

Law Enforcement on Modifications of Motor Vehicles that are Not in Accordance With Statutory Regulations so that They Can Endanger Traffic

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Abstract. *Motorized vehicles are contained in Article 1 number 7 of Law No. 22 of 2009 concerning Traffic and Road Transportation which regulates the definition of vehicles which states that "vehicles are a means of transportation on the road consisting of motorized vehicles and non-motorized vehicles. This study aims to determine the Role of Law Enforcement of Motorized Vehicle Modifications That Do Not Comply with Statutory Regulations So That They Can Endanger Traffic. In this study, the approach method used is: a normative legal approach (normative legal research method). library legal research conducted by examining library materials or secondary data alone. The research specification used is Analytical Descriptive, which is an effort to analyze and explain legal problems related to objects with a comprehensive and systematic description of everything related to the Enforcement of Motor Vehicle Modification Laws That Do Not Comply with Laws and Regulations So That They Can Hazard Traffic. The government through Law Number 22 of 2009 concerning Traffic and Road Transportation (Law No. 22/2009) regulates the limitations and requirements related to motor vehicle modifications in order to maintain safety, order, and smooth traffic on the highway. Law enforcement against motor vehicle modifications that endanger traffic must be carried out comprehensively, from upstream to downstream. Existing regulations need to be implemented consistently, by strengthening the capacity of implementing institutions such as the police and the Transportation Agency.*

Keywords: *Enforcement; Law; Modification; Motorbike.*

1. Introduction

In a state of law, law is the main pillar in moving the joints of social, national,

and state life. One of the main characteristics of a state of law lies in its tendency to assess actions taken by society on the basis of legal regulations. This means that a state with the concept of a state of law always regulates every action and behavior of its people based on applicable laws.

This is done to create, maintain, and defend peaceful social life in accordance with what is mandated in Pancasila and the 1945 Constitution, namely that every citizen has the right to feel safe and free from all forms of crime. The journey of a nation's civilization continues to develop rapidly, this spurs many changes and the development of thought patterns in society. This can cause various impacts, both positive and negative. These negative impacts are sometimes carried out by teenagers. One of them is by modifying motorized vehicles which basically pay less attention to driver safety and sometimes conflict with applicable provisions. Motorized vehicles are contained in Article 1 number 7 of Law No. 22 of 2009 concerning Traffic and Road Transportation which regulates the definition of vehicles which states that "vehicles are a means of transportation on the road consisting of motorized vehicles and non-motorized vehicles".

The shift in the function of motor vehicles that used to be a means of transportation, now also functions as a supporter of appearance by their owners, installing variation components to beautify the appearance of their vehicles, from one of the modification processes from light to completely overhauling the entire appearance of the vehicle. The existence of the modification process carried out cannot be separated 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, Motor Vehicles are not allowed to endanger traffic safety, disrupt traffic flow, and damage the pavement or bearing capacity of the road being passed. Basically, modification activities are carried out by applying additional variation components as one of the impressions of special features, the purpose of good modification is to improve the performance and appearance of the motorbike so that it is safer, more comfortable, and stylish.

Motor vehicle modification does have two sides, namely the positive side and the negative side. Positive because in the modification process, the modifiers must think hard by using creativity to realize the desired vehicle and conversely the negative side is that the modifiers do not pay attention to the applicable legal norms. The modification process does produce its own satisfaction for the owner, but it is very unfortunate because the results of the modification often do not pay attention to legal norms and rules, so that the modification results in violating existing laws.

Modification of motor vehicles must not endanger traffic safety, disrupt traffic flow, and damage the pavement or bearing capacity of the road being passed. In this case, variations or modifications by changing, adding, or reducing components on motor vehicles with the intent and purpose of appearing

different and looking more stylish according to what they want. These modifications are usually not in accordance with legal regulations and can cause new problems such as traffic accidents, because most of these modifiers do not care about the rules or the impact of what they do. In fact, such modifications can endanger the safety of driving yourself or others.

Cases of violations regarding motor vehicle modifications that cause traffic accidents are not new cases, but until now, perpetrators of modification violations that are not in accordance with applicable norms or legal regulations are still very common. The police have often conducted raids or inspections and imposed fines on violators of the law who modify motor vehicles that are not in accordance with applicable laws or regulations, but this does not seem to deter the perpetrators of these "illegal" modifications.

Accidents do not happen by chance, but there is a reason. Because there is a cause, the cause of the accident must be analyzed and found, so that corrective action to the cause can be taken and with further preventive efforts the accident can be prevented. An accident is an unplanned and uncontrolled action, when the action and reaction of objects, materials, or radiation causes injury or the possibility of injury. An accident can be interpreted as any unplanned and uncontrolled event that can be caused by humans, situations, environmental factors, or combinations of these things that disrupt the work process and can cause injury or not, pain, death, property damage or other unwanted events. Negligence Due to Vehicles, vehicle factors that often haunt accidents are brake function, tire condition, and lighting. There are several factors that cause vehicles to have accidents such as vehicles with non-standard modifications, brake failure, tire conditions that are no longer suitable for use, load limits that exceed the vehicle's carrying limit.

Criminal Sanctions Against Drivers of Vehicles in Traffic Accidents on Highways Causing Death. Perpetrators of traffic crimes can be sentenced to imprisonment, detention, or fines and in addition can be sentenced to additional penalties in the form of revocation of a Driving License or compensation for losses caused by traffic crimes. In the Criminal Code, the Article that can be used to ensnare motor vehicle drivers who cause death in traffic accidents is Article 359 of the Criminal Code.

Organizing all activities to ensure security, order, and smooth traffic on the road. Law is a summary that describes an absolute and flexible set based on principles, norms, ideas, customs and rules that are expected to be able to control the order of social life in society. Based on Law Number 2 of 2002 concerning the Indonesian National Police, it is explained that the Indonesian National Police Institution is given the authority to carry out identification or checks on technical requirements in the form of completeness and the way a motor vehicle is run. Although modifying a motor vehicle is not classified as a crime, such actions

need to be monitored and supervised in order to prevent deviant behavior in different societies regarding the value and function of spare parts or components made by official factories for motor vehicles that can ensure safety when used.

2. Research methods

Research Methods, are basically a function of the problems and objectives of the research. Therefore, discussions in research methods cannot be separated and must always be closely related to the problems and objectives of the research. What is used in this research consists of approach methods, research specifications, sources and types of data, data collection techniques and data analysis techniques.

3. Results and Discussion

3.1 Regulations Regarding Modification of Motor Vehicles According to Law Number 22 of 2009 Concerning Traffic

Modifying motor vehicles is a common practice among vehicle owners in Indonesia. However, if done without considering technical and safety aspects, modifications can pose a high risk to the safety of drivers and other road users. Therefore, the government through Law Number 22 of 2009 concerning Traffic and Road Transportation (Law No. 22/2009) regulates restrictions and requirements related to motor vehicle modifications in order to maintain safety, order, and smooth traffic on the highway.

This law is a legal umbrella that regulates various aspects of traffic in Indonesia, including the requirements for motor vehicles to be used legally on public roads. Basically, modification of motor vehicles is not absolutely prohibited, but must meet the technical and roadworthy requirements that have been set by the authorized agencies, especially the police and the Ministry of Transportation. This regulation aims to prevent modifications that can cause potential dangers such as decreased vehicle safety functions, increased noise, and air pollution.

In addition to safety aspects, this regulation also considers technical and administrative factors. Every motorized vehicle that has been modified must undergo a re-type test in order to be suitable for use and obtain a valid vehicle registration certificate (STNK). This is done to ensure that vehicles operating on the highway meet safety standards, exhaust emissions, and other applicable provisions.

Law No. 22 of 2009 regulates vehicle modifications, especially in the context of physical and technical changes to vehicles that can affect roadworthiness and safety. Several important articles that regulate this include Article 52, Article 54, and Article 285.

Article 52 paragraph (1) states that every motor vehicle used on the road must meet technical requirements and be roadworthy. In paragraph (2), it is stated that changes to the shape, size and nature of the vehicle are only permitted if approval is obtained from the authorized agency. Thus, modifications without official permission are a violation of the law that can be subject to sanctions.

Article 54 states that motorized vehicles must have a valid vehicle registration certificate (STNK) and comply with the recorded vehicle specifications. If the vehicle is modified so that it affects the technical specifications, the owner must report the changes to be updated in the official document. This serves to facilitate vehicle identification and ensure that the modified vehicle still meets safety standards.

Meanwhile, Article 285 regulates the use of motor vehicle equipment. The use of vehicle equipment that does not comply with technical requirements and roadworthiness can be subject to criminal sanctions. Examples of cases that often occur are the use of racing exhausts or noisy exhausts that do not comply with emission and noise standards regulated in this Law.

One of the mandatory things to do after making modifications is to re-test the vehicle. This re-testing aims to ensure that the modified vehicle still meets applicable safety and technical standards. In Law No. 22/2009 and Regulation of the Minister of Transportation Number 33 of 2018, vehicle type testing is a prerequisite for modified vehicles to obtain operational permits again.

Type testing includes several important aspects such as exhaust emission testing, braking system testing, electrical systems, and vehicle dimension measurements. This testing must be carried out at a workshop or institution that has official certification from the government. If the vehicle is declared to meet the requirements, the authorized agency will issue a roadworthy certificate which is the basis for extending the STNK

This procedure requires vehicle owners to bring official documents and report all changes made to the vehicle to the authorities. This is also an administrative control to ensure that modifications do not violate provisions that endanger public safety. Thus, retesting plays an important role in bridging the gap between creativity of modification and compliance with traffic regulations.

Law No. 22 of 2009 also regulates sanctions against violations of vehicle modifications that are not in accordance with the provisions. These sanctions can be in the form of administrative or criminal fines, depending on the level of violation committed. This is strictly regulated to provide a deterrent effect for vehicle owners so that they do not make arbitrary modifications.

Article 285 paragraph (1) states that anyone who uses a motorized vehicle that does not meet technical requirements can be subject to a maximum fine of IDR

250,000 or imprisonment for a maximum of one month. This sanction is given for cases such as the use of noisy exhausts, lights that do not meet standards, and other components that have the potential to endanger road users.

In addition, vehicle owners who do not report technical changes in accordance with Article 54 may be subject to administrative sanctions in the form of revocation of vehicle permits or STNK. The Police and the Transportation Agency have the authority to take action and control vehicles that violate these modification rules through raids on the highway or periodic supervision.

Supervision of vehicle modifications does not only depend on written regulations, but also on the active role of the government and police. The government, through the Ministry of Transportation, as well as the regional Transportation Agency, is tasked with setting technical standards and supervising the implementation of vehicle type testing.

Meanwhile, the police have the task of enforcing traffic regulations by conducting routine operations to check motor vehicles on the highway. These operations include raids on vehicles that are illegally modified and do not meet roadworthy requirements. The police also provide education to the public about the dangers of modifications that do not meet standards, so that they can reduce the number of violations.

This joint effort between government agencies and the police is important to realize optimal traffic safety. Consistent law enforcement and continuous education are the main keys to ensuring that the public complies with regulations related to motor vehicle modifications.

Although the regulations are clear, there are still various challenges in implementing vehicle modification supervision in Indonesia. One of the main challenges is the low public awareness of the applicable regulations. Many vehicle owners make modifications without knowing the required licensing and retesting procedures.

In addition, the uneven distribution of vehicle testing facilities throughout Indonesia is a significant obstacle. In some areas, vehicle owners have to travel long distances to conduct type tests, thus triggering a tendency to ignore official procedures and carry out illegal modifications.

Another factor that also plays a role is the limited resources of law enforcement officers in carrying out comprehensive supervision. This causes many modified vehicles to still pass without strict inspection. Therefore, improving the supervision system, increasing socialization, and expanding access to testing facilities are priorities to strengthen the implementation of motor vehicle modification regulations.

3.2 Law Enforcement Regarding Modifications That Do Not Comply with Statutory Regulations So That They Can Endanger Traffic and What Are the Obstacles

Modifying motor vehicles is a common practice among the public, especially young people, as a form of expression, performance enhancement, or simply as a lifestyle. However, modifications made without heeding applicable legal regulations can potentially pose serious dangers to the safety of drivers, passengers, and other road users. Therefore, strict, structured, and consistent law enforcement efforts are needed against violations of modifications that are not in accordance with the provisions of Law Number 22 of 2009 concerning Traffic and Road Transportation (LLAJ Law).

Modifications that change the basic shape, technical specifications, or safety systems of vehicles such as brakes, lights, exhausts, wheels, to steering systems without permission and retesting can lower the standard of vehicle roadworthiness. This condition can cause traffic accidents, high air pollution, and disturbances to public order due to vehicle noise. This is exacerbated by the phenomenon of illegal racing and the use of modified vehicles in illegal activities that often disturb the community.

In this context, law enforcement against illegal modifications becomes very important. Not only to prosecute violators, but also to instill a culture of orderly traffic and build public legal awareness. However, the implementation of law enforcement against vehicle modification violations often faces various obstacles in the field, both in terms of regulations, apparatus resources, and community participation.

1. Legal Basis for Enforcement of Illegal Modifications

Law enforcement against vehicle modifications that endanger traffic is based on several provisions in Law No. 22 of 2009. Article 52 paragraph (1) emphasizes that every motorized vehicle operated on the road must meet technical requirements and be roadworthy. Furthermore, Article 285 paragraph (1) states that the use of vehicle equipment that does not meet technical requirements can be subject to criminal sanctions in the form of imprisonment for a maximum of 1 month or a fine of a maximum of IDR 250,000.

In addition, Article 277 states that anyone who imports, assembles, or modifies a motor vehicle that causes a change in type without the approval of the Minister of Transportation can be subject to a maximum of 1 year in prison or a maximum fine of Rp24,000,000. This provision applies to modification workshop business actors and individuals who make their own changes without official permission.

Regulation of the Minister of Transportation Number 33 of 2018 concerning Motor Vehicle Type Testing also serves as a technical legal basis that regulates

how modification procedures must be carried out. Every technical change, whether made for personal or commercial purposes, must go through a re-type test at a government-appointed testing center. If not done, the vehicle will not receive roadworthy certification and its use on public roads is considered illegal.

2. Law Enforcement Strategy by Police

Law enforcement against vehicle modification violations is carried out by the Indonesian National Police through various mechanisms, such as motor vehicle raids, traffic patrols, and routine operations (eg Operation Patuh, Operation Zebra, and Operation Lilin). In these activities, the police check the physical condition of the vehicle, the completeness of the documents, and the conformity of the vehicle specifications with official documents.

One focus of the action is on vehicles that use noisy exhausts, strobe lights, tires that are not the right size, or modified steering and brake systems without certification. If violations are found, officers can issue fines, confiscate vehicles, or ask owners to re-test at the Transportation Agency.

In addition to repressive measures, the police also take a preventive approach through traffic education in schools, automotive communities, and social media. The goal is to build awareness that modifications are not prohibited, but must comply with established safety and administrative standards.

The police also work together with the Transportation Agency, authorized workshops, and road managers to form an integrated monitoring system against unauthorized modification practices. In some serious cases, such as modified vehicles used in illegal racing or street crimes, the police can process the perpetrators with additional criminal articles related to general crimes.

3. Obstacles in Law Enforcement

Despite regulations and enforcement efforts, illegal modification practices are still widely found in the field. One of the main obstacles is the low legal awareness of the community, especially among young people. Many consider modification as part of self-expression, without understanding the legal and safety risks that arise. In addition, the lack of socialization about legal modification procedures is the cause of repeated violations.

Another obstacle is the limited resources of law enforcement officers, both in terms of the number of personnel, monitoring facilities, and operational budget. In some areas, modification raids are rarely carried out due to limited officers or the focus of enforcement is more directed at general violations such as not wearing a helmet or running a red light.

Technical aspects are also an obstacle, for example in proving that a vehicle has been modified without permission. Many violators replace vehicle parts secretly

or only for contest purposes, but still use the vehicle on public roads. In this condition, officers often have difficulty identifying violations because there are no comparative records with the initial vehicle data.

4. The Role of Society and Automotive Communities in Supporting Law Enforcement

Law enforcement will not be effective without active support from the community. Awareness of vehicle users not to modify carelessly must be built early on. Proper education about legal, safety, and environmental risks is important. The role of families, schools, and communities is needed to form a culture of orderly traffic.

The automotive community also plays a strategic role. As direct modification actors, they can be made partners by the government to socialize legal modification standards and help supervise workshop practices that violate the rules. Some communities have even carried out internal education initiatives regarding the use of standard spare parts, emission tests, and vehicle feasibility. This collaboration needs to be expanded and supported by incentive policies from the government.

In addition, strengthening digital forensics in electronic ticketing and vehicle databases will also help officers map patterns of violations and repeat offenders. Electronic ticketing cameras that can detect noisy exhausts, fake license plates, and abnormal vehicle shapes are a long-term solution for accurate and effective law enforcement.

Based on the description above, law enforcement against motor vehicle modifications that endanger traffic must be carried out comprehensively, from upstream to downstream. Existing regulations need to be implemented consistently, by strengthening the capacity of implementing institutions such as the police and the Department of Transportation.

4. Conclusion

The government, through Law Number 22 of 2009 concerning Traffic and Road Transportation (Law No. 22/2009), regulates restrictions and requirements regarding motor vehicle modifications in order to maintain safety, order and smooth traffic flow on highways. Law enforcement against motor vehicle modifications that endanger traffic must be carried out comprehensively, from upstream to downstream. Existing regulations need to be implemented consistently, by strengthening the capacity of implementing institutions such as the police and the Department of Transportation. Although there are regulations and enforcement efforts, illegal modification practices are still widely found in the field. One of the main obstacles is the low legal awareness of the community, especially among young people. Many consider modification as part

of self-expression, without understanding the legal and safety risks that arise. In addition, the lack of socialization about legal modification procedures is the cause of repeated violations. Another obstacle is the limited resources of law enforcement officers, both in terms of the number of personnel, monitoring facilities, and operational budget. In some areas, modification raids are rarely carried out due to limited officers or the focus of enforcement is more directed at general violations such as not wearing a helmet or running a red light.

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