

Comparison of PMH Arrangements in Indonesia and the Netherlands in Transportation Matters



Ni Kadek Manik Lely Kamani¹, Salsah Puri Dewi², Lorin Imogen³, Frity Felicia Anton⁴,
Giorgio Geissler Vallerio Tjua Mottoh⁵

^{1,2,3,4,5}Pelita Harapan University

ABSTRACT: This study aims to compare the regulation of Unlawful Acts (PMH) in the transportation sector in Indonesia and the Netherlands, in order to provide better policy recommendations. The method used is normative juridical with a comparative approach, through analysis of regulations and legal norms in both countries. The results show that the PMH system in the Netherlands, which applies the principle of strict liability, is more effective in handling transportation accident cases compared to Indonesia, which still relies on the element of fault. This results in a faster legal process in the Netherlands and better protection of victims. The implication of this finding is the need for reform in the regulation of PMH in Indonesia to be more responsive to the needs of modern society, as well as increasing public awareness of the importance of complying with traffic regulations. This research is expected to be a reference for policy makers in formulating more effective and efficient regulations in the transportation sector.

KEYWORDS: PMH, Netherlands, Indonesia, Comparison

I. INTRODUCTION

Transportation is one of the vital aspects of modern society because of its role as a link between regions as well as supporting social and economic mobility. In Indonesia, the transportation sector is experiencing rapid development, especially with increasing urbanization and people's need for fast and efficient services. However, this development is accompanied by significant challenges, such as congestion, high accident rates, and low efficiency of public transportation. These problems are exacerbated by the lack of effective policy implementation to improve transportation safety and convenience for the general public.

In contrast, the Netherlands is known for its integrated and efficient transportation system, which has undergone various innovations in both infrastructure management and legal policies. The country has strict and consistent regulations in maintaining transportation safety standards, supported by the application of the concept of *strict liability* in handling tort actions related to transportation accidents. The success of the transportation system in the Netherlands is a clear example of how good policy can reduce legal conflicts while improving service quality. Therefore, this study aims to compare the regulation of tort in the transportation context in Indonesia and the Netherlands, in order to provide recommendations for better policy development in the future.

The regulation of tort in Indonesia still refers to the Civil Code (KUHPer) which was adopted from the Dutch legal system during the colonial period. Article 1365 of KUHPer explicitly stipulates that any act that harms another person, whether intentional or negligent, is obliged to provide compensation. This regulation emphasizes the element of fault as an important element that must be proven by the plaintiff to obtain the right to compensation. However, the challenge faced in its application is the law's lack of flexibility to adapt to modern situations, including new cases in the transportation sector that require a more progressive legal approach (Soepomo, 2022).

In contrast, the Netherlands has developed the concept of PMH with a broader and more dynamic approach in line with the times. The Dutch legal system not only regulates liability for damages under the law, but also considers social norms and the principle of strict liability in certain cases, such as transportation accidents and environmental pollution. This makes it possible to resolve PMH cases without having to prove the element of fault, thus speeding up the legal process and protecting victims more effectively. This approach shows how the Netherlands is adapting the concept of PMH to support public policy and create a legal system that is more responsive to the needs of modern society.

Comparison of PMH Arrangements in Indonesia and the Netherlands in Transportation Matters

In the context of transportation, PMH regulation is very important to protect consumer rights and ensure the safety of road users. In Indonesia, although there are various regulations related to traffic safety and road transportation, implementation in the field is often less than optimal. This has led to many cases of traffic accidents and legal conflicts between transportation service providers and users (Nugroho, 2023). In contrast, the Netherlands has implemented a strict supervision system for transportation service providers as well as strict sanctions for violators.

One concrete example of PMH regulation in the transportation sector is the use of electric bicycles. In Indonesia, the use of electric bicycles is regulated through the Minister of Transportation Regulation Number 45 of 2020. However, this regulation still has weaknesses in terms of sanctions for violators of the rules (Hasim Purba, 2023). Meanwhile, the Netherlands has a more comprehensive regulation on electric vehicles that includes aspects of safety and legal responsibility.

The comparison between the two countries includes not only legal aspects but also the culture and habits of the people in using transportation modes. The Dutch tend to be more disciplined in complying with traffic regulations compared to Indonesians. This can be seen from the lower traffic accident rate in the Netherlands compared to Indonesia (Adji et al., 2022). This research uses a normative juridical method with a comparative approach to analyze the differences in PMH arrangements in the two countries. By understanding these differences, it is hoped that solutions can be found to improve the effectiveness of PMH regulation in Indonesia to be more in line with the best practices applied in the Netherlands.

In order to achieve this goal, this research will discuss several important aspects: first, the definition and scope of PMH in the context of transportation; second, an analysis of the existing regulations in Indonesia and the Netherlands; third, the impact of these regulations on road user safety; and finally, recommendations for improving the legal system in Indonesia based on the Dutch experience.

Thus, the results of this research are expected to contribute to the development of transportation law in Indonesia and become a reference for policy makers in formulating better regulations. This research also aims to increase public awareness of the importance of complying with traffic regulations for mutual safety.

II. METHODS

The research method used in this article is normative research, which focuses on analyzing the legal norms applicable in Indonesia and the Netherlands in the context of the regulation of Unlawful Acts (PMH) in the field of transportation. Normative research, or often referred to as doctrinal research, aims to review and analyze laws and regulations as well as legal principles relevant to the topic discussed. This method involves collecting data from primary legal sources, such as laws and government regulations, as well as secondary sources such as books, journals, and scientific articles that discuss issues related to PMH in transportation.

The data collection process was conducted through a literature study, in which the researcher studied various literatures related to PMH and transportation in both countries. Primary legal sources analyzed included the Civil Code (KUHP), Law No. 22/2009 on Road Traffic and Transportation, and other relevant regulations. In addition, the researcher also reviewed legal documents from the Netherlands to obtain a comprehensive picture of the regulation of PMH in that country (Soekanto & Mamudji, 2009).

After data collection, the analysis was conducted using a descriptive analysis approach to describe and compare PMH arrangements in Indonesia and the Netherlands. The researcher will evaluate the effectiveness of existing regulations and their impact on consumer safety and protection in the context of transportation. Thus, this research not only aims to identify the differences between the two legal systems, but also to provide recommendations for the improvement of the legal system in Indonesia based on the best practices applied in the Netherlands (Hanitijjo, 1980).

III. LITERATURE REVIEW

A. *The Concept of Unlawful Acts (PMH)*

Unlawful act (tort) is a legal concept that underlies many civil lawsuit cases in Indonesia. According to Article 1365 of the Civil Code, PMH is defined as "any act that violates the law and causes loss to another party requires the perpetrator to compensate for the loss." This definition emphasizes two main aspects, namely the existence of a violation of law and a concrete loss. This definition is rooted in the principle of personal responsibility and places causation as an important requirement in a PMH lawsuit (Halipah, et al. 2023).

Unlawful Acts (PMH) is a very important term in Indonesian civil law, specifically regulated in the Civil Code (KUHP). According to Article 1365 of KUHP, PMH is defined as any act that violates the law and causes harm to another person, which requires the perpetrator to compensate the injured party. This concept includes not only acts that violate the law, but also acts that are contrary to social norms and decency prevailing in society (Agustina, 2003).

Comparison of PMH Arrangements in Indonesia and the Netherlands in Transportation Matters

According to Agustina (2003), in his book *Unlawful Acts*, in determining an act so that it can be qualified as PMH, 4 conditions are required:

1. Contrary to the perpetrator's legal obligations;
2. Contrary to the subjective rights of others;
3. Contrary to decency;
4. Contrary to propriety, accuracy and prudence.

PMH in the Civil Code has several fundamental characteristics that include unlawful acts, wrongdoing (both intentional and negligent), real losses suffered by the victim, and a causal relationship between the unlawful act and the loss. These four elements must be met for an act to be categorized as PMH that can be legally challenged. These characteristics show the importance of the link between legal norms and individual responsibility for the consequences of their actions (Shelia, 2011).

To qualify an act as PMH, there are several elements that must be met. First, the act itself must exist. This means that without the act or omission of the perpetrator, there can be no PMH. Second, the act must be against the law, both formally and materially. This includes actions that are not in accordance with the provisions of written law or recognized social norms (Sitorus, 2021). Third, there is an element of fault from the perpetrator. This fault can be either intentional or negligent. In this context, the perpetrator is considered guilty if he or she acts intentionally to violate the law or if he or she is negligent in fulfilling his or her obligations so as to cause harm to others. Fourth is the loss suffered by the injured party. This loss may be material (such as loss of property) or immaterial (such as pain or suffering) (Nugroho, 2023). Finally, there is an element of causal relationship between the unlawful act and the loss suffered. This means that the loss suffered by the victim must be directly caused by the perpetrator's actions. Without this causal link, even if all other elements are met, PMH cannot be claimed (Adji et al., 2022).

Various legal experts have provided views on the concept of PMH and its relevance in the context of transportation law. Rosa Agustina emphasized that an understanding of PMH must be seen in the context of legal responsibility and consumer protection. She argues that the regulation of PMH must be able to protect individual rights while encouraging business actors to act responsibly (Agustina, 2003).

Meanwhile, Sitorus (2021) added that the expansion of the definition of PMH in jurisprudential practice shows that not only unlawful acts regulated by law can be categorized as PMH. Actions that are considered inappropriate in a social context can also be sanctioned based on the principles of social justice. This shows that the understanding of PMH continues to evolve in line with changing societal values.

The element of fault is a key element in PMH because it determines the responsibility of the perpetrator. Fault can be in the form of negligence or intentional actions that violate applicable legal norms. In the context of Indonesian law, the measure of fault often refers to the general standard of what is considered a reasonable action by a prudent person in a similar situation (Novianto, 2015).

Losses in PMH can be material, such as loss of money or property damage, or immaterial, such as emotional distress. The Civil Code recognizes the victim's right to sue for both types of loss, provided that the victim can prove that the loss was directly caused by the perpetrator's actions. The importance of this proof makes the role of the court very significant in assessing the validity of loss claims (Apriani, 2021).

Causal relationship is the connecting element between the perpetrator's actions and the losses suffered by the victim. In judicial practice, the causal relationship is often the most difficult element to prove because it involves an in-depth analysis of how certain actions directly or indirectly cause harm (Kalensang, 2016).

In the context of transportation, PMH regulation is very important because it is directly related to the safety of road users and consumer protection. For example, a traffic accident caused by driver negligence can be classified as PMH if it fulfills all of these elements. The victim of the accident is entitled to file a claim for compensation against the perpetrator under the provisions of PMH (Nugroho, 2023).

The concept of PMH in the transportation sector is not only regulated by national law, but is also affected by international legal norms. For example, the Montreal Convention regulates the responsibility of airlines in cases of losses suffered by passengers, which can be a reference in cases of transportation PMH in Indonesia. This legal harmonization shows that PMH has cross-border relevance.

Courts in Indonesia have developed a broader interpretation of PMH through jurisprudence. For example, in some cases, courts have recognized PMH claims even if the harm is not direct, as long as there are indications that the perpetrator's actions have breached certain legal obligations. This development reflects the law's adaptation to the dynamics of modern society.

Overall, the concept of PMH in the Indonesian Civil Code provides an important legal framework to deal with various offenses that cause harm. By strengthening the elements of fault, loss and causal link, and expanding its application to the transportation sector, Indonesian law can more effectively protect individual rights and promote social responsibility.

Comparison of PMH Arrangements in Indonesia and the Netherlands in Transportation Matters

In the Netherlands, a similar concept is known as *onrechtmatige daad*, where the regulation of liability in transportation is more integrated and clear than in Indonesia. This shows that the legal system in the Netherlands is more responsive to the development of public needs related to safety and consumer protection in the field of transportation (Soepomo, 2022). Thus, a deep understanding of the concept of PMH is essential to create an effective legal system that is responsive to the needs of society. This research aims to further explore how PMH regulation in Indonesia can be improved by referring to best practices from other countries such as the Netherlands.

B. Regulation of PMH in Indonesia

Unlawful acts in the context of transportation are governed by various regulations in Indonesia, with the main focus on Law No. 22/2009 on Road Traffic and Transportation. The articles in this law not only establish obligations for road users, but also include legal consequences for violations that harm other parties. As the main legal foundation, it underlines the importance of safety, security and legal responsibility in transportation activities (Nugroho, 2023).

Law No. 22/2009 regulates various activities related to road traffic and transportation, including the movement of vehicles, people and goods. Article 4 of this law emphasizes the importance of safety, order, and smoothness in traffic operations. In addition, the law also covers activities related to motor vehicle registration, traffic education, traffic management, and law enforcement (MoF, 2009). Thus, the regulation of PMH in the transportation sector is an integral part of the overall legal system that aims to protect the rights of road users (Andilolo, et al. 2024).

Law No. 22/2009 emphasizes legal liability for individuals or entities that violate traffic norms. For example, a driver who is negligent, exceeds the speed limit, or ignores traffic signs may be considered to have committed an offense that falls under the PMH category. The law explicitly provides for administrative and criminal sanctions for various offenses, thus providing legal protection to victims of traffic accidents.

In the context of Law No. 22/2009, PMH can occur when there is a violation of the provisions stipulated in the law that causes harm to another party. For example, if a driver breaks the posted speed limit and causes an accident, then the driver can be considered to have committed PMH. This includes all the elements necessary to claim PMH: the existence of a tort, fault of the perpetrator, harm to the victim, and a causal link between the act and the harm (Adji et al., 2022).

In addition to individuals, the law also highlights the responsibility of transportation operators. Transportation companies are responsible for ensuring that the vehicles they operate are roadworthy and that drivers have sufficient competence. Failure to meet these safety standards can be considered a form of PMH that can be sued civilly if it causes harm to passengers or third parties (Sudiro, 2023).

In addition to Law No. 22/2009, several other regulations also support the regulation of PMH in transportation, such as Government Regulation No. 37/2017 on Road Traffic and Transportation Safety and Law No. 8/1999 on Consumer Protection. These regulations complement the legal framework by providing more detailed guidance on safety aspects and protection of consumer rights in transportation services.

The concept of PMH is also closely related to consumer protection in transportation. For example, consumers who are harmed by the negligence of a transportation service provider, such as a bus that has an accident due to malfunctioning brakes, have a legal basis to sue the service provider. The Consumer Protection Law provides an additional legal basis for such cases (Nugroho, 2023).

One of the main challenges in regulating PMH in Indonesia is law enforcement. Law No. 22/2009 authorizes law enforcement officials to take action against traffic violations. However, implementation in the field often encounters obstacles such as the lack of adequate human resources and suboptimal law enforcement infrastructure (Nugroho, 2023). Sanctions for violators also vary, ranging from administrative to criminal sanctions, depending on the level of offense committed.

Although regulations have been established, the effectiveness of their implementation often faces obstacles. Key issues include low legal awareness in the community, lack of law enforcement by authorities, and limited supporting infrastructure such as CCTV to monitor traffic violations. This exposes the gap between idealized rules and implementation on the ground (Amri, 2024).

To support the effectiveness of Law No. 22/2009, various implementing regulations are required. There are around 58 implementing regulations that have been established to support the implementation of this law. These regulations cover various technical aspects such as roadworthiness requirements for motor vehicles, traffic management, and public transportation licensing (Legal Aid, 2023). The existence of these implementing regulations is very important so that the provisions in the law can be translated into daily practice.

Although Law No. 22/2009 has been well drafted, challenges in its implementation remain. One of the main problems is public awareness of the importance of complying with traffic regulations. Many road users still ignore traffic signs and regulations. This

Comparison of PMH Arrangements in Indonesia and the Netherlands in Transportation Matters

shows that the socialization of this law needs to be improved so that people better understand their rights and obligations as road users (Denni Aristonova, 2018).

Law No. 22 Year 2009 is considered to have weaknesses in accommodating the development of transportation technology, such as online ojek. This regulation does not fully cover the legal responsibility of digital platforms in PMH cases involving their driver-partners. This absence of specific rules creates new challenges in the transportation legal system (Gusnita, 2019).

Jurisprudence in Indonesia has also contributed to the development of PMH regulation in transportation. In some cases, courts have rendered decisions that expand the scope of perpetrators' liability, for example by including aspects of immaterial losses as part of compensation. This approach shows the flexibility of the law in dealing with various new situations (Dhermawan, 2020).

An analysis of the effectiveness of PMH arrangements in Law No. 22/2009 shows that although there are many theoretically sound provisions, the practice in the field is often not as expected. The high number of traffic accidents is an indicator that there are still shortcomings in the application of the law and public understanding of traffic safety (Nugroho, 2023). Therefore, periodic evaluations are needed to assess the extent to which this law can be effectively implemented.

PMH regulation also has direct implications for consumer protection in the transportation sector. In this context, the law gives passengers the right to obtain safe and comfortable services from transportation service providers. If violations occur that cause harm to passengers, they have the right to file a claim for compensation under the PMH provisions (Nugroho, 2023).

Overall, Law No. 22/2009 on Road Traffic and Transportation provides a comprehensive legal framework to regulate PMH in Indonesia. However, challenges in its implementation indicate the need for further efforts to increase public awareness as well as the effectiveness of law enforcement. Further research is needed to explore ways to improve the implementation of this law to provide maximum protection for road users.

C. *PMH Regulation in the Netherlands*

The regulation of unlawful acts in the Netherlands is regulated in the Burgerlijk Wetboek (BW), which is the civil code applicable in the Netherlands. BW covers various aspects of civil law, including legal responsibility in the context of transportation. In BW, there are elements that must be met for an act to be categorized as an unlawful act, such as the existence of an unlawful act, the fault of the perpetrator, loss to the victim, and a causal relationship between the act and the loss (Van der Walt, 2018). The regulation of unlawful acts (PMH) in the Netherlands is sourced from the Burgerlijk Wetboek (BW), especially in Book 6 which regulates the law of obligations and agreements. Article 162 of BW defines PMH as an act that violates legal norms or propriety that apply in society and results in loss to another party. This provision is the basis for legal responsibility, including in the context of transportation (Sitorus, 2021). There are several main elements that must be met to determine the existence of PMH according to BW, namely unlawful acts (*onrechtmatige daad*), error or negligence, loss, and a causal relationship between the act and the loss. These elements are similar to the concepts in the Civil Code, but the implementation approach is very different (Sari, 2020).

The Dutch transport regulations also include specific laws governing transport, such as the *Wet Personenvervoer* (Persons Transport Act) and the *Wegenverkeerswet* (Road Traffic Act). These regulations provide the legal framework for the operation of public transport and the responsibilities of transport service providers towards passengers. For example, the Dutch Persons Transport Act requires public transport service providers to ensure the safety and comfort of passengers and to be liable for any damage that may occur due to their negligence (Van der Walt, 2018). In addition to the Road Traffic Act, the Netherlands also has specific regulations related to traffic safety, such as the *Wegenverkeerswet* (WW) which regulates the behavior of road users and liability in traffic accidents. This regulation focuses on protecting vulnerable road users, such as pedestrians and cyclists, who are often victims of accidents (Harsa, et al., 2023).

The Netherlands is known for its proactive approach to traffic safety. The Dutch government has implemented various policies to reduce the number of traffic accidents through traffic education, public awareness campaigns, and strict law enforcement against traffic violators. For example, the use of surveillance cameras to detect traffic violations such as speeding or running red lights is one effective way to reduce the number of accidents (Soepomo et al., 2022).

The Netherlands also places great emphasis on consumer protection in transportation services. European Union regulations implemented in the Netherlands, such as Regulation (EC) No. 261/2004 on passenger rights, provide compensation rights to passengers who experience delays or cancellations. This shows that the PMH Law in the Netherlands is not only national in nature, but also follows international standards (Drajad, 2012).

In the context of consumer protection, Dutch law provides guarantees for public transport passengers to receive safe and quality services. If there is a violation of consumer rights, they can file a claim for compensation based on the PMH provisions in the BW. This shows that the Dutch legal system does not only focus on the criminal aspect, but also provides protection to individuals as consumers (Van der Walt, 2018).

Comparison of PMH Arrangements in Indonesia and the Netherlands in Transportation Matters

In the Netherlands, technology is widely used to support transportation law enforcement. Traffic cameras, digital monitoring systems, and accident reporting applications help gather evidence to prove the existence of PMH. This is different from Indonesia, where the use of technology is still limited (Sakti & Haniyah, 2024).

The Netherlands emphasizes a preventive approach in regulating transportation law. Strict vehicle safety regulations and mandatory training for professional drivers are examples of how Dutch law seeks to prevent PMH before an accident occurs. This approach reduces the number of accidents due to negligence (Linanda, 2023).

Although PMH regulations in the Netherlands are quite comprehensive, there are still challenges in their implementation. One of the main problems is public awareness of their rights and obligations as road users. Although the government is actively disseminating information about traffic safety, many road users still ignore traffic regulations. Therefore, further efforts are needed to increase public awareness of the importance of obeying traffic regulations.

IV. RESULTS AND DISCUSSION

This study aims to compare the regulation of Unlawful Acts (IAC) in Indonesia and the Netherlands in the context of transportation. The results of the analysis show that although both countries have a good legal framework related to IAC, the effectiveness of law enforcement and public awareness of traffic regulations differ significantly.

In Indonesia, IAC is regulated in the Civil Code (KUHPer) and Law Number 22 of 2009 concerning Road Traffic and Transportation. These provisions explain that any individual or legal entity who commits an act that harms another party due to negligence or error can be held accountable based on the IAC principle. For example, if a driver ignores traffic signs and causes an accident, he can be held liable for compensation to the accident victim (Nugroho, 2023).

The elements of IAC in Indonesia include the existence of an unlawful act, the perpetrator's fault, the victim's loss, and the causal relationship between the act and the loss. These elements are in line with the provisions in the KUHPer which regulate liability for compensation. However, the implementation of Law No. 22 of 2009 often encounters obstacles, such as lack of law enforcement and low public awareness of traffic regulations (Adji et al., 2022).

The main challenge in implementing Law No. 22 of 2009 is the low level of public compliance with traffic regulations. Many road users still violate traffic signs, increasing the risk of accidents. Weak law enforcement is also a contributing factor to the high number of violations. Therefore, intensive efforts are needed to increase public awareness of the importance of complying with traffic regulations and strengthening law enforcement with strict sanctions for violators (Aristonova, 2018).

In the Netherlands, the regulation of PMH in the context of transportation is regulated in the Burgerlijk Wetboek (BW) and special laws such as *Wegenverkeerswet*. BW provides a clear legal framework regarding the responsibilities of perpetrators in PMH cases, including the obligation to provide compensation to parties who are harmed due to negligence or error. The Dutch legal system is more structured and has clearer procedures for handling PMH cases (Van der Walt, 2018).

The elements of PMH in the Netherlands are the same as in Indonesia, namely the existence of an unlawful act, the fault of the perpetrator, the loss to the victim, and the causal relationship between the two. However, the Dutch legal system is more effective in enforcing the law by using technology such as surveillance cameras to detect traffic violations. This increases the effectiveness of law enforcement and reduces the rate of traffic accidents (Soepomo et al., 2022).

Law enforcement in the Netherlands regarding PMH is carried out strictly by the police and other related institutions. Sanctions for violators can be in the form of fines or imprisonment depending on the level of violation committed. This strict law enforcement creates a deterrent effect for violators and increases public compliance with traffic regulations (Nugroho, 2023).

The Netherlands is known for its proactive approach to traffic safety. The Dutch government has implemented various policies to reduce the number of accidents through traffic education and public awareness campaigns. The use of technology such as surveillance cameras also helps in enforcing traffic laws effectively. As a result, the Netherlands has a relatively low accident rate compared to Indonesia (Soepomo et al., 2022).

Consumer protection is also a top priority in Dutch transportation law. The law provides guarantees for public transport passengers to receive safe and quality services. If there is a violation of consumer rights, they can file a claim for compensation based on the provisions of the PMH in the BW (Van der Walt, 2018).

The analysis conducted shows that although both countries have good regulations in theory, implementation challenges remain a major issue, especially in Indonesia. In Indonesia, the lack of law enforcement and low public awareness of traffic regulations are major obstacles. Meanwhile, the Netherlands shows a more effective system with stricter law enforcement and higher public awareness (Adji et al., 2022).

The regulation of unlawful acts (PMH) in the transportation sector in Indonesia and the Netherlands shows fundamental differences that originate from the legal background of the two countries. Indonesia refers to Article 1365 of the Civil Code (KUHPerdata), which refers to the principle of liability based on actual losses. In contrast, the Netherlands applies Article 6:162 of

Comparison of PMH Arrangements in Indonesia and the Netherlands in Transportation Matters

the Dutch Civil Code which introduces the concept of relativity, namely that PMH lawsuits must meet the criteria for the conformity of certain legal norms. This reflects the Dutch legal approach which is more focused on the impact on the socio-legal order, in contrast to Indonesia's focus on individual losses (Snijders, 2021).

In practice, PMH regulations in the transportation sector in Indonesia face major obstacles, such as weak law enforcement against violations on the highway. Traffic accident cases, for example, are often processed slowly due to the lack of supporting legal infrastructure. In contrast, the Netherlands has a well-regulated transport system, supported by regulations that clarify the responsibilities of all parties involved, from operators to the government. In the Netherlands, PMH also includes preventive responsibilities, such as the obligation of transport companies to ensure the safety of vehicles before operating (Kottenhagen, 2007). One important aspect of PMH transport is dispute resolution. In Indonesia, dispute resolution often takes a long time due to the reliance on the litigation process. This is exacerbated by the lack of competent mediation institutions to handle transport cases. In contrast, in the Netherlands, there is a mediation-based approach that allows for faster resolution at lower costs. Mediation in the Netherlands is facilitated by special legislation that ensures all parties receive fair legal protection (Dewi, 2021).

In the context of public transportation, Indonesia faces challenges related to the regulation of operator liability. When an accident occurs, liability is often unclear, which causes legal uncertainty for victims. In the Netherlands, regulations are more specific, including a compensation system that automatically provides compensation to victims, without requiring a lengthy legal process. This system utilizes a national compensation fund managed by the government, so that victims do not have to wait for legal settlement to obtain their rights (Widihartanta, 2023).

The application of technology in transportation is also a major difference between Indonesia and the Netherlands. In the Netherlands, technologies such as early accident detection systems and AI-based traffic surveillance have been integrated into the PMH regulation. This allows for early prevention of legal violations while facilitating accident case investigations. In Indonesia, although similar technology has begun to be introduced, its implementation is still limited due to the lack of supporting regulations and adequate infrastructure (Supena, 2023).

The social aspect of PMH also has a significant impact, especially in the transportation sector. In Indonesia, transportation violations often have a wide impact on society, such as traffic congestion caused by accidents. This is not only economically detrimental but also reduces the productivity of society as a whole. In contrast, the Netherlands has managed to minimize social impacts through an efficient and sustainable public transport system. Strict regulations ensure that all parties comply with safety and operational standards.

Based on the results of this study, there are several recommendations to improve the regulation of PMH in Indonesia. First, there needs to be increased socialization regarding the importance of traffic safety to the public. Second, law enforcement must be strengthened with strict sanctions for violators. Third, the use of technology in traffic monitoring must be improved to support law enforcement (Aristonova, 2018).

Overall, although the basic principles of PMH in Indonesia and the Netherlands are similar, implementation and supervision in the field show significant differences. The Netherlands, with a technology-based legal approach and strict regulations, is able to create a safer and more efficient transportation system. Indonesia can learn from this experience, especially in strengthening regulations and legal infrastructure in the transportation sector.

Although the Dutch legal system is quite good, periodic evaluations are still needed to adjust regulations to developments and the needs of society. This includes paying attention to changes in road user behavior patterns and developments in transportation technology. Regular evaluations will help ensure that the legal system remains responsive to the needs of society (Van der Walt, 2018).

V. CONCLUSIONS

This study shows that the regulation of PMH in the context of transportation in Indonesia and the Netherlands has significant differences in terms of the effectiveness of law enforcement and public awareness of traffic regulations. Although both countries have good regulations in theory, the challenge of implementation remains a major issue, especially in Indonesia. The implications of this study suggest that policymakers need to consider best practices from other countries such as the Netherlands to improve the transportation legal system in Indonesia. This is important in order to create a safer and more efficient transportation environment for all road users.

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Comparison of PMH Arrangements in Indonesia and the Netherlands in Transportation Matters

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