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***LEGAL PROTECTION FOR VICTIMS OF SINGLE  
TRAFFIC ACCIDENTS THROUGH INSURANCE (A  
STUDY RESEARCH AT PT JASA RAHARJA  
BIREUEN)***

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**Abstract**

*This study aims to find out and understand legal protection for victims of single traffic accidents in Bireuen Regency, to identify factors that hinder them in getting legal protection for victims of single traffic accidents through PT Jasa Raharja, and to find out the efforts made to obtain legal protection for victims of single traffic accidents. . Legal protection is providing protection for human rights that are harmed by other people and is given to the community so that they can enjoy all the rights granted by law, especially in the context of implementing Law Number 34 of 1964 concerning Compulsory Insurance Funds for Road Traffic and Transportation Accidents. The road is managed by PT Jasa Raharja. This research uses empirical juridical methods, data collection is obtained qualitatively, data is obtained from primary data and secondary data and the data will be analyzed, then the results of the research are arranged systematically to obtain clarity on the problems to be researched. Based on the research results, legal protection for victims of single traffic accidents does not exist in the type of accident that can be covered by PT Jasa Raharja, but rather by the Social Health Security Administering Agency. The obstacle is that the legal policy regarding social security for single accident victims in Indonesia has not been properly accommodated, because Law Number 34 of 1964 excludes single accident victims from receiving social security, as reaffirmed in the Constitutional Court decision. Efforts that can be made are changes to statutory regulations, adjustments to the amount of Compulsory Road Traffic Accident Compensation, and the establishment of implementing regulations for providing compensation for single accident victims.*

**Keywords:** *Legal Protection, Victims, Single Traffic, PT. Jasa Raharja .*

## INTRODUCTION

Legal protection is providing protection for human rights that are harmed by others and this protection is given to the community so that they can enjoy all the rights granted by law or in other words, legal protection is various legal efforts that must be provided by law enforcement officers to provide a sense of security, both mentally and physically, from disturbances and various threats from any party.<sup>1</sup>

Traffic and road transportation as part of the national transportation system must develop its potential and role to realize security, order and smoothness of traffic and road transportation in order to support economic development and regional development. Every traffic accident that occurs will certainly cause victims, whether minor injuries, serious injuries, death or material damage, in addition, every victim that occurs also has legal consequences, both from the legal process against the cause of the incident, the perpetrator of the accident to the fulfillment of the rights of the accident victim.<sup>2</sup>

Bireuen Regency is known to be the result of the expansion of North Aceh Regency on October 12, 1999. Currently, Bireuen Regency consists of 17 sub-districts, 609 sub-districts/villages and geographically, Bireuen City is located on the Banda Aceh and Medan routes.<sup>3</sup> As a city that has gone through various developments, Bireuen City is currently also growing rapidly, both in terms of city facilities and infrastructure to the population that continues to grow every day. Judging from the growth of its population, it is undeniable that the use of transportation has also developed and increased in use. Therefore, the risk of accidents can certainly continue to increase, this is caused by the increasingly dense traffic conditions that make it difficult to control the speed

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<sup>1</sup>Satjipto Raharjo, *Legal Science*, Bandung: PT. Citra Aditya Bakti, 2000, p.74

<sup>2</sup>Warpani, *Traffic Management and Road Transportation*, Bandung: ITB, 1999, p. 58

<sup>3</sup>Central Statistics Agency of Bireuen Regency, 2020, Accessed December 10, 2023 from <https://www.bireuenkab.go.id>

of vehicles, causing many unexpected incidents. In this case, one of the most common accident conditions is a single accident.

Compiled based on data obtained from the Head of Traffic Police of Bireuen Police, the following is data on single traffic accidents that occurred in Bireuen in 2023 and 2024 :

Table 1. Single Traffic Accident Data from Bireuen Police

NO	YEAR	NUMBER OF ACCIDENT S	VICTIM			MATERIAL LOSS
			MD	LB	LR	
1	2023	116	4	0	143	Rp. 72,000,000
2	2024	47	1	0	37	Rp. 19,500,000
<b>AMOUNT</b>		163	5	0	180	Rp. 91,500,000

Based on the data, it can be seen that traffic accidents cannot be avoided even though the provision of transportation and road infrastructure is increasingly developed and provided well by the local government. This should be a concern for the community and also the Traffic Police to review the safety and smoothness when driving on the highway.

Related to the problem, it has basically been stated in the regulation on traffic regulations, namely Law No. 14 of 1992 concerning Traffic and Road Transportation, which is currently no longer in accordance with conditions, changes in the strategic environment and the needs of organizing traffic and road transportation so that it needs to be replaced with a new law, namely Law No. 22 of 2009 concerning Traffic and Road Transportation. <sup>4</sup>The purpose of issuing Law No. 22 of 2009 concerning Traffic and Road Transportation is to

<sup>4</sup> Law of the Republic of Indonesia No. 14 of 1992 concerning Traffic and Road Transportation

provide protection to humans from the possibility of accidents and traffic victims in vain.

Traffic order is not only supported by taking action against traffic violators, but also efforts to create awareness of traffic discipline and awareness of traffic laws. The effect is expected to be that traffic violations will decrease, compliance with traffic laws, discipline and order in traffic. Related to the many vehicle infrastructures, it results in undesirable events for users of the infrastructure, because the possibilities can occur, namely accidents, theft, fires and others that are always lurking on the road.

Such an event is certainly undesirable and unexpected by humans. Because of concerns about the existence of such a risk, insurance efforts have emerged. The definition of insurance itself can be known from the contents of Article 246 of the Commercial Code, namely insurance or coverage is an agreement by which an insurer binds himself to an insured, by receiving a premium, to provide compensation to him for a loss, damage or loss of expected profit, which may be suffered due to an uncertain event.<sup>5</sup> While the main insurance that can be insured is various as regulated in Article 247 of the Commercial Code, the contents of which are as follows: "That the insurances can include, among others, the principal, fire hazards, dangers that threaten agricultural products that have not been harvested, lives, one or more people, sea hazards and slavery, dangers that threaten transportation on land, in rivers and inland waters. From the word "among others" in Article 247 of the Commercial Code, it is possible for there to be various forms of insurance agreements through authorized parties, one of which is PT Jasa Raharja which oversees insurance for victims of road traffic accidents.

## **RESEARCH METHODS**

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<sup>5</sup> Sabrie, HY, & Amalia, R, Characteristics of Legal Relations in Jasaraharja Insurance Regarding Claims of Public Transportation Accident Victims, *Yuridika* , 30 (3), 2015, pp. 387-406.

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The type of research used in this study is qualitative research so that it can produce an in-depth description of the speech, writing, and behavior that can be observed from a particular individual, group, society and organization in a context that is studied from a complete, comprehensive and holistic perspective . Approach Study Which used in study This is empirical legal approach. The research studied in this study is prescriptive research, this nature is intended to provide arguments for the results of the research conducted. The data sources in this study come from primary data and secondary data. The data collection technique in this study was carried out through document/literature research techniques (*library research*) , and supported by field study techniques (*field research*) .<sup>7</sup>While data analysis was carried out by providing a review, which can mean opposing, criticizing, supporting, adding or commenting and then making a conclusion on the research results with one's own thoughts and the help of theory.

## **RESEARCH RESULTS AND DISCUSSION**

### **A. Legal Protection for Victims of Single Traffic Accidents in Bireuen Regency**

Legal protection is the granting of rights to legal subjects based on laws and regulations. Legal protection is very important when a person or legal entity experiences a problem.

Protection for victims of traffic accidents must go through several stages of procedures that are obtained by the victim as a right, including:

1. Assistance and treatment, Article 240 of Law Number 22 of 2009 concerning Traffic and Road Transportation shows that this right of the victim is usually obtained by the victim from the party responsible for the traffic accident and/or the government.

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<sup>6</sup>Bogdan and Taylor, Baswori and Suwardi, *Understanding Qualitative Research* , Jakarta: Rineka Cipta, 2008, pp. 22-23.

<sup>7</sup>Soerjono Soekanto, *Factors Influencing Law Enforcement* , Jakarta: Rajawali Press, 2004, p. 24.

2. Stop the vehicle he is driving.
3. Provide assistance to victims.
4. Report the accident to the nearest police station.
5. Provide information related to accidents.

According to the World Health Organization (WHO), a traffic accident is an incident in which a motor vehicle collides with another object and causes damage. Sometimes these accidents can result in injury or death to humans or animals. WHO data shows that accidents due to ignoring traffic rules have claiming the lives of around 2.4 million people every year. The number of deaths caused by these accidents ranks third as the cause of human death in the world. At least in Indonesia every year, around 26,000-29,000 people are recorded as dying due to traffic accidents.<sup>8</sup>

Article 229 paragraph (1) of Law No. 22 of 2009 classifies traffic accidents into three categories:

1. Minor Traffic Accidents: causing damage to vehicles and/or goods.
2. Moderate Traffic Accidents: causing minor injuries and damage to vehicles and/or goods.
3. Serious Traffic Accident: resulting in death or serious injury to the victim.

Accident victims who suffer serious injuries due to the negligence of the perpetrator, as well as victims of other traffic violations, receive legal protection through law enforcement efforts in the process of prosecuting violations and investigating criminal acts.

The main role or task of PT Jasa Raharja is to pay compensation to victims or heirs of victims who are within the scope of the guarantee of Law No. 33 of 1964 concerning the Compulsory Passenger Accident Insurance Fund in conjunction with Government Regulation No. 17 of 1965 concerning Provisions for the Implementation of the Compulsory Passenger Accident Insurance Fund, and Law No. 34 of 1964 concerning the Road Traffic Accident Fund in conjunction with Government Regulation No. 18 of 1965 concerning Provisions for the Implementation of the Road Traffic Accident Fund.

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<sup>8</sup>Dany Widihartanta, *Op. Cit*, p. 64

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The conditions that must be met by each victim to receive costs and compensation from the insurance company PT Jasa Raharja as conveyed by the Head of Jasa Raharja Bireuen Regency, Mr. Agus Setiawan are as follows:<sup>9</sup>

- a. For victims who have suffered injuries
  - 1) Fill out the Compensation application form (provided by Jasa Raharja free of charge)
  - 2) Health Information Form for Accident Victims filled out by the Hospital/ Health Center/ Doctor treating the victim. (Blank from Jasa Raharja)
  - 3) Copy of the report from the Police/Harbor Master or other authorized agency
  - 4) Copy of the driving license/vehicle registration certificate of the vehicle involved in the accident
  - 5) Original receipt for victim's medical treatment costs
  - 6) X-ray (if necessary)
  - 7) Copy of victim's/victim's heir's ID card
  
- b. For deceased victims
  - 1) Fill out the Compensation application form (provided by Jasa Raharja free of charge)
  - 2) Health Information Form for Accident Victims filled out by the Hospital/ Health Center/ Doctor treating the victim. (Blank from Jasa Raharja)
  - 3) Heirs Information Form filled out by the Village Head/Lurah where the heir resides (form from Jasa Raharja)
  - 4) Copy of the report from the Police/Harbor Master or other authorized agency
  - 5) Copy of the driving license/vehicle registration certificate of the vehicle involved in the accident
  - 6) Original receipt for victim's medical treatment costs
  - 7) Copy of victim's/victim's heir's ID card
  - 8) Copy of Marriage Certificate/Birth Certificate and Family Card

In providing costs and compensation to victims of road traffic accidents, PT Jasa Raharja Bireuen Regency looks at the following categories:

- 1) Died
- 2) Permanent disability
- 3) Maintenance costs

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<sup>9</sup>Agus Setiawan, Head of Jasa Raharja Bireuen Regency, *Interview*, Monday, 15.45 WIB

4) Burial costs

The amount of compensation paid to victims of road traffic accidents has been regulated based on the Decree of the Minister of Finance of the Republic of Indonesia Number: KEP.15/ PMK.010/2017 dated 13 February 2017 as follows:<sup>10</sup>

Table 2. Compensation Value for Road Traffic Accident Victims<sup>11</sup>

TYPES OF COMPENSATION	TYPES OF TRANSPORTATION MEANS	
	LAND, SEA (RP.)	AIR (RP.)
Die	Rp. 50,000,000	Rp. 50,000,000
Permanent Disability (Maximum)	Rp. 50,000,000	Rp. 50,000,000
Maintenance (Maximum)	Rp. 20,000,000	Rp. 25,000,000
Reimbursement of Funeral Costs (No heirs)	Rp. 4,000,000	Rp. 4,000,000
Additional Benefits of First Aid Cost Reimbursement (maximum)	Rp. 1,000,000	Rp. 1,000,000
Additional Benefits of Ambulance Cost Reimbursement (maximum)	Rp. 500,000	Rp. 500,000

A single accident is an incident that occurs suddenly without ever being expected or planned and is uncontrolled and only involves one motor vehicle without involving other road users. <sup>12</sup>Single accidents are not included in the types of accidents that can be covered by PT. Jasa Raharja and victims of single

<sup>10</sup>Scope of Jasa Raharja Guarantee, <https://www.jasaraharja.co.id/page/detail/lingkup-jaminan> , accessed on July 23, 2024

<sup>11</sup> *Ibid*

<sup>12</sup>Zulfa Hadiaraya and Dwi Desi Yayi Tarina, *Legal Protection for Traffic Accident Victims in Social Insurance of PT. Jasa Raharja* , Veteran National Development University, Jakarta, 2021



traffic accidents do not receive compensation because in accordance with Law Number 33 of 1964 and Law Number 34 of 1964 that single accidents are not included in the scope of coverage. This is also emphasized in the Constitutional Court Decision Number 88 / PUU-XV / 2017 which states that single accidents are not guaranteed. A single accident is when there is no contact with another vehicle at all. Then legal protection and guarantees for victims of single traffic accidents are provided by the Health Social Security Administering Agency (BPJS).

According to Agus Setiawan, a single traffic accident is an accident that only involves one motor vehicle due to the driver's negligence and does not involve other road users such as hitting a tree, falling due to drowsiness, or other things.<sup>13</sup>

Based on Article 52 paragraph (1) letter d of Presidential Regulation Number 82 of 2018 concerning Health Insurance, health services guaranteed by the mandatory traffic accident insurance program up to the value covered by the traffic accident insurance program according to the participant's class of care rights are health services that are not guaranteed by BPJS Kesehatan.

Furthermore, Article 53 paragraph (2) letter b of Presidential Regulation Number 82 of 2018 concerning Health Insurance confirms that PT. Jasa Raharja (Persero) is the organizer of insurance for the traffic accident insurance program.

Based on Article 53 paragraph (3) of Presidential Regulation Number 82 of 2018 concerning Health Insurance, BPJS Kesehatan can pay in advance the costs of health services that should be guaranteed by other insurance providers, so other insurance providers are required to pay for health services to BPJS Kesehatan.

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<sup>13</sup>Agus Setiawan, *Op. Cit*

Traffic accidents can also be included as work accidents because the costs will be borne by PT. Asabri for TNI/Polri, PT. Taspen (Persero) for ASN and BPJS Ketenagakerjaan for employees other than TNI/Polri and ASN in accordance with the provisions in Article 53 paragraph (2) letter b of Presidential Regulation Number 82 of 2018 concerning Health Insurance.

Based on Article 14 of Law Number 40 of 2004 concerning the National Social Security System, accidents that occur on the way from home to work or vice versa are included in the category of work accidents.

Single traffic accidents involving public motor vehicles (any vehicle used for the transportation of goods and/or people for a fee), trains, including electric trains, ships and airplanes other than those categorized as work accidents and multiple traffic accidents involving public motor vehicles or non-public motor vehicles, then the cost of care and treatment of the victim will be guaranteed by PT. Jasa Raharja (Persero).

However, there are exceptions for single traffic accident victims other than the work accident category that are not guaranteed by PT. Jasa Raharja (Persero) whose provisions are regulated in Article 13 of Government Regulation Number 18 of 1965 concerning Provisions for the Implementation of the Road Traffic Accident Fund and Article 13 of Government Regulation Number 17 of 1965 concerning Provisions for the Implementation of the Passenger Accident Compulsory Insurance Fund.

According to Agus Setiawan, that a single traffic accident that is not a public motor vehicle, the guarantor is BPJS Kesehatan. Unlike a single accident that occurs with public transportation, the passenger is still guaranteed by Jasa Raharja because the passenger already has a ticket and it includes paying the accident premium.<sup>14</sup>

BPJS Kesehatan will be the first guarantor for single accidents, while for multiple accidents BPJS Kesehatan will be the second guarantor after Jasa Raharja. Although it is the first guarantor for single accidents, BPJS Kesehatan

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<sup>14</sup> *Ibid*

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will not cover single accidents due to negligence of the driver such as going against the flow or other violations. Single accidents can also be covered by BPJS Ketenagakerjaan through the Work Accident Insurance (JKK) program. In addition, BPJS and PT. Jasa Raharja (Persero) also require a Police Report from the Traffic Police to determine which insurance provider will cover the costs for the victim.

Article 8 paragraph (1) of the Regulation of the Chief of the Republic of Indonesia National Police (Perkapolri) Number 15 of 2013 concerning Procedures for Handling Traffic Accidents stipulates that reports of traffic accidents must be submitted to:

1. Police officers at the nearest location or at the police station directly, or
2. Integrated Police Service Center via telephone number, short message number, online media, and email address to then inform officers.

Bireuen Police traffic accident investigator, Bripka Tufat, said that the procedure for handling accidents involves the following steps:<sup>15</sup>

1. Initial Report and Handling:
  - a) Receiving Reports: The police receive reports from witnesses, victims or informants regarding accidents.
  - b) Team Deployment: A team from the Police will be deployed to the accident location to secure the scene.
2. Security of the Scene:
  - a) Area Security: The scene is set up to prevent traffic disruption and maintain safety.
  - b) Evacuation of Victims: Accident victims are evacuated and taken to hospital if necessary.
3. Examination and Evidence Collection:
  - a) Witness Identification: Police seek and record eyewitness statements.
  - b) Taking Photos and Recordings: Evidence at the scene is taken, such as photos of the vehicle, damage, and road conditions.
  - c) Measurement and Mapping: Distance measurement and mapping of the incident location are carried out for further analysis.
4. Investigation:

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<sup>15</sup>Tufat, Traffic Accident Investigator, Bireuen Police, *Interview*, Friday, July 26, 2024, 15.15 WIB

- a) Investigation: The police investigate the factors that caused the accident, such as road conditions, weather, and possible driver error.
- b) Vehicle Inspection: The vehicles involved are inspected for possible damage or technical failure.
5. Report Preparation: The police prepare an official report of the incident, which includes a chronology of events, results of the investigation, and conclusions.
6. Follow-up:
  - a) Further Investigation: If necessary, the investigation is continued to determine whether any violation of the law has occurred.
  - b) Delivery of Results: The results of the investigation are delivered to the relevant parties, including the victim and their lawyer if any.
7. Coordination with Insurance: The Police often work with insurance companies to assist victims in the claims process.
8. Legal Process: If any violation of the law is identified, the police will take legal action in accordance with applicable regulations.

The traffic accident handling procedure by the Police aims to provide assistance, protection, and law enforcement fairly and professionally. The effectiveness of the law in this context refers to the extent to which the laws and regulations on traffic accidents can be applied and provide fair results for victims. The theory of liability in this context discusses the mechanism of losses experienced by victims due to single traffic accidents. Meanwhile, the theory of legal protection emphasizes the rights of traffic accident victims and efforts to protect them from further losses. By utilizing these theories, PT Jasa Raharja Bireuen Regency can better protect and provide justice for victims, as well as create a safer traffic environment.

## **B. Obstacles to Obtaining Legal Protection for Victims of Single Traffic Accidents**

In the legal realm, the rules governing special social protection for victims of traffic accidents are regulated in Law Number 34 of 1964 concerning the Compulsory Road Traffic Accident Insurance Fund. This regulation is the legal basis for providing social security to accident victims through premium contributions that must be paid by motor vehicle owners. However, there is a decision from the Constitutional Court that provides guidance to lawmakers to

develop legal policies that can include providing compensation in the form of social security to victims of single traffic accidents. Therefore, it is necessary to explain further about the role of Law Number 34 of 1964 concerning the Compulsory Road Traffic Accident Insurance Fund in providing social protection to victims of single accidents on the road, as well as how court decisions, especially the Constitutional Court, play a role in strengthening existing norms or even forming new legal views.

If traced historically, the formation of Law Number 34 of 1964 concerning the Compulsory Road Traffic Accident Insurance Fund was carried out simultaneously with Law Number 34 of 1964, namely starting from the government's initiative to submit a Bill concerning Passenger Accidents and compulsory motor vehicle insurance.

As is known, PT. Jasa Raharja manages insurance for all road users involved in accidents. The compensation fund of PT. Jasa Raharja provided for a road traffic accident, both for victims/heirs, has caused various problems. Where these problems are inseparable from the obstacles and challenges found by victims/heirs in obtaining legal protection.

These obstacles generally arise in the management of PT. Jasa Raharja related to the personnel administration system, because of the very limited personnel who carry out operational tasks in the field, especially those engaged in the socialization of Jasa Raharja, so that many victims/heirs are unaware that victims/heirs are actually guaranteed by social security as regulated and stipulated in Law No. 33 of 1964 and Law No. 34 of 1964. Because the victims/heirs are unaware of the existence of social security, it has resulted in the loss of rights or expiration to receive compensation funds due to road traffic accidents. However, there are some victims/heirs who know that they will receive compensation due to accidents, but the victims/heirs do not know about the procedures or methods for managing the compensation

funds. So it is not uncommon for victims/heirs to use the services of other people as their attorney to manage insurance claims in the form of compensation, which of course will reduce the amount of income that should be received because it has been deducted by the cost of the administration services that have been carried out by the third party.

Other obstacles are also found by victims/heirs, usually in the process of processing the claim submission, which is limited to 6 months, so that if the data from the victim/heir is late, the insurance fund compensation from PT. Jasa Raharja is declared void or expired. This often occurs due to delays in waiting for the results of *the visum et repertum* from the hospital or doctor who treated the victim until death, which takes a long time. This is very detrimental to the victim/heir, resulting in the application being rejected.

The above happened because there were too many authorities in handling victims/heirs, where PT Jasa Raharja waited for the parties to file claims, after which the payment process was carried out.

The challenges encountered by victims/heirs in general are that there are still victims who have not succeeded in getting compensation because the victim was declared guilty by PT Jasa Raharja and is not guaranteed by the Law or in other words in terms of seeking proof of compensation for losses that the victim was indeed harmed due to negligence by the driver resulting in a road traffic accident, as regulated in Article 234 paragraph (1) of the 2009 LLAJ Law. If a passenger files a claim for compensation for injuries or other things to the carrier, the victim only needs to prove that he suffered injuries due to the transportation.

If the claim is denied by the carrier, then the passenger must prove that there was negligence or error on the part of the carrier. Because transportation drivers often take actions that are considered to cause losses to passengers, both losses that are actually experienced by passengers (material losses) and immaterial losses. For example, the actions of drivers who drive unreasonably in carrying out their duties such as when sick, tired, drinking

something that can affect their ability so that they drive the vehicle recklessly which causes accidents and passengers who become victims.

The obstacles faced by the police do not come from various parties related to traffic and road transportation alone, but also from inadequate facilities and infrastructure. The lack of facilities and infrastructure such as lack of transportation and telecommunications equipment, makes the police's performance less than optimal in handling victims of traffic accidents, especially hit and run. In addition, the impact of the lack of facilities and infrastructure in organizing the handling of traffic accident cases results in a long problem-solving process.

This also includes the lack of legal awareness, especially in obeying traffic signs on the road, resulting in traffic accidents, which is one of the factors causing accidents, as well as human factors as road users, both as drivers and as road users in general, a lack of caution, which often results in accidents.

In the case of a single traffic accident, there are several obstacles that victims may face in obtaining legal protection, including:

1. **No Other Parties Involved:** Single-vehicle accidents often involve only one vehicle, so no other party is directly liable. This can make the insurance claim or lawsuit process more complicated because there is no other party to be named as a defendant.
2. **Lack of Evidence or Witnesses:** In a single-vehicle accident, it is often difficult to gather enough evidence to determine who was responsible for the accident. In addition, if there are no witnesses to the incident, this can also be an obstacle in determining the chronology of events clearly.
3. **Limited Insurance Coverage:** Some motor vehicle insurance policies may not provide extensive coverage for single accidents. This can make it difficult for victims to obtain adequate compensation from insurance.
4. **Complicated Legal Process:** The legal process related to traffic accidents can be complicated and time-consuming. Victims may have to face high legal costs or face complex legal procedures.
5. **Lack of Legal Knowledge:** Victims of single traffic accidents may not have sufficient knowledge of their legal rights and the procedures to be

followed. This can make them vulnerable to abuse or injustice in the legal process.

The legal policy regarding social security for victims of single accidents in Indonesia has not been well accommodated. This is due to two main factors. First, Law Number 34 of 1964 concerning the Mandatory Road Traffic Accident Insurance Fund has a substance that excludes victims of single accidents from receiving social security from the state, considering that these accident victims refer to the public, not passengers who drive their own vehicles. Second, the Constitutional Court's decision confirms the legal policy in the law, that victims of single accidents are not included in the subjects entitled to receive insurance funds from the mandatory road traffic accident liability system.

Legal considerations in the Constitutional Court decision Number: 88/PUU XV/2017 acknowledge the *ex-gratia legal approach* by PT. Jasa Raharja for single accident victims and the existence of *ius constituendum* which encourages regulatory formulators to formulate open policies towards the concept of social security for single accident victims.

### **C. Efforts to Overcome Obstacles in Obtaining Legal Protection for Victims of Single Traffic Accidents**

In overcoming obstacles in obtaining legal protection for victims of single traffic accidents, there are several efforts that can be made:

#### 1) Changes to laws and regulations

The action of PT. Jasa Raharja which does not accommodate the provision of compensation to victims or families of victims of single accidents can be understood because of two main things, namely that single accidents themselves cannot be traced in their meaning and regulations in legal products related to traffic in Indonesia, and Law Number 34 of 1964 concerning the Compulsory Insurance Fund for Road Traffic Accidents was indeed not formed to provide compensation to victims or families of victims of single accidents using private vehicles.



In response to these two important issues, legal action should be taken that can resolve both issues effectively and accommodate the interests of the state and its citizens.

The presence of Law Number 34 of 1964 concerning the Compulsory Insurance Fund for Road Traffic Accidents does not accommodate victims and families of victims of single accidents using private vehicles. Therefore, the follow-up to the mandate of *ius constituendum* from the Constitutional Court's decision, in addition to being formulated in the adjustment of Law Number 22 of 2009 concerning Traffic and Road Transportation, is also important to make adjustments in Law Number 34 of 1964 concerning the Compulsory Insurance Fund for Road Traffic Accidents.

2) Adjustment of the amount of Compulsory Road Traffic Accident Fund Compensation (SWDKLLJ)

In addition to supporting the implementation of regional government, road construction and maintenance, improving modes and facilities of public transportation, the payment of Motor Vehicle Tax also plays a role in providing basic protection to the community, especially victims of accidents caused by vehicles or being hit by vehicles. The form of protection in the payment of motor vehicle tax is taken from the mandatory contribution for every motor vehicle owner who in paying the tax also includes the Compulsory Contribution to the Road Traffic Accident Fund (SWDKLLJ).

Every time an accident occurs and then causes victims, the costs for the victims are borne by the state through the role of PT. Jasa Raharja which manages SWDKLLJ. Every PKB payment and STNK validation that is carried out periodically, then in that case the SWDKLLJ fund is also paid which is an obligation of every legal subject who owns a motorized vehicle. As regulated in Law Number 34 of 1964 Jo Government Regulation Number 18 of 1965 concerning Road Traffic Accident Funds.

As for the amount of SWDKLLJ that must be deposited, it has been determined and the amount varies according to the vehicle capacity. There are at least nine categories of amounts that must be paid. For 50-250 cc motorcycles, it is charged IDR 32 thousand, motorcycles above 250 cc IDR 80 thousand, and for four wheels or more it ranges from IDR 73,000 to IDR 163,000.

Meanwhile, the amount of compensation given to accident victims or their heirs consists of several types, starting from death compensation of IDR 50 million, Permanent disability compensation of a maximum of IDR 50 million, Cost of treating injuries (land and sea) of a maximum of IDR 20 million, cost of treating injuries (air) of a maximum of IDR 25 million, reimbursement of first aid costs of a maximum of IDR 1 million, replacement costs for ambulances of a maximum of IDR 500,000, to burial costs (if there are no heirs) of IDR 4 million.

3) Formation of implementing regulations for providing compensation to victims of single accidents

One concrete form of the choice of a state of law is the existence of written state regulations. State regulations ( *staatsregelings* ) are written regulations issued by official institutions, both in the sense of institutions and in the sense of certain officials. The regulations in question include Laws, Government Regulations in Lieu of Laws, Government Regulations, Presidential Regulations, Ministerial Regulations, Regional Regulations, Instructions, Circulars, Announcements, Decrees, and others.<sup>16</sup>

One form of state regulation that is technical implementing regulations is government regulations, which are rules made by the executive (government) or other bodies in order to implement laws.

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<sup>16</sup>Soebroto, AC, *Legal Status of Regulations/Policies Under the Regulation of the Minister of National Development Planning/Head of Bappenas*, [https://jdih.bappenas.go.id/data/file/WORKSHOP\\_Peraturan\\_kebijakan\\_di\\_Kementerian\\_PP\\_N\\_bappenas.pdf](https://jdih.bappenas.go.id/data/file/WORKSHOP_Peraturan_kebijakan_di_Kementerian_PP_N_bappenas.pdf), accessed 29 July 2024

Some of the efforts that have been made by Jasa Raharja Bireuen in overcoming obstacles to obtaining legal protection for victims of single traffic accidents, as conveyed by Agus Setiawan, are as follows:

1. Simplification of Claim Procedures:
  - a. Digitalization: Digitizing the entire claims process, from reporting to disbursement of benefits, to make it more efficient and easily accessible to the public.
  - b. Simple Form: Simplify the claim form and document requirements needed, so that victims or families do not have to bother collecting lots of documents.
  - c. *One-Stop Service* : Providing one-stop service, where victims or families can complete the entire claim process in one place.
2. Increasing Information Transparency:
  - a. Socialization: Conduct intensive socialization to the community regarding their rights as victims of single traffic accidents and the applicable claim procedures.
  - b. *Website and Application*: Provide informative and easy-to-use *website and application, containing complete information about products, claim procedures, and questions and answers.*
  - c. *Call Center* : Providing a 24-hour responsive *call center service to answer public questions and complaints.*
3. Human Resource Capacity Improvement:
  - a. Training: Conduct regular training for Jasa Raharja officers, especially those in charge of claims, so that they have adequate knowledge and skills in serving victims.
  - b. Service Standardization: Establish clear and consistent service standards across all Jasa Raharja branches.

- c. Performance Evaluation: Conduct periodic performance evaluations of officers to ensure the quality of service provided.
4. Cooperation with Related Parties:
  - a. Traffic Police: Strengthening cooperation with the traffic police in handling single traffic accident cases, including in data collection and case resolution.
  - b. Hospitals: Establish cooperation with hospitals to speed up the process of verifying victims' medical data.
  - c. Regional Government: Cooperate with regional governments in conducting outreach and education to the community.
5. Insurance Product Development:
  - a. Comprehensive Products: Developing more comprehensive insurance products, covering various types of losses that may be experienced by victims of single traffic accidents.
  - b. Affordable Premiums: Adjusting premiums to the economic capabilities of the community, so that more people can access insurance protection.
6. Monitoring and Evaluation:
  - a. Monitoring Mechanism: Implementing an effective monitoring mechanism to ensure that the entire claims process is carried out in accordance with established procedures.
  - b. Periodic Evaluation: Conduct periodic evaluations of company performance and make necessary improvements.
7. Research and Development:
  - a. Data Analysis: Conduct in-depth data analysis to identify frequently occurring obstacles and find appropriate solutions.
  - b. Innovation: Implementing technological innovation to improve service efficiency and effectiveness.

Through a series of integrated steps, obstacles to obtaining legal protection for victims of single traffic accidents can be effectively overcome.



# Proceedings of the 4th <sup>Malikussaleh</sup> International Conference on Law, Legal Studies and Social Sciences (MICoLLS) 2024

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This effort requires participation and support from various parties, including the government, legal institutions, insurance companies, and the wider community.

## **CONCLUSION**

Based on the discussion above, it can be concluded that legal protection for victims of traffic accidents is regulated in Law Number 33 of 1964 concerning the Compulsory Passenger Accident Insurance Fund and Law Number 34 of 1964 concerning the Compulsory Traffic and Road Accident Insurance Fund and is implemented by PT.

Jasa Raharja, but single traffic accidents are not included in the types of accidents that can be covered by PT. Jasa Rahaja, but rather by the Health Social Security Administration Agency as reaffirmed in the Constitutional Court Decision Number 88/PUU-XV/2017. The obstacle in obtaining legal protection for victims of single traffic accidents is that the legal policy regarding social security for victims of single accidents in Indonesia has not been properly accommodated, caused by two main factors, namely Law Number 34 of 1964 excludes victims of single accidents from receiving social security from the state, and the Constitutional Court decision confirms that victims of single accidents are not included in the subjects who are entitled to receive insurance funds from the mandatory road traffic accident liability system. Efforts to overcome obstacles in obtaining legal protection for victims of single traffic accidents can be done in several ways, namely it is necessary to make changes to the laws and regulations governing the mandatory road traffic accident insurance fund, adjusting the amount of the Compulsory Road Traffic Accident Fund Compensation (SWDKLLJ), and establishing implementing regulations in providing compensation for victims of single accidents.

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