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Legal Compliance On The Road As The Effort To Overcome Jakarta's Traffic Congestion

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Abstract

Traffic discipline is an important attitude. Road drivers need to be accustomed to it if they want to reach their destination safely. Drivers need to be disciplined regarding regulation. Jakarta is a densely populated city with the problem of traffic congestion due to its road users who do not comply with regulations. Why are the people of Jakarta not discipline in traffic? What is the solution to make them obey traffic rules? These are main problems discussed in this paper. The research used the normative method, analyzed descriptively, used primary data which was supported by secondary data, and processed qualitatively. Jakarta people are not disciplined in traffic because there is no awareness about the importance of traffic order. As solutions, there must be a strict law enforcement on the road, and officers must keep providing information to the public on the importance of traffic order. There must be sanction as a deterrent effect for those who are not disciplined in traffic.

Keywords: legal compliance; law enforcement; traffic order.

Abstrak

Disiplin berlalu lintas adalah suatu sikap yang penting dan perlu dibiasakan bagi semua pengendara kendaraan bermotor di jalan, agar selamat sampai tujuan. Pengendara wajib disiplin karena berhubungan dengan peraturan. Jakarta kota yang padat penduduknya selalu menghadapi kemacetan jalan yang disebabkan ketidakpatuhan para pengguna jalannya. Mengapa warga Jakarta tidak tertib berlalu lintas? Bagaimana solusi untuk membuat warga Jakarta patuh berlalu lintas? adalah pokok permasalahan dalam tulisan ini. Metode penelitian yang digunakan adalah Normatif, dianalisis secara deskriptif, menggunakan data primer yang didukung oleh data sekunder dan diolah secara kualitatif. Masyarakat Jakarta tidak tertib berlalu lintas karena tidak ada kesadaran dari tiap pribadi tentang pentingnya tertib berlalu lintas dan solusi untuk membuat warga Jakarta untuk tertib berlalu lintas adalah penegakan hukum di jalan harus tegas dan petugas terus menerus memberikan sosialisasi kepada masyarakat akan pentingnya tertib berlalu lintas dan nada sanksi sebagai efek jera bagi pelaku yang tidak tertib berlalu lintas.

Kata Kunci : Kepatuhan hukum; penegakan hukum; kemacetan; tertib berlalu lintas.

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Introduction

There are many violations committed by Jakarta residents in traffic, such as driving against the traffic flow, disobeying traffic signs, breaking through traffic lights, stopping at inappropriate places, crossing carelessly, and many more resulting in traffic congestions. Transportation is necessary for all levels of society. In 2010, the number of motor vehicles across Indonesia has reached more than 20 million with a percentage of 60% derived from motorcycles while growth population for cars around 3-4% and motorcycles

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more than 4% per year (Gusnita, 2010). A lot number of private transportation use, both two and four-wheeled vehicles, is one of the causes of traffic congestion. However, the main cause is road users who do not comply with traffic rules (Tahir, 2005).

The function of transportation is to move or convey people and/or goods from one place to another by using a certain system for a particular purpose (Puspitasari and Sardjito, 2014). Transportation plays an important role in the city. The use of transportation continues to grow, since the more it is needed, the higher is the use. In other words, both internal and external factors influence the user growth (Hess, Yoh, Iseki and Taylor, 2002; Volinski, 2018).

In Jakarta, as a densely populated city, urban transport highly depends on the road-based transportation system (Directorate General of Land Transportation, 2012). The issue of transportation in Jakarta is indeed very alarming. The problem of road users who use motor vehicles, both two-wheeled and four-wheeled, especially, it needs immediate solution. The motor vehicle users are not disciplined in traffic; disobeying road signs, driving against the flow, stopping at their own will without considering signs states they cannot stop or pick passengers, and many more indisciplinary events to explain in this paper.

This paper wants to show that disobedience to traffic rules is a bad habit which result in negative impacts. Besides causing danger to oneself or the others, it also causes traffic congestion. Act Number 22 of 2009 concerning Road Traffic and Transportation regulated violation and disobedience to traffic rules. Jakarta residents must obey the prevailing traffic law since it is very substantial in building a legal culture. A regulation is made and given to society, and is expected to make the situation better when people obey it. However, what was expected by the legislators did not happen in the implementation.

The following is a description of the condition of Jakarta, about the disobedience to traffic rules of its residents and the impact. At a certain point in the area observed by the author, which is the Plumpang area of North Jakarta, there is a vehicle turning point. However, it is used by two-wheel motor vehicles to turn back against the current traffic. As a result, vehicles from the countercurrent traffic almost collide. In the Roxi area, West Jakarta, there is a T-junction, and at one time, there was a confusion of two-wheeled motor vehicles that went against the flow and seemed to be crashing into either two or four-wheeled vehicles in front of it. However, there is no fear of a collision, because breaking the rules has become the habit of these people. Public transportation also contributes big traffic congestion since it does not obey the traffic rules. There are many more area in Jakarta illustrating the same condition, and it always happens everyday without any traffic regulators managing the traffic chaos. Every traffic congestion as a result of road users' disobedience to traffic signs occurs at certain road points where there is no traffic officer. However, if there are traffic regulators in an area, road users obey traffic rules so there is no traffic congestion.

Two-wheeled vehicle riders have reasons why they violate traffic rules, such as riding against the flow of the road. They want to get to their destination quickly. For the reason,

they do not want to take the farther route, they take the nearest route eventhough they have to ride against the traffic current that which can endanger themselves and others. On main highways, there are also many two-wheeled vehicles that go against the traffic current, as well as public transports that pick up and unload passengers in forbidden placec, even though they know that it violates the rules.

However, the deterrent effect of the law or regulation did not work as expected. The number of violation is still very high. People who break the rules do not think about the lives of others. Moreover, if accidents happen, these will not only bring the loss for others but also themselves. Based on the background of the problems that have been described, the formulation of the problem in this paper is (1) Should legal sanctions be strictly enforced on vehicle users who do not comply with traffic rules? (2) what kind of sanctions should be applied?

Research Method

In this paper, the researcher used the normative legal research method, based on the prevailing legal norms, which are traffic legal norms based on statutory regulation No. 22 of 2009 concerning Road Traffic and Transportation. The researcher used descriptive data analysis techniques by describing data and facts about the object of research. The data used are secondary data supported by primary data, obtained from field observations at certain points or roads that are mostly passed by two-wheeled vehicles and there are road user confusion of two- and four-wheeled vehicles, public transport, and other road users.

Discussion

Motor Vehicles According to Law No. 22 of 2009 concerning Road Traffic and Transportation

This law states that road transportation is regulated in the Traffic and Road Transport Law No. 22 of 2009. Article 1 number (3) states that transportation is the transfer of people and/or goods from one place to another using vehicle. The word “vehicle” refers to road transport facility consisting of motor and non-motor vehicles (Fardan, 2013). The provisions of Article 1 number (8) states that motor vehicles are those with mechanical equipment in form of machines, rather than those that run on railways. Moreover, according to Article 1 paragraph (1) sub b of Law Number 3 of 1965, motor vehicles are any vehicles with technical equipment and are usually used to transport people or goods on the road, rather than those that run on railways. In terms of use, motor vehicles are known as private vehicles, also known as public motor vehicles. Based on Article 1 number (10) of Law Number 22 Year 2009 concerning vehicles for the transportation of goods and/or people with fees.

Elements of Non-compliance in traffic

Road is a very important means to connect land transportation traffic, for the movement of people or goods physically, whether in the form of raw materials or finished materials from one region to another (Anggraini, 2013). Therefore, as a road is expected to accommodate all passing vehicles and provide good service for all road users. To meet an area's needs, transportation infrastructure is important for the community, both in regions and cities have high mobility. They must be supported by good transportation facilities and infrastructure, so as to create a balanced and efficient economy. For harmony in regulating the mobility of goods on the road, traffic is needed as a means of public communication which plays an important and vital role in facilitating development (Agung and Arifin, 2016).

The Special Capital Region of Jakarta (DKI Jakarta) is the capital and largest city in Indonesia. Jakarta is the only city in Indonesia that has provincial level status. Jakarta is located on the northwestern coast of Java island, formerly known as Batavia, Sunda Kelapa, and Jayakarta. Based on data from the Central Statistics Bureau in 2019, the area of Jakarta is 661.52 km², the sea is 6,977.5 km², the population of Indonesia is 267 million. Based on the transportation statistics of DKI Jakarta in 2018, it is assumed that the growth of passenger cars in Jakarta is 3.99 million units (databoks.katadata, 2018), and the most vehicles crossing in Jakarta are based on vehicle percentage in DKI Jakarta. Based on data from the Central Statistics Bureau (BPS), October 3, 2018, a total of 18 thousand registered vehicles in 2016 were recorded. These vehicles did not include those belonging to the TNI, Polri, and Corp Diplomatic. Meanwhile, vehicles with the largest percentage were motorcycles, which is 13.3 million or 73.92 percent. Passenger cars occupy the second position which contributed the most vehicles, total 3.5 million units or 19.58 percent. The Jakarta Central Bureau of Statistics also stated in 2015, that the number of vehicles in Jakarta was more than the total population itself (Hutabarat, 2017).

One reason for the large number of private vehicles on the highway is that people do not want to use public transportation. In addition, it is also influenced by the socio-cultural view that having a private vehicle reflects social status in the community (Hendratno, 2009; Ewing, 2000). This can be seen from the development of land transportation from year to year. The number is always increasing, especially two-wheeled vehicles (Masputa, 2014). The length of the road and the rapid growth of this vehicle causes many problems. Traffic congestion on land transportation which is quite complicated to deal with, damaged road conditions, road section length that stays the same, and the number of vehicles that are constantly increasing

Compared to big cities in developed countries, it is an irony that the public transportation system in Indonesia is very underdeveloped and quite alarming. People in developed countries tend to use public transportation, rather than having to use private vehicles (Abenoza, Cats & Susiol, 2017; Cats, Abenoza, Liu & Susilo, 2015; Deng & Nelson, 2012; Eboli & Mazzulla, 2009; Fadaei & Cats, 2016; Susilo & Cats, 2014). This is different from the Indonesian people who prefer to use private vehicles compared to public transportation. The reason is that public transportation in Indonesia is not safe and

comfortable, travel time is longer, transport capacity is not operating as it should be so it is less safe and less comfortable, etc.

There is a close relationship between public transportation and two-wheeled vehicles as Jakarta's favorite vehicles with traffic congestion. Two-wheeled vehicles are the most popular transportation for the community, especially those who have routine activities every day, such as going to offices, markets, schools, campuses, and other places. Public transportation should be the main choice of interest for Jakarta residents, but in reality, this does not happen. The inadequate condition of public transportation facilities makes people prefer to buy private vehicles, whether two or four wheels. The most preferred vehicle for Jakarta residents is a two-wheeled motor vehicle, which is motorbike. Why? This is because despite the dense city streets of Jakarta, speed is needed to get to the workplace or destination. Considering the time, four-wheeled vehicles are very slow and can not meet the target time to the destination. In addition, there are many obstacles experienced by four-wheeled vehicles, among others, they must meet the rules of the car number plate according to odd and even dates and they are not time efficient. This is different from two-wheeled motor vehicles, which are motorcycles, which are certainly not subject to even-odd rules and can be quickly, effectively and efficiently reached their destination. Jakarta residents need motor vehicles that are effective and efficient and which are relatively fast in reaching their destination. In addition to meeting the need for daily routines, motor vehicles are owned by Jakarta residents to meet the viewpoints that reflect a person's social status in the community (Hendratno, 2009). Therefore, Jakarta residents' dependence on public transportation is still low compared to the use of private vehicles.

Public transportation in Jakarta is clearly not in line with people's expectations. This is because the condition still does not meet the requirement of the public transportation which are safe, comfortable, precise and fast. Such public transport conditions make people more comfortable using private vehicles. In addition, public transportation that serves Jakarta people is also not able to serve properly. Public transport drivers often disobey traffic rules, take passengers where they are not supposed to, and drive with speeding without regard to the condition of the passengers they carry. In fact, public transportation in Jakarta in particular is a major contributor to traffic congestion, due to indiscipline, disobedience, and violation to traffic signs and the environment.

These conditions can be a reason for people to switch from public transportation to private transportation, because it is safer and more comfortable. However, this will only worsen the condition of existing public transport services, because the traffic volume will be higher as a result of more private vehicle uses. As a result, the number of traffic congestion will also increase. This condition will continue to revolve at the same point and will never stop, and the situation will get worse. This is what is being faced and is becoming a problem of Jakarta.

As explained above, Jakarta citizens become less dependent on public transport. Consequently, more private vehicles are used on the highway, and from so many private

vehicles, the dominant one is private two-wheeled vehicles. The density of the highway almost always happens every hour and every day, always filled with vehicles that are dominated by two-wheeled vehicles. Traffic at a certain level, reflects the moral, mentality, and personality of a nation. Motor vehicle users, both two- and four-wheeled vehicles, almost always violate traffic rules. Traffic is a part of people's daily activities. People's habits will be reflected in traffic. Therefore, if a community has a habit of obeying the rules in all respects, the habit will automatically be reflected in the pattern of traffic order on the highway (Anggraini). Congestion is a picture of Jakarta's life, everyday and everytime. If there is no traffic jam for one day in Jakarta, it is an extraordinary thing. Why? Because Jakarta is very familiar with uncontrolled traffic chaos. The causes are already known: the number of vehicles that is very large compared to the population and road sections, plus the lack of compliance to traffic principles and regulations of the road users.

Road Law Enforcement Officers

Many problems faced by the police as a traffic regulator. Disobedience and violation are main things that are done by private vehicle and public transportation drivers. If the driver of a private vehicle, public transport, and two-wheeled vehicle that is crowded on the highway, still abides by the existing traffic rules, the police as traffic regulators can handle the them without significant difficulties. However, if there is no obedience and compliance, and road users always commit violations such as driving exceeds the specified speed limit, breaking through traffic lights, passing road markings, not using safety equipment such as helmets, mirrors, and vehicle lights, have no driving licenses, not paying taxes, using non standard vehicles, refuse to queue, and many more things, even there is a large number of police as a traffic regulators, they will not able to handle the situation (Hendratno, 2009). Lately, there has been a shift in people's perspective in Jakarta. Congestion that occurs is not solely the task of the police officer as a regulator and guard of traffic, but it becomes the duty and responsibility of all residents of Jakarta. The people of Jakarta contribute to the congestion of the city, because they prefer to use private vehicles rather than public transportation that has been continuously improved by the Government, such as the Transjakarta, Busway, MRT facilities, and even LRT (Ingvardson and Nielsen, 2017; Cervero & Kang, 2011; Levinson, Zimmermean, Clinger and Gast, 2003; Levinson, Zimmermean, Clinger & Rutherford, 2002). However, the lack of comfort and safety in the public transportations makes the people of Jakarta are reluctant to use them effectively.

Government Strategy to Deal with Jakarta City Congestion

Transportation is a mobility activity that has an important role in the lives of Indonesian people. This factor makes transportation have an important and strategic role in people's lives for it is considered capable to accommodate people's life activities (Syaiful, et.all, 2019). The need for safe, comfortable, and qualified transportation services is needed

by the people of Jakarta. The government has considered this, and has aimed to switch the use of private vehicles to public transportation (Rianti and Tuti, 2017).

The strategies undertaken by the Jakarta city government to overcome traffic congestion have always been used to find solutions. Yet, they are limited to four-wheeled vehicles, not to chaotic and large-scale two-wheeled vehicles that are scattered on the streets of Jakarta. Policies to continue to overcome congestion include a “3 in 1 policy”. However, this did not work effectively, because, once again, the moral and mentality of two and four-wheeled motor vehicle users who liked to break the rules. Once again, this was because of the moral and mentality of two and four-wheeled motor vehicle users who liked to break the rules. They carried passengers who are not supposed to be in their private cars. As a result, at certain times the policy goes into effect, there are people who are willing to be hired as passengers in private cars with less than 3 passengers. What is important for vehicle users, they can pass through the affected roads and still use private vehicles

This policy did not work, so in 2016 it was revoked by the City Government, because it was considered ineffective. Then, the policy was replaced with the rule of odd and even license plate number, and this policy was broken down again by the mental and moral disobedience of Jakarta residents, by adding new vehicles to their collection. If they already have an odd numbered vehicle, they will buy another vehicle with an even number plate. Of course this has increased the number of vehicles and once again this policy is not effective. Therefore, in order to be more effective, an additional amount of time has been added until 21 p.m., from 6 to 10 o'clock in the morning, and additional road sections have been added. This has been effective since 9 September 2019.

Then, what about two-wheeled motor vehicles, what can be done to discipline its users? Because until now, the Government has not made strict rules like those made for four-wheeled vehicles. In fact, the existence of two-wheeled vehicles is quite alarming. So many Jakarta people use this type of vehicle, just to avoid the rules of private four-wheeled vehicles and divert the use to two-wheeled vehicles. However, the Government did not think of a solution to the swelling use of these two-wheeled motor vehicles. It has been stated above in the background, that many violations of traffic rules are carried out by two-wheeled vehicles, including driving through traffic lights, driving against traffic flow, and many others. However, sanctions are not emphasized, and sometimes the traffic police are not in places where many violations are committed by users of these two-wheeled vehicles.

This is understandable, because with the number of two-wheeled vehicles on the highway that exceeds the number of traffic regulators at each point, the police will be difficult in regulating the traffic. Lots of motor vehicles on the highway is caused by the high interest of Jakarta residents in these vehicles for the object is very easy to obtain. Two-wheeled motor vehicles can be obtained by credit with a down payment. This type of vehicle can be obtained with a low down payment and affordable by all levels of society.

The principle stating “*ubi societas ibi jus*” means that where there is a community, there must be a law. If interpreted in a community group, it means that there are always rules governing social life. Law in society has the function to regulate the relationships that occur between members of the community concerned. The law has the power to regulate the relations caused by the association of human society, ranging from marital relations, heredity, blood relatives, neighbors, residence, nationality, trade, and other cases), this is called legal relations (Apeeldorn, 2011). The law also applies to people's lives in using transportation to facilitate their daily activities.

Life in Jakarta which is densely populated, is full of everyday intense activities. Everyone wants to get to their destination quickly and sometimes without considering himself or anyone else. Jakarta residents do not only come from Jakarta. There are many migrants who come from outside Java. Population density also results in high vehicle usage. The desire to get to a destination quickly, makes people think of vehicles that can be used to meet accuracy and speed. This is what triggers the use of two-wheeled vehicles, and this also triggers congested and uncontrolled traffic in Jakarta. In addition to the things described above, Jabodetabek land transportation management as part of the characteristics of a more modern civil society to advance and develop, seems very crucial to be addressed immediately with an environmental approach, management based on public participation, and integrated with urban or region planning. Transportation management policy is very important and effective means to support the smooth and successful development of the transportation sector. In addition, structuring through policies aims to improve population mobility services and other resources that can support economic growth in the Jakarta area, which automatically increases family welfare (Kadarisman, et.all, 2016; Banister & Thurstain-Goodwin, 2011; Bollinger & Ihlanfeldt, 1997; Bae, Jun & Park, 2003; Knowles & Ferbrache, 2015; Stokenberga, 2014).

Compliance and obedience of the people of Jakarta to Traffic Rules

Obedience is a change in a person's attitude and behavior to follow orders or requests from others. Individual efforts in changing their behavior due to other people's requests are also a form of compliance (Feldman, 2003), and individuals who are willing to follow and obey other people's commands are individuals who obey the rules (Atkinson, 2004). Compliance is also one of the social influences in which a group or individual obeys the authority's request to conduct certain behaviors. Compliance is also obedient, submissive, and compliant to an order or rule (Sarwono and Meinarno, 2012). Based on the explanation of the theory above, compliance is a process of changing behavior and attitude of individuals caused by a request to obey and comply with the rules. Traffic compliance is a form of legal obedience in which behavior is formed through a series of processes that demonstrate compliance and order with the rules of social norms. Compliance with the law is all activities that are assessed according to the rules and legislation policies that govern traffic rules, which is Law No. 22 of 2009 concerning Road Traffic and Transportation.

Traffic compliance is a form of adherence to traffic rules. The rule is to guide road users to comply with existing rules so that they have a positive impact on road users and reduce traffic accidents. So, it can be concluded that traffic obedience is the attitude and behavior that has been formed through various processes relating to order and obedience to traffic rules where individuals who violate the rules will get a warning or sanction from the authority or authority holders.

According to Natawidjaja (1977), behavior is a statement of activities that can be observed by others and is the result of a combination of understanding external and internal influences. Kartono (1984: 3) explains that words, behavior, or actions have a very broad sense that does not only include morality such as talking, walking, running, exercising, moving and so on, but also a variety of functions such as seeing, hearing, remembering, thinking, fantasizing, reintroduction, appearance, emotions in the form of tears or smiles, and so on. According to Petty (1982: 54), psychology states that human behavior is concerned with what is done in the environment and why he acts as he does, and in psychology, people's behavior is considered a disease of society.

Someone behaves because there is a stimulus from outside himself. Stimulation may come from the environment around the individual. The environment shows that there are physical environments such as parents, playmates and surrounding communities that can influence a person's behavior in their activities intentionally, or not imitating what they see in the environment where they exist and are active.

A very important discussion in this paper is why do Jakarta residents, especially those discussed here, have a habit of not obeying traffic rules? Indeed, not all can be categorized as disobedient, but based on data obtained from the 2019 Jaya Safety Operation which began routinely in March and restarted this July and August 2019, the number of offenders from year to year increased. In 2018, the violators are by 202 on 12th day implementation of traffic operations, but in 2019 increased to 1,097 motorcycle riders who were ticketed. Head of the Metro Jaya Regional Police Traffic Directorate for Guidance and Law Enforcement, Police Commissioner Nasir stated an increase of around 443.07 percent, and most violators were two-wheeled vehicle riders (Santoso and Arga, 2019). There were many violations by users of two- and four-wheeled vehicles, and the violations committed are quite diverse, including breaking through traffic lights, against the flow of traffic, not carrying a complete driving documents, not wearing a driving complement such as helmets, car seatbelt, and others .

Many factors of disobedience to vehicle users, be it two-wheeled, four-wheeled and other types of vehicles participating in using the road, variety of people who use the highway, may have been proficient or not proficient in driving, or not concentrated. But all of them mingled on the highway, and the traffic rules that make everything work in harmony, are certainly supported by the caution and vigilance of each driver.

Many factors of disobedience of two-wheeled, four-wheeled, and other types of vehicles users participating in using the road. There are a variety of road users, who are agile or not yet agile in driving, or not concentrated. However, all of them mingled on the

highway, so the traffic rules that make things work in harmony, certainly need to be supported by the caution and vigilance of each driver.

In driving on the highway, it is necessary to respond to conditions that are not conducive on the road, namely traffic jams caused by many factors as mentioned above, which might cause friction among drivers. The friction among other things are quarreling and hitting each other, which are not appropriate to happen on the road. What must be done to control it? Every driver on the road must have high safety awareness. The important and effective behaviour include obeying traffic rules, such as in overseas: strong obedience in traffic rules so no one is breaking through traffic lights or passing other vehicles carelessly despite long traffic congestion which is time consuming and boring.

Why do drivers tend to commit traffic violations? It is because the behavior of the vehicle users that cause traffic congestion. In fact, 90 percent of accidents are caused by human behavior that tends to commit traffic violations. People always want to get to their destination quickly, yet do not pay attention to traffic signs. They break through traffic lights, lack of concentration, and disrupt the concentration of others. There are also road user error factors, malfunctioning of infrastructure, lack of traffic discipline, and the condition of the vehicle itself which is not good or not roadworthy, and the sidewalk that is not functioning properly for being occupied by street vendors. However, it can be concluded that there is a relationship between the level of knowledge and compliance and awareness of driving safely (Chrussiawanti, 2015; Armstrong & Rodriguez, 2006; Currie & Delbosc, 2011, 2013).

In Indonesia, traffic awareness is still very low. Many drivers are speeding, disobeying traffic lights, and the impact is very disturbing for obedient drivers. As a result, there are many conflicts and accidents on the road. Why do these happen? All because of the weak law enforcement and its function. In fact, there is already a legal umbrella that enforces traffic rules that are good and right, which is Article 105 and Article 106 paragraph (1) of Law No. 22 of 2009 concerning traffic and road transportation.

Article 105 states that “every person who uses the road is obliged to behave in an orderly manner and prevent things that can obstruct, endanger the security and safety of traffic and road transportation, or which can cause road damage.” Then, Article 106 paragraph (1) states that “every person who drives a motor vehicle on the road must drive his vehicle properly and with full concentration”. If every driver complies with it, accidents and various conflicts on the road can be avoided.

So, there are so many factors that cause traffic problems, and the biggest one is human factors as road users, both as drivers and road users in general. Traffic discipline and legal awareness of Jakarta residents is not too good. They do not yet have compliance and obedience in complying with and following laws and regulations. The level of legal awareness of road users can be seen from the ability and absorption of individuals on the highway. Weak community awareness of traffic rules can be seen from the low level of public discipline in driving, leading to an undisciplined attitude to the community. (Sadono, 2017).

The effective functioning of traffic laws depends on the conditions of the prevailing traffic laws, the ability of law enforcement officials to take action, the traffic facilities provided, and the condition of the road user community. If the conditions of these things are good, the law can function effectively and efficiently, so that the scope of the assignment given can be done adequately.

Besides mental and moral, ethics are also very important in driving. Ethics is a critical and rational reflection on the values and moral norms that determine and manifest in the attitudes and behavior patterns of human life, both individually and as a group (Salam, 2007). Ethics is not a science that gives us norms or fundamentals or rules about how to live based on morals, but a critical reflection of moral teachings. Social ethics invites people to raise awareness to be responsible as human beings, and not to look for the principle of their own interests without seeing the common interests.

There are ethics law and state law which should complement each other. State law feels rigid and firm in the hands of law enforcement, if it is not matched by ethics law, especially if law enforcement is not ethical. Vice versa, ethics law is nothing without state laws, because not everyone wants to listen and submit to warnings based on conscience. So, by complying with state law and ethics law, it is hoped that the rule of law in social life can be realized.

In order to create order in traffic, State law with strict sanctions is required, and it actually has been presented in the form of Law No. 22 of 2009 concerning Traffic and Road Transportation. However, sometimes the ethics legal awareness of the drivers, which reflected in high awareness and conscience to comply with the Act is lacking so that it does not happen as expected. Jakarta people's individual awareness is very low and it results in the non-functioning of the State Law. The result is traffic violations that causes congestion. So, congestion in Jakarta is due to the lack of obedience and the ethics of road users. The problem of Jakarta residents who do not comply with the traffic signs that have been made based on Law No. 22 of 2009 concerning Traffic and Road Transportation has been described above.

Jakarta residents are not afraid and deterrent of sanctions imposed by the Act. Sanctions that should be able to make a deterrent, do not have the effect as expected. The level of violations committed is even higher. Other than through rules that have imposed sanctions on violators, the deterrent effect seems to be urgently needed and realized immediately. The aim is that the traffic rules in Jakarta are obeyed by its citizens. So, with high awareness, without seeing any officers who stand guard or supervise, they have obeyed the rules in force. The obedience, compliance, and level of discipline of Jakarta residents for good and right traffic is still lacking. The deterrent sanction effect that has been stipulated in the Act that regulates it is Law No. 22 of 2009 concerning Traffic and Road Transportation does not automatically make Jakarta residents deterrent.

Many solutions and steps must be implemented for Jakarta residents to better obey traffic rules. However, obedience and compliance of traffic and supported by high awareness can reduce congestion which had previously been done by law enforcers on the

highway. Traffic police, as explained above, routinely regulates traffic, check vehicles both two-wheeled and four-wheeled. It often happens that drivers are caught for committing a traffic violation, such as not completing driving documents, not completing vehicle equipment such as rear-view mirrors, not wearing driving equipment such as helmets, breaking through traffic lights, stopping improperly, speeding over other vehicles, and many more violations which cause disruption of other drivers' concentration, provoking emotion among themselves, and road congestion.

People as road users can help deal with congestion that occurs on the road, that is by being discipline in traffic, such as following the rules and walking in a place that has been provided for road users. Pedestrians have to walk on the sidewalk and using the pedestrian bridge. If they want to use public transportation, they must stop the transport at the stopping place provided, as well as if you want to get off.

Drivers, both private vehicles and public transport, should have high awareness to obey traffic signs. Public transportation drivers do not stop at inappropriate places. At the time of stopping, the vehicle pulled over on the road so as not to disturb other vehicles. As the phenomenon that we often see, drivers carry and unload passengers in places that are not supposed to be, such as in corners and in the middle of the road, thus disturbing traffic order. In addition, public transportation should not make an intersection or T-junction as a terminal to wait for passengers to board. These things can be solution to reduce traffic congestion.

The solution offered by the author in order to create an orderly and controlled traffic, which in the end can overcome congestion, is the law enforcers on the road must continue to provide good and correct driving socialization to drivers by warning, affirmation, and deterrent effect by giving high fines and withholding administrative documents for some time. Furthermore, if more than two violations are committed, then the license will be revoked and drivers must apply for a new driving licenses. However, many conditions must be met to get the Driving License.

Another solution is the firmness of law enforcement officers by taking firm action and conducting raids in various areas of the city of Jakarta, as an effort to minimize violations and to curb drivers of two- or four-wheeled vehicles. It is very important to take action for drivers who are not carrying a complete permit or using proper vehicle, routinely and continuously. The law enforcers must be serious in taking action against those who violate traffic rules without giving any choice to them, so that discipline in traffic and driving culture can be realized. Field officers such as the police and the Department of Transportation must be proactive to limit the number of two-wheeled vehicles in the community to reduce traffic violations.

The attitude expected of police officers and the Department of Transportation to the public is to always provide socialization about traffic knowledge which is very important for the community. Thus, discipline in driving can open the driver's awareness of the importance of good and right traffic.

According to **Ekosiswoyo Rachman (2000: 99)**, one of the reasons for disciplinary violations is because a need is not fulfilled. When related to the attitude of people who do not obey the traffic laws and prefer to speed over other vehicles, want to get to their destination quickly without obeying the traffic signs, and prefer to use private vehicles and cause congestion, is because public transport has not provided satisfaction for the users. Public transportation has not become a solution to reach the destination easily, cheaply, comfortably, and safely. In short, the indiscipline of drivers in Jakarta mainly caused by several things, as follows.

a. Drivers' Mental Awareness

Ethics, manners, emotional maturity, and tolerance among road users on the highway must be improved. This is proven by the number of two-wheeled riders who overtake from the left side, drive recklessly, against the current, and other violations. All is caused by a factor within the rider, that is strong behavior to violate traffic signs. Age limits to drive two-wheeled vehicles should be set. Sometimes, the author sees many school children drive two-wheeled motor vehicles recklessly. Without complete documents, they dare to drive it to the highway. This of course can endanger himself and others. Parents at home should pay attention to this matter, especially when their children are still not allowed to drive the vehicles. For adults, lack of a good mental awareness of the importance of obeying traffic rules can be a trigger for congestion. In fact, if he himself is not a disciplined person, he will tend to obey the rules on the highway.

Likewise, drivers of public transport vehicles with low mental awareness, they will find it difficult to obey traffic rules. They will load and unload passengers in inappropriate places, ignoring other vehicles almost collide with them because they stop suddenly. This is what often happens on the highway. How can traffic congestion be overcome if the driver's mentality is disobedient and unaware of the importance of obeying traffic signs and traffic rules?

b. Lack of Driver Knowledge

There is a lack of driver knowledge, both private and public vehicles. Owners of private vehicles cannot follow traffic rules properly if they lack reading, lack knowledge, and do not understand good traffic rules. Sometimes, private vehicle drivers can drive autodidactic, so they lack understanding in obeying traffic signs, yet obtain their driving license easily. However, nowadays, these rarely happen and the requirements are more difficult. Likewise, public transport drivers are sometimes not equipped with a driving license; and driving without complete driver's equipment. These are the things that trigger traffic jams not only in Jakarta, but in other cities.

c. Education

Traffic education can be applied in social life, both through education at school and at home. The provisions of Article 208 paragraph (2) of the Law concerning Road Traffic and Transportation states that, Regarding the Culture of Road Traffic and Transportation Safety and Safety, states in Paragraph (1) The Road Traffic and

Transport Trustees are responsible for developing and embodying a culture of security and safety Traffic and road transport; (2) Efforts to build and realize the culture of traffic Security and road transportation as referred to in paragraph (1) are carried out through: a) traffic education from an early age; b) socialization and internalization of traffic procedures and ethics. as well as traffic and road transportation safety and security programs; c) respect for security measures and traffic safety and road transportation; d) traffic space environment that encourages road users to behave in an orderly manner; and e) consistent and sustainable law enforcement. (3) Road Traffic and Transport Assistance establishes policies and programs to realize a traffic safety and safety culture.

Education that can be obtained from home is the guidance of family and surrounding communities. This is important because a person's life gets influence from the family and the surrounding community where a person grows. The family environment and the local community will direct his/her life. Parents raise, guide, and educate their children to behave properly and correctly especially in the matters of obedience, discipline and compliance. The socialization given by law enforcers on the road that is the Police has been well done, for example only for the Kindergarten School, has been carried out the introduction of traffic signs, even the officers themselves came to these schools and cooperated.

d. Police Socialization as Traffic Regulator

Good and proper driving socialization should be carried out by traffic law enforcement officers such as the Police. The provision of good and correct traffic education can be done by the Police by, among other things, providing good and clear traffic education in schools such as kindergarten, elementary school, junior high school, and senior high school. The socialization given by law enforcers on the road, which is the police, has been well done. For example, kids in Kindergarten School, has been introduced to traffic signs, even the officers themselves came to these schools and have cooperation.

e. Vehicle Factor

Vehicles that do not meet the eligibility or fit to be on the highway will cause problems such as strikes on the road. And vice versa, a vehicle that is sophisticated and modern, runs its vehicle at will, that is at high speed, not thinking about other vehicles.

f. The role of the Traffic Security Officer

On the highway, the traffic police has a very important and absolute role as an enforcer of the discipline that functions to monitor and take action against traffic violators on the highway. Law enforcers must be consistent in carrying out their law enforcement duties, because that will be the pattern for creating community behavior on the road. There is a causal relationship, which is consistent law enforcement from law enforcement with the community implementing the rule of law. If law enforcement is carried out correctly and according to the rules, this will be a point of strict and disciplined law enforcement for the community. Certainly, the community will follow

the rules without bargaining. Thus, obedience and compliance, as well as public discipline of good traffic rules will be created.

Conversely, if the police as law enforcement officers are less strict in upholding the law, the public will also consider the rules and law enforcement to be weak. As a result, there is no discipline, obedience, and compliance to traffic signs, or legal rules.

g. Strict sanctions for violators of traffic rules

Firmness of law enforcement in giving punishment and taking action against violators is highly expected. They need to firmly provide sanctions, such as ticketing. However, it is better for law enforcers to give understanding to violators first, because they have the duty to protect the public. However, the meaning of protecting must be in a positive sense rather than negative. What happens on the highway, as is well-known to many parties, the strict attitude of law enforcement changes when there is agreement between law enforcement and offenders.

This is very ironic. The money that should go into the State treasury becomes additional income for law enforcers who are not supposed to do it. The role of law enforcement must continue to be enforced by taking action, such as raids at certain times. The socialization must also continue to be carried out with the hope that the community will understand, obedient, compliant, and discipline in order to develop the nation and the State.

Based on the explanation above, the driver of a vehicle either two or four wheels, or any type of private vehicle, public transportation, and others, should build the following matters:

1. Build a good mental attitude as a driver of any type of vehicle, which is obedient, compliant, and disciplined with the applied traffic rules;
2. Having good knowledge of traffic rules in order to be able to implement them in activities on the highway, so as to protect oneself and others;
3. Having good and reasonable behavior to obey and comply to the traffic rules. With self-awareness, they must obey the rules, not only when there are law enforcers on the highway.

Conclusion

The reason Jakarta residents are not obedient to traffic is because of the lack of legal awareness to obey the rules and not understand the common interests. Selfishness will put yourself first. They always disobeyed traffic rules, such as overriding traffic rules, breaking through red lights, not stopping in place and not equipping themselves with existing security to protect themselves. As a result of all of this, disrupting drivers as orderly and aware road users is aware of the importance of obeying and complying with the existing traffic rules namely Law Number 22 Year 2009 Concerning Traffic and Road Transportation. Many solutions are made to make Jakarta residents orderly in traffic. However, if there is no awareness of oneself that is the human subject who does and implements them, then what are expected of the law or the rule of law will not be achieved.

People are only afraid if the officers are in front of them. If this happens, they will obey the rules. However, if there is no law enforcers, the disobedience of the rules returns. Sanctions as a deterrent effect enforced by regulations for traffic disorderly perpetrators are already stated in the Traffic Act. Unfortunately, violations still exist, even fines regulations do not deter traffic offenders.

Suggestions

However, according to the author, there are sanctions that can make traffic violators deterrent, they are:

- a. social sanctions from the community, by announcing violations committed through the media, such as social media by Whatsapp, Twitter, Facebook, and others;
- b. provide violators with education for some time about what makes them commit violations. By emphasizing the time to learn to be obedient and obedient, it is hoped that Jakarta who are very busy can rethink and deterrent from committing violations. The sanction is to spend some time learning about good traffic;
- c. The sanctions explicitly state that the driving license is no longer valid, or withdrawn, and the driver can apply for a new driving license with a special note.

These things can be used as part of the action against traffic violators as a deterrent effect.

References

- Abenoza, R.F., Cats, O., Susilo, Y., (2017). Travel satisfaction with public transport: Determinants, user classes, regional disparities and their evolution. *Transp. Res. Part A* 95. 64-84.
- Armstrong, R. J., & Rodríguez, D. A. (2006). An Evaluation of the Accessibility Benefits of Commuter Rail in Eastern Massachusetts using Spatial Hedonic Price Functions. *Transportation*, 33(1), 21-43. <http://doi.org/10.1007/s11116-005-0949-x>
- Anggraini, D. (2013). Studi Tentang Perilaku Pengendara Kendaraan Bermotor di Kota Samarinda, *Sosiatri-Sosiologi*, 1 (1). 10-19. Accessible at <http://ejournal.sos.fisip-unmul.org>
- Apeeldorn. (2011). *Pengantar Ilmu Hukum*. Jakarta: Pradnya Paramita
- Atkinson, R.C. (2005). *Pengantar Psikologi*. Ed.8. Jakarta: Penerbit Erlangga
- Bae, C.-H. C., Jun, M.-J., & Park, H. (2003). The impact of Seoul's subway Line 5 on residential property values. *Transport Policy*. 10 (2), 85-94. [http://doi.org/10.1016/S0967-070X\(02\)00048-3](http://doi.org/10.1016/S0967-070X(02)00048-3).
- Banister, D., & Thurstain-Goodwin, M. (2011). Quantification of the non-transport benefits resulting from rail investment. *Journal of Transport Geography*, 19(2), 212-223. <http://doi.org/10.1016/j.jtrangeo.2010.05.001>
- Bollinger, C. R., & Ihlanfeldt, K. R. (1997). The Impact of Rapid Rail Transit on Economic Development: The Case of Atlanta's MARTA. *Journal of Urban Economics*, 42(2), 179-204.
- Buamona, M. S., Et.all. (2017). Analisis Pelayanan Transportasi Angkutan Kota di Kota Ternate. *Spasial*. 4 (3). 82-95.

- Cats, O., Abenoza, R.F., Liu, C., Susilo, Y. (2015). Identifying priority areas based on a thirteen years evolution of satisfaction with public transport and its determinants. *Transp. Res. Rec.* 2538, 86–95.
- Cervero, R., & Kang, C. D. (2011). Bus rapid transit impacts on land uses and land values in Seoul, Korea. *Transport Policy*, 18 (1), 102–116. <http://doi.org/10.1016/j.tranpol.2010.06.005>.
- Chrussiawanti, N. (2015). Hubungan tingkat pengetahuan dengan kepatuhan safety riding pada remaja di SMA Negeri 2 Sukoharjo. Surakarta: Sekolah Tinggi Ilmu Kesehatan Kusuma Husada. Retrieved at <http://digilib.stikeskusuma.ac.id>
- Currie, G., & Delbosc, A. (2011). Understanding bus rapid transit route ridership drivers: An empirical study of Australian BRT systems. *Transport Policy*, 18(5), 755–764. <http://doi.org/10.1016/j.tranpol.2011.03.003>.
- Currie, G., & Delbosc, A. (2013). Exploring Comparative Ridership Drivers of Bus Rapid Transit and Light Rail Transit Routes. *Journal of Public Transportation*, 16(2), 47–65. <http://doi.org/10.5038/2375-0901.16.2.3>.
- Deng, T., Nelson, J.D. (2012). The perception of Bus Rapid Transit: a passenger survey from Beijing Southern Axis BRT Line 1. *Transp. Plann. Technol.* 35 (2), 201–219.
- Eboli, L., Mazzulla, G. (2009). A new customer satisfaction index for evaluating transit service quality. *Public Transp.* 12 (3), 21–38.
- Fadaei, M., Cats, O. (2016). Evaluating the impacts and benefits of public transport design and operational measures. *Transp. Policy*. 48, 105–116.
- Ewing, G., Sarigollu, E., 2000. Assessing consumer preferences for clean-fuel vehicles: a discrete choice experiment. *J. Public Policy Market.* 19 (1), 106–118.
- Feldman, R.S. (2003). *Essentials of Understanding Psychology*. New York NY:Mc
- Gusnita, D. (2010). Green Transport: Transportasi Ramah Lingkungan dan Kontribusinya dalam Mengurangi Polusi Udara. *Berita Dirgantara*, 11 (2). 66-71.
- Hendratno, ET. (2009). Masalah Transportasi Kota Dilihat Dengan Pendekatan Hukum, Sosial dan Budaya. *Jurnal Mimbar Hukum* 21 (3). 494-506.
- Hess, D. B., Yoh, A., Iseki, H., & Taylor, B. (2002). Increasing transit ridership: a survey of successful transit systems in the 1990s. *Journal of Public Transportation*, 5 (3), 33-66.
- Hutabarat, LB.C. (2017). *Media Indonesia*. Accessible at <http://raw-Hillmm.mediaindonesia.com>
- Ingvardson, Jesper Blafoss and Nielsen, Otto Anker. (2017). Effects of New Bus and Rail Rapid Transit Systems – an International Review. *Transport Review*. March. DOI: 10.1080/01441647.2017.1301594.
- Kadarisman, M. Et.all. (2016). Kebijakan Manajemen Transportasi Darat dan Dampaknya Terhadap Perekonomian Masyarakat di Kota Depok. *Jurnal Manajemen Transportasi & Logistik (JMTranslog)*. 3 (1). 41-58.
- Kartono, K. (1996). *Psikologi Umum*. Bandung: Mandar Maju.
- Knowles, R. D., & Ferbrache, F. (2015). Evaluation of wider economic impacts of light rail investment on cities. *Journal of Transport Geography*. <http://doi.org/10.1016/j.jtrangeo.2015.09.002>.

- Levinson, H., Zimmerman, S., Clinger, J., & Gast, J. (2003). Bus Rapid Transit: Synthesis of Case Studies. *Transportation Research Record: Journal of the Transportation Research Board*, 1841, 1-11. <http://doi.org/10.3141/1841-01>.
- Levinson, H., Zimmerman, S., Clinger, J., & Rutherford, G. (2002). Bus Rapid Transit: An Overview. *Journal of Public Transportation*, 5(2), 1-30. <http://doi.org/10.5038/2375-0901.5.2.1>.
- Maspupa. (2015). Perilaku Aparat Kepolisian Angka Kecelakaan Kendaraan Bermotor Di Kota Pontianak. PublikA, *Jurnal Ilmu Administrasi Negara*. 3(4). 1-11.
- Natawidjaja, R. (1977). *Memahami Tingkah Laku Sosial*. Jakarta: FA.Hasmar.
- Nugroho, D.A & Arifin, S. (2016). *Pengaruh Usia, Pendidikan dan Budaya Terhadap Kepatuhan Lalu Lintas di Wilayah Hukum Polres Jepara*. The 3rd University Research Colloquium. 227-233. ISSN 2407-9189. Accessible at <http://publikasiilmiah.ums.ac.id>
- Petty, F.MA. (1982). *Pengantar Psikologi Umum*. Surabaya: Usaha Umum.
- Puspitasari, H. & Sardjito. (2014). Peningkatan Pelayanan Bus Transjakarta Berdasarkan Preferensi Pengguna (Studi Kasus: Koridor I Blok M – Kota Jakarta. *Jurnal Teknik Pomits*. 3 (1). 12-15.
- Rianti, P.Y & Tuti, R.WD. (2017). Kualitas Pelayanan Transjakarta Busway di DKI Jakarta. *Jurnal Swatantra* 15 (2). 161-169.
- Sadono, S. (2017). Budaya Disiplin dalam Berlalu lintas Kendaraan Roda Dua di Kota Bandung. *Jurnal Progresif*. 12 (1). 434-462.
- Salam, B. (1997). *Etika Sosial Asas Moral dalam Kehidupan Manusia*. Jakarta: PT.Rineka Cipta
- Sarwono, SW. & Eko AM. (2012). *Psikologi Sosial*. Jakarta: Salemba Humanika.
- Stokenberga, A. (2014). Does Bus Rapid Transit Influence Urban Land Development and Property Values: A Review of the Literature. *Transport Reviews*. 34 (3). 276-296. <http://doi.org/10.1080/01441647.2014.902404>.
- Susilo, Y., Cats, O. (2014). Exploring key determinants of travel satisfaction for multi-modal trips by different traveler groups. *Transp. Res. Part A: Policy Pract.* 67, 366-380.
- Tahir, A. (2005). Angkutan Massal Sebagai Alternatif Mengatasi Persoalan Kemacetan Lalu Lintas Kota Surabaya. *Jurnal SMARTek*. 3 (3). 169-182.
- Volinski, Joel. (2018). Reflection on the Future of Public Transportation. *Journal of Public Transportation*. 21 (1). ii-vi. <http://dx.doi.org/10.5038/2375-0901.21.1.13>
- Widowati, H. (2018). "Berapa Jumlah Kendaraan di DKI Jakarta?". Katadata.co.id Retrieved from: <https://databoks.katadata.co.id/datapublish/2019/08/02/berapa-jumlah-kendaraan-di-dki-jakarta#:~:text=Berdasarkan%20data%20Statistik%20Transportasi%20DKI,tahun%20pada%20periode%202012%2D2016.&text=Jika%20diasumsikan%20pertumbuhan%20mobil%20penumpang,menjadi%203%2C99%20juta%20unit>.