

Railroad Safety and Security Systems Public Policy in Indonesia

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Abstract: The research is financed by Research Technology and Higher Education Ministry year2017 (Sponsoring information). The inability of PT KA (Indonesia Railway State Company) to determine the appropriate and even components in order to facilitate the maintenance of rail technology is due to the procurement of the infrastructure and facilities is an authority of Transportation Department. Due to the variety of railway components available. The cause of accidents caused train transportation modes is very easy to understand. So the cause of accidents that come from the means of transportation to get the largest portion of 34% of all causes of railway accidents that exist.

Keywords: Policy, Railways, Government

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I. INTRODUCTION

The quality of train services, especially the economy class lately, is getting worse. Uncertain *Headway* security condition, and the level of safety continues to decline. The number of train accidents continues to increase, where in 2007 the accident occurred as much as 116 times, increase from 2006 as 107 times. More than 90% of accidents that occurred in 2007 occurred due to the train plummeted or tumbled (Directorate of Railways 2008). As many as 90% of train accidents occur because the train plummets and tumbles. The data clearly indicate a problem in train technology. Based on secondary data (research INFID / *International NGO Forum on Indonesian Development*) while making observations on KRL (electric train) Depot Depok, various components of the train from the rails, sleepers, railway carriages, locomotives and signals.

According to the admissions officer, the components in Depot are imported by more than eight countries; For example rail came from Japan, train wagon are also from Japan and from Germany, lathe from France, and locomotives from America. According to him, the various components of existing trains cause difficulties in maintenance, because not all of the specifications of existing components in accordance with the needs and conditions of rail networks in Indonesia. The inability of PT KA (Indonesia Railway State Company) to determine the appropriate and even components in order to facilitate the maintenance of rail technology is due to the procurement of the infrastructure and facilities is an authority of Transportation Department. Due to the variety of railway components available, the cause of accidents caused train transportation modes is very easy to understand. So the cause of accidents that come from the means of transportation to get the largest portion of 34% of all causes of railway accidents that exist.

II. RESEARCH METHODS

Objectives to be achieved by the authors with this research is to provide thoughts and descriptions to all parties who have the same concern and interests with this research material. For the authors themselves, this research would like to observe the level of satisfaction and legal certainty for people who use public transportation related to the Government policy regarding the safety and security of trains so far that are given services to the public in general.

III. RESEARCH APPROACH

The author uses a normative Juridical approach in discussing this Research. Take Notice to the applicable legal problems and their application in providing services and safety assurance for railway users for community and the solution.

3.1 Source of Legal Material

a. Primary Legal Material Source

The primary legal material is derived from interviews with PT KA (Indonesia Railway State Company) as public servants and citizens as train passengers in obtaining services to the transport services.

b. Secondary Legal Material Sources

Secondary law material comes from studying literature and legislation, scientific writings, newspapers and magazines that have similar topics to the discussion of this research.

3.2 Data Collection and Data Processing

The primary data collection procedure is done by conducting field study, which is through interviews with related parties, namely PT KAI staff, and the general public. Secondary data collection is done by literature study, then process data by collecting, selecting and arranging systematically so can obtain accurate and accountable data.

3.3 Data Analysis

The data have been compiled further analyzed by using analytical descriptive method, which describes the problem, express the views and opinions and finally solve the problems contained in the data.

IV. DISCUSSION

4.1 Public Policy, Islamy (2002)

explains that essentially the public policy is decision to choose the best values of many value which exists. The best value selected is the value corresponding to society interest. Policymakers do not just create a balance between different interests (*muddling through orbalancing interest*), but it also had to serve as assessor (valuer). That is, it must be able to create the value that can be agreed upon based on the rational judgment. This intentright to achieve maximum results. Inability to articulate values (especially conflicting values) would mean can't materializepublic interest. Or in other words, that a public policy can be implemented successfully, the policy must be flexible in the implementation process. Policies design or policy decision not a fixed price which cannot be revised or changed. It is possible to dynamically make changes and improvements with adjustments that refer to reality in the field and prioritize general interest considerations.

4.2 Public Policy Formulation Stages

The connection of public policy formulations is a very important series to be understood, it will be described in the formulation stage of public policy as follows. The problem (defining problem) Winarno (2002: 82) explicitly states that we often find problem solving that is less precise, than finding the right problem. The formulation of the problem is the source of public policy, with a good understanding and identification of the problem, policy planning can be formulated, the problem formulation done by those affected by the problem or others who have responsibility and the policy maker must have the capacity to do so. The process of public policy begins with the activities of formulating the problem correctly because success in the formulation of public policy or failure in carrying out the formulation is very influential on the process of policy formulation.

4.3 AgendaPolicy

Wahab (2004: 40) declares a problem which to enter into policy agenda should meet certain conditions, namely: first, the issue has reached a certain critical point; Second, the issue reaches a certain level of particularity that can have dramatic effects; Third, the issue embodies certain emotions in terms of the interests of the people; Fourth, the issue is concerned with power and legitimacy in society; Fifth, the issue concerns a *fashionable* issue where the position is difficult to explain but easy to feel his presence.

4.4 Alternatives SelectionPolicyto Troubleshooting

According Islamy (2003: 92), the formulation of policy proposals is the activity of preparing and developing a series of actions necessary to solve the problem. The processes in this activity include: first; Identify alternatives; Second, define and formulate alternatives; Third, assessing each of the available alternatives, and choosing the alternative that is satisfactory or most likely to be implemented.

4.5 Setting StagePolicy

According to Islamy (2003: 100) the process of ratification of the policy is a process of adaptation and acceptance together against recognized principles and accepted measures. In the process of ratification of policies there are activities undertaken. According to Anderson in Islamy (2003: 100), policy approval process begins with: (a) Persuasion, ie attempts to convince others of something of truth or the value of one's position and they are willing to accept it as his own; (b) *barganing*, a process in which two or more persons wich had the power or authority to set / adjust goals that not agreed in order to formulate action which mutually acceptable but not ideal for them. *barganing* includes agreements (*negotiation*); reciprocity (*give and take*); and

compromise (*compromise*). At this stage, we can know that the actors struggled so one's of the alternative received and also interaction with other actors that gave rise to *persuasion*, and bargaining. The policy alternatives taken are essentially the result of the joint decisions of the various interest groups involved in the policy making, so that a policy can be established. In addition, policy-making is conducted so that a policy has a legal force that can be binding and adhered to by anyone, and resulting the policy form such as law, jurisprudence, presidential decree, ministerial decisions and so on.

4.6 Facilities and infrastructure

According to Indonesian Dictionary (980: 786) means of facilities is everything that can be used as a tool in achieving the goal or purpose. Etymologically the word means indirect means to achieve the goal. In the book Organization and Administration (1988: 82), SuharsimiArikunto explains that "Facilities are everything that can facilitate and smooth the running of a business".

From the limitations it is concluded that the facility is a complementary facility that is indirectly used to facilitate organizational activities in achieving the objectives. That is, something that can facilitate and launch organizational activities can be either objects or money (capital). According SuharsimiArikunto (1988: 82) in outline the supporting facilities are divided into two types, namely:

1. Physical Facilities, ie everything in the form of objects or that can be called objects, which has a role to facilitate and launch a business. The physical facilities are also called material facilities, for example: vehicles; communication tool; Viewer; etc.
2. Money Facilities, ie everything that is facilitating an activity as a result of the work value of money.

Meanwhile, infrastructure is everything that is the main support of the implementation of a process (Indonesian Dictionary, 980: 786). Means, infrastructure is a place where the facility used to support the facilities in achieving business goals or organization. In other words, infrastructure is everything that is needed in activities that are permanent like buildings, fields, halls and so forth in an organization or company.

Based on the above explanation, it can be concluded that the infrastructure and facilities are all facilities and tools that can be used as equipment to be utilized in the implementation of organizational activities. Meanwhile, the availability of facilities and infrastructure is good and ideal in the organization, then the business activities can run well. Because facilities and infrastructure that does not support will not produce maximum results in the organization.

V. GENERAL UNDERSTANDING OF RAILWAYS

In the general provisions of article 1 of Law no.23 in 2007 mentioned that "The railway is a unified system comprised of infrastructure, facilities, and human resources, as well as norms, criteria, requirements and procedures for railway transportation". While In the opening of Law no.23 In 2007 it was mentioned that the railway as one of the modes of transportation in the national transportation system which has massive cargo characteristics and its own advantages, which can not be separated from other modes of transportation, needs to be developed its potential, and enhanced its role as a liaison region, National and international, to support, encourage and mobilize the national development in order to improve the welfare of the people.

Railway transport has several advantages over other types of transportation:

- a. Able to carry large quantities of cargo
- b. Able to travel at great distances. Increasingly distance becomes more efficient and reduce the costs.
- c. High-frequency travel schedules can be performed.
- d. Congestion happens rarely because all facilities owned by one company so that the provision of services more guaranteed smoothness.
- e. Can provide a better level of service than the bus.

From the above explanation can be concluded that the railway is one mode that has special characteristics and advantages, especially in its ability to transport both passengers and goods in bulk, energy saving, space saving, has a high security factor, and low levels of pollution and More efficient than highway transport modes for long haul roads and for crowded areas of traffic, such as urban transport.

The railway development targets are prioritized to improve the performance of passengers, especially for transport safety, through decreasing accident rates and accidental fatalities at the crossings of the plot by roads and handling of security operations along the main highways, as well as the smooth mobilization of goods and services. Broadly speaking the targets of railway development are:

1. The recovery of reliability with strategic and solid priority path
2. Optimal and restored existing networks, the development of new networks and increased capacity
3. Revision of legislation of railways
4. Increased quality of planning and funding

5. Increased role of local government, state-owned enterprises and private sector in railway sector;
6. Increasing human resources and technological mastery
7. Standardization of national railways in an integrated manner so that the sustainability of investment, operation and maintenance of national railway infrastructure and facilities can be achieved efficiently.

The direction of the railway development policy, among others, is as follows:

- a. Improve transport safety and service quality through the restoration of railway infrastructure and facilities conditions.
- b. Carry out the infrastructure and facilities audit also human resources of railway operator.
- c. Enhance the role of national and local rail transport, and
- d. Improve the strategy of more competitive transport services antarmoda (using more than one travel services in a one way) and intramoda (two or more similar travel modes in a one way services).
- e. Increase the capacity and quality of services especially in saturated corridors and strategic corridors with reference to Sistranas (National Transportation System).
- f. Increase frequency and provide affordable Railway transport service (KA).
- g. Implement planning, funding and evaluation of railway performance in an integrated, sustainable manner supported by the development of more accurate data and information systems.
- h. Continuing reforms and institutional restructuring and SOE as well as the revision of legislation in the field of railways (Law No. 13 of 1992 and its implementing regulations).
- i. Increasing the participation of local governments and private in the railways sector.
- j. Increase railway human resources and development of national railway technology.

VI. DEFINITION OF RAILWAY FACILITY AND INFRASTRUCTURE

In Law no. 23 of 2007 on the management of railways in article 1 mentioned that railway facilities are vehicles that can move on rail roads. By type the rail means as mentioned in Article 96 consists of:

- A. locomotive;
- B. Train;
- C. Carriages; and
- D. Special equipment.

Based on the above, the railway means everything that can be done in the railway activities and as the main factor of the implementation of railway activities, such as trains and locomotives. In this case, trains and locomotives as a facilities of transportation which can move from one place to another. Railway facilities are the main organizers and principal in railways activities, then the railway activities can be implemented well depending on the management of the railway facilities.

Based on the general provisions of Law no. 23 of 2007 on railway management in article 1 mentioned railway infrastructure is railway and railway operation facility for train can be operated. The railroad itself is a path consisting of a series of railroad tracks covering the railway benefit space, railroad-owned space, and railway inspection room, including the top and bottom of which is destined for rail traffic

The operator of the railway infrastructure itself is the party that conducts the railway infrastructure. Operator of public railway infrastructure as intended in Article 18 of Law no. 23 of 2007 shall be conducted by the Business Entity as the organizer, either individually or through cooperation. In the absence of a Business Entity conducting a public railway infrastructure, the Government or the Regional Government may administer a railway infrastructure.

According to Article 1 in Law no. 23 of 2007 on railways explained that the railway operation facility is all the facilities needed for the train can be operated. Railway operation facilities include signaling equipment and telecommunication equipment. Railway infrastructure is a supporter of railway operations. *commit to the user.*

VII. TRANSPORT SAFETY AND SECURITY IN SISTRANAS

Transportation Minister has issued Regulation of the Transportation Minister no. KM 49 Year 2005 on National Transportation System (Sistranas). This Sistranas is issued with the intention of being a guide to the regulation and development of transportation, with the aim of achieving effective and efficient national transportation. The formulation of Sistranas also takes advantage of opportunities and takes into international, regional and national scope, both from regulators, operators, service users, as well as from the community side, with the goal of realizing effective and efficient transportation.

Sistranas is an system which organized transport arrangement comprised of road transport, rail transport, river and lake transportation, ferry transportation, sea transportation, air transport, and pipeline transport, each consisting of facilities and infrastructure, except pipes, which Interact with the support of software and thought device to establish an effective and efficient system of transportation services, serving the movement of people and or goods, which continue to grow dynamically.

The goal of Sistranas is the realization of effective and efficient transportation in the promotion and development of the dynamics of development, to improve human mobility, goods and services, to help create a steady and dynamic pattern of national distribution and to support the development of the region and the development of nation in order to realize the insight of the archipelago and the improvement of international relations. The goal of Sistranas is the realization of effective and efficient transportation. Effective in the sense of survival, high accessibility, integrated, sufficient capacity, regular, smooth and fast, easy to achieve, timely, convenient, affordable rates, orderly, safe, and low pollution. Efficient in terms of low public load and high utility in a single national transport network.

Security, in the sense of avoiding the operation of transport of transportation accidents due to internal factors. The circumstances can be measured, among others, based on comparison between the number of accidents to the number of vehicle movements and the number of passengers and or goods. **Safe**, in the sense of avoiding the operation of transport of transportation due to external factors in the form of natural disasters, human disturbance, and other disorders. The situation can be measured, among others, by comparison between the number of occurrences of interference with the number of trips.

VIII. CONCLUSION

Based on the problems that arise in the public about railway security, measures appropriate step to ensure the safety of railway will never be realized unless the Government intervenes more seriously to take over with certainty, thus the Government should be prepared to do so. Can be realized immediately the guarantee of safety for train passengers when experience any occurrence so public role is needed to participate in monitoring the role of the Government in providing guarantees in any form so that the users of rail transport services really guaranteed and there is legal certainty. With the support of the implementation of Law No. 23 of 2007 on Railway it is expected besides aiming for an orderly for Public society will also provide protection for railroad consumer in using the train facilities there is a guarantee of safety and security as well as adequate compensation when there is a problem Related to the safety of passengers.

IX. SUGGESTION

- a. The government is expected to provide better support railway transportation services. This is because until now the train is a low mass transport of pollution, not jammed and cheap.
- b. To be more have a role to improve the quality of railways in Indonesia both in terms of facilities and infrastructure, so as to improve the quality of railway services, both in terms of safety, security, speed and comfort.

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