
RESEARCH ARTICLE

Regional Government Responsibilities to Level Crossing Guards to Improve Traffic Safety in Indonesia

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ABSTRACT

Level crossings are still contributing to accidents and traffic jams-, and the pollution they cause can hinder sustainable development. Apart from that, the probability of an accident occurring at level crossings at crossings without guards is very high. The purpose of this research is to find out the management of level crossings by the local government. The type of research used in this article is normative legal research. The study results show that at level crossings with guard officers, the incidence of accidents tends to be smaller. The presence of crossing officers has proven effective in reducing the number of accidents. Based on Law Number 6 of 2023 concerning the Stipulation of Government Regulation in lieu of Law Number 2 of 2022 concerning Job Creation to become Law, railway infrastructure officers are required to have a proficiency certificate. For this reason, the regional government is obliged to be responsible for managing level crossings by recording the number of self-help guards at level crossings without a doorstop and then participating in community empowerment training to obtain a skills certificate. Furthermore, the local government is obliged to close illegal plot crossings and build guard posts.

KEYWORDS

Level crossing, responsibility, accident

ARTICLE INFORMATION

ACCEPTED: 11 April 2023

PUBLISHED: 18 April 2023

DOI: 10.32996/ijlps.2023.5.2.9

1. Introduction

The Indonesian State Government protects the entire Indonesian nation and all of Indonesia's bloodshed, promotes public welfare, and educates the nation's life. This is stated in the preamble of the 1945 Constitution of the Republic of Indonesia, paragraph 4. The government is obliged to be responsible for protecting and maintaining people's safety in all fields, guaranteeing proper welfare, and improving the quality of education of its people

One of the issues regarding safety is the problem of level crossings without gates and guards. Based on Law 22 of 2009 concerning road traffic and transportation, article 114 states that road users must give priority to trains and give primary rights to vehicles that cross the railroad tracks first. However, many road users grab the crossing gate when it is unloaded because there is not enough time to wait for the train to pass, causing it to be prone to accidents. The risk or probability of an accident is even greater at crossings without a doorstop. In addition, the cause of the high number of accidents at railroad crossings is that some drivers do not obey the signs posted near the crossing. So that railroad-level crossings become points prone to traffic violations (Puspitasari, 2021). Traffic signs are only seen as decoration on roads by road users passing by. The number of accidents that occur at level crossings requires the state to be present. In the period 2019-2022, the number of accidents at level crossings that were not guarded was 1004 incidents, while at level crossings that were guarded, there were 138 incidents. Level crossings that are not guarded are generally unbarred and are located on a class of regency or village roads. Each level crossing ideally has a crossing gate guard (PJJ). This officer must guard the level crossing gate to secure train travel (Aghastya et al., 2021).

The guards at level crossings without doors in Indonesia are generally self-help from the community. They work certain hours with unclear wage status. Some rely on funds from community contributions or even from the mercy of drivers of passing vehicles. While the level-crossing gatekeepers who bar the doors are paid by PT. KAI, even though the level crossing is on a regency/provincial road. So that this adds confusion in the management of level crossings; the gatekeepers are generally certified and competent in their field. In contrast, level crossing guards without doorstops who are self-help do not have competency certificates because they work individually without training. In Law, Number 23 of 2007 concerning Railways, article 80 paragraph (1), the operation of railway infrastructure must be carried out by officers who have met the qualification requirements and qualifications as evidenced by a proficiency certificate. Based on Law Number 6 of 2023 concerning the Stipulation of Government Regulation in lieu of Law Number 2 of 2022 concerning Job Creation to become Law, Paragraph 10 of Article 56 concerning several amendments to Law Number 23 of 2007, is added to Article 80A Railway Infrastructure Officers who operate Railway Infrastructure do not have a proficiency certificate as referred to in Article 80 paragraph (1) subject to administrative sanctions. The safety of train travel when passing level crossings is of them determined by the competence of level crossing guards (Rozaq et al., 2019). Therefore, it is very important to ensure level crossing guards have a certificate of proficiency.

Monitoring the condition of rail transport systems has become a global phenomenon of interest over the last half century (Kostrzewski & Melnik, 2021). Railways are widely known for promoting environmental cleanliness by emitting fewer carbon gas products into the environment (Sekasi & Martens, 2021). However, on the other hand, there are issues of congestion, noise, and pollution arising from queues of vehicles at level crossings which also contribute to the source of the problem, including regarding monitoring of environmental problems. In terms of road users, the fact shows that level crossings are one of the transportation problems because there are delays (stopped delays) and conflicts when the train crosses the road (Hartono, 2017). Transportation is support in realizing sustainable development. The problems mentioned above can be categorized as challenges in sustainable development.

Level crossings are infrastructure in the operation of rail transportation, the implementation of which is regulated by law. The management of level crossing infrastructure is carried out by PT. Kereta Api Indonesia but for the management of level crossings which also includes railway infrastructure, is the authority of the central and regional governments. Most of the level crossings are located on the road, so management authority rests with the government according to the road class based on the applicable laws and regulations. The said management includes all activities at level crossings, maintenance, and provision of implementing officers. The responsibility of the local government is the focus of this paper, bearing in mind that the local government has not been optimal in managing level crossings without doors. Crossing guards at crossings without doorstops also do not meet the requirements for possessing a proficiency certificate required by the Job Creation Law.

2. Research Methods

The type of research used in this article is normative legal research, namely research conducted by examining various formal legal rules such as laws, regulations, and literature containing theoretical concepts, which are then linked to the writing of this article. The approach method used is the statutory approach. The data used comes from secondary data with primary legal material originating from legal provisions regarding the management of level crossings, including Law Number 23 of 2007 concerning Railways, Law Number 6 of 2023 concerning the Stipulation of Government Regulation in lieu of Law Number 2 of 2022 concerning Job Creation to become Law. Government Regulation Number 56 of 2009 concerning the Implementation of Railways and its amendments to Government Regulation Number 6 of 2017, Government Regulation Number 6 of 2017, Regulation Minister of Transport PM. 36 of 2011 concerning intersections and/or intersections between railroad tracks and other buildings, Minister of Transportation Regulation Number 94 of 2018 concerning Improving the Safety of Level Crossings Between Railroad Tracks and Roads. Secondary legal materials come from various journals, scientific papers, articles, the internet, and other literature relevant to the legal issues to be studied.

3. Results and Discussion

3.1 Level crossing Management

In the Regulation of the Minister of Transportation Number PM 94 of 2018 Article 2 paragraph (1) that to guarantee the safety of train travel and the safety of the Road user community, Level Crossings that have been operating before this Ministerial Regulation came into effect and have not been equipped with Level Crossing Safety Equipment must be managed by: a. Minister, for national roads; b. governor for provincial roads; c. regent/mayor for district/city roads and village roads; and d. legal entities or institutions, for special roads used by legal entities or institutions. However, since the regulation was promulgated, the regions seem to have not moved on in managing level crossings. Local government action or accountability is required to carry out the mandate of Law 23 of 2007 and PM 94 of 2018. Meanwhile, PT Kereta Api (Persero) has unlimited accountability listed in article 133 paragraph (1) of Law 23 of 2007, which states that in implementing transportation of people by train, the operator of railway facilities must prioritize the safety and security of people, this article has the meaning that the safety and security of passengers is absolutely a priority, including the safety of passengers during train travel when crossing level crossings (Belakang, 2016).

However, based on the applicable laws and regulations, PT. KAI is only limited to coordinating and synergizing with the local government in managing level crossings because of PT. KAI only acts as the operator/operator of the rail transportation mode. In general, the notion of Governmental Responsibility is the obligation of law enforcement (compulsory compliance) from the state or government or government officials or other officials who carry out government functions as a result of an objection, lawsuit, or judicial review filed by a person, community, civil legal entity whether through court or out of court settlements for fulfillment in the form of (a) payment of a sum of money (subsidies, compensation, allowances, etc.); (b) issue or cancel/revoke a decision or regulation, and (c) Other actions that are the fulfillment of their obligations, for example, to carry out more effective and efficient supervision, prevent harm to humans and the environment, protect residents' property, manage and maintaining public facilities and infrastructure, imposing sanctions on violations and so on (Erwiningsih, 2004). Whether or not there is a lawsuit from the public regarding losses arising from level crossings, the government is obliged to guarantee the safety and security of level crossings by the applicable laws and regulations based on the preamble of the 1945 Constitution of the Republic of Indonesia, paragraph 4 "Indonesian State Government which protects the entire Indonesian nation and all of Indonesia's bloodshed...".

Collisions between trains and vehicles at railroad crossings are a substantial safety problem for road and rail operations. Improving safety at passive rail crossings is an issue that is always being discussed around the world. Passive rail crossings do not have an active warning system to aid driver decision-making and depend entirely on the road user's perception of an approaching train to decide whether to cross or not. However, upgrading all passive rail crossings to active rail crossings is impractical because the costs are not commensurate with the risks of level crossings since such crossings are very numerous (Larue et al., 2018).

In Indonesia, the term for mentioning active and passive rail crossings is not known. Based on the laws and regulations, the term level crossing is known. The types and categories of level crossings in Indonesia include:

Table 1. Level Crossing Type

| Level Crossing | | |
|-------------------------------------|---|---|
| REGISTERED | | UNREGISTERED |
| Barred | Unbarred | |
| Guarded by PT. KAI | Maintained by a Non-Governmental organization | Maintained by a Non-Governmental organization |
| Guarded by Officer Local government | Not guarded | Not guarded |
| Licensed | Unlicensed | Unlicensed |

Source: Directorate General of Railways Ministry of Transportation

Table 2. Level Crossing Category

| Level Crossing Category | Appendix I PM 94 2018 | Validation Result* |
|-------------------------|--------------------------|--------------------|
| Guarded | 1.302 | 1.499 |
| Not Guarded | 3.121 | 1.756 |
| Illegal | 628 | 1.037 |
| Total | 5.051 | 4.292 |

Source: *Validation of Balai dan Daop/Divre (December 2021)

From the data, level crossings without guards and illegals dominate with a percentage of 65%. This shows that the management of level crossings has not been maximized

Table 3. Data Comparison of the Number of Accidents at Level Crossings

| Perlindungan Sebidang | 201 | 2020 | 2021 | 2022 | Jumlah |
|------------------------------|------------|-------------|-------------|-------------|---------------|
| With Guards | 43 | 34 | 30 | 31 | 138 |
| Without Guards | 366 | 233 | 241 | 164 | 1004 |

Sumber: PT. Kereta Api Indonesia

Based on the data, more accidents occur at level crossings without guards. Level crossings without official/permitted doorstops and guards are equipped with signs or warning signs. However, the legal awareness of the Indonesian people is still lacking. Warning signs are only considered decoration. So that it seems that the law has not worked in regulating society/social control; the factors that can affect the operation of the law (Soerjono Soekanto, 1983) can be detailed as follows (Yudho & Tjandrasari, 2017):

- a. The Legal Factor itself;
- b. Legal officers, namely those who make and implement the law
- c. Facility factors or facilities that support law enforcement;
- d. Community factors, namely the environment in which the law applies or is applied;
- e. Cultural Factors.

In terms of compliance with the law, the societal factor to which the law applies has a large influence on the effectiveness of the law. The problem of legal compliance is a psychological process that can be viewed from three basic processes. The factors that can cause people to comply with the law include the following. (Soerjono Soekanto, 1982: 230) (Mariani, 2019):

- a. Compliance; is defined as obedience based on the hope of a reward and an effort to avoid the punishment that may be imposed. This compliance is not at all based on a belief in the purpose of the rule of law in question and is more based on the control of those in power. As a result, legal compliance will exist if there is strict supervision of the implementation of these legal principles.
- b. Identification; occurs when compliance with the rule of law exists not because of its intrinsic value but so that group membership is maintained and there is a good relationship with those who are authorized to apply the rule of law. The attraction to comply is the advantage derived from these relationships, so obedience depends on the merits of the interaction.
- c. Internalization; peoples obey the rules of law because intrinsic obedience has a reward. The power center of this process is the person's belief in the purpose of the rules in question, regardless of their feelings or values towards the group or holder of power or control.

The level of compliance of Indonesian people is generally still at the Compliance level, where the public will comply if there is supervision and prohibition from officials at level crossings. This is evidenced by the behavior of the people who, when at the crossing, do not look right and left when crossing the level crossing according to their needs and desires. Another fact is that people generally do not use traffic facilities well (Imron & Handoko, 2021). This is one of the main factors that causes the functioning of the law on level crossings to be weak, and many accidents cause many victims.

3.2 Optimizing the management of level crossings by procuring level crossing officers and empowering the community

In the provisions of Law Number 23 of 2007, level crossings must be made, not level crossings, unless they can guarantee the safety and smooth running of train and road traffic. Safety aspects are a top priority in the management of level crossings. The legal politics for public safety in Law 23 of 2007 is a non-level crossing, according to Moh. Mahfud MD, legal politics includes the process of making and implementing laws that can show the nature and direction in which the law is built and enforced (Hakim, 2016). Legal politics regulates the principle of double movement, namely that apart from being a framework for formulating legal policies by authorized state institutions, it is also used to criticize legal products that have been promulgated based on the above legal policies (Hapsari & Suteki, 2019). However, the construction of non-level crossings has many obstacles ranging from costs, environmental issues, and economic impacts around non-level crossings in the form of flyovers or underpasses. In addition, Indonesian people tend to be more obedient when there are officers. The maximum effort that can be made at this time is to maximize officers and build guard posts at level crossings. Another problem with gatekeepers at level crossings lies in the officer's certification. Based on Law Number 6 of 2023 concerning the Stipulation of Government Regulation in lieu of Law Number 2 of 2022 concerning Job Creation to become Law, the addition of an article inserts, namely article 80A Railway Infrastructure Officers

who operate Railway Infrastructure do not have a proficiency certificate as referred to in Article 80 paragraph (1) of Law 23 of 2007 will be subject to administrative sanctions. Other provisions regarding railroad crossing officers include:

- a. Law 23 of 2007:
 - Article 80 paragraph (1) The operation of railway infrastructure must be carried out by officers who have met the requirements and qualifications as evidenced by a proficiency certificate. Followed by explanation: What is meant by "officers" include, among others, train travel control officers, railway infrastructure maintenance personnel, and railroad crossing guards.
 - Article 195 Railway infrastructure officers who operate Railway Infrastructure do not have a certificate of proficiency, as referred to in Article 80 paragraph (1), shall be punished with imprisonment for a maximum of 1 (one) year.
- b. Government Regulation Number 56 of 2009:
 - Article 248 paragraph (1) Railway human resources include testing personnel; inspectors; auditors; inspectors; maintenance personnel; railway infrastructure operation officer; railway crew.
 - Article 277 paragraph (1) The operation of the railway infrastructure must be carried out by the railway infrastructure operator, as referred to in Article 248 paragraph (1) letter f, who meets the qualification requirements and skills. Paragraph (2) Railway infrastructure operation officers, as referred to in paragraph (1), including train travel controllers; train travel controllers; railroad crossing guards; and power distribution controllers.

The position of a level crossing guard, according to the applicable provisions, is legally recognized by PT. KAI, some even belong to the employees of PT. KAI and paid by PT. KAI and has a certificate of proficiency. However, according to statutory regulations, the management of level crossings is the government according to the authority according to the class of road. This is confusing because PT manages many official-level crossings on provincial/regency roads. KAI, including its crossing guard officers. It is necessary to do coordination, synergy, and MoU between the local government and PT. KAI.

Meanwhile, official level crossings that do not have a gate have guards but are self-supporting by the community. The guard does not have a certificate of proficiency as required by the Job Creation Law. The local government's task is to record the number of guards at level crossings without a doorstop to then be included in community empowerment training or other training to obtain a certificate of proficiency from an accredited institution. And in the future, the local government is obliged to record plans for the need for level crossing guard officers in their area, close illegal plot crossings, and build guard posts along with procuring level crossing guards who are officially paid by the regional government either from the PPPK selection or third-party contract workers with regional minimum wages in accordance applicable regulation. This responsibility must be carried out because the management of a plot is a public facility; if the management is not optimal or causes harm to the community, the community has the right to demand compensation from the government.

4. Conclusion

The purpose of this study was to find out the weaknesses in the management of level crossings by local governments in Indonesia. The weakness lies in the certification of officers and the recruitment of officers at the railroad crossings. This has a significant effect on efforts to improve human safety and transportation safety. In addition, the level of public compliance in Indonesia is still low in obeying the law in the form of traffic signs both at level crossings and on the highway. In Indonesia, there are still many level crossings without a doorstop and not guarded by officers. The number of accidents at level crossings without gates and guards is greater than at level crossings without gates guarded by officers. Even if there are officers, most of them are volunteers who do not have certificates of competence and official salaries from the government. This is illegal according to law and can endanger safety at railroad crossings. So the regional government must immediately recruit level crossing officers officially, provide education and training, and be paid according to minimum standards by the local government. This research is only limited and applies to the territory of Indonesia; research in other countries, especially in more developed countries, may give different results. The results of research in this paper can be used as a comparison material for further studies in other countries that are more advanced, at the same level, or even countries that are below Indonesia's level of economic and transportation progress.

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Funding: This research received no external funding

Conflicts of Interest: The authors declare no conflict of interest

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