

Implications of Legal Politics on the Political Configuration and Character of Law Number 34 of 1964 Concerning Compulsory Road Traffic Accident Insurance Funds

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ABSTRACT: This study aims to analyze the legal politics behind Law Number 34 of 1964 concerning Jasa Raharja (Law 34/1964) and its implications for the political configuration and character of the resulting legal products. Specifically, this study examines the theoretical correlation between the Authoritarian Political Configuration (Guided Democracy) and the Repressive Character of Legal Products. Law 34/1964 is analyzed because it exists as an implementation of the constitutional mandate of social protection (in line with MPRS Decree No. II/MPRS/1960). The study uses a qualitative normative legal method with a legal political, conceptual (Mahfud MD and Nonet & Selznick), and historical approach. The primary legal materials of Law 34/1964 are analyzed interpretively to identify the dual objectives and coercive mechanisms inherent in it. The results of this study are that Law 34/1964 was born within the Authoritarian Political Configuration of the Guided Democracy era. The underlying legal politics is a dual-purpose policy that subordinates the goal of pure social protection to the fiscal interests of the state. This is proven by the existence of a clause that allows Jasa Raharja's surplus funds to be diverted to finance development plans.

KEYWORDS: Legal Politics; Authoritarian Political Configuration; Repressive Law; Jasa Raharja; Law Number 34 of 1964.

I. INTRODUCTION

The formation of every legal product in Indonesia, particularly those concerning public interest and social welfare, must be rooted in and legitimized by the state's fundamental philosophy, namely Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD 1945). Deductively, national law serves as an instrument to achieve the state's goals as enshrined in the Preamble to the 1945 Constitution. Among these fundamental goals are "to protect the entire Indonesian nation and its entire homeland" and "to advance the general welfare." These two goals collectively impose an inescapable constitutional obligation on the state to provide basic protection, including protection against social risks

This principle of basic protection is further embodied in the fundamental rights of citizens, where everyone has the right to social security to meet the basic needs of a decent life and enhance their dignity, as affirmed in the spirit of the constitution. Although detailed provisions regarding work accident insurance and comprehensive social security have only recently been codified in modern legislation (such as the National Social Security System Law), the spirit of protection against accident risks has existed since the beginning of independence. Law Number 34 of 1964 concerning the Mandatory Road Traffic Accident Insurance Fund (Law 34/1964) was introduced as an initial step toward establishing a broader social security system, in accordance with Decree of the Provisional People's Consultative Assembly (MPRS) Number II/MPRS/1960

Law 34/1964 (currently implemented by PT Jasa Raharja Persero) specifically regulates a mandatory fund aimed at providing compensation or benefits to victims who die or suffer permanent disability due to road traffic accidents. Unlike private insurance, this coverage is mandatory, targeting victims outside the vehicle causing the accident (e.g., pedestrians or other drivers). The establishment of this fund is based on the principle of mutual cooperation, realized through a mandatory contribution mechanism (compulsory contributions). The parties charged with this contribution are groups deemed economically capable, namely owners or operators of road traffic vehicles

However, the political and legal context at the time of Law 34/1964's enactment did not solely view social security from the perspective of victim protection. The law, enacted in 1964, has a dual-purpose policy dimension. In addition to functioning as a guarantee of social protection (in line with MPRS Decree No. II/MPRS/1960), funds collected and not yet used for compensation are explicitly permitted to be channeled to finance state development plans. This dual status of funds is the primary focus of legal political analysis, as it reflects how the collective interests of the state (centralized development) dominate and can subordinate the

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pure goal of social security for the community. To analyze legal phenomena that have two conflicting goals (social protection and state financing), a theoretical framework of Legal Politics is required. Legal politics is defined as the official state policy regarding laws to be created, enforced, or amended. This policy is never neutral but is heavily influenced by the political configuration in power at the time of its creation

Mahfud MD hypothesized that political configurations—whether democratic, authoritarian, or a combination—will give rise to certain characteristics of legal products. Within the Nonet and Selznick framework, legal character is divided into three types: First, Repressive Law: Characterized by flexibility to serve the political objectives of those in power. Weak laws bind the government but strongly bind society, often prioritizing social stability or integration over individual justice. Second, Autonomous Law: Emphasizes legal certainty, detailed procedures, and binds both the government and society equally

Third, Responsive Law: Oriented towards substantive justice and social demands, where law is used as a tool for change and adaptive public services.

Law 34/1964 was born during the Guided Democracy era (1959-1966), a period consistently categorized in constitutional law literature as an Authoritarian Political Configuration. Therefore, this study aims to examine the correlation between the Authoritarian Political Configuration of the 1964 era and the character of the resulting legal products, specifically how repressive or autonomous characteristics are inherent in Jasa Raharja regulations.

Although Jasa Raharja (Persero) has now transformed and strives to become a trusted company with excellent service and digital integration, the structural legacy of its founding law (Law 34/1964) remains. Contemporary implementation issues that frequently arise include the uneven distribution of compensation and victims'/heirs' ignorance of their rights. Studies show that a lack of public awareness, particularly in remote areas, prevents many victims from filing compensation claims, ultimately resulting in the lapse of rights.

This public ignorance is an indication that the institutional focus (PT Jasa Raharja) in the past was more directed at the mandatory fund collection (input) and formalistic compliance aspects, rather than the responsiveness and accountability (output) aspects to beneficiaries. The urgency of this research lies in the analysis of the historical root of the problem. By understanding the Authoritarian Legal Politics that gave birth to the Repressive legal character in 1964, it can be explained why the structural challenges of public services (socialization, transparency, accessibility) continue to overshadow the implementation of Law 34/1964, even amidst modernization efforts. This analysis is relevant as an academic basis for formulating mandatory social security legislative reforms to be fully Responsive in the current era of Democratic Political Configuration.

II. RESEARCH METHOD

This research is a qualitative normative legal (juridical normative) study. Normative legal research focuses on the analysis of legal norms, legal principles, and legal policies contained in legislation, specifically Law 34/1964, the 1945 Constitution, and MPRS Decree No. II/MPRS/1960. The research approaches used are: First, the Political-Legal Approach: Analyzing the dominant legal policy at the time of the law's formation, namely the relationship between centralized political goals (development) and the choice of mandatory social security regulations. Second, the Conceptual Approach: Using Mahfud MD's Political Configuration theoretical framework and Nonet & Selznick's Legal Type theory to test the correlative hypothesis between the political system and legal character. Third, the Historical Approach: Contextualizing the birth of Law 34/1964 within the specific period of Guided Democracy (1959-1966) to understand the political environment that influenced the formation of the law. The analysis technique applied is qualitative analysis. Data are analyzed in depth to test the causal relationship between the Authoritarian Political Configuration (independent variable) and the Characteristics of Repressive/Autonomous Legal Products (dependent variable). The test is conducted by comparing the clauses of Law 34/1964 with the characteristics of Repressive and Autonomous law

III. DISUCSSION

A. Legal Policy Law Number 34 of 1964

Legal Politics in the Guided Democracy Era

The Guided Democracy period (1959-1966), when Law 34/1964 was enacted, was marked by significant changes in the state system, with state power experiencing strong centralization in the hands of President Sukarno. Within Mahfud MD's framework, this period is classified as an Authoritarian Political Configuration. The main characteristics of this configuration are the dominance of executive power (political superstructure) over legislative and judicial institutions, the lack of checks and balances, and the emphasis on national stability and integration to achieve the goals of the revolution.

The legal politics prevailing in this authoritarian configuration tended to use law as a tool (instrumentalization) to legitimize and ensure the achievement of the centralized development agenda set by the ruling elite. Therefore, the resulting legal products were often coercive and rigid, and tended to subordinate individual rights or specific social interests to state or collective interests

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unilaterally defined by the regime. This is the context in which the birth of Law 34/1964 must be understood as a legal political instrument that served two purposes: the promise of social protection and a means of state financing

Legal Politics of Law Number 34 of 1964: Dual Policies and State Coercion

A political-legal analysis of Law 34/1964 reveals a crucial dual policy. The first objective, as presented in Consideration (a), is to fulfill the mandate of the constitution and MPRS Decree No. II/MPRS/1960 to provide social security for accident victims. This refers to the basic protection function stipulated in Article 4 paragraph (1) concerning the provision of compensation to victims.

However, the second objective, a manifestation of the authoritarian political configuration, is explicitly stated in Consideration (b). The document states that collected funds, if not immediately used to cover the consequences of accidents, can be channeled to finance development plans, in accordance with MPRS Decree No. II/MPRS/1960.

The existence of this fund transfer clause indicates that within the 1964 political-legal framework, the pure function of social security (welfare and justice for victims) was subordinated to the state's macroeconomic and fiscal interests (development). The state, through its centralized power, has the right to determine the priority allocation of funds, even funds that philosophically should be a trust fund specifically for victims. This structure demonstrates how policies that appear socialist (social security) are essentially interfered with by political stability and development agendas determined by the ruling elite. This is clear evidence that the interests of the ruling regime essentially control the function of the law.

Law 34/1964 adopts the principle of mutual cooperation (*gotong royong*), which is realized through mandatory contributions (forced contributions) targeted at owners/entrepreneurs of transportation equipment. Philosophically, mutual cooperation implies participation or a shared burden. However, in the context of the Authoritarian Configuration, this mechanism transforms from a communal ideal into an instrument of state coercion to collect mandatory revenue.

Article 7 of Law 34/1964 reinforces this coercive nature by establishing sanctions in the form of high fines (a maximum of Rp. 100,000 at the time) for owners/entrepreneurs who fail to pay mandatory contributions. The use of criminal sanctions (fines) to ensure the flow of funds to the state treasury demonstrates the dominance of centralized power in suppressing economically capable target groups. The management of these funds was then entrusted to a State-Owned Enterprise (BUMN), namely *Jasa Raharja*, further strengthening the state's sole control over the mandatory social security system, far from a purely voluntary or market-based insurance system.

B. Implications of Authoritarian Political Configuration on the Character of the Products of Law Number 34 of 1964

Dominance of Repressive Characters

Mahfud MD's hypothesis states that authoritarian political configurations tend to produce repressive legal products. An analysis of Law 34/1964 strongly supports this hypothesis, despite its formalistic/autonomous elements. According to Nonet and Selznick, repressive law is characterized by highly flexible laws when it comes to the interests of those in power, where policies can be strictly binding on society but weakly binding on the government.

The strongest evidence of this repressive nature is the clause in the Considerations that allows surplus funds to be diverted to development financing. Repressive law prioritizes social integration or political goals over individual justice. In this case, the collective interest defined by the state (Revolutionary Development) is considered more important than ensuring the allocation of funds purely for accident victims. This clause demonstrates that legal principles related to social security funds can be subordinated to government policy at any time. Therefore, this law serves as a flexible tool for the regime to mobilize fiscal resources outside of traditional tax schemes.

Formalistic and (Autonomous) Elements as Control Mechanisms

Although politically repressive, Law 34/1964 also displays formalistic or autonomous aspects that serve as operational mechanisms. This autonomous character is demonstrated through the establishment of detailed fines for those who violate the obligation to pay contributions, as well as the determination of compensation (compensation) in an amount determined by Government Regulation. This creates a framework of procedural legal certainty.

Synthesis of Repressive-Formalistic Characters: Legal products born from authoritarian configurations often combine repressive and formalistic aspects. These laws use an autonomous/formalistic framework (detailed and systematic) for the purpose of raising funds and providing procedural legitimacy, but are substantially repressive because they include clauses that allow political intervention and the diversion of resources for the state's core political interests. This dual structure allows the state to enforce compliance (through formalism) while maintaining strategic control (through repressiveness).

In the era of Reform and Democratic Political Configuration, demands have emerged for social security law to move towards a responsive character. *Jasa Raharja*'s modernization efforts, such as synergy with the Attorney General's Office and digital transformation to accelerate services and increase transparency, are important steps toward responsiveness. However, as long as the basic legal framework (Law 34/1964) still maintains a policy structure that allows the dominance of non-social agendas or does not explicitly demand high levels of public accountability, the transition to a responsive character will face significant structural obstacles.

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IV. CONCLUSION

The legal policy underlying the formation of Law Number 34 of 1964 was formed within the context of the Authoritarian Political Configuration of the Guided Democracy era (1959-1966). This legal policy resulted in a centralistic dual-purpose policy: ensuring basic social security (as mandated by MPRS Decree No. II/MPRS/1960) through mandatory contributions (state coercion), while simultaneously making the surplus funds from the social security as a reserve source of financing for the country's development plans. Thus, Law 34/1964 functioned as a tool of legal political integration that subordinated the goal of pure social justice to the fiscal interests and political stability of the regime.

The implication of authoritarian legal politics is the birth of legal products with a Repressive-Formalistic character. The Repressive character is clearly visible from the Consideration clause (b) which gives the government flexibility to divert mandatory insurance funds for development purposes, indicating the subordination of social security principles under higher state policies. Meanwhile, the Formalistic/Autonomous element provides a structured procedural framework (mandatory contributions, fines, and compensation procedures) to ensure certainty in fund collection and operational legitimacy. The legacy of this Repressive-Formalistic character is the root of the structural problems of contemporary implementation, which is characterized by a lack of socialization initiatives and responsiveness to victims, which causes many compensation rights to go unrealized.

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