

Passenger Train Accidents and the Accountability of PT Kereta Api Indonesia: A Critical Study on the Effectiveness of Law No. 23 of 2007

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Abstract

Rail transportation has a crucial role in supporting community mobility and the distribution of goods in Indonesia. However, train accident cases still occur frequently with alarming numbers. Data from the National Transportation Safety Committee (KNKT) recorded 103 accident incidents between 2007 and 2023, with a frequency of 1 to 13 cases per year. Many of these accidents result in thousands of fatalities and compensation claims each year, underscoring the need for effective legal protections for passengers as consumers of public transport. This study aims to examine the legal responsibility of PT Kereta Api Indonesia (Persero) based on Law No. 23 of 2007, especially the implementation of compensation for accident victims. The method used was normative juridical with the support of secondary data and short interviews. The results show that although the regulation has established the principle of absolute accountability for PT KAI, its implementation still faces serious obstacles, such as complicated claim procedures, a lack of socialization of passenger rights, low legal literacy of victims, and a lack of data integration between institutions such as PT KAI, hospitals, police, and Jasa Raharja. As a result, many victims receive only basic compensation without full compensation. This research emphasizes the need for system reform through the digitization of claims, strengthening socialization, and integration of cross-institutional databases. Academically, the study highlights the gap between regulation and practice and provides concrete recommendations to improve claims management and consumer protection of public transport.

Keywords: *Compensation; Legal Liability; Passenger Accidents; PT Kereta Api Indonesia*

1. INTRODUCTION

Rail transportation is one of the backbones of community mobility and distribution of goods in Indonesia, which has a strategic role in national economic development and regional development. This role not only covers economic aspects, but also touches on human rights in the form of ensuring safety and legal protection for service users. Public transport, particularly trains, has unique characteristics that place operators as the party strictly responsible for the safety of passengers, given the potential for great risks in the event of an accident. Therefore, the study of the legal liability of railway operators is very important in the context of strengthening consumer protection and enforcing the principle of the rule of law in public services.¹

In the global context, public transportation safety is a central issue that is strictly regulated in various countries with clear and systematic compensation mechanisms for accident victims. For example, Japan, which is one of the countries with the safest railway systems in the world, has high standards for operator responsibility as well as a transparent

¹ Erifendi Churniawan, Titiek M Agustriana, and Sapto Priyanto, "Kajian Yuridis Terhadap Kerugian Yang Ditimbulkan Akibat Kecelakaan Perkeretaapian Berbasis Nilai Keadilan," *Wajah Hukum*, 2023, <https://doi.org/10.33087/wjh.v8i2.1539>.

and prompt compensation pattern for victims and their families. Likewise, in a number of European countries, such as Germany and France, regulations governing the liability of railway operators are carried out with the principles of fairness and efficiency in resolving claims. In contrast, developing countries such as India face major challenges related to infrastructure and the implementation of safety standards, so accident rates remain high, despite progressive regulatory efforts in terms of accountability and compensation. This condition shows that legal protection for victims of transportation accidents is not only a national issue, but is local, and part of the fulfillment of consumer rights obligations internationally, in line with Indonesia's commitment to following global passenger safety and protection standards.²

In Indonesia, data from the National Transportation Safety Committee (KNKT) recorded 103 cases of train accidents during the 2007-2023 period, with a range of 1 to 13 cases per year. This figure underscores the high inherent risks and the need for an effective and fair accountability system. Law No. 23 of 2007 concerning Railways is a legal umbrella that regulates aspects of safety, infrastructure, as well as the rights and obligations of related parties in the national railway system. Normatively, this law establishes the principle of strict liability for the train operator, PT Kereta Api Indonesia (Persero) (PT KAI), which requires compensation to the accident victim without having to prove fault, except for the negligence of the victim himself or force majeure. This principle legally strengthens the victim's position as a consumer of public services so as to facilitate access to justice.³

However, the extent to which these legal principles are effectively implemented on the ground is still a big question. The implementation of legal responsibilities after an accident often faces the reality of long bureaucracy, the complexity of coordination between institutions, and the lack of understanding of the victim's rights. This creates a disparity between the expected legal norms (*das sollen*) and the realities of practice on the ground (*das sein*), which ultimately erodes the principles of legal certainty (*rechtszekerheid*) and justice (*gerechtigheid*). This study identifies this gap as a critical point that needs attention not only from the normative side but also structurally and institutionally.⁴

Several previous studies have examined PT KAI's responsibilities in the context of train accidents, but most of them still focus on old regulations, such as Law No. 13 of 1992, or prioritize insurance aspects as a compensation instrument without in-depth examining

² Rahmaniyah Dwi Astuti, "Analisis Ergonomi Kursi Kereta Api: Systematic Literature Review," *Jurnal Rekayasa Sistem Industri* 12, no. 1 (2023): 95–104, <https://doi.org/10.26593/jrsi.v12i1.6536.95-104>.

³ Meicel Leo, Zico Ricardo Aritonang, and Lenny Maria Aritonang, "Tinjauan Yuridis Pertanggung Jawaban Ganti Rugi Kecelakaan Kereta Api Di Indonesia," *Rewang Rencang: Jurnal Hukum Lex Generalis* 5, no. 5 (2024), <https://doi.org/10.56370/jhlg.v5i4.775>.

⁴ Megha Ayu Lestari Karunia, Amar Usnan, and Asmak Ul Hosnah, "Legal Analysis of Victim Negligence at Railway Crossings," *East Asian Journal of Multidisciplinary Research*, 2024, https://www.researchgate.net/publication/386385938_Legal_Analysis_of_Victim_Negligence_at_Railway_Crossings_a_Case_Study_of_Train_Accident_in_Karawang_and_Government_Legal_Responsibility_in_Enhancing_Public_Safety.

implementation constraints in the field. For example, research by Hidayat et al. (2020) provides a comprehensive overview based on Law No. 13 of 1992, but it is less relevant to the latest legal changes.⁵ Meanwhile, the Primawati study (2024) does use Law No. 23 of 2007 and highlights the role of insurance, but it tends to be descriptive and does not discuss in detail the structural obstacles of bureaucracy in fulfilling the rights of victims.⁶ Arrafi (2024) approaches the problem more broadly with empirical normative methods and incorporates field data, but has not explicitly emphasized the normative-empirical gap and bureaucratic barriers as the main cause of the ineffectiveness of legal protection.

In contrast to the study, this study offers a novelty that lies in a critical analysis of the discrepancy between ideal legal norms (*das sollen*) and real practice in the field (*das sein*), as well as explicitly identifying bureaucratic structural obstacles that hinder the fulfillment of the rights of train accident victims in Indonesia. This study combines a normative juridical approach with empirical data obtained through brief interviews and a literature review. This focus provides a more universal academic contribution by opening up space for reflection on how progressive regulations can be distorted in implementation due to organizational factors, cross-agency coordination, and low community legal literacy.⁷

In addition, the study places Indonesia's national context within the framework of global standard measurement, thus allowing for direct comparisons between the situation in Indonesia and the best practices applicable at the international level. This approach is very important because it provides a more comprehensive picture of the extent to which legal protection for rail passengers in Indonesia has met international standards. Thus, Indonesia's context is no longer independent, but can be measured objectively based on globally recognized indicators of legal protection achievement. This also emphasizes that the legal responsibility of railway operators is not solely a national administrative issue, but is a fundamental part of access to justice and the principle of the rule of law that must be carried out by the state. As part of the state's obligations, this is closely related to the fulfillment of the rights of consumers of public transportation services, which must be in accordance with the principles of public law and international legislation related to transportation safety.⁸

The urgency of this research is strongly driven by the fact that although national regulations have adopted the principle of absolute accountability, which has had a transformative impact on legal protection for rail passengers, there are still inconsistencies

⁵ Arief Rachmad Hidayat, Hufron, and Sri Setiadji, "Tanggung Jawab Pt. Kereta Api (Persero) Terhadap Penumpang Yang Menjadi Korban Kecelakaan Kereta Api," *Jurnal Akrab Juara* 5, no. 1 (2020): 137–54, <https://akrabjuara.com/index.php/akrabjuara/article/view/926>.

⁶ Andien Muarifah Primawati and Arief Suryono, "Tanggung Jawab PT. KAI (Persero) Terhadap Kecelakaan Kereta Api Pada Keselamatan Penumpang," *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara* 2, no. 2 (2024), <https://doi.org/10.55606/eksekusi.v2i2.1103>.

⁷ Karunia, Usnan, and Hosnah, "Legal Analysis of Victim Negligence at Railway Crossings."

⁸ Dhina Setyo Oktaria and Akbar Zulkarnain, "Legal Protection of Passengers in a Train Accident," *Journal of Law Science* 6, no. 1 (2024).

in implementation on the ground. This inconsistency has the potential to undermine public trust in the transportation system and service providers, and may hinder the process of restoring the rights of victims of accidents or losses. This situation is a challenge as well as an important opportunity for policymakers, regulators, and railway industry players to carry out the necessary reforms. The reforms include administrative improvements to make claims procedures more efficient, digitizing processes to make access to information and services faster and more transparent, and strengthening coordination between institutions that play a role in passenger protection. In addition, increasing socialization and sustainable legal advocacy are needed so that all parties better understand their rights and obligations, so that the legal protection system can run optimally.⁹

Thus, this research not only adds to the treasure of transportation law in Indonesia, but also provides strategic recommendations oriented to benefits (*doelmatigheid*), the efficiency of the claims process, and the improvement of the passenger legal protection system that is in line with international standards. This effort is expected to bridge the normative-empirical gap and strengthen the protection of the rights of public transportation consumers, especially victims of train accidents, so that it is in line with the ideals of the rule of law and social justice.

3. RESULTS AND DISCUSSION

3.1 Responsibilities of Railway Operators According to Law No. 23 of 2007

Train operator PT. Indonesian Railways (PT. KAI) has an obligation regulated in Law No. 23 of 2007 to be responsible for losses suffered by passengers due to accidents during the trip. This responsibility covers the entire journey from the time the passenger boards to the disembarkation at the destination station. In the event of an accident, PT. KAI is obliged to provide compensation for real losses suffered by passengers. In addition, if the passenger is injured, the medical costs must be fully borne by PT. KAI. In the case of the death of a passenger, the company is also obliged to provide support and compensation to the family of the deceased. Not only that, PT. KAI is responsible for loss or damage to passengers' luggage caused by negligence in train operations and must provide appropriate replacement. This obligation shows the commitment of PT. KAI to provide protection, safe service, and a sense of comfort to passengers while using train services.¹⁰

The accountability of PT Kereta Api Indonesia (PT KAI) is important to understand not only from the aspect of default in the implementation of the transportation contract between passengers and operators, but also from broader responsibilities. The legal relationship between the passenger and PT KAI is based on a contractual agreement that

⁹ Ajeng Tyas Damayanti, Nurul Fitria Apriliani, and Septiana Widi Astuti, "Sosialisasi Tugas Dan Wewenang Bagi Penjaga Perlindungan Sebidang Kereta Api," *JURNAL LOCUS: Penelitian & Pengabdian* 2, no. 8 (2023), <https://doi.org/10.58344/locus.v2i8.1365>.

¹⁰ "Undang-Undang Republik Indonesia Nomor 23 Tahun 2007 Tentang Perkeretaapian" (Pemerintah Republik Indonesia, 2007).

governs the service provider's obligation to deliver passengers to their destination safely and on time. However, PT KAI's responsibilities are not limited to the performance of the contract alone, but extend to the realm of strict liability that requires the company to take full responsibility for the safety of passengers during the trip, without having to prove fault. Thus, PT KAI must ensure that all operational aspects run with high safety standards, provide maximum protection, and take preventive measures so that the risk of accidents can be minimized in running rail transportation services.¹¹

It is important to distinguish between contractual liability and absolute liability that applies to PT Kereta Api Indonesia (PT KAI). Contractual liability arises from the carriage agreement between the passenger and the service provider, whereby PT KAI has an obligation to deliver the passenger safely to the destination. In the event of a breach of these obligations, the basis for the claim for compensation is based on default or failure to fulfill the content of the contract. However, Law No. 23 of 2007 expands the scope of this liability by applying the principle of strict liability, which requires PT KAI to provide compensation to passengers harmed by accidents or incidents in train operations, even though there is no evidence of wrongdoing on the part of PT KAI. The exception to this principle only applies when the loss is caused by the passenger's own negligence or compelling circumstances, such as a natural disaster or force majeure, so PT KAI's liability does not occur in those situations.¹²

Normatively, this absolute liability arrangement greatly strengthens the passenger's legal position because the burden of proof no longer has to be borne by the victim. This means that passengers who suffer losses do not need to prove PT KAI's fault to get compensation, so that legal protection becomes fairer and makes the claim process easier. However, in practice, this protection is not yet fully effective. Many victims face complicated claims procedures, limited access to information, and administrative constraints that hinder their rights. As a result, even if compensation is provided, often the value of the compensation is only basic and does not correspond to the actual losses suffered by the victim.¹³ This condition shows that there is a serious gap between legal norms oriented towards consumer protection and the reality of implementation, which still tends to be bureaucratic.

When compared to other transport sectors, such as aviation, the provisions of airline liability in aircraft accidents are regulated through the Regulation of the Minister of Transport and refer to the international standards of the Montreal Convention 1999, which

¹¹ Resanda Hendrawanto Bintara Putra, "Perlindungan Hukum Terhadap Penumpang Kereta Api Dalam Peristiwa Kecelakaan Kereta Api Di Indonesia" 19, no. 85 (2021), https://doi.org/10.53515/al_qodiri.v19i2.4390.

¹² Meicel Leo, Zico Ricardo Aritonang, and Lenny Maria Aritonang, "Tinjauan Yuridis Pertanggung Jawaban Ganti Rugi Kecelakaan Kereta Api Di Indonesia," *Rewang Rencang: Jurnal Hukum Lex Generalis* 5, no. 5 (2024), <https://doi.org/10.56370/jhlg.v5i4.775>.

¹³ Putra, "Perlindungan Hukum Terhadap Penumpang Kereta Api Dalam Peristiwa Kecelakaan Kereta Api Di Indonesia."

also adopts the principle of strict liability with certain limits.¹⁴ The difference is that in aviation, the compensation standards are more measurable and transparent, while in the railway sector, there is still an overlap in regulations and weak coordination between institutions.¹⁵ This comparison confirms that although the railway sector has a progressive legal basis, its effectiveness in protecting victims is still lagging behind other, more established transportation sectors.

KAI not only carries out its own obligations but also collaborates with insurance companies such as PT Jasa Raharha and PT Asuransi Jasa Raharja Putera, which are designed to provide financial security for victims of train accidents. The flow and limitation of responsibility in this cooperation scheme is that minor/moderate injuries will be borne by PT Jasa Raharja with a maximum compensation amount of IDR 10,000,000, then serious injuries will be guaranteed by PT Jasa Raharja Putera with a maximum compensation of IDR 30,000,000.¹⁶ The death of the passenger will be borne by PT Jasa Raharja/ PT Jasa Raharja Putera in the amount of Rp. 50,000,000. Damage to goods will be guaranteed by PT. KAI, with the amount of compensation, is assessed based on evidence. And finally, if the claim exceeds the limit, it will be borne by PT. KAI is based on internal studies.

However, the reality shows that the claim is more than the limit of PT. KAI is still not fully implemented, or the procedure is still not or poorly understood by the victim, so that for some victims, compensation often ends up to the limit of PT Jasa Raharja/Putera. Legal uncertainty arises from this and has the potential to harm victims.¹⁷ The reporting and disbursement of claims has clear stages, starting from reporting by passengers or victims' families to reporting to PT KAI stations or posts with documents or evidence of the incident. Then, PT KAI verifies the evidence documents and prepares an official report to the insurance company. Furthermore, PT KAI assists in submitting claims to PT Jasa Raharja/PT Jasa Raharja Putera. PT Jasa Raharja/PT Jasa Raharja Putera distributes compensation to the victims/heirs, in case of shortfall, because PT KAI's limit must cover the difference. And PT KAI monitors and assists until passengers' rights are met.¹⁸

The National Transportation Safety Committee (KNKT) plays an important role in investigating train accidents. Technological improvements and similar accident prevention are the primary purpose of accident investigations, not for investigation or law enforcement.

¹⁴ General Provisions, "Convention for the Unification of Certain Rules for International Carriage by Air," *Air and Space Law* 24, no. Issue 6 (1999): 344–54, <https://doi.org/10.54648/252499>.

¹⁵ Leo, Aritonang, and Aritonang, "Tinjauan Yuridis Pertanggung Jawaban Ganti Rugi Kecelakaan Kereta Api Di Indonesia."

¹⁶ M S R Santoso and M N Imanullah, "Tanggung Jawab PT. KAI (Persero) Terhadap Kecelakaan Kereta Api," *Jurnal Eksekusi* 1, no. 2 (2023): 179–89.

¹⁷ Dicky Arifianto, Gurnadi Lie, and Moody Rizqy Syailendra, "Perlindungan Hukum Terhadap Penumpang Dan Barang Yang Diangkut Oleh Kereta Api," *Jurnal Ilmiah Wahana Pendidikan* 9, no. 13 (2023): 178–85, <https://doi.org/10.5281/zenodo.8149086>.

¹⁸ Hidayat, Hufron, and Setiadji, "Tanggung Jawab Pt. Kereta Api (Persero) Terhadap Penumpang Yang Menjadi Korban Kecelakaan Kereta Api."

Accident investigation documents cannot be used as evidence in court, but serve as lessons to prevent future accidents. There is a separation between safety technical investigations and legal accountability processes.¹⁹ Technical investigations can only provide an overview of the cause of the accident, which can later be relevant to determine errors or omissions that give rise to compensation obligations by PT KAI.²⁰ So that the government as a regulator and supervisor to prevent repeated incidents.²¹ In the application of articles 166-167 of Law No. 23 of 2007, PT KAI conducts internal investigations in several cases of major accidents and participates in KNKT investigations as a form of accountability. However, according to the public, the results of the investigation are considered less transparent to the public, for example, from the chronological delivery, the cause of the accident, to the evaluation of the security system.

For any victim or heirs who feel dissatisfied, object, or feel aggrieved because of the compensation claim process provided by the train operator, they have the right to choose the first dispute settlement through deliberation, where the settlement is carried out through negotiations between the victim (or family) and PT KAI. This deliberation is the first priority in the settlement. Next, there is conciliation or mediation, for this alternative path of non-litigation involving an external mediator if the deliberation fails. In addition to that, there is arbitration, which is resolved through an official and binding arbitration institution. And finally, if the non-litigation is unsuccessful, namely a civil lawsuit where the parties individually or class action file it in the district court.²²

3.2 Implementation of Law No. 23 of 2007 in the implementation of accountability

The implementation of Law No. 23 of 2007 concerning Railways provides a strong normative foundation (*das sollen*) for PT Kereta Api Indonesia (PT KAI) in carrying out its responsibilities to passengers as consumers of public services. In this law, the principle of strict liability is affirmed, which requires PT KAI to be responsible for every loss suffered by passengers due to an accident without the need to prove fault, unless the loss is caused by the passenger's own negligence or compelling circumstances.²³ From the point of view of legal principles, the existence of this responsibility must reflect three important pillars: legal certainty (*rechtszekerheid*), i.e., the rights and obligations of the parties involved can be

¹⁹ Wisnu Aji Setya Saputro, "Pertanggungjawaban Hukum PT. KAI Atas Penumpang Korban Kecelakaan (Studi Daop 6 Yogyakarta)" (2020), <https://digilib.uns.ac.id/dokumen/detail/81531>.

²⁰ Hidayat, Hufron, and Setiadji, "Tanggung Jawab Pt. Kereta Api (Persero) Terhadap Penumpang Yang Menjadi Korban Kecelakaan Kereta Api."

²¹ Dwi Adelia Agata, "Perlindungan Penumpang Kecelakaan Kereta Api Di Daerah Operasi 4 Semarang," *Jurnal Ilmiah Dinamika Hukum* 21, no. 1 (2020): 36–42, <https://doi.org/10.35315/dh.v24i1.8322>.

²² Wildanul Aulia and Raden Mas Jerry Indrawan, "Perlindungan Hukum Terhadap Penumpang Angkutan Umum (Studi Pada Penumpang Kereta Api Di Indonesia)," *Qodiri: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 22, no. 1 (2022): 90–103, <https://doi.org/10.52802/qodiri.v22i1.4390>.

²³ Rico Angga Setiawan and Anggrita Esthi, "Pertanggungjawaban Perdata PT. Kereta Api Indonesia (Persero) Terhadap Keselamatan Penumpang Ditinjau Dari Undang-Undang Nomor 23 Tahun 2007 Tentang Perkeretaapian (Studi Daerah Operasi VIII Surabaya)," *Dekrit: Jurnal Magister Ilmu Hukum* 14, no. 1 (2024), <https://doi.org/10.55499/dekrit.v14n1.257>.

accessed and applied in a definite and consistent manner; justice (*gerechtigheid*), i.e., the victim must receive appropriate and non-discriminatory compensation; and usefulness (*doelmatigheid*), which demands effectiveness, efficiency, and convenience in the compensation payment mechanism.²⁴ These three principles are the foundations that must be maintained so that the function of legal protection for train accident victims runs optimally.

However, the reality of the implementation (*das sein*) in the field shows a much different picture. Convoluted administrative obstacles, lack of data integration and coordination between related institutions, and low public legal literacy regarding the right to compensation are the main problems that hinder the ideal completion of PT KAI's legal responsibilities. Claims procedures that involve multiple documents and multi-layered verification often leave victims and families feeling confused and delayed in obtaining full compensation.²⁵ In practice, victims often only receive basic compensation according to the insurance limits of PT Jasa Raharja and their son's insurance, without adequate additions from PT KAI, even though the losses experienced can far exceed the nominal. Another obstacle that is very felt is the lack of official socialization regarding claim rights and procedures, so that passengers who are victims are vulnerable to losing their rights because they do not understand the administrative route that must be taken.

This gap can be analyzed from the perspective of the gap between legal norms and implementation practices. Normatively, Law No. 23 of 2007 has formulated quite clear standards for passenger protection and compensation mechanisms that must be met by PT KAI. However, in practice, there are weaknesses in the technical arrangements that lead to multiple interpretations and overlapping regulations governing responsibilities between railway laws, insurance laws, as well as PT KAI's internal policies and rules in insurance companies.²⁶ This difference in interpretation causes uncertainty in the limits of compensation obligations that must be fulfilled by PT KAI, so that the claim process becomes complex and less transparent for victims and their families. This condition gives birth to legal uncertainty that violates the principle of legal certainty and erodes the sense of justice for victims.²⁷

In addition to regulatory obstacles, the gap is also caused by weak coordination between related institutions. PT KAI, PT Jasa Raharja, hospitals, police, and supervisory

²⁴ Fernando Sakti Toding Rompas, Karel Y Umbroh, and Wilda Assa, "Tanggung Jawab Penyelenggara Prasarana Perkotaan Atas Kerugian Sebagai Akibat Kecelakaan," *Lex Privatum* IX, no. 11 (2021): 5–15, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/38343>.

²⁵ Primawati and Suryono, "Tanggung Jawab PT. KAI (Persero) Terhadap Kecelakaan Kereta Api Pada Keselamatan Penumpang."

²⁶ Santoso and Imanullah, "Tanggung Jawab PT. KAI (Persero) Terhadap Kecelakaan Kereta Api."

²⁷ Rifa'atul Jazilah, Rahmaniyah Dwi Astuti, and Bambang Suhardi, "Analisis Ergonomi Kursi Kereta Api: Systematic Literature Review," *Jurnal Rekayasa Sistem Industri* 12, no. 1 (2023): 95–104, <https://doi.org/10.26593/jrsi.v12i1.6536.95-104>.

institutions functionally have their respective roles in helping accident victims get compensation, but data integration is still very limited.²⁸ This causes the process of verifying claim documents to be slow, especially when cases involve victims with incomplete documents, such as lost tickets or identity damage. As a result, the distribution of compensation has been stalled, and victims have difficulty accessing their rights in a timely manner. Limited resources and response also add to the burden when mass accidents occur that accumulate a high volume of claims, making the claim process even more hampered.²⁹

In addition, the low legal literacy of the community regarding the rights and procedures for claiming compensation aggravates the situation. Victims and their families are often not adequately informed about their rights and are not educated on the steps to take to claim compensation.³⁰ This resulted in many victims giving up early or only receiving makeshift compensation because they felt that the administrative process was too complicated and convoluted. The lack of advocacy and legal assistance is also a problem, especially when victims have to face legal proceedings in court to get compensation to which they are actually entitled. The long litigation process and limited resources for victims strengthened PT KAI's bargaining position as a service provider, which was on the stronger side in the contractual realm.³¹

Considering the role of regulators, especially the Ministry of Transportation as the supervisory authority of the railway sector, and the Financial Services Authority (OJK) as the insurance regulatory agency, both have a strategic responsibility to ensure accountability and transparency in the implementation of PT KAI's responsibilities to accident victims. The Ministry of Transportation should actively evaluate and supervise PT KAI's performance in terms of operational safety and post-accident services, including the compensation claim mechanism.³² This supervision is not only administrative, but must be accompanied by open audits and regular public reports, in order to strengthen public trust. Meanwhile, OJK has an important role in regulating the governance of insurance, which is PT KAI's partner, ensuring that insurance cooperation agreements do not burden victims and that claims can be processed fairly and efficiently. This lack of coordination and

²⁸ Putra, "Perlindungan Hukum Terhadap Penumpang Kereta Api Dalam Peristiwa Kecelakaan Kereta Api Di Indonesia."

²⁹ Agustina Lusi Andriani, "Perlindungan Hukum Terhadap Penumpang Kereta Api Sebagai Konsumen," *Jurnal Pembangunan Manusia* 2, no. 1 (2023): 65–75, <https://doi.org/10.53690/jpm.v2i1.237>.

³⁰ S Faissa, "Pertanggungjawaban PT Kereta Api Indonesia (Persero) Divre II Sumatera Barat Terhadap Korban Kecelakaan Kereta Api Di Kota Padang," *Jurnal Fakultas Hukum Bung Hatta, Universitas Bung Hatta*, 2023, <https://ejournal.bunghatta.ac.id/index.php/JFH/article/view/22461>.

³¹ Dwi Wahyu Ningsih and R Agung Prabowo, "Analisis Tingkat Kepuasan Penumpang Kereta Api Di Indonesia," *Seminar Nasional Terapan Riset Inovatif (SENTRINOV) 2022* (Politeknik Negeri Bandung, 2022), <https://doi.org/10.35313/proc.v8i1.4367>.

³² Setiawan and Esthi, "Pertanggungjawaban Perdata PT. Kereta Api Indonesia (Persero) Terhadap Keselamatan Penumpang Ditinjau Dari Undang-Undang Nomor 23 Tahun 2007 Tentang Perkeretaapian (Studi Daerah Operasi VIII Surabaya)."

synergy between regulators contributes to weak oversight and the ineffectiveness of existing compensation mechanisms.³³

From the above analysis, it can be seen that the implementation gap arises due to several key factors. First, the multi-interpretation nature of regulations and the overlap of rules between the Railway Law, insurance regulations, and PT KAI's internal regulations cause unclear legal obligations, thus triggering problems in the practice of claims and liability.³⁴ Second, weak coordination and information integration between operational agencies and law enforcement slow down the verification of claims and the distribution of compensation. Third, the low legal literacy of the community results in a lack of understanding of the rights that victims should receive, and the lack of advocacy worsens the victim's bargaining position when a dispute occurs. These obstacles together hinder the achievement of the principles of legal certainty, justice, and usefulness in the service of train accident victims.

The main novelty in this study is the emphasis on factual obstacles in the process of implementing PT KAI's accountability, rather than simply discussing the normative aspects of law or insurance as done by most previous studies. By combining normative and empirical juridical analysis through field data and interviews, this study reveals bureaucratic facts, data integration, and literacy challenges that have rarely been explored in depth. This study confirms that existing regulations are actually quite progressive, but without improving support systems and strengthening the role of regulators, the disparity between written law and practice will continue, at the expense of justice for victims.³⁵

The proposed improvement recommendations include digitizing the claims process to speed up services and improve the transparency of claims status. The integration of cross-agency databases such as PT KAI, PT Jasa Raharja, hospitals, and the police is very important to reduce the bureaucracy of submitting and verifying claims. In addition, the strengthening of periodic socialization related to passenger rights and claim procedures must be carried out so that passengers and their families understand their rights and can carry out claims without major administrative barriers. The supervisory pattern of regulators must also be directed to routine audits that are open to the public, and strengthening synergy between supervisory institutions in the transportation and insurance sectors.³⁶

³³ Ananda Riska Putri, "Perlindungan Hukum Bagi Penumpang Kereta Api Sebagai Konsumen," *Law Journal* 3, no. 2 (2022): 270–79, <https://doi.org/10.14710/lj.2022.22660>.

³⁴ *Kitab Undang-Undang Hukum Perdata (Burgelijk Wetboek)*, Buku III, 1847.

³⁵ Iyan Kusmadiana and R Dewi Anggraeni, "Tanggung Jawab PT KAI (Persero) Dalam Pelayanan Konsumen Transportasi Kereta Api," *Academia Praja: Jurnal Ilmu Sosial Dan Ilmu Politik* 5, no. 2 (2022): 259–71, <https://doi.org/10.36859/jap.v5i2.1736>.

³⁶ M Reza Fahlevi and Rachmad Abduh, "Tanggung Jawab PT. Kereta Api Indonesia (Persero) Terhadap Penumpang Akibat Terjadinya Kecelakaan Kereta Api," *JISE: Journal of Islamic and Law Studies* 3, no. 3 (2023): 265–76, <https://doi.org/10.55823/jise.v3i3.561>.

The enforcement of the principle of legal certainty can be improved by harmonizing passenger protection regulations and post-accident compensation, so that there is no multiple interpretations that cause uncertainty in the obligations of PT KAI and insurance companies. The existence of clear and unified rules will make it easier for operators to meet their obligations while minimizing legal disputes and accelerating compensation to victims. Meanwhile, the implementation of justice will be achieved if victims receive compensation equivalent to their real losses and are treated fairly without discrimination or aggravating administrative suspicion. The benefits will also be realized if the claim process is arranged in such a way that it is simple, fast, and easily accessible, including through digital technology that monitors the claim process in real time.³⁷

Thus, in the context of the implementation of Law No. 23 of 2007, the implementation obstacles encountered mark the weakness of practical law enforcement, which is influenced by several structural and institutional factors, including regulations that are not fully harmonized, weak coordination between related institutions, and a lack of improvement in public legal literacy. The role of regulators as supervisors and supervisors of passenger protection functions must be strengthened to close the gap and ensure that victims' rights are optimally protected.

This research contributes academically by expanding juridical studies that previously only focused on legal norms into a comprehensive analysis that combines factual implementation aspects. This is important to provide a clear picture of the implementation of PT KAI's responsibilities as well as open up space for dialogue on legal and policy reforms to realize consumer protection in the public transportation sector that is fairer and effective. In practical terms, the findings and recommendations of this research can be used as a strategic foothold by policymakers, regulators, and industry players to build a responsive and equitable compensation system in the future.

4. CONCLUSION

This study reveals that there is a significant gap between the provisions of Law No. 23 of 2007 and the practice of implementing PT Kereta Api Indonesia's (Persero) responsibilities to accident victims. Although the principle of absolute accountability has been established to strengthen legal protection, complex bureaucratic barriers, weak inter-agency coordination, and low understanding of victims of their rights cause compensation mechanisms to be suboptimal, and victims' rights are often not fulfilled fairly and effectively. This indicates the failure to apply the principles of legal certainty, justice, and utility. The novelty of the research lies in the emphasis on bureaucratic structural barriers as the main factor that has been understudied, by combining normative juridical analysis and empirical data in the field. This study presents a comprehensive picture of the causes of

³⁷ Reni Astuti, "Perlindungan Hukum Terhadap Penumpang Kereta Api Akibat Kecelakaan," *Syadani: Jurnal Hukum Dan Syariah* 7, no. 2 (2023): 135–46, <https://doi.org/10.55120/syadani.v7i2.408>.

implementation distortions, including multiple interpretations of regulations, fragmentation of coordination, and lack of advocacy and socialization to the community. The academic contribution of this research expands the horizons of transportation law by affirming the importance of institutional readiness and legal literacy to guarantee access to justice. Practically, the results of the study provide strategic solutions in the form of digitizing claims procedures, integrating data systems across institutions, and strengthening consumer rights through socialization. This effort is expected to improve the legal protection of passengers, accelerate the settlement of claims, and build public trust that is in line with the principles of the rule of law and social justice.

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