and national unity. It facilitates the movement of people and goods, enabling economic activities and connecting remote areas to urban centers. In the modern world, efficient and safe traffic systems are essential for fostering sustainable development and improving the quality of life. In Indonesia, the significance of transportation is underscored by the implementation of Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ), which aims to ensure safety and security on the roads by regulating traffic behavior and vehicle compliance. Despite these regulatory frameworks, traffic accidents remain a persistent challenge, often resulting in fatalities, injuries, and property damage.

The alarming rate of traffic accidents has drawn the attention of researchers and policymakers alike. Statistical data from the Indonesian National Police reveals that human error accounts for 61% of accidents, followed by infrastructure and environmental factors at 30%, and vehicle-related issues at 9%. Notably, within the category of vehicle-related accidents, failures in vehicle maintenance and roadworthiness tests have emerged as critical factors, with brake failures accounting for 80% of public and freight transport accidents. These figures highlight systemic shortcomings in the enforcement of roadworthiness standards, particularly among corporate-owned vehicles. While the current legal framework prioritizes driver liability, the role of transportation companies in ensuring vehicle compliance remains

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inadequately addressed, thereby necessitating a thorough reexamination of corporate criminal liability in traffic accidents.

The principal issue investigated in this study pertains to the corporate accountability of public transportation companies for traffic accidents resulting from vehicle unfitness. Currently, the legal framework disproportionately emphasizes driver culpability under Article 310 of UU LLAJ, which prescribes penalties for drivers whose negligence results in traffic accidents. However, this approach overlooks the broader systemic responsibilities of corporations to maintain their vehicles' safety. The absence of specific provisions targeting corporate negligence creates a legal lacuna, where companies escape accountability for preventable accidents caused by vehicle malfunction. This gap calls for innovative legal reforms to align corporate practices with public safety objectives.

A general solution to this problem lies in strengthening legal provisions to hold corporations accountable for their roles in traffic accidents. The adoption of corporate liability frameworks, such as vicarious liability, could ensure that companies bear the consequences of their negligence. Vicarious liability principles allow corporations to be held accountable for the actions or inactions of their employees, provided these occur within the scope of employment. This framework, widely recognized in international legal systems, underscores the need for corporations to adopt stringent measures to prevent negligence that jeopardizes public safety.

Several academic studies have explored corporate criminal liability in the context of public transportation. For instance, research by Asep Supriadi underscores the systemic neglect by companies in adhering to mandatory vehicle inspection protocols, which directly correlates with the prevalence of accidents. Additionally, Muhammad Jemima Fadilah and Sulistyanta emphasize that enforcement challenges and regulatory ambiguities often shield corporations from accountability, thus perpetuating a culture of impunity. Comparative studies in jurisdictions with stringent corporate liability laws, such as those in the United States and the United Kingdom, demonstrate the efficacy of imposing penalties on companies for failing to comply with vehicle safety standards. These insights provide a foundational basis for addressing the regulatory deficiencies in Indonesia.

This study draws heavily on legal theories, including vicarious liability, identification theory, and delegation theory, to conceptualize corporate responsibility in traffic accidents. The vicarious liability theory posits that corporations can be held accountable for their employees' actions if these are performed within the scope of their duties to benefit the company. The identification theory, on the other hand, attributes corporate liability to the actions of individuals in senior management who embody the corporation's decision-making apparatus. Lastly, the delegation theory extends this accountability to individuals entrusted with substantial operational responsibilities, thereby broadening the scope of corporate liability. The integration of these theories with the principles enshrined in UU LLAJ highlights the potential for a robust legal framework to address the shortcomings of current practices.

Despite the existing body of literature, a critical research gap remains in addressing the operationalization of corporate criminal liability in Indonesia's transportation sector. While theoretical frameworks and comparative legal studies provide valuable insights, there is limited empirical evidence on how these principles can be adapted and enforced within the Indonesian legal context. Moreover, the ambiguity in existing legislation, particularly concerning Article 315 of UU LLAJ, hampers its practical applicability. This article outlines the conditions under which corporations and their representatives can be held accountable but lacks clarity on the specific mechanisms for attributing liability in cases of vehicle-related accidents. Bridging this gap requires a detailed examination of corporate liability models and their alignment with Indonesian legal norms.

The primary objective of this study is to analyze the criminal liability of public transportation companies for traffic accidents caused by vehicle unfitness and to propose legal reforms to address this issue. By applying established legal theories and incorporating best practices from other jurisdictions, the study aims to provide a comprehensive framework for holding corporations accountable. The novelty of this research lies in its focus on adapting corporate liability principles to the Indonesian legal system, thereby addressing a critical gap in the existing literature. Furthermore, the study emphasizes the importance of aligning corporate liability with public safety imperatives, ensuring that legal reforms not only penalize negligence but also incentivize compliance with safety standards.

2. Methodology

This study employs a normative legal research design, also known as doctrinal legal research or library-based research. This approach emphasizes the analysis of legal principles, statutes, and judicial precedents to address the research questions systematically. The normative framework is particularly suitable for this study, as it focuses on the theoretical underpinnings of criminal liability and corporate accountability within the context of traffic accidents. The research delves into the legal foundations and systematic structure of the Law Number 22 of 2009 on Road Traffic and Transportation (UU LLAJ) to identify gaps and propose reforms.

To achieve the research objectives, this study integrates three primary approaches:

- **Statutory Approach**: This approach involves an in-depth examination of relevant statutes and regulations, particularly those enshrined in UU LLAJ. The analysis focuses on provisions related to corporate liability, roadworthiness standards, and the enforcement mechanisms outlined in the law.
- **Case-Based Approach**: A detailed review of judicial decisions is undertaken to identify patterns and precedents concerning corporate liability in traffic accidents. The approach highlights how courts interpret and apply legal principles to corporate entities in specific cases.
- **Conceptual Approach**: This approach leverages legal doctrines and theoretical constructs to analyze corporate criminal liability. By studying legal theories such as **vicarious liability**, **identification theory**, and **delegation theory**, the research develops a comprehensive conceptual framework for addressing the issue at hand.

The study relies on two primary sources of legal data:

- **Primary Legal Sources**: These include binding legal documents such as statutes, regulations, and judicial decisions. The primary focus is on UU LLAJ and its related provisions.
- **Secondary Legal Sources**: These encompass academic literature, commentaries, legal treatises, and journal articles that provide critical analyses and interpretations of the primary legal materials. The secondary sources help contextualize the findings and offer comparative insights from other jurisdictions.

The collection of legal data involves systematic document review and content analysis. The research examines legal texts, case law, and relevant academic literature to extract pertinent information. Emphasis is placed on the identification of provisions that explicitly or implicitly pertain to corporate liability for traffic accidents caused by vehicle unfitness.

The data analysis is conducted using a descriptive-analytical method. This involves systematically organizing and interpreting the data to identify legal gaps, ambiguities, and inconsistencies within the statutory and judicial framework. The analysis aims to critically evaluate the adequacy of existing laws and propose actionable recommendations for legal reform.

The descriptive aspect highlights the current legal landscape and its operational challenges, while the analytical component delves into the theoretical and practical implications of corporate criminal liability in traffic-related offenses. This dual approach ensures a balanced understanding of both doctrinal and practical dimensions.

The chosen methodology aligns with the study's objective to analyze and reformulate corporate liability in the context of traffic accidents. A normative legal approach is particularly effective in addressing theoretical and doctrinal issues while providing a structured framework for legal reforms. The integration of statutory, case-based, and conceptual approaches ensures a holistic analysis, capturing both the normative and practical aspects of the research problem.

Although normative legal research does not directly involve human subjects, this study adheres to academic integrity and ethical standards by ensuring accurate citation of sources, maintaining objectivity, and avoiding plagiarism. The findings and conclusions are drawn transparently, supported by robust legal reasoning and evidence

3. Results and discussion

3.1. Corporate Criminal Liability in Public Transportation Accidents Caused by Vehicle Unfitness

The research findings underscore the importance of holding public transportation companies accountable for traffic accidents caused by vehicle unfitness. Current provisions under Law Number 22 of 2009 on Road Traffic and Transportation (UU LLAJ) address corporate liability but lack clarity and specificity, particularly in cases where vehicle defects are a contributing factor. Article 315 of the law provides a basis for corporate accountability but is often underutilized due to ambiguities in its application. The provision primarily targets corporate negligence in the broader context of traffic management and fails to address the specifics of vehicle maintenance and roadworthiness.

Legal doctrines such as vicarious liability and identification theory provide a foundation for attributing liability to corporations. Under vicarious liability, a corporation can be held accountable for the actions of its employees if these actions occur within the scope of their employment and for the benefit of the corporation. This principle is particularly relevant in the transportation sector, where drivers and maintenance personnel act on behalf of the company. The findings highlight a pressing need to integrate these doctrines into the enforcement of UU LLAJ to ensure that corporations are held accountable for negligence in vehicle maintenance.

3.2. Legal Gaps in Corporate Accountability

The analysis reveals significant gaps in the legal framework governing corporate liability for traffic accidents. While UU LLAJ emphasizes safety and security, its enforcement mechanisms disproportionately target individual drivers, leaving corporate entities largely unaccountable. For instance, Article 310 outlines penalties for drivers whose negligence leads to traffic accidents, but there is no equivalent provision targeting corporate negligence in vehicle roadworthiness. This imbalance not only undermines the principles of justice but also fails to address the systemic issues that contribute to traffic accidents.

One key issue is the lack of detailed regulations regarding vehicle roadworthiness tests. While Article 53 mandates periodic inspections for public transportation vehicles, there are no stringent penalties for corporations that fail to comply. Furthermore, enforcement agencies often lack the resources and technical expertise to conduct thorough inspections, allowing non-compliant vehicles to remain operational. This systemic oversight exacerbates the risk of accidents, particularly in cases where brake failures or other mechanical defects are a factor.

3.3. Empirical Evidence of Corporate Negligence

Case studies analyzed in this research illustrate the consequences of corporate negligence in vehicle maintenance. For instance, a 2017 incident involving a public bus in Bogor resulted in multiple fatalities due to brake failure. Investigations revealed that the vehicle had not undergone the required periodic inspections, a clear violation of Article 53. However, the legal proceedings focused solely on the driver's negligence, with no charges brought against the company responsible for maintaining the vehicle. Similar patterns were observed in other cases, including accidents involving freight trucks where corporate accountability was overlooked despite evidence of systemic negligence.

These findings highlight a recurring theme: the legal system's focus on individual accountability often diverts attention from corporate responsibilities. By failing to hold corporations accountable, the current framework perpetuates a culture of impunity, allowing systemic issues to persist.

3.4. Comparative Insights from International Jurisdictions

Comparative analysis of international legal frameworks provides valuable insights into addressing corporate liability in traffic accidents. In jurisdictions such as the United States and the United Kingdom, corporate liability is firmly embedded in legal systems, with mechanisms to ensure compliance with safety standards. For instance, the U.S. Federal Motor Carrier Safety Administration (FMCSA) imposes strict penalties on transportation companies that fail to adhere to vehicle maintenance protocols. Similarly, the UK's Corporate Manslaughter and Corporate Homicide Act 2007 establish a robust framework for prosecuting corporations in cases of gross negligence leading to fatalities.

These examples underscore the importance of aligning corporate liability frameworks with public safety objectives. By adopting similar mechanisms, Indonesia can strengthen its legal framework and ensure that corporations are held accountable for their roles in traffic accidents.

3.5. Reforming Corporate Liability in UU LLAJ

The findings indicate a clear need for legal reforms to address the deficiencies in UU LLAJ. One proposed solution is the introduction of specific provisions targeting corporate negligence in vehicle maintenance. This could include mandatory compliance with roadworthiness standards, with penalties for non-compliance ranging from fines to suspension of operating licenses. Additionally, the enforcement of Article 315 should be expanded to explicitly include cases of vehicle unfitness, ensuring that corporations cannot evade accountability for preventable accidents.

Another critical reform involves strengthening enforcement mechanisms. This includes providing enforcement agencies with the resources and technical expertise needed to conduct thorough vehicle inspections. Public-private partnerships could also be explored to improve compliance, with third-party agencies authorized to perform roadworthiness tests under government supervision. These measures would ensure that vehicles operated by public transportation companies meet safety standards, thereby reducing the risk of accidents.

3.6. The Role of Legal Doctrines in Shaping Corporate Liability

The integration of legal doctrines such as vicarious liability, identification theory, and delegation theory is essential for a comprehensive framework of corporate liability. Vicarious liability allows corporations to be held accountable for the actions of their employees, provided these actions occur within the scope of employment. Identification theory extends this accountability to senior management, recognizing that their decisions and policies significantly impact corporate behavior. Delegation theory further broadens this scope by including individuals entrusted with substantial operational responsibilities.

By incorporating these doctrines into UU LLAJ, the legal system can address the complexities of corporate liability in the transportation sector. This approach ensures that accountability extends beyond individual employees to include the organizational structures and policies that contribute to systemic negligence.

3.7. Bridging the Gap Between Theory and Practice

While the theoretical underpinnings of corporate liability are well-established, their practical implementation remains a challenge. One key barrier is the lack of judicial precedence in prosecuting corporations for traffic accidents. To address this, the judiciary must adopt a proactive approach, leveraging the provisions of Article 315 to hold corporations accountable. Training programs for judges and legal practitioners can also help build the expertise needed to navigate the complexities of corporate liability cases.

Additionally, public awareness campaigns are crucial for fostering a culture of accountability. By highlighting the importance of vehicle maintenance and corporate responsibility, these campaigns can encourage compliance and deter negligence. Collaboration between government agencies, civil society organizations, and industry stakeholders is essential for driving these initiatives.

4. Conclusion

This study underscores the critical need to reform the legal framework governing corporate liability for traffic accidents caused by vehicle unfitness in Indonesia. Existing regulations, particularly Law Number 22 of 2009 on Road Traffic and Transportation (UU LLAJ), disproportionately emphasize individual driver accountability, neglecting the systemic responsibilities of transportation companies. Through an analysis of legal doctrines such as vicarious liability, identification theory, and delegation theory, this study highlights the potential for holding corporations accountable for their negligence in vehicle maintenance and compliance with roadworthiness standards.

The findings reveal significant gaps in enforcement mechanisms, with ambiguous provisions under Article 315 and insufficient penalties for corporate non-compliance. Drawing insights from international legal frameworks, the study proposes specific reforms, including stricter regulations, enhanced vehicle inspection protocols, and expanded accountability measures targeting corporate entities. These recommendations aim to reduce preventable accidents, align corporate practices with public safety imperatives, and ensure justice.

This research contributes to the existing body of knowledge by bridging theoretical concepts with practical applications in corporate liability within Indonesia's transportation sector. Future studies could explore empirical analyses of enforcement outcomes and comparative evaluations of corporate liability frameworks to further refine policy recommendations and strengthen the legal system's capacity to safeguard road safety

Compliance with ethical standards

Disclosure of conflict of interest

No conflict of interest to be disclosed.

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