

APPLICATION OF ARTICLE 310 OF LAW NUMBER 22 OF 2009 CONCERNING ROAD TRAFFIC AND TRANSPORTATION TO PERPETRATORS OF TRAFFIC VIOLATIONS RESULTING IN SERIOUS INJURIES (CASE STUDY: BAP NO. BP/120/VII/2025/LANTAS)

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Abstract

This study examines legal issues involving law enforcement, criminal law. It employs normative legal research and draws on official examination reports (BAP), statutory regulations, legal literature, official documents. The findings show that the applicable legal framework must be connected to the specific elements and facts of the case. Investigation or implementation also requires consistent documentary records, witness statements, relevant evidence, and procedural safeguards. The study highlights the need for accurate legal reasoning, coherent documentation, institutional coordination, and accountability. These findings support a more consistent application of Indonesian law concerning law enforcement, criminal law.

Keywords: *Law Enforcement; Criminal Law*

1. Introduction

Article 310 of Law Number 22 of 2009 regulates criminal liability for motor vehicle drivers who, due to their negligence, cause traffic accidents. If the negligence results in serious injury, the perpetrator may be subject to criminal provisions as stipulated in Article 310 paragraph (3). This provision shows that serious injuries are the result of serious laws and affect the severity of the minor criminal threats against drivers (Indonesia, 2009).

In the attached case file, the traffic accident occurred on Jalan Ahmad Bilal, precisely in front of the Goodfella Cafe, Tebing Tinggi City. The case involved a Honda Vario 160 BK 3179 NAX motorcycle rider with a pedestrian named Genevieve Jelitha L. Tobing. Based on the case resume, the accident resulted in the victim suffering injuries to the genitals and had to receive medical treatment at Chevani Hospital, Tebing Tinggi City (Laka Lalu Tebing Tinggi Police Case File, 2025).

The facts in the case file show that the accident occurred when the motorcyclist crossed and collided with a pedestrian. In the investigation document, this case is suspected based on Article 310 paragraph (2) or Article 106 paragraph (2) jo. Article 310 paragraph (3) of Law Number 22 of 2009. This shows that the investigator assessed that there was an allegation of negligence in driving that resulted in the victim being injured, with the possibility of qualifying serious injuries based on the results of the medical examination (Indonesia, 2009).

Serious injuries in traffic accident cases are a very decisive aspect because they are directly related to the application of Article 310 paragraph (3). In criminal law practice, it is not enough to judge serious injuries only from the victim's testimony, but must be supported by medical evidence, such as visum et repertum, medical records, or doctor's statements. Therefore, proving serious injuries is an important part in determining whether the driver's actions meet the alleged criminal elements (Harahap, 2012).

The handling of traffic accident cases by the Tebing Tinggi Police is also an important part of this study. The case file shows the existence of a police report, witness examination, suspect examination, confiscation of evidence, sketch of the crime scene, visum et repertum, and investigation resume. These documents show that the investigation process was carried out to find a relationship between the driver's actions, the occurrence of the accident, and the consequences of the injuries suffered by the victim (Hamzah, 2014).

This study focuses on three issues: the application of article 310 of Law Number 22 of 2009 to traffic accident cases that resulted in serious injuries based on the case file of the Tebing Tinggi Police; Proving the driver's negligence in the case of a traffic accident that resulted in serious injuries based on the case file of the Tebing Tinggi Police; Criminal Liability of Drivers for Victims of Serious Injuries in Traffic Accidents Based on Law Number 22 of 2009 Based on the Case File of the Tebing Tinggi Police.

2. Methodology

2.1. Research Methodology

The location of data collection in this study is at the Tebing Tinggi Resort Police, which is located at Jalan Pahlawan Number 17, Tebing Tinggi City, North Sumatra.

The type of research used in this study is normative legal research, which is research that relies on the study of written legal norms, legal principles, legal doctrine, and legal materials relevant to the crime of traffic accidents. This research was carried out by examining primary legal materials in the form of laws and regulations governing road traffic and transportation, criminal law, and criminal procedural law, then supported by secondary legal materials in the form of books, journals, expert opinions, and the results of previous research. Through normative legal research, the discussion is directed to analyze the legal arrangements, elements of criminal acts, and the construction of evidence in traffic accident cases based on applicable legal provisions. Thus, this study aims to assess the conformity between the legal norms that regulate the crime of traffic accidents with the concept of criminal responsibility and proof according to Indonesian criminal law (Arikunto, 2006).

In this study, the data source used consists of primary data and secondary data. The primary data source is sourced from official documents related to the case, such as police reports, witness examination minutes, victim examination minutes, suspect examination minutes, visum et repertum, sketches of the crime scene, and other relevant documents. The data is used to analyze the suitability between the facts revealed in the case file and the elements of Article 310 of the Road Traffic and Transportation Law and the criminal liability of the driver. Meanwhile, the secondary data in this study is sourced from those consisting of primary legal materials, secondary legal materials, and tertiary legal materials.

The data collection technique in this study was carried out through library research and field research. Literature studies are carried out by examining primary, secondary, and tertiary legal materials relevant to traffic accident crimes, including laws and regulations, legal literature, scientific journals, and legal documents related to criminal law and criminal procedural law (Marzuki, 2005).

The data analysis used in this legal research uses qualitative analysis. A qualitative approach is an approach that discusses ways of analyzing the data collected by means or analysis or interpretation of known laws, such as authentic interpretation, interpretation according to grammar (grammatical), interpretation based on legislative history, systematic interpretation, sociological interpretation, teleological interpretation, or functional interpretation (Hartono, 1994).

2.2. Theoretical Foundations

The fifth element is the causal relationship between the perpetrator's actions and the consequences that arise. In the case of a traffic accident, it must be proven that the driver's negligence really caused the accident and caused the victim to suffer serious injuries (Harahap, 2012).

In this study, the type of accident that is the focus is traffic accidents that result in serious injuries. This focus is relevant to Article 310 paragraph (3) of Law Number 22 of 2009, because the result of serious injury is the basis for the application of criminal sanctions against negligent drivers.

2.3. Legal Arrangements and Key Concepts

The main legal basis that regulates road traffic and transportation in Indonesia is Law Number 22 of 2009 concerning Road Traffic and Transportation. This law regulates various aspects, ranging from the implementation of traffic, vehicles, drivers, road users, accidents, to criminal provisions (Indonesia, 2009).

In the case of traffic accidents that result in serious injuries, Article 310 paragraph (3) is the basis for a very relevant criminal law. The article stipulates that any person who drives a motor vehicle due to his negligence resulting in a traffic accident with serious injuries can be subject to criminal penalties (Indonesia, 2009).

2.4. Parameters of Juridical Analysis

The legal basis for serious injury can be found in the Criminal Code, especially Article 90 of the Criminal Code. The article provides limitations on circumstances that can be categorized as serious injuries, such as falling ill or getting an injury that does not give hope of healing at all, causing a danger of death, being unable to carry out work, loss of one of the five senses, severe disability, paralysis, impaired thinking for a certain time, miscarriage, or death of a woman's womb (Indonesia).

In criminal procedure law, proof of serious injury cannot be based solely on conjecture or subjective assessment. Investigators need to collect valid evidence, including witness statements, victim statements, expert statements, medical examination results, and evidence related to the accident. Thus, the determination of serious injuries must be based on objective evidence (Indonesia, 1981).

In the case of a traffic accident, the criterion of serious injury is an important point in determining whether the driver can be held liable based on Article 310 paragraph (3). Therefore, this study places serious injuries as an element of consequences that must be tested based on legal provisions, the results of medical examinations, and the facts of the investigation in the case file of the Tebing Tinggi Police (Indonesia, 2009).

3. Research Results

3.1. Application of Article 310 of Law Number 22 of 2009 to Traffic Accident Cases Resulting in Serious Injuries Based on the Case File of the Tebing Tinggi Police

The application of Article 310 of Law Number 22 of 2009 in traffic accident cases needs to be understood as a form of criminal liability against drivers who, due to their negligence, cause legal consequences for others. In Case File Number BP/120/VII/2025/LANTAS, the event analyzed was a traffic accident between a Honda Vario 160 BK 3179 NAX motorcycle driven by Tan Khiam Lai and a pedestrian named Genevieve Jelitha L. Tobing. The case is relevant to be studied because there are consequences in the form of injuries to the victim and the alleged negligence in driving a motor vehicle (Tebing Tinggi Police Accident Case File, 2025).

The application of Article 310 in this case also needs to be seen from the consequences experienced by the victim. In the case file, it is stated that the victim Genevieve Jelitha L.

Tobing was injured and was treated at Chevani Hospital in Tebing Tinggi City. The consequences of this injury are an important element because Article 310 distinguishes criminal threats based on the light weight of the accident. If the victim's injury is only classified as a minor injury, then the application of Article 310 paragraph (2) becomes relevant, while if the victim's injury meets the category of serious injury, then Article 310 paragraph (3) can be applied (Tebing Tinggi Police Laka Case File, 2025).

The application of Article 310 paragraph (3) will be strong if the results of visum et repertum, medical records, and expert testimony show that the victim's injuries cause serious consequences for the victim's body or activities. In this case, the BAP document shows that there was a request for medical records and expert testimony to be attached to explain the victim's condition. This is important because the result of the injury is the basis for determining the severity of the driver's criminal liability in a traffic accident (Tebing Tinggi Police Accident Case File, 2025).

3.2. Proving the Driver's Negligence in the Case of a Traffic Accident That Resulted in Serious Injuries Based on the Case File of the Tebing Tinggi Police

In this case, the proof of negligence began with the fact that there was an accident on Sunday, July 13, 2025 at around 07.30 WIB on Jalan Ahmad Bilal, precisely around the Goodfella Cafe, Ward VII, Satria Village, Padang Hilir District, Tebing Tinggi City. The fact of the time and place of the incident is important because from the scene of the incident, it can be known the road conditions, the direction of the vehicle, the position of the victim, and the possibility that the driver saw the victim before the collision occurred (Tebing Tinggi Police Accident Case File, 2025).

In addition to road conditions, proof of negligence can also be seen from the driver's legal obligation to pedestrians. Article 106 paragraph (2) of Law Number 22 of 2009 expressly stipulates that every driver of a motor vehicle is obliged to prioritize the safety of pedestrians and cyclists. Because the victim in this case is a pedestrian, the obligation is directly attached to the motorcycle driver involved in the accident (Indonesia, 2009).

Reconstruction is an important part of proving negligence because it can re-describe the position of the vehicle, the position of the victim, the direction of the vehicle's arrival, and the point of impact. In the case of a traffic accident, reconstruction helps answer whether the driver has enough time and distance to avoid the accident. If it is seen from the reconstruction that the driver was actually able to avoid the victim, then the allegation of negligence becomes stronger (Case File of the Laka Lantas Tebing Tinggi Police, 2025).

Proving the element of negligence is also related to the ownership of a Driver's License. In the prosecutor's instructions, it is stated that the suspect does not have a SIM C. The absence of a SIM C is not the main element in Article 310, but can show that the suspect does not fulfill his administrative obligations as a motorcycle driver. In the context of proof, this fact can be a supporting circumstance to assess the suspect's compliance with traffic rules (Tebing Tinggi Police Traffic Accident Case File, 2025).

In this case, the prosecutor's instructions for investigators to complete medical records, photos of the victim's injuries, and expert testimony show that the evidence of the injuries is still a part that needs to be emphasized. The instructions show that the element of serious injury is not enough to be mentioned in the narrative of the case, but must be proven by medical documents and expert explanations. Thus, proving negligence must go hand in hand with proving the consequences caused (Tebing Tinggi Police Accident Case File, 2025).

Thus, the proof of the driver's negligence in Case File Number BP/120/VII/2025/LANTAS is carried out by connecting the driver's actions, road conditions, victim position, witness statements, vehicle evidence, medical documents, and the driver's legal obligations to prioritize pedestrian safety. The element of negligence can be considered proven

if all the evidence shows that the driver did not carry out the duty of care, causing an accident that resulted in injuries to the victim.

3.3. Criminal Liability of Drivers to Victims of Serious Injuries in Traffic Accidents Based on Law Number 22 of 2009 Based on the Case File of the Tebing Tinggi Police

The criminal liability of the driver in a traffic accident case must be seen from the existence of the acts, mistakes, consequences, and responsible ability of the perpetrator. In Case File Number BP/120/VII/2025/LANTAS, the suspect Tan Khiam Lai was processed for allegedly riding a Honda Vario 160 BK 3179 NAX motorcycle and was involved in an accident with the victim Genevieve Jelitha L. Tobing as a pedestrian. The incident caused consequences in the form of injuries to the victim, so it became the basis for assessing criminal liability based on the provisions of Law Number 22 of 2009 concerning Road Traffic and Transportation (Case File of the Laka Lantas Tebing Tinggi Police, 2025).

Article 310 paragraph (3), Law Number 22 of 2009 stipulates that every person who, due to his negligence, causes a traffic accident with serious injury victims can be subject to criminal penalties. This provision places serious injuries as a consequence that aggravates criminal liability. Therefore, in this case, the driver's criminal liability is not only seen from the collision between the vehicle and the victim, but also from whether the victim's injuries can be qualified as serious injuries according to the law (Indonesia, 2009).

Visum et repertum has an important role in determining criminal consequences. In the case of a traffic accident, the visum explains the type of wound, the location of the wound, and the possible cause of the wound. If the results of the visum show that there are injuries related to the accident and the injuries meet the severe category, then the driver's criminal liability can be more strongly directed to Article 310 paragraph (3), Law Number 22 of 2009 (Case File of the Laka Lantas Police Tebing Tinggi, 2025).

However, criminal liability in Article 310 must still be based on negligence that caused the accident, not solely because the suspect did not have a driver's license. In other words, the absence of a SIM C does not automatically prove that the suspect caused the victim's injuries. However, this fact remains relevant as a circumstance that shows a lack of compliance with traffic rules and can strengthen the picture of the suspect's legal behavior as a driver (Case File of the Laka Lantas Police Tebing Tinggi, 2025).

Article 110 paragraph (2), Law Number 8 of 1981 concerning the Criminal Procedure Law provides space for the public prosecutor to return the case file to the investigator if the results of the investigation are considered incomplete. In the context of this case, the prosecutor's instructions regarding medical records, experts, reconstruction, and serious injury aspects show that criminal liability must be built through complete evidence, not only based on the initial report of the accident (Indonesia, 1981).

According to the researcher's analysis, the criminal liability of the suspect in this case can be established if three main things are proven. First, the suspect was driving a motor vehicle and was involved in an accident with the victim. Second, the accident occurred due to the suspect's negligence in fulfilling the duty of care. Third, the negligence causes consequences in the form of injuries to the victim, which if it meets the category of serious injury, can be subject to Article 310 paragraph (3), Law Number 22 of 2009.

Thus, the driver's criminal liability to the victim of serious injury in Case File Number BP/120/VII/2025/LANTAS can be imposed if the elements of negligence, causal relationship, due to serious injury, and the ability of the suspect to be responsible can be proven. The accountability is based on Article 310, Law Number 22 of 2009, by paying attention to Article 106 paragraph (2) concerning the obligation to prioritize pedestrian safety and Article 90 of the Criminal Code regarding the category of serious injuries. Therefore, criminal liability in this

case is not only aimed at punishing drivers, but also emphasizes the importance of caution in traffic.

4. Discussion

4.1. Analysis of the Application of Article 310 of Law Number 22 of 2009 to Traffic Accident Cases Resulting in Serious Injuries Based on the Case File of the Tebing Tinggi Police

Based on the case file, the accident occurred on Sunday, July 13, 2025 at around 07.30 WIB on Jalan Ahmad Bilal, precisely around the Goodfella Cafe Ward VII, Satria Village, Padang Hilir District, Tebing Tinggi City. The fact of the place and time of this incident is important because it is the initial basis for assessing whether the event includes a traffic accident on the road as referred to in the Road Traffic and Transportation Law. With an incident on a public road involving motorized vehicles and pedestrians, the incident falls within the scope of traffic law (Tebing Tinggi Police Traffic Case File, 2025).

The determination of serious injuries in the case of a traffic accident cannot be done based solely on general observations. Serious injuries must be assessed based on legal measures, one of which is as stipulated in Article 90 of the Criminal Code. In this provision, serious injuries include circumstances such as injuries that pose a danger of death, inability to carry out certain work or activities continuously, loss of one of the five senses, severe disability, paralysis, impaired thinking for more than four weeks, or miscarriage/death of a woman's womb (Indonesia).

In the case file, the Public Prosecutor once gave instructions for investigators to pay attention to Article 90 of the Criminal Code in determining serious injuries. This guidance shows that the application of Article 310 paragraph (3) still requires confirmation from medical evidence and expert testimony. Thus, Article 310 paragraph (3) is not enough to be applied just because the victim was injured, but must be supported by a medical assessment that explains that the injury meets the category of serious injury according to criminal law (Case File of the Laka Lantas Polres Tebing Tinggi, 2025).

Based on the table of contents of the case file, the reconstruction and the minutes of reconstruction are part of the attached document. This shows that investigators are trying to clarify the mechanism of the accident. Reconstruction is especially important in traffic cases because even the slightest difference in position can affect the judgment of whether the driver was negligent or whether an accident was really difficult to avoid. Therefore, reconstruction helps strengthen or test the application of Article 310 (Case File of Laka Lantas Polres Tebing Tinggi, 2025).

The application of Article 310 in this case must also be linked to the principle of protection for victims. The victim in this case is a child who was injured by a motor vehicle collision. In the context of traffic, children as pedestrians have a higher vulnerability so drivers must be more vigilant. Therefore, the application of Article 310 not only aims to punish drivers, but also emphasizes the importance of protecting vulnerable road users (Waluyo, 2018).

However, the application of Article 310 paragraph (3) still requires stronger proof of serious injury. If the medical results and expert testimony do not show serious injuries as per Article 90 of the Criminal Code, then the use of Article 310 paragraph (3) can be weak. Therefore, the application of the article must be adjusted to the results of medical evidence. This is important so that the indictment or allegation does not exceed the legal facts that are actually proven in the case file (Indonesia).

4.2. Analysis of Evidence of Driver Negligence in Traffic Accident Cases That Result in Serious Injuries Based on the Case File of the Tebing Tinggi Police

Proof of negligence must also pay attention to the condition of the road at the time of the incident. In the resume of the case file, it is stated that the weather at the time of the incident

was sunny, the road was straight in both directions, the traffic flow was moderate, and the outlook ahead was not obstructed. These conditions can be an indicator that the driver should have the ability to see the situation in front of him more clearly. Therefore, if there is still a collision with pedestrians, then this situation can support the allegation of a lack of caution (Tebing Tinggi Police Accident Case File, 2025).

Proving the element of negligence also needs to pay attention to the suspect's statement. In the case file, the suspect explained that the victim suddenly crossed and he braked. This information needs to be assessed objectively because it can be part of the suspect's defense. However, the act of braking does not automatically remove negligence if previously the driver was not careful enough, drove too close, or did not pay attention to the road conditions properly (Tebing Tinggi Police Accident Case File, 2025).

Article 90 of the Criminal Code is the legal basis for determining the category of serious injury. Therefore, in proving the element of negligence that resulted in serious injury, the investigator must relate the victim's medical condition to the category of serious injury according to Article 90 of the Criminal Code. Without such a connection, the use of the term serious injury can be weak because it is not based on a clear legal measure (Indonesian).

Analysis of victim factors must be carried out proportionately. In traffic cases, pedestrians can indeed make movements that are not always predictable, especially if the victims are children. However, this actually strengthens the driver's obligation to be more careful. Thus, proof of negligence not only looks at the victim's actions, but also assesses whether the driver has carried out the appropriate standards of caution (Waluyo, 2018).

Based on the BAP, the evidence in this case has been directed through the collection of various documents, such as police reports, witness examination minutes, suspect examination minutes, confiscation minutes, visum requests, visum results, medical records, crime scene photos, photos of victims' injuries, and reconstruction. This completeness shows that the proof of the element of negligence is carried out in layers, not only based on one piece of evidence (Tebing Tinggi Police Laka Case File, 2025).

According to the researcher's analysis, the element of negligence in this case can be proven if there is a compatibility between the fact that the driver was riding a motorcycle, the victim was a pedestrian, the road conditions allowed to look ahead, the vehicle collided with the victim, and the victim was injured. These facts show that there is a basis for judging that drivers are not careful enough to drive a motor vehicle on public roads.

In proving the element of negligence, investigators also need to assess whether there is a violation of traffic obligations that preceded the accident. These violations can be in the form of lack of concentration, not putting pedestrians first, not having a driver's license, or not being able to control the vehicle safely. While not all administrative violations are automatically the cause of accidents, their presence can reinforce the picture of driver carelessness.

4.3. Analysis of Drivers' Criminal Liability for Victims of Serious Injuries in Traffic Accidents Based on Law Number 22 of 2009 Based on the Case File of the Tebing Tinggi Police

In this case, the result of injuries to the victim is an important factor in determining the form of criminal liability. If the victim's injuries are only classified as minor injuries, then criminal liability can be associated with Article 310 paragraph (2). However, if the victim's injuries meet the category of serious injury, then criminal liability can be directed to Article 310 paragraph (3). Therefore, determining the type of injury is an important part in distinguishing the severity of the driver's criminal liability (Indonesia, 2009).

In the case file, there are instructions from the Public Prosecutor so that investigators pay attention to the provisions of Article 90 of the Criminal Code. The clue shows that the determination of serious injuries in this case still needs to be strengthened by adequate medical

evidence. Thus, criminal liability based on Article 310 paragraph (3) should not only be based on the assumption that the victim's injuries were serious, but must be proven through visum et repertum, medical records, and expert testimony (Tebing Tinggi Police Laka Case File, 2025).

Medical expert testimony is needed to bridge medical facts with legal provisions. Investigators and law enforcement do not always have the ability to determine whether an injury falls into the category of serious injury. Therefore, the information of a doctor or medical expert is important so that the victim's injuries can be assessed scientifically and associated with Article 90 of the Criminal Code. In this case, expert testimony is supporting material to determine whether the suspect's criminal liability is included in Article 310 paragraph (2) or paragraph (3) (Tebing Tinggi Police Laka Case File, 2025).

Criminal liability of drivers can also be seen from compliance with traffic administrative requirements. In the case file, there are clues about the absence of SIM C on the suspect. The absence of a SIM C is not the main element of Article 310, but it shows a lack of compliance with legal obligations for motor vehicle drivers. This can be a situation that strengthens the analysis that the suspect does not fully meet the traffic conditions (Tebing Tinggi Police Laka Case File, 2025).

The driver's criminal liability for the seriously injured victim also does not necessarily disappear if there is peace between the perpetrator and the victim. In criminal cases, peace can be a certain consideration, but it does not automatically remove the criminal act, especially if the consequences are serious enough. Therefore, if the victim's injury is proven to be a serious injury, then the legal process can still be continued based on the interests of public law (Harahap, 2016).

In this case, the category of the victim's injury greatly determines the form of criminal liability. If the victim's injuries are proven to meet the category of serious injury, then criminal liability can be directed to Article 310 paragraph (3). However, if the injury does not meet the standard of serious injury, then the application of criminal punishment must be adjusted to the truly proven consequences so that there are no mistakes in determining the basis for the penalty.

5. Conclusion

The application of Article 310 of Law Number 22 of 2009 to traffic accident cases that result in serious injuries based on the Tebing Tinggi Police Case File has basically been carried out by connecting the accident event, the actions of the driver, the victim as a pedestrian, and the consequences of injuries suffered by the victim. In the case file, the suspect Tan Khiam Lai is suspected of violating Article 310 paragraph (2) jo. Article 106 paragraph (2) sub Article 310 paragraph (3), Law Number 22 of 2009 concerning Road Traffic and Transportation. The application of this article is considered appropriate because accidents involve motor vehicles and pedestrians, so drivers have a legal obligation to prioritize pedestrian safety. However, the application of Article 310 paragraph (3) must still be strengthened with medical evidence, especially to ensure that the victim's injuries really meet the category of serious injuries as referred to in Article 90 of the Criminal Code.

Proving the element of driver negligence in a traffic accident case that resulted in serious injuries based on the Tebing Tinggi Police Case File is carried out by connecting witness statements, the condition of the crime scene, the direction of the vehicle's arrival, the position of the victim, vehicle evidence, suspect statements, visum et repertum, medical records, and reconstruction. The element of negligence can be seen from the allegation that the driver is not careful in riding a motorcycle on public roads, especially the victim is a pedestrian whose safety must be prioritized. Sunny, straight road conditions, moderate traffic flow, and unobstructed views are also circumstances that can strengthen the assessment that drivers should be able to anticipate the presence of victims. Although there is evidence that the victim suddenly crossed,

this does not automatically remove the driver's negligence if the evidence shows that the driver still has an obligation and opportunity to avoid an accident.

Criminal liability of drivers to victims of serious injuries in traffic accidents based on Law Number 22 of 2009 based on the Tebing Tinggi Police Case File can be imposed if the elements of act, negligence, consequences, causal relationships, and the ability of responsibility of the suspect are met. In this case, the suspect as a motor vehicle driver can be held criminally liable if proven negligent in driving a motorcycle and the negligence caused the victim to be injured. The criminal liability is based on Article 310, Law Number 22 of 2009 concerning Road Traffic and Transportation, by paying attention to Article 106 paragraph (2) regarding the obligation to prioritize pedestrian safety and Article 90 of the Criminal Code regarding the category of serious injury. Thus, criminal liability in this case not only aims to sanction drivers, but also emphasizes that every driver must be careful and responsible for the safety of other road users.

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