

JURIDICAL REVIEW OF CIVILIANS WEARING RFS CAR PLATES REVIEWED BY LAW NUMBER 22 YEARS 2009 ON TRAFFIC AND ROAD TRANSPORT

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ABSTRACT

This study aims to find out and analyze the regulations regarding the manufacture of "RFS" license plates on vehicles. As well as knowing and analyzing the legal consequences arising from making license plates on the roadside. This research belongs to the normative type of research. So it can be known that civil society using RFS car plates is a special license plate code ending in 'RFS' which is only given to certain circles and is not commonly used in the general public. The use of special license plate codes is regulated in the Regulation of the Chief of Police No. 3 of 2012 concerning the Issuance of Recommendations for Motor Vehicle Number Letters (STNK) and Special and Secret Motor Vehicle Number Signs (TNKB) for Official Motor Vehicles.

Keywords: *Juridical Review, Wearing RFS Plates, Traffic*

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INTRODUCTION

The development of Indonesia, which is a state of law, makes the influence of law always present in every aspect of its life. The concept of the rule of law adopted by Indonesia is in line with one of the legal concepts, namely welfare. This is affirmed in the preamble to the 1945 Constitution, especially in paragraph IV there is the phrase "welfare" which is one of the objectives of the state. The purpose of this state is the foundation and guide in the administration of the state, including in formulating rules for the community.

The role of the state in realizing the country's goals has the consequence that Indonesia must not only make the law as a basis for the administration of life in various aspects of nation and state. It is fundamentally stipulated in the constitution while still making the welfare of the people a top priority in all forms of state activities. It should be realized that in essence the law must be lived as an effort to protect the public interest, not one individual (Lukman Santoso, 2016).

Legal norms are the basis of all aspects of people's lives in Indonesia. One of them is the rule of law regarding motor vehicle ownership. The rapid development of technology and people's need for transportation means of transportation make more people choose to use private vehicles.

The sign of ownership of a private vehicle that is valid to use is the presence of a vehicle number certificate or STNK containing complete data from the vehicle owned and then marked with a motor vehicle number sign attached to the vehicle in accordance with applicable laws and regulations.

This motor vehicle number sign is commonly known by the public as a license plate. This plate contains a number that serves as a registration and identification mark of the vehicle

concerned, the function of its installation on the motor vehicle is as a form of legitimacy for the operation of the motor vehicle issued by the police.

Generally, aluminum-based plates with molds consist of two rows. The Regional Code is in the form of letters, located on the first line, while the second line contains the month and year of the vehicle's validity period (TODINGAN, n.d.) .

In April 2011 the National Police Headquarters Corps changed the design of the vehicle plate. The dimensions of the plate are added 5 cm in length from the previous size. The revision of the form was done because of the addition of the last letter as the area code behind it.

The current official form has a white line around the plate but there is no white line barrier between the number and the year of validity of the plate (PURBA, n.d.) . With the addition of 5 cm to the size of the license plate, the size for two- and three-wheeled vehicle license plates becomes 275 x 110 mm, while for four-wheeled vehicles it becomes 430 x 135 mm. 4 Security masks or special marks found on license plates in the form of Traffic Police emblem prints in the upper right corner and lower left corner, special printed marks "Korlantas Polri" can also be found on the right and left sides which are patents for the manufacture of TNKB by the National Police and TNI (FITRIANTI et al., 2020). TNKB that is not issued by the Indonesian Police is considered illegal and cannot apply. The definition of a vehicle number mark makes this one of the most important parts of the legitimacy and legitimacy of motor vehicle ownership (SIHALOHO & CARDEN, 2022).

Generally, there are two license plates attached to the front and rear of the vehicle. However, there are certain jurisdictions that state that certain vehicles only require one license plate attached only to the rear of the vehicle.

The license plate itself has a serial number consisting of an arrangement of numbers and letters that are already dedicated to the vehicle. In Indonesia the number itself is called the police number (nopol) which is usually related to information from a particular vehicle that has been registered, for example the vehicle serial number, vehicle color, year of manufacture of the vehicle and the name and address of the owner of the vehicle that has been listed on the Vehicle Number Certificate (STNK).

Although there are official arrangements, there are still people who use unofficial license plates for various reasons, usually users of these unofficial license plates argue to avoid even odd regulations or indeed the vehicle owned is a fraudulent vehicle. This unofficial license plate manufacturing service provider is easy to find and even blatantly open the illegal service business.

Vehicle license plate forgery can be of various kinds, for example forging vehicle registration numbers, area codes, validity periods, and the size of the vehicle license plate. In fact, counterfeiting related to vehicle license plates is mostly carried out during the validity period, or changing the size of vehicle license plates from those regulated in the Law (Wattimury et al., 2020).

Not only license plates were forged, there were also cases that STNK was also forged, the case occurred in the DIY Police area in 2015. Uniquely, the case of the suspect of falsifying STNK sold it through social media (SIMANUNGKALIT, 2016).

The large number of public desires for the manufacture and purchase of vehicle license plates proves that there is still a lack of public understanding of existing laws, whether it is the Law or the Police Chief (Number, 5 C.E.) . And also the formulation of a regulation that is not

too clear triggers inconsistencies, some regulations do not reflect a balance between rights and obligations (Fendri, 2011).

This makes it difficult for the police to carry out control, supervision of motor vehicles and makes it difficult to investigate violators of the use of unofficial TNKB, the use of unofficial or fake plates is a violation regulated in article 68 of Law Number 22 of 2009.

Furthermore, article 288 of the same law also regulates the prosecution of violations of article 68 above. Based on the explanation above, there are still vehicles, both two-wheeled and four-wheeled, whose TNKB is not in accordance with applicable regulations.

Violations like this are not a new case and are still very common, exacerbated by the increase in illegal TNKB manufacturing businesses run by individuals. In some cases, the place of business making fake plates is adjacent to the police station which should be authorized to issue TNKB. In addition to committing license plate forgery violations, sometimes the license plate is also modified so that it can be read numbers into letters. The TNKB is also changed to a digital letter and what we can most often see on the road is a license plate attached with a sticker / symbol from an agency that is made of plastic, metal or brass on a private vehicle as if the vehicle is an official vehicle (Hairi & Artina, n.d.) .

Like the function of law in general, criminal law is born among the community which can be used as a means to regulate people's lives or maintain order in society itself. Sanctions from criminal law have a preventive effect on the occurrence of a violation of legal norms. Then in Indonesia for the regulation of criminal law regarding traffic is stated in Law Number 22 of 2009 which regulates how traffic and road transportation in Indonesia.

This law plays a strategic position to support national development and integration, which is part of efforts to improve the general welfare in accordance with the mandate of the constitution.

In addition, it also serves to bridge the transportation system in Indonesia in realizing aspects / aspects of security, safety, order and smooth traffic and road transportation in order to support economic development and regional development (Hotanices, 2013).

Although there are already traffic regulations, violations can still be found in Indonesia. As in the case of making a vehicle number mark. The facts that we can see on the ground are very different from the current regulations, especially in the laws and authorities.

Reporting from CNN Indonesia, a woman from Batununggal, Bandung City showed off a fake or unofficial TNI license plate. 11 The woman hereby has violated article 263 of the Penal Code which reads: "Whoever makes a forged letter or forges a letter which may give rise to a right, bond or discharge of debt, or which is intended as evidence of something with the intention of using or instructing others to use the letter as if its contents were true and not forged, shall be threatened if such use may cause harm, for forgery of letters, with a maximum prison sentence of six years."

In addition, his unlawful acts also meet the elements in article 280 of Law Number 22 of 2009 which reads: "Any person who drives a Motor Vehicle on the Road that is not installed with a Motor Vehicle Number Mark 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)."

And the woman also violated the Regulation of the Chief of the National Police of the Republic of Indonesia Number 5 of 2012 hereinafter referred to as Perkapolri Number 5 of 2012 in article 39 paragraph (5) which reads: "TNKB that is not issued by the National Police Corps, is declared invalid and invalid."

It is undeniable, the presence of this police number making service cannot be separated from the increasing number of motorized vehicle users throughout Indonesia. Along with the increasing population of motorized vehicles, it seems to make this license plate manufacturing service a separate business opportunity for some people. The effectiveness of crime in the form of fines has not been in accordance with the purpose of the punishment itself. Fine funding is a criminal alternative to deprivation of independence.

Basically, the criminal fine must be paid by the convict and set a certain grace period in its payment.

If the convict is unable to pay the fine, then the convict must be prepared to be in prison. However, the convict received an opportunity from the judge to pay the fine (Jupri et al., 2020). Seeing the many problems that exist related to vehicle number signs, finally in this journal the author wants to examine more deeply the arrangements related to vehicle number signs by raising the title.

"Regulation of the Use of Unofficial Motor Vehicle Number Signs in the Perspective of Traffic Law". Previously, there have been two studies related to and discussed about fake license plates. The first study discussed related to license plates with the title "Law Enforcement Against the Crime of Forgery of Motorized Kend Number Signs (TNKB)".

P in 2021 written by Chindi Oeliga Yensi Afita, the study emphasizes more on the ways of the Lubuklinggau Police officers to overcome the crime of counterfeiting motor vehicle license plates (Afita, 2021).

Furthermore, the second study entitled "Law Enforcement by Traffic Police Against the Use of Fake Number Plates of Two-Wheeled Motor Vehicles" in 2017 written by Dwi Utary specifically to the enforcement carried out by the police on two-wheeled drivers who use fake plates (Dwi, 2017).

From the two previous studies, there are fundamental differences that the authors get. In the first study, the author emphasized more on the way of the Lubuklinggau Police officers to overcome the crime of forging motor vehicle license plates.

In the second study, the problems raised focused more on the enforcement carried out by the police on two-wheeled drivers who use fake plates. Departing from these two studies, the writing of this study will focus more on the sanctions obtained by the two perpetrators, namely from the side of the user of the fake plate and from the side of the manufacturer of the fake plate.

Based on the background of the problem that has been described, the formulation of the problem in this study is as follows:

1. What are the arrangements regarding the creation of "RFS" license plates on vehicles?
2. What are the legal consequences of making license plates on the side of the road?

The purpose of this study is in accordance with the formulation of the problem that has been put forward. Therefore the research objectives are:

1. Know as well as analyze about the settings on the manufacture of license plates "RFS" on vehicles.

2. Know and analyze the legal consequences arising from making license plates on the roadside.

METHOD

The research method used in this study is the normative legal research method. Normative legal research is legal research conducted by examining library materials or secondary data (Soekanto, 2007).

According to Peter Mahmud Marzuki (Marzuki, 2017), normative legal research is a process to find a rule of law, legal principles, and legal doctrines to answer the legal issues faced. In this type of legal research, often the law is conceptualized as what is written in laws and regulations or the law is conceptualized as rules or norms that are a benchmark for human behavior that is considered appropriate (Amiruddin, 2012).

RESULTS AND DISCUSSION

A. Arrangements on the manufacture of license plates "RFS" on vehicles

Referring to Perkapolri Number 5 of 2012 concerning Registration and Identification of Motor Vehicles Article 39 paragraph regarding regulations related to license plates can be described as follows:

Verse 1; "TNKB as referred to in Article 38 paragraph (1) is made of materials that have safety elements according to technical specifications."

Verse 2; "The security elements of TNKB as referred to in paragraph (1), in the form of direct logos and other safeguards that function as guarantors of the legality of TNKB."

Verse 3; "The colors of TNKB are as follows:

- a. basic black, white writing for individual Ranmor and rental Ranmor;
- b. yellow base, black writing for common Ranmor;
- c. basic red, white writing for Ranmor Government service;
- d. white base, blue writing for the Ranmor Diplomatic Corps of a foreign country;
- e. green base, black writing for Ranmor in the free trade area or (Free Trade Zone) which gets import duty exemption facilities and based on the Minister of Finance Regulation, that Ranmor must not be operationalized / mutated to other parts of Indonesia."

Verse 4; "TNKB is held centrally by the National Police Corps."

Verse 5; "TNKB, which is not issued by the National Police Corps, is declared invalid and not applies."

Verse 6; "TNKB is installed on the front and back sides in the positions provided on each Ranmor."

The police number given must be in accordance with the order of registration of motor vehicles consisting of 1-4 numbers, the number is placed after the registration area code of the plate. If the registration sequence number has met the quota, then the registration sequence number will refer again to the initial number that has the quota by providing the serial letter identification A-Z behind the registration number (Mellolo, 2012).

Departing from the license plate settings described above, there are many motorized vehicle users who want to use beautiful license plates or options to make it easier for the user to

remember his own license plate. The use of beautiful or preferred license plates is not something new, these vehicle license plates usually consist of four numbers. The letters on the front and back correspond to the area where the vehicle is registered (Area code of domicile).

For example, the DK 6463 ABJ license plate, the registration code that comes before the four numbers (DK) indicates the place of origin of the vehicle in the administrative area of Bali, and the three letters after the number (ABJ) indicate the registered vehicle address, namely Denpasar. Every vehicle owner is allowed to reserve or use beautiful license plates.

This has been regulated in the Decree of the National Police Traffic Police Corps Number KEP/62/XII/2016, December 30, 2016, concerning Preferred Motor Vehicle Registration Numbers. Head of Sub-Directorate Resident of Metro Jaya Regional Police AKBP Sumardji, said that the use of beautiful license plates can be done for new vehicles or change the usual Motor Vehicle Registration Number (NRKB) to the NRKB of choice or vice versa. Making beautiful license plates yourself can be done through the following procedures (Prawesti, 2022):

1. Registration through Samsat Online.
2. Ordering NRKB options is the same as the name reversal process.
3. Legal Basis Governing Beautiful Number Plates Article 36 Paragraph 8 to Paragraph 11 of the National Police Regulation Number 5 of 2012, regulates matters and procedures for making selected NRKB for our motor vehicles.
4. The rate of making beautiful license plates at the Samsat office.

As for the rules for civil society using RFS car plates, the special license plate code ending in 'RFS' is only given to certain circles and is not commonly used by the general public. The use of special license plate codes is regulated in the Regulation of the Chief of Police No. 3 of 2012 concerning the Issuance of Recommendations for Motor Vehicle Number Letters (STNK) and Special and Secret Motor Vehicle Number Signs (TNKB) for Official Motor Vehicles.

Article 1 point 7 of the Regulation of the Chief of Police No. 3 of 2012 explains that TNKB is a plate form mark installed on a motor vehicle, serves as proof of registration and identification of a motor vehicle containing a registration number and validity period issued by the National Police with certain technical specifications.

Secret TNKB is a TNKB with certain specifications and registration numbers and certain serial letters determined by each Polda and contains the area code, registration number, and validity period and is installed on motor vehicles used by intelligence officers and police investigators. Meanwhile, a special TNKB is a TNKB with certain specifications and a special registration number issued by the National Police and contains the area code, registration number, and validity period and is installed on official Motor Vehicles used by government officials.

The special license plate code ending in 'RF' stands for Reformasi and is a vehicle plate used by officials in government agencies and has various codes. The general public who want to use the suffix 'RFS' in their motor vehicles can pay certain Non-Tax State Revenues (PNBP). As stated in PP No.76 of 2020 concerning Types and Rates of Non-Tax Types of State Revenue Applicable to the Indonesian State Police. The general public version of the RFS plate may use any number as its prefix, but it must consist of three numbers and be followed by the RFS code.

The general public who use this special license plate code does not get the facilities obtained like the RFS license plate version of state officials. The general public version of the RFS

special license plate code is not immune to the odd-even policy, and is not allowed to use strobe or siren light signals, and if violated will still be subject to sanctions in the form of fines.

Regarding the tariff for making special code plates for the general public, there is a fee between Rp. 15 million to Rp. 25,000,000 depending on the choice of numbers, this license plate must also be renewed annually and its use is subject to additional fees.

B. Legal consequences arising from making license plates on the roadside

The opportunity and opportunity for buying and selling motor vehicle plates can be seen from vehicle owners who do not yet have or even change their vehicle license plates, so that it opens up new job opportunities for vehicle license plate makers to seek profit ().

Making license plates carried out on the roadside uses two types of tools, the first uses a tool like a roll machine and the second manually. But not all license plate manufacturing places have a tool like the roll machine because the price of the tool is quite expensive, and the license plate makers still use the manual method.

From its manufacture, this has become the difference between making roadside license plates and those made official by the police. But it does not rule out the possibility that tools in the form of roll machines can be owned by individuals, but this is rarely found ().

According to PP No. 80 of 2012, TNKB inspection includes checking the technical specifications of the vehicle number mark, validity period, as well as the authenticity of the TNKB, without explaining in more detail what specifications are meant.

Referring to Perkapolri Number 5 of 2012, it is said that TNKB is made of materials that have safety elements according to technical specifications ().

Some cases due to the manufacture of roadside license plates include: Former Minister of SOEs, Dahlan Iskan forged vehicle license plates on the electric car "Ferrari" Tucuxi with vehicle numbers DI ().

As we know, that the code "DI" does not exist in Indonesian territory, and even the vehicle number owned by Dahlan Iskan has never been issued by the police ().

As a public official, especially with a position of ministerial class, Dahlan Iskan should be able to set an example for behavior on the road by using license plates officially issued by the police. If officials only use unofficial license plates for their own interests, then people feel they also have the right to arbitrarily use these unofficial plates.

With this, the law should maintain the provisions of life in order to realize harmony in its realization and be able to balance the psychic and physical life (). With the case of violation committed by Dahlan Iskan, at least it has fulfilled the elements of violation in article 68 paragraphs 1 to 5. The actions of the former SOE Minister can certainly create disappointment in the community.

The number of vehicle license plate manufacturing services on the roadside makes it difficult for the police to enforce laws related to vehicle license plate forgery. This kind of violation is indeed a misdemeanor, but if it is allowed to continue, the users of unofficial plates will be even more countless.

If this happens, then the police must be more sensitive to violators so as not to develop and become a culture to forge vehicle license plates. Article 64 has also been explained related to vehicle license plate registration, because in making vehicle license plates must go through official procedures.

According to Beccaria and Bentham (), "there are several elements of punishment and the penal system can cause a deterrent effect when in a threat that contains burdensome threat factors, threats that are balanced with what has been done, and punitive sanctions that are immediately imposed at the time the act is committed (celerity), and there must be an element of certainty in the implementation of the punishment (celerity).

The service of making license plates on the side of the road can be an alternative for the community to recreate license plates that are lost or dropped on the road, or even those that are no longer legible. The use of this service is not a problem as long as the nopol is in accordance with the data in the police. As long as the number of the license plate matches the original vehicle registration, it can still be tolerated. The public is also urged by the Police to directly take care of license plates to the One-Stop Manunggal Administration System or SAMSAT.

Based on the Regulation of the Chief of Police Number 5 of 2012 article 39 paragraph 5 concerning Registration and Identification of Motor Vehicles which states that: "TNKB that is not issued by the National Police Corps is declared invalid and invalid."

Valid license plates are only issued by the Indonesian National Police, otherwise it can be said to be illegal. And if you violate these regulations, violators can be subject to article 280 of Law Number 22 of 2009 which reads: "Any person who drives a Motor Vehicle on the Road that is not installed with a Motor Vehicle Number Mark 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)." TNKB can be declared unofficial or illegal because the TNKB does not have a logo immediately, added a red center line, and there is an additional name under the area code.

CONCLUSION

Based on the explanation above, it can be concluded that civil society using RFS car plates is a special license plate code ending in 'RFS' which is only given to certain circles and is not commonly used by the general public.

The use of special license plate codes is regulated in the Regulation of the Chief of Police No. 3 of 2012 concerning the Issuance of Recommendations for Motor Vehicle Number Letters (STNK) and Special and Secret Motor Vehicle Number Signs (TNKB) for Official Motor Vehicles.

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