

**IMPLEMENTATION OF ARTICLE 2 OF PERMENHUB NO.44 OF 2020
ON ELECTRIC MOTORCYCLES USED AS ONLINE MOTORCYCLE
TAXI VEHICLES BY PARTNERS OF PT. GOJEK INDONESIA**

(Study at the Malang City Transportation Office)

THESIS

By:

Siti Laila Rahmah

NIM : 210202110063



SHARIA ECONOMIC LAW STUDY PROGRAM

FACULTY OF SHARIA

MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY

2024

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Submitted to meet the requirements to obtain a Bachelor of Law (S.H) degree

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2024



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STATEMENT OF AUTHENTICITY OF THESIS

For the sake of Allah SWT, with awareness and a sense of responsibility for scientific development, the author stated that the thesis with the title:

"THE IMPLEMENTATION OF ARTICLE 2 OF PERMENHUB NO.44 OF 2020 ON ELECTRIC MOTORCYCLES USED AS ONLINE MOTORCYCLE TAXI VEHICLES BY PARTNERS OF PT. GOJEK INDONESIA (*Study at the Malang City Transportation Office*)"

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Malang, December 2024


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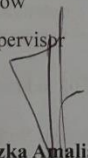
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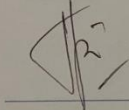
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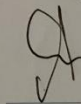
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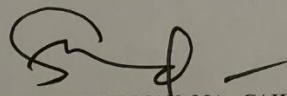
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MOTTO

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ اللَّهَ تَعَالَى يُحِبُّ إِذَا عَمِلَ أَحَدُكُمْ
عَمَلًا أَنْ يُتَّقِنَهُ (رواه الطبرني والبيهقي)

Dari Aisyah r.a., sesungguhnya Rasulullah s.a.w. bersabda: “Sesungguhnya Allah mencintai seseorang yang apabila bekerja, mengerjakannya secara profesional”. (HR. Thabrani, No: 891, Baihaqi, No: 334).

FOREWORD

Praise be to Allah SWT for providing grace and help in writing a thesis entitled: "Implementation of the Implementation of Article 2 of Permenhub No. 44 of 2020 on Electric Motorcycles Used as Online Motorcycle Taxi Vehicles by Partners of PT. Gojek Indonesia (Study at the Malang City Transportation Office)" can be completed well. We always give our prayers and greetings to our esteemed Prophet Muhammad PBUH who has brought us from the age of darkness to the age of light. By always chanting prayers for him, may we be classified as believers and get his intercession on the last day of the Resurrection. Amen.

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like to thank him for always entertaining the author.

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14. *방탄소년단 (Bangtan Sonyeondan)* The author would like to thank you for being a source of inspiration, motivation and reason for the author to be able to love yourself, keep rising and live with confidence.
15. Min Yoongi, the writer would like to thank you for providing a lot of life motivation that can be the reason for the author to process and make decisions in life.
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The author hopes that what has been obtained during his lectures and processes at the Sharia Economic Law Study Program, Maulana Malik Ibrahim State Islamic University, Malang can be useful through this research. The writer as an ordinary human being who is never free from mistakes, realizes that the writing of this thesis is still far from perfect. Therefore, the author really expects constructive criticism and suggestions from all parties for the perfection of this thesis.

TRANSLITERATION GUIDELINES

A. Common

Transliteration is the transfer of Arabic into Indonesian or Latin, not Arabic to Indonesian translation. Included in this category are Arabic names from Arabs, while Arabic names from non-Arabic nations are written according to the spelling of their national language, or as written in books as a reference. Writing book titles in footnotes and bibliographies, still use this transliter.

There are many options and transliterative provisions that can be used in writing scientific papers, both those with international and national standards, as well as provisions that are specifically used by certain publishers. The transliteration used by the Faculty of Sharia, State Islamic University (UIN) Maulana Malik Ibrahim Malang uses EYD plus, which is a transliterator based on the Joint Decree (SKB) of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia, dated January 22, 1987 No. 158/1987 and 0543.b/U/1987, as stated in the Arabic Transliteration Guidebook A Guide Arabic Transliteration.

B. Konsonan

Huruf Arab	Nama	Huruf Latin	Nama
ا	Alif	Tidak dilambangkan	Tidak dilambangkan
ب	Ba	B	Be
ت	Ta	T	Te
ث	S a	S	Es (dengan titik
ج	Jim	J	Je
خ	Kha	Kh	Ka dan Ha
د	Dal	D	De
ذ	Z al	Z	Zet (dengan titik diatas)
ر	Ra	R	Er
ز	Zai	Z	Zet
س	Sin	S	Es
ش	Syin	Sy	Es dan ye
ص	S{ad	S{	Es (dengan titik di bawah)
ض	D}ad	D{	De (dengan titik di bawah)
ط	T{a	T{	Te (dengan titik di bawah)
ظ	Z}a	Z{	Zet (dengan titik di bawah)
ع	„Ain	„	apostrof terbalik
غ	Gain	G	Ge
ف	Fa	F	Ef
ق	Qof	Q	Qi
ك	Kaf	K	Ka
ل	Lam	L	El
م	Mim	M	Em

ن	Nun	N	En
و	Wau	W	We
هـ	Ha	H	Ha
ء	Hamzah	‘	Apostrof
ي	Ya	Y	Ye

Hamzah (ء) which is often denoted by alif, if it is located at the beginning of the word, then in its transliteration, it follows the vowel, it is not denoted, but if it is located in the middle or end of the word, then it is denoted by a comma above (‘), reversed with a comma (,) in place of the symbol "ع".

C. Vowels, Length and Diphthongs

Each Arabic writing in the form of Latin writing vowel *fathah* is written with "a", *kasrah* with "i", *dlommah* with "u", while the long reading is written in the following way:

Vowel (a) long = â for sa Become a
example y Qâla

Vowel (i) long = î for Sai Become a
example d qîla

Long vowels (u) = û for inf Become a
example eri Dûna
or

Especially for the reading "nisbat", it should not be replaced with "i", but still written with "iy" in order to be able to describe it "nisbat

at the end. Likewise for sound diphthong, wawudanya“ setelah *fathah* Embroidered \s with "aw" and "ay". Consider the following example:

Diphthong (aw) = ءو e.g. قول becomes qawla

Diphthong (ay) = ئء e.g. خير becomes khayrun

D. Ta' Marbitah (ة)

Ta' marbûthah is transliterated with "t" if it is in the middle of a sentence, but if the *ta' marbûthah* is at the end of the sentence, then it is transliterated using "h" e.g. للمدرسة الرسالة to *al- risalat li al-mudarrisah*, or if it is in the middle of a sentence consisting of the order of *mudlaf* and *mudlaf ilayh*, then it is transliterated using t connected with the next sentence, for example رحمة في اللا becomes *fi rahmatillâh*.

E. Said Sandang and Lafdh al-Jalâlah

The slang word in the form of "al" (ال) is written in lowercase letters, except at the beginning of the sentence, while the "al" in the lafadh *jalâlah* which is in the middle of the sentence that is leaned on (*idhafah*) is omitted. Consider the following examples:

- a. Al-Imâm al-Bukhâriy said...
- b. Al-Bukhâriy in his muqaddimah explains ...
- c. *Masyâ' Allâhkânawamâ lam yasya' lam yakun.*
- d. *Billâh "azzawajallaf*

F. Indonesian Arabic Names and Words

In principle, every word that comes from Arabic must be written using the transliteration system. If the word is an Arabic name

from an Indonesian or an Arabic language that has been Indonesian, it does not need to be written using a transliteration system. Consider the following example:

“... Khulafaur Rashidin was one of the four companions of the Prophet PBUH, they were Abu Bakr As-Siddiq, Umar bin Khattab, Uthman bin Affan and Ali bin Abi Talib. They are authoritative, fair, and wise leaders, and always carry out their duties correctly. During their leadership, Islam has made many progresses, including expanding Islamic teachings to the Arabian Peninsula...”

Pay attention to the writing of the words "Khulafaur Rashidin", "Abu Bakr As-Siddiq", "Umar Bin Khattab", "Ustman bin Affan" and "Ali bin Abi Talib" written using the Indonesian writing procedure which is adjusted to the writing of his name. Although these words are of Arabic origin, they are in the form of Indonesian names and terms, for which they are not written in the manner of "Al-Khulafa Ar-Rsyidin", "Abu Bakr Ash-Shiddiq", "'Umar Bin Khattab", "'Uthman Bin 'Affan", "'Ali Bin Abi Talib

TABLE OF CONTENTS

COVER

STATEMENT OF AUTHENTICITY OF THESIS.....	I
APPROVAL PAGE.....	II
PROOF OF CONSULTATION.....	III
THESIS ENDORSEMENT.....	IV
MOTTO.....	V
PREFACE.....	VI
LITERACY GUIDELINES.....	XI
TABLE OF CONTENTS.....	XVI
ABSTRACT.....	XIX
ABSTRACT.....	XX
Thahbala Sakhlam.....	XXI

CHAPTER I INTRODUCTION

1. BACKGROUND ISSUE.....	1
2. PROBLEM FORMULATION.....	7
3. RESEARCH OBJECTIVES.....	8
4. RESEARCH BENEFITS.....	8
5. OPERATIONAL DEFINITIONS.....	10
6. WRITING SYSTEM.....	11

CHAPTER II LITERATURE REVIEW

1. PREVIOUS RESEARCH.....	13
2. THEORETICAL FRAMEWORK.....	22
1. LEGAL CERTAINTY THEORY.....	22
2. RESPONSIVE LEGAL THEORY.....	26

3.	AUTHORITY OF THE TRANSPORTATION AGENCY TOWARDS THE IMPLEMENTATION OF ARTICLE 2 OF PERMENHUB NO. 44 OF 2022.....	30
4.	ONLINE MOTORCYCLE TAXI COMPANIES.....	32

CHAPTER III RESEARCH METHODS

1.	RESEARCH TYPE.....	35
2.	RESEARCH APPROACH.....	35
3.	RESEARCH LOCATION.....	36
4.	TYPES AND SOURCES OF.....	36
1.	DATA PRIMER.....	37
2.	DATA SECONDS.....	37
3.	DATA COLLECTION METHODS.....	37
4.	DATA PROCESSING METHODS.....	38
1.	EDIT (<i>EDITING</i>).....	38
2.	<i>CLASSIFYING</i> 39.....	
3.	<i>VERIFYING</i> 39.....	
4.	<i>ANALYZING</i> 40.....	
5.	CONCLUSION.....	40

CHAPTER IV DISCUSSION

1.	OVERVIEW OF RESEARCH SITES.....	42
1.	MALANG CITY TRANSPORTATION.....	42
2.	UPT LLAJ MALANG CITY TRANSPORTATION OFFICE.....	43
3.	OFFICE OF PT. GOJEK INDONESIA MALANG CITY.....	44
4.	THE AUTHORITY OF THE MALANG CITY TRANSPORTATION OFFICE ON THE IMPLEMENTATION OF ARTICLE 2 OF PERMENHUB NO. 44 OF 2020.....	45
5.	IMPLEMENTATION OF ARTICLE 2 OF PERMENHUB NO. 44 OF 2020 ON ELECTRIC MOTORCYCLES USED BY ONLINE MOTORCYCLE TAXI PARTNERS PT. GI CITY.....	51

CHAPTER V CLOSING

1. CONCLUSION.....	62
2. ADVICE.....	63
BIBLIOGRAPHY.....	65
APPENDIX.....	67
CURRICULUM VITAE.....	70

ABSTRAK

Siti Laila Rahmah, 210202110063, 2024, **Implementasi Pasal 2 PERMENHUB No. 44 Tahun 2020 Terhadap Motor Listrik yang Digunakan Sebagai Kendaraan Ojek Online Oleh Mitra pt. Gojek Indonesia (Studi di Dinas Perhubungan Kota Malang)**, Skripsi, Program Studi Hukum Ekonomi Syariah, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing: Rizka Amaliah M.Pd

Kata Kunci: Implementasi, Motor Listrik, Ojek Online

Kendaraan listrik telah menjadi salah satu transportasi yang semakin populer di Indonesia, terutama di perkotaan yang menghadapi permasalahan mengenai kemacetan lalu lintas dan polusi udara. Salah satunya adalah Penggunaan Motor Listrik di Kota Malang oleh mitra PT. Gojek Indonesia. Kementerian Perhubungan melalui Permen No. 44 Tahun 2020 menetapkan spesifikasi khusus untuk motor Listrik yang mendapat izin laik jalan. Transisi penggunaan motor Listrik bagi ojek online menyebabkan sejumlah permasalahan dalam kewenangan dan implementasi pelaksanaannya di Wilayah Kabupaten/Kota, salah satunya di Kota Malang.

Pada penelitian ini berfokus pada Implementasi Pasal 2 Permenhub No. 44 tahun 2020 terhadap penggunaan Motor Listrik Oleh mitra ojek online pada PT. Gojek Indonesia cabang Kota Malang, studi ini dilakukan di Dinas Perhubungan kota Malang. Penelitian ini menggunakan jenis penelitian empiris dengan pendekatan yuridis sosiologis. Sumber datanya yaitu sumber data primer, dan sekunder. Metode pengumpulan data menggunakan teknik wawancara dan observasi Lokasi penelitian.

Hasil penelitian ini menghasilkan temuan sebagai berikut; (1) Permen No. 44 tahun 2020 ini menjadi kewenangan Dinas Perhubungan wilayah Kabupaten/Kota yang meliputi pemberian bimbingan, pelatihan, sertifikasi, dan izin kepada perusahaan angkutan umum di kabupaten/kota Kementerian Perhubungan melalui Permenhub no. 22 tahun 2009 telah mencantumkan bahwasanya ojek online termasuk kendaraan angkutan umum penumpang terbatas. (2) Implementasi pasal 2 Permen no. 44 tahun 2020 sama sekali belum terlaksana di Wilayah Kota Malang, selain itu pengawasan dan uji coba untuk kendaraan angkutan umum lainnya juga belum terlaksana secara masif.

ABSTRACT

Siti Laila Rahmah, 210202110063, 2024, **Implementation of 2 of PERMENHUB No. 44 of 2020 on Electric Motorcycles Used as Online Motorcycle Taxi Vehicles by Partners of pt. Gojek Indonesia (Study at the Malang City Transportation Office)**, Thesis, Sharia Economic Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang, Supervisor: Rizka Amaliah M.Pd

Keywords: Implementation, Electric Motorcycle, Online Motorcycle Taxi

Electric vehicles have become an increasingly popular alternative to transportation in Indonesia, especially in urban areas that face the challenges of traffic congestion and air pollution. One of them is the Use of Electric Motorcycles in Malang City by partners of PT. Gojek Indonesia. The Ministry of Transportation through Ministerial Regulation No. 44 of 2020 stipulates special specifications for electric motorcycles that have received roadworthiness permits. The transition to using electric motorcycles for online motorcycle taxis has caused a number of problems in the authority and implementation of its implementation in the Regency/City Area, one of which is in Malang City.

This study focuses on the Implementation of Article 2 of PERMENHUB No. 44 of 2020 on the use of Electric Motorcycles by online motorcycle taxi partners at PT. Gojek Indonesia Malang City branch, this study was carried out at the Malang City Transportation Office. This study uses a type of empirical research with a sociological juridical approach. The data sources are primary and secondary data sources. The data collection method uses interview and observation techniques at the research location.

The results of this study produced the following findings; (1) Ministerial Regulation No. 44 of 2020 is the authority of the Regency/City Transportation Agency which includes the provision of guidance, training, certification, and permits to public transportation companies in districts/cities, the Ministry of Transportation through Permenhub no. 22 of 2009 has stated that online motorcycle taxis include limited passenger public transportation vehicles. (2) The implementation of article 2 of Ministerial Regulation no. 44 of 2020 has not been carried out at all in the Malang City Area, besides that supervision and testing for other public transportation vehicles have also not been carried out massively.

تجريدي

ستي ليلي رحمة ، 2024 210202110063 ، تنفيذ المادة 2 من PERMENHUB رقم 44 لعام 2020 بشأن الدراجات النارية الكهربائية المستخدمة كمركبات تاكسي للدراجات النارية عبر الإنترنت من قبل شركاء pt. Gojek Indonesia (دراسة في مكتب النقل بمدينة مالانج) ، أطروحة ، برنامج دراسة القانون الاقتصادي للشريعة ، كلية الشريعة ، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج ، المشرف: رزقة أماليا M.Pd

الكلمات الدالة: التنفيذ ، دراجة نارية كهربائية ، دراجة نارية على الإنترنت تاكسي

أصبحت السيارات الكهربائية بديلا شائعا بشكل متزايد للنقل في إندونيسيا ، خاصة في المناطق الحضرية التي تواجه تحديات الازدحام المروري وتلوث الهواء. واحد منهم هو استخدام الدراجات النارية الكهربائية في مدينة مالانج من قبل شركاء PT. Gojek اندونيسيا. تنص وزارة النقل من خلال اللائحة الوزارية رقم 44 لعام 2020 على مواصفات خاصة للدراجات النارية الكهربائية التي حصلت على تصاريح صلاحية الطريق. تسبب الانتقال إلى استخدام الدراجات النارية الكهربائية لسيارات الأجرة للدراجات النارية عبر الإنترنت في عدد من المشاكل في السلطة وتنفيذ تنفيذها في منطقة ريجنسي / المدينة ، أحدها في مدينة مالانج.

تركز هذه الدراسة على تنفيذ المادة 2 من PERMENHUB رقم 44 لعام 2020 بشأن استخدام الدراجات النارية الكهربائية من قبل شركاء سيارات الأجرة للدراجات النارية عبر الإنترنت في PT. فرع مدينة Gojek Indonesia Malang ، أجريت هذه الدراسة في مكتب النقل بمدينة مالانج. تستخدم هذه الدراسة نوعا من البحث التجريبي مع نهج قانوني اجتماعي. مصادر البيانات هي مصادر بيانات أساسية وثانوية. تستخدم طريقة جمع البيانات تقنيات المقابلة والملاحظة في موقع البحث.

أسفرت نتائج هذه الدراسة عن النتائج التالية ؛ (1) اللائحة الوزارية رقم 44 لعام 2020 هي سلطة وكالة النقل ريجنسي / المدينة والتي تشمل توفير التوجيه والتدريب والشهادات والتصاريح لشركات النقل العام في المناطق / المدن ، وقد ذكرت وزارة النقل من خلال Permenhub رقم 22 لعام 2009 أن سيارات الأجرة للدراجات النارية عبر الإنترنت تشمل مركبات نقل عام محدودة للركاب. (2) لم يتم تنفيذ المادة 2 من اللائحة الوزارية رقم 44 لعام 2020 على الإطلاق في منطقة مدينة مالانج ، إلى جانب أنه لم يتم أيضا إجراء الإشراف والاختبار لمركبات النقل العام الأخرى على نطاق واسع.

CHAPTER I

INTRODUCTION

A. Background

Electric vehicles have become one of the transportation options that are increasingly used in Indonesia, especially in urban areas that face traffic congestion and air pollution problems. However, along with the growth of the use of electric bicycles, there is also a need for more comprehensive regulations related to their use aimed at protecting users and the surrounding environment. Electric vehicles are one of the solutions to the problem of global warming related to the increasing average temperature of the earth and are a concern of the world today. So, electric vehicles are a solution to replace fossil fuels such as petroleum and coal, which have decreased in quantity over the past 10 years from 2009 to 2018 to 283 million barrels or 778 million ¹barrels.

The development of electric vehicles in Indonesia is getting stronger after the issuance of Presidential Decree Number 55 of 2019 concerning the Acceleration of the Battery-Based Electric Motorized Vehicle Program for Road Transportation. According to republika.co.id news that the use of electric motorcycles is increasing from 2021 to 2023, one of the data mentioned is from the Vehicle Industry Association Listrik Indonesia (PERIKLINDO) yakni adanya terjadi kenaikan dalam penggunaan kendaraan listrik tahun 2021 sebanyak 10.546 unit, meningkat di tahun

¹ Siswanto, D., & Sugeng, M. (2019). Indonesia's energy outlook. Jakarta

2022 to 17,198 units, and by the end of 2023 it increased to 62,409 units.² With the increasing popularity of the use of electric motorcycles, regulations related to the use of electric motorcycles in Indonesia must include specific regulations related to the classification and roadworthiness requirements for the use of electric motorcycles. This includes rules related to Electric accumulators which include maximum speed, energy recharging devices including battery power capacity, functional safety as well as hydrogen emissions generated by Electric motors.

The crowded use of electric motorcycles occurs a lot in big cities that are crowded with traffic activities by the community, one of which is in Malang City, the increasing number of workers, students and nomads in Malang City makes the traffic center very crowded. Recently, the use of electric motorcycles is widely used in the city of Malang because users feel that they save more fuel energy so as to minimize air pollution, in addition to being used by individuals, this electric motorcycle is also starting to be used by online motorcycle taxi partners.

PT. Gojek Indonesia started this electric motorcycle program as an alternative to saving engine fuel (BBM) as well as to maintain environmental conditions to reduce the impact of vehicle pollution on the streets. The use of electric motorcycles by online motorcycle taxi partners

² Darenta, T. M. M. (2020). Administrative Sanctions for Violation of Safety and Security Provisions in Aircraft During Flight. *Lex Et Societatis*.

PT. Gojek Indonesia was initially valid in the Greater Jakarta area where the electric motorcycle was provided by the company later, partners who wanted to join this program could use electric motorcycles from companies with a rental system, due to availability constraints from Malang City branch companies so that partners who wanted to join this program could only use their personal electric motorcycles.³

At this time, online motorcycle taxi partners who have registered their electric motorcycles with PT. Gojek Indonesia Malang City branch has approximately 10 names registered in the second half of 2023 to the first half of 2024 with various types of different types of electric motorcycles, including, Niu, Pacific, Peugeot, Piaggio, Polytron, SM Sport, SMOT ELTK, SYM, Smoot electric, Suzuki.⁴ Of the several types of electric motorcycles listed, there are several specifications that are not in accordance with the regulations listed in article 2 of Ministerial Regulation 44 of 2020, namely regarding technical requirements and roadworthiness through physical type testing of electric accumulators, electrical energy recharging devices, electrical touch protection, functional safety and also hydrogen emissions. Online motorcycle taxi partners also admitted that they did not know about the regulations on electric motorcycles that can operate and have been tested, "I don't know if there is a regulation and from Gojek there has never been socialization or

³ Interview with the head of the transportation department of the Malang City Transportation Agency

⁴ Interview with one of PT. GI

education related to this, I think as long as my correspondence requirements are complete, it can be used on the highway," explained one of *the online motorcycle taxi partners* in the city of Malang.⁵

With the adaptation of the use of electric vehicles, the role and policies of the relevant government must also be renewed. If previously there were regulations that regulated certain specifications for conventional vehicles, then it is also necessary to have specific specifications for electric vehicles.

The Ministry of Transportation through Ministerial Regulation No. 44 of 2020, stipulates technical requirements that must be met by motorized vehicles used for public transportation⁶, including by online motorcycle taxi partners such as Gojek. The implementation of this regulation aims to ensure the safety, technical standards, and environment of motor vehicles, especially those that use electric motors as their propulsion. This is in line with global efforts to reduce carbon emissions and improve environmental sustainability.

The policy of the Ministry of Transportation in Ministerial Regulation 44 of 2020 is inseparable from a number of challenges that need to be considered. First, replacing conventional vehicles with electric vehicles can potentially have an economic impact on online motorcycle

⁵ Interview with one of PT. GI Malang City branch

⁶ Regulation of the Minister of Transportation Number PM 44 of 2020 concerning Testing the Physical Type of Motor Vehicles with Drive Motors Using [Electric Motors](https://peraturan.bpk.go.id/Home/Details/149466/permenhub-no-44-tahun-2020)
<https://peraturan.bpk.go.id/Home/Details/149466/permenhub-no-44-tahun-2020>

taxi partners. The generally higher cost of procuring electric vehicles and different operational costs can affect the income and financial sustainability of motorcycle taxi partners. Second, adequate charging infrastructure for electric vehicles is a crucial factor in the success of this transition. The availability of adequate charging stations and even distribution will affect the readiness of motorcycle taxi partners in using electric vehicles.⁷

Authority to implement this regulation is also the main concern, Based on what we know this Ministerial Regulation was issued by the Ministry of Transportation of the Republic of Indonesia which means that the highest supervision is the direct duty and obligation of the Ministry of Transportation. The process of testing the physical type of motor vehicles with electric motors needs to be carried out thoroughly and reliably to ensure that the vehicles used meet the safety and environmental standards that have been set. Challenges in the implementation of consistent and efficient testing need to be overcome to ensure that the vehicles in operation comply with applicable regulations.

In fact, this regulation often causes several practical problems. For example, the challenge of getting an electric vehicle that meets the standards that have been tested in accordance with the listed regulations,

⁷Electric Vehicle Implementation in Indonesia: Challenges and Opportunities
<https://www.kompas.id/baca/ekonomi/2023/02/19/menimbang-prospek-cerah-pasar-kendaraan-listrik>

the availability of adequate charging infrastructure, as well as the investment costs that may be needed by motorcycle taxi partners to switch to electric vehicles, as well as socialization to online motorcycle taxi partners to know the regulations related to electric motorcycles that have gone through physical type trials so that they are legal to operate on the highway. This can affect the adoption and compliance with new regulations for online motorcycle taxi partners at PT. Gojek Indonesia.⁸ The authority of the Malang City Government through the Transportation Department in the implementation of the use of electric motorcycles by PT. Gojek Indonesia, as regulated in Article 2 of Ministerial Regulation 44 of 2020, is an important aspect of this research. Structured authority and its effective implementation are necessary to ensure that the vehicles operating comply with the set standards, so as to not only meet safety and the environment, but also maintain the quality of the public transportation services provided.

With the existence of the applicable policy, the authority over the supervision carried out by the Malang City Transportation Agency on its implementation is very necessary to know, the authority carried out based on duties and obligations in accordance with the applicable law must be carried out, one of which is by conducting physical type testing in accordance with the Operational Standards and Supervision of the Malang

⁸ Interview with one of PT. GI

City Transportation Agency through existing work units.⁹ So, it can be known how the authority of the Transportation Department is for the implementation of Ministerial Regulation No. 44 of 2020 and the extent to which this implementation is realized and what obstacles there are in the implementation of it so that it can be an evaluation in improving implementation in the future. Therefore, this issue is very important to be further researched.

By considering these various aspects, this study aims to find out how the authority of the Transportation Department towards the implementation of Article 2 of Ministerial Regulation No. 44 of 2020 towards the online motorcycle taxi industry in PT. Gojek Indonesia so that it can be an evaluation of the role and policies of the Malang City Government in the implementation of Ministerial Regulation No. 44 of 2020 concerning Testing the Physical Type of Electric Vehicles. This analysis is expected to provide useful recommendations for relevant stakeholders to improve the implementation and supervision of the regulation in the future.

⁹ Interview with the head of the Transportation Division Unit of the Malang City Transportation Agency

B. Problem Formulation

Based on the background, the following problem formulation can be taken.

1. How is the Implementation of the Authority of the Malang City Transportation Agency towards Article 2 of Ministerial Regulation No. 44 of 2020 concerning Electric Motorcycles used by PT. GI Malang City?
2. What are the Obstacles in the Implementation of Article 2 of PERMENHUB No. 44 of 2020 by PT. Gojek Indonesia according to the Malang City Transportation Agency?

C. Research Objectives

Based on the formulation of the problem, the objectives of the research are as follows.

1. To explain the Implementation of the Authority of the Malang City Transportation Agency against Article 2 of Ministerial Regulation No. 44 of 2020 concerning Electric Motorcycles used by PT. GI Malang City
2. To explain Kendalam in the Implementation of article 2 of PERMENHUB No. 44 of 2020 by partners of PT. Gojek Indonesia according to the Malang City Transportation Agency

D. Research Benefits

Every thing is expected to provide benefits, as is the case with this research. Both for researchers, readers and for the development of science.

The benefits of this study consist of two categories, namely theoretical and practical benefits.

1. Theoretical

Theoretical benefits are benefits related to science, especially in the development of theories. Theoretical benefits can be in the form of strengthening or aborting existing theories, Adding sources of knowledge, Becoming a reference for future research, Contributing to the scientific and academic fields.

The theoretical benefits in this study are to develop knowledge about the implementation of regulations related to testing the physical type of two-wheeled electric vehicles used by online motorcycle taxi partners, contribute to understanding the factors that affect the smooth and implementation of these regulations for readers and researchers, and identify potential obstacles and challenges in the implementation of regulations and formulate recommendations to overcome them.

2. Practical

Practical benefits are benefits that can be used directly or have a direct impact on something.

The theoretical benefit in this study is to help PT. Gojek Indonesia in ensuring that their online motorcycle taxi partners use electric vehicles in accordance with safety and emission standards set by the government and providing recommendations and guidance for other

online motorcycle taxi companies in Indonesia in implementing regulations related to testing the physical type of electric vehicles.

E. Operational Definition

1. Electric Motor

Electric Motors: In this study, the specifications are Electric Motorcycles whose specifications are in accordance with Article 2 of Permenhub No.44 of 2020 concerning testing the physical type of motor vehicles with drive motors using electric motors, namely regarding technical requirements and roadworthiness through physical type testing of electric accumulators, electrical energy recharging devices, electrical touch protection, functional safety and also hydrogen emissions.

2. Ojek Online

According to Permenhub No. 22 of 2009, online motorcycle taxis are one type of public transportation vehicle, namely limited passenger public transportation vehicles.

Online motorcycle taxis is an online application-based means of transportation where consumers use gadgets as a tool to order Online Ojek services and connect to drivers who receive orders and are ready to deliver consumers to their destinations, which in this study are online motorcycle taxi partners from PT. Gojek Indonesia Malang City branch which uses electric motorcycles.

F. Systematics of Writing

In writing a study entitled "Implementation of Article 2 of Permenhub No. 44 of 2020 on Lustrik Motorcycles Used as Online

Motorcycle Taxi Vehicles by Partners of PT. Gojek Indonesia (Study at the Malang City Transportation Office)", the author will use the following writing systematics.

CHAPTER I Introduction, in this thesis begins with an introduction consisting of background, problem formulation, research objectives, research benefits, operational definitions, research methods, and discussion systematics which aims to provide an overview of the research to be carried out.

CHAPTER II of the Literature Review, in this chapter describes juridical thoughts or concepts as a theoretical basis for the study and analysis of problems. The foundation of these concepts and theories will later be used in analyzing every problem raised in the research. In the theoretical study, it will discuss systematically the implementation of article 2 of Permenhub no.44 of 2020 on electric motorcycles used as online motorcycle taxi vehicles by partners of pt. Gojek Indonesia.

CHAPTER III Research Results and Discussions, this chapter contains a description of the research and the results obtained. The research and discussion are elaborated based on the formulation of the problem so that a comprehensive understanding of the research results is obtained.

CHAPTER IV Closing, this chapter contains conclusions and suggestions. This conclusion is drawn from the overall discussion related to the focus and objectives of the research, and the final part of this study is closed with suggestions aimed at the government as a consideration to

decide on a rule that is sourced from the research findings, discussion, and final conclusion of the researcher's results.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

This previous research contains information about previous studies that have been conducted by previous researchers. This previous research is a new inspiration for the research to be carried out, in the previous research there were differences and similarities in methods and had their relationship with the problems that the author will research to avoid duplication, for that the author describes some previous studies as follows.

1. Thesis by Davina Tharifah Asrari (2022) Universitas Airlangga entitled "*The Validity of the Use of Online Application-Based Electric Bicycles as a Means of Transportation Reviewed from the Perspective of Transportation Law in Indonesia*".¹⁰ This study discusses the operation of Migo Electric bicycles that have not received type test certification from the local Ministry of Transportation, so their use is still illegal from the listed rules. PT. Migo Anugerah Sinergi provides an environmentally friendly transportation service by not consuming fuel oil that causes pollution, Migo states that this Migo Electric bicycle is included in the bicycle category. However, if you pay attention to the shape of the body, this Migo Electric bike is more similar to the body of an

¹⁰ Davina Tharifah Asrari, "The Validity of the Use of Online Application-Based Electric Bicycles as a Means of Transportation Reviewed from the Perspective of Transportation Law in Indonesia", (Thesis, Universitas Airlangga 2022)

automatic scooter. From this explanation, there is a question about whether Migo Electric bicycles are motorized vehicles that must be tested for their physical type to comply with the rules listed. The author uses the *doctrinal legal research method*. The data collection method carried out is by literature study and identification of laws and regulations. The difference with the research to be researched lies in the research object, in the research that will be carried out by the author makes the Electric Motorcycle used by online motorcycle taxis in Malang City as the object of research.

2. Journal by Hendra Lesmana and Abshoril Fithry (2023) Wiraraja University entitled "*Regulation and Legal Protection Against the Use of Electric Bicycles on the Highway*".¹¹ This study discusses the regulation of the Minister of Transportation No. 45 of 2020 concerning certain vehicles by using Electric Motor Drives which contains rules for using electric vehicles on the highway but does not contain prohibitions or sanctions regarding violators of rules who use listrik vehicles on the highway. Legal protection for electric motorcycle users is only in the form of protection with the aim of preventing violations. The existence of various regulations aimed at regulating and protecting electric motorcycle users is carried out in an effort to fill the legal vacuum over the rampant use of electric

¹¹ Hendra Lesmana, Abshoril Fithry, "Regulation and Legal Protection Against the Use of Electric Bicycles on the Highway", ISSN Journal 2023

motorcycles. One of the ways done by the local government is by conducting socialization and appeals to the community regarding the use of electric bicycles on the highway, this is carried out by the local police apparatus. The type of research carried out is *normative* research by reviewing laws and regulations. The difference with the research to be researched lies in the legal issues that are posted, in this study the author will research by raising legal issues regarding the testing of the physical type of electric motorcycles and supervision by the Transportation Department in their use by online motorcycle taxis.

3. Journal by Lusi Adinda Miranti Putri and Hasbullah Malau (2024) Padang State University entitled "*The Effectiveness of the Use of Electric Bicycles based on the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 24 of 2020 in Padang City*".¹² This study discusses five measures of effectiveness combination, namely productivity, efficiency, satisfaction, adaptation and development, but only three indicators are met in the use of electric bicycles in the city of Padang, namely productivity, efficiency and adaptation while the indicators of satisfaction and development are not implemented in the use of electric bicycles in the city of Padang. The method used in this study

¹² Lusi Adinda Miranti Putri, Hasbulla Malau, "The Effectiveness of the Use of Electric Bicycles based on the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 24 of 2020 in Padang City", *ISO Journal: Journal of Social, Political and Humanities* Vol; 4, No 2, 2024

is a qualitative method with a descriptive approach using data analysis based on indicators of effectiveness measurement according to Gibson. The difference with the research that will be carried out lies in the research method, the research method that will be used in this study is empiric, namely by conducting interviews with the parties concerned, in this case the Malang City Transportation Office.

4. Journal by Nurriqza Salsabilla Syah Puteri (2024) Lambung Mangkurat University entitled "*Regulation of the Use of Electric Bicycles Based on the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 45 of 2020 concerning Certain Vehicles Using Electric Motor Drives*".¹³ This study analyzes the type of transportation that is suitable for using electric bicycles and knows the extent of legal protection rules and requirements in the use of electric bicycles to discipline their users. The existence of the Regulation of the Minister of Transportation of the Republic of Indonesia Number 45 of 2020 concerning Certain Vehicles Using Electric Motor Drives which regulates the technical requirements of vehicles, paths that can be passed, and user requirements. However, laws and regulations in Indonesia have so far not accommodated the existence of electric bicycles as a type of transportation. The lack of

¹³ Journal of Nurriqza Salsabilla Syah Puteri, "Regulation of the Use of Electric Bicycles Based on the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 45 of 2020 concerning Certain Vehicles Using Electric Motor Drives", *Lex Positive Journal* Vol: 2 Issues 1, 2024

clarity in the classification of the type of electric bicycle has an impact on the technical use, one of which is the protection and requirements for the use of electric bicycles, including the age limit for its use, which is considered incomplete. Although the regulation has been mandated to each region to form technical regulations for the use of electric bicycles, the formation of special regulations is one way to overcome the problem of using electric bicycles in each region which includes requirements and protection for its users. This study uses a normative juridical approach method . The difference with the research to be carried out lies in the reference to the Law used, in the research that will be carried out will use Permenhub No. 44 of 2020.

5. Journal by Marina Asti, Imam Supriyadi, Poernomo Yusgiantoro (2020) Defense University entitled "*Analysis of the Use of Electric Motorcycle Speda for Online Transportation on Energy Security (study on Gojek)*".¹⁴This study analyzes the readiness of electric motorcycles that will be used as online transportation in Indonesia by conducting interviews with government agencies, and related entities regarding the readiness of the national economy for the use of electric motorcycles compared to conventional motorcycles using the *Capital Budgeting* analysis method. The criteria used in the

¹⁴ Marina Asti's Journal, Imam Supriyadi, Poernomo Yusgiantoro "Analysis of the Use of Electric Motorcycles for Online Transportation on Energy Security (STDUI on Gojek)" Energy Security Journal Vol: 6 No 1 2020

analysis are *Net Present Value* (NPV), *Internal Rate of Return* (IRR), *PayBack Period* (PP) and *Profit Investment Ratio* (PIR). In addition to reducing petroleum reserves and affecting energy security, the use of fuel also produces Greenhouse Gas (GHG) emissions. For this reason, it is necessary to ascertain the truth about the effects of the use of petroleum and fuel that affect energy security and produce Glass Gas (GHG). With the switch in the use of conventional vehicles to the use of electric motorcycles, it can be one of the alternatives. This research was conducted focusing on analyzing the readiness of the use of electric motorcycles in Indonesia in reducing the use of fuel energy and did not research from any legal point of view. This is different from the research that will be carried out using legal products from the Ministry of Transportation.

Table. 1
Similarities and Differences in Previous Research and Research to be Conducted

It	Researcher Name	Research Title	Equation	Difference
1.	Davina Tharifah Asrari	The Validity of the Use of Online Application-Based Electric Bicycles as a Means of Transportation Reviewed from the Perspective of Transportation Law in Indonesia	There is a similarity in one of the research objects, namely electric vehicles	There is a difference, namely in the object, in the research that will be carried out will examine more specifically, namely the electric motor.

It	Researcher Name	Research Title	Equation	Difference
2.	Hendra Lesmana and Abshoril Fithry	Regulation and Legal Protection Against the Use of Electric Bicycles on the Highway	There is a similarity, namely that the object of the research is an electric vehicle	There is a difference, namely more specific usage regulations about the type of electric motorcycle used on the highway by online motorcycle taxis
3.	Lusi Adinda Miranti Putri and Hasbullah Malau	The Effectiveness of the Use of Electric Bicycles based on the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 24 of 2020 in Padang City	There is a similarity, namely about the use of electric vehicles based on the regulation of the Minister of Transportation	There is a difference, namely legal issues, in this study the legal issue that will be discussed is regarding the supervision of the use of electric motorcycles used by online motorcycle taxis in Malang City
4.	Nurriqza Salsabilla Syah Powers	Regulation of the Use of Electric Bicycles Based on the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 45 of 2020 concerning Certain Vehicles Using Electric Motor Drives	There are similarities, namely, discussing the use of electric vehicles based on the regulations of the Minister of Transportation	There is a difference, namely, the Law that is the reference in this study uses Permenhub No.44 of 2020
5.	Marina Asti, Imam Supriyadi, Poernomo Yusgiantoro	<i>Analysis of the Use of Electric Motorcycles for Online Transportation</i>	There are similarities in the object of the study, namely electric	The difference between previous research and the research to be carried out is that

It	Researcher Name	Research Title	Equation	Difference
		<i>on Energy Security (study on Gojek)</i>	motorcycles used as online transportation.	the previous research is not a legal research which means that it does not discuss any legal products in it, while the research that will be carried out by the researcher is legal research and uses legal products from the Ministry of Transportation.

B. Theoretical Framework

1. Legal Certainty Theory

Certainty comes from the word "certain", whose meaning is certain, fixed, must not be not, something certain.¹⁵ According to Gustav Radbruch, a legal philosopher from Germany, there are three basic ideas of law which are interpreted by many legal theorists and legal philosophers as three legal goals, including justice, usefulness and legal certainty.¹⁶

With the development of modern law, it results in the occurrence and emergence of problems that did not exist before. Legal certainty is a new thing, but the value of justice and usefulness has traditionally existed long before the modern legal era.

¹⁵ W.J.S. Poerwadarminta, General Dictionary of Indonesian Third Edition, Balai Pustaka, 2006. p. 847.

¹⁶ Achmad Ali, Revealing Legal Theory & Judicial Theory Including Legislation Volume I Initial Understanding, Kencana Prenada Media Group, Jakarta, 2010, p. 288.

Gustav Radbruch said legal certainty is "*Sicherheit des Rechts selbst*" (legal certainty about the law itself). There are four things that have a relationship with the meaning of legal certainty, including:

1. That the law is positive, which means that the law is a law (*gesetzliches Recht*).
2. The law is based on facts (*Tatsachen*), not based on a formulation of judgment that will be made by the judge, such as good will and politeness.
3. That the fact must be formulated clearly to avoid mistakes in interpretation, besides that it is also easy to implement.
4. Positive laws should not be changed frequently.¹⁷

Another opinion about legal certainty is expressed by Roscoe Pound, as written by Peter Marzuki in his book *Introduction to Legal Science* where legal certainty has two meanings, namely:

1. First, it is a general rule to make individuals understand what can and cannot be done.
2. Second, in the form of legal security for everyone from the arbitrariness of the government, with the existence of these general rules, individuals can understand what the State is allowed to impose or do to each individual. Legal certainty means that there is consistency and stipulation in the judge's

¹⁷ Achmad Ali, *Revealing Legal Theory & Judicial Theory Including Legislation Volume I Initial Understanding*, Kencana Prenada Media Group, Jakarta, 2010, p. 292.

decision between one decision and another in the same case that has been decided. So legal certainty is not only in the form of articles in the law.¹⁸

The principle of legal certainty is a guarantee where a law is carried out properly and appropriately because the most important purpose of law is certainty. If there is no certainty in it, then the clarity of the meaning and purpose of the law itself is not known, and if such a thing happens, the identity of the law itself will be polluted and cannot be a guideline in behaving every human being.

The existence of legal certainty in a country also causes efforts to regulate its laws which are manifested in a law made by the government. These laws and regulations are the applicable legal system, which is not based on a momentary decision. The principle of legal certainty is a concept to ensure that the law has been implemented properly so that it does not cause any harm to anyone, the law must protect the community from various acts of crime or harassment on individuals or groups and must be used as a guideline for everyone.

The law is prohibited from contradicting and it is also mandatory to make a formulation that can be understood and understood by the general public. For this reason, the understanding of the principles of legal certainty and justice does not recede so that it does not damage the existing

¹⁸ Peter Mahmud Marzuki, Introduction to Law, Kencana Prenada Media Group, Jakarta, 2008, p. 137.

integrity system and those related to regulations and their implementation. Legal certainty is formed in the hope of providing understanding to the public to always behave and think positively about the laws of the State that have been determined.

Based on the opinion of Roscoe Pound who stated that one form of legal certainty is where if legal security for everyone is on government authority, this opinion means that legal certainty is a promise or guarantee from the government that if there is a certain action from the community, there will also be consequences of legal certainty, namely in the form of orders or prohibitions. So, this theory is in line with one of the new phenomena that is increasingly developing in society, namely the use of electric motorcycles by online motorcycle taxi partners. In its use, electric motorcycles must have the same rules as other conventional vehicles, both four-wheeled and two-wheeled, in addition, online motorcycle taxi partners under the auspices of transportation companies must also have the same rules as other transportation companies. With that, there are clear legal rules governing online motorcycle taxi partners and also the use of electric motorcycles.¹⁹

Based on the explanation above, this theory of legal certainty is in line with the meaning and purpose of the government in designing and issuing a Law on testing the physical type of motor vehicles. The Ministry

¹⁹ Peter Mahmud Marzuki, Introduction to Law, Kencana Prenada Media Group, Jakarta, 2008, p. 142.

of Transportation of the Republic of Indonesia through Permenhub No. 44 of 2020 which regulates the Testing of Physical Types of Electric Motorized Vehicles Using Electric Motor Drives aims to ensure that every electric motor operating on the highway has been certified roadworthy.

The existence of Permenhub No. 44 of 2020 does not contradict any principles at all and has a clear purpose so that the existence of Permenhub No. 44 of 2020 is very important to be implemented so that the purpose of the regulation can be the meaning of legal certainty itself.

2. Teori Hukum Responsif

Responsive law is a model or theory initiated by Nonet-Selznick in the midst of Neo-Marxist scathing criticism of liberal legalism. As is known, liberal legalism presupposes the law as an independent institution with an objective, impartial, and truly autonomous system of regulations and procedures. The icon of liberal legalism is legal autonomy. The most tangible form of autonomy is the *rule of law* regime. With its autonomous character, it is believed that the law can control repression and maintain its own integrity.²⁰

Responsiveness is a trait that serves existing and existing social needs and interests because the community is not a government official.

The requirement to present it authentically requires special efforts that

²⁰ Philippe Nonet & Philip Selznick. *The Law of Responsiveness, Choice in Transition*. Translator Rafael Edy Bosco. (Jakarta: Ford Foundation-HuMa, 2003).

will make this possible. Thus, new paths are needed for participation.

This responsive nature means committing to the law with a consumer perspective. In addition, the concept of responsive law also contains a desire where the legal system can be opened on the basis of the wishes and demands of the people, because if only with openness, the law can be reduced to opportunism.

Nonet and Selznick illustrate this theory with examples of proper legal process. Under an autonomous legal regime, this concept may mean nothing more than the procedural orderliness of decision-making of established legal rules. However, the type of responsive law that aspires to requires a more flexible interpretation that sees the rule of law as tied to a particular problem and context.²¹

In a responsive legal order, law can be in the form of a social institution. Therefore, the law is considered more than just a system that provides rules but the law also carries out social functions for the community.

Law in social institutions, means that law is a broad framework, namely the involvement of various processes, developments and everything that happens in society. As expressed by Edwin M. Schur, although the law is a system of rules, the law is also the result of the social development of the community. Therefore, laws are made and can be changed by humans and always follow human developments and

²¹ A. Mukthie Fadjar. *Contemporary Legal Theories*. (Malang: Setara Press, 2013), p. 54.

changes.

The principle of the Ministry of Transportation in making this legal rule is in accordance with the theory of responsive law put forward by Nonet-Selznick. Responsiveness implies a commitment to the law from the consumer's perspective (Vide Edmond Cahn, "The Law from the Consumer's perspective"). However, the concept of responsive law contains more than just a desire that the law of the legal system can be opened to the demands of the people.

This is in line with the use of electric motorcycles as an Online Motorcycle Taxi vehicle which is a form of community transition at a more modern stage. Through Permenhub No. 44 of 2020 concerning Testing the Physical Type of Motor Vehicles with Drive Motors Using Electric Motors, it has accommodated the implementation of physical type testing for Electric Motorcycles that operate in accordance with the National Standard Roadworthiness Standards. It is clearer in paragraph 4 article 2 of Permenhub NO. 44 of 2020 which reads:

"The addition of testing the physical type of Electric Motor Vehicles as in paragraph (3) is in the form of testing for: "(a) electric accumulators; (b) electrical energy recharging devices; (c) electrical touch protection; (d) functional safety; and (e) hydrogen emissions.

Paragraph 4 of article 2 mentions certain specifications that must be tested for their type in order to comply with the National Standard Roadworthiness Specification, further in paragraph 1 of article 4 which

reads:

"Category LI as referred to in Article 3 paragraph a is a 2 (two) wheeled motor vehicle with an engine cylinder capacity of not more than 50 cm³ (fifty cubic centimeters) or with a maximum speed design of 50 km/h (fifty kilometers per hour)".

The above paragraph explains in more detail the volume of the engine in accordance with the standard specifications that must be tested. In making legal regulations, in this case the Regulation of the Minister of Transportation No. 44 of 2020 concerning Testing the Physical Type of Motor Vehicles with Drive Motors Using Electric Motors. In this case, the Ministry of Transportation is trying to serve the needs of the community. The government in making and applying laws is no longer based on the legal task itself, but is a broader goal, namely the interests and social services for the community where the law applies.

C. Authority of the Transportation Agency on the Implementation of Permenhub No. 44 of 2020

Presidential Regulation Number 40 of 2015 has stated that any regulations and supervision that come out under the scope of the Ministry of Transportation are implemented within the Ministry of Transportation itself. Then, the Ministry of Transportation through Permenhub No. 22 of 2009 concerning Road Transportation Traffic paragraph 4 article 6 which contains the authority of the district/city government The affairs of the district/city government in carrying out the development of Road Traffic

and Transportation include: (a) the determination of the goals and policy directions of the district/city Road Traffic and Transportation system whose network is located in the district/city area; (b) providing guidance, training, certification, and permits to public transportation companies in districts/cities; and (c) supervision of the implementation of district/city Road Traffic and Transportation.

The authority of the implementation of Permenhub No. 44 of 2020 concerning the testing of the physical type of electric motor vehicles is clearly under the authority of the Regency/City Transportation Office. Based on these regulations, it means that the Regency/City regional government has full authority over the regulations as listed. After undergoing a revision of Ministerial Regulation Number 22 of 200, it has also been mentioned that online motorcycle taxis are public transportation vehicles in the limited passenger category, which means that online motorcycle taxis are also one of the types of public transportation that must be physically tested for roadworthiness and supervised for their feasibility as per the procedures in the UPT LLAJ of the Malang City Transportation Agency.

In the context of this authority, the Malang City Transportation Agency has several different units and fields to carry out the implementation of each applicable regulation. For the implementation of article 2 of Permenhub Number 44 of 2020, the authorized field is the Public Transportation Sector, where this field supervises all types of public

transportation operating in Malang City, while the authority to implement the Electric Motorcycle Trial used as a limited passenger public transportation vehicle by online motorcycle taxis is the authority of the Traffic and Road Transportation Technical Implementation Unit. In addition, there is also a special field that is authorized to supervise order and ensure that there are no violations of public transportation operations on the highway, namely, the Traffic Division of this unit can cooperate with the local police to supervise order on the highway.²²

The rampant use of electric motorcycles by online motorcycle taxis in Malang City is the reason for the necessity of electric motorcycles used by online motorcycle taxis to be physically tested for roadworthiness based on Article 2 of Permenhub No. 44 of 2020 concerning special specification of electric motorcycles that are allowed to operate on the highway.

D. Online Ojek Companies

According to Prof. Mr. W.L.P.A. Molengraff, the definition of a company from an economic point of view is a whole act that is carried out continuously, acting out to earn income by trading goods, handing over goods, or entering into trade agreements.²³ One type of Company is a transportation or transportation company. Transportation companies

²² Interview with KUPT LLAJ Malang City Transportation Agency

²³ Arus Akbar Silondae and Wirawan B. Ilyas, Principles of Business Law, Jakarta: Salemba Empat, 2012, p. 29.

provide goods and/or people transportation services in the form of direct or digital or online services , one of which is online motorcycle taxis.

Online motorcycle taxis are one of the means of transportation that is very crowded in this modern era, its efficient, fast and very flexible use can make it easier for consumers to use it. In addition, online motorcycle taxis are also a job field that is widely pursued by the community because of its easy registration requirements and flexible working hours, causing this online motorcycle taxi service to be very crowded from teenagers in college to adults to the elderly who are still of legal age to work.

There are various types of online motorcycle taxi companies in Indonesia, such as PT. Gojek Indonesia, PT. Grab Teknologi Indonesia, PT. Perdana Teknologi Indonesia, and PT. Shopee International Indonesia. Recently, these companies have begun to transition in terms of the use of vehicles from conventional vehicles to electric vehicles, one of which is PT. Gojek Indonesia.

PT. GI Baru has recently issued a program for the use of electric vehicles for its partners, one of which occurred in Malang City began to be crowded with online motorcycle taxis that use electric motorcycles in serving their consumers' transportation. It can be known that one of the reasons for the busy use of electric motorcycles in big cities is regarding the problem of traffic congestion and pollution, one of which is the city of Malang. The use of this electric motorcycle is recognized as greatly minimizing excess pollution in addition, the physical shape that is

comfortable to use makes this electric vehicle very crowded with the people of Malang, not only online motorcycle taxis.

The congestion of traffic in the city of Malang is caused by many things, one of which is the increasingly dense community activities, especially students, which are increasing every year. In Malang City itself, the number of students is 4,212 students in 2021, an increase of 2,835 in 2022, an increase of 4,283 in 2024²⁴ under the auspices of the Ministry of Religion, public campuses and self-sufficiency. The continuous increase in the number of students in Malang City has made traffic congestion and pollution increasingly increasing. In addition, the existence of local communities, migrants who work is also the cause of traffic congestion and excessive pollution in Malang City. GI started a program to use electric motorcycles for its partners, one of which is in Malang City.

It can be known based on the Minister of Transportation Regulation No. 22 of 2009 concerning Road Traffic and Transportation that the online motorcycle taxi company is also one of the legal entity transportation companies whose existence must also be supervised by the relevant institutions, namely, the Transportation Office for the Regency/City area. The authority of the Malang City Transportation Agency towards online motorcycle taxi companies, especially their partners, is not only to partners who use electric vehicles but also to those who use conventional vehicles,

²⁴ Number of Students (Public and Private) under the Ministry of Religious Affairs by Regency/City, 2021-2023, East Java Central Statistical Agency <https://jatim.bps.go.id/id/statistics-table/1/Mjk2MSMx/jumlah-mahasiswa--negeri-dan-swasta--di-bawah-kementerian-agama-menurut-kabupaten-kota--2021-2023.html>

both two-wheeled and four-wheeled. So that online motorcycle taxi consumers in Malang City can enjoy transportation facilities that ensure safety in accordance with applicable regulations.

CHAPTER III

RESEARCH METHODS

A. Type of Research

The type of research used in this study is Empiris Juridical research. This research is a research to analyze problems that require data and empirical evidence, namely interviews or observations. In this case, it is the implementation of testing the physical type of Electric Motors used by Online Motorcycle Taxi partners in Malang City and carried out carefully and periodically in accordance with objective conditions in the field without any manipulation, as well as the type of data collected, especially qualitative data. The research process in question includes making observations about the authority of the Transportation Department towards the implementation of article 2 of Ministerial Regulation No. 44 of 2020 and the implementation of *online motorcycle taxi partners* who use electric motorcycles according to the Malang City Transportation Agency. For this reason, researchers must be involved in the field intensively and periodically.²⁵

B. Research Approach

This study uses a Sociological Juridical approach which is carried out through field studies by collecting data directly from the field. The purpose of the research is to understand and know the implementation related to the object of research based on the Law. The object of the research in question is the Road Transportation Division of the Malang

²⁵ Nugrahani and Farida. *Qualitative Research Methods* (Solo: Cakra Books) (2014). P. 232.

City Transportation Office, the Road Transportation Traffic Technical Implementation Unit (UPT LLAJ) of the Malang City Transportation Office, and the Online Motorcycle Taxi Partner of PT. Malang City branch GI which uses Electric Motorcycles. The focus of this research is to understand how PT. GI and its partners implement legal responsibility for article 2 of Permenhub No. 44 of 2020 and the authority of the Transportation Department in the implementation of article 2 of Permenhub No. 44 of 2020.

C. Research Location

This research was conducted in two different locations, namely the first research location was carried out at the Malang City Transportation Office on Jl. Raden Intan No.1 Polowijen, Blimbing District, Malang City and the second location was the UPT LLAJ Malang City Transportation Agency on Jl. Raya Karanglo. Banjararum, Singosari District, Malang Regency. At each research location, the author conducts interviews with each head of Field and Unit with the aim that the information obtained is valid and clear in accordance with the field facts in each work unit at the research location.

D. Data Source

The data source in this study is the source from which the data can be obtained when the researcher conducts interviews and observations in collecting data, then the data source is called the respondent, namely the

person who responds or answers the researcher's questions orally.²⁶ The data sources obtained from the respondents are primary and secondary data sources.

a. Data Primer

Primary data is a source of data obtained directly by the researcher in the form of interview results and also direct observation with the object of the research, in other words the researcher conducts a direct survey with respondents which in this case is the Road Transportation Division of the Malang City Transportation Office, UPT LLAJ Malang City Transportation Office and also PT. Malang City Branch GI.

a. Data Seconds

Secondary data is data obtained based on supporting information, which can be in the form of supporting information as reference material, namely books, journals, e-books, laws.

E. Data Collection Methods

The data collection method used in this study is by observation and interviews. With complex data observation, it is obtained because it directly involves informants related to the research. The observation data collection method not only measures the attitude of informants, but also obtains information on the extent of the authority of the Transportation Agency over the implementation of Permenhub No. 44 of 2020 and its implementation by online motorcycle taxi partners. Then, through

²⁶ Sugiyono. (2017). *Quantitative, Qualitative, and R&D Research Methods* Bandung: Alfabeta, CV.

interviews on data collection techniques conducted face-to-face and direct questions and answers between researchers and informants. The informants in this study are the Road Transportation Division of the Malang City Transportation Office, the UPT LLAJ of the Malang City Transportation Office and the Online Motorcycle Taxi Partner of PT. Malang City Branch GI.

F. Data Processing Methods

When the data needed for the research has been collected, the researcher will conduct an analysis in several stages, namely:

1. Edit (*Editing*)

Edit is a stage in conducting research to check the results of observations and interviews, namely by studying the language and also the information obtained, the information obtained must be in accordance with the research conducted, in accordance with the formulation of the problem and the purpose of the research in a complex manner by examining the linguistic elements from the results of interviews and observations means examining and editing the linguistic elements obtained from interviews and observations to the Road Transportation Sector Malang City Transportation Agency, UPT LLAJ Malang City Transportation Agency, and also its online motorcycle taxi partners who use electric motorcycles.

2. Data Classification

Data classification is the classification or grouping of data that is the source of data in research.²⁷ The data source in this study is the results of interviews and observations with the Head of Transportation of the Malang City Transportation Office, KUPT LLAJ of the Malang City Transportation Agency and one of the online motorcycle taxi partners PT. GI. When all the required data has been collected, the researcher will classify the data according to the level of research needs based on the formulation of the problem and the goal to facilitate the process of analyzing the research data.

3. Data verification

In this stage, the researcher checks and rechecks all the data that has been collected so that the data used is really in accordance with the object of the research. In this case, namely on the data from the results of interviews with informants and field observations of the Road Transportation Division of the Malang City Transportation Office, UPT LLAJ of the Malang City Transportation Office, as well as online motorcycle taxi partners of PT. Malang City Branch GI. In addition, it also re-examines relevant data based on *normative analysis* of the applicable Ministry of Transportation Regulations.

²⁷ Soejono Soekanto and Sri Mamudji, *Normative Legal Research* (Jakarta: Raja Grafindo Pustaka, 2006), 50.

4. Data analysis (*analyzing*)

In the research, data analysis was used with empirical juridical theories. Data analysis was carried out to find meanings that were in accordance with the research object through data from interviews and observations. This stage is a very important stage in the research because it will produce conclusions that have an important position, In this study, the technique uses a juridical analysis technique, namely the investigation of an event (*deed*) to find out the actual circumstances and obtain the right understanding then, in this study is to find out the authority of the Transportation Agency over the implementation of article 2 of Permenhub No. 44 of 2020 for online motorcycle taxi partners that uses an Electric Motor.

5. Conclusion

Conclusion is the final result of briefly explaining the content of an analysis. The conclusion in the processing of research data is the last step of the researcher in this research process. In this stage, the researcher will briefly explain the results that have been obtained to the problem or object of discussion that has been studied after going through several stages in the data processing process, namely: edit (*editing*), pengelompokan data (*classifying*), pemeriksaan data (*verifying*), analisis data (*analyzing*).²⁸

²⁸ Soejono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif* (Jakarta: Raja Grafindo Pustaka, 2006), 45.

CHAPTER IV

RESEARCH RESULTS AND DISCUSSION

Based on the collection of data empirically through the results of interviews and observations with related parties, namely the head of the Road Transportation Division of the Transportation Office, the Head of the Road Transportation Traffic Technical Implementation Unit, and the online motorcycle taxi partner of PT. GI, then analyzed where the analysis is intended to find out the clarity of the authority of the Transportation Department towards the Implementation of Ministerial Regulation No. 44 of 2020 and its Implementation for Malang City online motorcycle taxi partners. Therefore, the author conducted research in three different places, namely:

A. Overview of the Research Location

1. Malang City Transportation Office

The Malang City Transportation Agency is located on Jl. Raden Intan Polowijen, Blimbing District, Malang City. The Malang City Transportation Agency is a government branch responsible for the management and development of the transportation and transportation sector in Malang City. This agency plays an important role in creating an efficient, safe and orderly transportation system to support community mobility and economic growth in Malang City.

In carrying out its duties, the Malang City Transportation Agency has several core areas, including traffic, parking processing, and road

transportation. The traffic sector is responsible for the regulation and control of traffic in the city of Malang, including the enforcement of traffic regulations and the planning of an efficient traffic regulation system. The parking management field is in charge of regulating parking facilities in Malang City, including the development of parking policies, the use of parking lots, and revenue from well-managed parking. The road transportation sector is responsible for the regulation and management of public transportation and freight transportation in Malang City, including route planning, vehicle supervision, and enforcement of regulations related to road transportation.²⁹

The focus of the research carried out at the Transportation Agency is on the Road Transportation Sector, as already mentioned that this field is in charge of regulating and managing public transportation, freight transportation and also road transportation. In this field, the researcher conducted a face-to-face interview with the head of the transportation sector, namely Mr. Minto Rahardjo, S.Sos, M.M.

2. Malang City Road Transportation Traffic Technical Implementation Unit

The Malang City Road Transportation Traffic Technical Implementation Unit (UPT LLAJ) is located on Jl. Raya Karanglo, Banjararum, Singosari District, Malang Regency. This unit has the task of carrying out some of the tasks in the field of service, regulation, control,

²⁹ Malang City Transportation Agency <https://dishub.malangkota.go.id/>

inspection of violations and investigations in the field of traffic and road transportation.

The implementation of transportation management includes planning, regulating, supervising, controlling and monitoring transportation. The implementation of transportation engineering includes a series of activities to realize transportation operations that meet technical requirements and roadworthiness. This unit carries out tasks for the implementation and technical inspection and certification of motor vehicles that are included in road transportation.³⁰

The focus of the research conducted at UPT LLAJ was an interview with Mr. Dedi Jauhari, Head of the KIR Technical Implementation Unit, about the trial process of road public transportation vehicles, both regarding the administrative process, trial techniques to public transportation road feasibility certification.

3. PT. Gojek Indonesia Malang City Branch

Kantor PT. Gojek Malang City branch is located on Jl. Laksamana Martadinata No. 04-06 RT 06, RT/RW. 04, Sukoharjo, Klojen District, Malang City.

At this location, the author conducted an online interview with one of PT. Gojek Indonesia, which had previously received permission from PT. Gojek Indonesia. The online motorcycle taxi partner who is the object

³⁰Traffic and Road Transportation Technical Implementation Unit of the Malang City Transportation Office <https://uptllajmalang.wordpress.com/contact-us/>

of the interview is one of the online motorcycle taxi partners who uses Electric Motorcycles.

The focus of the research with PT. This GI is to find out the type and specification of electric motors used to serve consumers.

From the results of interviews and observations in three different places as well as data analysis and classification based on the formulation of the problem, there are two results and discussions.

B. Implementation of the Authority of the Malang City Transportation Agency to Article 2 of Ministerial Regulation No. 44 of 2020 concerning Electric Motorcycles used by PT. GI Malang City

Authority is the right to exercise power owned by an official or institution based on the provisions of applicable duties and rights. Authority also concerns the ability to speak over legal actions that can be carried out according to the formal rules listed, so authority is the formal authority owned by an official or institution. Along with the main basis of the state of law, namely the principle of legality, the authority of the government to carry out its duties, obligations and rights in the government comes from the applicable laws and regulations, therefore the government is prohibited from assuming that it has its own government power and cannot do anything other than what is stipulated by the applicable laws and regulations.

According to H.D. Stout, authority is a meaning derived from government law, which can be explained as the whole of rules related to the acquisition and use of authority from the government by public law subjects in political law relations.³¹ According to P. Nicholai, it is stated that authority is the ability to carry out certain legal actions, namely actions intended to cause legal consequences, and includes the emergence and disappearance of certain legal consequences.³² In its sense, rights and obligations have different meanings, namely, Rights are the freedom to do certain things, while obligations are a must to do or not do certain actions.

Legal actions by the government in explaining its government authority can be divided into two types of actions, namely public legal actions and private legal actions. Public legal action means that the legal action carried out is based on public law, while private legal action is a legal action based on the provisions of civil law. Then, public legal actions carried out by the government in exercising its government authority can be distinguished into two types, namely unilateral public legal actions and multi-party actions. Examples of public legal actions involving several parties are joint regulations between districts or between districts and provinces, while unilateral public legal actions can be in the form of actions carried out by government organs themselves that cause public

³¹ Ridwan HR, *State Administrative Law*, (Yogyakarta: UII Press, 2002), p. 71

³² Ridwan HR, *State Administrative Law*, (Yogyakarta: UII Press, 2002), p. 73

legal consequences, for example, granting permission by the government to legal subjects or legal entities that require it.

Through Presidential Regulation Number 40 of 2015 concerning the Ministry of Transportation, it is stated in paragraph 9 article 3 that "Supervision and Implementation of Duties within the Ministry of Transportation".³³ This paragraph explains that the implementation and supervision of every regulation that applies and comes out under the authority of the Ministry of Transportation, then, the implementation and supervision are within the scope of the Ministry of Transportation as well. Then, in paragraph 13 article 1 it is stated that "The Type Test Implementation Unit is a work unit within the Directorate General of Land Transportation with the task and function of carrying out motor vehicle type testing.

Based on the Presidential Regulation, it can be known that everything related to the Regulations within the Ministry of Transportation is certainly the duty and obligation of the Ministry of Transportation both in terms of implementation and supervision. In the context of this study, it focuses on the Regency/City area in the realm of Public Transportation and Road Traffic where the institution in direct charge is the Transportation Agency which refers to the Minister of Transportation Regulation No. 22 of 2009 concerning Road Transportation Traffic.

³³ Presidential Regulation Number 40 of 2015 concerning the Ministry of Transportation.

In carrying out its duties, the Malang City Transportation Agency consists of several main areas, including traffic, parking processing, and road transportation. The traffic sector has responsibility for the regulation and control of traffic in the city of Malang, including the enforcement of traffic regulations and the planning of an efficient traffic regulation system. The parking management division is responsible for regulating parking facilities in Malang City, including the development of parking policies, the use of parking lots, and revenue from well-managed parking. The road transportation sector is responsible for the regulation and management of public transportation and freight transportation in Malang City, including route planning, vehicle supervision, and enforcement of regulations related to road transportation³⁴.

The Ministry of Transportation through Permenhub No. 22 of 2009 concerning Road Transportation Traffic paragraph 4 article 6 which contains the authority of the district/city government The affairs of the district/city government in carrying out the development of Road Traffic and Transportation include: (a) the determination of the goals and policy directions of the district/city Road Traffic and Transportation system whose network is located in the district/city area; (b) providing guidance, training, certification, and permits to public transportation companies in districts/cities; and (c) supervision of the implementation of district/city Road Traffic and Transportation. In point B, which states that this authority

³⁴ <https://dishub.malangkota.go.id/>

is also intended for certification and permits to public transportation companies in Regencies/Cities, which means that in the process of testing motor vehicles is the authority of the Transportation Agency.

Based on the main duties and functions of UPT LLAJ which is a Technical Work Unit in the field of road transportation, then, this unit functions to carry out the implementation and technical inspection of road public transportation as stated in Law No. 22 of 2009 concerning Road Transportation Traffic, namely motor vehicles such as motorcycles, passenger cars, bus cars, goods cars and special vehicles. The motorized vehicles referred to here can be individual motor vehicles, public motor vehicles and also limited passenger transportation vehicles. So, the electric motorcycle used by online motorcycle taxis is also one of the types of road public transportation vehicles that must be inspected at the Road Transportation Traffic Technical Implementation Unit so that it can be known whether it is feasible to be certified roadworthy.

The implementation of transportation management includes planning, regulating, supervising, controlling and monitoring transportation. The implementation of transportation engineering includes a series of activities to realize transportation operations that meet technical requirements and roadworthiness. This unit carries out tasks for the implementation and technical inspection and certification of motor vehicles that are included in road transportation³⁵. Through the

³⁵ <https://uptllajmalang.wordpress.com/contact-us/>

implementation of inspections at the LLAJ UPT which is under the auspices of the road transportation sector of the Malang City Transportation Office, the management and supervision of its implementation is the task and responsibility of the Transportation Agency.

It can be noted that Permenhub No. 22 of 2009 concerning Road Transportation Traffic also states that motorcycles are two-wheeled vehicles which include road transportation including regulations on drivers, passengers, road tracks and also physical specifications of motor vehicles.³⁶ After undergoing a revision of Law No. 22 of 2009, LLAJ in 2020 explained and stated that motor vehicles can be grouped based on function, namely, individual motor vehicles, public motor vehicles and limited passenger transportation vehicles. From this explanation, we can draw the conclusion that Law No. 22 of 2009 after undergoing revision states that motor vehicles with limited passengers include public transportation, in this case it is an Online Motorcycle Taxi which is a limited passenger public transportation vehicle under a legal entity public transportation company that provides services for transporting people and/or goods.

Based on this explanation, it can be seen that Online Motorcycle Taxis including Public Transportation Vehicles in the Limited Passenger category like other public transportation vehicles must also be supervised

³⁶ Regulation of the Minister of Transportation Number 22 of 2009 concerning Road Transportation Traffic

in physical tests of roadworthiness. Permenhub No. 22 of 2009 concerning LLAJ which states that the duties of the Regency/City Transportation Office include providing guidance, training, certification and permits to public transportation companies in the Regency/City as well as the inclusion of online motorcycle taxis which are limited passenger public transportation vehicles, then, the implementation of Article 2 of Permenhub Number 44 of 2020 concerning roadworthy electric motorcycle specifications is the authority of the Malang City Transportation Office because the electric motorcycle operated by online motorcycle taxi partners.

Based on the provisions of the authority of the relevant institution, namely the Transportation Agency, we need to know the extent of the implementation of the authority of the regulation. Implementation is the implementation or application of something based on the applicable regulations and objectives of the regulation. Implementation can be in the form of an order or prohibition implemented by the government authority against the community where the regulation applies.³⁷ In the context of this research, the implementation in question is the implementation of law, then, the definition of Law Implementation is the implementation or application of a law that applies in a certain area of society.

In paragraph 21 article 1 of Permenhub No. 22 of 2020, it is stated that a Public Transportation Company is a legal entity that provides and/or

³⁷ Bagong Suyanto, *Social Problems* (Jakarta, Kencana Prenada Media Group) 2010 p. 43

carries out business activities in the field of transportation services for people and/or goods, including transportation operators in electronic systems, with General Motor Vehicles and/or limited passenger transportation vehicles. With this, it can be understood that all companies that provide transportation services for people and/or goods in the Regency/City area are under the authority of the Regency/City Government Transportation Office, including public transportation with an electronic system.

PT. GI is one of the legal entities in the field of Transportation and according to Permenhub No. 22 of 2009 online motorcycle taxis are a category of limited passenger public transportation. Just like other public transportation companies that operate various types of vehicles such as buses, public transportation, goods vehicles, and articulated vehicles, the same regulations apply to online motorcycle taxi companies, one of which is PT. GI.

As explained above, the Regulation of the Ministry of Transportation No. 22 of 2009 concerning Road Transportation Traffic has stated in paragraph 4 of article 6 that the authority of the district/city government The affairs of the district/city government in carrying out the development of Road Traffic and Transportation include: (a) the determination of the goals and policy directions of the district/city Road Traffic and Transportation system whose network is located in the district/city area; (b) providing guidance, training, certification, and permits to public

transportation companies in districts/cities; and (c) supervision of the implementation of district/city Road Traffic and Transportation.

In the context of this research, it focuses on the Implementation of Electric Motorcycle Trials based on Permenhub Number 44 of 2020 which is used as a limited passenger public transportation vehicle operating in the Malang City area, especially for Electric motorcycles used by PT. GI where the authority of the trial is in the Public Transportation and Road Traffic Sector, precisely at the LLAJ UPT which is under the auspices of the Malang City Transportation Office. There are several types of public transportation vehicles that have been physically tested for roadworthiness by the Malang City Transportation Office, including:

1. MPU/MIC type transportation

MPU/MIC type transportation is a type of motorized public passenger vehicle that is not a bus and has a capacity of 12-16 seats, which operates according to route permits issued by the local government or often called angkot.

2. Bus type transportation

Bus type transportation is a motorized vehicle with a capacity of at least 8 people and a maximum of 60 people, large in size with a weight of up to 3,500 Kg and 8 wheels.

3. Transportation type of cargo

Transportation of goods can be in the form of trucks, trailer trucks and also pick-up cars. In the city of Malang itself, the use of this

transportation is usually for building goods, furniture items and also trucks shipping goods from certain expeditions.

4. Coupling/outboard type transportation

This type of articulated transportation is transportation that has a permanent or semipermanent connection between the body and the transportation cabin. The transport cabin is usually separated from the transport body itself, can be moved, lifted and replaced with another cabin according to the transport load of the large volume or small volume.

The physical type of roadworthiness tests carried out by the Malang City Transportation Department so far are only public transportation in the form of public passenger cars (MPU) or what is often called public transportation, vehicles equipped with sound devices (MIC), buses, vehicles loaded with goods and vehicles coupled or attached to which the company has been registered by the transportation department.³⁸ The following is data on vehicles that have been tested, in the test process, and those that have not been tested.

³⁸ Interview with KUPT LLAJ Dishub Malang City

Table. 2
Data on MPU/MIC type vehicles in Malang City that have been tested, are in the process of being tested, and have not been tested for roadworthiness in 2020

Information	Kind	Sum
Roadworthy type tested	MPU/MIC	319
In the process of testing the type of roadworthiness		8
Not yet roadworthiness test		417
Number of mandatory tests in 2020		744

Table. 3
Data on BUS type vehicles in Malang City that have been tested, in the test process, and have not been tested for roadworthiness in 2020

Information	Kind	Sum
Roadworthy type tested	BUS	294
In the process of testing the type of roadworthiness		11
Not yet roadworthiness test		735
Number of mandatory tests in 2020		1040

Table. 4

Data on Goods Cargo vehicles in Malang City that have been tested, in the test process, and have not been tested for roadworthiness in 2020

Information	Kind	Sum
Roadworthy type tested	Cargo Load	1389
In the process of testing the type of roadworthiness		47
Not yet roadworthiness test		54
Number of mandatory tests in 2020		1490

Table. 5

Data on articulated/outboard vehicles in Malang City that have been tested, in the test process, and have not been tested for roadworthiness in 2020

Information	Kind	Sum
Roadworthy type tested	Articulated Vehicle/Outboard	86
In the process of testing the type of roadworthiness		7
Not yet roadworthiness test		-
Number of mandatory tests in 2020		93

Based on the data presented, it can be concluded that article 2 of Permenhub No. 44 of 2020 has not been implemented at all in Malang City, because from this data there is no data that shows the testing of the physical type of roadworthiness for limited passenger vehicles,

namely, online motorcycle taxis, especially those that use electric motorcycles. In addition, type testing for other types of vehicles has also not been carried out massively, we can see the number of MPU/MIC type vehicles in 2020 there are 744 vehicles, which have been tested, there are 319 and in the trial process there are 8 vehicles so that there are 417 MPU/MIC type vehicles that have not been tested for 2020 data. Of the four types of vehicles recorded in Malang City, there are 1206 vehicles that have not yet passed the roadworthiness type test stage.

From the total amount of data, there are approximately 3,367 units of vehicles recorded in 2020 that operate in the city of Malang and should be tested every 6 months³⁹. UPT LLAJ Dishub is only in charge of checking and testing public transportation vehicles that are brought to the Trial Laboratory. However, to ensure that all public transportation vehicles that have been recorded have been tested is the authority of another field, namely the Road Traffic sector. The Road Traffic Division collaborates with the police to patrol and patrol public transportation vehicles that operate but do not meet the required specification standards. This has been done routinely and on a scheduled basis, but the main obstacle in the implementation of this regulation is the legal awareness of the drivers of the public transportation vehicles. Even though raids have often been carried out by drivers who do not obey

³⁹ Interview with KUPT LLAJ Malang City Transportation Agency.

traffic rules, they still violate the rules by not routinely bringing their vehicles to be tested for roadworthiness, usually they think that bringing their transport vehicles to the workshop is enough to ensure the safety of the vehicles they use even though it would be better to bring the transport vehicles to the Technical Implementation Unit of the Transportation Department to be tested which The trial is in accordance with the regulations of the applicable Minister of Transportation.

For now, the main efforts made by the Malang City Transportation Department are through socialization, patrols and also raids in the Traffic area which also collaborate with the Malang City Police to ensure that public transportation vehicles operating are in accordance with specification standards. Therefore, this is a very large evaluation for the Malang City Transportation Agency to maximize supervision related to this regulation, both what types of public transportation vehicles must be tested and also maximize trial supervision of public transportation vehicles that have been recorded and must be tested every six months.

C. Obstacles in the Implementation of Article 2 of Permenhub No. 44 of 2020 by partners of PT. Gojek Indonesia according to the Malang City Transportation Agency.

The applicable rules related to the use of electric motorcycles by online motorcycle taxis are of course not avoided from several factors

that cause obstacles in their implementation, a number of challenges are overcome with this modernization transition such as, internal obstacles from the authorized institution, namely the Transportation Department related to the legality of the types of public transportation vehicles including online motorcycle taxis, consistent regulations by PT. GI in the program of using electric motorcycles, as well as legal awareness for online motorcycle taxi partners to routinely bring their vehicles for periodic trials every 6 months. For this reason, in this sub-discussion, one by one will be discussed regarding obstacles in the implementation of Permenhub No. 44 of 2020 concerning physical testing of electric motor vehicles.

1. Legal knowledge of the Malang City Transportation Agency about the legality of online motorcycle taxis which are limited passenger public transportation

As discussed in the previous sub-chapter, online motorcycle taxis are now legally one of the types of public transportation vehicles in the form of limited passenger public transportation based on Permenhub no. 22 of 2009 concerning Traffic and Road Transportation, based on the function of online motorcycle taxis can only transport passengers and/or goods with limited ⁴⁰capacity. After the renewal of Permenhub no. 22 of 2009 concerning the functions of public transportation vehicles, authorized institutions such as the

⁴⁰ Permenhub no.22 of 2009 concerning Road Traffic and Transportation

Transportation Department should have known about it and implemented this new rule. Although online motorcycle taxis are individual partners with transportation service providers, the legal rules that apply to them are also the same as other types of public transportation, namely they must routinely test the physical type of their vehicles based on certain specifications listed in article 2 of Permenhub No.44 of 2020 concerning physical type tests of electric motor vehicles.

2. The program for the use of electric motorcycles with consistent rules by PT. Gojek Indonesia

As previously known, PT. GI started the program of using electric motorcycles by its partners with a rent-lease system, however, in some branches of PT. GI does not yet have electric motorbike rental facilities, one of which is in Malang City, so partners who join this program use different types of personal electric motorcycles. This causes different responsibilities and risks for each online motorcycle taxi partner who uses an electric motorcycle, besides that the cost they use also varies depending on the electric motorcycle maintenance rate. If PT. The Malang City branch GI accommodates with full rental system facilities, then, it will make it easier to implement the trial of this electric vehicle because with the same type of motorcycle, both PT. GI and the Transportation Department will find it easier to record every electric motorcycle operating on

the highway and easier to supervise the performance of electric motorcycle functions based on specifications in accordance with article 2 of Permenhub no. 44 of 2020.

3. Legal Awareness of online motorcycle taxi partners

On the other hand, legal awareness by public transportation drivers is an important aspect in the implementation of Permenhub No. 44 of 2020, the Malang City Transportation Agency has difficulties in supervising the use of public transportation vehicles on the highway because many units are not routinely physically tested in the Malang City Transportation Agency's pilot laboratory. Based on the data presented earlier, we can know that there are many public transportation vehicles that do not conduct regular physical tests at the Malang City Transportation Office.

According to Sudikno Mertokusumo, the meaning of Legal Awareness means awareness of what we should do or do or what we should not do or do, especially towards others. This means an awareness of each of our legal obligations towards others.⁴¹ In this study, the legal awareness in question is the understanding and legal attitude towards the norms that apply by online motorcycle taxi partners. The problem of legal awareness arises if the values that will be embodied in legal regulations are new values. This is a logical

⁴¹ Sudikno Mertokusumo, *Increasing Public Legal Awareness*, First Edition, (Yogyakarta: Liberty, 1981), p. 3

consequence of the expansion of the (modern) legal function which is not just a re-recording of patterns of behavior that already exist in society. This is actually a means of channeling government policies, so that it is possible that new circumstances will emerge to change something that already exists. So, even if there are new rules in the regulations on the use of public transportation vehicles, if online motorcycle taxi partners under the auspices of certain companies and the authorized institution in this case, the City/Regency Regional Transportation Office, have the right legal understanding and attitude, then this will be a characteristic of legal awareness in the region itself.

Some online motorcycle taxi partners admitted that they were not aware of any updates to regulations related to the type of public transportation, which is why most of them did not test the physical type of vehicles used, especially on electric motorcycles, in this case it is the responsibility of PT. Gojek Indonesia in providing special provisions for their partners to know the obligations as public transportation drivers in the form of online motorcycle taxis, one of which is to routinely test the type of their electric motorcycles at the Malang City Transportation Agency's test laboratory. The physical test which is carried out routinely every six months should be a commonplace thing for every vehicle driver, with the existence of special rules and facilities from the Malang City Transportation

Office, this actually makes it easier to check every physical vehicle used by public transportation drivers. So, it is better for public transportation drivers in the Malang City area to have a strong understanding and legal attitude towards this issue.

Legal awareness in the form of legal understanding and attitudes by related parties is the main cause of obstacles in the implementation of Permenhub no. 44 of 2020 concerning the trial of electric motor vehicles based on certain specifications. In addition to having the right legal attitude, an understanding of the existence of a rule should also exist in the transition to modernize the use of electric motor vehicle transportation by PT. Gojek Indonesia Malang City branch and also the Malang City Transportation Office

In this case, the aspect of effective supervision by the Malangs City Transportation Office as well as legal awareness by public transportation drivers, especially online motorcycle taxis, and the existence of consistent policies from public transportation companies are the main factors that cause obstacles in the certification of electric motor vehicle trials based on Permenhub No. 44 of 2020 concerning physical trials of electric motor vehicles.

CHAPTER V

COVER

A. Conclusion

Based on the data from the results of the research and discussion that has been explained, the author concludes that there are two conclusions that can be drawn, namely;

1. Based on the Regulation of the Ministry of Transportation through Permenhub No. 22 of 2009 concerning Road Transportation Traffic, it is stated that the testing of the physical type of roadworthiness for public transportation vehicles, be it public motor vehicles, individual motor vehicles and limited passenger motor vehicles in the Regency/City area, then, the implementation is based on article 2 of Permenhub Number 44 of 2020 concerning testing the physical type of electric motorcycles used as motorcycle taxi vehicles online is the authority of the Transportation Office of the district/city area.
2. Article 2 of Permenhub No. 44 of 2020 on Electric Motorcycles used as online motorcycle taxi vehicles by PT. The Malang City branch GI has not been implemented at all in Malang City. So far, the test of the physical type of roadworthiness of public transportation vehicles has been carried out only on public transportation vehicles in the form of public passenger cars (MPU) or what is often called public transportation, vehicles equipped with sound devices (MIC), buses, vehicles loaded with goods and coupled or attached vehicles. There are also many obstacles to the supervision of this trial due to

the lack of awareness among public transportation drivers to carry their vehicles and in the roadworthy type trial. The efforts of the Malang City Transportation Office for this can be in the form of patrols and raids by the road traffic sector in collaboration with the police to ensure that public transportation vehicles operating in traffic are in accordance with roadworthy specification standards.

B. Suggestion

Based on the conclusion above, the author provides suggestions as evaluation material for the Malang City Transportation Office.

1. The Malang City Transportation Office can better follow or *update* related to updates and changes that change other regulations that have existed before, especially those that apply in the realm of the Ministry of Transportation so that the rules applied are relevant to the applicable regulations, especially for the Regency/City area.
2. The Malang City Transportation Agency to further maximize the implementation of roadworthiness type trials for public motor vehicles, both four-wheeled and two-wheeled, transportation with conventional vehicles and transportation with electric vehicles and improve the supervision system they implement in order to ensure that public vehicles operating in Malang City have gone through the trial stage and are suitable to operate on the highway.

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ATTACHMENT



Figure 1.1

Interview with KUPT and staff in the field of KIR Test of the Malang City Transportation Agency

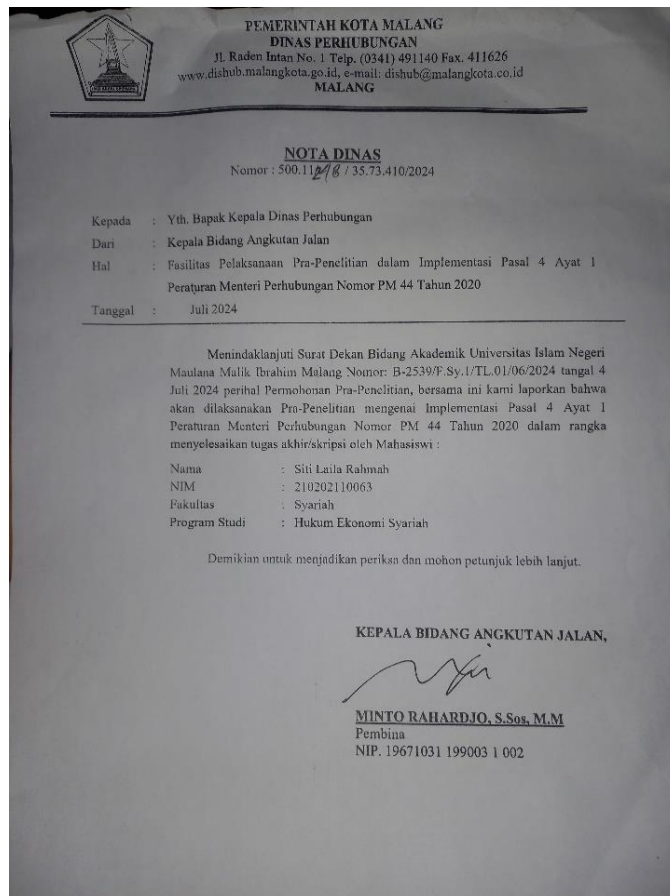


Figure 2.2

Attachment of the interview permit with the Transportation Division of the Malang City Transportation Agency



Figure 3.3

One of the partners of PT. GI that uses electric motors

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