



Law Enforcement Against Exhaust Modification Violations Racing on Motorcycles in Ponorogo Regency

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Article	Abstract
Keywords: Law Enforcement;; Exhaust; Traffic	<i>Modification of motorized vehicles today is done by many people in Indonesia. One of them is modifying the exhaust by replacing it with a racing exhaust. Vehicle modifications are still allowed but must be in accordance with the corridors of the provisions of Law Number 22 of 2009 concerning Road Traffic and Transportation, namely meeting technical standards and roadworthiness. The use of racing exhausts that do not meet the rules can be subject to action by the police, especially in the Ponorogo Resort Police area. On this basis, this study reviews how law enforcement against racing exhaust users in the Ponorogo Resort Police Region and looks for obstacles to law enforcement against racing exhaust. This research is a Juridical-Empirical research by looking at legal phenomena obtained by field interviews combined with legal documents. The results obtained show that Law Enforcement in the Ponorogo Resort Police Area uses Law number 22 of 2009 concerning Road Traffic and Transportation with the main provisions using the sound level as stipulated in the National Police Telegram Letter ST/1045/V/HUK.6.2/2021 and noise level rules in accordance with the Minister of Forestry and Environment Regulation Number 7 of 2009 concerning the noise threshold of new type vehicles. Then for obstacle factors influenced by Law Enforcement Factors, Community Factors and Facilities and Infrastructure Factors.</i>



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INTRODUCTION

The influence of globalization in the field of life of the nation and state at this time brings benefits to human life in various countries, especially in developing

countries. The influence that can be felt at this time is in the form of the rapid development of technology which is also followed by the development of technology. with the growth of the community's economy. The development and growth of an increasingly advanced economy is also followed by an increase in community activities from one area to another, of course, requiring transportation so that the time spent is efficient spent to be efficient. Transportation is a means of moving goods or people with the aim of shortening time or making it easier to move an item. With the rapid development, it is inevitable that there are now many means of transportation circulating on the streets, one of which is a two-wheeled motorized vehicle or called a motorcycle.

The definition of a motorcycle in the Big Indonesian Dictionary is a large bicycle that is run by a motor. In the provisions of Article 1 number 20 of Law Number 22 of 2009 concerning Road Traffic and Transportation, it is stated that: "Motorcycles are two-wheeled motorized vehicles with or without housings and with or without side carts or three wheeled motorized vehicles without housings".

Over time, the role of motorcycles does not function as a means of transportation but is part of the lifestyle of people who make motorcycles a tool or place to channel hobbies and expressions manifested in the form of modifications.

Motorcycle modifications are carried out by vehicle owners who are bored with the appearance of their vehicle or want to look different, modifications are made by replacing several parts of the vehicle that the owner wants, one of which is a muffler replacement which aims to change the sound and improve performance in the form of power, acceleration, and torque on a motorized vehicle.

Exhaust on motorized vehicles in general has several functions including functioning as a silencer that comes out directly from the operating engine so that the vehicle can run quietly. In addition, the exhaust is also used to filter toxic substances arising from the remaining combustion of the engine. The exhaust is the last part of the engine that distributes power so that the vehicle can run smoothly and quietly.

The negative impact arising from making modifications to motorized vehicles, especially motorbikes, is about the feasibility of the noise produced by the exhaust which makes attention to the safety and comfort of motorists and is contrary to applicable regulations. Regarding regulations on modifications, Article 1 number 12 of Government Regulation Number 55 of 2012 concerning Vehicles explains that: "Modification of Motor Vehicles is a change to the technical specifications of dimensions, engine, and/or capability carrying capacity of Motor Vehicles."

The vehicle noise threshold is the maximum limit of sound energy that can be produced directly from the engine and/or transmission of a motor vehicle. By changing the exhaust specifications, it is likely to cause material or nonmaterial losses such as disturbing other motorists because the sound produced is noisy or rough which causes discomfort to other motorists who are around.

Some of the regulations governing the terms of modification of motorized vehicles that do not meet the prerequisite standards are:

1. Law Number 22 of 2009 concerning Road Traffic and Transportation explains that:

1) Article 48 paragraph (2) explains that:

Technical requirements as referred to in paragraph (1) consists of:

- a. arrangement;
- b. equipment;
- c. size;
- d. car body;
- e. design technical vehicle in accordance with its designation;
- f. loading; g. use;
- g. coupling of Motor Vehicles; and/or
- h. attachment of Motor Vehicles."

2) Article 48 paragraph (3) explains that:

"Roadworthiness requirements as referred to in paragraph (1) is determined by the minimum performance of Motorized Vehicles which is measured at least consisting of:

- a. exhaust emissions;
- b. sound noise;
- c. efficiency of the main brake system;
- d. parking brake system efficiency;
- e. front wheel clutch;
- f. horn sound;
- g. transmitting power and direction of the headlight beam;
- h. turning radius;
- i. accuracy of the speed indicator;
- j. suitability of wheel performance and tire condition; and
- k. the suitability of the power of the driving engine to the weight of the vehicle."

3) Article 106 paragraph (3) explains that: "Every person who drives a Motor Vehicle on the Road shall comply with the provisions on technical requirements and roadworthiness."

4) Article 285 paragraph (1) explains that: "Every person who drives a Motorcycle on the which does not comply with the technical and roadworthy requirements which include mirrors, horns, general lights, brake lights, direction lights, light reflectors, speed measuring devices, mufflers, and tire groove depth as referred to in Article 106 paragraph (3) in conjunction with Article 48 paragraph (2) and paragraph (3) shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of Rp250,000.00 (two hundred fifty thousand rupiah)."

2. Government Regulation of the Republic of Indonesia Number 55 Year 2012 on Vehicles, Article 66 explains that:

- 1) Noise as referred to in article 64 paragraph (2) letter b is measured based on sound energy in units of disebel (A) or dB (A).
- 2) Sound energy as referred to in paragraph (1) does not exceed the threshold.
- 3) The threshold as referred to in paragraph (2) is stipulated by the minister who organizes government affairs in the field of environment.
- 4) In determining the threshold as referred to in paragraph (3), it must coordinate with the minister responsible for traffic and road transportation facilities and infrastructure.

3. Regulation of the Minister of Environment Number 7 Year 2009 on Noise Threshold of New Type Motor Vehicles, explains that;

Table 1

New Type Motor Vehicle Category, Dynamically

Kategori		L max dB(A)
		Tahun Pemberlakuan
Sepeda Motor	$L \leq 80$ cc	77
	$80 < L \leq 175$ cc	80
	$L > 175$ cc	83
Metode Pengujian		ECE R-41-01

Source: Ministry of Environment Regulation No. 7 Year 2009.

In table 1, it is written that the noise threshold of motorized vehicles, especially motorcycles for engine cubication of 80 - 175cc is 80 decibels, which is the engine cubication of the majority of motorcycles circulating in Indonesia and applies equally to all types of motorcycles. The regulation applies to new types of vehicles, namely vehicles that will be marketed to the public through ATPM (Single Agent Brand Holder). Thus, the replacement of the *Racing* exhaust makes it violate the specified requirements, violations of the *Racing* Exhaust will be directly dealt with by the authorities (Rijali 2023).

This violation has been proven by the number of drivers caught in a raid by the Ponorogo Resort Police through one of the Semeru Patuh Operation programs by the Ponorogo Regency Traffic Unit. In the raid, 182 violating vehicles were secured. Previously, many people complained because they felt disturbed by the noise produced by the modified *racing* exhaust. This made Ponorogo Police Traffic Unit finally intervene to suppress cases of illegal *racing* while reducing the number of violations in Ponorogo Regency.

Then, on Friday, 13/01.2023, quoted from the ReJogja News Portal, that the Ponorogo Resoer Police had confiscated dozens of Brong Exhaust Motorbike for illegal racing, at least 42 motorcycle units were ticketed on the spot and 10 vehicles could be taken home (ReJogja 2023).

In this raid. In addition to vehicles using modified *Racing* exhausts, officers also checked vehicles whose modifications were not in accordance with the manufacturer's technical specifications. Such as wheels that are replaced with smaller ones, non-standard exhaust, and other modifications that are considered to endanger themselves and others.

The problems that become the focal point in the discussion of the research are:

1. How is the form of Law enforcement by the Ponorogo Traffic Unit against motorcyclists who use *Racing* exhausts in Ponorogo Regency
2. What are the factors causing motorcyclists' non-compliance with driving techniques in accordance with Article 285 of Law Number 22 of 2009 concerning Road Traffic and Transportation?

This research aims to provide a study of law enforcement in Ponorogo Regency against motor vehicle users who modify exhausts not according to standards based on Law Number 22 of 2009 concerning Road Traffic and Transportation and provide a study of the factors that cause motorcyclists' noncompliance in meeting technical and roadworthy standards.

METHOD

This research is empirical legal research which includes research on legal identification (unwritten) and research on legal effectiveness. The approach used in this research is a qualitative approach, namely the analysis of research results that produce analytical descriptive data, namely data expressed orally or in writing as well as real behavior, which is then studied and researched as a whole fact.

To solve legal issues and at the same time provide prescriptions, research sources are needed. Research sources in empirical research can be divided into research sources in the form of primary data and secondary data. The data collection technique that will be used in this problem is interviews.

Data processing begins with first collecting primary and secondary data. After the data is collected, the data will then be processed systematically to get a clear picture of the problems to be studied.

RESULTS AND DISCUSSION

Racing exhaust is a component that exists in motorized vehicles that function to dispose of the remaining combustion products in motorized engines consisting of headers and silencers whose exhaust system is free flow which means unhindered exhaust. In contrast to the standard exhaust that has a silencer, thus making the silencing of the exhaust sound so that it is not free flow and can even reduce gas

exhaust emissions. Racing exhaust is usually used when there are events such as road races and drag races because by using a Racing exhaust the motor speed performance becomes higher.

But usually the use of Racing exhaust must follow the specifications of the motor that has been modified not used for standard motorcycles. However, for the current Racing exhaust, the average use of Racing exhausts with the aim of boasting himself and to look cool. Things like this can have a negative effect on the use of the Racing exhaust (Firmansyah and Puspitosari 2022).

On the other hand, of course, the use of Racing exhaust is certainly not recommended and prohibited in Law Number 22 of 2009 concerning Road Traffic and Transportation because it has various kinds of negative impacts. Therefore, every rule that is made must have the purpose to protect society from various crimes and violations including in this case the violation of the use of Racing exhaust. The negative impacts resulting from the use of Racing exhausts include (Hasan 2022):

1. In using a *Racing* exhaust, of course, it has an impact on the motorcycle itself because it will speed up the exhaustion of fuel because when using a Racing exhaust, it will certainly consume a lot of fuel consumption to produce the power generated from the Racing exhaust. In addition, the motorcycle engine also heats up faster because the energy generated from the motorcycle is greater and the motorcycle engine will also be damaged faster.
2. *Racing* exhaust can pollute the air from the use of the Racing exhaust will have an impact on air pollution because the *Racing* exhaust does not have a filter or exhaust emission filter. This can cause air pollution due to exhaust emissions generated from the *Racing* exhaust
3. *Racing* exhaust can pollute the air from the use of the *Racing* exhaust will have an impact on air pollution because the *Racing* exhaust does not have a filter or exhaust emission filter. This can cause air pollution due to the exhaust emissions generated from the *Racing* exhaust. also, this air pollution disturbs children or people who are resting because of the noise of the way the sound is emitted from the *Racing* exhaust.
4. The use of *Racing* exhaust needs to do routine maintenance 1 to 2 months because it must often replace the gasswoll in the exhaust tube so that the sound produced is not different when buying it.

The prohibition of the use of *Racing* Exhaust in Indonesia has been outlined in various regulations ranging from Laws, Ministry Regulations to regulations made by the Police as the authorities. In general, law enforcement against violators and users of *Racing* exhausts applies the provisions contained in the Road Traffic and Transportation Law. The Road Traffic and Transportation Law is *Lex Specialis* regulation used to control and enforce violations against *Racing* exhaust users. Implementation of the article that will be discussed in the Traffic and Transportation

Law. This road transportation is in violation of motorized vehicle users with exhaust sounds that exceed the noise threshold stipulated in Article 285 paragraph (1) of Law No. 22 of 2009 concerning Road Traffic and Transportation.

The results of interviews obtained at the Ponorogo Police explained that the provisions of the article violated by motorists who use exhausts with sounds that exceed the noise threshold are in article 285 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation.

Article 285 paragraph (1) of the Road Traffic and Transportation Law states that *"Every person who drives a Motorcycle on a Road that does not meet the technical and roadworthy requirements which include mirrors, horns, general lights, brake lights, direction lights, light reflectors, speed measuring devices, mufflers, and tire groove depth as referred to in Article 106 paragraph (3) in conjunction with Article 48 paragraph (2) and paragraph (3).*

(2) and (3) shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of Rp250,000.00 (two hundred fifty thousand rupiah)."

The elements mentioned in Article 285 paragraph (1) of the Road Traffic and Transportation Law provide that every person who rides a motorcycle on the road but does not meet the technical and roadworthy requirements, one of which is the muffler, is subject to a maximum fine of Rp. 250,000 (Two Hundred Fifty Thousand Rupiah). Article 48 paragraph (1) of the Road Traffic and Transportation Law provides that

"Every Motorized Vehicle operated on the road must meet Technical Requirements and be Roadworthy" furthermore regarding the provisions of roadworthiness and technical requirements are also specified in Article 48 paragraph (4) of the Road Traffic and Transportation Law that Road Traffic and Transportation Act that *"further provisions regarding the technical requirements of roadworthiness as referred to in paragraph (2) and (3) shall be regulated by government regulation"* by virtue of the existence of the provisions of the roadworthiness requirements, the law enforcement of the muffler must refer to the provisions derived from the Road Traffic and Transportation Act, one of which is the Regulation of the Minister of Environment Number 7 of 2009 concerning Noise Thresholds of New Type Vehicle Exhausts.

Technical Requirements and Roadworthiness of the muffler itself is regulated separately in the Regulation of the Minister of Environment relating to the noise threshold on motorized vehicles as outlined in the Regulation.

In the Regulation of the Minister of Environment Number 7 Year 2009 on Noise Threshold of New Type Motor Vehicles. The provisions in the regulation emphasize that each motor with a cylinder or *Cylinder Capacity* has its own threshold rules. Here are the noise thresholds for each *Cylinder Capacity* (Putri, Yulianti and Mangku 2022):

Category		L max dB(A)
		Year Enforcement
Motorcycle	$L \leq 80$ cc	77
	$80 < L \leq 175$ cc	80
	$L > 175$ cc	83
Testing Method		ECE R-41-01

Source: Minister of Environment Regulation Number 7 Year 2009

The threshold given by the government should be obeyed by all levels of society without exception. However, in reality, these rules are often violated and not adhered to by a small part of the community. In the Ponorogo Regency, for example, there are still many vehicles that do not comply with the provisions of Technical Requirements and Roadworthiness, especially the use of exhausts that do not comply with the provisions of the Noise Threshold. Quoted in Tempo.co, Exhaust has four main functions in vehicles, namely muffling sound, lowering exhaust gas pressure, releasing heat and reducing the level of harmful exhaust emissions (Tempo.co 2022).

Based on an interview conducted by the author to the Head of the Escort and Patrol Unit of Ponorogo Police, IPDA Bagus Sulistyono, AMK, the following data was obtained:

TABLE II
NUMBER OF TECHNICAL VIOLATIONS AND ROADWORTHINESS OF
PONOROGO POLICE STATION

2021		2022	
Enforcement	Violations	Penindakan	Violations
424	112	985	182

Source: Interview with Ponorogo Police Traffic Unit

Based on the table above, it can be explained that violations of Technical and Roadworthy Requirements from 2021 were 112 violators, increasing to 182 violators in 2020. Based on this data, it can be seen that violations of Technical and Roadworthiness in Ponorogo Regency have increased by 70 violators. This means that law enforcement against technical and roadworthy violations has not run optimally and is not what is expected. The violations found by the Ponorogo Police

Traffic Unit were mostly committed against the replacement of exhausts that did not comply with the manufacturer's standards. Replacement of Exhaust with Racing type is something that is often done by owners of two-wheeled vehicles, in order to change the shape and modify their mounts (IPDA Bagus Sulistyono 2023).

The replacement of this exhaust is actually not necessarily directly replaced with an exhaust that already has a sound above the threshold, but it turns out that modifying the standard exhaust into a Racing exhaust can also be done easily, one of which is to replace the silencer pipe contained in the exhaust into a racing type which will also cause noise effects that are above the normal level determined by applicable regulations (Purnomo and Suryono 2023).

Ponorogo Police through Satlantas conducts law enforcement against Technical and Roadworthy Violations for two-wheeled motorcycles often, according to IPDA Bagus Sulistyono, AMK, that violations committed against technical specifications are mostly committed by minors with an age range of 14-17 years with the highest percentage being those who are still in Junior High School (SMP) and Senior High School (SMA). The action taken by Ponorogo Police for vehicles that do not comply with technical specifications, especially for racing exhausts, is given in the form of a ticket and securing evidence in the form of the vehicle being taken to the Ponorogo Police Office for safekeeping.

In the next stage, IPDA Bagus Sulistyono, AMK said that after the ticketing process is carried out, the ticket file will be sent for the court trial process, after the verdict is issued which has permanent legal force, the owner of the motorcycle affected by the ticket due to the use of the Racing exhaust will be collected at the Ponorogo Police Station with a predetermined time. The purpose of gathering the violators is to install or equip vehicles that are not in accordance with the technical specifications as regulated in the Traffic and Transportation Law. as stipulated in the Road Traffic and Transportation Law and if it is in accordance with the technical specifications then the motorcycle can be taken home by the owner.

The interesting thing to discuss is how the continuation of the *racing* exhaust that has been confiscated and used as evidence in court. IPDA Bagus Sulistyono, AMK said that the racing exhaust will be confiscated by the state and then destroyed, this is due to complaints from the public about the exhaust sound that disturbs the ears. However, not all evidence of violations is destroyed by Ponorogo Police, for violations targeting tire and wheel sizes or variation mirrors, it is not confiscated and destroyed but returned to the owner with the condition that it cannot be repeated (IPDA Bagus Sulistyono 2023).

The confiscation of evidence on motorbikes that do not meet technical specifications is not all returned, there are several things that require the motorbike to be confiscated by Ponorogo Police, for example, illegal racing motorbikes and

motorbikes without STNK and number plates. As a result of this, Ponorogo Police in its actions will confiscate the evidence.

The enforcement carried out by the Ponorogo Police Traffic Unit was carried out with a clear legal basis and order. Enforcement is carried out when the Ponorogo Police conducts raids carried out with an Official Task Letter which indeed targets motorized vehicle users. Furthermore, raids with a mobile patrol system are also often carried out by Ponorogo Police to comb for violators of the Technical Specifications of motorized vehicles. IPDA Bagus Sulistiyo, AMK explained that there are 2 (two) Patrols that are usually carried out by Ponorogo Police, namely:

1. Independent Patrols, Independent Patrols are Patrols carried out only by the Traffic Unit without elements from other functional units, thus the function of independent patrols is to target directly against violations in traffic including technical and roadworthy violations.
2. Joint Patrol, Joint Patrols are Patrols carried out together with Sabhara, Criminal Investigation Unit, Intel and other functions. So that this Joint Patrol does not specifically take action against traffic violations, but is also more traffic violations, but also more broadly.

Ponorogo Police in prosecuting the use of racing exhausts is carried out by Joint Patrols or Independent Patrols, both of which are often carried out to comb through communities that are still using racing exhausts.

The use of racing exhaust that exceeds the threshold is indeed very troubling, law enforcement is needed in eradicating the use of racing exhaust. However, law enforcement must remain measured and fair. As said by Gustav Radbruch, Law must have the basic objectives of Justice (*Gerechtigkeit*), Benefit (*Zweckmassigkeit*) and Certainty (*Rechtssicherheit*) (Julyano and Setyawan 2019).

The law adopted in Indonesia is a *positivistic* law with the characteristics of the law in writing (promulgated), for the legal system to run well, there must be "regularity" (*regularity*) and "certainty" (*certainty*) so that the purpose of legal certainty will absolutely be achieved to protect the public interest (which also includes private interests) with the characteristics of the law in writing (promulgated), for the legal system to run well, there must be "regularity" (*regularity*) and "certainty" (*certainty*) so that the purpose of legal certainty will absolutely be achieved to protect the public interest (which also includes private interests) with the function as the main driver of enforcing justice in society (order), upholding citizens' trust in the authorities (government), and upholding the authority of the authorities in the eyes of citizens (Julyano and Setyawan 2019).

In order to obtain legal certainty, especially in terms of law enforcement against racing exhaust users, it is important to have rules that serve as an umbrella for the enforcement of racing exhaust. One of them is the mechanism used to determine

the noise level of an exhaust so that it can be said that the exhaust exceeds the threshold.

The Indonesian National Police issued a Chief of Police Telegram Letter numbered ST/1045/V/HUK.6.2./2021. Regarding instructions and directions to all officers in the field to take action against noisy exhaust users. This letter is a form of legal certainty given to the public regarding how the rules for the enforcement of noisy exhaust can be carried out. The contents of the Chief of Police telegram are as follows:

1. *Carry out socialization to road users about the impact of noise caused by the use of exhausts that are not in accordance with SW randors or do mi ere is e teghnical requirements of ATPM.*
2. *Give persuasive and educative warnings to motor vehicle parts traders, then motor vehicle workshops not to sell and not to serve the installation of exhausts that do not comply with SNI standards.*
3. *Take firm action on the road for motorists who use exhausts that do not meet SNI standards because the noise can disturb the concentration of other motorists, potentially causing traffic accidents.*
4. *Violations of the use of exhausts that do not comply with SNI standards can then be subject to Article 285 Paragraph (1) Junto Article 106 Paragraph (3) Junto Article 48 Paragraph (2) and Paragraph (3) of Law Number 22 Year 2009 with a maximum imprisonment of 1 (one) month or a maximum fine of Rp 250,000 (two hundred fifty thousand rupiah).*
5. *When carrying out enforcement of violations, coordinate with stakeholders, including the local Environmental Agency and DLLAJ to provide testing equipment for motor vehicle noise levels and continue to comply with the Covid-19 health protocol.*

Based on the National Police Chief's telegram letter, it is interesting to see that in the five points mentioned, there are 2 points for preventive action and 2 points for the implementation of repressive action. Interesting to note are the 2 points of Repressive actions of the National Police and 1 point on the procedure for prosecution. Point 3 states that enforcement will be carried out against motorists who use exhausts that are not in accordance with the Indonesian National Standard because it will interfere with the driving concentration of other drivers and can be said to cause noise pollution.

In relation to Number 4, the Kapolri remains as mandated by the Road Traffic and Transportation Law regarding the legal basis for enforcement, namely using the Road Traffic and Transportation Law, especially Article 285 paragraph (1). The traffic law is indeed a rule that is *Lex Specialis* for law enforcement against *Racing Exhaust* violations. The use of the legal basis for the prosecution of *Racing Exhaust* is carried out comprehensively by Ponorogo Police, this was revealed by IPDA Bagus Sulisty, AMK that for the prosecution of *Racing exhausts*, Article 285

paragraph (1) of the Road Traffic and Transportation Law is still used, this is because the Law is a law specifically created for the prosecution of technical and roadworthy violations.

action against technical violations and roadworthiness of motorized vehicles.

Interesting to observe is Number 5 (five) which contains

"When carrying out enforcement of violations in order to coordinate with stakeholders, including the Environmental Service and the local DLLAJ to provide testing tools for the noise level of motorized vehicles and continue to comply with the Covid-19 health protocol" in these provisions the Chief of Police provides rules that have Benefit, Certainty, and Justice to the wider community and to motorized vehicle users, namely in taking action against *Racing* exhaust users cannot necessarily be directly prosecuted only by looking at the naked eye, the legal certainty provided is that there must be a noise testing tool that must be provided by *stakeholders*. This testing tool is used to test whether the noise produced exceeds the threshold or not.

The exhaust sound tester used is the Sound Level or Decibel (B) this tool is used to measure how much noise an exhaust makes (Kompas.com 2021). The use of this tool is simple, namely when measuring, the distance and height of the measuring device is 1 meter from the exhaust. Thus, the maximum value can be obtained

The use of this Sound Level or Decibel tool must be followed by all levels of the police force in Indonesia. However, in reality in the field there are still problems using the Decibel. One of them is that noise measurements with decibels have not been carried out in the Ponorogo Police area. This was revealed after IPDA Bagus Sulistyono, AMK provided information that in the prosecution of indicators or parameters used is the Five Senses, by only looking at the appearance or physical aspect which clearly shows that the exhaust is no longer standard. In addition, it uses the sense of hearing as a benchmark, with the reference that if the physical aspect is different then the sound is definitely different from the factory default, but the main point that is seen is the noise produced.

Based on this, it appears that the Satlantas Ponorogo Police has not been maximized in taking action against the use of racing exhaust. Whereas to determine whether the exhaust is in the category above the threshold is by looking at the Sound Level or Decibel tool so that the measurements taken will produce an objective value. The assessment carried out by the Traffic Unit which only uses the five senses is subjective. is an action that can be considered subjective. Whereas in the Chief of Police Telegram Letter it has been ordered that in the prosecution a noise measuring device must be used, the purpose of the existence of this tool is none other than to provide legal certainty for the community that if a raid occurs there is already a benchmark used to determine noise, besides that it also provides

justice for the motorized vehicle user community by not all exhausts that have been replaced are exhausts that violate the rules.

Efforts to prevent and overcome violations of motorcycle vehicle users with exhaust sounds that exceed the noise threshold in Ponorogo are Pre-emptive efforts, Preventive efforts and Repressive efforts. The countermeasures carried out by Ponorogo Police emphasize Repressive efforts, namely after the violation occurs, which is an effort to take action and enforce the law against the perpetrator in accordance with applicable laws and regulations. Meanwhile, Pre-emptive and Preventive efforts are countermeasures that focus more on the nature of prevention before the offense occurs.

1. Pre-emptive Efforts Countermeasures with Pre-emptive efforts are basically in the form of coaching, counseling positive activities for the community. Countermeasures with preventive efforts carried out, namely through traffic socialization from the Dikyasa Unit to schools notifying at the time of the school apple which is usually from the school inviting the police from the Dikyasa Unit which provides direction so that junior high school children, high school do not wear brong exhaust because it is very disturbing and can trigger social conflict in the community. In this case to emphasize to students at school that obeying traffic rules must be done in order to create an orderly and orderly traffic life.
2. Preventive Efforts
Preventive efforts, namely actions in the form of routine traffic guards and patrols, one of which is to prevent violations related to motorcycle users with exhaust sounds that exceed the noise threshold, are OC still not maximally implemented considering that gerte to marmal lemened considering that when the guard takes place, vehicles found violating are not stopped for unknown reasons. In addition, patrols and raids are only carried out in orderly traffic areas so that users of wrong exhausts can avoid. This preventive effort is an attempt to narrow the opportunity for perpetrators to commit violations. With weak police enforcement while on guard, the perpetrators are not afraid to commit these violations. In the future, it is hoped that this Preventive effort can be carried out optimally so that it can minimize the opportunity for perpetrators to commit violations on the highway so as to achieve comfort, safety and order in traffic.
3. Repressive Efforts
Repressive efforts are efforts that focus on after the violation occurs which is an effort to take action and enforce the law against the perpetrator in accordance with applicable laws and regulations such as :
 - a. Providing witnesses ticket according to applicable regulations. At this time, the perpetrators of violations of motorcycle vehicle users with exhaust

sounds that exceed the noise threshold have been given sanctions in the form of direct action, namely tickets, where the STNK is confiscated and given a ticket, besides that the vehicle is also detained. However, the police did not act decisively and have not been able to provide a deterrent effect to the perpetrators, because these violations are still very often found on the highway. It is undeniable that in the base of these violations, it cannot only be charged to law enforcers, but there must also be intervention from the community itself to be aware of law order;

b. For private vehicle owners who use Racing exhausts who are caught operating these vehicles prohibited roads, the initial steps and actions taken by Satlantas Ponorogo Police by giving direct warnings and warnings to private vehicle drivers who use the Racing exhaust so that they do not operate their vehicles on the road.

c. For drivers found in the field using a Racing exhaust and not equipped with a SIM and Sack will be carried out / Confiscation of the vehicle and must prove proof of vehicle ownership.

d. Provide understanding to perpetrators who are prosecuted related to the noise threshold.

In addition to giving ticket sanctions to violators, the police must also provide an understanding of the noise threshold on the exhaust that is allowed and the impact if the provisions are violated.

Some of the factors of obstacles and public noncompliance with racing exhausts and other traffic are outlined in Article 1 point (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation including traffic violations, inadequate road safety and security, congestion, and others.

These problems can cause losses in all forms, both material and immaterial. Mulyono revealed that analyzing the causes of traffic accidents focuses on 3 (three) main causes of traffic accidents, namely:

(1) *human factor*, (2) *vehicle factor*, and (3) *road and environment factor*. The relationship between humans and road infrastructure has a percentage of 34.8% and the relationship only occurs in 24% (Mulyono 2005).

Traffic includes road transportation accessibility and mobility, which are the basic needs of society. It then raises problems due to misalignment operating arrangements with the occurrence of traffic accidents, environmental degradation and congestion. Every driver vehicle motorized vehicle must follow the rules that have been implemented by the government. All motorists need to learn and understand these regulations because they have consequences if they do not implement them, these consequences are in the form of penalties that have a deterrent effect on these regulations, namely regulations on driving on the highway.

If the rules are violated, the authorities, namely the Traffic Police, have the right to take action against motorists who do not comply the regulation.

In its enforcement and law enforcement efforts, competent traffic law enforcement officers must have encountered obstacles in its implementation, including law enforcement efforts against vehicles using racing exhausts, which are clearly explained in Law Number 22 of 2009 concerning Road Traffic and Transportation.

Some of the obstacles experienced during law enforcement are seen using the analysis used by Satjipto Raharjo, including:

1. Law Enforcement Officials Factor

Law enforcement officers who are role models in society must have certain competencies in accordance with the aspirations of the community. They must be able to communicate and take a role that is acceptable to them. Law enforcement officers often abuse their power over the community, such as traffic violations by police officers who impose fines without a summons from their superiors, so that if violators do not want to be fined, they can choose to solve the problem at the scene or attend the trial. (Purnomo and Suryono 2023).

In addition, there are also many traffic problems such as accidents, traffic jams, sign violations, order violations, driving violations, vehicles that do not comply with regulations. With so many problems, traffic police do not focus on vehicles using racing exhausts alone, resulting in a lack of supervision at the scene, moreover, there are not always and always traffic police officers on duty due to the large number of vehicles and the limited number of members.

2. Community Factors Society is a determining factor in the success of law enforcement, lack of understanding of the law is an obstacle to law enforcement. Many people do not know and clearly understand the legal provisions for the use of silencers that have been regulated in the Road Traffic and Transportation Law. In addition, public legal awareness is still limited, they are very aware of the regulations, but without supervision from the authorities, they are afraid to comply and tend to violate them. This lack of legal awareness in the community can be seen from the confession made by Mehendra Febriawan, who uses Racing Exhaust on his motorized vehicle. Mahendra claimed to have understood the existence of rules prohibiting the use of Racing exhausts on the highway. highway. However, Mahendra's use of the Racing exhaust is also not without reason. The reason expressed by Mahendra is due to the factor to exist and be noticed around. According to him, a standard motorcycle is boring and by changing the exhaust, the motorcycle will become even better. In addition, what Ponorogo Police did

in providing counseling and repressive actions against Racing exhaust users was not too optimal. This was revealed by a statement from Mahendra who said that Mahendra was ready to be ticketed and had no intention of reusing his Racing exhaust. Another reason that is often obtained and expressed by the wider community is that people do not know the latest rules regarding noise thresholds for motorized vehicles as regulated in the Ministry of Environment and Forestry Regulation Number 7 of 2009 concerning Noise Thresholds. In fact, it can be known that this cannot be used as an excuse to avoid the law despite not knowing the applicable rules. As in the Legal Fiction Theory, there is a principle that everyone knows the law (*presumptio iures de iure*). Everyone is presumed to know the law. A person's ignorance of the law cannot exempt him from prosecution. The theory of legal fiction is implemented as a section that regulates promulgation, namely in Presidential Regulation Number 01 of 2007 concerning Ratification, Promulgation and Dissemination of Legislation. Provisions regarding the dissemination of laws and regulations are regulated in Articles 88 to 95 of Law Number 12/2011 on the establishment of laws and regulations. The dissemination of laws is carried out by the House of Representatives and the Government since the preparation of Prolegnas, the drafting of bills, the discussion of bills until the enactment of laws. The dissemination of laws can also be carried out by the Regional Representative Council specifically for laws related to the functions of the Regional Representative Council related to the functions of the House of Regional Representatives. For the dissemination of local regulations, both provincial regulations and district / city regulations are carried out by the Regional House of Representatives and the Provincial or District / City Government (Ali Marwan HSB 2016).

3. Facilities and Infrastructure Factors Facilities and Infrastructure are fundamental supporting factors in the implementation of law enforcement. In the problem of vehicles that use Racing exhaust, there has been a circular letter given to traders who sell and affixed to the trader's shop but this is not heeded by sellers and buyers. In addition, until now the procurement of sound level or decibel tools has not been found. The stake holders have not made procurement for the tool. Though the tool is very crucial in determining the noise of an exhaust. The absence of the Sound Level is a complex problem because it involves several closely related problems, including
4. Availability of Funds The availability of funds for technology acquisition plays a very important role. Indeed, without money, technological tools cannot be easily available.

5. Quality of Human Resources The lack of quality human resources in the police environment is said to be not ready to operate technological devices that are considered very sophisticated and continue to develop from year to year.

CONCLUSION

In the National Police Chief's telegram letter number ST/1045/V/HUK.6.2./2021, it is required that noise measurements must be taken with a measuring device. However, what happened at the Ponorogo Resort Police was not done, the measurement of the ticketing of the Racing exhaust was carried out subjectively, namely only by the senses of sight and hearing. This creates legal uncertainty regarding the threshold parameters set by the Ministry of Environment and Forestry.

Factors that become obstacles in Law Enforcement Law Enforcement Law Enforcement and Community Compliance include;

- a. Law Enforcement Factors Law enforcement officers are limited in enforcing Racing exhausts because not all law enforcement officers, especially the Police in the Traffic Police unit, focus on enforcing Racing Exhausts.
- b. Community Factors The community has a hand in this because there are 2 (two) reasons, namely, First, the existence of legal defiance due to actions from the police that do not have a deterrent effect, and Second, people who do not know the law even though there are rules and principles regarding legal fiction.
- c. Facilities and Infrastructure Factors In the prosecution of Racing Exhaust as stipulated by the Indonesian National Police, the Chief of Police telegram letter number ST/1045 / V / HUK.6.2./ 2021 must be used as a noise measuring device, but in fact it never existed and was not used.

Suggestion

The importance of continuous preventive and pre-emptive efforts related to the prohibition of racing exhausts, then the addition of sanctions in order to provide more deterrent effect, because with the confiscation of evidence alone does not have a deterrent effect on the users of racing exhausts. In addition, it is also necessary to have a tool for noise threshold indicators, because this is a mandatory thing from the Indonesian National Police, as in the National Police Chief's telegram letter number ST/1045/V/HUK.6.2./2021

REFERENCES

- Agustina, R. (2003). *Wrongful Acts of Law* (1st ed.). Postgraduate Program, Faculty of Law, University of Indonesia.
- Arief, B. N. (1984). *Sari Kuliah Hukum Pidana II*.

- Asshiddiqie, J. (n.d.). Law Enforcement.
- Asshiddiqie, j. (2008). The role of advocates in Law Enforcement, Legal Oration at the Inauguration of the DPP IPHI 2007-2012 Term of Service. Jakarta: Press Conference.
- Chazawi, A. (2010). Criminal Law Lesson Part 1. Fakrulloh, Z. A. (2005). Law Enforcement as an Opportunity to Create Justice.
- Firmansyah, T., & Puspitosari, H. (2022, October). Effectiveness of Combating the Use of Racing Exhaust for Motorists. *Suloh: Journal of Malikussaleh University Faculty of Law*, 10(2), 381-389.
- Fuady, M. (2002). *Wrongful Acts of Law: A Contemporary Approach*. Citra Aditya Bakti.
- Hamzah, A. (1996). *Criminal Code and Criminal Procedure Code*. Rineka Cipta.
- Hasan, N. (2022). Criminal Law Sanctions of Social Work against Racing Motorcycle Exhaust Users. *Wajah Hukum*, 6(1), 1-13.
- Dictionary of Language Center. (2002). *Big Dictionary of Indonesian Language*. Jakarta: Balai Pustaka.
- Media Justisia. (2022, August 8). Noisy Motorcycle Exhaust, How
- Mulyono. (2005). *Efforts to Improve Road Safety in the Gringsing District Area*, K Agustina, R. (2003). *Wrongful Acts of Law* (1st ed.). Postgraduate Program, Faculty of Law, University of Indonesia.
- Arief, B. N. (1984). *Sari Kuliah Hukum Pidana II*.
- Asshiddiqie, J. (n.d.). Law Enforcement.
- Asshiddiqie, j. (2008). The role of advocates in Law Enforcement, Legal Oration at the Inauguration of the DPP IPHI 2007-2012 Term of Service. Jakarta: Press Conference.
- Chazawi, A. (2010). Criminal Law Lesson Part 1.
- Fakrulloh, Z. A. (2005). Law Enforcement as an Opportunity to Create Justice.
- Firmansyah, T., & Puspitosari, H. (2022, October). Effectiveness of Combating the Use of Racing Exhaust for Motorists. *Suloh: Journal of Malikussaleh University Faculty of Law*, 10(2), 381-389.
- Fuady, M. (2002). *Wrongful Acts of Law: A Contemporary Approach*. Citra Aditya Bakti.
- Hamzah, A. (1996). *Criminal Code and Criminal Procedure Code*. Rineka Cipta.

- Hasan, N. (2022). Criminal Law Sanctions of Social Work against Racing Motorcycle Exhaust Users. *Wajah Hukum*, 6(1), 1-13.
- Dictionary of Language Center. (2002). *Big Dictionary of Indonesian Language*. Jakarta: Balai Pustaka.
- Media Justisia. (2022, August 8). Noisy Motorcycle Exhaust, How
- Mulyono. (2005). *Efforts to Improve Road Safety in the Gringsing District, Batang Regency, Alas Roban, Central Java Tinjauan from the Geometric and Road Equipment Sector*. Deopok: University of Indonesia.
- Rahardjo, S. (2002). *Sociology of Law Development of Methods and Choice of Problems*. Yogyakarta: UMS Press. Rahardjo, S. (2012). *The Science of Law*. (E. A. Marwan, Editor.) Bandung: PT Citra Aditya Bakti.
- Rasjidi, L., & Putra, I. W. (1993). *Law as a System*. Bandung: Remaja Rhodakarya.
- Rato, D. (2010). *Philosophy of Law Seeking: Understanding and Making Sense of Law*. Yogyakarta: Laksbang Pressindo.
- Riyansah, Y., Syamsah, T., & Junaidi. (2016, March). VIOLATION OF TECHNICAL AND ROADWORTHY REQUIREMENTS FOR THE USE OF "RACING EXHAUST". *De'rechtsstaat Law Journal*, 2(1), 103-115.
- Shirley, H. (2000). *Highway Engineering Planning*, Department of Civil Engineering, Bandung State Polytechnic, Bandung. Bandung: Department of Civil EngineeringPolyteknik Negeri Bandung.
- Soekanto, S. (1990). *Police and Traffic (Analysis According to Legal Sociology)*. Bandung: Mandar Maju.
- Susanto, N. A. (2014). Axiological Dimension of "ST" Case Verdict Review Number 97 PK/Pid.Sus/2012. *Judicial Journal*, 7(3). 13 Batang Regency, Alas Roban, Central Java A Review of Geometrics and Road Equipment. Deopok: University of Indonesia. Rahardjo, S. (2002). *Sociology of Law Development of Methods and Choice of Problems*. Yogyakarta: UMS Press.
- Rahardjo, S. (2012). *The Science of Law*. (E. A. Marwan, Editor.) Bandung: PT Citra Aditya Bakti.
- Rasjidi, L., & Putra, I. W. (1993). *Law as a System*. Bandung: Remaja Rhodakarya.
- Rato, D. (2010). *Philosophy of Law Seeking: Understanding and Making Sense of Law*. Yogyakarta: Laksbang Pressindo.
- Riyansah, Y., Syamsah, T., & Junaidi. (2016, March). VIOLATION OF TECHNICAL REQUIREMENTS AND ROADWORTHINESS USE OF "RACING EXHAUST". *RACING". De'rechtsstaat Law Journal*, 2(1), 103-115.

- Shirley, H. (2000). Highway Engineering Planning, Department of Civil Engineering, Bandung State Polytechnic, Bandung. Bandung: Department of Civil EngineeringPolyteknik Negeri Bandung.
- Soekanto, S. (1990). Police and Traffic (Analysis According to Legal Sociology). Bandung: Mandar Maju.
- Susanto, N. A. (2014). Axiological Dimension of "ST" Case Verdict Review Number 97 PK/Pid.Sus/2012. Judicial Journal, 7(3).