

## The Implications of Unsuitable Motor Vehicle Modification Factors Causing Traffic Accidents

Ardi Dian Hidayat\*)

\*) Faculty of Law, Universitas Islam Sultan Agung Semarang, Indonesia, E-mail: [ardidian222111@gmail.com](mailto:ardidian222111@gmail.com)

**Abstract:** *The purpose of this study is to examine and analyze the Law Enforcement of Motorized Vehicle Violations Based on the Road Traffic and Transportation. The approach method used in this paper is normative juridical. The specification of this writing is descriptive analytical. Violation cases regarding motor vehicle modifications that cause traffic accidents are not new cases, however, until now there are still many perpetrators of modification violations that are not in accordance with applicable legal norms or rules. The implications of motor vehicle modification as a factor in the occurrence of traffic accidents, with examples of cases in the worst impact due to vehicle modifications to these implications with the legal process applied which in this case the modification factor resulted in an accident up to the criminal justice process which resulted in the death of the victim. Case in Decision Number 41/ Pid. sus/2017/PN Bbs shows that trivial things have fatal consequences. This parameter is that vehicle owners should not replace mirrors as a material for a vehicle that has a prominent shape from a vehicle body, meaning that the mirror specifications in the vehicle provisions have been taken into account from the perspective of other drivers and the size of the road.*

**Keywords:** Accidents; Modification; Traffic.

### 1. Introduction

Indonesian country is a constitutional state, meaning that all regulations must be based on law in accordance with the principle of equality before the law.<sup>1</sup>This is stated in Article 1 Paragraph (3) of the 1945 Constitution which states that "Indonesia is a constitutional state". Basically the law must be a reflection of

---

<sup>1</sup>Bambang Lasimin Arek and Umar Ma'ruf, Criminal Responsibility of Criminals Defamation on Advocate Name, Daulat Hukum Journal, Volume 3 Number 4, (2020). p. 421

changes in social morality, thus the law here can realize three of the objectives of the law, namely justice, benefit and legal certainty. The term law enforcement is often used to translate the term law enforcement which is a series of efforts, processes and activities to make the law apply as it should.

Furthermore, law enforcement can be interpreted as an activity to resolve value relationships-values that are translated into solid principles, the application of attitudes and actions as a series of elaboration of the final stage values to create, and maintain, and maintain peace and association. Indonesia is a constitutional state that adheres to the concept of *rechtsstaat* by relying on a continental legal system called civil law.<sup>2</sup>

From a sociological-juridical point of view, there is a relatively rapid development of urban areas in Indonesia. This development is marked by regional development. improving the quality of life, increasing physical facilities. The purpose of these physical facilities is the large number of vehicles and public transportation in big cities.<sup>3</sup>The shift in the function of motorized vehicles which used to be a means of transportation, now also functions as a support for appearance by the owner, installing various components to beautify the appearance of their vehicle, from one modification process from mild to one that completely overhauls the entire appearance of the vehicle.<sup>4</sup>The modification process carried out is inseparable from the safety factor which has been regulated in accordance with Article 8 of Law no. 22 of 2009 provides an understanding by stating that, Motorized Vehicles are not allowed to endanger traffic safety, disrupt traffic flow, and damage the pavement layer or the carrying capacity of the road being traversed.<sup>5</sup>

Basically modification activities are carried out by applying the components of adding variations as one of the components that has its own special impression, the purpose of a good modification is to improve the performance and appearance of the motorbike so that it is safer, more comfortable and stylish.<sup>6</sup>The modification process does indeed produce satisfaction for the owner, but it is very unfortunate because the results of these modifications often do not pay attention to legal norms and rules, so that these modifications result in violating existing laws.

Modification of motorized vehicles must not endanger traffic safety, disrupt

---

<sup>2</sup>Achmad Ali, 2002. *Revealing the Law*, Gunung Agung Shop, Jakarta, p.69

<sup>3</sup>Wahyu Lurus Stiyo Budi and Bambang Tri Bawono, *The Legal Policy on Traffic Breaches by Children Under Age/Minors*, *Daulat Hukum Journal*, Volume 3 Number 4, (2020), p.362

<sup>4</sup>Uri Hermariza, 2008, *Study of Identification of Accident-Prone Areas on the Jakarta-Cikampek Toll Road*. Faculty of Engineering, Depok, University of Indonesia, p.65

<sup>5</sup>Hesti Kristi Wahyudi and Sri Kusriyah, *Owner's Responsibilities of Vehicles Used as Illegal Public Transport When Traffic Accidents Happened*, *Journal of Daulat Hukum*, Volume 4 Number 1, (2021), p.4

<sup>6</sup>Manje Agung kusmagi, 2010, *Happy Driving on the Highway*. Reach Asa Success, Depok, p.4.

traffic flow, as well as damage to the pavement layer or the carrying capacity of the road being traversed. In this case, variations or modifications by changing, adding, or subtracting components on motorized vehicles with the intent and purpose to appear different and look more stylish according to what they want. These modifications are usually not in accordance with the law and can cause new problems such as traffic accidents, because most of these modifiers are not concerned with the rules or the impact of what they are doing. Even though such modifications can endanger the safety of driving yourself and others.

Cases of violations regarding the modification of motorized vehicles causing traffic accidents is not a new case, but until now there are still many perpetrators of modification violations that are not in accordance with the norms or rules of applicable law.<sup>7</sup>The police have often conducted raids or inspections and fines have been imposed on lawbreakers who modify motorized vehicles that are not in accordance with applicable laws or regulations, but this does not seem to deter the perpetrators of these "illegal" modifications.

Vehicle factors that often haunt accidents are brake function, tire condition, and lighting.<sup>8</sup>There are several factors that cause a vehicle to have an accident such as a vehicle with non-standard modifications, failed brakes, tires that are not fit for use, the load limit that exceeds the vehicle's transport limit.

As the party that issues permits and also enforces applicable regulations, Satlantas Polri is supposed to carry out reprimands and even member the sanctions that apply to several violations committed by the community regarding incorrect motorbike modification rules.<sup>9</sup>However, nowadays there are still many people who are not aware of it and even willingly violate these rules, which they clearly know about. Several warnings and actions have also been taken by members of the police who discovered the violation.

The author's research objective is to examine and analyze the implications of motor vehicle modification factors that are not suitable for causing traffic accidents.

## 2. Research Methods

---

<sup>7</sup>Sudarso. Traffic Behavior of Teenagers in Urban Areas. *Journal of Society, Culture and Politics*, Th XIII. No. 2, (2007), p.46

<sup>8</sup>Jianguo Sun et al, Evaluation Traffic Injury Prevention Programs Using Counting Process Approaches. *Journal of the American Statistical Association: Academic Research Library*, Vol.96 No.454. (2001), p.325

<sup>9</sup>I Made Hadiyanta Purnama Sardi, Anak Agung Istri Agung, Ida Ayu Putu Widiati, Law Enforcement Against Motor Vehicle Modification by the Gianyar Police Traffic Unit, Warmadewa University, *Journal of Legal Construction*, Vol. 2 No. 2, (2021), p.291

To conduct an assessment in this writing the authors use the normative juridical method. Writing specifications are carried out using a descriptive analytical approach. The data used for this writing is secondary data. To obtain the data in this writing, secondary data collection methods were used which were obtained from library books, laws and regulations, as well as the opinions of legal experts. The data that has been obtained is then analyzed with qualitative analysis.

### **3. Results and Discussion**

#### **3.1. Vehicle Modification**

The definition of modification can be interpreted as an effort to make changes with adjustments both in terms of physical material (facilities and equipment) which is intended to facilitate the implementation of the functions of the vehicle.<sup>10</sup>, while the equipment in question is the completeness of motorized vehicle equipment, for example, mirrors, lights, exhausts, etc., there is also the purpose and method of modifying motorized vehicles in terms of (style, approach, rules and judgment), namely changing the style or This style of vehicle looks better, it can also increase the speed of the vehicle, change the structure of the machine so that the speed of the vehicle exceeds the vehicle's response.<sup>11</sup>

In modifying a motorized vehicle in particular there are several classifications or types of modifications including:

##### **1) Moderate Modification**

Modifications are carried out by changing some parts of the vehicle in a medium or medium manner, namely by replacing some of the main parts of the vehicle such as replacing wheels, tires, handlebars, suspension, installing fairings, and painting some parts or all of them.

##### **2) Weight Mods**

Modifications are made by changing all parts of the vehicle so that it becomes a new form. In the Major Modification category, almost important parts of a vehicle undergo an overhaul, such as front to rear suspension, wheels, tires, handlebars and gas tank for two-wheeled vehicles and even overhaul of the engine or engine including changes to the frame and body of the vehicle.

---

<sup>10</sup>Lubis, History of Motorcycle Development. Journal of Transportation, Special Edition, Vol.8 Number 3, (2008), p.234

<sup>11</sup>Purwo Widodo, 2001. Workshop Car Modification Center in Yogyakarta, UII Yogyakarta, p.22

### 3) Extreme Mods

Modifications for this category are almost the same as the big category, but the changes made look extreme or a bit distorted and don't even pay attention to driving safety. Modifications like this are done by changing all parts of the vehicle so that it becomes a new shape that is strange, odd, unique and the like.<sup>12</sup>

## **3.2. Implications of Unsuitable Motor Vehicle Modification Factors Causing Traffic Accidents**

The description of the types of modifications to motorized vehicles that are classified as violations of the Traffic Law Number 22 of 2009 concerning Road Traffic and Transportation are as follows:<sup>13</sup>

### 1) Changing the Vehicle Framework

The vehicle framework/chassis is the internal framework that forms the basis for the production of a vehicle, as a support for other parts including the engine or electronic alarm found in motorized vehicles which are the official design from the factory. In motorized vehicles there is a Chassis section which can be analogous to the skeleton of an animal. In motorized vehicles such as cars, the chassis consists of the underside of the car, wheels, transmission, suspension system, engine and other components found in motorized vehicles the chassis is the hard framework where the main board is installed, generally in the form of a vehicle which is meant to change the vehicle frame including violating the rules if the shape of the vehicle changes from its original form,

### 2) Increase the vehicle speed or change the vehicle engine

Many teenagers have a high thirst to own faster motorized vehicles, so these teenagers modify their engines by modifying their vehicle's engine so that the speed increases. A machine can be interpreted as a mechanical or electrical device that sends or converts energy to carry out or assist in carrying out human tasks, people seem not to care and think about the risks of changing machine vehicles which have a harmful impact on motorized vehicle drivers and pedestrians. Motorized vehicles are made at

---

<sup>12</sup>Ade Julian, (2016), Motorized Vehicle Modifications and the Consequences of Modifications That Don't Pass the Test According to Article 277 of Law No. 22 of 2009 concerning Road Traffic and Transportation, FH UMP, Palembang, p.63

<sup>13</sup>Matthews. Regulations for Motorized Vehicle Modifications in Indonesia. Journal of Kertha Semaya, Volume 8 Number 5, (2020), P.237

the factory with safety standards and have limitations or capabilities that have been determined by the brand owner agent of the vehicle. If it is added or modified it will make the machine not last long so that it can be easily damaged.

It can be seen that anyone who deliberately replaces motorized vehicle equipment with non-standard equipment will be classified as a traffic violation. This is also known as a modification of a motorized vehicle. One example of a motor vehicle modification violation is changing the standard tire size to a small tire size, removing the mirrors for two-wheeled vehicles, changing the size of the mirrors for four-wheeled vehicles that do not fit, using a racing exhaust or not according to the type of motorized vehicle and adding other accessories that can interfere movement and agility of the vehicle so that it can cause a traffic accident.

In this case the implications of motorized vehicle modifications as a factor in the occurrence of traffic accidents, the authors take sample data with case examples on the worst impact due to vehicle modifications to these implications with the legal process applied which in this case the modification factor resulted in an accident up to the criminal justice process which resulting in fatalities. In this case the author takes examples of cases that are relevant and substantial to the theme of this scientific paper by taking samples from one of the court decisions. In the elaboration of the case, the author refers to the excerpt of the decision Number 41/Pid.sus/2017/PN Bbs, which in chronology:<sup>14</sup>

The defendant Sumarno on Monday 28 November 2016 at approximately 16.40 WIT was driving a Truck Box type motorized vehicle No.Pol: B-9309 WU at a speed of 40 km/hour with the condition of the left mirror that has been modified to be longer by approximately 6 cm from the factory standard. crossing from east to west on Jl. General Sudirman, Brebes Village, Brebes District, Brebes District (in front of the Brebes Regional Hospital) then the defendant took the left lane with the intention of overtaking a vehicle he did not recognize that was traveling on the right lane and when approaching the vehicle, the defendant saw the vehicle stop to give the person crossing the road while walking the defendant saw Mr. Tanut crossed the road from north to south after that the defendant tried to stop his vehicle but the defendant did not realize that his left mirror had been modified to be longer than the factory standard regarding Br's head. Tanut and caused Mr. Tanut to fall and his head fell and hit his head on the road.

That due to the negligence of the defendant, based on Visum et Repertum Number: RM/ 54/ I/ 2017 dated 2 February 2017 made and signed by dr. Iriani Permatasari, a doctor at the Brebes District General Hospital, explained that Br.Tanut, 70 years old, religion : Islam, Occupation : Private sector, Address : Krakahan Village Rt.03

---

<sup>14</sup>Decision Number 41/ Pid.sus/2017/PN Bbs

Rw. 01 Tanjung District, Brebes Regency, arrived at the Brebes Hospital on November 28 2016 at around 17.39 WIB in an unconscious condition due to a traffic accident and on November 29 2016 at around 02.30 WIB he died due to a severe head injury.

Based on the Public Prosecutor's indictment dated March 20 2017 Number: PDM-12/Brebes/Euh.2 /03/2017 the defendant was charged by the public prosecutor with a subsidiary charge which in the primary indictment the defendant's actions were as stipulated and punishable by crime in Article 310 paragraph (4) Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation, and subsidiary charges The defendant's actions are regulated and subject to criminal penalties in Article 310 paragraph (3) of the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation.<sup>15</sup>

In the case examples above, it shows that the lack of legal awareness in society causes many law violations to occur. Legal awareness<sup>16</sup> actually an awareness or values contained in human behavior about existing laws or about laws that are expected to exist. Discussing the phenomenon of modifying motorized vehicles is indeed a lot that we see in the community, but can we say that all types of modifications violate the rules, for example in the case of changing the rearview mirror. Replacing the rearview mirror also includes modifying the vehicle, but if the rearview mirror can still be used properly then it does not violate the modification regulations. The case in Decision Number 41/Pid.sus/2017/PN Bbs shows that from a trivial matter it has fatal consequences. This parameter is that vehicle owners should not replace mirrors as a material for a vehicle that has a prominent shape from a vehicle body, meaning that the mirror specifications in the vehicle provisions have been taken into account from the point of view of other drivers and the size of the road to meet in opposite directions or in one direction in road engineering. . So from this changing the mirror becomes a fatal thing if it is modified not in accordance with existing regulations.

Vehicle modifications such as changing mirrors do not violate modification regulations, as long as these mirrors meet the criteria that have been emphasized in Article 37 of Government Regulation Number 55 of 2012, if you only use accessories on motorized vehicles then these modifications do not violate the rules. Modification is often misused for individual interests and desires. Factors causing these violations are a lack of community norms and a lack of public awareness of applicable law.

Article 58 of the traffic force law states that every vehicle operating on the road is

---

<sup>15</sup>Decision Number 41/ Pid.sus/2017/PN Bbs

<sup>16</sup>Dey Ravena, Discourse on Progressive Law Concepts in Law Enforcement in Indonesia, Journal of Legal Insights, Vol. 23 No. 02 Sept (2010), p.59

prohibited from installing equipment that can interfere with traffic safety. In Article 52 paragraph (1) of Law no. 22 of 2009 concerning Traffic and Road Forces states that a modification is a change in type in the form of dimensions, engine and carrying capacity. The lack of legal awareness in the community causes many violations of the law to occur. Legal awareness is actually an awareness or values contained in human behavior about existing laws or about laws that are expected to exist.<sup>17</sup> Types of modifications to motorized vehicles that are classified as violations of the Traffic Law Number 22 of 2009 concerning Road Traffic and Transportation Changing the Vehicle Frame is the internal framework that forms the basis for the production of a vehicle, as a support for other parts including the engine or electronic devices that found in motorized vehicles which are the official design of the factory.

#### **4. Conclusion**

Decision Number 41/Pid.sus/2017/PN Bbs shows a crucial impact and becomes disastrous when the modification creates a traffic accident tragedy and tragically the victim dies. This illustrates that the modification of motorized vehicles that are not in accordance with the law not only creates a repressive reaction from law enforcement in controlling traffic violations but as a form of criminal proceedings even though it has an element of culpa (negligence) but prison punishment as a form of criminal consequence with facts. Law that shows victims of accidents due to vehicle modifications to death.

#### **5. References**

- Achmad Ali, 2002. *Revealing the Law*, Gunung Agung Shop, Jakarta
- Ade Julian, (2016), *Motorized Vehicle Modifications and the Consequences of Modifications That Don't Pass the Test According to Article 277 of Law No. 22 of 2009 concerning Road Traffic and Transportation*, FH UMP, Palembang
- Bambang Lasimin Arek and Umar Ma'ruf, *Criminal Responsibility of Criminals Defamation on Advocate Name*, *Daulat Hukum Journal*, Volume 3 Number 4, (2020)
- Dey Ravena, *Discourse on Progressive Law Concepts in Law Enforcement in Indonesia*, *Journal of Legal Insights*, Vol. 23 No. September 02 (2010)
- Hesti Kristi Wahyudi and Sri Kusriyah, *Owner's Responsibilities of Vehicles Used as Illegal Public Transport When Traffic Accidents Happened*, *Journal of*

---

<sup>17</sup> Nakok Aruan, *Assessment of Public Compliance with Traffic Laws*, *Journal of Research and Development of East Java*, Vol.5, No.1, (2006), p.78



Daulat Hukum, Volume 4 Number 1, (2021)

I Made Hadiyanta Purnama Sardi, Anak Agung Istri Agung, Ida Ayu Putu Widiati, Law Enforcement Against Motor Vehicle Modification by the Gianyar Police Traffic Unit, Warmadewa University, Journal of Legal Construction, Vol. 2 No. 2, (2021)

Jianguo Sun et al, Evaluation Traffic Injury Prevention Programs Using Counting Process Approaches. Journal of the American Statistical Association: Academic Research Library, Vol.96 No.454. (2001)

Lubis, History of Motorcycle Development. Journal of Transportation, Special Edition, Vol.8 Number 3, (2008)

Manje Agung kusmagi, 2010, Happy Driving on the Highway. Achieve Asa Success, Depok

Matthews. Regulations for Motorized Vehicle Modifications in Indonesia. Journal of Kertha Semaya, Volume 8 Number 5, (2020)

Nakok Aruan, Study of Community Compliance with Traffic Laws, Journal of Research and Development of East Java, Vol.5, No.1, (2006)

Purwo Widodo, 2001. Workshop Car Modification Center in Yogyakarta, UII Yogyakarta

Sudarso. Traffic Behavior of Teenagers in Urban Areas. Journal of Society, Culture and Politics, Th XIII. No. 2, (2007)

Uri Hermariza, 2008, Study of Identification of Accident-Prone Areas on the Jakarta-Cikampek Toll Road. Faculty of Engineering, Depok, University of Indonesia

Wahyu Lurus Stiyo Budi and Bambang Tri Bawono, The Legal Policy on Traffic Breaches by Children Under Age/Minors, Journal of Daulat Hukum, Volume 3 Number 4, (2020)