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BEYOND ROAD ACCIDENT COMPENSATION: STRUCTURAL VICTIMISATION AND INSTITUTIONAL ACCOUNTABILITY FOR FATAL POTHOLE CRASHES

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ABSTRACT

Fatal road crashes associated with damaged roads raise questions extending beyond driver conduct and one-off compensation. This article examines how Indonesia's legal framework allocates preventive duties, public-institutional accountability, and remedies for families following pothole-related fatalities. Using qualitative document-based legal and socio-policy analysis, it re-examines a 2026 research report through victimology, road-safety literature, the Road Traffic and Transportation Law, the amended Road Law, the Criminal Code, and administrative-justice rules. The analysis identifies three analytically distinct protection deficits: an implementation risk where known hazards are not repaired or marked; an accountability risk where road status, duty-holder identity, and causation are difficult to establish; and a recovery risk where insurance payments are mistaken for complete institutional redress. It develops a prevention–accountability–recovery framework linking hazard reporting, evidence preservation, jurisdictionally appropriate remedies, and family-centred support. The findings are legal and conceptual rather than estimates of the frequency of government negligence or outcomes of verified court cases. More effective victim protection requires transparent maintenance records, careful investigation of road-related causation, accessible legal pathways, and measures preventing recurrence.

***Keywords**: structural victimisation; road safety; road maintenance; institutional accountability; victims' families.*

INTRODUCTION

Road traffic fatalities are often presented as the cumulative result of individual errors: speeding, inattention, vehicle misuse, or failure to comply with traffic rules. Such explanations can be important, but they risk becoming incomplete when the physical environment is unsafe. A damaged carriageway, an unmarked pothole, or a delayed maintenance response can contribute to crash occurrence and severity. Engineering research demonstrates that road conditions and geometric characteristics warrant independent examination alongside driver-related variables (Almannaa et al. 2023; Liang et al. 2024). The central policy issue is therefore not whether road defects explain every crash, but whether public authorities can demonstrate that identified dangers were reasonably addressed before a serious incident occurred.