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The responsibility of the government and operators for hanging cables on highways leading to traffic accidents

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Abstract
Recently, there has been considerable public discourse concerning hanging cables along major roads in several cities in Indonesia, such as Jakarta, Surabaya, and Bandung, which have led to accidents and casualties. Exposed and sagging electrical cables, often drooping close to the ground or nearly severed, have become a common sight in these urban areas. These cables pose a serious, often unnoticed risk of accidents to road users. The growing demand for internet services has further contributed to the increase of disorganised cables on poles along the roads, diminishing the aesthetic of public spaces and creating additional hazards for road users. Such incidents raise critical questions about accountability when accidents occur due to chaotic or fallen cables. People typically assume that overhead cables are securely installed according to established standards, with government authorisation for roadside utility installations. Similar to road maintenance responsibilities, where authorities are expected to repair damaged roads to prevent repeated accidents, there is a clear need for ongoing oversight, evaluation of cable placement, and timely replacement or repair of damaged cables to ensure public safety. This study aims to investigate the responsibility of the government and operators for hanging cables on roads that cause traffic accidents in several Indonesian cities and to explore regulatory measures to ensure orderly cable management along public roads. The study employs a normative juridical approach.

Keywords: Hanging cables, traffic accidents, government responsibility

Introduction

The number of road users in Indonesia continues to rise as public mobility increases, supported by various modes of transport. Transportation is essential for society in carrying out daily activities across different sectors, contributing to national development [1]. The growth in vehicle numbers has significantly increased year by year [2]. Alongside this rise in vehicles, the incidence of traffic accidents has also escalated. Factors contributing to these accidents include human error, road conditions, vehicle issues, weather, inadequate street lighting, and limited road infrastructure [3]. Examples of inadequate road infrastructure include sharp curves, lack of guardrails, unsuitable road geometry, and sagging cables along the roads. Many individuals have fallen victim on these roads, leading to losses ranging from vehicle damage to the tragic loss of life due to these various factors. For instance, recent media coverage highlighted an incident involving a sagging fibre optic cable on Jalan Pangeran Antasari, South Jakarta, injuring a student from Brawijaya University, Malang. The accident resulted in severe damage to his trachea, causing a loss of normal speech and significant weight loss [4].

The issue of hanging cables remains pressing, with another incident involving an online motorcycle taxi driver who lost his life after becoming entangled in a cable stretched across the road. The 38-year-old man fell from his motorcycle on Jalan Brigjen Katamso, Palmerah, West Jakarta, in the early hours of Saturday, 29 July 2023. According to AKP Agus Suwito, Head of Traffic Law Enforcement in West Jakarta, "the incident began when the victim was riding his motorcycle from Slipi towards Tanah Abang. The road was dimly lit, and as he passed near the Djarum Warehouse building, he encountered a Telkom cable hanging across the street. Although he tried to avoid it, he failed and fell to his right side" [5]. A similar accident occurred again on Monday, 22 January 2024, around 9:00 a.m. A student on his way to campus from his home in Pondok Ungu Permai encountered a cable that wrapped tightly around his neck, causing difficulty breathing and making him fall. Residents who witnessed the event immediately assisted by cutting the cable to free the victim [6].

On the other hand, many members of the public remain uncertain about who holds responsibility in such cases. Road authorities are accountable for accidents occurring on public roads. In Indonesia, the government's duty to provide facilities and infrastructure for citizens is regulated by multiple laws, including Law No. 22 of 2009 on Road Traffic and Transportation, Law No. 32 of 2004 on Regional Governance, Law No. 23 of 2014 on Regional Governance, Law No. 38 of 2004 on Roads, Government Regulation No. 34 of 2006 on Roads, and Ministry of Public Works Regulation No. 78/PRT/M/2005. Additionally, Government Regulation No. 46 of 2021 on Post, Telecommunications, and Broadcasting, which serves as an implementing regulation of the Omnibus Law, stipulates in Article 21 that in the provision of telecommunications services, both central and regional governments may participate in providing shared facilities for telecommunications operators at reasonable costs, including land, buildings, or passive infrastructure.

According to Article 41 of Government Regulation No. 34 of 2006 on Roads, "If there is any disruption or obstruction to the function of the road area, the road operator must promptly take action in the interest of road users." Roads are defined as land transportation infrastructure that includes all parts of the road, including ancillary buildings and accessories intended for traffic, located on, above, or below ground or water surfaces, except for railway tracks, tramlines, and cable routes. Roads are an integrated network that connects and unifies all regions of the Republic of Indonesia. Therefore, the utilisation of road use zones and road area zones must receive appropriate permits.

Research Method

This legal research employs a normative legal approach. Normative legal research involves examining literature or secondary data [7]. In this type of research, law is often conceptualised as what is written in regulations or as a set of rules or norms that serve as guidelines for acceptable human behaviour [8].

The nature of this research is descriptive-analytical, detailing the regulations and legal facts related to the responsibility of the government and operators concerning hanging cables on public roads that may lead to traffic accidents, as well as the forms of oversight regarding the organisation of these cables along the roadways. The primary data sources for this normative research include legal literature sourced from legislation, doctrines, jurisprudence, and other relevant literature. The regulations referenced in this study include Government Regulation No. 46 of 2021 on Post, Telecommunications, and Broadcasting, which serves as the implementing regulation of the Omnibus Law, and Government Regulation No. 34 of 2006 on Roads.

Result and Discussion

Government and Operator Responsibility for Hanging Cables on Roads Leading to Traffic Accidents

Road infrastructure plays a vital role in connecting regions, facilitating the distribution of goods across provinces, and improving access for the public to education and employment, thereby supporting the acceleration of a nation's economic growth and advancing efforts to achieve equitable distribution of goods and educational opportunities. This is also evident in government programmes aimed at improving infrastructure in remote areas. According to Article 57 of Government Regulation No. 34 of 2006, the authority for road management is assigned as follows:

1. The Central Government, represented by the President, holds the power of state governance of the Republic of Indonesia, which includes overall management of national roads.
2. Local Governments, comprising Governors, Regents, or Mayors, along with local government apparatus, are responsible for managing provincial roads, district/city roads, and village roads.

Consequently, the budget for road development is the responsibility of both the central and local governments, which are obliged to organise, develop, build, and supervise the roads [9]. Road authorities are required to maintain roads, promptly repair any damaged roads, provide adequate lighting along the roadside, and fix hanging cables to prevent accidents. The construction of Safe and Sustainable Road Infrastructure (SJUT) on various road segments involves the systematic tidying up of overhead utility cables. This process prioritises the most critical road segments first.

Based on the obligations and authorities of road management, it is entirely reasonable that several lawsuits arise from damaged roads and hanging cables, with multiple parties being sued. These parties may include the Minister of Public Works, Governors, Regents/Mayors, and even members of the Regional Representative Council. This is because these individuals are deemed the most responsible for the condition of damaged roads and disorganised cables. Every citizen has the right to use the roads safely, as emphasised in Article 34 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states, "The state is responsible for providing health services and adequate public service facilities," considering that roads are an integral part of public service facilities used for the common good.

The public interest, as stated by Theo Huijbers [10], refers to the interests of society as a whole, characterised by certain features, including all public facilities essential for a civilised life. When members of the public, as road users, suffer accidents due to damaged road conditions or hanging cables, they are entitled to compensation, as responsible citizens who fulfill their obligations by paying taxes. The compensation they receive is intended to restore their well-being following the trauma caused by the incident, as well as to treat any injuries or disabilities sustained. Additionally, the profound grief experienced by the families left behind, especially if the incident results in death, adds to the urgency of this matter. To ensure the fulfilment of this right, it must be pursued through specific procedures, whether resolved amicably or through judicial means.

Efforts to Supervise the Neatness of Cables Displayed on Roads

The importance of regular supervision of hanging cables must be carried out through several steps:

1. Local governments must conduct routine oversight of cables hanging in road ownership spaces, through the Directorate General of Highways as an executing element of the Ministry of Public Works and Public Housing of the Republic of Indonesia. This body is responsible for formulating and implementing policies in the area of road and bridge management in accordance with regulatory provisions. They must ensure that these cables do not obstruct road traffic, which could endanger public safety. Referring to Article 12, Paragraph 6 of the Minister of Public Works and Public Housing Regulation No. 20/PRT/M/2010 concerning Guidelines for the Utilisation and Use of Road Parts, it is stated that buildings and utility networks above the ground must be placed at a minimum height of 5 (five) meters from the highest road surface. The duration of permits for buildings and utility networks is set for a maximum of 10 (ten) years, which can be extended. Permit holders are required to maintain and care for the buildings and utility networks and are responsible for any damage caused to the road due to the buildings and utility networks during the permit period. If the permit holders disregard the provisions of this ministerial regulation, they will face administrative sanctions in the form of permit revocation or cancellation, recommendations, dispensations, and/or forfeiture of guarantees in accordance with the relevant regulations. The issue is that road organisers need to monitor the accountability of operators more strictly during the permit period, checking whether cables are still tangled or have been neatly arranged, with the possibility of administrative sanctions for non-compliance with these rules. Community involvement is also essential for supervising utility networks by reporting to local authorities for follow-up with the relevant agencies to ensure prompt action. For example, if cables or poles are installed without permission, they should be reported to prevent further disarray [11].

2. The collaboration between local governments and private companies plays a crucial role in managing hanging cables in road ownership spaces to ensure safety and order. This not only prevents potential accident risks but also enhances the aesthetics and functionality of roadways. The practice of cooperation between the government and the private sector for public infrastructure development has become a fundamental necessity in Indonesia to accelerate development, particularly in supporting public infrastructure facilities and services [12]. The use of underground cabling will reduce visual disturbances and be safer for residents engaging in activities around electricity poles, thereby contributing to the development of smart cities. One of the advantages of underground networks includes increased reliability, the avoidance of mechanical disturbances from broken branches, immunity to adverse weather conditions, and a more aesthetically pleasing environment [13]. However, this naturally requires significant financial investment and thorough planning from the relevant parties, as well as considerable time. To establish standard protocols for managing electrical cables, clear regulations are needed, which must be strictly monitored by the relevant authorities. These standards should encompass routine maintenance, the replacement of damaged or aging cables, and the installation of high-quality cables. In this regard, the government's role as a regulator is essential.

Conclusion

Road infrastructure plays an essential role as a connector between regions, supporting the distribution of goods, access to education, and employment, thereby advancing economic growth and equitable development across Indonesia. Both central and local governments hold a clear responsibility for the construction, maintenance, and supervision of roads, which includes the careful management of utility cables within public road areas. Under current regulations, both government authorities and permit-holding operators must ensure that cables do not pose risks to road users; failure to comply holds specific consequences.

The government’s responsibility includes not only overseeing road conditions but also enforcing strict standards for cable placement, with local authorities required to conduct routine inspections, especially through the Public Works Department. Private operators authorised to install utility cables are legally mandated to keep these networks well-maintained, and are accountable for damages arising from breaches. When operators fail to adhere to these standards—by allowing cables to sag or neglecting timely repairs—they face administrative sanctions as outlined in the regulations, including the suspension or revocation of their operating licences and the enforcement of financial penalties.

Furthermore, collaborative efforts between the government and private sectors are critical to ensuring cable systems in public spaces are both safe and well-organised. Investing in underground cable networks, although resource-intensive, offers higher reliability and safety while enhancing the visual appeal of roadways. For effective implementation, strong regulatory frameworks and rigorous oversight by authorities are essential, ensuring that the government upholds its duty as regulator while preserving public safety and upholding citizens’ right to secure, well-maintained infrastructure.

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