

Authority of Procurement and Maintenance of Traffic Facilities and Infrastructure on National Roads

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Abstract : Law 32 of 2004, regional autonomy, mandates the improvement of community services and regional equity by encouraging community participation. Meanwhile, Law 22 of 2009 on road traffic and transportation mandates the maintenance of traffic infrastructure, particularly The Road Traffic Signaling Devices (APILL) on National Roads, National with Provincial Roads intersection, and National with Regency/City Roads intersection to BPTD–The representative of the Ministry of Transportation. In practice, all maintenances are by Regency/City Transportation Service, including the maintenance of the Traffic Signaling Device (APILL) at National and Provincial Roads intersection with Regency/City Roads. The study aims to evaluate Law 22/2009 and its implementing regulations. Besides, This study also attempts to determine the implementation of Traffic Signaling Devices (APILL), including its procurement and maintenance. The research method was legal research. It involved investigating related regulations to the problem under study. The study concludes the maintenance implementation of traffic signaling devices (APILL) is the best fit for the Regency/City Transportation Service. In addition, it is necessary to revise the governing rules for maintaining traffic infrastructure, the traffic signaling devices (APILL).

Keywords: ministry of transportation, regional autonomy, traffic signaling device

Kewenangan Pengadaan dan Pemeliharaan Sarana dan Prasarana Lalu Lintas di Jalan Nasional

Abstrak : Undang-undang 32 Tahun 2004 tentang otonomi daerah mengemankan peningkatan pelayanan kepada masyarakat dan pemerataan wilayah dengan mendorong peran serta masyarakat. Undang-undang 22 tahun 2009 tentang Lalu Lintas dan Angkutan Jalan mengemankan pemeliharaan prasarana lalu lintas khususnya Alat Pemberi isyarat lalu lintas (APILL) jalan nasional, perpotongan jalan nasional dengan jalan Propinsi dan Perpotongan jalan nasional dengan jalan kabupaten/kota kepada BPTD sebagai wakil Kementerian Perhubungan. Dalam pelaksanaan di lapangan pemeliharaan tersebut dilakukan oleh Dinas Perhubungan Kabupaten/Kota termasuk pelaksanaan pemeliharaan Alat Pemberi isyarat lalu lintas (APILL) perpotongan jalan nasional dan jalan provinsi dengan jalan kabupaten/kota. Tujuan penelitian ini untuk untuk mengevaluasi UU 22/2009 beserta peraturan pelaksanaannya dan menentukan pelaksanaan pengadaan dan pemeliharaan Alat Pemberi isyarat lalu lintas (APILL). Metode penelitian merupakan penelitian hukum dengan melaksanakan penelusuran terhadap peraturan-peraturan yang berkaitan dengan permasalahan yang diteliti. Penelitian hukum ini menghasilkan kesimpulan bahwa pelaksanaan pemeliharaan Alat Pemberi isyarat lalu lintas (APILL) lebih tepat dilaksanakan oleh Dinas Perhubungan Kabupaten/Kota dan aturan pemeliharaan prasarana lalu lintas khususnya Alat Pemberi isyarat lalu lintas (APILL) perlu dilakukan revisi terhadap aturan hukum yang mengaturnya.

Kata Kunci: alat pemberi isyarat lalu lintas, kementerian perhubungan, otonomi daerah

INTRODUCTION

In Indonesia, regional autonomy is enforced through Number 12 of 2008, the second amendment to Law Number 32 of 2004 on Regional Government. Regional autonomy aims to improve public services, equalize regional areas, and encourage community empowerment. Referring to the objectives, the Regency/City Government is the element of government that is in direct contact with the community. Regents and Mayors with their assistant elements, the technical offices, are responsible for existing facilities and infrastructure. In this case, the discussion is devoted to traffic infrastructure. In Indonesia, regional Autonomy is not a new policy of government administration.

This is because, since the establishment of the unitary state of the Republic of Indonesia, regional autonomy has been recognized under Article 18 of the 1945 Constitution.¹

The Republic of Indonesia gives rights, authorities, and obligations to every regional government, particularly to regulate and manage government affairs according to the principles of regional autonomy and assistance tasks. In addition, each regional government is directed to accelerate community welfare by improving services, empowering community participation, and increasing regional competitiveness. These things are manifested by adhering to the principles of democracy, equity, justice, privilege, and the characteristics of a particular area within the Unitary State system of the Republic of Indonesia.² Thus, the local revenue will minimize regional dependence on help center. This is because the regions are given the authority to explore the potential of their respective regions to increase their income.

In the implementation of road traffic and transportation, a Traffic Signaling Device (APILL) is highly needed, especially in regulating signalized intersections. In addition, APILL is also used as a marker for an unsignalized intersection or accident-prone area. At the signalized intersection, APILL is used to regulate vehicles in circulation and pedestrians. The devices must be able to regulate intersections circulation for 24 hours non-stop. Referring to Law Number 22 of 2009, it is stated traffic signaling devices or (APILL) are electronic devices that use light signals and can be equipped with sound signals to regulate the traffic of people and/or vehicles at intersections or on roads. At crossroads, traffic regulation is intended to regulate each group's movement of vehicles. Thus, they can move alternately and do not interfere with the existing flows. The maintenance of the Traffic Signaling Tool (APILL) is required to keep the function properly. The maintenance includes replacing lamps and other components. In its implementation, the overall maintenance of the Traffic Signaling Equipment (APILL) is carried out by the Regency/City Government. In this case, it is the Regency/City Transportation Service where APILL is located. Due to its urgent and cannot be postponed nature, fast repair services are needed to avoid traffic accidents at the signalized intersection.

According to the author, if the damage to APILL between the national and city road intersections occurred, there will be a lot of potential for traffic disruption, specifically if it is not promptly repaired. Meanwhile, if community members report to the Land Transportation Management Center (BPTD) office, it will not be practical and effective for sure. It will take time to report and repair the device at the national and city intersections. This happens because the BPTD office is only located in the provincial capital. It does not have representatives in the regions.

If the repairs can be executed by the local transportation agency, the reporting and repairing time can certainly be shortened. However, these ideals do not have legal protection. According to the author, there is a legal vacuum on the authority to repair national roads by the regions. In Madiun, the Repairment of Traffic Signaling Devices (APILL) by the Land Transportation Management Agency (BPTD), particularly for the purpose of crossing national roads with city roads, is not in line with efficiency, effectiveness, and integrated principles. This is due to BPTD office located in the capital city of East Java Province. As stated in article 2 letter g and letter h of law number 22 of 2009, the integrated principle refers to the implementation of Traffic and Road Transport services that are carried out by prioritizing compatibility, authority, and responsibility interdependence between agencies. The principle of efficiency and effectiveness, on the other hand, is the service in the administration of Road Traffic and Transportation which is carried out by every supervisor at the government level in an efficient and effective manner. Therefore, it is necessary to revise related regulations to achieve the legal benefits of implementing the procurement and maintenance of Traffic Signaling Equipment (APILL). Referring to the aforementioned background, the following problems

¹ Syamsudin Haris, *Desentralisasi & otonomi Daerah*, LIPI Press, 2007, Jakarta, p. 101.

² Haw. Widjaja, *Penyelenggaraan Otomi Daerah Di Indonesia*, Rajawali Pers, 2013, Jakarta, p. 37.

are formulated: What are the legal implications of the application of Article 15, the Director-General regulation of Land Transportation Number: SK. 4303/AJ.002/DRJD/2017 on Technical Instructions for Road Equipment Maintenance? How is the reconstruction of legislation for the procurement and maintenance of traffic facilities and infrastructure at the national and city roads intersections?

RESEARCH METHODS

The author employed legal research. This means the issues raised, discussed, and described in this study were focused on applying the rules or norms in positive law. Meanwhile, in the writing of a thesis-like paper, the author used 2 (two) approaches, the legal and the conceptual approaches.

RESULTS AND DISCUSSION

1. Legal implications of the application of Article 15, the Director-General Regulation of Land Transportation Number: SK. 4303/AJ.002/DRJD/2017, Technical Instructions for Maintenance of Road Equipment.

Along with the demands for progress and development, the role and function of government in public service are needed. To optimize these roles and functions, the government needs to form an organizational structure and working procedures to provide community services in line with their respective fields of duty. Orderly traffic is a significant aspect. It requires coordination by all stakeholders. Coordination is defined as synchronous and regular efforts to provide the right amount and time. Besides, It also means to direct the implementation that results in a uniform and harmonious action on a predetermined target. Coordination can be achieved if synchronous cooperation exists in between. Coordination is a process in which the leader develops a regular pattern of group among his subordinates and ensures unity of action in achieving common goals.

Traffic signaling devices (APILL) are installed to regulate or direct traffic. Thus, it can be more controlled. This APILL is considered very helpful for the community as road users. This is because it reduces congestion at intersections with traffic lights installed. Traffic activities, especially on highways, are always equipped with traffic signs whose function is to provide appeals information to road users. The installation of these traffic signs is to regulate the community. Thus, there is order in society. However, this order will be hard to achieve if no firmness applies to regulate or control it. Law becomes a felicitous control to rule a more organized society. Law Number 22 of 2009 on Highway Traffic and Transportation contains rules for driving on the road. It has legal force in it and will ensnare any violator with strict sanctions. Law as social engineering is established once society starts to obey and fear the law. The public's obedience and fear of this law are due to burdensome sanctions they get once they violate it. This sanction will have a big impact on society. The sanctions will be deterrent to the community and make them obedient in the end. The obedience to the law by this society will eventually become a habit. For instance, the traffic light has long been understood by all road users. They are used to stopping when the signal or light on the traffic light is red and permission to proceed when the green light is on. Thus, traffic in orderly occurs. Community compliance with the law makes them accustomed to orderly traffic. This is inseparable from the role of law enforcers who always provide action or sanctions for any violations encountered. The role of the Traffic Police and sanctions is as social engineering on the highway. The 1945 constitution before the amendment, in the explanation of the State Government System, it was confirmed that Indonesia is a country based on the law (Rechtsstat), not based on sheer power (Machtsstat). The declaration of the 1945 Constitution after the amendment was affirmed in Article 1 paragraph (3,) the State of Indonesia is a state of law. This requires all state administrators and their citizens to comply with the law. The 1945 Constitution is a manifestation of the concept and thought of the Indonesian nation. It is commonly referred to as written basic law.

Legislation is a system consisting of sub-systems, its characteristics are: *First*, it has an abstract meaning which is intangible. *Second*, it is an artificial result planned by humans. *Third*, it is open/a social phenomenon that gets social influence. *Fourth*, it exists/applies and ends complex. This is because there are many sub-systems in it and are interconnected with one another. Basically, legislation is a state/government administration process to achieve order in the state. Legislation is a tool or means to achieve the state's ideals and goals, known as the welfare state. To realize the ideals and goals of the Republic of Indonesia, it must be based on:³ *First*, the Proclamation of Indonesian Independence on August 17, 1945, became the legal basis for the formation of the Unitary State of the Republic of Indonesia (NKRI). *Second*, The Nation/State Basis philosophy, Pancasila, is the ideal foundation and source of all law. Finally, the 1945 Constitution, the constitutional basis for every legislation applies in this country.

Meanwhile, the teaching on laws and regulations orders contains the following principles: *First*, legislation with a higher position can be used as the legal basis or basis for legislation that is lower or under. *Second*, lower-level laws and regulations must be sourced or have a legal basis from higher-level laws and regulations. *Third*, the content of lower-level laws and regulations must not deviate from or against higher-level laws and regulations. *Fourth*, a statutory regulation can only be revoked, replaced, or amended by a higher statutory regulation or at least an equivalent. *Fifth*, if similar laws and regulations regulate the same material, the latest regulations must be enforced. It is not explicitly stated that the old regulations are revoked. In addition, regulations governing specific material must be prioritized from general laws and regulations. An important consequence of the above principles is mechanisms must be done to maintain and ensure that these principles are not distorted or violated. The mechanism consists of a judicial review system of every statutory regulation, policy, or other government action against a higher or highest level of legislation, the Constitution. Without those consequences, the procedure would be meaningless. This causes lower-level laws and regulations to remain applicable. Despite the fact that it is against higher-level laws and regulations. Law Number 12 of 2011 stipulates the Legislation order of the Republic of Indonesia. In article 7, the DPR and the government have approved the Draft Law on the Formation of Legislation into Law (UU No. 12 of 2011). This law emphasizes Pancasila as the source of all state law. The 1945 Constitution of the Republic of Indonesia is the basic law in statutory regulations. This law also commands the placing of the 1945 Constitution of the Republic of Indonesia in the State Gazette of the Republic of Indonesia. However, such placement does not constitute the basis for its enforcement. In addition, it is regulated the types and hierarchies of statutory regulations (Article 7). Previously, the hierarchy of laws and regulations stated in the legal product of the MPR/MPRS Decree as discussed above.

At the level of the rule of law, the analytical framework by Waaldijk, as quoted in the Research of the National Legal Development Agency 14, clearly maps out the location of the two divisions. Legislation with the type and hierarchy regulated in Article 7 is a regulation that has a normative meaning (*regels*). Meanwhile, the policy regulations regulated in Article 8 are other forms of regulations (*andere bepalingen*) that become normative because they are related to regulations. They cannot be issued alone due to the rule of law and *Freies Ermessen* principles. Besides, the separation of these two forms of regulation, the rules in the hierarchy and policy rules outside the hierarchy, has consequences in the manufacturing process. Legislation in the hierarchy must be made with strict formal conditions, which require, for example, the existence of an Academic Paper, as well as certain procedures that require participation. Policy regulations, on the other hand, do not have strict procedural requirements. The absence of strict requirements is also appropriate. This is

³ Bewa Ragawino, *Sistem Peraturan Perundang-Undangan Negara Republik Indonesia*, Fakultas Ilmu Sosial dan Ilmu Politik Universitas Padjadjaran, 2005, Bandung, p.3.

because the diversity level of institutions that issue policy regulations are very wide. It is ranging from the Supreme Court to Bank Indonesia which has very different institutional characteristics.

The Traffic Signaling Tool (APILL) serves to regulate the flow of vehicle movement at crossroads. It is evident that APILL damage can occur at any time. This is because APILL is an electronic object with a certain lifetime. Therefore, APILL can be damaged at any time due to various factors. Damage to the APILL can cause irregular traffic flow and various traffic problems such as congestion and potential accidents. Accordingly, the role of APILL becomes significant in the land transportation network. In this case, the potential for traffic problems at each intersection can be minimized if the damage in APILL can be quickly followed up with good maintenance, so that road users will be more comfortable using road access.

One of the provincial authorities, the Government affairs in the field of transportation, sub affairs in Traffic and Road Transport (LLAJ), is the implementation of traffic management and engineering for provincial roads. Traffic Management and Engineering are carried out to optimize the use of the Road network and Traffic movement. This is to ensure the security, safety, order, and Smoothness of Traffic and Road Transportation. Traffic Management and Engineering include planning, regulation, engineering, empowerment, and monitoring activities. The implementation of Traffic and Road Transportation is carried out in a coordinated manner. Coordination between agencies is needed to integrate planning and solve traffic problems. The person in charge of implementing traffic management and engineering must well-coordinate. The regulations for the procurement and maintenance of traffic signaling devices (APILL) by the Minister of Transportation, particularly on the national roads, the national roads with provincial roads intersection, and the national roads with regency/city intersection, is delegated to the Director-General of Land Transportation and then delegated to the Head of Land Transportation Management Center (BPTD). The laws and regulations explicitly stated that the maintenance implementation of traffic signaling devices (APILL) on national roads is by the Land Transportation Management Center (BPTD). This indicates there is no delegation of authority to Regencies/Cities for the so-called maintenance.

Road traffic and transportation are applied to realize safe, orderly, smooth, and integrated traffic and road services. They are employed other modes of transportation. This is to encourage the national economy, realize general welfare, strengthen national unity and integrity, and be able to uphold the nation's dignity. In this case, the traffic and road transportation. If the road infrastructure facilities become more constant and the users keep increasing, the traffic flow will be slower and hampered. Thus, congestion occurs. In urban areas, this situation will be aggravated by the number of intersections that hamper the traffic flow situation. In this case, adjusting the use of traffic lights can be the option to avoid and overcome such problems. The traffic light is one of the traffic signs with an important role in regulating traffic flow. It has a useful function in regulating active traffic flow and remains operational for 24 hours. The traffic light has been adopted in most cities in the world. It uses a universally recognized color signaling a stop which is a red light, a yellow which means to be careful, and green which permission to proceed. The problems such as accidents, congestion, and violations are existed due to the lack of supervision on the traffic light by the officers concerned (Dishub). The improper maintenance and management of these lights are causing damage to the operating system, such as double lights (in the same color) that confuse motorists, or even traffic signal power outages. This causes congestion and accidents due to the chaotic traffic flow.

In conducting supervision, there must be a determined standard in line with the set mechanisms and procedures. Accordingly, the supervision can be run properly and echoes with what was previously desired. Therefore, the process of supervision can be determined by assessing supervised related things according to the specified standards, looking for occurring errors or deviations, and taking necessary corrective actions for errors or deviations made. The Standard

Operating Procedures are must comply provision. It measures to what extent the set of policies runs on existing regulations.

Standard Operating Procedure is a guideline or reference for carrying out the tasks based on the functions and performance of appraisal tools in government agencies. This is referring to technical, administrative, and procedural indicators in conformity with working procedures and systems in the work unit concerned. The Standard Operating Procedures aim to create a commitment of work units in government agencies. This is to manifest good governance. In the field of supervision, Standard Operational Procedure defines as a guideline or reference to do the duty based on a related object. Standard Operating Procedures are internal and external. This is because they are not only used to measure the performance of public organizations related to the timing but also used to assess their performance in the public's eyes. It is in the form of responsiveness, responsibility, and accountability for the performance of government agencies.

2. The Reconstruction of Laws and Regulations, The Procurement and Maintenance of Traffic Facilities and Infrastructure at the National and City Roads Intersections.

Based on the 1945 Constitution, Article 1 Paragraph (1), Indonesia is a Unitary State in the form of a Republic. Article 18 Paragraph (1) adds: The Unitary State of the Republic of Indonesia is divided into provincial areas then broken down into regencies and cities. Each province, district, and city has a regional government regulated by law. Within the province, specifically, the division mapping of state territory into provincial areas, consists of Regency/City areas, as well as regional governments, as regulated in Paragraph (2) "Provincial, district, and city-regional governments regulate and manage government affairs to the autonomy and co-administration principles." Regional people's representative institutions are formed as the completeness in government administration and as an element of the regional government. This is stipulated in paragraph (3) "Provincial, regency, and city-regional governments have Regional People's Representative Councils whose members are elected through general elections". Then, the respective Governors, Regents, and Mayors are democratically elected as the heads of provincial, district, and city governments.

In administering the government in the regions, regional governments are given the widest autonomy. This excepts the government affairs which are determined by law as central government affairs. To implement broad autonomy in the regions, regional governments have the right to stipulate regional regulations and other regulations to carry out autonomy and co-administration tasks. Based on the provisions of Article 1 number 10 of Law Number 32 of 2004, the Regional Government, Regional Regulations are Provincial Regulations and/or Regency/Municipal Regional Regulations. Further provisions are regulated in articles 136 to 149 of Law no. 32 of 2004. Regional regulations are made by regional governments to carry out regional autonomy within the Unitary State of the Republic of Indonesia.

Regional regulations is a manifestation of granting authority to regions in managing and regulating their own households. Some parts of regional affairs must be regulated in law and be further regulated by regional regulations. Meanwhile, the authority to form Regional Regulations (Perda) has been emphasized in UU no. 32 of 2004, Article 42 paragraph (1) letter a, stipulates that: "The DPRD has the task and authority to form a Regional Regulation which is discussed with the regional head for mutual approval". Furthermore, it is also emphasized by Law no. 27 of 2009 concerning the MPR, DPR, DPD and DPRD, it is determined that: The provincial DPRD has the following duties and authorities: to form provincial regional regulations with the governor, to discuss and to approve draft of regional regulations, such as the provincial regional income and expenditure budget proposed by the governor.

The authority of the Regency/Municipal DPRD, on the other hand, is established in Article 344, it is determined that: (1) The Regency/Municipal DPRD has the following duties and

authorities: forming a Regency/City regional regulation with the Regent/Mayor, discussing and giving approval to the draft of regional regulation, such as the revenue and expenditure budget of regional regency/city by the regent/mayor. This shall provide services to the local community members, collect, and process information. Then, it is submitted in a recommendation form to the Regional Head. The region is an autonomous region. It is a unit of government in the region. It has attributive authority to make regulations to organize its household. The authority is on the Regional Government and DPRD, the holder of DPRD functions in the region. Perda is the implementation of the DPRD function. The position of the Regency DPRD, the Regional Legislative Body, has an equal position and is a partner of the Regional Government, as well as carrying out the function of control or supervision of the Regional Government. Based on Law Number 26 of 2014, specifically in Article 154 paragraph 1, the duties and authorities of the Regency DPRD. The scope of authority to form a Perda is determined that the Perda regulates household affairs in the field of autonomy and co-administration. In the subject of autonomy, regional regulations can regulate all government affairs and public interests that are not regulated by the central government. In the field of assistance, regional regulations do not regulate the substance of government affairs or the interests of the community. It is only regulated the procedures for carrying out the duty.⁴ According to Bagir Manan, considering the fact that Regional Regulations are made by an autonomous government unit, with an independent authority environment, the examination of higher laws and regulations should not be based solely on the "levels" but also on "the sphere of authority". A regional regulation that contradicts statutory regulations to a higher level (except the 1945 Constitution) is not necessarily wrong. This applies if the higher level of statutory regulations violate regional rights and obligations guaranteed by the 1945 Constitution or the Regional Government Law.

Several policy regulations, the procurement of Traffic Signaling Devices (APILL), the General Director of Transportation issued the Regulation of the Director General of Land Transportation Number: SK.4303/AJ.002/DRJD/2017, Technical Instructions for Maintenance of Road Equipment, precisely in Article 15 Referring to these rules, we know the ineffectiveness of a regulation that impact the maintenance of road completeness infrastructure, APILL. In practice, DISHUB officers in Madiun often do the repairment which should be the responsibility of BPTD (national roads). This is because the repairing process of National road in the city area of Madiun takes longer time. Thus, it will have a direct impact on the transportation flow if it is not immediately repaired. Accordingly, the author suggests to immediately reconstructed or repaired such regulation. The reconstruction can be in the form of decentralization or co-administration. In the regional government administration, regional governments are granted the widest autonomy. This is as mandated by the Constitution of the Republic of Indonesia, except for government affairs determined by law to be the Central Government affairs.

In implementing broader autonomy in the region, the regional government has the right to stipulate regional regulations and other regulations to carry out autonomy and co-administration tasks. This covers regulations for governors, mayors, regents, villages, and related regulations whose authority is owned by regional governments. Law is a political product adjusting to human needs. Therefore, the law is dynamic. It always develops according to human needs. In law, this is known as *ius constitutum* and *ius constituendum*. *Ius Constitutum* is the positive law, the law that applies in a country at a certain time, for example: Indonesian law that applies to adults (Directorate General of Land Transportation Number: SK.4303/AJ.002/DRJD/2017). It is also known as the Indonesian legal system. The positive law is no longer valid if the legislation is revoked by an equivalent statutory regulation.

Meanwhile, the *Ius Constituendum* is a law aspired by the association of life and the state. Yet, it is not a form of rule in a law or other provisions. From the two definitions, the difference between

⁴ *Ibid.*, p.72.

the two is visible. This is because everything is considered as a process of development. *Ius Constitutum* sekarang adalah *Ius Constituendum* pada masa lampau. In reality, many laws and regulations are found not in the right order. Many materials are supposed to be regulated in law but are regulated in Presidential Decrees or Presidential Regulations or Government Regulations. On the top of that, many laws and regulations are at or below the law level which are contrary to the 1945 Constitution. Therefore, to realize the *ius constituendum* to become *ius constitutum*, correct legal politics is needed. Thus, there is no overlap in authority legislation. Legal politics is an official direction or line used as a base and a way to create and implement laws. This is to achieve the goals of the nation and state.⁵ At a certain time, the forms of statutory regulations (government) can be different from other forms of legislation at other times. This really depends on the rulers and their authority to create a decision in the form of legislation.⁶

Based on the aforementioned definitions of legal politics, it can be drawn legal politics is a policy for basis state administration. It covers the laws that will run, are running, and has been applied. They are taken from the values that grow, live, and apply in society. This is to achieve the state goals. Legislation is a written regulation containing legally binding norms in general. It is formed or determined by state institutions or authorized officials through the procedures stipulated in Law number 12 of 2011, the formation of laws and regulations. Meanwhile, the formation of legislation is the laws and regulations making. This includes the stages of planning, drafting, discussing, ratifying or determining, and enacting. Planning for drafting laws is done through in the National Legislation Program (Prolegnas). while planning for drafting Regional Regulations is realized in the Regional Legislation Program (Prolegda). Prolegnas and Prolegda aims to realize the national legal system in Indonesia. However, it does not mean you cannot make a Regional Draft Bill or Raperda outside those two. However, in certain circumstances, the DPR or the President may submit a draft bill outside the Prolegnas. It is to address extraordinary circumstances/conflicts/natural disasters or other circumstances related to the national urgency. The same thing applies to Raperda, DPRD or Governor can submit Raperda outside Prolegda to overcome extraordinary circumstances/conflicts/natural disasters. This is due to cooperation result with other parties and other conditions related to the regional urgency, the Raperda, which can be mutually approved by the Regional Legislative Agency and Provincial Legal Bureau. In Indonesia, the content of a statutory regulation must reflect important principles. These principles are:

- a. The principle of protection, the content of each statutory regulation must provide protection to create public peace.
- b. The principle of humanity, the content of each statutory regulation must proportionally reflect the protection and respect for human rights, as well as the honor and dignity of every Indonesian citizen.
- c. The principle of kinship, the content of each statutory regulation must reflect deliberation and consensus in every decision-making
- d. The principle of archipelago, the content of each statutory regulation must pay attention to the interests of the entire territory of Indonesia. This includes the content of the statutory regulations in the region. Based on Pancasila and the 1945 Constitution, it is also part of the national legal system
- e. The principle of *Bhinneka Tunggal Ika*, the content of each statutory regulation must consider the population, religion, ethnicity and class diversities, special conditions of the region and culture in the life of society, nation, and state.

⁵ Moh. Mahfud MD, *Membangun Politik Hukum Menegakkan Konstitusi*, RajaGrafindo Persada, 2010, Jakarta, p. 15.

⁶ Soehino, *Hukum Tata Negara Teknik Perundang-Undangan*, Liberty, 2008, Yogyakarta, p. 1,

- f. The principle of justice, the content of each statutory regulation must proportionality reflect justice for every citizen.
- g. The principle of equality in law and government, the content of each statutory regulation may not contain the following discrimination; religion, ethnicity, race, class, gender, or social status.
- h. The principle of order and legal certainty, the content of each statutory regulation must be able to create order in society through guarantees of legal certainty.
- i. The principle of balance, conformity, and harmony, the content of each legislation must reflect the balance, conformity, and harmony between the interests of individuals, society, the nation and state.

In addition, there are others principles adapted to the relevant legal field. As in criminal law, for example; the principle of legality, the principle of no punishment without guilt, the principle of fostering prisoners, and the principle of the presumption of innocence. Meanwhile, in civil law, the contract law, such as the principle of agreement, freedom of contract, and good intention. The principle is the basis or something for a foundation of thinking, giving opinions, and acting. The principles of forming laws and regulations mean the basis or something for the foundation of drafting laws and regulations.⁷ The law solely aims to look for something that is useful to people. This opinion is focused on things that are useful for the people and are general. It overlooks the issue of justice. Considering the effectiveness of APILL repair, the use of decentralization theory and co-administration is highly necessary. If repairs are made by the city/district DISHUB to the Traffic Signaling Device (APILL) on national roads, this will certainly save time and costs which also directly reduces disturbances on national roads. The installation and maintenance of traffic signaling devices (APILL) is more fit to the local Regency/City. This is because the APILL at signalized intersections must continue to operate for 24 hours, regulating signalized intersections. The malfunction APILL at the intersection can cause traffic accidents. In Indonesia, the application of democratic values after the reform era has been implemented through the granting of autonomy to the community since 1999. The agenda for regional autonomy has entered a new phase in line with the enactment of Law Number 22 of 1999, the Regional Government, which has since been revised into Law Number 32 of 2004, then was amended into Law Number 23 of 2004.

The important message by the law is to give autonomy to the autonomous regencies and cities which is within the government administration, except for the six administrative functions. From the theoretical dimension of regional government, the enactment of Law no. 23 of 2014, the Regional Government, have consequences, such as a shift in the paradigm of regional government which prioritizes the principle of decentralization.⁸ Rondinelli in Mugabi defines decentralization as assignment, transfer, or delegation of responsibility for political, administrative, and fiscal at lower administrative level.⁹ Maddick in Hoessein mentions the decentralization concept contains two interrelated elements, the formation of autonomous regions and the handing over of legal powers. This is to handle certain areas of government, both detailed and generally formulated. Therefore, decentralization is a community autonomy within a certain territory. Through decentralization, A society that was not originally autonomous becomes autonomous. It is in line with the implementation of an autonomous region. Thus, autonomy is granted by the government to the people, not to the region or regional government.¹⁰

⁷ Muhammad Fajrul Falah, *Perjudian Online: Kajian Pidana atas Putusan Nomor 1033/PID.B/2014/PN.BDG*, Jurnal Lentera Hukum, No. 1, Vol. 4 April, 2017: 31-45, p. 2.

⁸ Bhenyamin Hoessein, "*Kebijakan Desentralisasi*", Jurnal Administrasi Negara Vol. II. No.02. March. 2002, p. 3.

⁹ Rozan Anwar, *Pengembangan Model Administrasi Publik*, Fisip UI, 2009, Jakarta, p. 5.

¹⁰ Bhenyamin Hoessein, "*Hubungan Penyelenggaraan Pemerintahan Pusat dengan Pemerintahan Daerah*," Jurnal Bisnis dan Birokrasi, No. 1/Vol.1/ Juli/2000, p. 10-11.

CONCLUSION

Based on abovementioned description, the author concludes the legal implications of applying Article 15, the Regulation of the General Director of Land Transportation Number: SK. 4303/AJ.002/DRJD/2017, Technical Instructions for Maintenance of Road Equipment, places the Land Transportation Organizing Center (BPTD) as the party that must do repairs on national roads. In fact, this rule is not implemented. This is because the control span is too wide. Thus, the responsibility holder for the installation and maintenance of APILL cannot carry out their duties in line with the law mandated. Considering the effectiveness of APILL repairs, the use of decentralization theory and co-administration is very necessary. If repairs are made by the city/district DISHUB to the Traffic Signaling Device (APILL) on national roads, this will certainly save time and costs which also directly reduces disturbances on national roads. Thus, the installation and maintenance of APILL is more fit to the local Regency/City.

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