

# Models of Maintenance Control on General Public Vehicles

Dr. WoroWinandi\*, TutiekRetnowati\*

\*\*Dr. Moh. Fadli, Dr. JazimHamidi\*\*

\*Faculty of Law, Narotama University of Surabaya.

\*\*Faculty of Law, Brawijaya University of Malang

**Abstract-**Transportation is an instrument that we can not simply ignore, because it is a means of public needs, trade, and business circles, so that needed a fast service and guaranteed services both in transporting goods and passengers to the destination, but also accelerates needs of the community which in the sense of closer distance between villages and towns where workers who travel out of town due to residence and work far enough. Based on the geographical location of Indonesia as the largest country of 13,667 islands and clusters of large and small islands. Which may be required to build adequate transportation or carriage as well as support in providing services to the community in far provinces in Indonesia by land, sea, and air. The condition of three-way transportation is encouraging and is a reason for the use of adequate transportation so not prevent the progress and development of this all-modern things because it will impact our nation will be left behind with other nations whose have advanced.

**Keywords:**Transportation, Maintenance Control, Public Vehicles, Indonesia.

## I. INTRODUCTION

Transportation is a very important and strategic to smooth the wheels of the economy, strengthen unity and integrity and affect all aspects of the life of the nation and the state, based on various factors. Based on the geographical location of Indonesia as the largest country of 13,667 islands and clusters of large and small islands. Which may be required to build adequate transportation or carriage as well as support in providing services to the community in far provinces in Indonesia by land, sea, and air. The condition of three-way transportation is encouraging and is a reason for the use of adequate transportation so not prevent the progress and development of this all modern things. Otherwise, it will impact our nation will be left behind with other nations whose have advanced.

Transportation is an instrument that we can not simply ignore, because it is a means of public needs, trade, and business circles, so that needed a fast service and guaranteed services both in transporting goods and passengers to the destination, but also accelerates needs of the community which in the sense of closer distance between villages and towns where workers who travel out of town due to residence and work far enough.

Development of transportation encourages the development of education in the sector of modern transportation and transportation technology modern transportation facilities and infrastructure, and the law of transportation or modern especially on land, sea, and air.

**Article 1:**<sup>1</sup>In this case, land transportation is one of the technology sectors that continue to develop. This can be seen from the increasing number and types of vehicles and flow of the traffic from day to day more solid. Innovation in this sector goes on and on as human needs for greater reach and coverage, but on the other hand, if not handled well this technology can turn into a very dangerous killer machine.

The statement above is not excessive, according to data obtained around the world at least every year the victims who died from traffic accidents almost reached 1 million. In Indonesia alone according to the data of the Directorate General of Land Transportation of the Ministry of Transportation (DitjenHubdarDephub), the average number of victims died within 1 year is 10,696 people or more than 20 families each day who lost their family members. Even according to World Health Organization predictions (WHO) that traffic accidents are the highest cause of death by 2020 to come.

The high traffic accidents on the streets have become one of the factors of the soaring family poverty rate. The number of road accidents each year is estimated to be 62.50% of the 30,000 victims died and 13% are seriously injured.

From the data that I've got, we can see the number of victims from several years :

NO	YEAR	INFORMATION
1	2008	17.107 accident 12.308 victim died
2	2009	15.097 accident 11.778 victim died

<sup>1</sup>Muhammad Subair Reform of Public Transportation System as an Effort to Improve Traffic Safety and Road Transportation

		9.002 people heavy injured 10.857 people minor injured 27,3 Billion Rupiah material loss
3	2010	15.097 accident 9.536 victim died
4	2011	12.267 accident 8.762 victim died 6.656 people heavy injured 8.929 people minor injured 41.03 Billion Rupiah material loss

As we know the human error factor is the main cause of the accident. Human here is identical with the driver, actually also in the passengers, pedestrians, street vendors, road builders until the government policy makers. Besides the road factors, weather circumstances as well, regulations and environments are also factors of accidents. But all is still back to the human factor because all other factors can be anticipated and controlled by humans.

The lack of traffic awareness of road users causes frequent accidents in each city and region both within and outside the country. But the highest rates of accident occur within the country, Indonesia in some cities as happened in Situbondo, and other cities.

## II. Research Method and Data

### 1) Research Design

The objective of this study is to give a contribution of thought and brief description to all parties who have the same interest and interest with this research material.

For the authors themselves, this research would like to observe the level of public transport service for the public to use transportation with comfort and safety level guaranteed, so government role is required to be more serious and pay more attention to the rights of the people to obtain transportation services with full responsibility.

### 2) Research Method

The author uses a normative juridical approach in discussing this research. Take notice the applicable legal norms as well as their application in the problems and rights of the people and solutions.

### 3) Sources

#### a. Legal Material Primary Source

The primary legal materials are derived from interviews with the DLAAJR East Java office as public servants as well as autobus transportation corporate and citizens as passengers in the public transportation service process.

#### b. Legal Material Secondary Source

Secondary law material comes from reading and studies the literature books and legislation, scientific article, newspapers, and magazines that have similar topics to this research.

### 4) Instruments

The primary data collection procedure is done by conducting a field study through interviews with related parties, namely DLAAJR East Java Officers, Autobus Company and public transport passengers. Secondary data collection is done by literature study, then process the data by collecting, selecting and arranging systematically to obtain accurate data and can be accounted.

### 5) Data analysis

The data which have been compiled will be analyzed by the analytical descriptive method, which describes the problem, expresses the views and opinions and finally solves the problems contained in the data.

## III. DISCUSSION

Public transportation problems, along with government development activities in line with technological developments that are increasingly rapid and rapidly in the current era. Traffic and road transport is a very important component and its role in the development can not be ignored. In Law No.14 of 1992 on Traffic and Public Transport.

**Article 2:**<sup>2</sup>"Road transportation as one of the easiest national transportation is based on benefits, joint effort and kinship, fair and equitable, equilibrium, public interest, integrity, legal awareness, and self-belief."

Transportation is one of the main components in the development of a regional economy, therefore a good transportation system will have an impact on the improvement of the accessibility so that the region can be easily reached from various regions.

Based on the above, it can be said that transportation will facilitate the achievement of development goals which also means will accelerate the improvement of living standards of the community. Basically, transportation includes three basic dimensions, i.e. :

#### a. Transportation as a business :

<sup>2</sup>Act number 14 of 1992, article 2

Transportation as a business includes the following characteristics below :

- Based on the agreement
- Economic activity
- Company-shaped
- Using mechanical carrier

#### **b. Transportation as an agreement**

It is generally verbal but always supported by transport documents proving that the agreement does not occur.

#### **1. Legal Efforts**

On this subject, the author will bring up the amount and the result of traffic accident happened in the area of Polda Metro Jaya (Jakarta) and some practitioners, academic, and social opinion about traffic accident as material to be analyzed. With the increasing number of fatal accidents like wounded people, and the damage is increasing, although it appears to be slightly more than some inadvertence cases of accident. The use of public transportation is declining even though the Government intervenes and provides high subsidies. Inconsistent services, uncertain schedules, and increased tariffs have reduced the use of public transportation.

Population in the metropolitan city consider that the Government needs to take action to reduce traffic density as is done by the Singapore which limits the number of motor vehicles. In spite of all that, the problems seen in the transportation world underline the importance of examining public policy. According to Owen (1976) states that whatever steps are taken by policy makers in the future, they should pay attention to the existing sectors, among others ;

1. The amount of dependence on motor vehicles and how they affect the location of their work.
2. The public transport system shall be able to serve the entire territory effectively.
3. The ability of the Government and its policies to provide a fair transportation system to either people who own cars or not.
4. The combination of new technologies and efforts to create a better city environment over the long-term.
5. New problems become more complicated due to uncertainty in energy supply.
6. Solving the problem of urban transport through the approach of the state sector and private sector and its cost implications on Government policy alternatives.

Traffic Awareness and obedience, increasing the number of vehicles themselves as a result of population growth. While the law is the only one that created to stem the traffic accidents as long as other aspects support. Therefore, the similarity steps of all parties must be fostered to overcome traffic accidents at the earliest possible time, the responsibility of all parties without exception.

If in the last 5 years the number of accidents increased by 11% per year. Perhaps this condition will continue to grow if not accompanied by improvements in land transportation.

In this case, traffic and road transport are organized for :

- a. Realization of a safe, orderly, smooth, and integrated Road Traffic and Transportation service with other modes of transportation to support the national economy, promote the common good, strengthen the unity the nation, and be able to uphold, the dignity of the nation;
- b. Realization of ethics in traffic and culture of the nation; And Realization of law enforcement and legal certainty for the people

#### **2. Carriage and Transportation Functions**

Transportation and carriage function, in order to foster a steady economic development, needs to be achieved by balancing the supply and demand of carriage services, among others:

- freight services have less availability from demand occurs congestion of goods flows, then there was a price fluctuation
- Transportation services exceed demand, there will be an unhealthy competition that causes many companies to lose and stop their activities so that the service offer is reduced and the flow of goods is not smooth.
- The carriage as a passenger and development incentive (The Promotion Sector) and service delivery (The Servicing Sector) of the economy. Carriage sectors must be built ahead of other sectors for smoothness.

The benefits of carriage are not an objective, a means of achieving existing goals with goods and services. To meet diverse needs it can be seen from various aspects of life that can be grouped in economic, social, politic, and territorial benefits.

To reduce the very high number of traffic accidents, future efforts are directed to comprehensive control covering the efforts of development, prevention, regulation, and law enforcement. The development effort is done through increasing the intensity of education and human resources development.

#### **3. Countermeasures Effort**

Prevention efforts are made through improvements, roadway monitoring, road facilities, and infrastructure, as well as vehicle feasibility, including more intensive road and traffic controls. Regulatory arrangements include the management and design of traffic and modernization of traffic facilities and infrastructure. Efforts to enforce the law are implemented more effectively through the formulation of clearer legal provisions and the application of more strict sanctions.

Indonesia has not been able to follow the example of other countries where the enactment of safetybelt is very important, the discipline of police officers and cooperation with the community itself. <sup>3</sup>As for an action to conduct raids to find public transportation that does not meet the requirements of safety facilities, accompanied by action by giving a reward and punishment. As commonly, the

---

<sup>3</sup> Ibid, page 2

construction of passenger vehicles puts the front and rear doors so that emergency exits can be placed in the middle of the left or right side or on the roof of the vehicle.

It reflects how low the concern of the transport company to create a guidance program or provide guidance to the passengers on the safety of the passengers, so that in the case of accident happen can minimize the victims. Every accident that ever happened, is a lesson that is associated with the science of traffic is the short-term conclusion, the government should focus on areas of the traffic situation, especially the safety facilities and vehicle conditions. The government needs to immediately conduct a feasibility test for the bus, truck and public transportation process.

Safety facilities in public transport, buses include emergency exits, sliding glass that must be opened automatically or manually, and glass breakers. It is important to remember that public transport buses do not have any facilities. As a result, all passengers, except drivers and bus assistant can not save themselves from the raging fire the bus. If a violation of the regulation of the facility is met, the government is entitled to impose punishment in accordance with the applicable regulations of the company or service.

The maximum loading of passengers which exceeding the capacity becomes one of the most difficult issues to prevent, which leads to uncomfot the passengers, and this is a violation of the provisions of the Act which may result in accidents.

Drivers who are not disciplined and do not comply with the Rules of Law are the main reasons that cause traffic accidents, disobedience of the driver is the proof that the human resources are still low discipline, plus the law enforcement is not assertive and inconsistent and this is further evidence that the enforcement road transport law is very weak.

#### IV. Conclusion

Good traffic enforcement is highly dependent on a number of factors that have been hardly noticed, namely: enforcement of legal compliance from law enforcers themselves, straightforward attitude (zakelijk) from law enforcement, traffic regulation adjustment with respect to An effort to cultivate an understanding of traffic regulations, an explanation of the concrete benefits of the regulation, and appeal to the community to help enforce traffic rules.

Law enforcement on the roadway is a very complicated thing. First of all law enforcers must be able to maintain his authority for the benefit of his profession. On the other hand, he must have confidence in himself to take a wise judgment, resulting in justice. A prospective driver's calibration in order to obtain a driver's license should be considered in terms of the driver's intelligence level, the ability to take immediate action, the physical aspect of the driver/applicant driver.

#### V. Suggestion

The road users must have courtesy ethics on the road and obey traffic rules, for example to the left of the road continue or to follow the lights signal if want turn to the left, parking is prohibited also Cannot throw garbage on the street carelessly. Driving speed should be adjusted to the road conditions, whether the road is crowded or vacant, in the morning, noon, evening, or night. For public transport so as not to raise or put down of passengers carelessly. In using the road, we must realize that not only us who use the road, but everyone is entitled to use it. everyone is obliged to keep courtesy on the road, one of them is obeying traffic rules.

#### REFERENCES

- [1] National Education Ministry, 2006. The Fourth Indonesian Dictionary of the Fourth edition, Jakarta: GramediaPustakaUtama.
- [2] Hasyim, Farida. 2009. Trade Law, Jakarta: SinarGrafika.
- [3] Kamaludin, Rustian, H, 2003. Transportation Economy, Jakarta: Gahalia Indonesia.
- [4] Kansil, C.S.T. 2010. Principles of Knowledge of Indonesian Commercial Law, Jakarta: SinarGrafika
- [5] \_\_\_\_\_. 2001. Module of Commercial Law, Jakarta: Djambatan.
- [6] Muhammad, Abdulkadir. 2006. Insurance Law of Indonesia, Bandung: fourth printing of Citra Aditya Bakti.
- [7] Nurbaiti, Siti, 2009. Land Transportation Law (road and rail), Jakarta: Trisakti University.
- [8] Pramono Hari, Prakoso Djoko Adji, usmanSution, 1991. Transportation Law in Indonesia, Jakarta: RinekaCipta.
- [9] Purba, Hasim, 2006. A Guide to Understanding Legal Science, Medan: Light Science
- [10] Purwosujipto, H.M.N. 2003. Basic Definition of Indonesian Commercial Law of Insurance Law, Jakarta:DJambatan.
- [11] \_\_\_\_\_. 2008. Understanding the Principles of Indonesian Commercial Law LawTransportation, Jakarta: Djambatan.
- [12] Salim, Abbas H.A. 2006. Transportation Management. Bandung: Raja GrafindoPersada.
- [13] Sembiring, Sentosa. 2006. Commercial Law, Bandung: Citra AdtyaBakti.
- [14] TjakraNegara, Soegijatna, 1995. The Law of Freight and Passenger Transportation, Jakarta: RinekaCipta.

#### Authors

**First Author:** Dr. Woro Winandi, S.H., M.Hum, Faculty of Law, Narotama University of Surabaya. PO box 60117, Surabaya, Indonesia Tel: 031-59464604.

**Second Author:** Dr. Moh. Fadli, S.H, M.H, Faculty of Law, Brawijaya University of Malang. PO box 65101, Malang, Indonesia Tel: 0341-551611

**Third Author:** Dr. JazimHamidi, S.H, M.Hum, Faculty of Law, Brawijaya University of Malang. PO box 65101, Malang, Indonesia Tel: 0341-551611

**Correspondence Author:** Tutiek Retnowati, SH, Mhum, Faculty of Law, Narotama University of Surabaya. PO box 60117, Surabaya, Indonesia Tel: 031-59464604, Email: [tutiek\\_retnowati@yahoo.com](mailto:tutiek_retnowati@yahoo.com)