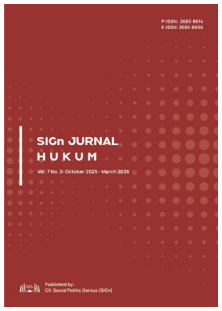

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Article Title

Deconstruction of Legal Liability for Road Users in Whoosh Feeder Train Accidents at Unguarded Level Crossings

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ABSTRACT

The operation of the Whoosh Feeder Train at unguarded level crossings has triggered a series of fatal accidents that place road users as vulnerable accident victims. Ironically, victims face a protection disparity due to the limitations of state social insurance, which reduces recovery of property damage, as well as sectoral regulations that provide illusory protection for the operator. Therefore, this research aims to establish the legal standing of accident victims, deconstruct the assumption of human error into corporate systemic negligence, and formulate a civil liability scheme based on joint and several liability. This research is normative legal research using the statute and conceptual approaches, qualitatively and deductively analyzing various railway, traffic, and civil law regulatory instruments. The research results indicate that the absence of material damage recovery constitutes a denial of the utility and legal certainty principles. The schedule pressure of time integration (bundling) is proven to fail to fulfil the Railway Safety Management System, thereby shifting liability to PT Kereta Api Indonesia (Persero) under the vicarious liability doctrine. Furthermore, the absence of boom gates on the road constitutes a form of infrastructure omission (onrechtmatige overheidsdaad) by the Local Government, in violation of roadworthiness standards. This research concludes that state and corporate administrative negligence fully satisfies the elements of an unlawful act. As a recommendation, the judicial power must apply material damage lawsuits under joint and several liability through the instruments of Article 1365 juncto Article 1366 of the Civil Code, accompanied by comprehensive legislative revisions to restore justice (gerechtigkeit) for civil society.

Keywords: *Joint and Several Liability; Road Users; Unguarded Level Crossings; Unlawful Act; Whoosh Feeder Train.*

INTRODUCTION

The operation of the Jakarta-Bandung high-speed railway has created a need for connecting transportation integration to ensure passenger mobility to the city center. This need is accommodated through the operation of the Whoosh Feeder Train by PT Kereta Api Indonesia (Persero), which serves as feeder transport. Unlike the high-speed railway line, which is completely sterile from road intersections, this feeder transport route utilizes conventional railway infrastructure. The condition of this conventional infrastructure still directly intersects with the road, thereby creating numerous unguarded level crossings that become prone to traffic accidents.

Empirical evidence in the field indicates that the travel intensity of feeder transport has triggered a series of fatal accidents involving road users. Various collision incidents between the Whoosh Feeder Train and the public at unguarded level crossings continue to result in fatalities and massive property damage (DetikJabar, 2023; Pradana, 2024). This series of events places civil society, particularly the struck road users, in the position of vulnerable accident victims. This vulnerability is further exacerbated by the legal construction that frequently holds victims accountable as the most culpable party, based on the assumption of railway track space violations.

The problem of legal liability escalates when accident victims demand justice through the recovery of material damages. Railway operators generally hide behind

the provisions of railway and traffic laws and regulations that require road users to give priority to train travel. On the other hand, the social security instruments provided by the state have very rigid protection limits because they only accommodate compensation for victims who die or suffer physical disabilities. Consequently, a legal void arises in the protection of accident victims seeking recovery for vehicle damage due to the absence of road safety facilities. Dogmatically, this regulatory void injures the three essential purposes of law proposed by Radbruch (1950). The disregard for the right to recover property damages eliminates the values of justice (*gerechtigkeit*) and utility (*zweckmässigkeit*), while the clash between operator immunity and social insurance limitations negates legal certainty (*rechtssicherheit*) for civil society (Samad et al., 2025).

Although the discourse on transportation accidents has been widely discussed, prior literature reviews have focused on highly specific topics. The majority of previous studies have limited themselves to evaluating contractual relationships for the protection of railway passengers within carriages (Agata, 2020; Putra, 2021; Setiawan & Esthi, 2024; Pratiwi & Mulyanti, 2025). In a different dimension, other legal studies focus solely on evaluating the normative mechanisms of social insurance compensation, without criticizing the limitations of damage recovery (Sabrie & Amalia, 2015; Panjaitan et al., 2022; Pratama, 2022; Pane et al., 2025). Meanwhile, technical studies on level crossing infrastructure and feeder transport are still dominated by managerial reviews and general economic loss calculations, without addressing civil lawsuits (Rompas, 2021; Leliana et al., 2024; Sitorus, 2024; Hartanto et al., 2025).

The series of fatal accidents involving the Whoosh Feeder Train at unguarded level crossings demonstrates that there is no comprehensive study examining the legal liability for material damage recovery for road users. This research aims to fill this analytical void by offering a different approach from prior literature. The novelty of this research lies in its effort to deconstruct corporate systemic negligence caused by the pressure to meet time-integration (bundling) deadlines. Furthermore, this research uncovers the offense of infrastructure omission committed by Local Government entities, thereby enabling the formulation of a comprehensive civil liability scheme for damages.

This research is holistically directed at achieving three continuous analytical objectives to unravel the complexity of legal liability at level crossings. At the first level, this research aims to establish the legal standing of accident victims while criticizing the paradox of state social security protections that clash with the expiration trap of operator third-party insurance claims. At the operational level, this research aims to deconstruct the assumption of human error by demonstrating systemic corporate negligence stemming from the failure to implement the Railway Safety Management

System (*Sistem Manajemen Keselamatan Perkeretaapian* or SMKP) in the Whoosh Feeder Train operations. Ultimately, this research aims to formulate the construction of civil liability through the instrument of unlawful act (*onrechtmatige daad*) to hold the Local Government and infrastructure providers liable under joint and several liability. The theoretical benefit of this research is to enrich the literature of civil law and transportation law, while its practical benefit is to provide a guideline for jurisprudential certainty for judges as well as justice in the recovery of property damages for the injured parties.

METHOD

This research is normative legal research focusing on the examination of principles, doctrines, and the systematics of positive law regarding transportation accident liability. The approaches used include the statute and conceptual approaches (Marzuki, 2005). The statute approach is applied to examine vertically and horizontally the various regulatory hierarchies governing the railway sector, road traffic, and social insurance. Meanwhile, the conceptual approach is used to construct dogmatic arguments regarding the doctrine of civil liability and the essential values of legal purposes relevant to the position of road users as accident victims.

The legal materials that form the primary foundation of this research consist of primary legal materials and secondary legal materials (Sampara & Husen, 2016). The primary legal materials encompass regulations from the level of Law down to Ministerial Regulation. These primary instruments include the Civil Code, Law Number 34 of 1964, Law Number 23 of 2007[1], Law Number 22 of 2009[2], Government Regulation Number 72 of 2009[3], Ministerial Regulation Number PM 69 of 2018, and Ministerial Regulation Number PM 94 of 2018. The secondary legal materials supporting this research include academic literature, prior publication manuscripts, and relevant jurisprudential documents to deepen the dissection of primary legal norms.

The legal material collection technique is conducted through library research. The researcher conducts an inventory, classification, and systematization of all regulations and literature directly related to collision incidents at unguarded level crossings. The collected legal materials are then reduced to select specific instruments governing the distribution of liability among railway operators, Local Government entities, and state social security institutions. This reduction process ensures the analytical scope remains focused on the locus of feeder transport level crossings and does not expand into criminal law.

[1]Law Number 23 of 2007, as amended by Article 56 of Law Number 6 of 2023.
[2]Law Number 22 of 2009, as amended by Article 55 of Law Number 6 of 2023.
[3]Government Regulation Number 72 of 2009, as amended by Government Regulation Number 61 of 2016.

The processing and analysis of legal materials are conducted qualitatively using deductive logic (Qamar & Rezah, 2020), namely, concluding from general legal premises to the resolution of specific cases of material damage liability. The first analysis stage focuses on dissecting the legal standing of road users. In this stage, the researcher identifies the conflict between the obligations of road users and the right to recover damages. An in-depth evaluation is conducted to unravel the legal void arising from limitations on state social insurance claims that conflict with the corporation's insurance expiration requirements, to assess the extent to which these regulations provide utility and legal certainty.

The second analysis stage is directed at examining the corporate operational standards in running the feeder transport route. The researcher uses risk assessment parameters and safety management systems to uncover the root causes of accidents. Through this procedure, the human-error premise is cross-examined against the corporate compliance level for mitigating potential hazards arising from time-integration (bundling) schedule pressure. This cross-examination serves to prove, on a dogmatic basis, the railway operator's systemic negligence.

The final analysis stage culminates in formulating a holistic approach to civil liability that restores the value of justice for injured parties. The researcher synthesizes findings regarding the administrative obligation to provide road safety facilities with the doctrine of unlawful act (*onrechtmatige daad*). Through this legal triangulation technique, the research systematically formulates a scheme for the distribution of material damage burdens under joint and several liability between the railway rolling stock operating corporation and the Local Government entities, as the parties regulatively indicated as having committed the infrastructure omission.

RESULTS AND DISCUSSION

A. The Legal Standing of Road Users and the Limitations of State Protection in Whoosh Feeder Train Accidents

The discourse on legal liability in railway accidents has thus far focused primarily on internal commercial aspects. The legal construction established by Agata (2020) and Setiawan and Esthi (2024) limits the paradigm of pure protection to the ticket contractual relationship between the operator and passengers. This commercial focus leaves a dogmatic void regarding the reality that land transportation operations pose a significant risk to the surrounding environment. This approach is further narrowed by the analysis of Putra (2021), which highlights the lack of insurance socialization, as well as the studies by Primawati and Suryono (2024) and Pratiwi and Mulyanti (2025), which center on

the optimization of internal carriage mitigation. In the context of Whoosh Feeder Train accidents at unguarded level crossings, legal studies are required to shift the locus of analysis toward the recognition of the legal standing for road users as accident victims, whose fundamental rights must not be reduced by the absence of contractual ties.

The legal standing of these road users has been absolutely accommodated by state instruments through Law Number 34 of 1964. Based on Article 1 letter c of the Law, train movement is explicitly recognized as a transportation mode that falls within the insurance jurisdiction. General Elucidation Number 3 juncto the Elucidation of Article 4 section (1) of the Law emphasizes that accident fund protection specifically targets third parties located outside the vehicle. This provision legitimizes that struck road users possess the right to be protected, which is executed monopolistically by state-owned enterprises based on Article 5 section (1) of the Law, with funding from the mandatory contributions of transport operators according to Article 2 section (1) of the Law.

Although the legal status of accident victims is recognized, the implementation of state social insurance has fundamental limitations that often go unnoticed. The studies by Sabrie and Amalia (2015) and Pratama (2022) tend to affirm this mechanism by emphasizing the administrative aspect of the smooth processing of basic compensation claims. This administrative view becomes irrelevant when conflicted with the formulation of Article 4 section (1) of Law Number 34 of 1964, which strictly limits compensation only for victims who die or suffer physical disabilities. Through a teleological approach, this regulation actually reduces the victim's value mathematically by degrading economic instruments in the form of heavily damaged vehicles as damages unfit for recovery.

This recovery deadlock is further exacerbated by compensation justifications lacking legal certainty. The findings of Panjaitan et al. (2022) and Pane et al. (2025) attempt to provide a way out by justifying voluntary payments (*ex gratia*) from state institutions as an alternative form of protection. However, relying on *ex gratia* instruments actually betrays the philosophy of social insurance itself. From the perspective of the legal philosophy proposed by Radbruch (1950), the constitutional disregard of the right to property damage recovery and its replacement with an uncertain institutional policy constitute an annulment of the utility principle (*zweckmässigkeit*). The law fails to imperatively restore the victims' economic condition to its original state.

The absence of such property protection requires accident victims to pursue civil remedies independently. This effort immediately confronts internal

legal antinomies within traffic regulations. The right to claim damages guaranteed by Article 240 of Law Number 22 of 2009 loses its binding effect when it conflicts with Article 114 of the Law, which obliges road users to give priority to trains. The construction of Article 114 of the Law has dogmatically created an absolute presumption of guilt for road users, thereby locking out civil defense from the outset of the incident.

The position of civil society is further worsened by the disguised corporate immunity design within Law Number 23 of 2007. The formulation of Article 181 section (1) of the Law legalizes civil criminalization by classifying any individual in the railway track benefit area without the right as a sterile space violator. This asymmetrical condition reaches its peak in Article 159 section (1) of the Law, which rejects the application of the strict liability doctrine. The state directly forces civil victims to independently prove corporate negligence. The failure of prior literature to criticize this burden of proof demonstrates that legal protection for injured parties remains at a minimal level.

The assumption of victim negligence is then further justified by operators through hierarchically problematic technical instruments. The provision of Article 110 of Government Regulation Number 72 of 2009 disqualifies incidents at level crossings as non-railway accidents. The practice of using this instrument violates the hierarchy of law principle (*lex superior derogat legi inferiori*), where technical regulations degrade the substance of the law. On the other hand, Article 179 letter d juncto Article 183 section (1) of the Government Regulation obliges third-party insurance. However, this right is transformed into illusory protection by Article 171 of the Government Regulation, which sets a maximum claim expiration of thirty days. This prescriptive requirement is highly disproportionate for victims who are in a period of mourning or medical treatment.

This overlapping legal construction places civil society in a condition of legal uncertainty and complex protection disparity. On the one hand, state social insurance suffers from a lack of utility value, and on the other hand, sectoral regulations facilitate legal smuggling to exonerate railway operators through incident disqualification and illusory protection procedures. This conflict of norms resulting in the blaming of accident victims at unguarded level crossings requires a holistic juridical evaluation. To test the validity of the operator's argument, the direction of analysis must shift from evaluating road user behavior to examining compliance with the managerial safety standards applied to the Whoosh Feeder Train operations.

B. Deconstruction of Human Error: Proving Corporate Systemic Negligence in Whoosh Feeder Train Operations

The shift of the analytical locus toward the evaluation of corporate operational standards requires a dissection of the empirical reality in the field. The series of incidents involving the Whoosh Feeder Train is not a single, casuistic phenomenon. The factual report by DetikJabar (2023) shows a pattern of recurring incidents, which is then confirmed by the findings of Pradana (2024) regarding repetitive fatalities on the feeder transport track. The presence of this empirical evidence dogmatically nullifies the premise that the incidents originate solely from human error in civil society. This pattern indicates a structural root problem stemming from the railway operator's managerial governance, which fails to mitigate potential hazards in the operational environment.

Railway transformation is frequently assessed positively without accounting for its negative externalities. Sitorus (2024) affirms the extreme travel-time efficiency strategy for connecting transport as an ideal managerial step. This view aligns with Antoro and Sahputra (2023), who emphasize the significance of punctuality in increasing service user loyalty. However, the glorification of this time integration (bundling) experiences a logical flaw when conflicted with Article 2 letter b juncto Article 3 section (1) of Ministerial Regulation Number PM 69 of 2018. The Ministerial Regulation obliges the implementation of the SMKP based on the identification of potential hazards. The prescriptive demand for punctuality actually creates technical vulnerability in the form of vigilance degradation that violates the preventive philosophy of the SMKP.

This preventive failure becomes more evident when faced with fatigue management regulations. The study by Rosojati et al. (2023), which views high-speed railway modernization solely from an economic development perspective, has sidelined the operational realities of conventional tracks. Referring to Appendix I of Ministerial Regulation Number PM 69 of 2018 regarding human factors, the operation of high-frequency feeder transport on tracks intersecting unguarded level crossings constitutes a high-level potential hazard. The operator's failure to mitigate the train driver's workload pressure due to the time integration scheme is an absolute manifestation of corporate systemic negligence. In the framework of thought proposed by Radbruch (1950), this non-compliance is a form of denial of the legal certainty principle (*rechtssicherheit*) at the operational implementation level.

This corporate systemic negligence is further validated through the disregard of post-incident evaluation obligations. In accordance with Appendix I of Ministerial Regulation Number PM 69 of 2018 on accident assessment standards,

the operator is legally obliged to formulate and implement comprehensive corrective actions following an incident. The precedent of recurring collisions on the Whoosh Feeder transport demonstrates the lack of substantial corrective action. This failure to conduct continuous mitigation is not merely administrative negligence but an operational omission that continually exposes road users to accident risk.

This operational omission automatically nullifies the human-error argumentation frequently imposed on train drivers. The instrument of Article 90 of Government Regulation Number 72 of 2009 normatively obliges train drivers to reduce speed or stop the train if an obstacle is encountered. However, demanding absolute compliance with this article is a legal logical fallacy when management dictates rigid time targets for driver training. The train driver's failure to perform emergency braking cannot stand alone as an individual fault, but rather as evidence that the management's operational instructions contradict safety urgencies.

The train driver's dilemma reveals the deadlock in sectoral regulations regarding damages. Under Article 172 of Government Regulation Number 72 of 2009, the damage guarantee applies exclusively to service users within the carriages. Considering that railway regulations provide illusory protection for external parties, the recovery of damages must be drawn toward the general civil law regime (*lex generalis*). The study by Aurelia et al. (2025) regarding Supreme Court jurisprudence legitimizes the application of Article 1367 of the Civil Code in the land transportation sector. Under the vicarious liability doctrine, the corporation PT Kereta Api Indonesia (Persero) is liable for the damages suffered by injured parties arising from operations under its managerial control (Mariyam et al., 2025).

This corporate civil liability directly corresponds to compliance with road infrastructure standards. Article 2 section (3) of Ministerial Regulation Number PM 94 of 2018 obliges the operator to close level crossings with a track width of less than two meters. This obligation is an absolute derivative of Article 18, Article 23 section (1), and Article 35 of Law Number 23 of 2007 to guarantee the demarcation of sterile space. The absence of physical blocking of small-dimensional road accesses intersecting the tracks is a form of high-level infrastructure implementation negligence by the operator.

The failure to execute this mandate to close non-standard roads triggers the direct damage recovery obligation. The operator who lets small road accesses remain open has dogmatically implemented legally flawed operational facilities. This violation executes the protection instruments in Article 87 section (3), Article 166, and Article 169 section (3) of Law Number 23 of 2007. This series of

provisions obliges the operator to provide alternative means of recovery for parties injured by the operation of non-standard facilities. Thus, incidents on roads with dimensions under two meters automatically transfer into the corporate material burden.

The operator's failure to optimize the SMKP to mitigate schedule pressure, exacerbated by the omission of small-dimensional crossings, constitutes the absolute construction of corporate systemic negligence. However, this damage recovery instrument does not center exclusively on the operator entity. Dogmatic tracing requires an evaluation of the party authorized to procure boom gate facilities at level crossings with a road width exceeding 2 meters. Therefore, the subsequent analytical direction must uncover the offense of infrastructure omission by Local Government entities to formulate the scheme of material liability under joint and several liability.

C. Unlawful Government Act (*Onrechtmatige Overheidsdaad*) and Joint and Several Liability for the Omission of Unguarded Level Crossings

The railway corporation's jurisdictional limitation on the closure of non-standard roads requires the analysis to shift to the scope of state authority over standard-specified roads. Based on Article 2 section (1) juncto Article 37 of Ministerial Regulation Number PM 94 of 2018, the procurement of boom gate safety facilities at level crossings with a road width of more than two meters is hierarchically mandated to Government entities, namely the Minister, Governor, or Regent/Mayor. If a Whoosh Feeder Train collision occurs on a road managed by the Local Government without a boom gate, the locus of liability shifts to the authorities' failure to provide infrastructure (*onrechtmatige overheidsdaad*) (Latemmamala & Fachri, 2026). The analysis by Rompas (2021), which focuses solely on managerial traffic engineering, has failed to dissect the legal essence of the absence of these facilities, thereby ignoring that the absence of a boom gate constitutes a violation like an administrative omission that contradicts the statutory mandate.

The absence of these facilities constructs a condition of fatal functional unroadworthiness of the road. Based on Article 25 section (1) juncto Article 26 section (1) of Law Number 22 of 2009, the road operator is absolutely obliged to provide safety equipment. This is reinforced by Article 24 of the Law, which obliges the provision of clear warning signs to prevent accidents. Bureaucratic pretexts that frequently justify infrastructure limitations as part of the dynamics of regional asset management become dogmatically invalid when confronted with Article 229 section (5) of the Law. This article strictly stipulates that accidents

caused by road unroadworthiness are entirely the legal liability of the road operator, and not merely ordinary traffic risks.

This liability of the road operator is accompanied by highly binding sanction consequences. The study by Leliana et al. (2024), which measures accident damages solely based on economic losses from community destruction, fails to examine the criminal threat to the state and ignores infrastructure. The formulation of Article 273 section (4) of Law Number 22 of 2009 stipulates criminal threats and fines for road operators who fail to provide safety facilities. To permanently eliminate level crossings, Article 238 of the Law mandates the Government to allocate motor vehicle tax revenues to construct a flyover or underpass. This mandate aligns with Article 94 of Law Number 23 of 2007, which grants the Government or Local Government the authority to close unauthorized crossings.

Local Government entities frequently use the pretext of Regional Revenue and Expenditure Budget limitations to relinquish the liability of infrastructure provision. However, the instrument of Article 54 section (1) of Ministerial Regulation Number PM 94 of 2018 has refuted this argument by granting the discretion to place manual guard posts as a temporary mitigation measure. The study by Hartanto et al. (2025), which merely highlights the effectiveness of volunteer guards, fails to recognize that the presence of these civil highway regulator volunteers constitutes valid evidence that the Local Government has committed omission negligence. The presence of civilians demonstrates that safety mitigation is undertaken independently by the community due to the absence of state presence at level crossings. This condition is dogmatically confirmed by the study by Adityo (2024), which asserts that the existence of volunteer traffic controllers is a manifestation of infrastructure failure that creates a void in legal certainty for the community.

This mitigation failure is further aggravated by the disregard of the legally obliged time limit. Article 55 of Ministerial Regulation Number PM 94 of 2018 stipulates a five-year ultimatum since the regulation was promulgated for the Local Government to complete the provision of safety equipment. Considering the grace period ended in 2023, Whoosh Feeder Train collision incidents post-2023 trigger the complete transfer of recovery liability. Based on Article 46 letter a of the Ministerial Regulation, damages caused by crossings that have not been evaluated and lack facilities become the full liability of the road manager. This norm dogmatically shifts the burden of recovery for property damage to victims to Local Government entities.

However, this omission in infrastructure construction does not stand alone as the fault of the regional authorities. Article 5 section (1) and section (2) of

Ministerial Regulation Number PM 94 of 2018 oblige periodic evaluations at least once a year collaboratively between the Local Government and the railway operator. Furthermore, pursuant to Appendix I of Ministerial Regulation Number PM 69 of 2018 on operational communication standards, the corporation is obliged to enter into a mitigation memorandum of understanding with the highway manager. The absence of this proactive coordination demonstrates joint administrative negligence by PT Kereta Api Indonesia (Persero) and the Local Government in failing to suppress hazards at level crossings.

This series of state infrastructure omissions and corporate coordination failures comprehensively fulfills the elements of the unlawful act (*onrechtmatige daad*) doctrine. It underscores that damage disputes involving government power instruments can be resolved through general civil instruments. Through the application of Article 1365 juncto Article 1366 of the Civil Code, negligence in the form of omission that generates material destruction requires the perpetrators of the negligence to compensate for the damages proportionally. This civil law construction serves as a bridge, transforming railway administrative violations into an obligation to recover material damages under joint and several liability. The validity of this civil compensation claim is reinforced by the analysis of Leo et al. (2025), which juridically imposes the liability for railway accident compensation on both the operator entity and the local government as the authority holder over the road class.

The distribution of the liability burden under joint and several liability between Local Government entities and the railway operator is the clearest manifestation of the restoration of property rights for road users. From the perspective of the legal purpose philosophy proposed by Radbruch (1950), the implementation of this unlawful act lawsuit is not merely an effort to seek financial compensation. Moreover, this civil punishment for the negligence of the authorities and the corporation is an essential step to restore the justice (*gerechtigkeit*) that has been seized from civil society due to the stigma of being traffic violators at unguarded level crossings.

CONCLUSIONS AND SUGGESTIONS

The construction of legal liability in Whoosh Feeder Train collision incidents at unguarded level crossings has thus far experienced a protection disparity that disadvantages accident victims. Dogmatically, road users have a valid legal standing to recover damages. However, this fundamental right is eliminated by state instruments that mathematically reduce the victim's value through the limitation of compensation objects in Law Number 34 of 1964, which only accommodates life fatalities and physical disabilities. This protection paradox is further exacerbated by

sectoral railway regulations facilitating illusory protection. The obligation of third-party property damage insurance mandated by Government Regulation Number 72 of 2009 is in practice inexecutable due to highly restrictive prescriptive claim expiration requirements. This conflict between norms and the lack of instruments for property damage recovery have absolutely annulled the utility principle (*zweckmässigkeit*) of social security and eliminated legal certainty (*rechtssicherheit*) for civil society.

This protection void cannot be justified by exclusively delegating the fault to the assumption of human error by road users or train drivers. Based on the evaluation of managerial compliance with safety standards, the series of feeder transport accidents is an absolute manifestation of corporate systemic negligence. The implementation of the travel time integration scheme (bundling) has been proven to create technical vulnerability in the form of vigilance degradation, which violates the preventive philosophy of the SMKP as set out in Ministerial Regulation Number PM 69 of 2018. Managerial instructions that contradict safety urgencies position the blaming of the train driver as a legal logical fallacy. Therefore, through the application of the vicarious liability doctrine in Article 1367 of the Civil Code, the railway rolling stock operating entity loses its immunity right and is obliged to bear civil liability for the damages of the injured parties arising from its operational governance failure.

This corporate civil liability directly intersects with the offense of infrastructure omission (*onrechtmatige overheidsdaad*) by Local Government entities. The absence of boom gate facilities at level crossings with standard road specifications constitutes an absolute violation of the roadworthiness standards mandated by Law Number 22 of 2009 and Ministerial Regulation Number PM 94 of 2018. The expiration of the safety facility fulfillment grace period in 2023 annuls all pretexts of regional budget limitations and transfers the burden of material obligations to the road operator. The Local Government's failure to provide safety equipment, combined with the railway operator's failure to enter into a joint mitigation agreement, fully satisfies the elements of an unlawful act. Through the instruments of Article 1365 juncto Article 1366 of the Civil Code, this state and corporate administrative negligence is transformed into the obligation to recover material damages under joint and several liability, to restore justice (*gerechtigkeit*) for the victims.

Based on the synthesis of these conclusions, this research recommends legislative synchronization and comprehensive jurisprudential reform. At the macro-policy level, legislative institutions and related ministries are required to revise Law Number 34 of 1964 and Government Regulation Number 72 of 2009 to eliminate restrictive insurance expiration requirements and explicitly accommodate property damage recovery schemes for accident victims. At the practical level, the current legal void requires the judiciary to progressively apply the doctrine of joint and several

liability between the corporation and regional authorities in every level-crossing dispute. Such jurisprudential decisions are expected to serve as coercive instruments for the Local Government to prioritize the Regional Revenue and Expenditure Budget on the provision of road safety facilities. Furthermore, future academic research should focus on the economic valuation of joint and several liability damages under civil law to formulate a precise fine distribution scheme between the railway and road operators.

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