

# The Public Policy Strategy on The Management of The Indonesia Public Road Transportation in Achieving a Gender Equity

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## Abstracts

This research aimed to examine three issues related to public policy dealing the road public transportation. First, how do international law guarantee gender equity on the public road transportation?, Second, How do Indonesia's law No. 22 of 2009 on the public transportation guarantees the gender equity?, Third, how the implementation of the guarantee of gender equity on the public road transportation in some areas of Central Java, Indonesia, (namely Solo, Karanganyar, Klaten) and Jakarta? This study is a Legal Research research using secondary data obtained from the various legislations, books, journals, scripts on the internet, and a legal dictionary. The approach used is the approach of legislation and conceptual approach in order to understand the concept of gender equality. From the analysis, the researcher conclude that: first, Even though there is no clearly and especially the international instrument ensuring the gender equality on the public transportation. The international instrument of human rights (soft law or hard law) has guaranteed the gender equality. It can be found from The United Nations Charter 1945, Universal Declaration of Human Rights 1948, ICCPR, CEDAW 1079, and DEVAW 1993. Second, The Indonesia's Law No. 22 of 2009 has not still secured the equity of gender, and the authors conclude that the definition of "kelaikan jalan (road worthiness)" on those regulation need to be improved, therefore it is not only defined as the techniq and operational terms but also standard of the security and comfort of the passengers. The authors conclude that the almost public transport companies of Central Java District (Solo, Karanganyar, Klaten) and Jakarta still do not guarantee gender equity due to the formation of the bus company employees (drivers and conductors) still do not have gender equity awareness well. The separated seat policy between men and women when carried out in the long term it will further create conditions that women are the weak women.

**Keywords:** Gender, , equity, public transportation

## A. Introduction

The level of violent crime is increasing every year with serious consequences for the victims both male and female. The violence can happen to anyone . However, if traced further violence often affects women both in the form of sexual violence , sexual abuse , sexual exploitation , trafficking , and domestic violence . Violence is understood as gender-based violence or gender- based violence which refers to the subordinate position of women because relationships reflect both powerless and powerful , in other words there is a power imbalance between women and men (Romany Sihite: 2007, Page. 226). Alison Morris noted that crimes against women have certain characteristics , namely:

1. Most of women become victims of crime / violence by men ;
2. Women are more likely to know who is attacking or perpetrators of crimes against them than men ;
3. Women are more likely to be attacked in their homes or environment than men ;
4. Women are more likely to experience guilt upon victimization than men .

This shows that women are particularly vulnerable to violence, which is generally carried out by men in both the public and private areas . Stereotypes attached to women as individuals are weak and inferior adopted by them so that women often blame themselves in the event of victimization .

In the period between March 2010 - March 2015 National's Women Commission of Indonesia (Komnas Perempuan) found 3,753 cases of the total cases of violence against women ( 105,103 ) were cases of sexual violence . Documented cases of sexual violence such as rape , sexual exploitation , sexual abuse , sexual control. ([www.komnasperempuan.go.id](http://www.komnasperempuan.go.id), accessed on 30 January 2016. This means that every day there are at least 10 women who experienced sexual violence (Annual Document National's Women Commission on March 2015 ). Cases of sexual violence were recorded in 2010 as many as 2903 occurred in the privat space (done by people nearby ) and as many as 1781 occurred in the public space ( workplaces , public transport and other public spaces ). That means one-third of sexual violence against women occurs in the public space .

The public spaces are very vulnerable to sexual violence against women are trains, buses and other public transportation. In 2011 in Jakarta, there were 3 cases of rape and rape with murder in general transportasi. The first case occurred on August 16, 2011, a student was raped and murdered in microbus. The second case

occurred on 1 September 2011 befall a worker who was raped in a public transport. The third case occurred on December 14, 2011, a housewife who will go to the market early in the morning were raped in public transport. In early 2012, a student was raped by five men while waiting for public transport in the bus stop. Violence against women in public transport occurred not only in the form of rape, but also sexual harassment, theft and robbery. Various cases of sexual violence that occurs in public transportation facilities indicates that public services of Indonesia transportation are poor . It raises the question of where the role of government as the main responsible public services .

The right to get a gender responsive service is one part of social rights . The Universal Declaration of Human Rights ( UDHR) 1948 guarantees the right of everyone to the livelihood , freedom and safety . The provisions in the UDHR are then clarified in the International Covenant on Economic , Social and Cultural Rights , 1966, which states in Article 3 that the States Parties to the present Covenant undertake to ensure the equal rights of men and women to enjoy all the rights of economic, social and culture contained in the Covenant. Particularly, the protection of women's rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW aims to eliminate discrimination against women in all forms of manifestations. Article 2 of CEDAW ensure that the States parties agree to pursue by all appropriate means and without delay a policy for the elimination of discrimination against women. Some of the things contained in those policies, among others mencantumkan aasas equation in regulation peundang-invitation, make regulations concerning the prohibition of all forms of discrimination against women as well as sanctions, change or delete laws and customs that discriminate against women and enforce the legal protection of women's rights.

Indonesia has ratified the CEDAW through Law No. 7 of 1984 on Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women . In addition , the Indonesian government has issued Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in the National Development command to all relevant officials to carry out gender mainstreaming to the implementation of the planning , preparation, implementation , monitoring and evaluation of policies and programs of national development perspective gender in accordance with the roles and functions , as well as their respective authorities in order to realize gender equality in family life , community , state and nation .

Therefore the Government of Indonesia has a duty to strive for gender mainstreaming in policy making , especially in the making of legislation . Political development law that gender mainstreaming is necessary to eliminate all forms of discrimination against women , including in public transportation . Development needs to be designed egalitarian and benefit equally good racial , ethnic, religious , social groups , economic groups and involve and provide equal benefits for men and women ( Ismi Dwi Astuti, 2009, page. 53). Mansour Fakh claims that development that does not consider the gender issues will result in retardation female (Mansour Fakh, 1999, Page. 26).

In this case, the researchers highlight the legislation in the field of public transport as a means of providing legal protection on the gender perspective . Within the gender mainstreaming legislation (Indonesia's Law No. 22 of 2009 concerning traffic and Road Transportation) expected to minimize violence against both women and men in public transportasi means . Therefore, It is necessary legislation in the field of public transportation on the gender perspective ( gender mainstreaming ) as the state's responsibility to eliminate all forms of discrimination against women. Based on the above background , the author examines gender mainstreaming in the public transportation in Indonesia. There are first, how do international law guarantee gender equity on the public road transportation?, Second, How do Indonesia's law No. 22 of 2009 on the public transportation guarantees the gender equity?, Third, how the implementation of the guarantee of gender equity on the public road transportation in some areas of Central Java, Indonesia, namely Solo, Karanganyar, and Klaten?

## **B. The Guarantee of The Gender Equity On The Public Road Transport On the International Law**

The Guarantee of the fairness of rights men and women rights are a fundamental principle of the United Nations. The opening of the UN Charter establishes one of the main goals of the UN to reaffirm the conviction on Human Rights (HAM), dignity and worth of the human person in the equal rights of men and women. the UN Charter states that one of the purposes of the UN is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for human being without distinction of race, sex, language or religion (Article 1 (3) of the UN Charter). Recognition and further human rights guarantees set forth in Article 55 of the UN which will promote universal awareness and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Under these provisions, the first international instrument governing equal rights between men and women shellac must be adhered to by all UN members.

In the early stages when the script is structured charter, inclusion of the prohibition of discrimination based on sex did not exist. The section is loaded with pressure from representatives of 42 Non-Government

Organization (NGO) that is gaining recognition as a participant in meetings of the charter drafting (The United Nation, 1995, page. 10). The UN Charter is the first international legal instrument that contains equal rights of all people and states that discrimination based on sex. The struggle of The Gender equality intensified after inserting a provision in the preamble of the UN Charter became part of the Universal Declaration Of Human Rights (UDHR) in 1948 (family planning coordination agency). The Universal Declaration of Human Rights proclaims the right of everyone to equality before the law and to enjoy human rights and fundamental freedoms without distinction of any kind. UDHR states various rights which should not be revoked / canceled and should not be violated. The rights associated with the five goals of civil, political, economic, social and cultural. Some examples are outlined in the Universal Declaration of Human rights, namely the right to life, non-discrimination, housing and shelter, health care, employment, education and standard of living.

The struggle for the gender equity within the framework of human rights continued in the International Covenant on Economic, Social and Cultural Rights / Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights / Covenant on Civil and Political rights (ICCPR). They were adopted in 1966, The interpretation of the declaration principles in a legally binding form, clearly states that the rights defined apply to everyone without distinction of any kind. In Article 3 of the ICESCR states that States Parties to the present Covenant undertake to ensure the equal rights of men and women to enjoy all the rights of economic, social and cultural rights set forth in the Covenant. Although both these covenants classify human rights can not be canceled / revoked (inalieble), universal, interrelated to each other (interdependent).

In addition, there are some instruments providing special emphasis to the principles of non-discrimination in the context of certain groups of women or a specific situation in which women are particularly vulnerable to neglect their rights. Convention on Combating Human Trafficking and Exploitation of Prostitution 1949 is the first convention that gives attention to the vulnerability of women in the environment or special circumstances.

At the beginning of women's rights in the generally and variously international conventions on human rights globally, such as the UN Charter, the Universal Declaration of Human Rights (UDHR), ICCPR, ICESCR. Therefore, the Commission formed the Status of Women (CSW) in charge of defining and outlining a guarantee of non-discrimination. CSW has produced variously important declaration and conventions that protect and promote the human rights of women, the Convention on the Nationality of Married Women was adopted on January 29th 1957, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 7 November 1962 and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages-adopted on 1 November 1965. All these agreements to protect and promote the rights of women in a particular area which is considered by the commission are particularly vulnerable rights violations (<http://www.un.org/womenwatch/daw/cedaw/history.htm>). the various conventions is still highly centralized related to specific things. Yet there is an agreement that specifically regulates the protection of women's rights in general. The approach taken by the commission is fragmentary because it has not been able to deal with the discrimination of women in a comprehensive manner. Therefore, the UN General Assembly in Resolution 1921 (XVIII) December 5, 1963 asking the Economic and Social Council to invite the CSW to prepare a draft declaration on the elimination of discrimination against women, which was finally adopted on 7 November 1967. Although the declaration only has binding force morally and politically, the declaration has been through a process of preparation that is not easy. Several articles on controversial among others, provisions relating to equality in the family and work.

International legal instruments in ensuring the rights of women consisting of:

1. Universal Declaration of Human Rights / DUHAM

The Criticism of the UDHR also because of the nature of the UDHR which is soft law, so it does not have the binding force of the member states of the UN. Moreover UDHR only compiled by the United Nations and therefore it is not binding (Suliaman Abdul Rahman Al-Hageel: 2014, page. 82-83).

This declaration is the beginning of the beginning of the introduction of the principle of non-discrimination and the transformation of society in order to guarantee the enjoyment and protection of rights of every person (<http://untreaty.un.org/cod/avl/ha/udhr/udhr.html>). UDHR is known as a model promulgation of a wide variety of both human rights norms in the national constitutions and legislation (John O'Brien: 2001, page. 479).

In the preamble, it is stated that the dignity and the same rights and absolute humanity is the basis of independence, justice and peace in the world. Stated also that the highest aspiration of the common people is the enjoyment of freedom of speech and belief and freedom from fear and want. UDHR also affirms that human rights should be protected by law enforcement and appreciation and respect for human rights and fundamental freedoms. Even the Universal Declaration reaffirms the belief in basic human rights and the equality of men and women. UDHR is a common standard regarding the promotion and encouraging respect for human rights and freedom as the foundation of justice, liberty and peace (Achie Sudiarti Luhulima: 2007, page.18).

## 2. International Covenant on Civil and Political Rights (ICCPR)

D.J. Harris claimed human rights are divided into three generations. The first generation, the civil rights and political rights are derived from the teachings of John Locke, Rousseau and other scholars who have traditionally given priority in western countries. The second generation, namely economic, social and culture that flourished in the 20th century as the development of socialism. By the Universal Declaration of Human rights of both types is accommodated equally in its provisions, with the realization between of those are interdependent. The third generation, namely the collective rights of society such as the right to self-determination (self-determination) and the right to development. This categorization of rights developed in the 1970s and come from developing countries (D.J. Harris: 2004, Page. 655-656).

ICCPR was adopted by the UN General Assembly in December 1966 and March 1976. The binding force seems masculine orientation in the use of the word "his" in the Preamble of the Covenant:

"... the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his (her) civil and political rights, as well as his (her) economic, social and cultural rights..."

The right to life and liberty is clearly a matter that should be respected by the state. The freedom of individuals to improve quality of life and describes the relationship between state and individual. The rights guaranteed by the ICCPR include the right to life, freedom from torture and perliaku inhuman, freedom from slavery, the right akast liberty and security, the right of detainees to be treated humanely freedom from arrest for debt, freedom of movement and to choose their residence , freedom of foreigners on expulsion arbitrary, the right to a fair trial, the right to equal treatment before the law, the right to privacy, self-determination, the right to expression and freedom of religion, the right to marry, the right to have family, right the child, the right to participate in political life, as well as the special protection of the rights of minorities. In this case, the author will discuss only the right to life as the right approach guarantees fairness and gender equality in public transportation (ICCPR, Article 6-27).

## 3. Declaration on the Elimination of Violence Against Women / DEVAW

DEVAW adopted by the UN General Assembly in December 1993. According DEVAW, violence against women shall be understood as violence which is not only limited to domestic violence, but also violence by a group or violence by the state. This declaration is not binding, but managed to explain the equal rights of women within the family, groups and countries, particularly the right to personal security (Jan Bauer & Annisa Helie: 2006, page. 49). Violence is defined as any act of violence based on gender, in the form of physical violence, sexual violence or psychological or threats, coercion, deprivation of arbitrary freedom in public and private space. Violence is defined as any act of violence based on gender, in the form of physical abuse, sexual or psychological violence or threats, coercion, arbitrary deprivation of freedom in public or private life (DEVAW Article 1). Although the nature of soft law, DEVAW advised states to undertake preventive measures, inspection through national legislation, punish the perpetrators of violations of both the individual and the state.

Although DEVAW is no single international convention that explicitly ensure fairness and gender equality in the field of transportasi, the guarantees already included in the guarantee equality, non-discrimination and the responsibility of the state which became the main principles of CEDAW. Procurement systems and means of transport that ensures fairness and gender equality is also one of the prevention and elimination of violence as stated in DEVAW. Therefore, the responsibility of the state to provide a system and means of transportation that ensure fairness and gender equality.

## 4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Law and human rights were already considered to be very masculine and patriarchal, which is constructed in a way of thinking and in the world of men and legitimize the unfortunate situation of women (Hillary Charlesworth: 1994, Page. 58). CEDAW has changed the nature of gender neutrally legal instrument that asks equality of treatment between men and women become more recognizes the special part of discrimination against women as things that must be considered (Rebecca J. Cook, 1994, Page. 11).

CEDAW give responsibility to the States Parties to eliminate discrimination against women:

a. To embody the principle of equality between men and women in the Constitution of their national legislation or other appropriate, if not included therein, and to ensure the practical realization of this principle, through legal and other means appropriate;

b. Make the legislation right and follow other measures, including sanctions where necessary elarang all forms of discrimination against women;

c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions, the effective protection of women against any act of discrimination;

d. Not engaging in any act or practice of discrimination against women, and to ensure that public authorities and institutions shall act in conformity with this obligation;

e. Undertake measures that appropriate to remove the discrimination of women by any person, organization or enterprise;

f. Undertake measures that right, including legislation to modify or delete laws, regulations, customs and practices that discriminate against women;

g. Repeal all national penal provisions which constitute discrimination against women.

State is not only required to fight for violations but also accountability. Overall responsibility demanded legal responsibility for violations of the law, while accountability is a broader concept which requires the state to explain the apparent violations and to offer an explanation forgiving if it can be done. From the various provisions of CEDAW, it can be deduced about the main principles that are conceptually interwoven in Article 1-16 of CEDAW, namely:

a. Principle Equation (Justice and Equality) Substantive, namely equality, opportunity, access and enjoyment of the benefits. In summary, the principle of substantive equality espoused in the CEDAW are:

1) Step-acts to realize the rights of women aimed at overcoming differences, disparities or gaps or circumstances that disadvantage women.

2) Steps to perform changes in the environment, so that women have equality of opportunity and access to men and enjoy the same benefits.

3) Conventions women requires states to base policy and follow the principles of equality in opportunity for women and men, equal access for women and men, girls and boys enjoy the same benefits from the results of using the opportunity and such access.

Women are one of the vulnerable segments of society who suffer injustice, the injustice of gender. Gender inequalities caused by an imbalance of the relationship dynamic between men and women, the injustices caused by the power structures in society. Gender distinction is not really a problem as long as they do not deliver ketidaadilan gender (gender inequalities). Gender injustice is a system and a structure in which men and women are victims of the system. According to Mansour Fakhri, gender inequality manifests itself in various forms, namely: marginalization or both economic impoverishment, subordinated or not important assumption in political decisions, the formation of negative stereotip, violence, workload heavier (Agnes Widanti, 2005, page. 62). Therefore we need laws that gender is the law that allows a dynamic balance between men and women in the power structure of society and the state. Further UNESCO provide an understanding of gender equality (gender equity) as fairness in the treatment of women and men, According to Reviews their respective needs. This society should include equal treatment that is different but the which is Considered equivalent in terms of rights, benefits, obligations, and opportunities.

## **2. The Guarantees of The gender equity and equality in Law No. 22 of 2009 on traffic and road transport**

Indirect discrimination against women may occur when laws, policies and programs that seem to be based on gender-neutral criteria, which in fact result in an adverse impact on women. It can happen because inadvertently the male models lifestyle thus does not take into account aspects of women's life experiences which may differ from the men. This difference can occur because of allegations of stereotypes, attitudes and behavior directed at women that are based on the biological differences between women and men.

Many national and international research that suggests the importance of gender-based mass transportation with a variety of backgrounds, namely: (1) the percentage of mass transit users are women. (2) the urge to immediately separate the passengers men and women due to rampant sexual harassment against women, as a tangible example of the separation of carriage between men and women has been conducted in Commuter Line (KRL AC) carriages Economic Jakarta-Bogor. The importance of gender-based transportation procurement, especially for developing countries to make the voices of women and the elderly into consideration the design of mass transportation.

The Road transport is the dominant mode of transportation in Indonesia compared to other modes of transport such as air transport and sea transport. It is shown from the data of the Ministry of Road Line of Indonesia which illustrates that about 95% of passenger travel and goods using road transportation modes. The percentage of the Indonesian population reflects high dependence on this transport. Therefore, planning the development of road transport a top priority in the development of Indonesia as a whole.

Development of road transportation is needed not only to overcome the transportation problems that occur at this time, but also to address the transportation problems that may emerge in the future. Therefore, we need to formulate a policy framework for the development of road in the form of transport masterplan.

Transportation in general serve as a catalyst in supporting economic growth, regional development, and unifying the territory of the Republic of Indonesia (NKRI). The Vision and Mission Road Transport Development are (Directorate General of Land Transportation, Department of Transportation Book: 2005, page. 80):

- a. Vision of road transportation is "Being a ground transportation service that is safe, safe, accessible, competitive and integrated".
- b. Vision of road transportation is "Being a government organization that is professional, which can facilitate and support the mobility of society, through a road freight services that upholds the values of humanity and justice, secure, safe, accessible, high quality, highly competitive, and integrated with other modes of transport and accountable.

Further, the opening of the 1945 Constitution states that the purpose of the State of Indonesia is to protect the whole Indonesian nation and the entire country of Indonesia, to promote the general welfare, the intellectual life of the nation and participate in the establishment of world order based on freedom, lasting peace and social justice. Government objective is then translated into the articles of the body of the Constitution of 1945. Based on the results of the fourth amendment in 2002, Article 28, is described in several articles that guarantee the fulfillment of various human rights. Article 28G (1) states that every person has the right to protection of self, family, honor, dignity, and property under his control, and has the right to feel secure and protect themselves from the threat of fear to do or not to do something which is rights. The Systems and transportation infrastructure has a strategic role in supporting the development and national integration as part of efforts to promote the general welfare, as mandated by the Constitution of the Republic of Indonesia 1945. Therefore the system and national transport infrastructure must be developed to realize the potential and role of security, safety, order and smoothness of traffic (Consideration of Indonesia's Law No. 22 of 2009 on The Traffic and Road Transportation).

Accordingly, Act No. 17 of 2007 on the National Long Term Development Plan (RPJPN) 2005-2025 has been basically directed to the embodiment of Indonesia's democratic and based on law, which among other things stated that "the law was primarily aimed at ensure the emergence of positive aspects and inhibit the negative aspects of humanity as well as ensuring the implementation of justice for all citizens regardless and race, ethnicity, religion or gender ". As expressly stated in Article 6 paragraph (1) of Law Number 12 of 2011 on the Establishment Regulation Legislation that the principles and materials of legislation covering shelter, humanitarian, national origin, familial, archipelago (kenusantara), culturally diverse, justice, equality in law and government, order and the rule of law and / or balance, harmony and alignment.

Ministry of Justice and Human Rights, Ministry of Women Empowerment and Child Protection and the Ministry of the Interior has developed a Gender equality parameter in the Formation of Laws and Regulations. Empirically will use these guidelines as a parameter analysis of gender equality in both laws of public road transport in Indonesia. In these guidelines, declared four indikator gender equality in the legislation: access, participation, control and benefits (Discussion on the Ministry of Law and Human Right and Ministry of Women Empowerment and Protection of Indonesia). The essential indicators are interrelated with each other, have the same importance and value of strong sam, not hierarchical and must be examined holistically as well as referred to the legislation of gender responsive namely legislation adopting the approach and analysis on equality and equity of gender and integrate the principles contained in CEDAW, DUHAM, DEVAW, which is reflected in the stages of the process of formation of legislation.

The Indonesia's Law No. 22 of 2009 aimed to:

- a. Realising the waiter traffic and road transport that is secure, safe, orderly, smooth and integrated with other transport modes to boost the national economy, promote the general welfare, strengthening national unity, and be able to uphold the dignity of the nation
- b. Realising traffic ethics and culture of the nation
- c. Realising law enforcement and legal certainty for the community.

Based on these objectives drafted principles of organizing traffic and road transport that is transparent, accountable, sustainable, participatory, useful, effective and efficient, balanced, integrated and independent.

There are similarities, viewed closely, between the principle of principle in Law No. 22 of 2009 with indicators of equality and gender justice in the formation of legislation. Understanding this principle of transparency in accordance with the principle of access to understanding the translation of the indicators of gender equality. Access linked with equal opportunities between men and women for each resource, including the need for the availability of accurate information to provide knowledge and understanding of the objectives to be realized and / or the problems faced and the availability of information that is easily accessible, cheap and can be understood and used as reference material. Understanding the principles of participatory policy making, monitoring the implementation of policies, handling of accidents and reporting on events related to traffic and road transport is closely related to the principle of participation in the justice and gender equality indicators in which a legislation providing equal opportunities for laki- men and women in exercising its rights and its obligations in every policy and program development, including participation in problem solving. While

understanding the principle of utility, balanced, sustainable, effective and efficient is closely related to the principle of benefit in indicators of equality and fairness.

In order to achieve equality in the field of traffic services and road transport, the Act regulates the special treatment for the disabled, the elderly, children, pregnant women and the sick. Form of special treatment given by the government for the provision of facilities and infrastructure ease of physical or non-physical which include accessibility, priority of service (prioritizing the provision of special services) and care facilities. In Article 242, it is stated that the treatment must be given by the Government, Local Government, and / or Public Transport Company. Special treatment is of a general nature and form of information to obtain equality and opportunity. To ensure the realization of the organization of traffic and road transport that meets the standards of safety and security, this Act regulates the speed limit, road equipment, the technical requirements of periodic testing of motor vehicles, technical requirements and roadworthy, vehicle accessories, driver requirements.

It also mandates the terminal and terminal facilities. The terminal facility should meet the requirements of safety and security. The facility consists of the main facilities and supporting facilities. The main facility is a lane departure, arrival lane, waiting room, where up and down the passenger, vehicle parking, information boards, office terminal controllers and counters. Supporting facilities include facilities for the disabled, health facilities, public facilities, religious facilities, health centers, police stations and fire extinguishers.

Indonesian Law No. 22 of 2009 on regulating the roadworthiness of vehicles is also still limited to the operational and airworthiness is not considered airworthiness standards for the safety and comfort of passengers. This can be seen in Article 48 paragraph (2) of Law No. 22 of 2009 which states: "Technical requirements referred to in paragraph (1) shall consist of: (a) the structure; (b) equipment; (c) size; (d) The body of a car; (e) the design of the vehicle in accordance with the allocation; (f) permuatan; (g) use; (h) coupling a motor vehicle; (i) attachment of a motor vehicle ".

On the other hand, with the rise of cases of sexual abuse that occurred in the realm of road transportation seems to be getting worse in the case to resolve it. This is due in the Book-Law Criminal Law, Law of Domestic Violence, and Law Concerning Trafficking in Persons (Human Trafficking) has not been set and define clearly what is meant by the term "sexual harassment". Therefore, law enforcement officials encounter difficulties in dealing with these problems (Discussion Kunthi Tridewiyanti as the chairman of the law and policy reform, The National's Women Commission of Indonesia).

Now one policy has been being promoted by the Director General of Railways, namely the separation of space for women. This separation is done on Railways types of transport in the province (in Jakarta often called Commuter Line Train and Busway, Train Prameks Solo-Yogyakarta-Kutoarjo on Central Java District). The female passenger is required to seat in the special space..

The Special space (separated space on public transport) policy for men and women are appropriate specialized in emergency circumstances. Actually it is not a problem of women and men were separated to resolve this problem but how the government (Ministry of Transportation) in creating gender-friendly public transport in the future. Because if a policy of separation between men and women is applied in the long time, it will be the corner position of women (marginalizing women) as weak women and prone to crime (subordination of men).

As for the traffic conditions in our study is the finding of the data as follows:

a. Each of these local governments each claim to have made a formula how the road-based mass transport capable of being backrest traveling public. However, it is not comparable between demand and availability of public transportation ground to make masyarakat continue to complain modes. For example transport feeder (feeder) towards the station has not been adequate, in terms of both the amount and timing of operations;

b. The local government began to implement the system integration between the terminal and the station. But the application is still not optimal and exploited better. Less impartiality of local government can be seen from the lack of public transportation in the area of housing. If anything, public transportation is not integrated into mass transportation such as trains and buses. Key to overcoming the inconvenience of public transport users of road caused by congestion is the restriction of vehicles, both two wheels and four wheels. If two wheels are prohibited from passing on the road protocol, for four wheels should be immediately enacted the Electronic Road Pricing (ERP) and the increase in vehicle tax. However, the policy should be supported by the provision of public transport that is integrated with other modes of mass transportation.

c. Population explosion has always been an issue associated with the various problems that exist in the region. This is because the population explosion will increase the level of community needs, including

transportation needs. Population mobility will perform every time, mobility is not just movement from one place to another, but here more emphasis on the mobility of the intended mobility is movement in an effort to increase welfare. Examples of mobility is a business that requires transportation. Humans do the work that will result in a production, to look for the raw material of something that would he though, people will go to the point where he would get the raw materials, and these materials are not located in one place, these materials must located in several different locations so as to access the necessary means of public transportation overroad transport, especially since the majority of people do their work with the public transportation overroad. Local governments need to restrict the use of motorcycles on certain roads. On the other Party, the police said he could not prohibit vehicles coming into town solo. Supposedly, to reduce vehicles entering into solo, public transport must be improved to be more feasible, safe, and convenient public transportation ground to realize a gender friendly;

d. Low Quality Public Transport Army. If public transportation overroad Indonesia compared with public transport in neighboring countries, the results will be very far behind, when Japan already use the shinkansen, the quality of railways in Indonesia is still tragic. One setback Trains Indonesia evidenced in 1939, reaching 6,811 kilometers long rail, but in 2000, the Dutch heritage rail shrunk to just 4,030 km, or down 41%. Similarly, the supporting facilities such as the number of stations the train stops. In 1955, the number of stations reached 1,516 units. Within half a century, the number plunged 62% to just 571 station. The most important factor is the locomotive of the train, railway locomotives Indonesia of 341 units of existing locomotives in 2008, almost entirely, about 82%, elderly with age between 16-30 years. whereas it is so inversely with developed countries, such as Japan and European countries, the economic lives of the train to ensure maximum passenger safety is 5-10 years. (<http://regional.kompasiana.com/2010/10/20/kondisi-kereta-api-indonesiahuman-errortechical-error/>)

e. Orchard Road in Singapore to the attention of the world with the comfort of pedestrian facilities the way of his, then Indonesia is still busy megatasi vendors who use the pavement as a place to trade, many people who use the pedestrian paths as the parking of vehicles and people who are reluctant to walk in the pedestrian path as a result there were no trees to reduce the sun. Beberatapa pedestrian also suffered damage in some locations, it would reduce the interest of pedestrians. So they prefer to use private vehicles which will give rise to new problems. Vendors who normally exist in the area of pedestrian path would interfere with the pedestrian path, but the vendors are generally drawn retribution by parties who claimed elements of the local government, so that the process penertibannya will usually end up with chaos. This is very far when back dibandingkan with pedestrian ways in Singapore or Malaysia are clean from street vendors.

f. Terminal as a unit which serves as a transit point for transport stops also not spared from the problem, a low security level, filled with air pollution, heat, is the picture of the terminal in the eyes of the people of Indonesia. Likewise Indonesian stop condition, dirty, not groomed and often visited by beggars or buskers to make money. Stasium in Indonesia is also not much different circumstances, different from stasiun in Japan, for example, where it is clean of trash, scorching sun and hawkers, the train schedule was clear and rarely there is a delay, while the condition of railways Indonesia where more ubiquitous hawkers than passengers, easily boarded the train without a ticket, railway station dirty, unpleasant smells, many pedgang hawkers, buskers, beggars and security is not guaranteed, the number of criminal acts is always a frightening specter for passengers or passengers who ended his journey a di terminal or station Indonesia.

g. Traffic in Jakarta is dominated by private vehicle, the number of public transport (bus) is only 4%, 67% motorcycles, private cars 23% (Jakarta Police Metro Jaya, 2006). The growth of vehicles in the last five years, reaching 9.5% per year (DGH exposure to KKPPPI dated December 18, 2007). The proportion of the volume of traffic on some main corridors are: motorcycle 60%, 32% sedan. Public transportation (public-MPU passenger cars, buses medium and large buses) 5% (V Deputy Minister for Economic Affairs, 2007). The dominance of private vehicles is certainly a factor in the case of the other issues of traffic congestion and the improvement of waste disposal vehicles into the air which can lead to global pemanasan. The high figure is based on the ownership of other transportation issues, namely the poor quality of public transport in Indonesia. This causes more people choose to buy private vehicles rather than riding public transportation dianggap less comfortable. Public consumption are reluctant to use public transport, dikaarenakan of low quality and some other reasons, such as expenses that can be less when using a personal vehicle than when using public transport.

#### **D. Conclusion**

1. International Legal Instruments are good enough to ensure fairness and gender equality, but in the process of implementation in countries is still not effective due to ideological differences and differences in local



knowledge. Therefore, Governments need to examine in depth before ratifying the instruments of international law

## 2. Guarantees of Gender equity in Law No. 22 of 2009 on traffic and road transport

That people are absolutely in need of public transport and public transport users is one of them are women, such as: college student, women work outside the city, meaning that there is no doubt that the circumstances require women to move outside. Therefore it is proper government in collaboration with the organizers of transport (transport business) to organize the transportation system that is safe and comfortable for passengers. Based on the policy of separation space between men and women on the road public transportation (rail commuter line, Prameks and busway), the separation between men and women will be able to assume women as a weak and marginalized human. The government should be able to improve the public service and public space, especially on the road transportation safely and comfortably by creating a system of road transport services that are safe, gender mainstreaming, and able to reach the entire community and Indonesia; creating and organizing road transport, railways, rivers, lakes, and pedestrian and urban quality, highly competitive, and sustainable; Encourage the development of trade system and ground transportation industry that is transparent and accountable; Build infrastructure and road transportation facilities integrated with other modes.

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