



Integrated One-Stop Management Administration System In Preventing and Managing Of Motorized Vehicle Letter

Tegar Eris Pambudi

Fakultas Hukum, Universitas Muhammadiyah Purwokerto

E-mail: tegareris7@gmail.com

Abstract

Falsification of motor vehicle certificates is a form of crime that often occurs in society. This study aims to analyze the administration of a one-stop motor vehicle administration system to prevent and control counterfeiting motor vehicle documents and the criminal sanction of letter forgery. This research is normative juridical. The research approach is carried out through a literature study that examines secondary data in books, journals, research results, and laws and regulations. The results showed that the prevention and control of falsification of motor vehicle documents were carried out by the Joint Office of the one-stop administration system based on Presidential Regulation Number 5 of 2015 concerning the Implementation of the One-Stop One-Stop Administration System. The provisions for sanctions in the criminal act of letter forgery are regulated in Articles 263-276 of the Criminal Code. Implementing a one-stop administrative system integrated between the SAMSAT Office and the Police as law enforcement officers is very much needed to reduce motor vehicle documents' falsification.

Keywords: SAMSAT, Falsification of Letters, Motorized Vehicles

Abstrak

Pemalsuan surat-surat kendaraan bermotor merupakan salah satu bentuk kejahatan yang sering terjadi dalam masyarakat. Penelitian ini bertujuan menganalisis penyelenggaraan sistem administrasi manunggal satu atap kendaraan bermotor dalam pencegahan dan penanggulangan pemalsuan surat-surat kendaraan bermotor dan sanksi tindak pidana pemalsuan surat. Penelitian ini adalah yuridis normatif. Pendekatan penelitian dilakukan melalui studi pustaka yang menelaah data sekunder yang berupa buku-buku, jurnal, hasil penelitian dan peraturan perundang-undangan. Hasil penelitian menunjukkan pencegahan dan penanggulangan pemalsuan surat-surat kendaraan bermotor dilaksanakan oleh Kantor Bersama sistem administrasi manunggal satu atap berdasarkan Peraturan Presiden Nomor 5 Tahun 2015 tentang Penyelenggaraan Sistem Administrasi Manunggal Satu Atap. Ketentuan sanksi dalam tindak pidana pemalsuan surat diatur dalam Pasal 263-276 Kitab Undang-undang Hukum Pidana. Penyelenggaraan sistem administrasi manunggal satu atap yang terintegrasi antara Kantor SAMSAT dan kepolisian sebagai aparat penegak hukum sangat diperlukan dalam mengurangi pemalsuan surat-surat kendaraan bermotor.

Kata Kunci : SAMSAT, Pemalsuan Surat, Kendaraan Bermotor

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I. Introduction

One of the fundamental changes after the 1945 Constitution's amendments is affirming the adherence to the rule of law as contained in Article 1 paragraph (3) of the 1945 Constitution. Based on the recognition of sovereignty is in the hands of the people, namely a democratic constitutional state and at the same time a democratic state based on law, as confirmed in Article 1 paragraph (2); "Sovereignty is in the hands of the people and is exercised according to

the Basic Law in conjunction with Article 1 paragraph (3), which states," Indonesia is a constitutional state.¹

Realizing the above matters is still far from what was expected. That is due to, among other things, the substance of the law (laws and regulations) is relatively unresponsive, overlapping and confusing in the law, and lack of legal facilities and infrastructure, limited integrity and professionalism of law enforcement officials, legal awareness, quality of service and legal certainty and justice. To result in the enforcement of the principles of the rule of law can not be realized optimally.²

Every human being has norms related to welfare, material, physical health, mental health, and individuals or social groups' adjustment. Deviations from these norms are an abnormal symptom which is a social problem.³ One of the social problems that are often faced is a crime. From the perspective of a traditional approach, crime is defined as an act that violates the criminal law or the prevailing laws in society. In essence, an act that violates criminal law or laws in force in a society is very detrimental to the community concerned.⁴

The rise and fall of crime depend on society, political conditions, economy, culture, et cetera. Progress in life in modern society, which is in a multiplicity of interests, seems to facilitate the possibility of conflicts of interest and the temptation to live in luxury on the one hand and the other hand, there is no balance between income and expenditure, especially for the cost of living within the limits of human worthiness.⁵

Crime cannot possibly be separated from criminal acts. However, the definition of crime is much broader than the criminal act itself. Therefore, the crime's definition becomes essential to qualify which actions have been deemed contrary to justice from the beginning and are later defined as crimes. Don C. Gibons argues that crime involves so many topics, including the formulation of the crime itself and deviant behavior.⁶

That provides opportunities and triggers community members who are not firm in being cautious and in their faith to commit acts of violating legal norms, religious norms, and moral norms. In criminal provisions application, it must first be determined whether the defendant's act fulfills all the elements contained in the provisions in question. If it has been stated in this way, it is still necessary to study whether there is anything to eliminate the act's unlawful nature. These things may be contained in the law but can also exist outside the law. One form of crime in society is the forgery of motor vehicle certificates.⁷

Many cases are related to motor vehicle counterfeiting crimes. An example is the Vehicle Registration Certificate's falsification (*Surat Tanda Nomor Kendaraan, STNK*) in Malang from 2010 to September 2013. There have been 25 falsifying STNK, with different modus operandi, namely, falsification of original documents, but false data or fake physical vehicles is genuine but fake. Second, falsification of fake documents, but the data is genuine. That happens to people who have lost their vehicle, and the related purpose is to use the original Vehicle Registration Certificate. However, the physical vehicle has been changed and adjusted to the

¹ Martha Pigome, "Implementasi Prinsip Demokrasi dan Nondemokrasi dalam Struktur Ketatanegaraan RI Pasca Amandemen UUD 1945", *Jurnal Dinamika Hukum*, Vol. 11, No. 2 (Mei 2011): 336.

² Atang Hermawan Usman, "Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia", *Jurnal Wawasan Hukum*, Vol. 30 No. 1 (Februari 2014): 26.

³ Soejono Sukanto, *Sosiologi Suatu Pengantar*, (Jakarta: PT Raja Grafindo Persada, 2017), 314.

⁴ Mustafa Yamin, *Tindak Pidana Khusus*, (Bandung: PT. Pustaka Setia, 2012), 16.

⁵ Martiman Prodjohamidjojo, *Memahami Dasar-Dasar Pidana Indonesia 2*, (Jakarta: Pradya Paramitha, 1997), 55.

⁶ Dany Krisnawati, *Tindak Pidana Khusus*, (Jakarta: Pena Pundi Aksara, 2006), 4.

⁷ Sudarto, *Hukum dan Hukum Pidana*, (Bandung: Alumni, 1986), 100.

Vehicle Registration Certificate. What happens when a motorized vehicle owner loses his vehicle to buy a stolen motor vehicle similar to the lost vehicle previously owned. In the process of law enforcement against the criminal act of falsifying Vehicle Registration Certificates, it is not easy. It is always constrained in carrying out investigations of the perpetrators of falsifying Vehicle Registration Certificates. It is reflected in the number of cases that cannot be resolved entirely by investigator Kasatreskrim Malang City Police. There were 25 cases of falsification of Vehicle Registration Certificates handled by the Head of Malang City Police's Detective and Criminal Unit (KASATRESKRIM Polres Malang) able to resolve 3 cases of STNK forgery at the court stage.⁸

Another example of falsification of motor vehicle certificates also occurred in the city of Lampung. One of the perpetrators of a motorized vehicle owner book is still operating in the Sukarama area. For the first time, he did a forgery and did not know whom he made a fake Motor Vehicle Ownership Book (*Buku Pemilik Kendaraan Bermotor*, BPKB). He paid Rp. 8,000,000 to his friend to make a fake Motor Vehicle Ownership Book (BPKB). Every day, Hasan only works as an entrepreneur and only follows his friend in making a fake Motor Vehicle Ownership Book (BPKB) supplement his daily life. Hasan made the fake Motor Vehicle Ownership Book (BPKB) by paying Rp. 8,000,000 (eight million rupiahs) for every fake Motor Vehicle Ownership Book (BPKB).

When falsifying the Motor Vehicle Owner's Book (BPKB), Hasan did the first thing by renting a car from a car rental place. Then in acting, Hasan admitted that there were more than one or about five people. Hasan acts as a provider of the necessary data such as the engine frame according to the previously rented car's vehicle registration certificate (STNK). After all the needs have been prepared, it is handed over to other colleagues in charge of making the fake BPKB. After Hasan got the fake BPKB, Hasan pledged the BPKB to a bank, and Hasan was finally arrested by the Bandar Lampung Police Criminal Investigation Unit on Thursday, December 17, 2015, at his house after the Bandar Lampung Police Criminal Investigation Unit received a report that someone allegedly guaranteed a fake BPKB at The bank.⁹

II. Research Problems

Based on the description that has been described, the researcher researched how a one-stop administration system in preventing and overcoming motor vehicle certificate forgery and what are the administrative sanctions for falsifying motor vehicle documents.

III. Research Methods

This research is normative juridical research. The normative juridical method is carried out through literature study.¹⁰ The data collected is in the form of secondary data. Data collection is carried out by library research to obtain data in documents and writings by tracing

⁸ Rahmat Hidayat, "Analisis Proses Penegakan Hukum Tindak Pidana Pemalsuan Surat Tanda Nomor Kendaraan (STNK) (Studi di Wilayah Hukum Polres Malang Kota)", Thesis, (Malang: University of Muhammadiyah Malang, 2015), 4.

⁹ Muhammad Farid, "Upaya Polri Dalam Penanggulangan Kejahatan Pemalsuan Buku Pemilik Kendaraan Bermotor", *Jurnal Bagian Hukum Pidana*, Vol. 6, No. 4, (2018): 6.

¹⁰ Badriyah Khaleed, *Legislative Drafting Teori dan Praktik Penyusunan Peraturan Perundang-undangan* (Yogyakarta: Medpress Digital, 2014), 41.

laws and regulations, documents, scientific literature, and research by experts.¹¹ Furthermore, the data obtained were compiled in a qualitative normative manner.

IV. Results and Discussion

1. One-Stop Administration System in Preventing and Combating Falsification of Motor Vehicle Certificates.

In general, the system is a collection of certain parts that are harmoniously interconnected to achieve a goal. One-Stop Administration System (*Sistem Administrasi Manunggal Satu Atap*, SAMSAT) is a public service administration system organized by three government agencies in one building, and this system is intended to accelerate service activities. In one building. This one-stop cooperation includes several government agencies, including the National Police, the Regional Revenue Service, and PT Jasa Raharja (Persero).¹²

Supervision control cannot be separated from the essential aspects of motorized vehicles. Ownership of a motorized vehicle is considered invalid because of the lack of documents owned by the motor vehicle. The incomplete letter may result from the purchase of a motor vehicle suspected of being the result of motor vehicle theft. A motorized vehicle can be said to be official and does not violate the law. Proof of ownership or other documents regulated in law is required. One of the legal and official proofs of motor vehicle ownership is the Motor Vehicle Ownership Book (BPKB).

For this reason, the participation of the BPKB (Motor Vehicle Owner's Book) is significant because the existence of this BPKB can be seen in the role of SAMSAT about the origin of the motorized vehicle. However, it is not uncommon for these valid motor vehicle ownership certificates to be found fake. So what is meant by BPKB is a motorized vehicle ownership book which is used as evidence that the motorized vehicle has been registered and is given a motor vehicle owner's book, motor vehicle number certificate, and motor vehicle number certificate.¹³

According to Edward H. Litchfield, public administration is a study of how various government agencies are organized, equipped with their personnel, financed, mobilized, and led. According to Edward's opinion, public administration studies how government organizations are, how their leadership is an organization, and how they will be mobilized.¹⁴

SAMSAT is an integrated system of cooperation between the National Police, the Provincial Revenue Service, and PT Jasa Raharja (Persero) in the service of issuing STNKs and Motor Vehicle Numbers which are linked to the entry of money into the state treasury either through Motor Vehicle Taxes (*Pajak Kendaraan Bermotor*, PKB), Transfer Fees Name of Motor Vehicle, and Mandatory Contribution of Road Traffic Accident Fund (*Sumbangan Wajib Dana Kecelakaan Lalu Lintas Jalan*, SWDKLLJJ), and implemented in an office called "Joint Office SAMSAT." In this case, the National Police has the function of issuing STNK; The Provincial Revenue Service determines the amount of Motor Vehicle Tax (*Pajak Kendaraan Bermotor*, PKB) and Motor Vehicle Title Transfer Fee (*Bea Balik Nama Kendaraan Bermotor*, BBN-KB. In other side,

¹¹ Miles Mathew and Michel Huberman, *Analisis Data Kualitatif: Buku Sumber tentang Metode-metode Baru* (Jakarta : UI Pres, 2009), 102.

¹² Kiki Pikania Dewi, "Implementasi Peraturan Presiden Nmor 5 Tahun 2015 Tentang Penyelenggaraan sistem administrasi manunggal satu atap kendaraan bermotor di SAMSAT kabupaten Ciamis," *Jurnal Ilmiah Ilmu Pemerintahan*, Vol. 2, No. 4, (2016): 120.

¹³ Phylia Bawang, "Peran Sistem Administrasi Manunggal Satu Atap Dalam Upaya Pencegahan dan Penanggulangan Pemalsuan Surat-Surat Kendaraan", *Jurnal Administrasi Publik*, Vol 4, No 49, (2017): 2.

¹⁴ Inu Kencana Syafiee, *Ilmu Administrasi Publik* (Jakarta, PT. Asdi Mahasatya, 2006): 25.

PT Jasa Raharja manages the Mandatory Road Traffic Accident Fund (*Sumbangan Wajib Dana Kecelakaan Lalu Lintas Jalan*, SWDKLLJJ) Contribution. The Joint SAMSAT Office's location is generally in the local Police Office environment or the local Traffic units / Polda traffic office environment. SAMSAT exists in each province and has service units in each regency/city.¹⁵

Article 1 paragraph (1) of Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, starting now referred to as the State Police, is the state apparatus of law enforcement primarily tasked with maintaining a security country. Meanwhile, the duty of the state police to achieve these goals is in Article 2 of Law no. 2 of 2002, the function of the Police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, protection, and services to the community.¹⁶

The Republic of Indonesia's State Police is a state instrument whose job is to maintain domestic security. In carrying out their duties, the state police are always expected to uphold the people's human rights (citizens) and uphold (enforce) state laws that must be obeyed by all citizens, including members of the Police themselves. According to M. Faal, the division of police duties is: The division of police duties between preventive and repressive is commonly known to people, preventive is preventive, repressive is in action. In general, police experts tend to choose prevention rather than action. Just as medical experts always recommend that it is better to maintain health than cure, prevention is better than curative.¹⁷

At this time, the rampant perpetrators of Document Falsification in the form of Motor Vehicle Number Certificate (STNK) and Proof of Motor Vehicle Ownership (BPKB) not only attract attention but also disturb the sense of security and peace of the community, the criminal acts of forgery which are increasingly occurring, have a network. In general, this crime can be categorized into three types of violations: perpetrators, fenders, and forgers of vehicle identities from crime proceeds. These crimes will be easily encountered in everyday life. This crime is not always the same between crimes in one area and another. An example of a criminal act of forgery of motor vehicle certificates occurred in the city of Malang. One form of crime is theft, which is closely related to the forgery of motor vehicle documents. At this time, motor vehicle theft crime is well organized and has an impeccable and organized network; for example, some perpetrators hold their respective roles, namely; some perpetrators commit theft and collectors of the theft results. Thus the organization of the crime is not only limited to the stage of motor vehicle theft, but also to the stage of Motor Vehicle Document Falsification as well as; Certificate of Vehicle Number (STNK) and Proof of Ownership of Motorized Vehicles (BPKB) that resemble the original as if the goods are not the result of a crime.¹⁸

Law enforcement against falsification of motor vehicle documents is through coordination with the Police. The Police, which is one of the pillars in the SAMSAT apart from the Provincial Revenue Service and insurance, receive reports from the reporter that there is a report on criminal acts of falsification of motor vehicle certificates and go directly to the report. From this official report, the Police finally succeeded in arresting and securing the perpetrator of forgery of motor vehicle certificates. Falsification of motor vehicle certificates is a criminal act

¹⁵ Anonim, "Sistem Administrasi Manunggal Satu Atap," *Wikipedia*, last modified 2019, https://id.wikipedia.org/wiki/Sistem_administrasi_manunggal_satu_atap.

¹⁶ Guntur Priyantoko, "Penerapan Diskresi Kepolisian dalam Penanganan Unjuk Rasa", *De Lega Lata*, Vol. 1, No. 1, (January-June 2016): 129.

¹⁷ M. Faal, *Penyaringan Perkara Pidana oleh Polisi (Deskresi Kepolisian)*, (Jakarta : PT. Pradnya Paramita, 1990), 60.

¹⁸ Rahmat Hidayat, *Op, Cit*, 5.

in which an official letter issued as a vehicle's identity is changed or imitated to resemble an original document and has legal force.¹⁹

In preventing the counterfeiting of motor vehicle letters, SAMSAT has made various efforts, namely that every five years, the vehicle must have a physical check, tighten the requirements for printing STNK, and improve the community service system. While dealing with the forgery of motorized vehicle documents, SAMSAT made efforts, including researching Ranmor documents by conducting a cross-check of the machine number frame numbers that were specifications with the BPKB Ranmor factor, working with the community so that cases of counterfeiting could be minimized, for vehicles outside. Areas that cannot come to SAMSAT for physical checks, then SAMSAT will continue to serve on the condition that they ask for a physical check at the local Police by bringing the original BPKB to cross-check the specifications for the frame number and machine number according to the BPKB motor vehicle which is legalized by the local Police.²⁰

The perpetrator is charged under Article 263. The act committed by the perpetrator is charged under the article in question because the perpetrator falsified the STNKB. In preventing the rampant forgery of motor vehicle certificates, SAMSAT takes preventive and repressive measures: (a). preventive; Settlement efforts in this way are intended to prevent criminal acts that will occur in the future. It is based because it is better to prevent something than to have to handle it. The elements in Article 263, paragraph 2 are deliberately using fake documents or falsified as if they are genuine, if the letter's use may result in losses. In a struggle to prevent the criminal act of motor vehicle certificate forgery, the traffic police will take more preventive measures or before the crime occurs to prevent motor vehicle certificate forgery. (b); Repressive measures are actions taken when a criminal act occurs. This effort is more about curbing something that is or has happened. Saiful Bahri explained that in minimizing a criminal act of STNKB forgery, the criminal network environment must first be seen. The criminal network can be found out from the perpetrator who has been processed by carrying out an investigation. This information can be obtained from interrogations conducted by investigators.²¹

The role of SAMSAT can be carried out in a preventive and repressive manner in the context of preventing and overcoming motor vehicle certificate forgery. However, SAMSAT emphasizes preventively. In this case, the position or role of SAMSAT is only to issue motorized vehicle certificates and not carry out prosecutions or investigations.²²

2. Sanctions in the Crime of Letter forgery

Forgery (*valseheid in geschriften*) is regulated in CHAPTER XII Book II of the Criminal Code (KUHP), from Article 263 to Article 276, which can be divided into six types of letter forgery, namely: (1) Letter forgery in general: form, principal, letter forgery; (2) aggravated letter falsification; (3) Requests to include false information in the authentic deed; (4)

¹⁹ Adam Chazawi and Ardi Ferdian, *Tindak Pidana Pemalsuan*, (Jakarta: PT Raja Grafindo Persada, 2014), 172.

²⁰ R. Harjito, "Akibat hukum kelangkaan blanko STNK dikaitkan dengan undang undang nomer 22 tahun 2009 tentang Lalu lintas dan angkutan jalan", *Jurnal Sosial Humaniora*, Vol 4. No. 2, (October 2013): 114.

²¹ Agung Kurniawan Basri and Adi Hermansyah, Tindak Pidana Pemalsuan Surat Tanda Nomor Kendaraan Bermotor (STNKB) (Suatu Penelitian Di Wilayah Hukum Polres Langsa), *Jurnal Ilmiah Mahasiswa*, Vol. 1, No. 1, (August 2017): 5.

²² Bunga Madusari, "Peran SAMSAT dalam upaya pencegahan dan penanggulangan terhadap pemalsuan Surat-surat Kendaraan Bermotor : Studi di SAMSAT Pasuruan", *Bachelor thesis*, (Malang: Universitas Brawijaya, 2007).

Falsification of Doctor's Certificate; (5) Falsification of specific documents and (6) Falsification of official certificates regarding property rights.²³

The rapid growth of science and technology (science and technology) has a positive impact and a negative impact on society's development or growth. The positive impact is that the rapid growth of science and technology will provide benefits for meeting the needs of a constantly growing and developing society. Meanwhile, the negative impact is that the rapid growth of science and technology has been accompanied by crime development in various ways.²⁴

The existence of various types of motorized vehicles is one of the many results of the rapid growth of science and technology, providing excellent benefits to the community's needs and lives. However, it seems that it has been stated above that in addition to providing significant benefits to the community, it turns out that various types of motorized vehicles harm the community itself. The crime of motor vehicle certificate forgery is a fact that exists in society due to the existence of this type of motorized vehicle.²⁵

Criminal acts are increasingly happening and growing faster in people's lives. That cannot be separated from various aspects such as social, environmental, and other aspects, especially in economic aspects. One of the objects of the existing crime is the criminal act of letter forgery. The criminal act of letter forgery is a crime that is quite disturbing for the public because the intentions of the perpetrators are well-planned and neatly arranged so that it is difficult to trace them. That is what makes forgery regulated and is a criminal act. The criminal act of forgery is generally committed by the perpetrator who has the authority in a community group, institution, or government agency and organization. If the letter falsification may be in the form of signature falsification and photocopy of Identity Card (*Kartu Tanda Penduduk*, KTP) by the perpetrator by changing the original letter, the contents are different the original. The perpetrator can do it by deleting, subtracting, adding, or changing the numbers or words written on the faked letter. Provisions regarding the forgery are stated in Article 263 of the Criminal Code Paragraph (1) concerning Forgery and Article 264 of the Criminal Code Paragraph (1) concerning Forgery of Letters.²⁶

V. Conclusions

1. One-Stop Administration System is an administrative system established to expedite and accelerate services to the public to register and identify motorized vehicles. The SAMSAT Office implements the One-Stop One-Stop Administration System. This system can be used as an effort to prevent and combat the forgery of motor vehicle certificates. Efforts to prevent and combat motor vehicle letter forgery can be practical if this system is integrated between the SAMSAT Office and the police agency. That is supported by the existence of Presidential Regulation Number 5 of 2015 concerning the One-Stop Administration System for Motor Vehicles.
2. The Crime of Falsification of Motor Vehicle Certificates is included in the formulation of the criminal act of forgery in general. That crime is regulated in Article 263 of the Criminal Code paragraph (1) concerning Forgery and Article 264 of the Criminal Code

²³ Dinda Dinanti and Muthia Sakti, "Aspek Yuridis Jual Beli Surat Keterangan Sakit Melalui E-Commerce", *Jurnal Ilmiah Penegakan Hukum*, Vol. 7 No. 1, (2020): 64.

²⁴ Salim Abbas, *Manajemen Transportasi*, (Jakarta; PT. Raja Grafindo Persada, 1993), 34.

²⁵ Tri Andrisman, *Hukum Pidana*, (Bandar Lampung: Universitas Lampung, 2011).

²⁶ *Ibid.*

paragraph (1) concerning Letter Forgery. Sanctions in the criminal act of letter forgery are regulated in Article 263 to Article 276 of the Criminal Code.

VI. Suggestion

The One-Stop Administration System Office (SAMSAT) provides information services about motorized vehicles easily accessible to the public. The implementation of motor vehicle checks can be done at the One Roof One-Stop Administration System offices in other areas.

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