

Implementation of Revocation of Travel Business Permits Due to Not Periodic Testing in Pekanbaru City Based on Law Number 22 Year 2009 concerning Traffic and Transportation Road Transport

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Abstract

In order to ensure the feasibility of passenger or goods vehicles (angkot, buses, trucks) on the road, the government should supervise. The supervision carried out is in the form of periodic tests carried out by the government, especially the ministry of transportation, which is clearly regulated in Law Number 22 of 2009 concerning Junto Road Traffic and Transportation Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 133 of 2015 concerning Periodic Testing of Motorized Vehicles (Permenhub) PBKB). In Article 49 paragraph (1) of Act No. 22 of 2009 it is stated that imported, manufactured and/or assembled Motorized Vehicles, trailers, and patch trains that are imported, manufactured and/or assembled in the country to be operated on the road must be tested. The implementation of the revocation of travel business permits due to not having periodic tests in Pekanbaru City is not implemented properly, there are still many travellers who are not tested regularly and are not given sanctions. The obstacles in implementing the revocation of travel business licenses due to not having periodic tests in Pekanbaru City are due to the low legal awareness of travel owners, lack of testing staff and ability to test and equipment facilities that do not support. Efforts to overcome obstacles in implementing the revocation of travel business licenses due to not having periodic tests in Pekanbaru City are by making policies and proposing additional testing staff and carrying out maintenance of testing facilities and equipment

Keywords: *Revocation of Permit, Travel, Periodically.*

INTRODUCTION

According to Supriadi, one of the areas of life that is being strived to be better is the transportation sector. Humans really need safe, fast, and regular transportation to support the mobility of their lives, both at the local, national and international transportation levels. Humans want train, bus, ship, plane, and other transportation to arrive safely, quickly and regularly and also at an affordable cost (Bahreisy & Hidayat, 2022).

Based on Article 1 point 9 of Regulation of Government No. 55 of 2012 stated:

“Motorized Vehicle Testing is a series of activities to test and/or inspect parts or components of motorized vehicles, trailer trains, and outboard trains in the context of compliance with technical and roadworthy requirements. The technical requirements in question consist of the arrangement, equipment, size, body, technical design of the vehicle according to its designation, loading, use, towing of motorized vehicles; and/or attachment of motorized vehicles”.

In order to ensure the feasibility of passenger or goods vehicles (angkot, buses, trucks) on the road, the government should supervise. The supervision carried out is in the form of periodic tests. Periodic tests carried out by the government, especially the ministry of transportation, are clearly regulated in Act. 22 of 2009 *jo.* Regulation of the Minister of Transportation of the Republic of Indonesia No. 133 of 2015. Article 53 states that periodic tests on vehicles must be carried out for general passenger cars, buses, goods, trailers, and patch trains that are operated on the road. In Article 2, it is explained that the periodic vehicle testing includes activities, physical inspection and testing, as well as validation of test results. The purpose of the policy issued by the government is to minimize the occurrence of accidents and air pollution caused by vehicles that are not feasible on the road.

Based on the provisions of Act No. 22 of 2009, it is mandatory for every motorized vehicle that is operated on the road to be tested. However, given the limitations of existing testing facilities and equipment, the obligation to test is still limited to certain types of motorized vehicles, namely freight cars, buses, special vehicles and public transportation. These types of vehicles are required for inspection and roadworthiness testing of vehicles which are carried out every 6 (six) months.

The problem of traffic order on the highway is a shared responsibility, not only the police but all road users. All road users have an obligation to obey traffic regulations. Things like this at least reduce the high number of accidents on the highway. The importance of holding this motorized vehicle feasibility test service is because there are many cases of road accidents due to damage to vehicle components that do not meet the requirements, which in the end will harm the community. The number of cases, injuries, and deaths due to traffic accidents always increases from year to year.

In addition, in the city of Pekanbaru, there are many cases of the lives of travel transport passengers being lost just because the brakes or tires of the vehicle do not meet the requirements. This is presumably due to the fact that the testing was not closely monitored and almost did not run according to the mechanism, besides that there were still vehicles that did not carry out a motorized vehicle feasibility test. Therefore, it is hoped that the test officer will be more selective in issuing a certificate of passing the test. In this way, public

transportation which is considered to be lacking in the safety element cannot operate on the road. Because so far there are still many public transportations that are still operating, even though it looks less safe for passengers or other road users. Should public transport operate, there are no more dead turn signals or slippery tires, so road safety is not guaranteed.

Leaving the obligation to perform periodic tests may be penalized. This has been written in Article 76 paragraph (1) in Act No. 22 of 2009 states that anyone who violates the provisions of the periodic test or periodic test is subject to administrative sanctions in the form of:

1. Written warning.
2. Payment of fines.
3. License suspension.
4. License revocation.

The Regulation of the Minister of Transportation of the Republic of Indonesia No. 46 of 2014 contains a form of regulation for the application of administrative sanctions because it contains provisions relating to the object of violation and the subject of the imposition of administrative sanctions and procedures for the application of administrative sanctions. The objects of violation in this regulation are violations of permits for the operation of people's transportation and violations of business development requirements. The subjects of the imposition of administrative sanctions are public transportation companies and application companies in the field of land transportation, while the subjects who are authorized to impose administrative sanctions are the director general, head of agency, governor, regent/mayor in accordance with their respective authorities. The procedure for applying administrative sanctions to violators begins with giving written warning sanctions 2 times after 30 days, an administrative fine will be imposed. And after 30 days later, a license revocation sanction can be imposed in the form of revocation of the supervision card. Facts on the ground show that there are still many travellers who do not carry out due diligence every year, that from 2018 to 2021 there are many travelers who do not apply for periodic tests in Pekanbaru City, there are around 11,955 units of vehicles that do not carry out periodic tests. For active vehicle tests from 2018 to 2021, there are 3,761 vehicles/travel units that are actively conducting vehicle tests. A total of 8,305 vehicles that are not active carry out periodic tests.

RESEARCH METHOD

A study cannot be said to be research if it does not have a research method because the purpose of research is to reveal a truth in a systematic, methodological and consistent manner (Lubis, 2022). This type of research is Sociological legal research, namely research that discusses the application of positive law (Soerjono Soekanto, 2014). Whereas sociological legal research can be in the form of research that wants to see the correlation between law and society. According to the type and nature of the research, the data sources used in this paper are secondary data consisting of primary legal materials in the form of; laws and regulations that have training with the theme of the discussion. The secondary legal materials in this research consist of books, scientific journals, scientific papers and articles that can provide an

explanation of the primary legal materials. While tertiary legal materials in Kamus Besar Bahasa Indonesia and so on in finding definitions of terms in discussing research (Ramadhani & Ramlan, 2019).

Based on the explanation above, it is expected to be able to reveal the effectiveness of the enactment of law in society and be able to identify unwritten laws that apply to society. The research was conducted by identifying the law How to implement the revocation of a travel business license due to not having periodic tests in Pekanbaru City, how are the obstacles in implementing the revocation of a travel business license due to not having periodic tests in Pekanbaru City and how to overcome obstacles in implementing the revocation of a travel business license due to not periodic test in Pekanbaru City. Research that uses a qualitative approach will produce descriptive data about observed behavior in its entirety through case discussions and analyzing legislation.

DISCUSS AND ANALYSIS

Implementation of Revocation of Travel Business Permit Due to Not Periodic Testing in Pekanbaru City

Act No. 22 of 2009 became the initial legal basis for the necessity to test motorized vehicles for roadworthiness. Act No. 22 of 2009 requires parameters that must be tested so that the vehicle is declared roadworthy. The purpose of providing periodic motor vehicle testing services (PBKB) is to provide technical safety guarantees for motorized vehicle users, preserve the environment from possible pollution caused by motorized vehicle users on the road, provide assurance that motorized vehicles operated on the road have met the technical requirements and are feasible. road so that land transportation can be created that is in accordance with the feasibility of being on the road and also so that land transportation customers feel safe, comfortable, fast/smooth, and orderly/regular so that they have more confidence in the transportation facilities used. The importance of transportation is reflected in the increasing need for services for the mobility of people and goods throughout the region. In addition, transportation plays a role as a supporter, driver and driver for regional growth in an effort to increase and equalize development and its results (the Head of UPT Motor Vehicle Testing Pekanbaru City, personal communication, 2022).

Motor vehicle periodic test program currently being developed in Pekanbaru City is a comprehensive motor vehicle periodic test (emissions and roadworthiness) and its implementation is in accordance with the applicable laws and regulations at the Provincial Government Transportation Service. The implementation of the motor vehicle periodic test in Pekanbaru Regency has often received sharp criticism from various circles of society, considering the experience of the current Regional Government's experience of the Motor Vehicle Periodic Test. The reality that occurs in the implementation of the Periodic Test of Motorized Vehicles, public transport and goods is currently prone to irregularities. Even further, vehicles that will be tested periodically can temporarily rent vehicle equipment such as rear-view mirrors and tires that are not bald, just to fulfill the test process. After the

periodic testing process is completed, the rented items are returned. Periodic testing should be done strictly, not just a formality.

Supervision of the feasibility test does not mean that the vehicle must be tested as often as possible, but that the feasibility test is carried out routinely according to applicable procedures. Vehicle testing aims to reduce the number of accidents caused by the feasibility of motorized vehicles that do not pass the test. The concept of the motor vehicle testing program has two aspects, namely: (the Head of the UPT Head of Motor Vehicle Testing for Pekanbaru City, personal communication, 2022)

1. Aspects of safety (safety)
2. Aspects of pollution (pollution)

The safety aspect concerns the vehicle's worthiness on the highway, while the pollution aspect is related to the level of motor vehicle emissions. In the motor vehicle maintenance program to ensure roadworthiness and the level of emission it produces, there is a testing component commonly known as the periodic motor vehicle test (or in everyday language called "keur") carried out by the Regional Government c.q. Department of Transportation. The Department of Transportation, Information and Communication of the city of Pekanbaru places transportation and information as part of the non-negotiable needs of the community. Public awareness of their rights and obligations to obtain various types of services, including in the field of transportation, information and communication is a big challenge and responsibility for the Department of Transportation, Information and Communication in creating openness and convenience in the transportation sector and easy access to various information through existing media.

If you look at the facts on the road related to the physical condition of most of the passenger transport (travel) and freight transport, it is far from feasible. Often encountered passenger transport that breaks down on the side of the road so that it interferes with driving comfort. This kind of situation will be a problem. All motorized vehicles before being operated for public transportation must be inspected by a testing officer. The officers authorized to carry out the testing are those who have attended the education and training (DIKLAT) for Motor Vehicle Testing. Motorized vehicle testers who violate the duties of testing will be subject to sanctions. Violations are classified into: (Sunarko MT, personal communication, 2022)

1. Serious violations will be subject to sanctions for the revocation of the competency decision letter, competency certificate, and competency qualification mark for motor vehicle testing
2. Moderate violation is subject to suspension from the task of testing for a minimum of 3 (three) months or a maximum of 1 (one) year since the decision on sanctions is imposed
3. Minor violations will be penalized with a written warning.

Barriers to the Implementation of Revocation of Travel Business Permits Due to Not Periodic Testing in Pekanbaru City

Periodic tests on motorized vehicles aim to regulate the condition of the vehicle as it should be, however the success of this program will greatly depend on the apparatus that implements it and the system used and its supporting equipment. Based on the results of the study, there are obstacles in the implementation of vehicle testing, namely as follows:

1. Low legal awareness of travel owners

In the implementation of the periodic test of motorized vehicles in Pekanbaru City, there are many travel owners who do not comply with the rules and just carry out testing without paying attention to passenger safety. This is because the vehicle that will be tested periodically can temporarily rent vehicle equipment such as rear-view mirrors and tires that are not bald, just to fulfill the test process. After the periodic testing process is completed, the rented items are returned.

2. Lack of examiner and testing ability

Motor vehicle testing is carried out at the Motor Vehicle Testing Unit and the inspection is carried out by testers who meet the requirements set by the government. For vehicles that meet the eligibility will be approved by the appointed official will be given a test mark. The target of motor vehicle testing includes checking, testing, experimenting and research activities directed at each motorized vehicle being obliged to test as a whole on the functional parts of the vehicle in the component system and its technical dimensions both on the basis of objective technical requirements.

Motorized Vehicle Testing as referred to Article 121 of Government Regulation No. 55 of 2012:

- a. Accurate testing infrastructure and equipment, test systems and procedures, and test administration management information systems; and
- b. Examiners who have a certificate of competency in motor vehicle testing.

The lack of human resources who have the authority to carry out tests, especially the validation of test results and the signing of test books can hinder the continuity and smoothness of motor vehicle testing, which results in weak services to the community. The lack of human resources who have the authority to carry out tests, especially the validation of test results and the signing of test books can hinder the continuity and smoothness of motor vehicle testing, which has an impact on weak services to the community (Sunarko, MT, personal communication, 2022).

3. Unsupported Facilities and Equipment

Facilities and equipment for periodic testing of motorized vehicles are important in supporting and carrying out periodic testing of mandatory test vehicles. However, in its implementation there are obstacles, these obstacles are the incomplete facilities or equipment for testing motor vehicles which have resulted in the implementation of motor vehicle testing in Pekanbaru City not being maximized. Government Regulation of the Republic of Indonesia No. 55 of 2002, testing equipment must be maintained and calibrated periodically.

Letter of the Director General of Land Relations no. A.1080.UM. 107/2/19 dated October 31, 1991. Testing facilities, which include buildings and buildings, have been in accordance with the Letter of the Director General of Hubdat No. A 1080.UM. 107/2/19 dated October 31, 1991 must ensure the accuracy and accuracy of the test results.

Efforts to Overcome Barriers to the Implementation of Revocation of Travel Business Permits Due to Not Periodic Testing in Pekanbaru City

1. Improve oversight

The proper way to conduct supervision and research on the fulfillment of the technical requirements of motorized vehicles operated on the road is carried out in 2 (two) ways, namely: first, through the obligation to carry out periodic testing of motorized vehicles, and secondly, carry out inspections (retesting) of motorized vehicles on the road. road or what is known as a roadworthiness pick test. The Pekanbaru City Transportation Service must optimize motor vehicle testing services. The existence of this motorized vehicle testing service is felt to be quite important as an aspect that must be carried out in the order of government administration in the field of land transportation transportation, therefore the Department of Transportation is required to always provide good service to motorized vehicle users so that they are willing to carry out vehicle feasibility tests. Service to the community requires a good public service performance in order to create a goal, namely the satisfaction of users of motorized vehicle testing services (Sunarko, MT, personal communication, 2022).

Supervision is a matter that cannot be separated from legal elements, so supervision may be interpreted as an activity to obtain certainty whether an implementation of the work/activity is carried out in accordance with the plans, rules and objectives set. Technical supervision can be carried out in two ways, namely: (the Head of the Head of the Pekanbaru City Motor Vehicle Testing Unit, personal communication, 2022).

a. Preventive surveillance, and

b. Repressive surveillance

Based on the results of interviews regarding the supervision of motorized vehicles or goods transport operated on the highway, in its performance the Department of Transportation, Communication and Information, the Office of Traffic Control and Road Transport, carries out the 2 methods of supervision. In preventive supervision, the communication and informatics department of the office of traffic control and road transportation conducts supervision by testing the type of goods transport vehicle that will be used by the freight forwarder in its business activities in the field of transporting goods. traffic controllers and road transportation examine all parts of the vehicle to be used for the transportation of goods, starting from the specifications of the vehicle, type of vehicle, vehicle designation, vehicle completeness, vehicle physical testing or research on the design and engineering of motorized vehicles, trailers or trailers before the vehicle The motorized vehicle is made and/or mass-assembled as well as modified motorized vehicles, all of which must be checked and recorded by the Department of Transportation, Communication and Information, Traffic Control and Road Transport Office, and which will be used later to issue a type test registration certificate for the vehicle.

In the repressive supervision of the Department of Transportation, Communication and Information, the office of traffic control and road transportation carries out supervision by conducting routine inspections of periodic tests every 6 (six) months and weighing the weight of goods transport through weighbridges located at every outermost point of the region or city. because by weighing the weight of the transportation of goods through the weighbridge, the office of transportation, communication and informatics, the office of traffic control and road transportation, can find out between what should be a requirement in the airworthiness of a vehicle, namely regarding the requirements for the suitability of the engine power to the weight of the vehicle with what is happening in the field, what are the requirements? are fulfilled or not, so that there can be a place for checking and monitoring between regulations and the reality that occurs in the field.

2. Making policies and proposing additional examiners

Efforts are made to overcome the problem regarding the lack of testers who have the authority, especially in ratifying/signing the test book, if the test book signing is unable to do so is to issue a certificate explaining that the vehicle is in the process of being tested. Another effort made is to propose examiners who have the competence and authority to ratify and sign a motorized vehicle test book (the Head of UPT Motor Vehicle Testing Pekanbaru City, personal communication, 2022).

3. Performing maintenance of testing facilities and equipment

Maintenance of testing facilities and equipment is a series of activities carried out by the Pekanbaru City Transportation Service in caring for and maintaining testing equipment. The maintenance is carried out continuously so that the tools are not damaged quickly. Care and maintenance is carried out by checking the machines and cleaning according to the completeness of the testing equipment (Interview with the Secretary of the Pekanbaru City Transportation Service, Mr. Sunarko, MT). Maintenance of testing facilities and equipment is something that must be done because considering the large amount of funds that must be spent to buy testing equipment if the equipment is damaged. The damage to the testing equipment is certainly an obstacle in checking the roadworthiness of the vehicle.

CLOSURE

Conclusion

The implementation of the revocation of travel business permits due to not having periodic tests in Pekanbaru City is not implemented properly, there are still many travellers who are not tested regularly and are not given sanctions. The obstacles in implementing the revocation of travel business licenses due to not having periodic tests in Pekanbaru City are due to the low legal awareness of travel owners, lack of testing staff and ability to test and equipment facilities that do not support. Efforts to overcome obstacles in implementing the revocation of travel business licenses due to not having periodic tests in Pekanbaru City are by making policies and proposing additional testing staff and carrying out maintenance on testing facilities and equipment.

Suggestion

It is recommended to the Pekanbaru City Transportation Service and related stakeholders that in the supervision process they must adhere to the specified standards and have clear sanctions so that illegal travelers are discouraged and do not repeat their mistakes, especially in periodic testing of their vehicles. Socialization must be leveled regarding the rules governing public transportation for travel drivers and travel companies so that they have awareness and rule of law, especially in conducting periodic tests. To carry out surveillance in the field, it must be carried out as often as possible so as to reduce stray travel, and then the monitoring points are expanded both on big roads and rat walks. It is necessary to increase the ability of human resources and increase cooperation between employees so that the implementation of tasks can be directed and coordinated optimally so that it runs well.

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