

The Effectiveness of Law Enforcement Concerning Modification of Motor Vehicles

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Abstract. *Lots of modifications vehicles that occur among young people and adults and even traders or entrepreneurs who use their vehicles as a means for transporting goods which are often excessive, of course, will have many negative impacts if there is a lack of understanding about modifying vehicles that are not in accordance with applicable regulations and of course potentially dangerous the driver and other drivers as a result of the modifications made not based on the standards and provisions stipulated in the Traffic Law. The act of modifying a motorized vehicle without a type test is a criminal offense against the Road Traffic and Transportation Act. This research is a type of legal research, in this study using normative juridical methods. The research specification used in this study is a descriptive type of analysis. Data analysis techniques in this study were carried out by qualitative data analysis, namely data collection using laws, theories and legal principles. The results of this study note that violators of motorized vehicle modifications that do not comply with the rules will be subject to imprisonment for a maximum of 1 year or a maximum fine of IDR 24,000,000.00 (twenty four million rupiah).*

Keywords: *Enforcement; Modification; Motor; Vehicles.*

1. Introduction

The more the times, the more means of transportation necessary to fulfill needs. Traffic is one of the means of society that plays a vital role in facilitating the development carried out. The development of transportation that occurs due to the need for each individual to travel to another place to look for goods **that** are needed, support business, or just carry out daily activities, and distribute goods to places that need these goods. Transportation as a very important component for everyone today. Transportation has been considered as a part of human life because it has the nature of moving around as a social being. So it can be seen how important the rules regarding traffic.¹

In the current era of globalization, the activities of each individual cannot be separated from technological assistance, one of which is a means of transportation in the form of motorized vehicles. On the other hand, the rapid development of information technology and rapid population growth also cause many social problems including the emergence

¹MN Nasution (2008), Transportation Management, Ghalia Indonesia, Bogor, p. 1

of crime (the occurrence of criminal acts).²Humans face a technological advance which is also accompanied by the negative impact of a technological advance. In this case the role of the government is to overcome the negative impacts that arise.³

Achmad Ali argues that when you want to see the effectiveness of the law, you must first be able to measure the extent to which the rule of law is obeyed or not obeyed. Achmad Ali further stated that in general the factors that affect the effectiveness of a law are professional and optimal implementation of the roles, powers and functions of law enforcers, both in carrying out their duties and in enforcing these laws.⁴ Soerjono Soekanto explained that one of the factors the creation of legal effectiveness is society itself.⁵ Thus society must comply all traffic laws. However, at this time it can be felt that people do not comply with these regulations.

Lots of modifications vehicles that occur among young people and adults and even traders or entrepreneurs who use their vehicles as a means for transporting goods which are often excessive, of course, will have many negative impacts if there is a lack of understanding about modifying vehicles that are not in accordance with applicable regulations and of course potentially dangerous the driver and other drivers as a result of the modifications made not based on the standards and provisions stipulated in the Traffic Law.

The act of modifying a motorized vehicle without a type test is a criminal offense against the Road Traffic and Transportation Law where the modification results in a change to the technical specifications of the dimensions, engine, and/or carrying capacity of the Motorized Vehicle it owns, so that the modification of the motorized vehicle can endanger traffic safety, disrupt traffic flow, and damage the pavement layer or the carrying capacity of the road being traversed. The crime of modifying a motorized vehicle without a type test is a criminal act regulated in Article 277 of Act No. 22 of 2009 concerning Road Traffic and Transportation.

Based on the problems above, there are many phenomena of people who do not know the rules so that many people modify and operate motorized vehicles which cause changes in type but do not carry out re-type tests so that the use of these motorized vehicles can endanger road users. The author is interested in studying how Effective Law Enforcement Regarding Motorized Vehicle Modifications is. The purpose of this research is to find out law enforcement against perpetrators of motor vehicle modification crimes and the role of the police in handling motorized vehicle modification violations.

2. Research Methods

The method used by the author in compiling the journal uses the normative juridical

²Coby Mamahit, Legal Aspects of Regulating Criminal Acts of Retention and Efforts to Overcome It in Indonesia, *Unsrat Law Journal*, Vol. 23 No. 8 (2017), p. 74

³Ali, A (2002), *Revealing the Law*, Gunung Agung Shop, Jakarta, p. 64

⁴Achmad Ali, 2010, *Revealing Legal Theory and Judicial Theory*, Kencana, Jakarta, p., 375.

⁵Soerjono Soekanto, 2008, *Factors Influencing Law Enforcement*, PT Raja Grafindo Persada, Jakarta, p.8.

method. The research specification used in this study is a descriptive type of analysis. In this study the authors focused on library research as well as primary materials in the form of applicable laws and secondary materials in the form of expert opinions, law books, journals and magazines. The data collection technique carried out in this study used literature study, collecting data from the results of a review of literature and secondary data which included primary legal materials, secondary legal materials and tertiary legal materials. Data analysis techniques in this study were carried out by qualitative data analysis, namely data collection using laws, theories and legal principles.

3. Results and Discussion

3.1. How is law enforcement against actors who modify motorized vehicles and violate Article 277 of Act No. 22 of 2009 concerning Road Traffic and Transportation

Law enforcement is a process to make legal wishes come true. The so-called legal will here is none other than the thoughts of the legislature which are formulated in legal regulations. That rule of law. The formulation of the thoughts of lawmakers as outlined in legal regulations will also determine how law enforcement is carried out.⁶

The lack of legal awareness in the community causes many violations of the law to occur. 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 the modification does 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 52

- 1) Motorized Vehicle Modifications as referred to in Article 50 paragraph 1 can be in the form of modifications to dimensions, engines and carrying capacity.
- 2) Motorized Vehicle Modifications as referred to in paragraph 1 may not endanger traffic safety, disrupt traffic flow, and damage the pavement layer/carrying capacity of the road being traversed.
- 3) Every Motorized Vehicle modified so as to change the construction and material requirements must be subjected to a re-type test.
- 4) Motor Vehicles that have been re-tested as referred to in paragraph 3 must be re-registered and re-identified.

The provisions on criminal sanctions for modifying motorized vehicles in Act No. 22 of 2009 concerning traffic are:

Article 277

⁶Satjipto Raharjo, 2009, Law Enforcement as a Sociological Review, Genta Publishing, Yogyakarta, p. 25

Everyone who imports motorized vehicles, trailers, and attached carriages into the territory of the Republic of Indonesia, manufactures, assembles, or modifies motorized vehicles causing a change in type, trailers, attached carriages, and special vehicles operated within the country that does not fulfill the obligations type test as referred to in Article 50 paragraph 1 shall be subject to imprisonment for a maximum of 1 year or a fine of up to IDR 24,000,000.00 (twenty four million rupiah)

Sanctions play an important role in the framework of law enforcement (law enforcement) to its own lawyers in the law. In general, sanctions are laws in the form of worship for violating the rule of law. In the area of law known as civil, criminal and administrative sanctions. Civil sanctions are legal sanctions that a person knows can cause harm to another person, therefore the person causing the loss must compensate for the loss.

Law enforcement in the field of road traffic and transportation is a process of carrying out efforts to implement the functioning of legal norms in the field of road traffic and transportation as a guideline of behavior in the implementation of road traffic and transportation. Enforcement of traffic violations is carried out through mechanisms that have been established in accordance with laws and regulations, both in general and specifically. In general, the enforcement of traffic violations carried out refers to the Criminal Procedure Code and the Criminal Code, while specifically it is regulated in other regulations, namely the Road Traffic and Transportation Act No. 22 of 2009, and Government Regulation Number 30 of 2021 concerning Implementation of the Road Traffic and Transportation Sector. Furthermore, to see the effectiveness of law enforcement regarding modifying motorized vehicles,⁷

- 1) Legal Factors (Acts).
- 2) Law Enforcement Factors.
- 3) Facility and Infrastructure Factors.
- 4) Community Factors.
- 5) Cultural Factors.

Of the five law enforcement factors above, they are closely related because they are the main thing in law enforcement and as a benchmark for the effectiveness of law enforcement. All of these law enforcement factors will greatly determine the law enforcement process in society and cannot be denied one by one, failure in one of the components will impact on other factors.

3.2. The role of the Police in tackling the rampant traffic violations committed by motorcycle modification vehicles

The application of law in a society has a dependence on laws and regulations, this is no less important than the existence of legal awareness in society to create an orderly legal culture in traffic. Legal awareness arises with encouragement from law enforcement officials, law enforcement officials as mouthpieces for laws that have a role to uphold the

⁷Soerjono Soekanto and Sri Mamudji, 2006, Normative Legal Research, Raja Grafindo Persada, Jakarta, p. 76

law in the midst of society, in other words, if the performance of law enforcement officials is weak, then all laws and regulations will become statutes.

According to Act No. 2 of 2002 concerning the State Police of the Republic of Indonesia Article 4, namely: "The aim of the National Police of the Republic of Indonesia is to realize domestic security which includes the maintenance of security and public order, order and law enforcement, the implementation of protection, protection and service to the community, as well as fostering public peace.

The law stipulates that the police, especially the traffic units, are authorized to carry out physical checks of vehicles. As is well known, the functions of the traffic unit in carrying out the main duties of the Police in the field of traffic include:⁸

- a. Traffic law enforcement
- b. Public education about traffic
- c. Traffic engineering
- d. Registration/identification of traffic drivers.

in carrying out countermeasures against motorists who modify vehicles, in carrying out countermeasures officers use three approaches, these approaches include: the Pre-emptive approach, the Preventive approach, and the Repressive Approach. Pre-emptive efforts are the initial efforts made by the police to prevent traffic violations, especially in the case of modified vehicles. Efforts in coping are by instilling good values/norms so that these norms can be internalized within a person. Preventive approach is a form of traffic accident prevention through the existence of the traffic members themselves, in this approach it is carried out by means of regulation, guarding,

Preventive efforts are also carried out by placing members of the police at existing traffic posts, escorting certain activities in the implementation of the substance preventive function, the police really become public servants so that the process is truly transparent, accountable and professional with does not leave the human side. The repressive approach is one of the main tasks of the police in terms of law enforcement, but this step is the last step after pre-emptive and preventive efforts have been implemented. A repressive approach is strictly prioritized for violations that really have the potential to cause traffic violations. The function is carried out by means of routine operations and combined operations.⁹

4. Conclusion

Types of motorized vehicle modifications that violate traffic regulations are modifications

⁸Bhakti Satriya Perdana Sugiyanto and Gunarto, The Role of the Rembang Police Traffic Traffic Unit in Overcoming High Accidents Due to Illegal Parking (Case Study in Rembang Regency), Daulat Hukum Journal, Vol. 1 No. 1 (2018), p. 140

⁹Beni Karia Rahmawa, Rian Sacipto, Law Enforcement by Police Officers Against Traffic Violations Due to Motorcycle Modified Vehicles (In the Semarang Regency Area), Thesis, Bachelor of Law Study Program at Ngudi Waluyo University Ungaran.

that change the vehicle's frame, increase vehicle speed or change vehicle engine noise, exhaust emissions, and loss of important functions of said vehicle which, after carrying out a test for the feasibility type of the motorized vehicle, are declared dangerous. The public and road users, which are categorized as violating traffic rules. Criminal sanctions for those who violate are subject to article 277 of Act No. 22 of 2009 concerning Road Traffic and Transportation.

5. References

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