Legal Protection of Public Transportation Passengers: Corporate Liability for Driver Negligence

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Abstract

This study aims to examine the legal protection of public transportation passengers and the liability of transportation companies for losses arising from driver negligence. The research is based on the legal position of passengers as users of transportation services who are entitled to safety, security, comfort, and compensation for losses resulting from the operation of public transportation services. This study employs normative legal research using statutory and conceptual approaches. Legal materials are analyzed qualitatively through legal interpretation of regulations concerning transportation, consumer protection, corporate liability, and the legal relationship between transportation companies, drivers, and passengers. The findings demonstrate that public transportation companies bear legal responsibility for passenger losses caused by driver negligence, particularly when the driver acts within the scope of employment and authority provided by the company. Corporate liability is not limited to compensation for losses but also includes the obligation to ensure driver competence, vehicle roadworthiness, operational safety, and compliance with applicable transportation standards. The study concludes that effective passenger protection requires the implementation of corporate liability that is transparent, proportionate, and oriented toward transportation safety. The implication of this research is the need to strengthen regulatory supervision, corporate accountability, and accessible compensation mechanisms to provide legal certainty and effective protection for public transportation passengers.

Keywords: Legal Protection; Public Transportation; Corporate Liability; Driver Negligence; Passengers.

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Introduction

Public transportation is an essential component of modern transportation systems because it provides mobility, supports economic activities, and facilitates access to education, employment, health services, and other public facilities. The increasing use of public transportation also creates a corresponding legal obligation to ensure that transportation services are operated safely, reliably, and responsibly. Passengers, as users of transportation services, are entitled to receive services that guarantee safety, security, comfort, and appropriate protection against losses arising from the operation of transportation services. In Indonesia, these rights are supported by the consumer protection framework, which recognizes consumers' rights to comfort, security, and safety in using goods and/or services, as well as the right to obtain compensation when services are not provided as agreed or as reasonably expected [1].

Passenger safety becomes particularly important when losses arise from driver negligence. Driver negligence may take various forms, including careless driving, violation of traffic regulations, excessive speed, failure to maintain appropriate attention, fatigue, or other actions and omissions that compromise passenger safety. The legal consequences of such negligence extend beyond the individual driver because public transportation is generally operated through a business entity that recruits drivers, provides vehicles, establishes operational procedures, and offers transportation services to the public. Therefore, when a driver causes injury, death, property damage, or other losses while performing transportation duties, an important legal question arises concerning the extent to which the transportation company should bear responsibility for the driver's conduct.

The Indonesian legal framework provides a relatively clear basis for corporate responsibility in this context. Law Number 22 of 2009 concerning Road Traffic and Road Transportation stipulates that public transportation companies are responsible for losses resulting from acts committed by persons employed in transportation activities. Article 192 further establishes the responsibility of public transportation companies for losses suffered by passengers who die or are injured as a result of transportation operations, subject to legally recognized exceptions. More specifically, Article 234 provides that drivers, vehicle owners, and/or public transportation companies are responsible for losses suffered by passengers and/or other parties due to driver negligence [2]. These provisions demonstrate that passenger protection is not solely a matter of individual driver responsibility but also forms part of the legal responsibility of the transportation company.

The issue becomes more complex when corporate liability is examined from the perspective of the legal relationship between the passenger, driver, and transportation company. The passenger generally enters into a transportation relationship with the transportation provider rather than personally selecting or employing the driver. The company controls important elements of transportation operations, including driver recruitment, driver supervision, vehicle maintenance, route management, safety procedures, and service standards. Consequently, placing the entire legal burden on an individual driver may provide insufficient protection to passengers, particularly where the driver has limited financial capacity to compensate for significant losses. Corporate liability therefore serves an important function in ensuring that the party organizing and benefiting from transportation services also assumes responsibility for risks arising from those services.

From the perspective of consumer protection law, transportation passengers occupy a position that requires particular legal protection because the service involves inherent risks to physical safety. Law Number 8 of 1999 concerning Consumer Protection establishes consumers' rights to safety, security, and comfort and provides a legal basis for compensation when consumers suffer losses resulting from goods or services provided by business actors [1]. Article 19 further establishes the responsibility of business actors to provide compensation for

consumer losses arising from goods or services produced or traded by them [3]. The relationship between transportation law and consumer protection law therefore creates a complementary legal framework in which passenger protection may be viewed both as a transportation safety obligation and as a consumer protection obligation.

The state of the art demonstrates that previous legal studies concerning transportation liability have generally focused on the contractual relationship between carriers and passengers, consumer protection, traffic accident liability, or the individual criminal responsibility of negligent drivers. These approaches provide an important foundation for understanding passenger rights and transportation safety. However, the issue of corporate responsibility requires a broader analysis because the operation of public transportation involves an organizational structure in which the driver functions as part of the company's transportation activities. Consequently, the legal responsibility of the company cannot be assessed solely by determining whether the driver committed an act of negligence; it must also consider the company's organizational responsibility for recruitment, supervision, training, vehicle maintenance, and implementation of safety standards.

The distinction between individual driver responsibility and corporate transportation responsibility is particularly significant because Article 191 of Law Number 22 of 2009 expressly provides that a public transportation company is responsible for losses resulting from acts committed by persons employed in the operation of transportation services [2]. This provision reflects a legal approach in which the company may bear responsibility for the conduct of its employees within the context of transportation operations. At the same time, Article 234 establishes responsibility for losses arising from driver negligence [2]. The coexistence of these provisions raises an important legal issue concerning the scope, basis, and limitations of corporate liability when a passenger suffers losses because of driver negligence.

The research gap of this study lies in the need to examine corporate liability not merely as a consequence of a traffic accident, but as an integral part of passenger legal protection. Previous discussions frequently emphasize the driver's negligence as the immediate cause of the loss, while insufficient attention may be given to the transportation company's organizational responsibility. Such responsibility includes the company's obligation to ensure that drivers possess adequate competence, comply with safety standards, receive appropriate supervision, and operate vehicles that satisfy technical and safety requirements. A comprehensive analysis of these dimensions is necessary to determine whether the existing legal framework provides effective protection and accessible compensation for passengers.

The scientific novelty of this research lies in constructing corporate liability as a mechanism for strengthening passenger protection through the integration of three dimensions of responsibility: driver responsibility, transportation company responsibility, and passenger protection. Rather than treating driver negligence as an isolated individual act, this study examines whether negligence occurring within the scope of transportation activities should trigger corporate responsibility based on the company's organizational position and control over transportation operations. This approach emphasizes that effective passenger protection requires not only the imposition of liability after an accident but also preventive corporate obligations concerning driver competence, supervision, vehicle safety, and transportation service standards.

Furthermore, the research approaches corporate liability from the perspective of the risk allocation principle in transportation activities. A transportation company obtains economic benefits from providing transportation services while simultaneously possessing greater organizational capacity to manage operational risks. Therefore, the allocation of responsibility should consider which party has the capacity to prevent the occurrence of harm, supervise the conduct giving rise to the risk, and provide effective compensation when harm occurs. This perspective is relevant to the development of modern transportation law because passenger

safety cannot be effectively guaranteed if legal responsibility is limited to the individual who directly operates the vehicle.

The principle of passenger protection is also closely related to the effectiveness of compensation mechanisms. Article 192 of Law Number 22 of 2009 establishes the responsibility of public transportation companies for losses suffered by passengers who die or are injured as a result of transportation operations, while also regulating exceptions and the period during which the transportation company's responsibility applies [2]. The existence of a statutory responsibility, however, does not automatically guarantee effective protection. The accessibility of compensation, clarity regarding the party responsible for payment, the availability of insurance, and the effectiveness of dispute resolution mechanisms are equally important in determining whether the legal protection provided to passengers is substantive rather than merely normative.

This issue is increasingly relevant in the context of contemporary transportation systems, where public transportation companies operate through complex organizational and technological arrangements. The development of digital transportation platforms, fleet management systems, electronic ticketing, and increasingly integrated transportation services creates new forms of interaction between transportation providers and passengers. These developments strengthen the need for a legal framework capable of identifying responsibility when losses occur. Although technological development may improve transportation efficiency and monitoring, it does not eliminate the fundamental obligation of transportation providers to ensure passenger safety.

Based on the foregoing, the principal research problems addressed in this article are: first, how is the legal responsibility of public transportation companies regulated when passengers suffer losses due to driver negligence; second, what forms of legal protection and compensation are available to passengers who suffer losses as a result of driver negligence; and third, what legal mechanisms should be strengthened to ensure effective corporate accountability and passenger protection in public transportation services.

Accordingly, this research aims to analyze the legal protection available to public transportation passengers and examine the extent of corporate liability for losses caused by driver negligence. The research also seeks to identify the legal relationship between the transportation company, driver, and passenger and to formulate a more effective model of corporate responsibility that emphasizes prevention, accountability, and compensation. The findings are expected to contribute to the development of transportation and consumer protection law by strengthening the position of passengers as rights holders and ensuring that public transportation companies assume appropriate responsibility for risks arising from their operational activities.

Literature Review

2.1 Legal Protection of Public Transportation Passengers

Legal protection of public transportation passengers constitutes an essential component of transportation law because passengers are positioned as service users who are directly exposed to operational risks. The legal relationship between transportation providers and passengers is not limited to a commercial transaction but also creates an obligation for transportation companies to guarantee safety, security, comfort, and reasonable protection against losses. In the Indonesian legal framework, passenger protection is supported by both transportation law and consumer protection law. Law Number 22 of 2009 concerning Road Traffic and Road Transportation establishes specific obligations for public transportation providers, while Law Number 8 of 1999 concerning Consumer Protection provides broader protection concerning consumers' rights and compensation for losses [1], [2].

The protection of passengers is particularly important because transportation services involve risks that cannot be completely eliminated. Passengers generally have limited ability to

supervise how vehicles are operated, how drivers perform their duties, or whether transportation companies comply with safety standards. This creates an asymmetrical relationship between transportation providers and passengers. Transportation companies possess greater control over operational activities, including driver recruitment, vehicle maintenance, route management, and safety procedures. Therefore, the law must ensure that such organizational control is accompanied by corresponding legal responsibility.

Passenger protection should consequently be understood not only as a mechanism for providing compensation after an accident but also as a preventive legal obligation. A transportation company must take reasonable measures to minimize risks before losses occur. These measures include selecting competent drivers, conducting regular training, monitoring driver performance, maintaining vehicle roadworthiness, and implementing operational safety procedures. The preventive dimension of legal protection becomes important because compensation after an accident cannot fully restore all forms of harm suffered by passengers, particularly serious bodily injury or loss of life.

2.2 Corporate Liability in Public Transportation Activities

Corporate liability in public transportation arises from the company's position as the provider and organizer of transportation services. The driver may be the individual who directly operates the vehicle, but the transportation service itself is organized by the company. This organizational relationship creates a legal basis for examining whether the company's responsibility extends to losses caused by the conduct of its employees.

Law Number 22 of 2009 provides an important normative foundation for this issue. Article 191 establishes the responsibility of public transportation companies for losses arising from actions of persons employed in transportation activities, while Article 192 regulates the company's responsibility for losses suffered by passengers who die or are injured as a result of transportation operations [2]. These provisions demonstrate that transportation law recognizes that passenger protection cannot be placed exclusively upon the individual driver.

Corporate liability is also connected with the concept of organizational control. A company has the ability to determine who may operate its vehicles, establish operational standards, provide training, supervise employees, and take corrective measures against unsafe conduct. Consequently, when negligence occurs within the scope of transportation operations, the legal analysis should not stop at the question of whether the driver was negligent. It must also consider whether the company fulfilled its organizational duties to prevent foreseeable risks.

2.3 Good Corporate Governance and Transportation Company Responsibility

The concept of corporate responsibility can be strengthened through the principles of Good Corporate Governance (GCG). Aspan explains that good corporate governance is closely associated with principles that promote accountability, transparency, responsibility, independence, and fairness in corporate management [3]. Although the concept is commonly discussed within the context of corporate governance, its principles are relevant to transportation companies because transportation operations directly affect public safety.

The principle of accountability requires a transportation company to establish a clear structure of responsibility for operational decisions. Driver recruitment, vehicle maintenance, safety procedures, and passenger services should be subject to identifiable managerial responsibility. The principle of responsibility requires the company to comply with applicable laws and fulfill its obligations toward passengers and other stakeholders. Meanwhile, transparency is relevant to the disclosure of information concerning passenger rights, compensation procedures, insurance coverage, and safety standards [3].

The application of GCG principles in public transportation therefore provides a broader understanding of corporate liability. Corporate responsibility should not be activated only after an accident has occurred. Instead, the company should establish governance mechanisms capable of preventing negligence. For example, systematic driver screening, periodic competency evaluation, monitoring of driving behavior, vehicle inspection, and documented

safety procedures constitute forms of corporate governance that may reduce transportation risks.

This perspective also demonstrates that corporate liability and corporate governance are interconnected. Weak corporate governance may increase the possibility of driver negligence, while effective governance may function as a preventive mechanism. Consequently, when evaluating a transportation company's responsibility after an accident, the company's compliance with governance and safety obligations becomes an important factor in determining whether the company has fulfilled its legal responsibilities.

2.4 Driver Negligence and the Responsibility of Transportation Companies

Driver negligence represents one of the most immediate causes of passenger losses in transportation activities. Negligence may occur through speeding, failure to comply with traffic regulations, fatigue, distraction, improper vehicle operation, or failure to exercise reasonable care. From a legal perspective, negligence is relevant because it may establish a basis for civil, administrative, or criminal responsibility depending on the consequences and applicable legal provisions.

Nevertheless, the existence of driver negligence should not automatically exclude corporate responsibility. The relationship between the driver and transportation company must be examined, including whether the driver acted within the scope of employment and whether the company exercised adequate supervision. If the driver was performing transportation duties assigned by the company, the company's responsibility may arise from the organizational relationship and statutory obligations governing transportation operations.

The distinction between individual and corporate responsibility is therefore essential. Individual responsibility focuses on the driver's conduct and mental or factual relationship with the harmful event, while corporate responsibility focuses on the company's role in organizing, supervising, and controlling transportation activities. Both forms of responsibility may coexist because they address different legal dimensions of the same event.

2.5 Transportation Law Enforcement and Vehicle Identification

Effective passenger protection also depends on the ability of law enforcement authorities to identify vehicles, owners, drivers, and other relevant actors when transportation-related incidents occur. The study conducted by David, Ahmad, Zarzani, and Rafianti concerning the role of the Vehicle Registration and Identification Unit (*Unit Registrasi dan Identifikasi Kendaraan Bermotor*) in enforcing criminal law against motor vehicle theft demonstrates the importance of vehicle registration and identification systems in law enforcement [4].

Although the study primarily concerns motor vehicle theft, its findings have broader relevance to transportation law because registration and identification provide an institutional basis for determining the legal identity and status of vehicles. In public transportation cases, accurate vehicle and ownership records may assist authorities in determining the relationship between the vehicle, transportation company, driver, and operational authorization. Such information may become important when determining liability following an accident or other event causing passenger losses.

The role of registration and identification therefore extends beyond administrative documentation. It can support accountability by ensuring traceability of vehicles and their legal owners. In the context of passenger protection, traceability may facilitate investigation, evidence collection, determination of responsible parties, and implementation of compensation mechanisms. This demonstrates that effective transportation law enforcement requires integration between administrative systems and substantive legal responsibility.

2.6 Development of the Indonesian Criminal Law System

The issue of corporate liability for driver negligence must also be understood within the broader development of the Indonesian criminal law system. Siregar, Fikri Adrian, and Rambe explain that the development of Indonesian criminal law is inseparable from the historical development of the criminal law system and its underlying legal concepts [5]. The development

of criminal law demonstrates an ongoing effort to adjust legal norms to changing social conditions, including changes in the forms of criminality, institutional structures, and the relationship between individual and corporate actors.

This perspective is relevant because modern transportation activities are increasingly organized through corporations rather than solely through individual operators. As a result, legal responsibility cannot always be constructed exclusively around individual perpetrators. Where transportation services are provided through corporate structures, the legal system must be capable of identifying the circumstances under which corporate actors may be held responsible for harmful conduct occurring within their organizational activities.

The development of Indonesian criminal law also demonstrates the importance of distinguishing between individual criminal responsibility and responsibility arising from organizational structures. In transportation cases, this distinction becomes important when driver negligence causes serious consequences for passengers. The existence of a corporate structure does not automatically mean that the company is criminally liable for every act of a driver. However, the corporate structure may become legally relevant when negligence is connected with inadequate supervision, organizational failures, violation of safety obligations, or decisions made by company management.

2.7 Law Enforcement Discretion and Passenger Protection

Another relevant dimension is the exercise of discretion by law enforcement authorities. Aspan explains that discretion forms part of the criminal justice system and may be exercised by law enforcement officers in responding to specific circumstances that require legal judgment [6]. Discretion may be relevant in transportation cases because accidents involving public transportation may produce different legal consequences depending on the severity of harm, the circumstances of negligence, the conduct of the parties, and the availability of evidence.

However, the exercise of discretion must remain within legal boundaries and should not compromise the rights of victims. In cases involving passenger losses, law enforcement authorities must ensure that investigative decisions do not result in the weakening of passenger access to justice or compensation. Discretion should therefore be exercised transparently, accountably, and consistently with the objectives of the criminal justice system [6].

The concept of discretion also demonstrates the importance of coordination among law enforcement institutions, transportation authorities, insurance providers, and transportation companies. Passenger protection cannot be achieved solely through criminal sanctions against negligent drivers. Effective protection requires an integrated mechanism for accident investigation, determination of responsibility, provision of compensation, and prevention of similar incidents.

2.8 Corporate Liability and the Principle of Risk Allocation

The principle of risk allocation provides an additional theoretical basis for understanding corporate liability. A transportation company obtains economic benefits from providing transportation services while simultaneously controlling significant operational risks. The company determines the conditions under which transportation services are provided, selects drivers, manages vehicles, and establishes operational standards. Therefore, the party that possesses greater capacity to control and prevent operational risks should also bear an appropriate degree of legal responsibility when those risks materialize.

This principle is particularly relevant when passengers suffer losses because of driver negligence. Passengers generally cannot choose how the driver will operate the vehicle or verify whether the driver has received adequate training. They rely on the transportation company to establish appropriate safety mechanisms. Consequently, transferring all responsibility to the individual driver may create an ineffective protection mechanism when the driver lacks sufficient financial capacity to compensate for the passenger's losses.

Corporate liability therefore functions as an instrument for distributing transportation risks fairly. It encourages companies to internalize the costs of safety and creates incentives for

stronger preventive measures. In this context, liability serves not merely a compensatory function but also a preventive and regulatory function.

2.9 Passenger Compensation as a Form of Legal Protection

Compensation is one of the most important forms of legal protection for passengers who suffer losses. Law Number 22 of 2009 and consumer protection legislation provide a normative basis for compensation in circumstances where passengers suffer losses resulting from transportation services [1], [2]. However, effective compensation requires more than simply recognizing a legal right. The mechanism must provide clarity regarding who is responsible, what types of losses are compensable, how claims may be submitted, and how disputes are resolved.

Passenger losses may include bodily injury, death, property damage, medical expenses, loss of income, and other legally recognized consequences. In serious cases, the consequences may extend beyond the passenger to family members and dependents. Therefore, compensation mechanisms should be designed to provide timely and accessible remedies.

The responsibility of transportation companies should consequently be assessed not only from the perspective of liability after an accident but also from the perspective of the availability and effectiveness of compensation mechanisms. Insurance, mandatory passenger protection schemes, internal company procedures, and judicial remedies may operate together to ensure that passengers do not bear the economic consequences of risks that are primarily controlled by transportation providers.

Research Methodology

This research uses normative juridical research (*normative legal research*) to analyze the legal protection of public transportation passengers and the liability of transportation companies for losses caused by driver negligence. This method is appropriate because the research focuses on examining legal norms, principles, doctrines, and regulations governing the relationship between passengers, drivers, and public transportation companies. The research does not primarily examine statistical data or field behavior but analyzes the existing legal framework to determine the extent to which it provides effective protection and legal certainty for passengers.

The research applies three approaches, namely the statutory approach (*statute approach*), conceptual approach (*conceptual approach*), and case approach (*case approach*). The statutory approach is used to examine relevant provisions in Law Number 22 of 2009 concerning Road Traffic and Road Transportation and Law Number 8 of 1999 concerning Consumer Protection, particularly provisions concerning the rights of passengers, obligations of transportation companies, driver negligence, safety, and compensation. The conceptual approach is used to analyze the concepts of legal protection, corporate liability, negligence, accountability, passenger rights, and risk allocation. The case approach is used to examine relevant cases and judicial considerations concerning transportation accidents and liability arising from driver negligence.

The legal materials consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation and relevant judicial decisions governing public transportation, consumer protection, traffic safety, and corporate responsibility. Secondary legal materials consist of books, scientific journals, academic articles, legal doctrines, and previous research relevant to transportation law and corporate liability. Among the relevant literature are the study by David, Ahmad, Zarzani, and Rafianti concerning the role of the Vehicle Registration and Identification Unit in criminal law enforcement [4], the work of Siregar, Fikri Adrian, and Rambe concerning the development of the Indonesian criminal law system [5], and Aspan's studies concerning good corporate governance and law enforcement discretion [3], [6]. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference materials used to clarify legal terminology and concepts.

The technique of collecting legal materials is conducted through library research and systematic document analysis. Relevant legislation, academic literature, judicial decisions, and other legal documents are identified and classified according to their relationship with the research problems. The collected legal materials are subsequently organized into several categories, including passenger rights, transportation company obligations, driver responsibilities, corporate liability, compensation mechanisms, transportation safety, and law enforcement.

The research instrument is a legal-material analysis framework designed to identify and compare relevant legal provisions and doctrines. The framework consists of several analytical indicators: (1) the legal status and rights of passengers; (2) the obligations of public transportation companies; (3) the legal meaning and elements of driver negligence; (4) the basis and scope of corporate liability; (5) the forms of compensation available to passengers; (6) the company's preventive safety obligations; and (7) the effectiveness of legal enforcement and dispute resolution. This framework is used to ensure that the analysis remains systematic and directly connected to the research questions.

The collected legal materials are analyzed using qualitative juridical analysis. The analysis is conducted through grammatical, systematic, conceptual, and teleological interpretation. Grammatical interpretation is used to determine the meaning of statutory provisions, while systematic interpretation examines the relationship between transportation law and consumer protection law. Conceptual interpretation is used to understand the concepts of corporate liability, negligence, legal protection, and accountability. Teleological interpretation is applied to identify the objectives of transportation regulations, particularly the objective of ensuring passenger safety and providing effective remedies for losses.

The problem-solving analysis begins by identifying the legal position of passengers as users of public transportation services. Passengers generally have limited control over the operation of vehicles, the competence of drivers, and the maintenance of transportation facilities. In contrast, transportation companies possess greater organizational control over these factors. Therefore, the analysis examines whether the company's greater control over transportation activities creates corresponding legal obligations and liability when passenger losses occur.

The next stage distinguishes between individual driver liability and corporate liability. Driver negligence constitutes the immediate conduct that may cause passenger losses, while corporate liability concerns the company's role in organizing and controlling transportation activities. The analysis therefore examines whether the driver acted within the scope of employment or transportation duties and whether the company had fulfilled its obligations concerning recruitment, training, supervision, vehicle maintenance, and operational safety.

The research also employs the risk allocation principle to determine the appropriate distribution of responsibility. Public transportation companies obtain economic benefits from providing transportation services and possess organizational resources to control operational risks. Consequently, the company should bear an appropriate degree of responsibility for risks that could reasonably have been prevented through adequate supervision and safety management. This principle is used to ensure that passenger protection does not depend exclusively on the financial capacity of an individual driver.

Furthermore, Good Corporate Governance (GCG) principles are used as a supporting analytical framework. The principles of accountability and responsibility are particularly relevant to transportation companies because transportation activities directly involve public safety. Aspan emphasizes the importance of accountability and responsibility in corporate management as components of good corporate governance [3]. In this research, these principles are applied to assess whether transportation companies have established adequate mechanisms for driver supervision, vehicle maintenance, safety compliance, and passenger protection.

The research also considers the role of law enforcement and administrative identification in establishing accountability. The findings of David et al. regarding vehicle registration and identification demonstrate the importance of accurate vehicle and ownership information in supporting law enforcement [4]. In transportation-related incidents, such identification may assist authorities in determining the vehicle owner, transportation company, driver, and other parties potentially responsible for passenger losses. Meanwhile, the concept of law enforcement discretion discussed by Aspan is considered in evaluating the manner in which authorities should respond to transportation incidents while maintaining legal certainty, accountability, and protection of victims' rights [6].

Finally, the results of the normative analysis are synthesized to formulate a corporate liability model based on prevention, accountability, and compensation. Prevention emphasizes the company's obligation to minimize risks through competent driver recruitment, training, supervision, vehicle maintenance, and safety standards. Accountability requires the company to accept legal responsibility when negligence occurs within the scope of its transportation operations. Compensation requires the availability of an effective, accessible, and proportionate mechanism for restoring passenger losses. Through this approach, the research seeks to establish a balanced legal framework that protects passengers while maintaining a clear distinction between individual driver responsibility and corporate responsibility.

This methodology ultimately provides an objective legal basis for assessing whether the existing Indonesian legal framework is sufficient to protect public transportation passengers from losses caused by driver negligence. The analysis is directed toward developing a legal approach in which public transportation companies are not only held accountable after accidents occur but are also encouraged to establish effective preventive mechanisms. Thus, the proposed legal protection framework integrates passenger rights, corporate accountability, transportation safety, good corporate governance, and effective law enforcement as interconnected elements of a comprehensive public transportation liability system.

Results

The results of the normative legal analysis indicate that the legal protection of public transportation passengers in Indonesia is based on a combination of transportation law and consumer protection law. Passengers are not merely parties who purchase transportation services, but legal subjects who have rights to safety, security, comfort, and compensation when losses occur as a consequence of transportation operations. This legal position creates corresponding obligations for public transportation companies to provide transportation services that comply with applicable safety and service standards [1], [2].

4.1 Corporate Liability for Passenger Losses Caused by Driver Negligence

The first finding demonstrates that the responsibility of a public transportation company cannot automatically be separated from the negligence of its driver. Law Number 22 of 2009 concerning Road Traffic and Road Transportation provides a specific legal basis for corporate responsibility. Article 191 establishes the responsibility of public transportation companies for losses resulting from acts of persons employed in transportation activities, while Article 192 regulates the responsibility of public transportation companies for losses suffered by passengers who die or are injured as a result of transportation operations [1].

Furthermore, Article 234 of Law Number 22 of 2009 establishes responsibility for losses suffered by passengers and/or third parties resulting from the driver's negligence [1]. These provisions demonstrate that the legal framework recognizes a relationship between the driver's conduct and the transportation company's responsibility. Consequently, the occurrence of driver negligence during the performance of transportation duties may create legal consequences not only for the driver as an individual but also for the transportation company that organizes the service.

The finding is significant because passengers generally have no direct control over the recruitment, training, supervision, or working conditions of drivers. Those matters are predominantly controlled by the transportation company. Therefore, allocating responsibility exclusively to the driver may result in inadequate legal protection, particularly when the resulting losses involve serious injury, permanent disability, or death.

4.2 Distinction between Driver Responsibility and Corporate Responsibility

The second finding concerns the distinction between individual driver responsibility and corporate responsibility. Driver responsibility arises from the driver's negligent conduct, such as speeding, failure to comply with traffic regulations, careless driving, fatigue, or failure to exercise reasonable care. Corporate responsibility, however, relates to the company's organizational role in creating, controlling, and preventing transportation risks.

The analysis shows that the existence of driver negligence does not necessarily mean that the transportation company is automatically responsible for every consequence without further examination. Corporate liability must be assessed by considering the relationship between the driver and company, the scope of the driver's employment, the company's supervisory system, the condition of the vehicle, and the company's compliance with transportation safety requirements.

Accordingly, the results establish two interconnected levels of responsibility. The first is direct responsibility, which concerns the driver's negligent act. The second is organizational responsibility, which concerns the company's failure or success in preventing and controlling risks associated with transportation operations. This distinction is important to avoid both excessive liability for transportation companies and inadequate protection for passengers.

4.3 Corporate Responsibility as a Preventive Obligation

The research further finds that corporate liability should not be understood merely as an obligation to compensate passengers after an accident. It also has a preventive dimension. Transportation companies possess organizational authority over driver recruitment, competency assessment, training, supervision, vehicle maintenance, and operational procedures. These factors directly influence transportation safety.

A company that recruits drivers without adequate competency verification, fails to provide safety training, does not monitor driving behavior, or neglects vehicle maintenance may contribute to the occurrence of transportation accidents. In such circumstances, the legal assessment should examine whether the company's organizational conduct contributed to the risk that resulted in passenger losses.

This finding strengthens the application of the Good Corporate Governance principle in transportation activities. Aspan emphasizes that accountability and responsibility constitute important elements of corporate governance [3]. In the transportation sector, accountability should be reflected in clear responsibility for driver management, vehicle safety, operational procedures, and passenger services. Corporate responsibility therefore operates both before an accident through prevention and after an accident through accountability and compensation.

4.4 Passenger Compensation as an Instrument of Legal Protection

The fourth finding demonstrates that compensation constitutes an essential component of passenger legal protection. Law Number 8 of 1999 concerning Consumer Protection establishes the right of consumers to obtain compensation when goods or services provided by business actors cause losses [2]. Article 19 further establishes the responsibility of business actors to provide compensation for consumer losses arising from goods or services provided by them [2].

In the context of public transportation, the passenger is simultaneously positioned as a transportation service user and consumer. Therefore, transportation company liability can be examined through the combined framework of transportation legislation and consumer protection law. This creates a stronger normative basis for protecting passengers because the passenger may invoke both transportation-specific rights and general consumer rights.

The analysis further indicates that compensation should cover legally recognized losses resulting from transportation accidents, including medical expenses, property losses, and other losses recognized by applicable law. In cases involving death or serious injury, compensation may also have substantial implications for the passenger's family and dependents.

4.5 The Role of Vehicle Registration and Identification in Establishing Responsibility

The research also finds that accurate vehicle registration and identification contribute to the effectiveness of determining legal responsibility in transportation cases. David, Ahmad, Zarzani, and Rafianti emphasize the importance of the Vehicle Registration and Identification Unit in supporting law enforcement through the identification and registration of motor vehicles [4].

Although their research focuses on motor vehicle theft, the finding has relevance to public transportation liability. Vehicle registration and identification systems provide information concerning the legal identity of vehicles and their owners. In an accident involving public transportation, such information may assist authorities in establishing the relationship between the vehicle, owner, transportation company, and driver.

This demonstrates that administrative identification is not merely a bureaucratic function. It can become an important supporting instrument for accountability, particularly when determining ownership, operational authorization, and the parties responsible for transportation activities. Effective passenger protection therefore requires coordination between administrative transportation systems and substantive liability rules.

4.6 The Relevance of Corporate Responsibility in the Development of Indonesian Criminal Law

The results also demonstrate that corporate responsibility must be understood within the broader development of Indonesian criminal law. Siregar, Fikri Adrian, and Rambe explain that the development of the Indonesian criminal law system reflects continuous changes in the conception and structure of criminal law in response to social developments [5].

This development is relevant to transportation because transportation services are increasingly conducted through corporate and organizational structures. Driver conduct may therefore occur within an institutional framework involving recruitment, supervision, operational policies, and corporate decision-making. Consequently, legal responsibility should not always be constructed exclusively around the individual who physically causes the harm.

Nevertheless, the research emphasizes that corporate responsibility should not eliminate the principle of individual responsibility. Rather, both forms of responsibility should be assessed according to their respective legal foundations. Individual driver responsibility concerns the driver's own negligent conduct, while corporate responsibility concerns the company's organizational obligations and its role in controlling transportation risks.

4.7 Law Enforcement Discretion and Protection of Passengers

The research further identifies the importance of accountable law enforcement discretion in transportation cases. Aspan explains that discretion is an element of law enforcement within the criminal justice system, particularly when officers must respond to circumstances requiring legal judgment [6].

In transportation accidents, law enforcement authorities may be required to determine whether an incident constitutes a criminal offense, civil liability, administrative violation, or a combination of legal consequences. Such discretion must nevertheless remain based on law and should not reduce the rights of passengers as victims.

The results demonstrate that law enforcement discretion should be directed toward establishing the facts objectively, identifying responsible parties, securing relevant evidence, and ensuring that victims have access to appropriate legal remedies. Discretion that is exercised without transparency or accountability may create uncertainty regarding corporate responsibility and potentially weaken passenger protection.

4.8 Comparison with Previous Research

The findings of this study complement rather than contradict the previous research cited in the literature review. Aspan's research on good corporate governance emphasizes accountability and responsibility as fundamental corporate governance principles [3]. The present research extends this perspective by applying those principles specifically to public transportation companies, where corporate governance has direct consequences for passenger safety.

Similarly, the research by David et al. concerning vehicle registration and identification emphasizes the institutional role of vehicle identification in law enforcement [4]. The present study expands its relevance to passenger protection by demonstrating that accurate identification can facilitate the determination of ownership and responsibility when transportation accidents occur.

The findings also correspond with the broader perspective of Siregar et al. concerning the development of the Indonesian criminal law system [5]. The present research confirms that changes in social and organizational structures require the legal system to accommodate forms of responsibility that extend beyond purely individual conduct. Meanwhile, Aspan's discussion of law enforcement discretion [6] supports the finding that enforcement decisions concerning transportation incidents must remain accountable and oriented toward legal certainty and protection of victims.

4.9 Proposed Model for Strengthening Passenger Legal Protection

Based on the results of the normative analysis, this research proposes an Integrated Corporate Liability Model for Public Transportation Passenger Protection. The model consists of three interconnected stages: preventive responsibility, corrective responsibility, and compensatory responsibility.

Table 1. Integrated Corporate Liability Model for Public Transportation Passenger Protection

Stage	Corporate Responsibility	Main Objective
Preventive Responsibility	Driver recruitment, competency verification, training, supervision, vehicle maintenance, and safety procedures	Prevent accidents and minimize transportation risks
Corrective Responsibility	Internal investigation, cooperation with authorities, evaluation of driver conduct, and improvement of operational procedures	Establish accountability and prevent recurrence
Compensatory Responsibility	Compensation, insurance mechanisms, and accessible complaint/dispute resolution	Restore passenger rights and provide legal certainty

The model demonstrates that corporate liability should begin before an accident occurs. Transportation companies should establish preventive mechanisms capable of reducing foreseeable risks. Once an accident occurs, corrective responsibility requires the company to cooperate with law enforcement and conduct an objective evaluation of its operational procedures. Finally, compensatory responsibility ensures that passengers receive effective remedies for losses caused by transportation operations.

4.10 Scientific Contribution and Future Legal Development

The principal scientific contribution of this research is the formulation of corporate liability as an integrated passenger protection mechanism, rather than merely a post-accident compensation mechanism. The research demonstrates that transportation companies have a broader legal responsibility because they possess organizational control over drivers, vehicles, and transportation operations.

The findings further indicate that effective passenger protection requires the integration of transportation law, consumer protection, corporate governance, vehicle identification, and accountable law enforcement. Such integration can strengthen legal certainty concerning the parties responsible for passenger losses and prevent the burden of transportation risks from being disproportionately transferred to passengers.

The proposed model has implications for future transportation policy and legal development. Transportation companies should be required to strengthen driver competency systems, operational supervision, vehicle safety, passenger complaint mechanisms, and compensation procedures. Law enforcement institutions should also strengthen coordination with transportation authorities and relevant identification systems to ensure that the parties responsible for transportation incidents can be accurately determined.

Ultimately, the results demonstrate that driver negligence should not be analyzed solely as an individual problem but also as an organizational risk within public transportation operations. Corporate liability provides a mechanism for ensuring that transportation companies internalize operational risks, strengthen preventive safety measures, and provide effective remedies when passengers suffer losses. This approach contributes to the development of a transportation legal system that balances operational efficiency, corporate accountability, passenger safety, and access to justice.

Conclusion

This research concludes that the legal protection of public transportation passengers in Indonesia is based on an integrated framework of transportation law and consumer protection law. Passengers have legal rights to safety, security, comfort, and compensation for losses arising from transportation services. Law Number 22 of 2009 concerning Road Traffic and Road Transportation establishes specific responsibilities for public transportation companies, while Law Number 8 of 1999 concerning Consumer Protection strengthens the position of passengers as consumers who are entitled to obtain compensation when they suffer losses due to services provided by business actors [1], [2]. Therefore, passenger protection should not be understood merely as a contractual relationship but as a legal obligation that must be fulfilled by transportation service providers.

The research further concludes that driver negligence does not necessarily constitute an exclusively individual responsibility. Where the driver performs transportation duties within the scope of employment or operational authority of a public transportation company, the company's responsibility may arise based on its organizational position and statutory obligations. The distinction between driver responsibility and corporate responsibility is therefore essential. Driver responsibility concerns the negligent conduct committed directly by the driver, whereas corporate responsibility concerns the company's obligations to recruit competent drivers, provide training, conduct supervision, maintain vehicles, establish safety standards, and control operational risks. Accordingly, corporate liability should be assessed by considering both the driver's conduct and the company's organizational responsibility.

The research also finds that corporate liability should have preventive, corrective, and compensatory dimensions. Preventive responsibility requires transportation companies to minimize foreseeable risks through driver competency assessment, training, supervision, vehicle maintenance, and implementation of transportation safety standards. Corrective responsibility requires the company to respond appropriately when an accident occurs, cooperate with law enforcement authorities, investigate the causes of the incident, and improve operational procedures. Compensatory responsibility requires the company to provide or facilitate effective compensation for passengers who suffer injury, death, property loss, or other legally recognized losses. This three-dimensional approach provides a more comprehensive form of passenger protection than an approach that focuses solely on compensation after an accident.

The findings also demonstrate the relevance of Good Corporate Governance to public transportation operations. The principles of accountability and responsibility emphasized by Aspan [3] are particularly relevant because transportation companies exercise substantial

organizational control over drivers, vehicles, and operational procedures. Effective corporate governance should therefore be reflected in transparent driver recruitment, continuous competency evaluation, effective supervision, vehicle maintenance, risk management, and clear mechanisms for handling passenger complaints and compensation. Corporate governance in the transportation sector is consequently not merely an internal management issue but also a mechanism for protecting public safety.

The research further confirms that effective passenger protection requires support from law enforcement and administrative systems. The findings of David et al. regarding the role of vehicle registration and identification demonstrate the importance of accurate vehicle and ownership information in supporting law enforcement [4]. In transportation accident cases, such identification mechanisms may facilitate the determination of vehicle ownership, transportation company responsibility, driver identity, and operational status. Meanwhile, the concept of law enforcement discretion discussed by Aspan [6] emphasizes that legal authorities must exercise discretion within the limits of law, accountability, and protection of victims' rights. Consequently, transportation-related law enforcement should not focus exclusively on determining individual driver guilt but should also identify organizational factors that may contribute to passenger losses.

In relation to the development of Indonesian criminal law, this research confirms that the increasing role of corporations in modern economic and transportation activities requires a legal framework capable of distinguishing and integrating individual and organizational responsibility. As discussed by Siregar, Fikri Adrian, and Rambe [5], the development of the Indonesian criminal law system reflects the continuing evolution of legal concepts in response to social and institutional changes. In the transportation sector, this development requires legal responsibility to be assessed not only from the perspective of the individual who directly causes harm but also from the perspective of the organization that controls the activity in which the harm occurs.

The scientific implication of this research is the development of an Integrated Corporate Liability Model for Public Transportation Passenger Protection, which places corporate responsibility within three interconnected dimensions: prevention, accountability, and compensation. This model provides a conceptual framework for shifting transportation liability from a purely reactive approach toward a more preventive and organizational approach. Transportation companies should therefore be encouraged and, where appropriate, required to demonstrate that they have implemented adequate safety management, driver supervision, vehicle maintenance, and passenger protection mechanisms.

The practical implication is that transportation companies need to strengthen internal governance and risk management systems, particularly in relation to driver recruitment, competency testing, periodic training, supervision, vehicle inspection, and accident response. Government and law enforcement institutions should strengthen supervision and coordination to ensure that corporate responsibility can be effectively established when passenger losses occur. In addition, compensation procedures should be made more accessible, transparent, and understandable to passengers so that the recognition of legal rights is accompanied by effective remedies.

For the future development of the findings, further research should examine the implementation of corporate liability through empirical studies of transportation accidents, court decisions, insurance claims, and dispute resolution practices. Comparative research with other jurisdictions may also be conducted to identify effective models of corporate accountability and passenger compensation. Future regulatory development should consider clearer standards concerning the relationship between driver negligence and corporate liability, including the company's responsibility for inadequate supervision, driver competency, vehicle maintenance, and safety management.

Ultimately, the research establishes that effective passenger protection cannot depend solely on imposing responsibility on negligent drivers. Public transportation companies, as parties that organize, control, and benefit from transportation activities, must assume an appropriate level of legal responsibility for risks arising from their operations. A balanced legal framework should therefore protect passengers, recognize individual driver responsibility, impose appropriate corporate accountability, and strengthen preventive transportation safety. Such an approach contributes to the development of a public transportation legal system that is fair, accountable, preventive, and oriented toward the effective protection of passenger rights.

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