

CHAPTER I

INTRODUCTION

A. Context of Study

The unitary state of Republic Indonesia is one of the unitary states with republic government system that ensuring the protection of rights for every citizen. Every citizen has same rights and obligation before the law. Indonesia as a state include protection for its citizens in a broad sense, that is recognition, guarantee, and legal certainty that applied fairly and equal before the law.¹ This same position of citizens before the law not only applied to their relationship between individuals and state, but also applied to the relationship between individuals and individuals. State are obliged to make sure that every relationship conducted between individuals are fair and not only favoring one of the party.²

In our daily live, individual require assistance from others. This indicates us as social creature that cannot stand alone in order to continuing our live. Such assistance will create an interaction in the society. One of the form of assistance that can be conducted between individuals in the field of interaction is selling and buying where both individuals are benefited from such interactions. Sell and buying is an activity where one party require specific items and the others are able to provide such item to them. This is a general

¹ Undang-Undang Dasar Negara Republik Indonesia 1945, Art. 28D (1).

² Gabor Rona, Lauren Aarons, "State Responsibility to Respect, Protect and Fulfill Human Rights Obligations in Cyberspace," *Journal of National Security Law and Policy*, Vol. 8 No. 3, 2016.

activity that conducted by individuals in form of cooperation to achieve collective goals.³

Indonesia is one of the countries that have most motorcycle that even positioned us in the third place.⁴ With this condition in society, it is very reasonable if there is a lot of demand for motorcycle in Indonesia. This condition also gave impact to the demand related to motorcycle part, both official and specialized company that sell modified part of motorcycle. This demand also given impact to the modified part of motorcycle both official and unofficial in Indonesia that can be easily found in almost everywhere. This high demand resulted from the desire of certain people who have interest in their motorcycle to create the most comfortable and esthetic motorcycle for their daily use. The condition on the market also impacting the producer where there is a new business opportunity in the scope of modifying motorcycle, especially in Yogyakarta. To accommodate high demand for modifying motorcycle, there are a lot of new workshop that able to not only giving monthly repair service for the motor, but also able to improve by modify the motorcycle. The high demand related to modifying the motorcycle also increased because society started to create a community where they can

3 Ely Laily Bunga Rahayu, Nur Syam, "Digitalisasi Aktivitas Jual Beli di Masyarakat: Perspektif Teori Perubahan Sosial", *Ganaya: Jurnal Mu Sosial dan Humaniora*, Vol. 4 No. 2, 2021, 672.

4 Andean W. Finaka, Negara dengan Penggunaan Sepeda Motor Tertinggi, contained in <https://indonesiabaik.id/infografis/negara-dengan-penggunaan-sepeda-motor-tertinggi>, accessed on 2 Februari 2024.

discuss which decision should they take when they want to upgrade their motorcycle.⁵

Motorcycle who became the important aspect of human life must be regulated to create an order society. Traffic and its regulation that contain motorcycle is a part that need to be regulated strictly and clearly in every country including Indonesia.⁶ The modifying motorcycle that become the interest of many people also subject to this regulation.⁷ In the middle of euphoria in modifying motorcycle, there are some question raised related to the safety and legal protection of the consumer in the sell and purchase agreement. This question was raised because of the products for modification sometimes is not officially released from authorized brand in Indonesia. This type of modification is not only just a hobby, it also as a media to show their creativity. There are a lot of competition that comparing their modification in term of creativity with other motorcycle. However, many of this contestant feel like the part that they buy are not regulated clearly under law and regulation related to traffic and road transportation. Even the police in Indonesia often enforcing the law against modified motorcycle.⁸

Generally, there are four rights of consumers that are recognized worldwide: the right to safety, the right to information, the right to choose, and

⁵ Dio Danajaya, Agung Kurniawan, *Alasan Mengapa di Jakarta Banyak Bengkel Motor dan Mobil*, contained in https://otomotif.kompas.com/read/2024/04/25/092200915/alasan-mengapa-di-jakarta-banyak-bengkel-motor-dan-mobil#google_vignette, accessed on 29 August 2024.

⁶ Undang-Undang Dasar Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan.

⁷ *Ibid*, Art. 106.

⁸ *Razia Knalpot Brong di Yogyakarta, 1 Pengendara Ditilang*, contained in <https://www.polresjogja.com/2024/01/razia-knalpot-brong-di-yogyakarta-1.html>, accessed on 2 Februari 2024.

the right to be heard. In any transaction involving modified motorcycle parts, buyers should be aware of these rights, and sellers must ensure that these rights are respected throughout the process and in the products they sell.⁹ Modified motorcycle parts that don't meet factory standards often lack quality and safety, which can lead to safety issues when the consumer uses such parts later on.

Those four rights is enforceable and can be requested for fulfillment by the customer in a case where there is a violation.¹⁰ One of the important rights that may be violated in relation to the sale and purchase agreements is related to the safety of the goods where the object must not give rise to any potential problems for the customer. These potential problems is when there is a violation towards the Regulation of LLAJ regarding the standard condition for exhaust and other modified parts.¹¹ In this case, there are also a problem in the process of sale and purchase agreements where one of the agreements is not fulfilled since the object itself did not bring safety and even contradict with existing law.¹²

Unlike the situation in Indonesia, several countries, such as Germany and the United States, have stricter regulatory systems in place to oversee motor vehicle modification processes. In Germany, vehicle modifications require a TÜV (Technischer Überwachungsverein) technical inspection to

⁹ Niru Anita Sinaga, Nunuk Sulisrudatin, "Pelaksanaan Perlindungan Konsumen di Indonesia", *Jurnal Ilmiah Hukum Dirgantara*, Vol. 5 No. 2, 2015, 77.

¹⁰ Id.

¹¹ UU LLAJ, Article 285 Verse (1).

¹² Abdullah M.Z., "Kajian Yuridis Terhadap Syarat Sah dan Unsur-Unsur Dalam Suatu Perjanjian", *Lex Specialist*, Vol. 11, 2018.

ensure safety and compliance with traffic regulations.¹³ Meanwhile, in the United States, the FMVSS (Federal Motor Vehicle Safety Standards) safety standards are implemented nationwide, supported by the Right to Repair policy, which provides consumers with access to vehicle technical documentation.¹⁴ This comparison demonstrates the importance of increased oversight and standardization of modifications in Indonesia to protect consumers from the risk of loss or harm.

Even though modifying motorbikes is a part of life that cannot be separated from lifestyle and self-expression, consumers still demand guarantees of safety, fairness and legal compliance in transactions. Many questions arise regarding the legality and compliance with traffic laws in motorbike spare parts sales and purchase agreements. Yogyakarta, as a center for motorbike modification, continues to develop and is becoming a place where dynamic changes occur in this industry. Many young people like to modify motorbikes, and often gather at workshops to look for information regarding modifications that are good and according to their wishes. One of the workshops that is often used as a gathering place for students who love motorbikes is the WBJ Garage workshop which is located in the Wirobrajan area, Yogya City. In practice, the seller or head mechanic of the workshop, Mas Wildan, said that he gave a guarantee to his customers if there were any

¹³ RouteToGermany.com. German Vehicle Modification Laws and TÜV Requirements. Accessed July 24, 2025 from <https://routetogermany.com/drivinginGermany/performance-tuning>.

¹⁴ National Highway Traffic Safety Administration (NHTSA), Federal Motor Vehicle Safety Standards, accessed July 24, 2025, from: <https://www.nhtsa.gov/laws-regulations/fmvss>.

discrepancies in the goods he sold. and guarantees are a form of consumer protection efforts carried out by sellers. However, as we know, there are also many modified spare part products that do not meet the standards of goods permitted by UU LLAJ, such as racing exhausts and racing mirrors. and there are also many cases of modification fans being fined because of their own modifications. Therefore, observations are needed regarding spare parts that are bought and sold at the WBJ Garage workshop. Based on the observations that have been made, the author is interested in researching consumer protection practices in the quality and safety of modified spare part products for two-wheeled vehicles that are bought and sold at the WBJ garage workshop.



Motor Cycle located at WBJ Garage¹⁵

¹⁵ based on observations on May 24 2024.

The following is an example of a two-wheeled vehicle modified at the WBJ Garage workshop.



Unmodified Motorcycle



Modified Motorcycle with
aftermarket products

In the first photo is an example of a motorbike that is still in factory standard condition before being modified at the WBJ garage. and in the second photo is a picture of a two-wheeled vehicle that has been modified at the WBJ garage. In the photo there are several modified parts for sale at WBJ Garage.¹⁶

In this context, it is important to discuss legal protection for consumers in the case of buying and selling modified motorbike spare parts in Yogyakarta. As the modification business develops, it is important to know the rights and obligations of every consumer in the process of obtaining modification spare parts that comply with statutory regulations and are safe for use on the road. Consumer protection is a remedy to guarantee the rights and interests of consumers in the sale and purchase agreement. Consumer protection is

¹⁶ based on observations and submissions from one consumer on May 26, 2024.

intended to protect the consumer from any possible things that may harm them in the sale and purchase process, such as fraud, counterfeiting, or non-conformance between the goods or services offered with the reality. Consumer protection is a very important part of healthy business practice. Intelligence in protection can increase consumers, who have the potential to suffer losses due to legal agreements between producers and consumers and legal acts committed by producers.¹⁷

Consumer protection consists of principles and rules that regulate and protect consumers from almost every aspect. This protection includes the supply and usage of the products in the daily life of society. Under Indonesian law, specifically Law No. 8 Year 1999 related to Consumer Protection (UUPK) become the main guidance to create a system for protecting consumers that contain legal certainty, disclosure of information, and access to obtain information. UUPK also aimed to create awareness among business actors to be honest and responsible towards their products. It will also prevent any possible fraud towards the consumers.¹⁸

One of the principles and rights that need to be fulfilled for the consumer is the rights to safeness.¹⁹ The rights to safeness covered in Indonesian law but still related with international law. The similarity is that both legal system adopt and recognize the importance of rights to safeness for customer from the object of the sell and purchase. Consumer Protection Law

¹⁷ Puteri Asyifa Octavia Apandy, Melawati, Panji Adam, "Pentingnya Hukum Perlindungan Konsumen Dalam Jual Beli", *Jurnal Manajemen & Bisnis Jayakarta*, Vol. 3 No. 1, 2021, 12.

¹⁸ Ibid.

¹⁹ Undang-Undang No. 8 Tahun 1999 tentang Perlindungan Konsumen, Article 4 a.

also adopt several stipulations from international law, to be precise from the UN Charter Resolution No. 39/248 of 1985 related to the Consumer Protection. The similar rights that regulated under both regulations are rights for safety of the consumers, rights to choose from various reliable information, rights for education of the objects, rights for obtaining compensation.²⁰

A situation where the consumer feels that they suffer from a loss requires a remedy to protect them. This protection is done to make sure that the rights of consumers are enforced and balanced with the demands of the provisions that protect the producer. On 20 April 1999, the Indonesian government enacted Law No. 8 Year 1999 concerning consumer protection, that was effective on 20 April 2000. This law provides formal recognition of consumer protection, provides a legal foundation that strengthens the rights and responsibilities of consumers, and creates business responsibility for actors as producers or manufacturers of quality products. A sale and purchase agreement requires that the object is legal, both in its existence and the way the object obtained from the seller. Therefore, in the sale and purchase process, the seller must ensure that there is no problem that will emerge later related to the legality of the object. Even according to the obligation law, the illegality of the object will make such an agreement to be null and void.

²⁰ Undang-Undang Perlindungan Konsumen, Article 4. See also, Gunawan Widjaja, Ahmad Yani, Hukum tentang Perlindungan Konsumen, PT Gramedia Pustaka Utama, Jakarta, 2001, p. 27-28.

B. Problem Formulation:

1. How is the consumer's right to safety during the usage period towards modified motorcycle part protected in sales contracts for modified motorbikes in the city of Yogyakarta?
2. What responsibilities do business actors have towards consumers concerning product safety when using the modified parts and possible traffic regulation violations?

C. Research Purpose:

1. To analyze the consumer's right to safety protected in sales contracts for modified motorbikes in the city of Yogyakarta.
2. To analyze the responsibilities of business actors to consumers regarding product safety and potential violations of traffic regulations.

D. Research Originality

Before conducting this research, the writer has carried out various searches on previous scientific works in the form of journals, books and theses related to consumer protection issues. However, this research has differences with similar research, including:

No.	Writer and title	Type of research	Problem formulation	Similarity and differences
1	<p>“Mekanisme penentuan Pihak yang Bertanggung Jawab Atas Prestasi yang Multitafsir. (Studi Kasus Jual-Beli Part Modifikasi Sepeda Motor Melalui Internet)”</p> <p>By: MUHAMMAD IQBAL ROSYIDI (UII Yogyakarta).</p>	Undergraduate Thesis published on February 2 2018	<ol style="list-style-type: none"> 1. What is the procedure for making a sale and purchase agreement for motorbike modification parts via the internet that does not give rise to multiple interpretations? 2. How to determine the party responsible for a discrepancy in performance that has multiple interpretations? 	<p>The equation in the thesis is that the author explains the practice of buying and selling elements related to modification parts.</p> <p>The difference is in the purpose where the author explains so that there are no multiple interpretations in a sale and purchase transaction.</p>
2	<p>“Perlindungan Hukum Kepada Konsumen Terkait Pembelian Barang Bekas Menurut UNDANG-UNDANG NO.8 TAHUN 1999.”</p> <p>By: Bima Subekti (30301900073)</p> <p>Study Program (S.1) Legal Sciences, Faculty of Law, Sultan Agung Islamic University, Semarang.</p>	Undergraduate Thesis Published on February 16, 2023	<ol style="list-style-type: none"> 1. What is the legal protection for consumers regarding purchasing used goods? 2. What are the responsibilities of business actors regarding buying and selling used goods? 3. How are conditions resolved if there is interference between business actors and consumers? 	<p>The equation is in consumer protection</p> <p>The difference is in the object, namely used goods and in my thesis is a custom motorcycle.</p>
3	<p>“Penegakan Hukum Terhadap Modifikasi Kendaraan bermotor oleh Satuan lalu Lintas Polres Gianyar” By: I Made Hadiyant Purnama Sardi, Anak Agung Istri Agung, Ida Ayu Putu Widiati Faculty of Law, Warmadewa University</p>	Legal journal Vol. 2, no. 2, May 2021, Pg. 290-295		<p>Similarities in the object, namely modified motorbikes</p> <p>The difference is in law enforcement which refers to the criminal process carried out by the Gianyar police traffic unit.</p>

4	<p>“Perlindungan Konsumen dalam menggunakan Jasa Modifikasi Bengkel Kustom di Rich Richie Ride garage.”</p> <p>By: Diva Satria Bhaskara (Student at the Faculty of Law, Sebelas Maret University), and Moch. Nadjib Imanullah Lecturer at the Faculty of Law, Sebelas Maret University</p>	<p>Legal journal Private Law Journal Vol. VIII No. 2 July-December 2020</p>	<p>find out how Rich Richie Ride Garage plays a role in providing protection to its consumers considering that consumer rights are regulated in Law Number 8 of 1999.</p>	<p>The similarities both discuss consumer protection from business actors. The difference lies in the services provided by business actors. in this journal discusses custom workshop modification services.</p>
5	<p>“Perlindungan Hukum Terhadap Hak Cipta Motor Modifikasi di Indonesia.”</p> <p>By: Anak Agung Bagus Yoga Pramana Faculty of Law, Warmadewa University</p>	<p>Undergraduate thesis Published on May 17 2022</p>	<ol style="list-style-type: none"> 1. What is the legal protection for modified motorbike copyright in Indonesia? 2. What are the legal consequences for modified motorbike copyright in Indonesia? 	<p>The similarity between this thesis and research is that it discusses the protection of actions related to motorbike modifications, where the thesis focuses more on the legal protection of copyright for modifying motorbikes in Indonesia. Meanwhile, this research will focus more on protecting consumer rights in buying and selling modified motorbike parts</p> <p>The difference in this thesis and research is the focus on legal protection of copyright for modifying motorbikes in Indonesia.</p>

				Meanwhile, this research will focus more on protecting consumer rights in buying and selling modified motorbike parts.
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E. Operational definition

a. Definition of consumer protection

Legal protection refers to the protection provided to legal subjects in the form of devices, both preventive and disciplinary, and can be in the form of oral or written communication. In other words, the concept of legal protection reflects the function of law, which aims to provide justice, peace, certainty, benefits, and tranquility. In its implementation, legal protection requires a certain place or container, which is often referred to as a means of legal protection. Means of legal protection can be divided into two types, means of Preventive Legal Protection and means of Repressive Legal Protection.

b. Definition of sale and purchase

Sale and purchase linguistically can be interpreted as relationship between two parties that is reciprocal in nature where both of them have different legal action. One of them will be acting as seller and the others will be the buyer.²¹ This agreement requires two party where the seller

²¹ Ridwan Khairandy, *Perjanjian Jual Beli*, FH UII Press, Yogyakarta, 2016, 1.

bind themselves to give his object and the buyer bind themselves to pay for the object.²² And according to KBBI, buying and selling is a mutually binding agreement between the seller, the party who delivers the goods, and the buyer, the party who pays for the goods sold.

According to Salim H.S., S.H., M.S., a sale and purchase agreement is an agreement made between the seller and the buyer. In the agreement, the seller is obliged to hand over the object of sale and purchase to the buyer and is entitled to receive the price, and the buyer is obliged to pay the price and is entitled to receive the object.²³

In buying and selling, what the seller has to hand over to the buyer is the property right to the goods, so it's not just power over the goods, what must be done is "delivery" or "leveraging" legally. Because buying and selling does not only exchange an item for something else of absolute value between the seller and the buyer, but also releases all rights to the item that the seller wants to sell to the buyer so that the full rights of the item belong to the buyer in the case of buying and selling.

It can be concluded that buying and selling is a form of exchange, which involves negotiating the exchange of one commodity for another, be it money, goods, or services. This is done using a transaction method known as mutual pleasure, which is usually used if the purpose of buying and selling is to achieve mutual benefit. If this activity takes place in a

²² Kitab Undang-Undang Hukum Perdata, Pasal 1457.

²³ Salim H.S., *Hukum Kontrak Teori dan Teknik Penyusunan Kontrak*, cetakan keempat, Sinar Grafika, Jakarta, 2017, 49.

market, trade center, mall, shop, etc., then the buying and selling activity involves two parties, namely the seller and the buyer. The advantage of buying and selling is that there is a mutually beneficial relationship between the seller and the buyer. For buyers, the goods offered by the seller are used or commonly referred to as the consumption of these products, while for sellers, the buyer provides feedback in the form of money as a legal medium of exchange.

c. Definition of Modification

According to the Big Indonesian Dictionary (KBBI), modification is a change in planning or a change to something in the initial concept. Or it can be abbreviated with changes or revisions.²⁴ Modifications are known. In the general public, as normal and common standard actions that occur in some communities in changing the physical shape and condition of vehicles beyond the standards made by the factory.

Motorcycle modification is the art of using a motorcycle as an object. From old bikes to the latest models. Vehicle modification can also be interpreted as replacing parts or modifying a vehicle from the ground up by changing the shape of the car frame, body, vehicle lighting, and engine. Vehicle modification violations are intended to eliminate the vehicle's right to operate on the highway. All motorized vehicles that are operated on the highway must meet the technical and road-worthy

²⁴ Peter Salim, Yenny Salim, *Kamus bahasa indonesia kontemporer*, Modern English Press, Jakarta, 1991, 989.

requirements, which include the configuration, equipment, size, construction, technical design of the vehicle according to its designation, loading, use, coupling of the automotive and/or installation of the electric vehicle.²⁵

In positive law, it states that buying and selling motor modification parts carries sanctions. And sanctions for the perpetrators of trading in the sale and purchase of motor modification parts and the actors in the production of goods, including in the positive law of buying and selling modified parts, is said to be an act that abuses the Copyright of a company if one of the parties is harmed and has complained about the act to the authorities, thus giving the right of the authorities to be able to carry out investigations.

F. Literature Review

a. Consumer Protection Regulation

Consumer Protection regulation is an important life aspect for almost everyone since every individual will become a consumer for certain goods or services.²⁶ Indonesia adopts an open market system, which will bring competition between sellers in a similar market. This ecosystem creates a condition where sellers might allow almost everything to obtain the most profit compared to other sellers. In many

²⁵ Tim Fokusmedia, *Himpunan Peraturan Perundang-undangan Lalu Lintas dan Angkutan Jalan*, Fokus Media, Bandung, 2009, 26.

²⁶ Celina Tri Siwi Kristiyanti, *Hukum Perlindungan Konsumen*, Jakarta: Sinar Grafika, 2008, p. 1.

cases, the one who becomes a victim of the unhealthy competition is the consumer itself. The main regulation related to consumer protection in Indonesia is Law No. 8 of 1999 related to Consumer Protection (UUPK). There are 5 main principles that become basis for UUPK, that is the benefit mean that the benefit towards consumer must be the priority, justice mean that rights of consumer and buyer must be enforced fairly, balance mean that the interest of consumer and seller must be equal and no one more important than the others, safety mean that consumer in buying, using, utilizing, and/or consuming the products must be guaranteed, and legal certainty mean that there is certainty related to law in UUPK.²⁷

Consumer protection, similar with other legal aspect, start to develop towards internalization. There are tendency to develop a supranational rules that consist with several principles that regulate consumer law.²⁸ The development of international consumer law aim to achieve to goals, namely: establish bare minimum for protection towards consumers and abolishment of obstacle for cross-border trade development.²⁹ One of the effort is made by United Nation by establish guidelines related to consumer protection in 1985 which still be used in

²⁷ Undang-Undang Perlindungan Konsumen, Article 2. See also, Dr. Niru Anita Sinaga, SH, MH, Nunuk Sulisrudatin, SH, SIP, MSI., *Pelaksanaan Perlindungan Konsumen di Indonesia*, Jurnal Ilmiah Hukum Dirgantara, Vol. 5 No. 2, 2015, p. 72.

²⁸ Durovic, M., & Micklitz, H. W. *Internationalization of Consumer Law: A Game Changer*, Springer, 2017.

²⁹ M. Durovic, "International Consumer Law: What is it All About?", *Journal of Consumer Policy*, Vol. 43 No. 1, 2020, p. 126.

present time.³⁰ Unfortunately, guidelines made by UN is only a soft law where states are not obliged to follow it but rather only use it as guidance on how should they treat consumers if they seek to do so.³¹

b. Traffic and Road Transportation Law

Every regulation must have its intention before the law is created. Law No. 22 of 2009 related to Traffic and Road Transportation (UU LLAJ) aimed to create road transportation and traffic that is safe, secure, orderly, and smooth for everyone (Kamseltibcar). This Kamseltibcar will support the end goal of UU LLAJ, which aims to achieve a bigger impact on society, not only related to the traffic. The end goal is supporting national economic development, promoting the general or public welfare, strengthening the bonds of national unity, in the sense that traffic and road transportation that takes place with kamseltibcar will affect the level of population mobility between regions³²

Even if there is an exact regulation, many actions by individuals still contradict with legal norms of traffic law. Therefore, the enforcement of traffic laws is strictly required to ensure order on the road.³³ Common violation towards UU LLAJ is either violation of the traffic in daily life or

³⁰ United Nations General Assembly, Resolution 39/248 of 16 April 1985 (A/RES/70/186).

³¹ M. Durovic, *Op. Cit.*, p. 130.

³² Nurhasan Ismail, "Efektivitas UU LLAJ Meminimalisir Fatalitas Lakalantas", *Journal of Indonesian Road Safety*, Vol. 1, 2018, p. 25-26.

³³ Ni Putu Krisna Dewi, Ni Putu Rai Yuliantini, and Komang Febrinayanti Dantes, "Implementasi Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan Terhadap Penegakan Hukum Pelaku Balapan Liar di KabupatenJembrana," *Jurnal Komunitas Yustisia*, Vol. 5 No. 2, 2022.

violations of the standard of vehicle requirements, such as the part of the vehicle or the completeness of the driver themselves. Every vehicle has its standard to create a default condition that can be easily understood during road transportation.³⁴ Every individual must comply with the stipulation not only regarding the way they drive on the road, but also with the standard of the vehicle that they are driving.³⁵

c. **Vehicle Roadworthiness After Conducting Modifications**

Each year, from 2015 to 2022 in Indonesia, vehicle usage in Indonesia always improved.³⁶ The quantity of vehicles that always increases every year must be followed by regulations to ensure that every vehicle still in accordance with the standard for safety on the road. One of the efforts made by the government is the issuance of Minister of Transportation Regulation No. 26 of 2015 related to Road Traffic and Transportation Safety Standards. Modification is an inseparable part of a motorcycle because of the different preferences of different people. The state still accommodates this modification as long as it is in accordance with the law. Government Regulation limits modification to “Vehicle modification or carrying capacity can be done on motorized vehicles that

³⁴ L. Abdul Majid, D. Guntara, M. Abas, “Penerapan Sanksi Tambahan terhadap Pengguna Knalpot Non-Standar dalam Undang-Undang Lalu Lintas,” *Legalite: Jurnal Perundang Undangan dan Hukum Pidana Islam*, Vol. 8 No. 2, 2023.

³⁵ Virgiawan Moro Narendo, "Analisis Undang-Undang Lalu Lintas Terhadap Maraknya Penggunaan Knalpot Brong dan Tingkat Kepatuhan Masyarakat Purbalinga," *Proceedings of Seminar International Legal Development in Twenty-First Century Era*, Vol. 17, 2024.

³⁶ Perkembangan Jumlah Kendaraan Bermotor Menurut Jenis (Unit), <https://www.bps.go.id/id/statistics-table/2/NTcjMg==/perkembangan-jumlah-kendaraan-bermotor-menurut-jenis--unit-.html>, accessed on 1 September 2024

only add axes without changing the axis or shape, which must be calculated according to the support capacity of the road traveled.”³⁷

Beside of the limitation, there are additional requirements after each individual conducting modification towards their motorcycle. It is regulated under Article 52 (1) of UU LLAJ that every modification done to the motorcycle must be reported for testing the eligibility.³⁸

G. Research Methods

a. Type of Research

The author uses empirical legal research as the basis for conducting this research. Empirical Legal Research involves the process of collecting real data from the real world. Researchers observe, collect, and analyze existing data to understand the phenomenon being studied. The data used in empirical research is primary data collected through various techniques.

b. Research Approach

The research approach used in this writing is based on the statutory approach and the Conceptual Approach.

a. Statutory approach

³⁷ Peraturan Pemerintah Nomor 55 Tahun 2012 tentang Kendaraan, Article 132 (5) (6).

³⁸ Eriska Desianti Dewi, Adi Hermansyah, "Penegakan Hukum Terhadap Modifikasi Kendaraan Roda Tiga (Suatu Penelitian di Wilayah Kota Banda Aceh)," *JIM Bidang Hukum Pidana*, Vol. 4 No. 3, p. 546.

The legal approach according to Peter Mahmud Marzuki is "The statutory approach is carried out by examining all relevant regulatory laws related to the problem being handled. The Legislative Approach is an approach that uses legislation and regulation."³⁹ This approach means a research approach that is carried out by reviewing all laws and regulations related to the legal issue being handled by the researcher. By using this approach, researchers are able to understand the philosophical content of the law and are able to conclude whether there is a philosophical conflict between the law and the issue at hand. This approach is used to analyze practices regarding consumer protection regarding safety and legal compliance in buying and selling modified parts, whether these practices are in accordance with Law (UU) Number 8 of 1999 concerning Consumer Protection or not.

b. Conceptual approach

This approach uses a combination of laws or regulations and their implementation. This approach is used to analyze practices regarding consumer protection for safety and legal compliance in buying and selling modified parts. From this study, the research question is whether consumer protection practices are in accordance with the law or not.

³⁹ Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta, 2010, hlm. 157.

c. Object of Research

The subject of this research is both seller and buyer in sell and purchase for modified motorcycle part. There are two sellers for this research, that is WBJ Garage and Adam Spartan located in Wirobrajan, Yogyakarta. The consumer in this research is purposive. They are several individuals that incorporated with the community of modified motorcycle who often engaged in selling and buying motorcycle modified part.

d. Material or Data Collection Methods

The author conducted data collection by directly sampling business actors and consumers frequently involved in the buying and selling of motorcycle modified parts. This type of sampling is recognized with the name of purposive sampling that fall under the non-probability sampling. The author select individual who already meet several requirements that has been set regarding the seller and the user of motorcycle modifications.⁴⁰ The respondents who helped with this thesis are 2 seller, 2 buyers, and 2 enthusiast users. This approach included conducting interviews with key market participants, business actors like retailers provided insights into industry trends and challenges, while consumers shared their purchasing behaviors and preferences. This comprehensive method ensured that the collected data was relevant and

⁴⁰ Ma. Dolores C. Tongco, "Purposive Sampling as a Tool for Informant Selection", *Ethnobotany Research and Applications*, Vol. 5, 2007.

accurately reflected the practices within the motorcycle modified parts market.

e. Data Analysis

The data analysis used in this research is qualitative data analysis with an empirical juridical approach, which can also be called field research. This approach aims to examine the applicable legal provisions and the realities that occur in society. In other words, this research focuses on observing actual conditions or real-life situations in society with the aim of finding and understanding facts and data. Once the data is collected, research then involves identifying the problem, which ultimately leads to solving it. Researchers choose qualitative methods because this method allows them to gain an in-depth understanding of the situation being investigated. Direct interaction between the researcher and the research object allows adjustments to ongoing problems, while interviews also enable the researcher to obtain information directly from the source.

H. Thesis Framework

The thesis framework created by the author in this research is:

1. Chapter 1 contains an introduction which explains the background, problem formulation, research objectives, research benefits, scope,

theoretical framework, and research methods related to the problems or issues raised in the research written by the author.

2. Chapter 2 contains a literature review related to the problems or issues raised by the author. Explains the general view which is usually in the form of a definition related to the problem used in the research.
3. Chapter 3 contains a detailed discussion to answer all the questions raised in the problem formulation.
4. Chapter 4 contains a conclusion which summarizes the overall content of the research as well as suggestions for the problems raised in the research
5. Bibliography which contains all the sources used in compiling research including books, journals, laws and regulations, and the internet.