

Police Authority Regarding Modification of Motorized Vehicles That Are Not Roadworthy Standards

I Putu Edi Rusmana¹

1. Faculty of Law, Universitas Pendidikan Nasional, Indonesia

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Abstract

This research discusses about the authority of the Indonesian National Police regarding law enforcement in modifying motorized vehicles that are roadworthy on road. The problem of this research is how is law enforcement enforced against perpetrators who modify motorized vehicles? and what are the criminal sanctions against motorists who modify vehicles that are not roadworthy? The purpose of this research is to find out the authority of the police in enforcing the law and criminal sanctions related to modifying motor vehicles that are unfit for the road. In this research used a normative legal research method, namely by reviewing or analyzing several legal materials from several literatures and statutory regulations that are related. It is hoped that the research carried out by researchers will provide theoretical and practical benefits. Theoretical usefulness means that the results of this research are useful for developing knowledge and the practical usefulness of this research means that it has good benefits for the government, related institutions or society at large. The results of this research are that the police enforcing traffic laws, especially modifying vehicles that do not pass the roadworthy test, are in line with government regulations and the role of the Indonesian National Police in carrying out their duties and obligations to curb traffic violations is in accordance with legislation in Law Number 22 of 2009 on Road Traffic and Transportation. Criminal sanctions in traffic have been regulated in Law Number 22 of 2009 on Road Traffic and Transportation.

Keyword: criminal sanction; law enforcement; traffic

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Introduction

Indonesia is a legal state and its regions are sovereign with a democratic and sovereign system.(In Nasir, 2020) As a developing country, Indonesia definitely has problems in the development of its country.(Rusmana et al., 2021) Indonesia can be said to be sovereign because in all corners of the country there is only one government in power that regulates all regions, urban communities, small towns and even roads and traffic.(Achmad, 2015) Roads are the foundation of land transportation in any structure, covering all parts of the road including mutual structures and hardware planned for traffic. Moreover, roads play an important role in monetary, political, social, security, security and legal fields and are used for the best success of individuals. Consequently, the road is a road network framework that is unified and connects territorial development habitats which are influenced by workers in a progressive relationship, local area individuals utilize the road for purposes, whether essential, optional or tertiary.(Soerjono Soekanto, 1990)

The progress of a country continues to develop rapidly, this causes many changes and improvements in mindsets in the eyes of the public.(Try et al., 2022) This can have different impacts, both positive and negative impacts. These bad consequences in some cases are carried out by the younger genera-

Correspondence regarding this article should be addressed to:
I Putu Edi Rusmana, Universitas Pendidikan Nasional, Indonesia
Email address: edirusmana@undiknas.ac.id



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tion. One of them is by making changes to motorized vehicles which basically pay little attention to driver safety and sometimes do not comply with applicable guidelines. Changes in the function of motorized vehicles, which previously only functioned for transportation purposes, now also help the owner's presence, so they want to make changes to their vehicles so that they appear as perfect and impressive as possible expected.

Adaptation means change, modification and the word motorbike mean a machine that is the main driver, a bike that is driven by a motor so that it can run with a person riding it. These changes have unique significance, including changing mechanical vehicles, especially processing factory standard motorbikes, into other structures by developing certain parts according to plans or plan ideas or changing them. motorcycle customization is changing a motorcycle from the manufacturer's standard structure to another structure but without changing riding comfort. There are several characteristics or types of changes to vehicle engines, especially motorbikes, including minor, moderate to excessive changes. (Imanto, 2014)

Taking action against perpetrators of unreasonable vehicle changes is a form of controlling Law Number 22 of 2009 concerning Road Traffic and Transportation or LLAJ Regulations, where of course anyone who makes unreasonable vehicle adjustments will be subject to criminal sanctions. Criminal regulations are very important for the general regulations that apply in a country, which outline the points and rules to determine which activities may not be carried out, which are restricted, accompanied by dangers or agreed as special punishments for anyone who ignores the prohibition. (Wiradinata et al., 2023)

Roadworthy obligations for motorized vehicles if they do not comply with what is written in the law will be considered to be ignoring the guidelines of the LLAJ Regulations and the large number of changes in motorized vehicles from young to old so that motorized vehicles are replaced in such a way. they can be vehicles. that looks rich and unique when compared with standard setters in large urban areas will have a negative impact on drivers and other networks. The problem formulation in this research includes, how is the law enforced against perpetrators who modify motorized vehicles? And what are the criminal sanctions against motorists who modify vehicles that are not roadworthy?

Method

The type of research used in this research is normative legal research, namely by reviewing or analysing legal materials from literature and statutory regulations related to the research that will be discussed. This research uses two approaches, namely the statutory approach and the fact approach. The statutory approach is an approach taken by examining statutory regulations relating to the legal issue being handled. (Peter Mahmud Marzuki, 2005) The purpose of using this approach is an approach with legislative and regulatory products, namely a decision issued by a state administration official that is concrete and specific. Researchers also use a conceptual approach, which means an approach that is carried out using principles, doctrines or legal theories related to the problems to be discussed. (Johnny Ibrahim, 2005)

Normative (juridical) legal research is the focus of this research. The primary, secondary and tertiary legal materials used in this research are the sources of these legal materials. Primary legal material, consisting of statutory regulations related to research that will be discussed, includes legislation that is legally binding because it is issued by the government. Secondary legal materials are in the form of legal publications related to the research that will be discussed, such as legal books, research journals in the legal field, and seminar results. (Hartono, 2006) Tertiary legal materials are legal materials that support primary legal materials and secondary legal materials such as Indonesian dictionaries and legal dictionaries.

The author reads, studies, takes notes, writes reviews of library materials, and researches media that are related to roadworthy vehicles and how safe modifications are used on the road, this is a literature study method. According to Gottschalk, a comprehensive understanding of any evidential process is based on written, written, annotated sources, or documentary studies, also known as documentation. (Gottschalk, 1951)

By qualitatively analysing the collected legal materials, the materials are processed into writing. This method, based on scientific logic, emphasizes deductive and inductive process analysis in determining relationships between phenomena. This analysis emphasizes efforts to answer research questions

through formal and argumentative thinking rather than the absence of hypothesis testing to draw conclusions about the legal issues in this research.

Discussion

Police Authority in Enforcing the Law for Perpetrators of Modifying Motorized Vehicles That Are Not Roadworthy Standards

The National Police of the Republic of Indonesia is a legal entity in Indonesia, which has direct responsibility under the president. (Destiani et al., 2023) The police have duties and authority throughout Indonesia. The National Police Chief is the leader of the police agency at the level of the police organization from the highest or central level to the regional level as a protector of the community. (Kewarganegaraan et al., 2023) In the KBBI, police matters relating to anything directly related are called the police.

The police are everything related to the functions and duties of the police institution regulated in law. (Alfian, 2020) The police are part of the government system which was formed as a state administration; therefore, the existence of the police cannot be separated from the government. Article 2 in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia or the Police Law explains that the function of the Police is as a function of state government in the field of law enforcement, protection and guidance of the community. The meaning of the police is that the police have the aim of maintaining domestic security as guardians of the law, providing legal protection, protection and community services by upholding human rights and this is regulated in Article 4 of the Police Law. As law enforcement officers, the police have the authority to take action against any violations that occur and provide sanctions as regulated in the Police Law. They will be dealt with firmly without exception to create fear in the community so that the community, especially children as motorbike riders, will comply with all the rules and regulations for the traffic. (Iswari, 2017)

Traffic control is one part of the police's duties. (Nasution & Irwansyah, 2023) In terms of traffic regulation, the police are tasked with carrying out registration and identification of motorized vehicles, as well as providing driving permits to everyone who meets the requirements in accordance with statutory provisions. This task is expressly specified in Article 15 paragraph (2) letters b and c of the Police Law. The Police and the Road Traffic and Transportation Service (DLLAJ) coordinate in regulating road traffic. The police have authority to regulate highways but are limited to administrative matters and road user behaviour, and DLLAJ has authority for technical traffic and highway problems.

The organizational structure for carrying out duties on the highway is regulated by the traffic police, this is in accordance with the regulations in Article 15 paragraph (2) letters b and c. Apart from that, the police are also the agency that has the authority to provide driving permits or driving licenses. In the field of traffic, the traffic police have goals as government, especially in the field of traffic regulations, services and regulation of public transport (transportation) and guidance in the field of road law.

Purwadarminta has the opinion that traffic is back and forth. (Poerwadarminta, 1993) Meanwhile, according to Subekti, the meaning of traffic is as follows: Traffic is all use of public roads with a means of transport. In Law Number 22 of 2009 concerning Road Traffic and Transportation or the LLAJ Law, legal regulations regarding the use of motorized vehicles are regulated, this is confirmed in the second part concerning Technical Requirements and Roadworthiness of Motorized Vehicles in Article 48 paragraph (1) which means that every motorized vehicle operated on the road must meet the technical and roadworthy requirements and is further regulated in Article 48 paragraph (3) which has the meaning of confirmation in Article number 48 paragraph (1) of the LLAJ Law which is the technical requirements and roadworthy test.

Basically, traffic law enforcement activities can be grouped into two parts, namely traffic law enforcement in the preventive sector which includes the activities of regulating traffic, guarding traffic, escorting traffic and traffic patrols, where in the implementation of these activities constitute a system. (Nugroho & Pujiyono, 2022) traffic security which cannot be separated from one sub system to another sub system and in the traffic law enforcement section the repressive sector includes taking action against violations and investigating traffic accidents, while the tasks of taking action against traffic law violations include educational action, namely carrying out taking action against traffic violations in a sympathetic

manner by giving warnings or warnings to traffic violators legally, which includes taking action using tickets. The role of ticket evidence in the road traffic criminal justice process, and the institution that has the authority to handle traffic violations is the police.

Criminal Sanctions Against Motorists Who Modify Vehicles That Are Not Roadworthy Standards

The Criminal Code (KUHP) regulates the types of criminal sanctions. In Book I Chapter II article 10 of the Criminal Code differentiates criminal sanctions into two classifications, namely Main Crimes and Additional Crimes.(Putri, 2022) Then the meaning of criminal sanctions themselves, according to Anselm von Feuerbach's opinion in Relative Theory, is that criminal sanctions are not intended as retaliation, but rather to achieve a goal or purpose of the punishment, so this theory is known as goal theory. So, the purpose of punishment is expediency, apart from preventing crime and improving the personality of the perpetrator. Furthermore, the definition of criminal sanctions themselves, according to the Joint theory, teaches that criminal impositions are aimed at ensuring public order and improving the perpetrator's behaviour.(Wiyanto, 2012) So that criminal impositions based on the theory of retribution or the theory of purpose are seen as one-sided, narrow and one-sided. According to this combined theory, it is recognized that criminal impositions are retaliation based on crimes. Apart from that, it is also recognized that criminal impositions have the purpose of the punishment itself. Imposing a criminal sentence has become a problem and a thought among experts in looking for reasons and conditions for someone to be sentenced to a criminal sentence, especially if it is related to modifications to motorized vehicles that do not comply with standards that will have a detrimental impact on the driver and the environment around the driver, therefore The law was issued as a regulator of the law itself as a basis or basis for the community as a reference for modifying their vehicles.

Motorcycle modifications that are often carried out by people are replacing the exhaust.(Abdul Majid et al., 2023) The exhaust is a means of disposing of exhaust gases generated from combustion in a motorbike engine when the engine is turned on. People often replace the exhaust with an exhaust that has a louder sound or what is better known as a racing exhaust. According to several news reports that the author read, in the Bogor area, when the police carried out raids, the police had arrested 110 motorized vehicles that were using racing exhausts.(Mahendra, 2023) In the Surakarta area there were also 7 motorbikes that were caught in raids by the police because they used racing exhausts.(SURAKARTA, 2023) From these two reports, there are still motorbike riders who use racing exhausts that do not meet the elements of Article 48 paragraph (1), which results in the police arresting, ticketing and confiscating vehicles that do not meet the standards for roadworthy motorized vehicles. From the exhaust replacement, the loud noise that motorbikes make on public roads makes other people uncomfortable because they think they are noisy. In fact, people traveling on public roads have the right to live comfortably without any noise. From this, a rule emerged that regulates every motorbike rider to move properly and correctly for the safety of other road users.

In further provisions regarding unroadworthy modifications to vehicles regulated in Article 285 of the LLAJ Law which means that every vehicle that does not comply with motor vehicle standards or violates Article 48 paragraphs (1) and (2) will be subject to a maximum imprisonment of 1 (one) month with a fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah) for motorbikes and imprisonment for a maximum of 2 (two) months with a fine of Rp. 500,000.00 (five hundred thousand rupiah) for 4 wheeled vehicles or more. After the enactment of the law on motorbike riders which has standardized their use, therefore motorists must follow the applicable laws to stay safe and not interfere with driving comfort. Therefore, the development of regulatory laws can be carried out to guarantee the security and welfare of the community as motorists who are in the highway environment. The use of laws that regulate the provisions that apply as regulators of social life is more effective in minimizing problems in community life, especially in driving and its impact on traffic.

Conclusion

Based on the above discussion, the following conclusion can be drawn, law enforcement carried out by the police regarding traffic, especially modification of unroadworthy vehicles, is in line with government regulations and the role of the Indonesian National Police in carrying out their duties and obligations to curb traffic violations in accordance with legislation, namely the LLAJ Law.

Criminal sanctions for traffic violations, especially regarding motorized vehicles that are not road-

worthy due to modifications that violate the rules, have been regulated in Article 285 of the LLAJ Law, which regulates the rules for modifying motorized vehicles, but there are still people who modify motorized vehicles that are not appropriate. with the applicable regulations, especially those related to very noisy racing exhausts, this is accompanied by several facts on the ground according to the existing news. This often happens and can disrupt the safety of yourself or the people in the traffic area.

Based on the above discussion, the following suggestion can be drawn so that members of the Traffic Police Unit, in this case, immediately take action to reduce or even eliminate the opportunity for someone to commit a traffic violation, in this case modifying a vehicle which in the end is unfit for the road and disturbs the peace of the community at large. Apart from that, it is also hoped that programs will continue to be updated to support performance and statutory regulations.

Safe modification rules and sanctions if violated must continue to be disseminated to the public so that they can comply with applicable traffic rules in order to create safe and comfortable traffic because there are laws that regulate them. Apart from that, it is hoped that we will better understand sanctions and the difficulty in managing administrative sanctions, we must apply sanctions in accordance with the relevant laws.

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