

Policy Model for Ethics of Traffic on the Basis of Human and Social Value in Indonesian Society

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ABSTRACT

From the legal and social perspective, the traffic policy model is based on participatory, useful, efficient and effective, balanced, integrated, independent, sustainable, and transparent social values. A traffic policy model with human and social value inspired the objective of this research. This research aims to develop Indonesian cities into ethical cities with traffic order supported by the awareness and participation of society in complying with traffic policies and regulations. This research uses qualitative analysis techniques to review traffic-related policies. This study also interprets standards of legal norms and applicable laws and regulations using theoretical interpretation generalized as the ideal formula (*ius constitutum*). This research provides stakeholders with an academic view of policy analysis and encourages society participation in determining policies based on human and social value. This research also examines people from the perspective of social and cultural activities and focuses on human and social values related to traffic policy. Through basic research, application, policy, evaluation, and development, this research also develops laws and policies that can be used by research lecturers. This research also implements policy and academic script in the field of traffic policy based on human and social value.

Keywords: Traffic Policy Model, Human and Social Value, Indonesia

To promote general welfare, the 1945 Constitution of the Republic of Indonesia mandates that traffic should play a strategic role in supporting national development and integration. The national transport system should be developed to realize security, safety, order, and continuity and support economic and regional development. Ethics in traffic and culture of a nation should be promoted through coaching, guidance, and traffic education traffic implemented through a sustainable program.

According to Friedrich Karl von Savigny, law and society are constantly and organically evolving following social and cultural changes. The law is an instrument that is consistent with the soul of society (Volkgeist)¹.

Growing population density and increasingly sophisticated technological advances result in hectic transportation. Traffic density requires precise arrangements to ensure the safety and comfort of traffic. Discipline should also be maintained by obeying traffic regulations. Law enforcement should be firm in implementing policies to ensure that police officers are not tempted to disobey the law.

¹ <http://natsirasnawi.blogspot.co.id/2010/02/mazhab-sejarah-hukum-volkgeist-dan.html>, diakses 12 September 2017

Discipline can be established through institutionalization because the norms in traffic do not always emerge from social values in everyday life. An institutionalized norm within a given social system can be fulfilled if the following conditions are met:

1. Most citizens of a social system accept the norm
2. The norms have become part of the social system and are sanctioned.²

The public awareness paradigm indicates that law enforcement promotes the common good for all members of society and cannot be imposed unilaterally on mere traffic policies. Public participation should be prioritized in any traffic-related policy making. Values in society are constantly changing. Shift in values will also affect habits or behavior that prevails in society.³

Analysis of the traffic policy model should identify problems related to traffic. The challenge in achieving this objective is the low participation of the community in controlling traffic, lack of public knowledge of traffic regulations in Indonesia, and lack of public awareness of traffic rules. Another challenge is the high number of traffic accidents at intersections and in highways, which threaten the safety of riders and pedestrians. Another issue is traffic congestion, which is caused by the habit of breaking traffic rules. The traffic policy model is viewed from a legal and social perspective. The traffic policy model is based on social values that are participatory, useful, efficient and effective, balanced, integrated, independent, sustainable, and transparent.

Regulation No. 14 of the Minister of Transportation, which was issued in 2006 for the management and traffic engineering on the road, defines traffic engineering as an activity undertaken to optimize the use of the entire road network to improve the safety, order, and continuity of traffic. Article 2 of this regulation explains that traffic management and engineering is implemented to optimize the use of road network to improve the safety, order, and continuity traffic in national, provincial, district, and integrated village roads. Management activities and traffic engineering are implemented through stages of planning, management, engineering, control, and supervision.

The researchers analyzed city traffic policies on the basis of human and social value. Values that should refer to traffic policies are as follows.

1. Transparent means openness in the organization of traffic and provision of true, clear, and honest information to ensure that society can participate in traffic development.
2. Accountable means operation of traffic that can be accounted for.
3. Sustainability is the guarantee of the quality of environmental functions by regulating the technical requirements of vehicles and general plans of development of the traffic network.
4. Participatory means participation of the public in policy formulation, supervision, and implementation, accident handling, and reporting traffic-related events.
5. Beneficial means that traffic activities can provide the maximum value added to realize the welfare of society.
6. Efficient and effective means that traffic policies are implemented by every coach at every level of government in a useful and effective manner.
7. Balanced pertains to the operation with balance between facilities and infrastructure and the fulfillment of rights and obligations of service users and organizers.
8. Integrated means that implementation of traffic services by prioritizing the harmony and interdependence of authority and responsibility among agencies.

² Paulus B. Adiputra, *Hukum Dan Etik Berlalu Lintas*, scientific article, 2010. Page 3.

³ *Hakekat Nilai Dan Moral Serta Sosialisasinya Dalam Kehidupan Manusia* | Blog Yoga Permana Wijaya, <https://yogapermanawijaya.wordpress.com/2014/05/18/hakekat-nilai-dan-moral-serta-sosialisasinya-dalam-kehidupan-manusia/> accessed on Agustus 18th 2017 Bandar Lampung.

9. Self-reliance is the effort to organize traffic through the development and empowerment of national resources.

Identification of traffic-related issues through field research facilitated the analysis of existing traffic policies, prepared the objectives of policy direction, and drafted the traffic policy planning. The following results are obtained for each stage:

A. Identification of problems and issues related to traffic through field research

This stage aims to map existing traffic problems in Indonesia. Analysis of traffic problems in Indonesia can be categorized as follows:

1. Human factors (society)

Traffic accidents occur as a result of fatigue, neglect, lack of care, and inconvenience experienced by the driver. Traffic accidents are caused by four factors, namely, human factors, vehicular factors, compatibility between humans and vehicles, and environmental factors. Human factor is the most frequent cause of traffic accidents.

Accidents can be interpreted as an unplanned event that may be caused by human, road, environmental, and vehicular factors or their combinations that may interfere with the work process and may result in injury, pain, death, destruction of property, and other undesirable events.

According to Article 1 Paragraph 24 of Law No. 22 of 2009 on Traffic and Road Transportation, a traffic accident is an unexpected incident involving a vehicle with or without other road users that result in human casualty and/or loss of property.

Article 229 of Law No. 22 of 2009 on Traffic and Road Transportation classifies traffic accidents into the following:

- a. Light traffic accidents that result in damage to vehicles and/or goods
- b. Medium traffic accidents that result in minor injuries and damage to vehicles and/or goods
- c. Severe traffic accidents that result in death or serious injury.

2. Rule factors/traffic policy

The government established a juridical product related to traffic. However, the following issues continue to exist: effective implementation of the juridical product and coverage of the increasingly complex and multidimensional traffic problems in Indonesia.

According to Iskandar, the Head of Road Traffic Division, the policy in the field of traffic management by the Department of Transportation of Bandar Lampung City is the implementation of Law No. 22 of 2009 on Traffic and Road Transportation. This law pertains to the implementation and construction of traffic and road transport.

3. Factors of Traffic Transport Facilities

The rapid growth and development of a city without that does not follow the provision of adequate transportation systems for the size of the city is a form of demand rather than supply. In contrast, the rate of growth of the transportation system that is not in accordance with the size of the city's development implies a larger supply demand for transportation. These conditions will result in the emergence of new problems in the transportation system and urban issues in general.

The low quality of transportation in Indonesia is characterized by the emergence of transportation problems. The factors that cause the low quality of transportation in Indonesia are also caused by various factors and other problems that are quite complex. The factors that contribute to the low quality of transport in Indonesia are as follows:

- a. Insufficient funds for procurement or transportation facilities rejuvenation

- b. Lack of supervision from the government or the party in charge
- c. Lack of public awareness to maintain facilities and transportation infrastructure
- d. Lack of community discipline

If the gap between transportation needs and the supply of this transportation system is ignored, other complicated problems will emerge in city transport operations. These problems include disregard of rights of road users (e.g., pedestrian rights or those of the disabled and elderly who should have a different, safe, and comfortable path).

Low-quality facilities in land transportation are common in Indonesia.

- a. Road network damage

Road network damage can lead to traffic jam or even traffic accidents if not handled promptly. Road network damage can come from road pavement structures that could not accommodate the load or natural disasters, such as erosion of the road layer due to flooding and closed access road due to landslides. Road damage refers to the structural and functional conditions of roads that could not provide optimal service to road users, such as convenience and security and well-maintained road surfaces.

- b. Low quality of land transportation

Indonesia's public land transportation lags behind its neighboring countries. Japan is using shinkansen, but the quality of railways in Indonesia lags behind.

B. Traffic policy analysis

Traffic and road transportation was set during the Dutch East Indies Government in "*Werverkeersordonnantie*" (Staatsblad 1933 No. 86). Subsequent developments in *Weverkeersordonnantie* no longer fit the demands and was changed in Staatsblad 1940 No. 72. *Werverkeersordonnantie* was changed again in 1951 through Law No. 3 of 1951 Amendments and Supplement to the Law on Road Traffic (*Werverkeersordonnantie*, Staatsblad 1933 No. 86). Fifteen years from the effectivity of Law No. 15 of 1951, the Government of Indonesia reorganized traffic and road transportation into a new law and revoked previous regulations on traffic and road transportation⁴.

Law No. 3 of 1965 on Traffic and Road Transportation was formed at that time through an agreement between President Soekarno and DPR GR (House of People's Representatives of Gotong Royong). This law was the first to regulate traffic and road transportation in Indonesia after the country gained independence. Along with the development of the era and science and technology 27 years later, the traffic and road transportation in Indonesia was rearranged through Law No. 14 of 1992. Law No. 14 of 1992 was suspended for a year through a Government regulation in lieu of Law No. 1 of 1992, which was passed into Law No. 22 of 1992. The Consideration of Law No. 22 of 1992 point c states that:

"That in line with the objective to be realized as mentioned above, and after carefully considering everything, to ensure that its implementation can take place it is best deemed necessary to suspend the enactment of the Act in order to give more sufficient time to improve understanding, preparation and readiness of all relevant government officials and the public in general regarding the Act."

Law No. 14 of 1992 was suspended on September 17, 1992 to September 17, 1993 with the formulation of Law No. 22 of 1992 due to various considerations from the

⁴ <http://feriansyach.wordpress.com/sejarah-singkat-regulasi-lalu-lintas-dan-angkutan-jalan-di-indonesia/> accessed on Agustus 18th 2017 Bandar Lampung

government. The law on traffic and road transportation was last set in Indonesia with Law No. 22 of 2009 on Traffic and Road Transportation with the spirit of reform.

C. Develop policy goals and direction

The purpose and direction of policy based on participation and public awareness is to obtain the goal and direction of policy with human social value. The policy form based on the social values of the society depends on the following principles: participatory, useful, efficient and effective, balanced, integrated, self-sustaining, sustainable, transparent. The researcher's idea of the human and social value traffic policy model provides hope. The objective of this research, which is to transform Indonesia into an ethical country in terms traffic, sets an example of traffic order that is supported by the encouragement of awareness and participation of the society in complying with all policies and traffic regulations in Indonesia.

The policy by the Government of Indonesia to anticipate this traffic jam is collected into a work program by considering various aspects related to the policy. This policy is directed to the creation of traffic continuity and order. The policy is patterned, integrated, organized, systematized, and created based on the interests, justice, and welfare of the people. This policy must also give space for public involvement in the form of participation.

The philosophical foundation is a consideration or reason that illustrates that Law No. 22 of 2009 on Traffic and Road Transportation considers the views of life, awareness, and ideals. This law also considers the philosophy of the Indonesian nation that originated from Pancasila and the Preamble of the Constitution of the Republic of Indonesia of 1945. Law No. 22 of 2009 on Traffic and Road Transportation. This law states that transportation has an important and strategic position in the development of the nation based on an environmental concept, and this should be reflected in the mobility needs of all sectors and regions to achieve the national development objectives as the practice of Pancasila. Transportation is an important and strategic means in facilitating the wheels of the economy, strengthening unity, and affecting all aspects of the life of the nation and state.

Law No. 22 of 2009 on Road Traffic and Transportation plays a strategic role in supporting national development and integration as part of the efforts to promote the common prosperity. This Act aims to achieve the following goals:

1. Realization of safe, orderly, smooth, and unified traffic and road transportation services with other transportation modes to strengthen the national economy, promote common prosperity, strengthen the unity of the nation, and uphold the dignity of the nation;
2. Realization of ethics in traffic and the culture of the nation; and
3. Realization of law enforcement and legal certainty for the community.

Law No. 22 of 2009 on Road Traffic and Transportation was prepared by considering the sociological basis, which is a consideration or reason that describes the existence of various aspects of the community's needs concerning empirical facts about the development of problems and needs of the society and state.

Law No. 22 of 2009 on Traffic and Road Transportation also considers the juridical basis of consideration or reason. This consideration illustrates that the Act is structured to overcome legal problems or fill the legal void by considering the existing rules, which will be changed or revoked to ensure certainty law and sense of community justice.

Traffic congestion is caused by various complex, multidimensional, and interconnected factors. Factors that cause traffic congestion in Indonesia include the following⁵:

1. Concentration of various activities downtown
2. Simultaneously while on the move in the city
3. Large numbers of public transport and private vehicles
4. Numerous street vendors (street vendors) on the sidewalk along the city protocol road
5. Lack of discipline of road users
6. Many of shadow terminals along the edge of the crossing path/railroads.

The legal system is a small part of the legal development, as expressed by Lawrence M. Friedman. Friedman stated that the realm of legal development must at least have something to do with three main issues, namely, substance, structure, and culture. In connection with the structure and culture, this law is run empirically and felt in the middle of society⁶. First, the substance of the law referred to in this case is the legislation on traffic. The development and dynamics of the developing state of society explains that traffic and road transport are central in holding a role in realizing security, prosperity, and order, which affect economic and science and technology development, regional autonomy, and accountability of state administration.

New arrangements and terminology emerged in the regulation, such as the establishment of a venue that represents the interests of the stakeholders (e.g., in this case, government agencies, academics, and communities) into an ad hoc board of the traffic forum. The existence of integrated effort in the form of Master Plan of Traffic and Road Transport Network, starting from the national and provincial levels down to the district level. The emergence of traffic management, traffic demand management, traffic information system, and traffic communication control center necessitates development impacts traffic impact analysis, discussion of environmental issues at the global and regional levels, and provision of clear and decisive sanctions in terms of criminal and administrative sanctions.

Second, the structure of law is an aspect that must be considered as a supporter of legal substance that has been made to idealize, and in this case, can be interpreted as law enforcement apparatus and facilities and infrastructure. When associated with the development of the apparatus, this law aims to enhance the integrity of law enforcement officers.

In addition to the apparatus, the legal structure also includes the means and infrastructure as the implications of the implementation of related legislation. This law introduces the presence of information technology in the traffic order. The opportunities for modernization in law enforcement can be appreciated as a step forward. However, these opportunities must be captured and implemented well. Infrastructure, such as closed circuit television (CCTV) in strategic places, is one form of realization.

According to Volkgeist theory of Friedrich Karl von Savigny, law is part of the community and constantly evolves organically following the movement of the social and cultural change that exists. The law is only an instrument or a small part of the law that is not infrequently contrary to the soul of society (Volkgeist). The law is the order born

⁵ Agus Iskandar, *Analisis Kebijakan Dinas Perhubungan Kota Bandar Lampung Dalam Mengatasi Kemacetan Lalu Lintas Melalui Operasionalisasi Bus Rapid Transit (Studi di Kota Bandar Lampung)*, Pranata Hukum, 2014, Publisher Universitas Bandar Lampung. Page 81.

⁶ *Welcome To my mind: Penegakan Hukum Berlalu Lintas*, <http://ziffan.blogspot.co.id/2010/12/penegakan-hukum-berlalu-lintas.html> accessed on Agustus 18th 2017 Bandar Lampung.

from social association, which covers values and order that form naturally and always experiences the dynamics in line with the changes that occur in the community.

Another aspect that is not less important is building an adequate culture of punishment in the society. The bribery that occurs in the field involving police officers and the society is also based on the initiative of the offender.

Policies are based on human and society values. The description of the values that should be used as a reference in traffic policy making are as follows:

1. Transparency principle is the openness of the traffic organization to the public in terms of obtaining information that is true, clear, and honest so that the society can participate in the development of traffic.
2. Accountability principle is the operation of traffic that can be accounted for.
3. The principle of sustainability is the guarantee of the quality of environmental functions through the regulation of the vehicles' eligible technical requirements and general plans of development and the development of the traffic network.
4. Participatory principle is the arrangement of public participation in the process of policy formulation, supervision of policy implementation, accident handling, and reporting of events related to traffic.
5. Beneficial principle refers to all traffic activities that can add the maximum value to realize the welfare of society.
6. Efficiency and effectiveness principle refers to the service in the implementation of traffic conducted by every coach at the government level in a useful and effective manner.
7. Balanced principle is the operation of traffic that must be implemented on the basis of the balance between facilities and infrastructure and the fulfillment of the rights and obligations of service users and organizers.
8. Integrated principle is the implementation of traffic services by prioritizing the harmony and interdependence of authority and responsibility among agencies.
9. Self-reliance is the effort of organizing traffic through the development and empowerment of national resources.

The policy model of human social value is the goal and policy direction based on participation and society awareness. The output of traffic policy models is the idea of a policy form based on the social values of the society that are be guided by principles when viewed in the legal and social perspectives.

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