

CHAPTER 1

INTRODUCTION

A. Background

These days, transportation is considered one of the primary need in human life. There are three type of transportation that is land tranportation, water transportation and air transportation. These three have the same kind of similarity in which that mainly they use fossil fuel. Land based transportation is one biggest user of fossil fuel . One of the solution offered is to change the fuel to alternative source and one of these alternative is electric fuel based vehicle.

In Indonesia, the population of motor vehicle is very high. In 2016 the central bureau of statistic recorded that there are 129.281.079 motor vehicle in Indonesia. If compared to 10 years prior in 2006, the number of motor vehicle numbered at 43.313.052¹. There are more than 200% increased in motor vehicle population in 10 years. the numbers include passenger vehicle, bus, cargo vehicle and motorcycle. This number must have direct relation with the number of fossil fuel consumption in indonesia.

¹ Badan Pusat Statistik, "Perkembangan Jumlah Kendaraan Bermotor Menurut Jenis, 1949-2016," n.d., <https://www.bps.go.id/linkTableDinamis/view/id/1133>. Accessed 1 september 2018

Discussing About motor vehicle, also needed to discuss and talk about the use of fossil fuel. If compare using the same period, Agency Governing Body Downstream of Oil and Gas OR bph Migas in Bahasa, explained that in 2016 the consumption of fuel are 48.655.005,967 Litre and in 2006 the number show 24.021.399 litre of fuel consumption². This number only show fuel consumption for fuel for general use, not including special kind of fuel and fuel for assignment.

The law in Indonesia that regulate regarding vehicle is Law number 22 year 2009 about traffic and land transportation. In article 1 number 8 the law explaine that “Motorized vehicles are any vehicles that are driven by mechanical equipment in the form of machines other than vehicles running on rails³”.But, According to directorate of land transportation from the ministry of transportation, they stated that for electric vehicle have not been clearly regulated regarding the type of testing for electric motorized vehicles⁴.

The absence of law that can clearly regulate egarding electric vehicle contradict the government statement that by the year of 2025, 20 percent of vehicle in Indonesia will be electric powered⁵.

² Badan Pengatur Hilir minyak dan gas bumi, “Konsumsi BBM Nasional Per Tahun,” n.d., <http://www.bphmigas.go.id/konsumsi-bbm-nasional>. Accessed 1 september 2018

³ Indonesia, “Undang Undang Lalu Lintas Dan Angkutan Jalan” (2009).Article 1 verse (8)

⁴ Y.Supriyanto, “Soal Uji Tipe, Kemenhub: Undang-Undang Tak Sebut Kendaraan Listrik,” n.d., <http://otomotif.bisnis.com/read/20180212/275/737755/soal-uji-tipe-kemenhub-undang-undang-tak-sebut-kendaraan-listrik>. Accessed 1 september 2018

⁵ C.Stefanie, “Jokowi Setuju Mobil Listrik Capai 20 Persen Produksi Di 2025,” n.d., <https://www.cnnindonesia.com/ekonomi/20170830171612-92-238436/jokowi-setuju-mobil-listrik-capai-20-persen-produksi-di-2025>. Accessed 1 september 2018

In Indonesia the number of private vehicle ownership keep increasing while the use of public transportation keep decreasing. This affect the consumption of subsidized fuel⁶.

The existence of electric vehicle in Indonesia is already happening, electric vehicle with the paper and number plate can be found on Indonesian road. In reality, the seller of electric vehicle in Indonesia can openly sell electric vehicle, a electric motorcycle in this example with vehicle registration certificate (STNK) and Number plate (TNKB)⁷

In other countries like japan, with already established rulses and law regarding electric vehicle law, the japan Government subsidized the purchase of electric vehicle for their people⁸. The subsidy separate into many types based on the type of vehicles and status of vehicle ownership. The program have a ver signifikan effect on electric vehicles ownership in japan with only 986 vehicles ownership in 2009 to 139.712 in 2016.

While there are country with regulated and proper law, there are also first world countries that struggles to increase aor even introduce electric vehicle in their country. First world country like Australia facing some

⁶ D.A. Kurniawan, "No Title Mengapa Kendaraan Pribadi Terus Bertumbuh?," n.d., <http://pustral.ugm.ac.id/2017/10/05/mengapa-kendaraan-pribadi-terus-bertumbuh/>. Accessed 3 september 2018

⁷ F.A.Saragih, "Dilema STNK Motor Listrik?," n.d., <https://ekonomi.kompas.com/read/2017/07/07/162645030/dilema.stnk.motor.listrik>. Accessed 2 september 2018

⁸ "FACT SHEET JAPANESE GOVERNMENT INCENTIVES FOR THE PURCHASE OF ENVIRONMENTALLY FRIENDLY VEHICLES," accessed April 21, 2018, <http://www.jama.org/pdf/FactSheet10-2009-09-24.pdf>. Accessed 1 september 2018

difficulties in electric vehicles, from lack of government support and action, lack of supporting facility and many other thing that do not help the increase of the sales and ownersip of electric vehicles.

Based on the above description, author notice that the introduction of electric vehicle also become a problem not only to developed country like Indonesia but also First world country like Australia and the author interested to do the research with the title “**COMPARATIVE STUDY ABOUT ELECTRIC VEHICLE LAW BETWEEN INDONESIA AND AUSTRALIA**”

B. Research Question

Based on the description already explained on the background above, author found two things that need to be explained and answered, that is:

1. How is the legal certainty regarding the ownership of electric vehicle with vehicle registration certificate and number plate in Indonesia?
2. What are the similarity and differences in electric vehicles law and rules between Indonesia and Australia?
3. What supremacy law that is prioritized by Indonesia and Australia for electric vehicle law?

C. Research Purpose and Benefits

1. The purpose that the author trying to achieve from this research is still related to the question asked above that is:
 - a. To find and to know the legal certainty regarding the ownership of electric vehicle with vehicle registration certificate and number plate in Indonesia.
 - b. To find and to analyse the main difference regarding the law and rule about Electric vehicles in Indonesia and Australia.
2. The expected benefits that can be achieved from this study are as follows:
 - a. Electric vehicle are the new frontier that are entering this modern world, the author hope that this study can help benefit theoretically to use in the legal development on road and traffic law especially regarding the electric vehicle and their legal certainty in Indonesia.
 - b. In terms of practical benefits of this studies, the author of this project hopes that the result of this project can help people to have a bit more understanding to electric vehicle in regards to the law and the the effect of it, the author also hope that this project can also contribute to the development and advancement to the national law

particularly in the making of of new legislation. Author also hope that this study can help the public to gain more perception and awareness about the law on electric vehicles, and also to help other researcher and other academics who wish to attain more information and study on the topics of electric vehicles and its law and rule in Indonesia.