

ISSN 2809-672X (Online)
YURIS: Journal of Court and Justice
https://journal.jfpublisher.com/index.php/jcj
Vol. 5 Issue 2 (2026)
doi.org/10.56943/jcj.v5i2.1127

Fragmented Protection for Traffic Accident Victims in Indonesia Between Legal Entitlement and Substantive Recovery

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ABSTRACT

Victims of traffic accidents in Indonesia may hold several formal entitlements and still recover little. This article examines how Indonesian law structures protection for traffic accident victims and how far coordination among the protection regimes converts formal entitlement into substantive recovery. The study uses normative legal research with statute, conceptual, and analytical approaches. It analyzes Law Number 22 of 2009 on Road Traffic and Transportation, the Civil Code, the Criminal Procedure Code, Law Numbers 33 and 34 of 1964 on the passenger and road traffic accident funds, the social security and victim protection statutes, Prosecutor's Regulation Number 15 of 2020, and selected court decisions, supported by secondary literature. The analysis shows that the criminal, civil, statutory compensation, social security, victim protection, and restorative regimes are triggered by different evidence, follow different timetables, and lack a rule that makes any institution responsible for informing victims of all entitlements. The classification of fault under Articles 310 and 311 further determines whether restorative termination of prosecution is available. The study concludes that the difference between protection in law and protection in practice arises mainly from fragmentation in the design of the framework. It recommends coordinated notification at the police report stage, harmonized classification of intoxicated driving, safeguards for victims in restorative settlement, and periodic review of statutory benefit ceilings.

Keywords: *Fragmentation, Jasa Raharja, Legal Protection, Restorative Justice, Traffic Accident Victims*

INTRODUCTION

Road traffic crashes place a heavy burden on the legal and social order of Indonesia. The World Health Organization (WHO) reported in 2023 that road traffic deaths stood at 1.19 million per year worldwide, on a reporting period that ended in 2021.[1] The WHO South-East Asia Region, to which Indonesia belongs, accounted for 28 percent of those deaths.[2] National figures show the same pattern. The Integrated Road Safety Management System of the Indonesian National Police Traffic Corps (Korlantas Polri) recorded 79,220 traffic accidents up to 5 August 2024. These accidents involved 117,962 victims, of whom 7.21 percent died, 8.26 percent suffered serious injuries, and 84.51 percent suffered minor injuries.[3] The head of Korlantas Polri stated in March 2024 that victims were concentrated in the productive age group of 15 to 59 years and that deaths frequently left families without their main source of income.[4]

These figures matter for legal analysis because the position of an accident victim depends on conditions that are seldom present in ordinary civil disputes. Victims and their heirs rely on the police, hospitals, and insurers for information about the procedures through which entitlements are obtained. Proof of the accident and of the driver's fault usually depends on an investigation that the victim does not control. Many victims lack the financial means to litigate or to wait for a judgment, and physical incapacity during recovery further limits their ability to pursue a claim. Evidence from sub-Saharan Africa indicates that the economic burden of road traffic injuries is high and arises from both direct medical costs and indirect losses.[5] Comparable household-level evidence for Indonesia would strengthen the empirical basis of this field, and the present study therefore treats the African findings as indicative only.

Indonesian law answers these harms through several separate regimes. Law Number 22 of 2009 on Road Traffic and Transportation establishes criminal liability for negligent driving. Article 240 of that law recognizes the right of victims to assistance, to compensation from the responsible party, and to compensation

[1] World Health Organization, "Global Status Report on Road Safety 2023," 2023, https://www.who.int/publications/i/item/9789240086517.
[2] Geneva, "Despite Notable Progress, Road Safety Remains Urgent Global Issue," World Health Organization, 2023, https://www.who.int/news/item/13-12-2023-despite-notable-progress-road-safety-remains-urgent-global-issue.
[3] Ekawan Raharja, "Disiplin Berlalu Lintas Untuk Menjaga Keselamatan Bersama," medcom.id, 2024, https://www.medcom.id/otomotif/motor/nN9OVV5k-disiplin-berlalu-lintas-untuk-menjaga-keselamatan-bersama.
[4] Eka Setiawan and Kontri, "Tiap Hari 76 Orang Tewas Akibat Lakalantas, Rugi Materiil Capai Rp500 Miliar per Tahun," IDXchannel, 2024, https://www.idxchannel.com/news/tiap-hari-76-orang-tewas-akibat-lakalantas-rugi-materiil-capai-rp500-miliar-per-tahun.
[5] Marcella Farrelle Dorothea Ryan-Coker et al., "Economic Burden of Road Traffic Injuries in Sub-Saharan Africa: A Systematic Review of Existing Literature," *BMJ Open* 11, no. 9 (September 2021): e048231, https://doi.org/10.1136/bmjopen-2020-048231.

from an insurer.[6] Civil liability arises under Articles 1365 and 1367 of the Civil Code.[7] Statutory compensation is channeled through Law Number 33 of 1964 on the Compulsory Passenger Accident Fund and Law Number 34 of 1964 on the Road Traffic Accident Fund, both administered through PT Jasa Raharja.[8] Employment social security, legal aid, and witness and victim protection add further layers.[9]

The scholarship relevant to this framework can be grouped into three themes. The first concerns the standing of victims in the criminal process. A study on female child trafficking victims adopted a victimological approach and found that imperfect implementation of the law exposes victims to unfairness and legal ambiguity.[10] Trafficking differs from a traffic accident in its offense structure. The finding is nevertheless relevant here because it addresses the same institutional problem, which is the distance between the law as written and the experience of victims who depend on state institutions to recognize their harm. The second theme concerns compensation. Ali and colleagues showed that Indonesian provisions on compensation and restitution for crime victims tend to be contingent upon the conviction of the perpetrator, which excludes victims from these remedies when that condition is not met.[11] Research on Jasa Raharja likewise describes practical and administrative constraints in the delivery of statutory compensation.[12] The third theme concerns restorative settlement. Another study examined restorative justice in domestic violence cases and described penal mediation as a means of resolving criminal cases by reference to the interests of victims and perpetrators.[13] The study is relevant to traffic accidents because the prosecutorial framework for restorative justice also permits the termination of prosecution in suitable cases.[14] That possibility raises questions about the voluntariness of the victim's consent and the adequacy of the compensation agreed.

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[6] Republik Indonesia, "UU No. 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan," Sekretariat Negara § (2009).
[7] Republik Indonesia, "Kitab Undang-Undang Hukum Perdata (Burgerlijk Wetboek)" (n.d.).
[8] Republik Indonesia, "UU No. 33 Tahun 1964 Tentang Dana Pertanggungan Wajib Kecelakaan Penumpang," Sekretariat Negara § (1964).
[9] Republik Indonesia, "UU No. 24 Tahun 2011 Tentang Badan Penyelenggara Jaminan Sosial ," Sekretariat Negara § (2011).
[10] Hamja Hamja, Kodir Maulana, and Asep Susanto, "NEGATIVE IMPLICATIONS OF CRIMINAL ACTION FOR FEMALE CHILD TRAFFICKING VICTIMS IN INDONESIA," *Journal of Court and Justice* 2, no. 1 (January 2, 2023): 1–16, https://doi.org/10.56943/jcj.v2i1.220.
[11] Mahrus Ali et al., "Compensation and Restitution for Victims of Crime in Indonesia: Regulatory Flaws, Judicial Response, and Proposed Solution," *Cogent Social Sciences* 8, no. 1 (December 31, 2022), https://doi.org/10.1080/23311886.2022.2069910.
[12] Novita and Bezaliel, "PERLINDUNGAN HUKUM TERHADAP KORBAN KECELAKAAN LALU LINTAS ASURANSI JASA RAHARJA," *Jurnal Ilmu Hukum Tambun Bungai* 5, no. 2 (September 1, 2020): 843–59, https://doi.org/10.61394/jihtb.v5i2.150.
[13] Yoyok Hardianto et al., "THE IMPLEMENTATION OF RESTORATIVE JUSTICE SYSTEM TO RESOLVE DOMESTIC VIOLENCE ACTS," *Journal of Court and Justice*, August 30, 2023, 1–13, https://doi.org/10.56943/jcj.v2i3.359.
[14] Republik Indonesia, "Peraturan Kejaksaan No. 15 Tahun 2020 Tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif ," Sekretariat Negara § (2020).

The studies above largely address single mechanisms. Each regime has its own eligibility conditions, procedures, and institutions, so a victim may hold several formal entitlements and still recover very little. The central problem is therefore a gap between protection that exists in law (*de jure*) and protection that victims can actually obtain (*de facto*). This gap results from the fragmentation of entitlements across institutions that do not coordinate their requirements. The study asks how Indonesian law structures the protection of traffic accident victims across criminal, civil, statutory compensation, social security, legal aid, victim protection, and restorative mechanisms. It also asks how far the coordination among these regimes is adequate to convert formal entitlement into substantive recovery.

The contribution of this article lies in three areas. It provides an integrated mapping of the regimes that apply to traffic accident victims, including a clear distinction between the two 1964 statutes. It identifies a coordination deficit among these regimes and explains how that deficit produces the difference between entitlement and recovery. It also proposes the *de jure* and *de facto* distinction as an organizing framework for assessing victim protection in normative research. Studies that center on Jasa Raharja compensation, such as that of Novita and Bezaliel, examine one regime in isolation.[15] The present study extends the inquiry to the interaction between statutory compensation and the criminal, civil, social security, legal aid, and restorative mechanisms.

Accordingly, this article aims to examine the adequacy and coherence of the normative framework governing the protection of traffic accident victims in Indonesia and to identify the structural obstacles to its implementation. The study uses normative legal research and draws on secondary empirical literature only to show how the norms operate in practice. Its conclusions therefore concern the design of the legal framework and do not measure outcomes. The discussion proceeds through the normative architecture of protection, the obstacles that separate entitlement from recovery, and an integrated framework that links the regimes.

RESEARCH METHODOLOGY

This study employed normative legal research, also known as doctrinal research, because its question concerned the adequacy and internal coherence of a body of legal norms.[16] The research used a statute approach, a conceptual approach, and an analytical approach. The statute approach examined the provisions that regulate protection for traffic accident victims. The conceptual approach drew on legal doctrines concerning victim protection, liability, and justice to give meaning to the terms used in those provisions. The analytical approach tested the provisions

[15] Novita and Bezaliel, "PERLINDUNGAN HUKUM TERHADAP KORBAN KECELAKAAN LALU LINTAS ASURANSI JASA RAHARJA."
[16] Dr. Jonaedi Efendi and Prof. Dr. Prasetijo Rijadi, *Metode Penelitian Hukum Normatif Dan Empiris*, Kedua (KENCANA, 2016).

against one another to assess whether they formed a coherent system. The doctrinal method had limits that bore directly on this topic. It could establish what the law provided and how its parts related, yet it could not measure how often victims obtained compensation or how long claims took. For that reason, statements about implementation obstacles in this article were attributed to published empirical studies. These studies served as secondary material and were not presented as findings of the present research.

The primary legal materials consisted of binding norms arranged according to their position in the hierarchy of Indonesian legislation. They included Law Number 22 of 2009 on Road Traffic and Transportation, the Indonesian Civil Code, and the Criminal Procedure Code.[17] They also included Law Number 33 of 1964 on the Compulsory Passenger Accident Fund, Law Number 34 of 1964 on the Road Traffic Accident Fund, and their implementing regulations on compensation procedures and benefit amounts.[18] Employment social security was covered by Law Number 24 of 2011 on the Social Security Administering Agency and Government Regulation Number 44 of 2015.[19] Victim and legal assistance mechanisms were covered by Law Number 13 of 2006 on the Protection of Witnesses and Victims, as amended by Law Number 31 of 2014, and Law Number 16 of 2011 on Legal Aid. Restorative settlement was covered by Prosecutor's Regulation Number 15 of 2020. The two 1964 statutes were treated as distinct legal bases because the first addressed passengers of public transport and the second addressed victims of road traffic accidents more broadly. Judicial decisions on the application of Article 310 of Law Number 22 of 2009 were used as authority to show how the norms operated in practice.

Secondary legal materials consisted of scholarly books, peer-reviewed journal articles, and legal doctrines on victim protection, legal liability, legal protection, and justice. The materials were gathered through library research. Sources were selected for their direct relevance to the protection of accident victims or to the mechanisms examined in the study. Priority was given to articles indexed in Scopus and published mainly between 2021 and 2025, while older works were retained only where they set out foundational theories. Each source was evaluated for peer-review status, methodological transparency, and the extent to which its claims rested on cited evidence. Personal blogs and other unreviewed websites were excluded. Official publications and established news outlets were used only to support statistical statements.

Interpretation of the statutory provisions proceeded in three steps. Grammatical interpretation established the ordinary meaning of key terms such as

[17] Republik Indonesia, UU No. 22 Tahun 2009 tentang Lalu Lintas Dan Angkutan Jalan.
[18] Republik Indonesia, "PP No. 18 Tahun 1965 Tentang Ketentuan - Ketentuan Pelaksanaan Dana Kecelakaan Lalu - Lintas Jalan," Sekretariat Negara § (1965).
[19] Republik Indonesia, "PP No. 44 Tahun 2015 Tentang Penyelenggaraan Program Jaminan Kecelakaan Kerja Dan Jaminan Kematian ," Sekretariat Negara § (2015).

victim, accident, and compensation. Systematic interpretation related each provision to the other provisions of the same statute and to the other statutes in the framework, for example by reading Article 240 of Law Number 22 of 2009 together with the 1964 statutes. Teleological interpretation identified the protective purpose of each regime, including the purpose of spreading the social risk of traffic accidents. Where provisions overlapped or conflicted, the principles of *lex superior*, *lex specialis*, and *lex posterior* were applied, and overlaps in compensation, such as those between statutory accident compensation and employment social security, were resolved by comparing the purposes and eligibility conditions of each scheme. The legal materials were analyzed qualitatively using a descriptive-analytical method. The analysis described each regime in turn and then assessed the framework against three questions. These questions concerned whether the regime covered the harm suffered by victims, whether its procedure was accessible to them, and whether it coordinated with the other regimes. The conclusions were drawn deductively from the norms and supported inductively by the secondary literature.

RESULT AND DISCUSSION

The analysis identified seven regimes through which Indonesian law protects victims of traffic accidents. Table 1 summarizes their legal bases, what each regime provides, and the main condition that limits access. The sections that follow examine the criminal and civil routes, the statutory and social security schemes, restorative settlement together with the obstacles that separate formal entitlement from recovery, and finally an integrated framework.

Table 1 Regimes of Protection for Traffic Accident Victims in Indonesia

Regime	Legal Basis	What The Regime Provides	Main Condition or Limit
Criminal liability	Law 22/2009, Arts. 235, 310, 311	Punishment of the driver and a duty of assistance	Depends on police investigation and on classification of fault
Civil liability	Civil Code, Arts. 1365, 1367	Damages from the responsible party	Victim must prove fault, loss, and causation
Joined compensation claim	Criminal Procedure Code, Arts. 98 to 101	Claim heard together with the criminal case	Filed before the prosecutor's demand, limited to costs incurred
Statutory accident funds	Laws 33 and 34/1964, Government Regulation 18/1965, Ministry of Finance Regulations 15 and 16/PMK.010/2017	Fixed benefits paid through PT Jasa Raharja	Documentary proof, scope depends on accident type

Regime	Legal Basis	What The Regime Provides	Main Condition or Limit
Social security	Law 24/2011, Government Regulation 44/2015, Ministry of Finance Regulation 141/PMK.02/2018	Employment accident benefits and coordinated health payment	Requires membership, coordination covers health services only
Victim protection and legal aid	Law 31/2014 amending Law 13/2006, Law 16/2011	Assistance and restitution through LPSK, legal aid for those who cannot afford counsel	LPSK access depends on a discretionary decision
Restorative settlement	Prosecutor's Regulation 15/2020	Termination of prosecution after a peace agreement	Conditions on offender, penalty, and voluntariness

Source: Author's Analysis of the Legal Materials Listed in the Research Method

Criminal Liability, Civil Remedies, and The Joined Claim

Article 310 of Law Number 22 of 2009 punishes a driver whose negligence causes a traffic accident, and paragraph (4) sets a maximum of six years of imprisonment where a person dies. Article 311 punishes a driver who intentionally drives in a manner that endangers life or property, and paragraph (5) raises the maximum to twelve years where a person dies.[20] The intent required by Article 311 attaches to the dangerous manner of driving, which means that classification depends on how a court reads the mental attitude of the driver.

Courts have not read it consistently. In Supreme Court Decision Number 156 K/Pid/2024, an intoxicated rider was treated as grossly negligent and convicted under Article 310(4). The Jayapura District Court, in Decision Number 69/Pid.Sus/2024/PN Jap, construed intoxication as conditional intent (*dolus eventualis*) and applied Article 311. For victims, classification affects the sentencing ceiling, the availability of restorative termination discussed below, and what they can expect from the criminal case. Article 235(1) adds a duty of the driver to assist the heirs of a deceased victim with medical and funeral costs, and this duty does not extinguish prosecution.[21] The criminal process also controls the evidence on which other regimes depend. Under Ministry of Finance Regulation 141/PMK.02/2018, the status of a traffic accident is determined by the police report, and the police report prevails when it differs from the report of a health facility.[22] A victim's access to coordinated health payment therefore rests on a document that the police produce.

[20] Republik Indonesia, UU No. 22 Tahun 2009 tentang Lalu Lintas Dan Angkutan Jalan.
[21] Republik Indonesia.
[22] Republik Indonesia, "Regulation of the Minister of Finance No. 141/PMK.02/2018 on Coordination between Health Services Organizers for the Provision of Health Services," Sekretariat Negara § (2018).

Civil remedies follow a different logic. Article 1365 of the Civil Code requires an unlawful act, fault, loss, and a causal link, and the claimant carries the burden of proof. Article 1367 extends liability to an employer for acts of employees in the course of their duties, which allows a claim against a public transport company. The cost and duration of ordinary litigation remain a barrier for many victims.

The Criminal Procedure Code offers a shorter route. The presiding judge may, on request, join a compensation claim to the criminal case. The request must be made before the prosecutor presents the demand, the court's decision sets only the reimbursement of costs actually incurred by the victim, and civil procedure governs the examination.[23] The mechanism therefore appears to leave future losses, such as the loss of support suffered by dependants, outside the joined procedure. Ali and colleagues reached a comparable conclusion for crime victims generally, because statutory rights to compensation and restitution tend to depend on the conviction of the perpetrator.[24] Research on restitution in trafficking cases likewise treats the effective implementation of restitution sanctions as an open problem.[25]

Statutory Compensation, Social Security, and Victim Assistance

Law Number 33 of 1964 and its Ministry of Finance Regulation 15/PMK.010/2017 concern passengers of public transport. Law Number 34 of 1964, Government Regulation 18 of 1965, and Ministry of Finance Regulation 16/PMK.010/2017 concern victims of road traffic accidents more broadly.[26] Under the 2017 road traffic regulation, the reported benefits are Rp50,000,000 for death, up to Rp50,000,000 for permanent disability, up to Rp20,000,000 for treatment against receipts, and Rp4,000,000 for burial where the victim has no heir.[27] These funds differ from the regimes above in one respect. The instruments reviewed make the police report, and not a conviction, the evidentiary trigger, so a victim does not need to wait for the criminal case to end. The amounts are fixed, however, and bear no relation to the actual loss. Reporting on the claim procedure also indicates that

[23] Pemerintahan Republik Indonesia, "UU No. 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana," Sekretariat Negara § (2025), https://peraturan.bpk.go.id/Details/337302/uu-no-20-tahun-2025.
[24] Ali et al., "Compensation and Restitution for Victims of Crime in Indonesia: Regulatory Flaws, Judicial Response, and Proposed Solution."
[25] Angkasa Angkasa et al., "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia," *Journal of Indonesian Legal Studies* 8, no. 1 (May 31, 2023): 93–128, https://doi.org/10.15294/jils.v8i1.67866.
[26] Republik Indonesia, "PMK No. 15/PMK.010/2017 Tentang Besar Santunan Dan Iuran Wajib Dana Pertanggungan Wajib Kecelakaan Penumpang Alat Angkutan Penumpang Umum Di Darat, Sungai/Danau, Feri/Penyeberangan, Laut, Dan Udara," Sekretariat Negara § (2017).
[27] Danang Suryo and Edy A Putra, "Daftar Nominal Santunan Jasa Raharja, Tergantung Kategori Korban Kecelakaan," Kompas.tv, 2023, https://www.kompas.tv/nasional/437769/daftar-nominal-santunan-jasa-raharja-tergantung-kategori-korban-kecelakaan.

medical costs of single-vehicle accidents are not covered.[28] Coverage therefore depends on the type of accident and on the position of the victim.

Social security adds a second layer. Government Regulation 44 of 2015 defines an employment accident to include an accident on the route between home and workplace.[29] A worker injured in traffic may thus fall within both the employment accident program and the road traffic fund. Ministry of Finance Regulation 141/PMK.02/2018 addresses the overlap for health services. A health facility reports the suspected case, the guarantor issues a guarantee letter on the basis of the police report, payers are adjusted retroactively once the case status is final, and the guarantors reconcile costs among themselves.[30] The regulation concerns health services. The materials reviewed contain no general rule on how cash benefits from different schemes relate to one another.

Victim protection through LPSK is selective. Article 5(2) of Law 31 of 2014 extends the listed rights to victims in certain cases determined by an LPSK decision. Article 6(1) assigns medical and psychosocial assistance to victims of gross human rights violations, terrorism, trafficking, torture, sexual violence, and serious assault. Article 7A grants restitution to victims of crimes designated by LPSK decision.[31] Negligent traffic offences do not appear in these lists, so access depends on discretion. Legal aid under Law Number 16 of 2011 is available in principle to persons who cannot afford counsel, although the materials reviewed do not connect it to any of the claim procedures above.

Restorative Settlement and The Gap Between Entitlement and Recovery

Prosecutor's Regulation 15 of 2020 allows a prosecutor to terminate prosecution after a peace agreement. The general conditions are cumulative and require a first-time offender, an offence punishable by a fine or imprisonment of no more than five years, and a loss of no more than Rp2,500,000. Article 5(4) allows the penalty and loss thresholds to be set aside where the offence was committed through negligence.[32] The exception explains why termination is possible in a fatal accident under Article 310(4), whose maximum is six years, while offences under Article 311, which require intent, fall outside it. The classification of fault therefore decides whether the settlement route exists at all.

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[28] Kartini Laras Makmur, "Alami Kecelakaan Lalu Lintas? Begini Cara Klaim Santunannya," Hukumonline.com, 2017, https://www.hukumonline.com/berita/a/alami-kecelakaan-lalu-lintas-begini-cara-klaim-santunannya-lt59e879ad02e31/.

[29] Republik Indonesia, PP No. 44 Tahun 2015 tentang Penyelenggaraan Program Jaminan Kecelakaan Kerja Dan Jaminan Kematian .

[30] Republik Indonesia, Regulation of the Minister of Finance No. 141/PMK.02/2018 on Coordination between Health Services Organizers for the Provision of Health Services.

[31] Pemerintahan Republik Indonesia, "UU No. 31 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 13 Tahun 2006 Tentang Perlindungan Saksi Dan Korban," Sekretariat Negara § (2014).

[32] Republik Indonesia, Peraturan Kejaksaan No. 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif .

The Regulation contains safeguards. Settlement must be voluntary and free of coercion, the prosecutor must explain the parties' rights including the right to refuse, and the prosecutor must stop the process if pressure appears. Several provisions, however, weaken the position of the victim. The peace process and the fulfilment of obligations must be completed within fourteen days of the handover of the suspect and evidence. The requirement that the suspect restore the victim's loss may be waived when both parties agree, and a peace agreement may be concluded without any obligation being fulfilled.[33] The Regulation requires the prosecutor to explain the rights and obligations of the parties but does not mention statutory accident benefits or the availability of legal assistance.

A tension with Article 235(1) of Law 22 of 2009 remains. That article states that assistance to heirs does not extinguish prosecution. Under the principle of *lex superior*, the statutory provision would prevail if the two norms truly conflicted. A plausible reading is that Article 235(1) addresses the effect of assistance as such and does not regulate termination on restorative grounds, but the materials reviewed contain no authoritative resolution of the point. International research indicates that restorative participation benefits victims when it is voluntary and they can leave the process at any time.[34] A systematic review of victim participation research found that the concept covers a wide range of procedures and is not always clearly defined, which supports the call for explicit safeguards.[35]

Table 2 Formal Entitlements and Obstacles to Recovery

Dimension	Formal Entitlement (de jure)	Obstacle to Recovery (de facto)
Evidence	Benefits and health guarantee after an accident	Accident status rests on the police report, which prevails over the hospital report
Procedure	Joined compensation claim	Deadline before the prosecutor's demand, recovery limited to costs incurred
Amount	Fixed statutory benefits	Ceilings set in 2017 bear no relation to the loss suffered
Coverage	Funds under the 1964 statutes	Scope varies with accident type and the victim's position
Coordination	Several payers	Rules cover health services, no general rule found for cash benefits
Protection	LPSK assistance and restitution	Access depends on a discretionary decision, traffic offences not listed
Settlement	Termination of prosecution by peace agreement	Short time limit, waivable restoration, classification of fault decides availability

[33] Republik Indonesia.
[34] Jo-Anne Wemmers, Isabelle Parent, and Marika Lachance Quirion, "Restoring Victims' Confidence: Victim-Centred Restorative Practices," *International Review of Victimology* 29, no. 3 (September 19, 2023): 466–86, https://doi.org/10.1177/02697580221128830.
[35] Robyn L Holder and Elizabeth Englezos, "Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review," *International Review of Victimology* 30, no. 1 (January 1, 2024): 25–49, https://doi.org/10.1177/02697580231151207.

Source: Author's Analysis

The obstacles share a structural cause. Each regime is triggered by different evidence and operates on a different timetable, and no provision makes any institution responsible for informing the victim of all the entitlements. Evidence from sub-Saharan Africa shows why the omission matters, because the costs of road injury fall heavily on households through treatment expenses and lost income.[36] A fixed benefit that arrives late or in an inadequate amount leaves much of that burden with the family. A comparative view clarifies the design question. Japan enacted the Automobile Liability Security Act in 1955 mainly to protect traffic accident victims. It requires compulsory automobile liability insurance, and a government compensation scheme pays victims of uninsured or hit-and-run vehicles up to the same limit as the insurance.[37] Compensation there attaches to the insurance of the vehicle, with a state backstop. The Indonesian funds, by contrast, are financed through separate mandatory contributions and operate beside the fault-based claims of the victim. The comparison suggests that the Indonesian difficulty lies less in the absence of benefits than in the absence of a link between them and the other remedies.

The analysis supports six proposals, which are normative recommendations derived from the findings and do not describe existing law. First, the police report should trigger simultaneous notification of the relevant fund, social security provider, and prosecutor. Second, the victim should receive written information at the reporting stage on every available regime and on deadlines such as that in Article 98(2) of the Criminal Procedure Code. Third, guidance should harmonize the classification of intoxicated driving under Articles 310 and 311. Fourth, statutory benefits should remain independent of any settlement and be credited against civil damages, so that the recoverable civil damages equal the proven total loss less the statutory benefits already paid. Fifth, the fixed ceilings should be reviewed periodically against actual treatment and funeral costs. Sixth, restorative settlement in fatal and serious cases should include legal assistance for the victim, a record of any compensation received, and a period longer than fourteen days.

The findings support the study of Hamja and colleagues which found that imperfect implementation of the law exposes victims to unfairness and legal ambiguity.[38] The traffic accident setting shows the same gap between the law as written and the experience of victims. The present analysis extends that finding by locating part of the gap in the design of the framework, because the regimes are

[36] Ryan-Coker et al., "Economic Burden of Road Traffic Injuries in Sub-Saharan Africa: A Systematic Review of Existing Literature."
[37] General Insurance Rating Organization of Japan (GIROJ), "Overview of Standard Full Rates for Compulsory Automobile Liability Insurance ," 2023.
[38] Hamja, Maulana, and Susanto, "NEGATIVE IMPLICATIONS OF CRIMINAL ACTION FOR FEMALE CHILD TRAFFICKING VICTIMS IN INDONESIA."

triggered by different evidence and are not coordinated, and the gap cannot be attributed to weak implementation alone.

The findings qualify the conclusion of Ali and colleagues that compensation rights tend to depend on conviction.[39] The conclusion holds for the joined claim and for restitution through LPSK, but it does not hold for the statutory funds, which according to the instruments reviewed depend on a police report. The findings also differ in emphasis from the Jasa Raharja research of Novita and Bezaliel, which describes practical and administrative constraints.[40] The present analysis suggests that some of those constraints are structural, as the fixed amounts, the scope limits, and the absence of a rule for cash benefits arise from the text of the instruments and not from administration.

The findings extend the study of Hardianto and colleagues on restorative justice in domestic violence cases, which described penal mediation as a means of resolving cases by reference to the interests of victims and perpetrators.[41] The traffic setting adds a specific risk, which is that settlement and compensation can be separated, since restoration may be waived, the time limit is short, and the Regulation does not require the victim to be told of statutory benefits. Taken together, the results support earlier research on the existence of a gap between entitlement and recovery, extend it by identifying fragmentation, the classification of fault, and the restorative route as structural causes, and contradict the assumption that conviction conditions every form of compensation available to traffic accident victims.

CONCLUSION

This study asked how Indonesian law structures the protection of traffic accident victims and how far the coordination among its regimes converts formal entitlement into substantive recovery. The analysis shows that the framework is fragmented. The criminal, civil, statutory compensation, social security, victim protection, and restorative regimes are each triggered by different evidence and follow different timetables. No provision makes any institution responsible for telling the victim which entitlements exist or when they expire. Fragmentation of this kind explains why a victim can hold several entitlements in law and still recover little in practice. The classification of fault under Articles 310 and 311 of Law Number 22 of 2009 adds a further source of uncertainty, because it determines the sentencing ceiling and decides whether the restorative route under Prosecutor's Regulation 15 of 2020 is available at all. The findings also show that conviction

[39] Ali et al., "Compensation and Restitution for Victims of Crime in Indonesia: Regulatory Flaws, Judicial Response, and Proposed Solution."
[40] Novita and Bezaliel, "PERLINDUNGAN HUKUM TERHADAP KORBAN KECELAKAAN LALU LINTAS ASURANSI JASA RAHARJA."
[41] Hardianto et al., "THE IMPLEMENTATION OF RESTORATIVE JUSTICE SYSTEM TO RESOLVE DOMESTIC VIOLENCE ACTS."

does not condition every form of compensation, since the statutory accident funds depend on a police report. This qualifies the common assumption that victims must await the outcome of the criminal case.

The findings support concrete measures addressed to named institutions. The National Police Traffic Corps should notify the relevant fund, social security provider, and prosecutor when the police report is issued, and should give the victim written information on all available regimes and their deadlines. The Supreme Court should issue guidance that harmonizes the classification of intoxicated driving under Articles 310 and 311. The Attorney General's Office should amend Prosecutor's Regulation 15 of 2020 so that settlement in fatal and serious cases includes legal assistance for the victim, a written record of compensation received, information on statutory benefits, and a period longer than fourteen days. The Ministry of Finance should review the benefit ceilings of 2017 against actual treatment and funeral costs and should adopt a rule on the relationship between cash benefits from different schemes. LPSK should consider a decision that brings serious traffic offences within the scope of its assistance and restitution powers. These measures treat protection as a coordinated system and do not require any new benefit to be created.

The study has limits that qualify its conclusions. It applies a doctrinal method and therefore describes the design of the framework without measuring how long claims take or how often victims obtain compensation. The court decisions discussed are few, and the statements about practical obstacles rely on published secondary studies. The benefit amounts come from the 2017 ministerial regulations, and the coordination rules examined concern health services only. The comparison with Japan is brief and relies on institutional sources. Future research should test the findings empirically through analysis of claim files and court records, interviews with victims and heirs, and a comparison with other Southeast Asian systems that link accident compensation to social insurance.

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