



Juridical Analysis of the Road Traffic and Transportation Law on the Regulation of Odong-Odong Vehicles on Highways in the Perspective of State Responsibility

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ABSTRACT

This study discusses the legal issues surrounding odong-odong vehicles, which are categorized as illegal due to modifications that violate Law Number 22 of 2009 and Government Regulation Number 55 of 2012. Despite their illegality, these vehicles continue to operate, especially in urban areas, due to their social and economic value. Using a normative juridical method and Satjipto Rahardjo's progressive legal approach, this study finds that current regulations are ineffective and cause legal and social tensions. The research suggests that revising existing laws to allow for the controlled legalization of odong-odong could offer benefits such as job creation and affordable transportation. It also highlights the need for central and local government roles in ensuring the safety and regulation of these vehicles.

INTRODUCTION

The state of Indonesia has entered an era of modernization that has had a significant impact on various aspects of people's lives, including in the fields of economics, politics, science and technology, culture, education, and others. One of the impacts of modernization is the advancement in the transportation sector, which emerged in response to the need for individual mobility to support daily activities or the delivery of goods to other locations. Thus, the transportation sector in Indonesia has transformed along with the development of human civilization and the influence of technological innovation, which has made the transportation system more efficient and sophisticated. One of the transportation sectors that has experienced rapid development due to modernization is motor vehicles, including motorcycles, cars, planes, ships, and traditional vehicles such as odong-odong. (Dwi Yuliardi Andika, 2021)

Odong-odong vehicles have existed for a long time in Indonesia, from odong-odong vehicles that use a pedal system to those that use motor vehicle engines. This happens due to modernization, which allows knowledge transfer (Andri M Dhani, 2021). And odong-odong vehicles can be found in almost all regions of Indonesia, including Cirebon City. Cirebon City, with its dense and diverse highway characteristics, experiences its own dynamics in dealing with the presence of odong-odong vehicles. Odong-odong vehicles, which are generally modifications of three-wheeled or four-wheeled vehicles, offer cheap and attractive transportation accessibility, especially for mothers and children under five. However, this vehicle's existence has caused a polemic regarding its legal aspects. In Indonesia, the legality aspect is essential, especially in traffic and road transportation, considering that Indonesia is a country of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution. The basis of legality plays an important role in creating order, security, and comfort for the community.

Regarding the issue of the legality of vehicles operating on the highway, it has been regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation and Government Regulation Number 55 of 2012 concerning Vehicles. In the regulation, odong-odong vehicles are considered illegal vehicles due to significant modifications of their original form and specifications, so that this vehicle does not meet the criteria as a modified vehicle referred to in the regulation, because it does not meet the technical and roadworthiness requirements set out in Article 48 of the LLAJ Law.

This technical requirement is further explained in article 48 paragraph (2) of the LLAJ Law, which states that motor vehicles operating on the highway must meet criteria related to the composition, equipment, size, carousel, technical design under its designation, loading, use, vehicle attachment and attachment of motor vehicles. In addition, the roadworthiness requirements for motor vehicles are explained in Article 48 paragraph (3) of the LLAJ Law, roadworthiness for vehicles operating on the highway according to this regulation can be measured based on minimum performance, which includes exhaust gas emissions, noise, efficiency of the main brake system and parking brakes, front wheel knobs, horn sound, transmittance and direction of the main beam, turning radius, accuracy of speed indicators, suitability of wheel performance and tire conditions, and

suitability of engine power to vehicle weight. Because odong-odong vehicles do not meet technical requirements and roadworthiness, as well as modifications that are carried out without paying attention to safety standards, namely due to the lack of safety equipment such as seat belts, odong-odong vehicles have the potential to cause traffic accidents. In addition, passenger capacity exceeding the safe limit further increases the risk. Therefore, this condition raises concerns regarding the security and safety of these vehicles operating on the highway.

Although odong-odong vehicles are considered illegal, they continue to develop and operate on the highway, especially in urban areas such as Cirebon. The phenomenon of the existence of odong-odong vehicles is not only a legal issue, but also a complex one because it is related to the community's social and economic aspects and the state's responsibility. It is important to understand that the existence of odong-odong is a response to the state's failure to provide decent formal jobs for the community, so many individuals try to create their own jobs, such as becoming odong-odong drivers. In addition, the odong-odong vehicle is also due to the need for entertainment facilities for urban people and low-income groups, especially mothers and children under five. Moreover, many people use odong-odong as a transportation mode to support their mobility, mainly due to the lack of affordable transportation facilities. Because the interaction of these various aspects causes difficulties in implementing existing rules, difficulties in applying this law can be understood as a legal problem, as Satjipto Rahardjo expresses. With progressive legal thinking, Satjipto Rahardjo argues that law should be human-oriented and that the legal problems that arise must be reviewed and corrected. According to him, the law is always in the process (Making Law) towards ideal conditions and is not final. Based on this paradigm, it is necessary to review the regulation regarding odong-odong vehicles, whether they are still considered illegal or have their status changed to legal, and the appropriate active role of the state is needed to overcome this problem through the role of the state is expected to be able to provide substantive justice and great benefits to its people. Therefore, we conducted this research to identify and understand: (Prof. Dr. Satjipto Rahardjo, 2009)

1. How is the implementation of Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) in the operation of odong-odong on protocol roads?
2. What is the State's Responsibility in completing modified vehicles operating on the highway, such as odong-odong vehicles?

LITERATURE REVIEW

Odong-odong

Odong-odong vehicles were originally just a popular name used by Sundanese people to refer to fraudulent vehicles or vehicles without routes that can transport crowds with decorations and the sound of interesting songs (Rachmawati, 2022). This odong-odong vehicle has existed for a long time in Indonesia, from odong-odong that uses a pedal system to transforming using a motor vehicle engine. Besides, this odong-odong vehicle can be found almost in all regions of Indonesia, including Cirebon City. Cirebon City, with its dense and

diverse highway characteristics, makes it possible for odong-odong to operate, because odong-odong can offer cheap and attractive transportation accessibility, so that it attracts the community, especially for children under five. Although this odong-odong is a cheap and attractive vehicle in its existence, it raises questions regarding its legality.

Regarding the legality or legal basis regarding the regulation of traffic and vehicles operating on the highway, it has been stated in Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) and as a rule of implementation has been stipulated by Government Regulation Number 55 of 2012 concerning Vehicles, even though this legal umbrella does not accommodate the operation of odong-odong on the highway because these odong-odong vehicles cannot pass the technical and roadworthiness tests referred to in this regulation.

METHODOLOGY

This study uses a normative juridical method supported by an empirical approach by conducting interviews and a progressive legal theory approach from Satjipto Rahardjo to examine the regulation of odong-odong vehicles on the highway from the perspective of state responsibility. This approach was chosen because the primary focus of the research is to examine laws and regulations and the underlying legal concepts, to understand how law can play a role as an instrument to realize justice and community welfare. This aligns with progressive law, emphasizing the importance of laws that are adaptive and responsive to social needs and the development of the times.

In addition to relying on primary legal materials such as government laws and regulations related to traffic and motor vehicles, as well as secondary legal materials in the form of scientific literature, legal journals, and court decisions relevant to vehicle modification, this research also involves the collection of primary data through in-depth interviews. Interviews were conducted with some resource persons directly related to the odong-odong phenomenon, including odong-odong managers, road users, law enforcement officials, and local government officials responsible for regulating local transportation. This interview data provides an empirical picture of the practice of using odong-odong, public perception, and the challenges faced in its regulation.

Data analysis was carried out qualitatively by examining and interpreting applicable legal norms and assessing their suitability with social realities and the needs of the odong-odong user community revealed from the results of the interviews. This approach allows research to relate progressive legal concepts that see law as a means to achieve substantive justice and human well-being. Therefore, the argument in this study supports the legalization of odong-odong as a form of recognition of the creativity and needs of the community, especially marginalized groups who use the vehicle as a means of transportation as well as a source of livelihood.

Furthermore, this study places the state's responsibility not only as a limiting regulator but also as a protector and facilitator who must provide adaptive and inclusive regulation. This is reflected in the results of interviews with regional officials who stated the need for regulations that prioritize safety

aspects and accommodate the economic sustainability of communities that depend on odong-odong. In addition, interviews with odong-odong managers revealed the need for training and assistance so that the vehicle can meet safety standards while still operating legally.

Thus, this research seeks to produce a normative construction that supports the legalization of odong-odong through progressive and humanist regulations, which can balance the importance of safety on the highway with the socio-economic needs of the community. This research method is qualitative interpretive with a data triangulation technique, which combines the analysis of legal documents, literature, and interview results to ensure the validity of the findings and produce a comprehensive analysis and strong argumentation based on the perspective of Satjipto Rahardjo's progressive legal theory.

RESULTS AND DISCUSSION

Implementation of Law Number 22 of 2009 Concerning Road Traffic and Transportation (LLAJ Law) in the Operation of Odong-Odong on Protocol Roads

At first, land transportation in Indonesia was dominated by traditional tools such as carts pulled by animals, such as buffaloes and horses. This means of transportation is used for daily purposes such as transporting agricultural products, merchandise, and for individual mobility. Roads at that time were still in the form of paths or dirt roads formed naturally without modern infrastructure planning. Society depends on the physical strength of animals for mobility and transportation (Firmandani, 2021). With modernization, the development of science and technology (Science and Technology) has experienced rapid and significant developments that have changed the landscape of Indonesia's transportation mode. In addition, the Industrial Revolution contributed to changing the mode of transportation in Indonesia, where the industrial revolution period was the starting point for introducing machine technology in all aspects of human life, creating a new landscape of life in human life where machine technology can help human activities, one of the most impactful is on human mobility. Apart from the industrial revolution, the development of transportation technology is also caused by the modernization process, which allows the rapid transfer of information through the internet about discovering innovations in machine technology.

Transportation that has changed is motor vehicles, according to Article 1 paragraph (8) of Law Number 22 of 2009 concerning Road Traffic and Transportation and Article 1 paragraph (2) of Government Regulation Number 55 of 2012 concerning Vehicles, which means that motor vehicles are any vehicle that is driven by an engine other than a vehicle that stands on rails. So what is meant by motorized vehicles is motorized vehicles such as motorcycles, cars, planes, ships, including traditional vehicles such as odong-odong vehicles.

Odong-odong vehicles are modified vehicles that significantly change the shape and specifications and are not included in the legal category in this LLAJ Law. Because according to Article 52 paragraph (1) juncto Article 50 of Law No. 22 of 2009 concerning Road Traffic and Transportation juncto Article 123

paragraph (1) of Government Regulation No. 55 of 2012 concerning Vehicles, it states that Every modified vehicle that makes changes in the engine type, dimensions and carrying capacity of a motor vehicle is required to re-type test, this type of test has two parts, namely physical testing as a technical requirement and roadworthiness carried out on the vehicle runway and research on the design and construction and engineering of motor vehicles. After the motor vehicle has passed the type test, it is mandatory to register and re-identify the vehicle by applying to the minister responsible for traffic and road transportation to obtain a type test registration certificate as referred to in Article 128 of Government Regulation Number 55 of 2012 concerning Vehicles. The Type Test Certificate contains several components, namely:

- a. Type Test certificate number;
- b. brands and types;
- c. kind;
- d. Designation;
- e. variants when present;
- f. runway frame number;
- g. drive motor number;
- h. Name of the importer, maker and/or assembler, and modifier company
- i. the address of the manufacturer and/or assembler and/or importer and/or modifier;
- j. the person in charge of the importing company, the maker and/or assembler, and the modifier
- k. year of manufacture/assembler/modification;
- l. Motor Vehicle engineering specifications;
- m. technical specifications of variants, if any;
- n. JBB and/or JBKB;
- o. Empty Weight Motor Vehicle;
- p. JBI and/or JBKI;
- q. the carrying capacity of people and/or goods;
- r. dimensions of the cargo tank or tank; and
- s. the lowest walkable road class.

Then, what needs to be understood is that making modifications legally requires a recommendation from the brand holder's agent, and only official workshops recommended by the ministry in the field of traffic and roads can modify vehicles.

From the provisions of these regulations, it can be concluded that odong-odong is a vehicle that is prohibited by Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) and Government Regulation Number 55 of 2012 concerning Vehicles, because the modification of odong-odong vehicles carried out by workshops that are not recommended by the relevant minister, and does not meet the requirements of the type test due to the absence of technical and roadworthiness tests so that it causes vulnerabilities related to passenger safety aspects, especially in highway operations. Therefore, the existence of odong-odong vehicles on the highway can be subject to criminal penalties and fines for not fulfilling the obligation of type testing where the

provisions of this criminal law are listed in Article 277 which contains the following: "Every person who enters a motor vehicle in the jurisdiction of Indonesia and makes, assembles, and modifies a motor vehicle without fulfilling the obligation of the type test shall be sentenced to imprisonment for a maximum of one year and/or a maximum fine of Rp. 24,000,000.00 (Twenty Four Million Rupiah). In addition, odong-odong vehicles can be subject to articles as vehicles that do not meet the technical requirements and roadworthiness, namely Article 285 paragraphs (1) and (2) where in paragraph 1 it is explained that every person who drives a motorcycle on the highway that does not meet the technical requirements and is roadworthy can be sentenced to imprisonment for a maximum of one month and a maximum fine of Rp. 250,000.00 (Two Hundred and Fifty Thousand Rupiah), while in paragraph two it is explained that every person who drives a four-wheeled vehicle on the highway if he does not meet the technical requirements will be punished with a maximum of two months in prison and/or a maximum fine of Rp. 500,000.00 (Five Hundred Thousand Rupiah).

Although the LLAJ Law clearly prohibits the operation of odong-odong, in looking at the implementation of the law, it is not possible to only look at the substance of the law. The implementation of the law according to KBBI (Great Dictionary of the Indonesian Language) is the implementation, application or enforcement of a law.

According to Soerjono Soekanto in his book "Law Enforcement Factors" stated that there are 5 factors that need to be considered in law enforcement, namely: (Soerjono Soekanto, 2007)

1. The legal factor itself / the substance of the law.
2. Law enforcement factors
3. Facilities and Infrastructure Factors
4. Community factors
5. Cultural factors

Furthermore, the five factors referred to will be linked to the regulation of odong-odong through the LLAJ Law. Here is the explanation:

Legal Factors Themselves / Legal Substance

According to Soerjono Soekanto, the substance of the law is a set of regulations that are the basis of legislation. The regulation includes three things: the principles of the relevant law, the implementing rules for implementing the law, and the terminology used in the law. (Soerjono Soekanto, 2007)

Concerning traffic and public transportation, the primary legal substance is in Law Number 22 of 2009 concerning Traffic and Public Transportation (UU LLAJ). The principles of the enactment of the LLAJ Law can be said to meet the principles of enactment of the law, as can be seen in considering point a, which has fulfilled the principle of hierarchy (Hierarchy of Law), then considering point d related to the principle of *lex posterior derogat lex priori*. Then, regarding the implementation rules related to the context of this discussion, it can be seen in Government Regulation Number 55 of 2012 concerning Vehicles.

Furthermore, related to the meaning of terminology contained in the LLAJ Law, no regulations specifically regulate odong-odong vehicles. This vehicle is only considered an illegal modified vehicle because it does not undergo a re-type test, as stipulated in Article 52 paragraph (1) juncto Article 50 of Law No. 22 of 2009 concerning Road Traffic and Transportation, as well as Article 123 paragraph (1) of Government Regulation No. 55 of 2012 concerning Vehicles. In addition, odong-odong vehicles also do not meet the technical requirements and roadworthiness tests like other vehicles, so they are considered illegal and can potentially cause safety and security vulnerabilities.

Law Enforcement Factors

According to Soerjono Soekanto, the second factor in the law's implementation is seen from the law enforcement. The definition of law enforcement has a comprehensive meaning, but in this article, what is meant by law enforcement is someone who is given authority by law to enforce the law.

Law enforcement in the field of traffic, according to the LLAJ Law, can be seen in article 264, where it is explained that those who are in charge of law enforcement are Police Officers of the Republic of Indonesia and Civil Servant Investigators in the field of Traffic and Road Transportation. Motor vehicle inspections are carried out by National Police Officers of the Republic of Indonesia and Civil Servant Investigators in the field of Traffic and Road Transportation including inspections such as Driver's Licenses, Motor Vehicle Number Certificates, Motor Vehicle Number Certificates, or Motor Vehicle Trial Signs, proof of passing the test for mandatory test vehicles, physical motor vehicle carrying capacity or way of transporting goods, and transportation permits.

Furthermore, Indonesian National Police Officers can conduct vehicle inspections on the road according to incidental needs, such as:

1. Stopping a motor vehicle;
2. Asking for information from the Driver; and/or
3. Perform other actions according to the law responsibly.

Law enforcement in the field of traffic carried out by both parties, which has been explained, includes all fields of traffic and road transportation, including those related to odong-odong vehicles. Law enforcement related to odong-odong is classified into two parts, namely:

Preventive Measures

Preventive efforts are preventive measures taken to prevent violations of applicable norms, namely, by trying to prevent the factors of intention and opportunity from meeting so that the security and public order situation is maintained, safe, and controlled. (IGM) Nurdjana, 2010)

Several ways can be used to prevent crime, namely by providing an appeal letter and socializing people about the dangers of operating odong-odong vehicles, which the Dallam police have carried out in the field of DIKYASA (Education and Engineering).

Repressive Efforts

Repressive efforts are actions taken by law enforcement officials as the last step after a violation occurs, focusing mainly on punishment. In law enforcement against odong-odong vehicles, the Indonesian National Police applies two types of treatment and sanctions. The treatment in question includes giving warning letters three times, and if the violation continues, confiscation will be carried out. Meanwhile, the sanctions applied are in the form of tickets.

Based on the results of an interview with Iptu Rumansyah from the SATLANTAS section of the Cirebon City Police, there has been no firm action against violations involving odong-odong in recent years. This is due to ambiguity related to the sanctions article that should be applied, whether referring to Article 277 of the LLAJ Law which regulates modified vehicles that do not meet the requirements for the type test, or Article 285 paragraphs (1) and (2) which consider it as public transportation that does not meet technical and roadworthiness requirements. This legal uncertainty needs to be resolved, because it can cause confusion for law enforcement officials and odong-odong drivers, as well as hinder law enforcement that should be carried out humanely by the police.

Facilities and Infrastructure Factors

In law enforcement, in addition to human resources, facilities and infrastructure are also the primary sources of support for law enforcement. Purnadi Purbacaraka and Soerjono Soekanto explained this. He stated that it is impossible for law enforcement to run smoothly without certain facilities or infrastructure that support its implementation. An example of facilities and infrastructure in traffic and road transportation is the latest E-Ticket. E-Tilang is a creative innovation that combines electronic technology to take action against violations of the law in the field of traffic and road transportation, so that traffic and road transportation law enforcement can run more effectively and efficiently. It should be noted that this E-Tilang is the preferred means by the Cirebon City Police to handle several traffic and road transportation violations, even though the handling of E-Tilang cannot handle operational problems of odong-odong vehicles on the highway. Because odong-odong vehicles, which are included as modified vehicles prohibited by the LLAJ Law, do not have papers, this E-Tilang innovation cannot reach this violation of the law.

Community Factors

According to Soerjono Soekanto, the community factor is an important factor to pay attention to in law enforcement, because the law is made for the community for peace and order. In addition, the community factor is important because the community is directly involved in law enforcement; this can be seen from the community's compliance and non-compliance with the law (Soerjono Soekanto, 2007).

So that in looking at the operational problems of odong-odong vehicles, it is not only partially seen in terms of the substance of the law, but also needs to be seen in terms of the social, economic, and cultural reality of the community.

Especially in Cirebon City, which is a dense urban area so that transportation is needed to carry out the mobility of its people, and the existence of odong-odong vehicles that are increasingly crowded is caused because odong-odong offers as an affordable and attractive vehicle so that it becomes a special attraction for the people of Cirebon City. In addition, some people make the odong-odong their livelihood. So that the ban on this vehicle, according to the Satlantas Iptu **Rumansyah** Section, creates a dilemma because if the ban on the operation of odong-odong is too strict, it can cause resistance in the community. However, if it is not implemented, it can potentially affect the safety of passengers, so according to him, a policy from the authorities is needed.

Cultural Factors

According to Soerjono Soekanto, the last thing that needs to be considered is the cultural factor; the culture in question is the culture of law. Legal culture is essentially the underlying values of the formation of a law; these values are an abstract concept of a good thing that needs to be obeyed and a bad thing that needs to be avoided (Soerjono Soekanto, 2007). Abstract values in legal culture have two values that contradict each other, namely the values of conservatism and innovation. In the value of conservatism, the law is intended to maintain an established system and perpetuate the *status quo*, while the value of innovation states that the law must keep up with the times and dare to make changes and create new things. In a good legal system, the government is able to harmonize the two values so that "*Law must be stable and yet it cannot stand still, Hence all thinking about law has struggled to reconcile the conflicting demands of the need of stability and of the need of change*" (Soerjono Soekanto, 2007).

This odong-odong vehicle has been popular for a long time in several regions, including Indonesia, especially in urban areas such as Cirebon City. Odong-odong vehicles, originally amusement vehicles that were moved by pedaling, have changed rapidly into modified motor vehicles. This is due to the development of the times and the need for community mobility at affordable and attractive prices. Although these odong-odong vehicles are categorized as illegal vehicles by law, some urban communities accept odong-odong vehicles as a means of transportation and entertainment.

From the five factors mentioned by Soerjono Soekanto, it can be understood that the implementation of regulations on odong-odong vehicles only has the precision in substance, namely Law Number 22 of 2009 concerning Road Traffic and Transportation, while in the other four factors such as law enforcement encounters a point of legal ambiguity, from the facilities and infrastructure have not been able to deal with the problem of odong-odong vehicles. Then in terms of social factors and legal culture, some people agree with the existence of odong-odong vehicles, especially children and urban people who need transportation because of the lack of legal public transportation in offering affordable prices.

The State's Responsibility in Regulating Traffic and Vehicles Operating on Highways, Including Odong-Odong Vehicles

As a country that adopts the concept of a constitutional state, Indonesia makes extensive reifications in the state's life, which is always bound by the law (Constitution). According to K.C. Wheare, the constitution is the entire constitutional system of a State in the form of a collection of regulations that form, regulate, or govern the government of the State. So that it can be concluded from K.C. Wheare's statement that the constitution is the antithesis of absolute power held by one person or an institution, because the constitution is a basis that forms a State so that it is possible to regulate the authority and power of the State, regulate the rights of citizens, and also regulate the responsibility of the State. The State of Indonesia formulated the constitution through a set of written rules, namely the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia). (I Gusti Ngurah Santika, 2021)

It has been explained before, that this constitution also contains the responsibility of the state, the responsibility of the State of Indonesia is contained in the Preamble to the 1945 Constitution of the Republic of Indonesia which states that the state has a responsibility in providing security, justice, and welfare for each of its citizens. In addition, the responsibility of the state is clarified in Articles 34 and 28 of the 1945 Constitution of the Republic of Indonesia, where in article 34 it is stated that the state has a responsibility in providing welfare for the poor and displaced people. The state is also responsible for fulfilling human rights as stated in Article 28. Based on the article on state responsibility, Satjipto Rahardjo conceptualized that the state must be "*affirmative action*," where the state has the responsibility to develop welfare policies for its citizens' benefit. (Yuswanto, 2014)

In the context of traffic and road transportation, the state has a responsibility as explained in Article 5 of Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) that the State has a responsibility in the implementation of road traffic and transportation which is realized through guidance by the government to ensure security, order, and community welfare. The coaching includes planning, regulating, controlling, and supervising the road traffic and transportation system. Based on an analysis of Article 5 of the Road Traffic and Transportation Law (LLAJ Law), it can be concluded that the state has responsibilities implemented by the government in managing traffic and road transportation. This responsibility includes regulating odong-odong vehicles as part of a more specific transportation system.

As previously described, odong-odong vehicles are included in the category of modified vehicles that are considered illegal because they do not meet the requirements set out in the Road Traffic and Transportation Law (LLAJ Law). However, there are several challenges in implementing regulations related to odong-odong vehicles. The problems faced are not only limited to legal aspects, but also involve social, cultural, and economic issues the community faces. This can be seen from the results of interviews with the Cirebon City Resort Police and Odong-odong Drivers that the problem of operating odong-odong on the highway is caused by the failure of the responsible state to guarantee welfare,

namely guaranteeing decent work, because of the state's inability to guarantee decent work, many people who work in the informal sector, one of which is as odong-odong drivers. From this reality, the state, through the government, has been negligent in carrying out constitutional duties to prosper its people, and the LLAJ Law states that odong-odong vehicles are considered as vehicles that are not qualified to operate on the highway and also hinder the community in meeting their living needs. The interaction between these various aspects causes such complex problems as an obstacle in effective law enforcement, which is referred to as a legal problem by Satjipto Rahardjo. Satjipto Rahardjo, with his progressive legal approach, which is based on the assumption that law should be oriented to human interests. Thus, the law should not be seen as a rigid and absolute entity, but as an instrument that can serve the community. Furthermore, progressive law aims to protect the people's interests, lead to an ideal legal system, and reject the status quo. In addition, this approach seeks to make the law an ethical institution, not just a tool with no conscience. So, according to Satjipto Rahardjo, in dealing with such legal problems, it can be solved easily where the law must be reviewed and improved, and not human beings who are forced to be included in the legal scheme. (Prof. Dr. Satjipto Rahardjo, 2009)

Departing from Satjipto Rahardjo's paradigm, reviewing and improving the problem of odong-odong vehicles operating on the highway is necessary. The legal review was conducted to evaluate the relevance of odong-odong vehicles in the context of modified vehicle categories that are considered illegal under the Road Traffic and Transportation Law (LLAJ Law), as well as to consider the possibility of legalizing odong-odong vehicles as a special type of modified vehicle. This analysis can be done by considering the social and economic aspects of the community, it needs to be understood that the existence of this odong-odong is not without cause but is caused by the inability of the state to provide formal jobs to the community, so that many people choose informal jobs such as odong-odong drivers. In addition, the existence of odong-odong as a means of entertainment transportation for urban people and low-income groups, such as mothers and children under five, makes the existence of odong-odong even more prevalent, because the government is unable to facilitate affordable entertainment facilities for its community. By considering social and economic aspects, the legalization of odong-odong vehicles to operate on the highway can positively impact the community. This has the potential to create jobs in the informal sector, which in turn can reduce the unemployment rate. In addition, the existence of odong-odong as an alternative mode of transportation is essential, especially in Cirebon City, an urban area with very high transportation needs to support the mobility of its citizens. Odong-odong can also serve as entertainment for low-income groups, including mothers and children. On the other hand, if odong-odong is still considered an illegal vehicle, this can cause resistance among the community and, in turn, will affect law enforcement as it is today.

After conducting a review, it was concluded that the legalization of odong-odong vehicles to operate on the highway can positively impact the community and legal developments. So the next step after conducting a review, according to

Satjipto Rahardjo, is that the active role of the state is needed, in this case, the government as a legislator, to make improvements to Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law). This repair is intended to facilitate and regulate odong-odong vehicles. Alternatively, the government can also regulate odong-odong vehicles through special regulations, similar to the regulation of motorcycles and custom cars regulated in the Regulation of the Minister of Transportation Number 45 of 2023. It is important to note that in making regulatory improvements, the government needs to consider the aspirations of the community, especially odong-odong drivers. In addition, the government must detail the security and safety aspects related to odong-odong vehicles, considering that the main issues related to odong-odong are the safety and security of users. In addition, the government must also show a strong commitment to legalizing odong-odong vehicles, including by providing training and assistance so that the vehicles can meet safety standards by providing official workshops for odong-odong modifications, similar to modification workshops for motorcycles and cars as mandated by Government Regulation (PP) Number 55 of 2012 concerning Vehicles.

The role of the Regional Government in dealing with the problem of odong-odong vehicles is also very crucial. Based on Law Number 23 of 2014 concerning Regional Government, Regional Governments have the authority to regulate their areas to formulate policies on odong-odong vehicles in their areas. Based on the results of an interview by the Cirebon City DPRD, policies that the local government can take regarding the operation of odong-odong vehicles can be in the form of determining operational hours for odong-odong vehicles and determining notable routes for these vehicles, especially in tourist areas. This step aims to reduce congestion, which is often a problem related to odong-odong. In addition, local governments can also consider providing tax exemptions for odong-odong vehicles, so drivers do not feel burdened. So that through the improvement of the law regarding odong-odong vehicles, it becomes a *win-win solution* and can represent a law like what Satjipto Rahardjo said as a law that "*Law is an institution that aims to lead humans to a just, prosperous, and happy life*".

CONCLUSION AND RECOMMENDATION

An odong-odong vehicle is a modified vehicle that changes the shape and specifications of the original vehicle, both three-wheeled and four-wheeled. These vehicles offer affordable and attractive transportation alternatives, especially for mothers and children under five. However, the existence of odong-odong is considered illegal based on Law Number 22 of 2009 concerning Road Traffic and Transportation and Government Regulation Number 55 of 2012 concerning Vehicles. This is because odong-odong vehicles, as modified vehicles that do not carry out re-type tests, include evaluation of technical requirements and roadworthiness, thus posing risks related to safety and security when operating on the highway.

Although odong-odong vehicles face various obstacles and challenges in implementation, especially related to the four implementation factors according to Soerjono Soekanto, such as law enforcement that experiences ambiguity, as

well as facilities and infrastructure that are not effective in dealing with this problem, from the perspective of society and legal culture, some people support the existence of odong-odong vehicles, especially urban people and low-income groups who need access to transportation, considering the limited options of legal public transportation at affordable prices.

Obstacles and challenges in implementing Law Number 22 of 2009 related to odong-odong vehicles are seen as legal issues, as expressed by Satjipto Rahardjo. With a progressive legal approach based on the assumption that the law should be human-oriented, Satjipto Rahardjo argues that to overcome legal problems, reviewing and improving existing regulations is necessary, not forcing people to follow existing laws. According to him, the law is not final, but always moving towards a more ideal condition (Law Making).

Based on the paradigm put forward by Satjipto Rahardjo, a review and improvement is needed in the regulation of odong-odong vehicles. In this study, we argue that the legalization of odong-odong vehicles is very important because this legalization can provide various benefits, especially in society's social and economic aspects. These benefits include opening jobs in the informal sector, which in turn can reduce the unemployment rate. In addition, the existence of odong-odong can function as an alternative mode of transportation that supports community mobility. This vehicle can also act as a means of entertainment for low-income people. If odong-odong is still categorized as an illegal vehicle, this has the potential to cause resistance from the public, which can ultimately hinder the implementation of existing regulations.

Therefore, the role of the state in this case is needed is the government as a legislator, as an effort to improve Law Number 22 of 2009 in order to facilitate and regulate odong-odong vehicles. Furthermore, the government can also regulate odong-odong vehicles through special regulations, similar to the regulation of motorcycles and custom cars regulated in the Regulation of the Minister of Transportation Number 45 of 2023. In improving this regulation, the government must detail the security and safety aspects related to odong-odong vehicles, considering that the main issue related to odong-odong is the safety and security of users. In addition, the government must also show a strong commitment to legalizing odong-odong vehicles, including by providing training and assistance so that the vehicles can meet safety standards by providing official workshops for odong-odong modifications, similar to modification workshops for motorcycles and cars as mandated by Government Regulation (PP) Number 55 of 2012 concerning Vehicles.

In overcoming this problem, it is also necessary for the role of the Regional Government, the Regional Government given by Law Number 23 of 2014 to regulate their regions can formulate a policy on odong-odong vehicles in their area, such as the determination of operational hours for odong-odong vehicles and the determination of special lanes for these vehicles, especially in tourist areas. This step aims to reduce congestion, which is often a problem related to odong-odong. In addition, local governments can also consider providing tax exemptions for odong-odong vehicles, so drivers do not feel burdened.

Legalizing these odong-odong vehicles can achieve substantive justice and have significant benefits for the community.

ADVANCED RESEARCH

Based on the conclusions of this study, further research is recommended to explore the formulation of special regulations that can legalize and regulate odong-odong vehicles, particularly in terms of safety standards and technical feasibility. Future studies could also examine the effectiveness of local government roles in managing the operation of odong-odong vehicles through regional policies, including route planning, operational hours, and incentive mechanisms such as tax exemptions. In addition, it is important to conduct research on the social and economic impact of legalizing odong-odong on low-income communities, as well as on the feasibility of establishing official modification workshops to ensure vehicle safety compliance.

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