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Evolution and New Solutions”*

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MODEL OF POLICY BASED ON HUMAN AND SOCIAL VALUE IN ETHICS OF TRAFFIC IN INDONESIAN SOCIETY

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ABSTRACT

The traffic policy model, viewed in a legal and social perspective is an idea of a policy form that is based on social values of society that refer to principles (participatory, useful, efficient and effective, balanced, integrated, independent, sustainable, transparent). The idea of the human and social value traffic policy model provides the hope and objective of this research which is to make cities in Indonesia as Ethics City, which can be an example of traffic order that is supported by the encouragement of awareness and society participation in complying with all policies and regulations of traffic.

This research using qualitative analysis techniques to review the policy related to traffic that became the object of research and then projected on the standards of legal norms/ applicable ideal laws and regulations are subsequently interpreted based on theory (theoretical interpretation) and then generalized as the ideal formula (*ius constitutum*).

The benefits of this research for the stakeholders is to provide an academic view of policy analysis and at the same time encourage society participation to participate in determining policies based on needs and human and social value. Produce research in humanities to study people from the perspective of social and cultural activities, and focus on human and social values related to traffic policy. Developing science in public policy law formulation for research lecturers in the form of basic research, applied, policy, evaluation, and development. Implementation of 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*

BODY

Traffic has a strategic role in supporting national development and integration as part of efforts to promote general welfare as mandated by the 1945 Constitution of the Republic of Indonesia. As part of the national transport system, it is necessary to develop its potential and role to realize security, safety, order and continuity of traffic in order to support economic development and regional development. So need to realize about the ethics of traffic and culture of the nation (just culture) through the effort of coaching, giving guidance, and education traffic from an early age and implemented through a sustainable program.

Accordingly, according to Friedrich Karl von Savigny theory, that law is in society and constantly evolves organically following the movement of existing social and cultural change. The law as deemed as long as it represents law is only an instrument or a small part of the law that is not infrequently contrary to the soul of society (volksgeist)¹.

The growing population density, the need for more and more people, and the increasingly sophisticated technological advances bring the implications of increasingly hectic transportation on the streets. Traffic density on the road requires precise arrangements to ensure the safety and comfort of traffic can be maintained. Besides, also the discipline of the society in obeying the traffic regulations must also be maintained. The firmness of law enforcement, in this case is the traffic police, should always be improved so that the police are not easily trapped by the various persuasions of the community that always tempt the police to disobey the applicable law.

Theoretically to create the discipline of society must be through the process of institutionalization (this is because the norms in the traffic is not the norm that grows from the social values in everyday life. An institutionalized norm within a given social system, if fulfilled at least two conditions, namely :

1. Most of the citizens of a social system accept the norm.
2. These norms have become part of the citizens of the social system. The norm is sanctioned².

The next paradigm is the public awareness paradigm that law enforcement is for the common good for all members of society, therefore it can not be imposed unilaterally on mere traffic police. Public participation in traffic is an issue that should be prioritized in any traffic-related policy making. In an ever-growing society, values are constantly changing. Shifting values in many ways will also affect the habits or behavior that prevail in society³.

In providing traffic policy model analysis it is necessary to identify the problems related to traffic. The problems that exist in the first identification is the low participation of the community in the control of traffic, the lack of public knowledge of the traffic regulations prevailing in Indonesia, the lack of public awareness to find out the traffic rules. The second identification is the high number of traffic accidents both at the intersection of traffic lights and on the highway, the safety of riders and pedestrians who become threatened. Furthermore, as the third identification of traffic congestion resulting from society who are reluctant to walk and the habit of breaking the usual traffic rules then become a violation of culture rules. The traffic policy model is viewed in a legal and social perspective, an idea of a policy form that is based on social values of **society** that refer to principles (participatory,

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

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.

useful, efficient and effective, balanced, integrated, independent, sustainable, and transparent).

Based on the Regulation of the Minister of Transportation No. 14 of 2006 on the Management and Traffic Engineering on The Road, traffic engineering is defined as an activity undertaken to optimize the use of the entire road network, in order to improve the safety, order and continuity of traffic. Whereas Article 2 of Regulation of the Minister of Transportation No. 14 of 2006 on Management and Traffic Engineering on The Road also explains, traffic management and engineering is implemented with the aim of optimizing the use of road network to improve the safety, order and continuity traffic on the road, with the scope of all national road network, provincial road, district road, and integrated village roads. Management activities and traffic engineering on the road, implemented through stages of traffic planning, traffic management, traffic engineering, traffic control and traffic supervision.

Relating to the three identification problems, the researchers initiated to analyze the city traffic policy in Indonesia is based on the principles that researchers categorize as a policy based on human and social value. It is a policy based on human and society values. The description of the values that should be a reference to the traffic policy are:

1. Transparent Principle is openness in the organization of traffic to the public in obtaining information that is true, clear and honest so that society have the opportunity to participate in the development of traffic.
2. Accountable 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 vehicle's eligible technical requirements and general plans of development and also 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 on events related to traffic.
5. Beneficial Principle is all activities of traffic which can provide the maximum value added in order to realize the welfare of the society.
6. Efficient and Effective Principle is the service in the implementation of traffic conducted by every coach at the level of government in a useful and effective.
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 conducted 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 results of the identification of issues related to traffic (Field Research), analysis of existing traffic policy, preparing the objectives of the policy direction and draft of the traffic policy planning. Obtained results with the following stages:

A. Identification of problems and issues related to traffic (Field Research)

Identification aims to map the existing traffic problems in Indonesia. Analysis of traffic problems in Indonesia can be categorized as:

1. Human Factors (Society)

In traffic accidents that occur, among others, caused by fatigue, neglect, lack of care, and the inconvenience experienced by the driver. Traffic accidents, basically caused by four factors, namely human factors, vehicle factors, compatibility between humans and vehicles and environmental factors road. Of the four factors, the human factor becomes the most frequent factor in causing traffic accidents.

Accidents can be interpreted as an unplanned event that may be caused by human factors, road factors, environmental factor, vehicle factors, or combinations of those things that may interfere with the work process and may result in injury or not, pain, death, destruction property or 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 and accidental incident involving a vehicle with or without other road users that result in human casualties and/or loss of property.

According to Article 229 of Law No. 22 of 2009 on Traffic and Road Transportation determines as follows, Traffic Accidents are classified:

- a. Light Traffic Accidents are accidents that result in Vehicle damage and/or goods.
- b. Medium Traffic Accidents are accidents that result in minor injuries and damage to Vehicles and/or goods.
- c. Severe Traffic Accidents are accidents that result in death or serious injury.

2. Rule Factors / Traffic Policy

The government has actually established a juridical product related to traffic, but the problem are whether the established juridical product has been effectively implemented, does the juridical product already cover all the increasingly complex and multidimensional for traffic problems in Indonesia today.

According to Iskandar Z as Head of the Road Traffic Division, the Policy in the field of traffic management by the Department of Transportation of Bandar Lampung City is the implementation of the mandate of Law No. 22 of 2009 on Traffic and Road Transportation, that the implementation and construction of traffic and road transport is implemented government based on the provisions of the law.

3. Factors of Traffic Transport Facilities

The growth and development of a rapid city without being followed by the provision of adequate transportation systems for the size of the city is a form of demand rather than supply, as well as the contrary, the rate of growth of the transportation system that is not in accordance with the size of a city's development is a larger supply demand for transportation. The conditions mentioned above 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 that affect each other, the factors that cause the low quality of transportation in Indonesia are also caused by various factors and other problems are quite complex. Factors contributing to the low quality of transport in Indonesia are:

- 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 participate in maintaining facilities and transportation infrastructure
- d. Lack of community discipline

If the gap between transportation needs and the supply of this transportation system is allowed to be continue, over the long run it will lead to more complicated problems in city transport operations, such as not giving the rights of road users properly, eg pedestrian rights, or the disabled and the elderly who should have a different path, safe and comfortable.

The low quality of facilities and facilities of land transportation are common:

- a. Road network damage

Road network damage can lead to traffic jams or even traffic accidents if not handled promptly. Road network damage can come from road pavement structures that have been unable to accommodate the load or due to natural disasters such as the erosion of the road layer due to flooding, the closed access road due to landslides and others. Road damage indicates the structural and functional conditions of roads that are unable to provide optimal service to road users, such as inconvenience and insecurity of road users driving the vehicle on a wavy and slippery road surface.

b. Low Quality of Land Transportation

If Indonesia's public land transportation is compared to public transportation in neighboring countries, the results will be far behind, when Japan has used shinkansen, the quality of railways in Indonesia is still lagging behind.

B. Traffic Policy Analysis

Traffic and Road Transportation when during the Dutch East Indies Government is set in "*Werverkeersordonnantie*" (Staatsblad 1933 No. 86). Subsequent developments *Weverkeersordonnantie* no longer fit the demands and changed again in Staatsblad 1940 No. 72. Then *Werverkeersordonnantie* was changed again after Indonesia precisely in 1951 with Law No. 3 of 1951 Amendments And Supplement to the Law on Road Traffic (*Werverkeersordonnantie*, Staatsblad 1933 No. 86). Then 15 Years from the coming into effect of Law No. 15 of 1951 the Government of Indonesia reorganized Traffic and Road Transportation into the new Law and revoked previous regulations on Traffic and Road Transportation⁴.

The formation of Law No. 3 of 1965 on Traffic and Road Transportation at that time by mutual agreement between President Soekarno and DPR GR (House of people's representatives of Gotong Royong). This Law is the first law to regulate traffic and road transportation in Indonesia after Indonesia became independent. Along with the development of the era and science and technology at 27 years later rearranged about traffic and road transportation in Indonesia with the Law No. 14 of 1992. There are interesting things from Law No. 14 of 1992 that this law was suspended for a year through Government Regulation in Lieu of Law No. 1 of 1992 which was passed into Law No. 22 of 1992. As contained in the Consideration of Law No. 22 of 1992 point c, it is said 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".

With the formulation of Law No. 22 of 1992 so that the Law No. 14 of 1992 was suspended for its implementation on September 17th 1992 to September 17th 1993 due to various considerations from the government. Furthermore, 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 and the spirit of change.

C. Develop policy goals and direction

Obtaining the goal and direction of policy with human social value is the purpose and direction of policy based on participation and public awareness. With the output of traffic policy models seen in legal and social perspectives, it is the idea of a policy form

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

based on social values of society that are at stake in the 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 the hope and objective of this research which is to make Indonesia as an ethical country in traffic, which can be 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 to anticipate this traffic jam by the Government of Indonesia is collected into a work program by taking into account various aspects related to the policy. Basically, this policy is directed to the creation of traffic continuity and order for both the present and for the future, besides having to be patterned, integrated, organized, systematic and based on the interests, justice and welfare of the people, must also give space for public involvement in the form of participation and participation of all components of society at large.

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

Law No. 22 of 2009 on Road Traffic and Transportation has a strategic role in supporting national development and integration as part of efforts to promote the common prosperity. Furthermore in the torso in explained that the goal to be achieved by this Act are :

1. The realization of safe, orderly, smooth, and unified Traffic and Road Transportation services with other transportation modes to encourage the national economy, promote the common prosperity, strengthen the unity of the nation, and be able to uphold the dignity of the nation;
2. The realization of ethics in traffic and culture of the nation; and
3. The realization of law enforcement and legal certainty for the community.

Law No. 22 of 2009 on Road Traffic and Transportation is 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 must also consider the juridical basis of consideration or reason which 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 which will be revoked to ensure certainty law and sense of community justice.

Traffic congestion is caused by various complex, multidimensional and interconnected factors. Various factors causing traffic congestion in Indonesia include⁵:

1. Concentrate on various activities in downtown,
2. Almost simultaneously while on the move in the city,

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.

3. The large number of public transport and private vehicles,
4. The number of street vendors (street vendors) who sell on the sidewalk along the city protocol road,
5. Low discipline of road users,
6. The number of shadow terminals along the edge of the crossing path/railroads.

However, the legal system to be built is a small part of legal development as expressed by Lawrence M. Friedman, according to which the realm of legal development must at least have 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, it can be seen in the explanation of the law that traffic and road transport are central in holding a role to realize security, prosperity, order which impact on economic development 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 in this case government agencies, academics, and communities into the 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 national, provincial, to district level. The emergence of traffic management and management, traffic demand management, traffic information system and traffic communication control center, it is necessary that development has a traffic impact analysis and environmental issues that are indeed a sensitive issue discussed both at global and regional level. As well as the provision of clear and decisive sanctions, both in terms of criminal and administrative sanctions.

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

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

According to Volkgeist Theory (Friedrich Karl von Savigny), that law is in the community and constantly evolves organically following the movement of social and cultural change that exists. The law as deemed as long as it represents law is only an instrument or a small part of the law that is not infrequently contrary to the soul of society (volksgeist). The law is the order that is born from the social association, in which is covered values and order that formed naturally and always experience the dynamics in line with the changes that occur in the community.

Third, another aspect that is not less important is to build an adequate culture of punishment in the society. It can not be denied, bribe that occurred in the field by police officers and the society is also based on the initiative of the offender.

Policies that are based on human and society values. The description of the values that should be a reference to the traffic policy are:

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.

1. Transparent Principle is openness in the organization of traffic to the public in obtaining information that is true, clear and honest so that society have the opportunity to participate in the development of traffic.
2. Accountable 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 vehicle's eligible technical requirements and general plans of development and also 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 on events related to traffic.
5. Beneficial Principle is all activities of traffic which can provide the maximum value added in order to realize the welfare of the society.
6. Efficient and Effective Principle is the service in the implementation of traffic conducted by every coach at the level of government in a useful and effective.
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 conducted 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.

Policy model of human social value is the goal and policy direction based on participation and society awareness. With the output of traffic policy models seen in legal and social perspectives, it is the idea of a policy form based on social values of society that are guided in that principles.

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