

TRANSPORTATION DEPARTMENT SUPERVISION OF CITY TRANSPORTATION LICENSING ON ROUTES IN MEDAN CITY

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ABSTRACT

The Medan City Transportation Agency is the implementing agency of the Medan City government in the transportation sector, responsible for public transportation services. Public transportation is a mode of transportation that remains a focus for improvement by both the government and public transportation providers, particularly regarding the quality of its service to the public. The Transportation Agency's oversight of public transportation in Medan City includes developing transportation facility/infrastructure management, developing transportation control plans, supervising the implementation of tasks by units and technical implementation units (UPTs) within the transportation sector, developing permits for transportation, and investigating transportation violations.

1. Introduction

Transportation is a basic need for everyone, serving to move passengers and goods from one place to another and facilitating connections with other places. Transportation is also a crucial means that impacts all aspects of national and state life. This is evident in the increasing need for transportation services for the mobility of people and goods from one place to another. Furthermore, transportation plays a supporting role (servicing sector), a driving force (promoting sector), and a driver for the growth of potential but underdeveloped regions, as an effort to increase equitable development. Medan City has a relatively high level of development, both in terms of its socio-economic aspects and population growth. Medan residents, who are generally engaged in trade, services, industry, and services, rely heavily on public passenger transportation for their daily activities, in addition to private vehicles, both within the city and between cities. The Medan City Transportation Agency plays a crucial role as the agency responsible for general transportation, including regulating and establishing the city transportation network in Medan.

In its efforts to improve public services, one of the efforts undertaken by the Medan City Government is to improve public transportation services. Although many residents have complained about the poor quality of public transportation services and their impact on traffic order, the Transportation Agency has been unable to take much action. This is because the Transportation Agency's authority is limited to providing facilities and supervising them.

A problem in Medan City is that many public transportation vehicles operating for public passengers and goods violate permits and fail to meet roadworthiness requirements. This can pose safety issues for passengers and other road users. Furthermore, overlapping public transportation routes is a problem that must be monitored to prevent congestion and conflicts with other public transportation vehicles, which are still common in Medan. It is the responsibility of the Medan City Transportation Agency to oversee these public transportation vehicles. The Medan City Transportation Agency is the implementing agency of the Medan City government in the transportation sector. It is led by a head of the agency and reports to the regional head through the regional secretary. The Medan City Transportation Agency is tasked with managing regional transportation affairs and assisting in accordance with its mandate, particularly in the area of public transportation services. Therefore, public transportation remains a mode of transportation that remains a focus for improvement by both the government and public transportation providers, particularly regarding the quality of its service to the public.

The Medan City Transportation Agency, in providing services to the public, refers to Minister of Transportation Regulation Number 26 of 2017 concerning the Implementation of Public Motorized Vehicles Not on Routes. Transportation is the movement of people and/or goods from one place to another using public transportation. The purpose of public transportation is to provide good and adequate transportation for the public. The criteria for good and adequate service include safe, comfortable, fast, and affordable service. Based on the above phenomenon, it is clear that supervision is very necessary to investigate whether the implementation in the field is in accordance with the provisions that have been determined based on the regulations above. If the implementation is not in accordance with what has been determined, then there needs to be concrete improvements from the apparatus to correct the errors or deviations made by the owners or drivers of the city transportation.

2. Research Method

This research is descriptive in nature, meaning it merely describes the state of an

object or event without the intention of drawing general conclusions. This research uses an empirical legal approach, which analyzes the problem by combining legal materials (which constitute secondary data) with primary data obtained in the field, specifically regarding the supervision of public transportation by the Transportation Agency in Medan City. Primary data serves as supporting data for the secondary data. The collected data will be thoroughly analyzed using qualitative analysis or described in sentences. Qualitative analysis is based on the paradigm of the dynamic relationship between theories, concepts, and data, which provides feedback or constant modification of the theories and concepts based on the collected data.

3. Results And Discussion

Transportation is a basic need for everyone, functioning to move passengers and goods from one place to another and facilitating connections between other places. Transportation is also a crucial means that influences all aspects of national and state life. This is evident in the increasing need for transportation services for the movement of people and goods from one location to another. Furthermore, transportation also plays a role as a supporter, driver, and catalyst for growth in potential but underdeveloped regions, as an effort to improve equitable development. Medan City has a relatively high level of development, both in terms of socioeconomic aspects and population growth. Medan residents, who are generally engaged in trade, services, industry, and services, rely heavily on public passenger transportation for their daily activities, in addition to private vehicles, both within the city and between cities. The Medan City Transportation Agency plays a crucial role as the agency responsible for general transportation, including regulating and establishing the city transportation network in Medan. In its efforts to improve public services, one of the efforts undertaken by the Medan City government is to improve public transportation services. Although many residents complain about the poor quality of city transportation services and their impact on traffic, the Transportation Agency is unable to take much action. This is because its authority is limited to providing facilities and supervising. The operation of public transportation is inextricably linked to formal and informal regulations within each route. Formal regulations, namely state regulations governing the operation of public transportation, are stipulated in Law Number 22 of 2009 concerning Traffic and Road Transportation and Medan City Regulation Number 33 of 2002 concerning Service Fees and Permits in the Transportation Sector. These regulations must be adhered to by all public transportation drivers

(parties involved, such as public transportation owners). These regulations are enforced to maintain order in road transportation and traffic. In addition to state regulations (formal regulations), there are also other, informal, regulations in public transportation operation that play a role in social control. These rules outside of formal law, or rules of the game, are evident in the unwritten rules created by public transportation drivers, foremen, and thugs who have a vested interest in upholding the law. State regulations in public transportation operation are sometimes simply ignored by the parties concerned, even though these laws or regulations have been established by the state, because public transportation drivers are also required to pay their organization's fees. The legal basis for public transportation is Law Number 22 of 2009 concerning Traffic and Road Transportation. The general objective of urban transportation is to ensure safe, secure, fast, smooth, orderly, comfortable, and efficient traffic and road transportation at a cost affordable to the public. Article 5, paragraphs (1) and (2), states that the state is responsible for road traffic and transportation, and its development is carried out by the government. Traffic and road transportation development includes:

1. Planning;
2. Regulation;
3. Control;
4. Supervision.

City transportation operating on routes must have a route permit to operate. Permits are one of the most widely used instruments in administrative law. The government uses permits as a legal means to control citizen behavior. A permit is an approval from a business entity, based on laws or government regulations, to deviate from prohibited provisions in certain circumstances. By granting a permit, the authorities authorize the requesting party to engage in certain actions that are otherwise prohibited. Permits play a crucial role; it could even be said that permits and business growth are interrelated. Businesses cannot thrive without legally binding permits, and permits function because they require them. If a permit holder fails to comply with the provisions of laws and regulations, the conditions, or restrictions associated with the permit, the state administration can respond by revoking the permit.

There are other terms that are similar to permits, namely:

1. A dispensation is a state administrative decision that exempts an action from the authority of regulations prohibiting the action. Therefore, a statutory regulation becomes inapplicable to something special (relaxation legis).

2. A license is a permit that grants the right to operate a company. A license is used to denote a permit that allows someone to operate a company with a special or exclusive permit.
3. A concession is a permit related to a major project where the public interest is so closely involved that the work is actually a government task, but the government grants the right to operate it to a concessionaire (permit holder) who is not a government official. The permit can be in the form of a contract or a combination of a license and the granting of a certain status with rights, obligations, and specific conditions.

In general, the purpose and function of licensing is to control government activities related to provisions containing guidelines that must be implemented by both stakeholders and authorized officials.

The purpose of licensing can be viewed from two perspectives:

1. From the government's perspective

Through the government's perspective, the purpose of granting permits is:

- a. To implement regulations

Are the provisions contained in the regulations consistent with reality in practice, and even to maintain order?

- b. As a source of regional revenue

The existence of permit applications directly increases government revenue because each permit issued requires an initial payment of a levy. The greater the levy revenue, the more it ultimately finances development.

2. From the community's perspective

From the community's perspective, the purposes of granting permits are as follows:

- a. To provide legal certainty.

- b. To ensure rights.

- c. To obtain facilities after the building being constructed has a permit.

A route permit is a single document consisting of:

- a. Route permit decree, which contains at least:

- a. Decree number;

- b. Company name;

- c. Company registration number;

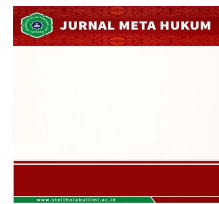
- d. Name of company head/person in charge;

- e. Address of company/person in charge;

- f. Permit validity period;

- b. Route permit implementation decree, which contains at least:

- a. Decree number;



- b. Company name;
- c. Route code served;
- d. Number of vehicles permitted;
- e. Number of trips per day;
- f. Nature of service;
- g. Permit validity period;
3. Attachment to the decree in the form of a list of vehicles, which at least includes:
 - a. Decree number;
 - b. Company name;
 - c. Vehicle registration number;
 - d. Vehicle registration plate;
 - e. Test number;
 - f. Manufacturer brand;
 - g. Year of manufacture;
 - h. Person carrying capacity;
 - i. Route code served;
 - j. Service code;
4. Vehicle monitoring card, which at least includes:
 - a. Decree number;
 - b. Vehicle registration number;
 - c. Company name;
 - d. Permit validity period;
 - e. Routes served;
 - f. Vehicle registration plate;
 - g. Test number;
 - h. Person carrying capacity;
 - i. Luggage carrying capacity;
 - j. Route code served;
 - k. Type and nature of service;
5. Travel schedule;

A statement of commitment to comply with obligations as a route permit holder, signed by the applicant and acknowledged by the permit-issuing official. Companies that have obtained a route permit or operating permit are issued a monitoring card for each vehicle they operate. The monitoring card is a derivative of the route permit or operating permit for each vehicle in question. The monitoring card is a crucial document for city transportation operations on routes. The purpose of the monitoring card is for the Medan City Transportation

Agency to monitor, supervise, and assess service quality, as well as the quota and operation of city transportation on routes in Medan. Article 197 paragraph (1) of Law Number 22 of 2009 concerning Traffic and Road Transportation states that the government and regional governments, as public transportation operators, have the following obligations:

1. Provide guarantees to public transportation users regarding service;
2. Provide protection to public transportation companies by maintaining a balance between the supply and demand of public transportation;
3. Monitor and evaluate the transportation of people and goods.

According to Hendrik Ginting, ATD, Head of the Land Transportation Section of the Medan City Transportation Agency, the procurement of city transportation adheres to the following basic principles:

1. Public transportation, or city transportation, is organized by the government as a stakeholder, with the primary goal of meeting the mobility needs of the community while adhering to the principle of smooth overall traffic flow.
2. The government is the party with the ultimate authority to determine policy and is ultimately responsible for the availability of public transportation for public mobility.

According to Medan City Mayoral Regulation Number 2 of 2010 concerning the Detailed Main Duties and Functions of the Transportation Agency, Article 5 states that the Medan City Transportation Agency has the following main duties and functions:

1. Formulating technical policies in the transportation sector;
2. Organizing government affairs and public services in the transportation sector;
3. Guidance and implementation of tasks in the transportation sector;
4. Executing tasks assigned by the mayor in accordance with its duties and functions.

A permit to operate passenger transportation using public motorized vehicles is one type of permit in the land transportation sector, specifically road transportation. The permit for organizing passenger transportation by public motorized vehicles consists of a permit for organizing passenger transportation on a route and a permit for organizing passenger transportation off a route. The permit for organizing passenger transportation by public motorized vehicles is related to the business entity/company that will provide passenger transportation services by public motorized vehicles. The granting of permits to business entities/companies that will provide passenger transportation services using public motorized vehicles, as a means of national transportation and its

role in supporting public mobility in economic development, science and technology, regional autonomy, and realizing social welfare. The government is responsible for ensuring the security, safety, and smooth operation of national transportation to support the achievement of social welfare. Therefore, granting permits to providers of public motorized passenger transportation services is essentially intended to implement strict supervision and control to ensure the availability of safe, secure, comfortable, and smooth road transportation for users of this mode of transportation, ensuring that transportation operators do not solely seek economic profit.

The granting of permits to operate passenger transportation using public motorized vehicles in Medan City is related to the obligation of district/city governments to ensure the availability of public transportation services. The regional government's obligation to ensure the availability of public transportation is based on Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation (State Gazette of the Republic of Indonesia Number 96 of 2009), namely Article 139 paragraph (3): District/city governments are obliged to ensure the availability of public transportation for the transportation of people and/or goods within the district/city area. Paragraph (4): The provision of public transportation services is carried out by state-owned enterprises, regionally-owned enterprises, and/or other legal entities in accordance with statutory provisions. The provision of passenger transportation by public motorized vehicles as a means of transportation to serve the general public requires a permit. The permit for the provision of passenger transportation by public motorized vehicles, in accordance with the provisions of Article 173 paragraph (1) of Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation (State Gazette of the Republic of Indonesia Number 96 of 2009), states that public transportation companies that will provide passenger transportation by public motorized vehicles must have:

1. A permit for the provision of passenger transportation within a route.
2. Permits for operating non-route passenger transportation.

Permits for operating passenger transportation by public motorized vehicles are based on the provisions of Article 2 paragraph (6) in the detailed appendix to Government Regulation Number 38 of 2007 concerning the Division of Government Affairs between the Central Government, Provincial Governments, and Regency/City Governments (State Gazette of the Republic of Indonesia 2007 Number 82) in letter G of the Transportation Sector, Land Transportation Sub-Sector, and Road Transportation Traffic Sub-Sector (LLAJ), point 49, which

constitutes a mandatory government affair in the transportation sector. Vehicles transporting people and goods can no longer be registered under the name of an individual. Starting March 1, 2015, every vehicle transporting people and goods must be a legal entity. According to government regulations, legal entities can be state-owned enterprises (BUMN), regional-owned enterprises (BUMD), limited liability companies (PT), or cooperatives. This rule applies to new permit applications, which must be registered under the name of the business entity, no longer an individual. The Medan City Government does not process public transportation permit applications submitted under the name of an individual. Public transportation service permits must be submitted in the name of a legal entity, not an individual. With this provision, city transportation route permits in the name of individuals are no longer valid. All holders of route passenger transportation permits in Medan City must immediately comply. Permits can be reapplied in the name of a legal entity after returning the individual permit. Permit holders who wish to establish a legal entity or merge with an existing legal entity can consult with the secretariat of the implementation team for the transition of individual public passenger transportation services to legal entities at the Medan City Road Traffic and Transportation Agency (DLLAJ). This regulation was stipulated in a Circular Letter from the Mayor of Medan dated March 23, 2015, which refers to Law Number 22 of 2009 concerning Road Traffic. The law states that a public transportation company is a legal entity that provides passenger and/or goods transportation services using public motorized vehicles. Legal entities applying for route transportation permits must be State-Owned Enterprises (BUMN), Regionally-Owned Enterprises (BUMD), Limited Liability Companies (PT), or cooperatives.

4. Conclusion

The licensing mechanism for city transportation routes in Medan City is based on Law Number 22 of 2009 concerning Traffic and Road Transportation and Medan City Regional Regulation Number 33 of 2002 concerning Service Fees and Permits in the Transportation Sector. Legal regulations for city transportation aim to ensure safe, secure, fast, smooth, orderly, comfortable, and efficient traffic and road transportation, at a cost affordable to the public. The Transportation Agency's oversight of city transportation licensing on routes in Medan City includes developing transportation facility/infrastructure management, developing transportation control, supervising the implementation of tasks by units and technical implementation units (UPTs) within the transportation sector, preparing permit issuance procedures for transportation, and investigating transportation violations.

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