

JOURNAL

**IMPLEMENTATION OF ARTICLE 64 PARAGRAPH (1) LAW NUMBER 22 OF 2009
CONCERNING ROAD TRAFFIC AND TRANSPORT FOR RICE MILL CAR IN
DISTRICT OF PONOROGO**

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**IMPLEMENTATION OF ARTICLE 64 PARAGRAPH (1) LAW NUMBER 22 OF 2009
CONCERNING ROAD TRAFFIC AND TRANSPORT FOR RICE MILL CAR IN
DISTRICT OF PONOROGO**

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Abstrak

Ketentuan mengenai izin kendaraan agar diizinkan jalan telah diatur dalam Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan. Pada Pasal 64 Ayat (1) disebutkan bahwa setiap kendaraan bermotor harus diregistrasikan. Dewasa ini di Kabupaten Ponorogo bermunculan kendaraan bermotor jenis baru yang dikendarai tanpa dilakukan proses registrasi terlebih dahulu. Kendaraan tersebut adalah mobil penggiling padi keliling. Pihak Kepolisian belum dapat melaksanakan aturan registrasi ini karena belum ada peraturan khusus yang mengatur tentang mobil penggiling padi keliling di Kabupaten Ponorogo. Peraturan tersebut dapat berisi tentang uji tipe dari kendaraan tersebut sehingga nantinya diperbolehkan untuk jalan di jalan raya.

Kata Kunci : Registrasi, kendaraan bermotor.

Abstract

The provisions concerning the approval of vehicles to be allowed path has been set in the Law No. 22 Year 2009 on Road Traffic and Road Transportation. In Article 64 Paragraph (1) states that every motor vehicle must be registered. Today in Ponorogo, there are new types of motor vehicles are driven without any prior registration process. The vehicle called rice mill car. Police have not been able to implement this registration rule because there are no special regulations for rice mill car in Ponorogo. These regulations may contain about the type of test that later allowed the vehicle to be driven on the road.

Key Word: Registrastion, vehicles.

A. Introduction

Licensing is one form of implementation of regulatory functions and controls are owned by the government on the activities undertaken by the community. Licensing can take the form of registration, recommendation, certification, determination of quotas and permission to do something that businesses should normally be owned or acquired a business organization or a person before that question can perform an activity or action.¹

Acts that previously prohibited the granting of such actions to be lawful act. This licensing itself is certainly not given to any person or business entity that takes care of. People who ask permission must meet the requirements required to obtain the permit. Since the license is a privilege that not all people have.

Granting permission to include a variety of things. Some examples are granting building permits, construction services business license, business license and other trades. In the event of any drive, no permission to be met. For example, the driver must have a driver's license based on the type of motor vehicle driver. If the rider does not have a driver's license then there will be a penalty will be imposed on motorists. Additionally driven motorized vehicles must also have a permit for the road.

The provisions concerning the approval of vehicles to be allowed path has been set in the Law No. 22 Year 2009 on Road Traffic and Road Transportation. In Article 1 paragraph (8) explained that:

"A motor vehicle is any vehicle that is driven by mechanical equipment such as engines other than vehicles running on rails."

Each vehicle is needed requirements in order to be allowed to drive on the road.

In the seventh Traffic Act regulates the registration and identification of motor vehicles. In Article 64 Paragraph (1) states that:

*"Every motor vehicle shall be registered"*²

So the motor vehicle to be registered or to be registered before the road is permitted. The registration process includes the identification of the motor vehicle and the owner, publishing books of Motor Vehicle Owners and issuance of Certificate of Motor Vehicles and a sign of Motor Vehicles. The provision is based on Article 65 Paragraph 1 of Law Number 22 Year 2009 on Road Traffic and Road Transportation.

¹ Adrian Sutedi, *Hukum Perizinan dalam Sektor Pelayanan Publik*, Sinar Grafika, Jakarta, 2011, hlm. 168.

² Law No. 22 Year 2009 on Road Traffic and Road Transportation

If referring to the Traffic Act above, it can be seen that the government has data on the existing motor vehicle on the road. It relates to the vehicle tax. Motor vehicles are taxed annually. In addition to the motor vehicle registration also serves to prevent the commission of a crime, because the government has complete data on the types of vehicles as well as the data owner of the motor vehicle. So if the vehicle is stolen or used to commit a crime then the authorities to immediately investigate the crime.

Related to the registration of motor vehicles, today in Ponorogo there are new types of motor vehicles are driven without any prior registration process. The vehicle is a rice mill car. Rice mill car is one form of the development of the rice mill where previously settled somewhere into grinding rice paddy fields around the individual attending. So farmers do not need to bring rice to be grinded, because the car will come to a grinding rice farms and proceed it.

The development of land rice grinding into rice around the automobile became one of the innovations in the world of agriculture mutually between farmers and entrepreneurs facilitate grinding. In addition to facilitated farmers, entrepreneurs grinders do not even need a fixed place for business. So rice mill car is very useful indeed.

However, in some areas, rice mill car opposed by many entrepreneurs who have land rice grinding . Because the farmers prefer to use the services of rice mill car because farmers do not need to bring the rice to the grinder.

By law, this rice mill car that does not have permission for the road because it does not comply with the provisions of Article 64 Paragraph (1) of Law No. 22 of 2009 on Road Traffic and Transportation namely:

"Every motor vehicle shall be registered."

Rice mill car conducts its business activities with the use of the road without a registration process in advance so that the government does not have data on the type and the vehicle owner.

Based on the background that the author had to say, the authors would like to learn more about the implementation of the Traffic Act related to rice mill car without registered, using the method of empirical research is to look at the facts on the ground. There is a phenomena that occurs, the authors raised the title "**Implementation of Article 64 Paragraph (1) of Law No. 22 of 2009 concerning Road Traffic and Transportation for Rice Mill Cars in Distric of Ponorogo**".

B. Legal Issues

Based on the background above, author formulated two problems in this thesis, consist of :

1. How is the implementation of Article 64 paragraph (1) of Law No. 22 of 2009 on Road Traffic and Transportation concerning rice mill car in District of Ponorogo?
2. What are the obstacle in the implementation of Article 64 paragraph (1) of Law No. 22 of 2009 on Road Traffic and Transportation concerning rice mill car in District of Ponorogo and how the solution can be done in the face of these problems?

C. Research Method

Research Approach

This research is an empirical study with a type of juridical, legal research is focused on the rule of law or regulation - regulation that is then connected to the facts on the ground. This study is the type of empirical studies have analyzed the implementation of Article 64 Paragraph 1 of Law Number 22 Year 2009 on Road Traffic and Transportation concerning rice mill car in Ponorogo. While the approach used in this study is a socio-juridical approach that analyzes the problems in the field that is then associated with the theory - the theory that existing law.

Types and Source of Data

1. Primary Legal Materials

Primary data is obtained or empirical data collected directly from the data source, not the result of refined others. The primary data used in this study is the result of the interview and questionnaire at:

- a. Some rice mill car owner in Ponorogo;
- b. Ponorogo Police Department.

2. Secondary Data

Secondary data is data used to support the primary data. Secondary data is supporting data consisting of books and thesis from Faculty of Law Brawijaya University which has been completed, regulations, and articles from the internet.

Population and Sample

1. Population

Population is an object of this research, population is an entity of elements with a form of human or individuals, animals, plants, State organ or State institution, group, documents, phenomenon, or concepts.³ The population in this study is the party - parties or authorities relating to the supervision and licensing of rice mill car, which may include :

- a. Some rice mill car owner in Ponorogo;
- b. Ponorogo Police Department

2. Sample

According to **Kartini**, sample is a representative from one large population, one part from a whole, and the characteristic it represents the whole.⁴ Sample in this journal use quota sampling technique. Quota sampling technique is a technique to take sample from on population by searching certain elements which may have the characteristics willed, in quota sampling technique the author have to determine the amount by quota and in each strata, for further action the author have to determine whom match to be the sample. The representative of this sample is the owner of rice mill car

Data Retrieval Technique

1. Primary data

a. Interview

Data retrieval technique by interview is a way or technique to obtain information or data from respondents with direct interview, the interviewer to interview.⁵ Interview technique is done by giving a few questions that will be answered by the respondents as a description, information, and data to be processed by the author. From interviews with some of the respondents will

³ Jusuf Soewadji, MA, *Pengantar Metode Penelitian*, Mitra Wacana Media, Jakarta, 2012, hlm. 129

⁴ Ibid, hlm. 131.

⁵ Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, Rieneka Cipta, Jakarta, 1988, hlm. 152.

obtain information on how the implementation of Article 64 Paragraph (1) of Law Number 22 Year 2009 on Road Traffic and Transport concerning rice mill car.

b. Observation

The retrieval data by means of the technique observation is seen or observed object is the source of the data. The purpose of this observation is to describe the behavior of data objects.

2. Secondary Data

a. Library Study

The secondary data is retrieved by reading books or journals in the Brawijaya University Library and Law Faculty Center of Documentation.

b. Document Study

This secondary data is retrieved by learning all document or file from internet that related to the title of this thesis, implementation of Article 64 Paragraph (1) of Law Number 22 Year 2009 on Road Traffic and Transport concerning rice mill car.

Analyze Method

Analyze method in this journal is by case study. Case study is a method that is used to study the social acts from one case to another case and it is done by analyzing it comprehensively, the case could form as human, group, community, society, an event, a process, or an entity of social life.⁶

D. Analyze

Implementation of Article 64 Paragraph (1) of Law No. 22 of 2009 concerning Road Traffic and Transportation for Rice Mill Cars in Distric of Ponorogo

Motor vehicle does not like non-motorized vehicles. In a motor vehicle, there are several rules on non-motorized vehicles are not regulated. This is because using a tool such as a motor vehicle engine to propel the vehicle. Machines used also vary according

⁶ Ibid, hlm. 52

to the needs of the vehicle. Types of motor vehicles varies from the size, function, and regulation applicable to the motor vehicle.

In Article 64 paragraph 1 of the seventh section of chapter Vehicles, Law No. 22 Year 2009 on Road Traffic and Transportation, explains the rules of registration and identification of motor vehicles. The article reads:

"Every Motor Vehicles shall be registered"

When we refer to this chapter, then we can understand that every motor vehicle must go through the process of registration or registration in order to be used on the highway. Without the vehicle registration process can be said to violate the rules.

The phenomenon that occurs in Ponorogo is there are many vehicle modifications that is rice mill car. This vehicle is a modified vehicle from the vehicle or minibus existing car into a car that contained rice mill in it. Based on interviews with Head of Road Traffic Division, AKP Imara Utama, usually modified minibus which is already expired, the Certificate of Motor Vehicles and vehicle taxes had no longer valid. Even in unmodified condition, the minibus was also violating the rules when driving on the road. Vehicle registration and taxes should be revived so that the vehicle may be driven again.

Further provisions regarding the registration of car related rice mill car was referring to Article 66. Article reads:

"Motor Vehicle Registration and identification for the first time must meet the following requirements:

- a. Having a test types certificates;
- b. Having books legitimate ownership of motor vehicles; and
- c. Have a physical examination of Motor Vehicles check. "

According to Article 66, every motor vehicle must undergo a type of test that has the type test certificate. Then the motor vehicle must also have a book of legitimate ownership of a motor vehicle, and have a physical examination of motor vehicle checks.

The registration provision of vehicles is unable to proceed because there is no special provisions related to rice mill car. The vehicle should done the test of types to get license so the vehicle can go on the road.

The Obstacle of Implementation of Article 64 Paragraph (1) of Law No. 22 of 2009 concerning Road Traffic and Transportation for Rice Mill Cars in Distric of Ponorogo

1. There is no special provisions related to rice mill car especially in District of Ponorogo

Based on interviews with Ponorogo police chief Adjunct Senior Commissioner Iwan Kurniawan, there are some fundamental things that become obstacles in the implementation of the registration of the rice mill car. The first is the lack of regulations governing more specific about the rice mill cars in Ponorogo.

The provisions in the Act is any motor vehicle required to perform the registration process. The registration process includes data collection as well as the identity of the motor vehicle owner's identity. For motor vehicles have to pass the type test and a physical check of the vehicle. Then the owner of the registration includes the owner's name and residence address of the owner of the motor vehicle.

2. Lack of coordination of the parties

The second obstacle is the lack of coordination between the Police, the Government and Parliament to make special rules governing such PERDA about rice mill car. According to Mr. Police Chief, the Police never coordinated on the matter to the Government and Parliament. However, until now there has been no results. Coordination difficulties occur for several reasons, there are: Density of scheduled activities undertaken by the relevant parties, and The Government and Parliament consider that there are many problem that more urgent than the problem of rice mill car in Ponorogo.

3. Lack of awareness to comply with law

Then the next obstacle is the lack of awareness among business owners rice mill cars to comply with applicable law. With the motor vehicle is not registered, then the vehicle does not have permission to operate on the road. Awareness among business owners is very minimal to obey the rules.

According to the authors, when the Police will crack down on them firmly, then business owners will protest the classic reason is a matter of survival. They argue that businesses rice mill car is the only source of their livelihood. The average business owner is not from among the educated. This causes them to not understand the rules. Awareness to obey the rules is also very minimal. They only think about the survival of the rules without notice.

The Solutions from Obstacles of Implementation of Article 64 Paragraph (1) of Law No. 22 of 2009 concerning Road Traffic and Transportation for Rice Mill Cars in Distric of Ponorogo

1. Makes special rules about rice mill cars in Ponorogo

The one way of solution from the implementation of the settlement efforts of Act No. 22 of 2009, the first is to make special rules governing such PERDA more about rice mill car in Ponorogo.

Each procedure requires a legal framework and procedures to implement them. If the special regulations on this subject does not exist, then for the implementation and enforcement of existing laws has not essentially. To carry out the registration process millers around the car there should be special rules. Because this vehicle is a modified form and function of existing vehicles. To make this special rule, from the business owners around the mills should also be involved. Because this rule will also for them and they have to obey these rules.

2. Improving coordination between Police, Government, and Parliament

Then the second solution is to improve coordination between the police, the government, and the Parliament to make PERDA on rice mill car. Through improved coordination can create a special schedule to discuss this issue. Coordination is needed to smooth the process of making PERDA.

Problems rice mill car is to be considered a matter of urgency by the police, government, and parliament. That way, the process of making PERDA can be done smoothly and each party really think about the solution of this problem.

3. Growing awareness among rice mill car's owner

The third remedy is a growing awareness among business owners around the mills to comply with applicable law. This method can be carried out by the Police and the Government by providing socialization or counseling related to the rules that apply to employers and service users around the rice mill.

Factors increasing number of rice mill car are also affected because rice milling around the service users are more and more. That led to a service provider because they see a bright business opportunity. So the socialization and education is not only given to entrepreneurs around the rice, but also to the users of their services.

4. Close the rice mill workshop before there are special rules about this vehicle

Subsequent efforts to resolve the problem is to close the garage or workshop or crack auto makers rice mill car before there are special rules regarding the vehicle.

Would be a futile thing if only the government and its police concentrated on employers and service users around the rice milling services if the car maker still continued to produce rice mill car freely. This vehicle producer is also one of the causes of the increasing number of cars millers itinerant existence in Ponorogo apart from some other causes that have been discussed in the previous section.

E. Conclusion

1. Implementation of Article 64 Paragraph 1 of Law Number 22 Year 2009 on Road Traffic and Transport concerning rice mill car in Ponorogo is not going well. This Article governs the registration of motor vehicles. Rice mill car circumference is a recent breakthrough in the world of agriculture, namely by modifying existing motor vehicle into a vehicle that has a rice mill in it. These vehicles include motor vehicles. According to Article 64 Paragraph 1, any motor vehicle required to be registered. If the article is referring to the rice mill car also have to go through the registration process so that it has permission to operate on the road. But the facts on the ground, the rice mill car in Ponorogo not through the registration process so it does not have a road license. If the path does not have permission, in other words the rice mill car is operated illegally. Ineffectiveness of the registration process is going on because there are no specific regulation that regulating the rice mill car in Ponorogo. Special rules may include test procedures for this type of vehicle, so the car can operate around the rice mill car on the road and does not violate the rules.
2. There are obstacle and solution in implementation of Article 64 Paragraph 1 of Law Number 22 Year 2009 on Road Traffic and Transport concerning rice mill car in Ponorogo. The obstacle are : There is no special provisions related to rice mill car especially in District of Ponorogo; lack of coordination of the parties; and lack of awareness to comply with law. The Solution are : Makes special rules about rice mill cars in Ponorogo; improving coordination between Police, Government, and Parliament; growing awareness among rice mill car's owner; and close the rice mill workshop before there are special rules about this vehicle.

F. Recommendations

For the Government, the Police and the Council to make regulations on rice mill car, employers should involve to listen to their feedback. Because the rule later is for the owner of rice mill car too. For rice mill car's owner should be compliance with applicable regulations currently before there are special rules related to rice mill car in Ponorogo.