
Gorontalo Local Government's Response To Legal Vacuum On Electric Bikes

Fitriana Nur Biya¹, Mohamad Rusdiyanto U Puluhulawa², Jufryanto Puluhulawa³

¹ Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: Fitrianaabiya@gmail.com

² Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: mohamadrusdiyanto@yahoo.co.id

³ Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: jufryantopuluhulawa@ung.ac.id

ARTICLE INFO

Keywords :

Attitude; Responding;
Electric Bicycle

How To Cite :

Fitriana., Puluhulawa, M.
R. U., Puluhulawa,. (2019).
Gorontalo Local
Government's Response
To Legal Vacuum On
Electric Bikes *Estudiante
Law Journal*. 1 (2): 307-320

DOI :

ABSTRACT

The purpose of this study is to find out the attitude of Gorontalo local governments to address the legal vacuum towards electric bicycles. The methods used in this study are normative research and The types of approaches used are the legal approach, the conceptual approach, and the case approach. The technique of analyzing legal materials in this study uses systematic interpretation methods. The results showed that the Gorontalo regional government in addressing the legal vacuum regarding the regulation of electric bicycles in the Gorontalo area is first to take precedence over what is the main problem, then trace whether the transportation has reached 50% of users for the entire Gorontalo area. This needs to be known so that it can be regulated by the local government without limiting the space of the community. Thus, holding regional rules related to the regulation of electric bicycles is still an obstacle from the point of view of the provincial DPRD why the use of such vehicles is considered to have not reached an effective amount causing the need for regional rules to regulate the use of such vehicles. With the advancement of transportation in a region, the local government should have taken steps first before it becomes a result of an event that is not organized by the local government. With this problem, the government cannot suppress the public and carry out doctrinal laws related to the rules of the use of electric bicycles, so that the theory of repressive laws cannot be implemented. The law should be able to regulate society to be able to comply with existing rules, but the rules can not be implemented.

@2019 Fitriana., Puluhulawa, M. R. U., Puluhulawa,.

Under the license CC BY-SA 4.0

I. INTRODUCTION

A. Background

The people of the Gorontalo area itself have started to know electric bicycles, not even a few of the Gorontalo community have started using them. From the results of initial data collection by the authors, it is known that there are already four shops that sell electric bicycles for the city of Gorontalo. The shops are on Imam banjo street, Palma street, Attorney General Suprpto street, and Nani Wartabone street. From the results of the data known for the City of Gorontalo, there is already a motorcycle store that sells electric bicycles, the store is located on Nani Wartabone street. In fact, for the city of Gorontalo, there is already a special store to sell the vehicle, located on the street of Attorney General Suprpto, and has been standing for the past 2 years. Gorontalo area itself motorcycle vehicles are also widely encountered in every corner of the area. According to data obtained from the official *website* of BPS (Central Statistics Agency) of Gorontalo city, the number of motorcycles reached 47,312 units in 2018 and did not rule out the possibility that the number will continue to grow. From data The interest of the Gorontalo community is quite high in using bicycle transportation that is considered more efficient for driving.¹ This will certainly have something to do with human rights which are part of the implementation of the judiciary within the framework of independent judicial power.² The existence of human rights will have no meaning if it is not followed up with the law that regulates the relationship of rights, meaning that the law formalizes human rights into a set of rules to maintain and protect so as not to become clashes in the life of society and state.³

From the initial data that the author obtained by interviewing sellers, it is known that for sales last year can be up to 50 pieces, in 2 months from January to February throughout 2021 have sold 6 units of electric bicycles specifically for the Jarvis brand,⁴ Even for the entire fasting month in April 2021 has sold 13 pieces and the latest sales results from June 2021 sold 4 units of electric bicycles.⁵ One of the shops located on Imam Bonjol street is known to have been selling electric bikes since 2019 and is estimated to have sold a month 10 units even more.⁶ From these data, it can be concluded that electric bicycle users in

¹ BPS Kota Gorontalo, "Banyaknya Kendaraan Bermotor Menurut Jenis Kendaraan 2015-2018", <https://gorontalokota.bps.go.id/dynamic/table/2019/09/16/137/banyaknya-kendaraan-bermotor-menurut-jenis-kendaraan-2015-2018.html>, (di akses pada 31 Maret 2021)

² Nabih Amer, (2020). Analisis Pembubaran Organisasi Kemasyarakatan Dalam Perspektif Negara Hukum. Jurnal Legalitas. 13 (1), 12

³ Tijow, Lusiana. (2010), Perlindungan Hak Asasi Manusia Terhadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah. Jurnal Legalitas 3 (2), 80

⁴ Karyawan toko di jalan jaksa agung suprpto, "Penjualan Sepeda Listrik", *Wawancara*, pra-riset, 12 Maret 2021.

⁵ Karyawan toko di jalan jaksa agung suprpto, "Penjualan Sepeda Listrik", *Wawancara*, pra-riset, 16 Juni 2021.

⁶ Karyawan toko di jalan imam bonjol, "Penjualan Sepeda Listrik", *Wawancara*, pra-riset, 12 Maret 2021.

the city of Gorontalo itself are increasing judging by the high interest of the public in the vehicle.

In Indonesia, especially Gorontalo, although electric bicycles have begun to operate a lot, there is no clear legal basis related to the legal position of this electric bike. Referring to Article 1 paragraph (7) and Article 47 of the LLAJ Act, it can be seen that there are two classifications of vehicles, and the electric bicycle itself is in the middle of the vehicle's classification. Thus, it can be said that in Indonesia there is no legal arrangement related to vehicles whose power sources combine electric and/or human power,⁷ like research or statement from Xavier Nugraha et al. Then based on the observations of the authors, no local regulations regarding electric bicycles were found. So that these actions harm the general public and often even often violate the legal norms that apply to the general public.⁸ So in modern times is an era where humans are required to develop themselves. Norms that develop in society and are flexible and encourage creativity in providing public services.^{9,10}

The impact of the absence of legal regulations related to local regulations regarding electric bicycles in addition to causing unclear vehicle classification can also occur a phenomenon that the author encountered on the road and from the results of the image documentation that the author obtained when surveying the road for electric bicycle users around the City and Gorontalo Regency that is, many of the electric bicycle users whose speed when driving on public roads exceeds the vehicle speed standard. Other motorists, not only that many of the electric bike users do not use safety equipment, not even pay attention to existing road signs. Although there are also riders who care about their safety but most of the electric bike users who are widely found often ride freely regardless of the things mentioned earlier, it also happens because there is no law that regulates electric bikes in Gorontalo. Thus, it becomes disturbing for other road users and can also endanger the safety of electric cyclists, therefore the author considers the importance of making legal arrangements related to local regulations on electric bicycle transportation in the Toronto area so that, not only can explain the classification status of the vehicle, it can also regulate the users of electric bicycle transportation.

⁷ Xavier Nugraha dan Luisa Srihandayani dkk, (2020). Analisis Skuter Sebagai Kendaraan Di Indonesia : Sebuah Tinjauan Hukum Normati, *Open Journal Systems*, 27 (2), 121.

⁸ Novendri M. Nggilu dan Ahmad (2020). Denyut Nadi Amandemen Kelima Undang-Undang Dasar 1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution. *Jurnal Konstitusi*, 16 (4), 785-808

⁹ Daffodils, Dolot Alhasni. (2020) Determination of Legal Protection of Neighboring Right Rights Holders. *JALREV* 2 (1), 67

¹⁰ Norma L.P. Wemben. (2010). "Kinerja Pelayanan Pada Kantor Badan Pertanahan Nasional Kabupaten Gorontalo." *Jurnal Legalitas* 3 (2), 131

Meanwhile, the role of law is very important for humans as a giver of meaning to human life itself. Indonesia is one of the countries that put forward the constitution in every aspect of national and state life.¹¹ State involvement is also one of the characters of the phenomenon of conflict.¹² So that this becomes a constitutional right for every citizen of Indonesia.¹³ If we discuss more deeply the law it has significance for the benefit of the community. The interest of law for society lies in the function of law itself, namely, the important role of the function of law in society: first, the understanding that the function of law is to follow and justify the changes that occur in society, meaning the law as a means of social control. So what appears is the law is tasked with maintaining order or existing patterns of life. This understanding was pioneered by the historical and cultural jurists of Germany who were introduced by Friedrich Carl von Savigny.¹⁴ Efforts that can be done on this are to bring the legal decision closer to the sense of justice lived by the community so that the implementation of the law further creates order in the community itself.¹⁵ More important is that it is currently one of the most efficient steps in trying to organize society to create a sense of comfort and fairness.¹⁶ Quoting as said by Fence M. Wantu in his Journal that the nature of justice is a matter of judgment from one person to others, which is generally seen from those who receive treatment only.¹⁷ The government through the law has given the starting point of justice, which is done for the sake of justice based on the Supreme Divinity.¹⁸ protect the basic rights of I or dignity and human dignity, especially for seekers of justice.¹⁹

¹¹ Fakhri Lutfianto Hapsoro, (2020). Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution, *Jurnal Law Review*. 2 (2), 144

¹² Yudha Chandra Arwana, (2019), Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia. *Jurnal Law Review*. 1 (2), 216

¹³ Nggilu, N., & Wantu, F. M, (2020). Menapaki Jalan Konstitusional Menuju Zaken Cabinet: Ikhtiar Mewujudkan Pemerintah Berkualitas Konstitusi. *Jurnal Hukum Samudra Keadilan*, 15(1), 128

¹⁴ Sri Warjiyati, *Memahi Dasar Ilmu Hukum Konsep Dasar Ilmu Hukum*. (Jakarta: Pranedamedia Group, 2018), 22-23.

¹⁵ Ibrahim Ahmad, (2010), Prinsip Keadilan Dalam Penyelesaian Sengketa Tanah Untuk Kepentingan Pembangunan. *Jurnal Legalilas*. 3 (2), 21

¹⁶ Mohamad Rivaldi Moha, (July, 2020), Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce. *Jurnal Law Review*. 2 (2), 115

¹⁷ Fence M. Wantu. (Juni, 2013). Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata. *Jurnal Mimbar Hukum*. 25 (2), 206

¹⁸ Fenty Puluhulawa, Lusiana M, Tujow, Sutrisno. (Oktober, 2020). Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim. *Jurnal Gorontalo Law Riview*. 3, (2), 184

¹⁹ Dian Ekawaty Ismail. (Februari, 2009). Upaya Perlindungan Hak-Hak Tersangka/Terdakwa Melalui Mekanisme Praperadilan di Kota Gorontalo. *Jurnal Mimbar Hukum*. 21 (1), 85

B. Problem Formula

This paper formulates a problem point on how the attitude of the Gorontalo local government responds to the legal vacuum towards electric bicycles which will then be seen from the position of traffic regulations.

C. Metode Research

The type of research used in this study is Normative which is focused on reviewing the application of rules or norms in the prevailing positive law, which is then connected to the central issue discussed in this study. The approach used in this research consists of *the Statue Approach* and the Conceptual Approach as well as *the case approach*. The technique of analyzing legal materials in this study uses systematic interpretation methods.²⁰

II. DISCUSSION

Gorontalo Local Government Response to Legal Vacuum on electric bikes

Making a regional rule first needs to be seen whether there is a regulation that mentions the region has the authority to hold a rule related to the regulation of the use of electric bicycle transportation. Due to the change in the Law on local government in 2015, namely, Law No. 2 of 2015 on changes to Law No. 2 and Number 23 of 2014 on local government which will be the main focus on the point of discussion of this chapter as a law related to local policy in holding a rule. Of course, with the new law set to undergo some changes or improvements, where the author must analyze whether changes are also related to the division of authority between the center and the region. Before discussing how the government responds to the legal vacuum related to the regulation of electric bicycles in the Gorontalo area, it is important to know whether the local government has the authority to make the rule. Regarding the authority itself can not be separated from the principle of legality because, the principle of legality is the basis in every implementation of uniformity and government or other words, every implementation of statehood and government must have the legitimacy that is the authority granted by the Law. Thus, the substance of the principle of legality is authority, i.e. the ability to perform certain legal actions.²¹ As the party that issues the policy, the Government must be able to

²⁰ Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Prenada Media Group, 2014), 93

²¹ Abdul Rauf Alauddin Said, (2015). *Pembagian Kewenangan Pemerintahan Pusat Pemerintah Daerah Dalam Otonomi Seluas-luasnya Menurut UUD 1945*, *Fiat Justitia Jurnal Ilmu Hukum*, 9 (4), 580.

see the balance in the life of society.²² The results of policies issued by the Government are solely derived from the wishes of the community.²³

The results of the author's analysis related to Law No. 2 of 2015 on changes to Law No. 2 and Number 23 of 2014 on local government, it is known that restrictions on authority between the center and the region are not found in the latest law. Related to the authority of regional autonomy is still the same as that already stipulated in the previous law around the authority about holding a regulation. The subject matter is related to the arrangements intended by the author, namely, related to the use of electric bicycles about the maximum speed limit, the use of safety equipment, age limits and so forth related to the use of electric bicycles on public roads whether it can be ignored after knowing the authority of the region in making a regulation. After knowing the area still has authority in the formation of regulation in following up on the problem of legal vacancies, of course, there must be action from the local government.

To be able to carry out regional autonomy as widely as possible by the limits set there needs to be a special institution to carry out local regulations as a legal instrument, namely, local government. Law No. 23 of 2014 on Local Government Article 1 paragraph 2 states, in this law, what is meant by local government is the implementation of government affairs by the local government.²⁴ Known in the general explanation of Law No. 32 of 2004 on local government related to item (4) of local government is the implementation of local government functions carried out by local government agencies, namely, Local Government and Regional People's Representative Council (DPRD).²⁵ The region is an autonomous region as a government unit in the region and which has an attributed authority, competent to make regulations to organize its household. The governing authority is in the local government and the DPRD is the holder of card functions in the region. Perda is the implementation of the DPRD function. Perda is all regulations made by the local government to implement other regulations that are higher in degree.²⁶

Based on the provisions of Article 1 number 10 of Law No. 32 of 2004 concerning local governments referred to by local regulations are provincial regulations and district/city regional regulations.²⁷ Local regulations are made by the local government to exercise regional autonomy within the unitary state

²² Elfrida Ratnawati, (2021). *The Impacts of Government Policy on Covid-19 to Airlines Liability: A Case Study in Indonesia*. Jurnal Law Review. 3 (1), 72

²³ Putri Handayani Nurdin, (July, 2019), *Politik Hukum Pengaturan Pendidikan Politik oleh Partai Politik*. Jurnal Law Review. 1 (2), 146

²⁴ Undang-Undang RI Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah.

²⁵ Undang-Undang RI Nomor 32 Tahun 2004 Tentang Pemerintahan Daerah.

²⁶ A. Zarkasi, (2010), *Pembentukan Peraturan Daerah Berdasarkan Peratran Perundang-Undangan*, Jurnal Inovatif. Jurnal Ilmu Hukum (JIMIH), 4 (2), 105.

²⁷ Undang-Undang RI Nomor 32 Tahun 2004 Tentang Pemerintah Daerah.

of the Republic of Indonesia.²⁸ With the development of the times that occur in the state system in Indonesia and also supported by changes that occur in society. Thus, the creation of Law No. 2 of 2015 resulted from changes to the previous Law on local government. Until now, everything related to local government is regulated in the Act. In the Law also mentions matters related to the authority to form local regulations contained in Law No. 2 of 2015 Article 101 paragraph (1) which mentions the authority of the provincial DPRD, namely:

- a. Establishing a provincial regulation with the Governor;
- b. Discuss and approve the provincial regulation draft on the provincial revenue and spending budget (APBD) submitted by the Governor.²⁹

While the authority of the Regency / City DPRD is affirmed in Article 154 paragraph (1) of the Regency / City DPRD has duties and authorities:

- a. Forming a regency/ city with the regent / mayor
- b. Discuss and approve the draft regulation on the District / City APBD submitted by the regent/mayor.³⁰

The law mentions the division of authority between district/city and provincial DPRD. But in the practice of maintaining broad autonomy develops a condition of legal products issued by districts/cities often contrary to the products of provincial law, thus causing tensions between local government units. This kind of thing is not possible during the reign of Orba because Law 5/1974 affirms the position of the provincial regulation higher than the district/city regulation by the conception of local government that is *hierarchische taakafbakening*.³¹

The Provincial DPRD has an arrangement and position that has been regulated based on Article 95 of Law No. 23 of 2014. Dard who serves or is domiciled in the provincial area consists of members of political parties of election participants elected through elections, while members of the provincial DPRD are provincial officials.³² In Article 101 it is affirmed that the DPRD has several duties and authorities, one of which is, forming a provincial regulation with the governor. For rights and obligations under Article 106 of the provincial DPRD has the right, namely, interpolate, angket and express opinions, furthermore,

²⁸ A. Zarkasi, *Op. Cit*, 104.

²⁹ Undang-Undang RI Nomor 2 Tahun 2015 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah Menjadi Undang-Undang.

³⁰ Indonesian Law No. 2 of 2015 concerning the Establishment of Government Regulations in Lieu of Law No. 2 of 2014 concerning Changes to Law No. 23 of 2014 concerning Local Government Into Law.

³¹ Enny Nurbaningsih, *Problematika Pembentukan Peraturan Daerah*, (Jakarta: Rajawali Pers, 2019), 237-238.

³² Yusnani Hasyimzoen dkk, *Op.cit*, 107.

Article 107 affirmed regarding the rights and obligations of members of the provincial DPRD, while the rights of members of one of them submit a draft provincial regulation.³³ The function of the DPRD based on the provisions of Article 96 is, a) The Establishment of Regulation b) Budget c) Supervision.³⁴ So with this the need for supervision in their respective work environments.³⁵ The formation of the regulation itself according to Article 96 has a formation function that is carried out by:

1. Discuss with the governor and approve or disapprove of the provincial draft regulation
2. Proposed a draft provincial regulation and
3. Develop a program to establish a Regulation with the Governor³⁶

Thus, in responding to the legal vacuum due to electric bicycles the author requires the point of view of the local government, namely, the provincial DPRD. Because the provincial DPRD is the highest local government in an area where, as a government institution that runs and makes provincial regulations. And also for research, the author focuses the point of view of one of the provincial DPRD members on how the provincial DPRD as the regional government in addressing the issues that are the main research focus because the discussion that is disentailed is the entire Toronto area. Thus, to hold a regional regulation that will be applied throughout the Gorontalo regional government, of course, the need for interference from the provincial DPRD to be able to allow the establishment of rules as described by the position and function of the DPRD as an element of local government implementation, where one of the duties and authorities is to form a regulation.³⁷

To meet the legal vacuum that occurs in the regional scope, of course, there must be action from the provincial government to cover it up, which is where the need for a response from local governments that have the relevant authority in conducting transportation rules and supervision. From the point of view of the local government, the author needs to interview one of the members of the Gorontalo provincial DPRD, namely, commission 1 as a field of law and government. In completing the discussion in this chapter, the author has interviewed a source from one of the members of the provincial DPRD, Sitti Nurayin Stompie's mother as a representative of commission 1 to see from his point of view as a member of the provincial DPRD and as one who represents from the point of view of the highest power holder in the local government, namely, the provincial DPRD itself. The author also interviewed how the DPRD

³³ *Ibid*, 110-111.

³⁴ *Ibid*, 108.

³⁵ Iriyanto Tiranda. (July, 2019). Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan. *Jurnal Law Review*. 1 (2), 132

³⁶ *Ibid*.

³⁷ Sarman & M. Taufik Makarao, *Hukum Pemerintahan Daerah Di Indonesia*, (Jakarta: PT. Rineka Cipta, 2011), 125.

as the Gorontalo local government in addressing the legal vacancy in the area regarding the regulation of electric bicycles, about the specifics of the Gorontalo provincial DPRD procedures in dealing with the existence of legal vacancies, whether the attitude of the government is appropriate or not. From his point of view explaining first what must take precedence over what is the main problem, then tracing whether the transportation has reached 50% use for all users of the Gorontalo area, he said it needs to be known to be able to know the number or not of users to be regulated by the local government without limiting the space of the community.³⁸

So, to be able to hold regional rules related to the regulation of electric bicycles is still an obstacle from the corner of the Provincial DPRD, because from the statement of Sitti Nurayin's mother the use of the vehicle is considered to have not reached an effective amount causing the need for regional rules to regulate the usage of the vehicle. Meanwhile, in terms of data collection by the author of the use of electric bicycles judging from the results of purchases obtained from 2020 recorded to have sold as many as 50 units and it is known that the store has only been established from 2019 which is also established for two years. For 2021 still with the same store from the results of pre-research interviews known to be expected from January to June has sold almost 44 units of electric bicycles specifically for one brand only, this number is expected to continue to grow and will exceed last year's sales as mentioned by electric bike shop employees because sales during Ramadan are in April to May 2021 to be the peak of sales at the beginning of the year even the number of The sale has not been calculated for sales at the end of 2021, does not rule out the possibility that sales will continue to increase judging from the interest of the public is quite high according to the point of view of progressive legal theory.

If it is associated with a progressive legal theory that has a born and developed concept where electric bicycle vehicles compared to other transportation does look significantly different, but in the future it will continue to grow according to the data mentioned by one of the sources obtained from store employees who said the number of sales rose from the previous year and it was only for one store, While it is known for the city of Gorontalo there are already four shops scattered in the city of Gorontalo. Making the number of transportation users who have two classifications must be immediately regulated, if linked from the results of the interview of Siti Nurayin's mother she raised her views related to the issues that the author got while searching for user data. This is where most of the users of electric bicycle vehicles do not pay attention to their safety while riding on public roads which can interfere with the safety of electric bike users as well as other vehicle users such as, not paying attention to the speed and use of safety equipment. So, he mentioned his opinion on this

³⁸ Ibu Sitti Nurayin Sompie, Anggota DPRD Provinsi Gorontalo Wakil Komisi 1 Bidang Hukum & Pemerintah, *Wawancara*, Kantor DPRD Provinsi Gorontalo, 12 Oktober 2021.

which according to him agreed there must be regulations that regulate specifically for the speed of electric bicycle users.³⁹

However, back again in his response that stated that it is not that easy for the local government in holding a rule, it is true that according to him there need to be regulations governing the maximum speed the rest he said not all things need to be regulated by the local government for reasons of not wanting to limit the space of movement of the community.⁴⁰ If viewed from the results of the interview it can be said whether the government's attitude is by existing rules, which is one of the duties of the provincial DPRD, namely, to make the government by Law No. 2 of 2015 Article 101 paragraph (1). Which makes the attitude of the Provincial Dprd not by the rules of the Law because, the slowness of the government in dealing with a phenomenon that exists in the community, the government looks not by the theories that the author raised for research related to electric bicycles, namely, development law theory and repressive legal theory. This is a strategic step towards realizing this national goal.⁴¹ This can happen if the government realizes the inherited conditions are internalized into the development program (endogenous development).⁴² Solely in the implementation of such development is nothing but the welfare of the people themselves.⁴³

The lagging of legal developments in the Gorontalo area related to electric bicycles has illustrated that the problem is not by the theory of development law. This is where the law related to the use of electric bicycles should have been arranged to control and adjust to changes that occur in the community, the lagging of legal developments is contrary to that described by the source. With the advancement of transportation in a region, the local government should have taken steps first before it becomes a result of an event that is not organized by the local government. As well as the impact caused by problems related to the regulation of electric bicycles in terms of repressive legal theory, the consequences of laws that are not yet clear and firm in regulating the problem of vehicles that use two classifications or use electric power have an impact on the application of repressive laws in the Gorontalo community. The existing

³⁹ Ibu Sitti Nurayin Sompie, Anggota DPRD Provinsi Gorontalo Wakil Komisi 1 Bidang Hukum & Pemerintah, *Wawancara*, Kantor DPRD Provinsi Gorontalo, 12 Oktober 2021.

⁴⁰ Ibu Sitti Nurayin Sompie, Anggota DPRD Provinsi Gorontalo Wakil Komisi 1 Bidang Hukum & Pemerintah, *Wawancara*, Kantor DPRD Provinsi Gorontalo, 12 Oktober 2021.

⁴¹ Ahmad Rustan Syamsuddin. (July, 2020) Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa. *Jurnal Law Review*. 2 (2), 163

⁴² Zamroni, S. (2016). Desa Membangun Tanpa Meninggalkan Kelompok Pinggiran. *Institute for Research and Empowerment (IRE)*, 2, 6

⁴³ Ariefulloh. (2019). Dilema Penerapan Sanksi Pelanggaran Lalu Lintas Terhadap Anak. *Jurnal Law Review* 1 (2), 199

law is still not enough, even though the law should be able to solve and provide solutions to problems in society.⁴⁴

With this problem, the government cannot suppress the public and carry out doctrinal laws related to the rules of the use of electric bicycles, so that the theory of repressive laws cannot be implemented. Related to the context of law enforcement in Indonesia, especially in Gorontalo, where the rules of Law No. 22 of 2009 and PERMIT No. 45 of 2020 should not be implemented in half. The law should be able to regulate society to be able to comply with existing rules, but the rules can not be implemented. The advice of the author for the actions of the local government is, there must be a readiness by the government, especially the Provincial DPRD in looking at the phenomena that exist in the community, the government must always be one step ahead to be able to avoid the worst events that occur what else sees an increasingly advanced era, increasingly developed technology and also the high needs of the government must be able to keep pace with the currents that exist.

III. Conclusion

Gorontalo local government in addressing the legal vacuum regarding the regulation of electric bicycles in the Gorontalo area is first to take precedence over what is the main problem, then trace whether the transportation has reached 50% users for the entire Gorontalo area. This needs to be known so that it can be regulated by the local government without limiting the space of the community. Thus, holding regional rules related to the regulation of electric bicycles is still an obstacle from the point of view of the provincial DPRD why the use of such vehicles is considered to have not reached an effective amount causing the need for regional rules to regulate the use of such vehicles.

IV Suggestions

With the advancement of transportation in a region, the local government should have taken steps first before it becomes a result of an event that is not organized by the local government. With this problem, the government cannot suppress the public and carry out doctrinal laws related to the rules of the use of electric bicycles, so that the theory of repressive laws cannot be implemented. The law should be able to regulate society to be able to comply with existing rules, but the rules can not be implemented.

⁴⁴ Henry Arianto, (2010), *Hukum Responsif Dan Penegakan Hukum Di Indonesia*, Lex Jurnalica, 7 (2), 115.

REFERENCE

Book:

- Enny Nurbaningsih, *Problematika Pembentukan Peraturan Daerah*, Jakarta: Rajawali Pers, 2019
- Juhaya S. Praja, *Teori Hukum Dan Aplikasinya*, Bandung: Cv Pustaka Setia, 2011
- Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Prenada Media Group, 2014
- Sarman & M. Taufik Makarao, *Hukum Pemerintahan Daerah Di Indonesia*, Jakarta: PT. Rineka Cipta, 2011.
- Sri Warjiyati, *Memahi Dasar Ilmu Hukum Konsep Dasar Ilmu Hukum*, Jakarta: Pranamedia Group, 2018

Journal:

- A. Zarkasi, *Pembentukan Peraturan Daerah Berdasarkan Peratran Perundang-Undangan*, *Jurnal Inovatif: Jurnal Ilmu Hukum*, 4 No 2 (2010): 103-120
- Abdul Rauf Alauddin Said, *Pembagian Kewenangan Pemerintahan Pusat Pemerintah Daerah Dalam Otonomi Seluas-luasnya Menurut UUD 1945*, *Fiat Justitia Jurnal Ilmu Hukum*, 9, No 4 (2015)
- Ahmad, Ibrahim, *Prinsip Keadilan Dalam Penyelesaian Sengketa Tanah Untuk Kepentingan Pembangunan*. *Jurnal Legalilas* 3 No. 2, (2010).
- Ariefulloh, *Dilema Penerapan Sanksi Pelanggaran Lalu Lintas Terhadap Anak*, *Jurnal Law Review*. 1 No. 2 (2019): 192-211.
- Arwana, Yudha Chandra, *Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia*. *Jurnal Law Review*. 1 No. 2 (2019): 212-236.
- Bakung, Dolot Alhasni, *Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right*. *Jurnal Law Review* 2 No. 1 (2020): 65-82.
- Dian Ekawaty Ismail, *Upaya Perlindungan Hak-Hak Tersangka/Terdakwa Melalui Mekanisme Praperadilan di Kota Gorontalo*. *Jurnal Mimbar Hukum*. 21 No. 1, Februari (2009): 81-92.
- Elfrida Ratnawati, *The Impacts of Government Policy on Covid-19 to Airlines Liability: A Case Study in Indonesia*, *Jurnal Law Review* . 3 No. 1 (2021): 72-92

- Fahmi Kamuli, Regional Head's Authority in Determining Work Placement Due to Mutations of Government Employees, *Jurnal Law Review*. 3 No. 1 (2021): 36-54
- Fence M. Wantu, *Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata*. *Jurnal Mimbar Hukum*. 25 No. 2, Juli (2013). 205-218.
- Fenty Puluhulawa, Lusiana M, Tujow, Sutrisno. *Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim*. *Jurnal Gorontalo Law Riview*. 3 No. 2, Oktober (2020), 168-187.
- Hapsoro, Fakhris Lutfianto, *Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution*. *Jurnal Law Review* 2 No. 2 July (2020): 139-160.
- Henry Arianto, *Hukum Responsif Dan Penegakan Hukum Di Indonesia*, *Lex Jurnalica*, 7 No. 2 (2010)
- Lakoro, A., Badu, L. W., Achir N, *Lemahnya Kepolisian Dalam Penanganan Tindak Pidana Perjudian Togel Online.* *Jurnal Legalitas*. 13 No. 1 (2020): 31-50.
- Moha, Mohamad Rivaldi, *Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce*. *JALREV* 2 No. 2 Juli (2020): 101-119.
- Nabih Amer, *Analisis Pembubaran Organisasi Kemasyarakatan Dalam Perspektif Negara Hukum*. *Jurnal Legalitas*. 13 No. 1 (2020): 1-15.
- Nggilu, N., & Wantu, F. M, *Menapaki Jalan Konstitusional Menuju Zaken Cabinet: Ikhtiar Mewujudkan Pemerintah Berkualitas Konstitusi*. *Jurnal Hukum Samudra Keadilan*, 15 No. 1 (2020): 126-140.
- Novendri M. Nggilu dan Ahmad, *Denyut Nadi Amandemen Kelima Undang-Undang Dasar 1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution*. *Jurnal Konstitusi*. 16 No. 4 (2020): 785-808
- Nuridin, Putri Handayani, *Politik Hukum Pengaturan Pendidikan Politik oleh Partai Politik*. *Jurnal Law Review*. 1 No. 2, July (2019): 144-166.
- S, Zamroni, *Desa Membangun Tanpa Meninggalkan Kelompok Pinggiran*. 2. (2016): 1-10.
- Syamsuddin, Ahmad Rustan, *Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa*. *Jurnal Law Review*. 2 No. 2, Juli (2020): 161-181.

- Tijow, Lusiana. *Perlindungan Hak Asasi Manusia Terhadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah*. Jurnal Legalitas. 3 No. 2 (2010)
- Tiranda, I. *Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan*. Jurnal Law Review. 1 No 2, July (2019): 120-143
- Wemben, Norma L.P, *Kinerja Pelayanan Pada Kantor Badan Pertanahan Nasional Kabupaten Gorontalo.*" Jurnal Legalitas 3 No. 2 (2010)
- Xavier Nugraha dan Luisa Srihandayani dkk, *Analisis Skuter Sebagai Kendaraan Di Indonesia : Sebuah Tinjauan Hukum Normatif*, Open Journal Systems, 27, No. 2 (2020): 118-141.