



# THE FUNCTION OF SIDEWALKS FOR PEDESTRIANS BASED ON LEGISLATION IN INDONESIA

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**Abstract:** Residents who carry out their activities on foot can use the sidewalk, as one of the pedestrian facilities provided by the government. As time goes by, sidewalks that are supposed to be used by pedestrians change their function. The function of sidewalks is to facilitate pedestrian movement from one place to another by ensuring aspects of pedestrian safety and comfort. It is important to know that the role of inter-regional cooperation needs to be carried out so that it is more effective and mutual cooperation between one region and another and is emphasized in Article 328 paragraph (2) that the mechanisms and procedures for regional cooperation include procedures for cooperation between regions, and regional cooperation with other parties. third. Sidewalks are one of the supporting facilities for the implementation of Road Traffic and Transportation where sidewalks are one of the infrastructure that can be used by the community. The function of sidewalks is to facilitate pedestrian movement from one place to another by ensuring aspects of pedestrian safety and comfort. The importance of sidewalk issues should be a bit of a focus for the government, where according to the description above, the function of sidewalks has been confirmed in Article 34 paragraph (4) of the Government Regulation on Roads that sidewalks as intended in paragraph (3) are only intended for pedestrian traffic. The policy that will be implemented may be can be formed in accordance with regional regulations which adapt to the conditions of each region. It is hoped that the involvement of several parties will immediately make the dream trotor a reality for the community, especially pedestrians. It is hoped that the government will immediately form regional regulations regarding the function of sidewalks for the community so that sidewalks can return to their function.

**Keywords:** Function, Sidewalks, Pedestrians, Legislation.

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## I. INTRODUCTION

Urban areas usually have a high population with different needs. Efforts to fulfill these needs encourage the emergence of socio-economic activities with great intensity. In carrying out their activities, every resident must walk, even if the distance and time is very short.<sup>1</sup>Walking is the simplest means (mode) of

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<sup>1</sup>Lasmini Ambarwati, Amelia Kusuma Indriastuti, Nindya Sari, 2018. *Pejalan Kaki Riwayatmu*

transportation. This simplicity causes people who walk to be in a weaker position compared to other road users. They are prone to conflicts or accidents when mixed with other modes of transportation.<sup>2</sup>

Residents who carry out their activities on foot can use the sidewalk, as one of the pedestrian facilities provided by the government. As time goes by, sidewalks that are supposed to be used by pedestrians have changed their function, as we can see in one of them, Bandar Lampung City, Lampung Province. On Jalan Hayam Wuruk, precisely in front of Chandra Supermarket Tanjungkarang, Bandar Lampung, it has been converted into a parking area. This condition disrupts the activities of pedestrians who want to carry out mobility because they are blocked by trading places, selling carts or parking lots which prevent people from walking on the sidewalk.<sup>3</sup>

In general, attention to facilities for pedestrians in Indonesia is currently still relatively minimal compared to facilities for other modes of transportation such as buses, goods transport and private vehicles.<sup>4</sup> In fact, Road Traffic and Transportation has a strategic role in supporting national development and integration as part of efforts to advance general welfare as mandated by the 1945 Constitution of the Republic of Indonesia. As part of the national transportation system, Road Traffic and Transportation must be developed to its potential. and its role in realizing security, prosperity, traffic order and road transportation in order to support economic development and the development of science and technology, regional autonomy, and accountability in state administration.

Indonesia is a rule of law based on the 1945 Constitution of the Republic of Indonesia. A rule of law requires that all actions or deeds of the authorities have a clear legal basis or legality, whether based on written or unwritten law.<sup>5</sup> This confirmation is as stated in Article 1 paragraph (3), the State of Indonesia is a State of Law. According to Jimly Asshiddiqie, in this formulation the state is idealized: What must be the commander-in-chief in the dynamics of national and state life is law, not politics or economics.<sup>6</sup>

Making the law the commander in chief in the dynamics of national and state life shows that Indonesia adheres to the concept of a rule of law, in a rule of law the government cannot be passive, which means that the government must build the welfare of its people by regulating economic and social life. This means that when the state exercises its power, the state is subject to legal supervision. The exercise of

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Dulu dan Kini. UB Press, Malang, p. 1

<sup>2</sup>*Ibid*, p. 2

<sup>3</sup> [Beginilah Kondisi Fasilitas Trotoar di Kota Bandar Lampung | by Yasinta Puncak Ayodya | Medium](#), Accessed by 2 December 2023.

<sup>4</sup> Arif Batutah, Tining Haryanti, Dian Prasetyawati dll. 2022. *Book Chapter* Teknologi, Manusia dan Lingkungan. UM Surabaya Publishing, Surabaya, p. 93

<sup>5</sup> Zairin Harahap. 2001. *Hukum Acara Peradilan Tata Usaha Negara*. Raja Grafindo Persada, Jakarta, p. 1

<sup>6</sup> Jimly Asshiddiqie. 2007. *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*. Buana Ilmu Populer, Jakarta, p. 297

power in a legal state must be guaranteed in the constitution as a basic norm for state administration.

Based on the problems above, the author is interested in researching whether the function of sidewalks for pedestrians is based on Indonesian laws and regulations and what the government is doing to restore the function of sidewalks for pedestrians. The method that the author uses is a normative juridical method, namely by using literature and using regulations related to the problem.

## **II. DISCUSSION**

### **The function of sidewalks for pedestrians is based on Indonesian laws and regulations**

Law Number 22 of 2009 concerning Road Traffic and Transportation, Article 1 Paragraph (1) explains that Road Traffic and Transport is a unified system consisting of Traffic, Road Transport, Road Traffic and Transport Network, Road Traffic and Transport Infrastructure, Vehicles, Drivers, Road Users, and their management. . Article 1 Paragraph (11) Road traffic space is infrastructure intended for the movement of vehicles, people and/or goods in the form of roads and supporting facilities.

Based on Article 45 Paragraph (1), it states that: Facilities supporting the implementation of Road Traffic and Transportation include:

- a. sidewalk;
- b. Bike Lane;
- c. Pedestrian crossings;
- d. Stop; and/or
- e. special facilities for people with disabilities and elderly people.

#### **Part Six Rights and Obligations of Pedestrians in Traffic Article 131**

- (1) Pedestrians have the right to the availability of supporting facilities in the form of sidewalks, crossings and other facilities.
- (2) Pedestrians have the right to get priority when crossing the road at crossings.
- (3) In the event that the facilities as intended in paragraph (1) are not yet available, pedestrians have the right to cross at the chosen place with due regard for their safety.

Based on the articles above, it can be explained that the sidewalk is one of the supporting facilities for the implementation of Road Traffic and Transportation where the sidewalk is one of the infrastructure that can be used by the community. As appropriate, existing sidewalks that have been provided by the government must be in accordance with their function, namely as facilities for pedestrians, where Article 131 Paragraph (1) confirms that pedestrians have the right to the availability of supporting facilities in the form of sidewalks, crossings and other facilities.

As related in Article 45 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation. The provision of supporting facilities including the

above sidewalks is provided by the government depending on the type of road where the sidewalk is being built and is explained in Article 45 paragraph (2) of the Road Transport Traffic Law as follows:

- a. National roads are managed by the central government;
- b. Provincial roads are managed by the provincial government;
- c. For district roads and village roads, they are managed by the district government;
- d. City roads are managed by the city government;
- e. Toll roads are managed by toll road business entities.

It is important to know that the availability of sidewalk facilities is a pedestrian's right as mentioned in Article 131 paragraph (1) of the Road Transport Traffic Law. This means that the sidewalk is intended for pedestrians, not private people. It is further stated in Article 25 paragraph (1) letter h of the Road Transport Traffic Law that every road used for public traffic must be equipped with road equipment, one of which is supporting facilities for traffic and road transport activities. This means that it is one of the Road supporting facilities, sidewalks are also road equipment. Still related to sidewalks as road equipment, based on Article 28 paragraph (2) of the Road Transport Traffic Law, every person is prohibited from carrying out actions that cause interference with the function of road equipment.

Based on the description above, it can be said that sidewalks are facilities for pedestrians created by the government that can be used by the public to be used as pedestrian areas, not for public purposes, which up to now still see a double use or function of sidewalks. As we know, some sidewalks cannot be used properly by pedestrians where there has been a violation of Article 28 paragraph (2) of the Road Transport Traffic Law, namely selling by street vendors (PKL). The government's lack of seriousness in taking action against street vendors who sell on the sidewalk causes street vendors to feel comfortable selling, they do not pay attention to the safety of buyers, where buyers are located or parked on the road, this really disturbs road users and causes traffic jams.

Government Regulation Number 34 of 2006 concerning Roads in Article 34 paragraph (1) that the useful space of a road includes the road body, roadside channels and safety verges. Furthermore, the useful space for the road is only intended for medians, road pavement, dividing lanes, road shoulders, roadside channels, sidewalks, slopes, safety thresholds, embankments and excavations, culverts, road equipment and other complementary buildings. The sidewalk is a pedestrian path outside the building and is part of the road in the form of a separate path specifically for pedestrians and is usually located at the edge of the road<sup>7</sup>

The function of sidewalks is also reaffirmed in Article 34 paragraph (4) of the Government Regulation on Roads that sidewalks as referred to in paragraph (3) are only intended for pedestrian traffic. Based on the description above, it is reiterated that the trotor only functions for pedestrians. This means that the function of the

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<sup>7</sup>Sakti Adji Adisasmita. 2012. *Perencanaan Infrastruktur Transportasi Wilayah*. Graha Ilmu, Yogyakarta, p. 31

sidewalk must not be distorted in any way, including being owned privately on the grounds that the sidewalk is only intended for pedestrian traffic.

Based on the Guidelines for Planning Pedestrian Paths on Public Roads No.032/T/BM/1999 Attachment No. 10 Decree of the Director General of Highways No. 76/KPTS/Db/1999 Dated 20 December 1999. A sidewalk is a pedestrian path located in a road area which is covered with a surface layer with a higher elevation than the surface of the road pavement, and is generally parallel to the vehicle traffic lane. Based on Article 34 paragraph 4 of the government regulations, the sidewalks as referred to in paragraph (3) are only intended for pedestrian traffic.

Regulation of the Minister of Public Works Number: 03/PRT/M/2014 /2011 concerning Guidelines for Planning, Provision and Utilization of Pedestrian Network Infrastructure and Facilities in Urban Areas Article 1 paragraph 1 states that a pedestrian is anyone who walks in road traffic, continued with Article 2 Paragraph (2) This Ministerial Regulation aims to create a pedestrian network in urban areas that is safe, comfortable and humane so as to encourage people to walk. Article 4 The function of the sidewalk is to facilitate the movement of pedestrians from one place to another by ensuring aspects of pedestrian safety and comfort. In the Utilization of Article 13 it says that:

- (1) Utilization of pedestrian network infrastructure is carried out by considering:
  - a. type of activity;
  - b. utilization time;
  - c. number of users; And
  - d. applicable technical provisions.
- (2) The use of pedestrian network infrastructure is only permitted for the use of social and ecological functions in the form of cycling activities, social interactions, formal small business activities, exhibition activities in open spaces, green lanes and pedestrian facilities.

Article 5 Sidewalk planning principles emphasize consideration of pedestrian sensitivity aspects and contextual aspects of the area. Where this article provides an understanding that the government must pay attention to several aspects in building comfort for pedestrians, especially for people with disabilities, where there must be several things or items that must be added, namely balls, safety fences and green lanes. Apart from that, a guide route must be added which functions as a circulation route for people with visual disabilities, including people with visual impairments who are only partially able to see, consisting of:

- a. guiding tiles (guiding blocks); And
- b. warning tile (warning block).

### **Government efforts to restore the function of sidewalks for pedestrians.**

Several recent studies conducted in several cities in Indonesia show that problems surrounding sidewalks are mostly related to pedestrian comfort and safety, the physical condition of the sidewalk, the conversion of the sidewalk to another

function, and the completeness of sidewalk facilities or street furniture.<sup>8</sup> This condition makes people lazy and even afraid to use the sidewalk. If we look at the Jogjakarta area, where several sidewalks are used as the most comfortable places for people to interact with each other, the sidewalks are used as photo spots, to rest and so on, even at night, people are not afraid to be on the sidewalks.

Several facilities on the sidewalk are also provided, such as seating, shelter, green lanes and there are balls that function to prevent vehicles from getting onto the sidewalk or not to use it as a parking area. The bolars they install vary, namely in the shape of a ball, where the bolar can be used by people to sit and take photos. The busy atmosphere on the sidewalks means that the level of crime occurring on the roads is decreasing and decreasing, because the mobility of the busy community makes criminals think twice about committing crimes such as theft, harassment and murder.

The conditions mentioned above can be realized if there is participation from several parties, one of which is the government, where the government is the policy holder and can also recommend making regulations that can restore the function of the sidewalk. Apart from that, it is important to know that the role of cooperation between regions needs to be carried out so that more effective and mutual cooperation between one region and another and is emphasized in Article 328 paragraph (2) that mechanisms and procedures for regional cooperation include procedures for cooperation between regions, and regional cooperation with third parties. The importance of the sidewalk problem must be a bit of a focus for the government, where according to the description above, the function of the sidewalk has been confirmed in Article 34 paragraph (4) of the Government Regulation on Roads that the sidewalk as intended in paragraph (3) is only intended for pedestrian traffic, meaning, the function of the sidewalk is not may be diverted in any way, including private ownership on the grounds that the sidewalk is only intended for pedestrian traffic.

Law enforcement is an effort to uphold the norms/rules and legal values that are behind these norms.<sup>9</sup> Law enforcement talks about the realization of laws that have been agreed upon in statutory regulations into the implementation of life in society.<sup>10</sup> In this context, law enforcement in question is law enforcement regarding misuse of the function of sidewalks. Paying attention to the provisions mentioned above, it is clear that the existence of the sidewalk is specifically used as a road utility space and is only intended for pedestrians.<sup>11</sup> It is important to know that the role of inter-regional cooperation needs to be carried out so that it is more effective and

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<sup>8</sup>*Op Cit.* Arif Batutah, Tining Haryanti, Dian Prasetyawati dll. 2022. *Book Chapter* Teknologi, Manusia dan Lingkungan. p 87

<sup>9</sup>Andrew Shandy. 2019. *Kepercayaan Masyarakat Terhadap Penegakan Hukum Di Indonesia*. *Ensiklopedia Social Review*. Vo. 1. No. 3. p. 309

<sup>10</sup>Rai Mantili, Hazar Kusmayanti, Anita Afriana. 2016. *Problematika Penegakan Hukum Persaingan Usaha Di Indonesia Dalam Rangka Menciptakan Kepastian Hukum*. *Jurnal Ilmu Hukum*. Vo. 3. No 1. p. 118

<sup>11</sup>Elias Hence Thesia, Novana V, J. Kareth. 2022. *Penegakan Hukum Terhadap Pelaku Usaha Yang Berjualan Di Trotoar Jalan Di Kota Jayapura*. *JURNAL CREPIDO*. Vol. 4. No 1. p. 35

mutual cooperation between one region and another and is emphasized in Article 328 paragraph (2) that the mechanisms and procedures for regional cooperation include procedures for cooperation between regions, and regional cooperation with other parties.

Regarding the obligations of regional governments, they are obliged to implement minimum service standards in the context of implementing the community's role in spatial planning in accordance with the provisions of statutory regulations. In order to implement obligations at the spatial planning stage, the Regional Government is obliged to provide information and provide access to information to the public regarding the process of preparing and determining spatial planning through communication media that have a reach in accordance with the plan level, carry out socialization regarding spatial planning, organize activities to receive input from the community regarding spatial planning, and provide responses to the community regarding input regarding spatial planning in accordance with the provisions of statutory regulations. The policies that will be implemented may be formed in accordance with regional regulations which adapt to the conditions of each region. It is hoped that the involvement of several parties will immediately make the dream trotor a reality for the community, especially pedestrians.

### **III. CONCLUSION**

The sidewalk is one of the supporting facilities for the implementation of road traffic and transportation where the sidewalk is one of the infrastructure that can be used by the community. The function of the sidewalk is to facilitate the movement of pedestrians from one place to another by ensuring aspects of pedestrian safety and comfort. The importance of sidewalk issues should be a bit of a focus for the government, where according to the description above, the function of sidewalks has been confirmed in Article 34 paragraph (4) of the Government Regulation on Roads that sidewalks as intended in paragraph (3) are only intended for pedestrian traffic. implemented may be formed in accordance with regional regulations which adapt to the conditions of each region. It is hoped that the involvement of several parties will immediately make the dream trotor a reality for the community, especially pedestrians. It is hoped that the government will immediately form regional regulations regarding the function of sidewalks for the community so that sidewalks can return to their function.

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