



Prevention of Criminal Acts of Forgery of Motor Vehicle Owners' Books Through Blocking the Electronic Registration Identification (ERI) System

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Article Info

Article History

Revised : 2025-09-13

Accepted : 2025-10-17

Published : 2025-10-24

Keywords:

Prevention; Criminal acts of Forgery; Blocking

Abstract

This research is a legal research with descriptive analytical specifications. The blocking action by the West Sumatra Regional Police Directorate as an effort to prevent the misuse of the motor vehicle owner's book is a proactive step in efforts to prevent the misuse of BPKB, especially in the context of violations of the law such as fraud, document forgery, and other criminal acts. The process of blocking action is that the vehicle owner, the police, the leasing institution, or an interested third party (such as a legal institution or court) can apply for a blocking. After receiving the application, the Directorate will verify the completeness and validity of the documents submitted. The block will be recorded in the system. A block can be removed if the legal or administrative issues that led to the block have been resolved. This blocking makes a significant contribution to narrowing the space for criminals who try to use fake BPKB for various illegal acts. Obstacles in preventing the misuse of motor vehicle owners' books with blocking by the West Sumatra Regional Police Directorate are the lack of public knowledge related to the importance of extending vehicle documents, lack of coordination between financing institutions (leasing) and the West Sumatra Regional Police Directorate in reporting vehicle data that must be carried out in the blocking process. This slows down the handling of cases and the removal of blocks for vehicles that have resolved legal or administrative problems. The implementation of the validity of BPKB and the blocking of BPKB must be through the Regident ranmor application system. This happened because the West Sumatra Regional Police Directorate received many cases related to fake BPKB and the leasing party also did not submit a confirmation and block of BPKB at the West Sumatra Regional Police Directorate.

INTRODUCTION

Progress in life in a modern society in which there is a plurality of interests seems to facilitate the possibility of conflicts of interest and the temptation of a luxurious life on the one hand and on the other hand the absence of a balance between income and expenditure, especially for the cost of living within the limits of human feasibility.¹ Crime as a social phenomenon can be described or approached from various points of view. Crime is a monology of what is in the Criminal Code (KUHP), criminal acts can be distinguished between crimes and offenses. Crime is regulated in book II about *misdrif* and offenses are regulated in book

¹ Ira.W Ariani, Campaign in the Safety Riding Program Study in the Traffic Unit of the Bojonegoro Resort Police, *Communication Science Article*, 2016.

III about *violations*.² Dealing with a broad and profound symptom, which is nested as a disease in the body of society, so that it endangers lives at least causing losses.³

The misuse of letters or writings in them contains a certain meaning or meaning of a thought, the truth of which must be protected. Making a fake letter is arranging a letter or writing in its entirety, the existence of this letter is because it is made fakely. A forged letter has the purpose of showing that the letter seems to come from someone else than the author (the perpetrator), this is called material forgery, the origin of the letter is fake.⁴

The implementation of the ranmor regident with integrated systems to verify the validity of the ranmor, both the documents and the physical ranmor (physical check). So that the validity of the origin and owner can be taken care of for the ratification of its operations and the management of taxes and insurance. In a state of law, vehicles that have been granted operational permits and that are taxed and guaranteed insurance are legal vehicles, not the result of crime or unclear origin.⁵ The rapid growth of science and technology (science and technology) has a positive impact as well as a negative impact on the development or growth of society. The positive impact is that the rapid growth of science and technology certainly provides benefits for meeting the needs of the community that is always growing, developing, and changing. Meanwhile, the negative impact is that the rapid growth of science and technology has been accompanied by the development of crimes in various types and methods.⁶

The case of misuse of the proof book of motor vehicle ownership in the jurisdiction of the West Sumatra Police was handled by the police. One of them is the owner of a motor vehicle of the L300 pickup truck type named Aditya experienced a forced takeover of his vehicle by the leasing Adira Finance, in this case the leasing argued that Aditya had been late in paying his car installments for 3 consecutive months. In fact, according to Aditya, his car has never been collateralized to leasing so far with proof that BPKB is in Aditya's own hands. Then Aditya reported this to the authorities, then after a search by the police through the West Sumatra Regional Police Directorate, it was found that the BPKB in Aditya's hands was genuine and the BPKB in the leasing party was a duplicate aka fake. This makes the police in the future have to be more selective and block the BPKB of motor vehicles to prevent the misuse of proof of ownership of the motor vehicle.

The problem discussed was the blocking action by the West Sumatra Regional Police Directorate as an effort to prevent the Crime of Forgery of Motor Vehicle Owners' Books and its obstacles.

RESEARCH METHODS

The specification of the research is *descriptive analytical*, with a normative juridical approach supported by empirical juridical approaches. The types of data used are secondary data and primary data. Secondary data was obtained from document studies, primary data was obtained by means of interviews. The data obtained was then analyzed qualitatively.

RESULTS AND DISCUSSION

Blocking Action by the West Sumatra Regional Police as an Effort to Prevent the Misuse of Motor Vehicle Owners' Books

The blocking carried out by the Directorate of Traffic (Ditlantas) of the West Sumatra Regional Police against the Motor Vehicle Owner's Book (BPKB) is one of the proactive steps

² Martiman Prodjohamidjojo, *Understanding the Criminal Basics of Indonesia 2*, Pradya Paramitha, Jakarta, 1997, p. 2

³ *Ibid*, p. 2

⁴ Ilham Lasahido, *Letter Handling Module*, Training, National Ministry of Finance, 2006, p. 4

⁵ Hariandja, *Traffic Discipline on the Highway*, Airlangga, Jakarta, 2002, p. 47

⁶ Salim Abbas, *Transportation Management*, Raja Grafindo Persada, Jakarta, 1993, p. 34

in efforts to prevent the misuse of BPKB, especially in the context of violations of the law such as fraud, document forgery, and other criminal acts involving motor vehicles. One of the main reasons for blocking BPKB is if the motor vehicle is involved in a legal case, such as theft, fraud, or other crimes. By blocking the BPKB, the Directorate of Transportation ensures that the vehicle cannot be sold, transferred, or used as collateral, thus narrowing the space for criminals to move.

In some cases, BPKB can be misused by unauthorized parties, for example to be used as debt collateral without the knowledge of the original owner. With a strict blocking system, vehicle owners can feel safer because the Ditlantas has a mechanism to prevent the misuse of BPKB without their consent. In the process of applying for vehicle loans, BPKB is usually used as collateral by financing institutions. If there is an indication of abuse, such as a credit application with a fake BPKB or the transfer of collateral without a valid procedure, the Directorate of Traffic can block the BPKB. This is to protect financing institutions from the risk of losses due to economic crimes.

The applicant must attach relevant supporting documents, such as a power of attorney, police report, vehicle ownership document, or other legal documents showing the basis for the blocking request. Submissions are made to the West Sumatra Regional Police Directorate or to the police service section which is authorized to handle the registration and identification (Regident) of motor vehicles.⁷ This notification is usually in the form of an official letter informing that the vehicle's BPKB has been blocked. If the blocking is carried out on the basis of a legal case, the police can also provide information to the judicial institution or the party handling the case.⁸ The Directorate also supervises and controls this blocking process through a system that is integrated with the national database. This system allows the Ditlantas to monitor and ensure that the blocked BPKB is really unusable.⁹

Therefore, providing justice in a case means deciding the law *in concreto* in maintaining and guaranteeing the obedience of material law by using *procedural* means stipulated by formal law.¹⁰ Law enforcement is an effort to realize the ideas of justice, legal certainty and social benefits into reality. So law enforcement is essentially a process of realizing ideas. Law enforcement is the process of making efforts to uphold or function legal norms in real terms as a guideline for perpetrators in traffic or legal relations in the life of society and the state. Law enforcement is an effort to realize the ideas and concepts of law that the people expect to become a reality. Law enforcement is a process that involves many things.¹¹

This blocking makes a significant contribution to narrowing the space for criminals who try to use fake BPKB for various illegal acts, such as fraud, theft, and illegal vehicle buying and selling transactions, preventing illegal transactions, such as buying and selling vehicles using fake BPKB. When a vehicle or BPKB is blocked, the status of the vehicle is recorded in the national vehicle registration system, which is used by the Ditlantas and related institutions. This ensures that the parties involved in the buying and selling process can know the status of the vehicle and are not involved in transactions involving false documents. Direct blocking disables suspicious vehicle documents, thus hindering the use of false documents or manipulation of vehicle administration.

The blocking process also encourages thorough verification of the validity of vehicle documents. When the authorities receive a report or request for a block related to the BPKB

⁷ Interview with BPKB Division Officer of the West Sumatra Regional Police on September 23, 2024

⁸ Interview with officers of the BPKB section of the West Sumatra Regional Police on October 3, 2024

⁹ Interview with officers at the West Sumatra Regional Police Directorate on September 25, 2024

¹⁰ Soerjono Soekanto, *Factors Influencing Law Enforcement*, Fifth Edition, Raja Grafindo Persada, Jakarta, 2004, p. 42

¹¹ R. Abdussalam, *Law Enforcement in the Field by the National Police*, Gagas Mitra Catur Gemilang, Jakarta, 1997, p. 35

that is suspected to be fake, they will conduct a more in-depth investigation of the document. This procedure is an early detection mechanism for the authorities to identify BPKB that may have been falsified. Through strict verification, blocking is one of the tools to detect counterfeiting attempts early before the fake BPKB can be used further.

The effectiveness of blocking BPKB by the West Sumatra Regional Police Directorate in dealing with the crime of BPKB counterfeiting is very high because it includes prevention, early detection, and support for law enforcement. This blocking is able to prevent the misuse of fake BPKB in sale and purchase transactions, financing, or guarantees, while protecting the rights of legitimate vehicle owners. Integration with the national system and cooperation with financial institutions make blocking an important instrument in the fight against motor vehicle-related crime.

So that the blocking of BPKB by the West Sumatra Regional Police Directorate has been in line with the theory of law enforcement, that the blocking of BPKB carried out by the West Sumatra Regional Police Directorate is an effort to realize the ideas of justice, legal certainty and social benefits into reality.

Obstacles in Preventing the Misuse of Motor Vehicle Owners' Books with Blocking by the West Sumatra Regional Police Directorate

Some of the main challenges faced include First, the blocking that occurs is caused by a buying and selling transaction, but the community does not change the name of the vehicle, so that the vehicle data is blocked by the previous owner, lack of public awareness in making vehicle tax payments has an impact on the non-implementation of the STNK extension according to the specified time.

Second, the lack of coordination of financing institutions (leasing) with the West Sumatra Regional Police Directorate in reporting vehicle data that must be carried out the blocking process, this slows down the handling of cases and the removal of blocks for vehicles that have resolved legal or administrative problems.

Third, document forgery techniques continue to develop, BPKB blocking is effective after checking the validity of BPKB. This aims to anticipate the existence of fake BPKB given by the public to the leasing party. The implementation of the validity of BPKB and the blocking of BPKB must be through the Regident ranmor application system. The West Sumatra Regional Police Directorate reported many cases reported by leasing parties related to fake BPKB. This happened because the leasing party did not carry out the validity and blocked the BPKB at the West Sumatra Regional Police Directorate. The West Sumatra Regional Police Directorate faces various challenges in implementing BPKB blocking as an effort to prevent abuse. Obstacles such as lack of public awareness, lack of coordination of financing institutions (leasing), there are concerns from some of the community, the blocking system being abused are obstacles that need to be fixed. Efforts to increase socialization, simplify procedures, and better integration of technology will be very helpful in overcoming these obstacles. In the theory of legal certainty by Gustav Radbruch explains that legal certainty is one of the goals of law itself. Gustav Radbruch explained¹² that in the theory of legal certainty that he put forward there are four fundamental things that are closely related to the meaning of legal certainty itself.

Gustav Radbruch's opinion on legal certainty is based on his view of legal certainty which means legal certainty itself. Gustav Radbruch stated that legal certainty is one of the products of law or more specifically the product of legislation.¹³ Based on the opinion of Gustav Radbruch regarding legal certainty, law is a positive thing that is able to regulate the interests of every human being in society and must always be obeyed even though the positive

¹² Satjipto Rahardjo, *Legal Science*, Citra Aditya Bakti, Bandung, 2012, p. 19

¹³ *Ibid*, p. 20

law is considered unfair. So, in facing obstacles in preventing the misuse of the Motor Vehicle Owner's Book (BPKB) through blocking, the West Sumatra Regional Police Directorate can make several strategic efforts. The following are steps that can be taken to increase the effectiveness of the program:

Adding security elements such as *chips* to BPKB can help law enforcement officials and the public in verifying the authenticity of documents more easily and quickly. The Directorate must establish closer cooperation with financing institutions (leasing) to monitor BPKB which is used as credit guarantee. This will ensure that no vehicle involved in legal issues can be used as credit collateral without strict verification.

Based on the research that has been carried out by the author, the West Sumatra Police has blocked hundreds of vehicles that do not extend registration. This blocking action is accompanied by intensive socialization to the public so as not to underestimate the obligation to re-register. This action also targets vehicles that are involved in criminal acts or whose data is no longer valid, thereby preventing transactions involving fake BPKB. This effort is considered effective in minimizing crimes related to vehicle document forgery, while supporting more accurate law enforcement and preventing losses to innocent parties.

CONCLUSION

The blocking action by the West Sumatra Regional Police Directorate as an effort to prevent the misuse of the motor vehicle owner's book is a proactive step in efforts to prevent the misuse of BPKB, especially in the context of violations of the law such as fraud, document forgery, and other criminal acts. The process of blocking action is as follows: The vehicle owner, the police, the leasing institution, or an interested third party (such as a legal institution or court) can apply for a blocking. After receiving the application, the Directorate will verify the completeness and validity of the documents submitted. The block will be recorded in the system. A block can be removed if the legal or administrative issues that led to the block have been resolved. This blocking makes a significant contribution to narrowing the space for criminals who try to use fake BPKB for various illegal acts, such as fraud, theft, and illegal vehicle buying and selling transactions, preventing illegal transactions, such as buying and selling vehicles using fake BPKB.

The obstacle in preventing the misuse of motor vehicle owners' books with blocking by the West Sumatra Regional Police Directorate is the lack of public knowledge regarding the importance of extending vehicle documents, such as STNK and BPKB, is one of the main obstacles. The lack of coordination between the financing institution (leasing) and the West Sumatra Regional Police Directorate in reporting vehicle data that must be carried out the blocking process slows down case handling and the removal of blocks for vehicles that have resolved legal or administrative problems. Document forgery techniques continue to develop, effective blocking is carried out after checking the validity of BPKB. This aims to anticipate the existence of fake BPKB given by the public to the leasing party. The implementation of the validity of BPKB and the blocking of BPKB must be through the Regident ranmor application system. The West Sumatra Regional Police Directorate reported many cases were reported by leasing parties related to fake BPKB. This happened because the leasing party did not carry out the validity and blocked the BPKB at the West Sumatra Regional Police Directorate. The process of blocking and processing fake documents can only be carried out centrally at the West Sumatra Regional Police Directorate, causing delays for people outside the city of Padang to check fake documents. This causes delays in taking preventive measures against motor vehicles that are suspected of using fake BPKB.

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