
RAILROAD CROSSINGS SEEN FROM INDONESIA'S POSITIVE LAW

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ABSTRACT

Introduction: Rail transportation is part of land transportation in Indonesia. The extended rail network has level crossings, namely the crossing of railroads and highways. Judging from the existing laws in Indonesia, the law mentions avoiding accidents at level crossings. Several factors influence law enforcement at railroad crossings, including legal, law enforcement, facilities, community, and cultural factors. There needs to be legal awareness from the side of law violators themselves, law enforcement officers themselves, and the government side. It is also necessary to increase cooperation between networks of law enforcement officers in crossing railroad crossings. **Method:** The research method used in this study is comparative descriptive. **Result:** The public is stated to have not understood the regulations that discuss railroad crossings listed in Law Number 23 of 2007, which discusses railways. In Law Number 22 of 2009, which discusses Traffic and Road Transportation, it is stated that Government Regulation 56 of 2009 discusses the Implementation of Railways and Government Regulation Number 72 of 2009 concerning Railway Traffic and Transportation. **Conclusion:** The law of crossing a railroad plot according to positive law in Indonesia has a position as a reference for travelling a railroad plot as has been written based on: Article 124 of Law Number 23 of 2007, Article 78 of Government Regulation Number 56 of 2009, Article 110 paragraph (1) Government Regulation Number 72 of 2009 & Article 114 of Law Number 22 of 2009.

Keywords: Railroad Crossing Law, Indonesian Railway Law, Transportation.

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INTRODUCTION

Vehicles have a very strategic role in supporting integrated national development in Indonesia. In Indonesia, cars are divided into 3: land, sea, and air (Sukmoro et al., 2019). Indonesian Railways Vehicle (KA) is a form of land vehicle and a vehicle driven by a diesel engine, which can be operated alone or together with other trains. Facilities that travel or move by rail are associated with rail travel (Jumardi et al., 2020).

This train has one advantage: a lane that does not interfere with other traffic. However, on the one hand, there are restrictions on rail transportation. One of the limitations is that Indonesia currently has a rail network that can only be used on the islands of Java and Sumatra. In the development of railway technology in our country, railway technology is still significantly behind compared to other developed countries. Judging from the topic of technological developments in the railway sector, which is outdated, it affects rail transport users' comfort, safety, and security. (Muhammad et al., 2018).

With the development of railway technology in Indonesia, it is determined that Indonesian railway personnel (Human Resources) must be trained in developed countries. This will undoubtedly

be a problem in the development of road construction, especially in the railway sector (Malkhamah et al., 2014). This problem often occurs in road accidents caused by trains with other vehicles at railroad crossings. This problem is usually caused by several factors, including human, road, car, and environmental factors (Agata, 2020) (Tjahjono et al., 2019).

According to the Indonesian Railway Accident Investigation, there was one accident in 2011, three in 2012, two in 2013, six in 2014 and seven in 2015, and 6 accidents in 2016. Based on the high number of train accidents in Indonesia, it was found that PT Kereta Api Indonesia cannot fully address accidents (Budiawan et al., 2014). Indonesian Railways must be able to immediately overcome all problems that can lead to train accidents so that these accidents do not happen again. In the past, if there was a traffic accident between trains and other vehicles, not only PT. The train is damaged, but all those injured in the train crash are injured (Judge, 2020).

One of the causes of train accidents is that the Train Crossing Guard does not close the railroad crossing doors directly, and another thing that causes train accidents is due to careless drivers. One train accident occurred at a railroad crossing in Jatipuro Hamlet, Jatipuro Village, Trukuk District, and Klaten Regency. The accident is believed to have been caused by the driver's negligence. However, the car driver denied this, saying that the accident was caused by the fact that the railway gates were open and the railroad crossing guards were not closed.

Article 124 of the Railway Law Number 23 of 2007 states that "at railroad and highway crossings, road users are obliged to prioritize rail travel." Therefore, road users must prioritize passing by train (Nurseto, 2017).

There are still crossing gate guards who do not immediately close the crossing gate when the train passes the railroad crossing, resulting in train accidents at the railroad crossing (Pambudi, 2009) (Syahputra, 2018). In Law No. 22 of 2009 concerning Road Traffic and Transportation, it is stated in Article 114 reads, "At level crossings between railway and road lines, vehicle drivers are obliged to: a. Stop when the signal has sounded, the railroad latch has begun to close, and or other signs; b. Prioritize the train; and c. It gives primary rights to vehicles that cross the rails first (Yuliananingsih & Fridino, 2019).

Based on this, it has been determined in Article 124 of Law Number 23 of 2007 and Article 114 of Law Number 22 of 2009, which states regarding traffic and road transportation regulations, as well as vehicle users who have determined that it should be when on a plot of a railroad crossing. Prioritize the train to pass the railroad crossing. However, there have been several cases of accidents at railroad crossings, most of which have been caused by negligence on the part of the guards the railroad tracks themselves. The purpose of this study is to analyze the protection of railways in terms of positive law in Indonesia.

METHOD

The research method used in this research is comparative descriptive. The comparative descriptive research method is a method that conceptualizes law as norms, rules, and principles (Muhammad Syahrums, 2022). In addition, an approach is taken to the existing railway law materials in Indonesia.

This research was conducted with descriptive analysis and descriptive analysis by describing facts in the form of data and legal materials in the form of primary legal materials, secondary legal

materials, and tertiary legal materials (Amalia, 2022). Primary legal materials are regulations that are in applicable laws and regulations. Secondary legal materials are legal materials that come from a library, printed textbooks, papers, or scientific journals obtained through online or offline libraries and come from tertiary legal materials. These legal dictionaries are related to the law on railroad crossings in Indonesia.

Data collection techniques are carried out by examining data obtained from existing research in the field, from legislation, from the results of the previous study, in the form of research journals, previous research articles, as well as search results on several internet sites that have a relationship with the subject being discussed. Those who discuss the law of crossing a plot of railways in Indonesia are taken. The data obtained were analyzed qualitatively; namely, the data obtained, and then the data was arranged systematically, and then it could be analyzed qualitatively to get conclusions that contained objective truth (Mamik, 2014).

RESULTS AND DISCUSSION

In Law Number 23 of 2007, there is a discussion regarding the Railway, which has been stated in Article 124, which reads, "At the intersection of a plot between the railway line and the road, road users are obliged to prioritize train travel." So it can be concluded that road users must prioritize the train to pass. Based on the facts, there are still crossing gate guards who do not immediately close the crossing gate when the train passes the railroad crossing, resulting in a train accident at the railroad crossing (Hidayat, 2020).

It is stated in Law Number 22 of 2009 concerning Road Traffic and Transportation, which is expressed in Article 114, which reads, "At level crossings between railway and road lines, vehicle drivers must: (Labatjo, 2019)

- Stop when the signal has sounded, the railroad latch has begun to close, and or other signs;
- Prioritize the train;

- It gives primary rights to the vehicle that crosses the rail first.

Rail gate. Based on this, the provisions contained in Article 124 of Law Number 23 of 2007 and Article 114 of Law Number 22 of 2009, which discuss Road Traffic and Transportation, read that vehicle user should prioritize trains to pass through. However, in several accidents at railroad gates, many were caused by the negligence of the railroad gatekeepers. The crossing gate guards are often late when they close the gate bars, which can cause accidents between trains and motorized vehicles that pass through the railroad crossing gates.

Rail transportation has advantages compared to other means of transportation, but in terms of benefits owned by PT. Kereta Api Indonesia is known that until now, there are still some cases of accidents involving rail transportation in a traffic accident with other road users that occurred at a railroad crossing. Even today, there are still many cases of traffic accidents that occur between trains and motorists who occur at railroad crossings. KAI Operational Region 6 Yogyakarta expressed that traffic accidents between trains and drivers at railroad crossings are known to have been caused by human factors (people) due to mistakes, either from negligent drivers or railroad crossing officers. The fire is also derelict. Based on the statement that the Legal Manager has said about PT.

Based on the investigation data of railway accidents in Indonesia, in 2011, there was one accident; in 2012, there were three accidents; in 2013, there were two accidents; in 2014, there

were six accidents; and in 2015, there had been seven accidents, even in In 2016, there were still six accidents. Then there is another opinion: according to the Legal Manager of PT KAI Drop Yogyakarta, the data on accident cases in the Yogyakarta operational area have recorded 24 accidents at railroad crossings. (Yuliana et al., 2015).

With the high number of accidents on rail transportation in Indonesia, it is known that this is a problem that PT has not fully resolved. Indonesian Railways. Based on this, the public is stated to have not been able to understand the regulations that discuss railroad crossings listed in Law Number 23 of 2007, which discusses railways, In Law Number 22 of 2009, which discusses Road Traffic and Transportation. , It is stated that Government Regulation Number 56 of 2009 discusses the Implementation of Railways and discusses Government Regulation Number 72 of 2009 concerning Railway Traffic and Transportation (Judge, 2020).

Based on the results of the analysis of cases that occurred at railroad crossings, it was found that some regulations or laws exist in Indonesia, including: Article 124 of Law Number 23 of 2007 concerning Railways 203 reads: "At the intersection of a plot between the railway line and the road, road users are obliged to prioritize rail travel." Article 78 of Government Regulation 56 of 2009 concerning the Operation of Railways reads: "To protect the safety and smooth operation of trains at the intersection of plots, road users are obliged to prioritize train travel." Article 110 paragraph (1) Government Regulation Number 72 of 2009 concerning Railway Traffic and Transportation reads: (1) At the intersection of a plot between a railway line and a road, from now on referred to as the intersection of a field used for general traffic or unusual traffic, road users must prioritize rail travel. Article 114 of Law Number 22 of 2009 concerning Road Traffic and Transportation reads: "At level crossings between railway and road lines, vehicle drivers are obliged to:

- a. Stop when the signal has sounded, the railroad latch has begun to close, and or other signs;
- b. Prioritize the train; and c. It gives primary rights to the vehicle that crosses the rail first.

In addition to several articles that have been mentioned, there are also articles contained in Law Number 23 of 2007, in Article 181 paragraph (1) of Law Number 23 of 2007, which discusses Railways that have prohibitions for motorists or road users. Who breaks through the doorstep? The article reads: "Everyone is prohibited from a. being in the benefit room of the railway line; b. dragging, moving, placing, or moving goods on rails or across railroad tracks; or c. using the railway line for purposes other than rail transportation.

The Indonesian Railways, namely Drop Yogyakarta, has given an appeal to the community to be able to understand the existence of an order and the existence of regulations regarding the signs that exist in railroad crossings, when there is a siren sound and when the door at the railroad crossing has been closed. Based on the opinion expressed by the Legal Manager of PT. If closed, then do not try to break through the door that has been completed. Based on this, vehicle users or pedestrians must be able to increase their vigilance, be careful, and obey the signs found at railroad crossings so that road users can cross railroad crossings safely.

CONCLUSION

The law of crossing a railroad plot according to positive law in Indonesia has had a position as a reference for travelling a railroad plot as has been written based on: Article 124 of Law Number 23 of 2007, Article 78 of Government Regulation Number 56 of 2009, Article 110 paragraph (1) of Government Regulation Number 72 of 2009 & Article 114 of Law Number 22 of 2009.

REFERENCES

- Agata, A. D. (2020). Perlindungan Penumpang Kecelakaan Kereta Api Di Daerah Operasi 4 Semarang. *Jurnal Ilmiah Dinamika Hukum*, 21(1), 36–42.
- Amalia, I. I. (2022). *Kepastian Hukum Pengawasan Hakim Oleh Komisi Yudisial Terhadap Perkara Perdata Di Indonesia*. Perpustakaan Pascasarjana.
- Budiawan, W., Purwanggono, B., & Tauhida, D. (2014). Pengembangan aplikasi investigasi kecelakaan kereta api berbasis web. *Prosiding SNATIF*, 463–470.
- Hakim, N. N. (2020). Implementasi Machine Learning pada Sistem Prediksi Kejadian dan Lokasi Patah Rel Kereta Api di Indonesia. *Jurnal Sistem Cerdas*, 3(1), 25–35.
- HIDAYAT, H. (2020). *Pertanggungjawaban Masinis dalam Kecelakaan Kereta Api Menurut Undang-Undang Nomor 23 Tahun 2007 Tentang Perkeretaapian Ditinjau dari Hukum Pidana Islam*.--. UIN RADEN FATAH PALEMBANG.
- Jumardi, J., Ruli, R., Abdulhadi, A., Siska, A., Viki, A., & Zaqi, A. Z. (2020). Perkembangan Transportasi Kereta Api di Jakarta. *PATTINGALLOANG*, 7(1), 40–48.
- Labatjo, R. (2019). Analisis Yuridis Tentang Prinsip Tanggung Jawab Menurut Undang–Undang Nomor 22 Tahun 2009 Tentang Lalulintas Dan Angkutan Jalan. *Jurnal Yustisiabel*, 3(2), 118–134.
- Malkhamah, S., Murwono, D., Wiarco, Y., & Muthohar, I. (2014). Analisis kapasitas jalur dan kecelakaan kereta api. *The 17th FSTPT International Symposium, Jember University*, 22–24.
- Mamik, M. (2014). Metodologi Kualitatif. In *Zifatama PUBLISHER*. Zifatama Publisher.
- Muhammad, A. M., Prawiradiredja, S., & Fitriyah, I. (2018). Corporate Value: Persona pada Company Profile PT. Kereta Api Indonesia. *Jurnal Komunikasi Profesional*, 2(1).
- Muhammad Syahrums, S. T. (2022). *Pengantar Metodologi Penelitian Hukum: Kajian Penelitian Normatif, Empiris, Penulisan Proposal, Laporan Skripsi Dan Tesis*. CV. DOTPLUS Publisher.
- Nurseto, K. (2017). IMplementasi Undang–Undang Nomor 23 Tahun 2007 Tentang Perkeretaapian Mengenai Larangan Mendirikan Bangunan di Sempadan Rel Kereta Api Surabaya. *Novum: Jurnal Hukum*, 4(1), 111–120.
- PAMBUDI, S. D. (2009). *Perlindungan Hukum Terhadap Konsumen Pada Jasa Layanan Angkutan Kereta Api*. Universitas Islam Indonesia.
- Sukmoro, E., Sulistiyono, A., & Karjoko, L. (2019). The politic of law of PT. Kereta api Indonesia (persero) track access charge policy based on justice. *International Journal of Advanced Science and Technology*, 28(20), 353–361.
- Syahputra, E. (2018). *Pertanggungjawaban Pidana Dalam Kasus Kecelakaan Lalu Lintas Antara Kereta Api Dan Pengendara Di Perlintasan Kereta Api*.

Tjahjono, T., Kusuma, A., Pratiwi, Y. Y., & Purnomo, R. Y. (2019). Identification Determinant Variables of the Injury Severity Crashes at Road-Railway Level Crossing in Indonesia. *Transportation Research Procedia*, 37, 211–218. <https://doi.org/https://doi.org/10.1016/j.trpro.2018.12.185>

Yuliana, C. E., Purnaweni, H., & Rengga, A. (2015). Implementasi Undang-undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan:(Khusus) Untuk Pengendara Sepeda Motor Di Kota Semarang. *Journal of Public Policy and Management Review*, 4(2), 143–153.

Yuliananingsih, Y., & Fridino, F. (2019). Implementasi Uu No. 22 Tahun 2009 Yang Berkaitan Dengan Penggunaan Helm Sni Di Kecamatan Tebas. *Jurnal Pendidikan Kewarganegaraan*, 3(2), 111–120.



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