



The Effectiveness Compulsory Road Traffic Accident Fund Contribution (SWDKLLJ) Application Based on Usability to Motorized Vehicles Driver

I Gusti Ngurah Oka Putra Setiawan¹, Nico Prihanta², Nikodimus Hendra³, Merlyn Ika Rosyida Putri⁴

¹Brawijaya University

^{2,4}Muhammadiyah Malang University

³Merdeka University

ABSTRACT: Implementation of Mandatory Road Traffic Accident Fund Contribution is very necessary and is a manifestation of the responsibility of the state in implementing policies as a social and welfare state so that these policies can be felt by all Indonesian citizens in accordance with the national ideology, namely Pancasila as a way of life. In this paper examines the effectiveness of the application of mandatory contributions to road traffic accident funds based on their use for motorized vehicle drivers. This research method has the character of "Normological-Norms Wisenschaft" in studying philosophical, juridical, and sociological facts about the regulation of the effectiveness of SWDKLLJ implementation. The results of this research are expected to the government or related stakeholders to be able to explain in detail the meaning and use of the SWDKLLJ policy which is interpreted as a Traffic Accident Compulsory Contribution Fund so that there is no confusion or ambiguity in the implementation of its application, so that public vehicle owners in the sense of entrepreneurs and private vehicle owners understand well the procedure in terms of benefits and usability to claim when experiencing an accident.

KEYWORDS: Effectiveness, Legal Politics, SWDKLLJ.

INTRODUCTION

The transportation sector have currently development rapidly both in the world and Indonesia it can be seen from the many public and private transportation that have sophistication by technologically and with a level of security and also transportation sector's development is accompanied by the development of adequate road infrastructure and it also applies to Indonesia. For example, during President Joko Widodo's government the growth of infrastructure developing made the transportation sector encounter the development referred to the Ministry of Transportation Affairs data in 2022 (dephub.go.id) of 21.27 percent in quarter II-2022 when the data is compared to the same period last year (year-on-year). The data jumped before quarter 1-2022 also encounter positive growth reaching by 15.79 percent. This matter showed an increasing trend in the transportation sector until the second quarter of 2022.

Through the development of the transportation, the government created a program, namely *SWDKLLJ* which is defined as a Compulsory Road Traffic Accident Fund Contribution the policy of the program aimed on the road users' safety and the policy is required for paying at the time motorized vehicle owners took motorized vehicle tax payments in every month. The explanation and meaning of the *SWDKLLJ* policy, which is defined as Compulsory Road Traffic Accident Fund Contribution, it could be seen in the existing law protection namely Minister of Finance Regulation Number 36/PMK.010/2008 which was updated become Minister of Finance Regulation Number 16/PMK.010/2017 concerning Compulsory Compensation and Compulsory Contribution to Road Traffic Accident Funds. The issuance of this regulation was actually not the only one of regulation that arranged the rules about compensation for motorists who had an accident, but only the Minister of Finance Regulation Number 36/PMK.010/2008 arranged *SWDKLLJ* defined as a specific Road Traffic Accident Compulsory Contribution who set it.

This paper examined the effectiveness *SWDKLLJ* implementation which is defined as the Compulsory Contribution of Road Traffic Accident Funds itself in Minister of Finance Regulation Number 36/PMK.010/2008 which was updated to become Minister of Finance Regulation Number 16/PMK.010/2017 concerning Amount of Compensation and Compulsory Contribution Road Traffic Accident Fund was explained that who received compensation are victims who ride traffic transportation according to (chapter 2 of Minister of Finance Regulation Number 36/PMK.010/2008 which was updated to become Regulation of the Minister of Finance Number 16/PMK.010/2017 concerning the Amount of Compensation and Compulsory Contributions to Road Traffic



Accident Funds. Meanwhile, the regulation did not specifically explained if the driver of the accident is a private vehicle. This subject interested to study because payment for *SWDKLLJ* is required for all drivers, both entrepreneurs/owners of road traffic transport equipment and owners of private vehicles when they pay motor vehicle tax.

The purpose of this paper is to ensure that there is a balance of justice in providing compensation to accident victims, both drivers of private vehicles and drivers of road traffic transport equipment.

LITERATURE REVIEW

Legal political development of compulsory of road traffic accident fund contribution

1) Welfare State Based on Pancasila

In the concept comprehension of the welfare state in Indonesia which is linked to the *SWDKLLJ* policy comprehension is interpreted as a Compulsory Road Traffic Accident Fund Contribution, it could be seen the policy concept took one of the welfare state concepts with a universal model (Ade Komarudin, 2014). The universal model itself could be interpreted as the state focused on social services to provided equally for all people without discrimination. This model is also often referred to as the Scandinavian Welfare State.

If we had concluded that the rules in Legal Number 33 of 1964 concerning Road Traffic Accident Funds were in accordance with the meaning of the Welfare State with the Universal Model and were accordance by the nation's ideas as stated in our nation's ideology, namely Pancasila in the 5 moral principles and 34 articles in the Republic of Indonesia Constitution 1945 stated the Social Welfare concept, we could be seen in the explanation contained in Legal Number 33 of 1964 concerning Road Traffic Accident Funds. In the explanation it is clearly written that the purpose of these laws and regulations is as the first step towards a social security system that contains a protection for every citizens.

2) Justice on Pancasila's Comprehension

Justice is a concept is being of particular concern to all countries in the world, included Indonesia. For an example, making the Compulsory Road Traffic Accident Fund Contribution policy, the government concept had tried created a country that pays attention to social security for every citizen as the expected justice steps. The justice concept that we could seen by the experts' comprehension had different concepts. For explaining the justice concept in the Compulsory Road Traffic Accident Contribution policy, we took justice concept meaning (A. Sonny Keraf, 1998), justice is considered the most important moral value because it relates to guarantees for the rights of every person and justice is considered the cornerstone of good social construction and took the thoughts of Jhon Rawls in his book *A Theory of Justice*, which was concluded on another occasion, the ideal description of the conception of justice emphasizes that this conception must clearly express one's respect for others (Jhon Rawls, 2006).

Based on the meaning of the justice concept, a conclusion could be drawn that the ideology of Pancasila, which was created by our founding fathers, had a profound meaning and is thought out in detail how to created or arranged a comfortable and peaceful country for its citizens.

FINDINGS AND DISCUSSIONS

1) The Effectiveness of Compulsory Road Traffic Accident Fund Contributions Application Based on Usability to Drivers of Motorized Vehicles

The enforcement of Minister of Finance Regulation Number 36/PMK.010/2008 which was updated to become Minister of Finance Regulation Number 16/PMK.010/2017 concerning the Amount of Compensation and Compulsory Contributions to Road Traffic Accident Funds in Indonesia leaves an interesting matter as regulations it could be seen that vaccum norms/laws in the Minister of Finance Regulation Number 36/PMK.010/2008 was updated to become the Minister of Finance Regulation Number 16/PMK.010/2017 concerning Size Compensation and Compulsory Contributions to Road Traffic Accident Fund, the government neglected to provide protection and compensation to private vehicle accidents victims because it focused on providing *SWDKLLJ* compensation, it defined as a Compulsory Road Traffic Accident Fund Contribution is focused on accident ride road traffic victims. If examined using Legal Number 33 of 1964 concerning Road Traffic Accident Funds, Minister of Finance Regulation Number 36/PMK.010/2008 was updated to become Regulation of the Minister of Finance Number 16/PMK.010/2017 concerning Amount of Compensation and Compulsory Contributions to Road Traffic Accident Funds there was blurring of norms or law due to its



implementation *SWDKLLJ* were required to pay when paying motorized vehicle taxes, both private and business owners or owners of road traffic transport.

2) *SWDKLLJ* is defined as Compulsory Traffic Accident Fund Contribution in Legal Number 33 of 1964 concerning Passenger Accident Obligatory Coverage Fund

An overview of the *SWDKLLJ* concept is defined as a Compulsory Traffic Accident Fund Contribution in Legal Number 33 of 1964 concerning Passenger Accident Compulsory Cover Fund compared to Minister of Finance Regulation Number 36/PMK.010/2008 was updated to become Minister of Finance Regulation Number 16/PMK.010/2017 concerning Amount of Compensation and Mandatory Road Traffic Accident Fund Contributions had the similar purpose to protection for passengers, but the facts in the society of *SWDKLLJ* policy was interpreted as a Compulsory Traffic Accident Fund Contribution applied to private vehicle owners, it had a confusion or ambiguity in its implementation. Due to if a *SWDKLLJ* accident occurs, it is interpreted as a Traffic Accident Compulsory Contribution, it may be claimed by the owner of public transport that has an accident with reference to the explanation in Law Number 33 of 1964 concerning Passenger Accident Compulsory Coverage Fund and the Minister of Finance Regulation Number 36/PMK.010/2008 was updated to become Minister of Finance Regulation Number 16/PMK.010/2017 concerning Amount of Compensation and Compulsory Road Traffic Accident Fund Contributions.

The regulation only explained the *SWDKLLJ* policy is defined as a Traffic Accident Compulsory Contribution that applied to public transport owners who have an accident, this contrast to *SWDKLLJ* withdrawal is interpreted as a Compulsory Traffic Accident Fund Contribution is applied to all vehicle owners when did motor vehicle tax payments. If the relevant stakeholders could provided clarity and direction so that the *SWDKLLJ* regulations were defined as Compulsory Traffic Accident Fund Donations become an effective and useful rule for its early purpose was the first step in providing social security protection (social security).

SUMMARY

In the research writing above, it hoped that the government or relevant stakeholders can explains in detail the meaning and use of the *SWDKLLJ* policy is defined as the Compulsory Traffic Accident Fund Contribution omits confusion or ambiguity of its application implementation, so that public vehicle owners especially entrepreneurs and private vehicle owners well understand the procedure in terms of benefits and uses to claim when have an accident.

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