

Legal Protection of the use of Public Transport Services in Mandau District - Bengkalis District

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ABSTRACT

The community in general uses city transportation services such as: Microbuses, city buses or other city transportation to facilitate activities from one place to another.

By realizing the importance of the role of transportation, traffic and road transportation must be arranged in an integrated national transportation system and be able to realize the availability of transportation services that are in accordance with the level of traffic demand and orderly, convenient, fast, smooth and affordable transportation services. people's purchasing power.

According to Undang-Undang Number 22 / 2009 Concerning Road Traffic Traffic article 2, the public principles that apply to road traffic and transportation include transparent, accountable principles, sustainable principles, participatory principles, useful principles, efficient and effective principles, balanced principles, integrated principles, and the principle of self-reliance.

The responsibility of business operators (transporters) for public transport services has been confirmed in Article 14 of Peraturan Pemerintah Number 17 of 1965 concerning the implementation of compulsory passenger accident liability which states: international civil treaties concerned with accidents that occur.

KEYWORDS: Legal Protection and Transportation Service Users

1. Background Problems.

Means of transportation is an important factor in realizing a smooth process in the operation of transporting people by public transportation. The importance of such transportation facilities can be reflected in the increasing need for public transportation services, especially in big cities, the need for public transportation services on land as if they are already part of the urban community that does not have their own vehicles.

The community in general uses city transportation services such as: Microbuses, city buses or other city transportation to facilitate activities from one place to another.

By realizing the importance of the role of transportation, traffic and road transportation must be arranged in an integrated national transportation system and be able to realize the availability of transportation services that are in accordance with the level of traffic demand and orderly, convenient, fast, smooth and affordable transportation services. people's purchasing power.

For this reason, the government has issued a policy in the field of land transportation, namely the issuance of Law No. 22 of 2009 concerning Traffic and Road Transportation in lieu of Law No. 14 of 1992 and government regulation no. 41 of 1993 concerning Road Transportation which still applies

despite PP No. 41 of 1993 is the implementing regulations of Law No. 14 of 2003 because it is mentioned in article 324 of Law No. 22 of 2009 that:

When this Law comes into force, all regulations implementing Law Number 14 of 1992 concerning Road Traffic and Transport (Statute Book of the Republic of Indonesia Number 49 of 1992 Supplement to the Statute Book of the Republic of Indonesia Number 3480) are declared to remain in force under this Law.

In article 2 and article 3 of Law Number 22 Year 2009 concerning Traffic and Road Transportation (hereinafter abbreviated as UULLAJ) regulates the principles and purpose of transportation. The principle of managing traffic is regulated in Article 2 of UULLAJ, namely:

- A. Transparent Principle.
- B. Accountable Principle.
- C. Principle of Sustainability.
- D. Participatory Principle.
- E. Principle of Usefulness.
- F. Principle of Efficient and Effective.
- G. Balanced Principle.
- H. Integrated Principle.
- I. The Principle of Mandiri.

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Service users are every person and / or legal entity that uses transportation services both for transportation of people and goods because transportation here is the transportation of people, hence service users are hereinafter referred to as passengers, while the carrier is a party who is bound to carry out the transportation of goods / or passengers.

Another understanding is that according to Law Number 22 Year 2009 Concerning Road Traffic Road Article 1 paragraph 22 UULLAJ referred to as a service user is an individual or legal entity that uses the services of a Public Transport Company, while those referred to as carriers in Law Number 22 of 2009 this is equated with the definition of Public Transportation Company which is mentioned in article paragraph 21 which reads: Public Transport Company is a legal entity that provides transportation services of people and goods with Public Motor vehicles.

With the enactment of Law no. 22 of 2009 is expected to help realize legal certainty for parties related to the implementation of transportation suits, be it transportation entrepreneurs, workers (drivers / drivers) and passengers.

Drivers in carrying out their duties have the responsibility to be able to carry out their obligations, namely transporting passengers to the agreed destination safely means that in the process of moving from one place to destination that goes without obstacles and the passenger is in good health, not experiencing danger, injury, sick or died so that the purpose of transportation can be carried out smoothly and in accordance with the community's use value.

However, in reality there are still often transportation drivers who take actions that are considered to cause harm to passengers, both actual losses experienced by passengers (material losses), as well as immaterial losses such as disappointment and discomfort felt by passengers while in public transport.

2. Problem Formulation.

In this service users are often victims of irresponsible transport behavior.

Based on the problem above, a problem statement can be made as follows:

- A. How is Legal Protection for Users of Public Transportation Services in Mandau District in Bengkalis Regency in the Perspective of the Public Transportation Traffic Law?
- B. What are the obstacles faced in the Legal Protection of users of Public Transport Services in Mandau District, Bengkalis Regency in the Perspective of the Road Traffic Law?
- C. What are the efforts taken to overcome obstacles to the Legal Protection of Users of Public Transport Services in the District of Mandau in Bengkalis Regency in the Perspective of the Road Traffic Law?

3. Research Purpose and Use.

A. Research Objectives.

- a. To find out how a juridical review of the causes of traffic accidents in the District of Mandau, Bengkalis Regency in the Perspective of the Road Traffic Act (Law Number 14 of 1992 Junto Law Number 22 of 2009 concerning Road Traffic).

- b. To identify what are the inhibiting factors in dealing with traffic accidents in the District of Bengkalis District in Bengkalis Regency in the Perspective of the Road Transportation Law (Law Number 14 of 1992 Junto Law Number 22 of 2009).
- c. To formulate what efforts are made by users of public transport services in anticipating traffic accidents in the District of Mandau District Bengkalis Regency in the Perspective of the Road Traffic Law (Act No. 14 of 1992 Junto Act Number 22 Year 2009).

B. Usefulness of Research.

- a. To add scientific insights related to research problems
- b. To enrich the treasury of knowledge related to research problems and to become a reference for subsequent researchers.
- c. To be input material in making decisions with research objects.

4. Theoretical Framework.

Based on the provisions governing legal issues based on the provisions of Law Number 22 Year 2009 Concerning Road Traffic.

In Article 1 paragraph 12 of Law No. 22 of 2009 concerning Road Traffic (UULLAJ) service users are individuals or legal entities that use public transportation services, in this case being the object, the service users are referred to as passengers.

Public vehicles as explained in Law No. 22/2009 concerning Road Traffic in Article 1 paragraph 9 (UULLAJ) are motorized vehicles that are provided for use by the public with an agreement both directly and indirectly on payment so that they are based on applicable laws and regulations as a basis for legal certainty to guarantee passengers who feel disadvantaged by users of public transport services so that later a sense of justice will be realized for all levels of society.

In reality, to meet various aspects of the needs of users of public transportation services, especially land transportation, which is more dominant, always receives the spotlight from various groups because the land sector is indeed the highest ranking for the needs of various parties, but until now the concept of public transportation services that are still far from what is expected by public transport service users.

Events like this become a dilemma for users of public transportation services, on the one hand passengers really need public transportation services and from the other side they are users of public transportation services in a weak and disadvantaged position, for this reason the government issued Law No. 22 of 2009 concerning Transportation traffic The road is expected to be able to provide legal certainty for passengers who feel disadvantaged by users of public transport services so that later they can realize a sense of justice for all parties.

5. Research Methods.

The research methods the authors use are as follows:

A. Type of Research.

In writing this study using a sociological juridical approach, which is an approach to the problems that occur in society

about the problem then analyzed based on applicable regulations.

B. Research Location.

The implementation of the Research Location was at the UPT office of the Mandau District Transportation Office and the Bengkalis Poralis Sat Lantas Office in Duri.

C. Population and Sample.

a. Population.

The population in this study are:

1. Head of the Transportation Service Unit of the Mandau District of Bengkalis Regency in Duri.
2. BKO Office Unit Bengkalis / Laka Mandau Police Station in Duri.
3. Members of the Bengkalis / Satu police station in Duri.
4. Public Transport Driver Mandau District Bengkalis District in Duri.
5. Users of Public Transportation Services in Mandau District in Duri.

b. Sample.

The samples in this study are:

1. Head of Transportation Unit of Mandau District, One Person.
2. BKO Unit Bengkalis Police / Laka Mandau Police Station Duri S

6. Data Collection Techniques.

- A. Observation that is seeing and hearing public opinion about the problem of users of public transport services in the District of Mandau.
- B. Interview, namely by collecting data through interviews with the Head of the Transportation Unit of Mandau District and the Head of the BKO Lantas Mandau Duri Police Station.
- C. Literature Review is looking for regulations relating to problems that occur, after that the data is collected through a literature study in the form of literature and other sources relating to issues concerning traffic and transportation on the highway.

7. Data Analysis.

Sources of data collected are all analyzed based on descriptive analysis, which is a way of processing data from field studies, regulations or legal provisions and literature studies. After that, it is analyzed and discussed, and then used to solve the problem so that later conclusions can be drawn, regarding the discussion that departs from common problems that occur in the community and then discussed specifically.

8. Law Number 14 of 1992.

Transportation is a very important and strategic means in smoothing the wheels of the economy, strengthening unity and integrity and influencing all aspects of national and state life.

The Importance of Transportation plays a role as supporting and driving force for the growth of potential but undeveloped regions in an effort to improve and equitable development and its results.

Realizing the role of transportation, traffic and road transportation must be arranged in an integrated national

transportation system and be able to realize the availability of transportation services that are compatible with the level of traffic needs and orderly, safe, secure, comfortable, fast, organized, smooth, and costly transportation services. affordable by people's purchasing power.

The operation of traffic and road transport needs to be carried out on an ongoing basis and continue to be improved so that wider reach and service to the community by taking into account the public interest and ability of the community in Law Number 12 of 1992 also regulates the rights and obligations as well as the responsibility of service providers for losses of parties third, as a result of public transportation.

Besides that, in the context of the development of national law and to further strengthen the realization of legal certainty with Law number 12 of 1994 concerning road transport traffic because it is no longer in accordance with the times, the progress of science and technology and has not been arranged in a unified system that is part from transportation as a whole.

For this reason, the government has issued a policy in the field of land transportation with the issuance of Law Number 22 of 2009 concerning Road Transportation Traffic in lieu of Law Number 14 of 1992 as well as Government Regulation No. 41 of 1993 concerning Road Transportation.

9. Law Number 22 Year 2009.

Law Number 22 of 2009 concerning Road Transportation Traffic has a strategic role in supporting national development and integrity as an effort to advance public welfare as mandated by the 1945 Constitution as part of the national transportation system, traffic and road transport must be developed in potential and role. to realize security, prosperity, order, traffic and road transportation in the framework of supporting economic development and the development of science and technology, regional autonomy and accountability of state administration.

In Law Number 22 Year 2009 Concerning Traffic Force Roads traffic guidance and road transport are carried out jointly by all relevant agencies (stakeholders) in the Mandau District area in Bengkalis Regency in accordance with their respective functions and duties (National Police and Transportation Agency).

The division of development guidance is intended so that the duties and responsibilities of each traffic coach in accordance with Law Number 22 Year 2009 concerning Road Transportation Traffic can be seen more clearly and transparently so that the organizers of traffic and road transportation can be carried out safely, safely, orderly, smoothly, efficiently, and can be accounted for.

With regard to operational technical matters, which were originally stipulated in Act Number 14 of 1992 concerning Road Transportation Traffic are regulated in government regulations and implementing regulations and Act Number 22 of 2009 concerning Road Transportation Traffic has been stipulated in a strict and detailed manner with the aim of ensuring certainty the law in the regulations so that no longer require many government regulations and implementing regulations.

10. Legal Protection of Users of Public Transportation Services in Mandau District, Bengkalis Regency In the Perspective of the Road Traffic Law Perspective.

Before talking about legal protection, it is first necessary to know the parties involved in transportation regarding these parties. It can be stated that there are three related parties, namely transportation entrepreneurs, drivers and passengers, basically a transportation agreement occurs between the transportation businessman and the passenger.

The provisions in the KUHD can be found in article 91 jo. Article 96 of the Criminal Procedure Code that what is meant by transportation on passenger transport is transportation entrepreneurs who are bound to carry out transportation.

According to Purwosutjipto, a transportation entrepreneur is a person who is willing to carry out all transportation with the amount of transportation money paid at once for all, without committing himself to carrying out the transportation itself. The term organizing transportation means that transportation can be done alone by transportation or carried out by others at his command.

While public transportation companies according to Law Number 22 Year 2009 Concerning Road Transportation Traffic Article 1 paragraph 21 (UULLA) is a legal entity that provides transportation services of people and / or goods with Public Motor Vehicles, it is intended that the transporter can be a legal entity in the form of a company having the status of a legal entity or a partnership not a legal entity in the form of a limited partnership (C.V) or individual entrepreneurs and in general the transportation of passengers by public transportation such as Microbuses is mostly carried out by transportation entrepreneurs who are not legal entities but are entrepreneurs individually.

This can be supported by data obtained by Organda, that transport entrepreneurs who have a fleet of as many as 2 to the fleet and the percentage is 60% and 1% of entrepreneurs who have 5 to 7 transport fleets, the rest are owned by entrepreneurs who have one transport fleet, thus for transport entrepreneurs who have several transport fleets, in this case transport entrepreneurs can order other people to carry out transportation, because it is not possible for him to run the entire transport fleet at once, for that transportation entrepreneur is the party who manages and organizes transportation services, whereas meant here is a driver or a transport driver.

However, it does not rule out the possibility of a transportation entrepreneur acting as a driver in the event that only one transportation fleet is owned, meaning that the transportation service owner can act as a transporter, namely the party in the agreement and at the same time the party carrying out the transportation itself.

The party involved in transportation is the driver, while the driver according to Law Number 22 Year 2009 Regarding Road Transportation Traffic Article 1 paragraph 23 UULLA) is 'a person who drives a Motorized Vehicle on a road that has a Driving License'. Understanding Vehicles and Drivers is 'People who drive motor vehicles or people who directly supervise prospective drivers who are learning to drive

motor vehicles' to become a driver. A person must have a driving license or driver's license obtained after a driving test and the SIM is proof of conversation and the validity of the driver to drive a motorized vehicle on the road.

Concerning these requirements is further regulated in Law Number 22 Year 2009 Concerning Road Traffic Traffic (UULLA) Chapter V11 regarding drivers, while the driver in this case is the party carrying out the transportation that is bound in a work agreement with the transport entrepreneur, here the driver is the party who commit themselves to carry out transportation by order of transport entrepreneurs in return for salary or wages. If the driver here is the party who bound himself to pay the transportation costs for himself being transported.

The nature and work agreements that occur between transport entrepreneurs and drivers are subordinate or multilevel relations and authorization, subordination means that transport entrepreneurs commit themselves to provide transportation services and are obliged to pay wages to drivers, but sometimes relationships that occur are authorization, the intention is that the driver is given power by the carrier to carry out the transportation activities, namely transporting passengers who use transportation services and the driver will deposit a sum of money that has been determined by the transport entrepreneur every day, whereas based on the transportation agreement the passenger has a parallel legal relationship or coordination with the carrier.

11. Obstacles Faced in Legal Protection of Users of Public Transportation Services in Mandau District, Bengkalis Regency In the Perspective of the Road Traffic Law.

In overcoming obstacles caused by negligence of the transporter to the safety of users of public transportation services and legal protection of users of public transport services, for that business actors as public transport carriers when viewed from Law Number 22 of 2009 concerning Road Transportation Traffic Article 188 reads: Obstacles or obstacles that are often encountered in the field of transportation errors or public transportation entrepreneurs so far there are often accidents that result in losses to users of public transport services both minor and severe accidents, vehicle crews often transfer responsibility by leaving the victim or fleeing so the user of public transport services is harmed and the most painful is that the vehicle owner also runs away with the reason that the vehicle (driver) is responsible so that when viewed from the background of lack of information and social communication socialization to the community, lack of firmness to supervise an area, and lack of security posts at every point of the area traversed by public transport so that the affected community and business actors do not understand the rules that bind both parties, due to ignorance the parties maintain mutual opinion each.

The responsibility of business operators (transporters) for public transport services has been confirmed in Article 14 of Government Regulation Number 17 of 1965 concerning the implementation of compulsory passenger accident liability which states: international civil treaties concerned with accidents that occur.

Thus, if seen from the explanation of government regulation article 14 Number 17 of 1965 there is no reason whatsoever by business operators (owners) of vehicles / public transportation not to be responsible for the loss of users of public transportation services during the process of transportation if the passenger experiences illness, injuries that Because the use of public transport service facilities is required, the carrier (owner / driver) is responsible for the loss both materially and immaterially and the loss is a direct result and event that occurs in the organizing of transportation carried out by transportation.

In addition, individual officers provide tolerance to public transportation by attracting illegal fees (levies) in certain places so as to reduce the ability of the authorities in carrying out law enforcement tasks.

Extortion is an act that enriches oneself without rights or is not halal that can be classified as corruption and if the extortion is not handled structurally and is feared to be sustainable so that it becomes a burden on the community and eventually entrenches culture which is difficult to eradicate.

The ability of law enforcers to carry out the task of taking action on these violations is truly maximized and enhanced again, demanded to be smarter, professional and tough in carrying out their duties in eradicating and disciplining public transportation because it requires mental guidance and expertise of each individual law enforcement personnel. continuously in improving its professionalism.

12. Attempted Efforts in Overcoming Obstacles to Users of Public Transportation Services in Mandau District, Bengkalis Regency in the Perspective of the Road Transportation Traffic Law.

Sometimes the carrier in carrying out the obligation of carrying out public transportation services for service users safely to the destination cannot be carried out properly. This can occur if in carrying out the error of providing transportation for service users.

As for what is meant by mistake according to Mr. R. Tresna is an attitude that is shown by someone who is doing an act that is not careful, not guarded or negligent according to the size of every healthy-minded person who is actually not intended by him, so he is considered to make mistakes. Apart from that, what is the result of that mistake must be imaginable, it must be preventable and accountable.

The error of the carrier is a form of violation of something that must be done by the carrier in carrying out the transportation. It is said that a violation according to Moeljatno is the existence of an act which is unlawful after it can be known after there is a wet (regulation) that determines so.

13. Conclusion.

A. Legal protection for users of public transportation services in the perspective of the Road Transportation Traffic Law to ensure the safety of traffic and road transportation of public transport companies must comply with the provisions regarding work time and rest for drivers as stated in Act Number 22 of 2009, reads article (2) public motorbike drivers have

maximum working time of eight hours (8) a day, public transport companies must follow the accident insurance program and pay attention to the condition of the vehicle to be roadworthy.

- B. Obstacles or obstacles faced in protecting public transport service users, namely the lack of socialization to the general public regarding the lack of firmness of law enforcement officers in taking action in the field, the limitations of law enforcement members themselves and the lack of monitoring posts at vulnerable points that are often traversed by public transport bring users of public transport services itself.
- C. Efforts taken in overcoming obstacles to users of public transportation services by providing an understanding to the drivers of the public force about the responsibilities of users of public transportation services, increasing the professional law enforcement in carrying out the task of course in accordance with the types of violations committed by transporters and criminal imprisonment is given through the court's decision, but the dispute resolution for the actions carried out by transportation of users of public transportation services can not only be done through court media in accordance with article 236 UULLAJ.

14. Suggestions.

- A. If due to the transportation process itself causes loss to the passenger, assistance from the party can be requested to help facilitate the replacement process itself because here the related party can be the intermediary between the carrier and the passenger.
- B. So that the parties related to transportation, both transporters, and DLLAJ can monitor and provide protection for passengers, at least open a passenger service center that can be used by the service user community to submit criticism or suggestions on transportation issues so that service users can provide input that can later used as a benchmark for transporters in organizing public transportation.
- C. In addition, law enforcers and related institutions both the police and DLLAJ can monitor the performance of the transporters in carrying out transportation for passengers and there is a need for regulations regarding the imposition of stricter and more effective criminal sanctions to act against transporters who violate the obligations that should be carried out by the carrier .

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