

CRIMINAL LIABILITY OF DRIVERS IN TRAFFIC ACCIDENT CASES AT THE INVESTIGATION STAGE (CASE STUDY AT LANGKAT POLICE)

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Abstract

This study examines the construction of driver criminal liability at the investigation stage in a fatal traffic accident handled by Langkat Police. The case concerns an accident on 24 January 2025 on the Medan–Banda Aceh National Road, kilometer 76–77, and the application of Article 310 of Law Number 22 of 2009 concerning Road Traffic and Transportation. Using empirical juridical research with statutory, conceptual, and case approaches, the study analyzes interviews with investigators and case documents. The findings show that liability must be built from proof of the driver's identity and role, a concrete breach of the required standard of care, causation between the collision and death, and legally sufficient evidence. Negligence is assessed through speed, visibility, reaction time, road and vehicle conditions, victim behavior, physical traces, statements, and medical documents, while practical obstacles include altered accident scenes, inconsistent testimony, limited technical evidence, and delayed medical records

Keywords: *Criminal Liability; Driver; Traffic Accident; Negligence; Investigation*

1. Introduction

Traffic accidents that cause death do not automatically establish a criminal offense because the investigator must still prove fault in the form of negligence. Article 310 of Law Number 22 of 2009 provides the principal framework, but its application depends on concrete facts showing that the driver failed to exercise the level of care reasonably required in the circumstances. Criminal liability must therefore be based on evidence of conduct, fault, causation, and capacity rather than on the severity of the consequence alone (Hiariej, 2018; Huda, 2018).

The source case occurred on 24 January 2025 on the Medan–Banda Aceh National Road at kilometer 76–77 in Langkat Regency. The factual record concerns a Honda Vario BK 3478 PBN involved in a collision with a pedestrian, followed by the victim's death. These facts provide a clear basis for investigating causation, but the decisive issue remains whether the driver's conduct constituted culpable negligence.

Negligence in traffic cases is an open legal concept that requires translation into observable behavior. Investigators must assess speed, visibility, reaction distance, braking or avoidance efforts, road and weather conditions, vehicle condition, the victim's movement, and compliance with traffic duties. A conclusion that the driver was "careless" is legally weak unless those concrete indicators are identified and supported by evidence (Rusianto, 2016; Prasetyo, 2019).

The source thesis also emphasizes the role of the crime-scene examination. Photographs, sketches, points of impact, vehicle damage, road traces, and the position of objects can confirm or contradict the accounts of witnesses and the driver. Because accident scenes change quickly when victims and vehicles are moved, early documentation is central to the reliability of later legal analysis.

Medical evidence is equally important because the investigation must connect the collision with the victim's death. The fact of death is not enough if the causal relation between the impact, injuries, treatment, and death is not adequately documented. Coordination with

hospitals and access to medical records therefore form part of the evidentiary chain rather than an administrative afterthought.

Interviews with IPTU Herman F. Sinaga, S.Sos. and BRIPKA Irfan Syahputra, S.H. show that investigators distinguish between unavoidable accidents and accidents caused by insufficient care. They also identify practical difficulties such as altered scenes, limited witnesses, inconsistent statements, unavailable camera footage, and delayed medical documents. These problems require cross-checking, additional examinations, case conferences, and better technical documentation.

Another important issue is the effect of settlement or reconciliation between the driver and the victim's family. The source thesis states that peace, compensation, or apology may support recovery but does not automatically remove criminal responsibility in a fatal accident. The investigator must continue to base the decision on law, evidence, and the public interest.

This research therefore focuses on three questions: the construction of driver criminal liability at the investigation stage, proof of negligence under Article 310, and the juridical and practical obstacles faced by investigators. The objective is to explain how Langkat Police transforms accident data into a legally accountable conclusion. The analysis follows the source thesis and does not presume negligence merely because a death occurred.

2. Methodology

2.1. Research Methodology

The study uses empirical juridical research with statutory, conceptual, and case-study approaches. Primary data were obtained from semi-structured interviews with IPTU Herman F. Sinaga, S.Sos. and BRIPKA Irfan Syahputra, S.H., together with the relevant Langkat Police case documents. Secondary data consist of the Criminal Code, the Criminal Procedure Code, Law Number 22 of 2009, and the criminal-law literature listed in the source thesis.

The research location is Langkat Police, Jalan Proklamasi Number 53, Kwala Bingai, Stabat, Langkat Regency. The field component was directed toward the investigation process, the legal reasoning used to assess negligence, and the practical handling of evidence in a fatal accident. Qualitative analysis was used to connect the statutory elements with the facts and investigative practices recorded in the source material.

The methodological focus is not on statistical frequency but on legal-factual compatibility. Each element of criminal liability is examined against witness statements, the driver's statement, scene documentation, vehicle condition, medical information, and other relevant evidence. This method permits both incriminating and exculpatory facts to be considered in the same analytical structure.

2.2. Theoretical Foundations

Criminal liability requires a criminal act, fault, the capacity to be responsible, and the absence of grounds excluding punishment. In negligence offenses, the mental element is not an intention to cause the prohibited result but a blameworthy failure to exercise required care. The distinction is essential because an accident may produce a grave result even when criminal negligence cannot be proven (Moeljatno, 2018; Huda, 2018).

Culpa must be expressed through a concrete standard of conduct that the driver should have observed. The relevant questions concern what the driver could reasonably see, what reaction was possible, whether the speed was appropriate, whether the vehicle was roadworthy, and whether another road user created a sudden hazard. This factual orientation prevents negligence from becoming a conclusion based only on hindsight.

Causation is another core element because the investigator must connect the driver's breach of care with the collision and the victim's death. The causal inquiry can involve physical evidence from the scene, vehicle damage, witness accounts, and medical records. Where

uncertainty remains, the investigation should acknowledge it and seek additional evidence rather than presume the causal chain.

2.3. Legal Arrangements and Key Concepts

Article 310 of Law Number 22 of 2009 is the principal substantive provision examined in the source thesis. Its application requires proof that the driver's negligence caused the legally specified consequence, with the seriousness of the result affecting the applicable paragraph and sanction. The investigation must therefore prove both the negligent conduct and its causal relation to the consequence.

The Criminal Procedure Code governs the acquisition and evaluation of evidence during investigation. Statements, physical evidence, documentary evidence, and expert or medical information must be collected through lawful procedures so that the resulting case file can be evaluated by the public prosecutor and later by the court. Procedural legality is part of the quality of the liability construction, not separate from it (Harahap, 2015).

The source thesis treats the accident scene as a temporary evidentiary environment that can rapidly lose its original condition. Positions of vehicles, skid or impact marks, lighting, road geometry, and visibility may change once rescue and traffic movement occur. Documentation must therefore record both the original conditions that can still be observed and any known changes made for safety or rescue.

2.4. Parameters of Juridical Analysis

The first analytical parameter is whether the driver is clearly identified as the person controlling the vehicle involved in the collision. The second is whether a specific duty of care was breached, and the third is whether that breach can be connected causally to the victim's death. The fourth is whether the evidence is legally sufficient and the driver remains capable of criminal responsibility.

The study also uses a balanced-evidence parameter. Facts supporting negligence, such as excessive speed or delayed reaction, must be weighed alongside facts that may reduce or negate blame, such as sudden victim movement, limited visibility not attributable to the driver, or unavoidable circumstances. An investigation that records only incriminating facts risks turning the seriousness of the consequence into a presumption of fault.

Finally, the analysis evaluates procedural and institutional obstacles that may weaken the evidentiary chain. Delayed documentation, conflicting statements, insufficient equipment, and slow medical coordination can affect the reliability of conclusions about negligence and causation. These factors are treated as investigation-quality issues that require remedial measures rather than as automatic reasons to abandon a case.

3. Research Results

3.1. Driver Criminal Liability at the Investigation Stage

The source case provides a factual basis for identifying the driver, the vehicle, the collision with a pedestrian, and the resulting death. The investigation therefore had sufficient grounds to examine criminal responsibility, but the source thesis stresses that these facts do not by themselves prove negligence. Investigators must still show what the driver did or failed to do that constituted a departure from required care.

The interviews indicate that liability is built through the conformity of several sources of evidence rather than through a single statement. Scene examination, vehicle condition, witness accounts, the driver's explanation, medical records, and case conferences are used to test whether the factual sequence supports Article 310. This layered approach reduces the risk of treating the fatal result as the sole basis for suspect determination.

The case also requires attention to the driver's ability to prevent the collision. Visibility, reaction time, speed, braking, and avoidance maneuvers are relevant because they help determine whether a reasonable opportunity to avoid the accident existed. Where those factors are not yet sufficiently detailed, the source thesis identifies the need for further investigation before drawing a final conclusion on culpa.

The source thesis describes the investigation at Langkat Resort Police as beginning with immediate scene management because traffic evidence can change quickly after a collision. Officers document vehicle positions, road traces, lighting, traffic flow, and witness locations while also recording any movement caused by rescue or evacuation, so that later reconstruction can distinguish original conditions from necessary post-accident changes. BRIPKA Irfan Syahputra, S.H. explained that photographs, measurements, sketches, evidence lists, and witness identities are assembled as one administrative and evidentiary chain rather than as separate technical documents.

The identity of the driver and the vehicle is established through statements and official documents before the investigator turns to the more difficult question of fault. In the studied file, the driver was connected with the Honda Vario BK 3478 PBN through the suspect's statement, witness information, and vehicle documentation, which prevents the legal analysis from assuming the subject merely because a person is present at the scene. This preliminary verification is essential because Article 310 liability can only be attributed after the person controlling the relevant vehicle has been reliably identified.

3.2. Proof of Negligence under Article 310

Negligence is proven through a constellation of facts that describe the driver's conduct before and during the collision. Investigators consider speed, concentration, road and weather conditions, vehicle condition, visibility, reaction, and compliance with traffic duties, then compare those facts with the victim's position and movement. The purpose is to identify the specific precaution that should have been taken but was not taken.

Witness and driver statements must be tested against objective traces because estimates of speed and distance may differ. Photographs, sketches, impact points, vehicle damage, and any available recordings can help reconstruct the event and resolve inconsistencies. The source thesis therefore recommends a stronger technical basis for conclusions about speed, visibility, and reaction time.

Medical evidence is used to establish the consequence and causal relationship between the collision and death. Investigators require timely access to medical records or other formal documentation explaining the injuries and cause of death, particularly when treatment occurs after the collision. Delays in obtaining these documents can complicate the final legal construction even when the accident itself is clearly documented.

Proof of negligence requires investigators to translate the open-textured concept of culpa into concrete conduct that could and should have been avoided. The source file contains different estimates of speed, including ranges around 40-50 and 50-60 kilometers per hour, so investigators must test those estimates against road traces, vehicle damage, displacement, visibility, and any expert assessment that may be available. Even where an exact speed cannot be established, the key question remains whether the driver perceived or should have perceived the danger in time to reduce speed, brake, or take an avoidance maneuver.

Witness testimony is therefore read comparatively rather than accepted in isolation. Statements about the direction of the motorcycle, the victim's crossing movement, weather, traffic, time, and the aftermath of impact can strengthen the reconstruction when they correspond with physical traces, while differences concerning distance or speed must be openly mapped instead of hidden. This comparative method helps the investigator explain why one

reconstruction is more consistent with the objective evidence and reduces the risk of treating ordinary discrepancies of perception as proof of dishonesty.

3.3. Juridical and Practical Obstacles

Investigators identified the open-textured nature of negligence as a juridical obstacle because the legal term must be translated into concrete conduct for each accident. It can be difficult to distinguish an unavoidable accident from a collision caused by insufficient care when visibility, speed, reaction, and victim behavior are not precisely documented. Case conferences and element-by-element analysis are used to reduce this uncertainty.

Practical obstacles include changes to the scene before investigators arrive, missing or altered traces, limited camera footage, few witnesses, and differences among statements. BRIPKA Irfan Syahputra, S.H. explained that investigators may need to identify who moved vehicles or victims, search for residents' photographs or videos, and reconstruct initial positions from remaining traces. These measures are necessary to preserve the best available account of the original scene.

The source thesis also identifies equipment, training, hospital coordination, and communication with prosecutors as areas requiring improvement. Better measurement tools, cameras, technical accident-analysis skills, and faster medical documentation can strengthen the evidentiary basis for culpa and causation. Institutional improvement therefore affects not only administrative efficiency but also the fairness of decisions on criminal responsibility.

The source thesis also requires investigators to separate possible causal factors into driver conduct, victim conduct, vehicle condition, and road or environmental circumstances. Such separation is not intended to distribute fault mechanically but to identify which factor had a legally meaningful relationship with the collision and the fatal consequence. By stating the evidence that supports or weakens each possible cause, the case file can explain negligence as a reasoned conclusion rather than merely writing the word 'careless' after an accident has occurred.

Technical inspection of the vehicle forms part of the same causal inquiry because brake, tire, light, and steering conditions may either support or weaken a conclusion about the driver's conduct. BRIPKA Irfan Syahputra, S.H. emphasized that medical documents establish the seriousness and nature of the victim's injuries, while photographs, sketches, and road traces assist in explaining the mechanism of collision. The absence of CCTV does not end the inquiry, but it increases the importance of preserving and cross-checking every remaining physical and testimonial source.

4. Discussion

4.1. Analysis of Driver Criminal Liability

The results confirm that criminal liability in a fatal traffic accident must be constructed from a legally defined fault rather than inferred from death. This approach reflects the principle that punishment requires personal blameworthiness and prevents objective liability from entering negligence cases through the back door. The driver's identity and the occurrence of the collision are necessary facts, but they must be supplemented by proof of culpable conduct.

The most important analytical task is to state the negligent act in concrete terms. A finding becomes stronger when it explains, for example, that the driver failed to reduce speed despite limited visibility or had adequate time and distance to react but did not do so, provided those facts are supported by evidence. The source thesis properly emphasizes that generic statements such as "the driver was careless" are insufficient.

A balanced liability analysis must also record the victim's conduct and external conditions without turning them into automatic excuses. Their legal relevance lies in whether they affect

foreseeability, avoidability, and the causal contribution of the driver's conduct. This allows the investigation to remain objective while still protecting the victim's interests.

The central legal issue under Article 310 is not whether a death occurred but whether the death resulted from a culpable failure to exercise reasonable care. A driver may not desire the collision, yet criminal reproach can arise when a foreseeable risk was not addressed even though the driver had the opportunity and ability to respond. The source thesis therefore frames culpa through foreseeability, duty of care, capacity to prevent, and failure to take the required precaution, which gives the investigator a concrete structure for testing the facts.

The victim's own movement can be relevant to causation without becoming an automatic defense for the driver. If a pedestrian entered the roadway suddenly, that fact must be examined in relation to sight distance, reaction time, speed, and the physical possibility of braking, because only then can the investigator assess whether the driver still had a realistic opportunity to avoid the impact. This approach avoids importing a civil-law style percentage of fault into criminal liability and keeps the focus on whether the driver's conduct independently satisfies the elements of negligence.

4.2. Analysis of Proof of Culpa

The evidentiary model in the source thesis is strongest when technical and testimonial evidence are mutually tested. Witness estimates may be imprecise, while physical traces can be incomplete, so neither category should dominate automatically. Reliability comes from the convergence of scene data, vehicle condition, statements, and medical information.

The case demonstrates why early scene documentation is indispensable. Rescue and traffic control may require vehicles or persons to be moved, but those necessary actions can erase the evidence needed to evaluate speed, impact position, and reaction opportunities. A disciplined record of what was changed and why can preserve the evidentiary value of the scene even after emergency action.

The same logic applies to medical evidence because a legal conclusion on causation depends on more than the temporal sequence of collision followed by death. The injuries must be medically connected with the fatal result to the extent required by the case. Timely coordination with health facilities therefore becomes a substantive part of proving Article 310.

The source thesis identifies altered accident scenes as a recurring practical obstacle because rescue, traffic control, and public activity can remove or change traces before complete documentation is made. Missing camera footage, few eyewitnesses, inconsistent estimates, and delayed medical documentation can then magnify one another, leaving investigators with fewer objective points against which testimony can be tested. For that reason, first-response protocols and detailed contemporaneous records are not merely administrative requirements but safeguards for the later legal determination of culpa and causation.

The investigation can be strengthened through better measurement equipment, scene photography, structured sketches, technical training, hospital coordination, and early communication with prosecutors. These measures do not change the substantive standard of negligence, but they improve the quality of the factual basis on which the standard is applied and reduce avoidable gaps in the evidentiary chain. The source thesis consequently treats institutional capacity and documentation practice as part of legal certainty because the accuracy of criminal responsibility depends on the quality of the investigation supporting it.

4.3. Analysis of Investigation Obstacles

The obstacles identified in the source thesis are interconnected. Weak scene documentation can intensify contradictions in witness testimony, while delayed medical documents can leave causal questions unresolved and prolong coordination with prosecutors.

Addressing one obstacle therefore requires a system that combines equipment, procedure, supervision, and analytical competence.

The proposed integrative model based on elements, evidence, and procedure provides a useful framework. Element-based analysis requires each component of Article 310 to be addressed separately, evidence-based analysis requires each conclusion to be supported by mutually reinforcing material, and procedure-based analysis requires lawful acquisition and respect for rights. Together these dimensions make investigative conclusions more transparent and reviewable.

Settlement or compensation should be recorded as a post-incident circumstance but should not replace the legal inquiry in a fatal accident. The source thesis treats reconciliation as potentially relevant to recovery while maintaining that responsibility remains governed by statutory elements and evidence. This distinction preserves both restorative efforts and the integrity of the criminal process.

Any reconciliation, compensation, or family settlement after the accident should be recorded as a post-incident circumstance but should not replace the legal inquiry where the accident has resulted in death. The source thesis treats such actions as potentially relevant to attitude and sentencing considerations while maintaining that investigators must still determine whether the statutory elements and sufficient evidence exist. This distinction protects both the public interest in traffic safety and the procedural rights of the driver by preventing private settlement from functioning as either automatic exoneration or automatic proof of guilt.

A complete case file therefore integrates three dimensions: statutory elements, evidentiary correspondence, and procedural legality. The element analysis identifies what Article 310 requires, the evidence analysis demonstrates how each requirement is supported or contested, and the procedural analysis confirms that the evidence was obtained and documented through lawful investigative steps. When these dimensions are presented transparently, the prosecutor and later the court can evaluate the responsibility of the driver without relying on assumptions drawn solely from the tragic consequence of the accident.

A further implication of the source findings concerns the relationship between initial police action and later legal analysis, because measurements that are not taken promptly cannot always be reconstructed with the same reliability after vehicles, victims, and road users have moved. The first officers therefore need to preserve orientation points, mark the location of impact-related traces, record road width and visibility, and identify persons who saw the condition before rescue activity altered the scene, while the later investigator must explain in the case file which observations are original and which are reconstructed from statements. This procedural discipline is directly connected with criminal responsibility because the conclusion that a driver failed to brake, maintain distance, or control speed can only be persuasive when the physical basis for that conclusion is capable of being checked by the prosecutor and court.

The investigation must also distinguish a driver's post-accident conduct from the negligent act alleged to have caused the accident. Remaining at the scene, providing assistance, reporting the event, or compensating the victim's family may demonstrate attitude and cooperation after the collision, but those circumstances neither create negligence nor automatically remove a negligent breach that was already complete at the moment of impact. The source thesis therefore places these facts in their proper evidentiary position: they can be recorded for a complete account and may later be relevant to charging or sentencing considerations, while the core Article 310 analysis continues to depend on the driver's conduct before and during the collision and its causal connection with the death.

Consistency between investigators and prosecutors is another practical safeguard identified by the structure of the source research. Where the case file clearly sets out the alleged duty of care, the specific breach, the physical and testimonial evidence, the causal sequence, and any facts supporting the driver, the prosecutor can evaluate completeness without

repeatedly requesting clarification of basic factual issues. Early coordination is therefore not a mechanism for predetermining guilt but a means of ensuring that the investigation addresses every statutory element and that evidentiary weaknesses are identified while additional examination is still possible.

The broader lesson from the Langkat case is that traffic negligence should be investigated as a technical and normative problem at the same time. Technical reconstruction explains what physically happened, including speed-related indicators, lines of sight, road geometry, impact location, vehicle condition, and the victim's movement, while normative analysis asks whether those facts demonstrate a breach of the level of care legally expected from a driver in the circumstances. Neither dimension is sufficient alone, because technical data without a legal standard cannot establish culpability and a legal conclusion without a reliable reconstruction risks becoming an assumption based only on the fact that an accident caused death.

5. Conclusion

Driver criminal liability at the investigation stage in the studied accident is constructed through proof of the driver's identity and role, a concrete breach of the duty of care, causation between the collision and the victim's death, capacity for responsibility, and legally sufficient evidence. The case provides factual support for the occurrence of the collision and fatal consequence, but the source thesis correctly states that responsibility cannot be inferred from the consequence alone. The specific negligent conduct must be demonstrated through an objective evidentiary chain.

Proof of culpa under Article 310 depends on the relationship among speed, visibility, reaction time, road and weather conditions, vehicle condition, victim behavior, physical traces, statements, and medical documents. The strongest conclusion is produced when testimonial evidence is checked against technical evidence and the causal relationship is medically documented. Any unresolved uncertainty about these factors should lead to further examination rather than a conclusory presumption of negligence.

The main obstacles include the open nature of the negligence concept, altered accident scenes, conflicting testimony, limited technical evidence, and delayed medical documentation. They can be reduced through rapid and systematic documentation, additional examinations, case conferences, better equipment and training, and stronger coordination with hospitals and prosecutors. The overall implication is that fair criminal liability depends on disciplined integration of legal elements, evidence, and procedure.

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