

RINGKASAN

Sri Nanda Nasution
NIM. 220510107

**PERTANGGUNGJAWABAN PIDANA
PENYELENGGARA PRASARANA
PERKERETAAPIAN ATAS KECELAKAAN DI
PERLINTASAN REL KERETA API YANG
TIDAK ADA PALANG (Studi Putusan :Nomor
2386/PID.SUS/2024/PT MDN)
(Dr. Ummi Kalsum, S.H., M.H. dan Nuribadah,
S.H., M.H.)**

Tingginya angka kecelakaan di perlintasan tanpa palang pintu, rambu keselamatan, maupun petugas penjaga. Penelitian ini dilatarbelakangi oleh kesenjangan hukum dan tumpang tindih kewenangan antara Pemerintah Pusat, Pemerintah Daerah, dan PT Kereta Api Indonesia (Persero). Dalam praktiknya, penegakan hukum pidana cenderung hanya membebankan pertanggungjawaban kepada pengemudi kendaraan, sebagaimana dalam Putusan Pengadilan Tinggi Medan Nomor 2386/Pid.Sus/2024/PT Mdn, tanpa mempertimbangkan potensi kelalaian struktural penyelenggara prasarana. Penelitian ini bertujuan untuk menganalisis pengaturan hukum pidana dan bentuk pertanggungjawaban pidana penyelenggara prasarana perkeretaapian atas kelalaian pengamanan perlintasan tanpa palang.

Penelitian ini menggunakan metode yuridis normatif yang bersifat deskriptif analitis dengan pendekatan perundang-undangan (*statute approach*) dan pendekatan kasus (*case approach*). Bahan hukum primer meliputi UU No. 23 Tahun 2007 tentang Perkeretaapian, UU No. 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan, KUHP, Permenhub No. 94 Tahun 2018, serta Putusan Pengadilan Tinggi Medan Nomor 2386/Pid.Sus/2024/PT Mdn, yang ditunjang oleh bahan hukum sekunder. Pengumpulan bahan hukum dilakukan melalui studi kepustakaan dan dianalisis secara kualitatif.

kewajiban pengamanan perlintasan diatur dalam Pasal 87 dan Pasal 122 UU No. 23 Tahun 2007 jo. Permenhub No. 94 Tahun 2018, sedangkan sanksi pidana kelalaian diatur dalam Pasal 359 dan Pasal 360 KUHP serta Pasal 474 UU No. 1 Tahun 2023. Namun, terjadi ketidakpastian hukum akibat tumpang tindih dengan UU No. 22 Tahun 2009 dan ketiadaan norma eksplisit pidana korporasi dalam UU Perkeretaapian. Bentuk pertanggungjawaban pidana penyelenggara prasarana bertumpu pada doktrin kelalaian atas kegagalan sistemik menyediakan prasarana keselamatan standar. Penyelenggara prasarana dapat dimintai pertanggungjawaban pidana atas dasar kelalaian struktural apabila memenuhi unsur perbuatan melawan hukum, pengabaian kewajiban hukum, kemampuan memperkirakan bahaya, dan hubungan kausalitas dengan kecelakaan fatal.

Oleh karena itu, disarankan agar Pemerintah dan DPR merevisi UU No. 23 Tahun 2007 dengan menyisipkan norma pertanggungjawaban pidana korporasi secara eksplisit. Selain itu, diperlukan pembagian kewenangan yang tegas antara Pemerintah Pusat, Pemerintah Daerah, dan PT KAI dalam pengelolaan perlintasan, serta peningkatan penyediaan dan perawatan fasilitas keselamatan demi menjamin kepastian hukum dan perlindungan konstitusional bagi masyarakat.

Kata Kunci: *Pertanggungjawaban Pidana, Penyelenggara Prasarana, Kecelakaan Kereta Api, Perlintasan Tanpa Palang, Kelalaian.*

SUMMARY

Sri Nanda Nasution
NIM. 220510107

***CRIMINAL LIABILITY OF RAILWAY
INFRASTRUCTURE OPERATORS FOR
ACCIDENTS AT RAILROAD CROSSINGS
WITHOUT GATES (Case Study: Judgment No.
2386/PID.SUS/2024/PT MDN)***
**(Dr. Ummi Kalsum, S.H., M.H. AND
Nuribadah, S.H., M.H.)**

The high number of accidents at railroad crossings without gates, safety signs, or guards. This study was motivated by legal gaps and overlapping jurisdictions among the Central Government, Local Governments, and PT Kereta Api Indonesia (Persero). In practice, criminal law enforcement tends to hold only vehicle drivers liable, as in the Medan High Court Decision No. 2386/Pid.Sus/2024/PT Mdn, without considering the potential for structural negligence on the part of infrastructure operators. This study aims to analyze the criminal law framework and the forms of criminal liability of railway infrastructure operators for negligence in securing unguarded railroad crossings..

This study employs a descriptive-analytical normative legal methodology using both the statutory approach and the case approach. Primary legal sources include Law No. 23 of 2007 on Railways, Law No. 22 of 2009 on Road Traffic and Transportation, the Criminal Code (KUHP), Ministry of Transportation Regulation No. 94 of 2018, and the Decision of the Medan High Court No. 2386/Pid.Sus/2024/PT Mdn, supported by secondary legal sources. Legal materials were collected through a literature review and analyzed qualitatively.

Obligations regarding railroad crossing safety are regulated in Articles 87 and 122 of Law No. 23 of 2007 in conjunction with Ministry of Transportation Regulation No. 94 of 2018, while criminal penalties for negligence are regulated in Articles 359 and 360 of the Criminal Code and Article 474 of Law No. 1 of 2023. However, legal uncertainty arises due to overlap with Law No. 22 of 2009 and the absence of explicit provisions on corporate criminal liability in the Railway Law. The form of criminal liability for infrastructure operators is based on the doctrine of negligence regarding systemic failures to provide standard safety infrastructure. Infrastructure operators may be held criminally liable on the basis of structural negligence if the elements of an unlawful act, disregard of legal obligations, the ability to foresee danger, and a causal relationship with a fatal accident are met.

Therefore, it is recommended that the Government and the House of Representatives revise Law No. 23 of 2007 by explicitly incorporating provisions on corporate criminal liability. In addition, a clear division of authority is needed among the central government, local governments, and PT KAI in the management of railroad crossings, as well as improvements in the provision and maintenance of safety facilities to ensure legal certainty and constitutional protection for the public.

Keywords: *Criminal Liability, Infrastructure Operator, Train Accident, Unguarded Railroad Crossing, Negligence.*