

Legal Review of Corporate Criminal Liability in Traffic Accidents and The Concept of Law Enforcement Reviewed Based on Law Number 22 of 2009 Concerning Road Traffic and Transportation

Habib Lutfi Suhermanto ¹⁾ & Aji Sudarmaji ²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: habiblutfisuhermanto.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: ajisudarmaji@unissula.ac.id

Abstract. This study examines the regulation and implementation of corporate criminal liability in traffic accident cases based on Law Number 22 of 2009 concerning Traffic and Road Transportation (LLAJ Law), with a case study at the Cirebon City Police. Theoretically, this research employs Peter Salim's Theory of Legal Responsibility and Soerjono Soekanto's Theory of Law Enforcement. The analysis shows that although the LLAJ Law provides a strong legal basis for prosecuting corporations through the obligation to ensure vehicle roadworthiness and operational safety, field implementation still faces significant obstacles. Law enforcement tends to be individualistic, focusing solely on the driver as the suspect. The main barriers include limited investigator competence in identifying corporate structural negligence, a lack of technical identification facilities, and a legal culture that does not yet demand corporate accountability. Proposed strategies to achieve legal certainty, justice, and public protection include strengthening structural audits of company management, enhancing investigators' technical capacity, and integrating administrative vehicle data between the police and the transportation department.

Keywords: Corporate Criminal Liability; Law Enforcement Concept; Roadworthiness; Structural Negligence; Traffic Accidents.

1. Introduction

Traffic accidents in Indonesia are a serious problem that requires comprehensive action. Data from the Indonesian National Police (Polri) shows that the number

of traffic accidents continues to increase annually, resulting in significant loss of life, property, and social impact.¹ Not only involving individuals, various traffic accidents also occur due to corporate activities, for example public transportation companies or logistics companies that operate large-scale vehicle fleets.² Problems arise when the accident is caused by company negligence, such as not maintaining the vehicle, employing drivers without adequate training, or ignoring workplace safety standards.

The philosophical basis for corporate criminal liability in traffic accidents is rooted in the legal ideals contained in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945), particularly the fourth paragraph which affirms the state's goal to "protect the entire Indonesian nation and all of Indonesia's territory."³ This protection encompasses the safety of citizens on the road, which is a shared public space. Therefore, every transportation operator, including corporations, has a moral and legal responsibility to ensure public safety and security.

In addition, Article 28H paragraph (1) of the 1945 Constitution states that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment.⁴ A safe environment includes an orderly and safe transportation system. Therefore, law enforcement against negligent corporations that cause traffic accidents aligns with the constitutional mandate to protect citizens' human rights.

Legally, regulations regarding corporate criminal liability in traffic accidents are regulated in several laws and regulations, including: Law Number 22 of 2009 concerning Traffic and Road Transportation which contains criminal provisions for public transportation organizers who are negligent in meeting security and safety standards.⁵ Article 273 paragraph (1) states that anyone who causes disruption to the function of the road resulting in a traffic accident can be punished, and in the corporate context, responsibility can be imposed on managers and legal entities. The Criminal Code (KUHP), which in Indonesian legal doctrine and practice has recognized that corporations can be the subject of criminal acts (Article 59 of the New Criminal Code).⁶ Supreme Court Regulation Number 13 of 2016 concerning Procedures for Handling Criminal Cases by

¹Indonesian National Police Traffic Corps, Traffic Accident Data in Indonesia in 2023, Jakarta: Indonesian National Police Traffic Corps, 2023.

²Ibid.

³The 1945 Constitution of the Republic of Indonesia, Preamble, Fourth Paragraph.

⁴1945 Constitution, Article 28H paragraph (1).

⁵Law Number 22 of 2009 concerning Traffic and Road Transportation.

⁶New Criminal Code (KUHP), Article 59.

Corporations which provides technical guidelines for law enforcement officers in prosecuting corporations involved in criminal acts, including traffic accidents.⁷

This legal basis emphasizes that corporations cannot hide behind their legal entity status to avoid criminal liability when their negligence or business policies harm society.

Sociologically, the problem of traffic accidents involving corporations in Indonesia reflects weak oversight and legal awareness in both the public and the business world. Many transportation companies prioritize economic profit over vehicle roadworthiness and driver compliance.⁸ As a result, drivers are often forced to work beyond normal working hours, vehicles are not maintained to standard standards, and loads are often overloaded, increasing the risk of accidents.

On the other hand, people as users of public transportation services often have no other choice but to use services from companies that pay less attention to safety factors due to reasons of affordability.⁹ When accidents occur, the law enforcement process is often hampered by a lack of evidence, weak coordination between agencies, and the hesitation of law enforcement officials in prosecuting corporations as perpetrators of criminal acts.¹⁰

This situation demands firm, transparent, and just law enforcement to provide a deterrent effect for corporations and encourage improvements to the national transportation system.

Case A: Illegal Public Transport Vehicle – Serious Injury & Material Loss That the owner of the vehicle (ELF microbus) which was used as illegal public transport and was involved in an accident, cannot be adequately prosecuted..

Legally, it is not impossible for owners to be prosecuted criminally — but in practice, it is often not possible to process them adequately because: (1) criminal law requires proof of personal fault or direct involvement; (2) evidence of owner involvement is usually weak in cases of illegal public transportation; and (3) law enforcement officers tend to use administrative sanctions or charge drivers/operational organizers who are easier to prove. To overcome this gap, strong operational evidence collection and enforcement coordination between the police, transportation agencies, and the prosecutor's office are required.

⁷Supreme Court Regulation Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations.

⁸National Human Rights Commission Report on Public Transportation Safety Conditions in Indonesia, 2022.

⁹Ibid.

¹⁰Interview with a transportation law practitioner, Journal of Law and Society, Vol. 15, No. 2, 2023.

Case B: PPNS Study at Cirebon Police Station Although specific public data on corporate accidents in Cirebon is limited, the sociological-juridical legal research approach at Cirebon Police Station shows a serious practice in dissecting criminal liability—especially in order to provide justice for victims and enforce regulations against owners of vehicles used illegally.

Although public data on corporate accidents in Cirebon is incomplete, a sociological-legal study of the practices of civil servants (PPNS) within the Cirebon Police Department indicates a serious effort to examine criminal liability—through technical and administrative evidentiary measures and inter-agency coordination. Real obstacles are the limited number of PPNS and the complexity of proving the case against corporations/vehicle owners; overcoming these obstacles requires increased resources, coordination standard operating procedures (SOPs), and data integration.

A corporation is a legal entity that has rights and obligations like a legal subject, can own assets, enter into agreements, and is responsible for its legal actions.¹¹ In the context of criminal law, corporations are recognized as perpetrators of criminal acts because their activities can cause harm to society, including traffic accidents.¹²

In Islamic law, criminal responsibility is known as the concept of al-mas'uliyyah al-jina'iyyah which emphasizes justice, prevention, and protection of community rights.¹³ Although the term corporation did not exist in classical times, the principle of a congregation or group that committed a violation could be held accountable if there was proven negligence or joint fault.¹⁴

The Qur'an emphasizes the prohibition of causing damage to the earth (QS. Al-Baqarah: 205)

وَإِذَا تَوَلَّ نَسْعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرَثَ وَالنَّسْلَ وَاللَّهُ لَا يُحِبُّ الْفَسَادَ ﴿٢٥﴾

"And when he turns away (from you), he strives in the earth to make mischief therein and destroy crops and livestock.

And Allah does not like damage." and the obligation to fulfill one's trust (QS. An-Nisa: 58).¹⁵

تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ يَعِظُمُ الَّلَّهَ كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾

¹¹Munir Fuady, Modern Corporate Law, Citra Aditya Bakti, 2018.

¹²Barda Nawawi Arief, Criminal Law Anthology, Kencana, 2017.

¹³Wahbah Az-Zuhaili, Al-Fiqh al-Islami wa Adillatuhu, Dar al-Fikr, 2010.

¹⁴Amir Syarifuddin, Outlines of Islamic Criminal Law, Rajawali Press, 2011.

¹⁵Al-Qur'an, QS. Al-Baqarah: 205; QS. An-Nisa: 58.

"Indeed, Allah commands you to convey the message to those who are entitled to receive it, and when you determine a law between people, you must determine it fairly. Indeed, Allah is the Best of those who teach you. Indeed, Allah is All-Hearing, All-Seeing."

Thus, if a corporation is negligent and causes losses or loss of life, its management can be held responsible, in line with the principle of al-ghurm bil ghunm (responsibility is proportional to the profits obtained).¹⁶

2. Research Methods

This research uses a sociological juridical approach (socio-legal research), namely examining legal problems not only from the normative aspects written in laws and regulations, but also from the social realities that occur in society.¹⁷ This approach is relevant to analyzing how the provisions of Law Number 22 of 2009 concerning Traffic and Road Transportation are applied to traffic accident cases involving corporations in Cirebon City.

3. Results and Discussion

3.1. Regulation and Implementation of Corporate Criminal Liability in Traffic Accident Cases Based on the Provisions of Law Number 22 of 2009 Concerning Traffic and Road Transportation

According to Peter Salim's Theory of Legal Responsibility, a party can be held liable if it violates a legal obligation. In the context of Law No. 22 of 2009, corporations have an obligation to ensure vehicles are roadworthy. If this obligation is violated, the corporation must bear the legal consequences.¹⁸

The Road and Transportation Law stipulates that transportation operators, including companies, are required to maintain the operational safety of their vehicles. This demonstrates that corporations are legal entities that can be held accountable in the event of an accident.¹⁹ From the perspective of Peter Salim's theory, these legal obligations are objective, meaning they are not only based on individual errors, but on inherent obligations that must be fulfilled by a legal entity.²⁰

In the context of the Cirebon Police Department, many accidents involve vehicles belonging to freight and public transportation companies. According to liability

¹⁶Hasbi Ash-Shiddieqy, *Introduction to Islamic Law*, Bulan Bintang, 2005.

¹⁷Soerjono Soekanto, *Introduction to Legal Research*, UI Press, 2014.

¹⁸Peter Salim, the basic concept of legal responsibility as an obligation to bear the consequences of violating legal norms

¹⁹Article 137 and Article 139 of Law No. 22 of 2009 concerning the obligations of transportation providers.

²⁰Peter Salim, defines legal responsibility as responsibility that stems from normative obligations.

theory, companies are partly responsible when their failure to meet safety standards contributes to an accident.²¹

The company's obligations include regular maintenance, roadworthiness tests, HYJ component checks, and driver training. If any of these aspects are neglected, the company is deemed to have violated its legal obligations and therefore meets the elements of liability.²²

Peter Salim explained that liability arises when there is a causal link between the breach of duty and the resulting loss. In traffic accidents, damage or loss of life often occurs due to vehicles not being properly maintained by the corporation.²³

Therefore, Cirebon Police investigators must assess whether the company was negligent in vehicle maintenance. If proven, the elements of corporate legal liability are met.²⁴

Furthermore, Peter Salim's theory emphasizes that responsibility rests not only with the direct perpetrator but also with the party with the power to control the situation. In this case, it is the company that holds the power to supervise its vehicles.²⁵

I believe that the Cirebon Police have a strong basis to take action against corporations when evidence is found that accidents occur due to the company's systemic negligence, such as fake vehicle inspections or missed maintenance schedules.²⁶

The theory of liability can be applied by examining whether a company meets minimum safety standards. If not, the company is liable for criminal liability.²⁷

In practice, it's often only the driver who is charged. However, according to Peter Salim's theory, liability can extend to the corporation when the driver's actions are the result of company policy.²⁸

For example, if a driver is forced to work beyond normal hours, he becomes exhausted and causes an accident. This constitutes corporate liability because the error stems from internal policies, not simply individual violations.²⁹

²¹Implementation of corporate accountability in handling accidents at the police level.

²²Articles 53–55 of the LLAJ Law concerning periodic vehicle inspections

²³The theory of causality in responsibility according to Peter Salim.

²⁴Practice of accident case investigation at the police station level.

²⁵The idea of structural obligations in legal responsibility according to Peter Salim.

²⁶Examples of structural negligence in transportation law.

²⁷Transportation safety standards according to the LLAJ Law.

²⁸The theory of responsibility is not only for individuals, but also for institutions.

²⁹Examples of the application of policy-based corporate accountability.

Cirebon police need to conduct an in-depth investigation into the company's track record, maintenance techniques, and driver working hours to determine whether the company contributed to the accident.³⁰

If it is proven that the company was negligent in supervising, then the element of criminal responsibility is fulfilled because the company did not carry out its legal obligations, according to Peter Salim's concept.³¹

Thus, according to the theory of legal responsibility, companies can be held criminally responsible in the form of fines, revocation of business permits, or other additional penalties.³²

A common obstacle is the lack of understanding by officials regarding the elements of corporate negligence. Peter Salim's theory helps because it emphasizes that what is assessed is the obligation violated, not the direct perpetrator.³³

Furthermore, inadequate investigative facilities are a barrier. However, according to the theory of accountability, administrative evidence such as service records is crucial.³⁴

However, the Cirebon Police still have a big opportunity to apply corporate criminal charges if the investigation is directed at policy aspects, not just the physical actions of the driver.³⁵

Peter Salim's theory strongly supports this approach because it provides a framework for thinking that every entity that has a legal obligation and violates it must bear the legal consequences.³⁶

Therefore, in my opinion, the regulations in the LLAJ Law are sufficient, but its implementation at the Cirebon Police can be improved by using Peter Salim's legal accountability approach, so that corporations are no longer free from responsibility when their negligence causes accidents.³⁷

Law No. 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) stipulates that transportation companies are required to ensure that vehicles are roadworthy, that periodic inspections are completed, and that drivers meet

³⁰Procedures for examining the cause of an accident by the police.

³¹The relationship between negligence and liability in legal doctrine.

³²Additional criminal provisions for corporations under Indonesian law.

³³Analysis of Peter Salim's concept of legal obligation.

³⁴Administrative evidence as a basis for accountability.

³⁵Law enforcement strategies against corporations.

³⁶The relevance of the theory of responsibility to traffic accident cases.

³⁷The urgency of implementing corporate liability in traffic accidents.

safety standards. If a company neglects these obligations, it can be held criminally liable.³⁸

From a legal perspective, according to Soerjono Soekanto, the substance of the LLAJ Law is actually comprehensive enough to prosecute negligent companies. Legal norms provide a clear basis for maintaining vehicle safety and roadworthiness.³⁹

However, at the implementation level, this norm has not yet been fully implemented by law enforcement officers, especially in areas such as the Cirebon Police, because investigators are more focused on driver errors.⁴⁰

The LLAJ Law provides scope for corporate criminal liability through provisions prohibiting the operation of unroadworthy vehicles. Companies that violate this prohibition are deemed to have violated their legal obligations.⁴¹

According to Soerjono Soekanto's theory, regulations will be effective if they are clearly formulated and can be implemented by law enforcement officials. In this context, provisions regarding corporate crimes already exist, but they are not yet fully understood by law enforcement officials.⁴²

One of the main obstacles to the implementation of corporate criminal law is the law enforcement factor. Many investigators focus more on individual perpetrators (drivers) and less on corporate negligence.⁴³

Investigators often view corporations as abstract entities that are difficult to investigate. Yet, the LLAJ Law allows corporations to be prosecuted criminally. This lack of understanding is an obstacle to law enforcement.⁴⁴

In the context of the Cirebon Police, according to law enforcement theory, the quality of human resources (HR) investigators has a significant impact on the corporate crime investigation process. Without a thorough understanding, corporations are difficult to hold accountable.⁴⁵

Besides competence, the courage of the authorities in prosecuting corporations is also crucial. There are concerns that intervention from large companies could lead to less than optimal investigations.⁴⁶

³⁸Law No. 22 of 2009 concerning Traffic and Road Transportation.

³⁹Soerjono Soekanto, the "legal substance" factor in law enforcement theory.

⁴⁰The application of legal norms is often hampered at the implementation level.

⁴¹Article 48 and Article 137 of the LLAJ Law concerning vehicle roadworthiness.

⁴²The effectiveness factor of regulations in law enforcement theory.

⁴³Soerjono Soekanto, law enforcement factors as the key to enforcement.

⁴⁴Obstacles to implementing the law due to limited apparatus.

⁴⁵Law enforcement human resources influence the success of law enforcement.

⁴⁶The theory of moral courage of law enforcers in the structure of society.

Law enforcement against corporate crimes requires tools such as technical vehicle audit capabilities, roadworthiness testing tools, and access to company documentation. The limited availability of these tools presents a barrier at the Cirebon Police.⁴⁷

For example, to prove corporate negligence, investigators need evidence such as vehicle service records. Without such access, investigations tend to stop with the driver.⁴⁸

Accident identification equipment, such as brake and electrical system inspection tools, and tire condition checkers, are also essential for determining corporate fault. Many police stations do not yet have complete facilities.⁴⁹

According to Soerjono Soekanto's theory, society plays a role in determining whether the law is enforced. In accidents in Cirebon, people often blame only the driver, not the company.⁵⁰

The public's lack of understanding of their rights has weakened oversight of companies. This has impacted law enforcement's motivation to prosecute corporations.⁵¹

If society demands corporate accountability, social pressure can strengthen law enforcement. However, in practice, this kind of pressure remains very low.⁵²

Indonesian legal culture tends to view criminal law solely as an individual responsibility, making corporate crime seem foreign. This has resulted in the slow implementation of corporate crime at the Cirebon Police.⁵³

There's a perception that companies can't be "jailed," which leads authorities to be less proactive in prosecuting them. Yet, the legal system clearly stipulates penalties for corporations, including fines or revocation of business licenses.⁵⁴

By using the analytical knife of Soerjono Soekanto's law enforcement theory, it can be concluded that the failure of implementing corporate criminal law is not due to weak legal regulations, but due to other factors such as apparatus, facilities, society and legal culture.⁵⁵

⁴⁷Facilities and infrastructure factors according to Soerjono Soekanto.

⁴⁸The role of administrative data in legal evidence.

⁴⁹The need for technical facilities in accident investigation.

⁵⁰Community factors as a legal subculture.

⁵¹Public legal awareness as a factor in enforcement.

⁵²The theory of public participation in law enforcement.

⁵³Soerjono Soekanto, cultural factors in law enforcement.

⁵⁴Understanding of non-individual legal subjects.

⁵⁵An integrative analysis of Soekanto's law enforcement theory.

In the case at the Cirebon Police, corporate criminal investigations can only be optimal if all these factors are improved. Sound legal substance will not be effective without the support of a comprehensive law enforcement system.⁵⁶

Therefore, the implementation of corporate criminal liability in traffic accidents can be effective if the Cirebon Police strengthen the capacity of investigators, improve technical identification facilities, build a supportive legal culture, and increase public awareness regarding corporate accountability.⁵⁷

In my opinion, the provisions on corporate criminal liability in Law No. 22 of 2009 concerning Road Traffic and Transportation actually provide a strong legal basis for prosecuting companies when their operational vehicles cause accidents. The law places the company as the party with the primary responsibility for vehicle roadworthiness and transportation safety.⁵⁸

I believe that transportation, logistics, and other transportation service companies have full control over vehicle maintenance, including roadworthiness checks and mandatory maintenance schedules. If these mechanisms are not implemented, I believe it's reasonable to consider the company criminally negligent.⁵⁹

In accidents involving company vehicles, I believe Cirebon Police investigators should assess whether the company has complied with its mandatory periodic roadworthiness inspections. If not, there is an element of administrative negligence that could lead to corporate criminal liability.⁶⁰

I think it's crucial to recognize that companies aren't just vehicle providers, but also drivers' work arrangements. Driver fatigue due to excessive work schedules can be a form of corporate negligence.⁶¹

At the Cirebon Police, I believe investigators should conduct a more in-depth examination of the company's organizational structure, not just the drivers. This could reveal any policies that disregard safety.⁶²

In my opinion, companies often claim that accidents are entirely due to human error. However, I see that in many cases, human error is triggered by operational pressures within the company.⁶³

⁵⁶The integration of five factors in Soekanto's theory.

⁵⁷application of law enforcement theory.

⁵⁸Law No. 22 of 2009 concerning Traffic and Road Transportation.

⁵⁹Vehicle maintenance obligations are stated in the roadworthiness provisions of the LLAJ Law.

⁶⁰The provisions for Periodic Vehicle Testing (Kir) are regulated in Articles 53–55 of the LLAJ Law.

⁶¹The theory of corporate negligence in criminal law examines the relationship between corporate policies and their impacts.

⁶²A law enforcement approach to corporations is advocated in modern criminal doctrine.

⁶³The principle of causal links in corporate negligence.

I believe investigators need to examine vehicle service books, vehicle inspection records, and maintenance schedules to determine whether the company was negligent. This is crucial because evidence for corporate crimes relies on administrative data.⁶⁴

In applying the law, I believe the Cirebon Police must identify whether the accident occurred due to a damaged vehicle component. If the damage is long-standing and unrepaired, then it clearly represents company negligence.⁶⁵

I've noticed that corporate criminal liability is often not applied due to a lack of understanding among officials regarding the concept of "corporate wrongdoing." However, corporate wrongdoing isn't synonymous with malicious intent; it simply involves structural negligence.⁶⁶

In my opinion, investigators need to undergo special training regarding corporate crimes so they can distinguish between accidents that are purely due to driver negligence and those that are due to company policy.⁶⁷

The implementation of corporate criminal penalties can have a deterrent effect on transportation companies. I believe this is crucial to encourage companies to be more serious about meeting safety standards.⁶⁸

In the case in Cirebon, I am of the opinion that when a company vehicle is not roadworthy but is still being operated, then the element of corporate negligence has been fulfilled.⁶⁹

I believe the police should investigate the company's management, not just the technicians or drivers. Managerial decisions are part of the corporate error.⁷⁰

From a technical perspective, I am of the view that accident investigations should involve experts to determine whether the components were damaged due to company maintenance errors.⁷¹

In my opinion, companies often prioritize profits over safety, so legal control through corporate crime is very important to maintain public safety.⁷²

⁶⁴Administrative evidence is part of the evidence in traffic accident investigations.

⁶⁵The obligation to ensure vehicle roadworthiness is regulated in Article 48 of the LLAJ Law.

⁶⁶The doctrine of strict liability and vicarious liability in corporate criminal law.

⁶⁷Strengthening the capacity of officers is a general recommendation in corporate law enforcement.

⁶⁸The purpose of criminal punishment includes a general deterrent effect.

⁶⁹Article 137 of the LLAJ Law prohibits operating vehicles that are not roadworthy.

⁷⁰Corporate decision-making theory in corporate criminal law.

⁷¹Accident investigation guidelines recommend the use of a vehicle expert.

⁷²Law enforcement theory in the public safety sector.

In the context of the Cirebon Police, I see the need for cooperation between the police, the transportation department, and the forensic laboratory to strengthen the evidence against the company.⁷³

I also consider that the basis for imposing criminal penalties on corporations in accident cases can refer to negligence that causes injury or death, as regulated in the traffic accident articles.⁷⁴

I believe corporate criminal penalties are mandatory, especially if accidents occur repeatedly due to company policy. Repeated patterns indicate systemic negligence.⁷⁵

I conclude that companies must be responsible for the risks that arise from their business activities, including when the vehicles they operate endanger road users.⁷⁶ Overall, I think the provisions in the LLAJ Law are good, but its implementation at the Cirebon Police must be strengthened through an understanding of corporate law, in-depth technical investigations, and the courage to name corporations as suspects if the evidence points in that direction.⁷⁷

3.2. Concepts and Strategies for Effective Law Enforcement Against Corporations Involved in Traffic Accidents to Achieve Legal Certainty, Justice, and Protection for the Community

According to Peter Salim, legal liability is the obligation to bear the legal consequences of an act that violates legal norms. In the context of a corporation involved in a traffic accident, the company has a legal obligation to ensure that the vehicle is roadworthy and that the driver operates according to safety standards.⁷⁸ This obligation is objective, meaning that the company can be held responsible even if there is no element of malicious intent from the management, as long as negligence occurs which results in an accident.⁷⁹

The concept of legal responsibility according to Salim emphasizes the causal relationship, there is a clear causal relationship between the company's negligence and the occurrence of an accident.⁸⁰ In the context of traffic accidents, the concept of legal liability demands that companies not only provide vehicles,

⁷³Inter-institutional synergy is part of an integrated law enforcement system.

⁷⁴Article 310 of the LLAJ Law concerning negligence resulting in accidents.

⁷⁵Repetitive patterns (pattern liability) are often used in the analysis of corporate negligence.

⁷⁶The principle of social responsibility in corporate law.

⁷⁷Implementation of the law is highly dependent on the quality of enforcement at the police level.

⁷⁸Peter Salim, Legal Responsibility and Obligation Aspects, Jakarta: Rajawali Pers.

⁷⁹Peter Salim, Analysis of Legal Responsibility, p. 45.

⁸⁰Peter Salim, The Concept of Causality in Legal Responsibility, p. 62.

but also ensure that all safety aspects are systematically met.⁸¹ Therefore, effective law enforcement must start from the understanding that traffic accidents are not only the result of driver error, but can also be the result of the company's structural negligence.⁸² The first strategy that must be implemented is to ensure that investigators understand the normative obligations of corporations. Without this understanding, law enforcement will tend to blame individual perpetrators alone.⁸³ Investigations must be directed at identifying violations of corporate obligations, for example neglecting vehicle inspections, not carrying out regular maintenance, or forcing drivers to work beyond reasonable limits.⁸⁴

The next strategy is to apply the concept of "structural responsibility", namely expanding the investigation to internal company policies that have the potential to cause accidents.⁸⁵ Corporations must be required to provide operational documents, maintenance logbooks, and driver training records as a form of administrative accountability. These documents serve as evidence of legal accountability.⁸⁶ In addition, an effective strategy should involve a technical audit of the vehicle by an expert to prove whether the accident occurred due to the company's negligence.⁸⁷ Legal certainty can be achieved if corporations know that violations of normative obligations will result in criminal sanctions. This aligns with Peter Salim's theory that the rule of law must be enforced without discrimination.⁸⁸ To ensure legal certainty, law enforcement officers must apply the rules consistently to all companies, both large and small, so that there is no impression of favoritism.⁸⁹ Legal certainty is also achieved through the establishment of transparent and accountable investigative procedures. With transparency, companies can no longer avoid their legal obligations.⁹⁰

Justice is realized when law enforcement not only punishes the driver as the weakest party in the company structure, but also processes the company as the party with greater control.⁹¹ According to the theory of legal responsibility, justice is achieved when the perpetrator who has made the greatest contribution to the violation receives a sanction commensurate with the degree of their culpability. Therefore, companies cannot escape this.⁹² The public will feel justice

⁸¹The concept of corporate safety obligations in transportation law.

⁸²The theory of causal relationships in legal responsibility

⁸³The role of understanding legal obligations in the law enforcement process.

⁸⁴Administrative and technical obligations in transportation safety.

⁸⁵The doctrine of structural liability in corporate law.

⁸⁶The role of operational documents in proving corporate crimes.

⁸⁷The role of vehicle engineering experts in proving traffic accidents

⁸⁸The principle of legal certainty in the concept of legal responsibility.

⁸⁹The principle of consistency in law enforcement.

⁹⁰The principle of transparency in the law enforcement process.

⁹¹The principle of justice in legal accountability.

⁹²The principle of proportionality in accountability.

if companies are held accountable when their negligence causes loss of life or material loss due to accidents.⁹³ Public protection is achieved when law enforcement is able to prevent corporations from committing similar negligence in the future. Legal sanctions serve as a deterrent mechanism.⁹⁴ The community protection strategy also includes the implementation of administrative sanctions such as revocation of business permits if the company is proven to frequently violate safety obligations.⁹⁵ Apart from criminal and administrative matters, the compensation mechanism for accident victims is also a form of legal protection that must be borne by the company as part of its legal responsibility.⁹⁶

Law enforcement against corporations involved in traffic accidents requires a comprehensive approach because crimes or negligence can occur not only at the individual level but also within company policies. From Soerjono Soekanto's theoretical perspective, law enforcement is the process of making rules a reality through five factors: law, law enforcement, facilities, society, and culture.⁹⁷

In traffic accidents involving corporations, these five factors are crucial for determining the effectiveness of investigations and sanctions. As legal entities, corporations have an obligation to ensure public safety, so effective law enforcement must be directed toward achieving legal certainty, justice, and public protection.⁹⁸

Effective law enforcement must begin with the availability of clear legal regulations regarding corporate liability in traffic accidents. Law No. 22 of 2009 and its derivative regulations have provided the basis for obligations regarding vehicle roadworthiness, driver supervision, and the imposition of sanctions on companies.⁹⁹

However, according to Soerjono Soekanto's theory, legal substance will only be effective if it aligns with societal needs and social developments. In the case of corporations, regulations regarding corporate crime need to be further clarified so that authorities can use them optimally.¹⁰⁰

The right strategy is to harmonize cross-sector regulations, such as transportation, employment, and business licensing, so that company safety obligations do not stand alone, but become an interconnected system.¹⁰¹

⁹³The relationship between legal responsibility and a sense of social justice

⁹⁴The preventive function of sanctions in the theory of legal responsibility.

⁹⁵The role of administrative sanctions in public protection.

⁹⁶Compensation mechanism as part of accountability.

⁹⁷Soerjono Soekanto, the theory of five factors of law enforcement.

⁹⁸The principle of community protection in law enforcement.

⁹⁹Law No. 22 of 2009 concerning Traffic and Road Transportation.

¹⁰⁰Soerjono Soekanto, the aspect of the suitability of norms to the needs of society.

¹⁰¹A systemic approach to regulatory development.

According to Soerjono Soekanto, law enforcement is the most crucial factor. Investigators must understand the concept of corporate crime to avoid being trapped solely into criminalizing the driver. Investigations need to be expanded to examine the company's structural negligence.¹⁰²

The strategy needed is to increase the competence of officers through corporate investigation training, understanding of corporate due diligence, and structural interview techniques for management.¹⁰³

Law enforcement also requires the courage of law enforcement officers to take action against large corporations with economic and political power. In Soekanto's theory, the success of law enforcement is influenced by the moral integrity of law enforcement officers.¹⁰⁴

Therefore, the recommended strategy is to strengthen internal and external supervision, including the involvement of the prosecutor's office and independent supervisory institutions to ensure there is no pressure or intervention against investigators.¹⁰⁵

According to Soerjono Soekanto, legal facilities and infrastructure are crucial factors that often become obstacles. In traffic accidents, investigators require technical vehicle identification tools, company document data, and expert support.¹⁰⁶

Without adequate equipment such as brake test equipment, crash analysis devices, or digital systems to track vehicle service histories, investigators will have a hard time proving corporate wrongdoing.¹⁰⁷

The strategy for strengthening facilities includes digitalization of transportation data, integration of company databases with the police, and provision of accident laboratory facilities in each police area, including the Police.¹⁰⁸

According to Soerjono Soekanto, societal factors refer to public legal awareness. In corporate accidents, people often blame only the driver, unaware that the company is also responsible.¹⁰⁹

An effective law enforcement strategy is to increase public education about their rights, including the right to hold negligent companies accountable. Traffic safety and legal literacy campaigns can strengthen the public's role as a watchdog.¹¹⁰

¹⁰²Soerjono Soekanto, the quality of the apparatus is the key to successful law enforcement.

¹⁰³Strengthening the capacity of officers in handling corporate crimes.

¹⁰⁴Aspects of integrity in law enforcement theory.

¹⁰⁵The role of supervision in improving the professionalism of officers.

¹⁰⁶Facilities and infrastructure factors in law enforcement theory.

¹⁰⁷The role of technical means in accident investigation.

¹⁰⁸Digitalization of means in modern law enforcement.

¹⁰⁹Soerjono Soekanto, public legal awareness.

When the public has a high level of legal awareness, they will encourage authorities to take firm action against corporations. According to Soekanto's theory, public support significantly influences the quality of law enforcement.¹¹¹

Cultural factors in Soerjono Soekanto's theory include values, behavioral patterns, and society's perspective on the law. In this context, the culture of blaming drivers without considering the company's responsibility becomes an obstacle.¹¹²

The strategy for changing legal culture must be through safety education reform in transportation companies, integrating a culture of compliance with regulations, and rewarding companies that comply.¹¹³

According to Soekanto's theory, effective law enforcement occurs when all five factors support each other. In the context of corporate accidents, effectiveness is achieved when the rules are clear, the authorities are competent, the resources are available, the public is aware, and the culture is supportive.¹¹⁴

The implementation strategy is to build an integrated law enforcement system through coordination between the police, prosecutors, transportation agencies, and corporate oversight bodies. This coordinated system ensures that corporations have no loopholes to avoid responsibility.¹¹⁵

Thus, law enforcement against corporations will achieve legal certainty when regulations are applied consistently, justice when companies are held accountable for their mistakes, and public protection when sanctions can prevent future accidents. This aligns with the objectives of Soerjono Soekanto's law enforcement theory.¹¹⁶

In my opinion, law enforcement against corporations in traffic accidents must be understood as enforcement that targets not only individual perpetrators but also policies, structures, and systemic negligence within the company. Because corporations have the power to regulate vehicle operations, legal responsibility should not stop with drivers alone.¹¹⁷

In my opinion, in the concept of law enforcement, the primary element that must be considered is the company's internal oversight function. If oversight is weak, the risk of accidents increases, and the company must be held

¹¹⁰The role of legal education in increasing public awareness.

¹¹¹Social support factors in the effectiveness of law enforcement.

¹¹²Legal culture according to Soerjono Soekanto.

¹¹³Compliance culture as part of legal culture.

¹¹⁴Integration of five factors of law enforcement.

¹¹⁵Coordinative approach in law enforcement.

¹¹⁶The objectives of law enforcement: certainty, justice, and benefit.

¹¹⁷The author's personal analysis of the nature of corporate accountability.

accountable.¹¹⁸ In my opinion, the concept of corporate liability should position companies as active legal subjects that have preventive responsibilities, not just responsive ones after an accident occurs.¹¹⁹ In my opinion, ideal law enforcement requires companies to provide adequate safety training to drivers, conduct roadworthiness tests, and ensure drivers' work schedules are not excessive. Failure to do so constitutes negligence.¹²⁰ Therefore, effective law enforcement against corporations must be oriented towards thorough investigations to reveal whether accidents are due to individual error or negligent company policies.¹²¹

In my opinion, the first strategy that must be implemented is to strengthen the investigation process so that the authorities not only examine the driver, but also the company management, operational documents, and vehicle maintenance history.¹²² The second strategy is to increase corporate transparency. I believe companies should be required to submit all safety documentation without delay and without administrative excuses.¹²³ The third strategy, in my opinion, is to build cooperation between the police, the transportation department, and transportation regulatory agencies. Good coordination will strengthen the effectiveness of law enforcement.¹²⁴ In addition, I believe that investigators should be specially trained to handle corporate crime cases so as not to fall into a very individualistic approach.¹²⁵

Another strategy is to tighten up regular company safety audits. I believe these audits should be mandatory, and the results can be used as evaluation material in accident investigations.¹²⁶ In my opinion, legal certainty will be achieved if authorities consistently enforce regulations, regardless of the size of the company. Consistency ensures companies cannot avoid responsibility.¹²⁷ In addition, legal certainty can be achieved by clarifying the operational standards for corporate criminal investigations so that there is no room for too much interpretation for the authorities.¹²⁸ In my opinion, regulations should require companies to actively report safety violations that occur in their operations. This reporting will provide certainty in the law enforcement process.¹²⁹ In my opinion, justice is realized when legal responsibility is placed on the party that truly has

¹¹⁸Personal views on the relationship between internal control and legal responsibility.

¹¹⁹Personal ideas about corporate preventive responsibility.

¹²⁰Personal opinion regarding company safety standards.

¹²¹Personal analysis of the scope of corporate investigations.

¹²²Personal views on expanding the object of investigation.

¹²³Personal opinion on corporate transparency obligations.

¹²⁴Personal analysis regarding the importance of inter-agency coordination.

¹²⁵Personal opinion on the importance of increasing investigator capacity.

¹²⁶Personal ideas about corporate safety audits.

¹²⁷Personal analysis of the role of apparatus consistency.

¹²⁸Personal opinion regarding corporate investigation standards.

¹²⁹Personal views on corporate self-reporting obligations.

the greatest control over the risk, namely the company, not just the driver.¹³⁰ I believe that justice will be achieved if victims receive adequate compensation from the company. Corporations have economic capacity, so the burden of compensation is a form of restorative justice.¹³¹

Justice is also achieved when negligent companies receive strict sanctions in the form of fines or even revocation of business permits if proven to have committed serious violations.¹³² I think protecting the public requires a multi-layered prevention mechanism, such as random inspections of the company fleet and regular driver retraining.¹³³

In addition, the public should be given access to report potential company safety violations, so that oversight becomes more participatory.¹³⁴ I believe the public also needs to have access to transparent information about transportation companies that frequently violate regulations so they can choose safer services. Transparency is a form of protection.¹³⁵

Based on my analysis, the concept and strategy for law enforcement against corporations in traffic accidents should include structural audits of the company, inter-agency coordination, capacity building of officers, safety audits, and the imposition of proportional sanctions. In this way, law enforcement can achieve legal certainty, justice, and maximum protection for the public.¹³⁶

4. Conclusion

In my opinion, law enforcement against corporations involved in traffic accidents must be understood as enforcement that addresses the company's structural level, not just the individual driver. Accidents are often the result of systemic negligence on the part of company management. Effective law enforcement requires an understanding that corporations are legal entities that can be held accountable because they have an obligation to ensure the safety of vehicles and drivers. In my opinion, legal certainty can only be achieved if the authorities consistently apply the rules without discrimination to all corporations, both large and small. The current law enforcement system still tends to focus on drivers as the direct perpetrators. However, I believe this does not reflect substantive justice, as companies have greater control over the risk of accidents. Public protection will be achieved if corporations are given strict sanctions when proven negligent, because these sanctions create a deterrent effect and prevent the

¹³⁰A personal analysis of the concept of justice in corporate accidents.

¹³¹Personal opinions on restorative justice in a corporate context.

¹³²Personal views on strict sanctions as a form of justice.

¹³³Personal analysis of preventive strategies.

¹³⁴Personal opinion on the role of society in supervision.

¹³⁵Personal ideas about public transparency for the protection of society.

¹³⁶The author's analytical conclusion regarding the integration of law enforcement concepts.

recurrence of similar accidents. In my opinion, the main obstacle to law enforcement is weak coordination between institutions such as the police, transportation agencies, local governments, and the prosecutor's office, which often results in incomplete investigations. Furthermore, law enforcement is often hampered by companies having greater economic power than victims or investigators. This can lead to potential intervention, thus hindering the legal process. In my opinion, the legal culture of society is also an obstacle, because people tend to blame the drivers and never push for corporate accountability. The lack of law enforcement tools such as accident identification tools and access to company documents weakens the evidence of corporate crime. Overall, in my opinion, law enforcement against corporations in traffic accidents is not optimal because it has not integrated all important elements, namely clear regulations, professional officers, supporting facilities, a legally aware public, and a progressive legal culture.

5. References

Journals:

Aulia, R. (2020). "Pertanggungjawaban Pidana Korporasi dalam Kecelakaan Lalu Lintas." *Jurnal Hukum dan Keadilan*, 12(2), 45-60.

Prasetyo, T. (2019). "Aspek Hukum Pidana Korporasi di Indonesia: Perspektif Kecelakaan Lalu Lintas." *Jurnal Hukum Pidana*, 10(1), 78-90.

Sari, M. (2022). "Penegakan Hukum Kecelakaan Lalu Lintas yang Melibatkan Korporasi di Indonesia." *Jurnal Penegakan Hukum*, 17(4), 130-145.

Utami, D. (2018). "Tanggung Jawab Pidana Korporasi dalam Kasus Kecelakaan Lalu Lintas di Indonesia." *Jurnal Kriminologi Indonesia*, 9(2), 25-40.

Wicaksono, A. (2021). "Tinjauan Hukum tentang Kecelakaan Lalu Lintas yang Melibatkan Korporasi." *Jurnal Ilmu Hukum*, 15(3), 102-117.

Books:

Ali, M. (2015). *Hukum Pidana Korporasi*. Jakarta: Rajawali Pers.

Arief, B. N. (2010). *Kebijakan Legislasi dalam Penegakan Hukum Pidana*. Bandung: Penerbit PT Citra Aditya Bakti.

Simanjuntak, H. (2016). *Pertanggungjawaban Pidana Korporasi dalam Sistem Hukum di Indonesia*. Jakarta: Sinar Grafika.

Sudarto. (2013). *Hukum dan Hukum Pidana*. Bandung: Alumni.

Wirjono Prodjodikoro. (2012). *Asas-Asas Hukum Pidana di Indonesia*. Jakarta: Dian Rakyat.

Regulation:

Criminal Code (KUHP).

Government Regulation Number 55 of 2012 concerning Vehicles.

Law Number 22 of 2009 concerning Traffic and Road Transportation.

Law Number 40 of 2007 concerning Limited Liability Companies.

Law Number 8 of 1981 concerning Criminal Procedure Law.

Internet:

Hukumonline. (2020). Corporate Liability in Traffic Accidents According to Law Number 22 of 2009. Accessed from:<https://www.hukumonline.com>

Ministry of Transportation of the Republic of Indonesia. (2021). The Role of Corporations in Traffic Accidents in Indonesia. Retrieved from: <https://www.dephub.go.id>

National Legal Development Agency. (2022). Law Enforcement in Traffic Accidents Involving Corporations. Retrieved from: <https://www.bphn.go.id>

Setiawan, A. (2021). A Legal Study of Traffic Accidents by Corporations in Indonesia. Retrieved from:<https://www.jurnalhukum.ac.id>