Privatization The Implementation Of Electronic-Based Law Enforcement Responsibility In The Police Traffic Corps Of The Republic Of Indonesia

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Abstract

The topic of privatization rarely appeared dominantly in the implementation of activities controlled by the police in Indonesia before. However, in other countries in the last two decades, the wave of privatization has been inevitable due to the increasing number of government, military and police activities that cannot be carried out on their own, especially in matters that occur after the procurement of special equipment, such as maintenance and matters related to the operation of the equipment. itself. This condition occurs due to the incompetence of personnel and is supported by the inability of a timely budget with planning activities. Therefore, public participation in cooperation in traffic law enforcement (Public Private Partnerships in Traffic Enforcement), especially in the context of public transparency and more open communication, is very important in order to lead to success and sustainable implementation of all activities of the Indonesian National Police, especially in Traffic Corps. This paper is expected to be able to identify the need for such a business model in the future to make a policy making easier.

Keywords: Privatization; Electronic Traffic Law Enforcement; Public and Private Cooperation; Public Private Partnerships in Traffic Enforcement

INTRODUCTION

The Traffic Corps of the Republic of Indonesia Police needs to ensure the accuracy of the selection of the technology management system that is already available for use. As is the case with several ETLE facilities that have been deployed and the continuation of the plan from the Traffic Police Corps will increase the number to be placed in several other places. To realize all this, the Police must at least think of several innovations, where these innovations can be in the form of new concepts, new methods, or new tools. Innovation in the public sector is one way or even a "breakthrough" to overcome bottlenecks and organizational deadlocks in the public sector. (Suwarno 2020) However, innovation tends to work best when all these forms of ideas are brought together to enable the police as part of a law enforcement agency that is have greater insight and understand impact than ever before. The hope is especially when the Police only carry out their main functions, and delegate their incompetence to the private sector, especially for parts that are not essential but affect the smooth running of tasks and responsibilities.

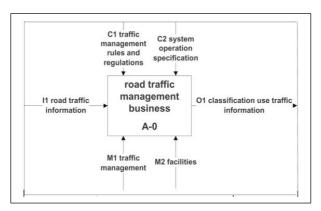
Innovations that are shaping the future of law enforcement began with the emergence of technologies that underpin new operating concepts, enable interventions, and relationships that keep communities safe. Police and law enforcement agencies in other countries are already pushing for change, pioneering creative ideas, adapting to changing

contexts, and incorporating the insights and capabilities of trusted partners and assisting the smooth running of public services.

Some questions address the issue of privatization such as why a cash-strapped government should invest in such a system if the private sector, who specializes in this business, whom can do it better, with more flexibility and at lower costs with sufficient economies on a big scale? Does the Public Private Partnership (PPP) arrangement for traffic enforcement with the local government/police make sense? How are enforcement of PPPs organized, and what tangible benefits can be expected from this?

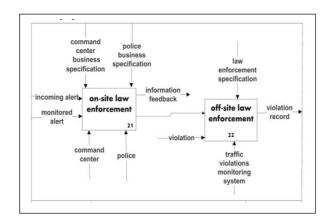
To understand how this innovative practice model can change the future, we must start by understanding the journey members take from collecting evidence to adding insight and information. Members must be able to quickly assess their environment, leverage technology as they pursue public safety, dig through data to gain insight into what to do next, increase their success, and engage deeply in their community. And this will include electronic-based traffic law enforcement processes, such as the Electronic Traffic Law Enforcement (ETLE) program that has been running for some time now.

In the business process of managing traffic activities, it can be described by the following scheme:



Pic 1. Road Traffic Management Business Source: (Li, Zou, and Guo 2014)

It can be seen in the business process that traffic management requires specific facilities and operating systems. Where in the "big house" sometimes these facilities and operating systems fill too large a space in the organization's household. So that the facilities and operating system compartments should be a potential organizational slack. On the rule of thumb the management of public management refers to the statement of Derry Ormond and Elke Löffler in closing their paper entitled "New Public Management: What To Take And What To Leave".



Pic 2. Traffic Law Enforcement Business Source: Li, Baowen, Meng Zou, and Yufei Guo. 2014.

And referring to the traffic law enforcement business process, it specifies that the "on site law enforcement" police business has special specifications that can be displayed in their "command centre". And in the "off-site law enforcement" process, there are special law enforcement specifications that have a traffic violation monitoring system and record violations. This means that the need for a transparent, accountable and professional law enforcement process is a priority.

National Institute of Public Administration in the book The Unitary State Administration System The Republic of Indonesia (SANKRI) formulates that good governance, either explicitly or implicitly, is contained in the values of the administration of state government based on Pancasila and the 1945 Constitution, which include the principles of: the rule of law, justice, equality, transparency, participation, decentralization, togetherness, professionalism., responsive, effective and efficient, competitive, and accountable (LANRI, 2003: 25). Meanwhile, in the context of implementing regional government in the context of implementing regional autonomy in Indonesia, it was discussed at the National Conference of Good Regional Governance, which includes the principles summarized as follows:

- 1. Participation Principle: Encouraging every citizen to exercise their right to express their opinion in the decision-making process, which involves the interests of the community, either directly or indirectly;
- 2. Law Enforcement Principles: Realizing fair law enforcement for all parties without exception, upholding human rights and paying attention to the values that live in society;
- 3. Transparency Principle: Creating mutual trust between the government and the public through the provision of information and ensuring the ease of obtaining accurate and adequate information;
- 4. Foresight Principle: Developing regions based on a clear vision, mission, and strategy and involving (actively and proactively) citizens in the entire development process, so that residents feel they have and are responsible for the progress of their regions.

So once again, with reference to the statement of Derry Ormond and Elke Löffler, namely "New Public Management: What To Take And What To Leave", it is reasonable, if the Indonesian National Police can consider the possibility of collaboration or enter into the process of privatizing the supporting elements of public services that considered nonessential. Where one of them is the Electronic Traffic Law Enforcement (ETLE) business process which can involve the private sector, especially other government elements, such as BUMN (State Owned Enterprises) in meeting the needs of implementing technology that is not owned by the Police directly because it is not the main part (non-cores).

LITERATURE REVIEW

Privatization means the transfer from the state/government sector to the private sector. Waterson (1988, pp. 7-8), defines these terms more clearly as he puts it the following:

Privatization is "a change in ownership from the state to the private". Finally, privatization also includes what is called franchising or contracting-out. This term implies that works that were previously carried out by the local government or the central government are now contracted out to the private sector.

Some of the advantages of privatization are as follows: First, privatization will stimulate competition and weaken the power of the "little king" if any. Second, privatization allows police management to concentrate on the main tasks and functions rather than having to serve various conflicting political interests. Third, privatization promises greater efficiency, better service, lower prices and more choices. Fourth is by selling the responsibility for public services, the state treasury will increase and at the same time reduce the burden on the state budget because the police are free from the obligation to subsidize programs that are in loss and mismanaged. Fifth, privatization will make organization more responsive to consumer demand. Sixth, privatization allows the police to raise funds from the capital market indirectly through the hands of SOEs and other private companies.

So, what about the term "Electronic Privatization of Law Enforcement Responsibilities?" Of course, this is nothing but the hope that the problem-solving process in the police agency can be more focused and effective, rather than thinking about what steps the police agency lacks in terms of technology and resource development. Prager (1992) identified five definitions of privatization; but to what extend the fifth definition shall be the best to accommodate the issue in law enforcement aspect whereas this option leaves both ownership and fundamental decision-making with police/state while production, in contrast with service provision, shall be lies in private hands in the format of management contract and contracting. (Nations n.d.)

The second reason why state agencies such as the police have less chance of performing more efficiently than private companies is because the institutional structure of state enterprises is said to be inherently inefficient. Thornhill (1968, pp. 12-3).

On the other hand that Malcolm Sparrow also says that *private policing* is broadly construed and means the *provision of security or policing services other than by public servants in the normal course of their public duties* (Sparrow 2015).

World Bank on (Megginson and Netter 2001) expressed their opinion as:

"The key factor determining the efficiency of an enterprise is not whether it is publicly or privately owned, but how it is managed. In theory, it is possible to create the kinds of incentives that will maximize efficiency under any type of ownership". They were also believes that privatization is one of the most important element to the continuing global phenomenon of the increasing use of private sectors as in the markets to allocate resources.

A similar argument was put forward by Wortzel and Wortzel (1989) in Privatization: Not the only answer who argued that the problem faced by state agencies was not ownership or ownership but because the goals and objectives to be achieved were not clear and there was no organizational culture and system. that helps and encourages the achievement of these goals and objectives.

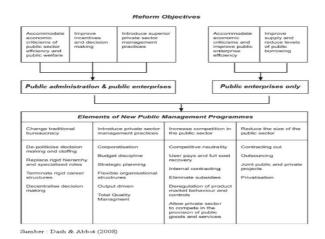
If we look at the general model of the New Public Management (NPM) theory, it can be seen that there is a very close relationship to objective reform decisions in public administration that can be applied by the police in terms of improving decision-making and improving internal needs.

And another form of "corporatisation" is privatization which will systematically help "output driven" of organizational flexibility.

So where is the change in responsibility in question? This research will answer the problems faced by the Indonesian National Police in this case, especially the Traffic Corps in terms of overcoming the shortcomings and inefficiencies of organizational management by relying on third parties in this case the private sector as a pioneer in improving public service services on the concept of equitable distribution of Electronic Traffic Law Enforcement services (Electronic Traffic Law Enforcement). ETLE) throughout Indonesia.

This public service is to divert internal efforts by presenting private parties and other state agencies that have the ability to support the implementation of electronic law enforcement implementation facilities as part of public service responsibilities as well as organizational reform.

Let's look at the chart below to see that the theory from Dash & Abbot (2008) can support the implementation of responsibilities to third parties in order to get a high Service Level Agreement (SLA).



Pic 3. General Model New Public Management

In turn, the Traffic Corps must also change the traditional ways of bureaucratic in its ranks by giving confidence to the Traffic ranks at the level of POLDA in terms of developing public services in collaboration with the private sector and other state agencies.

METODOLOGY

The data and information that support the writing of this paper were collected by conducting a library search, searching for relevant sources, searching for data through the internet or extracting data in the police archives. The data and information used are data from thesis, electronic media, and some relevant libraries. The data collection techniques carried out are:

- i. Before the data analysis was carried out, a literature study was carried out which became the material for consideration and additional insight for the author regarding the scope of activities and the concepts covered in the writing.
- ii. To discuss the analysis and synthesis of the data obtained, it is necessary to use reference data as a reference, where the data can be developed to be able to find the unity of the material in order to obtain a solution and conclusion.

Some of the data and information obtained at the data collection stage were then processed using a descriptive analysis method based on secondary data.

The aspects that will be analysed are the Electronic Traffic Law Enforcement (ETLE) implementation program as a national strategic commodity in the Indonesian National Police with technological problems as a result of the development of the electronics-based program. The described synthesis is an alternative solution to overcome the problems being analysed.

RESULTS AND DISCUSSION

This chapter will discuss the results of the research that has been carried out which includes data description, analysis prerequisite test, research hypothesis testing, and discussion of research results.

The Indonesian Police Traffic Corps (Korlantas Polri) based in the Indonesian capital Jakarta is the main implementing element of the Indonesian National Police at the Headquarters level led by the Head of the Traffic Police Corps (Kakorlantas Polri) who is responsible under the National Police Chief in charge of fostering and carry out traffic functions which include public education, law enforcement, assessment of traffic problems, registration, and identification of drivers and motorized vehicles, as well as conducting highway patrols. Kakorlantas is a two-star general who is currently held by Inspector General (Pol) Firman Santyabudi.

Korlantas has actually existed since the Dutch colonial era. At that time, the Dutch East Indies government considered the need for a forum to keep pace with the increasing traffic development. So on May 15, 1915, a traffic organ called Voer Wesen was born, and it was updated to Verkeespolitie, which means Traffic Police in the original Dutch language.

Entering the Japanese colonial era, the role of Korlantas experienced a slight gradation. Various security and security tasks taken by the Japanese military made Korlantas carried out by the Kempetai (the name for the Japanese Military Police).

Although up and down through the Japanese Colonial era and the period of Independence, the existence of Korlantas was confirmed on September 22, 1955. The Head of the State Police Service issued Order No. 20 / XVI / 1955 dated September 22, 1955, regarding the Establishment of the Road Traffic Section, under the Head of the State Police. This September 22nd is the reference for Korlantas' inauguration day which is celebrated today.

Korlantas Polri consists of 3 directorates and 3 sections, namely:

- a. The Directorate of Security and Safety (Ditkamsel) is the main implementing element of Korlantas which is posted directly under the Kakorlantas. Its task is to carry out the roles and functions of technical implementation of security, safety, order & smooth traffic including traffic impact analysis, cooperation in the field of traffic and coordination with relevant agencies; As well as carrying out audits and traffic assessments for quality control and quality.
- b. The Directorate of Law Enforcement (Ditgakkum) is the main implementing element of Korlantas which is posted directly under the Kakorlantas. Ditgakkum is in charge of fostering the implementation of law enforcement, including traffic rules.
- c. The Directorate of Registration and Identification (Ditregident) is the main implementing element of Korlantas which is directly under the Kakorlantas.

Ditregident is in charge of serving the administration of registration and identification of motorized vehicles and drivers.

- d. Operational Section (Bag Ops) is the assistant leadership element which is posted directly under the Kakorlantas.
- e. Planning & Administration Section (Renmin Bag) is an auxiliary element of the leadership that is posted directly under the Kakorlantas.
- f. The ICT Section (Information and Computer Technology) is a leadership assistant element that is posted directly under the Kakorlantas.

When the new National Police Chief was sworn in, the National Police Chief Gen. Pol Listyo Sigit Prabowo inaugurated the first phase of the national electronic ticketing program at the National Police NTMC Building. The implementation of the national Electronic Traffic Law Enforcement (ETLE) is a breakthrough by the National Police Korlantas to materialize and support the 100-day work program of the National Police Chief General Listyo Sigit Prabowo. ETLE in as many as 12 regional police with 244 electronic ticketing cameras began operating that day. It is hoped that in the future, Korlantas will gradually develop it into 34 provinces, and in each regency and municipality.

As an illustration, the following is a ticketing mechanism using the ETLE method that has been held at the Polda Metro Jaya level:

Stage 1

The ETLE device automatically captures traffic violations that are monitored and sends media evidence of violations to the ETLE Back Office at the RTMC¹ Polda Metro Jaya.

Officers identify Vehicle Data using Electronic Registration & Identification (ERI) as a source of vehicle data.

Stage 3

The officer sends a confirmation letter to the public address of the motorized vehicle for a request for confirmation of the violation that has occurred. The confirmation letter is the first step of taking action, in which the vehicle owner is required to confirm the ownership of the vehicle and the driver of the vehicle at the time of the violation. If the vehicle in question is no longer a vehicle belongs to the person who received the confirmation letter, then it must be confirmed immediately.

The recipient of the letter has a time limit of up to 8 days from the occurrence of the violation to confirm through the website or come directly to the office of the Sub-Directorate of Law Enforcement.

Stage 5

After the violation is confirmed, the officer issues a ticket with the payment method via BRI Virtual Account (BRIVA)² for each verified violation for law enforcement.

¹ RTMC = Regional Traffic Management Centre at designated at the Regional Police level.

² BRIVA or BRI Virtual Account is a practical payment method issued by PT. Bank Rakyat Indonesia (BRI) in the form of an account number or a special code that can be used to make a one-time payment and will automatically be confirmed if the payment has been made.

And for the record, the failure of the vehicle owner to confirm the violation will result in a temporary STNK block, whether it has changed address, has been sold, or failed to pay a fine. In the implementation process, there are several specific elements related to the development and development of ETLE, which can be explained as follows:



Pic 4. Specific Element of ETLE

What is purely owned by the Police, in this case the Traffic Corps, is CCTV and the ability of HR in the Back Office. Meanwhile, the telecommunications network is still rented to the company that owns the network, which currently varies (Telkom, Moratel, Lintas Artha) as well as other providers.

The development by the Korlantas Polri, as has been stated, is still limited to the provincial, regency and municipal levels, where it is hoped that a fiber optic network will be established that supports the continuity of smooth service, because each ETLE post requires a large enough bandwidth media, namely 100-150 Mbps per ETLE station, in order to transmit data collection from CCTV sensors in the form of data, photos and videos as evidence of violations that are sent to the Back Office at RTMC / NTMC Police Headquarters.

In general, the level of public trust (Ansell and Gash 2008) in the performance of the Police in the Thirty-four Regional Police has a value of 77.36% (Abubakar, Prasojo, and Jannah 2017) with a ranking of the level of trust in the five police functions, namely:

- a. Intelkam³ function (86.46%);
- b. Traffic function (81.80%),
- c. Binmas⁴ function (83.54%),
- d. Sabhara⁵ function (79.71%),
- e. Crime Function (57.86%).

The ranking of the level of public trust (Tribrata News 2021) is based on five indicators of police services, namely:

- a. Conformity (77.99%),
- b. Responsiveness (77.78%),
- c. Guarantee (77.37%),
- d. Reliability (70.94%),
- e. Direct Evidence (67.47%)

³ Intelkam= intelligence and security unit

⁴ Binmas=community development

⁵ Sabhara=public alert unit

If we see that the level of public trust (Undesa 2007) in the function of the police in traffic has only reached 81.80% where supposing that the measurement of good corporate governance should reach 100% SLA.

Data from the Traffic Directorate of Polda Metro Jaya shown that the presence of electronic ticketing stations (ETLE) has succeeded in reducing the number of violations by 64.2% at points where ETLE camera stations along Sudirman-Thamrin are installed. Meanwhile, from the data on violations of the Traffic Directorate of the Polda Metro Jaya, it can be summarized that:

Table 1. Traffic Violence

TRAFFIC VIOLENCE			
August 2020	2,742 violence		
September 2020	2,122 violence		
October 2020	1,239 violence		

Source: Metro Jaya Police ETLE Monthly Report Data

The following is the distribution of the new ETLE station spots that were held in the National Phase I:

Table 2. Distribution point

DISTRIBUTION POINT	
<u>Polda</u> Metro Jaya	98 spots
<u>Polda</u> Riau	5 spots
<u>Polda Jawa</u> Timur	55 spots
Polda Jawa Tengah	10 spots
<u>Polda</u> Sulawesi Selatan	16 spots
<u>Polda Jawa</u> Barat	21 spots
<u>Polda</u> Jambi	8 spots
Polda Sumatera Barat	10 spots
Polda DIY	4 spots
Polda Lampung	5 spots
Polda Sulawesi Utara	11 spots
Polda Banten	1 spots

Source: Korlantas Polri

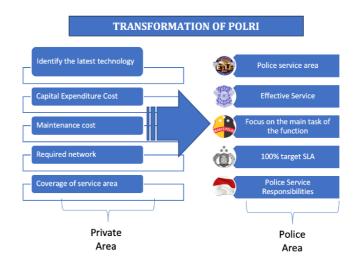
It can be seen that there is a desire by the police leadership to penetrate into the improvement of electronic services, even though the boomerang effect that will occur has not been well identified, namely the effect of high maintenance and maintenance costs considering the Pareto cost structure (MagniMetrics 2019) of ETLE implementation after implementation is as follows:



Pic. 5. Cost Structure Pareto Source: Self

So it can be seen that the biggest cost element is the network cost (Undesa 2007), which should get more attention regarding its use. And the fact is that currently the Indonesian National Police do not yet have the ability to establish their own network.

CONCLUSION



Pic. 6. Transformation of POLRI Source: Self

The private sector can at least ensure that the transformation of Polri's ⁶ professionalism can be more maintained, by negating the grey areas that are still lacking in Polri's ability to deploy technology, as well as ensuring or identifying appropriate and up-to-date technology, reducing capital expenditure costs, reducing maintenance costs, eliminating the necessary network investment, and expanding the scope of services according to the needs of the Police.

Several cost structures that occur as a logical consequence of this electronic-based law enforcement program have become a significant burden for the police, regarding the effectiveness of the implementation of the Electronic Traffic Law Enforcement program. Privatization framework (Thoha 1993) can be a solution that can carried out by the Traffic Police of the Republic of Indonesia by fulfilling the following: the rules and norms that apply to state agencies.

Apart from that, there will be more affordable and appropriate options useful if you can collaborate with a trusted third party. Because, on the other hand, some private parties still cover up what strategies can be implemented and beneficial for both parties, can even be conditioned will not detrimental to the user, in this case the Indonesian National Police.

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⁶ POLRI=Indonesian Police

Several aspects need to be considered carefully in the proposed privatization of electronic-based responsibility on traffic law enforcement (Bagasatwika 2020), strictly speaking, isn't it against the taking over of the role of public services by the Police as the main task function. However, it only takes over the responsibility for operational management electronic-based law enforcement.

If the process of taking over operational responsibility is successful, then the target of Traffic Police is to ensure that service standards meet the rules and regulation applicable legal norms(Abubakar, Prasojo, and Jannah 2017), as well as facilitating the monitoring and evaluation process of any third party that becomes a strategic partner.

On the other hand, this strategic partner will depend on the size of the service standard, because if it does not meet the service concept standards, then the partner cannot cashing in on their bills as a basis for compensating their investment in the Police.

From the financial side, the police can involve the banking sector in terms of saving money while the program funds are in the escrow account until materialization service meets the promised standard.

The basis for calculating the program materialization can be negotiated in accordance with the partners so as to produce an adequate agreement for both sides. Moreover, the advantage at the beginning is the lower cost overall investment for the Police which is a necessity. Let's take a look at the following business schema chart:

Table 3. Perspective VS Budget (multi sources)

PERSPECTIVE VS BUDGET					
Event	Year 1	Year 2	Year 3	Year 4	Year 5
PROCUREMENT CAPEX	<mark>63%</mark>	<mark>0%</mark>	<mark>0%</mark>	<mark>0%</mark>	<mark>92,3%</mark>
MAINTENANCE COSTS	0%	33%*	33%	33%	0%
NETWORK RENT	30%	33%**	36,3%	39,9%	43,9%
DAMAGE INSURANCE***	2%	2%	2%	2%	2%
OTHER FEES***	5%	5%	5%	5%	5%
NOTE: * HARWAT COSTS CA BOOK VALUE	LCULATEI	STRAIGH	IT LINE A	CCOUNTIN	NG - THE

^{**} INCREASED RATE & TRAFFIC BANDWIDTH 10% PER YEAR

Table 4. Outsource Perspective VS Budget

EVENT	Year 1	Year 2	Year 3	Year 4	Year 5
PROCUREMENT CAPEX	0%	<mark>0%</mark>	0%	<mark>0%</mark>	0%
MAINTENANCE COSTS	50%	45%	40%	35%	30%
NETWORK RENT	10%	15%	20%	25%	30%
DAMAGE INSURANCE***	2%	2%	2%	2%	2%
OTHER FEES***	5%	5%	5%	5%	5%
USER SAVING	33%	33%	33%	33%	33%
NOTE: COST SAVING FROM T	HE BEGINN	ING OF TH	IE YEAR O	F 33% & I	N THE 5t
EAR THERE ARE NO NEW	DEVELOPM	ENT COST	'S EVEN T	не воок	VALUE I

from an outsource vs

e column is subject to a minimum fee and

increases by 50% every year because there is no capex for strategic partner companies. And there is a decrease of 10% every year in the column for equipment maintenance and maintenance costs. Therefore, there is a cost efficiency of 33% per year when using this business model or scheme.

^{***} LUMP SUM PRICE

In conclusion, the privatization of operational responsibilities needs to be considered as well as possible, so that no party is harmed or is considered to be monopolizing the operational land of the Indonesian National Police. The selection of a safe business scheme needs to be done so that the concept of shifting operational responsibilities can be accounted for commercially and according to good corporate government norms.

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