

Implementation of Regulatory Policy on the Control of Shadow Terminals as an Effort to Improve Transport Services in Palopo City

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ABSTRACT

This research aims to analyse the implementation of regulatory policies towards the control of shadow terminals as an effort to improve transportation services in Palopo City. The type of research is descriptive qualitative. The subjects of this research are the apparatus of the Transportation Department of Palopo City as the regulator and implementer of regulatory policies, as well as individuals or communities who are observers of transportation, public transport operators and users of public transport services. Informants consisted of 4 officials and 3 people from the community. Data collection techniques were observation, interview and documentation study. Qualitative data analysis technique. The results of the research on the implementation of regulatory policies on the control of shadow terminals as an effort to improve transport services in Palopo City in general both from the perspective of the apparatus and the community have not run optimally. Supporting factors based on informants' assessment include: (1) policy formulation, (2) attitude and commitment of the apparatus and (3) availability of SOPs. The inhibiting factors according to the informants include: (1) weak enforcement of regulations, (2) inadequate human resources, (3) policy products have not been implemented periodically, (4) not optimal coordination between stakeholders, (5) the behaviour of people using shadow terminals.

Keywords:

Implementation,
Regulatory Policy,
Control, The
Shadow Terminal

INTRODUCTION

According to Wall, public policy as quoted by Tangkilisan (2003:2) states that public policy is a number of government activities to solve problems in the community, either directly or through various institutions that affect people's lives. (Taufiqurakhman 2022: 4). Meanwhile, public policy experts define that public policy is everything that is done or not done by the government, why a policy must be carried out and whether the benefits for common life must be a holistic consideration so that the policy contains great benefits for its citizens and is ...small impact and should not cause adverse problems, even so, there must be benefits and there are disadvantages, this is where the government must be wise in setting a policy (Thomas Dye, 1992: 2-4, (Herman, 2020).

The role of the government is to carry out public policies aimed at the community and interest groups. This role is shown in maintaining order and protecting the interests of the community for the realization of social justice community welfare. The characteristic of government policy is that it is binding in the sense that its implementation is enforced with the authority to impose physically, namely monopolized by the government. One type of public policy is regulatory policy. Usually, regulatory policies are made in the form of laws or government regulations that contain coercion and are applied directly to prevent citizens from committing an act that is not allowed. In addition, regulatory policies are made to

force citizens to take an action so that the public interest is not at stake. (Surbakti, 2007).

Policies are not only formulated and then made in a formal legal form such as laws, regulations and regulations and then silenced, but a policy must be implemented so that it has the desired impact or purpose. Policy implementation is the implementation of basic policy decisions. Typically, the decision identifies the problem to be solved, explicitly states the goals or objectives to be achieved, and various ways to organize the implementation process (Daniel Mazmanian and Paul Sabater, 1983 in Leo Augustin, 2006:139).

One of the theories of policy implementation is the theory of George C. Edward III which holds that policy implementation is influenced by four variables, namely communication, resources, disposition, and bureaucratic structure (Subarsono, 2011, Subianto 2020).

In the field of regulating traffic and road transport, the government and the ranks of transportation institutions both at the central and regional levels have established a number of regulations that need to be implemented, including Law Number 22 of 2009 concerning Road Traffic and Transport, Government Regulation Number 80 of 2012 concerning Procedures for Inspection of Motor Vehicles on Roads and Enforcement of Road Traffic and Transport Violations, Minister of Transportation Regulation No. 15/2019 on the Implementation of Transportation of People by Public Motorised Vehicles Not on a Trayek, Regional Regulation of Palopo City No. 01/2017 on the Implementation of Road Traffic and Transportation and Regional Regulation of Palopo City No. 10/2014 on the Implementation of Public Order and Peace. These regulations and their derivatives, in principle, regulate the enforcement of criminal offences in the field of traffic and road transport, including in terms of controlling illegal terminals or shadow terminals.

In connection with this policy, a variety of research has been carried out by a number of researchers, such as Prahastama (2013) research on the implementation of the shadow terminal control policy as an effort to optimize public transportation services (study on the Malang City Transportation Office) with a descriptive qualitative method that found that In the implementation of the shadow terminal control policy, there is still disharmony or overlapping policies between each stakeholder. Darmawati's (2017) research on the implementation of public transportation control policies at the Makassar City Power Terminal found that the organizational behavior of the target group has been running well where the implementation of control gradually began to be complied with by the target group and the behavior of the implementing bureaucracy at the lower level through organizational control carried out by the leadership to the staff who provided an understanding of the issuance of the control policy to the behavior of the target group.

In contrast to the research conducted by Nicea Regalia (2014) regarding the conflict of the existence of shadow terminals (case study of Jatibening shadow terminals, Bekasi City) found that shadow terminals emerged as a form of policy made by the user community themselves. The government's desire to restore the function of the road according to existing regulations triggered conflicts with local residents. The compromise was taken to result in an agreement that the shadow terminal would continue to operate with the existence of a *lay bay* or parking bag. In addition, there is a study conducted by Heriadi (2021) which explains the adverse

impact of shadow terminals on traffic performance on the Soekarno Hatta road section, the Radin Intan Rajabasa monument roundabout, and the main aspects of the smooth functioning of the official terminal are reviewed from the flow of the process and passenger acceptance of the terminal which is manifested from a sense of comfort, safety, and passenger satisfaction.

Based on the description of a number of previous studies, no one has described what the regulatory policy of shadow terminal control looks like using the policy implementation approach according to the theory of George C. Edward III. On that basis, the author's research is classified as up-to-date and original. The research raised by the author raised the theme "Implementation of Regulatory Policies on Shadow Terminal Control as an Effort to Improve Transportation Services in Palopo City" with the aim of analyzing the implementation of regulatory policies on shadow terminal control as well as its supporting and inhibiting factors.

METHOD

The type of research is qualitative descriptive which is used to describe the implementation of regulatory policies on shadow terminal control in Palopo City. In research that uses a qualitative approach, it is not known with populations and samples as in quantitative research because the research departs from the case of the existence of individuals or groups in a certain social situation and the results only apply to that social situation. According to (Arikunto 2016 : 168) the subject of the study is to limit the subject of the research as an object, thing or person where the data for the research variable is attached, and the one in question. In a study, the research subject has a very strategic role because in the research subject, that is the data about the variables that the researcher observes. In qualitative research, the subject of the research is called an informant, namely a person who provides information about the data that the researcher wants related to the research being carried out.

The main subjects (informants) in this study are as follows:

It	Informant	Informant to	Information
1	Andi Muzakkir, S.IP, M.Si	1	Head of Transportation Agency
2	Rustam Lalong, SE	2	Secretary of the Transportation Department
3	Arafat Amir, SP	3	Head of Dalops Division
4	Hasbi, S.AN	4	Head of Terminal Management and Development
5	Alfri Jamil, SE, M.Si	5	Transportation observers
6	Rijal Sibada, SE	6	People who use public transportation services
7	Ceng	7	Public transport operators

Source: Researcher's data, 2024

The overall data collected uses observation techniques, interviews, and documentation studies. The data that has been collected, processed and used qualitative research and domain analysis to obtain a general and comprehensive overview of the object by explaining the analysis techniques during the field and carried out interactively through the process of data reduction, data display and verification (Miles and Huberman in Rijali, 2019 : 83).

RESULTS AND DISCUSSION

1. Implementation of Regulatory Policies to Control Shadow Terminals as an Effort to Improve Transportation Services in Palopo City

The Palopo City Transportation Office has a role as a policy formulator and policy implementer in the transportation sector. To regulate and organize the transportation system, especially for the control of shadow terminals in Palopo City, the Transportation Department implements regulatory policies, namely Regional Regulation Number 1 of 2017 and Regional Regulation Number 10 of 2014 which is guided by Law Number 22 of 2009. In realizing this, more active communication is needed to convey the content of the policy.

a. Communication

The communication referred to in this study can be reviewed in three indicators, namely:

1) Transmission

In this study, the transmission aspect in the communication of the implementation of the shadow terminal control regulatory policy is seen from how the regulatory policy is communicated by the Palopo City Transportation Office to all related parties, both to other government institutions and to the community who are the target group of the policy.

From the explanation conveyed by bureaucrats at the Palopo Transportation Office, it gives an idea that the transmission indicators within the internal scope of the organization are running quite well. The leadership distributes the transmission of regulatory policies to the apparatus through formal communication, namely work meetings and briefings and informal communication, namely discussions, meetings outside of working hours and information through social media. In the external space, policy information is transmitted to relevant agencies through official correspondence or cross-agency meetings.

Regarding policy information to the public, it is transmitted persuasively through socialization and counseling activities and repressively through the control of shadow terminals, but based on explanations from Dishub officials and from elements of the community, both from public transportation operators and public transportation service users, that these activities do not run periodically so that they have not had a significant impact on the community's legal awareness to comply with existing regulations.

2) Clarity

The second indicator highlighted by Edward III is the clarity of communication. It is said that if a policy can be implemented as desired, then the implementation instructions must not only be accepted by the policy implementers, but also the communication must be clear. The ambiguity of the communication message conveyed regarding the implementation of the policy will encourage incorrect interpretation and may even contradict the initial message.

Based on the explanation of the bureaucrats at the Palopo City Transportation Office, the clarity indicator is seen from the side of internal communication going quite well where the leadership gives clear and specific instructions to the implementing apparatus, the goal is that the implementation of duties can be organized and effective communication with the community can be established. Likewise, regarding the clarity of policy information to related agencies, it is running quite well and dynamically. In this clarity indicator, it is also known that the

implementation of policies is related to the division of transportation affairs. In Permenhub Number PM 139 of 2016, the authority of the provincial Transportation Department is the implementation of policies in the field of LLAJ for the provincial road network while the authority of the Palopo Transportation Department is on the city road network. It is necessary to have clear communication with the South Sulawesi Provincial Transportation Office regarding this authority so that there is no policy disharmony.

If viewed from the clarity of the dissemination of regulatory policy information to the public, it is through appeals and socialization, then control operations if there is still public transportation that violates the rules by operating at the shadow terminal. This regulation is coaching if the transportation that is ordered is AKAP and AKDP whose authority is in a vertical agency. However, from the explanation of the Dishub officials and the community, this activity has not been carried out intensively. This causes policy information not to be channeled clearly and completely so that it does not bring significant changes to people's mindset and awareness to comply with regulations. Therefore, regulatory policies must be implemented more clearly, regularly and effectively through the realization of activity programs that can answer public demands and then be monitored and evaluated regularly.

3) Consistency

The third aspect that according to Edward III is also important in the effective communication of a policy is consistency. Edward III said in Winarno (2016), if policy implementation is to be effective, then the implementation orders must be consistent. Although the orders conveyed to policy implementers have an element of clarity, if the order deviates from the existing provisions, the order will not make it easier for the policy implementers to carry out their duties properly. Consistent communication plays a crucial role in the successful implementation of regulatory policies.

Based on the explanation from bureaucrats at the Palopo City Transportation Office and the community, both public transportation service users, transportation operators and transportation observers, the Transportation Department has a positive assessment that on the one hand, the Transportation Department has a positive assessment that the implementing officials have consistently communicated regulatory policies as a whole without any dichotomy towards the transportation owner community.

Meanwhile, on the other hand, public informants consider that the Transportation Department has not been consistent in providing regulatory policy information, the reason is because of the neglect of illegal public transportation or vehicles with black plates that do not have transportation permits. This triggered social jealousy from transportation operators so that they dared to violate the rules by operating in the shadow terminal.

This problem is even more complicated because the Palopo City Transportation Office does not have a civil servant investigator who has the authority to take strict legal action. Regarding law enforcement by PPNS, it is regulated in Government Regulation Number 80 of 2012 that the inspection of public transportation by PPNS on the road must be accompanied by police officers. The inspection includes proof of passing the vehicle test, physical, means of transporting goods and transportation permits. The investigation continued with action in the event of a traffic violation. Against public transportation that violates the rules, PPNS takes action in the form of

issuing tickets, while illegal transportation with black plates is the absolute authority of the police.

b. Resources

In order for the implementation of the policy to run as it should, the implementers must be supported with adequate resources. Important resources in policy implementation include human resources, budgets, and policy supporting infrastructure.

In the context of human resources, based on the findings in the study, it is known that the Dishub apparatus in terms of quantity is still limited. The number of field officer personnel in the Dalops Field as a policy implementation work unit dispatched for regional patrols is 44 people consisting of 4 task force squads, each squad of 10 people led by the Squad Commander as many as 4 people then there are also supervisory officers as many as 4 people. In real terms, the number of these apparatus is still inadequate and not in accordance with the workload in the implementation of traffic and road transportation supervision, including the task of controlling shadow terminals. Meanwhile, in terms of quality, measured from the educational background, class, training, technical and functional guidance, it still needs improvement. This condition shows that the implementing apparatus does not have enough competence and expertise in carrying out their duties so that it will have an impact on the performance of the Transportation Department as a policy implementing agency.

On the budget indicators at the Palopo City Transportation Agency, based on the explanation from the bureaucrats of the Transportation Department, from a number of activities financed in the context of controlling shadow terminals in Palopo City, namely preventive activities (socialization and counseling) and repressive activities (control), it is felt that it is still not optimal in terms of budget allocation. This then contributes to the problem of suboptimal implementation of regulatory policies due to budget limitations.

Based on the explanation from bureaucrats that the Transportation Department has adequate office facilities and infrastructure to support the task of implementing the regulatory policy of controlling shadow terminals, but for road transportation infrastructure, especially the Dangerakko Terminal, based on explanations from officials and the community, it is very necessary to improve and maintain infrastructure, service quality and integration of the latest technology in transportation operations so that it can increase efficiency and attraction for the community to switch from the shadow terminal in Palopo City.

c. Disposition

The tendency of attitudes can be seen from the responsibility/commitment of the apparatus in carrying out their duties. This shows that the apparatus has a good commitment in carrying out its obligations even though high attention is still needed to the implementation of the duties and functions of the institution as a follow-up to the commitment. In order to obtain maximum support from the tendency of the implementer's attitude, the provision of incentives in various forms, both positive in the form of fulfilling personal interests to the imposition of sanctions that are seen as improving and generating support for the positive attitude of policy implementers.

Based on the explanation from the Head of the Land Transportation Operational Control Division (Dalops) of the Palopo City Transportation Office, in the context of the implementation of the regulatory policy of controlling the shadow

terminal, the implementing apparatus in the field of Dalops, responded well and there was no rejection of the leader's orders. Related to the cultivation of discipline that will contribute to supporting the attitude of the implementing apparatus in implementing regulatory policies, namely through individual performance assessments of apparatus, such as SKP and periodic performance reports.

Meanwhile, a similar opinion was conveyed by the Head of the Palopo City Transportation Office that incentives from regulatory policy implementation activities, namely SPPD in the region for ASN and honorary officials, have not been adequately provided due to limited funds. However, the apparatus shows commitment and compliance with the orders of superiors by continuing to monitor *in a mobile* manner the vulnerable points of shadow terminals based on community reports or the findings of surveillance patrol squads in the field, although not always implemented.

d. Bureaucratic Structure

Bureaucratic structure is the last dimension that affects policy implementation as measured by the availability of Standard Operating *Procedures* (SOPs) and fragmentation, which is the division of responsibility for a policy area among organizational units. In the SOP indicator based on the results of the research, the Palopo City Transportation Office has SOPs that are indispensable in creating order in the implementation of organizational tasks and providing legal certainty for the implementing apparatus, namely SOPs for patrol traffic and road transportation supervision and SOPs for the enforcement of traffic and road transportation violations. In the context of the regulatory policy of controlling shadow terminals, the implementing apparatus has tried to implement it in accordance with the applicable SOPs but is constrained by the absence of civil servant investigators who have the authority to take legal action against violations of public transportation. In addition, it is related to the authority to divide government affairs in the field of transportation. If the violation is on a regional road, action can be taken, but if it is on a provincial road and a national road, the action will be taken by PPNS at a vertical agency unless the authority is transferred to the Palopo City Government.

Furthermore, the indicator of fragmentation according to Edward III is related to the division of responsibility in a policy area among units. Responsibility for a policy area is often spread among several organizations. The worst consequence of bureaucratic fragmentation is the inhibition of bureaucratic coordination due to priority reasons from different agencies, encouraging bureaucrats to avoid coordination with other agencies.

The results of the study show that the fragmentation of authority is an obstacle for the Transportation Department in coordinating programs and activities in the regulatory policy of controlling shadow terminals. The coordination of the Transportation Department with other institutions in the form of policy formulation is still ceremonial and has not yet displayed the desired policy direction.

Based on the explanation from the Head of the Dalops Division, one of the media for coordination between the Transportation Department and stakeholders is the Traffic and Road Transportation Forum, which routinely holds coordination meetings to discuss transportation problems in Palopo City, including regarding the shadow terminal. The LLAJ forum consists of the Mayor by involving related regional apparatus, the Police, SOEs and BUMDs engaged in the LLAJ sector. However, the coordinating institutional authority of this forum tends to be weak and has not been

able to display institutions that have the strength to urge programs/activities in related technical institutions.

2. Supporting and Inhibiting Factors for the Implementation of Regulatory Policies on Shadow Terminal Control in Palopo City

In the implementation of the shadow terminal control regulatory policy, there are supporting and inhibiting factors. The supporting factors are:

- a. The availability of policy formulations, namely Regional Regulation Number 10 of 2014 and Regional Regulation Number 1 of 2017 which is guided by Law Number 22 of 2009 which in terms of content and scope can determine the direction and strategy in the implementation of the regulatory policy of shadow terminal control. However, it is still necessary to improve the new cargo material in terms of increasing the authority to enforce public transportation on routes that violate rules on provincial roads and national roads that cross the Palopo City area.
- b. The attitude of the apparatus is cooperative and committed in implementing the regulatory policy of wanting to use the shadow terminal in accordance with the SOP and the provisions in the Regional Regulation.
- c. SOP is a general guideline for every apparatus so that in the implementation of the regulatory policy of shadow terminal control does not deviate from the goals and objectives of the policy.

While the inhibiting factors for the implementation of regulatory policies on the control of shadow terminals in Palopo City are:

- a. Weak enforcement of regulations where supervision and enforcement of regulations against every violation by public transportation owners operating in shadow terminals has not been carried out firmly and consistently.
- b. Human resources of the apparatus in terms of competence and number of personnel are not in accordance with the needs of duties and authorities in implementing regulatory policies to end the shadow terminal.
- c. Information on the regulatory policy of shadow terminal control to the community through socialization and control policy products has not been implemented in a sustainable, consistent and comprehensive manner.
- d. The coordination function that must be carried out by the Transportation Department with related agencies at the central and regional levels is still not running optimally.
- e. The behavior of the community who uses shadow terminals that seeks to maintain the existence of shadow terminals is due to economic factors and ease of access to public transportation.

Meanwhile, the efforts made by the Department of Transportation of Palopo City in overcoming the problems of implementing regulative policies to control shadow terminals include:

- a. Regulation of the portion of authority between vertical agencies and the Transportation Department where the Transportation Department's PPNS accompanied by the police is given the authority to take action against AKAP and AKDP transportation that violates the rules even though it is in the central and provincial supervision area.
- b. Strict law enforcement by means of routine patrols by the apparatus in collaboration with related agencies to crack down on shadow terminals.

- c. Strengthening cooperation and collaboration between the central government, provincial governments, police, transportation agencies and other agencies that have the same responsibilities to supervise and take action against shadow terminals.
- d. Revitalisation of official terminals, improving accessibility, developing an integrated information system that is easily accessible through mobile applications, and a comprehensive arrangement of modes and routes.
- e. Disseminate information on the prohibition of shadow terminals and the importance of using official terminals through mass media, online media and direct visits to the public.
- f. The availability of a budget for the implementation of regulatory policies to control shadow terminals is allocated in the Transportation Agency's RKA (Budget Work Plan) in the Palopo City APBD with activity nomenclature in accordance with regional financial regulations.
- g. To improve the performance of shadow terminal control, the Transportation Department of Palopo City must have officials with PPNS position qualifications who have the authority to take LLAJ actions.
- h. The implementation of regulative policies in controlling shadow terminals in Palopo City should be monitored and assessed to what extent the implementation can run effectively and meet good implementation standards measured in terms of financial and implementation procedures.

Discussion

The findings of the research show that there are four variables of regulative policy implementation of shadow terminal control applied by the Transportation Agency of Palopo City, namely: (1) communication, (2) resources, (3) disposition and (4) bureaucratic structure. From the perspective of the assessment of the bureaucratic apparatus as well as the assessment of the community, both users of public transport services, transport operators and transportation observers, the four indicators in general are all considered not ideally realised and still need to be optimised.

The findings of the research results when compared with the results of Prahastama's (2013) research at the Malang City Transportation Office regarding the implementation of the shadow terminal control policy as an effort to optimise public transport services where the results of his research that the implementation of the shadow terminal control policy has not been running optimally because the Malang City Transportation Office which is under the Road Transport Traffic Office and the Provincial Terminal Office as the body that oversees public transport services does not have full authority over the existence of shadow terminals because it is not part of their job responsibilities which are limited to managing official terminals in Malang City.

Similarly, research conducted by Darmawati (2017) on the implementation of public transport control policies in Makassar City's Daya Terminal where the results of her research are the response of the policy target group in responding to the terminal control policy, there are those who respond positively considering that the control provides security guarantees in the terminal and those who respond negatively for reasons of lack of good communication to the community in the form of policy socialisation.

While the results of research from Nicea Regalia (2014) on the conflict over the existence of the Jatibening shadow terminal, Bekasi City, where the Bekasi City Government took action in collaboration with PT Jasa Marga, the Bekasi City Government offered a solution by providing 4,000 metres of land in the Cikunir toll exit area as a new location for the Jatibening shadow terminal. However, the offer was rejected by the community around the terminal on the grounds that the location was not strategic. PT Jasa Marga continued to make appeals about the closure plan even though no alternative could be found. PT Jasa Marga distributed pamphlets to public transport drivers and made banners prohibiting the activity of loading and unloading passengers in the Jatibening shadow terminal area. Finally, a compromise was reached where the city government in collaboration with PT Jasa Marga built bus stops for thousands of residents who use the Jatibening shadow terminal access so that it is more comfortable, orderly, organised, and safe as well as creating a more organised shadow terminal management structure.

Furthermore, the comparison of the research results with the research findings of Heriadi (2021) regarding the analysis of the impact of shadow terminals on traffic performance at the Radin Intan Rajabasa monument roundabout on the Soekarno Hatta-Natar road section where the results of his research are road performance in the presence of shadow terminals causing changes in the level of service on the Soekarno Hatta-Natar road.

The research findings regarding the supporting and inhibiting factors of the implementation of regulatory policies controlling shadow terminals at the Palopo City Transportation Agency are in accordance with Edward III's view that policy implementation is influenced by four variables: communication, resources, dispositions, and bureaucratic structure. (Subarsono, 2011). The policy communication process according to Edward III is influenced by three important things, namely: transmission, clarity, and consistency (Subarsono, 2011, Winarno, 2016;).

The existence of human resources in the implementation of regulatory policies to control shadow terminals is in accordance with Edward (Winarno, 2016) regarding important sources such as adequate staff and good skills to carry out tasks, authority and necessary facilities. Then without the support of an adequate budget and infrastructure, the policy will have difficulty achieving its goals and objectives.

Furthermore, the attitude of the policy implementing apparatus at the Palopo City Transportation Office is in accordance with the opinion of Edward III in Winarno (2016:197) that the tendency of the attitude of policy implementers is a factor that has an important consequence for effective policy implementation. In addition, the main characteristics of the bureaucratic structure are Standard Operating Procedures (SOPs) and fragmentation. Finally, the implementation of the regulatory policy of shadow terminal control in Palopo City is in accordance with the theory of effectiveness factors from Edwards III that without effective implementation, the decision of policymakers will not be successfully implemented (Winarno, 2016).

CONCLUSION

The implementation of the regulatory policy for controlling shadow terminals at the Palopo City Transportation Agency has generally not been running optimally and there are still several problems that need to be addressed. Supporting factors based on assessments by the apparatus and the community include: (1) availability of

policy formulation, (2) attitudes and commitments of the apparatus and (3) availability of SOPs as guidelines for implementing the policy. Meanwhile, inhibiting factors based on assessments by the apparatus and the community include: (1) weak enforcement of regulations where supervision and enforcement of regulations against any violations by public transportation owners operating at shadow terminals have not been carried out firmly and consistently. (2) Human resources of the apparatus in terms of competence and number of personnel are not in accordance with the needs of the tasks and authorities in implementing the regulatory policy for controlling shadow terminals (3) information on regulatory policies for controlling shadow terminals to the community through socialization and order policy products has not been implemented sustainably, consistently and comprehensively, (4) the coordination function that must be carried out by the Transportation Agency with related agencies at the central and regional levels has not been running optimally, and (5) the behavior of the community using shadow terminals.

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