
Siyasah Tanfidziyah Review of The Feasibility And Safety Of Public Transportation Of Banda Aceh

Intan Nurhaliza, Emk Alidar, Azmil Umur

Fakulty Syaria and Law, State Islamic University of Ar-Raniry, Banda Aceh

Email: 200105014@student.ar-raniry.ac.id, emkalidar@ar-raniry.ac.id, azmil.umur@ar-raniry.ac.id

Abstract

The Banda Aceh City Departement has an important role in regulating and supervising various strategies public transportation of office public. Based on Law Number 22 of 2009 concerning Road Traffic and Transportation, Article 53 states that periodic testing is required for public passenger cars, buses, goods cars, trailers and attached trains operated on the road. However, in reality there are still land public transports that do not meet roadworthy standard requirements and do not carry out routine testing and continue to operate on the roads as public transport. The research method used is qualitative research with an empirical juridical approach, namely field research by examining the applicable legal provisions in accordance with the realities of society regarding the implementation of the feasibility and safety of public transport in the City of Banda Aceh. The data sources used are based on the results of interviews and observations with a number of respondents and informants who are directly related to the problem under study. The results of the research show that monitoring the feasibility and safety of public transport has not been carried out optimally due to the lack of road raid supervision. As well as low awareness of the public and public transport business actors to carry out periodic testing. According to siyasah tanfidziyah, in carrying out regular feasibility and safety tests of public transportation vehicles, which are carried out by the Banda Aceh City Transportation Service. In order to maintain order, security, prevent accidents that cause loss of life, it is appropriate and appropriate to do this to create benefits for the community.

Keywords: *Siyasah Tanfidziyah, Feasibility, Public Transportation*

Introduction

Public transport is one of the means of transportation that is widely used by people in the city of Banda Aceh. In this case the government is responsible for providing public services that meet the needs of its citizens, including public transportation. One important aspect of these services is road public transportation, which must ensure comfort, safety and efficiency for the community. Road transportation, which includes traffic, vehicles, drivers, road users, and infrastructure. , the government must ensure that all of these elements function properly to maintain road safety. This research focuses on the Banda Aceh City Transportation Agency and evaluates the feasibility and safety of the land public transport they manage.¹

¹ Suwardjoko P. Warpani, *Pengelolaan Lalu Lintas di Jalan*, (Bandung: Institut Pertanian Bandung, 2002), hlm, 56.

In the midst of technological development and mobility vehicles have become an intergalactic part of modern life, due to technological advances one of the important components in people's social life is vehicles, but the number of vehicles is increasing, traffic accidents are caused by people who do not understand the roadworthiness standards of vehicles.² Road traffic and transportation have an important role in supporting national development, so they are specifically regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. This law emphasizes the importance of orderly traffic management to achieve security, safety, and smoothness. Road Traffic and Transportation must be developed to support good and optimal governance of life.³ Article (1) of this law defines traffic as the movement of vehicles and people in road space, underlining that traffic is an important part of the national transportation system that must be managed properly.

The Banda Aceh City Transportation Agency conducts supervision by conducting periodic tests on Public Transportation Vehicles in accordance with the provisions of Law Number 22 of 2009 concerning Road Traffic and Transportation. Periodic testing conducted by the government, especially the Ministry/Department of Transportation, must include physical examination and validation of test results in accordance with technical requirements to ensure vehicle feasibility. The implementation of transportation is a logical consequence of the mutual relationship between drivers and passengers. People transport vehicles are one of the main provisions that are very important to be considered and carried out by people transport operators. This is due to the fact that in the process of transporting people on the road, people are transported through vehicles that carry people.⁴

Roadworthy refers to the minimum standard of vehicle condition that must be met to ensure safety and prevent road accidents. Law itself is a set of rules that includes commands, prohibitions, aimed at maintaining order and security in society. As a fundamental rule base to regulate society that aims to create peace, harmony, and social community order. Islamic law is a rule established by Allah SWT, which includes commands, prohibitions, and recommendations for Muslims.⁵ According to Article 54 of Law No22/2009 on Road Traffic and Transportation, public transport vehicles are required to undergo a roadworthiness test which includes several aspects, such as checking exhaust emissions, noise levels, brake conditions, front wheel alignment, lighting systems, speedometers, and tire conditions. This is reinforced by Government Regulation No. 55/2012 on vehicles, which confirms the testing obligation for motor vehicles, especially public transportation. The purpose of this law is to manage traffic and road transportation safely, orderly, and smoothly through various activities such as vehicle registration, traffic education, traffic management, and law enforcement.

Traffic fiqh refers to sharia law related to the movement of vehicles and pedestrians on roads, or the rules of driving in accordance with applicable regulations. The basic principle of

² Novia Putri Romadhoni, "Kurangnya Kesadaran Masyarakat Untuk Uji Kendaraan Bermotor: Penyebab dan Akibat," *Jurnal of Student of Research*, Vol. 2, No. 1, 2024, hlm. 5.

³ Teddi Fadilah, "Kondisi Jalan Dengan Persyaratan Teknis Kendaraan Terhadap Kecelakaan Lalu Lintas," *Jurnal Cendekia*, Vol. 3, No. 1, 2022, hlm. 23.

⁴ Adisasmita, S A. *Dasar-dasar Ekonomi Transportasi*, (Yogyakarta: Graha Ilmu, 2010), hlm. 4.

⁵ Abdul Wahhab Khalaf, *Kaidah-Kaidah Hukum Islam*, 4th ed. (Jakarta: PT Raja Grafindo Persada, 1994), hlm.

this fiqh is that behavior is part of sharia law that must be adhered to in order to create goodness, order, safety, and avoid danger and damage that can cause loss of life. Traffic rules are part of sharia law that must be obeyed, in accordance with the Qur'an and Hadith, to achieve benefit and avoid damage.⁶

The rules for orderly traffic in the hadith are:

إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ حَرَامٌ عَلَيْكُمْ كَحُرْمَةِ يَوْمِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، فِي بَلَدِكُمْ

Indeed, your blood and wealth are haram (noble) for you, just as it is haram for you on this day, in your month, in your land." (HR. Muslim in his Sahih, No. 1218).

In this hadith, the Prophet reminds his followers to always pay attention to the safety of themselves and others when driving. This message reflects the importance of acting responsibly on the road, as driving mistakes can jeopardize not only one's life but also the property of others. The Prophet emphasized that every individual has a moral responsibility to take care of his own safety and that of others, so he should avoid actions that could cause harm or accidents. By practicing these teachings, Muslims are expected to create a safe and peaceful environment on the roads, in accordance with the principles of Islamic law that emphasize the importance of maintaining the common welfare and safety.

In the daily life of the people of Banda Aceh city, public transport is very important for the transportation of people and goods. The government must pay close attention to the control and supervision of public transportation on the road. Many accidents occur on traffic lanes traversed by public transportation, causing casualties. These accidents can be caused by human, vehicle, road or environmental factors. It is unfortunate if these accidents occur due to vehicles that are not roadworthy but are still operated as land public transportation.

In reality, despite the implementation of feasibility testing and supervision of land public transportation, there are still many road users who do not comply with the feasibility test and meet the minimum standards set out in the legislation. The number of unfit-to-use vehicles that continue to operate on the road, as well as the lack of awareness of the public and business actors in testing the feasibility of public transportation. This inadequate supervision can lead to various problems, such as accidents caused by vehicles that are not roadworthy.

Table 1: Total of KIR Tests for Public Transportation in Banda Aceh City

| No. | Public Transportation | 2020 | | | 2021 | | | 2022 | | |
|--------------|-----------------------|--------------|--------------|--------------|--------------|--------------|---------------|--------------|--------------|---------------|
| | | Total | Total of KIR | % | Total | Total of KIR | % | Total | Total of KIR | % |
| 1 | Passenger Car General | 74 | 14 | 9,46 | 22 | 14 | 31,82 | 29 | 16 | 27,59 |
| 2 | Bus car | 1.817 | 1.581 | 43,51 | 1.532 | 2.044 | 66,71 | 1.711 | 1.709 | 49,94 |
| 3 | Goods Car | 6.348 | 4.871 | 38,37 | 4.971 | 7.835 | 78,81 | 5.667 | 4.597 | 40,56 |
| Total | | 8.239 | 6.466 | 91,34 | 6.525 | 9.893 | 177,34 | 7.409 | 6.322 | 118,09 |

⁶ KBP Dicky Sondani, *Fiqh Berlalu Lintas*, (Bandar Publishing, 2021), hlm. 121.

Source: LLAJ Division of Banda Aceh City Transportation Office

In 2021 the percentage of KIR ownership reached 152, 04% because there were 829 other regional vehicles overlapping the test at the Banda Aceh City Vehicle Periodic Testing UPTD. The percentage of vehicles conducting KIR tests in 2022 has decreased, this problem arises due to the lack of awareness of the people of Banda Aceh city to conduct KIR tests on public transportation vehicles. While the number of vehicles that did not conduct the KIR test in the recap of the raid/control of public passenger car vehicles in Banda Aceh City in 2022 netted 273 units of vehicles, in 2023 and 2024 counted 370 units of vehicles caught in the raid.⁷

Based on the description above, the main problem to be studied is the implementation of monitoring the feasibility and safety of land public transportation according to the laws and regulations in the review of *siyasah tanfidziyah* in Banda Aceh City.

Method

Research method is a way of doing something with a careful mind to achieve a goal by searching, recording, and formulating and analyzing.⁸ This type of research is empirical juridical. This research is a qualitative study that is a field or empirical study, the focus of the study is on the implementation of supervision of the feasibility and safety of public transportation in Banda Aceh City with the object of study that the driver of public transportation vehicles must fulfill the obligation of the driver's test. The data needed will be obtained through field studies.⁹ In this regard, the data sources (informants) are the Head of the Public Transportation vehicle testing sector, the Head of the Terminal, the Counter Owner with the respondents of the public transportation drivers of Lintas Timur, Banda Aceh- Aceh Tamiang and Lintas Tengah Banda Aceh to South East Aceh located in Banda Aceh City. In addition, data were also obtained from documents taken from the Banda Aceh City Transportation Office.

Data collection techniques were carried out using in-depth interview instruments with informants in a semi-structured manner. Collecting data for this study, researchers also used observation techniques. Observation technique is a data collection technique by observing the object of research. Furthermore, the analysis used in this research is in the form of interviews, observations, and documentation to take pictures, record the results of interviews with the interviewees related to the implementation of public transportation supervision in Banda Aceh City. Then, data processing and analysis techniques, namely processing data analysis in the field so that it is ready to use for analyzed systematically.

Discussion

Supervision of the Banda Aceh City Transportation Office of the Feasibility and Safety of Land Public Transportation Based on Legislation.

The Banda Aceh City Transportation Office conducts the implementation of

⁷ Data diperoleh Dinas Perhubungan Kota Banda Aceh, Ditlantas Polda Aceh dan Polresta Banda Aceh, 25 juli 2024.

⁸ Colid Narbuko dan AbuAhmadi, *Metodologi Penelitian*, (Jakarta : Bumi Aksara, 2003), hlm. 2.

⁹ Lexy J. Moleong, *Metode Penelitian Kualitatif*, (Bandung: Remaja Rosda Karya, 2002), hlm. 20.

monitoring the safety feasibility of public transportation by conducting periodic tests, in accordance with the provisions of Law Number 22 of 2009 concerning Road Traffic and Transportation Article 53 states that periodic testing is required for public passenger cars, buses, freight cars, handcarts, and patch trains operated on the Road. Periodic testing conducted by the government, especially the Department of Transportation, must include Physical examination and validation of test results in accordance with technical requirements to ensure vehicle feasibility. Government Regulation No. 55 of 2012 concerning Vehicles states that motorized vehicles, especially public transportation, are subject to mandatory testing, which should be carried out periodically but does not run effectively in the field, due to the lack of awareness and compliance of public transportation owners to comply with the rules regarding roadworthiness testing requirements.

The roadworthiness of public transport vehicles must be met by both the public and the government, including meeting roadworthiness and vehicle standards. Roadworthiness standards, public transport vehicle testing standards and technical standards are sub-indicators, to ensure that everything that will be done runs smoothly, plans made in advance are usually used to determine the basis for supervision. Roadworthiness standards are the minimum requirements a vehicle must meet to ensure safety and prevent accidents.¹⁰

Periodic tests are described in Law Number 22 Year 2009, Article 53, namely: (a) Periodic tests as referred to in Article 49 paragraph (2) letter b are required for public passenger cars, buses, freight cars, handcarts and outboard trains operated on the road. (b) Periodic testing as referred to in paragraph (1) includes activities, namely (1) Examination and physical testing of motorized vehicles and (2) Ratification of test results. Article 49 Paragraph 1 of Government Regulation No. 22/2009 confirms that certain vehicles, such as buses, freight cars, and , must be tested every 6 (six) months. However, Article 288 paragraph (3) stipulates sanctions for vehicle owners who do not conduct periodic tests. If a person drives a public passenger car, bus, goods truck, trailer, and attached carriage that does not have a periodic test certificate and periodic test pass mark as referred to in Article 106 paragraph (5) letter c, then they will be punished with imprisonment of at least two months.

The implementation of testing supervision of the feasibility and safety of public transportation in Banda Aceh City periodically with pre-test checks and mechanical tests so that the vehicle must meet the technical requirements of the arrangement, equipment system on the vehicle in the vehicle owner checking procedure by bringing the STNK and the old KIR Book. For the land public transportation vehicle test period is valid for 6 months, in the feasibility testing process, the vehicle must undergo good maintenance so that all components function optimally, including the engine, brake system, tire condition, lighting, mirrors, horn, and seat belt usage. Furthermore, the cause of the existence of Land Public Transportation in Banda Aceh City that is not roadworthy but continues to operate is caused by the lack of supervision of the terminal test at the counter and the low number of raids on the highway as well as the lack of public awareness to conduct the KIR test because they do not understand what the benefits of this KIR inspection are. The sanctions imposed on violators who have not conducted periodic testing are in the form of withholding the driver's license and giving a ticket and will be resolved in court, while violations committed by violators who do not extend the KIR test book, the officer will give a bill and re-test their

¹⁰ Zaiwandi Refkisyam, "Pengawasan Standar Uji Kelayakan Kendaraan di Pekan Baru (Studi Angkutan Kota)" Vol. 2, No. 2, 2015, hlm. 13

vehicle.¹¹

To ensure safe public transportation to be used, the vehicles must meet roadworthiness standards that include technical and roadworthy requirements for transportation. This is important to ensure passenger safety and prevent accidents on the road. Factors of unroadworthy transportation include dim vehicle lights, poor brake conditions (not up to standard), and excessive smoke levels.¹² This test is very important because public transportation is a means that is widely used by various levels of society. Before testing roadworthy motor vehicles is carried out, technical standards must be checked directly on the vehicle. These technical standards are directly attached to vehicle that have gone through the process of research, design and engineering of motor vehicles.¹³

The safety and suitability of public transportation is very important to ensure the safety of vehicles when undergoing a roadworthiness test because it determines whether the vehicle is roadworthy or not. Service Safety is the guaranteed level of environmental safety for service providers and the facilities used, so that the public feels calm to get services because they are not threatened by risks caused by the implementation of the service. Inspections are carried out to ensure the availability and safety of public transportation in order to ensure the safety of passengers, therefore it is mandatory to carry out a roadworthiness test on vehicles carrying passengers according to their respective routes.¹⁴

The reliability of the vehicle in general is an important factor in determining the overall reliability of the vehicle when it is subjected to a driver's license test, which determines whether the vehicle is safe or not. The environmental claimability of the vehicle means that the level of environmental claimability of the vehicle is determined by the vehicle operating unit and the vehicle used, so that it is possible for the vehicle owner to claim that the vehicle is not exposed to the risk caused by the vehicle's operation. The inspection is carried out to determine the availability of the vehicle in general for the purpose of ensuring the safety of passengers, so that it is obligatory to conduct a driver's test on the vehicle that carries passengers in accordance with the route of the vehicle.

Ramp check supervision at land public transportation terminals is only carried out when approaching the homecoming flow, to check the condition of the vehicle thoroughly with ongoing efforts to improve traffic safety and ensure that public transportation vehicles meet the established safety standards. Every motorized vehicle, especially land public transportation operated on the highway must meet the technical requirements for roadworthiness, namely:

- a. In accordance with its designation Vehicles must be designed to be used according to the route they are traveling on.
- b. Meet technical requirements Vehicles must meet all technical requirements, including arrangement, equipment, size, body shape, etc, to suit their designation.
- c. Roadworthy Vehicles must meet minimum requirements to remain safe for use on the road and to

¹¹ Wawancara dengan Agus Mardeni, S.T Kepala bidang UPTD Pengujian Kendaraan Bermotor Dinas Perhubungan Kota Banda Aceh, 27 juni 2024 pukul. 10.15 WIB.

¹² Putu Lantika Oka, "Pengujian Kendaraan Bermotor Untuk Mewujudkan Keselamatan Berlalu Lintas" *Jurnal Hukum*, Vol. 6, No. 3, 2021, hlm. 5.

¹³ Wahyudi, H. S., & Sukmasari, M. P, Teknologi dan kehidupan masyarakat. *Jurnal Analisa Sosiologi*, Vol. 3, No. 1, 2018, hlm. 13-24.

¹⁴ Wahyudi, H. S., & Sukmasari, M. P, Teknologi dan kehidupan masyarakat. *Jurnal Analisa Sosiologi*, Vol. 3, No. 1, 2018, hlm. 13-24.

reduce air pollution and environmental noise.¹⁵

Then, to ensure that every vehicle operating on the highway meets the established roadworthiness standards, the testing process must be carried out in a regulated manner. The testing includes two main types of tests, namely type tests and graded tests. Type tests are conducted on production samples of vehicles that have been approved for operation. The other type tests are conducted on a regular basis to ensure that the vehicle meets the technical requirements set by the manufacturer and remains fit for use in the road. In addition, every passenger vehicle operating in the road is also required to undergo an official registration to be identified and painted by the relevant authorities. As such, this procedure is essential in order to ensure the safety of all public vehicles operating in the road.¹⁶

Vehicle testing is also called roadworthiness test, which is a series of activities to test and inspect parts of motor vehicles, namely public transportation, trailers, trailers and special vehicles in order to fulfill technical requirements and roadworthiness, based on Government Regulation of the Republic of Indonesia Number 55 of 2012 concerning inspection of motor vehicles on the road. It is carried out periodically every 6 (six) months in order to ensure safety, environmental sustainability and public services.

Benefits of testing public transportation vehicles in Government Regulation of the Republic of Indonesia Number 55 of 2012 concerning inspection of motor vehicles on the road, testing motor vehicles can reduce or prevent fires, environmental pollution, and serious damage during use. Provide information to the business community about the permitted transportation capacity, the heaviest axle load, and the lowest road class that can be passed to prevent road damage on bridges. provide advice to business people and car owners for improvement. Inform manufacturers or sole brand holders of certain production constraints for improvement, provide quantitative data on the possibility of transportation, both goods and passengers, in relation to overall transportation development.

In accordance with Law Number 22 of 2009, the objective of transportation is to realize safe, secure, fast, smooth, orderly and regular, comfortable and efficient traffic and road transportation, as well as combining other modes of transportation, reaching all corners of the land area to support equality, growth and stability as a driver, mover and supporter of national development at a cost that is affordable to the purchasing power of the community.¹⁷

The roadworthiness test (KIR) for this vehicle is to check and test the physical condition of the vehicle, as stated in Article 54 of the LLAJ Law which states:

1. Inspection and physical testing of public passenger cars, buses, goods vehicles, special vehicles, trailers and trailers as referred to in Article 53 paragraph (2) letter a includes testing of technical requirements and roadworthiness.
2. Testing of the technical requirements as referred to in paragraph (1) includes:
 - a. composition
 - b. equipment
 - c. size
 - d. bodywork
 - e. technical design of the Motor Vehicle in accordance with its designation.
3. Testing of roadworthiness requirements as referred to in paragraph (1) shall at least include:
 - a. Motor Vehicle exhaust emissions
 - b. noise level

¹⁵ Abdulkadir Muhammad, *Hukum Pengangkutan Niaga*, (Bandung: PT Aditya Bakti, 2008), hlm. 113.

¹⁶ Soegijatna jakranegara, *Hukum Pengangkutan Barang dan Penumpang*, (Jakarta: Rineka Cipta, 2007), hlm.

¹⁷ A. Salim, *Manajemen Transportasi*, (Jakarta: PT. Raja Grafindo Persada, 1993), hlm. 71.

- c. main brake capacity
- d. parking brake capacity
- e. front wheel kincup
- f. headlight beam capability and direction
- g. speedometer accuracy and
- h. tire tread dept

Public transportation vehicles are required to undergo roadworthiness tests which are carried out every 6 months by each company of the public transportation. There are several main reasons why vehicle owners do not carry out periodic tests. One of them is public awareness of the importance of conducting periodic tests and the fact that the sanctions and fines imposed are very small. If a vehicle carrying people or goods violates the roadworthiness test, the vehicle will be subject to a ticket. Therefore, owners rush to test their vehicles simply because they are lazy and consider it a waste of time, so that the main priority should be given to more important goals for public transportation passengers.

According to the rules, vehicles must be roadworthy every six months for safety and roadworthiness. However, vehicle owners are more confident in the condition of their vehicles so they ignore the rules because they only use their own vehicles. The causal factors for the existence of public transportation that is still unroadworthy but continues to operate in the city of Banda Aceh are caused by several factors, including the lack of supervision from the terminal test system at the ticket counter and raids on the road.¹⁸ The condition of public transportation vehicles at the L-300 terminal counter and Hiaice Lueng Bata with the East Banda Aceh-Aceh Tamiang Route and the Central Banda Aceh to Southeast Aceh Route, must undergo a roadworthiness test to meet roadworthiness standards. The number of L300 fleets is 218 fleets and Haice 275 fleets, while those that did not undergo a roadworthiness test in January-June 2024 were 38 L300 fleets, and 70 Haice fleets.

Tabel 2. Company Name and Total of Fleet

| No. | Company Name | Total of Fleet | |
|-----|--------------------------------|----------------|----------------|
| | | L-300 | Hi AIce |
| 1 | PT Oriza Satifa Tour | 0 units | 5 Units |
| 2 | PT Rafautar Putra Mandiri | 1 unit | 16 Units |
| 3 | PT Sepakat Sinergi Mandiri | 1 unit | 9 units |
| 4 | PT Mentari Jaya Tour | 2 Units | 7 Units |
| 5 | PT. Bintang Sempati Star | 0 units | 17 Units |
| 6 | PT Mandala Putra Perkasa | 15 Units | 3 Units |
| 7 | PT Pusaka Jasa Express | 0 units | 2 Units |
| 8 | PT. Rencong Mas Allisa Perkasa | 10 Units | 0 Units |
| 9 | PT Mentari Tour Utama | 3 Units | 10 Units |
| 10 | PT. KharismaTrans Perkasa | 0 units | 11 units |
| 11 | PT. Bintang Lestari Tour | 0 Units | 31 Units |
| 12 | PT Premium Clara Alindia | 0 Units | 3 Units |

¹⁸ Wawancara Bersama Ibu Rahmi Selaku pemilik loket PT. Mandala Star Tour, 26 Juni 2024 pukul 10:00 WIB.

| | | | |
|--------------|------------------------------|------------------|------------------|
| 13 | PT Salam Pusaka Familindo | 0 Units | 0 Units |
| 14 | PT. Monika Nusa Raya | 20 units | 0 Units |
| 15 | PT Flamboyan Jaya Pratama | 1 Unit | 1 Unit |
| 16 | PT. Flamboyan Mandiri Jaya | 39 Units | 5 Units |
| 17 | PT Flamboyan Tour Perkasa | 4 Units | 4 Units |
| 18 | PT. Putri Kembar Tiga | 14 Units | 10 Units |
| 19 | PT. Bahtera Altakana | 7 Units | 7 Units |
| 20 | PT. AIyudika Perkasa | 6 Units | 4 Units |
| 21 | PT Mutiara Express Transport | 0 Units | 10 Units |
| 22 | PT. Anugrah AIyudi Antara | 9 Units | 1 Unit |
| 23 | PT. Samudra Pusaka Jaya | 19 Units | 5 Units |
| 24 | PT. Widuri Kana Jaya | 6 Units | 1 Unit |
| 25 | PT. Lestari Baru Singkite | 5 Units | 5 Units |
| 26 | PT Mandala Star Tour | 9 Units | 4 Units |
| 27 | PT. B J O | 1 unit | 10 Units |
| 28 | PT. Bintang Prima Nusa | 3 Units | 3 Units |
| 29 | PT. Aceh Phonna Jaya | 0 units | 3 Units |
| 30 | PT. Bintng Lestari Putra | 0 units | 2 Units |
| 31 | PT K I S | 0 Units | 4 Units |
| 32 | PT. Gayo Highland Transport | 1 Unit | 6 Units |
| 33 | PT. Buraq Wisata Transport | 5 Units | 0 Units |
| 34 | PT. Deka Putrai Altjeh | 16 Units | 8 Units |
| 35 | PT. Mulia Wisata Perkasa | 1 Unit | 21 Units |
| 36 | PT. Garuda Aceh Trans | 2 Units | 7 Units |
| 37 | PT. Merpati Jaya Mandiri | 15 Units | 4 Units |
| 38 | J R G | 0 Units | 24 Units |
| 39 | PT Manggala Perkasa Utama | 3 Units | 5 Units |
| 40 | PT. Bataivia Trans Alceh | 0 Units | 7 Units |
| Total | | 218 units | 275 units |

Source: Dinas Perhubungan Kota Banda Aceh 2024

In the implementation, this vehicle feasibility test must be tested periodically every six months. However, in this case, not all companies carry out periodic tests routinely, it all depends on the company itself, some do tests and some don't, where the periodic test must be carried out three or four times until it is sent to the Transportation Agency because the system only checks and provides repair notes according to recommendations, for example in replacing brakes or tires by the Transportation Agency to the workshop. After the workshop, return to the testing location, then the Transportation Agency testing officer re-checks the condition of the vehicle that has been repaired and then until the process of the periodic test book issued in the periodic test ".¹⁹ The implementation of this vehicle feasibility test must be carried out periodically every six months where the implementation is carried out at the Motor Vehicle

¹⁹ Wawancara dengan Faisal, Selaku Supir PT. Mandala Star Tour, 28 Juni 2024 Pukul 11.00 WIB.

Testing UPTD at the Batoh Terminal.²⁰

The concept of periodic testing of public transportation vehicles is a good concept to reduce the risk of accidents and air pollution due to the operation of public transportation vehicles and periodic testing should be applied to all motorized vehicles, because all vehicles have an impact on accidents and air pollution. This is in line with the mandate of Law Number 22 of 2009 concerning Traffic and Road Transportation Article 53 states that periodic testing is required for passenger cars, public, buses, goods trucks, trailers, and trailers operated on the road.²¹

As a complement to government regulations, of course, strict sanctions are imposed on parties who violate the provisions of the periodic test. As in the Law on Traffic and Road Transportation Article 76 paragraph (1) which states that anyone who violates the provisions of the periodic test market will be subject to administrative sanctions, in the form of written warnings, payment of fines, freezing of permits and revocation of permits. In addition, officers are also given who intentionally do not carry out vehicle testing during periodic tests properly in accordance with laws and regulations. The sanctions are the revocation of the competency certificate and technical qualification mark for motor vehicle testing, which is in Article 27 paragraph (1) of the Minister of Transportation Regulation PBKB (Periodic Testing of Motor Vehicles).

Review of Siyasah Tanfidziyah on the Feasibility and Safety of Public Transportation in Banda Aceh City.

Siyasah tanfidziyyah is a concept in Islamic law that emphasizes policies or actions taken by the ruler or government in implementing Islamic law to ensure order and public welfare. The term "siyasah" refers to policy or politics, while "tanfidziyyah" refers to implementation or application. This concept highlights the importance of government in managing public affairs by integrating Islamic values in their policies and actions, with the aim of fighting for the public welfare and maintaining social order.²²

Siyasah tanfidziyah is an integral part of fiqh siyasah which focuses on legal regulation in the context of the state. This includes all aspects of legislation related to state administration, including economic regulation, social policy, and general governance. The principles of siyasah tanfidziyah seek to ensure that public policies implemented by the government are based on Islamic religious values and morality and aim to realize the welfare of the people and social justice. Thus, siyasah tanfidziyah becomes the basis for the preparation and implementation of state policies that are fair and in favor of the interests of the people.²³

The task of ail-sulthah tanfidziyah is to implement the law in practice. In this context, the state has the authority to explain and implement the legislation that has been formulated. This includes domestic, foreign, and international relations policies. The issues of siyasa tanfidziyah are generally related to two main aspects. First, the general principles contained in the Qur'an, hadith, maqasid sharia, and Islamic values, which are the basis for regulating society. Second, the rules that can change along with changing situations and conditions, including the results of ijtihad ulama, although not all of them. This shows that in implementing the law, the state must consider both fixed universal principles and dynamic conditions in society.²⁴

The principle of siyaisah tanfidziyyah gives authority to the ruler or government to

²⁰ Wawancara dengan Rizal Selaku Supir PT., 28 Juni 2024 Pukul 10.00 WIB.

²¹ Adisasnita, S.A. *Transportasi dan Pengembangan Wilayahnya*, (Yogyakarta: Ghara Ilmu, 2011), hlm. 42

²² Muhammad Iqbal, *Fiqh Siyasah Kontekstualisasi Doktrin Politik Islam* (Jakarta: Radar Jaya Pratama, 2014), hlm. 72

²³ Yusdani, *Fiqh Politik Muslim Doktrin Sejarah Dan Pemikiran*, (Yogyakarta: Asmara Books, 2011), hlm. 12.

²⁴ Ridwan, *Fiqh Politik Gagasan Harapan dan Kenyataan*, (Yogyakarta: FH UII Press. 2007), hlm. 56.

establish rules or policies that are in accordance with Islamic values and objectives, as long as they do not violate the basic principles of Islamic law. This allows flexibility for the government to adjust the law to the needs of society, taking into account that Islamic law has established general principles that form the basis for decisions that are fair and beneficial to the entire community.²⁵ The theory of siyasah tanfidziyah can be a guide in formulating the role of the Banda Aceh City Transportation Agency in supervising the roadworthiness of land public transportation, as well as a review of the policy from an Islamic law perspective. This study aims to evaluate the role of the government in supervising roadworthiness in accordance with the principles of Islamic law, and the policy contributes to the welfare of society.

The role of the government is to focus on policies and regulations, research with an Islamic legal perspective in supervising the feasibility and safety of public transportation by the Banda Aceh City Transportation Agency with Roadworthiness, the minimum requirement for a vehicle's condition that must be met to ensure safety and prevent air pollution and noise that must be met. The government has the highest authority to set policies, they are also responsible for the existence of public transportation for general mobility. The concept of Siyasah Tanfidziyah can improve the feasibility and safety of public land transportation in Banda Aceh City. In this case, Siyasah Tanfidziyah functions to regulate and supervise people's lives, including the transportation sector. The feasibility and safety of public transportation can be improved by implementing the concepts of Fiqh Siyasah Tanfidziyah, such as supervision and law enforcement, high-quality facilities, and regular operational schedules when operated on the road. Public transportation vehicles must be tested periodically to meet the roadworthiness threshold. Testing of public transportation vehicles is carried out at vehicle testing units by examiners who meet the requirements set by the government. Vehicles that meet the requirements to be tested as a whole and in their parts will be validated with the results of the roadworthiness test. This testing must include targets with activities of checking, trying and researching directed at each public transportation vehicle on the component system and parts and its technical dimensions based on applicable provisions.

The public transportation vehicle testing system, one part of the road transportation system, is very important to produce an effective road transportation system. Technical requirements include all requirements that must be met by land transportation vehicles, including arrangement, equipment, equipment, size, shape, body, loading, technical design in accordance with the purpose, use, operation, and packaging. The inspection procedure for public transportation is in the form of a brake system, steering system, front wheel position, vehicle body and frame, loading, horn, lights, glass adjustment, rearview mirror, tires, exhaust emissions, windshield and windows, speed measuring equipment, seat belts that are tested so that the vehicle remains safe and one of them also prevents air pollution and checking the condition of the vehicle brakes to prevent accidents when operated, and to realize security and safety for passengers.

The role of the Banda Aceh City Transportation Agency in supervising the Eligibility and Security of public transportation to maintain safety here has played a good role, only there is still a lack of public awareness and also transportation owners who have not fully complied with the rules that have been set. The Transportation Agency, in this case, has carried out its duties, but public awareness is not yet fully aware of the importance of passenger welfare when operating on the road.

²⁵ Beni Ahmad Saebani, *Fiqh Siyasah* (Bandung: Pustaka Setia, 2015), hlm. 14.

Surah An-Nisa verse 59 also explains that:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

The verse above can be related that the role of the Transportation Service in supervising the suitability and security of public transportation for safety is a full responsibility according to the verse above that every leader is asked to be accountable and give a mandate to those who are entitled to receive it because Allah gives the best teachings to His servants and Allah is all-hearing and all-seeing.

In this case, the Banda Aceh City Transportation Agency has also carried out its role fully as in Law Number 22 of 2009 concerning Traffic and Road Transportation, but it has not been implemented optimally due to the low awareness of the community and public transportation business actors to conduct periodic testing for safety and welfare. Implementation of supervision of the eligibility and safety of land public transportation in Banda Aceh City with public transportation inspection procedures in the form of vehicle brake systems, loading, horns, lights, tire groove depth, speed measuring equipment, seat belts that are tested so that vehicles remain safe, prevent air pollution and check the condition of vehicle brakes to prevent accidents during operation, to realize safety and security for passengers in order to maintain order, security, prevent accidents that cause fatalities and realize the welfare of the community. According to the review of siyasah tanfidziyah, the policies and actions taken by the Banda Aceh City Transportation Agency have carried out their role based on Islamic state law.

Conclusion

The implementation of supervision by the Banda Aceh City Transportation Agency on the feasibility and safety of public land transportation based on Law Number 22 of 2009 concerning Traffic and Road Transportation has not been implemented optimally due to the lack of supervision of raids on the road and the low awareness of the public and public transportation business actors to conduct periodic testing.

According to the siyasah tanfidziyah, in the implementation of the feasibility and safety of public transportation vehicle testing in the form of testing the brake system, steering system, front wheel position, vehicle body and frame, loading, horn, lights, rearview mirrors, tires, exhaust emissions, speed measuring equipment, seat belts which are tested periodically on public transportation. The actions taken by the Banda Aceh City Transportation Agency have carried out their role based on Islamic constitutional law in order to maintain order, security, prevent accidents that cause fatalities and realize the welfare of the community.

However, there are still challenges in the implementation of supervision of the roadworthiness of public land transportation, such as success in taking action against vehicles that do not meet roadworthiness standards, and there are still obstacles in enforcing the law against vehicles that are not roadworthy. Therefore, it is recommended that better efforts be made to ensure compliance with public transportation roadworthiness standards, as well as increased effective supervision by the Banda Aceh City Transportation Agency of public transportation. In addition, public understanding and awareness of the importance of maintaining vehicle roadworthiness also need to be improved, so that they can jointly create a safer and more comfortable transportation environment for everyone.

Bibliography

- Adisasmita, S A. "*Transportasi Dan Pengembangan Wilayahnya*", (Yogyakarta: Graha Ilmu, 2011)
- Adisasmita, S A." *Dasar-dasar Ekonomi Transportasi*, (Yogyakarta: Graha Ilmu.2010)
- Arikunto, Suharmi. "Prosedur Penelitian Suatu Pendekatan Praktek, (Bandung: PT Aditya Bakti. 2005)
- Fadilah, Teddi. Kondisi Jalan Dengan Persyaratan Teknis Kendaraan Terhadap Kecelakaan Lalu Lintas, *Jurnal T Cendekia*, Vol 3.No. 1. (2022).
- Hasil Wawancara bersama bapak Agus Mardeni, S.T, selaku kepala bidang Pengujian Kendaraan Bermotor Dinas Perhubungan Kota Banda Aceh Tahun 2024
- Hasil Wawancara bersama Bapak Kurrata Yusbadry Selaku Kepala Terminal Batoh Kota Banda Aceh Tahun 2024
- Hail Wawancara Bersama Ibu Rahmi Selaku pemilik loket PT. Mandala Star Tour Tahun 2024
- Hasil Wawancara Bersama Bapak Faisal, Selaku Supir PT. Mandala Star Tour Tahun 2024
- Iqbal, Muhammad. "*Fiqh Siyasah Kontekstualisasi Doktrin Politik Islam*".(Jakarta: Radar Jaya Pratama, 2014).
- Khalaf, Abdul Wahhab. "*Kaidah-Kaidah Hukum Islam*", 4th ed. Jakarta: PT Raja Grafindo Persada. 1994)
- Moleong, Lexy J. "*Metode Penelitian Kualitatif*. Bandung". (Remaja Rosda Karya. 2002)
- Muhammad, Abdulkadir. "*Hukum Pengangkutan Niaga*", (Bandung: PT Citra Aditya Bakti, 2008)
- Narbuko, Cholid. & Ahmadi, Abu., "*Metodologi Penelitian*", (Jakarta : Bumi Aksara,2003)
- Oka, Putu Lantika, "Pengujian Kendaraan Bermotor Untuk Mewujudkan Keselamatan Berjalan Lintas", *Jurnal Hukum*, Vol. 6, No.3, (2021).
- Republik Indonesia. 2009. "*Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan*".
- Republik Indonesia. 2012 "*Peraturan Pemerintah Nomor 55 Tahun 2012 Tentang Kendaraan*"
- Refkisyam, Zaiwandi." Pengawasan Standar Uji Kelayakan Kendaraan Di Pekan Baru" *Jurnal Hukum* (Studi Angkutan Kota), Vol.2, No. 2, (2015)
- Ridwan. *Fiqh Politik Gagasan Harapan Dan Kenyataan*, (Yogyakarta: FH UII Press. 2007)
- Romadhoni, Novia Putri. "Kurangnya Kesadaran Masyarakat Untuk Uji Kendaraan Bermotor: Penyebab Dan Akibat", *Jurnal of Student of Research*, Vol. 2, No.1, (2024)
- Saebani, Beni Ahmad. "*Fiqh Siyasah*. (Bandung": Pustaka Setia. 2015)
- Salim, A. *Manajemen Transportasi*. (Jakarta: PT. Raja Grafindo Persada, 1993)
- Sondani, KBP Dicky. *Fiqh Berjalan Lintas*.(Bandar Publishing. 2021)
- Tjkranegara, Soegijatna. "*Hukum Pengangkutan Barang dan Penumpang*", (Jakarta: Rineka Cipta. 2007)

- Wahyudi, H. S., & Sukmasari, M. P., "Teknologi dan kehidupan masyarakat". *Jurnal Analisa Sosiologi*, Vol. 3, No. 1, (2018)
- Waluyo, Bambang. "*Penelitian Hukum Dalam Praktek*", Jakarta: Sinar Grafika, 2002)
- Warpani, Suwardjoko, "*Pengelolaan Lalu Lintas di Jalan*", (Bandung: Institut Pertanian Bandung, 2002).
- Yusdani.. "*Fiqh Politik Muslim Doktrin Sejarah Dan Pemikiran*", (Yogyakarta : Asmara Books, 2011).