



Legal protection against licence plate businesses that produce licence plates for stolen vehicles

Dewa Satria Utama^{a*}, HR Adianto Mardijono^b

**Corresponding author email: dewasatria601@gmail.com*

Article History

Manuscript submitted:

19 mey 2024

Manuscript revised:

20 Juny 2024

Accepted for publication:

27 Juny 2024

Keywords

Legal protection, business people, number plate

Abstract

Vehicle license plate numbers include a unique identity that distinguishes one vehicle from another. Many modify vehicle license plates because of their ordinary shape, because of the large number of enthusiasts in modifying vehicle license plates, the roadside vehicle license plate service business is open, the negative side is to create new ideas for vehicle theft criminals to make fake plates at roadside vehicle license plate service entrepreneurs to replace the original license plates from the car they are stealing, But the owner of the vehicle license plate did not know that it was the result of theft. The actions of the perpetrators of making vehicle license plates on the roadside are categorized as criminal acts in articles 55 and 56 of the Criminal Code are considered to have participated in running. Therefore, legal protection is needed for vehicle license plate service entrepreneurs who make vehicle license plates do not know that the vehicle is the result of theft. The purpose of this study is to find out how legal protection for vehicle license plate service entrepreneurs accused of being plotters of vehicle theft, this study uses normative methods.

International Journal of Social Sciences and Humanities © 2024.

*This is an open access article under the CC BY-NC-ND license
(<https://creativecommons.org/licenses/by-nc-nd/4.0/>)*

Contents

Abstract	69
1 Introduction	70
2 Materials and Methods	71
3 Results and Discussions	71
4 Conclusion	73
References	73

^a Departement of Law, University 17 Agustus 1945, Surabaya, Indonesia

^b Departement of Law, University 17 Agustus 1945, Surabaya, Indonesia

Introduction

In the current era of globalization, the needs of human life are increasing. This requires people to struggle to meet their daily needs, one of which is by buying and selling the goods or services they need. Not a few people also take this opportunity to become business people with the intention of making a profit from goods/services sold to consumers. The need for protection for consumers is due to the unequal position between consumers and business people. (Adi et al., 2023).

Vehicle is a means of transportation used to deliver people / goods from one point to several other points. Examples of man-made vehicles that become frequent as transportation are such as cars, bicycles, buses, trucks, trains, boats, planes. And there is also a transportation that is not man-made, such as camels, horses, elephants and many other animals. But as time goes by, people prefer man-made transportation which is certainly faster and more efficient. When viewed from existing regulations in Indonesia, motorized vehicles must/must use vehicle license plates whose function is the identity of the vehicle itself, the plates are made of square-shaped aluminum that extends sideways (Tania, 2022).

The vehicle license plate registration system in Indonesia, which specifically dates back to the Dutch colonial period in the Indies, is regulated based on the division of administrative regions called residencies. Although it has been so long since the system was introduced, its existence still survives and is used today. Motor vehicle license plates precisely in Indonesia have dimensions of 250x105 mm for 2-wheeled vehicles or for 3-wheeled vehicles and for 4-wheeled vehicles or vehicles that have 4-wheeled vehicles have more different dimensions of 395x135 mm made using aluminum. Then there are several colors of vehicle license plates, namely there are red, white, black, yellow, and usually there are logos of the Police or Air Force, Indonesian Army, Navy to distinguish under the vehicle is private, government, public transportation, has the Police, has the Army and many others and in the left corner / right corner Generally, the Police emblem is often used as a sign of ownership and copyright on vehicle license plates. (Masdiyasa et al., 2019).

In human life there are often misunderstandings that have a lot of hustle and bustle, humans usually compete to be the best in order to be appreciated by others but humans forget if there are rules that we must obey To prevent violations of the law and conflicts that have the potential to trigger disputes and harmful behavior of others, it is important for the public to understand and pay attention to the laws in force in Indonesia to avoid the consequences of lack of knowledge as well as attention to it. The rapid pace of technology and information on the internet makes people see modifications to vehicle license plates of various models. From here came a sense of public dissatisfaction with the original plate that could be from samsat because the plate was ordinary and not cool, then creative ideas emerged from a person who had a motorcycle that matched his will which he imagined both in terms of functionality and in terms of aesthetics, namely by modifying the license plate of the vehicle. Modification of vehicle license plates includes changing the size / model to vehicles such as cars or motorcycles that make the condition of the license plate not in accordance with the original or different that he can get from samsat.

Then there are some people who have a hobby like to modify vehicle license plates, generally people modify vehicle license plates to support the appearance of their vehicles to make them look cool according to him (people who have vehicles) or to look different in public. Modifying motor vehicle license plates does have two sides of view, namely the positive view side and the negative view side. The positive side is that modifiers are free to think of creative ideas in realizing vehicle license plates that are coveted by themselves or consumers who want to buy modified plates of their work, and vice versa there is also a negative side of views that modifiers do not understand various legal norms and do not see applicable legal rules. The result of the modification of the vehicle license plate is indeed a satisfaction for the owner, but it is very unfortunate because the modified results do not obey the norms and rules of the law and often result in violating existing laws.

The crime of counterfeiting illegal TNKB confirms that as society and individual thinking develop to become increasingly brutal, the potential for the emergence of "crime innovation" becomes greater. However, it is not only human creativity that drives the creation of new crimes, but also the lack of public understanding of the applicable laws. This is due to the existence of clear regulations related to TNKB in Law No.22 of 2009 concerning Traffic and Road Transportation, as well as the regulation of the Chief of Police No.5 of 2012 concerning Registration and Identification of Motor Vehicles, which in detail regulates the procedure for making TNKB (Pramesti & Suardana, 2020).

It seems that people underestimate the importance of the authenticity of motor vehicle license plates, there are even other laws that regulate TNKB, including Law No. 22 of 2009 concerning traffic and road transportation. This is documented in article 68 which refers to Government Regulation Number 44 of 1993 concerning vehicles and their drivers (Ayu et al., 2022).

TNKB, which was officially launched by the local samsat, has its own good goals for the community, namely, among others, to ensure the security of motor vehicle ownership and make it easier to monitor / trace if there are vehicles related to criminal cases. However, in reality, there are still many people who use unofficial TNKB that is not in accordance with the rules or standards of the local samsat, many people make more plates to TNKB manufacturing services or usually called number plates on the roadside for the reason that the TNKB user community is like, the TNKB is lost and lazy to take care of it to samsat because it is quite complicated and takes a long time to take care of the requirements for a loss letter from the police and miscellaneous (Alydrus et al., 2020).

Many people open unofficial vehicle license plate manufacturing services because they need to make a daily living. This happens because of the lack of job opportunities available, so such businesses appear without being properly regulated. The demand for this kind of service is also high because many vehicle license plates are damaged, lost, or want to be modified according to customer wishes. Most people are reluctant to take care of it through official institutions because the process is slow and complicated. They prefer to find quick solutions by utilizing existing services. In addition, there are also those who choose modified license plates because they can no longer use official plates that have expired or change the letter model they like because the original samsat vehicle license plates are not to their liking because they tend to be ordinary.

And there are also many roadside license plate maker service actors if making a motor vehicle license plate must include STNK (Vehicle Number Registration Letter) / BPKB (Motor Vehicle Owner Book) but not a few roadside license plate manufacturing service business actors who accept vehicle plate orders without STNK (Vehicle Number Certificate) / BPKB (Motor Vehicle Owner Book) these license plate service business actors who can arouse the desire of the perpetrators curanmor (motor vehicle theft) to replace the stolen motorcycle license plate with the license plate he wants himself. But the roadside license plate maker also does not know if the motorbike / car is the result of theft, he only receives orders for vehicle license plates that the customer wants and most importantly he gets wages from making the license plates to support his family.

Therefore, clear legal protection is needed for vehicle license plate business actors who only want to seek fortune and have no intention of helping thieves / become accomplices even once. This protection must be considered if they only want to survive by opening a business service that produces vehicle license plates and there is no other purpose such as conspiring with thieves to get easy money. This legal protection must provide a sense of security and comfort so that business actors can report if there are indications of stolen goods instead of being accused of conspiring with thieves.

Materials and Methods

The study adopts normative legal research methods, which basically involve collecting as well as critical analysis of legal literature. In this context, normative legal studies can be understood as an attempt to examine various existing legal documents, both in the form of laws and applicable norms, to understand the principles and legal rules contained therein. This approach is often referred to as doctrinal studies, where law is seen as an entity represented by written texts in laws and regulations, or as a set of norms that govern human behavior in everyday life.

According to Peter Mahmud Marzuki's view, normative legal studies include a process of discovery and development of legal rules, legal principles, and legal doctrines, which have the aim of providing answers to legal problems that arise in certain contexts (Marzuki, 2002).

Results and Discussions

Legal protection for vehicle license plate entrepreneurs who feel aggrieved because they are accused of participating in the vehicle theft process with the vehicle theft gang. Legal protection includes a form of protection provided to individuals who feel their human rights have been violated by other parties. The purpose of this protection is to ensure that all members of society can enjoy the rights guaranteed by law. In other words,

legal protection includes all efforts carried out by law enforcement agencies to ensure the safety and well-being both mentally and physically from all forms of interference or threats that may come from various parties.

Vehicle license plate number is a characteristic attached to a vehicle. Each license plate number has a unique sequence of numbers as well as letters that are exclusively associated with a particular vehicle, allowing clear identification of that vehicle. The ability to automatically recognize license plate numbers has opened the door to wide applications in various sectors, such as traffic law enforcement, efficient parking management, tracking of lost or stolen vehicles, and a wide array of other uses (Study et al., n.d.).

The National Police of the Republic of Indonesia is responsible for law enforcement against violations of counterfeiting TNKB plates. They have the authority to carry out enforcement on the road regarding the authenticity of motor vehicle plates. In accordance with Article 24 paragraph (3) letter d of Government Regulation Number 80 of 2012, using motorized vehicles without valid license plates, in accordance with official TNKB documents, including criminal acts regulated in the Road Traffic and Transport Law. Law enforcement procedures for these violations are carried out by issuing tickets (Resort et al., 2009).

The content of Law No. 22 of 2009 which regulates traffic states that traffic includes the movement of vehicles and individuals on the road. The law stipulates that all vehicles, including those moving with or without motors, must comply with various requirements set for safe driving. These requirements include official documents, driver readiness and vehicle condition. This is important so that motorists can take responsibility for their behavior on the road. One way to meet this requirement is to ensure the completeness of vehicle documents such as letters and motor vehicle license plates (Government of Indonesia, 2009).

However, the TNKB plate installation process has not been implemented effectively. Law enforcement against violations of unauthorized TNKB installation is still less than optimal, although it is equipped with the threat of criminal sanctions and fines in accordance with Article 280 of Law No. 22 of 2009 concerning Road Traffic and Transportation. The article expressly states that the violation can be subject to criminal sanctions and fines, which reads: "Every person who drives a Motor Vehicle on a Road that is not installed with TNKB determined by the National Police of the Republic of Indonesia as referred to in article 68 paragraph (1) shall be punished with a maximum imprisonment of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand Rupiah)." A person who drives a motor vehicle without a valid TNKB plate may be subject to criminal sanctions in accordance with the provisions contained in article 280 of Law No. 22 of 2009 concerning Road Traffic and Transportation. Based on Article 39 paragraph 5 of the Regulation of the Chief of the National Police of the Republic of Indonesia (Perkapolri) No 5 of 2012, the use of TNKB that is not issued by the National Police Corps is considered invalid and invalid. Therefore, drivers who use such TNKB can also be subject to the same sanctions (Abrahamsz, 2023).

Entrepreneurs who provide vehicle license plate manufacturing services get support from some people who need these services. This support resulted in an increase in vehicle license plate sales, due to demand from consumers. However, unofficial sales of vehicle license plates also occur because of the opportunities that exist for both sellers and buyers. Sellers have the opportunity to earn additional income for living needs, while buyers can get attractive license plates, especially because of the demand from students who want license plates that are durable and not easily damaged. In addition, consumers also expect their license plates to have a better appearance, so they often ask license plate makers to change the date of their vehicle license plates when they expire.

Over time, this vehicle license plate service entrepreneur is used as a mode by perpetrators of motor vehicle theft crimes because they can request the size, number, or letter model desired by the perpetrator of the crime. And it's good if you order a vehicle license plate, you don't need to use TNKB so that criminals can freely make vehicle license plates from theft. A vehicle license plate service entrepreneur who only accepts orders from an unknown person if the vehicle is the result of theft, In the legal context, if we consider the legal position of the owner of a company that provides vehicle license plate installation services, it can be concluded that Article 55 and Article 56 of the Criminal Code (KUHP) state that "inclusion" refers to a situation where more than one individual is involved in a criminal acts or crimes. Although participation in a criminal act occurs when several or more individuals are involved, not all individuals involved in the crime can be considered a convictable participant. This is because they must meet the criteria set out in article 55 and article 56 of the Criminal Code as the main perpetrator (pleger), participate (medepleger), give orders (doenpleger), instigator (uitlokker), or assist (medeplichtige) in carrying out the crime (Criminal & Criminal Code, 2017).

Article 1 Paragraph (3) of the 1945 Constitution confirms that the Indonesian state stands on the basis of law. This principle implies that in all actions carried out, the Indonesian state must comply and be responsible in accordance with applicable law. Law becomes the main foundation in regulating people's behavior. However, if people do not understand or are not aware of the existence of the law, then violations of the law can arise. In situations where a person breaks the law without knowledge, understanding, or awareness of the law, the principle of legal fiction is applied. Legal fiction, which includes legal concepts, refers to legal constructions or assumptions of situations in which individuals have no knowledge or understanding of the applicable law. Van Apeldoorn states that fiction is when we accept something that is not true as truth, or in other words, we regard what does not exist as existing, and that which exists as not existing. The concept of legal fiction states that if everyone is presumed to know the laws, it is based on the belief that humans have interests throughout life. This concept is reflected in various levels of regulation in Indonesia, as stipulated in article 81 of Law No. 12 of 2011 concerning the Establishment of Laws and Regulations, which emphasizes the need for the publication of laws to be accessible to everyone.

1. Official documents from the government of the Republic of Indonesia;
2. Official additions in government documents of the Republic of Indonesia;
3. Official information from the government of the Republic of Indonesia;
4. Addition of official information from the government of the Republic of Indonesia;
5. Official documents from the region;
6. Official additions in regional documents; or
7. Official information from the region.

With the promulgation of laws and regulations in the official gazette in accordance with this provision, every individual is considered to have understood it. The theory of legal fiction states that when a legal norm is enacted, then everyone is considered to know it at that time. A person's lack of knowledge of the law will not be a reason to absolve him of legal responsibility if he violates rules unknown to him. Many feel that this principle is unfair and suggest replacing it with a more just fictional principle of Islamic law, in which people who do not know, are forced, forgotten, or are not punished. How could a person be punished for breaking a rule he didn't know? Supposedly, laws and regulations reflect people's lives that need to be regulated. Law as social engineering is inseparable from the discussion of its relationship with society as a stakeholder of legal existence. The law made plays a role as social control (H. R. Adianto et al., 2023).

In this study focused on legal protection for roadside license plate entrepreneurs that they do not know anything if the license plate of the motorcycle / car that is done is the result of theft, they are just looking for fortune for their family. Because there are not enough jobs to meet their daily needs, the purpose of legal protection expected from regulation should be integrated in a mechanism that strengthens the principles of justice itself. The law needs to ensure that regulations do not become empty documents, but must ensure that their implementation can be carried out effectively and fairly for all parties involved (Research et al., n.d.).

Conclusion

Legal protection for roadside license plate manufacturing service entrepreneurs must be immediately acted upon because the actions of vehicle license plate manufacturing service entrepreneurs do not know about theft and lack of knowledge about the law that they know is about making money, how they get the extra money for daily needs and vehicle license plate business actors who are suspected of conspiring with vehicle thieves, Although there is no collusion between license plate makers and thieves, it is important to hold counseling or seminars by law enforcement authorities to the public. This has the intention that the public clearly understand the regulations and sanctions that have been set by law. It is hoped that with this good understanding, the community will be more careful in fulfilling their obligations so that law enforcement can run more smoothly and effectively.

References

- Abrahamsz, P. J. (2023). Legal aspects of vehicle number certificates whose taxes have expired when inspected by the traffic police. *PATTIMURA Legal Journal*, 2(2), 188–206. <https://doi.org/10.47268/pela.v2i2.10635>

- Alydrus, S. M. Z., Suhadi, & Ratna, L. (2020). Legal Protection of Consumers PT. PLN (Persero) Balikpapan related to a power outage. *Journal of Lex Suprema*, 2(1), 362–377.
- Ayu, I. G., Adinda, S., Julia, K., Studi, P., Law, I., National, U. P., Denpasar, K., & Bali, P. (2022). Violent Theft in the View of Criminology. *Journal of Civics* \, 6(3), 5134–5142.
- H. R. Adianto, S., Harifa, N., & Law, F. (2023). *The impact of fashion shows that use zebra crossing*. 3(2), 1014–1026. <https://doi.org/10.53363/bureau.v3i2.242>
- Marzuki, P. M. (2002). *THEORETICAL CONCEPTION OF NORMATIVE LEGAL RESEARCH*. 211–248.
- Masdiyasa, I. G. S., Bhirawa, S., & Winardi, S. (2019). *IDENTIFY MOTOR VEHICLE LICENSE PLATES USING ANDROID-BASED MULTI-STEP IMAGE PROCESSING METHODS*. V.
- Government of Indonesia. (2009). Law of the Republic of Indonesia No. 22 concerning Road Traffic and Transportation. In *Law of the Republic of Indonesia No.22 of 2009* (Vol. 2, Issue 5, p. 255).
- Research, J., Jure, H. De, & Dec, S. (n.d.). *Criticising Enactment Of Law Fiction Theory*.
- Criminal, T., & Criminal Code, M. (2017). *JURIDICAL REVIEW OF PARTICIPATION IN CRIMINAL ACTS ACCORDING TO THE CRIMINAL CODE*. VI(6), 31–37.
- Pramesti, K. A. D. W., & Suardana, I. W. (2020). Factors Causing and Efforts to Overcome Motor Vehicle Theft (Curanmor) in Denpasar City. *Kertha Speech: Journal of Legal Science*, 9(2), 1–16.
- Resort, P., Pekanbaru, K., & Road, A. (2009). *CRIMINAL LAW ENFORCEMENT AGAINST FORGERY OF POLICE LICENSE PLATES ON INSPECTION OF TRAFFIC VEHICLES ON THE HIGHWAY BY THE PEKANBARU CITY RESORT POLICE TRAFFIC UNIT BASED ON LAW NUMBER 22 OF 2009 CONCERNING TRAFFIC AND ROAD TRANSPORTATION*. III(22), 1–15.
- Studies, P., Informatics, T., Information, F. T., Tarumanagara, U., Lt. Gen., J., & No, S. P. (n.d.). *RCNN and CNN*. 3–5.
- Tania, N. (2022). The effect of the number of motor vehicles and vehicles not re-registering on motor vehicle tax revenue. *Journal of Proaksi*, 9(4), 391–403. <https://doi.org/10.32534/jpk.v9i4.3413>