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## Regulatory Imbalance between Motor Vehicles and Bicycles in Traffic Law and its Implications for Road Safety

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**Abstract:** This research is motivated by the increasing number of cyclists in Indonesia, especially after the Covid-19 pandemic, which is in line with the trend of healthy lifestyles, but also poses new challenges related to traffic safety. Cyclists who do not obey traffic rules are a factor in increasing the risk of accidents, due to disorder in traffic and the absence of adequate regulations to regulate them. Although the Traffic and Road Transportation Law has regulated the driver's obligations of motorized vehicles, regulations for cyclists are still limited, without any strict sanctions or clear safety obligations for them. The study strives to explore this legal vacuum and offer policy solutions that can improve traffic safety and create more balanced regulations between motorized vehicle drivers and cyclists. The method used in this study is a normative legal approach, which focuses on analyzing existing laws and regulations and finding legal loopholes that can be fixed to ensure safety and order on the highway.

**Keywords:** Bicycle User, Traffic, Traffic Penalties

### INTRODUCTION

The Covid-19 pandemic has brought significant changes to people's lifestyles, including their exercise habits (Ashadi et al., 2020). Social restrictions and fear of the spread of the virus in public places have made people look for safer and more flexible alternatives to exercise, one of which is cycling. Cycling has become a popular choice because it is not only healthy but also allows people to maintain social distancing. This trend has continued even after the pandemic has subsided, making bicycles a means of exercise as well as daily transportation for many people (Sakti & Pratama, 2022).

However, the surge in several cyclists has also had various impacts on traffic, especially in urban areas. Many cyclists use the highway without clear regulations regarding their rights and obligations, so that disorder often occurs (Pratiwi & Sudiro, 2023). Some of them do not use special bicycle lanes, ride in groups with formations that hinder traffic flow, and do not obey traffic signs. As a result, various problems arise such as an increased risk of accidents, congestion, and tension between cyclists and other road users.

Cyclists in Indonesia often do not obey traffic rules, such as not using special lanes, cycling in rows in large groups, and even going against the flow of traffic. This kind of behavior not only hinders the smooth flow of traffic but also increases the risk of accidents (Amyrulloh,

2024). Without clear regulations regarding the limitations and obligations for cyclists, many of them feel free to ride without considering their safety or that of other road users. It creates tension on the highway, especially with motorized vehicle drivers who have a legal obligation to prioritize the safety of cyclists, as regulated in Article 284 of Law Number 22 of 2009 concerning Traffic and Road Transportation (Framiyanti et al., 2024).

However, cyclists have received legal protection as stated in Article 62 of Law Number 22 of 2009, which states that the government must provide easy traffic for cyclists and guarantee their rights to supporting facilities for security, safety, order, and smoothness in traffic (Kurniasih, 2023). This provision confirms that cyclists have the right to special treatment to ensure their safety on the highway (Kusmagi, 2010). However, on the other hand, there are no regulations that explicitly require cyclists to follow certain safety standards or provide sanctions for those who violate traffic rules (Mardiansyah & Sari, 2024). This regulatory imbalance causes a gap in legal protection, where motorized vehicles are required to prioritize the safety of cyclists, but there are no provisions that require cyclists to maintain the safety of themselves and other road users.

Law Number 22 of 2009 concerning Traffic and Road Transportation shows that there is an imbalance in regulations regulating the safety of road users, especially between motorized vehicle drivers and cyclists (Samsuadi et al., 2022). Article 284 of the LLAJ Law stipulates that every motorized vehicle driver who does not prioritize the safety of cyclists can be subject to a maximum imprisonment of two months or a maximum fine of IDR 500,000.00 (Putri et al., 2024). This provision is strengthened in Article 106 paragraph (2), which requires every motorized vehicle driver to prioritize the safety of pedestrians and cyclists (Sasambe, 2016). This shows that the regulation places more emphasis on the obligation of motorized vehicles to maintain the safety of cyclists without any regulations governing the responsibility of cyclists themselves in maintaining traffic order.

On the other hand, the provisions regarding cyclists in the LLAJ Law are very limited. Article 122 paragraph (1) letter c only states that cyclists are required to use special lanes if they are available (Harahap, 2014). There are no explicit rules governing prohibitions or other obligations for cyclists regarding order and safety on the highway, including sanctions for cyclists who endanger other road users. As a result, many cyclists violate traffic rules, such as going against the flow, cycling in a row that hinders the speed of vehicles, to using the main road without paying attention to traffic conditions. This inequality causes problems in traffic practices in Indonesia. Motorized vehicle drivers have a legal obligation to protect cyclists, but cyclists themselves do not have a balanced legal obligation to maintain safety and order on the road (Mamangkey, 2022). It has the potential to create conflict on the highway and increase the risk of accidents. Therefore, it is necessary for regulatory updates that not only emphasize protection for cyclists but also ensure that cyclists have the same responsibility in maintaining traffic safety (Siregar et al., 2024). New regulations should include sanctions for cyclists who violate traffic rules, as they apply to motorized vehicle drivers, to construct equal responsibility on the highway.

The imbalance in regulations in Law Number 22 of 2009 shows that the obligation to maintain road safety is more borne by motorized vehicle drivers, while bicycle users do not yet have clear rules regarding their rights, obligations, and sanctions for violations they commit (Riyadi, 2022). This imbalance may cause conflict on the highway and increase the risk of accidents due to irregular cyclist behavior, such as going against the flow, cycling in a row, or not obeying traffic signs. Therefore, it is necessary to formulate a traffic orderly policy for cyclists that not only provides legal protection but also establishes proportional obligations and sanctions for bicycle users on the highway. Clearer and more structured regulations will provide legal certainty for all road users and improve traffic safety and order in Indonesia.

## METHOD

This study uses a normative legal method with a statute approach and a conceptual approach. The normative legal method is used to analyze the inequality of regulations in Law Number 22 of 2009 concerning the rights and obligations of cyclists on the highway and the absence of sanctions for cyclists who violate traffic rules. The statutory approach is carried out by examining various regulations governing traffic and protection of road users, while the conceptual approach is used to understand the urgency of formulating traffic order policies for cyclists to create a more balanced and equitable legal system. The data used in this study reaches from literature studies, such as laws and regulations, legal literature, and comparative analysis of regulations from other countries that have previously implemented special rules for bicycle users.

## RESULT AND DISCUSSION

### **Regulatory Inequality in Law Number 22 of 2009 concerning Traffic and Road Transportation Between the Use of Motorized Vehicles and Bicycle Users on Highways**

In Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation (hereinafter UULLAJ) Article 1 number 8, motorized vehicles are defined as vehicles driven by engines and used on highways for the transportation of people or goods (Budiono & Budyatmojo, 2016). Meanwhile, bicycles are categorized as non-motorized vehicles driven by human power through pedals (Raghibie, 2024). The fundamental difference between the two lies in the drive system, speed, and level of risk in traffic. Motorized vehicles have a greater potential for danger due to their high weight and speed, so that regulations regarding safety and obligations for their users are stricter than bicycles. However, in practice, bicycle users also have the potential to cause traffic disruption if not properly regulated.

Law Number 22 of 2009 concerning Traffic and Road Transportation has a major role in creating a safe, orderly, and efficient transportation system. This law regulates various aspects of traffic, including the rights and obligations of road users, transportation management, and sanctions for violators of the rules (Dewi et al., 2022). The main focus of this regulation is to protect for all road users, including motor vehicle drivers, cyclists, and pedestrians. However, in its application, the regulations in this law focus more on motor vehicles, while regulations regarding bicycles are still limited and do not explicitly include the obligations and sanctions that must be obeyed by cyclists on the highway.

In the UULLAJ, motor vehicles receive more attention with the provisions regarding the obligation of drivers to obey traffic signs, use safety equipment, and prioritize the safety of other road users, including cyclists. Violations committed by motor vehicle drivers can be subject to sanctions in the form of fines or imprisonment. Meanwhile, regulations for cyclists are still limited, as regulated in Article 122 paragraph (1) letter c which only states that cyclists must use special lanes if available. The absence of rules governing the prohibition for cyclists who violate traffic rules and the absence of sanctions for cyclists who endanger other road users creates inequality in the regulation and application of law on the highway.

The UULLAJ stipulates that motorized vehicle drivers are required to prioritize the safety of pedestrians and cyclists on the highway (Makalew et al., 2019). Article 106 paragraph (2) explicitly states that when driving, motorized vehicle drivers must ensure that the safety of cyclists is a priority, especially in dense or dangerous traffic conditions (Suwito, 2024). This aims to maintain order and balance between various road users, as well as to reduce the risk of accidents involving cyclists, considering the speed and size of motorized vehicles which are much larger than bicycles.

Article 284 of the UULLAJ regulates sanctions for motorized vehicle drivers who do not prioritize the safety of cyclists. Drivers who are proven to have violated this obligation can be subject to a maximum imprisonment of two months or a maximum fine of IDR 500,000. This

sanction provides a deterrent effect for drivers who do not comply with the rules and act carelessly towards the safety of cyclists on the highway. The imposition of this sanction is also a preventive measure to reduce the potential for accidents that can occur due to negligence of motor vehicle drivers towards cyclists.

Motorized vehicles have a great responsibility in creating traffic safety, both for the drivers themselves and other road users, including cyclists and pedestrians. Article 106 paragraph (2) and Article 284 of the UULLAJ indicate that motor vehicle drivers are required to always prioritize the safety of cyclists. This responsibility also includes the obligation to obey traffic signs, maintain a safe distance, and be alert to the possibility of cyclists crossing. Thus, motorized vehicles must operate within a safe speed limit, and comply with regulations that can reduce the risk of accidents and ensure the safety of all road users.

This is in contrast to the UULLAJ which regulates bicycle users only in a limited manner in Article 122 paragraph (1) letter c that cyclists are required to use the lane that has been provided specifically for non-motorized vehicles, if the lane is available. However, this regulation seems limited and does not regulate in detail regarding other rights and obligations for cyclists. There is no in-depth explanation of situations that may occur when a bicycle lane is not available, or how cyclists should interact with motorized vehicles in various traffic conditions. This shows that there is a gap in regulations that can more comprehensively regulate cyclists' rights on the road.

Although the UULLAJ regulates motorized vehicle drivers in great detail, the regulation regarding cyclists on the highway is still limited and not explicit. There are no regulations that specifically regulate the obligations of cyclists in terms of using safety equipment such as helmets, as well as prohibitions that can endanger their safety and that of other road users. For example, there are no regulations governing speed limits for cyclists, obligations not to go against the flow of traffic, or prohibitions on cycling in a row that can disrupt the smooth flow of traffic. It leads to unclear rights and obligations of cyclists on the highway and has the potential to increase the risk of accidents.

One of the biggest limitations of Law Number 22 of 2009 is the absence of clear sanctions for cyclists who violate traffic rules and endanger other road users. Although motorized vehicle drivers are regulated with strict criminal sanctions, cyclists are not regulated similarly. The absence of sanctions that can be imposed on cyclists who violate traffic regulations, such as cycling in lanes that are not intended for them or violating traffic signs, means that cyclists do not have the same obligations as motor vehicle drivers in terms of traffic safety. This leads to injustice and an imbalance in legal protection between cyclists and other road users, which can increase the risk of accidents on the highway.

The imbalance in regulations in the UULLAJ which regulates motor vehicle drivers in more detail and clearly, but only provides limited regulations for cyclists, creates an imbalance in legal responsibility between the two groups. Motor vehicle drivers have a clear obligation to prioritize the safety of cyclists, even accompanied by criminal sanctions if they violate it. Meanwhile, cyclists do not have explicitly binding rules regarding obligations and prohibitions on the highway and are not subject to legal sanctions if they violate the rules. This imbalance has the potential to cause injustice and ambiguity in the application of the law because cyclists who also act as road users do not receive equal legal protection as motor vehicle drivers.

The lack of clarity in the rules regarding the rights and obligations of cyclists on the road can trigger potential conflicts between cyclists and motorists. Without clear and firm regulations regarding cyclists, cyclists often do not obey the applicable traffic rules, such as cycling in motorized vehicle lanes or going against the flow of traffic, which can disrupt the smoothness and safety of traffic. On the other hand, motorists often feel disadvantaged and have difficulty avoiding cyclists who are not disciplined. It may cause social pressure on the

road, due to the lack of understanding and awareness between the two groups of road users, which can ultimately damage harmony and mutual understanding in public spaces.

Without strict regulations regarding cyclist behavior on the road, the risk of traffic accidents increases significantly. Cyclists who do not obey the rules, such as cycling in inappropriate lanes, going against the flow of traffic, or cycling in a row, can disrupt the smoothness of traffic and endanger their safety and that of other road users. The absence of sanctions for cyclists who violate the rules makes cyclists feel free to act erratically without considering mutual safety. It causes the potential for accidents involving cyclists and motorized vehicles to increase, which ultimately impacts public safety on the highway.

In many developed countries, traffic regulations for cyclists have been strictly enforced to ensure the safety of all road users. Countries such as the Netherlands, Germany, and Denmark have regulations that regulate in detail the rights and obligations of cyclists, including the use of special bicycle lanes, the obligation to wear safety equipment such as helmets, and the prohibition of cycling in dangerous areas. In addition, sanctions for cyclists who violate traffic rules are also applied, such as fines for cyclists who go against the flow or do not obey traffic signals. These countries also have an effective monitoring system to ensure compliance with traffic regulations, which contributes to a decrease in many traffic accidents involving cyclists.

The effectiveness of these strict regulations can be seen from the results achieved, such as increased cyclist safety and overall orderly traffic. These countries also show that with clear and firm policies, cyclists can move safely without disturbing other road users, and vice versa, motorized vehicles are also regulated to better respect the rights of cyclists. For Indonesia, the lesson that can be learned is the importance of formulating more structured policies and implementing regulations that involve both motorized vehicle drivers and cyclists to create safer and more orderly roads. Clear enforcement of sanctions and supporting facilities such as safe bicycle lanes should be an important part of the policy.

Regulatory updates for bicycle users on the highway are needed to ensure better traffic safety and order. Clear and explicit regulations regarding the rights, obligations, and prohibitions for cyclists need to be regulated, such as the obligation to use special bicycle lanes, the prohibition of cycling against traffic, and safety rules such as wearing helmets. Furthermore, it is crucial to regulate strict sanctions for cyclists who violate traffic rules to improve discipline and prevent potential accidents. These policy recommendations should aim to create balanced and fair regulations, which not only protect the rights of cyclists but also ensure the safety of other road users, such as motorized vehicle drivers, harmoniously and effectively.

### **Urgency of Formulating Traffic Orderly Policies for Bicycle Users on Highways**

The rapid growth in the number of cyclists, especially since the Covid-19 pandemic, has had a significant impact on traffic orders on the highway. The increasing number of cyclists has made existing regulations no longer to current conditions, where traffic regulations are more focused on motorized vehicles. This regulatory inconsistency causes an imbalance in legal protection, where cyclists often do not receive adequate attention in terms of traffic safety and order. Therefore, it is important to formulate comprehensive and comprehensive regulations for cyclists, to create a safer and more orderly traffic system, by ensuring that the rights and obligations of each road user are understood and carried out properly for the safety of all.

The imbalance in legal protection between motorized vehicles and bicycles creates a less favorable situation for cyclists, especially regarding their safety on the highway. Although motorized vehicles have clear rules on obligations and sanctions, cyclists often do not have equivalent regulations in their obligations and rights. It creates an imbalance in legal protection,



where cyclists, who are vulnerable to danger, do not receive equal attention as motorized vehicle drivers.

In addition, the absence of clear regulations regarding the obligations, rights, and prohibitions for cyclists on the road further worsens this condition. Without explicit regulations, cyclists can act freely without clear guidelines, such as going against the flow of traffic or not using the lanes provided, which increases the potential for accidents. The limited regulations do not provide sufficient clarity on how cyclists should interact with other road users, creating a situation that is vulnerable to their safety.

The lack of strict regulations for cyclists has the potential to increase the risk of accidents, both involving cyclists themselves and other road users. Without clear guidelines and adequate supervision, cyclists often engage in behavior that endangers themselves, such as cycling in lanes where they should not be or disobeying traffic signs. This, in turn, increases the likelihood of accidents, both with motorized vehicles and between cyclists.

Traffic policies that clearly regulate the rights and obligations of cyclists will have a significant positive impact on the safety of cyclists and other road users. With clear regulations, cyclists will be more focused on using the facilities provided, such as bicycle lanes, which will reduce the risk of collisions or accidents with motor vehicles. In addition, strict regulations will also help raise awareness among cyclists to better comply with traffic rules, thereby creating a safer and more orderly environment for all road users.

In addition, with clearer road space divisions and comprehensive regulations, the potential for accidents can be significantly reduced. Cyclists who use special lanes will avoid the risk of colliding with motor vehicles, while motor vehicles will also find it easier to avoid cyclists if there are strict rules regarding distance and priority. This policy will not only improve safety but will also improve cyclist discipline because they will know what is expected of them and there will be sanctions for those who violate the rules. All of this will support the creation of more orderly and safe traffic for all parties.

Several countries have successfully implemented more comprehensive traffic policies for cyclists, which can be a reference for Indonesia. For example, countries like the Netherlands and Denmark have excellent cycling infrastructure, with separate cycle lanes from main roads, and clear rules regarding the rights and obligations of cyclists. In the Netherlands, cyclists are required to use cycle lanes and follow strict traffic rules, with sanctions for violations. These countries also implement public education to create a culture of road safety. The lessons learned are the importance of providing adequate cycling infrastructure, establishing clear rules, and raising awareness through education, which can be applied in the Indonesian legal system to create a safer and more orderly traffic environment for all parties.

The process of formulating traffic policies for cyclists must involve various related parties, such as the government, the community, and transportation experts, to ensure that the policy can be implemented properly and meet the needs of all road users. This approach is important so that the resulting policy is not only technical but also considers social aspects and the diversity of traffic conditions in Indonesia.

Policy recommendations that need to be considered are creating regulations that provide balanced legal protection for all road users, including cyclists, by ensuring that cyclists have clear rights and obligations on the highway. Good regulations must pay attention to aspects of safety, order, and efficiency of road use, without neglecting the rights of cyclists to carry out activities safely.

Strict law enforcement and sanctions for cyclists who violate traffic rules are necessary to improve discipline. Without clear sanctions, regulations will not be effective in changing behavior on the road. Therefore, the government needs to formulate policies that not only regulate the rights of cyclists but also determine sanctions for those who endanger the safety of themselves and other road users.

The implementation of clear and comprehensive traffic order policies will have a significant positive impact on the safety and comfort of all road users. With the rules that regulate the behavior of cyclists, motorists, and pedestrians, a more orderly and regular road environment is created, reducing the potential for accidents and conflicts between road users. A clearer division of space between motor vehicles and cyclists will reduce anxiety and increase a sense of security so that all parties can drive more comfortably. In addition, effective policies will also increase the discipline of road users in complying with traffic rules, which in turn improves the quality of the overall road transportation system.

## CONCLUSION

Law Number 22 of 2009 concerning Traffic and Road Transportation has given more attention to motorized vehicles in terms of driver safety and obligations, but regulations related to cyclists are still limited and do not comprehensively cover their obligations and sanctions. This imbalance in regulation has the potential to cause injustice and increase the risk of road accidents because cyclists are not clearly regulated regarding their rights and obligations, while motorized vehicle drivers have strict sanctions. Therefore, more structured regulatory updates and implementation of regulations involving both parties are needed to create safer, orderly, and harmonious roads, by paying attention to the safety of all road users.

The rapid growth in the number of cyclists requires comprehensive and comprehensive regulatory updates to ensure road safety and order. The imbalance in legal protection between motorized vehicles and bicycles creates the potential for a higher risk of accidents for cyclists, who often do not receive equal attention in traffic regulations. Therefore, it is important to formulate clear traffic order policies, involving various parties, that provide clear rights and obligations for cyclists and strict law enforcement. Thus, this policy will not only improve the safety of cyclists but also create a more orderly, safe, and comfortable road transportation system for all road users.

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