

**JURIDICAL REVIEW OF THE EXISTENCE OF TOURISM ELECTRIC CARS IN THE CITY OF SURAKARTA****BASED ON LAW NUMBER 22 OF 2009****(Case Study at the Surakarta City Transportation Department)**Devandra Alzamora Mahatma Rafshanzany<sup>1</sup>, Nunik Nurhayati<sup>2</sup><sup>1</sup> Muhammadiyah University of Surakarta ([C100190043@student.ums.ac.id](mailto:C100190043@student.ums.ac.id))<sup>2</sup> Muhammadiyah University of Surakarta ([nn123@ums.ac.id](mailto:nn123@ums.ac.id))**ABSTRACT**

The presence of tourist electric cars in Surakarta City as a tourist transport reaped various polemics that developed in society. It happened because there are no clear regulations regarding licensing mechanisms, type tests, periodic tests, safety and eligibility criteria for these vehicles. The purpose of this research is to find out and analyze: (1) the mechanism for operational licensing, type testing, and periodic testing of tourist electric cars and (2) reviewing of the safety and the eligibility criteria for tourist electric cars. The method that used in this research is qualitative descriptive method with a literature study approach derived from legal books, literature, and applicable laws and regulations. The results of the study found that: (1) Tourist electric cars in Surakarta City have not carried out operational permits, type tests, periodic tests as they should, (2) as well as safety and eligibility criteria which are quite enough to be used as tourist transportation.

Keywords : Tourist Transport, Security, Appropriateness, License.

**INTRODUCTION**

Indonesia is a country of law, as stated in Article 1 paragraph (1) of the 1945 Constitution which reads "Indonesia is a country of law". Based on this article, it can be interpreted that the Indonesian state in developing its population must be accompanied by laws that are useful for ensuring legal certainty for every community, guaranteeing security and tranquility, as well as guidelines for every community in the nation and state. The legal order in Indonesia has 3 functions, including as an apparatus, controller and guide of social life with the aim of realizing the demands of a safe, orderly and just state life, with guarantees of legal certainty and protection of human rights.(Setiawan 2021).Laws are created with the aim of providing guarantees in the law enforcement process. Law enforcement is the process of making efforts to uphold or function legal norms as concrete evidence of guidelines for behavior in traffic or legal relations in society and the state.(HR 2013). Therefore, its implementation requires a legal product.

One of the legal products that applies in Indonesia is Law Number 22 of 2009 concerning Road Traffic and Transportation. In traffic management, according to article 65 of Law Number 22 of 2009, the administrative requirements for motorized vehicles operating on highways are explained as follows:

1. Have a Motor Vehicle Number or TNKB
2. Publication of the Motor Vehicle Owner's Book or BPKB.
3. Have a Motor Vehicle Registration Certificate or STNK.

Based on the 3 requirements above, it can be concluded that if the motor vehicle owner has fulfilled all the administrative requirements, it is concrete evidence that the motor vehicle has been officially registered or registered so that it can be used to drive on the highway. However, in order for a vehicle to be used on the road legally, it must have a Motor Vehicle Registration Number or TNKB and a Vehicle Registration Certificate or STNK.

At the beginning of 2022 in the city of Solo the presence of one of the tourist vehicles, namely the electric tourist car. Tourist electric cars in the city of Solo are a new breakthrough implemented by the government with the hope of increasing tourism for both local and foreign tourists. The launch of the

electric tourist vehicle aims to attract tourists who want to tour the city of Solo using routes determined by the relevant parties. The vehicle is a grant provided by the Tahir Foundation.

The polemic regarding electric touring cars has drawn pros and cons from various parties. Those who oppose the presence of Electric Tourist Cars have arguments that are ready to be debated. Quoted from CNN Indonesia, transportation observer, Djoko Setjiowarno, assessed that the use of golf cart-based electric cars modified for tourist purposes on the Solo highway violates traffic rules. Djoko Setjiowarno also thinks that the tourist car violates the rules of Article 277 of Law Number 22 of 2009 concerning Road Traffic and Transportation.

As explained in Article 277 of Law Number 22 of 2009 concerning Road Traffic and Transportation that, "Every person who brings motorized vehicles, trailers and attached trains into the territory of the Republic of Indonesia, makes, assembles or modifies motorized vehicles that causing a change in type, trailers, attached trains and special vehicles operated domestically which do not fulfill the type test obligations as intended in Article 50 paragraph (1) shall be punished with imprisonment for a maximum of 1 (one) year or a fine of a maximum of Rp. 24,000,000.00 (twenty four million rupiah)."

Apart from that, Djoko Setjiowarno is of the opinion that citing article 50 paragraph 1 of the Road Traffic and Transportation Law, he then suggests that tourist electric cars should undergo Motor Vehicle Testing (PKB) in the form of Type Tests and Periodic Tests at the Surakarta City Transportation Service on the grounds that the car is a vehicles resulting from heavy modifications that cause changes in shape and are considered dangerous for other drivers around them and dangerous for passengers. According to Djoko Setjiowarno, if an accident occurs and there are victims as a result of the accident, the passengers who are victims of the accident will not get life insurance if the vehicle has not undergone a type test and periodic tests.

However, on the other hand, quoted via CNN Indonesia, Gibran Rakabuming Raka as Mayor of the City of Solo ordered that tourist electric cars can continue to operate because these vehicles are only intended for tourism activities. Gibran also explained that he had received approval from the Head of the Surakarta Police Traffic Unit (Kasatlantas), Kompol Adhytiawarman Gautama Putra. Then Gibran Rakabuming Raka issued the Solo Mayor's Decree (SK) Number 55.2/96 of 2021 which contains the route that the electric tourist car will take.

According to Edi Setiawan's research(2021)who researched the position of tourist trishaws as tourist transportation which was given discretion by the Transportation Service because these vehicles had not yet carried out operational permits as they were supposed to carry out type tests and periodic vehicle tests. However, in this research it was emphasized that this discretion was only limited to the use of tourist trishaws as tourist transportation in Batu City.

Based on this background, the author is interested in carrying out further analysis regarding a review of the existence of tourist electric cars operating in the city of Solo based on Law Number 22 of 2009 concerning Road Traffic and Transportation in the form of legal writing entitled: "JURIDICAL REVIEW OF THE EXISTENCE OF CARS TOURISM ELECTRICITY IN THE CITY OF SURAKARTA BASED ON LAW NUMBER 22 OF 2009 (Case Study at the Surakarta City Transportation Service).

Based on the background explanation above, the author formulates the problem in the form of operational licensing mechanisms, type testing and periodic testing of tourist electric cars, as well as what the safety and suitability standards of tourist electric cars are based on Law Number 22 of 2009 concerning Traffic and Road Transport.

The aim to be achieved by the author of this discussion is as follows, to find out the mechanism for operational licensing, type testing, and periodic testing of tourist electric cars, as well as knowing the safety standards and suitability of tourist electric cars based on Law Number 22 of 2009 concerning Traffic and road transport.

### **Licensing**

Permission in the basic sense has the meaning of a statement that is granted, permissible based on

approval related to an action. In this case, permission can also be interpreted as an action that generally does not prohibit an action, but must be carried out in line with the applicable provisions in accordance with applicable positive law. According to Rachman Mustafa, a permit also means that if a ruling regulator prohibits an act, but it is still permitted, provided that it is carried out in a manner determined for each reasonable matter, then the state administration act that allows it is called a permit. (2001). Licensing is a benchmark that plays a very vital role in government affairs. This is due to prevention if unexpected things happen in the future when planning or procurement carried out by the government does not go according to the initial plan. This permission could be the main key or guideline if that happens.

#### **Tourist Force**

In the implementation of traffic management according to Law Number 22 of 2009, it is explained that one of the objectives is to create traffic and road transportation services that are safe, secure, orderly, smooth and integrated with other modes of transportation. Transportation is a means created with the aim of moving people or goods from one place to another. Transportation has an important role because it helps people or groups to reach various places they want to go (2017). Tourist transportation is a type of transportation using motorized vehicles that are equipped with special signs and are only limited to tourism activities and are operated in tourist areas. In order to develop tourist attractions, the government will always carry out various improvements in the infrastructure sector in the form of improving road access to tourist destination areas (Lesatri, Suthanaya, and Wedagama 2017). Because the existence of tourist transportation will have an impact on the tourism sector which affects the development and income of a country (Irine Elsa Maya 2022).

### **RESEARCH METHODS**

In conducting this research, the author uses an empirical juridical approach, which is research by searching for truth data by going directly to the field, so it is hoped that he will get actual data. This type of qualitative descriptive research involves describing and analyzing the results of the research but does not function to make broader conclusions or describe and describe the implementation of a statutory regulation on a concrete case that occurs in society, and will focus attention on problems that arise during the course of the research. carried out or actual problems. Some of the data is qualitative in nature which is based on direct observation of the research object and conducting in-depth interviews with a number of informants. The data used in this research uses primary and secondary data with primary legal materials, secondary legal materials and tertiary legal materials. Qualitative data analysis techniques, namely by analyzing and studying the data that has been collected, then systematically describing and connecting it with other data which will be arranged in the form of legal writing. In this case, the author chose the location to collect data through the Surakarta City Transportation Service because the object to be researched is under the supervision of the Surakarta City Transportation Service.

### **RESULTS AND DISCUSSION**

#### **1. Operational Licensing Mechanism, Type Testing and Periodic Testing of Tourist Electric Cars in the City of Surakarta Based on Law Number 22 of 2009 concerning Road Traffic and Transportation**

Operational Licensing according to Article 1 point 9 of Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services is a permit issued by the OSS Institution for and on behalf of ministers, heads of institutions, governors or regents/mayors after the Business Actor has obtained a Business Permit and for carry out commercial or operational activities by fulfilling the requirements and/or Commitments. An operational permit is needed as concrete proof of establishing a business activity, one of which is organizing tourist transportation. The transportation sector is one of the components that must exist in the tourism industry. When carrying out tourism activities, tourists need a mode of transportation to make it easier for tourists who want to visit a

destination or tourist destination (Ayu Trisna Dewi, Suwena, and Sudana 2018).

Discussing the issue of operational licensing for electric tourist cars, an interview was conducted with Mr. Ramadhan Tegar, as a representative from the Transportation UPT of the Surakarta City Transportation Service. He explained that the operational permit for the vehicle was still gray or on the verge of being unclear. This is because written operational permits have not been issued, only verbally. The verbal permission referred to is that at the start of the launch of the vehicle, the Mayor of Solo City, Gibran Rakabuming Raka invited the Transportation Service and Traffic Unit to hold a joint meeting. The meeting discussed the routes that the vehicle would take when operating. Apart from that, after the meeting was held the electric tourist car immediately started operating. Therefore, regarding operational licensing for electric tourist cars, there is no written output yet. It can be said that tourist transportation is given discretion by the Transportation Department. With the existence of special tourism transportation, it uses fixed routes to certain tourist areas and is carried out regularly and does not conflict with applicable laws (Basuki, Imam, Setiadi 2015).

According to Sjachran Basah (1997) defines the meaning of discretion as the freedom to act on one's own initiative, but in its implementation the state administration's actions must be in accordance with the law so that they can be accounted for. According to Saut P. Panjaitan (2001) means that discretion is a form of freedom or freedom of action for state administration which is enabled by law to act on its initiative to resolve important, urgent problems for which no regulations yet exist, and can be accounted for (2001).

Then, in obtaining data regarding the Type Test and Periodic Test mechanism of the vehicle, Mr. Ramadhan Tegar added that in its implementation, type tests and periodic tests had not been carried out. This was caused by the absence of a vehicle chassis number, apart from that it was also explained that this vehicle was only used for tourist transportation. However, by not carrying out type tests and periodic tests of these vehicles, the Vehicle Number Certificate (STNK) and Motor Vehicle Number Certificate (TNKB) will not be issued. Due to the fact that a type test has not been carried out, periodic tests have not been carried out on the vehicle.

In fact, if you look further at the shape of the electric tourist car, it is a car based on a golf cart that has been modified in such a way that it changes its shape. On the other hand, according to Article 50 paragraph 1 of Law Number 22 of 2009, it has been explained that vehicles that have undergone a modification that causes a change in shape must undergo Motor Vehicle Testing (PKB) which consists of type tests and periodic tests. Motor Vehicle Testing (PKB) is a series of processes for checking vehicle conditions including whether a vehicle is fit to operate or not, including checking vehicle documents. According to Djoko Setjiowarno, if an accident occurs and there are victims as a result of the accident, the passengers who are victims of the accident will not get life insurance due to the failure to carry out motor vehicle testing.

## **2. Review of Safety and Feasibility Standards for Tourist Electric Cars in the City of Surakarta**

By not carrying out motor vehicle testing, as stated by Mr. Djoko Setjiowarno the impact is that you will not get life insurance if a traffic accident occurs. This has raised concerns regarding the safety and suitability of electric tourist cars.

The results of the data obtained regarding the safety standards and suitability of electric tourist cars were conducted in an interview with Mr. Ramadhan Tegar as a representative of the Transportation UPT of the Surakarta City Transportation Service. He explained that regarding the safety standards and suitability of these vehicles, the Transportation Service has determined its own standards but remains based on applicable provisions. What is meant is the safety and suitability standards of the vehicle based on existing standards for tourist transportation in general which is widely available on the streets. According to him, there are already several basic security and safety devices including:

1. Two-point safety belts on each passenger seat;
2. Vehicle speed indicator device;

3. Chain on each passenger door which functions as a hook and door lock;
4. Lighting;
5. First Aid Kit for Accidents (P3K);
6. Hand grips on each passenger seat;

He also added that the average speed of an electric tourist car operating on the highway is around 30km/hour, the driver will ensure that each passenger is wearing a seat belt before the vehicle starts, so it is felt that the vehicle is included in the safe category to operate when carrying tourists. want to travel with this vehicle. Apart from that, the driver or driver who drives the vehicle is an official member of the Transportation Service and is given time and a place to rest for the driver when taking turns with other drivers. Then, when the vehicle is in operation, it will be escorted by Traffic Police with the aim of ensuring safety for passengers. And if the public feels that the driver of the vehicle is dangerous, both passengers and fellow road users can immediately report it to the Transportation Service so that it can be processed immediately and sanctions will be given to the driver.

Then, additional data was obtained, interviews were conducted with other sources, namely Mr. Lutfi Mohammad as Traffic Engineering Management Analyst Staff for the Surakarta City Transportation Service, he explained that in order to minimize the impact that would occur if the vehicle was in an accident, the Surakarta City Transportation Service had collaborated with the Health Service Surakarta City. According to him, this is the right step taken by the Transportation Department in order to increase the sense of security for people who use these vehicle services.

Regarding the fitness standards for the electric tourist car, Mr. Ramadhan Tegar explained that the Transportation Department guarantees that the vehicle is roadworthy to operate on the road. This is because the Transportation Department routinely checks these vehicles, including checking the quality of the tires. If they are deemed to be unfit, the tires will be replaced. Then regarding checking the engine, because this car is based on a battery driven electric engine so it doesn't use engine oil or transmission oil which results in the check only being limited to checking the battery. According to him, the most important thing is that before operating, the vehicle has to be fully charged, so that it is guaranteed that the vehicle will not run out of battery power in the middle of the trip while operating. To check the tires, change them every 6 months or when it is indicated that the tires need to be replaced with new tires.

### CONCLUSION

The presence of tourist electric cars in the city of Solo has reaped pros and cons from various parties. The purpose of the vehicle's presence is to be used as tourist transportation, but it is in conflict with applicable laws and regulations. In its implementation regarding operational permits, it is only limited to verbal permits issued at a joint meeting between the Mayor of Solo City, the Surakarta City Transportation Service, the Surakarta City Traffic Unit, the process of type testing and periodic testing of these vehicles has not been implemented, which has resulted in the vehicle administration requirements not being completed. motorbikes operating on the highway. Then there is also a feeling of anxiety that if a vehicle has not been type tested and periodically tested, if an accident occurs, the victim will not get life insurance. However, this was denied by the Transportation Service, which confirmed that the vehicle was safe and fit to operate on the road. Apart from that, the Surakarta City Transportation Service has also collaborated with the Surakarta City Health Service if an accident occurs.

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