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Changes in Passenger behaviour on Indonesian Trains in Terms of Law

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ABSTRACT

The ideals of the founding fathers of the Indonesia nation, as envisioned by the 1945 constitution, were “to realize social justice for all Indonesia people”. The complexity of social problems in Indonesia has attracted policy maker to make improvement in all fields, transportation policy being one of the areas that is being addressed by the government. Trains as a type of improvements by the government. Law of the Republic of Indonesia Number. 27 concerning in the Indonesia railway sector is a new milestone in changes to Indonesian railway. Implementing railway policies in the midst of social problems is a challenge in itself for Indonesian railways.

Keyword: constitution, railway policies, implementing.

I. INTRODUCTION

Transport is a basic need of people everywhere, therefore the continued availability of transport services to meet the needs of production, consumption and distribution activities must receive continuous attention. Transportation comes from the Latin word transportare, where trans means across or the other side and portare means to transport or carry. So transport means transporting or carrying (something) to the other side or from one place to another. Thus transportation can be defined as the business and activities of transporting or carrying goods and or passengers from one place to another. (Mayasari, 2023)

For a country to develop, there must be an effective transport system to facilitate the movement of people and goods from one place to another. Indonesia is the second country in Asia that has the oldest railway network which was first built during the Dutch colonial period on 17 June 1864 by the Governor General of the Dutch East Indies Mr. L.A.J Baron Sloet van de Beele, the construction was carried out by the private company Naamlooze Vennootschap Nederlandsch Indische Spoorweg Maatschappij (NV. NISM). Then the Dutch East Indies Government built a state railway line through Staatssporwegen (SS) on 8 April 1875, the success of NISM and SS encouraged private investors to build railway lines in several other areas in the Dutch East

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Indies.(Marcellinno & Fathoni, 2023)

After Indonesia proclaimed its independence on 17 August 1945, a few days later, on 28 September 1945, the Japanese-held railway stations and headquarters were taken over. This also marked the establishment of Djawatan Kereta Api Indonesia Republik Indonesia (DKARI). When the Dutch returned to Indonesia in 1946, the Dutch re-established the railways in Indonesia under the name Staatssporwegen/Verenigde Spoorwegbedrijf (SS/VS), a combination of SS and all private railway companies (except DSM). After the Round Table Conference (RTC) in December 1949, a few days later the assets of the Dutch East Indies government railways were taken over. In 1950, DKARI was merged with SS/VS to become Djawatan Kereta Api (DKA). On 25 May DKA changed to the State Railway Company (PNKA). Furthermore, the government changed PNKA into a Railway Service Company (PJKA) in 1971. In order to improve transport services, PJKA changed its form to the General Railway Company (Perumka) in 1991. Perumka turned into a Limited Liability Company, namely PT Kereta Api Indonesia (Persero) in 1998. (Alfiani & Anggraini, 2023)

The history of railways in Indonesia stretches back to the colonial era. It began on Friday, 7 June 1864 when the Governor-General of the Dutch East Indies, Mr. L.A.J.W. Baron Sloet Van De Beele, smashed a hoe to mark the start of railway construction in Semarang. The construction was initiated by NISM (Nederlandsch-Indische Spoorweg Maatschappij) led by JP De Bordes. The railway's prestige began to decline as the government's transport policy in the 1970s prioritised road transport with motorised vehicles. Such a policy resulted in the reliability and quality of service of railway transport decreasing, the impact is that users of railway transport services do not get comfort, security and safety guarantees on their journey. The role of railways is getting worse as the development of other transport sectors, namely air transport and non-rail land transport. The neglect of railways and the development of motorised vehicles are problems that will inevitably emerge at any time into a complex and multi-faceted issue. At its peak in the 1990s, major cities in Indonesia were plagued by congestion and air pollution and environmental pollution became an alarming problem.(Hastowo & Laksito, 2023)

During peak seasons such as the Lebaran season, for example, the queue of ticket buyers at Bandung railway station snakes for days, and the station becomes chaotic. This situation is exploited by a small group of people to seek maximum profit by becoming ticket scalpers. The modus operandi of ticket scalpers is to buy as many tickets as possible to resell them at a higher price. Prospective passengers who cannot get tickets because the official counters have run out have no other choice but to buy tickets from scalpers at any price. Over the years, ticket touts have become synonymous with railway stations. This is exacerbated by the lack of sterilisation

of the platform inside the station so that the security of railway service users is not guaranteed from the threat of lost luggage.(Ardi et al., 2023)

One of the problems faced by Indonesian railways is to find a system and implementation of law enforcement that can incarnate the functions of law properly such as social control functions that affect public order as users of railway services, namely the function of resolving disputes, integrating functions, facilitating functions, renewal functions and others.(Zaid et al., 2023) In the current era of technological progress, the function of law for social engineering can not be avoided. The rapid development of the times must be balanced with legal development to meet the demands of a very complex development of society and tends to change at any time. Law is expected to take an important and strategic role in spurring the acceleration of development, in developing countries such as Indonesia, law can be used as a tool by agents of change who are pioneers of change, namely a person or group of people who are entrusted as leaders of an institution or agency.(Andiani et al., 2023)

One of the purposes of the establishment of law is the interest to guarantee various interests, such as economic interests, protection of personal interests, individual honour, politics, religion and so on. Of the above interests, economic interest is one of the strongest indicators that influence the creation of law. As is known, the formation of law is strongly influenced by various factors outside the law such as social, political, economic, cultural, and other factors. One of the scholars who recognises the existence of factors outside the law that influence the formation of law is Max Weber.(Asrul & Hasmara, 2023)

Law as a tool of social engineering is a theory put forward by Roscoe Pound. Roscoe Pound is one of the Sociological Jurisprudence jurists who directs his attention more to "Legal Reality" rather than the position of legal functions in society. In his view, law is not only a collection of abstract norms or a legal order, but also a process to establish a balance between conflicting interests and values. The process eventually gives birth to new balances that make society engineered towards a new, better state with new balances. In the view of this theory, the law is not behind or in front of the development of society, because the law is the process of development of society itself. In conclusion, the function of law as a means of reforming society is to create changes in society towards a perfect or planned society.(Rachmanto, 2023)

With the development of railway technology and changes in the strategic environment that is increasingly competitive and inseparable from the international economic system that focuses on the principles of fairness, openness, and non-discrimination, the government considers it necessary to involve the role of local governments and the private sector to encourage the

progress of national railway operations.(Yuli et al., 2023) Amendments to the Railway Act No. 3 of 1992 which was originally a monopoly into Act No. 23 of 2007 which is open to multiple operators. As a result of the changes in the Railway Act, currently the Railways in Indonesia adheres to a multi-operator system that opens up opportunities for Indonesian legal entities, both private, state-owned enterprises and regional-owned enterprises to enter into facilities and infrastructure operators of railways in Indonesia.

Public services essentially concern various aspects of people's lives. In the concept of state life, the government as a public service provider has a function to provide and ensure that the various public services needed by the community can be realised properly in order to fulfil people's lives. One of the services carried out by service providers is services in the field of transportation or public transport. Transportation as a basic necessity of life has a very important role in people's lives in supporting daily activities and routines, therefore there needs to be special attention from public service providers in providing services in the field of public transport services, including transport services using trains. As a Railway Facility Operator and Public Railway Infrastructure Operator, PT Kereta Api Indonesia (Persero) is required to provide rail transport services that pay attention to the comfort, safety and security of passengers. A big challenge for PT Kereta Api Indonesia (Persero) to improve services in providing convenience, comfort and safety.

II. DISCUSSION

Law is very close to social change, therefore the formation of law is always influenced by social change. This is captured by the management of PT Kereta Api Indonesia (Persero) to change the behaviour of railway passengers in particular and society in general. Roscoe Pound argues that the law regulates certain interests that society deems necessary to be protected by law.(Saputra et al., 2022) Any legal regulation if analysed based on the interests of interests will be easily understood by society in general. According to Pound, not all interests must be regulated by law, because there are interests that are regulated by religion, aesthetics, and others. To determine the scope of regulation, the following conditions are required: 1. Inventory of the interests that exist in society; 2. Selection of interests recognised by the law; 3. Limitation of the scope of protection that has been selected; 4. Consideration of the means used by the law to guarantee these interests; 5. Evolution of evaluation principles regarding interest interests.(Saputra, Zaid, et al., 2023)

In practice, there will be a clash of conflicting interests, therefore, different interests and perhaps even conflicting interests must be balanced. The relationship between interests and

legal formation, in essence, cannot be separated from conflicts or differences in interests that arise in society. In this case Satjipto Raharjo in his book "Law and Society" quotes the opinion of Chambliss and Seidman that in society two models are known, namely the first model of society based on the basis of agreement on the values contained in society and the second society with a conflict model. (Saputra, Setiodjati, et al., 2023)

In the first type of society, the foundation of community life is always based on agreements between them and they tend not to recognise conflict. Therefore, the problem faced by lawmakers is only to determine certain values that will be applied to society. In this case, the formation of law is a reflection of the values agreed upon by the citizens. Whereas in the second type of society, the characteristics are frequent changes and social conflicts. In this conflict society model, society is seen as a relationship in which the community experiences pressures exerted by other community members. The values prevailing in society are in a situation of conflict with each other, where this situation will be reflected in the making of the law. (Saputra, Tioline, et al., 2023)

As stipulated in Article 136 of the Railways Act, PT Kereta Api Indonesia (Persero) as the operator of public railway facilities in Indonesia is authorised to: 1. check tickets; 2. take action against service users who do not have tickets; 3. discipline train service users or people who interfere with train travel; and 4. carry out supervision and guidance of people who have the potential to cause interference with train travel. In connection with this, to change passenger behaviour, PT Kereta Api Indonesia (Persero) made Standard Operating Procedures for passenger services based on information technology, including:

III. RTS (*RAIL TICKETING SYSTEM*)

RTS is a ticketing system application that can accommodate various types of wireless data-based railway passenger ticket sales service needs. PT Kereta Api Indonesia (Persero)'s efforts to overcome the problems of scalpers, chaos and unsanitary stations began with the implementation of maximum innovation in the field of Information Technology (IT) by releasing RTS (Rail Ticket System) which became the parent of the ticketing digitalisation program at PT Kereta Api Indonesia (Persero). RTS makes it easy for prospective railway service users to book tickets via the internet based on a website. Ticket reservations can also be made through PT Pos Indonesia (Persero) services, Contact Centre 121 via telephone, vending machine, mobile phone, ATM or Alfamart / Indomart outlets. Officers in the ticket sales department are no longer able to sell more tickets than provided, as well as prospective railway

service users can no longer buy through officers because the availability of tickets is open and accessible to the public.(Saputra, 2019)

Internet reservation service innovation is a ticket booking service product via the internet. Ticket booking channels via the internet, namely through the PT KAI corporate website www.kereta-api.co.id, or through www.tiket.com and www.tiketkai.com. The development of the internet in Indonesia makes people want to get convenience in carrying out various activities, one of which is train ticket booking transactions. Internet Reservation provides convenience for prospective passengers to make ticket reservations. Simply by opening the website page through gadgets, laptops, PCs anywhere and anytime, prospective passengers can get the train tickets they want. Even now, prospective passengers can choose their own seat according to their wishes. All can be done at one time easily and certainly can save time.(Ayuningtyas, 2023)

PT Kereta Api Indonesia (Persero) applies train ticket sales up to H-90 (90 days before departure). So that customers or prospective passengers can buy train tickets for trips up to 90 days ahead. This provision applies to long and medium distance commercial Executive, Business and Economy class trains. In addition, PT KAI (Persero) applies the provision that one train ticket is only valid for one passenger. Information services regarding train departure, arrival, and seating capacity schedules are certainly needed by prospective passengers at the station. However, these needs often cannot be fulfilled when facilities at the station are limited and busy officers who sometimes cannot provide accurate information for passengers. To anticipate this, PT KAI now has a facility to provide information through a display screen / LCD TV at each major station. On the screen is displayed the schedule of departure, arrival, train seating capacity. Through the screen, prospective passengers can find out various information without having to find an officer or queue at the counter to simply ask about the train schedule. This is certainly very beneficial for passengers in terms of time efficiency, because they can quickly find out information by just looking at the screens installed in various strategic locations at the Great Train Station.

IV. BOARDING SYSTEM

Boarding system is a process of matching data in train tickets with the identity of prospective passengers. The use of IT is accompanied by the One Seat One Passanger policy and the Boarding system which requires the name of the train service user listed on the train ticket to match the identity card. Supporting the Boarding System at Bandung station, Check-In Counter (CIC) is placed to facilitate prospective train service users to print tickets independently and

avoid falsification of train tickets. The purchase of train tickets can be done within H-90 from the day of departure. In its implementation, the implementation of Standard Operating Procedures made by PT Kereta Api Indonesia is not smooth in its implementation, a lot of resistance arises from unscrupulous people and conflicts arise including with ticket scalpers, hawkers, and people who have been taking advantage of the weaknesses in the management of railway passenger services. The existence of resistance from some people does not discourage efforts to change the face of railways in Indonesia in order to realise social justice for all Indonesian people. The alignment of conflicts of interest arising from groups in society plays a significant role in achieving the objectives of the law, namely creating order. According to Roscoe Pound's opinion, the law reflects the needs of an organised society. Law regulates human relations by controlling individual actions and by resolving conflicts between competing groups.

(A) Results of the boarding system implementation

The boarding system used as a tool to change the behaviour of prospective train passengers is quite successful, we can see this from several indicators, including: 1. People / prospective train passengers now tend to be earlier in planning trips using trains; 2. Currently it is difficult to find ticket scalpers, their space is closed because of the effectiveness of the boarding system as a validation tool for prospective passengers; 3. Currently there are no more people or other parties who board trains without rights / without having tickets; 4. Currently there are no more people or other parties who enter the train station area without rights / without having tickets. The orderly management of trains in Indonesia today is a long struggle that has become a milestone in changing the face of railways in Indonesia, the purpose of the law to create order in the community of railway service users is expected to be able to realise social justice for all railway service users.

V. CONCLUSION

Indeed, the formation of law that the founding fathers aspired to through the 1945 Constitution is to "realise social justice for all Indonesian people" is a manifestation of justice from various aspects. The more complex social problems that exist, the application of railway policy in the midst of social problems is a challenge for Indonesian railways.

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