

PUBLIC SERVICE POLICY OF THE POLICE IN THE ISSUANCE OF DRIVER'S LICENSES BASED ON HUMAN RIGHTS PRINCIPLES: A CASE STUDY AT THE KUDUS POLICE DEPARTMENT

Budianto
Mohamad Tohari
Irfan Rizky Hutomo

ABSTRACT

Public services in the field of police administration constitute a form of public service provided by the police to serve the community. This includes a range of duties and functions such as registering and issuing Police Certificates (SKCK), Driver's Licenses (SIM), Vehicle Registration Certificates (STNK), and other administrative services. The authority and responsibilities related to police services are regulated by Law No. 2 of 2002 on the Indonesian National Police. In carrying out their duties and authority, police officials are required to act in accordance with applicable legal norms, while also upholding religious principles, civility, ethics, human rights, and prioritizing preventive actions.

Keywords: Policy, Public Service, Police, Driver's License

INTRODUCTION

Public service is a core function of government organizations, aimed at meeting the needs of society. Government organizations are continually expected to deliver optimal service to both the public and the organization itself. High-quality service enables these organizations to achieve their established goals, and when successful, they are often regarded as effective. As knowledge and technology advance, government organizations must adapt to these developments and continuously evaluate their performance to ensure they deliver high-quality service and maintain effective operations.

In accordance with Law No. 25 of 2009, public service is defined as an activity or series of activities aimed at fulfilling service needs, in compliance with regulations, for all citizens and residents regarding goods, services, and/or administrative support provided by public service providers. One of the governmental organizations that delivers public services is the Indonesian National Police (POLRI). As stipulated in Law No. 2 of 2002 on the Indonesian National Police, the police function includes service to the public, law enforcement, and community protection.

Public services in the field of police administration constitute a core aspect of public service provided by the police to assist the community. These services include tasks such as registering and issuing documents like Police Clearance Certificates (SKCK), Driver's Licenses (SIM), Vehicle Registration Certificates (STNK), and others. The authority and responsibilities of police services are regulated under Law No. 2 of 2002 concerning the Indonesian National Police. In carrying out their duties and exercising their authority, police officers are required to act in accordance with legal norms and to respect religious norms, propriety, decency, and uphold human rights, prioritizing preventive measures.

One of the primary functions of government administration carried out by public officials is public service. This function is critical and holds significant importance as it addresses the public interest, impacting the welfare of the population as a whole. According to Law No. 23 of 2014 on Regional Government, districts (Kecamatan) are established in regencies or cities through regional regulations that align with governmental guidelines. A district is led by a Camat, who, in performing their duties, receives a delegation of certain authorities from the Regent or Mayor to manage specific regional autonomy affairs. In general, the delivery of public services in East Java Province faces challenges, particularly in achieving efficient and effective services from public officials. This is evidenced by numerous complaints and grievances from the public, both directly and through the media, concerning inadequate service quality. Issues such as cumbersome procedures, a lack of clear timelines for service completion, high costs, non-transparent requirements, unresponsive attitudes of officials, among others, serve as indicators of the current low quality of public service delivery.

The advancement of information and communication technology has brought significant positive impacts to human life, simplifying various transactional processes. This development also supports people in carrying out daily activities, as many tasks can now be completed more quickly, cost-effectively, and accurately, thereby enhancing work productivity. Furthermore, these advancements have led to the emergence of various technology-based activities, such as in the field of government (e-government).

Pattern and behavior in police service delivery can be analyzed through the operational performance of the Indonesian National Police (Polri) in providing essential documents needed by the public, including the Vehicle Registration Certificate (STNK), Driver's License (SIM), and public service operations. The issuance of a SIM is part of the police's efforts to regulate road traffic. The public's need for driving privileges and the police's obligation to maintain order have led to the necessity for a service mechanism through which individuals can obtain a SIM.

In the field of driver licensing, regulations are primarily outlined in Articles 77 to 128 of Law No. 22 of 2009. However, to further specify provisions related to driver's licenses, Police Regulation (Perkap) No. 9 of 2012 was issued. Article 4 of this regulation states that a driver's license serves as a certification of driving competence, driver identification, a means of monitoring driver competency, and a tool for police forensic investigations. Perkap No. 09 of 2012 mandates that each driver must hold a valid license appropriate for the type of vehicle operated. This requirement not only promotes responsible driving behavior but also aids in the identification of drivers involved in traffic accidents. A driver's license is essential for legally operating motor vehicles and is valid for a period of five years.

RESEARCH METHOD

The approach employed in this research is an empirical juridical approach, often referred to as field research. This approach examines the existing legal provisions alongside the actual conditions observed in society. The study aims to provide an overview of the effectiveness of excellent service in issuing driver's licenses at the Kudus Police Department, evaluated from the perspective of human rights.

DISCUSSION

A. Police Public Service Policy in the Issuance of Driver's Licenses (SIM) Based on Human Rights at the Kudus Police Department.

The focus of the dynamics in improving service quality lies in public satisfaction as the key stakeholder. One form of responsive service provided by the Indonesian National Police is the management of driver's licenses (SIM) for individuals with specific needs. The SIM service for persons with disabilities aims to offer responsive services and ensure equal access for people with special needs, fulfilling their human rights in the provision of driver's licenses.

Human rights are the rights inherent to every individual simply by virtue of being human. These rights are not granted by society or established by positive law, but are rooted in human dignity. Despite differences in skin color, gender, language, culture, or nationality, every person retains these fundamental rights. Human rights are universal and inalienable, meaning they cannot be taken away. In other words, these rights are intrinsic to human beings as living entities. It is the duty of all parties—governments and their citizens alike—to protect and uphold human rights. Human rights are not solely about entitlements; they also entail responsibilities, particularly the duty to respect and honor the human rights of others. Each individual's human rights create a reciprocal obligation to respect the human rights of others.

In the efforts to protect and enforce human rights, the government is tasked with respecting, protecting, upholding, and promoting these rights. Among the steps taken by the government are implementing effective and concrete measures concerning various legal instruments and policies related to human rights across legal, political, economic, social, cultural, defense, security, and other relevant sectors.

Human rights, under all circumstances, must be respected, protected, and fulfilled not only by the state but also by all elements of the nation, from the government to society. With such an understanding, the respect, protection, and fulfillment of human rights for citizens must be guaranteed within the prevailing laws and regulations in Indonesia. The scope of citizenship, in this case, is broad and includes everyone without exception, as stipulated in Article 25, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, including persons with disabilities. This clarification of scope is crucial, as human rights for persons with disabilities are still often neglected and even violated, with some being treated as less than citizens or, in some cases, not regarded as human beings at all.

In the terminology of Human Rights, the principles of equality and anti-discrimination are fundamental characteristics of Human Rights. The principle of equality, as outlined in Article 1 of the Universal Declaration of Human Rights (UDHR), states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood." The provision in Article 1 of the UDHR can be interpreted as encompassing the principles of liberty, equality, and fraternity. This implies that human rights law prohibits discriminatory treatment against specific groups.

In the terminology of Human Rights, the principles of equality and anti-discrimination are fundamental characteristics of Human Rights. The principle of equality, as outlined in Article 1 of the Universal Declaration of Human Rights (UDHR), states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood." The provision in Article 1 of the UDHR can be interpreted as encompassing the principles of liberty, equality, and fraternity. This implies that human rights law prohibits discriminatory treatment against specific groups.

The Indonesian government's commitment to ensuring the rights of persons with disabilities is reflected in its ratification of the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19 of 2011, which ratified the Convention. Ratification represents an enhanced form of agreement in a treaty, making it legally binding for the participating parties.

To fulfill the constitutional mandates and the binding obligations of the Convention, regulations have been enacted to protect the rights of persons with disabilities, ensuring equal treatment in public services, as outlined in Law No. 8 of 2016 on Persons with Disabilities. However, persons with disabilities continue to face discrimination in various contexts.

The Indonesian government's commitment to ensuring the rights of persons with disabilities is reflected in its ratification of the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19 of 2011, which ratified the Convention. Ratification represents an enhanced form of agreement in a treaty, making it legally binding for the participating parties.

To fulfill the constitutional mandates and the binding obligations of the Convention, regulations have been enacted to protect the rights of persons with disabilities, ensuring equal treatment in public services, as outlined in Law No. 8 of 2016 on Persons with Disabilities. However, persons with disabilities continue to face discrimination in various contexts.

Through, among others, the Kudus Police Department (Polres Kudus), the driving license (SIM) service is provided to people with special needs as an effort to offer responsive services and ensure equal access for individuals with disabilities in obtaining a driving license. So far, much attention regarding SIM services has been focused solely on the general population, which is typically physically capable. Meanwhile, there has been a lack of focus on SIM services for people with special needs.

Ultimately, the debates and improvements regarding services related to the processing of driver's licenses have largely focused on enhancing services intended for the general public. However, similar to others, individuals with special needs also require excellent services in the process of obtaining a driver's license. Therefore, in providing driver's license services in general, attention should be given to several aspects, including the efficiency of the licensing process in terms of both time and ease.

Excellent service is an integral part of a service system, encompassing punctuality, accessibility, and transparency. Public service activities provided by the National Police (Polri) must be carried out in an organized, orderly, and efficient manner, ensuring

that the services required can be quickly accommodated and implemented with ease. One example of such administrative services is the issuance of the Driver's License (SIM).

In the process of issuing a driver's license (SIM), the length of the waiting time contributes to an extended overall service time, from the initial purchase of the registration form to the receipt of the SIM by the applicant. This prolonged service time often leads to bottlenecks, resulting in queues in the SIM issuance process.

The process of obtaining a driver's license (SIM) involves several stages. Generally, these stages begin with purchasing a SIM registration form, followed by a health examination, payment, form completion, a written test, a practical driving test, and a photo session, before finally receiving the SIM. It is common for queues to form at each of these stages. The most time-consuming part of the process is the practical driving test, which can take several weeks and may require multiple attempts if the applicant does not pass. The distance between various service counters further increases the total time required for the SIM issuance process.

The lack of resources or officers at each counter can also hinder the smooth process of obtaining a driver's license (SIM). In addition to serving as a legitimacy for driving, the SIM is often used as a benchmark to assess public awareness of traffic regulations. Over time, the SIM has also become a tool to control drivers, including individuals with disabilities. In this regard, the existence of a five-year validity period for SIMs serves as a control mechanism for the police, both to issue and ensure the enforcement of traffic regulations for all road users.

Based on empirical evidence regarding the fulfillment of the rights of persons with disabilities in the process of obtaining a driver's license (SIM), the service will be reviewed based on the following public service standards for SIM issuance, as set by the Satpas (SAMSAT service center):

- a. It is standardized and easily understood by the officers responsible for issuing SIMs, including the regulations, requirements, testing procedures, issuance process, and public service principles for SIM applications;
- b. It is easily comprehended by the test participants;
- c. There is clarity regarding the service timeline, from the moment the application is submitted for the test to the issuance of the SIM;
- d. The administrative fees for the SIM are clearly specified and communicated to the test participants;
- e. There is transparency at each stage of the SIM issuance process, starting from registration, testing, and culminating in the issuance of the SIM;
- f. Adequate facilities and infrastructure are provided for the SIM issuance service, including safe and comfortable service areas and supporting facilities for the test participants;
- g. The competency of service officers is adequate, based on their knowledge, skills, expertise, attitudes, and behavior, all of which contribute to excellent service delivery; and
- h. Information services, registration, and public complaint mechanisms are available, utilizing multimedia technology.

As of October 2022, data released by the Kudus Police indicate that the number of people with disabilities in Kudus Regency holding a driver's license (SIM) is expected to continue rising. Recently, 20 individuals with disabilities applied for a driver's license. Of these, 15 were hearing-impaired, and 5 had physical disabilities. They applied for SIM A, SIM C, and SIM D licenses. As part of the application process, they also participated in a series of driving tests. This situation presents a challenge for the Kudus Police Traffic Unit to provide improved services with greater equity in rights. It is essential that the police ensure excellent service, particularly for individuals with disabilities, to prevent any disincentives for people with limited driving abilities, as the quality of service provided by the police plays a crucial role in their decision-making process.

In the process of issuing collective driver's licenses, 20 individuals participated. After meeting the requirements related to age, administration, and health, the driving test commenced, which consisted of both a theoretical and a practical exam. During the theoretical test, which included 30 questions, the participants followed the instructions attentively. According to the authorities, the police, specifically the traffic division, played an active role in ensuring that participants with disabilities were provided with clear and patient explanations. After approximately 45 minutes, the theoretical test concluded, and the practical test began. This practical portion included exercises such as braking, zig-zag maneuvering, figure-eight formation, and evasive reactions. The course was designed with sufficient width and length to accommodate the vehicles used by individuals with disabilities.

The services provided here are certainly not limited to the principles of good governance, such as participation, accountability, and transparency. Rather, they also encompass principles that serve a broader spectrum of society and social clusters, including services for obtaining driver's licenses (SIM) at the Kudus Police Station. One of the key issues of concern is the process of SIM issuance for members of the community who have significant physical limitations.

It is undeniable that the use of motorcycles today is not limited to individuals with physical perfection, but also includes those with physical disabilities. From a normative perspective, there are no exceptions regarding administrative requirements, such as the SIM. The SIM is valid and applies to everyone. In light of this, the development of studies and research on the provision of public services for people with special needs has become crucial.

One notable issue is that the literature and available research on the patterns and mechanisms of public services provided to individuals with special needs remain limited. Even when such research exists, it generally focuses on the output of public services in general terms, such as healthcare services at community health centers or hospitals. Meanwhile, there is a distinct lack of serious attention given to both understanding and developing frameworks for providing specialized services for obtaining a driver's license (SIM). As has been highlighted in previous discussions, the high incidence of motorcycle accidents in Indonesia serves as a significant indicator of the large population that will engage with the process of acquiring a SIM.

The government has made various efforts by establishing regulations aimed at protecting the rights of persons with disabilities, especially in the public service sector. However, in reality, individuals with disabilities continue to face challenges in accessing services comparable to those of non-disabled individuals. As conveyed by the Chairman of the Indonesian Disability

Association (PPDI), Djumono, in an electronic media report: "Being able to travel on the road using a private vehicle to facilitate mobility is perhaps only a distant dream for the majority of people with special needs, particularly those with hearing impairments."

According to Law Number 22 of 2009 on Road Transportation and Facilities, individuals with disabilities are required to have a Type D Driver's License (SIM D). Despite this provision, individuals with hearing impairments still encounter difficulties in obtaining a Type D driver's license for various reasons. When attempting to apply for a driver's license, they are often hindered by the requirement to submit a doctor's certificate as part of the application process at the police station. Their hearing ability, which is below average, is deemed insufficient for obtaining a driver's license. As a result, without a doctor's statement deeming them fit for a driver's license, the police are unable to process their applications.

The Driver's License (SIM) is a form of registration and identification issued by the Indonesian National Police (Polri) to individuals who meet the administrative requirements, are physically and mentally healthy, understand traffic regulations, and possess the skills to operate a motor vehicle. According to Article 77, paragraph (1) of Law No. 22 of 2009 on Road Traffic and Transportation, it is stated that "Every individual driving a motor vehicle on the road must possess a Driver's License appropriate to the type of motor vehicle being operated." For persons with disabilities, the regulation is further outlined in Article 80 of Law No. 22 of 2009, which stipulates that individuals with disabilities are eligible for a special Driver's License, known as SIM D.

Further regulations regarding the issuance of a driver's license (SIM) specifically for individuals with disabilities are also outlined in Article 7 of the Indonesian National Police Regulation No. 9 of 2012 on Driver's Licenses, which stipulates the creation of a special driver's license, namely SIM D, for persons with disabilities. Additionally, Article 3 of this regulation adheres to the principle of equality, ensuring that individuals with disabilities are treated equally to the general public. Therefore, efforts to guarantee human rights, particularly in the area of public services, are reflected in the recognition of human rights through the implementation of these regulations at the regional level. In fulfilling the rights of persons with disabilities, especially in public service sectors, the Central Java Provincial Government has indeed provided legal guarantees through regional regulations. This reflects the willingness and capability of a region to implement effective governance. The aforementioned obligations are a consequence of the ratification of the Convention on the Rights of Persons with Disabilities through Law No. 19 of 2011, which enacts the Convention on the Rights of Persons with Disabilities.

CONCLUSION AND SUGGESTION

A. Conclusion

A Driver's License (SIM) is a registration and identification document issued by the Indonesian National Police (Polri) to an individual who has met the administrative requirements, is physically and mentally healthy, understands traffic regulations, and is skilled in operating a motor vehicle. According to Article 77, Paragraph (1) of Law No. 22 of 2009 on Road Traffic and Transport, it is stated that "Any person operating a motor vehicle on the road is required to have a Driver's License corresponding to the type of motor vehicle being driven." The provision for individuals with disabilities is also outlined in Article 80 of the same law, which specifies that persons with disabilities are entitled to a special type of Driver's License, namely the SIM D.

Furthermore, the lack of facilities and infrastructure to accommodate individuals with disabilities in the process of obtaining a driver's license, as well as the uncertainty regarding the timeline of this process, are significant issues. There are supporting factors and efforts made by the Kudus Police in providing public services based on human rights in the driver's license issuance process. However, the challenges to fulfilling the rights of individuals with disabilities in obtaining a driver's license include inadequate facilities and infrastructure at the Magetan Police for this service, as well as a lack of awareness.

B. Suggestion

1. The Kudus Regency Government, particularly the Kudus Police Department (Polres Kudus), must be sensitive to the issues faced by individuals with disabilities, especially in the process of obtaining a driver's license (SIM). This is crucial considering the significant role that a SIM plays for motorcyclists. Ensuring that individuals with disabilities feel comfortable and safe on the road is essential to achieving equality of rights.
2. Public facilities and infrastructure related to SIM issuance should be carefully considered and adequately equipped to ensure excellent service delivery.
3. There is a need for effective communication between the government and the Kudus Police, where both parties must actively engage in promoting the rights of people with disabilities or special needs in relation to SIM issuance and other public services.
4. The Kudus Police Department should also initiate a campaign to promote safe and correct motorcycle riding practices, encouraging the community to take an active approach and overcome any fears associated with obtaining a SIM.

REFERENCE

Book

- Abidin, Said Zainal. *Kebijakan Publik*, Jakarta : Yayasan Pancur Siwa, 2004. Abidin, Said Zainal. *Kebijakan Publik*, Jakarta : Yayasan Pancur Siwa, 2004. Arinanto, Satya. *Hak Asasi Manusia dalam Transisi Politik di Indonesia*, Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia, Jakarta, 2008.
- Brems, Eva. *Human Rights : Universality and Diversity*, Martinus Nijhoff Publishers, London, 2001.
- Budiharjo, Mirriam. *Dasar-dasar Ilmu Politik*, Jakarta : Gramedia Pustaka Utama, 1992.
- Dirdjosisworo, Soedjono. *HAM, Demokrasi dan Tegaknya Hukum Dalam Konteks Ketahanan Nasional Indonesia*, Makalah Pada Panataran dan Lokakarya Dosen Kewarganegaraan Se-Jawa Barat Angkatan XVI Tahun Akademik 2003/2004.
- El, Muhtaj Majda, *Dimensi-Dimensi HAM: Mengurangi Hak Ekonomi, sosial dan Budaya*, Jakarta : PT. Rajagarfindo Persada, 2009.

- Friendman, W. *Teori dan Filsafat Hukum*, susunan I. Telaah Keritis Atas Teori Hukum, Jakarta, PT Raja Grafindo, 1990.
- Gultom, Maidin. *Perlindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Di Indonesia*, PT Refika Aditama, Bandung, 2008.
- Gunakaya, Widiada. *Hukum Hak Asasi Manusia*, Penerbit Andi, 2017. Kelsen, Hans. *Pengantar Teori Hukum Murni*, Bandung, Nusa Media, 2010.
- Kurniawan, Agung, *Transformasi Pelayanan Publik Pembaharuan*, Yogyakarta, 2005.
- Malian, Sobirin dan Suparman Marzuki, *Pendidikan Kewarganegaraan dan Hak Asasi Manusia*, UII Press, Yogyakarta, 2002.
- Muladi, *Hak Asasi Manusia Dan Reformasi Hukum Indonesia*, 2002. Muladi, *Hak Asasi Manusia Dan Reformasi Hukum Indonesia*, 2002.
- Nasution, Muhammad Syukri Albani. *Hukum dalam Pendekatan Filsafat*, Ctk. Kedua, Kencana, Jakarta, 2017.
- Nowak, Manfred. *Introduction to The International Human Rights Regime*, Martinus Nijhoff Publisher, Leiden, 2003.
- Parson, Wayne. *Public Policy*, Jakarta : Prenada Media, 2005.
- Pasolong, Harbani, *Teori Administrasi Publik*. CV Alfabeta, Bandung. 2007. Praja, Juhaya S. *Teori Hukum dan Aplikasinya*, Bandung, CV Pustaka Setia, Cetakan kedua, 2014.
- Rahardjo, Satjipto. *Ilmu Hukum*, Ctk. Kedelapan, Citra Aditya Bakti, Bandung, 2014
- Rahayu, *Hukum Hak Asasi Manusia (HAM)*, Universitas Diponegoro, Semarang, Cet. II, 2012.
- Rasjidi, Lili dan Ira Thania, *Pengantar Filsafat Hukum*, Mandar Maju, Bandung, 2002.
- Rhiti, Hyronimus. *Filsafat Hukum Edisi Lengkap (Dari Klasik ke Postmodernisme)*, Ctk. Kelima, Universitas Atma Jaya, Yogyakarta, 2015
- Smith, Rhona K.M. *Textbook on International Human Rights*, 2 nd edition, Oxford University Press, Oxford New York, 2005.
- Soekanto, Soerjono. *Pengantar Penelitian Hukum*, Universitas Indonesia - Press, Jakarta. 2008.
- Sunggono, Bambang. *Metodologi Penelitian Hukum*, Rajawali Grafindo Persada, Jakarta, 1996.
- Waluyo, Bambang. *Penelitian Hukum dalam Praktek*. Jakarta: Sinar Grafika, 2002.
- Undang-Undang dan Peraturan Pemerintah
- Pasal 28I ayat (4) jo Pasal 71 Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.
- Pasal 5 Deklarasi Wina tentang Program Aksi menyatakan bahwa “all human rights are universal, indivisible, interdependent, and interrelated (semua manusia adalah universal, tak terbagi, saling bergantung dan saling terkait)

Budianto

Faculty of Law,

Darul Ulum Islamic Centre Sudirman University

Tentara Pelajar No 13 Street, Ungaran, Semarang Regency, Central Java, Indonesia

e-mail: budianto@gmail.com

Mohamad Tohari

Faculty of Law,

Darul Ulum Islamic Centre Sudirman University

Tentara Pelajar No 13 Street, Ungaran, Semarang Regency, Central Java, Indonesia

e-mail: mohamadtohari.undaris@gmail.com

Irfan Rizky Hutomo

Faculty of Law,

Darul Ulum Islamic Centre Sudirman University

Tentara Pelajar No 13 Street, Ungaran, Semarang Regency, Central Java, Indonesia

e-mail: irfansky94@gmail.com