

# The Application of Speed Bumps Rules as a Speed Limiting Tool to Provide Road User Safety in Tangerang City Based on the Minister of Transportation Regulation Number 82 of 2018

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## ABSTRACT

Road users who do a lot of speeding have raised concerns about safety in using the road in social life, so that many people of Perumnas II Tangerang City are independently involved in the procurement of speed bumps but without paying attention to the provisions for the construction of speed bumps as stipulated in Permenhub 82/2018 This research is an empirical research where data is obtained through observation and interviews. So far, the sanctions given by the relevant law enforcement officers (Police and Transportation Service) are only in the form of warnings to those who build speed bumps that do not comply with the rules. Until now, the people of Perumnas II Tangerang City have not received socialization from the Tangerang City Government regarding the provisions for the procurement of speed bumps in accordance with Permenhub 82/2018 . It is necessary to provide legal counseling regarding the provisions for the procurement of speed bumps in order to provide benefits for road users and the law can be applied effectively.

**Keywords:** *Perumnas II Tangerang City, Sped Bumps, Permenhub 82/2018*

## 1. INTRODUCTION

The arrogant driving attitude of motorists is a trigger for traffic accidents. Arrogance in driving is very easy to ignite the emotions of drivers and other road users so that control of the vehicle is no longer based on the individual's awareness but has been controlled by emotions so that out of control often occurs which results in traffic accidents In addition to the arrogance of drivers, non-compliance with laws and regulations in the field of traffic and the condition of vehicles that are not maintained are also causes of traffic accidents.[1]

The increasing mobility of transportation without being supported by traffic infrastructure that has not prioritized the safety aspect has a negative impact in the form of traffic accidents. The accident interval that tends to increase is inseparable from the *human error* factor as well as the physical condition of the road and the surrounding environment. The materials found on the road and traffic infrastructure facilities have a major influence on the accident rate of road users.[2]

Order and obedience to the facilities, infrastructure and human resources of users and transportation operators have a big role in determining the level of traffic accident.[3] Not a few traffic accidents that occur are caused by the physical condition of the road that does not provide a safety function for road users. Article 2 of the

LLAJ Law mandates that to organize road traffic and transportation, it is obligatory to observe several principles as follows:

- a. Transparent principle
- b. Accountability principle
- c. Sustainable principle
- d. participatory principle
- e. Useful principles
- f. Effective and efficient principle
- g. Balance principle
- h. Unified principle
- i. Independent principle

The principles contained in the implementation of road traffic and transportation are intended so that the public can obtain clear information so that they have the opportunity to participate in the development of road traffic and transportation. The involvement of the community is in the hope that the implementation of traffic in its implementation can be accounted for so that the quality of environmental functions is guaranteed through various requirements and plans for the construction of traffic networks and road transportation.

The speed of the vehicle greatly affects the increase in travel time and the possibility of negligence caused by the driver. One of the factors causing traffic accidents is the speed of the vehicle that exceeds the maximum limit. The speed of vehicles exceeding the limit has contributed to

many victims of traffic accidents because of the fatalities they have. When the vehicle is traveling at maximum speed, there is a greater risk of fatality when an accident occurs.

All traffic and road transport operations must be able to provide value for the benefit of realizing the welfare of the Indonesian people and there is a need for a balance between the rights and obligations of service users and providers and a balance between facilities and infrastructure in traffic.

Although there have been arrangements and speed restrictions for road users, violations are still often encountered. Speed restrictions based on Article 45 paragraph 2 of Government Regulation no. 79 of 2013 concerning Traffic and Road Transport Networks ("PP 79/2013") is one of the means of controlling speed. The tools used as speed limiters are based on Article 2 of the Regulation of the Minister of Transportation No. 82 of 2018 concerning Road User Control and Safety Devices ("Permenhub 82/2018") consists of *speed bumps*, *speed humps*, and *speed tables*.

The concept of a speed limiting device from Article 1 point 1 *jo* P origin 40 paragraph 1 of Permenhub 82/2018 is to slow down the speed of vehicles by elevating part of the road body with a certain width and slope whose position is transverse to the road body. Speed restrictions using *speed bumps* are intended for parking areas, limited environmental roads traversed by vehicles with operating speeds below 10 km/hour. *Speed bumps* or better known as *speed bumps* are mostly built by local people who feel disturbed by the presence of drivers with fast vehicles in the hope that the drivers can reduce the speed of the vehicle and prevent speeding.[4]

Speed limiting for motorists is one of the efforts made by the government to reduce the number of accidents due to vehicle speeds that exceed the maximum speed. The driving speed limiter aims to create a balance between mobility and safety for drivers and road users, so it is necessary to determine a safe and appropriate speed limit for the level of roadside development and road category.

The government is the party in charge and responsible for procuring, controlling and securing speed control devices as mandated in Article 38 paragraph 1 of the Minister of Transportation 82/2019 so that in procuring *speed bumps* it is necessary to pay attention to the existing provisions, namely as follows:

- a. Maximum height 12 cm
- b. Minimum width of the top 15cm
- c. Maximum grade 15%
- d. Yellow or white color combination measuring 20cm
- e. Black color combination measuring 30cm sizes.
- f. Coloring tilt angle to the right by 45 degrees

The state bears the obligation to carry out guidance on the implementation of road traffic and transportation ("LLA") through planning, regulation, control and supervision of the implementation and procurement of all traffic components. The reckless nature of the driver makes many people take the initiative to hold *speed bumps* independently by overriding the legal provisions

governing procedures or standards in installing *speed bumps*.

*Speed bumps* have a positive impact on road users, namely they become more restrictive of vehicle speed so that other road users also feel safe because vehicle users cannot be careless in driving as a result of the speed limiter. *Speed bumps* also have a bad impact if they are not made according to predetermined standards. These difficulties include causing traffic jams and vehicles being damaged quickly.

The *speed bump* that is built must have a permit from the competent authority as mandated in the provisions of Article 28 paragraph 1 of Law no. 22 of 2009 concerning Road Traffic and Transportation ("Law LLAJ") and if the installation of *speed bumps* is not in accordance with existing provisions, the *speed bump* maker may be subject to sanctions in the form of imprisonment for a maximum of 1 year or a fine of a maximum of Rp. 24,000,000. - (twenty four million rupiah) as regulated in Article 274 paragraph 1 of the Minister of Transportation Regulation 79/2013.

In fact, it is often found that the construction of speed bumps that are not in accordance with the provisions in Permenhub 82/2018 which affects the safety of motorists and road users, not even a few of the speed bumps that are made carelessly, have resulted in injuries and fatalities for road users. For example, in the Palembang area, there are five speed bumps that were built in a row at once by residents with the aim of reducing the speed of road users but not in accordance with the provisions stated in Permenhub 82/2018, causing casualties.[5]

The same thing was also found in the Tangerang City area, especially in the PERUMNAS II area. In this area, it is often found that sleeping police have been built that are not in accordance with the provisions contained in the Minister of Transportation 82/2018. The structure of the *speed bumps* found in the PERUMNAS II area is mostly pointed with a height of about 20-25 cm where in this situation many road users, especially those using motorized vehicles, are disadvantaged.

The loss suffered by motorists who pass through the road is that it can cause damage to vehicles, especially those who drive cars because the *speed bumps* can damage the bottom parts of the car and also cause many motorcyclists to fall, because the *speed bumps* are too high and are not given color or paint so they are not seen from a distance. The issues in this paper is as follows: b How can the application of the rules of *speed bumps* as speed limiting devices to provide safety of road users in Tangerang based Permenhub No. 82 Year 2018 ? and how the effectiveness of sanctions against violations of the provisions of *speed bumps* in Tangerang City . 82 Year 2018 ?

## 2. METHOD

This study uses empirical research where data collection is done by direct observation in the field through

interviews.[6] Secondary data was collected before conducting interviews. The location of the object of this research is Perumnas II Tangerang City.

### 3. DISCUSSION

#### 3.1. *The Application of Speed Bumps as a Speed Limiter in Tangerang City*

The road is a means for the activities of various passing vehicles so that the road always provides unlimited access services to each user in order to provide great benefits and reduce the number of accident risks contained in it. Differences in the type and designation of roads make it difficult for drivers who are accustomed to driving on large roads to regulate the speed of their vehicles when passing through residential areas so that residential areas are prone to accidents, especially for children who like to run along residential roads.

Often found in residential areas, the speed of passing vehicles exceeds 35 km/hour. The speed of the vehicle in driving is strongly influenced by road conditions, such as roads that have *speed bumps*, making the vehicle slower than the field road without a speed limiter. The maximum speed limit is generally determined based on the speed of the type of vehicle that often passes in a certain area.[7]

Traffic engineering generally consists of 2 (two) parts, namely regulation of the volume of vehicles passing on the highway and regulation of the speed of passing vehicles. The regulation of vehicle volume focuses on breaking down existing congestion points so that traffic returns smoothly and becomes easy for the relevant officers to control.

The results of the research and interviews are in line with the theory of effectiveness and legal culture where the effectiveness of a statutory regulation can be seen from many aspects and a new regulation can be said to be effective if its usefulness is right on target in its implementation in the field. Law which is a *tool of social engineering and social control* is expected to create balance and harmony in social life.

It is known from the data from interviews with informants related to this writing that until now in the Tangerang City area there are many procurements and constructions of *speed bumps* that are not in accordance with the provisions of the applicable legislation. The non-compliance with the provisions for the provision of *speed bumps* was prompted by circumstances and a strong sense of self-protection in the local community.

The effectiveness of the implementation of the *speed bumps* provisions in this case is in line with the understanding of effectiveness put forward by Chung & Mengginson where the community with a strong desire to create a sense of benefit and safety protection for themselves causes the implementation of self-help speed limiting equipment even though in implementation it is not guided by the procedures determined by related laws and regulations.

The lack of socialization from the government to the community makes the legal ambiguity in the community so that many procure *speed bumps* on the basis of wanting to provide a sense of security and benefit for their own interests as road users. Until now, based on the narratives of related informants, there has never been a fatal accident caused by *speed bumps*.

Soerjono Soekanto further explained that the effectiveness of a law can be seen from the qualitative and quantitative aspects of the regulation whether it is able to protect all the needs and demands of the community so that there is no guarantee that the laws and regulations that are made will fully answer all the thirst of the community.

Relevant agencies often carry out routine patrols and inspections, even though they have not received reports from the public regarding the anxiety of the presence of *speed bumps* that are troubling because they are not up to standard and if during the mobile inspection it is found that there are dangerous *speed bumps*, they will be immediately followed up in the form of demolition. In the Tangerang City area, according to AKP Yuliana's narrative, disturbing *speed traps* were found in the Jl. MH Thamrin and the actions taken were direct coordination with the local UPTD and the next day the destruction was carried out immediately. The government always moves quickly to minimize victims who may fall as a result of *speed bumps* that are not in accordance with the provisions.

The imposition of sanctions given to people who build speed limiters and controllers that are not in accordance with the provisions are only in the form of giving written warnings to the person concerned. No criminal sanctions are given because even though they injure existing laws and regulations, the basis for making them is for the good of all levels of society.

The existing law in society has not been able to provide protection to the citizens of the community where in this case the integration and coordination functions of the law have not been able to create a combination to create a sense of satisfaction in social life even though it has a coercive nature in its implementation aspect.

Law as a normative science in this case has not been able to provide protection to the entire community, especially to the people in the Perumnas II Tangerang City area, which is reflected in the number of people who continue to build and procure *speed bumps* but do not comply with existing regulations. The strong desire to conduct procurement independently is driven by a sense of protecting oneself from existing safety threats from reckless drivers.

Protecting law is a law that can provide protection to all aspects of life in a social environment and is not limited to things that are weak. Legal protection is an action that can be provided by regulations created to all levels of society by prioritizing expediency and justice in its implementation.

The description and function of the law radiates from how the law can provide protection to the community. Legal protection provided by a country can be in the form of prevention and punishment or sanctions. The presence of

law enforcers such as the police, prosecutors, courts, and other institutions in a country is a tangible form of legal protection in social life.

Protection is positioned as the heart of a right that arises as stated by Howing that the law provides protection for every right that exists in various ways that it has in order to achieve prosperity in social life with all the justice that the law has. Legal protection from the government to the community stems from the protection of human rights because of the limitations of the rights and obligations of the community and the government.

### **3.2. Sanctions for Violation of Speed Bumps Provisions in Tangerang City**

As social beings, humans cannot be separated from social life because of their position as a *zoom politicon*. To meet the needs of his life, humans need to interact with each other. In social life, to regulate order between individuals, sanctions are needed. Sanctions are a step taken and given to those who violate certain provisions.[8]

Sanctions can be imposed by individuals, certain groups or by the state. Sanctions can be interpreted as an action to force people to comply with a provision that has been applied in social life as well as what has been regulated and stipulated by law.[9]

Utrecht argues that law in social life is analogous to a guide that can bring people to justice and peace because in the law there are orders and prohibitions so there needs to be a little coercion in its implementation in the sense that the law has sanctions in the form of threats to violators and or violators make payments compensation for losses suffered by those who suffer losses.

Etymologically, legal translations from various languages as follows, such as *alkas*, *recht*, *ius* and *droit* show that law is a compulsion that is coercive, regulates and commands.[10] The definition of sanction in the *Black Law Dictionary* is defined as a *penalty or coercive measure that results from failure to comply with a law, rule or order (a sanction for discovery abuse)*. coercive nature created from failure to comply with existing regulations.[11]

Hans Kelsen interprets the witness as a coercive reaction of society to social facts in social life which are disturbing and threaten the peace. Hans Kelsen views the law as the power of an organization whose foundation is coercion that aims to maintain certain social behavior and in its implementation sometimes uses the power and encouragement of certain authorities to be able to ensure compliance with the law in social life by paying attention to other norms that exist in life. socialize.[12]

The element of suffering contained in the sanction is something that is deliberately created in the event of a violation of a provision in social life.[13] The imposition of sanctions on the offenders emphasizes various sufferings that are never desired to occur in normal life in the hope of causing a deterrent effect to the perpetrators not to repeat their actions in the future.

The position of sanctions in social life is an indicator that has a function to repair what has been damaged and polluted in social life so that similar problems do not recur and/or in the hope of overcoming similar problems if they occur in the future. There are 3 (three) types of sanctions in social life including civil sanctions, criminal sanctions and administrative sanctions.[14]

The sanctions given need to pay attention to the right time and generally the right time to give sanctions is when after committing a violation the sanctions are immediately given.[15]

The imposition of witnesses for each violator must not contain an element of personality against the individual violator. Every sanctioner needs to pay attention to the element of *clarifying the reason* in the hope that similar violations will not be repeated. The provision of sanctions also needs to pay attention to consistency in its implementation so that the applicable laws do not apply retroactively and increasingly have an effectiveness value in social life.[16]

The interaction between law and various variables contained in social life is analyzed by Bredemeir as a form of social system created in social life as a result of the legal relationship with existing social variables such as economy, science and technology, and various other aspects that all of which demand a sense of justice and the law is expected to be able to synchronize this with the form of legislation in social life.[17]

The law that develops in social life does not only stop at the legal formalities so that the position of norms in social life is not only limited to being *institutionalized* but is also expected to be internalized into every social life with the aim of behavior contained in society can be in line with what is becoming needs in society.

Social control in law is the foundation for the formation of a boundary that also acts as a supervisory function for social life. Social control can be preventative or something that is forced to be obeyed. The repressive nature contained in the law has a function as a return to harmony in social life that has been lost. Social control tools contained in the community can be in the form of:[18]

- a. Sanctions (administrative, criminal, and/or civil)
- b. Compensation for the injured party
- c. Conciliation that aims to return to its original state

Law as social control is expected to provide a law enforcement. Law enforcement does not only stipulate that legal aspects must be enforced but also must enforce existing norms in people's lives. Law enforcers have a very important position as a means of social control in their position as law enforcers. There are 3 things that affect the performance of law enforcement officers including:[19]

- a. Law enforcement agencies
- b. Legal culture
- c. Applicable supporting rules

The legal culture that exists in the community is the main component to get to know the mindset and behavior patterns of the local community because legal culture is

the whole unity between attitudes and behaviors that exist in social life. Legal culture cannot be separated from the structure, system and composition of the surrounding community. Legal culture that can be seen directly is a form of reaction to the behavior of the community regarding legal events around it.[20]

The views of the people of Perumnas II Tangerang City on the law are actions and reactions to the law so that there is an attitude of accepting and rejecting a rule even though the method of disclosure is passive, not overt and/or implied. The form of participant legal culture in the Perumnas II Tangerang City community can be seen from the tolerance to carry out the obligation to participate in the surrounding environment because they feel part of the life of the surrounding environment.

The participation of the people of Perumnas II Tangerang City can be seen from their initiative in building speed bumps with a noble goal, namely reducing the number of accidents that will result from speeding actions by irresponsible drivers even though they do not know how the procedures and procedures are good and right. to build a speed limiting device that can provide benefits, comfort and safety aspects for road users.

These stages clearly show that the people of Perumnas II Tangerang City take part in social life, both those that touch on personal interests and common interests which are realized through associations in the community such as youth groups, neighborhood associations (RT) and/or neighborhood associations (RW). In addition, other factors in social life also greatly affect the level of participation of a community in the law.

The legal culture that is reflected in the people of Perumnas II Tangerang City is a form of reaction to a legal event in the form of reckless drivers on the highway so that there is a central point that the law focuses on the behavior of social life which is often considered trivial and/or ignored by the surrounding community.

The law that is easily accepted by the community is the law that adopts the norms that exist in the life of the surrounding community so that the law can enforce social order and is a benchmark for the extent to which the civilization of a society complies with existing laws. The level of law enforcement in a society has a high correlation with the existing culture in a society as well as through community participation in preventing violations that exist.

Modern legal substance cannot always produce a satisfactory outcome considering the fact that law is always left behind from a dynamic society. Effectiveness in law enforcement can be seen from how the implementation of law enforcement in a society.[21]

Friedman further explained that legal culture will actually make a difference in social life so that legal culture is a form of embodiment of the community's response to the law and the institutions contained in it so that in order to improve the legal culture of a society, legal counseling is needed. Legal counseling in practice contains the following main points:[22]

- a. Education
- b. Increase the use of communication media

- c. Legal socialization with active community participation
- d. Law enforcement

Legal compliance in society is inseparable from the legal culture that exists in a society, so Soerjono Soekanto classifies three stages that can affect community compliance with the law, namely the pre-conventional stage, the conventional stage and the post-conventional stage.[23] Community compliance with the law in the pre-conventional stage is only limited to thinking about the impact that will be received by them if they violate a law and/or rules that apply in social life. In addition, in the pre-conventional stage there is also an orientation towards the tendency of violating the law which is carried out on the basis of fulfilling the satisfaction of the violator in question.

The orientation of individual compliance with the law in the conventional stage can be caused by two things, namely law enforcers have powers that are recognized and feared by the community and/or the law obeyed by the community is only limited to maintaining good relations with certain parties.

Community compliance with the law in the post-conventional stage has been carried out on the awareness of each individual in social life so that the law is obeyed voluntarily without coercion and there is an assumption that the law is included in the reflection of ethics in social life.

The presence of law in society needs to be socialized through legal counseling activities because the legal position needs to be placed on a mutually agreed perception to understand the nature, nature, and consequences of accepting a conception. The presence of legal counseling activities in social life is able to foster community participation in the law and can create welfare for others.[24]

The final result that is expected through legal counseling is public understanding of the law, but this understanding is difficult to be used as a benchmark for the level of legal awareness because there is a possibility not to implement it. The cognitive domain of understanding (*Comprehension*) as proposed by Bloom is the ability to correctly interpret the material that has been studied without having to apply the material.

Legal awareness is something that cannot be forced on the individual because it is based on tolerance of decency and justice in every social interaction carried out by humans so as to create legal awareness in society one cannot use coercion but uses methods that are *persuasive*, such as conducting legal counseling.

The application of sanctions for those who build *speed bumps* without permission has so far only been limited to giving a warning and immediately destroying the *speed bumps* that interfere with safety. There has been no sanction given in the form of a criminal as regulated in the legislation. The lack of firmness in the sanctions given has resulted in the community repeating the construction of speed bumps that are not in accordance with the rules on the basis of wanting to reduce speeding by people driving.

The lack of counseling carried out by the relevant authorities also results in low legal awareness in the community regarding the safety aspects when making the speed bumps. Law enforcement officials in this case are not firm in providing sanctions that cause a deterrent effect for people who build speed bumps that are not in accordance with existing rules so that the law as social control in this case has not been effective in the community of Perumnas II Tangerang City.

#### 4. CONCLUSION

Based on the description above, the following conclusions can be drawn:

1. The application of *speed bumps* as a speed limiting tool in Tangerang City has so far encouraged community participation in its procurement but this community participation is not accompanied by legal knowledge possessed by the community so that the benefits and safety functions contained in the procurement of *speed bumps* have not been fully effective because The majority of *speed bumps* that were built independently by the community were not based on the provisions contained in the laws and regulations so that many of the people did not feel the full benefits of the procurement of *speed bumps*. So far, the benefits received by the community have only been limited to a reduction in speeding by unscrupulous motorists.
2. The application of sanctions for violators of the provisions of *speed bumps* in the Tangerang City area is only limited to providing administrative sanctions in the form of a warning and/or writing to the local RT/RW related to *speed bumps* that violate the provisions and interfere with driving comfort. The follow-up to the disturbing *speed bumps* was to be destroyed directly by the relevant UPTD in collaboration with the police and the local transportation service.

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