

JURIDICAL REVIEW MOTOR VEHICLE NOISE THINGS IN INDONESIA'S POSITIVE LAW

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Abstract

As referred to in Article 106 paragraph (3) in conjunction with Article 48 paragraph (2) and paragraph (3) shall be sentenced to a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah). As for the formulation of the problem in this study is HowMean Motor Vehicle Noise Threshold, HowJuridical Overview Motor Vehicle Noise Threshold, and HowLegal SettlementMotor Vehicle Noise Threshold in Indonesian Positive Law. The method used is normative legal research. Data sources consist of primary legal materials, secondary legal materials, and tertiary legal materials. In this study the data were analyzed qualitatively and in drawing conclusions the authors applied the method of deductive thinking. Based on the results of the study it is known thatMean Motor Vehicle Noise Threshold that is in the Regulation of the State Minister of the Environment Number 7 of 2009 concerning the New Type Motor Vehicle Noise Threshold. In the attachment of the Minister of Environment Regulation Noise Threshold confirms that the motorcycle noise threshold under 175cc is 80 dB and above 175cc is 83 dB.Juridical Overview Motor Vehicle Noise Threshold that in Article 285 of Law Number 22 of 2009 concerning Road Traffic and Transportation paragraph (1) that everyone who drives a Motorcycle on the Road that does not meet the technical and road-worthy requirements which includes rearview mirrors, horns , headlights, brake lights, directional lights, reflecting devices, speed measuring devices, exhaust, and tire groove depth as referred to in Article 106 paragraph (3) in conjunction with Article 48 paragraphs (2) and (3) shall be punished with imprisonment for a maximum of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah). Legal SettlementMotorized Vehicle Noise Threshold In Indonesian Positive Law that in taking action by law enforcement in this case the police and the Transportation Agency in carrying out enforcement in terms of noise testing, they never test how much noise is produced and law enforcers do not have the tools to measure the noise level generated from exhaust of motorized vehicle users on the highway.

Keywords: Muffler, Vehicle, Law Enforcement

INTRODUCTION

The rule of law is a state that stands above the law which guarantees justice for its citizens. Justice is a requirement for the creation of a happy life for its citizens, and as a basis for justice it is necessary to teach morals to every human being so that he becomes a good citizen. Likewise, legal regulations that actually exist only if they reflect justice for the social life between citizens.¹ Article 1 paragraph (3) of the 1945 Constitution of the Unitary State of the Republic of Indonesia states that "Indonesia is a state of law". The state of law in question is a state that enforces the rule of law to uphold truth and justice and there is no power that is not accounted for.²

The more the times, the more means of transportation are needed to fulfill the needs. Traffic is one of the means of community communication that plays a vital role in facilitating the development that we carry out. The traffic problem is one of the problems on a national scale that develops in tune with the development of society.³

There are three components of traffic, namely: human as user, vehicle and Street interacting with each other in the movement of vehicles that meet the eligibility requirements to be driven by the driver following the traffic rules established based on the laws and regulations concerning traffic and road transportation through roads that meet geometric requirements. From the various accidents, it can be concluded that it was fatigue and carelessness of the driver that triggered the accident. The human factor is the main cause of traffic accidents on the highway, this happens because of carelessness or negligence of the driver in driving his vehicle.⁴

The problem faced in traffic is the balance between the capacity of the road network and the number of vehicles and people passing by using the road. If the capacity of the road network is almost saturated, let alone exceeded, then what happens is traffic congestion, this problem is often confused as a transportation problem. Meanwhile, transportation is the activity of moving people and/or goods from one place (origin) to another (destination) using a vehicle (vehicle) which must be considered is the balance between the capacity of the mode of transportation and the number of goods and people who need transportation. If the fleet capacity is lower than required, a lot of goods and people will not be transported, or both will be crammed into existing vehicles.⁵

¹Moh. Kusnardi and Harmaily Ibrahim, *Indonesian Constitutional Law*, (Jakarta: Sinar Bakti, 1988), p. 153.

²People's Consultative Assembly of the Republic of Indonesia, *Guidelines for the Correction of the 1945 Constitution of the Republic of Indonesia (According to the Sequence of Chapters, Articles and Paragraphs)*, (Jakarta: Secretary General of the People's Consultative Assembly of the Republic of Indonesia, 2010), p. 46.

³People's Consultative Assembly of the Republic of Indonesia, *Guidelines for the Correction of the 1945 Constitution of the Republic of Indonesia (According to the Sequence of Chapters, Articles and Paragraphs)*, (Jakarta: Secretary General of the People's Consultative Assembly of the Republic of Indonesia, 2010), p. 46.

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In the implementation or enforcement of the law must be fair. But law is not synonymous with justice. The law is general binding on everyone, is generalizing.⁶In Indonesia, regulations regarding road traffic and transportation are regulated in the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation.⁷

The more the times, the more means of transportation are needed to fulfill the needs. Traffic is one of the means of community communication that plays a vital role in facilitating the development that we carry out. The traffic problem is one of the problems on a national scale that develops in tune with the development of society.⁸The definition of traffic according to Article 1 point 2 of Law Number 22 of 2009 concerning Road Transport Traffic is "the motion of vehicles and people in the road traffic space". Then in Article 1 number 23 of Law Number 22 of 2009 concerning Road Transport Traffic, what is meant by a traffic accident is an event on the road that is unexpected and unintentional involving a vehicle with or without other road users resulting in human casualties and/or losses. human. Broadly speaking, accidents in traffic are caused by 4 (four) interrelated factors, namely human factors, vehicles, roads and the environment. Based on the studies that have been done of these four factors, the human factor plays the most important role.⁹

The use of non-standard motorized vehicle exhaust in Article 285 of Law Number 22 of 2009 concerning Road Traffic and Transportation paragraph (1) that everyone who drives a motorcycle on the road that does not meet the technical and road-worthy requirements which includes rearview mirrors, horns , headlights, brake lights, directional lights, reflecting devices, speed measuring devices, exhaust, and tire groove depth as referred to in Article 106 paragraph (3) in conjunction with Article 48 paragraphs (2) and (3) shall be punished with imprisonment for a maximum of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah).

It is clearly regulated that the use of exhaust can be punished with imprisonment for a maximum of 1 (one) month or a fine of a maximum of Rp. 250,000.00 (two hundred and fifty thousand rupiah), this sanction has not been fully enforced. It can be seen in the tables and data that there are still non-standard motorized vehicles.

⁶People's Consultative Assembly of the Republic of Indonesia, Guidelines for the Correction of the 1945 Constitution of the Republic of Indonesia (According to the Sequence of Chapters, Articles and Paragraphs), (Jakarta: Secretary General of the People's Consultative Assembly of the Republic of Indonesia, 2010), p. 46.

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RESEARCH METHODS

The research method that will be carried out by the author is normative, namely research based on applicable legal rules, in this case the research is conducted on the Juridical Review of Motor Vehicle Noise Thresholds in Indonesian Positive Law. The type of research used by the author is normative legal research, namely library law research,¹⁰ because it makes library materials as the main focus. In this normative legal research the author conducts research on legal principles starting from certain areas of the legal system, by first identifying the legal rules that have been formulated in certain legislation.¹¹ This type of normative research is a process of finding the rule of law, legal principles, or legal doctrines, to answer the legal issues faced. This is in accordance with the prescriptive character of law. This normative legal research is carried out to produce new arguments, theories or concepts as prescriptions in solving problems at hand.

Normative legal research aims to study the application of norms in legal practice, especially regarding cases that have been decided as contained in jurisprudence on cases that are the focus of research.

The source of data used in this normative legal research is secondary data which is divided into 3 (three) parts, namely:

- a. Primary Legal Materials, namely legal science materials that are closely related to the problems studied.
- b. Secondary Legal Materials, namely legal materials that provide explanations or discuss more things that have been researched on primary legal materials in the form of draft laws, research results, scientific works from legal experts, and so on.
- c. Tertiary Legal Materials, namely materials that provide explanations of Primary and Secondary legal materials, such as dictionaries, encyclopedias, cumulative indexes, and so on.

As for data collection techniques in normative legal research, only documentary study/library studies techniques are used, namely the method of collecting literature data contained in the literature review which will later be correlated with the problems to be studied. And also non-structured interviews which function as support, not as a tool to obtain primary data. The data collected from primary, secondary, and tertiary legal materials were then analyzed descriptively qualitatively. This analysis technique does not use numbers or statistics, but rather an explanation in the form of sentences that are presented in a straightforward manner. The data that has been analyzed and described are then concluded using the deductive method,

¹⁰People's Consultative Assembly of the Republic of Indonesia, Guidelines for the Correction of the 1945 Constitution of the Republic of Indonesia (According to the Sequence of Chapters, Articles and Paragraphs), (Jakarta: Secretary General of the People's Consultative Assembly of the Republic of Indonesia, 2010), p. 46.

¹¹Ibid. hlm. 15.

RESULT AND DISCUSSION**A. Mean Motor Vehicle Noise Threshold**

Article 106 paragraph (3) in conjunction with Article 48 paragraph (2) and paragraph (3) concerning Road Traffic and Transportation explains "Everyone who drives a motorized vehicle on the road must comply with the provisions on technical requirements and roadworthiness." And Article 48 paragraph (2) "The technical requirements as referred to in paragraph (1) consist of: a. arrangement, b. equipment, c. size, d. body, e. technical design of the vehicle in accordance with its designation, f. loading, g. use, h. motorized Vehicle coupling, and/or i. Motorized Vehicle attachment.

This law also regulates criminal threats, which are contained in Article 285 of Law Number 22 of 2009 concerning Road Traffic and Transportation which states: (1) "Everyone who drives a motorcycle on the road that does not meet the technical requirements and roadworthiness which includes rearview mirrors, horns, headlights, brake lights, directional lights, light reflectors, speed measuring devices, exhaust, and tire groove depth as referred to in Article 106 paragraph (3) in conjunction with Article 48 paragraph (2) and paragraph (3) shall be sentenced to a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiahs).

In the article, it is clear that there is a key word in driving a motorcycle, namely "fulfilling the technical requirements and being roadworthy". Regarding the technical requirements and roadworthiness as referred to in the article, one of the things that is clearly mentioned is exhaust. This means that there is a need for a regulation that meets the technical and road-worthy requirements for motorcycle exhausts so that the traffic objectives in Article 3 of the Traffic and Road Transport Law can be achieved.

In Article 127 Paragraph (1) Government Regulation Number 44 of 1993 concerning Vehicles and Drivers (PP Vehicles and Drivers) it is stated that:¹²

"Motorized vehicles must meet the roadworthiness threshold, which includes:

- a. Motor vehicle exhaust emissions;
- b. Motor vehicle noise;
- c. Main brake system efficiency;
- d. Parking brake system efficiency;
- e. Front wheel pin;
- f. Horn sound level;
- g. The transmit capability and direction of the main light beam;
- h. Turning radius;
- i. Speed indicator;
- j. Strength, performance and durability of outer tires for each type, size and coating;
- k. Outer tire tread depth.

Article 40 of Government Regulation Number 41 of 1999 concerning Air Pollution Control

¹² Government Regulation Number 44 of 1993 concerning Vehicles and Drivers

(PP for Air Pollution Control) also stipulates that "New types of motorized vehicles and old motorized vehicles that emit noise must meet the noise threshold".¹³ Through the phrase "new type of vehicle and old type of vehicle, it means that all motorized vehicles (including motorcycles) must meet the noise threshold.

Regarding the noise threshold, the State Minister for the Environment has issued a Regulation of the State Minister for the Environment Number 7 of 2009 concerning the Noise Threshold for New Type Motor Vehicles (Permen LH Noise Threshold). In the attachment of the Minister of Environment Regulation Noise Threshold confirms that the motorcycle noise threshold under 175cc is 80 dB and above 175cc is 83 dB.¹⁴ Through the several articles mentioned above, it is clear that noise is something that must be considered in the roadworthiness standard of motorized vehicles, especially in traffic.

For the sake of legal certainty over the rules regarding the threshold, there is a written rule that requires the existence of a noise test equipment. Then in Article 17 Paragraph (3) letter (d) Government Regulation Number 80 of 2012 concerning Procedures for Inspection of Motorized Vehicles on the Road and Enforcement of Traffic and Road Transportation Violations, it is stated that the inspection equipment for the roadworthiness requirements of Motorized Vehicles as referred to in paragraph (1) letter b at least consists of:

- a. Brake test equipment;
- b. Exhaust gas test equipment;
- c. Lighting test equipment; and
- d. Noise test equipment.

Article 14 Paragraph (1) letter b of Law Number 2 of 2002 concerning the Indonesian National Police (UU Polri), namely: conducting all activities to ensure security, order and smooth traffic on the road. It is clear that Polantas is responsible for maintaining the realization of security, order, and safety in traffic. While the transportation service is the authority of the Transportation Service officer where it is explained that functions such as regulation, guard, escort and traffic patrol are not the authority of the Transportation Service but the authority of the police officers. In general, the authority of the Department of Transportation officers is only exercised at the terminals and places where weighing devices are permanently installed. However, in certain circumstances this authority can be exercised on the road but must be coordinated and accompanied by Polri officers. In line with the tasks of the Department of Transportation described above, it is to find out the current state of the exhaust noise of motorized vehicles. According to the author, the ticket is still with the police, but to find out the size of the sound in the exhaust it is the transportation service.

¹³ Government Regulation No. 41/1999 on Air Pollution Control

¹⁴ Regulation of the State Minister of the Environment Number 7 of 2009 concerning the Noise Threshold for New Types of Motorized Vehicles

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Modification of the vehicle exhaust and the application of criminal sanctions as a substitute for the application of imprisonment so far it is felt in society that it still does not fulfill the purpose of punishment, this is due to factors that can be replaced by the implementation of fines by non-

¹⁶ Government Regulation No. 41/1999 on Air Pollution Control

¹⁷ Regulation of the State Minister of the Environment Number 7 of 2009 concerning the Noise Threshold for New Types of Motorized Vehicles

perpetrators, causing the feeling of being punished by the perpetrator to be lost perceived to be too low, so that it is not in accordance with the harmony between the purpose of punishment with a sense of justice in society and the law should be able to be present as a means of social control that is educational, inviting and forcing the regulated community to comply with applicable rules or norms.

At this time the use of motorcycles is increasing. The need for this means of transportation is very important because of its practicality so that it becomes the foundation for carrying out daily activities. What road users are looking for is comfort in driving, not infrequently and even many two-wheeled riders modify their motorbikes by changing component specifications or by adding additional components to their vehicles.

This has resulted in the proliferation of various variations for two-wheeled vehicles to be able to satisfy the modification desires of the owners of these vehicles, for example the replacement of motorcycle exhaust. This can be seen from the results of the documentation for the prosecution of non-standard exhaust users. Motorcycle exhaust replacements are often misused by users, where the exhaust used creates noise that can disturb the comfort of the community.

Following up on this, the government enacted a law that regulates this matter, namely Law No. 22 of 2009 concerning Road Traffic and Transportation. The contents of these laws and regulations are closely related to the community, where there are new policies that previously did not exist in the old law, namely Law Number 14 of 1992 concerning road traffic and transportation. The impact caused by violations of vehicles, both 4 (four) and 2 (two) wheels, especially the use of non-standard exhaust is considered quite detrimental to other road users, while the impact is in the form of noise, air pollution, which can trigger speeding actions. on the highway until an accident occurs that can kill as many as.

C. Legal SettlementMotor Vehicle Noise Threshold in Indonesian Positive Law

The low level of understanding of the drivers on the impact that can occur is one indicator that there are still many users of non-standard exhaust. The existence of acknowledgment or even rejection of the use of non-standard exhaust is an implementation of that level of understanding.

Regulations for the use of non-standard exhaust on 2-wheeled motorized vehicles are contained in laws and regulations such as Law no. 22 of 2009 concerning Road Traffic and Transportation and the Regulation of the Minister of the Environment No. 7 of 2009 concerning the Noise Threshold for New Types of Motorized Vehicles. From the results of the analysis of each of these laws and regulations regarding the regulation of non-standard exhaust users on the highway, the laws and regulations of Law no. 22 of 2009 concerning Road Traffic and Transportation is only limited to written rules which in its implementation there is no clarity on the basis of violations for non-standard exhaust users. The motor vehicle noise threshold is written in the Regulation of the Minister of the Environment No. 7 of 2009,

In taking action against law enforcement, in this case the police and the Transportation Agency, in carrying out enforcement in terms of noise testing, have never tested how much noise is produced and law enforcement does not have the tools to measure the noise level generated

from the exhaust of motorized vehicle users on the highway.

The examination regarding the action has been regulated in the Regulation of the Minister of the Environment No. 7 of 2009 concerning the Noise Threshold for New Type Motor Vehicles, for motor vehicles with a maximum cc of 80cc 77 dB, 80cc to 175cc motor vehicles a maximum of 80 dB, and 175cc motor vehicles with a maximum of 83 dB.B.

Implementation of Sanctions against Vehicle Owners Using Non-standard Mufflers Law No. 22 of 2009 concerning Road Traffic and Transportation regulates motorcycle drivers who do not meet the technical requirements for roadworthiness which include glass, exhaust, and directional lights. The threats contained in Article 106 (3) in conjunction with Article 48 (2) and (3) are both criminal and fine for violators.

Prevention efforts to tackle traffic violations by conducting socialization regarding the use of standard exhaust or socializing the use of legal non-standard exhaust, and the need for a more in-depth study of the benefits or disadvantages that will arise from the use of non-standard exhaust or the impact on the industry non-standard exhaust already running. One of the preventive efforts is by providing education and counseling to community members as well as making appeals related to the provisions of the legislation in question, so as to minimize repressive measures by conducting raids or fines for users of two-wheeled vehicles with non-standard exhaust.

These terms are intended to emphasize that the law that must be enforced is not essentially the norm of the rules themselves, but the values of justice contained therein. According to Soerjono Soekanto, the problem of law enforcement actually lies in the factors that influence it. These factors have a neutral meaning, so that the positive or negative impact lies in the content of these factors. These factors are:¹⁸

a) The legal factor itself, in which it is limited by law.

Laws are written regulations that apply generally and are made by legitimate central and regional authorities. Regarding the enactment of the law, there are several principles whose purpose is for the law to have a positive impact, meaning that the law achieves its objectives, so that it is effective. These principles are:¹⁹

- 1) The law is not retroactive; This means that the law may only be applied to events referred to in the law, and occur after the law is declared effective
- 2) Laws made by higher authorities have a higher position too
- 3) Laws that are special in nature override laws that are general in nature; This means that special events must be enacted by law that mentions the event
- 4) The law that was enacted later cancels the law that was in effect earlier; This means that other laws that were previously enacted that regulate a certain matter, are no longer valid if there is a new law that applies later which regulates the same thing, but the meaning and purpose is different from the old law.

¹⁸People's Consultative Assembly of the Republic of Indonesia, Guidelines for the Correction of the 1945 Constitution of the Republic of Indonesia (According to the Sequence of Chapters, Articles and Paragraphs), (Jakarta: Secretary General of the People's Consultative Assembly of the Republic of Indonesia, 2010), p. 46.

¹⁹Ibid, p. 12.

- 5) The law is inviolable
- 6) The law is a means to achieve spiritual and material welfare for the community and individuals through preservation or renewal.
- b) Law enforcement factors, namely the parties that form and apply the law.
- c) Law enforcement is the central point, this is because legislation, drawn up by law enforcers, its implementation is carried out by law enforcers and law enforcers are considered legal role models for the wider community. Therefore, if the morals of law enforcers are good, then the law enforcement that is desired is good, otherwise the morals of law enforcers are bad, so the desired law enforcement is also bad.
- d) Factors of facilities or facilities that support law enforcement.
- e) Without certain facilities or facilities, it is impossible for law enforcement to take place smoothly. These facilities or facilities include, among others, educated and skilled human resources, good organization, adequate equipment, sufficient finances and so on.
- f) Community factors that include legal awareness and legal compliance
- g) Law enforcement comes from the community and aims to achieve peace in society. Therefore, viewed from a certain angle, the community can influence law enforcement. Indonesian people in particular, have certain opinions about the law. First of all, there are various meanings or meanings given to law, the variations of which are:
 - 1) Law is defined as science;
 - 2) Law is defined as a discipline, namely a system of teachings about reality;
 - 3) Law is defined as a norm or rule, namely a standard of appropriate behavior;
 - 4) Law is defined as a legal order;
 - 5) Law is defined as an officer or official;
 - 6) Law is defined as the decision of officials or authorities;
 - 7) and others

Of the many understandings given to law, there is a great tendency in society, to interpret the law and even identify it with officers (in this case law enforcers as individuals) one of the consequences is that the good and bad of the law are always associated with the pattern of behavior of the law enforcer, which in his opinion is a reflection of the law as a process.

From the point of view of the social and cultural system, Indonesia is a plural society, there are many ethnic groups with special cultures.²⁰In addition, the largest part of Indonesia's population lives in rural areas which have different characteristics from urban areas. Therefore, law enforcers must recognize the social stratification or stratification of society in the environment, along with the existing status/position and roles. By knowing and understanding these things, the way is opened to be able to identify the values, norms or rules that apply in that

²⁰People's Consultative Assembly of the Republic of Indonesia, Guidelines for the Correction of the 1945 Constitution of the Republic of Indonesia (According to the Sequence of Chapters, Articles and Paragraphs), (Jakarta: Secretary General of the People's Consultative Assembly of the Republic of Indonesia, 2010), p. 46.

environment.

Another problem is in terms of the application of legislation. If law enforcers realize that they are considered law by the community, then it is not impossible that the legislation is interpreted too broadly and too narrowly, besides that there is a habit of not reviewing the legislation which sometimes lags behind developments in society.

Thus it can be said that the assumptions of the community must undergo changes to a certain degree, these changes can be carried out through continuous legal information and counseling and the results are always evaluated, and then developed again.

h) Legal culture

The legal culture (system) basically includes the values that underlie these activities which will later be able to place the law in its proper position and role. Applicable legal factors, values which are abstract conceptions of what is considered good and what is considered bad. These values are usually a pair of values that reflect two harmonized extremes. Value pairs that play a role in law are:

1) The value of order and the value of peace;

The value of order is usually referred to as attachment or discipline, while the value of peace is a freedom. The characteristics of an orderly state are as follows: predictability, cooperation, control of violence, decency, lasting, steady, tiered, obedience, without dispute, uniformity, togetherness, steady, suruham, sequential, outward pattern, structured.

Unsafe or unfree situations will occur if: there are obstacles from other parties (forced), there is no other choice (forced) and because of one's own circumstances (fear, feeling out of place). Psychologically, a state of peace exists when a person does not feel worried, does not feel threatened from the outside, and there is no inner conflict. The pair of values, namely order and peace, is actually parallel to the values of public interest and private interest.

2) Physical/material values and spiritual/moral values;

The pair of material values and morality are also universal value pairs. However, in reality, in each society, differences arise due to various kinds of influences. The influence of modernization activities in the material sector, for example, is not impossible to place the value of material in a higher position than the value of morality, so that an incompatible situation will arise. The placement of material values in a higher and more important position will result in various aspects of the legal process being assessed from a purely material perspective. One of the consequences of placing material values in a higher position is that in the process of institutionalizing law in society, negative sanctions are more important than awareness to obey the law.

3) The value of permanence and the value of novelty.

The pair of eternal values and novelty values always play a role in the development of community law, because on the one hand there are those who state that the law only follows changes that occur and aims to defend the territory. On the other hand, there are

strong assumptions that law can also function as a means to make changes and create new things.

Conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the relationship of values outlined in solid and embodied rules and attitudes of action as a series of final stage value elaborations, to create, maintain, and maintain peaceful social life. The conception that has a philosophical basis requires further explanation, so that it will appear more concrete.

CONCLUSION

The meaning of the Motor Vehicle Noise Threshold that is in the Regulation of the State Minister of the Environment Number 7 Year 2009 concerning the New Type Motor Vehicle Noise Threshold. In the attachment of the Minister of Environment Regulation Noise Threshold confirms that the motorcycle noise threshold under 175cc is 80 dB and above 175cc is 83 dB.

Juridical Review of Motorized Vehicle Noise Threshold that in Article 285 of Law Number 22 of 2009 concerning Road Traffic and Transportation paragraph (1) that everyone who drives a Motorcycle on the Road that does not meet the technical and road-worthy requirements which includes rearview mirrors , horn, headlight, brake light, directional light, light reflecting device, speed measuring device, exhaust, and tire tread depth as referred to in Article 106 paragraph (3) in conjunction with Article 48 paragraph (2) and paragraph (3) shall be punished with a criminal fine. imprisonment for a maximum of 1 (one) month or a fine of a maximum of Rp. 250,000.00 (two hundred and fifty thousand rupiahs).

Settlement of Motor Vehicle Noise Threshold Law in Positive Indonesian Law that in taking action by law enforcement in this case the police and the Transportation Agency in carrying out enforcement in terms of noise testing, they never test how much noise is produced and law enforcers do not have the tools to measure the noise level that is generated. generated from the exhaust of motorized vehicle users on the highway.

REFERENCES

- Bambang Waluyo, *Legal Research in Practice*, Jakarta: Sinar Graphic, 2002.
- Mardjono Reksodiputro, *Criminology and the Criminal Justice System (Collection of Essays, Second Book)*, Jakarta: Center for Justice Services and Legal Services (formerly the Criminology Institute) University of Indonesia, 2007.
- Moh. Kusnardi and Harmaily Ibrahim, *Indonesian Constitutional Law*, Jakarta: Sinar Bakti, 1988.
- Rinto Raharjo, *Orderly Traffic*, Yogyakarta: Shafa Media, 2014.
- Soerjono Soekanto, Sri Mamudji, *Normative Legal Research, A Brief Overview*, Jakarta: PT Raja Grafindo, 2003.
- Soetandyo, Wignjosoebroto, *Law in Society*, Yogyakarta: Graha Ilmu, 2013.
- Wirjono Prodjodikoro, *Principles of Criminal Law in Indonesia*, Bandung: Refika Aditama, 2003.
- Zainal Asikin, *Introduction to Law*, Jakarta: Raja Grafindo Persada, 2012.
- Zainuddin Ali, *Sociology of Law*, Jakarta: Sinar Graphic, 2008.

Legislation

Regulation of the State Minister of the Environment Number 7 of 2009 concerning the Noise Threshold for New Types of Motorized Vehicles.

Government Regulation No. 41/1999 on Air Pollution Control.

Government Regulation Number 44 of 1993 concerning Vehicles and Drivers.

People's Consultative Assembly of the Republic of Indonesia, Guidelines for Correctional Laws

The 1945 Constitution of the Republic of Indonesia (According to the Sequence of Chapters, Articles and Paragraphs).