

IMPLEMENTATION OF LOCAL GOVERNMENT RESPONSIBILITY FOR DAMAGED ROADS

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Abstract

The purpose of this study is to analyze the implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency, to analyze the obstacles in the implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency, and to analyze efforts to overcome obstacles in the implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency. The method used is sociological legal research. Based on the results of the study, it is known that the implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency has not been running optimally because there are still road sections that have been damaged for a relatively long time, thus affecting the safety of road users, the smooth mobility of the community, and economic activities. This condition indicates that the implementation of local government obligations has not fully met the principles of implementing safe, secure, sustainable roads and providing quality public services as mandated by laws and regulations. The obstacles are: First, limited regional financial capacity causes the budget for road maintenance and improvement to not be able to meet all the needs for road infrastructure development. Second, the weak road monitoring and maintenance system causes minor damage not to be immediately addressed so that it develops into severe damage that requires greater rehabilitation costs. Third, the less than optimal implementation of criminal liability against road operators who neglect to carry out their obligations as stipulated in Article 24 and Article 273 of Law Number 22 of 2009 concerning Road Traffic and Transportation, so that the preventive function of criminal law has not provided a deterrent effect in increasing compliance of road operators with their legal obligations.

Keywords: Implementation, Responsibility, Damaged Roads

INTRODUCTION

Roads are vital infrastructure in the land transportation system that have a strategic role for the continuity of social, economic, and legal life in a region. The existence of roads not only functions as a means of mobility of people and goods, but also as a real indicator of the state's presence in guaranteeing the safety, security, and welfare of the community. In the context of a state based on the rule of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, road maintenance cannot be viewed solely as a technical administrative activity, but rather as a manifestation of the government's legal responsibility for fulfilling the basic rights of citizens.

Kampar Regency, as a strategic region in Riau Province, has geographic and social characteristics that place roads as the lifeblood of community activities. The economic mobility of Kampar residents, particularly in the agriculture, plantation, trade, and distribution of goods and services sectors, is highly dependent on decent and safe road conditions. However, in practice, various sections of the district's roads are still damaged, including potholes, bumpy road surfaces, malfunctioning drainage, and road conditions that endanger the safety of road users. This damage not only disrupts community activities but also poses a risk of traffic accidents that can potentially harm lives and property.

The phenomenon of damaged roads in Tapung Hulu District, Kampar Regency raises fundamental questions regarding the extent to which the local government has carried out its legal responsibilities as mandated by laws and regulations. Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation expressly regulates the obligations of road operators to ensure traffic safety and security. Article 24 paragraph (1) of the law states that road operators are obliged to immediately and properly repair damaged roads that could result in traffic accidents. Furthermore, Article 24 paragraph (2) stipulates that in the event that road repairs cannot be carried out, road operators are obliged to provide signs or signals to prevent traffic accidents.

These provisions demonstrate that local government responsibility for damaged roads is not optional, but rather a legally binding obligation. Failure to fulfill this obligation has the potential to result in legal consequences, including administrative, civil, and criminal liability. Therefore, the issue of damaged roads cannot be reduced to merely budgetary constraints or technical constraints, but must be analyzed within the framework of local government legal accountability as the administrator of government.

From the perspective of welfare state theory, the government has an active obligation to ensure that the basic needs of the community are met, including the provision of adequate and safe public infrastructure (Muchsan, 2007). Roads, as public facilities, are part of public services that must be provided based on the principles of legal certainty, utility, and justice. If local governments fail to maintain road conditions, such negligence can be seen as a violation of the general principles of good governance (AUPB), particularly the principles of accuracy and responsibility (Ridwan HR, 2016).

Furthermore, road damage left without adequate treatment can have legal implications for local governments. In judicial practice, court decisions have held the government liable for losses suffered by the public due to damaged roads that are not repaired or have no warning signs. This demonstrates that local government responsibility for damaged roads extends beyond moral and administrative boundaries and has a concrete legal dimension.

In the context of regional autonomy, as stipulated in Law Number 23 of 2014 concerning Regional Government, district governments have both the authority and responsibility for managing district roads. Regional autonomy grants local governments the

freedom to regulate and manage government affairs according to the characteristics and needs of their regions. However, this freedom must be balanced with accountability and compliance with applicable legal norms. In other words, autonomy should not be used as an excuse to ignore legal obligations in the provision of road infrastructure.

Kampar Regency, as part of the regional government system, faces complex challenges in road management, ranging from budget constraints, geographic conditions, to the high vehicle load on district roads. Heavy vehicles carrying more than the road's capacity are often the main factor accelerating road damage. However, these factors do not eliminate the local government's legal obligation to ensure the safety of road users. From the perspective of state administrative law, limited resources do not automatically eliminate legal responsibility, but rather require the government to carry out careful, planned, and responsible management (Hadjon, 1987).

The main road connecting the Tapung Hulu region with economic centers in Kampar Regency plays a strategic role in supporting community mobility and the smooth distribution of goods and services. This road not only serves as a means of connecting regions but also serves as a primary route for local economic activities, including plantations, trade, and the transportation of products. Therefore, the condition of the Tapung Hulu main road directly impacts the social and economic stability of the community in Tapung Hulu District, Kampar Regency.

However, in reality, the condition of the Tapung Hulu highway in Kampar Regency shows significant damage, extending nearly the entire length of the road. This damage includes potholes, peeling asphalt, standing water due to a malfunctioning drainage system, and uneven road surfaces that endanger the safety of road users. These conditions not only impede traffic flow but also increase the risk of accidents for both motorcycle and motorcycle drivers.

The damaged condition of the Tapung Hulu highway raises serious legal issues, particularly regarding the responsibility of the Kampar Regency Government as the road operator. In a state governed by the rule of law, the government plays not only an administrative role but also a legal entity bound by normative obligations to protect the interests and safety of the community. Roads, as public facilities, are part of public services that must be administered responsibly and in accordance with statutory provisions.

Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation provides a clear legal basis regarding the obligations of road operators. Article 24 paragraph (1) emphasizes that road operators are obliged to immediately and properly repair damaged roads that could result in traffic accidents. Furthermore, Article 24 paragraph (2) stipulates that if road repairs cannot be carried out, road operators are obliged to provide signs or markers on the damaged road to prevent traffic accidents. This norm shows that the safety of road users is a non-negotiable priority in traffic management.

In the context of the Tapung Hulu Cross-Island Road, the widespread and prolonged damage raises questions about the effectiveness of the Kampar Regency Government's implementation of Article 24 of Law No. 22 of 2009. If the damaged road is left without adequate repairs and without the installation of clear warning signs, this could be seen as a form of negligence by the local government in carrying out its legal obligations. This negligence has the potential to give rise to legal liability, both in the administrative and civil realms, if it causes harm to the community.

The long-term damage to the Tapung Hulu highway also reflects a gap between legal norms (*das sollen*) and government practice (*das sein*). Normatively, local government

obligations are expressly stipulated in legislation. However, empirically, the damaged road conditions indicate that these obligations have not been implemented optimally. This gap is an important issue for academic study, particularly from the perspective of legal implementation and government accountability.

Under the doctrine of state administrative law, government negligence in providing safe public infrastructure can be classified as an unlawful act by the authorities (*onrechtmatige overheidsdaad*). If damage to the Tapung Hulu highway causes traffic accidents and harms the public, the local government could potentially be held legally accountable. This aligns with the principle that the government, as a public service provider, is obligated to act carefully, professionally, and responsibly.

Furthermore, Article 24 of Law No. 22 of 2009 establishes minimum standards that road operators must meet. These standards include the obligation to promptly repair damaged roads or at least provide clear and adequate warning signs. Failure to comply with these obligations could lead to a presumption of unlawful conduct by the authorities (*onrechtmatige overheidsdaad*). This concept has long been recognized in Indonesian legal doctrine and serves as the basis for public claims for compensation for losses caused by government actions or omissions (Indroharto, 2000).

Provisions regarding road management need to explain the division of authority of regional governments in road management. The provisions that have been used are maintained, then added an explanation regarding the division of authority based on Law Number 23 of 2014 concerning Regional Government and its amendments and Law Number 38 of 2004 concerning Roads as amended by Law Number 2 of 2022. The description must explain that there is a division of authority between the central government, provincial governments, and district/city governments according to road status. District roads are the authority of the Kampar Regency Government through the regional apparatus in charge of public works, so that the regional government has responsibility for the construction, maintenance, rehabilitation, and improvement of roads in accordance with its authority. This explanation is important so that the legal basis for the Kampar Regency Government's responsibility is clear.

Article 24 of the Republic of Indonesia Law Number 22 of 2009 concerning Traffic and Road Transportation, paragraph (1) Road Operators are obliged to immediately and properly repair damaged roads that could result in traffic accidents. Paragraph (2) In the event that repairs to damaged roads as referred to in paragraph (1) cannot be carried out, road operators are obliged to provide signs or markers on damaged roads to prevent traffic accidents.

Criminal provisions are regulated in Article 273 of the Republic of Indonesia Law Number 22 of 2009 concerning Road Traffic and Transportation, that:

- (1) Any road operator who does not immediately and properly repair damaged roads which result in traffic accidents as referred to in Article 24 paragraph (1) resulting in minor injuries and/or damage to vehicles and/or goods shall be punished with imprisonment for a maximum of 6 (six) months or a maximum fine of IDR 12,000,000.00 (twelve million rupiah).
- (2) In the event that the act as referred to in paragraph (1) results in serious injury, the perpetrator shall be punished with a maximum prison sentence of 1 (one) year or a maximum fine of IDR 24,000,000.00 (twenty four million rupiah).
- (3) In the event that the act as referred to in paragraph (1) results in the death of another person, the perpetrator shall be punished with a maximum prison sentence

of 5 (five) years or a maximum fine of IDR 120,000,000.00 (one hundred and twenty million rupiah).

- (4) Road operators who do not provide signs or markings on damaged and unrepaired roads as referred to in Article 24 paragraph (2) shall be subject to a maximum prison sentence of 6 (six) months or a maximum fine of IDR 1,500,000.00 (one million five hundred thousand rupiah).

Under certain conditions, drivers can also be subject to criminal sanctions due to their negligence in driving on damaged roads as regulated in Article 310 of the Republic of Indonesia Law Number 22 of 2009 concerning Traffic and Road Transportation, as follows:

- (1) Any person who drives a motor vehicle who, due to negligence, causes a traffic accident with damage to the vehicle and/or goods as referred to in Article 229 paragraph (2), shall be punished with imprisonment for a maximum of 6 (six) months and/or a maximum fine of IDR 1,000,000.00 (one million rupiah).
- (2) Any person who drives a motor vehicle who, due to negligence, results in a traffic accident resulting in minor injuries and damage to the vehicle and/or goods as referred to in Article 229 paragraph (3), shall be punished with imprisonment for a maximum of 1 (one) year and/or a maximum fine of IDR 2,000,000.00 (two million rupiah).
- (3) Any person who drives a motor vehicle who, due to negligence, results in a traffic accident resulting in serious injury as referred to in Article 229 paragraph (4), shall be punished with a maximum prison sentence of 5 (five) years and/or a maximum fine of IDR 10,000,000.00 (ten million rupiah).
- (4) In the case of an accident as referred to in paragraph (3) which results in the death of another person, the penalty shall be imprisonment for a maximum of 6 (six) years and/or a maximum fine of IDR 12,000,000.00 (twelve million rupiah).

Criminal sanctions due to negligence in driving on damaged roads are regulated in Article 311 of the Republic of Indonesia Law Number 22 of 2009 concerning Traffic and Road Transportation, as follows:

- (1) Any person who intentionally drives a motor vehicle in a manner or condition that endangers life or property shall be punished by imprisonment for a maximum of 1 (one) year or a maximum fine of IDR 3,000,000.00 (three million rupiah).
- (2) In the event that the act as referred to in paragraph (1) results in a Traffic Accident with damage to the Vehicle and/or goods as referred to in Article 229 paragraph (2), the perpetrator shall be punished with a maximum prison sentence of 2 (two) years or a maximum fine of IDR 4,000,000.00 (four million rupiah).
- (3) In the event that the act as referred to in paragraph (1) results in a Traffic Accident with minor injuries and damage to Vehicles and/or goods as referred to in Article 229 paragraph (3), the perpetrator shall be punished with a maximum prison sentence of 4 (four) years or a maximum fine of IDR 8,000,000.00 (eight million rupiah).
- (4) In the event that the act as referred to in paragraph (1) results in a Traffic Accident with serious injuries as referred to in Article 229 paragraph (4), the perpetrator shall be punished with a maximum prison sentence of 10 (ten) years or a maximum fine of IDR 20,000,000.00 (twenty million rupiah).
- (5) In the event that the act as referred to in paragraph (4) results in the death of another person, the perpetrator shall be punished with a maximum prison sentence of 12 (twelve) years or a maximum fine of IDR 24,000,000.00 (twenty four million rupiah).

In the social reality of Tapung Hulu District, Kampar Regency, there are still public complaints about the slow pace of road repairs and the lack of warning signs on damaged

roads. This condition creates a gap between written legal norms (*das sollen*) and actual practice (*das sein*). This gap is important to study academically to determine the factors influencing the implementation of local government responsibilities, as well as to assess the effectiveness of Article 24 of Law No. 22 of 2009 in ensuring traffic safety.

From the perspective of legal implementation theory, the success of a legal norm is not only determined by the quality of its regulations, but also by the implementing apparatus, facilities and infrastructure, and the legal culture of society (Soekanto, 2008). In this regard, local governments, as implementers of norms, have a central role in ensuring that legal obligations regarding road repairs are truly realized through concrete actions. Without effective implementation, legal norms will remain mere text without practical meaning for the public. The study of local government responsibility for damaged roads in Kampar Regency is relevant because it touches on the aspect of legal protection for road users. Traffic safety is a right of every citizen guaranteed by law. Therefore, the state, through local governments, is obligated to create safe and orderly traffic conditions. Poorly maintained damaged roads can be seen as a disregard for this right to safety.

The reality in Kampar Regency shows that many roads are still damaged by potholes, cracks, sinkholes, and other damage that can potentially endanger road users. This damage not only causes inconvenience to the public but has also become a contributing factor to traffic accidents. In numerous cases, road users experience accidents due to avoiding potholes, losing balance while crossing damaged roads, or colliding with other vehicles due to the unsafe condition of the roads.

Based on the author's field observations, road repairs in Tapung Hulu District are generally carried out through routine maintenance programs, periodic maintenance, rehabilitation, and road improvements, in accordance with the priority scale and the capabilities of the Kampar Regency Regional Budget (APBD). However, the frequency of repairs cannot be carried out evenly across all damaged road sections. Some road sections receive maintenance annually, while others are only repaired when the level of damage is categorized as severe or after budget allocations in the following year.

The phenomenon of accidents due to damaged roads has become a serious legal issue, as many victims suffer serious injuries, permanent disabilities, and even death. Criminal law recognizes the concept of negligence (*culpa*), which can give rise to criminal liability if it results in harm to others. Negligence does not always take the form of active action; it can also involve ignoring a situation known to pose a potential danger to the public. When local governments are aware of road damage that endangers the safety of road users but fail to take adequate action to prevent casualties, the question arises as to whether or not there is an element of negligence that can be legally held accountable.

The underlying concern of this research is the situation where people become victims of accidents due to damaged roads, but at the same time there is no clarity regarding the form of legal accountability that can be imposed on those responsible for maintaining these roads. In practice, victims are often only seen as the result of ordinary traffic accidents, even though there is a possibility that the accidents occurred due to negligence in road construction and maintenance. This situation creates a gap between the legal objective of protecting the public and the reality experienced by victims.

Based on the description, it can be understood that the problem of damaged roads in Tapung Hulu District, Kampar Regency is not only related to the technical aspects of development, but also concerns legal aspects, government responsibility, and protection of community rights. Therefore, a discussion regarding the implementation of local government

responsibility for damaged roads is important to be carried out in depth and comprehensively. This study is expected to be able to provide academic contributions in the development of legal science, especially state administrative law and traffic law, as well as provide normative recommendations for improving the quality of road management in the region.

RESEARCH METHODS

This research is a sociological (empirical) legal study that examines the implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency. The research focuses on law in action by examining the consistency between legal provisions and their implementation in the field.

The approaches used include a statutory approach to analyze regulations governing the authority of regional governments in the road sector, as well as a conceptual approach to examine theories, principles and legal doctrines related to government responsibility in the provision of road infrastructure.

The research was conducted in Tapung Hulu District, Kampar Regency, considering that damaged road sections were still found, necessitating a study on the implementation of local government responsibilities. The research respondents were selected using purposive sampling, consisting of elements of the Public Works and Spatial Planning Department of Riau Province, the Transportation Department of Kampar Regency, the Traffic Unit of Kampar Police, sub-district/village government officials, and community leaders who were familiar with the condition of the research object.

The data used includes primary data obtained through interviews with respondents, secondary data in the form of laws and regulations, literature, journals and related documents, as well as tertiary data originating from legal dictionaries, encyclopedias and other reference sources.

Data collection was conducted through semi-structured interviews, field observations, and literature review. All data were analyzed qualitatively by linking field findings to applicable legal provisions. Conclusions were then drawn using an inductive method, drawing general conclusions based on specific facts discovered during the research.

RESULT AND DISCUSSION

A. Implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency

Road maintenance is a mandatory government function because it directly relates to basic public services. Roads serve not only as transportation infrastructure but also as an instrument for achieving economic growth, equitable development, public services, and protecting public safety. Therefore, local governments have a legal responsibility to ensure that every road under their jurisdiction is functionally fit, safe, and capable of supporting community activities. When a road is damaged and not promptly repaired, this condition indicates that the local government is not fulfilling its responsibilities as mandated by law.

The Traffic and Road Transportation Law, Article 24, states that road operators are obliged to immediately and properly repair damaged roads to prevent road traffic accidents. If they have not been repaired, then the damaged road must be marked or marked. According to Article 26 paragraph (1) letter c, the road operator is the Regency/City Government for Regency/City roads. Article 240 letter b states that victims of road traffic accidents have the right to receive compensation from the party responsible for the road traffic accident.

The causes of traffic accidents can be divided into three components: humans (drivers), vehicles, roads, and the environment. In general, in developing countries, the rate of errors caused by vehicles and roads is also quite high. This is due to the lack of supervision of

motor vehicle roadworthiness (KIR) and poor road conditions, both geometrically and in terms of the surface condition of the pavement (Tjahjono & Subagio, 2011).

Road damage, whether severe or minor, is detrimental to the interests of many parties, especially transportation companies and road users. Vehicles have difficulty navigating damaged roads, making them extremely dangerous for road users. This can not only result in loss of life but also material losses for vehicle owners, as vehicles deteriorate rapidly due to potholes. Damaged roads cause damage to vehicle components, slow down travel, and contribute to traffic accidents (Fitri, 2012).

In Indonesia's regional government system, the authority for road management has been clearly divided based on road status as stipulated in Law Number 2 of 2022 concerning the Second Amendment to Law Number 38 of 2004 concerning Roads. Based on these provisions, district governments have full authority over district roads, starting from the planning, construction, utilization, supervision, and maintenance stages. This authority is a consequence of the implementation of the principle of decentralization as stipulated in Law Number 23 of 2014 concerning Regional Government, which provides space for regional governments to regulate and manage their own government affairs according to the principle of regional autonomy (Ridwan HR, 2020).

The implementation of local government responsibilities extends beyond developing road construction programs, including efforts to maintain roads in a functional condition. Roads constructed using state funds must be maintained sustainably to provide optimal benefits to the community. Therefore, local government responsibility is a continuous responsibility, not one that ends with the physical construction.

From the perspective of state administrative law, local government responsibility is a consequence of the attribution of authority granted by law. Every authority is always accompanied by an obligation to exercise that authority professionally, transparently, accountably, and with a focus on the public interest. Therefore, if a local government neglects road maintenance, resulting in prolonged damage, this negligence can be categorized as a form of suboptimal local government administration in providing public services to the community (Tjandra, 2018).

Tapung Hulu District, Kampar Regency, is an area with relatively high population mobility. This area is dominated by oil palm plantations, trade, agricultural product transportation, and heavy vehicle traffic that uses district roads daily. The intensity of road use by heavy vehicles causes increased road loads, accelerating the degradation of road construction quality. In addition to vehicle factors, high rainfall, suboptimal drainage systems, and limited routine maintenance contribute to the increasing road damage. As a result, people experience difficulties in carrying out economic activities, hampering the distribution of goods, increasing transportation costs, and increasing the risk of traffic accidents.

Legally, the regional government's responsibility for road maintenance has been affirmed in Law Number 2 of 2022 concerning the Second Amendment to Law Number 38 of 2004 concerning Roads. The law emphasizes that road maintenance includes the regulation, development, construction, operation, and preservation of roads in accordance with the authority of each government. Furthermore, the budget for road construction and preservation is the responsibility of the central government, regional governments, and village governments according to the division of authority. Therefore, if a road section in Tapung Hulu District is a district road, the Kampar Regency Government, through the regional apparatus in charge of public works, has a legal obligation to carry out maintenance, rehabilitation, and improvement of the road on an ongoing basis.

This division of authority aligns with Law No. 23 of 2014 concerning Regional Government, which stipulates that public works and spatial planning are mandatory government affairs related to basic services. Consequently, regional governments are not only

tasked with building new roads but are also obligated to maintain existing roads in good condition so they can provide continuous services to the public. The failure of regional governments to provide these basic services can be seen as a form of suboptimal regional governance.

The implementation of local government responsibilities cannot be interpreted simply as repairing damaged roads. This implementation must begin at the development planning stage, compiling a road preservation program, budgeting, implementing routine maintenance, periodic maintenance, rehabilitation, reconstruction, and monitoring road conditions. Law Number 2 of 2022 introduces the concept of road preservation, which encompasses all activities undertaken to maintain the road's condition and ensure it meets its intended lifespan. Thus, road maintenance is no longer solely reactive after a road experiences severe damage, but also preventive through ongoing maintenance.

From a governmental administration perspective, the responsibilities of local governments must be implemented based on the principles of legality, legal certainty, utility, accuracy, good service, and public interest as stipulated in Law Number 30 of 2014 concerning Governmental Administration. These principles require that every government action be based on legitimate authority and implemented to provide the greatest possible benefit to the community. Therefore, when a local government is aware of a damaged road but does not immediately take the necessary action, such action can be considered contrary to the principles of good governance.

Furthermore, the implementation of regional government responsibilities must also be linked to Law Number 25 of 2009 concerning Public Services. Roads are part of public services because they are directly used by the public. Regional governments are obliged to provide quality, fast, safe, and accessible services, while ensuring the safety of road users. Prolonged road damage without any remedial measures indicates a suboptimal quality of public services, potentially causing harm to the community.

Law Number 2 of 2022 explicitly places road maintenance as the responsibility of road operators. Regional governments, as the administrators of district roads, are obligated to ensure that roads continue to meet technical and safety requirements and are safe and convenient for public use. These provisions are further elaborated in Minister of Public Works Regulation Number 13/PRT/M/2011 concerning Procedures for Road Maintenance and Inspection, which stipulates that road maintenance must be carried out in a planned, periodic, and continuous manner, based on the results of road condition inspections. Therefore, regional governments cannot wait until road damage becomes severe to undertake repairs; instead, they must take preventative measures through routine maintenance.

The implementation of these responsibilities is essentially an implementation of the principles of good governance, which emphasize effectiveness, efficiency, transparency, accountability, responsiveness, and legal certainty in government administration. Local governments are required to develop road maintenance programs based on priority scale, level of damage, traffic volume, and the strategic importance of each road section. Through this mechanism, maintenance budgets can be used effectively and effectively, so that the benefits can be felt directly by the community.

Furthermore, road maintenance must also comply with the General Principles of Good Governance (AUPB). One particularly relevant principle is the principle of accuracy, which requires the government to make decisions based on factual data and conditions on the ground. In the context of road maintenance, this principle is realized through surveys, damage inventories, road condition assessments, and the development of maintenance priorities. If the government ignores the results of these assessments and allows roads to remain damaged for an extended period, this action violates the principles of good governance.

The implementation of local government responsibilities must also be understood as a

form of protection of community rights. Roads are public facilities whose use is guaranteed by the state, thus ensuring the public has the right to adequate infrastructure services. This right is directly correlated with the government's obligation to provide safe, comfortable roads that meet technical standards. Therefore, the legal relationship between local governments and the community in road management is a public legal relationship that gives rise to reciprocal rights and obligations.

In practice, the successful implementation of regional government responsibilities is influenced by several factors, including the availability of regional budgets, the quality of development planning, human resource capacity, oversight systems, coordination between regional agencies, and public participation in reporting road damage. The Indonesian Ombudsman also emphasizes the importance of transparency regarding road maintenance plans and public involvement as part of accountability in public service delivery.

When linked to conditions in Tapung Hulu District, the implementation of local government responsibilities can be analyzed through several indicators. One example is the existence of a regular road damage inventory program. This inventory serves as the basis for determining treatment priorities, allowing the local government to identify which road sections are experiencing minor, moderate, or severe damage. Without proper data collection, development programs will be poorly targeted.

The implementation of this responsibility is realized through the provision of a road maintenance budget. The budget plays a strategic role as it serves as the basis for implementing road preservation and improvement activities. Although local governments have limited fiscal capacity, this does not eliminate their legal responsibility to provide services to the public. Law Number 2 of 2022 even provides the opportunity for funding support from the central government if local governments are unable to finance road construction within their respective jurisdictions.

This obligation is not merely a moral obligation, but rather a legal obligation, which, if ignored, can have legal consequences for road operators. From a criminal law perspective, local government negligence in maintaining roads can be classified as a form of culpa. Culpa is an inward attitude in the form of carelessness, lack of attention to legal obligations, or disregard for standards of care that should be met, resulting in consequences prohibited by law. Unlike intent (*dolus*), in culpa, the perpetrator does not intend the consequences to occur, but these consequences could actually be predicted and prevented if the perpetrator had carried out their obligations properly (Hiariej, 2020).

In the context of road management, local governments, through public works agencies, are obligated to conduct road damage inventories, conduct periodic inspections, perform routine maintenance, install warning signs on damaged roads, and carry out repairs according to the level of damage. If authorized officials are aware of a pothole or severely damaged road, but allow it to remain untouched for a long time without taking any action, resulting in an accident for road users, then theoretically there is an element of negligence that can be analyzed as a basis for criminal liability (Lamintang, 2019).

In Indonesian criminal law, negligence does not automatically constitute a crime. Criminal liability can only be imposed if the elements of a crime are met, namely an act or omission, a legal obligation to act, fault (*schuld*), a causal relationship (*causal verband*) between the negligence and the resulting consequences, and the consequences defined in the law. Therefore, if a local government has a legal obligation to repair a road but fails to do so without justifiable reason, and then this negligence is proven to be the main cause of a traffic accident resulting in death or serious injury, then these elements should be analyzed from a criminal law perspective (Chazawi, 2022).

Tapung Hulu District, Kampar Regency, is an area with relatively high traffic volume, particularly for oil palm plantation transport vehicles, logistics trucks, company vehicles, and

public transportation. The high volume of large-tonnage vehicles accelerates road damage if not accompanied by adequate maintenance. In such circumstances, local governments have an obligation to increase road condition monitoring and take preventative measures before damage develops into serious damage that endangers road users.

If the local government has been aware of road damage through public reports, field inspection results, or road survey data, but no immediate temporary safety measures are taken, such as installing warning signs, road barriers, emergency lighting, or temporarily closing dangerous sections, then such negligence indicates a failure to comply with the standards of caution that should be implemented by road operators. In criminal law doctrine, such a situation can be viewed as a form of *culpa lata* or gross negligence because officials who have legal obligations actually allow dangerous conditions to continue (Rusianto, 2018).

Furthermore, criminal law analysis must also consider the existence of a causal relationship (causal verband). Not every traffic accident that occurs on damaged roads can be directly blamed on the local government. It must be proven that the road damage was the dominant cause (adequate causality) that actually caused the accident. Conversely, if the accident was primarily caused by driver violations such as drunk driving, exceeding the speed limit, or driving against traffic, the causal link between government negligence and the criminal consequences is broken. Therefore, proving a causal relationship is a crucial element in determining whether or not road operators are criminally liable (Sianturi, 2016).

Besides the causal relationship, another important element is the legal obligation inherent in road officials. Criminal law recognizes commission by omission, a crime that occurs because someone fails to fulfill a legal obligation. In the context of road management, this obligation is expressly stipulated in Law Number 2 of 2022 concerning Roads. Therefore, if an authorized official intentionally or negligently fails to fulfill this obligation, resulting in the public becoming a victim, their actions are no longer viewed as merely an administrative error but can develop into a criminal law issue if all elements of the offense are met.

Routine maintenance is a form of preventative action aimed at preventing damage from developing into more serious damage. In practice, these activities include filling potholes, cleaning drainage channels, mowing grass on road shoulders, maintaining road shoulders, and removing materials that interfere with the road's function. If these activities are carried out consistently, the road's service life will be extended, thereby reducing rehabilitation costs.

One of the main causes of damage to district roads is vehicles with loads exceeding the road construction capacity. Therefore, local governments must coordinate with relevant agencies to monitor heavy vehicles traveling on district roads to prevent rapid deterioration of the road construction. Furthermore, the implementation of local government responsibilities cannot be separated from the provisions of Article 24 of Law Number 22 of 2009 concerning Road Traffic and Transportation. This provision requires road operators to immediately repair damaged roads that could cause traffic accidents. If repairs cannot be carried out, road operators are required to provide signs or markers at the location of the damaged road as a form of protection for road users. This obligation is imperative and does not depend on the presence or absence of accident victims.

If a local government neglects these obligations and results in a traffic accident, in addition to being held administratively liable, the local government could also face criminal consequences as stipulated in Article 273 of Law Number 22 of 2009 concerning Road Traffic and Transportation, depending on the consequences for the victim. This provision demonstrates that the responsibility of road operators is not only administrative, but also includes a legal dimension of protection for public safety.

From the perspective of welfare state theory, local governments are obligated to meet the basic needs of the community by providing adequate infrastructure. Damaged roads are

not simply a physical issue, but are closely related to the community's right to receive safe, comfortable, and quality public services. Therefore, the implementation of local government responsibility for damaged roads in Tapung Hulu District should not only be measured by the number of road construction projects carried out each year, but also by the level of road stability, the speed of damage management, the effectiveness of maintenance, and the reduction in the number of accidents caused by road damage.

Thus, it can be analyzed that the implementation of the Kampar Regency Government's responsibility for damaged roads in Tapung Hulu District has a strong legal basis normatively through Law Number 2 of 2022 concerning Roads, Law Number 23 of 2014 concerning Regional Government, Law Number 30 of 2014 concerning Government Administration, Law Number 25 of 2009 concerning Public Services, and Law Number 22 of 2009 concerning Traffic and Road Transportation. However, the effectiveness of its implementation is largely determined by the commitment of the local government in carrying out road preservation, providing adequate budgets, strengthening supervision of overloaded vehicles, carrying out ongoing maintenance, and providing legal protection to all road users through the provision of safe and sustainable road infrastructure.

B. Obstacles in implementing local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency

Tapung Hulu District, as an area within Kampar Regency, has a fairly extensive geographic area, with economic activity dominated by oil palm plantations, agriculture, trade, and freight transportation. High vehicle traffic, particularly large-tonnage vehicles transporting plantation products, places a significant burden on road construction capacity. If this condition is not balanced with routine and periodic maintenance, road damage will occur more rapidly.

Road damage is essentially a condition where the road's service function is reduced due to changes in the road surface's shape, cracks, potholes, sinkholes, or other structural damage that causes the road to no longer meet minimum service standards. This condition not only disrupts public activities but also increases the risk of traffic accidents, increases vehicle operating costs, hinders the distribution of agricultural and plantation products, and reduces regional economic growth.

The implementation of local government responsibility for road maintenance does not always comply with statutory provisions. Although the Kampar Regency Government is legally authorized to manage, maintain, and repair district roads, in practice, various obstacles remain, preventing optimal management of road damage in Tapung Hulu District.

1. Regional Budget Limitations in Road Infrastructure Maintenance and Improvement

One of the main obstacles in implementing the Kampar Regency Government's responsibility for handling damaged roads in Tapung Hulu District is the limited regional financial capacity to finance the construction and maintenance of road infrastructure. Although normatively, the regional government has an obligation to manage district roads in accordance with its authority as stipulated in Law Number 2 of 2022 concerning the Second Amendment to Law Number 38 of 2004 concerning Roads, the implementation of this obligation is greatly influenced by the capacity of the Regional Revenue and Expenditure Budget (APBD). In practice, the need for road construction often far exceeds the fiscal capacity of the regional government, so not all damaged road sections can be addressed in one budget year.

This situation is a common problem faced by district governments in Indonesia, particularly those with extensive administrative areas and extensive district road networks.

Tapung Hulu District, as one of the regions with plantation and agricultural-based economic activities, requires good road conditions to support community mobility and the distribution of products. However, budget constraints force local governments to prioritize which road sections to repair first. Consequently, several damaged road sections remain untreated, as the available budget prioritizes road sections deemed more urgent.

The issue of budget constraints is not only related to the amount of development funds, but also concerns the distribution of regional spending across various public service sectors. Under Law Number 23 of 2014 concerning Regional Government, regional governments are required to finance various government affairs such as education, health, public works, public housing, public order and safety, social services, and other basic services. Consequently, regional governments must allocate their budgets proportionally, so the budget for road maintenance cannot always cover all infrastructure development needs.

In addition to the significant development needs, rising construction material prices are also a factor contributing to increasingly limited road maintenance budgets. The costs of asphalt, cement, crushed stone, steel, fuel, and heavy equipment operating costs fluctuate according to national economic conditions. These price increases result in the amount of work that can be carried out through the regional budget (APBD) being less than the actual needs in the field. In other words, even though local governments allocate a relatively constant budget each year, the volume of work completed actually decreases due to rising construction costs.

Another obstacle is the high cost of road preservation compared to routine maintenance. Many road sections that previously required only minor maintenance eventually deteriorate to moderate or even severe damage due to delays in treatment. This situation forces local governments to incur significantly higher rehabilitation or reconstruction costs than if maintenance had been carried out regularly from the outset. Thus, budget constraints indirectly create a cycle of recurring road damage as local governments allocate more funds to repairing severe damage than to preventive maintenance.

On the other hand, road maintenance is also affected by limited local revenue (PAD). Regencies with relatively limited PAD are more dependent on transfer funds from the central government. Changes in national fiscal policy or adjustments in transfer allocations to regions can also impact road construction programs. As a result, some planned road improvement programs must be postponed or implemented in stages, depending on regional financial capacity.

From a government administration perspective, budget constraints do not eliminate the legal obligation of local governments to provide services to the public. The government remains obligated to formulate effective development plans, map priorities based on the level of road damage, utilize other funding sources permitted by law, and increase the efficiency of regional budget (APBD) use to ensure sustainable road development. Local governments can also optimize coordination with provincial and central governments if certain road sections play a strategic role in regional economic growth.

When analyzed using the theory of legal effectiveness, budget constraints are a factor influencing the implementation of legal norms. Soerjono Soekanto (2019) explains that the success of law enforcement and implementation is influenced by five factors: legal substance, law enforcement officers, facilities, society, and culture. In the context of road construction, budgeting is an integral part of the infrastructure and facilities. Although laws clearly define the responsibilities of local governments, implementation of these norms will not be optimal without adequate funding.

Therefore, budget constraints can be categorized as a major obstacle in implementing the Kampar Regency Government's responsibility for damaged roads in Tapung Hulu District. This obstacle not only impacts the slow road repair process, but also affects the quality of public services, the smooth distribution of plantation products, increases public transportation

costs, and the potential for increased traffic accidents due to road damage that has not been addressed quickly. Therefore, increasing regional fiscal capacity, establishing development priorities based on community needs, and optimizing funding sources are important steps to improve the effectiveness of road management in Tapung Hulu District.

2. Weak Road Supervision and Maintenance by Local Governments

One of the obstacles preventing the Kampar Regency Government from implementing its responsibility for damaged roads in Tapung Hulu District optimally is the weak road monitoring and maintenance system. Monitoring is an integral part of road management, as it aims to ensure that road conditions remain at a level of stability that meets minimum service standards. In local government practice, road monitoring is often more reactive than preventive. This means that repairs are only undertaken after the damage has progressed to moderate or severe levels, or even after public complaints or traffic accidents have occurred. This situation results in higher rehabilitation costs than if the local government had carried out routine maintenance from the outset.

Road maintenance is the responsibility of the government, in accordance with its authority, as stipulated in Law Number 2 of 2022 concerning the Second Amendment to Law Number 38 of 2004 concerning Roads. This law introduces the concept of road preservation, which is all activities undertaken to maintain road conditions so that they continue to function according to their intended lifespan. Road preservation encompasses not only road construction or improvement but also routine maintenance, periodic maintenance, rehabilitation, and reconstruction. Therefore, local governments are not only obligated to repair damaged roads but also to conduct continuous monitoring to ensure early detection of damage and prevent further deterioration.

In Tapung Hulu District, road monitoring presents a unique challenge, given its vast area, with roads connecting residential areas, plantations, and economic centers. The high volume of vehicles transporting plantation products causes road conditions to deteriorate in a relatively short time. If road conditions are not regularly monitored, minor damage such as hairline cracks, potholes, or shoulder damage can develop into structural damage, requiring significantly higher rehabilitation costs. Therefore, weak oversight directly impacts the local government's budget burden, as the cost of addressing major damage is higher than routine maintenance.

In road maintenance, inventory is a crucial activity because it serves as the basis for determining priority treatment. Inventory includes data on road length, level of damage, drainage conditions, bridges, shoulders, and traffic volume. If this data is not updated regularly, development programs will not fully reflect actual needs on the ground. As a result, road sections that should be prioritized may not receive treatment, while other sections with relatively less damage receive budget allocations first.

Based on the above description, it can be concluded that weak road supervision and maintenance are obstacles that significantly affect the implementation of the Kampar Regency Government's responsibility for damaged roads in Tapung Hulu District. These obstacles not only cause an increase in the level of road damage, but also impact the increasing burden on the regional budget, decline in the quality of public services, disruption of community economic activities, and an increased potential for traffic accidents. Therefore, the regional government needs to strengthen the periodic monitoring system, improve road condition inventory, enhance inter-agency coordination, optimize control of overloaded vehicles, and establish a faster and more effective public complaint mechanism.

3. The Implementation of Criminal Liability for Road Operators Who Negligently Carry Out Their Obligations is Less Than Optimal

One of the obstacles affecting the implementation of the Kampar Regency Government's responsibility for handling damaged roads in Tapung Hulu District is the suboptimal application of criminal liability against road operators who are negligent in carrying out their obligations. Although laws and regulations have provided a clear legal basis regarding the obligation of road operators to immediately repair damaged roads and provide warning signs if repairs cannot be carried out, in practice these provisions are still rarely implemented optimally. As a result, road damage that has persisted for a long time is often only seen as a problem of government administration or budget constraints, even though if this negligence results in traffic accidents that cause injuries or fatalities, there are criminal legal consequences that can be imposed on road operators in accordance with the provisions of laws and regulations.

Law Number 22 of 2009 concerning Traffic and Road Transportation has expressly stipulated in Article 24 that road operators are obliged to immediately and properly repair damaged roads that could result in traffic accidents. If repairs cannot be carried out, road operators are obliged to provide signs or signs on the damaged road section to prevent accidents. This provision shows that the obligations of road operators are not only limited to infrastructure development, but also include protecting the safety of road users. If these obligations are ignored, road operators can be subject to criminal sanctions as stipulated in Article 273 of Law Number 22 of 2009 which regulates the threat of criminal penalties if the negligence of road operators causes minor injuries, serious injuries, or even death.

In practice, the implementation of these criminal provisions still faces various obstacles. One major obstacle is the difficulty in determining the legal entity responsible for road damage. Road maintenance involves various parties, from regional heads as the government officials, regional government agencies responsible for public works, commitment-making officials, supervisory consultants, and construction service providers. This complexity makes the process of determining which parties should be held criminally responsible challenging. Law enforcement officials must prove a causal relationship between the negligence of road administrators and the occurrence of traffic accidents, including proving the element of fault (*schuld*) committed by the officials or responsible parties.

Furthermore, obstacles also arise from the evidentiary aspect in the law enforcement process. To prove a crime as referred to in Article 273 of Law Number 22 of 2009, investigators must be able to prove that the accident actually occurred due to damaged road conditions and that there is a causal relationship between the negligence of the road operator and the occurrence of victims. This proof requires the support of road construction experts, traffic experts, documentation of the road conditions before the incident, results of crime scene processing, and evidence of any obligations not fulfilled by the road operator. It is not uncommon for difficulties in proving the case to stop at the investigation or inquiry stage, so that criminal provisions are never effectively applied.

When analyzed using the theory of criminal responsibility, a person or government agency can only be held accountable if it fulfills the elements of an act, error, capacity to be responsible, and the absence of excuses or justifications. Therefore, in the context of road management, law enforcement must prove that the authorized official was aware of the road damage, had a legal obligation to make repairs or provide warning signs, but intentionally or due to negligence failed to carry out these obligations, resulting in victims. This analysis shows that the application of criminal law cannot be carried out immediately, but must fulfill all elements of criminal responsibility as recognized in Indonesian criminal law (Moeljatno, 2015).

From the perspective of Soerjono Soekanto's (2022) theory of legal effectiveness, the

less than optimal application of criminal sanctions shows that law enforcement officials and law enforcement factors are still obstacles in the implementation of legal norms. In fact, the threat of criminal penalties in Article 273 of Law Number 22 of 2009 is intended to increase compliance by road operators in fulfilling their obligations and provide legal protection to the public as road users. If these provisions are consistently implemented, they will encourage local governments to be more responsive in road maintenance, thereby minimizing the risk of accidents due to damaged roads.

Based on the above description, it can be concluded that the suboptimal implementation of criminal liability for road operators is one of the obstacles in implementing the Kampar Regency Government's responsibility for damaged roads in Tapung Hulu District. These obstacles are caused by the complexity of determining legal subjects, the dominance of administrative approaches, difficulties in proving causal relationships, and the suboptimal enforcement of criminal provisions as stipulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. Therefore, synergy is needed between local governments, law enforcement officers, and related institutions so that provisions regarding criminal liability for road operators can be implemented effectively, thereby providing legal certainty, justice, and protection for road users.

C. Efforts to overcome obstacles in implementing local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency

Road construction and maintenance are the obligations and authority of the government as the ruler, if the construction and maintenance of roads carried out by the government are damaged and not immediately repaired resulting in material losses and human casualties, can the state in this case not be held responsible for its negligence in carrying out its obligations to maintain roads, especially if the victims are individuals who obey the law and taxes. The community has fulfilled its obligations to complete driving equipment in accordance with traffic regulations and also the community has fulfilled its obligations to pay taxes to the state, therefore the state must provide good services for individuals who obey the law and taxes such as carrying out road maintenance.

Road damage, extending hundreds of kilometers, has the potential to cause significant damage and has even resulted in numerous fatalities. Bumpy and potholed roads are extremely dangerous for road users. This is especially true if standing water blocks the potholes, which often lead to road accidents. To date, the central and regional governments, which manage the roads, appear to have shied away from responsibility for these victims, whether they are injured or killed.

The government has neglected existing road damage. This is evident in the fact that it has been neglected for months or even years. This road damage, like most road damage, is characterized by cracks and potholes. This type of road damage can threaten the safety of motorcyclists, resulting in anything from minor accidents to fatalities. Traffic accidents, whether caused by vehicle factors or road conditions, often result in casualties. Therefore, those who become victims, especially those who suffer from accidents caused by road conditions, must receive legal protection.

According to Law Number 22 of 2009 concerning Traffic and Road Transportation, Article 1 point 24, a traffic accident is an unexpected and unintentional incident on the road involving vehicles with or without other road users that results in human casualties and/or property damage. In traffic accidents that frequently occur, victims often do not receive the legal protection that they should receive.

The very rapid growth in the number of motorized vehicles in big cities in Indonesia, but not balanced by orderly and regular road management, namely the provision of complete and appropriate facilities and infrastructure, has had an impact on the lack of security and comfort, as well as being less able to accommodate the interests of road users.

On the other hand, laws and regulations have emphasized that regional governments have the authority and responsibility to provide facilities and infrastructure that accommodate the interests of road users. The goal is to ensure that road users avoid road traffic accidents and greater losses resulting from inadequate road traffic facilities and infrastructure.

1. Optimizing Budgeting and Diversifying Sources of Road Infrastructure Financing

The first step the Kampar Regency Government needs to take to address budget constraints for road maintenance and improvement is to optimize the regional budgeting system by establishing more measurable development priorities based on community needs. These priorities should be based on an inventory of road conditions, levels of damage, traffic volume, economic benefits, and the urgency of public services, ensuring that regional budget allocations are directed toward road sections that provide the greatest benefit to the community. Data-driven planning will increase the effectiveness of budget use while preventing off-target development.

In addition to optimizing the regional budget (APBD), the Kampar Regency Government also needs to utilize various other funding sources permitted by law. Law Number 2 of 2022 concerning Roads provides space for regional governments to obtain funding support from the central government, provincial governments, and other legitimate funding sources in accordance with statutory provisions. Therefore, the regional government needs to improve coordination with the Ministry of Public Works, the Riau Provincial Government, and related institutions so that strategic road construction can obtain funding assistance through the Special Allocation Fund (DAK), Provincial Financial Assistance, and national infrastructure development programs.

In addition, local governments need to improve the efficiency of infrastructure spending by implementing the value-for-money principle, ensuring that every rupiah spent provides maximum benefits to the community. This efficiency can be achieved through thorough technical planning, strict project implementation oversight, the use of more durable construction technologies, and cost controls. Therefore, budget constraints should not be the primary reason for road construction delays, but rather a challenge that can be overcome through effective, transparent, and accountable regional financial management, in accordance with the principles of good governance (Mardiasmo, 2018).

2. Strengthening the Road Monitoring, Preservation, and Inter-Agency Coordination Systems

The second effort is to strengthen the road condition monitoring system through ongoing road preservation. The Kampar Regency Government needs to develop an information technology-based road condition inventory system so that any changes in road conditions can be identified more quickly. This data collection must be conducted periodically, involving regional officials, sub-district governments, village governments, and the community, so that the government has accurate data to determine road maintenance and rehabilitation priorities.

Oversight should also be directed at implementing routine maintenance, as preventive maintenance is a far more efficient measure than rehabilitation after damage has become severe. Local governments need to establish regular road inspection schedules, undertake early repairs on cracks and small potholes, repair drainage systems, and ensure all road sections continue to meet the functional standards mandated by Law Number 2 of 2022

concerning Roads. Continuous oversight can maintain the service life of roads, thereby reducing construction costs.

Furthermore, inter-agency coordination must be strengthened. The Public Works Department, the Transportation Department, the Regional Development Planning Agency, the Police, and sub-district governments need to establish more effective coordination mechanisms to identify road damage, prioritize development, and monitor vehicles that could accelerate road damage. This synergy will improve the effectiveness of road maintenance and accelerate public services, in accordance with the principles of responsive public service.

3. Optimizing Criminal Law Enforcement against Negligence of Road Operators

The third effort is to optimize criminal law enforcement against road operators who neglect to carry out their obligations as stipulated in Articles 24 and 273 of Law Number 22 of 2009 concerning Road Traffic and Transportation. Criminal law enforcement is not intended to criminalize government policies, but aims to provide legal certainty, increase the accountability of road operators, and provide protection to the public as road users. Therefore, if there is evidence of negligence that results in a traffic accident, law enforcement officers must apply criminal provisions professionally based on valid evidence in accordance with the provisions of criminal procedure law.

The Kampar Regency Government also needs to establish an internal oversight mechanism for the implementation of the duties of regional agencies responsible for roads. This oversight can be carried out through regular evaluations of road conditions, follow-up investigations of public reports, technical audits of road maintenance implementation, and the imposition of administrative sanctions on officials who fail to fulfill their duties. These measures aim to prevent negligence that could potentially lead to future criminal liability.

In addition, coordination between local governments, the Indonesian National Police, the Indonesian Attorney General's Office, and internal government oversight bodies needs to be strengthened to ensure effective law enforcement against negligence by road operators. Consistent law enforcement will provide a deterrent effect, increase government officials' compliance with their legal obligations, and strengthen legal protection for road users. Therefore, the implementation of local government responsibility for damaged roads is not only realized through physical construction, but also through compliance with legal norms that guarantee public safety.

CONCLUSIONS

The implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency has not been running optimally because there are still road sections that have been damaged for a relatively long time, which affects the safety of road users, the smooth mobility of the community, and economic activities. This condition indicates that the implementation of local government obligations has not fully met the principles of implementing safe, secure, sustainable roads and providing quality public services as mandated by laws and regulations.

Obstacles in the implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency are: First, limited regional financial capacity causes the budget for road maintenance and improvement to be unable to meet all road infrastructure development needs. Second, the weak road monitoring and maintenance system causes minor damage not to be immediately addressed so that it develops into serious damage that requires greater rehabilitation costs. Third, the less than optimal application of criminal liability to road administrators who are negligent in carrying out their obligations as regulated in Article 24 and Article 273 of Law Number 22 of 2009 concerning Traffic and Road Transportation, so that the preventive function of criminal law has not provided a deterrent

effect in increasing compliance of road administrators with their legal obligations.

Efforts to overcome obstacles in the implementation of local government responsibility for damaged roads in Tapung Hulu District, Kampar Regency include optimizing budget management through the preparation of development priority scales based on the level of road damage and community needs, as well as utilizing other legitimate funding sources in accordance with statutory regulations. Furthermore, local governments need to strengthen the system of supervision, inventory, and periodic road maintenance by utilizing information technology and improving coordination between agencies so that road damage can be detected and handled more quickly. In addition, it is necessary to optimize law enforcement against road organizers who are negligent in carrying out their obligations through the application of criminal provisions in accordance with statutory regulations, accompanied by increased internal supervision and accountability of government officials, so as to create legal certainty, protection for road users, and improve the quality of public services in the field of road infrastructure.

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