

THE ROLE OF ROAD TRAFFIC LAWS IN INCREASING COMPETITIVENESS AND OVERCOMING VIOLATIONS

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Article Info	Abstract
<p>Article History: Submitted: 31 January 2024 Revised: 8 March 2024 Published: 22 June 2024</p> <hr/> <p>Keywords: Road Transport Traffic Law; Competitiveness; Violation</p> <hr/> <p>DOI: http://dx.doi.org/10.1966/1p.v2i1.7954</p>	<p>This research analyzes the role of the Road Traffic and Transportation Law in increasing the competitiveness of trucking companies and also addressing violations committed. Transport companies are part of another company's supply chain. Not all trucking companies deal with the goods owner directly, some are through third-party intermediaries (brokers). Tiered transactions are the structure of this industry because there are several levels of parties between the carrier company and the owner of the goods. Field phenomena show that this condition has not yet been achieved. This research aims to discover existing problems with existing laws for future improvements. This research uses normative juridical methods by studying existing laws and conducting comparative studies. Secondary data is also used to obtain the desired results. The results show that current laws cannot increase competitiveness and optimally prevent violations committed by trucking companies. Therefore, future legislation must be able to solve this problem.</p>

1. INTRODUCTION

Goods transportation in Indonesia is dominated by trucks. 91 percent of goods deliveries is carried out using this mode,¹ so the contribution to the national economy is significant. This industry plays a vital role in strengthening national competitiveness, therefore the Government must pay more attention. Deregulation occurred since the issuance of Law No. 14 of 1992 concerning Road Traffic and Transportation where permits for the transportation of goods were abolished and transportation prices were handed over to market mechanisms.

The Road Traffic and Transportation Law has been updated three times. The first law is Law Number 3 of 1965 concerning Road Traffic and Transportation, the next is Law Number 14 of 1992 concerning Road Traffic and Transportation, and the last is Law Number 22 of 2009 concerning Road Traffic and Transportation. The basis for the issuance of Law Number 3 of 1965 is "*Werverkeersordonnantie*" (Staatsblad 1933 Number 86), this law was

¹ Kyatmaja Lookman, Nyoman Pujawan, and Reny Nadlifatin, "Innovative Capabilities and Competitive Advantage in the Era of Industry 4.0: A Study of Trucking Industry," *Research in Transportation Business & Management* 47 (March 2023): 100947, <https://scholar.its.ac.id/en/publications/innovative-capabilities-and-competitive-advantage-in-the-era-of-i>.

issued during the Dutch government era which was no longer relevant to the development and advancement of motor vehicle technology.²

Transport companies are part of another company's supply chain. Not all trucking companies deal with the goods owner directly, some are through third-party intermediaries (brokers). Tiered transactions are the structure of this industry because there are several levels of parties between the carrier company and the owner of the goods. These parties take advantage of connecting the company with the owner, thereby causing high prices. This is the cause of low transportation prices and poor service quality.³

The bargaining position of truck companies is lower compared to customers, causing low transportation prices, which results in low company profits, sometimes even below the cost of capital. The practice of overloading and over-dimension is the company's solution to remain in business. Weak supervision from the Government fosters the practice of overloading and over-dimension, making it a problem that is difficult to resolve. Additionally, the country is burdened with traffic jams, high accident rates, damaged roads, and air pollution. This research is new because there has been no previous research that examines the role of the Road Transport Traffic Law relating to goods transportation from the time it was published until now to increase competitiveness and overcome violations committed by trucking companies. Based on the description above, the research questions are as follows: 1) Are existing laws able to increase the competitiveness of trucking companies?; 2) Can existing laws reduce the level of violations committed by trucking companies?

2. METHOD

This research method uses a normative juridical approach.⁴ This research explores the legal regulations regarding traffic and road transportation from the time they were first published until now and their implementation on goods transportation, and studies developments that occur in society. This research uses primary legal materials taken from the first law, Law Number 3 of 1965 concerning Road Traffic and Transportation, Law Number 14 of 1992 concerning Road Traffic and Transportation, and Law Number 22 of 2009 concerning Road Traffic and Transportation. Secondary legal materials are obtained from libraries using journal articles, dissertations, and other references. This research also uses a comparative study method, by comparing laws related to Road Traffic and Transportation from the time they were published until now.

² Undang-undang Nomor 3 Tahun 1965 tentang Lalu Lintas dan Angkutan Jalan Raya.

³ Kyatmaja Lookman, "Kemampuan Berinovasi Perusahaan Truk Agar Tetap Kompetitif Di Era Industri 4.0" (Doctoral Thesis, Institut Teknologi Sepuluh Nopember, 2023), ITS Repository, <https://repository.its.ac.id/95858/>.

⁴ Agus Budiarto, "Legal Research Methodology Reposition in Research on Social Science," *International Journal of Criminology and Sociology* 9, (2020): 1339–1346, <https://lifescienceglobal.com/pms/index.php/ijcs/article/view/7848>.

3. RESULTS AND DISCUSSION

3.1 Road Transport Traffic Law

3.1.1 Law Number 3 of 1965

In this law, the development of goods transportation is not yet so complex that there are not many articles regulating goods transportation on the road. There are six articles related to goods transportation in Article 1, Article 15, Article 22, and Articles 24–26. The definition of goods transportation in Chapter One of Article 1 is known as the terminology of vehicle carrying goods (trucks) which are motorized vehicles other than passenger cars and buses and are not two-wheeled vehicles. Motorbikes are excluded from being used for transporting goods.

Chapter VIII explains the role of the Government in the field of road transport which states that the state controls and organizes vital road transport including goods transportation (Article 22). Chapter IX regulates the business of transporting goods by motorized vehicles, and for the public interest and transport coordination, the Minister may require route permits for the business of transporting goods by motorized vehicles.

Chapter IX contains three articles 24–26 which explain the business of goods transportation. Article 24 regulates the responsibilities of operators towards service users. Here it is stated that the operator is responsible for the losses suffered unless it can be proven that the losses were not his/her fault (poor packaging). Article 25 regulates the carrier's obligations at the rates determined by law, as long as good procedures are not violated. Article 26 further regulates that transport rates that have not been regulated by law will be regulated in a Level I Regional Government decision, and prohibitions on transporting goods that do not comply with the rates that have been determined.

3.1.2 Law Number 14 of 1992

In general, this law emphasizes the importance of transportation in supporting the economy, as well as the role of goods transportation to and from nationwide, and even to and from abroad. There are 17 articles (almost three times as many) that regulate the transportation of goods on the road, which in Articles 1, 9, 22, 23, 28, 34, 35, 39, 40–48. Chapter I contains general provisions. Article 1 explains the definition of a public transportation company, which is a company that provides goods transportation services using public vehicles on the road. The definition of service users (individuals and legal entities) is also explained.

In Chapter IV, Article 9 is related to the role of terminals, which is to create a smooth flow of goods and integration with other modes. Chapter VII Article 22 contains procedures for transporting goods, as well as coupling and attachment to other vehicles for safety, security, smoothness, and traffic order. Article 23 regulates the obligations of goods transport drivers to comply with road classes, signs, working and rest times, stopping and parking, and others. Article 28 regulates the driver's responsibility for negligence in driving a motorized vehicle which results in damage to his belongings.

Chapter VIII concerning transportation, the first part of Article 34 requires the use of motorized goods vehicles to transport goods. Article 35 emphasizes that the collection of goods transportation costs can only be carried out by public transportation. In the third part of Article 39, certain goods traffic networks can be established for the sake of safety, security, order and smooth traffic, this will be regulated in Government Regulations. Likewise in

Article 40, the transportation of dangerous goods, special goods, containers and heavy equipment will be specifically regulated by Government Regulation.

In Chapter VIII, the fourth part related to goods transportation operations is in Article 41. Goods transportation businesses can be carried out by legal entities or Indonesian citizens and are obliged to have permits as regulated by Government Regulations. The fifth part of Article 42 discusses freight transport tariffs, here the Government no longer regulates freight rates but rather the structure and categories are determined by the Government.

Chapter VIII in the sixth section discusses the carrier's responsibilities. Article 43 requires public transport operators to transport goods according to the agreement in the letter of carriage agreement after payment has been made by the sender of the goods. If a departure occurs, the public transport operator is obliged to refund the transportation costs (Article 44). Apart from that, Article 45 states that public transportation operators are responsible for losses of the amount suffered by the sender of goods or a third party if they are negligent in carrying out their services, from the time the goods are transported until their destination. For these risks, public transport operators are obliged to insure them following Government Regulations (Article 46). If the goods being transported could endanger security and safety, the driver can drop off the goods at the nearest stopping point (Article 47). In addition, transport operators can charge additional fees for storing goods that are not taken by the recipient and handing over the goods after payment. If the item is not taken within a certain period, it can be declared unclaimed and can be sold at auction under statutory regulations (Article 48).

3.1.3 Law Number 22 of 2009⁵

This law is the latest concerning road traffic and transport. This law has the largest number of articles regulating goods transportation. There are 63 articles (almost four times as many) that regulate the transportation of goods on the road, namely Articles 1, 4, 15–17, 33, 35, 47, 53, 54, 59, 61, 80–83, 93, 94, 108, 125, 133, 137–139, 160–165, 167–173, 180, 181, 184, 186–197, 234, 262, 265, 288, 301, 303, 305–309. In the general provisions in Chapter I, it is explained the definition of a public motorized vehicle is a vehicle used by a public goods transportation company for price. The traffic space is used for the movement of these vehicles, while the terminal is used to organize arrivals and departures as well as for loading and unloading goods as well as changing modes of transportation. Chapter III, Article 4 explains the scope of the Law, which is to foster and organize safe, secure, orderly and smooth traffic and road transportation, one of which is through the movement of goods on the road.

Chapter IV, the first part, relates to the master plan for road traffic and transportation networks consisting of national (Article 15), provincial (Article 16) and district/city (Article 17) level networks. These articles contain the movement of goods from origin to destination for all modes of transportation, location plans, and node requirements and space requirements. The fourth part of Article 33 explains the function, classification and types of terminals, to support the smooth movement of goods and the integration of intermodal and multimodal in the form of receiving goods. These receiving terminals can be built for their advantage, state/regional-owned enterprises, and the private sector following statutory regulations (Article 35).

⁵ *Undang-undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan.*

Chapter VII explains about vehicles including goods cars and special vehicles (Article 47). These vehicles in the third part of Article 53 which are operated on the road must undergo periodic tests, including goods cars, trailers and attached trains. This includes technical and roadworthiness (Article 54). The use of yellow signal lights without sirens must be used for special goods vehicles (Article 59). For non-motorized vehicles in the sixth part of Article 61, they must also fulfil the requirements for loading procedures which include dimensions and weight.

Chapter VIII discusses drivers, in the first part regarding driving licenses. In paragraph three, the form of driving license is regulated in Article 80, where the license for goods cars is driving license class A for the permitted vehicle weight not exceeding 3,500 kilograms while driving license class B I for permitted vehicle weight more than 3,500 kilograms, and for trailers and trailers can only be driven with driving license class B II. Article 81 regulates the requirements for obtaining a driver's license, including age, administrative, health, exams, and requirements for the length of time you have had a previous driver's license. Article 82 regulates the same things as Article 80 but for public motorized vehicles. Likewise for Article 83 and Article 81.

Traffic management and engineering are explained in Chapter IX, the aim of which is to optimize the road network and traffic movement for security, safety, order, and smoothness (Article 93) which includes planning, regulation, engineering, empowerment, and supervision activities. Planning activities include inventory and analysis of goods transportation needs, availability and capacity of vehicles and roads (Article 94). Paragraph three of Article 108 regulates the use of goods transport lanes on the left lane of the road, while the right lane is only for overtaking. Article 125 emphasizes the obligation for goods transport to use the road network under the determined road classes. Traffic demand management is regulated in the seventh part of Article 133. To increase the efficiency and effectiveness of the use and movement of space, traffic movement is controlled through traffic restrictions, including for goods transport in certain corridors and times and restrictions under the classification of road functions.

Chapter Goods-carrying vehicles are also prohibited from being used to transport people with several exceptions regulated by Government Regulations. The second part of Article 138 contains the Government's obligation to provide safe, secure, comfortable and affordable means of transporting public goods. This obligation is international, national, provincial and district/city and is carried out by state/regional-owned enterprises or legal entities following statutory regulations (Article 139).

The fourth part of Chapter Paragraph 2 of Article 161 explains the requirements for the transportation of goods to always comply with the road class, the availability of logistics centres for loading and unloading goods, and the use of goods-carrying vehicles. Paragraph 3 contains provisions for the transportation of special goods and heavy equipment along with obligations, escort provisions, and competence of drivers and driver assistants (Article 162). The obligation to provide notification regarding special goods for service users to the goods carrier and the carrier is also obliged to store and organize under the provisions on special goods as long as the goods have not been loaded (Article 163), this provision is further regulated through a Ministerial Regulation (Article 164). The fifth part of Article 165 contains the implementation of multimodal transportation by multimodal transportation legal entities following the provisions and obtaining permission from the Government, which will be further regulated in Government Regulations.

The sixth part of the Chapter and the seventh part contain supervision over the loading of goods, in Article 169, public transportation companies carrying goods are obliged to

comply with the provisions on loading procedures, carrying capacity, vehicle dimensions and road class where supervision is carried out at weighing places (fixed or non-fixed). The operation of weighing equipment is still carried out by the implementing unit appointed by the Government. Apart from that, officers are also required to record the type of goods being transported, the weight of the transport and the origin and destination (Article 170). Meanwhile, motor vehicle inspection officers together with the National Police of the Republic of Indonesia (Article 171) carry out motor vehicle inspection officers whose operation is not fixed. Provisions regarding cargo control are regulated in Government Regulations (Article 172).

The eighth part of Chapter X is related to the business of goods transportation. Paragraph 1 contains permits for goods transportation in connection with the operation of special goods or heavy equipment (Article 173) which is explained in more detail in paragraph 4. In Article 180 it is stated that this operation permit is granted by the Minister in the field of traffic and road transportation facilities and infrastructure which will be further regulated in more detail in the Ministerial Regulation. Goods transportation rates are explained in the ninth section of Article 181 which are determined based on an agreement between service users and public transportation companies (Article 184).

The obligations of goods transportation companies are contained in the eleventh part of Article 186 concerning the obligation to transport following the agreement when the transportation costs for sending goods have been paid in full, and returning the transportation costs if the departure is cancelled (Article 187). Apart from that, the goods transport company is responsible for the loss of the goods if it is negligent in carrying out services (Article 188) including those caused by the people they employ (Article 191), so to reduce this risk the goods transport company is obliged to insure its liability (Article 189). The driver-crew must unload goods at the nearest stopping place if the goods being transported could endanger the security and safety of the transport (Article 190). Losses suffered by the owner of the goods are excluded for events that cannot be prevented or avoided or due to the fault of the owner of the goods, such as the inclusion of inappropriate information (Article 193) and also losses belonging to third parties (Article 194). The amount of this loss is according to reality and the transport company's responsibility applies from the time the goods are loaded until they reach the agreed destination and are delivered no later than 30 days after the incident. This provision is further regulated in Government Regulation (Article 192).

Meanwhile, the rights of goods transportation companies contained in Article 195 include, among other things, the right to retain goods if the service user does not fulfil their obligations, the right to charge additional fees for storing goods if they do not comply with the agreement, and can sell by auction under the provisions of the law if the service user does not fulfil their obligations. Freight transport companies also have the right to destroy goods that are dangerous or disturbing in storage if service users do not fulfil their obligations following statutory regulations (Article 196). The Government's responsibilities as a transport operator include guaranteeing services to service users, providing protection to goods transport companies and carrying out monitoring and evaluation (Article 197).

The obligations and responsibilities of the driver, vehicle owner (company or individual) are regulated in Article 234 regarding losses to the owner of the goods or a third party due to the driver's negligence. Not only that, if there is also damage to roads and their equipment, but this does not apply if there are compelling circumstances beyond the driver's ability, due to the behaviour of the victim or a third party, or due to the movement of people or animals even though anticipation has been taken.

Civil servant investigators have authority over goods transportation as regulated in Article 262, including carrying out technical roadworthiness checks, permits, violations of load or dimensions at weighing stations, prohibiting or postponing the operation of motorized vehicles that are not roadworthy, asking for information from drivers, owners, and transportation companies, and confiscate public transportation operation permits and certificates of passing the test by making inspection reports. For the enforcement of traffic and goods transport violations, Article 265 relates to periodic and incidental inspections of motorized vehicles as needed, for this reason, officers of the Republic of Indonesia State Police are given the authority to stop, ask for information and take other actions according to the law with full responsibility.

Criminal provisions related to goods transportation are contained in Article 288 concerning the public's obligation to have periodic test letters and test pass marks for goods cars, trailers and trailers. Article 301 regulates the obligation to pass according to the road class. Prohibition on using goods cars to transport people (Article 303). Provisions for meeting safety requirements, marking goods, parking, loading and unloading, and operating times for special goods vehicles (Article 305). Provisions for carrying complete bills of lading and travel documents (Article 306), complying with loading procedures, carrying capacity, and vehicle dimensions (Article 307). Obligation to have a permit to operate special goods and heavy equipment transportation (Article 308). Obligation to insure its liability against losses caused by the shipper or third parties (309). The criminal threat ranges from 250,000 Rupiah up to 1,500,000 Rupiah with the threat of one to six months in prison.

3.2 Changes to the Road Transport Traffic Law (UULLAJ) in the Field of Goods Transport

3.2.1 Role of Government

The first law explains the role of the Government, which is to control and organise goods transportation. The second law explains this in more detail regarding the regulation of goods terminals, including transportation procedures to ensure the safety, security, smoothness and orderliness of traffic. The driver's obligations and responsibilities are also regulated. The obligation to use special motorized vehicles for transporting goods and provisions regarding the collection of fees can only be carried out by public transportation. The traffic network is starting to be regulated by Government Regulations, especially for the transportation of special goods (dangerous goods, special goods, containers and heavy equipment).

The third law regulates the road network in more detail which was not previously available in the preceding law, including node and space requirements. Terminal types to support the flow of goods are also described, which are aimed at the smooth movement of goods and intermodal integration. The obligation for vehicles to carry out periodic tests and meet technical roadworthiness is also starting to be introduced because previously there were many problems with roadworthiness, including special goods vehicles. Apart from vehicles, procedures for loading goods including dimensions and weight are also regulated.

Driving licenses which were previously not regulated, especially driving licenses for regular and general goods transport, are starting to be regulated with three classifications for the size of singular vehicle types (A, B I) and trailers (B II). Traffic engineering management is needed due to the narrowing of road space is not commensurate with the

increasing number of vehicles is also regulated in this Law. Like the two previous laws, the government still should provide safe, secure, comfortable, and yet affordable goods transportation. Rules relating to special goods began to exist in the second Law, in this Law, this matter began to be regulated in more detail regarding obligations, escort provisions, and competence.

3.2.2 Goods Transportation Business

In the first law, the business of transporting goods is regulated by the Minister and a route permit is required. Here also the provisions for regulating tariffs by the Government for goods transportation depend on its authority. In the second Law, the provisions regarding tariffs are no longer regulated by the Government, but only the structure and categories are determined. Meanwhile, in the third law, goods transportation rates are determined based on an agreement between the service user and the goods transportation provider. This tariff liberalization makes transportation costs even more depressed due to the bargaining position of service users is higher than that of providers. So the level of load violations (over-dimension overloading) increases.⁶

3.2.3 Rights and Obligations

The first law explains the responsibility of employers for the loss of service users unless it can be proven otherwise. The second law requires companies to transport goods if there is an agreement and payment, and if there is a cancellation, the transportation costs must be returned. Losses to service users are also explained, including the value of goods if the transport company is negligent. Provisions regarding additional fees and auctions are also explained in the second Law. The third law covers all of the above and adds the obligation of goods transportation companies to insure their risks, further, goods transportation companies also have a responsibility towards their drivers. The driver's obligations are further explained regarding losses to the owner of the goods and third parties but do not apply if there are compelling circumstances that are beyond his/her capabilities. The government's responsibilities are also explained regarding guaranteeing services to service users and providing protection to goods transport companies, as well as carrying out monitoring and evaluation.

3.2.4 Criminal provisions

Only the third law contains criminal provisions that did not exist in the previous law. Regarding goods transportation, criminal provisions relating to the obligation to carry out periodic tests, the obligation to travel on the appropriate class of road, the prohibition on the use of goods transportation to transport people, the provisions to follow safety regulations for special goods transportation, the obligation to carry a bill of lading and documents, the obligation to comply with regulations. loading methods, dimensions and carrying capacity, the obligation to have a permit for special goods transportation, as well as the obligation to insure liability. This provision emerged due to rapid environmental developments, so more binding regulations are needed to increase compliance by providing sanctions.

⁶ Kyatmaja Lookman, *Op. Cit.*

3.3 Road Freight Traffic Law and Trucking Company Competitiveness

The rules in this law are not only intended not only to regulate but also to increase the competitiveness of trucking companies, but at the practical level, their implementation is still not optimal. The law regulates the existence of goods terminals as infrastructure to optimize goods transportation, but at the practical level goods terminals are mostly used for truck parking, and the number is also minimal.⁷ This has a different function compared to the passenger terminal used by buses. Freight terminals should be used to increase the competitiveness of trucking companies.

Due to the less-than-optimal goods terminal, truck operations are mostly carried out depending on the service user's location. This means that transportation procedures in cargo transportation are not as expected by law and still need further improvement. The government also requires the use of public vehicles to transport third-party goods, but in practice, there are still many private vehicles transporting goods belonging to third parties, this is due to the lack of government supervision.⁸

The road network for the transportation of goods is regulated through Government Regulations and is unable to optimize the competitiveness of transportation companies. Many companies set up their factories on district roads and even village roads because land prices are lower.⁹ This makes it difficult for trucks to access and deliver goods from the loading area. Of course, all this negates the importance of creating a goods terminal for intermodal integration. Nodes are needed to increase the volume of goods to increase competitiveness.

Toll roads, which should be prioritized for logistics purposes, are also not optimal. Some of the problems include the high toll rates for goods vehicles compared to small (private) vehicles.¹⁰ Traffic engineering is often done during long holidays to optimize the movement of private vehicles and always sacrifices vehicles carrying goods.¹¹ The goods transportation rates have now been determined by market mechanisms.¹² Different from when the law was first made. Due to the high power of customers and transportation prices can only rise when fuel prices rise, this causes trucking companies to be unable to cover their costs.¹³ So the practice of over-dimensional and overloading has become widespread.

⁷ Priyambodo, "Pengembangan dan Peningkatan Konektivitas Angkutan Barang di Jawa Timur," *Warta Penelitian Perhubungan* 28, no. 3 (2016): 211–223, <https://doi.org/10.25104/warlit.v28i3.599>.

⁸ Dede Amirudin and Ika Dewi Sartika Saimima, "Analisis Hukum Penggunaan Kendaraan Pribadi Yang Digunakan Sebagai Angkutan Barang," *Jurnal Penelitian Serambi Hukum* 16, no. 2 (May 2023): 125–133, <https://doi.org/10.59582/sh.v16i02.737>.

⁹ Sisca V. Pandey and Lucia Lalamentik, "Kelas Jalan Daerah untuk Angkutan Barang," *Tekno* 12, no. 60 (2014): 27–37, <https://ejournal.unsrat.ac.id/index.php/tekno/article/view/5596>.

¹⁰ Mukarto Siswoyo, "The Impact of Toll Road Development: An Analysis Based on Public Administration Ecology," *Journal of Southwest Jiaotong University* 55, no. 3 (2020): 1–33, <https://doi.org/10.35741/issn.0258-2724.55.3.53>.

¹¹ Indonesia-STTD, Politeknik Transportasi Darat, and Politeknik Transportasi Darat Bali. "Hubungan Manajemen Rekayasa Lalu Lintas dengan Kemacetan, Serta Keselamatan." *Laik Fungsi Jalan*: 17 (2022).

¹² Danang Parikesit, "Daya Saing Angkutan Barang Intermoda Dalam Perspektif Kebijakan Pemerintah," *Jurnal HPJI (Himpunan Pengembangan Jalan Indonesia)* 2, no. 2 (2016): 79–90, <https://journal.unpar.ac.id/index.php/HPJI/article/view/2312>.

¹³ Rizka Yulisda, "Analisis Pengaruh Fluktuasi Harga BBM Terhadap Pendapatan Usaha PT. Terang Bersama Zanasya Cabang Pekanbaru Menurut Perspektif Eekonomi Syariah" (Skripsi Thesis, Universitas Islam Negeri Sultan Syarif Kasim Riau, 2023), Universitas Islam Negeri Sultan Syarif Kasim Riau Repository, <https://repository.uin-suska.ac.id/72952/>.

The government has also regulated the rights and responsibilities of transport companies and service users, including the obligation to carry out insurance.¹⁴ However, at the practical level, the power of service users is always greater than truck operators because of their large number. This obligation to insure is often waived at the customer's request. This causes the carrier's risk to be high so that when there are problems, it is common for transport companies to experience financial difficulties.

3.4 Road Freight Traffic Law and Trucking Company Violations

Transportation procedures are often violated by transportation companies even though they are mandated by law. This is due to the lack of role of goods terminals as a place for supervision. Accidents caused by goods transport occupy the second place after motorbikes, although their number is smallest.¹⁵ The predominance of accidents is often caused by drivers who lack competence, even though the driver's obligations and responsibilities are also regulated by law.¹⁶

The obligation to use special vehicles is also sometimes violated. These obligations include competence, escort provisions, and many others.¹⁷ Using public transportation to transport special goods is sometimes done by service users to save transportation costs. The use of private vehicles to carry goods belonging to third parties is common, even though it is prohibited by law due to lack of supervision.

The road network regulation is also often violated. The large number of factories set up on district and even village roads is the main problem, due to the irregular spatial layout of the area.¹⁸ The obligation to carry out periodic tests and fulfil technical roadworthiness is also not carried out routinely.¹⁹ This is because many trucks are old and complying with regulations often takes a lot of money and time. Vehicle dimensions are a problem due to the pressure to provide low costs, so truck companies often get around by increasing the volume of the vehicle so that it can transport larger quantities.²⁰

¹⁴ Mia Paramitha, "Analisis Strategi Bisnis Jasa Angkutan Barang PT XYZ" (Master Thesis, Institut Pertanian Bogor, 2023), IPB Repository, <http://repository.ipb.ac.id/handle/123456789/124263>.

¹⁵ Gito Sugiyanto and Mina Yumei Santi, "Karakteristik Kecelakaan Lalu Lintas dan Pendidikan Keselamatan Berjalan Lintas Sejak Usia Dini: Studi Kasus di Kabupaten Purbalingga," *Semesta Teknika* 18, no. 1 (2015): 65–75, <https://doi.org/10.18196/st.v18i1.707>.

¹⁶ Budi Dwi Hartanto, "Analisis Perilaku Pengemudi Truk Serta Kontribusinya Pada Kecelakaan," *Jurnal Penelitian Transportasi Darat* 23, no. 1 (2021): 79–87, <https://doi.org/10.25104/jptd.v23i1.1749>.

¹⁷ Rizki Alya Harahap and Susilawati, "Pengaruh Waktu Kerja Pada Kelelahan Kerja Terhadap Supir Transportasi Darat B3," *Zahra: Journal of Health and Medical Research* 3, no. 4 (October 2023): 380–387, <https://adisampublisher.org/index.php/aisha/article/view/403>.

¹⁸ Faezal Aji, "Prototype Alat Pendeteksi Pelanggar Kelas Jalan III Berdasarkan Muatan Sumbu Terberat dan Tinggi Kendaraan" (Diploma Thesis, Politeknik Keselamatan Transportasi Jalan, 2023), PKTJ Repository, <http://eprints.pktj.ac.id/1709/>.

¹⁹ Adi Wahyu Saputra, "Tinjauan Hukum Terhadap Pelaku Pelanggaran Kelaikan Kendaraan Angkutan Umum di Kabupaten Donggala Menurut Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan," *Jurnal Ilmu Hukum Legal Opinion* 2, no. 2 (2014), <http://jurnal.untad.ac.id/jurnal/index.php/LO/article/view/5705>.

²⁰ Syairur Rozi, "Sanksi Terhadap Pelanggaran Transportasi Darat Odol (Overdimension Overloading) Ditinjau dari Undang-Undang Nomor 2 Tahun 2009 Tentang Lalu Lintas Angkutan Jalan," *Glosains: Jurnal Sains Global Indonesia* 2, no. 1 (January 2021): 13–21, <https://doi.org/10.59784/glosains.v2i1.11>.

There are still truck drivers who do not have a driver's license.²¹ The lack of public interest in becoming one is the problem. Truck drivers are still dominated by senior drivers aged 40 years and above. Many people prefer online motorcycle taxi driver jobs. Long working hours due to traffic jams and the rigours of work reduce job seekers' interest in becoming truck drivers.²² Low criminal provisions foster violations of overloading. Whatever the level of overloading violation, the fine remains the same, 500,000 rupiahs. Therefore, service users and transportation companies favour violation.²³

4. CONCLUSION

Goods transportation plays a vital role in increasing the prosperity of a nation. The dynamics of the freight transportation environment are developing rapidly due to technological advances. Traffic and road transport laws in Indonesia are still not optimal in increasing competitiveness and reducing the level of violations by trucking companies. In terms of competitiveness, the role of goods terminals as nodes is still not yet optimal, many users still use private vehicles to transport goods, furthermore, traffic engineering still favours private vehicles. Tariff liberalization worsens the competitiveness of transport companies due to the higher bargaining position of service users. This high bargaining position also shifts the risk responsibility from the owner of the goods to the trucking provider.

This law is not optimal in reducing violations. Good transportation practices are not followed, the use of general transportation to transport special goods, and violations of the road network and also class. Periodic tests and roadworthiness technical requirements were also not followed. There are still truck drivers who do not have the appropriate driving license or even do not have any. This is exacerbated by the low criminal threat for transportation violations. Future legislation must be able to overcome the problems mentioned above so that competitiveness can be increased and the level of violations can be reduced.

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