The Importance of Railroad Crossing Doors as Rules of Safety and Environmental Safety: An Overview of Responsibilities

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Abstract. Train accidents often occur on level crossings, due to the absence of a doorstop that restricts any vehicle passing through. This is due to the fact that in addition there is no security of the crossing doorstops, negligence of the railroad gate guard, and the attitude of the driver who is not disciplined. Who is responsible for the manufacture of railroad level crossing barriers for safety and security? What is the responsibility of the Railroad in the event of an accident resulting from the absence of level crossings? and the research method used is Normative legal research, analyzed descriptively, using secondary data supported by primary data and processed qualitatively. The results of the study found that Article 94 of Law Number 23 Year 2007 concerning Railways states paragraph (1) For the safety of railroad trips and road users, level crossings that do not have a permit must be closed; Paragraph (2) Closure of level crossing as referred to in paragraph (1) shall be carried out by the Government or Regional Government. If an accident occurs due to the unavailability of a crossing doorstops, then PT. Kereta Api Indonesia is not responsible for the accident, because the responsibility for procuring the level crossing is not the responsibility of PT. Kereta Api Indonesia

1 Introduction
In carrying out all activities on the road it is inevitable that railroad tracks intersect with several public roads that are traversed by many vehicles that also use the road, so it is a meeting area for conflicts between trains and other modes of transportation, such as public and private vehicles both two and four wheels [1], the name of the intersection between the railroad tracks and the highway is called level crossings. Level crossing is the intersection between the railroad track and the road, and the intersection between the railroad track and the road, and it causes a conflict between the train and the vehicle passing through this level crossing, the most prominent is the number of traffic accidents between vehicles by train, especially at unattended level crossing.
The Ministry of Transportation recorded the number of accidents at the level crossings or intersections between rail lines and roads reaching 395 accident cases with the number of victims reaching 245 people during 2018 [2]. The high number of accidents at the level crossing is due to road users ignoring stop warning signals and even breaking through, even though trains will pass in front of them.
Everyday author passes the journey to work to Trisakti University, always passing through several train level crossings. First, when passing through the North Jakarta area, near the Railway Station, Jalan Enggano, in front of the Port, where the level crossing is crossed by a Freight Train, and there is no railroad doorstop and is not guarded by officers. Second, through the Gunung Sahari road approaching Mangga Besar, security is not guaranteed, because there are no crossing guards. Third is in the Kyai Tapa area, Grogol, West Jakarta, there is no security at all at the level crossing doorstops and officers who maintain the security of the surrounding environment. The things above are very dangerous to the surrounding environment, other than road users, that are two and four wheels, and pedestrians who sometimes do not have patience, which adds to the confusion of the road and support the occurrence of life-threatening accidents. This writing is based on describing the things that are the main problem. Who is responsible for making the railroad crossing doorstops for safety and security? What is the responsibility of the Railroad in the event of an accident resulting from the absence of the level crossing? Based on the above explanation, the author is interested in writing about "The Importance of Railroad Crossing Doors as Rules of Safety and Environmental Safety: An Overview of Responsibilities."

2 Methods
Research that uses normative legal research methods, it uses secondary data supported by primary data and analyzed descriptively through a qualitative approach about the importance of level crossing and its safeguards for the security of the surrounding environment [3]. This research was conducted in the city of Jakarta, namely the area of North Jakarta to West Jakarta, which is always passed by the author. Data obtained in the field [4], namely primary data, are processed with the support of secondary data through analysis of the hazardous situation depicting the situation of an environment without level crossing and optimal guarding of officers, because it can result accidents.

3 Result and Discussion
Definitions relating to Railroad Crossings[5]

a. A train is a railroad facility with movable power, both traveling alone or coupled with other railroad facilities, which will or are currently moving on railroad tracks related to railroad travel (Article 1 of Law Number 23 Year 2007 concerning Railways).
b. A level crossing is a level crossing between a railroad track and a road.
c. Intersection is a railroad crossing with other buildings, both level and not level.
d. Intersection is the existence of other buildings on the railroad track, both in whole or in part which do not intersect.
e. Signs are one of the road equipment in the form of symbols, letters, numbers, sentences and/or a combination of them as a warning prohibition, or instructions for road users.

Related regulations concerning Railroad Crossings [5],[6],[7],[8],[9],[11]

a. Government Regulation Number 43 of 1993 Concerning Road Infrastructure and Traffic Arrangements regarding level crossings are regulated in Article 63 paragraph (1) through Article 65;
b. Government Regulation Number 69 Year 1998 Concerning Railway Infrastructure and Facilities, level crossings are regulated in Article 16 paragraph (1 and 2) and Article 17 paragraph (1);
c. Decree of the Minister of Transportation Number 53 of 2000 concerning the Intersection and / or Intersection between the Railroad Track and Other Buildings, regulated in Article 4 to Article 6;
d. Decree of the Minister of Transportation No. 22/2003 concerning Railway Operation, regulated in Article 3 through Article 6;
e. Law Number 23 Year 2007 Regarding Railroad, is regulated in: Article 91 paragraph (1), i.e. the intersection between the railway line and the road is made not on a level; Article 91 paragraph (2), namely exceptions to the provisions referred to in paragraph (1) can only be done while still ensuring the safety and smoothness of train travel and road traffic;
Article 92 paragraph (1), namely the construction of roads, special railway lines, canals, waterways and/or other infrastructure that requires connection, and intersection and/or contact with public railways, as referred to in Article 91 paragraph (2) must be carried out with provisions in the public interest and not endanger the safety of train travel;

f. Law Number 22 Year 2009 Concerning Road Traffic and Transportation, Article 114 states that at a level crossing between a railroad track and a road, the driver of the vehicle must: Stop when the signal sounds, the railroad bar has begun to close, and / or there are other signals; Prioritize trains; Give primary rights to vehicles that cross the tracks first Article 94 paragraph (1), namely for the safety of train trips and road users, level crossings that do not have a permit must be closed; Article 94 paragraph (2) closing of a level crossing as referred to in paragraph (1) shall be carried out by the Government or Regional Government.

Regulations relating to Regional Spatial Arrangements with Level Crossings [11],[12]

a. Law Number 26 of 2007 concerning Spatial Planning Article 65 paragraph (1) that is, the implementation of spatial planning is carried out by the government involving the community; Article 65 paragraph (2), namely, the role of the community in spatial planning as referred to in paragraph (1) is carried out, inter alia, through: participation in spatial planning and participation in spatial use; and participation in controlling spatial use. Article 65 paragraph (3), which is a further provision regarding the procedures and forms of the role of the community in spatial planning as referred to in paragraph (1) shall be regulated by government regulations.

b. b. Government Regulation Number 26 Year 2008 Concerning National Spatial Planning Article 91, concerning zone regulations for railroad networks, shall be prepared by taking into account the following matters: Utilization of space along the side of the railroad network is carried out with medium to high intensity levels with a tendency to limit spatial development; Provisions on the prohibition of the use of railway track supervision rooms which can interfere with the interests of the operation and safety of railroad transportation; Restrictions on the use of space that is equal to environmental impacts due to railroad traffic along the railroad tracks; Determination of the building border on the side of the railroad network by taking into account the environmental impact and the development needs of the railroad.

Responsibilities in the level crossing The thinking in writing here is, who is actually responsible for the safety of the environment around the crossing or crossing of the railroad so that it can overcome the number of accidents caused by deliberate negligence and negligence. Why intentional? because the accident can actually be anticipated or avoided beforehand, not only by motorists or road users, but also by parties who are clearly in contact with the Law which requires them to be responsible for maintaining the safety and order of the traffic environment around crossings or intersections of trains.

Even Article 114 of Law Number 22 Year 2009 Concerning Traffic and Road Transportation explains that if a train is about to pass at a crossing, then vehicles are required to prioritize trains. If an accident occurs because the vehicle driver does not stop at the railroad crossing or breaks through the crossing gate, then the fault is in the vehicle driver who violates the provisions [13](Fatimah Zahra, Auria Farantika Yogananti, Abi Senopрабowo, Increasing Vehicle Driver Awareness When Crossing the Railway Crossing Through Advertising Community Services, Online Journal, https://eprints.dinus.ac.id). Many efforts that can be done to reduce accidents at level crossings include, among others, can be done by the local government or local government by installing road equipment and maintaining roads at level crossings. Why Local Government? Because based on Article 94 of Law Number 23 Year 2007 concerning Railway stated paragraph (1) For the safety of train travel and road users, level crossings that do not have a permit must be closed; Paragraph (2) Closure of level crossings as referred to in paragraph (1) shall be carried out by the Government or Regional Government. The local government was also asked to be able to maintain and operate the crossing gates and place the crossing gatekeepers, and the fact that there was an effort was made by the Ministry of Transportation to reduce the number of level crossings. Based on Law Number 23 Year 2007 Regarding Railways, intersections between railway lines and roads are actually not permitted, except temporary, but this is contrary to the situation in the field, namely the number of
level crossings is still very large, even there is no security officer, and this is very high accident-prone. Besides being prone to accidents, the level crossing is one of the prone points of congestion, which is caused by the high frequency of train travel, which of course greatly results in the long waiting time for road users.

4 Conclusion

Based on the regulation of Law Number 23 Year 2007, it is stated that the crossing doorstops should not be allowed, but there are exceptions that allow it. However, efforts need to be made by the Regional Government in anticipating conditions in the field such as accident prone due to crossing the railroad. Road user safety is regulated in Article 94 of Law Number 23 Year 2007 concerning Railways stating paragraph (1) For the safety of train travel and road users and for crossings of fields that do not have a permit must be closed; whereas in paragraph (2) the closure of a level crossing as referred to in paragraph (1) shall be carried out by the Government or Regional Government. This article confirms that the Regional Government is obliged to make efforts to maintain environmental safety and security in the area of the area that is passed by the train and has a level crossing in its territory, because if an accident occurs due to the unavailability of a level crossing gate, then PT. Kereta Api Indonesia is not responsible for the accident, because the responsibility for procuring the level crossing of the doorstop is not the responsibility of PT. Kereta Api Indonesia

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[6] Government Regulation Number 43 of 1993 Concerning Road Infrastructure and Traffic Arrangements regarding level crossings are regulated
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[8] Decree of the Minister of Transportation Number 53 of 2000 concerning the Intersection and / or Intersection between the Railroad Track and Other Buildings
[9] Decree of the Minister of Transportation No. 22/2003 concerning Railway Operation
[10] Law Number 22 Year 2009 Concerning Road Traffic and Transportation
[11] Law Number 26 of 2007 concerning Spatial Planning
[12] Government Regulation Number 26 Year 2008 Concerning National Spatial Planning