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Criminal Responsibility of National Road Organizers For Traffic Accidents On The Pantura Road As Seen From The Theory of Legal Certainty

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Abstract: This study examines the qualification of criminal liability of national road administrators for traffic accidents caused by road damage based on Article 273 of Law Number 22 of 2009 concerning Traffic and Road Transportation, as well as the problems of law enforcement in the Pantura Jatisari area from the perspective of legal certainty theory. This research employs a normative juridical method with statutory and conceptual approaches. The findings indicate that national road administrators may be held criminally liable if negligence in road maintenance is proven to cause traffic accidents. The elements include culpa (negligence), unlawful act, and causality between road damage and the accident. However, in practice, the enforcement of Article 273 still faces various obstacles, such as unclear division of authority between institutions, weak implementation of criminal sanctions, and difficulties in proving causality. These conditions result in the failure to achieve legal certainty in holding road administrators accountable. Therefore, regulatory strengthening, clarity of responsible subjects, and consistent law enforcement are necessary to ensure road user safety and to realize the principle of legal certainty in public infrastructure governance.

Keyword: Criminal Liability, Road Authority, Legal Certainty.

INTRODUCTION

Traffic accidents due to road damage are still common in Indonesia, particularly on high-traffic routes such as the North Coast Highway (Pantura). One case illustrating this situation occurred in the Pantura Jatisari area of Karawang Regency, where a traffic accident involving a motorcyclist was strongly suspected to have been caused by a pothole that was not promptly repaired. In this incident, the victim suffered serious injuries and even fatalities, while the condition of the damaged road has long been a public complaint without prompt attention from the road authorities (Rezi, Santoso, & Maulani, 2026).

In addition, based on Kompas.com news on January 24, 2026, a traffic accident occurred on the Pantura Karawang road section which resulted in a motorcyclist dying after falling into a pothole. The report explained that the condition of the potholes had long been

complained about by the public because they were dangerous for motorists, but had not received prompt attention from the authorities. This tragic incident shows that damage to national roads is not just a technical problem, but can pose a serious risk to public safety and even cause loss of life. This case also emphasizes the alleged negligence of road operators in fulfilling their obligations as stipulated in Article 24 paragraph (1) and Article 273 of Law Number 22 of 2009 concerning Traffic and Road Transportation, namely the obligation to immediately repair damaged roads that have the potential to cause accidents. Thus, the news serves as empirical evidence that weak road maintenance can have legal consequences and demonstrates the importance of criminal liability for national road operators. This case shows that damage to road infrastructure is not just a technical problem, but can have serious implications for the safety of road users and result in legal consequences for those responsible (Nurdin & Krisiandi, 2026).

The development of the transportation system in Indonesia is inseparable from the existence of roads as the main infrastructure that supports public mobility, distribution of goods, and national economic growth. National roads, particularly the North Coast Route (Pantura), play a strategic role as the main connecting route between regions on the island of Java, which has very high traffic intensity. The high volume of vehicles passing through this route requires that the road conditions always be in good, safe, and suitable condition for use. However, in practice, the condition of national roads in several locations, including in the Pantura region, still often experiences damage such as potholes, cracks, and lack of adequate maintenance. These conditions not only cause inconvenience for road users but also have the potential to cause traffic accidents that can result in material losses, minor injuries, serious injuries, and even loss of life. Therefore, the aspect of legal responsibility for road management is a very important issue that requires in-depth study, particularly regarding the criminal liability of national road operators from the perspective of positive law in Indonesia (Haris, Rizky, Abdullah, Sirjon, & Widiadewi, 2024).

Normatively, the responsibility of road operators has been regulated in Law Number 22 of 2009 concerning Traffic and Road Transportation (LLAJ Law). Article 24 paragraph (1) of the Law emphasizes that road operators are obliged to immediately and properly repair damaged roads that can result in traffic accidents. This provision indicates the existence of an imperative legal obligation for road operators, especially the government as the party responsible for national roads. Furthermore, Article 273 of the LLAJ Law provides the basis for criminal sanctions for road operators who are negligent in carrying out their obligations resulting in traffic accidents. In this provision, road operators can be punished if they do not immediately repair damaged roads that cause accidents. Thus, there is a clear legal construction that responsibility for road safety lies not only with road users, but also with the state through road operators as holders of public obligations (Manurung & Yeltriana, 2025).

However, the implementation of these provisions in law enforcement practice still faces various complex issues. In many cases of traffic accidents caused by road damage, law enforcement officials tend to focus more on the driver as the party directly involved in the accident. Meanwhile, the accountability of road operators suspected of negligence in infrastructure maintenance is often not optimally disclosed. This raises questions about the effectiveness of the application of Article 273 of the Traffic and Road Traffic Law in criminal justice practice in Indonesia. Furthermore, there are also problems related to proving the element of causality between road damage and the accident, which in criminal law is a crucial element in determining the criminal liability of an individual or legal entity (*Undang-Undang Nomor 22 Tahun 2009*, 2009).

From the perspective of legal certainty theory, this issue becomes increasingly relevant for study. Legal certainty is one of the fundamental principles in a state based on the rule of law, requiring that every legal norm be applied clearly, consistently, and predictably. Gustav

Radbruch stated that the law must contain three basic values: justice, utility, and legal certainty. In the context of criminal liability for national road operators, legal certainty requires clarity regarding who is responsible for road damage, what form that responsibility takes, and the extent to which criminal sanctions can be effectively applied. However, in practice, there is still a lack of clarity in the division of authority between the central government, regional governments, and technical implementing parties in national road management. This condition often creates uncertainty in determining the legal subjects who should be held criminally responsible when accidents occur due to road damage (Pasca, Prawesthi, & Aranggraeni, 2026).

Furthermore, the weak implementation of criminal law in road maintenance cases also indicates a gap between the written law (law on the books) and the law applied (law in action). Normatively, Article 273 of the Traffic and Road Traffic Law provides a fairly clear legal basis for the criminal liability of road maintenance personnel. However, in practice, enforcement of this article is still very rare. This indicates that criminal law in this context is still positioned as an *ultimum remedium*, used only under certain conditions, thus not fully providing a deterrent effect or legal certainty for the public. As a result, the public as road users does not receive optimal legal protection for their right to safety on the highway (Kusuma & Amirudin, 2025).

Another equally important issue relates to proving the elements of negligence (*culpa*) and causality (*causaliteit*). In criminal law, to hold a road operator criminally liable, it must be proven that there was negligence in road maintenance and a direct link between that negligence and the accident. However, in practice, proving these elements is not simple because traffic accidents are often caused by various interrelated factors, such as human factors, vehicles, weather, and road conditions. This complexity often becomes an obstacle in enforcing the law against national road operators (Cecil, 2011).

Based on the above description, it can be understood that the issue of criminal liability of national road operators for traffic accidents on the Pantura Route is not only a normative issue, but also concerns aspects of implementation and legal certainty. Therefore, a more in-depth study is needed to analyze how the construction of criminal liability is applied in practice and how the principle of legal certainty can be realized in law enforcement against road operators. This research is important for providing academic contributions to the development of traffic law in Indonesia, while also providing recommendations for policy makers and law enforcement officials in order to increase the effectiveness of road user safety protection. Thus, it is hoped that a legal system will be created that not only provides certainty, but also justice and benefits for the wider community.

METHOD

This study uses normative legal research with a statutory regulatory approach, a conceptual approach, and a case approach. These approaches are used to analyze the form of criminal liability of national road operators for traffic accidents on the Pantura Route based on the principle of legal certainty in the Indonesian legal system. The primary legal materials used include the Criminal Code, Law Number 22 of 2009 concerning Road Traffic and Transportation, and other regulations related to the obligations of road operators in ensuring the safety of road users. Secondary legal materials are obtained from law books, scientific journals, research results, and expert doctrines discussing criminal liability, transportation safety, and the theory of legal certainty. The legal material collection technique is carried out through library studies by reviewing various relevant literature and legal documents. Furthermore, the legal materials are analyzed qualitatively using descriptive-analytical methods to gain an understanding of the basis for imposing criminal liability on national road operators if negligence in road maintenance or supervision results in traffic accidents on the Pantura Route (Efendi & Ibrahim, 2018).

RESULTS AND DISCUSSION

Qualifications for Criminal Liability for National Road Operators for Traffic Accidents Caused by Road Damage Based on Article 273 of Law Number 22 of 2009 Concerning Traffic and Road Transportation

From the perspective of State Administrative Law (HAN), the implementation of national roads is part of the implementation of government functions in providing public services and ensuring the safety of the public as road users. State Administrative Law regulates the relationship between the government as state administrator and citizens, including the government's obligations to exercise its authority legally, orderly, and responsibly. In exercising its authority, the government is also obliged to adhere to the General Principles of Good Governance (AUPB) as a basic principle to prevent abuse of authority and guarantee protection of public rights. One of the relevant principles in the context of national road administration is the principle of careful action (principle of carefulness), namely the principle that requires state administration to always act carefully, thoroughly, and responsibly so as not to cause harm to the public. In the context of national road maintenance, this principle requires road administrators to actively supervise, maintain, and repair road damage that has the potential to endanger the safety of road users. Negligence in carrying out these obligations may indicate a violation of the principle of caution in government administration. In addition, there is also the principle of public service, which is the principle that requires the government in carrying out its duties and authorities to always prioritize public interests above other interests. As a dynamic state of law, Indonesia places the welfare and protection of the community as the main objective of governance as reflected in Paragraph IV of the Preamble to the 1945 Constitution of the Republic of Indonesia, as well as Articles 33 and 34 of the 1945 Constitution. Therefore, road management as part of public services must be implemented optimally to ensure the safety and comfort of the community as road users (Akbar, 2018).

The qualification of criminal liability for national road operators for traffic accidents caused by road damage is a crucial issue in Indonesian traffic law, particularly in relation to protecting the safety of road users. From a legal perspective, this responsibility not only rests with drivers or road users, but can also be imposed on road operators if negligence in maintaining road infrastructure is proven to result in an accident. The primary legal basis used in analyzing this matter is Article 273 of Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law), which explicitly regulates the liability of road operators for road damage that results in traffic accidents (Dannur & Mispansyah, 2025).

Article 273 of the LLAJ Law stipulates that any road operator who does not immediately and properly repair damaged roads resulting in traffic accidents may be subject to criminal sanctions. In paragraph (1) it is stated that road operators who do not immediately repair damaged roads that can result in traffic accidents can be punished with a maximum of 6 months imprisonment or a maximum fine of IDR 12,000,000.00. This provision shows the legal recognition that roads as public infrastructure have safety standards that must be met by state officials or authorized bodies. Thus, if there is negligence in fulfilling these obligations, it can be qualified as a form of criminal offense (*Undang-Undang Nomor 22 Tahun 2009*, 2009).

In the context of criminal liability, the main elements that must be fulfilled are the existence of an act (*actus reus*) and fault (*mens rea*). In Article 273 of the LLAJ Law, the relevant form of fault is negligence (*culpa*), namely the failure to carry out the legal obligation to carry out road repairs or maintenance. Although in general for criminal acts to be categorized as crimes, an element of intent (*dolus*) is required, but for certain criminal acts, Indonesian positive law has stipulated that the perpetrator can be punished, even if the fault is only in the form of negligence (*culpa*). The reason for the legislators to threaten criminal acts containing elements of negligence can be traced historically through *Memorie van Toelichting* (MvT),

which states: There are circumstances, which are so dangerous to the safety of people or property, or cause losses to someone so great and irreparable, that the law also acts against lack of caution, recklessness (negligence), in short against negligence that causes such circumstances (Gustiniati & H., 2018).

National road operators, typically under the authority of the central government through the relevant ministries, have a legal obligation to ensure that national roads are in a suitable and safe condition. If road damage is left untreated for a specified period without repair or maintenance, this could constitute negligence, which could result in criminal liability (Kworo, 2025).

In addition, Article 24 paragraph (1) of the LLAJ Law also emphasizes that road operators are obliged to immediately and properly repair damaged roads that can cause traffic accidents. This provision strengthens administrative obligations and serves as a normative basis for criminal liability as regulated in Article 273. Thus, there is a close relationship between administrative obligations and criminal sanctions in the context of road management. When these administrative obligations are not fulfilled, criminal law functions as an ultimum remedium instrument to enforce compliance. Furthermore, the qualifications for criminal liability of national road operators must also take into account the element of causality between road damage and the occurrence of traffic accidents. This means that it must be proven that the accident was truly caused by the damaged road conditions and not by other factors such as driver negligence. In criminal law doctrine, this causal relationship is very important in determining whether an act or omission can be criminally charged to a particular legal subject. If road damage is proven to be the main cause of the accident, then criminal responsibility can be transferred to the road operator (Rezi et al., 2026).

In practice, the application of Article 273 of the Road Traffic and Road Traffic Law often faces evidentiary challenges, particularly in determining the extent to which negligence by road operators can be considered a direct cause of accidents. Therefore, clear operational standards are needed regarding road maintenance, including response time limits for reports of road damage. If the road operator has made repairs within a reasonable timeframe, then the element of negligence can be disputed. However, if there is significant negligence, then the element of fault can be met. From the perspective of corporate or institutional criminal liability, national road operators, as part of the government, can be held accountable in the form of functional liability. This is in line with the development of modern criminal law, which not only limits legal subjects to individuals but also includes legal entities or institutions. In this context, criminal responsibility is not always imposed on a specific individual, but can be attached to the institution that has authority over the management of national roads (Anam & Chumaida, 2023).

In addition to Article 273, another relevant provision in the LLAJ Law is Article 273 paragraphs (2) to (4), which regulates the severity of accident consequences, ranging from vehicle damage, minor injuries, serious injuries, to death. The more severe the consequences, the more severe the criminal threat that can be imposed on road operators. This demonstrates the principle of proportionality in criminal liability, where the severity of the sanction is adjusted to the consequences caused by the negligence. Theoretically, the criminal liability of national road operators can also be analyzed through the theory of state responsibility in protecting public safety. The state has an obligation to ensure that public infrastructure does not endanger the public. When this obligation is violated, the state, through its apparatus or road operators, can be held legally accountable. Thus, Article 273 of the LLAJ Law is not only repressive, but also preventive in nature to encourage road operators to be more responsive in carrying out road maintenance. The qualifications for criminal liability for national road operators for traffic accidents due to road damage based on Article 273 of the LLAJ Law emphasize the existence of negligence in road maintenance, the causal relationship between

road damage and the accident, and the level of consequences caused. The primary legal basis used is Article 273 and Article 24 of the Traffic and Road Transportation Law, which systematically regulates the obligations and sanctions for road operators. Therefore, implementing these provisions is crucial to ensuring the safety of road users and realizing the principles of good governance in the provision of public infrastructure in Indonesia (Andini, Yunus, & Hamzah, 2025).

Problems of Criminal Law Enforcement Against National Road Operators on the Jatisari Pantura Route Reviewed from the Perspective of Legal Certainty Theory

The problem of enforcing criminal law against national road operators on the Jatisari Pantura Route when viewed from the perspective of legal certainty theory is a complex issue because it involves normative, structural, and practical aspects in the Indonesian legal system. The Jatisari North Coast Route (Pantura) as part of the national road has a strategic role in supporting the mobility of goods and services, so that damaged road conditions not only impact traffic safety, but also on the economic stability of the community. In this context, the obligation of national road operators to guarantee the safety of road users has been expressly regulated in Article 24 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law), which states that road operators are obliged to immediately and properly repair damaged roads that can result in traffic accidents. Furthermore, Article 273 of the LLAJ Law provides the basis for criminal sanctions for road operators who are negligent in carrying out these obligations, resulting in traffic accidents. However, in practice, law enforcement against this provision still faces various problems related to legal certainty (Dila, Yulianingrum, & Sunariyo, 2025).

From the perspective of the theory of legal certainty, as proposed by Gustav Radbruch, the law must contain three basic values, namely justice (*gerechtigkeits*), utility (*zweckmäßigkeit*), and legal certainty (*rechtssicherheit*). Legal certainty requires that legal norms be applied clearly, consistently, and predictably. However, in the context of law enforcement against national road operators on the Jatisari Pantura Route, legal certainty is often not optimally achieved. This is caused by the lack of clarity in the implementation of responsibilities between the central government as the national road operator and implementing technical agencies such as the Ministry of Public Works and Public Housing (PUPR) through the Directorate General of Highways. This unclear division of authority often creates difficulties in determining the legal subjects who must be held criminally responsible when accidents occur due to road damage (Muslim, Prasetyo, & Pratama, 2022).

Furthermore, the problem of legal certainty is also evident in the weak implementation of Article 273 of the Traffic and Road Traffic Law in judicial practice. Although legal norms explicitly stipulate criminal sanctions for negligent road operators, in practice, cases involving road operators are very rare. Law enforcement officials tend to focus more on drivers as the most easily accessible party, while the institutional responsibility of road operators is often overlooked. This indicates a gap between the written law (law on the books) and the law in action, which ultimately undermines the principle of legal certainty itself. From the perspective of legal certainty theory, this condition reflects an inconsistency in law enforcement. Legal certainty requires that every violation of the same legal norm be treated consistently without discrimination or unclear enforcement. However, in the case of road damage on the Pantura Jatisari Route, there is a tendency for law enforcement to be selective and not address the root of the main problem, namely the negligence of road operators. As a result, the public does not receive the legal certainty that is their right as road users (Widodo, 2025).

Another problem relates to proving the element of causality in Article 273 of the LLAJ Law. To prosecute road operators, it must be proven that the traffic accident was actually caused by road damage and that there was negligence in handling the damage. In practice, this

proof is not easy because traffic accidents are often the result of a combination of factors, such as driver negligence, vehicle condition, and environmental factors. The complexity of this proof often hinders the realization of legal certainty, as law enforcement officials have difficulty establishing a cause-and-effect relationship legally. Furthermore, institutional aspects are also important factors influencing legal certainty. National road management falls under the authority of the central government, but technical implementation in the field often involves local governments and implementing contractors. This fragmentation of authority leads to disharmony in enforcing legal responsibility. In some cases, responsibility for road damage is often transferred to third parties such as contractors, thus obscuring the primary responsibility of road operators as stipulated in Articles 24 and 273 of the LLAJ Law (Kusuma & Amirudin, 2025).

From the perspective of legal certainty theory, this unclear division of responsibility contradicts the principle of legal certainty, which requires clarity regarding legal subjects, legal objects, and legal sanctions. When the public cannot clearly determine who is responsible for road damage that causes accidents, the legal objective of providing protection and certainty is not achieved. This also impacts low public trust in the legal system and the implementation of public infrastructure. Furthermore, the problems of law enforcement are also influenced by legal political factors and government policy priorities. In many cases, road damage is handled more often through administrative and budgetary approaches than criminal ones. This indicates that criminal law is still positioned as an *ultimum remedium* that is rarely used in the context of road management. Although Article 273 of the LLAJ Law provides a clear legal basis, in practice, the criminal approach is often avoided because it is considered to hinder bureaucracy and development policies (Gufron, Maharani, & Nadhilah, 2023).

The problem of criminal law enforcement against national road operators on the Pantura Jatisari Route, viewed from the theory of legal certainty, shows a discrepancy between legal norms and their implementation. The legal basis used, namely Article 24 and Article 273 of Law Number 22 of 2009 concerning Road Traffic and Transportation, has normatively provided a strong foundation for criminal liability for road operators. However, in practice, there are obstacles in the form of unclear division of authority, difficulties in proving causality, weak implementation of criminal sanctions, and institutional disharmony. This condition indicates that the principle of legal certainty has not been fully realized in law enforcement against national road operators, so that regulatory strengthening, clarity of institutional responsibilities, and consistency of law enforcement are needed so that the goal of protecting road user safety can be optimally achieved (Setiawan, Kasmawati, & Nurlaili, 2026).

CONCLUSION

Based on the results of the discussion, it can be concluded that the qualifications for criminal liability for national road operators for traffic accidents due to road damage based on Article 273 of Law Number 22 of 2009 concerning Road Traffic and Transportation emphasize that road operators can be held criminally liable if proven to have committed negligence in road maintenance and repairs that resulted in traffic accidents. This liability is based on the existence of elements of action, errors in the form of negligence (*culpa*), and a causal relationship between road damage and the occurrence of accidents. The provisions of Article 24 paragraph (1) and Article 273 of the LLAJ Law are the main legal basis indicating that road operators have a legal obligation to ensure the safety of road users. However, in practice, law enforcement against these provisions still faces various obstacles, especially in proving the element of causality and determining the subject of responsibility. From the perspective of the theory of legal certainty, law enforcement against national road operators on the Pantura Jatisari Route has not fully provided legal certainty because there is an unclear division of authority, weak implementation of criminal sanctions, and disharmony between normative

regulations and law enforcement practices. This shows that there is a gap between written law and the law that is applied, so that the aim of the law to provide protection and certainty for society has not been achieved optimally.

Based on the issues outlined, it is recommended that the government and law enforcement officials strengthen clearer technical regulations regarding national road maintenance standards, including response time limits for road damage reports to clarify indicators of negligence by road operators. Furthermore, there needs to be a clearer division of responsibilities between the central government, technical implementing agencies, and third parties such as contractors to prevent a shift in responsibility that could obscure the legal subject of criminal liability. Law enforcement officials also need to be more consistent in implementing Article 273 of the LLAJ Law, not only focusing on drivers as the primary perpetrators of accidents, but also daring to take action against negligent road operators if the criminal elements are met. Furthermore, there needs to be increased coordination between agencies and a strengthened technology-based road damage monitoring and reporting system so that damage can be handled quickly and accurately. Thus, it is hoped that criminal law enforcement against road operators will be effective, provide legal certainty, and ensure the safety of road users in accordance with the principles of good governance in the provision of public infrastructure.

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