

The Urgency of Regulation of Electric Bikes in Gorontalo City in a Progressive Legal Perspective

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Abstract

The use of electric bicycles is currently becoming a primadonna among the community. The combination of transportation and technology makes it a creative and revolutionary innovation. High public interest and also based on the thought of the movement to save the Earth from carbon emissions has increasingly popularized the use of electric bicycles. The purpose of this study was to determine and analyze the urgency of regulating electric bicycles in Gorontalo City in a progressive legal perspective. The research method used is statute approach and conceptual approach. Electric bicycles have begun to be traded in the Gorontalo Province. Of course, this indicates that Gorontalo Province has good market potential. Nationally, the rules for the use of electric bicycles have indeed been accommodated in the Minister of Transportation Regulation, but their embodiment in regional regulations is still needed considering that Gorontalo Province in general and Gorontalo City in particular certainly have special conditions. which must also be accommodated in a regulation because the facilities and infrastructure as well as local wisdom that live in the community are certainly not at the same level nationally. It is appropriate that the use of electric bicycles as a means of transportation is made a legal umbrella in the regions. Law through the lens of progressiveness must move faster than society itself considering that law is rigid while society is dynamic.

1. Introduction

The existence of the mode of transportation as a basic human need in supporting daily activities is very significant. Moreover, there is a view that indicators of the advancement of life and civilization in a community group are seen from how advanced and developed the transportation technology is used by the community in their activities. This is as expressed by Ministry of National Development Planning, "the progress of the implementation of a country's development is strongly influenced by the condition of its supporting infrastructure, especially transportation infrastructure, which includes roads, rivers, seas, air, and railways. Transportation development is an important part of national economic development."¹

The mode of transportation in Indonesia in the form of vehicles is then classified into two types based on Article 1 Number 7 of Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) which affirms "vehicle is a means of transportation on the road consisting of motorized vehicles. and non-motorized vehicles. Motorized vehicles are defined as vehicles driven by mechanical equipment in the form of machines other than vehicles that run on rails as stated in Article 1 Number 8 of the LLAJ Law, while non-motorized vehicles are defined as any vehicle driven by human and/or animal power as regulated in Article 1 Number 9 UU LLAJ.

One form of non-motorized vehicle that is the mainstay of public transportation is bicycles. Especially when the Covid-19 pandemic hit Indonesia in 2020, public interest in bicycles increased rapidly. This is illustrated through data from Kompas. Id, namely "From March to June 2020, Bukalapak recorded an increase in bicycle sales transactions of up to 156 percent compared to usual conditions."² While on a world scale, The New York Times reported "Between March 1 and March 11, there were a total of 517,768 trips compared with 310,132 trips during the same period the year before."³ There appears to be an increase of 67 percent in the period from March 1 to March 11 when compared to the previous year's data in the same period. The surge in public interest in bicycles, especially during the Covid-19 pandemic can be seen in the following image:

Perbandingan Tren Sepeda Selama Pandemi

(Berdasarkan Angka Pencarian)

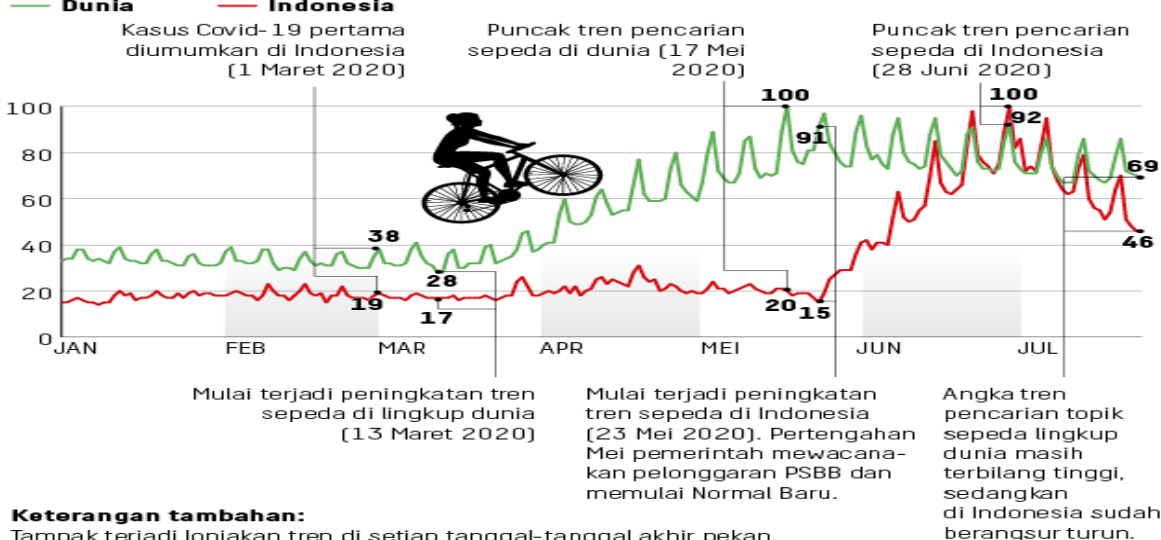


Figure 1. Comparison of Bicycle Trends During the Pandemic⁴

In line with this data, the Indonesian Bicycle Entrepreneurs Association (Apsindo) noted that “the domestic demand for bicycles has reached 7 million units per year. This number beats the demand for motorcycle sales in Indonesia.”⁵ Along with the increasing trend of bicycle use, it also has an impact on the use of electric bicycles which

¹ Kedeputian Evaluasi Kinerja Pembangunan Kementerian PPN, *Kajian Evaluasi Pembangunan Bidang Transportasi Di Indonesia*, 2012.

² Krisdamarjati, Y. A., 2020. *Melacak Tren Perburuan Sepeda*. [Online] Available at: <https://interaktif.kompas.id/baca/melacak-tren-perburuan-sepeda/> [Accessed 10 Maret 2021].

³ The New York Times, 2020. *A Surge in Biking to Avoid Crowded Trains in N.Y.C.*. [Online] Available at: <https://www.nytimes.com/2020/03/14/nyregion/coronavirus-nyc-bike-commute.html> [Accessed 10 Maret 2021].

⁴ Krisdamarjati, Y. A. *Loc.Cit*

⁵ Astutik, Y., 2020. *Tak Diduga, Penjualan Sepeda Kalahkan Sepeda Motor*. [Online] Available at: <https://www.cnbcindonesia.com/news/20200902144744-4-183928/tak-diduga-penjualan-sepeda-kalahkan-sepeda-motor> [Accessed 10 Maret 2021].

are a further development of bicycles in general which purely use human power as propulsion.

An electric bicycle or also called an electric bike/e-bike combines electrical energy and human power as a driving force which is the result of technological innovation to provide comfort for bicycle users. At one time they can function as a bicycle in general by channeling the body's energy on the bicycle pedals to create a kinetic mechanism that moves the bicycle and at other times, when the power starts to drain while the user still wants to enjoy his cycling time, the user can switch the mode of motion to the help of the embedded battery. on electric bicycles so that then there was a paradigm shift, from previously driven by human and/or animal power to being driven by machine mechanisms.

It is at this point that later becomes the interesting part, where the position of electric bicycles in the point of view of current national law, is it still seen as a non-motorized vehicle or turning into a motorized vehicle. This, of course, needs further study and regulation, especially in Gorontalo City. Moreover, the embedding of an additional drive mechanism in the form of a battery to drive the bicycle dynamo will increase the speed of movement of the electric bicycle itself, which of course has the potential to cause accidents if not specifically regulated regarding the use and utilization of the electric bicycle itself.

Gorontalo City as the capital of Gorontalo Province, which is currently developing, does not escape the existence of the use of bicycles in general and electric bicycles. If you look at the phenomenon of the presence of online transportation, which was initially booming in Java and its surroundings, then not long after it finally invaded Gorontalo City, it is undeniable that the trend of electric bicycles will also mushroom in Gorontalo City. Especially if you learn from the phenomenon of the presence of Gojek, Grab, Maxim and In driver, it is only a matter of time, electric bicycle rental services through an intermediary application, namely Migo E-bike, will be present in Gorontalo City, so of course, legal progress is needed in responding to this paradigm.

Currently, based on the author's search, there are two bicycle shops that sell electric bicycles in Gorontalo City, not to mention the convenience of the public in conducting online transactions through online shopping application media so that slowly but surely, increasing the use of electric bicycles in Gorontalo City.

Progressive legal glasses, taking into account the existing phenomena, a study is needed regarding the urgency of regulating electric bicycles in Gorontalo City and the accompanying legal policies so that the Regional Government can provide legal protection and security guarantees for its people as embodied in Article 28D paragraph (1) which affirms "Every people have the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law." The law must move faster than the society it regulates, otherwise the law will be left behind and create a legal vacuum which is certainly not good for social life full of dynamics.

2. Problem Statement

Based on this background, the authors are interested in examining the urgency of regulating electric bicycles in Gorontalo City in a progressive legal perspective with the formulation of the problem focused on How is the level of urgency in regulating electric bicycles in Gorontalo City?

3. Method/ Approach

The approach method used in reviewing the problem is the "legal approach method, namely research conducted by examining all laws and regulations related to the legal issues being handled as well as the conceptual approach method in order to describe and analyze research problems that depart from the void of norms."⁶

4. Main Heading of the Analysis or Discussion or Results

The use of electric bicycles as a means of transportation during the Covid-19 pandemic is increasing. Tjahyadi Kartono, Founder of the Wild Rabbits Electric Bike Lovers Community, said "Up to now there are 200 people who use electric bicycles in DKI Jakarta. For other areas, I don't know for sure, but the results of monitoring the number

⁶ Marzuki, Peter Mahmud. 2014. *Penelitian Hukum : Edisi Revisi*. Jakarta: Prenadamedia Group. Hlm.135-136

of electric cyclists outside Jakarta are not too many.”⁷ The increase in electric bicycle users has also received attention from the Central Government of the Republic of Indonesia (RI), in this case, the Ministry of Transportation of the Republic of Indonesia. Budi Karya Sumadi as the Indonesian Minister of Transportation emphasized "the phenomenon of electric bicycles during the Covid-19 period is a very good step taken by the community. The reason is that electric bicycles are very environmentally friendly compared to conventional transportation currently available and of course this has not gone unnoticed by the Indonesian Ministry of Transportation.”⁸

The skyrocketing public interest in the use of electric bicycles is inseparable from the conditions offered by the electric bicycle itself for its users, namely:

- a. “Effective and Practical for daily activities;
- b. Low maintenance costs;
- c. Does not cause air and noise pollution;
- d. Can travel tens of kilometers in a single charge;
- e. Not Taxable Like Motor Vehicles,”⁹

The Ministry of Transportation of the Republic of Indonesia will also immediately take legal steps to accommodate public interest in this futuristic vehicle by issuing the Minister of Transportation Regulation No. 44 of 2020 concerning Physical Type Testing and Regulation of the Minister of Transportation No. 45 of 2020 concerning Certain Vehicles Using Electric Motor Drives. The issuance of this regulation regarding electric vehicles is an effort by the Government of the Republic of Indonesia to avoid the negative excesses of traffic disorder. This is in accordance with the view of

⁷ Redaksi Gpriority.co.id, "Penggunaan Sepeda Listrik Resmi Diatur, Ini Syarat yang Diterapkan Kemenhub," 2020. [Online]. Available: <https://gpriority.co.id/penggunaan-sepeda-listrik-resmi-diatur-ini-syarat-yang-diterapkan-kemenhub/>. [Accessed 6 9 2021].

⁸ *Ibid*

⁹ J. Winanda, "Popularitasnya Meroket, Ini 5 Alasan Beralih Menggunakan Sepeda Listrik," 2021. [Online]. Available: <https://www.merdeka.com/gaya/popularitasnya-meroket-ini-5-alasan-beralih-menggunakan-sepeda-listrik.html>. [Accessed 6 9 2021].

Transportation Expert Djoko Setijowarno who views that "the government's steps to issue and socialize these regulations (PM No. 44 and PM No. 45 of 2020 and the Traffic Law) are the right steps and very useful for the community."¹⁰ In line with this, the Secretary-General of the Indonesian Motorcycle Association, Jaffry JP, said that "a lot of electric motorcycles (motorcycles) pass on the highway without helmets and license plates that violate the Traffic Law, so this can be a source and increase the number of accident victims. on the highway, if not carefully regulated."¹¹ Therefore, the author also believes that the legal policy made by the Central Government of the Republic of Indonesia, in this case, the Ministry of Transportation, is a very good legal policy to answer the challenges of an increasingly dynamic and modern society.

The author has a view that it would be better if this policy was put into law, namely by revising Law Number 22 of 2009 concerning Road Traffic and Transportation, but in its development, Law Number 22 of 2009 concerning Traffic and Transportation Roads are indeed included in the priority national legislation program, but the development of the Bill on Amendments to Law Number 22 of 2009 concerning Road Traffic and Transportation since it was proposed in December 2019 until now there has been no significant development which is still at the proposal stage in the form of a Commission Proposal Bill.¹²

The response from the Ministry of Transportation of the Republic of Indonesia in issuing a legal policy in the form of a Ministerial regulation certainly deserves appreciation because at least this policy can fill the existing legal vacuum. This is because, if this legal vacuum continues, it "will confuse (chaos) in society regarding what rules should be used or applied,

¹⁰ Biro Komunikasi dan Informasi Publik Kementerian Perhubungan Republik Indonesia, "Kemenhub Terbitkan Regulasi Kendaraan Bermotor Listrik," 2020. [Online]. Available: <http://www.dephub.go.id/post/read/kemenhub-terbitkan-regulasi-kendaraan-bermotor-listrik>. [Accessed 6 9 2021].

¹¹ *Ibid*

¹² Lihat Dewan Perwakilan Rakyat Republik Indonesia, "RUU tentang Perubahan atas Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan," 2019. [Online]. Available: <https://www.dpr.go.id/uu/detail/id/285>. [Accessed 6 9 2021].

so that in society there is no certainty of rules that are applied to regulate things or circumstances that occur." ¹³ What's more, "The Ministry of Energy and Mineral Resources has set a roadmap for the development of battery-based electric motorized vehicles until 2030 with a projected large potential from within the country."¹⁴ Minister of Energy and Mineral Resources Arifin Tasrif said that "this year the potential for electric motorcycles is projected to reach 1.34 million units."¹⁵ Of course, this is a quite extraordinary target as well as directing the driving pattern of Indonesian citizens to a new paradigm so that strategic steps are needed through which one of them is legal development to deal with the dynamics that will occur in the future.

Legal development itself is essentially "a way to change human behavior towards awareness and adherence to the values that live and are enforced in society. For the law to carry out its role in society, the law must contain values that can be obeyed and followed by the community."¹⁶ Thus, the Regulation of the Minister of Transportation No. 44 of 2020 concerning Physical Type Testing and Regulation of the Minister of Transportation No. 45 of 2020 concerning Certain Vehicles Using Electric Motors, is a form of legal development to fill the legal vacuum at the national level, especially regarding electric bicycles.

Gorontalo Province itself, in the author's search, has quite a lot of electric bicycle users, although there are no exact figures and of course not as many as ordinary bicycle users, but the movement of electric bicycle users is starting to appear, especially in Gorontalo City. Seeing the development of electric bicycle users nationally coupled with the Government of Indonesia program through the Ministry of Energy and Mineral Resources which has set a

¹³ H. M. Mitendra, "Fenomena Dalam Kekosongan Hukum," *Rechtsvinding : Media Pembinaan Hukum Nasional*, vol. 1, p. 2, 2018.

¹⁴ M. Ridwan, "Wow! Tahun Ini Proyeksi Sepeda Motor Listrik Mencapai 1,34 Juta Unit," 2021. [Online]. Available: <https://ekonomi.bisnis.com/read/20210119/44/1344965/wow-tahun-ini-proyeksi-sepeda-motor-listrik-mencapai-134-juta-unit>. [Accessed 6 9 2021].

¹⁵ *Ibid*

¹⁶ G. A. Nasir, "Kekosongan Hukum dan Percepatan Perkembangan Masyarakat," *Jurnal Hukum Replik*, vol. 5, no. 2, p. 175, 2017.

road map for the development of electric motorized vehicles until 2030, the Gorontalo Provincial Government should respond to this well, especially from a legal point of view.

The direction of future transportation development will lead to sustainable transportation that is more environmentally friendly. Sustainable transportation is

“a concept that was developed as an antithesis to the failure of policies, practices and performance of transportation systems developed over the last 50 years or so. Specifically, sustainable transportation is defined as “an effort to meet the transportation mobility needs of the current generation without compromising the ability of future generations to meet their mobility needs.”¹⁷

Electric bicycles are part of a sustainable technology development where for now its application to bicycles makes it fall into the category of “hybrid electric vehicle technology which can be a transition technology before fully electric vehicle technology, so that consumers/society can adapt about the electrification of motorized vehicles.”¹⁸

It is clear, in this case, that electric bicycles are not only a means of transportation but are also directed towards reducing environmental damage, in this case air pollution, considering that "air pollution that occurs results in increased emissions of greenhouse gases that cause global warming."¹⁹ In the future, in the author's opinion, the use of electric bicycles will be more massive, it is only a matter of time before changing people's mindsets and habits towards the transition of this vehicle.

Observations made by the author, when this paper was written, namely in 2021, electric bicycles had begun to be traded in the Gorontalo Province area. For the City of Gorontalo, currently under the author's monitoring, there are two (2) shops selling electric bicycles, namely Jalan Imam Bonjol and Jalan Attorney General Suprpto. Of course, this indicates that Gorontalo Province has good market potential in the eyes of bicycle entrepreneurs,

¹⁷ D. Gusnita, "Green Transport: Transportasi Ramah Lingkungan Dan Kontribusinya Dalam Mengurangi Polusi Udara," *Berita Dirgantara*, vol. 11, no. 2, p. 66, 2010.

¹⁸ H. I. Dwiki Muda Yulanto, "Studi Analisis Perkembangan Teknologi Kendaraan Listrik Hibrida," *Journal of Automotive Technology Vocational Education*, vol. 2, no. 1, p. 31, 2021.

¹⁹ R. Utina, "Pemanasan Global : Dampak dan Upaya Meminimalisasinya," *Jurnal Sainstek*, vol. 3, no. 3, 2008.

especially electric bicycles and the community is also starting to have an interest in using electric bicycles as illustrated in the following picture:



Figure 4. Electric Bicycle Users in Gorontalo City

Electric bicycles clearly have their charm, especially for those who like practicality and also want to be healthy but do not yet have good stamina due to the nature of electric bicycles sold today that can be pedaled like bicycles in general and when tired, can use an electric dynamo to move it. The price also varies and is quite affordable plus the model is more sporty like the model in the following picture:



Figure 5. Sport Model Electric Bike

Globalization as "a symptom of the spread of certain values and cultures throughout the world (so that it becomes a world culture or world culture)"²⁰ and modernization as "a transformation from a less developed or less developed state to a better one with the hope that a more developed, advanced and prosperous life will be achieved,"²¹ make life and civilization continue to move forward so that the law must also be able to adapt to these demands. It is undeniable that society is always evolving (changing), because this is a natural phenomenon in society. Sabian Uthman emphasized,

"Social change can only be observed, known, or put forward by someone through observing the composition, structure, and institutions of a certain life in the past, and at the same time comparing it with the composition, structure, and institutions of life in the present, there is no society that does not change. , all societies are dynamic, only the pace of dynamics varies from one another, although they are also known as static societies and dynamic societies."

Based on the statement, "both law and society must adapt to each other's developments, so that there is harmony between the two."²²

Nationally, the rules for the use of electric bicycles have indeed been accommodated in the Regulation of the Minister of Transportation, but the embodiment of the regulations in the regions is still needed considering that the Province of Gorontalo in general and the City of Gorontalo in particular certainly have special conditions that must also be accommodated in regulation due to facilities and infrastructure. infrastructure and local wisdom that lives in the community is certainly not at the same level nationally. Regulations through derivative regulations at the regional level are also possible if referring to the Government Regulation of the Republic of Indonesia Number 38 of 2007 concerning the Division of Government

²⁰ D. E. T, "Pengaruh Globalisasi terhadap Eksistensi Kebudayaan Daerah di Indonesia," *Jurnal Kajian LEMHANAS RI*, vol. 32, p. 6, 2017.

²¹ Indomaritim, "Pengaruh Modernisasi Terhadap Perubahan Sosial Budaya," 2021. [Online]. Available: <https://indomaritim.id/pengaruh-modernisasi-terhadap-perubahan-sosial-budaya/>. [Accessed 7 9 2021].

²² E. Rosana, "Hukum dan Perkembangan Masyarakat," *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam*, vol. 9, no. 1, p. 99, 2013.

Affairs between the Government, Provincial Governments, and Regency/City Regional Governments.

Especially if you look at the current phenomenon, electric bicycles are still treated like bicycles in general by the public, as illustrated in the following picture:



Figure 6. Behavior of Electric Bike Users

Electric bicycles can move faster than ordinary bicycles in general due to the help of an electric dynamo, but the users, when referring to the illustration above, do not pay attention to the safety factor in their use so that it is certainly dangerous for themselves and other road users.

It is time for the Gorontalo Provincial Government and Gorontalo City Government to take policies one step ahead of the legal phenomena that exist in society. Now is the right moment considering the number of electric bicycle users is still not too massive so that legal regulations which are also accompanied by the arrangement of infrastructure facilities can play their role from an early age so that the legal culture in society has been built earlier.

Do not let mistakes in the past where regulations were present when chaos has occurred repeat themselves, such as the phenomenon of the proliferation of Motorized Becaks (Bentor) and Online Ojeks, because the process is very difficult and of course requires a lot of time to change habits that have grown and developed in society. . Ellya Rosana stated

“Besides the law as a tool to change society, the law can also be left far behind from social changes in society if it turns out that the law cannot meet the needs of the community at a certain time and place which can hinder development in other fields.

The abandonment of legal rules can also result in disorganization, which is a situation where the old rules have faded, while the new rules as their replacement have not been compiled or formed."²³

If you look at the current reality regarding the use of electric bicycles in people's daily life activities which are starting to show significant development, the author thinks that it is appropriate for the Regional Government in this case the Gorontalo Provincial Government and Gorontalo City Government to make special legal policies as derivatives. from the Regulation of the Minister of Transportation No. 44 of 2020 concerning Physical Type Testing and Regulation of the Minister of Transportation No. 45 of 2020 concerning Certain Vehicles Using Electric Motors, which regulates in more detail the use of electric bicycles in the jurisdiction of Gorontalo Province in general and Gorontalo City in particular which is adapted to the peculiarities, realities and dynamics that develop in the community environment in the Gorontalo Province and the City Gorontalo in the eyes of progressive law. This is in line with Pan Mohamad Faiz's thinking where "in the context of state development and community empowerment, all activities and activities cannot ignore the existence of the environment at certain points and limits."²⁴ Therefore, "development and empowerment that do not pay serious attention to the environment will result in anti-development and anti-empowerment. Moreover, protection of the environment is also closely related to the fulfillment of human rights."

A legal order must be established with the aim of justice. Given that "justice is an inseparable part of the law itself in addition to aspects of legal certainty and legal benefits."²⁵ Therefore, "the establishment of a legal system is guided by certain general principles, namely principles concerning the interests of a nation. The principles used to achieve these goals are taken from the beliefs that live in society about a just and good life."²⁶ This view is a form of harmonization of Hans Kelsen's thoughts, namely "Justice in the legal context has the

²³ *Ibid*

²⁴ Pan Mohamad Faiz, 'Perlindungan Terhadap Lingkungan Dalam Perspektif Konstitusi', *Jurnal Konstitusi*, 13.4 (2016), 767.

²⁵ Inge Dwisvimiari, 'Keadilan Dalam Perspektif Filsafat Ilmu Hukum', *Jurnal Dinamika Hukum*, 11.3 (2011), 524 <<http://www.>> [accessed 8 October 2021].

²⁶ T. Huijbers, *Filsafat Hukum*, Jogjakarta: Pustaka Kanisius, 1995, p. 69.

meaning of legality. So a general rule is just if it is actually applied to all cases in which, according to its content, this rule must be applied. A general rule is “unfair if it applies to one case and does not apply to another similar case.”²⁷

Referring to Article 7 Paragraph (2) of the Government Regulation of the Republic of Indonesia Number 38 of 2007 concerning the Division of Government Affairs between the Government, Provincial Governments, and Regency/Municipal Governments where "government affairs are mandatory organized by the Dan Provincial Government Regency/City Regional Government, relating to basic services, of which 26 (twenty-six) obligatory matters, one of which is in the field of transportation.”

So it is appropriate that the use of electric bicycles as a means of transportation is made a legal umbrella in the region. Law through the lens of progressiveness must move faster than society itself considering that law is rigid in nature while society is dynamic as emphasized by R.W.M. Dias as quoted by Darji Darmodihardjo and Sidharta namely: “Society is changing faster than the law and therefore there is always a need to investigate how the law deals with existing social problems.”²⁸ In line with this expression, in the author's opinion, do not let the new law play its role when the hegemony of electric bicycles has reached its peak so that it can cause unwanted things that should have been anticipated from the start.

5. Conclusion

The use of electric bicycles as a means of transportation during the Covid-19 pandemic is increasing. In the future, in the author's opinion, the use of electric bicycles will be more massive, it is only a matter of time before changing people's mindsets and habits towards the transition of this vehicle. Observations made by the author, when this paper was written, namely in 2021, electric bicycles had begun to be traded in the Gorontalo Province area. Of course, this indicates that Gorontalo Province has good market potential in the eyes of bicycle entrepreneurs, especially electric bicycles and the community has also begun to have an interest in using electric bicycles. Nationally,

²⁷ Yustinus Suhardi Ruman, ‘Keadilan Hukum Dan Penerapannya Dalam Pengadilan’, *Humaniora*, 3.2 (2012), 348 <<https://doi.org/https://doi.org/10.21512/humaniora.v3i2.3327>>.

²⁸ D. D. d. Sidharta, *Pokok-Pokok Filsafat Hukum. Apa dan Bagaimana Filsafat Hukum Indonesia*, Jakarta: Gramedia Pustaka Utama, 2006, p. 136.

the rules for the use of electric bicycles have indeed been accommodated in the Minister of Transportation Regulation, but their embodiment in regional regulations is still needed considering that Gorontalo Province in general and Gorontalo City in particular certainly have special conditions that must also be accommodated in regulation due to facilities and infrastructure. infrastructure and local wisdom that lives in the community is certainly not at the same level nationally. It is appropriate that the use of electric bicycles as a means of transportation is made a legal umbrella in the regions. Law through the lens of progressiveness must move faster than society itself considering that law is rigid while society is dynamic.

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