

The Dynamics Of Transportation Policy Formulation In Local Government: The Study On Regulation Phenomenon Of Motorcycle Taxi (*Ojek*) As A Public Transportation In Ternate City

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Abstract: This research is motivated by the response of Ternate Municipal Government to the existence of motorcycle taxi (*Ojek*) as a two-wheeled vehicle used as a public transportation tool that is contradictory to Law No. 22 of 2009 on Traffic and Road Transport in Ternate City. The purpose of this study is to determine the form of government response about the existence of *Ojek* as a means of public transportation in the Ternate city. To analyze the problems in this research, the theory used is the theory of policy formulation and checks and balances related to the regulation of *Ojek* as public transportation that is contrary to Law no. 22 of 2009 on Road Traffic and Transportation. This research used qualitative method with case study about *Ojek* existence between regulation or not regulated. Result of research shows that historically existence of *Ojek* in Ternate City is closely related to horizal conflict condition that happened in North Maluku in September 1999 with 25 of *Ojek*. The existence of *Ojek* at that time has a reason because of the scarcity of public transportation and as a buffer of life to refugees Ternate city. Because the number is increasing so that it is used the authority of attribution then the *Ojek* is regulated by Mayor, Samsir Andili by Decree No. 03 of 2001 and then Decree No. 07 of 2003. After Mayor Burhan Abdurahman, until this second period *Ojek* no longer have operational license because it is considered contrary to regulations above. *Ojek* as illegal public transport can be problematic in the future, especially the seizure of resources that will give rise to conflict, let alone mockers have no identity that is very vulnerable to traffic order and even crime. The solution offered with two approaches is orderliness approach and empowerment approach.

Index Terms: Local transportation, government policy, horizontal conflict

1 INTRODUCTION

The existence of *Ojek* in Ternate city, not necessarily just like that, but very related to the condition and situation of area when September 1999 was hit by horizontal conflict. The consequences of the conflict resulted in mass mobilization of refugees, between two warring groups. Muslims are concentrated in Ternate city, because it has been dominated by Muslim groups, while non-Muslim groups choose to leave Ternate city to secure themselves. This condition makes a lot of car entrepreneurs public transport, non-Muslims leave the vehicle while flying out of Ternate city. As a result, there is a scarcity of public transport, so that the emergence *Ojek* vehicle as a means of transportation on the highway under the pretext of serving the community, in addition to providing opportunities to the refugee community to earn a living. At first the new *Ojek* operated in Ternate City in September 1999, only 25 members, but four months later, in January 2000, there was a surge to 750 members. It is indeed an enormous increase in numbers, although its operations do not have formal legality as are public transport vehicles. Obstacles experienced for approximately two years the enactment of Mayor's Decree No. 03 in 2001, the more serious.

All the provisions of the articles in the Decree are not complied with and ignored by the mockers, particularly in places where *Ojek* are prohibited, and where passengers are banned. Even the *Ojek* driver broke into the public transport terminal which is actually a special area for passenger car transport. This phenomenon eventually triggered the demands of various circles, especially land transport organization (*Organda*) Branch Executive, Public Transport Car Entrepreneurs and Solidarity Association of Passenger Transporters (ISSAP) Ternate City, so that the Decree was reviewed or revoked. To accommodate the insistence of the parties, on August 18, 2003, a meeting was held between Ternate Municipal Government, North Maluku Police, *Ojek* organization and Solidarity Association of Passenger Transporters (ISSAP) Ternate City. The outcome of the meeting is still set aside a number of debates. But approximately one month later, the decree issued a No. 07 of 2003, is a revision of Decision Letter No. 03 of 2001. After the implementation of the Decree was a problem to date, between Ternate Municipal Government, Solidarity Association of Passenger Transportation (ISSAP) of Ternate, Car Transportation Entrepreneur, *Organda* of Ternate, and *Ojek* Management Organization of Ternate city. One thing that is often questioned by the *Organda* Branch Office of Ternate is why in the Consideration of Mayor's Decree no. 07 of 2003 is listed as *Organda* of Ternate city, but it turns out that the meeting *Organda's* board was not involved. Meanwhile, the Passenger Transportation Driver Solidarity Association (ISSAP) participated in the meeting demanding that the Decision Letter no. 03 of 2001 revoked and did not approve the regulation of *Ojek* as official transportation on the highway, on one side violate the Act. No. 14 of 1992 on Traffic and Road Transport, on the other hand creates traffic jams that disturb the public. Currently in Ternate city, *Ojek* no longer have operational permits as a few years ago, for reasons contrary to Law No. 22 of 2009 on Traffic and Road

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Transport. This condition makes *Ojek* more wild and uncontrolled as before. The mocker is no longer given an ID, even the mocker may not have a driver's license (SIM) because the *Ojek* is no longer coordinated by the *Ojek* organization as a few years ago. If you do not think about the solution, *Ojek* activities in Ternate City definitely save the problem in the future, because there is a struggle for space and resources. Conflict as one of the hidden problems, thus demanding special attention of the city government. Ternate city government response to the existence of *Ojek* is important in the form of regulation to direct to the orderly *Ojek* or regularity and even economic empowerment, so that efforts to minimize conflicts of seizure of space and in the future. Furthermore, this research was conducted to know the form of local government response about the existence of motorcycles as a means of public transportation in Ternate city.

2 LITERATURE REVIEW

The process of policy formulation is a political process to determine what public actions the government can take to address certain public issues. To find out how the political process in order to determine public action with policy formulation, it is necessary through the steps that must be taken, among others, as follows [1]; 1) assessment of problems, to discover and understand the problems and then to formulate them in causal relationships with a clear understanding and elaborate which factors cause (Independent Variables) and the factors that result (Dependent Variables); 2) a goal setting, in principle, a policy always aims to achieve more and better virtues or prevent the occurrence of evils and losses to the maximum extent possible; 3) formulation of alternatives, used to achieve directly or indirectly a number of objectives that have been taken; 4) the modeling, simplification of the problems faced is manifested in relationships that are clausal, or functional to facilitate the description of the problem culturally, in predicting the consequences of whether or not the changes in the causal factors; 5) criteria determination, in policy formulation requires clear and consistent criteria for assessing alternatives, not only on pragmatic matters, such as economics, politics, administration, but also about fundamental abstract values such as ethics and philosophy (equity and equality); 6) an alternative assessment, used to get an idea of effectiveness and flexibility extent so as to derive conclusions about designing which feasible alternatives are most effective and efficient; 7) the formulation of recommendations, to illustrate a number of appropriate options and recommendations, it is also worth putting forward the implementation strategy of suggested policy alternatives. Many factors can affected the process of making a policy. Factors that can lead to positive results or will give birth to a mistake in the formulation or policy-making. The statement is in tune with that proposed by Nigro and Nigro [2] on several factors that influence the making of a policy / decision that is as follows; 1) The influence of external pressures. Often the makers or administrators have to make decisions because there are external pressures. Although policy makers/decision makers always consider alternatives to be selected on the basis of rational choice (Rational Comprehensive), but the processes and procedures for decision-making are inseparable from the realities faced. So the pressures that

come from outside is something common in making policy / decision; 2) The effect of old habits (conservatism). The old habits of the organization that Nigro termed "sunk costs" such as the capital investment habits of resources and the time once used to finance certain programs, are likely to be followed by administrators even if the previous decisions have been criticized for change. These old habits will always be inherited by administrators or policy makers/subsequent decisions, although they themselves also criticize the decisions/policies adopted by their predecessors; 3) The effect of personal traits. The various decisions made by policy/decision makers are heavily affected by their personal traits. This is often found in the decision maker or policy maker/decision in taking the steps of policy/decision; 4) The effect of outside groups. The social environment and decision-makers are also very influential on decision-making/policy, as well as decision-makers are often affected by the experiences of people making decisions outside of their field of duty; 5) The existence of the past effect. Past experiences, such as the experience of past exercises, also determine decision-making/policy. History or work history also take into consideration in making a decision/policy. The role of policy actor characters is also crucial in the making of a policy or decision. This is acknowledged by James E. Anderson [3] by looking at some of the values that underlie the behavior of decision makers in decision making, namely:

- (1) Political values, decisions are made on the basis of political interests of a particular political party or interest group.
- (2) Organizational Values, decisions are made on the basis of organizational values, such as rewards and sanctions that may affect members of the organization to accept and enforce them.
- (3) Personal values, and often decisions are made on the basis of personal values held by the personal decision-maker to maintain the status quo, reputation, wealth, power and so on.
- (4) Policy values, decisions are made on the basis of a morally accountable perception of policy makers. (5). Ideological values, ideological values such as nationalism can be the foundation for policy/decision making.

Partners of equity mandated by Law no. 23 of 2014 between the legislative council (DPRD) and the Regional Government should be a partner through good communication. This communication is formed as an effort to complement each other and not blame each other, through optimizing the function of checks and balances between the two parties (legislative-executive). As the bearer of people aspirations in the regions, the DPRD should be able to defend the people interests in the region. The existence of intensive communication between DPRD, Local Government and the community is possible to get data and information both from society and Local Government related to the implementation of policy direction according to planning in the previous period to be the standard to formulate and set the General Policy Direction (AKU) next time which will come.

3 METHODOLOGY OF RESEARCH

This study uses qualitative analysis, to create a significant research results according to data and information in the field. The consideration of using this type of descriptive qualitative research is with case studies that are encouraged by the problems and objectives to be achieved, then contrasted with arguments in the research literature. This is intended so as not to cause wrong procedures so that the research becomes less valid. With this research will get description of data and facts about the model of *Ojek* carried out by Local Government and Ternate City Council. Data collection using Interview, Observation and Documentation techniques. Primary data were obtained from direct interviews to informants. While secondary data were obtained from various sources such as books, reports, journals and others. The informant of this research is Ternate City Council, Ternate City Transportation Department, Police chief resort of Ternate City, Chairman of *Organda* Ternate Branch. The process of data analysis was conducted by reviewing all data that has been collected, starting from literature review, interview, documentation, or field observation on the research problem.

4 RESULTS AND DISCUSSIONS

Ojek as Public Transport Post-Conflict

The existence of *Ojek*, originally a demand of transportation needs of people in Ternate after the conflict. There are two reasons that enable motorcycles to be used as a means of transportation at that time: First, the *Ojek* is used as a means of public transportation because when post-conflict there is a scarcity of public transport, even certain areas are not covered by public transport vehicles. Secondly, the presence of *Ojek* has a reason because many refugees need a refusal to live (eat), meaning to become a motorcycle member means to survive even without possessing property in Ternate city. These two reasons make the number of *Ojek* increasing sharply. This spectacular spike runs in a very short span of time. Because the concentration of refugees in the city center is increasing so that the need for public transportation is also very urgent. The reason in general is quite diverse and also nuanced politically, but for *Ojek* driver and passengers the reason is simple is the mutual fun between *Ojek* driver and passengers. For example the reason for the passengers is because the *Ojek* can deliver passengers to their destination quickly and accurately, while the rider's reasons can take passengers in small alleys and the tariff depends on the agreement that actually driver benefits. When viewed from the side of usefulness *Ojek* vehicle is the main choice when traveling alone and to pursue the time, compared with other public transport, such as passenger cars. In Ternate city, the public in general viewed the *Ojek* vehicle as a very useful public transportation tool, because in addition to having the timeliness also reached the final destination. This is because in Ternate, there is no transportation equipment that uses the meter as the taxi car used to transport passengers. The operation of *Ojek* vehicle in Ternate City is different from other areas, because the legitimacy of *Ojek* as public transportation, its regulator is managed by several organizations that have been entrusted by local government directly. To become a

member of *Ojek* people are less afraid because the *Ojek's* card is given the logo of North Maluku Police. In addition, the number plate used by *Ojek* has the same color as public transport. Ease like this, make people position *Ojek* vehicle as a significant business opportunity. This condition, making the existence of *Ojek* vehicle is no longer as in the two previous reasons namely the handling of humanitarian problems, but has turned into a struggle of economic interests, political interests as well as other companion interests. Issues that require the attention of the Ternate Government is the *Ojek* businessmen no longer think about the ratio of the space between Ternate city and the number of vehicles in circulation. The fact proves that traffic problems are increasing due to many *Ojek* vehicles imported from other regions, regardless of the amount that has exceeded the maximum limit of Ternate City space, because *Ojek* entrepreneurs only think about the huge profits without imagining the effects that will be generated.

Business Opportunities and Political Commodities

The phenomenon of *Ojek* in Ternate City is very different from other *Ojek* in Indonesia, because the motorcycle taxi in Ternate City has been a fact of slowing, even become a political issue that is interesting enough to be decomposed. In the past, the *Ojek* operation was permitted by the Mayor for the consideration of many refugees who needed a life of refutation. *Ojek* problem increasingly complex when the Mayor's desire to make a Decree, used by people to see *Ojek* as a business share and political phenomenon. They then formed a motorcycle management Foundation under the pretext of passenger transport services and job creation, so until now there are three *Ojek* management organizations in Ternate City namely *Kamtibmas*, *Topans* and *Multikarya Mandiri*. When the determination of Mayor's Decree no. 03 of 2001 concerning Operation License of Two-Wheeled Vehicle Used as a Transportation Tool for People in Ternate City, limiting the number of *Ojek* allowed to operate only 1000 pieces, is a problem that is difficult to control because *Ojek* vehicle has reached more than 2600 members. The decree also limits the space for the operation of *Ojek*, as *Ojek* are required to operate in places where public transport is not covered. According to the author infestation, data on the number of motorbikes in Ternate happened the difference. Data on the number of motorcycles collected through the version of the Transportation Department of Ternate City as many as 2772 units, while the data found in the Association of Motorcycle Association of North Maluku Province which rationed the number of *Ojek* provided to each of the three *Ojek* management organizations all amounted to 4500 *Ojek* numbers operating in Ternate. It is this fact that makes the operational area of *Ojek* has shifted the position of public transport operation, thus causing the problem of contradiction of interest between *Organda* Branch Manager, Passenger Car Entrepreneur and Solidarity Driver Association (ISSAP) of Ternate City with Mayor and Employers or Organization of *Ojek* Manager in Ternate City. The problem of *Ojek* makes the Mayor like eating *simalakama* fruit, so faced with two choices that are very dilemmatic in facing the *Ojek* fact, whether to cancel the Decree 03 year 2001 thereby prohibiting *Ojek* operate, because in addition to too much, *Ojek* operation also has seized the land official public transport, or re-arrange with

consistency measures. However, the choice of the mayor is very surprising among those who want the removal of the decree, because by issuing Decision Letter no. 07 of 2003 as a result of revision of Decision Letter no. 03 year 2001, it further strengthens the *Ojek* as an official public transport operating on the highway of Ternate City. This Decree, there are various reactions from various circles, especially *Organda* Branch Management, Passenger Car Entrepreneur Entrepreneurs and Solidarity Association of Passenger Transportation (ISSAP) of Ternate City. A number of reasons are used as a justification for arguing against the Decree 07 of 2003, those who refuse to assume that the Decree of 07 year 2003 is flawed because of its consideration, does not include Law no. 14 of 1992 on Road Traffic and Transportation. According to them, a number of laws cited in the preamble are irrelevant. The Mayor and North Maluku Police Chief, who participated in the meeting with the *Ojek* administrator, then became one of the points entries in the consideration. Such an activity is unlawful. As state officials Mayor and Chief of Police should prevent the desire to inaugurate motorcycles as public vehicles because in addition to contrary to Law no. 14 of 1992 on Road Traffic and Transportation, as well as contrary to Government Regulation no. 41 of 1993 on Road Transport. This condition makes the public transport drivers threatened to boycott the activities of public transport keering. Whereas according to them actually aware if not want to do the vehicle dryness means unlawful acts, but that's the only way to give lessons to the Mayor and Police Chief first break the law.

Resistance Branch *Organda* Ternate City

The appearance of Mayor's Decree no. 07 in 2003, triggered a tremendous polemic coming from the board of DPC *Organda* Ternate and Central Executive Board (DPP) *Organda* in Jakarta. They considered that the existence of Mayor's Decree no. 07 of 2003 is not in accordance with the Law above it, namely Law no. 14 of 1992 on Road Traffic and Transportation, Jo Government Regulation no. 41 of 1993 on Road Transport. Outflow of dissatisfaction of the board of DPC *Organda* of Ternate City against Mayor's Decree no. 07 of 2003, was marked by a letter sent to the Central Board of *Organda* (DPP) in Jakarta, on October 22, 2003, numbered B.21 / OK-Tte / X / 2003. The letter contains among others³³; (1). Branch Council (DPC) of Ternate City does not want to be involved and responsible for the birth of the Ternate Mayor Decree No. 07 of 2003, because it is not in line with Law no. 14 of 1992 on Road Transport Traffic, Jo PP no. 41 year 1993 neighboring Road Transport, where in Article 4 mentioned that the transportation of people on the road by public transportation is done by bus and passenger car. So there is an irregularity that there is a legal product that binds the general public but contrary to the above legislation; (2). In the mandate of IV *Organda* Plenary Body (BMP) on September 8-10, 2003 in Medan, it is mandated that DPP *Organda* will align and present to the Minister of Home Affairs and the Minister of Transportation to provide affirmation and deployment to the Head of Region (Governor, Regent / Mayor all of Indonesia) not to authorize motorcycles as public transport or public passengers and to supervise and review the local regulations that are contradictory to Law no. 14 of 1992 on Road Traffic and

Transportation. After the mailing from DPC *Organda* of Ternate City to DPP in Jakarta and to DPD *Organda* Maluku in Ambon, the Plenary Meeting of DPC *Organda* Committee of Ternate City on October 20, 2003 stated the following attitude; 1) Branch council of *Organda* Ternate stops all activities both administration and membership development and technical operations in the field until the deadline is not specified; 2) Branch council of *Organda* Ternate does not want to be involved and responsible if things happen that disturb *Organda* members, Public Transport Entrepreneurs, Passenger Transporters and passenger service users in Ternate City area. Response to the letter, by the Central Executive Board (DPP) *Organda* corresponded to the Mayor of Ternate, copied by the Minister of Communications, on June 2, 2003 with letter number: B.619 / K / DPP / VI / 2003, which in essence rejected the Mayor's Decree. On August 27, 2003 DPP *Organda* returned to the Minister of Transportation numbered. B. 677 / K / DPP / VIII / 2003 to follow up the letter sent to the Mayor and follow up the report of DPP *Organda* through audience with the Minister of Transportation on August 21, 2003, with the progress of his report that the meeting intensively implemented by *Organda* Ternate with Ternate Mayor, North Maluku Police Chief and other relevant agencies, to review the Mayor's Decree No. 03 of 2001 concerning Operation License for Two-Wheeled Vehicles Used as People's Transportation Equipment. All the meetings referred to until the end of this study have not resulted in agreement on the grounds still pending and guidance from the Minister of Transportation. Because in principle the *Organda* Rules reject the authentication of *Ojek* as a public transportation because it is not in line with Law no. 14 of 1992 on Road Traffic and Transportation, then through its letter, DPP *Organda* conveyed to the Minister of Transportation that in order to maintain the order of the organization of road transport which has been well ordered, it is requested to the Minister of Transportation to provide guidance and direction to the Governors and Regents / Mayors all over Indonesia to keep guiding Law no. 14 of 1992 on Road Traffic and Transportation. Accommodate the letter that has been sent by General Chairman of DPP *Organa* regarding the Operation License of Two-Wheeled Vehicle as Public Transportation, the Minister of Transportation of Republic of Indonesia sent a numbered letter. AJ. 206/1/4 Phb - 2003, to Governors and Regents / Mayors throughout Indonesia, that in accordance with Law no. 14 of 1992 on Road Traffic and Transportation and article 4 of PP no. 41 of 1993 on Road Transportation, the transportation of people by public transportation is done by using bus or passenger car and two-wheeled vehicle (motorcycle taxi) is not a vehicle that is designated as public transportation, so that the existence of two-wheeled vehicles that currently rampant is used as public transportation (motorcycle taxis), must be completely restricted so as not to disrupt public transport and traffic order. Based on the letter from the Minister of Transportation, the DPP *Organda* corresponded with the number B. 719 / K / DPP / XII / 2003, to the Chairman of DPD, DPC and DPU *Organda* throughout Indonesia to pay attention to the following matters; 1) Whereas the two-wheeled *Ojek* can not be ratified as public transportation, although the need for *Ojek* transportation is still needed, especially for areas whose infrastructure condition is still

not possible to be reached by public transport; 2) Therefore, the operation of ojek transport is limited so that it does not coincide with public transportation and the presence of temporary *Ojek* until public transport begins to operate; 3) Requested to be intensively monitored regional policies that are contrary to the prevailing laws and regulations and take the steps necessary to straighten it out and report to the *Organda* DPP in Jakarta.

4 CONCLUSIONS

When there was a change of power of the Mayor from Samsir Adili to Burhan Abdurahman, *Ojek* no longer received full attention because the previous Mayor regulation was considered to be contradictory to the law on it, namely Law no. 14 of 1992 which then changed into Law no. 22 of 2009 on Road Traffic and Transportation. On this basis the mayor Burhan Abdurahman is no longer willing to publish the regulation of *Ojek* in Ternate city. Until now *Ojek* in Ternate City no longer have regulation, so *Ojek* as public transportation seems wild impression, because it can not be ascertain whether *Ojek* driver have Driver's License (SIM) or not. Moreover, *Ojek* currently no longer have organization as before that Organization *Ojek Kamtibmas*, *Ojek Topan's* Foundation and *Ojek Multikarya Mandiri* with 4500 members. So that the existence of the membership can be monitored the completeness of the vehicle, including one of them is *Ojek* members must have a driver's license (SIM) special two-wheeled vehicle.

5 RECOMMENDATIONS

The Orderliness Approach

The order approach is intended to make the *Ojek* vehicle as a means of public transportations can be regulated in accordance with the legal interest. Ternate Municipal Government must have the option to meet the needs in addition to not ignore the applicable legal provisions. Law No. 32 of 2016 regulates the online transportation that does not actually regulate two-wheeled vehicles as a means of public transportation. But the reality in several major cities in Java and other regions has imposed two-wheeled vehicles as a common transpoartasi tool called *Gojek* Online. Ternate Municipal Government should view this as a carelessness so that it can propose to the central government to curb *Ojek* as a public transport vehicle for various reasons; 1) Bottom Up mechanism in democracy is possible in the formulation of a constitution or law. For various reasons, especially the reason for order on the highway, Ternate Municipal Government can make the *Ojek* issue as a conflict issue that can be transferred as the responsibility of central government through Public Administration Affairs in Law no 23 of 2014 concerning the Regional Government which is the authority and the President's responsibility; 2) Thus, Ternate Municipal Government requested to the central government and House of Representatives (DPR-RI), to immediately make changes or revisions to Law No. 22 of 2009 on Road Traffic and Transportation to accommodate two-wheeled vehicles as public transport vehicles, especially now *Ojek* online has spread almost a large part of urban areas in Indonesia.

Empowerment Approach

Empowerment means preparing communities of resources,

opportunities, knowledge and expertise to enhance self-capacity in determining their future, and to participate and influence lives in their own communities. Ternate Municipal Government must cooperate with state or private security institutions to establish community economic institutions (KUD etc.) to accommodate the organization of public driver and *Ojek* drivers in order to encourage the income and life insurance of its members.

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