



RESEARCH ARTICLE

REFORMULATION OF REGULATIONS ON RESTRICTIONS ON INDIVIDUAL VEHICLES IN REALIZING ORDER AND JUSTICE CROSSED IN INDONESIA

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ABSTRACT

The regulation of restrictions on individual vehicles as one way of managing traffic control is regulated in Article 133 paragraph (2) letter a of Law No. 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) with the requirements of Article 133 paragraph (1). This limitation is emphasized in Article 60 paragraph (2) letter a with the criteria for the number of passengers and vehicle license plates Another limitation is the restriction of traffic control (Article 133 paragraph (3) of the LLAJ Law. , it actually raises legal problems in the form of obscurity and incompleteness in the way of restrictions on individual vehicles, conflicts or conflicts of legal norms on limiting individual vehicles and the use of restitution to traffic control as a levy in limiting individual vehicles that adversely affects constitutional rights as Article 28 D paragraph (1) of the Constitution 1945 so that raises problems from juridical, philosophical and theoretical aspects. This research is normative legal research using the Conceptual Approach, the Law Approach (Comparative Approach) and the Comparative Approach. The results of research on the regulation of restrictions on individual vehicles Article 133 paragraph (2) letter a LLAJ Law are required the expansion of the concept of vehicle restriction is not only in terms of its use but also in terms of ownership, therefore the vehicle restriction regulation as regulated in Article 133 paragraph (2) letter a LLAJ Law must be reformulated by paying attention to values, principles of formation or principle of content material systematically compiled by referring to the principles and principles in Law No. 12 of 2011 concerning the Establishment of Legislation and to be able to realize order and justice for traffic in Indonesia it is necessary to reformulate the method of restricting individual vehicles, provisions relating to type and Be advice on Tariffs for Restricting Individual Vehicles, Setting Objects for Restrictions on Individual Vehicles, Regulating Sanctions for Restrictions on Individual Vehicles, Regulating Enforcement of Vehicle Restriction.

INTRODUCTION

The implementation of transportation raises many problems, one of which is the problem of traffic congestion. Traffic congestion is a major problem faced by major cities in the world, especially in developing countries, one of which is Indonesia. Iskandar Abubakar (2012) said that:

At present the traffic conditions in Indonesia are experiencing rapid development marked by high population mobility which is not accompanied by the development of adequate infrastructure because city resources are indeed limited, resulting in an imbalance between the available public infrastructure and the number of people who need it. The implication of this is the low level of municipal services, especially in the transportation sector, which leads to many transportation problems.

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Darmaningtyas (2010) states that:

The problem of urban transportation in the territory of Indonesia at present is also inseparable from the rapidly developing national development. Changes in a city from an agrarian city to an industry or from a metropolitan city to a megapolitan make changes to the transportation system used in the city. This change in a city increased the growth of motor vehicle ownership very quickly but in terms of increasing the growth of new roads it was very slow. The old paradigm of seeing congestion occurs because the road is not proportional to the rate of growth of motorized vehicles.

In Indonesia, traffic congestion has indeed become a tangled thread that is difficult to find at the end and results in many losses including increasing travel time in one trip, time wasted on the road, high transportation costs that must be borne by the community, reduced productivity, waste of fuel , the length of time the spread of air and sound pollution, and the increasing aggressiveness of the community due to the accumulation of

resentment that is not channeled (Darmaningtyas, 2010). Muhammad Nanang Prayudyanto and Ofyar Z. Tamin (2007) stated that "at this time, in many countries, awareness arose that the growth of unrestricted demand for private vehicles would cause problems if accommodated in the form of inventory". Allowing traffic to grow freely has turned out to have resulted in high congestion and economically, the trips made are inefficient. High congestion will create problems of social and environmental impacts (air and noise pollution), narrow public transport services, and make pedestrian trips uncomfortable. In developed countries there is a strong push, not only from outside but from official state institutions, such as RCEP (Royal Commission on Environmental Pollution, UK), which states the need to limit Travel Demand Management (TDM) through pricing and use of public transportation. There are at least three countries in the World that have implemented a policy of limiting motor vehicles that have succeeded in suppressing the number of private vehicles, especially cars, namely Japan, Britain and Singapore. All three have fairly strict regulations (Puspaningtyas, 2015).

Setting restrictions on individual vehicles in Indonesia as one way of managing traffic control is regulated in Article 133 paragraph ((2) letter a of Law No. 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) with the requirements of Article 133 paragraph (1) This limitation is emphasized in Article 60 paragraph (2) letter a with the form of criteria for the number of passengers and vehicle license plates, and other restrictions by restoring the control of traffic (Article 133 paragraph (3) of the LLAJ Law). The fact that the restrictions provided in these provisions cannot solve the problem of congestion, in fact raises legal problems in the form of incomplete ways to restrict individual vehicles and conflicts or conflicts of legal norms limiting individual vehicles that harm citizens' constitutional rights as guaranteed by the 1945 Constitution of the Republic of Indonesia as a constitution country. Based on the background above, the problem in this study is how to reform the regulation of restrictions on individual vehicles that can achieve traffic order and justice in Indonesia?

MATERIALS AND METHODS

The type of this research is normative legal research, namely "a legal research is carried out by examining library materials or mere secondary materials", (Soekanto & Mamudji, 2007). Research approaches include statute approach, comparative approach, and conceptual approach. The types of legal substances in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials consist of legislations, official records or treatises in the drafting of legislation, or court decisions. Secondary law materials are legal materials that provide an explanation of primary legal materials to assist in analyzing the problem. The tertiary legal material is Kamus Besar Bahasa Indonesia and the Law Dictionary. Collection of library research and internet legal materials to obtain legal material relating to restrictions on individual vehicles in the form of articles, regulations, legal comment comments carried out by tracking relevant legal materials related to traffic control by limiting vehicles individuals in depth so that they can answer the problem, (Ibrahim, 2000). Analysis of legal material is done in a prescriptive analytical manner, namely deductive-inductive idling to produce legal figures in response to problems or other research findings with the aim of producing prescriptions of

what should be the essence of legal research (Marzuki, 2016). The results of the analysis using legal logic, legal arguments, legal principles that will produce conclusions as answers to problems that must be answered and used legal reasoning (legal reasoning), (Shidarta, 2004).

RESULTS AND DISCUSSION

Meaning and Rationale

Iskandar Abubakar, explained that:

Management of traffic requirements carried out with traffic restrictions can be seen or reviewed from four sides, namely the purpose of travel, travel time, travel destination and the modes used in traveling.

Limitation of individual motorized vehicles is one way of managing traffic requirements as stipulated in Article 133 paragraph (2) letter a of the LLAJ Law. UU LLAJ explains that the management of traffic needs as an effort to control traffic, especially in order to realize a good transportation system, as well as efforts to prevent pollution and / or environmental damage. The need for management of traffic needs, especially in order to improve the efficiency and effectiveness of the use of traffic space and control its movements. The goal is to increase the efficiency and effectiveness of the use of traffic space and control the movement of traffic to be balanced. One of the rationale for controlling traffic is the restrictive management approach, which limits the movement of vehicles on the road and the approach used as a tool in effective traffic management is the control of private vehicles.

Article 1 number 29 of the LLAJ Law defines Traffic Management and Engineering as a series of businesses and activities which include planning, procurement, installation, regulation and maintenance of Road equipment facilities in order to realize, support and maintain security, safety, order and smooth Traffic. The same definition is explained in Article 1 number 1 of PP 32 of 2011 that Management and traffic engineering are a series of businesses and activities which include planning, procurement, installation, regulation, and maintenance of road equipment facilities in order to realize, support and maintain security, safety, order, and smooth traffic.

Article 93 of the LLAJ Law explains that management and traffic engineering are carried out with the aim of optimizing the use of road networks and traffic movements in order to guarantee security, safety, order and smooth traffic and road transport, carried out by:

- Determination of priority of mass transportation through the provision of lanes or lanes or special roads;
- Giving priority to the safety and comfort of pedestrians;
- Providing facilities for people with disabilities;
- Separation or segregation of traffic flow based on land use, mobility and accessibility;
- Integration of various modes of transportation; Traffic control at the intersection;
- Traffic Control on Roads; and / or
- Protection of the environment.

Legal Basis for Restricting Vehicles of Indonesian

Individuals: In Indonesia, regulations relating to restrictions on motorized vehicles are regulated in the LLAJ Law, Article 133 paragraph (1) states:

To improve the efficiency and effectiveness of traffic space usage and control traffic movements, traffic management needs are based on criteria:

- Comparison of volume of motorized traffic with road capacity;
- Availability of public transport networks and services; and
- Environmental quality.
- Then the management of traffic requirements as referred to is carried out the methods as mentioned in paragraph (2), namely by:
- Traffic Restrictions on individual vehicles in certain corridors or areas at certain times and roads;
- Traffic restrictions on goods in certain corridors or areas at certain times and roads;
- Motorcycle Traffic Restrictions on certain corridors or areas at certain times and roads;
- Restrictions on Public Motorized Traffic in accordance with the classification of Road functions;
- Parking space restrictions in certain areas with maximum parking space restrictions; and / or
- Public Non-Motorized Vehicle Traffic Restrictions in certain corridors or areas at certain times and Roads.

The same arrangement is also seen in the implementing regulations of the LLAJ Law, namely. Article 60-65 Government Regulation No. 32 of 2011 concerning Management and Engineering, Impact Analysis, and Traffic Needs Management, hereinafter referred to as PP No. 32 of 2011 (Statute Book of 2011, No. 61, Supplement to Statute Book No. 5221).

Individual Vehicle Restriction Policies in Indonesia

Motorcycle Restrictions (PSM): The legal basis for motorcycle restriction can be seen in Article 133 paragraph (2) letter c LLAJ Law Jo. Article 60 paragraph (2) letter c PP 32.2011 which explains that traffic restrictions are carried out by means of: motorcycle traffic on certain corridors or areas at certain times and roads. Motorcycle consists of two words, namely bicycle and motorcycle. Bicycles are a type of two-wheeled vehicle that is driven by human power by paddling on foot. While the motor is mechanical power which is driven by a machine using fuel oil (BBM). Based on this understanding, a motorcycle can be interpreted as a vehicle that looks like a bicycle (two-wheeled) which is driven by a machine and uses fuel, (Surajiman and Diah Ratu Sari Harahap, 2013). Article 1 point 20 of the LLAJ Law gives the understanding that "motorbikes are two-wheeled motorized vehicles with or without houses and with or side trains or three-wheeled motorized vehicles without houses" (Law No. 22 of 2009). One of the cities that has implemented restrictions on motorbike vehicles is DKI Jakarta Province on the basis of Regional Regulation No. 05 of 2014 concerning Transportation, Article 76 paragraph (1) and (2) letter h explain that restrictions on motorized vehicles can be done by: limiting motorcycle traffic to a particular area and / or time and / or certain road network and Article 3 paragraph (1) and

paragraph (2) Regulation of the Governor of the Special Capital Region of Jakarta Number 141 of 2015 concerning Amendments to the Regulations of the Governor of the Special Capital Region of Jakarta Number 195 Year 2014 concerning Bicycle Traffic Restrictions, but this decree was canceled by the decision of the Supreme Court No. 57 P / HUM / 2017 because it is considered to contradict Article 133 paragraph (1) of Law No. 22 of 2009 concerning Road Traffic and Transportation, Article 11 of Law No. 39 of 1999 concerning Human Rights and Articles 5 and 6 of Law No. 12 of 2011 concerning the Formation of Legislation.

Even Odd Limitations: PP No. 32/2011 Article 60 paragraph (2) Government Regulation No. 32 of 2011 concerning Management and Engineering, Impact Analysis, and Traffic Needs Management states that Traffic Needs Management as referred to in paragraph (1) is implemented by means of restrictions: the traffic of individual vehicles in certain corridors or regions at certain times and roads. Article 64 states that the limitation of the traffic of individual vehicles as referred to in Article 60 paragraph (2) letter (a) includes passenger cars, bus cars; and goods cars with the maximum number of 3,500 (three thousand five hundred) kilograms allowed. More specifically in Article 66 it is also stipulated that the limitation of the traffic of individual vehicles as referred to in Article 65 can be carried out by means of Vehicle Traffic Restriction based on:

- Total passenger; and / or
- Motor vehicle number sign.

Traffic Control Retribution (RPLL): Article 1 number 2 Government Regulation No. 97 of 2012 concerning Retribution on Traffic Control and Restitution of Extension of Permit for the Work of Foreign Workers explains that Traffic Control Retribution is a levy on the use of certain road segments, certain corridors, certain areas at certain times, and certain density levels. The RPLL foundation is regulated in Article 133 paragraph (3) of the LLAJ Law, PP 32/2011. Another legal basis is the DKI Jakarta Regional Regulation No. 05 of 2014 concerning Transportation, Article 76 paragraph (1) and (2) that restrictions can be made by implementing a system of paying Road Traffic on certain Road networks and / or certain regions and / or certain times. Electronic Road Pricing / ERP is the implementation of paid roads for each private vehicle that passes, (Hatinawati et al., 2017). This system was implemented in Hong Kong since the early 80s, and was adopted by Singapore in 1998, (Anonimus, 2010). Bambang Susatyo in the discussion of public dialogue held by the Jakarta City Transportation Council explained that ERP is one of the economic instruments that aims to reduce the use of motorized vehicles by imposing fees for the use of a road or area, fixed costs or time-of-day and payments made with electronic payment system, (Anonimus, 2016). Special in Jakarta related to the authority in the field of transportation regulated by Law No. 29 of 2007 concerning the DKI Jakarta Province as the Capital of the Republic of Indonesia, Article 26 paragraph (4) letter c which mentions the Authority of the DKI Jakarta Provincial Government as the Capital of the Unitary State of the Republic of Indonesia regulated in this Act as referred to in paragraph (1). and implementation of policies in the fields of: transportation. The objectives and benefits of ERP implementation are (Focus, 2016),

- It is one of the traffic restriction strategies, which is planned to replace the 3 in 1 policy.
- ERP is 'congestion charging' which is imposed on private vehicles on certain roads and at certain times.
- ERP systems are organized in the context of managing traffic needs to improve the efficiency and effectiveness of road use and to control road traffic.
- Proceeds from the adoption of the ERP System will be used only for the cost of improving road-based mass public transportation services and increasing road traffic performance (earmarking policy)

The electronic traffic retribution application is responsible for facilitating 3 tasks (Anonimus, 2015):

- Identification of vehicles entering the area designated as ERP.
- Carry out data collection, verification, and payment of traffic retribution fees imposed on ERP area users. Data from each vehicle
- Make changes to the cost of traffic retribution in accordance with traffic conditions directly (real time).

Objects and Implementation Criteria of ERP: The object of the policy of controlling traffic restrictions is regulated by Law No. 22 of 2009 junto Government Regulation Number 32 of 2011 concerning Management and Engineering, Impact Analysis, and Traffic Needs Management covering the limitation of traffic of individual vehicles in certain corridors or regions at certain times and roads; includes passenger cars; bus car; and goods cars with a weight that is permitted at most 3,500 (three thousand five hundred) kilograms, are carried out if on the road, area, or corridor meet the least criteria:

- Having a comparison of the traffic volume of a motorized vehicle with the capacity of the road in one of the road lanes equal to or greater than 0.7 (zero point seven);
- Only vehicles with average speed at peak hours can be passed less than 30 (thirty) km / hour; and
- Public transportation networks and services are available in routes that meet the minimum service standards on the road, area, or corridor concerned.

Enforcement of traffic restrictions other than meeting the criteria referred to in paragraph (1) must pay attention to environmental quality. can be done by limiting vehicle traffic based on the number of passengers; and / or motor vehicle number signs. The object of Traffic Control Levy as referred to in Article 2 paragraph (1) letter a covers the use of certain road segments, certain corridors, or certain areas at certain times by individual motorized vehicles and goods. Not including motorized vehicles as referred to in paragraph (1) motorbikes, public passenger vehicles, fire fighting vehicles; and ambulance. The implementation of the policy must meet the criteria as stipulated in Article 133 paragraph (1) of Law No. 22 of 2009 and Article 65-78 Government Regulation Number 32 of 2011 concerning Management and Engineering, Impact Analysis, and Traffic Needs Management. Requirements or criteria: have 2 (two) lanes which each lane has at least 2 (two) lanes, available networks and mass public transportation services in routes that must meet the minimum service standards set by the minister responsible for the field of facilities and traffic infrastructure and road transport, certain

times are determined based on the level of traffic density on a road, corridor or certain area, based on the criteria of having a comparison of traffic volume of motorized vehicles with the capacity of roads in one of the road lanes , 9 (zero point nine); and the average speed is equal to or less than 10 (ten) km / hour, taking place routinely on every working day.

Utilization of Traffic Control Retribution: In accordance with Article 9 paragraph (1) of Government Number 97 of 2012 concerning Government Number 97 of 2012 concerning Restrictions on Traffic Control and Retribution for Extension of Permits to Hire Foreign Workers, explained that Traffic Control Retribution is intended to increase traffic performance and improve public transport services in accordance with the provisions of the legislation. Increased traffic performance as at least includes activities on roads, corridors or areas that are restricted, installed, repaired, and maintained road equipment on roads, corridors, or areas that are directly related to road users on roads and / or intersections , Maintenance and development of technology for the benefit of traffic; and Improving the quality of human resources in the field of traffic and road transportation. Whereas the improvement of public transportation services at least includes the activities of adding and maintaining special lanes and lanes and / or roads for mass public transportation, adding and maintaining supporting facilities and facilities for mass public transportation and the use and development of information technology for the benefit of mass public transportation services.

Age Limits of Motor Vehicles: The legal basis for limiting the age of motorized vehicles is only found in the Minister of Transportation Regulation No. 98 of 2013 concerning Minimum Service Standards for People Transportation, wherein the attachment to the regulation which constitutes an inseparable unit provides a maximum age limit for motorized vehicles of 25 years, age of Inter-City Inter-Province (AKAP) and Inter-City in Province vehicles (AKDP) 25 year and age of vehicle for Urban Transport 20 years. In addition to these regulations, the DKI Jakarta Provincial Regulation No. 05 of 2014 concerning Transportation. Also set the age limit of the vehicle or service life as regulated in Article 51 paragraph (1) to paragraph (4) confirms the following:

Article 51

- To ensure the availability of public road transportation services that meet the roadworthy and environmentally friendly aspects, it is stipulated the limitation on the life of public motor vehicles (paragraph 1).
- The lifetime of a Public Motorized Vehicle as referred to in paragraph (1) is limited by the following conditions: Large Bus Cars no later than 10 (ten) years, Medium Bus Cars for a maximum of 10 (ten) years, Small Bus Cars, Public Passenger Cars and environmental transportation for a maximum of 10 (ten) years, a taxi for a maximum of 7 (seven) years; and car goods no later than 10 (ten) years (paragraph 2).
- Public Motorized Vehicle Owners who have exceeded the service life limit as referred to in paragraph (2), must rejuvenate within a maximum period of 12 (twelve) months from the date this Regional Regulation comes into force.
- The time for rejuvenation as referred to in paragraph (3) can be extended for a maximum of 6 (six) months as long as the condition of the vehicle is still roadworthy.

Motor Vehicles Ownership Restrictions: The method for determining the quota of motorized vehicles has been implemented in several countries such as Singapore and Hong Kong. To be able to have a new vehicle, a person must have a Certificate of Entitlement (COE) obtained based on a government-held auction (Jakarta City Transportation Council, 2014). In Indonesia the basis of this limitation is only seen in the Regional Regulation of the DKI Jakarta Provincial Government No. 5 of 2014 concerning Transportation.

Reformulation of Perseorangan Vehicle Restriction Arrangements to Realize Traffic in Indonesia: Indonesia as an independent country and has the values of life philosophy as the foundation of the life of the nation and state, namely Pancasila and the 1945 Constitution of the Republic of Indonesia as the highest foundation has given constitutional rights for everyone in developing themselves in achieving a better life including traffic on Street. Article 28 J The 1945 Constitution of 1945 affirms that everyone must respect the human rights of others in orderly life in society, nation and state and in exercising their rights and freedoms, each person must submit to the restrictions stipulated by law for the sole purpose of to guarantee recognition and respect for the rights and freedoms of others and to fulfill just demands in accordance with moral considerations, religious values, security and public order in a democratic society. In the legal system in Indonesia, if it refers to the opinion of Lawrence M. Friedman that there are three components that determine namely the legal structure, the substance of law and legal culture, (Arintanto, 2016).

Related to the legal substance that Friedman used as a factor in the implementation of the legal system, therefore if it is connected with the discussion and previous description of the regulation of limitation of individual vehicles, there are some provisions that have the potential to be legally problematic, so they must be reformulated so that the provisions concerning restrictions on individual vehicles are in accordance with the norm. good law that is based on a foundation both philosophically, juridically and sociologically and the principles of the formation of legislation as mandated by the Law on the Establishment of Legislation. The regulation of restrictions on individual vehicles as stipulated in Article 133 paragraph (2) letter a of the LLAJ Law is only about limiting the movement of the use of vehicles on roads with the form of restrictions on the number of passengers and license plates that are proven unable to overcome traffic congestion, thus requiring expansion the vehicle is not only in terms of its use but also in terms of its ownership, therefore the vehicle restriction regulation as regulated in Article 133 paragraph (2) letter a of the LLAJ Law must be reformulated by paying attention to values, principles of the formation or principle of charge material arranged systematically with refers to the principles and principles in Law No. 12 of 2011 concerning the Establishment of Legislation and to be able to realize order and justice for traffic in Indonesia it is necessary to reformulate:

Setting Traffic Control Retribution: In the case of the application of Traffic Control Levy as the implementation of Article 133 paragraph (3) of the LLAJ Law, Traffic Restriction as referred to in paragraph (2) letter a and letter b can be done by imposing Traffic control retribution intended for increasing Traffic performance and improvement of public transport services in accordance with the provisions of legislation. The legal issue is that there are differences in arrangements

regarding levies in limiting motorized vehicles that have the potential to cause errors in the determination of levies if the restrictions on individual motor vehicles use the provisions of Article 133 paragraph (3) of the LLAJ Law. The existence of legal conflicts regarding the type of levies in providing services is regulated by Law No. 1 of 2004 concerning State Treasury (LN. 2004, No. 5, TLN. No. 4355, hereinafter referred to as PN Law), which provides space for Traffic Control by limiting individual vehicles, can be managed through the Public Service Agency with tariffs services due to restrictions on individual vehicles can be categorized as a policy of providing services to the public in providing goods and / or services by not prioritizing profits and carrying out their activities using the principles of efficiency and productivity. CHAPTER XII, Article 68 and 69 of the PKBLU Law and PP PKBLU Article 9. ith the existence of two choices of levies, namely retribution as stipulated in Article 133 paragraph (3) UU LLAJ, PP No. 32 of 2011, PP No. 79 of 2012 and service tariffs as regulated by the PP PKBLU Junto PN Law regarding the control of traffic by limiting individual vehicles have the consequence of actions that have the potential for errors and / or violations of the law. Confusion due to the choice options in determining such levies is experienced by the Jakarta Capital City Government (Pemda DKI Jakarta) in carrying out paid road traffic control or restrictions on individual vehicles by looking at the regulations in DKI Jakarta so that they become obstacles to the implementation of paid roads. this has not been realized.

Utilization of Traffic Control Retribution: In accordance with Article 9 paragraph (1) of Government Number 97 of 2012 concerning Government Number 97 of 2012 concerning Restrictions on Traffic Control and Retribution for Extension of Permits to Hire Foreign Workers, explained that Traffic Control Retribution is intended to increase traffic performance and improve public transport services in accordance with the provisions of the legislation. In this provision, there is an opportunity for violations of law that are inclined towards corruption because there is no clear limit on the use of retribution funds related to ERP, therefore the Governor needs to follow up to determine the certainty of the distribution of the intended amount of ERP if the Governor is granted delegation by provisions related to ERP Retribution.

Arrangement of Objects for Restricting Individual Vehicles: Possibly the object of the policy of controlling traffic restrictions is regulated by Law No. 22 of 2009, Government Regulation Number 32 of 2011 concerning Management and Engineering, Impact Analysis, and Traffic Needs Management are motorized vehicles and goods including their vehicles are motorcycle vehicles, but Government Government Number 97 of 2012 concerning Traffic and Retribution Control Levies Extension of Permit to Hire Foreign Workers, as stated in Article 3 paragraph (2) excludes motorbikes and some other vehicles not as objects of retribution including public passenger vehicles, fire fighting vehicles; and ambulance. Thus, procedurally the substance will experience legal problems in implementing ERP restriction policies, because on the one hand Law No. 22 of 2009 and PP No. 32 of 2011 there is a basis for motorcycle restrictions and if Article 3 paragraph (2) PP No. 97 of 2012 does not mention this, then motorbikes can also be ERP objects, so one way is for motorcycles to become ERP objects by submitting a judicial review to the Supreme Court by requesting article 3 paragraph (2) as long as the motorcycle has no legal force contrary to PP 32 of 2011).

Setting Vehicle Age Restrictions: The regulation of restrictions on vehicles in the form of limiting the age of vehicles in Indonesia has only been found in the Minister of Transportation Regulation (Permenhub) No. 98 of 2013 concerning Minimum Service Standards for People with Motorized Vehicles stipulated the age of vehicles for Inter-State Border Transport (ALBN) maximum 25 years, age of Inter-City Inter-Province Vehicles (AKAP) and Inter-City In Province (AKDP) 25 years and age of vehicles for Urban Transport 20 years it is necessary to follow up on the regulation. The regulation of vehicle age limits is also regulated by the Provincial Regulation of the Special Capital Region of Jakarta No. 05 of 2014 concerning Transportation, but the governor's regulation on implementing regulations has not yet been issued.

Conclusion

Regulation of restrictions on individual vehicles as stipulated in Article 133 paragraph (2) letter a of LLAJ Law and PP No. 32/2011 requires the form of vehicle restriction not only in terms of its use but also in terms of its ownership by referring to vehicle restrictions applied in Singapore countries which are proven to be able to reduce congestion on the road, therefore reformulation of individual vehicle restriction arrangements is required Article 133 paragraph (2) letter a Law No. 22 of 2009, Article 60-66 PP 32/2011 and regulations relating to Types, Amounts of Tariffs, Objects, Sanctions, Enforcement of Violations on Individual Vehicle Restrictions, so as to realize the objectives of traffic and road transport as stipulated in Article 3 of the LLAJ Law Road Transportation and Transportation that is safe, secure, orderly, smooth and integrated with other modes of transportation to encourage the national economy, promote public welfare, strengthen national unity and integrity, and be able to uphold the dignity of the nation, the realization of traffic ethics and national culture; and the realization of law enforcement and legal certainty for the community.

Suggestions

To realize the provisions of restrictions on individual vehicles in reducing the level of congestion in order to create order and justice, a restriction regulation is needed not only in terms of its use but also in terms of its administration by paying attention to the principles and principles of the formation of legislation recommended to the Indonesian House of Representatives together with the Government as an institution that is given the authority to reformulate Article 133 paragraph (2) of the LLAJ Law and its implementing regulations by adding ways to restrictions as imposed in Singapore and specifically concerning the determination of fees and traffic control rates, sanctions, law enforcement and individual or personal vehicle ownership requirements based on the principles and principles of the establishment of laws and regulations as stipulated in Law No. 12 of 2011 concerning the Establishment of Legislation in order to avoid acts of abuse of authority and the potential for unlawful policies in the field of transportation as an effort to provide certainty and confidence for transport operators to realize transportation goals as mandated by the LLAJ Law..

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