

# The Role of Traffic Unit Registration and Identification in Document Services as Evidence Tools in Law Enforcement

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## Abstract.

*This study aims to determine and analyze the role of the Regident unit in document services as evidence in law enforcement at the Kudus Police and analyze the obstacles and solutions. The approach method used is sociological juridical, descriptive analytical research specifications. The data used are primary data and secondary data. Data collection methods are field studies and literature studies. The method of data analysis is qualitative analysis. The results showed that the role of the Regident unit in document services as evidence for law enforcement at the Kudus Police was to provide services for STNK and BPKB applications as valid proof of identity and ownership of motorized vehicles and document services in the form of certificates requested by Satreskrim for law enforcement. Obstacles in serving documents as evidence for law enforcement at the Kudus Police are not registering motorized vehicles in the Regident Unit database, the length of time for the STNK/BPKB service, especially when the transfer process is out (for changing names), the lack of public awareness of changing the name of motorized vehicles and the existence of culture. The public to use brokers in the motor vehicle document application process. The solution to overcome this is to coordinate with the Central Resident. and Owners of Central Brand Rights, still waiting for the archives, blocking of STNK, socialization to the public to take care of their own motorized vehicle documents and not to use the services of middlemen.*

*Keywords: Documents; Evidence; Identification; Registration.*

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## 1. Introduction

Indonesia is a state of law, this is as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, so that there are several consequences to it. Law is a collection of coercive regulations that determine human behavior in society, which are made by official state bodies and contain strict sanctions for these regulations.<sup>1</sup> However, the development of society always makes rapid changes in terms of economic, social, cultural, political, educational, and so on. One of the most prominent changes is the socio-economic change in society, where there is a social structure in the form of economic classes.<sup>2</sup>

This socio-economic change is also accompanied by an increase in the number of crimes or criminal acts in society, one of which is a crime whose object is a motorized vehicle such as the theft of a motorized vehicle or the forgery of motorized vehicle documents. This is very detrimental because motorized vehicles have high mobility and have high economic value.

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<sup>1</sup>Ishaq, (2012), *Dasar-Dasar Ilmu Hukum*, Sinar Grafika, Jakarta, p.3.

<sup>2</sup>Pudi Rahardi, (2007), *Hukum Kepolisian (Profesionalisme dan Reformasi Polri)*, Laksbang Mediatama, Surabaya. p. 180.

The settlement of these criminal acts is through law enforcement efforts, where the criminal law enforcement process is pursued through procedures as regulated in the Criminal Procedure Code (KUHP). Before someone who commits a crime is determined as a suspect, the Police first conducts an investigation and investigation to find sufficient preliminary evidence. One of the evidences to uncover crime cases whose objects are motorized vehicles is through a physical examination of motorized vehicles. In this case, it is the Registration and Identification Unit (Regident) authorized to carry out the inspection.

The function of registration and identification of motorized vehicles is related to the provision of data to support law enforcement processes against traffic violations. In this case, the authorities in the registration and identification of motorized vehicles are the Police.<sup>3</sup>The Police is a government agency tasked with maintaining security and public order and has the authority to carry out the function of registration and identification of motorized vehicles based on Article 64 paragraph (4) of Act No. 22 of 2009 concerning Road Traffic and Transportation and Article 15 paragraph (2) letter b Act No. 2 of 2002 concerning the Indonesian National Police.<sup>4</sup>

Motorized vehicles can be said to be official and do not violate the law if they have proof of ownership or other documents that have been regulated by law. Every motorized vehicle must be registered. Registration and identification of motorized vehicles is intended for (a) orderly administration, (b) Control and supervision of Ranmor, (c) Facilitate the investigation of violations and/or crimes, (d) Planning, operational management and engineering of traffic and road transportation and (e) national development planning.<sup>5</sup>

Basically, every motorized vehicle must be equipped with legal documents, meaning that the documents related to and explaining the vehicle in question must be an official letter issued by the authorities. Vehicles that are not equipped with legal documents can be considered as illegal motorized vehicles and must be confiscated as long as the owner of the vehicle cannot show valid documents, so that a physical check of motorized vehicles is very important for motorized vehicle owners as well as for police officers.<sup>6</sup>

Based on the provisions of Article 64 paragraph (3) of Act No. 22 of 2009 concerning Road Traffic and Transportation for the purpose of registration and identification of motorized vehicles. The article explains that one of the functions of a motorized vehicle registrar is to facilitate the investigation of crimes. In law

<sup>3</sup>Setiyanto, Gunarto, Sri Endah Wahyuningsih, *Efektivitas Penerapan Sanksi Denda E-Tilang Bagi Pelanggar Lalu Lintas Berdasarkan Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan (Studi Di Polres Rembang)*, Jurnal Hukum Khaira Ummah, Vol. 12. No. 4 December 2017. p.756.

<sup>4</sup>Eddy Santoso, Sri Endah Wahyuningsih, Umar Ma'ruf, *Peran Kepolisian Dalam Sistem Peradilan Pidana Terpadu Terhadap Penanggulangan Tindak Pidana Perjudian*, Jurnal Daulat Hukum, Voume 1 Nomor 1, March 2018, p.183

<sup>5</sup>Etna Yesinia Mardianti and Maryanto, *The Legal Substance Ownership of Motor Vehicle Owner's Book*, Law Development Journal, Volume 2 Issue 4, December 2020, <http://jurnal.unissula.ac.id/index.php/ldj/article/view/13639>, p.489

<sup>6</sup>Ana Setiyarti, 2017, *Kompetensi Petugas Registrasi dan Identifikasi Kendaraan Bermotor dalam Mengungkap Kasus Kejahatan*, Tesis, Magister Ilmu Hukum, Unissula, Semarang, <http://repository.unissula.ac.id>, p.2

enforcement efforts against crimes related to motorized vehicles, the Regident Unit plays an important role, namely providing document services as evidence in criminal acts. In this case, the Regident Unit acts as an expert witness by conducting a physical examination of motorized vehicles. The evidence of the physical examination is then stated in a certificate used for the criminal investigation process.

At the Kudus Polres Satlantas, based on the results of a preliminary survey, it is known that from January to August 2021, motor vehicles have been identified to uncover 6 crimes.<sup>7</sup>The purpose of a physical vehicle check is an attempt to reveal crimes related to motor vehicles. With the increasing number of motor vehicle theft crimes, it is very possible that the perpetrators will make combinations between the crime machines and vehicles that are physically unfit for use. This study aims to determine and analyze the role of Unit Regident in document services as evidence in law enforcement at the Kudus Police and analyze the obstacles and solutions.

## 2. Research Methods

The approach method used in this research is sociological juridical, namely: research that examines how the law works in society.<sup>8</sup> The research specification is descriptive analytical, namely research that aims to make a systematic picture or painting of a phenomenon that occurs in society.<sup>9</sup> Sources and types of data used are primary data and secondary data. The data collection method is carried out through field studies and literature studies while the data analysis method uses qualitative analysis.

## 3. Result and Discussion

### 3.1. The Role of the Registration and Identification Unit in Document Services as Evidence in Law Enforcement at the Kudus Police

The Kudus Police Regident Unit is in charge of serving the administration of registration and identification of motorized vehicles and drivers. Given the main problems in this study, the discussion is limited to motor vehicle registration which includes BKPb and STNK. The Rigident Kanit is responsible for the Head of Traffic. The number of personnel from the Regident Unit for BKPb and STNK affairs is 15 people. This amount is sufficient for motor vehicle document services.<sup>10</sup>

The Regident Unit's preventive efforts in document services in law enforcement are services in the form of motor vehicle registration services. This is in line with the mandate of Article 64 of Act No. 22 of 2009 concerning Road Traffic

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<sup>7</sup>Results of an interview with Ipda Nor Alifi, Regident Head of the Kudus Police Satlantas, September 23, 2021.

<sup>8</sup>Mukti Fajar ND and Yulianto Achmad, 2013, Dualism of Normative and Empirical Legal Research, Yogyakarta: Pustaka Pelajar, p.47.

<sup>9</sup>M. Djunaidi Ghoni and Fauzan Almansur, 2012, Qualitative Research Methodology, ar-Ruzz Media, Yogyakarta, p. 25.

<sup>10</sup>Interview with IPDA Nor Alifi, Head of Regident Polres Kudus, April 14, 2022

and Transportation which states that every motorized vehicle must be registered. Vehicles that need to be registered include new vehicles, changes in the identity of motorized vehicles and owners, extension of motorized vehicles, and ratification of motorized vehicles. Motor vehicle document services include BPKB, STNK and TNKB. One of the purposes of registration and identification of motorized vehicles is to facilitate the investigation of violations and/or crimes.

The role of the Regident Unit in preventing criminal acts related to other motorized vehicles is the service of physical inspection of motorized vehicles requested by motorized vehicle owners. This happens, for example, when someone buys a motor vehicle, especially a used motorcycle, so to test whether the motor vehicle is not the result of a crime, testing can be done at the nearest Samsat. Here the Registrant Unit will conduct an inspection of the motorized vehicle. From the results of the examination, it will be possible to determine the origin of the motorized vehicle, whether it is the result of a crime or not.

The role of the Regident Unit in document services is as evidence of law enforcement in addition to preventive measures as well as repressive measures. Repressive law enforcement against crimes related to motorized vehicles is inseparable from the role of the National Police as the front guard in handling criminal acts through a series of investigative actions. In the investigation, the emphasis is placed on the act of seeking and collecting evidence so that the criminal acts found can become clear and so that they can find and determine the perpetrators. Investigators in handling criminal acts up to the determination of suspects are carried out in accordance with the applicable legal corridors. Investigators take a series of actions to determine an event that is suspected of being a criminal act (investigation), which is then continued by searching for and collecting evidence to make light of the crime that occurred (investigation). Investigators must obtain strong evidence to bring suspects to trial, while still prioritizing the presumption of innocence.<sup>11</sup>

Investigations by investigators can only be carried out after they have been able to collect preliminary evidence and have found a person suspected of being a suspect. After the examination, if the investigator is of the opinion that based on the available evidence, the investigation can be continued, the investigator shall begin to take the necessary actions in accordance with his authority as referred to in Article 7 of the Criminal Procedure Code.<sup>12</sup>

### **3.2. Obstacles and Solutions in Document Services as Evidence in Law Enforcement at the Kudus Police**

Document services as evidence in law enforcement by the Regident Unit at the Kudus Police do not always run smoothly, because sometimes there are several obstacles experienced by officers. These obstacles are:<sup>13</sup>

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<sup>11</sup>Dwi Agus Istiyono, *Illegal Logging Criminal Investigation Process*, Law Development Journal, Volume 2 Issue 3, September 2020, <http://jurnal.unissula.ac.id/index.php/ldj/article/view/11992/4966>

<sup>12</sup>Keris Aji Wibisono, 2021, *Penegakan Hukum Terhadap Tindak Pidana Illegal Mining Di Wilayah Hukum Polda Kalimantan Tengah*, Tesis, Unissula Semarang, p.64

<sup>13</sup>Result of interview with IPDA Nor Alifi, as Regident Kanit Satlantas Polres Kudus, April 24, 2022

### *3.2.1. Motor vehicle data cannot be found in the Unit Resident database*

One of the obstacles in serving motorized vehicle documents as evidence in law enforcement against crimes related to motorized vehicles is if the motor vehicle found is not registered so that it is not registered in the Resident Unit Database. This usually happens when raids are carried out on the highway. At the time of the raid, it was sometimes found that several motorized vehicles operating in the jurisdiction of the Kudus Police did not have valid vehicle documents. When officers from the Resident Unit conducted an inspection of motorized vehicles, it turned out that there was no data related to the vehicle in the Resident Unit Database. There are times when vehicles are also found whose data does not match the National Police's Ranmor resident database. Besides that, if the motor vehicle found is a built-up/imported item illegally, then the vehicle is also not registered in the Resident Unit database. This certainly makes it difficult for officers to identify the owner of the motorized vehicle.

The solution to overcome obstacles related to motorized vehicles that are not registered in the resident database is to explore the ownership of the vehicle and coordinate with the Central Resident Unit to find out the origin of the motor vehicle in question. Meanwhile, the solution to overcome the illegally imported built-up vehicles is to coordinate with the Central Brand Rights Owner to find out the origin of the goods and their distribution area to the district level.

### *3.2.2. The length of service time for the STNK/BPKB document application*

The service for requesting motorized vehicle documents in the form of STNK/BKP, especially applications due to changes in the identity of the owner or changes in vehicle identity (mutations) that are outside the jurisdiction of the Kudus Police takes a long time. The transfer service for a motorized vehicle usually takes between 2 weeks to a month, while for an inbound transfer it takes 3 days. The solution to these obstacles is to patiently wait for the archive department to try to find the files needed for the outgoing mutation process and wait for the leadership to sign the file.

### *3.2.3. Lack of public awareness to take care of motorized vehicle documents, especially behind the name of motorized vehicles*

The process of changing the name of a motorized vehicle will go through a vehicle mutation process if it is in a different legal area. This has resulted in people being reluctant to change the name of the vehicle, because in the process of mutating a motor vehicle there is a process of revoking the file to the original Samsat, so the owner must go to the original Samsat to take care of the file. In addition, changing the name of a motorized vehicle also requires more expensive costs. This condition has an impact on the public's reluctance to change the name of the vehicle.

The solution to overcome these obstacles is to block the STNK of vehicles that violate traffic. In addition, the public is also advised to change the name of motorized vehicles, so that they can support the application of ETL in the jurisdiction of the Kudus Police.

### *3.2.4. The culture of the community uses brokers in managing motor vehicle documents*

Many people in the jurisdiction of the Kudus Police still use the services of brokers to apply for motorized vehicle document services, both in the STNK and BPKP services, both for annual taxes or 5-year taxes as well as in BKP applications. The solution to overcome these obstacles is to disseminate information to the public to take care of their own motorized vehicle documents and not to use the services of brokers.

#### 4. Closing

The role of the Regident unit in document services as evidence in law enforcement at the Kudus Police is to provide motor vehicle document services in the form of STNK and BPKB services as a preventive measure and document services at the request of Satreskrim for law enforcement as a repressive effort. The obstacles that arise are the unregistered motorized vehicle in the Regident Unit database, the length of time the STNK/BPKB service takes, especially when the transfer process is out (for name transfer), the lack of public awareness of changing the name of a motorized vehicle and the existence of a community culture to use brokers in the vehicle document application process. The solution to overcome this is by coordinating with the Central Regident Unit and the Central Brand Rights Owner, still waiting for the archive section, blocking the STNK. In order for the Regident Unit to carry out its role to the fullest, it should immediately implement an e-warehouse to make it easier for Regident officers in searching for vehicle files and special efforts from the Kudus Police are needed in eradicating brokers/brokers in the service of motorized vehicle documents.

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