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Online And Conventional Transportation Policy In Indonesia (Analysis Of Equitable Policy Alternatives For Community Welfare)

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ABSTRACT

Online transportation in the period of the fourth industrial revolution provides convenience and accessibility, but it also causes social conflicts with conventional transportation such as motorcycle taxis, taxis, and public transportation. This study investigated the regulation of online and conventional transportation in Indonesia using a community-based approach. The study concluded that the government lacked a good public policy development model other than the stimulus reaction. Since policies were made after problems arose, they were considered ineffective. Based on the analysis and scoring, possible alternatives were recommended for being implemented such as: Online and Conventional Transportation Business Actors, Conventional Transportation Stimulus towards Online; and Changes to Regulations.

1. INTRODUCTION

The advances in information and communication technology has accelerated, and one of these advancements has reached the public transportation sector. The population growth in the city presented the challenges for government and public policy, particularly in the areas of land use and public transportation management.

The use of application-based or online transportation in Indonesia caused protests and disagreement among stakeholders in the transportation sector. The existence of online transportation seems to be a requirement of the 4.0 technology revolution, which seriously challenges conventional transportation that has operated the first.

This innovation in online-based transportation gained widespread attention. The people are so enthusiastic in the convenience features offered by online transportation services, as well as other features that nourish online transportation application customers.

Online transportation companies including Go-Jek, Grab, Uber, and Maxim began to operate in Indonesia gave direct impact for business operators and existing conventional transportation actors especially on drastic income lost. The drastically reduced income happened because online transportation operated not only in big cities, but also expanded their business to almost all regions in Indonesia.



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The presence of online transportation in various regions also has an impact, since it facilitates access to transportation services with numerous features. The online transportation causes social conflicts with conventional transportation like motorcycle taxis and public transportation.

The conflicts which occurred were protests and strikes by conventional transport employees, road blockades and even severe physical violence and demonstrations damaging public facilities, etc. This continued, of course, to anarchic actions which threatened public peace.

The government has established laws through the Ministry of Transportation to limit and lessen community polemics, such as providing new online taxi regulations as a replacement for the old rules that were rejected by the Supreme Court (MA). The Regulation of the Minister of Transportation Number 26 Year 2017 on the Implementation of Transport of People with Public Vehicles Not In Route (PM 26) which replaces the Regulation of the Minister of Transportation Number 26 of 2017 concerning the Implementation of the Transportation of People with Public Motorized Vehicles Not on the Route (PM 26).

Regulation No. 108 of the Minister of Transportation on the services required of online taxi drivers, which include: mandatory motor vehicle inspection, tariffs must be listed in the application, vehicle use must go through an order, operate in predetermined operating areas, and meet minimum service standards, rules on tariff upper and lower limits, and stickers on online taxi vehicles. Regulation No. 108 of the Minister of Transportation on the services required of online taxi drivers, which include: mandatory motor vehicle inspection, tariffs must be listed in the application, vehicle use must go through an order, operate in predetermined operating areas, and meet minimum services required of online taxi drivers, which include: mandatory motor vehicle inspection, tariffs must be listed in the application, vehicle use must go through an order, operate in predetermined operating areas, and meet minimum service standards, rules on tariff upper and lower limits, and stickers on online taxi vehicles. Additionally, Regulation of Transportation Minister No. 108 regulates quotas, operation regions, and Type Test Registration Certification (SRUT), as well as regulating online taxi application service operators.

However, there was still a lot of opposition to this Regulation so that it appeared to cause new problems. Government policies continue to be considered restrictive for online transportation, for example. If you want to continue operating, there were many restrictions that need to be respected. Furthermore, the application partner drivers and



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conventional transportation entrepreneurs object, resulting in an overlapping policy that is disadvantageous to the industry. In addition, application partner drivers and conventional transportation companies objected to the status of application providers because it was not a category of transport companies that obey with the Ministry of Transportation policy, but the Ministry of Communications, hence this became an overlapping policy resulting to society's disadvantages.

Literature Review

1. Public Policy

According to Thomas R. Dye, cited by Howlett (2011), public policy is anything that a government decides to do or not to do. That any action taken by the government, whether explicit or implicit, is policy. Meanwhile, James E Anderson, as cited by Islamy (2009: 17), defines policy as "a purposeful course of action taken by an actor or group of actors in dealing with a problem or matter of concern," i.e., a series of actions taken by and carried out by an actor or group of actors with the commitment of resolving a specific problem.

According to Mustopadidjaja (2020), public policy is a choice made to resolve specific issues, conduct out specific activities, or accomplish certain goals through the use of authorized institutions within the context of state administration and development. Public policy must be formulated, and it is the primary responsibility of echelon one and echelon two officials to formulate this public policy.

Policy discussions are inseparable from the linkages between the interests of both governmental and society-wide groups (Popoola, 2016). Syafie (1992:54) Harold in Laswell Astorga & Facio, (2009), "the intellectual decision-making task includes explaining goals, describing trends, analyzing circumstances, forecasting for future development and research, evaluation and research, and selecting options." Lasswell argued that policy is a decision-making intellectual task that involves a variety of activities: explaining the policy's objectives, outlining the tendency to choose several objectives that are appropriate to situation and condition, developing the impact and performance of future policies, and conducting research and evaluation.

2. Stages in the Formulation of Public Policy



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Public policy can be easily understood by examining the stages of policy making, which will indicate dynamics at each level. According to Dunn (2015), the policy process/stages are as follows:

a. Setting the Agenda

Policy or public issues will be evaluated and prioritized before being added to the policy agenda. At this stage, some issues may remain unsolved while others are listed for discussion, or there may be issues that have been postponed for an extended period of time for various reasons.

b. Formulating the Policy

Policymakers then address issues that have made it onto the policy agenda. These problems are defined in order to formulate the optimal solution. The solution to this problem is provided by a variety of alternative policies or policy options (policy alternatives/policy options).

c. Adopting the policy

Among the numerous policy possibilities proposed by policymakers, one was ultimately chosen to be approved as public policy. Policy objectives, policy programs, and the allocation of policy funding have all been established throughout the policy adoption process, among other things.

d. Phase of Policy Implementation

Implementation can be defined in terms of a process, an output, and a result. Policy implementation is the process of putting policies into effect (at both the national and local levels) through one or a series of programs or projects with regulatory implications and the allocation of specific resources to achieve the intended result.

e. Evaluating Policies

This stage assesses or evaluates the policies that have been implemented to determine their effectiveness in achieving the anticipated impact, namely resolving community problems. As a result, the measurements or criteria that serve as the basis for determining whether or not enacted public policies accomplished the anticipated impact or objectives.

3. Online Transportation



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In 2014, online transportation services, widely known as ride - sharing applications, exploded in Indonesia, pioneered by the Uber app and followed by online-based applications such as Go-Jek, GrabBike, GrabTaxi, Uber, Maxim, and others. In the online-based transportation service mechanism, there are three parties:

a. Application Provider (Electronic System Operator)

The operation of an electronic system, according to Article 1 paragraph (6) of the Electronic Information and Transaction Law, is the usage of an electronic system by state administrators, people, businesses, and/or the general public. Providers of electronic systems that serve as liaisons between vehicle drivers and service consumers, which is a key component in the development of online application-based transportation services, are known as online transportation service application providers. The application providers have a key role in the success of online application-based transportation service systems, because application service providers are the liaison between supply and demand, which include: application providers as well as application companies, drivers, and users of online transportation services.

b. Driver

The driver is an individual who stands alone as the owner of the vehicle or in charge of the vehicle used. Drivers use an application that has been provided by an online application provider company to get orders (orders received will include the destination address, name, mobile number and photo of the service user). After the driver gets all the data of service users in the application that can be seen from a driver's smartphone, the driver will go to the place where the order for the transportation service is located. The drivers are obligated to provide security, safety, and comfort. Given the fact that road traffic safety involves a large number of agencies and stakeholders (stakeholders), coordination of all stakeholders is necessary to ensure that the proper management is integrated, effective, efficient, and targeted, as required by article 203 paragraph (1) of the Traffic Law and Road Transport.

c. User of Transportation Services (Consumer)

The users of online application-based transportation services are typically individuals who require transportation that is quick, safe, comfortable, and affordable. Users of this online application-based transportation service must first download and install the



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transportation service application on their smartphone, which must be connected to the internet network, and then register for services by filling out personal information that will be received and processed by the online transportation service company's server.

4. Previous study

In their paper, Azzuhri et al., (2018) describe Gojek's influence on the formulation of laws and regulations. The results showed that Gojek could improve the economy and replace conventional transportation. In Indonesia, Gojek's uncontrolled operation has caused transportation conflicts.

Nugraha et al., (2020) revealed that the "Conflict between conventional and online transportation drivers has created physical and psychological victims. This study's purpose was to explore the causes of conflict. The results demonstrated that the conflict developed due to the changing from conventional to online transportation in Bandung. Furthermore, two forms of conflict that occur among transportation drivers are realistic and non-realistic conflicts. The cause of the conflict is the struggle for economic resources (passengers), and the trigger factors are the lack of communication and coordination between drivers, the government's delay in making regulations, and there is no solution to the problems that occur from online transportation management.

Furthermore, Ambarwati et al., (2019) conducted research in response to the occurrence of social issues between online and conventional transportation. Some countries have rules and regulations to govern online transportation, whereas others have not. Indonesia was in a similar situation. On the one hand, online transportation creates new jobs, but also it contributed to traffic volume and threatens the survival of conventional public transportation. This study was carried out to determine public opinion on the continued use of online transportation. This study used an information systems (IS) model to understand the context of continuance. The results showed that the IS model could be used in public administration research because most of the items were valid and reliable. Another significant finding was that government regulation was a reliable predictor of people's willingness to use online transportation. The government should adopt policies to regulate online transportation, according to this report, with a balanced contribution to economic growth and social stability.

2. RESEARCH METHODS



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The method used in this research is qualitative which departs from a descriptive analysis approach. In determining the informants, purposive sampling was carried out with the GOJEK driver criteria. This research was carried out in several steps, namely, collecting data, analyzing data, and testing the validity of the data. The data collection carried out in this study was also carried out by participatory observation, where the researcher was directly involved in the object of research so that it could more clearly see the differences and changes that occurred in the object being studied.

3. RESULT AND DISCUSSION

The process of policy formulation plays an important role because it determines policy boundaries at this stage. The formulation of policy is a difficult process. Good policy formulation will determine the success of the policy implementation. The policy formulation is an important stage according to Nugroho, (2020), Policy formulation is an important stage because at this stage policy boundaries are formulated, both concerning time resources, human resource capabilities, institutions, and funds or budgets. Even though it has been approved, this does not mean that the policy's formulation is free from problems.

However, the government's policies regulating online transportation, the reality of the matter kept creating several problems and even resulted in rejection. The following are the policy stages related to online transportation arrangements:

a. setting the agenda

Public issues that should be on the policy agenda include certain issues and are considered important. Issues related to the safety and survival of the wider community are one of the criteria to be included in the policy agenda.

The business competition is really common nowdays. In the current era of globalization, everything uses sophistication or technology to make it easier for humans to carry out various kinds of existing activities, including the transportation sector.

There has been competition between conventional and online transportation in recent years, especially since the development of the online transportation. The competition between these two modes of transportation resulted in anarchic behavior, because conventional transportation providers believed that they have lost clients and income when people started to use online transportation systems.



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The first reported incident occurred on October 3, 2015, when online motorcycle taxis and conventional motorcycle taxis collided on the campus of the University of Indonesia (UI). The incident began when the Go-Jek driver was suddenly attacked by a driver assumed to be an ojek driver after dropping passengers inside UI campus. As a result of the incident, several of the victim's colleagues took wide actions against the motorcycle camp.

The conflict continued and eventually extended to other places around Indonesia. Thousands of taxi and city transportation drivers in Jakarta demonstrated against online transportation. On October 26, 2016, a brawl between motorcycle at camp and online driver occurred on Jalan Salemba. Another case that was caught on CCTV and widely circulated on social media was that an online motorcycle driver was hit by a city transportation driver 03 in front of the Tangerang BTN building. The incident coincided with a demonstration that was marked by a sweeping action by a Tangerang city transportation driver against online transportation. In response to this occurrence, online motorcycle drivers formed a convoy on many Tangerang routes, causing damage to several local transportation systems. Apart from these incidents, further incidents occurred in a number of cities.

As evidenced by the numerous examples that occurred throughout Indonesia, the government, as the regulator, must take effective steps to establish a conducive environment in the society. This is the stage at which the government, through the Ministry of Transportation and other stakeholders, identifies problems and then discusses and resolves them.

b. Policy Formulation

In policy formulation, the government is required to be able to develop options or alternatives to solve problems that occur between conventional transportation and online transportation. The question is, is it true that the presence of online transportation seizes the land of conventional transportation businesses? Has online transportation that provides convenience in transportation guarantees the security and safety of the public as users of these services?

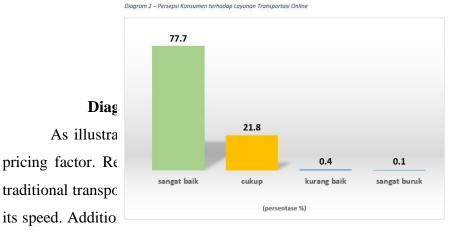
According to data obtained from the Indonesian Consumers Foundation's official website (accessed February 12, 2018), a poll performed on April 5-16, 2017 and comprising 4,668 (four thousand six hundred sixty eight) respondents, respondents prefer



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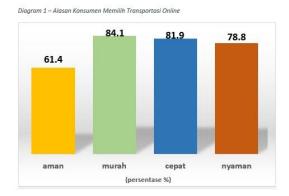
online transportation to conventional transportation. As many as 55% prefer online transportation modes such as motorcycles and cars, whereas 21% prefer conventional modes such as motorcycles and 24% prefer car. Additional data on why people prefer or utilize online transportation in general assume that online transportation is less expensive (84.1 percent) and faster (81.9 percent).



ortation

ers considered on the less expensive than transportation due to able and secure level

of service. Furthermore, the diagram below illustrates consumers' belief that online transportation services are superior to conventional transportation.





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Diagram 2. Consumer Perceptions of Online Transportation Services

According to the diagram above, it showed that consumers' perception on online transportation services was very good (77.7 %), followed by good category (21.8 %), and bad (0.4 %), and very bad (0.1 %). As illustrated in the diagram above, online transportation is in high demand by the people due to its offerings. Although transportation got a positive assessment from the people, it did not mean that consumers have never felt disappointed with the services provided. If elaborated, the form of consumer disappointment or complaints against online transportation services was divided into two types, namely those related to technology applications and human resources (drivers). Of the two types of disappointment was very diverse. There were 13 kinds of complaints experienced by consumers, including:

No	Consumer Disappointment	Score	Percentage
1	Driver asks to cancel	1041	22.3
2	Hard to get a driver	989	21.19
3	Driver cancels unilaterally	757	16.22
4	Applicationmap is broken/error	612	13.11
5	The number plate is not the same as the vehicle being brought	563	12.06
6	Driver not coming	296	6.34
7	The condition of the vehicle is not good	282	6.04
8	Drivers are not honest with consumers	235	5.03
9	The driver starts the journey before meeting the customer	232	4.97
10	Reckless driver	221	4.73
11	The vehicle smells of cigarette smoke	215	4.61
12	Driver doesn't want to be notified	135	2.89
13	Driver smoking while driving	35	0.75

 Table 1. Consumer Disappointment

The number of consumer complaints against online transportation companies showed that first, there was no measurable minimum service standard for online transportation operators. As a result, the driver in one operator was not the same as the other in terms of offering services to customers. Second, online transport companies did not have complaint management mechanism, as required by Consumer Protection Law No. 8 of 1999, which states that consumers have the right to have their complaints about the usage of goods/services heard (article 4).



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The government, together with other stakeholders such as online transportation regulators and other transportation groups, have collaborated to discuss the policy formulation process that would control online transportation based on the various phenomena that occur. Several aspects of substance are considered in the preparation of online transportation policies during the deliberative stage, including (1) aspects of safety and security, (2) aspects of equality, business continuity, consumer protection, and national interests, (3) aspects of community needs, and (4) aspects of maintaining a congenial environment. Some of these factors are taken into account by the government when formulating rules to regulate online transportation.

Adopting the Policy

The policy adoption stage is the stage to determine policy choices through stakeholder support. This stage is carried out after the process of identifying policy alternatives, identifying criteria for alternatives to be recommended, and evaluating these alternatives using relevant criteria so that the positive effects of the policy alternatives are greater than the negative effects.

Mustopadidjaja (2020) describes 7 (seven) stages or steps that need to be carried out in conducting policy analysis, as follows:

- (1) Problem assessment is the process of identifying and comprehending the nature of a problem and then formulating it in terms of causal relationships.
- (2) Setting the goal is the result that we consciously want to achieve or want to avoid. In general, a policy always aims to achieve as good as possible or prevent the occurrence of bad or harm.
- (3) Formulation of Policy Alternatives; is a collection of strategies for achieving the organization's goals and objectives. Alternative development is based on the following: (a) Observing existing policies and progressively improving them; (b) Analyzing one policy in another field and attempting to apply it to the field under study; and (c) Is the result of an assessment of a specific problem. and (c) Is the result of an assessment of a specific problem.
- (4) Modeling; simplification of the problem's reality as expressed in a causal or functional relationship. Models can take on a variety of shapes, which are categorized as follows: schematic models (such as flow charts and diagrams), physical models such as miniatures, game models (such as management exercises),



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and models will be useful in predicting the consequences arising from the presence or absence of changes. in the causative factor.

- (5) Determination of Alternative Selection Criteria; In order to select public policy alternatives, specific parameters or criteria must be established that can produce meaningful results for policy formulation. One that is frequently utilized, as Paul and Savicky state in Joko Widodo (2006), is the following: (a) Technical Feasibility, an assessment criterion for determining the effectiveness of alternative policies in achieving the goals and targets established; (b) Economic and Financial Feasibility, focusing on the cost-effectiveness and benefits of alternative policies; and (c) Political Liability, determining the extent to which each alternative policy has a political impact.
- (6) Evaluation of Policy Alternatives; evaluated using agreed-upon criteria. The purpose of the evaluation is to gain a more complete picture of each alternative's efficacy and feasibility in achieving the objectives, in order to reach conclusions regarding which alternative is the most practical and effective. When evaluating policy choices, a Likert Scale score is assigned to each parameter. The results of the assessment of policy choices are then used to determine the "recommended policy" with the highest score.
- (7) Recommendations; The alternative will provide an overview of a variety of feasible approaches for achieving the objective. The final step of policy analysis is to create mechanisms for achieving the objectives optimally under varied environmental, administrative, and economic situations.

The government, through the Ministry of Transportation, as the ministry authorized to regulate and formulate policies related to online transportation, has enacted the regulations outlined in the Regulation of the Minister of Transportation. Starting with the Regulation of the Minister of Transportation No. 32 of 2016, replaced by regulation no. 26 of 2017, but was rejected by the Supreme Court, then, the Ministry of Transportation revised to regulation no. 108 of 2017 concerning the Implementation of Transportation of People With Public Motorized Vehicles Not On Routes, which was officially implemented as of February 1, 2018. In this policy, it has stipulated the obligations that must be obeyed



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by online transportation drivers as well as legal clarity in order to ensure the safety and security of the passengers.

There are ten substantive matters of special concern in PM No. 108 of 2017, namely:

- (1) The agrometer, which verifies that the amount of transportation costs is as stated on information technology-based application;
- (2) Operational Area, online taxi operates in the specified operating area;
- (3) Tariff setting is determined based on an agreement between service users and transportation service providers through the application of information technology by referring to the upper and lower tariffs set by the Director General of Land Transportation, and the Head of the Jabodetabek Transportation Management Agency (BPTJ)/Governor in accordance with their respective authorities;
- (4) Vehicle Registration Certificate (STNK) in the name of a Legal Entity or may be on behalf of an individual for a Legal Entity in the form of a Cooperative;
- (5) Quotas are determined by the Director General of Land Transportation/Head of Jabodetabek Transportation Management Agency (BPTJ)/Governor according to their respective authorities;
- (6) The motorized vehicle number must be in accordance with the operating area.
- (7) Permit requirements: having a minimum of five (five) vehicles registered in the name of a Legal Entity or on behalf of an individual for a Legal Entity in the form of Cooperation;
- (8) a copy of the vehicle Type Test Registration Certificate or a copy of valid test book/passing test card;
- (9) Setting the Applicator Role, the application company is prohibited from acting as a Public Transport Company;
- (10) The Ministry of Transportation regulates the requirement for special rental transportation to put stickers on the vehicle's front and rear windshields. This sticker contains the information on the operating area, the permit's validity period, the legal entity's name, and the background of the Ministry of Transportation symbol.

The government hopes that with this regulation, conventional transportation will continue to exist alongside online transportation, and that it will be able to reduce conflicts



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between the two modes of transportation, as the rules' content is not significantly different from the conventional transportation, thereby minimizing polemics.

However, many online drivers broke the regulation No. 108 of 2017 during field implementation, particularly among online taxi drivers. Online taxi drivers oppose to a variety of points, including quotas, the use of stickers, the usage of a particular driving license, and motor vehicle inspection test. This is the key issue for online drivers to seek government policies. Online transportation has generated a tug-of-war between three parties: the government, the commercial sector, and the community.

The Policy Alternatives

Based on Patton et al., (2015) theory of policy alternatives, and particularly on technical feasibility, economic and financial feasibility, political feasibility, and administrative feasibility, it is possible to identify efforts to improve several policy alternatives, as described in Table of Policy Alternative:

Criteria		Policy Alte	Policy Alternatives		
	Educating the	Stimulus to	Law	Revision of	
	Conventional	Online	Enforcement	the	
	Transportation	Transportation	of Online and	regulation	
	Business	from	Conventional		
	Actor	Conventional	Transportation		
		Transportation	Business		
			Actors		
Fair	Low (1)	Medium (2)	Medium (2)	High (3)	
Profitable for	Medium (2)	Medium (2)	High (3)	Medium (2)	
the Business					
Actors					
Satisfactory	Medium (2)	High (3)	High (3)	Medium (2)	
Service					
Total score	5	7	8	7	

Table 2. Alternative Policy

Based on the results of the policy alternatives that were assessed, it could be concluded as follows: First, with a score of 8, there must be government enforcement against online and conventional transportation business actors. Law enforcement was essential because both digital and conventional transportation business actors frequently broke the law, but no action has been taken to punish abusers. With law enforcement, it is intended that each party's behavior would improve, allowing services to improve. When



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consumers are satisfied, it has an impact on the profits of each business actor, and relative justice will increase.

In the second ranking, there are two (two) policy alternative in the form of Conventional Transportation Stimulus towards Online and Regulation Revision. Each of them got 7 on the score. Even though the score is the same, the Conventional Transportation Stimulus towards Online on the fair criteria item got score of 2, while the Revision of Regulations got a score of 3. On the Satisfactory Service criterion, alternative Conventional Transportation Stimulus policies toward Online got a score of 3, whereas Regulation Revision got a score of 2.

Alternative Option Analysis

Essentially, the three policy alternatives with the highest scores in the category can be adopted if they are re-analyzed through the political, economic, technological, administrative, and social ethical components in the category. Law Enforcement is related to the first option. Politically, society is in desperate need of law enforcement. It has been found that there is no substantial law enforcement when it comes to break the law perpetrated by drivers and commercial actors, both online and conventional. For example, the lower limit tariff rules are often disobeyed, the obligation to attach stickers for online drivers has not been implemented, and even many online transportations do not have the route permits. Hence, the consumers certainly really need law enforcement.

Economically and financially, enforcing the law against drivers and business actors does not require a large amount of money. When law enforcement occurs and continues indefinitely, people will naturally become accustomed to it, such that the practice of obeying the law no longer costs money, given that it has become a habit.

Technically, the competent authorities already have SOP (Standard Operational Procedure), therefore only political will is needed to carry out law enforcement. The relevant officials from either the Ministry of Transportation, the Ministry of Communications and Information, and the Police necessarily do have to coordinate.

Administratively, the government must commit to improving the competitive conditions for online and conventional transportation. With the President's commitment to making business and providing public services easier, obtaining help from law enforcement agencies should not be a problem.



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There are some further notes regarding the polemic between conventional and online transportation. To begin, the government should reconsider regulation No. 108 of 2017, which regulates just the means of transportation for those who use taxi. This means that other sorts of online-based vehicles, such as online motorcycle, are not regulated. Indeed, there are frequent conflicts in the area that result in anarchic behavior, most notably between online motorcycle taxis and conventional transportation. Second, the government must establish a clear distinction between two-wheeled vehicles utilized for public transportation and those that are not. Third, in developing this policy, the government, in collaboration with House of Representatives, must review Law No. 22 of 2009 on Road Traffic and Transportation, and the government must coordinate with relevant ministries, to review online transportation as it is not only about transportation, but also about regulating the online transportation application system, which is the responsibility of the Ministry of Communication and Information. Fourth, conventional transportation business actors must be more sensitive to technological advancements and provide high-quality, attractive services. Fifth, online transportation providers should comply to government regulations, including higher and lower limits pricing to maintain a healthy level of competition.

Choosing and Determining the Policy Alternatives

Based on the previous analysis and scoring results, it is recommended that the three alternatives with the highest score should be implemented, namely: Law Enforcement of Online and Conventional Transportation Business Actors, Conventional Transportation Stimulus to Online; and Changes to Regulations.

4. CONCLUSION

That the government has not developed an effective public policy or development model other than response stimulus. As a result, policies are developed following the occurrence of a problem, not prior to the occurrence of a problem. As a result, policies are developed that stutter or incapable of properly responding to situations. Currently, the government does not perceive the benefit of multi-direction and multi-solution policies, as the existing belief is that "one problem" can be treated with "one answer."

Whereas, based on previous study and scoring results, it is recommended to implement the three alternatives with the highest scores, namely: Law Enforcement of



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Online and Conventional Transportation Business Actors, Conventional Transportation Stimulus to Online, and Regulation Changes.

REFERENCES

- Ambarwati, O. C., Nugroho, R. A., & Suharto, D. G. (2019). The Role of the Government Regulation in Online Transportation: A Model Validation. *Bisnis & Birokrasi Journal*. https://doi.org/10.20476/jbb.v26i1.10115
- Astorga, C., & Facio, M. (2009). ¿QUÉ SON Y PARA QUÉ SIRVEN LAS POLÍTICAS PÚBLICAS? Contribuciones a Las Ciencias Sociales.
- Azzuhri, A. A., Syarafina, A., Yoga, F. T., & Amalia, R. (2018). A Creative, Innovative, and Solutive Transportation for Indonesia with Its Setbacks and How to Tackle Them: A Case Study of the Phenomenal GOJEK. *Review of Integrative Business and Economics Research*.

Dunn, W. N. (2015). Public policy analysis. Routledge.

- Howlett, M. (2011). Michael Howlett. Policy Studies.
- Mustopadidjaja, M. (2020). Reformasi Hubungan KepemimpinN Birokrasi Dalam Percepatan Pelayanan Publik. Jurnal Wacana Kinerja: Kajian Praktis-Akademis Kinerja Dan Administrasi Pelayanan Publik, 10(2), 73–80.
- Nugraha, A. M., Sulaeman, M., & Gunawan, W. (2020). SOCIAL CONFLICT BETWEEN THE DRIVERS OF CONVENTIONAL WITH ONLINE TRANSPORTATION IN BANDUNG. *Humanities & Social Sciences Reviews*. https://doi.org/10.18510/hssr.2020.8389

Nugroho, R. (2020). PUBLIC POLICY 6-Edisi Revisi. Elex Media Komputindo.

- Patton, C. V., Sawicki, D. S., & Clark, J. J. (2015). Basic methods of policy analysis and planning. In *Basic Methods of Policy Analysis and Planning*. https://doi.org/10.4324/9781315664736
- Popoola, O. O. (2016). Actors in Decision Making and Policy Process. *Global Journal of Interdisciplinary Social Science*.

