

## **Normative Analysis Of Electric Bike Use By Minors**

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**Abstrak:** Penelitian ini bertujuan untuk mengetahui regulasi hukum bagi pengguna sepeda listrik anak di bawah umur dan sanksi apa yang mempengaruhi penggunaan sepeda listrik oleh anak di bawah umur. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan hukum dan konseptual. Data yang dikumpulkan meliputi undang-undang, peraturan pemerintah, dan literatur terkait. Hasil penelitian ini menunjukkan bahwa Peraturan Menteri Perhubungan Nomor 45 Tahun 2020 tentang Kendaraan Tertentu yang Menggunakan Penggerak Motor Listrik, mensyaratkan usia pengguna sepeda listrik minimal 12 (dua belas) tahun, yang berarti anak di bawah usia 12 (dua belas) tahun tidak dapat mengendarai sepeda listrik di jalur khusus, terutama di jalan raya. Sanksi hukum bagi pengguna sepeda listrik tidak disebutkan, tetapi sanksi hukum bagi penyewa atau penyedia jasa sewa dapat berupa sanksi administratif seperti denda dan pencabutan izin usaha jika pihak penyedia jasa sewa melanggar ketentuan tentang usia pengguna sepeda listrik. Serta memberikan tanggung jawab jika terjadi kecelakaan atau insiden yang melibatkan anak di bawah umur yang menggunakan sepeda listrik sewaan. Ditujukan kepada pemerintah untuk merevisi undang-undang dan peraturan yang ada, seperti Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Transportasi Jalan untuk mengakomodasi perkembangan teknologi sepeda listrik dan memberikan peraturan hukum yang lebih spesifik, serta meningkatkan efektivitas bagi pengguna sepeda listrik, orang tua, dan penyewa sepeda listrik agar tidak terjadi kecelakaan bagi pengguna jalan lainnya. Dan pentingnya mendidik anak-anak bahwa penggunaan sepeda listrik harus memenuhi persyaratan dan mematuhi hukum yang berlaku.

**Kata Kunci:** Regulasi Hukum, Sepeda Listrik, Anak di Bawah Umur.

*Abstrak: This study aims to determine the legal regulations for electric bicycle users for minors and to determine what sanctions affect the use of electric bicycles for minors. This study uses a normative legal research method with a statutory and conceptual approach. The data collected includes laws, government regulations, and related literature. The results of this study indicate that the Regulation of the Minister of Transportation Number 45 of 2020 concerning Certain Vehicles Using Electric Motor Drives, requires that the age of electric bicycle users is at least 12 (twelve) years, which means that children under the age of 12 (twelve) years cannot ride electric bicycles in special lanes, especially on highways. Legal sanctions for electric bicycle users are not mentioned, but legal sanctions for renters or rental service providers can be given administrative sanctions such as fines and revocation of business licenses if the rental service party violates the provisions on the age of electric bicycle users. As well as providing responsibility in the event of an accident or incident involving a minor using a rented electric bicycle. Addressed to the government to revise existing laws and regulations, such as Law Number 22 of 2009 concerning Traffic and Road Transportation to accommodate the development of electric bicycle technology and provide more specific legal regulations, as well as increase effectiveness for electric bicycle*

*users, parents, and electric bicycle renters so that accidents do not occur for other road users. And the importance of educating children that the use of electric bicycles must meet the requirements and comply with applicable laws.*

**Keywords:** *Legal Regulations, Electric Bicycles, Minors.*



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## **A. INTRODUCTION**

Electric bicycle or known as e-bike is one kind vehicle electricity that comes from development bicycle conventional. If previously bicycle conventional moved using the pedal then bicycle electricity that has addition batteries and electric motors as tool help its movement. With presence bicycle electricity bring something approach mobility new one where also coloring field transportation globally.[1] In its operation, the bicycle electricity designed as tool environmentally friendly transportation that prioritizes use energy renewable. Indonesia in effort balancing to development science and technology make something innovation new to various tool transportation vehicle with start change normal transportation use material burn become transportation that can operated only with use electricity as Power its movement. This not except experienced by the previous vehicle Power his movements use power man that is bicycle become A vehicles that can moved only with use electricity namely bicycle electricity . In Indonesia itself Already Lots produced related bicycle electricity and even has many are also sold buy.[2] In connection with existence organization Then traffic and road transportation then formed rule in the form of Constitution Number 22 of 2009 concerning Traffic and Road Transportation ( hereinafter referred to as Law No. referred to as UULLAJ No. 22/2009). In general , Article 47 paragraph (1) of UULLAJ No. 22/2009 groups and classifies vehicle into 2 (two) groups , namely in the form of " Vehicles" motorized and vehicles No motorized ". In the General Provisions , what is meant by with vehicle motorized is " Every equipment - driven vehicles mechanic in the form of machine besides vehicles that run on rails ”, while " Vehicles No motorized is every power - driven vehicles human and/ or animal ".[2] Use bicycle electricity in Indonesia , especially by children under age , causing polemic law and safety Because Not yet existence strict regulations . [3]Electric bicycles that are capable speeding

above 40 km/h is classified as as electric motorbikes and mandatory registered . However , many children use it on the road highway without supervision and without equipment safety , violation the rules that have been set in Minister of Transportation Regulation No. 45 of 2020. Lack of awareness , parental supervision , and enforcement law cause increasing risk accident . Therefore that , is necessary more regulations strict and enforced consistent law as effort preventive and repressive.[4]

Parental supervision is essential in use bicycle electricity in children specifically children under frequent age use it in a way free on the road highway Where road highway the prone to occurrence accidents . [5]Especially in Makassar City, the use of bicycle electricity in children under age often found on the road highway without being accompanied by an adult and parents child mentioned .[6] Often times we also find use bicycle electricity is misused by children under age the for example riding tandem more from 1 person even until there are those who crowds and speed its usage is above average where That bother comfort other drivers even threaten safety child the even other people on the street highway . With many case violations Then the crossing that occurred consequence from existence abuse bicycle electricity the make law as effort final in taking action preventive and repressive . Efforts from preventive can realized with strengthening will regulation legislation or regulations that govern related use bicycle electricity, whereas effort than repressive can realized through role than institution law to giving sanctions by users offender bicycle electricity.[7]

## **B. METHOD**

This research is normative legal research, focusing on legal norms or substance, such as legal principles, legal theory, and comparative law. It focuses on *law in books* , namely the study of legal reality as outlined in legislation and legal doctrine. The approaches used in this research include a legislative approach and a conceptual approach. The legislative approach is used to analyze regulations governing the use of electric bicycles, particularly by minors. The conceptual approach is used to discuss the concepts of legal responsibility, traffic safety, and child protection. Data collection techniques were carried out through library research , by reviewing various primary legal sources such as laws and regulations, as well as secondary legal

sources in the form of books, scientific journals, previous research results, and other relevant documents to support the analysis in this study.[8]

### **C. Legal Regulations for Minors Using Electric Bicycles**

Law is something things that grow , develop and not Can separated from life socialize . That is agreed by a philosopher named Cicero once said when There is society , of course there There is law ( *Ubi Societas, Ibi Ius* ). Due to law No Can separated from life socializing so it is very important for every public not except For understand law That Alone . According to Van Apeldoorn the law it's very difficult defined . Searching for understanding about law The same with We look for understanding A mountain . [9]The difference law No can seen in form appearance or its form whereas mountain can We see . So limitation mountain seen from corner view We is A increase advance earth , somewhat steep and on all corner more tall than surrounding area , while law No Can seen from corner view we , because law That Alone No can We Look .[10] Arrangement law in a way general is a process or results from determination of norms, rules and provisions applicable law For arrange life public in a country or region. Regulations law aim For create order , justice and protection law for all over citizen .[11]

1. Law No. 22 of 2009 concerning Traffic and Road Transportation issued a number of considerations , including:
  - a. Increase safety , security and order passed cross .
  - b. Increase efficiency and effectiveness use network Then traffic and transportation road.
  - c. Improve quality Service transport road .
  - d. Reduce accident Then traffic and transportation road .
  - e. Increase role as well as public in organization Then traffic and transportation road .

According to Law No. 22 of 2009 Article 2 concerning Traffic and Road Transportation is implemented with notice :

- a. The principle of transparency ;

- b. Accountable principle ;
- c. Sustainable principle ;
- d. Participatory principle ;
- e. The principle of benefit ;
- f. The principle of efficiency and effectiveness ;
- g. Balanced principle ;
- h. Integrated principles ; and
- i. The principle of independence .

According to Law No. 22 of 2009 Article 3 concerning Traffic and Road Transportation is implemented with objective :

- a. Realization service Then traffic and transportation safe , secure , orderly , smooth and integrated roads with fashion other transportation for push economy national , advancing welfare general , strengthening unity and oneness nation , as well as capable uphold tall dignity nation
- b. Realization ethics passed cross and culture nation
- c. Realization enforcement law and certainty law for public .

Based on the article above demands raised by users road that organization Then traffic and transportation road must based on the principles humanity , safety , effectiveness and integration in order to realize ethics passed cross and realization enforcement applicable law .

2. Minister of Transportation Regulation NO. PM 45 of 2020 concerning Vehicle Certain with Use Electric Motor Drive . Article 1 Number 2: “ Vehicles certain with using an electric motor is something means with use electric motor drive used For transporting people in the operational area and/ or lane certain ”. Article 1 Number 7: " Electric Bicycles are vehicle

certain ones that have 2 (two) wheels equipped with equipment mechanic in the form of an electric motor ”. In article 2 of the Minister of Transportation Regulation no. 45 of 2020 concerning Vehicle Certain with Use Electric Motor Drives , namely :

- 1) Vehicle certain with use electric motor drive consists of on :
  - a. Electric scooter ;
  - b. Electric Bicycle;
  - c. *Hoverboard* ;
  - d. Bicycle one ( *unicycle* ); and
  - e. Otopet .
- 2) Vehicles certain as referred to in paragraph (1) must own integrated battery and drive motor with strong at the moment operated . In Article 3 of the Minister of Transportation Regulation No. PM 45 of 2020 concerning Vehicle Certain with Use Electric Motor Drive .
- 3) Electric Scooters as intended in Article 2 paragraph (1) letter a must fulfil condition safety includes :
  - a. light main ;
  - b. light position or tool reflector light ( *reflector* ) on the part behind ;
  - c. tool reflector light ( *reflector* ) on the left and right ;
  - d. functioning brake system with Good ;
  - e. horn or bell; and
  - f. maximum speed 25 km/h (twenty kilometers per hour).
- 4) Electric bicycle as intended in Article 2 paragraph (1) letter b must fulfil condition safety includes :
  - a. light main ;
  - b. tool reflector light ( *reflector* ) or light position behind ;
  - c. functioning brake system with Good ;
  - d. tool reflector light ( *reflector* ) on the left and right ;
  - e. horn or bell; and

- f. maximum speed 25 km/hour (twenty five kilometers per hour ). Conditions that require bicycle electricity this is ideal for listed Because Already become must for every any model vehicle For use light as tool For open vision moment driving . Meanwhile For *reflector* itself Can give warning early for riders . For good braking system is necessity to be able to become tool riders .[12] For horn / bell itself own a very important role For guard safety riders and users road other specifically can give warning For avoid collision and accident . And the last one must maximum speed 25 km/ hour ( twenty five kilometers per hour ) adjusted with bicycle electricity generally No designed For withhold speed tall in a long time , so that risk of tire burst or skid will more height that will be Can reduce risk accidents for users .[13]
- 5) *Hoverboard* as intended in Article 2 paragraph (1) letter c must fulfil condition safety includes :
- a. lamp main ;
  - b. functioning brake system with Good ;
  - 2) tools reflector light ; and
  - 3) maximum speed 6 km/hour ( six kilometers per hour ) .
- 6) *Unicycle* as intended in Article 2 paragraph (1) letter d must fulfil condition safety includes:
- a. light main ;
  - b. functioning brake system with Good ;
  - c. tool reflector light ; and
  - d. maximum speed 6 km/hour ( six kilometers per hour ) .
- 7) *Otoped* as intended in Article 2 paragraph (1) letter e must fulfil condition safety includes:
- a. light main ;
  - b. functioning brake system with Good ;
  - c. tool reflector light (reflector);
  - d. the bell that rings sound and can used without bother concentration driver ; and
  - e. maximum speed 6 km/hour ( six kilometers per hour ) .

In Article 4 of the Minister of Transportation Regulation No. PM 45 of 2020 concerning Vehicle Certain with Use Electric Motor Drive .

- 1) Everyone who uses vehicle certain as intended in Article 2 paragraph (1) must fulfil provision :
  - a. wearing a helmet;
  - b. age user at least 12 (twelve ) years old ;
  - c. No allowed For transport passenger except bicycle equipped with electricity with passenger seats ;
  - d. No allowed do modification motor power that can increase speed ;
  - e. understand and comply with procedures passed cross includes :
    1. use vehicle certain in a way orderly with notice safety users road ;
    2. give priority to pedestrians ;
    3. guard distance safe from users other way ; and
    4. bring vehicle certain with full concentration .
- 2) In case users vehicle certain aged 12 ( twelve ) years until with 15 (fifteen ) years of age , users vehicle certain must accompanied by an adult .

In Article 5 of the Minister of Transportation Regulation No. PM 45 of 2020 concerning Vehicle Certain with Use Electric Motor Drive .

- 1) Vehicle certain as intended Article 2 paragraph (1) includes :
  - a. lane special ; and/ or
  - b. area certain .
- 2) Lane special as referred to in paragraph (1) letter a includes :
  - a. lane bicycle ; or

- b. provided lanes in a way special For vehicle certain with use electric motor drive .
- 3) Certain areas as referred to in paragraph (1) letter b includes :
- a. settlements ;
  - b. designated path For day free vehicle motorized (car free day);
  - c. area tour ;
  - d. surrounding area means transport general mass as part from vehicle certain with use integrated electric motor drive ;
  - e. area offices ; and
  - f. outside area road .
- 4) In case No available lane special as referred to in paragraph (2), the vehicle certain can operated on the sidewalk with capacity adequate and attentive safety pedestrian .
- 5) Capacity adequate as referred to in paragraph (4) must accommodate amount pedestrians and vehicles certain .

Based on the article above demands that can be submitted for users bicycle electricity especially for children under age must follow applicable regulations , in order to create them safety for users bicycle electricity , prevent occurrence accident Then traffic caused by users bicycle electricity , and prevent abuse bicycle electricity .[14]

#### **D. Analysis Writer To Minister of Transportation Regulation No. 45 of 2020 concerning Vehicle Certain with Use Electric Motor Drive**

Sanctions is punishment or actions taken to somebody or violating organizations regulations , laws , or applicable provisions . The purpose of sanctions that is prevent violation , giving appropriate punishment with offender , return justice and balance in society . As for the meaning sanctions according to experts :

1. Sanctions according to Utrecht is consequence from actions or reaction from other parties to something good deeds That from man and institution social .

2. Sanctions according to Topowijono is the punishment given to the person who violates regulation .
3. Sanctions according to Muh. Arifin is giving a sense of misery to children educate consequence negligence or behavior inappropriate behavior in accordance with applicable values .
4. Sanctions according to Black's law dictionary seventh edition is punishment or action coercion given because the person concerned fail comply laws , rules , or order .
5. Sanctions according to Andi Hamzah is law for offender provision Constitution .
6. Sanctions according to Susilo is feeling No what the judge sentenced him to offender Constitution law criminal .
7. Sanski according to Rahmat Hakim is appropriate reward on actions perpetrator crimes resulting in victims.

In the Minister of Transportation Regulation no. 45 of 2020 concerning Vehicle Certain with Use Electric Motor Drive does not mention sanctions criminal or fine in a way directly , but violation to rule This can charged actions by the parties authorized with base other laws such as :

1. Foreclosure bicycle electricity. Party police have authority For confiscate bicycle electricity used by children under age or used No in accordance with provision .
2. Giving reprimand or warning. Users bicycle electrical violations provision can given reprimand or warning by the authorities enforcer law as step beginning enforcement rule.
3. Sanctions based on Regional Regulation ( perda ). A number of area own regulation special related use bicycle electricity . Violation to regulation This can charged administrative fines , confiscation vehicle , or sanctions other in accordance with provisions that apply in the region the .

4. Sanctions based on Traffic and Road Transportation Law (Law No. 22 of 2009)

- a) Article 283: if rider bicycle electricity endanger Then cross , can charged sanctions in the form of confinement maximum 3 months or fine up to Rp. 750,000.00
- b) Article 299: if bicycle electricity used on the road the highway that is not in accordance rules , can charged reprimand or fine administrative .

Minister of Transportation Regulation No. PM 45 of 2020 stipulates that users bicycle electricity must minimum age of 12 years . However , the regulations This No in a way explicit arrange sanctions for the lessor bicycle electricity to children under age . Although Thus , the provider service rental bicycle electricity can charged sanctions based on other regulations or regulation applicable area . As for the potential sanctions for provider service rental bicycle electricity that is :

- a. Sanctions administrative. Government area can apply sanctions administrative , such as fine or revocation permission business , to provider services that violate provision age users bicycle electricity .
- b. Not quite enough answer law. If it happens accident or incidents involving children under age of use bicycle electricity results rent , provider service can asked accountability law , good in a way civil and criminal , depending on the impact and involvement they in violation the .

Minister of Transportation Regulation No. 45 of 2020 was born as response to development technology vehicle electricity , in particular vehicle light like bicycle electric scooter electric , hoverboard , segway, and vehicles similar others . At the time that , more and more Lots use vehicle electricity in the room public without clear regulations , which give rise to risk safety for users other ways that include aspect implementation , enforcement law , impact social from regulations this , sanctions lack of law clear for users bicycle electricity , as well as challenges faced in its implementation.[15] Aspect implementation This highlight importance effective implementation from regulation This For ensure safety users , as well as increase supervision to use bicycle electricity especially by children under age . As for enforcement the law that

becomes focus main , that Still There is weakness in enforcement existing rules . Supervision to use bicycle electricity and vehicles electricity light other Still not much users still operating on the road highway main without tool safety specifically children under age. Lack of clarity about sanctions law for users bicycle electricity especially for children under age, children under age of use bicycle electricity must given warnings , education , and awareness that use bicycle electricity without parental / adult supervision can endanger self alone as well as users road others . Parents / guardians own not quite enough answer For ensure that children they No use bicycle electricity without adequate supervision , and they can charged sanctions If proven negligent .

#### **D. CONCLUSION**

Is that Regulation of the Minister of Transportation Number 45 of 2020 Concerning Vehicle Certain With Use Electric Motor Drive , requires that age users bicycle electricity for at least 12 (twelve ) years , which means the sign children under 12 ( twelve ) years old No Can drive bicycle electricity on the lane special especially on the road highway . Legal sanctions for users bicycle electricity No mentioned , but sanctions law for party tenant or provider service rental can given sanctions administrative like fines and revocation permission business If party service rental violate provision age users bicycle electricity . And provide responsibility If happen accident or the incident that involving children under age of use bicycle electricity results rent. Importance Revise Regulation Legislation that has been there is , like Constitution Number 22 of 2009 concerning Traffic and Road Transportation for accommodate development technology bicycle electricity and provide arrangement more laws specific . And the importance increase sanctions for users bicycle electricity , parents , and parties tenant bicycle electricity so as not to happen accident for users road others . And the importance of give education to child that use bicycle electricity That must fulfil terms and conditions and comply with applicable law .

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