

Research Article

Analysis of Criminal Law Liability for Negligence in the Management of Public Facilities: Case Study of the Death of Aisah Hasibuah in the Kualanamu Airport Elevator**Joice Massie¹**

1. Faculty of Law, Tangerang Raya University, Tangerang, Banten, Indonesia;
massiejoice01@gmail.com

Corresponding Author, Email: massiejoice01@gmail.com (Joice Massie)

Abstract

This study analyzes criminal legal liability for negligence that caused the death of Aisah Siti Hasibuan in the Kualanamu Airport elevator in April 2023. The research approach uses juridical normative that examines the elements of negligence (*culpa*) based on Article 359 of the Criminal Code, the concept of corporate liability (vicarious liability), and the obligation to maintain public facilities. The results of the study show that there is an allegation of systemic negligence in the supervision and maintenance of elevator facilities by the airport managers, PT Angkasa Pura II and PT Angkasa Pura Aviassi, which has the potential to give rise to criminal liability. This article recommends regulatory reforms to strengthen corporate accountability and ensure substantive justice for victims.

Keywords: Legal Liability, Negligence, Criminal Code Article 359, Vicarious Liability, Public Facilities, Kualanamu Airport.

INTRODUCTION

The case of the death of Aisah Siti Hasibuan in the Kualanamu airport elevator in April 2023 has become a wide concern for the public because it concerns public safety aspects in strategic public facilities. Findings from the investigation conducted by the Ombudsman of the Republic of Indonesia representing North Sumatra to PT

Angkasa Pura, found a number of serious violations in elevator management and incident handling. The Ombudsman found that there were no specific Standard Operating Procedures (SOPs) regarding the operation and maintenance of elevators, and there were weaknesses in the supervision of the facility. Technical audits of the elevators show that the elevators often suffer damage and do not meet minimum safety standards, there is no documentation of routine inspections or technical feasibility certifications that show that the airport manager does not carry out its obligations in accordance with the provisions of Government Regulation No. 20/2012, PERMEN PU No. 24/PRT/M/2008 and CASR 139 concerning aerodrome safety.

Juridically, cases that result in death based on negligence (*culpa*), as a form of offense that under criminal law can be held accountable as stipulated in Article 359 of the Criminal Code which reads "Whoever because of his fault (negligence) causes the death of another person, shall be punished with imprisonment for a maximum of five years or imprisonment for a maximum of one year". The airport manager is aware of the potential danger of the elevator, but does not carry out proper maintenance or precautions, then this action can be qualified as *culpa*. Criminal liability in the aspect of *culpa* (negligence) allegedly committed by the business entity, in this case PT. Angksa Pura as its manager and officer in carrying out the responsibility of supervising public facilities, individuals or technical and security supervision staff on duty on the day of the incident are known to have not conducted in-depth evaluation and investigation actions even though reports of disappearance from family have been made at the time of the incident. In fact, it has been three days since the victim's body was at the bottom of the elevator, there was no serious inspection or search carried out by the management. This certainly shows a neglect of security procedures and emergency handling.

Legal analysis in the doctrine of vicarious liability or substitute liability, makes the corporation one of the objects involved in this legal act. Although corporate crimes have not been regulated in the Criminal Code, the Corporation can be held criminally responsible for acts or negligence committed by its employees within the scope of work, especially if it occurs within the Company's operational area. The negligence of CCTV officers, elevator technicians, and management who do not provide SOPs and do not carry out proper maintenance of facilities, can be directly linked to corporate negligence. PT Angkasa Pura as a related entity in this case is certainly considered to have legal responsibility because it is negligent in fulfilling its legal obligations to ensure the safety of users of public facilities.

The negligence in the operational standards in this case is very clearly seen coupled with the lack of responsiveness in handling emergencies. Delays, and weak coordination between institutions and personnel on duty at the airport are part of negligence.

This study highlights how the weaknesses and failures of public service governance in the air transportation sector have an impact on the loss of other people's lives. In airport management, PT. Angkasa Pura as the manager has a legal obligation to meet service standards in a professional, safe and humane manner, including being obliged to maintain the maintenance of physical facilities such as elevators in accordance with the provisions of the invitation legislation (Law No.

25/2009, Government Regulation No. 40 of 2012 and Minister of Public Works Regulation No. 24/PRT/M/2008). From the point of view of the doctrine of justice and legal protection of citizens, legal norms that regulate the right to a sense of security and safety in public spaces are very important. The law is not only seen as a tool of punishment, but also as an instrument of protection of basic human rights, including the right to life and physical security. The research on the death incident at Kualanamu Airport public facilities focuses on the weak public service system where this public facility should ensure the safety and comfort of visitors.

The theory of negligence culpa, vicarious liability and the analogy of technical regulations (PERMEN PU 24/PRT/M/2008), in the case of the death victim at the airport offers a strong conceptual map to analyze criminal liability, that the manager of public facilities, including airports, has a criminal liability for negligence that threatens the life or safety of users.

Therefore, it is important to analyze this death case so that the public service system can be run properly and consistently in accordance with legal norms both from sectoral regulations and jurisprudence, so that the victim's family can be given justice and legal certainty. Public services also require public service providers to establish and implement service standards in accordance with the provisions of Law No. 25 of 2009. When the norms are not properly implemented by public service providers, the state through its legal instruments is obliged to provide guarantees of recovery and law enforcement for victims and their families, in accordance with the provisions of Law No. 8/1999, Law No. 32 of 2009 concerning consumer protection and Law No. 1 of 2023, Article 45 paragraph (1) of the Criminal Code regarding criminal liability for criminal acts committed by administrators, employees and other parties who have a working relationship with the corporation.

Juridically, the element of causality is very important in this case, where the manager must be directly linked to the damage or failure of the facility. If it is proven that the facility has not been repaired in a reasonable time and caused an accident, then the element of *delik culpa* (359/360) is met, and the perpetrator can be criminally threatened.

The management of public facilities such as public roads, transportation facilities and other public facilities contains the same big risks, if maintenance is not carried out on time, and if there is negligence in maintaining the condition of the facilities so as to cause accidents, serious injuries and deaths, then the elements of *deli culpa* in the Criminal Code (Articles 359 and 360) can be fulfilled.

Several studies strengthen legal accountability, although the characteristics of the theme are almost the same, only the criteria and objects are different, for example in a study conducted by Patricia Angela Rambli, et al (2025), in the case of the explosion of a match factory in Binjai, the Case of Criminal Legal Liability for Medical Malpractice in a General Hospital (2023) conducted by Renita Meidiana Putri, Akhmad Munawar, Sudiyono (UIN Sunan Ampel), where hospitals can be subject to criminal sanctions for medical malpractice if the negligence of the handling of the deceased patient is included in the category of gross negligence. And research from Syanindita Humaera (2025), regarding Angkasa Pura's responsibility for accidents that occurred at the airport.

In this case, of course, it reflects the need to apply the principle of prudence and a strong internal supervision system in public facilities management companies. This research encourages the expansion of the criminal law perspective on non-individual negligence and touches on the aspect of institutional responsibility.

This study aims to analyze the elements of negligence, identify the responsible parties, and examine the form of criminal liability in this case from a criminal law perspective, with the hope of providing recommendations for improving safety standards and law enforcement in public facilities.

In the case of the death of a woman at the airport, this requires an in-depth analysis in determining who exactly should be responsible and what are the elements of negligence and elements that can be accounted for from a criminal law perspective.

Overall, the legal facts in this case show that there is systemic negligence in the management of public facilities by the manager that leads to the loss of human lives. There is no SOP. The weak monitoring and maintenance system, as well as the slow response to reports of loss, are strong indicators that this incident is not just an ordinary accident, but the result of a structural failure in public safety management. These facts are an important basis for proving criminal liability as stipulated in Article 259 of the Criminal Code, and show the need for comprehensive reform in the supervision of public facilities in the airport environment.

The last aspect of this legal issue concerns the weak supervision from government institutions that are supposed to be responsible for the feasibility and safety of public facilities, such as the Ministry of Transportation and airport safety regulators. The absence of regular evaluation or inspection of elevator facilities at international airports shows the potential for negligence on the part of regulators. This raises many legal questions, whether the state is passively responsible for the occurrence of this incident because it does not carry out its supervisory function effectively according to the mandate of laws and regulations. By looking at the overall problem of this Aisah case, this death case cannot be seen as a mere incidental event, but as a complex legal event and involves various elements of systematic negligence on the part of managers, vendors, and regulators. Therefore, law enforcement in this case requires a holistic approach, including criminal, administrative, and civil, in order to achieve substantive justice for the victim and their families, as well as provide a deterrent effect to negligent public service providers.

THEORETICAL STUDIES

This research is based on several theories of criminal law and justice:

- **Criminal Liability:** A fundamental concept that requires the existence of an act (*actus reus*), mental error (*mens rea*), causality, and the capacity of the subject. Paul Tappan emphasized that criminal liability requires unlawful acts and elements of guilt. In the context of negligence, Article 359 of the Criminal Code is the main foundation.
- **Negligence Theory (Culpa):** Negligence is a form of error that occurs due to a lack of care or carelessness, resulting in harm to others. Moeljatno defines *culpa* as a mistake due to lack of care or carelessness that results in undesirable

consequences but should be avoided. Negligence can be in the form of culpa lata (gross negligence) or culpa levis (minor negligence).

- **Corporate Criminal Liability:** In modern criminal law, corporations can be held criminally liable. The vicarious liability theory allows the corporation to be held accountable for the actions of its employees within the scope of work, especially if there are negligences in supervision or internal systems. The new Criminal Code (Law No. 1 of 2023) explicitly accommodates this principle.
- **Public Facility Maintenance Obligations:** Public facility managers have a legal responsibility to ensure safety standards and facility maintenance in accordance with laws and regulations (Law No. 25 of 2009 concerning Public Services, Permen, Public Works No. 24/PRT/M/2008, CASR 139). Negligence in this obligation may give rise to criminal liability.
- **John Rawls's Theory of Justice:** The concept of justice as fairness, which emphasizes the equal right to fundamental freedoms and the regulation of inequality to benefit the most disadvantaged. This theory is used to evaluate whether the legal system has provided maximum protection for citizens and ensure accountability of negligent parties for the sake of victim's justice (Rawls, 1971).

METHODS

This research uses a normative legal research method with a qualitative approach. Data was obtained through literature studies, analyzing secondary legal materials such as laws and regulations (Criminal Code, Law No. 25 of 2009, Law No. 1 of 2009, Minister of Public Works Regulation No. 24/PRT/M/2008, CASR 139) (Number, 1 C.E.), legal literature, scientific journals, and investigative reports related to cases from related institutions. The analysis technique used is qualitative analysis, studying and interpreting legal norms and legal doctrines systematically to answer existing problems.

RESULT AND DISSCUSSION



Figure 1. National media reports reported that the victim Aisiah Hasibuan fell from a damaged elevator indicated by negligence.



Figure 2. The results of the investigation from the Authorities: there is a gap that is quite vulnerable between the floor and the elevator floor



Figure 3. Results of the Ombudsman's Investigation as an Institution authorized to monitor, recommend State Institutions in public services: found

Chronology and Legal Facts of the Case

In April 2023, Aisah Siti Hasibuan died after falling into the elevator gap at Kualanamu Airport. The chronology shows that the elevator experienced problems, the door did not open, and the victim allegedly tried to force open the door before falling. The victim's body was only found three days later.

The legal facts revealed indicate several omissions:

Absence of SOPs: The Ombudsman of the Republic of Indonesia found that there was no special Standard Operating Procedure (SOP) regarding the operation and maintenance of elevators.

- **Oversight Weaknesses:** Technical audits show elevators are frequently damaged and do not meet minimum safety standards. There is no documentation of routine inspections or technical feasibility certifications.
- **Slow Response:** Airport management was considered slow in responding to reports of missing victims, and there was no serious search for three days.
- **Lack of Transparency of Information:** The victim's family was not given full access to the CCTV footage from inside the elevator.

The legal report was filed based on Article 359 of the Criminal Code, highlighting culpa (negligence) by PT Angkasa Pura II and PT Angkasa Pura Aviassi, as well as technical vendors. This case also involves the aspect of vicarious liability because the negligence of officers (CCTV, technicians) and management can be attributed to corporate negligence. Article 240 of Law No. 1 of 2009 concerning Aviation also affirms the responsibility of airport business entities for losses, including deaths.

JURIDICAL ANALYSIS

Relevance of Cases to Legal Norms

This case is particularly relevant to several legal norms:

- **Article 359 of the Criminal Code:** The existence of systemic failures in the supervision and maintenance of elevators, including the absence of maintenance

documentation and SOPs, indicates *bewuste schuld* (conscious negligence) on the part of the management.

- **Law No. 25 of 2009 concerning Public Services:** The Kualanamu Airport Manager failed to compile and implement service standards related to elevator safety, violating the legal obligations of public service providers (Number, 25 C.E.).
- **Law No. 1 of 2009 concerning Aviation (Article 240):** This norm emphasizes the strict liability of airport business entities for losses, including deaths, that arise in their operational areas (Number, 1 C.E.).
- **Minister of Public Works Regulation No. 24/PRT/M/2008:** The absence of evidence of inspection or certificate of fitness for elevator function indicates a violation of technical norms of building maintenance.
- **General Law Principles:** Violations of the principles of *neminem laedere* (prohibition of harming others) and the principles of justice (*fiat justitia ruat caelum*) require criminal, civil, and administrative liability.

Application of Norms in Cases

The application of norms in this case faces several normative problems:

- **Ambiguity of Corporate Criminal Liability:** The Criminal Code has not explicitly provided for corporate criminal liability for general negligence causing death, although the concept of vicarious liability is relevant.
- **Administrative vs. Criminal Sanctions:** Technical regulations (Permen PU No. 24/PRT/M/2008) are more administrative in nature and do not have clear criminal sanctions, making it difficult to construct direct criminal law.
- **Norm Integration:** The absence of a strong normative bridge between general criminal law (Article 359 of the Criminal Code) and public administration law (Public Service Law) makes it difficult to enforce comprehensive laws against structural negligence.
- **Vacancy of Non-Aviation Facility Norms:** The Aviation Act lacks detail regulating the maintenance obligations of non-aviation supporting facilities such as elevators, which are an integral part of the safety of airport users.
- **Limited Access to Information:** Unclear norms regarding the public's right to technical and operational data information in public facility incidents hinder transparency.

Identifying Normative Issues: Gaps, Overlaps, or Legal Ambiguities

- **Legal Void (rechtsvacuum):** There has been no explicit recognition of corporations as subject to criminal law in the context of general negligence that causes death in non-transportive public facilities.
- **Legal Overlap:** The provisions of the Criminal Code (individual negligence), the Public Service Law (administrative responsibility), and the Aviation Law (business entity liability) create uncertainty in the application of sanctions and jurisdiction.
- **Legal ambiguity (ambiguity of law):** Technical regulations (Permen, PU, CASR) do not expressly stipulate criminal consequences for neglect of standards that cause fatal accidents, making it difficult to ensnare managers in the realm of direct crime.

These issues reduce legal certainty and justice, undermine the reach of the law, and potentially undermine public trust.

Normative Solutions and Recommendations

To address normative issues and ensure substantive justice, several solutions are recommended:

1. Revision of the Criminal Code:

- Expressly include corporations as the subject of criminal law in cases of negligence that causes death, especially in offenses related to public safety.
- Expand the scope of corporate criminal liability in the context of culpa.

2. Progressive Juridical Interpretation:

- Law enforcement officials (police, prosecutor's office, courts) need to interpret Article 359 of the Criminal Code progressively to include institutional and collective negligence.
- Constructing a legal construction that attributes the negligence of individual officers as a representation of systemic negligence of the corporation, internalizing the concept of vicarious liability in proof.

3. Establishment of New Legal Norms:

- Establish laws or government regulations that specifically regulate safety standards and legal accountability in the management of non-transportive public facilities (elevators, escalators) in public service spaces.

- The new regulations should include periodic technical audit obligations, the establishment of safety SOPs, complaint mechanisms, and clear administrative and criminal sanctions for violations.

4. Harmonization of Regulations:

- The Ministry of Law and Human Rights and the Ministry of Transportation need to harmonize regulations between the Aviation Law, the Public Service Law, and technical regulations related to the safety of public facilities to avoid overlapping jurisdictions.
- Establish an independent external oversight body with investigative authority over the safety standards of non-aviation public facilities.

5. Thorough Law Enforcement:

- Law enforcement officials must target policymakers and facility managers, not just field officers, in the law enforcement process.
- Exploring the causal link between systemic negligence and criminal consequences, as well as using non-conventional evidence (technical audits, independent investigative reports).

6. Development of Preventive Legal Framework:

- Require the publication of information on the results of public facility safety audits and SOP documentation openly.
- Provide legal education to public service providers about the legal risks inherent in service failure.

CONCLUSION

The case of the death of Aisah Siti Hasibuan in the Kualanamu Airport elevator is a reflection of systemic negligence in the management of public facilities. Although existing legal norms (Criminal Code Article 359, Public Service Law, Aviation Law) are relevant, their implementation is hampered by vacancies, overlaps, and legal ambiguities, especially related to corporate criminal liability and sanctions for technical violations. Legal reforms, which include revision of the Criminal Code, harmonization of regulations, the establishment of new norms, and progressive law enforcement, are urgently needed to strengthen the protection of public safety, ensure substantive justice for victims, and promote accountability in the public service sector.

Bibliography

- Ali, M. (2012). *Basics of Criminal Law*. Jakarta: Sinar Grafika.
- Amrani, H., & Ali, M. (2021). *Criminal Liability: Development and Application*. Jakarta: Prenadamedia Group.
- Arief, B. N. (2001). *Law Enforcement Issues and Criminal Law Policy*. Jakarta: Prenada Media.
- Kristin, S. H. Mhum. (2016). *Corporate Criminal Liability System*. Jakarta: Sinar Grafika.
- Moeljatno. (2023). *Principles of Criminal Law*. Jakarta: Bina Aksara.

Joice Massie

Analysis of Criminal Law Liability for Negligence in the Management of Public Facilities: Case Study of the Death of Aisah Hasibuah in the Kualanamu Airport Elevator

- Nugroho, Y. (2022). Vicarious Liability and Corporate Responsibility in Indonesian Criminal Law. *Journal of Criminal Law*, 15(1), 78–95.
- Regulation of the Minister of Public Works Number 24/PRT/M/2008 concerning Guidelines for the Maintenance and Maintenance of Buildings.
- Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.
- Law Number 1 of 2009 concerning Aviation.
- Law Number 25 of 2009 concerning Public Services.
- Yunus, R. (2021). Culpa in the Perspective of Modern Criminal Law. *Indonesian Journal of Law*, 8(3), 201–210.