

# CHAPTER I

## INTRODUCTION

### A. Background

People need transportation to support their daily activities. One of transportation means that is widely used in Indonesia is motorcycle. It is a means of transportation that is driven by mechanical equipment in the form of a machine. The percentage of motorcycle users in Indonesia can be seen in the following chart<sup>1</sup>:

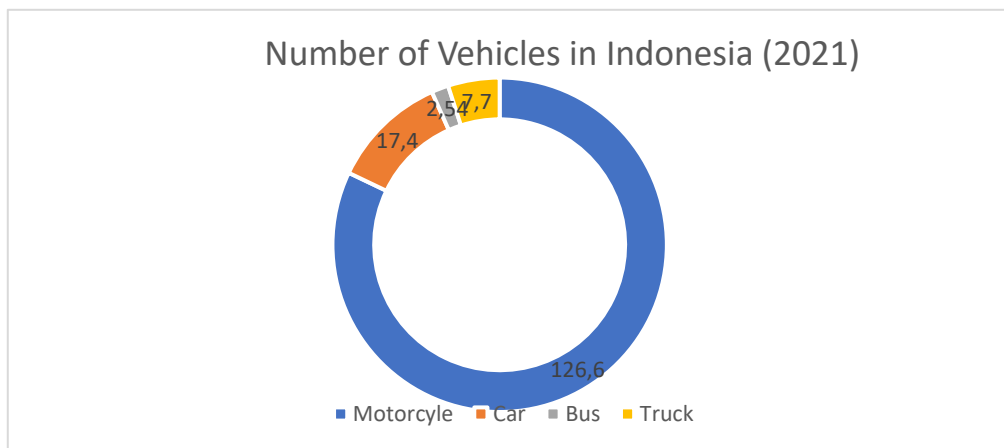


Figure 1. 1 Number of Vehicle in Indonesia 2021  
Source : [www.bps.go.id](http://www.bps.go.id)

Based on the data from law enforcement officials, the number of registered motorcycle in 2022 reached 124.221.213 units<sup>2</sup>, so it is not

<sup>1</sup> BPS, 2021, *Jumlah Kendaraan Bermotor Menurut Provinsi Dan Jenis Kendaraan (Unit)*, Badan Pusat Statistik. <https://www.bps.go.id/indikator/>, (accessed on 14 Agustus 2023, 19.30)

<sup>2</sup>Korlantas POLRI, 2022, *Jumlah Data Kendaraan Per Polda*, <http://rc.korlantas.polri.go.id:8900/eri2017/laprekappolda.php>, (accessed on 23 Agustus 2023, 20.45)

surprising that Indonesia is one of the countries with most motorcycle users in South East Asia<sup>3</sup>.

The use of motorcycle and other transportation means is governed by law to ensure public safety. In regard to this, there are some relevant regulations such as Law Number 22 of 2009 on Road Traffic and Transportation, Government Regulation Number 37 of 2011 on Road Traffic and Transport Forum, Government Regulation Number 32 of 2011 on Impact Analysis, Engineering Management and Management of Traffic Needs, Government Regulation Number 55 of 2012 on vehicle, Government Regulation Number 74 of 2014 on Road Transportation, and Government Regulation Number 80 of 2012 on Procedures for Inspection of Motorcycles on the Road, Enforcement of Traffic and Road Transportation Violation.

The above laws governs various issues, including motorcycle modification. According to Section 1 point 12 of Government Regulation Number 55 of 2012 on vehicle, motorcycle modification refers to the change in the technical specifications of the dimensions, engine, and/or carrying capacity of a motorcycle.

The culture of motorcycle modification has long been ingrained among motorcycle owners in Indonesia, driven by a multitude of motivations. Some seek to enhance the performance of their motorcycles, while others simply wish to keep up with the latest trends. On one hand, motorcycle

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<sup>3</sup> Fadil, Iqbal, 2023, *Indonesia Negara Terbanyak Sepeda Motor di Asia Tenggara*, [www.merdeka.com](http://www.merdeka.com). (accessed 11 Jan. 2024)

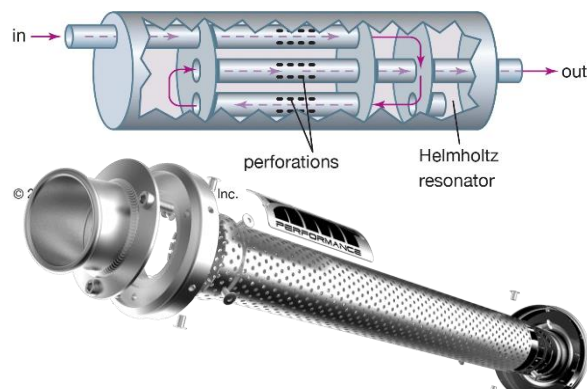
modification serves as a creative outlet for the community, allowing individuals to express their unique styles and preferences. However, it is crucial to acknowledge that certain modifications, when undertaken without due consideration for safety and public order, can inadvertently contribute to a surge in road accidents.

Therefore, it becomes imperative for motorcycle owners, regulatory bodies, and relevant stakeholders to collaborate in fostering a culture of responsible motorcycle modification. This entails promoting awareness of the potential risks associated with ill-considered alterations and encouraging adherence to established safety guidelines. By striking a harmonious balance between individual creativity and road safety, motorcycle modification can continue to thrive as a vibrant aspect of Indonesian culture while minimizing the negative consequences that may arise from unsafe practices.

If we look at the current situation, many regulations created by the government do not have a significant impact on the trend of motor vehicle modifications in Indonesia. The numerous violations of the modifications being carried out make it seem like the existing rules are not sufficient to regulate this matter. Motorcycle modification violations have become a growing concern within the realm of road safety. With the increasing popularity of customized motorcycles, the need for effective measures to address violations arising from these modifications is essential. The existing laws play a crucial role in regulating and mitigating such violations. These laws

encompass regulations regarding emission standards, noise levels, lighting requirements, and engine specifications.

Motorcycle modification violations in Indonesia present a wide array of offenses. These infractions encompass various acts, such as the installation or substitution of blindingly bright lamps, which directly contravene Article 279 of Law Number 22 of 2009. Moreover, another common violation involves the replacement of exhaust systems with those that fail to meet the prescribed emission and noise standards. Additionally,



*Figure 1. 2 Difference between a standard exhaust and a Racing exhaust.*

Source: [www.Britannica.com](http://www.Britannica.com)

violations extend to non-compliant engine specifications, improper alterations to license plates, and a host of other transgressions that run afoul of the established legal framework. These instances of non-compliance with regulations highlight the need for enhanced enforcement and awareness campaigns to curb unlawful modifications and maintain road safety standards in the country.

Based on data provided by the Yogyakarta Police Resort, as reported by [republika.co.id](https://republika.co.id), within a span of three months from January to March 2023, the police authorities have issued warnings to 1,354 offenders using aftermarket exhaust systems and have taken enforcement actions against other violations.<sup>4</sup> The author is interested to study the legal framework on motorcycle modification.

## **B. Research Problem**

1. What kind of motorcycle modifications that are against the law?
2. How do the existing law address the motorcycle modification violations?

## **C. Research Objectives**

Based on the formulation of the problems above, the purpose of writing this research are:

1. To find out motorcycle modification violations committed by the community.
2. Analyzing the effectiveness of the existing laws in preventing motorcycle modification violations.

## **D. Benefit of Research**

The benefits expected by the authors in this study are as follows:

1. Theoretical Benefits

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<sup>4</sup> Setiawan, 2023, *Razia Knalpot Brong Dimasifkan Ciptakan Suasana Tenang Saat Ramadhan* (Assidiq, Ed.), from <https://rejoja.republika.co.id/berita/rrvg2e399>, (accessed on 10 November 2023)

- a. This research provides benefits for knowing in depth about the science of motorcycle modification in Indonesia.
  - b. Develop the knowledge gained during study at the Legal Studies Study Program, Faculty of Law, University of Muhammadiyah Yogyakarta.
2. Practical Benefits

This study provides suggestions for the law maker to improve the application and regulations regarding motorcycle modification in Indonesia.