

Legal Analysis of Victim Negligence at Railway Crossings : a Case Study of Train Accident in Karawang and Government Legal Responsibility in Enhancing Public Safety

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ABSTRACT

This study analyzes the legal implications of victim negligence in railway crossing accidents, focusing on a fatal case in Karawang, West Java. Using normative legal research and qualitative analysis, the study examines the incident's chronology, evaluates victim negligence under Law No. 23 of 2007 on Railways, and assesses government responsibilities. Findings reveal that victim negligence stems from low safety awareness and weak enforcement of safety regulations. Despite existing legal frameworks, implementation remains inadequate. The study highlights the need for stricter law enforcement, public education, and improved safety infrastructure. It emphasizes the government's role in proactive accident prevention to enhance railway safety and inform policy recommendations.

INTRODUCTION

The railway system in Indonesia, a vast archipelagic nation spanning over 17,000 islands, has played a pivotal role in the country's socio-economic development since its inception during the Dutch colonial era in the mid-19th century. As of 2024, Indonesia's railway network extends over 5,000 kilometers, predominantly concentrated on the island of Java and Sumatra, serving as a critical component of the nation's transportation infrastructure. This extensive system not only facilitates the movement of millions of passengers annually but also serves as a crucial conduit for freight transportation, significantly contributing to Indonesia's economic growth and regional connectivity.

The evolution of Indonesia's railway system has been marked by periods of expansion, stagnation, and revitalization, reflecting the country's complex political and economic history. Following independence in 1945, the newly formed Indonesian government nationalized the railway system, establishing the state-owned enterprise Perusahaan Negara Kereta Api (PNKA), which later became PT. Kereta Api Indonesia (PT. KAI). This transition marked the beginning of a new era for railway development in Indonesia, characterized by efforts to modernize and expand the existing network to meet the growing transportation needs of a rapidly developing nation.

In recent decades, Indonesia has witnessed a renewed focus on railway infrastructure development as part of broader strategies to enhance national connectivity and stimulate economic growth. The government has initiated ambitious plans to expand the railway network, including the development of mass rapid transit systems in urban areas, the construction of new lines in underserved regions, and the implementation of high-speed rail projects. These initiatives are aligned with Indonesia's long-term development goals, as outlined in the National Medium-Term Development Plan (RPJMN) and the Master Plan for Acceleration and Expansion of Indonesia's Economic Development (MP3EI).

However, the expansion and intensification of railway operations have also brought to the fore significant challenges, particularly in terms of safety and the integration of railway infrastructure with existing urban and rural landscapes. One of the most pressing issues in this regard is the prevalence of level crossings – points where railway tracks intersect with roads or pedestrian pathways at the same grade. Indonesia has thousands of such crossings, many of which lack adequate safety measures or are unofficial and unprotected, posing significant risks to public safety.

The Karawang region, located in West Java province approximately 50 kilometers east of Jakarta, serves as a microcosm of the challenges facing Indonesia's railway system. As a rapidly industrializing area with a growing population and increasing economic activity, Karawang has seen a significant rise in both rail and road traffic in recent years. This confluence of factors has led to an increased risk of accidents at level crossings, making the region a focal point for discussions on railway safety and legal responsibility.

Several high-profile railway accidents in Karawang have garnered national attention and sparked intense debate about the adequacy of existing safety measures and legal frameworks. These incidents have highlighted the complex interplay between various factors contributing to railway safety, including:

1. **Infrastructure and Technology:** The state of railway infrastructure, including the condition of tracks, signaling systems, and safety equipment at level crossings, plays a crucial role in preventing accidents. In many areas, including parts of Karawang, aging infrastructure and outdated technology have been identified as contributing factors to safety risks.
2. **Human Behavior:** The actions of individuals, both railway staff and members of the public, are critical determinants of safety outcomes. Instances of negligence, risk-taking behavior, or failure to adhere to safety protocols have been implicated in numerous accidents.
3. **Regulatory Framework:** The effectiveness of laws, regulations, and enforcement mechanisms governing railway operations and public behavior around railway infrastructure significantly influences safety outcomes. Questions have been raised about the adequacy and implementation of existing legal frameworks in preventing accidents and assigning responsibility.
4. **Urbanization and Development:** Rapid urbanization and economic development in regions like Karawang have led to increased pressure on existing infrastructure and changes in land use patterns around railway lines. This has created new challenges for integrating railway operations with urban development while maintaining safety.
5. **Public Awareness and Education:** The level of public understanding regarding railway safety risks and appropriate behavior around railway infrastructure varies widely. Efforts to enhance public awareness and education on railway safety have been identified as crucial components of comprehensive safety strategies.

The legal concept of victim negligence emerges as a particularly complex and contentious issue within this context. In cases where accidents occur at level crossings, questions often arise regarding the extent to which victims may have contributed to their own harm through their actions or inactions. This raises challenging legal and ethical questions about the balance between individual responsibility and the duty of care owed by railway operators and governmental bodies responsible for public safety.

The application of victim negligence principles in railway accident cases must be considered within the broader context of Indonesia's legal system and societal norms. Indonesia's legal framework, which combines elements of civil law, customary law (*adat*), and, in some regions, Islamic law (*sharia*), presents unique challenges in adjudicating cases of railway accidents and assigning legal responsibility. The concept of strict liability, which holds operators of inherently dangerous activities (such as railway operations) responsible for resulting harm regardless of fault, must be balanced against principles of

contributory negligence that consider the role of the victim's actions in causing or exacerbating harm.

Moreover, the legal analysis of railway accidents in Indonesia must take into account the country's decentralized governance structure, implemented following the fall of the Suharto regime in 1998. This decentralization has led to variations in local regulations and enforcement practices related to railway safety, potentially complicating efforts to implement uniform national safety standards and legal frameworks.

Research Questions

1. What is the chronology of the railway crossing accident that occurred in Karawang?
2. How does the negligence of the victim manifest based on the evidence and applicable regulations?
3. What are the aspects of the victim's negligence from a legal perspective?
4. What is the government's responsibility in preventing similar accidents?
5. How can the government's policies and efforts to improve public safety at railway crossings be evaluated?

Research Objectives

1. To analyze the application of victim negligence principles in railway crossing accidents through a detailed examination of case studies from Karawang, West Java.
2. To identify and evaluate the primary factors contributing to railway crossing accidents Karawang, including human behavior and regulatory enforcement, within the context of existing legal frameworks.
3. To conduct a comprehensive review of current Indonesian laws and regulations pertaining to railway safety and victim negligence
4. To assess the legal obligations and responsibilities of the Indonesian government in ensuring public safety at railway crossing, evaluating the effectiveness of current policies and initiatives in light of recent accidents.

THEORETICAL REVIEW

Definition of Negligence

Carelessness, failure to take precautions also known as negligence or culpa according to the Advanced Learner's Dictionary of Current English, second edition. Meanwhile according to the Criminal Code, error, lack of care is also called negligence.

Negligence, according to R. Soesilo, is described as a result of fault, which is equivalent to carelessness, recklessness, forgetfulness, and a significant lack of attention. The definition of negligence has been described by Prof. Dr. Wirjono Prodjodikoro, S.H., as generally a fault, but in legal science, it holds a technical meaning, namely a type of fault of the perpetrator of a criminal act that is less severe than intent, characterized by a lack of caution resulting in unintended consequences. Negligence is also explained as being measured by how the majority of people in society act in concrete circumstances. Thus, it is

not used as a standard for someone who is always extremely cautious nor for someone who consistently acts recklessly.

Thus, the prohibition was not simply violated by committing the prohibited act, but rather, it was not adequately heeded. This is evident from the act itself. Negligence, recklessness, and carelessness were involved in the action, for had the prohibition been sufficiently observed when performing the act that causally resulted in the prohibited outcome, the individual would not have been negligent or careless to prevent the prohibited result. Since this form of fault is also mentioned in the formulation of the offense, it must be proven as well. It is also stated that intent is the conscious willingness to violate an object protected by law, whereas negligence is a lack of attention to that object, done without awareness. (Prof. Moeljatno, 2008: 215).

Negligence is defined in Article 359 of the Indonesian Criminal code, which is articulated as follows: "Whosoever, due to their fault (negligence), causes the death of another person, shall be threatened with a maximum imprisonment of 5 years or a maximum detention of 1 year." The elements of Article 359 can be delineated as:

1. Any person;
2. Due to their fault/negligence;
3. Causing the death of another person.

Based on the wording of this negligence article, an interpretation is offered by R. Soesilo in his book titled "Kitab Undang-Undang Hukum Pidana Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal" it is posited that the death, in the context of Article of the Criminal Code, is not intended at all by the perpetrator. This is because the death is merely a consequence of the perpetrator's carelessness or negligence. However, if the death is found to be desired by the perpetrator, it is suggested that the applicable articles would be Articles 338 or 340 of the Criminal Code and Article 458 of Law 1/2023 or Article 459 of Law 1/2023.

In addition to being regulated in the old Criminal Code, criminal acts resulting in death due to negligence are stipulated in Article 474 paragraph (3) of Law 1/2023 concerning the new Criminal Code, which will be enforced 3 years from the date of enactment, namely in 2026, as follows:

"Any person who, due to their negligence, causes of the death of another person, shall be punished with imprisonment for a maximum of 5 years or a fine of at most category V." The maximum fine amount in category V is established at Rp500 million.

Negligence, carelessness, or unintentionality is known as *culpa* in criminal law. Negligence is referred to as unintentionality or carelessness in performing an action. In this case, the perpetrator is not intended to violate the law, but due to a lack of caution or failure to consider the consequences of their actions, they may be deemed legally responsible.

Negligence according to criminal law can also be divided into:

1. Negligence in action, if merely by the performance of the act itself a criminal event is constituted, then it is not necessary for the

consequences arising from the act to be considered, as stipulated in Article 205 of the Criminal Code and Article 343 of Law 1/2023.

2. Negligence in consequence, constitutes a criminal event if the consequences of the negligence have already resulted in consequences prohibited by criminal law, such as the death of another person as regulated in Article 359 of the Criminal Code and Article 474 paragraph (3) of Law 1/2023. Furthermore, articles on negligence causing harm to others are also regulated in Articles 360-361 of the Criminal Code and Article 474 paragraphs (1) and (2) in conjunction with Article 475 of Law 1/2023, namely culpa causing severe injuries to the extent that certain diseases or impediments are caused.

Railway Traffic Safety Regulations

The regulations concerning railway traffic safety in Indonesia are governed by various laws and regulations that aim to establish a railway transportation system that is safe, efficient, and reliable. In detailing these regulations, several aspects are covered, including laws, government regulations, and policies implemented by the Ministry of Transportation and relevant authorities.

1. Legal foundation

- a. Law No. 23 of 2007 on Railways

This law serves as the main foundation for regulating railways in Indonesia. It encompasses several provisions that regulate safety aspects, such as:

- Article 27 regulates the obligation to maintain the safety of railway journeys, including the maintenance of railway infrastructure and facilities.
- Article 35 states that an integrated and efficient railway safety system must be implemented by every railway operator.

- b. Government Regulation No. 56 of 2009

Government Regulation No. 56 of 2009 was issued. This regulation provides further elaboration on the implementation of Law No. 23 of 2007. Some important points covered in this regulation include:

- Implementation of Safety Standards: Every railway operator must adhere to safety standards established by the government.
- Supervision and Law Enforcement: The government possesses the authority to conduct supervision and law enforcement against railway operators that violate safety provisions.

2. Regulatory bodies

- a. Ministry of Transportation

The Ministry of Transportation (MoT) plays a crucial role in railway safety as the government institution responsible for

regulating transportation in Indonesia. Through the Directorate General of Railways, the MoT is tasked with:

1. Developing railway safety and security policies.
2. Conducting supervision of railway operations
3. Implementing regular audits and inspections of railway infrastructure and facilities.

b. Badan Nasional Penanggulangan Bencana (BPNNPB)

BPNNPB also plays role in railway safety, particularly in disaster management that may disrupt railway operations. Crucial collaboration between the MoT and BPNNPB formulates emergency plans and training for railway personnel.

3. Safety standards

a. Standard Operating Procedures (SOPs)

Each railway operator must possess clear SOPs pertaining to operational safety. These SOPs encompass the following elements:

- Establishment of emergency response procedures for incidents of natural disaster.
- Formulation of maintenance protocols for railway facilities and infrastructure.

b. Training and certification

All personnel involved railway operations, including train drivers and security officers, are required to undergo training and certification as regulated by the Ministry of Transportation. These training programs are conducted to enhance the knowledge and skills of personnel in maintaining safety.

4. Infrastructure and technology

a. Railway track maintenance

Regulation mandate routine maintenance of railway tracks. The Ministry of Transportation conducts annual inspections of track conditions to ensure that the infrastructure is in good condition and safe for use.

b. Utilization of technology

To enhance safety, modern technologies such as automated signaling systems and satellite-based monitoring have been implemented. The objectives of employing these technologies are:

- Prevention of accidents caused by human error.
- Facilitation of improved supervision of railway operations.

5. Accidents management

a. Accidents response procedures regulations

Stipulate procedures for managing railway accidents, involving various agencies including law enforcement and medical teams. These procedures encompass:

- Implementation of passenger evacuation and victim management.
 - Conduct of accident cause investigations to prevent similar incidents in the future.
- b. Accident reporting

Every railway accident must be reported to the Ministry of Transportation and investigated to determine causal factors. These reports serve as evaluative material for enhancing safety measures in the future.

Causative Factors of Accidents

a. Victim Negligence

Four fatalities were recorded in a train accident involving the Fajar Utama train on the Pasar Senen-Solo route on Sunday morning. The deceased have been identified as AA (37), TA (7), MA (7), and S (65). It has been stated by the Public Relations Manager of PT KAI Daop 3 Cirebon that this tragic incident occurred due to the presence of the four victims on the tracks while the Fajar Utama Solo train was passing. As evidenced by video footage disseminated on social media, the victims were observed recording the passing Kertajaya train on the Surabaya-Pasar Senen route, while their hands were being waved from the middle of another track. However, simultaneously, the four victims were struck by the Fajar Utama Solo train approaching from the opposite direction. It has been reported by the Public Relations Manager that the locomotive whistles were repeatedly sounded by both trains; however, the four individuals did not relocate promptly, resulting in an unavoidable collision.

b. Insufficient Law Enforcement

Railway track peripheries are frequently utilized as semi-permanent residences and occasionally as children's play areas, despite such crossings being designated as zones to be avoided. Warning signs have been installed by KAI as a preventive measure against train-related casualties. However, in practice, despite the numerous signs that have been erected and warnings that have been issued by authorized personnel to residents engaging in activities near the railway tracks, these precautions continue to be disregarded by individuals who do not prioritize their personal safety.

This matter has been regulated in Law No. 23 of 2007 concerning railways, Article 199, which stipulates: "Any individual present in the railway right-of-way, dragging items across or traversing railway tracks without authorization, and utilizing railway tracks for purposes other than train transportation that may interfere with train travel as referred to in Article 181 paragraph (1), shall be subject to imprisonment for a maximum of 3 months and/or a fine not exceeding fifteen million rupiah". Although this has been codified in law and criminal sanctions have been established, the extent of the danger posed by railway crossings remains inadequately comprehended by the public.

It appears that comprehensive dissemination of information regarding sanctions and fines for prohibited activities on railway tracks has not been fully implemented by PT. KAI Persero in all regions, or these crucial matters may be neglected by local government roles. Transportation issues in safety and security aspects, as cited in a transportation study published on dephub.go.id, highlight several concerns: institutional functions for integrated transportation safety improvement have not been optimized; public awareness and participation in transportation safety and security remain minimized; supervision and law enforcement in meeting transportation safety and security standards have not been optimized; fulfillment of transportation safety and security standards, including the adequacy and reliability of safety and security infrastructure in accordance with technological developments, has not been optimized; the quality and quantity of transportation human resources meeting safety and security competency standards remain minimized; the fatality rate of road traffic accident victims continues to be elevated; accident data that could be utilized for improving road safety education has not been integrated; and the management of level crossings between railway tracks and roads in accordance with statutory regulations has not been optimized.

c. *Track Design and Safety Infrastructure in The Vicinity of The Incident*

The utilization of railway-adjacent areas as recreational spaces or sites for community activities is recognized as a manifestation of local government failure in the provision of adequate public spaces for residents. Due to the absence of sufficient open spaces being provided, railway tracks are consequently being appropriated by community members as gathering locations.

Government Responsibility in Maintaining Public Safety in The Transportation Sector

Compensation liability to service users or passengers is not held by the Railway Infrastructure Operator; rather, responsibility is solely assigned to the Railway Facility Operator and third parties for losses resulting from accidents caused by railway infrastructure operational errors, as stipulated in Article 87 paragraph (1) of the Railway Law. When it is determined by the competent authorities that losses are not attributable to railway infrastructure operational errors and/or force majeure circumstances have occurred, liability is not imposed upon the Railway Infrastructure Operator.

Conversely, for service users or passengers who experience losses, injuries, or fatalities caused by railway transport operations, such as in instances of train derailment, responsibility is borne by the Railway Facility Operator. The Railway Facility Operator's liability is initiated from the moment service users or passengers are transported from the origin station until their arrival at the agreed destination station. This liability is quantified based on actual losses incurred. These matters are elucidated in the following laws and government regulations:

- Law No. 22 of 2009 concerning Road Traffic and Transportation
- Government Regulation No. 37 of 2017 concerning Road Traffic and Transportation Safety
- Government Regulation No. 74 of 2014 concerning Road Transportation
- Law No. 23 of 2007 concerning Railways

METHODOLOGY

The research method used is normative legal research, which focuses on existing legal rules and norms, such as negligence classified as a criminal offense. The objective of this research is to identify legal principles and policies that can be applied to reduce similar cases that occur. The data collection technique employed is library research. The data sources in this normative study primarily consist of secondary data, while primary data is used to complement other data sources. Secondary data may include legislation, literature books, scholarly writings (scientific articles), and information obtained from the internet. All data, consisting of primary and secondary data, will be processed and analyzed qualitatively. Qualitative analysis represents a stage of research that involves various levels of scientific critical thinking, where research is conducted inductively-revealing facts or phenomena obtained and then analyzing the collected research results. The issue to be discussed in this research is the legal analysis of victim negligence at railroad crossings and the government's responsibility in improving public safety.

RESULTS

Case Study of The train Accident in Karawang

Description of The Chronology of the Accident in Karawang

A train accident occurred in Karawang, West Java, on Sunday, September 22, 2024, at around 07:00 WIB. Four people lost their lives after being struck by the Fajar Utama Solo train on the Pasarsenen-Solo route. The Public Relations Manager of PT KAI Daop 3 Cirebon, Rokhmad Makin Zainul, stated that the incident took place at km 88+700 on the Cikampek-Tanjungrasa upstream track, in Kampung Daringo, South Pangulah Village, Kota Baru, Karawang.

The four victims of the tragic incident were Anita Andini (37), a resident of Sukahati Timur, Sukaati Hamlet, Jomin Timur Village, Kota Baru Subdistrict; Muhamad Al Ikhsan (7), a resident of Sukahati Timur, Sukaati Hamlet, Jomin Timur Village, Kota Baru Subdistrict; Ted Alfarizi (7), also a resident of Sukahati Timur, Sukaati Hamlet, Jomin Timur Village, Kota Baru Subdistrict; and Sahaman (65), a resident of Daringo Hamlet, Pangulah Selatan Village, Kota Baru Subdistrict. The victims died from severe injuries, with some even being caught and carried by the train to Subang.

The Public Relations Manager of PT KAI Daop 3 Cirebon, Rokhmad Makin Zainul, explained that the accident occurred because the four victims were on the railway tracks when the Fajar Utama Solo train passed. According to a circulating video, the victims appeared to be filming the moment when the Kertajaya train, traveling the Surabaya-Pasar Senen route, passed from Tanjungrasa to Jakarta on the tracks heading towards Jakarta.

At the same time, the Fajar Utama Solo train passed from the opposite direction and immediately struck the four people who were on the tracks. According to Rokhmad, both trains had repeatedly sounded their horns, but the victims did not leave the tracks. "However, the four victims did not move, so the collision was unavoidable," Rokhmad said in his written statement on Monday (23/9/2024). KAI Daop 3 Cirebon security officers then coordinated with the Patokbeusi Police in Subang Regency and the Kotabaru Police in Karawang. "One victim was taken to the Patokbeusi Community Health Center, while the other three were taken to Karawang Regional Hospital," said Rokhmad."

Rokhmad expressed regret over the incident, stating that residents should not freely access the railroad tracks. He explained that, given the tracks are a dedicated route for trains, they cannot be used carelessly. This is due to the critical importance of ensuring train travel safety. "For this reason, no one should be on the railroad tracks, as it is extremely dangerous," said Rokhmad. He explained that anyone found in the railway track area, dragging goods, crossing the tracks without permission, or using the tracks for other purposes, can be subject to criminal penalties, including a prison sentence of up to 3 months or a maximum fine of Rp15 million. "We hope that the community will actively contribute to ensuring the safety of train operations and the surrounding environment by offering guidance or warnings if they see people playing or engaging in activities on the railroad tracks," said Rokhmad. PT KAI Daop 3 Cirebon also urges the public not to engage in any activities near the railroad tracks, including playing or walking, as it is extremely dangerous and can lead to accidents. This is regulated by Law Number 23 of 2007 concerning Railways. "The railroad tracks are a legally protected area, and therefore people are prohibited from carrying out any activities around them," he concluded.

Analysis of Victim Negligence Based on Evidence and Applicable Regulations

a) Regulations on Negligence

In criminal law, negligence, errors, lack of care, or carelessness is referred to as culpa. While culpa generally means "error," in legal terminology, it has a more specific meaning: it refers to a type of error committed by the perpetrator of a criminal offense that is less severe than intent. It involves a lack of caution that results in unintended consequences (R. Soesilo, 1991).

In Indonesian law, such matters are explicitly regulated in the Criminal Code (KUHP). The issues of negligence in the Criminal Code are outlined in Chapter XXI, which addresses Causing Death or Injury by Negligence (Articles 359 to 361 of the Criminal Code), specifically:

Table 1. Criminal Code

No	Article	Article Explanation
1.	Article 359	This article regulates criminal liability for a person who causes the death of another person due to error or negligence. If the act is proven, the perpetrator may face sanctions in the form of imprisonment for a maximum of five years or confinement for up to

		one year. Essentially, this article aims to encourage individuals to be more careful and responsible for actions that could jeopardize the safety of others.
2.	Article 360 paragraph (1)	This article regulates the criminal responsibility of a person who causes serious injury to another individual due to their fault or negligence. If found guilty, the perpetrator can be sentenced to a maximum of five years' imprisonment or up to one year in confinement. The purpose of this article is to enforce safety norms and encourage individuals to act carefully to protect the health and safety of others.
3.	Article 360 paragraph (2)	This article stipulates criminal liability for a person who causes injury to another individual that results in illness or impedes their ability to perform official work or earn a livelihood for a certain period due to the perpetrator's fault or negligence. If found guilty, the perpetrator may face imprisonment for a maximum of nine months, confinement for up to six months, or a fine of up to four thousand five hundred rupiah. This article aims to encourage individuals to act more carefully and responsibly in actions that could endanger others.
4.	Article 361	This article states that if a person commits a crime described in this chapter while exercising their office or earning a livelihood, the punishment will be increased by one-third of the original sentence. Additionally, the offender's right to practice the relevant profession or hold the office may be revoked. The judge also has the authority to order that the decision be made public. The purpose of this section is to provide a deterrent effect and ensure that offenses committed in the context of an office or livelihood are not tolerated, as well as to protect the integrity of the profession.

Simons outlines two conditions for determining negligence and explains which criteria can be considered as negligence (*culpa*), namely:

- Lack of caution
- Lack of attention to potential consequences
- Absence of reasonable assumptions
- Absence of necessary vigilance

b) Analysis of Victim Negligence in Train Accidents

Railway accidents often involve complex factors, including the negligence of the parties involved. In this context, it is important to analyze the victim's negligence to understand legal liability and relevant safety aspects. Negligence can be defined as carelessness that results in loss or injury to another person. In the context of the train accident that occurred in Karawang, which we are

discussing here, the victim's negligence refers to the actions or decisions made by individuals that led them to be in a dangerous situation on the train tracks.

Factors affecting victim negligence:

- **Safety Awareness:** Many victims are often unaware of the dangers associated with being near train tracks. A lack of education about rail safety can contribute to risky behaviors that ultimately harm not only others but also themselves.
- **Behavior:** The victim may engage in unsafe activities, such as taking photos or videos near the railroad tracks, indicating non-compliance with existing safety regulations. Citizens often spend time around the railroad tracks to relax, enjoy the afternoon, and admire the beauty of the trains, capturing it through photos or videos with their mobile phones. When they become absorbed in the enjoyment of playing and taking pictures, they may forget that they are in a restricted area that poses a danger to their safety.
- **Environmental Conditions:** The environment surrounding a railroad track, including the absence of clear barriers or warning signs, can lead victims to assume that the tracks are safe to access. In the accident under discussion, there were no barriers in the immediate area to delineate the railroad tracks from the areas accessible to the public. As a result, the public was able to enter the very dangerous railroad track area directly.

This situation becomes even more serious when considering that the railroad track is a protected area under UU no. 23 of 2007 concerning railways, which prohibits individuals from being on the tracks without permission. Hanging out around the tracks violates Article 181, paragraph (1) of UU no. 23 of 2007 concerning railways.

Table 2.
 Law no. 23 of 2007 on railways

No	Article	Article Reads	Article Explanation
1.	Article 181 Paragraph (1)	"Everyone is prohibited from being in the useful space of the railway track, dragging items, crossing the railway track, or using the railway track for purposes other than rail transportation."	<ul style="list-style-type: none"> - "Railroad tracks are designated areas reserved for railway operations, not for public use. Being on these tracks is considered unlawful as it poses a significant risk of accidents. - The use of railroad tracks for purposes other than train travel, such as playing, walking, or engaging in other activities, is extremely dangerous and prohibited.

Violators of these rules may face criminal sanctions as outlined in Article 199 of UU no. 23 of 2007 concerning railways.

Table 3. Law no. 23 of 2007 on railways

No	Article	Article Reads	Article Explanation
1.	Article 191 paragraph (1)	“Every person who is in the useful space of the railway track, drags, crosses the railway track or uses the railway track for other purposes as referred to in Article 181 Paragraph 1 without permission shall be punished with imprisonment for a maximum of 3 (three) months or a maximum fine of Rp15,000,000.00 (fifteen million rupiah).”	<ul style="list-style-type: none"> - Any violation that has the potential to disrupt the safety of train travel may be subject to criminal sanctions as a preventive measure to reduce the risk of accidents. - This punishment aims to provide a deterrent effect and raise public awareness about the importance of safety in railway areas.

In other words, engaging in activities on the train tracks is not only physically risky but also carries serious legal consequences. The community needs to be further educated through outreach programs that raise awareness about the dangers of playing near train tracks, as well as the importance of adhering to existing regulations. By doing so, it is hoped that the number of accidents involving negligence can be minimized, and public safety in the areas surrounding railway tracks can be maintained.

The Legal Responsibilities of The Government in Enhancing Public Safety

a. Enforcing Regulations Prohibiting Presence on Railway Tracks

Enforcing regulations prohibiting presence on railway tracks is an important step outlined in UU no. 23 of 2007 concerning railways, specifically Article 181 paragraph (1) as previously described. The government has the responsibility to ensure that this regulation is strictly enforced to protect public safety. Violations of this regulation may be subject to criminal sanctions, including fines of up to Rp15 million or a maximum imprisonment of 3 months. Through rigorous law enforcement, it is hoped that the public will become increasingly aware of the significant risks associated with being in the vicinity of railway tracks.

b. Conducting Safety Education and Awareness Campaigns

Conducting education and safety awareness campaigns for the community regarding the dangers of playing near railroad tracks is also an important step in preventing accidents. People often do not realize the significant risks associated with activities near railway tracks, especially children playing at crossings without supervision. Therefore, the government and railway operators, such as PT KAI, have a responsibility to regularly hold public safety campaigns. This education can be carried out through mass media, schools, and local communities by explaining the physical dangers that lurk, such as collisions or being dragged by trains, as well as the legal consequences for

violators. This outreach aims to enhance community awareness and compliance with railway regulations.

In addition to education-based campaigns, safety awareness should also be promoted by providing easily accessible warning signs for the public. Installing warning boards, banners, and educational videos at busy train stations or railway crossing points is one effective method. The government can also collaborate with community leaders and village officials to disseminate safety information, especially in areas where railway lines are frequently crossed by residents. With ongoing education and widespread outreach, it is hoped that the community will better understand the importance of maintaining a safe distance from railway tracks and actively participate in ensuring the safety of themselves and others in the vicinity of the tracks.

c. Installing and Maintaining Safety Facilities at Crossings

"The government can collaborate with PT KAI to ensure that every crossing is equipped with adequate safety facilities. These facilities include automatic barriers, warning signals, and crossing guards. The installation of these facilities is crucial to provide early warnings to road users about the approaching trains, thereby helping to prevent potential accidents. Safety facilities should not only be prioritized in urban areas but also in rural areas where such warnings are still very minimal."

Maintenance of safety facilities at railway crossings must also be carried out regularly to ensure their optimal functionality. The government and relevant parties need to conduct periodic checks on barriers, signals, and other equipment to prevent damage or technical failures. If any damage occurs, repairs must be made immediately to avoid fatal incidents. Additionally, the use of modern technology such as CCTV or automatic control systems can assist in monitoring and addressing issues quickly. With proper installation and maintenance, the risk of accidents at railway crossings can be minimized, creating a safer environment for road users and the surrounding community.

d. Enhancing Surveillance and Patrols in Crossing Areas

The government, along with authorities such as the police and railway security officers, needs to conduct regular patrols along railway lines that are prone to violations, especially in areas populated by residents or near homes that are crossed by railway tracks. These patrols serve to prevent dangerous activities, such as playing or walking on the railway tracks. With stricter oversight, the community is expected to be more disciplined in following the existing rules and prohibitions, as well as more aware of the risks of accidents that can occur due to negligence or ignorance.

DISCUSSION

This part allows you to elaborate on your results findings academically. You must not put numbers related to your statistical tests here; instead, you have to explain that numbers here. You have to compile your discussion with

academic supports to your study and a good explanation according to the specific area you are investigating.

CONCLUSIONS AND RECOMMENDATIONS

The legal analysis of victim negligence at railway crossings, specifically through the case study of the Karawang train accident, highlights the intricate relationship between human error, insufficient infrastructure, and regulatory gaps. In the Karawang incident, the victims' actions—being on the tracks while filming trains—directly contributed to their tragic deaths. This underscores the issue of victim negligence, where individuals fail to recognize the inherent dangers of being near railway tracks despite safety warnings. However, the responsibility does not solely lie with the victims.

The legal framework governing railway safety in Indonesia, including Law No. 23 of 2007 on Railways, establishes strict guidelines for preventing accidents at railway crossings. While these laws are in place, their enforcement appears inadequate, as evidenced by the continuous use of tracks as public spaces for recreation, despite the clear risks. Moreover, the lack of adequate safety infrastructure, such as automatic barriers, warning signs, and regular surveillance, exacerbates the dangers posed by railway crossings, particularly in rural and densely populated areas.

The analysis also highlights the broader systemic issues related to railway safety management in Indonesia. The government, in conjunction with PT Kereta Api Indonesia (PT KAI), holds a significant responsibility to not only enforce safety laws but also to educate the public and ensure that all railway crossings are equipped with proper safety measures. The failure to consistently maintain and upgrade safety infrastructure, combined with the lack of public awareness campaigns, contributes to the recurring accidents at railway crossings.

Ultimately, while victim negligence is a critical factor in railway accidents, it must be understood within the larger context of insufficient enforcement of safety laws, inadequate infrastructure, and a lack of public education. Addressing these interconnected issues is essential for reducing accidents and improving public safety across Indonesia's railway system.

Strengthen Law Enforcement

Authorities need to enforce existing regulations more strictly, ensuring that individuals are penalized for unauthorized activities near railway tracks. Regular patrols and the use of technology like surveillance cameras can help in monitoring and enforcing safety in vulnerable areas.

Public Education and Awareness Campaigns

A nationwide public education campaign is crucial to raise awareness about the dangers of railway crossings. This should include school programs, community outreach, and widespread use of media to inform citizens about safety protocols and the legal consequences of violating railway laws.

Improve Safety Infrastructure

The government, in collaboration with PT KAI, should prioritize upgrading safety infrastructure at railway crossings. This includes installing automatic barriers, warning signals, and adequate lighting, especially in rural and underserved areas. Maintenance of these systems should be regular and systematic to prevent accidents caused by technical failures.

Collaborative Approach to Safety

The government, railway operators, and local communities must work together to enhance railway safety. Local governments should provide adequate public spaces to reduce the need for individuals to gather near railway tracks, and PT KAI should continue to innovate with safety technology to minimize human error.

By addressing these key areas—law enforcement, public education, infrastructure improvement, and collaborative efforts—the frequency of accidents at railway crossings can be significantly reduced, ensuring a safer environment for all.

FURTHER STUDY

Examine the impact of existing public education campaigns on improving safety awareness. Future studies could compare the effectiveness of various outreach methods, such as social media campaigns, school programs, and community initiatives, to determine the most impactful approaches.

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