

## **Critical Legal Review of the Legal Dualism of Motor Vehicles as Registered Movable Objects<sup>1</sup>**

**Muhammad Ali\***

*University of Brawijaya,  
Malang, Indonesia*

*\*e-mail: alialwahid07@gmail.com*

**Affah Kusumadara**

*University of Brawijaya,  
Malang, Indonesia*

**Shinta Hadiyantina**

*University of Brawijaya,  
Malang, Indonesia*

**Amelia Sri Kusuma Dewi**

*University of Brawijaya,  
Malang, Indonesia*

### **Abstract**

*Ownership rights in the Indonesian legal system are included in the civil law discourse, so property rights were also known as civil rights. However, motorized vehicles included in the registered movable objects category that have a different legal status; civil legal and administrative legal status are also attached because they must be registered. So, there is a legal dualism between administrative ownership and factual/civil legal ownership. Departing from these legal issues, this research aims to find a concrete form of motorized vehicles legal status as registered movable objects through critical legal theory. This research used normative research methods with a statutory approach. This research finds that the legal status of motorized vehicles as registered movable objects gives rise to legal uncertainty and injustice in the ownership rights recognition. Then, based on the framework of justice critical legal theory, this dualism reflects the bias of the legal system which tends to strengthen state dominance in regulating ownership of movable goods. This*

---

<sup>1</sup> This research is part of the essence of a doctoral dissertation in legal science which departs from the Indonesian Government's Legal Policies That Cut off People's Property Rights using personal funds and supervised by three supervisors who are experts in the fields of international private law and state administrative law.

*creates legal injustice for the lower middle class or rural communities. Therefore, there is an absolute need for definite legal reform, protection of the rights of motor vehicle owners, and transparency of information for upholding substantive justice.*

**Keywords:** Justice; Dualism Law; Motorized Vehicles; Moving Objects.

## **Критичний юридичний огляд правового дуалізму транспортних засобів як зареєстрованих рухомих об'єктів**

**Мохаммед Алі\***

Університет Бравіджая,  
Маланг, Індонезія

\*e-mail: alialwahid07@gmail.com

**Афіфа Кусумадара**

Університет Бравіджая,  
Маланг, Індонезія

**Шінта Хадіянтіна**

Університет Бравіджая,  
Маланг, Індонезія

**Амелія Шрі Кусума Деві**

Університет Бравіджая,  
Маланг, Індонезія

### **Анотація**

У правовій системі Індонезії права власності включені до сфери цивільного права, тому вони також відомі як цивільні права. Однак моторизовані транспортні засоби належать до категорії зареєстрованих рухомих об'єктів, які мають інший правовий режим – одночасно як цивільно-правовий, так і адміністративно-правовий. Таким чином, існує правовий дуалізм між цивільно-правовою й адміністративно-правовою власністю. Враховуючи вказані правові питання, це дослідження має на меті знайти конкретну форму правового режиму моторизованих транспортних засобів як зареєстрованих рухомих об'єктів за допомогою критичної правової теорії. У цьому дослідженні використовувалися нормативні методи дослідження з нормативним підходом. Дослідження виявило, що правовий режим моторизованих транспортних засобів як зареєстрованих рухомих об'єктів породжує правову невідповідність і несправедливість у визнанні прав власності. Далі, на основі критичної правової теорії справедливості, цей дуалізм відображає упередженість правової системи, яка має тенденцію до посилення домінування держави в регулюванні права власності на рухомі речі. Це створює правову несправедливість для середнього класу або сільських громад. Тому існує абсолютна потреба у певній правовій реформі, захисті прав власників транспортних засобів та прозорості інформації для забезпечення справедливості по суті.

**Ключові слова:** справедливість; дуалістичне право; моторизовані транспортні засоби; рухомі об'єкти.

## **Introduction**

Property rights in the Indonesian legal system are included in civil law so property rights are known as civil rights and are absolute. Absolute rights provide direct power that can be defended against anyone [1]. In addition, certain property rights are also followed by other legal provisions such as state administrative law. According to van Apeldoorn, property rights are identical to property rights that provide direct power over an object, direct power means that there is a direct relationship between the entitled persons and the object [2].

Meanwhile, motor vehicle ownership rights follow the provisions of state administrative law, based on Law Number 22 of 2009 concerning Traffic and Road Transportation and Regulation of the Chief of the Republic of Indonesia National Police Number 7 of 2021 concerning Registration and Identification of Motor Vehicles. So that ownership rights must be proven through administration. Because every motor vehicle must be registered before being operated on the highway [3]. Motor vehicle registration is carried out by the Indonesian National Police. Motor vehicle registration includes changes in ownership identity and vehicle extension. Vehicle registration aims to orderly administration, control, or supervision of motor vehicles operated and facilitate investigators of violations or crimes [4].

Therefore, the government and the community must be aware of their respective positions; the government has a position as a super power because it has the authority to regulate the administration of ownership of objects that require an administrative process or fulfillment of ownership data for the object through a registration process [5]. While the public needs to be aware that the ownership rights to registered movable objects such as motor vehicles, in the legal and regulatory system in Indonesia there are legal provisions that must be carried out, namely registering ownership of the vehicle so that there is certainty and the right to legal protection of its ownership by fulfilling subsequent obligations as a legal consequence of registration of the registered motor vehicle; including paying tax obligations, accident fund contributions and imposing administrative fees for registering the motor vehicle [6].

## **Literature Review**

Ownership rights of movable objects such as motor vehicles are included in the provisions of civil law, namely absolute. Because property law in the Indonesian legal system is only found in civil law. Civil law has regulated how a person/legal subject can be recognized as having ownership rights to an object. However, in

the development of law as a basic foundation in realizing national development, welfare and public security as a manifestation of the government in providing legal certainty and protection, especially in the ownership of a registered movable object such as a motor vehicle; the government is present to determine what objects fall into the criteria that are taxed to their owners [7]. The only motor vehicle that is easily transferred, in the discussion of civil law is included in the type of movable objects. In the state administrative law concept, motor vehicles are included in goods that must be registered as tax objects [8].

So that the causality between the government and the community in the motor vehicle ownership policy has its own space in the Indonesian legal system, namely, the government as the policy maker and authority in determining motor vehicle ownership regulations and also has the right to receive reports on motor vehicles, both as tax objects and ownership objects. Meanwhile, the community has a position as a legal subject who is required to comply with the legal provisions enforced through government policies; including paying motor vehicle tax, reporting ownership status, paying registration fees, and traffic accident contributions; in addition, the community has the right to obtain certainty of legal protection for vehicle ownership and the freedom of registered ownership rights [9].

However, in reality, there is still a dichotomy in understanding civil property rights and the scope of state administrative law related to registered movable objects such as motor vehicles, which has consequences for how to obtain property rights and the loss of property rights to motor vehicles. So this dichotomy needs to discuss the concept of motor vehicle ownership rights within the scope of civil law and state administrative law; so that everything becomes clear so that there is no dichotomy and violation of the provisions of the 1945 Constitution of the Republic of Indonesia relating to the state's obligation to protect the property of the Community such as motor vehicle ownership rights.

The following are several previous studies that have similarities with this study and have been published, including research on *Critical Analysis of Dualism of Motor Vehicle Ownership Rights*; This study examined the legal issues that arise from differences in the regulation of motor vehicle ownership rights as movable objects. This study used a critical legal perspective to show how applicable policies can cause legal uncertainty for motor vehicle owners in ownership disputes and fiduciary guarantees [10]; and research on *Critical Studies on Motor Vehicle Ownership Rights in the Perspective of Registered Movable Objects*; This research used a critical legal approach to analyze the consequences of dualism of motor vehicle ownership rights in Indonesia. This study reveals that there is a discrepancy

between the legal regulations governing motor vehicle ownership rights and practices in the field, which often results in injustice for vehicle owners [11]. Then the research on *Legal Certainty of Motor Vehicle Ownership as Movable Objects* focuses on legal uncertainty due to different regulations regarding the legal status of motor vehicles as registered movable objects. With an analysis of jurisprudence and regulations, this study proposed legal reforms to align the function of vehicle registration and the legal status of recognized ownership rights [12].

## **Materials and Methods**

This research is a normative research method; namely legal research conducted by examining library materials (such as laws and other legal references) that is called Library Law research [13]. In using this type of research, the author intends to find out, analyze, and explain the rights of motor vehicles as registered movable objects from the perspective of legal dualism, namely Civil Law and State Administrative Law. This research used a legislative approach because the main study material was the legislation on property rights, motor vehicles as registered movable objects, as well as related legislation and other references on the explanation of rights and objects.

## **Results and Discussions**

### ***Dualism of Legal Status of Motor Vehicles in Critical Legal Perspective***

Legally, motor vehicles are classified as movable objects in the Civil Code. In these provisions, movable objects can be moved without damaging their physical structure, such as cars and motorbikes. However, motor vehicles are required to be registered as regulated in Law No. 22 of 2009 concerning Traffic and Road Transportation. This aims to provide legal certainty of ownership and avoid possible conflicts.

The basic argument within the framework of critical legal theory is that law is not only understood as a set of formal rules, but also as a social product formed by the dynamics of power, interests, and social relations in society. Critical legal theory sees law as an instrument that is not neutral but rather tends to favor certain interests. This perspective helps to understand why the dualism of the legal status of motor vehicles as registered movable objects occurs. In theory, in the Civil Code, motor vehicles are classified as movable objects which provide flexibility in the transfer of ownership rights. However, special regulations regarding motor vehicle registration regulated in Law No. 22 of 2009 introduced the concept of registered movable objects, where recognition of ownership rights is not sufficient based on physical control alone, but must also be supported by evidence of official registration. This approach shows the strong influence of

state power in regulating motor vehicle ownership; Based on Article 64 of Law no. 22 of 2009, Shows that there is special treatment for motorized vehicles that is different from other moving objects [14].

Critical legal theory argues that this dualism of legal status reflects the state's interest in controlling and supervising motorized vehicle movement, especially in terms of taxation, security, and public administration. The application of the registered movable property concept indicates that the law was created not only to provide protection for the owner but also to meet the needs of state supervision and control over movable assets [15]. Dualism in the recognition of property rights refers to two bases for recognizing ownership; namely administrative and factual ownership. Administrative ownership is based on official documents such as a legal ownership certificate. Meanwhile, factual ownership is based on physical control and legal transactions by the owner of the goods. The implications of dualism in recognizing property rights pose challenges in creating legal justice [16]. In critical legal theory, injustice occurs not only when legal rules are violated, but also when legal rules are designed to maintain existing power structures. The dualism of the legal status of motor vehicles places an administrative burden on the owner to obtain legal recognition of his property rights [17].

### ***Implications of Legal Dualism on the Recognition of Property Rights and Legal Justice***

Satjipto Rahardjo in critical legal theory emphasizes the importance of substantive justice rather than procedural justice. In the dualism context of recognizing property rights, procedural justice often only recognizes the party with administrative documents as the legal owner, without considering factual evidence that can show who has the right to the goods. As a result, many people experience injustice when their property rights are ignored simply because they do not have official documents [18].

Rahardjo stated that rigid administrative law tends to be a tool to perpetuate power and eliminate individual rights that are not accommodated in the formal system. Because parties with influence, either in the form of economic power or access to power networks, can better control administrative documents and protect their interests in recognizing property rights. This dualism creates injustice for people unable to access the administrative system effectively. The legal system that emphasizes administrative evidence often ignores the social reality where transactions or possession of goods are carried out legally by certain individuals. This shows the dominance of those with access to the administrative system over those with factual ownership [19].

Lengthy and complicated registration procedures often put vehicle owners, especially those who are less familiar with the law or have less access to administrative services, in a weak position. People who are unable to properly take care of the registration administration can lose their ownership rights even though they have controlled the vehicle. This is contrary to the principle of substantive justice which should ensure that the law protects the interests of all parties, especially vulnerable parties [20]. From a critical legal perspective, these complex administrative provisions indicate a bias in the legal system that prioritizes the state administration's interests over the individual owner's interests. This leads to inequalities in legal justice access, where only those who can meet the complex administrative requirements receive legal protection [17]. The main implication of this dual status is the uncertainty in the ownership rights recognition which often creates legal conflicts. Motor vehicle registration is not only physical evidence of ownership but also a tool of state control and supervision of the ownership transfer. For example, the ownership transfer is legally valid if recorded in the official registration. This raises a problem when the vehicle sale and purchase transaction is carried out informally without any changes in the registration records [20]. Here are some things that the government and society must face as a consequence of the legal dualism of motor vehicles as registered movable objects:

### ***1. Differences in Ownership Proof Standards***

In civil law, proof of ownership is in the form of an agreement or proof of purchase, while in administrative law, proof of legal ownership must be recorded in official documents such as the BPKB (Motor Vehicle Ownership Certificate) and STNK (Vehicle Registration Certificate). This difference can cause a dispute where one party claims the vehicle based on civil evidence, while the other party holds on to administrative evidence. This dualism has the potential to harm parties who have a civil basis but have not completed the administrative aspects so that they lose their rights in administrative law.

### ***2. Obstacles in the Law Enforcement Process***

In many cases, this dualism hinders the law enforcement process, especially in disputes or vehicle confiscation cases. Administrative law often stipulates that legal ownership is only recognized if the vehicle is registered in the name of the current owner, while civil law claims ownership rights based on evidence of transactions or ownership without the need for registration. This complicates the legal process and can cause delays in decision-making by judicial institutions.

### ***3. Have Potential for Abuse and Fraud***

Having two different systems has the potential to increase abuse or fraud. Some parties may take advantage of this to avoid certain legal processes, for example



by deliberately not changing the name to avoid taxes or other responsibilities. This can be detrimental to the state and society. The state will lose revenue from this sector and society has the potential for vehicle ownership fraud.

#### ***4. Inhibiting Digital Innovation and Integrated Systems***

In the digital era, many countries are trying to develop a more efficient and integrated vehicle ownership recording system. However, this dualism hinders the process, especially when there is a need to combine civil and administrative systems into an interconnected digital platform. This dualism creates additional complexity in creating a system capable of harmonizing two different legal frameworks.

#### ***Motor Vehicles as Registered Movable Objects and the Influence of Power Relations***

According to Satjipto Rahardjo, law cannot be separated from the existing power structure, and in this case, the administrative structure plays a role as an instrument to maintain the *status quo*. Those who have administrative system access, either through economic capacity or power networks, are in an advantageous position than those in the lower social strata who do not have access or knowledge of the motor vehicle administration process [21].

Critical legal theory emphasizes that law cannot be separated from power relations in society. In the context of motor vehicle registration, the state has full power to determine the legal status of a vehicle based on the registration system. The state, through Law No. 22 of 2009, enforces recognition of ownership rights only if the motor vehicle has been officially registered [22]. Here, the law acts as a tool used by the state to control the ownership and movable assets movement that have the potential to cause social order problems. This approach tends to view society as an object of regulation that must be regulated and supervised so that the administrative aspect is prioritized over the recognition of factual ownership.

This power relationship is reflected in the fact that the transfer of vehicle ownership rights will be valid if there is a change in the official registration documents. The state has a monopoly in determining the recognition of ownership through registration so that people who fail to meet administrative requirements are deemed to have no legal rights. The critical legal perspective views this condition as a form of domination that strengthens the state's position as the main controller, while vehicle owners become subjects who must obey state administrative regulations [23].

Motor vehicles as registered movable objects are regulated by administrative regulations that prioritize formal ownership based on registration documents



[24]. This formal approach recognizes registration documents as the primary evidence of legal ownership, without providing space to accommodate social realities that may occur in society, such as *de facto* ownership [25]. From a critical legal perspective, this emphasis on administrative formalities functions as a tool of power wielded by administrative authorities to maintain their legitimacy and control over vehicle ownership arrangements. This condition reflects the existence of an imbalance of power between groups that have control over the administrative system and those that only rely on factual ownership. This inequality is further strengthened when the law relies only on administrative documents as the basis for recognizing legal ownership. This shows that the application of the law was not completely neutral, but was influenced by the existing power structure.

### ***Injustice in Transfer of Motor Vehicle Ownership Rights***

Injustice in the transfer of motor vehicle ownership rights often occurs due to an imbalance in the application of administrative and substantive legal aspects. Transfer of motor vehicle ownership rights in Indonesia is regulated by various laws, such as Law Number 22 of 2009 concerning Traffic and Road Transportation and Regulation of the Chief of the Republic of Indonesia National Police Number 7 of 2021 concerning Registration and Identification of Motor Vehicles. Even though this regulation has been established to create legal clarity, in practice it still gives rise to various injustices for certain parties [16]:

First, the injustice in the process of changing the name of a motor vehicle, where the burden of responsibility is often placed entirely on the new buyer. This creates injustice, especially when the buyer does not immediately change the name so that formal ownership of the vehicle remains in the name of the previous owner. According to Abdul Rauf, an administrative law expert, this condition raises legal problems when there is a dispute or violation of the law regarding the vehicle. The previous owner was often disadvantaged because he was considered to be administratively responsible, even though the vehicle was no longer under his control.

Second, according to Marzuki, injustice also occurs when legal certainty is only seen from administrative documents. In many cases, the courts only recognize the party who has formal proof of ownership without considering the facts that occurred. Marzuki emphasized that this shows the weak implementation of substantive justice which focuses on factual justice, namely who actually controls and physically owns the vehicle.

Third, this injustice can also be exacerbated by the existence of underhand buying and selling practices that are not recorded in the official registration

system. This phenomenon is common in society, due to complex administrative procedures and quite high name change fees. According to Ardiansyah, a civil law academic, the lack of protection for buyers in good faith in underhand transactions creates legal uncertainty. Buyers who are unaware of administrative defects in a vehicle often lose their ownership rights after another party files a lawsuit based on valid ownership documents.

Fourth, in Critical Law according to Satjipto Rahardjo, administrative law is often trapped in formalities and tends to ignore the substance of justice. He emphasized that the law should be more responsive to the dynamic social conditions of society, and not only rely on formal administrative evidence. This indicates the need for improvements to legal policies related to the transfer of motor vehicle ownership rights to prioritize substantive justice rather than merely formal legitimacy.

Transfer of motor vehicle ownership rights that depend on the registration system creates a gap in the recognition of ownership rights. In practice, people often conduct vehicle buying and selling transactions informally without paying attention to administrative procedures. As a result, buyers who do not make changes to ownership in the registration system can lose their legal rights if a dispute occurs; Article 509-510 of the Civil Code states that movable objects are objects that can be moved or changed places, either by themselves or by humans. Motorized vehicles fall into this category, which is explained further in the discussion of movable property law [26].

Critical legal theory identifies this problem as a form of structural injustice, where legal rules are designed to favor those with access to information and administrative services. Meanwhile, people who are less knowledgeable about the law or do not have access to administrative services are often disadvantaged. In cases of transfer of ownership, the law places the burden of proof on the party not listed as the owner in the registration document. This indicates an injustice in the distribution of the legal burden, where vulnerable parties have to bear the consequences of administrative failures beyond their control [27].

### ***The Need for Legal Reform Based on the Principle of Substantive Justice***

In the legal context of registered movable property, such as motor vehicles, there is a dualism in legal status which often creates uncertainty for the owner. The legal status of motor vehicles is currently regulated through two important documents, namely the Vehicle Registration Certificate (STNK) and the Motor Vehicle Ownership Book (BPKB). These two documents do not always reflect substantial ownership rights, thus potentially causing injustice in the legal implementation [28]. The gap between the legal provisions of property in the

Civil Code and the special regulations regarding motor vehicle registration shows a mismatch that can cause losses for vehicle owners. The law of property in the Civil Code regulates the transfer of movable property in a simple manner, but the regulation on motor vehicle registration stipulates more complex administrative requirements [29].

From a critical legal perspective, legal reform is needed not only to align regulations but also to ensure that the law functions to protect individual interests fairly. Legal reforms related to motor vehicle registration must take-into account the principle of substantive justice, namely the principle that emphasizes the protection of individual rights that are vulnerable to the domination of power. Simplification of administrative procedures, increasing access to legal information, and recognition of property rights based on factual control are important steps to achieve substantive justice in regulating motor vehicle ownership. In addition, the state must strengthen the registration system which is transparent and easily accessible to the public, so that individual rights can be effectively protected [30].

Reform of registered movable property law is necessary to create a legal system that complies with the principles of substantive justice. This principle emphasizes that justice is not only seen from formal procedures, but also from how the law provides a fair and equal impact for all parties. In the context of the law of registered movable property in Indonesia, the system still raises various problems related to substantive justice. First, the dualism of the legal status of registered movable objects, such as motor vehicles, creates legal uncertainty. This occurs because there are two forms of recognition of ownership, namely based on physical ownership (possession) and administratively registered ownership. This situation can result in ownership disputes, especially in cases where physical ownership does not match administrative data. For example, when someone legally buys a motor vehicle but has not yet processed the name change, legally and administratively the ownership is still recognized in the name of the previous owner [31].

Second, in various dispute cases, courts often only refer to formal evidence, namely administrative ownership documents, without considering other evidence that shows the transactions and intentions of the parties. This is contrary to the principle of substantive justice which emphasizes real justice (substantive fairness), not just procedural justice (*procedural fairness*). Therefore, legal reform is needed that can integrate substantive and procedural aspects in a balanced way, so that the decisions taken truly reflect substantial justice for all parties [32].

Third, there is a need for clear regulations regarding legal protection for buyers in good faith. In many cases, buyers who were unaware of the existence of administrative defects in movable property often lost their ownership rights

after the court recognized the administrative owner as the legitimate party. The concept of substantive justice demands that buyers who act in good faith receive better protection from the legal side. Therefore, legal reform needs to clarify the legal position of buyers who act in good faith and provide a fair dispute resolution mechanism for all parties [33]. Thus, the reform of registered movable property law must consider the principle of substantive justice to overcome legal uncertainty, protect parties in good faith, and ensure equal justice for all parties. These steps are expected to create a fair and more responsive legal system to change social and economic dynamics.

## **Conclusion**

This study concludes that the dualism of the legal status of motor vehicles as registered movable objects creates legal uncertainty and injustice in the recognition of property rights. Within the framework of critical legal theory, this dualism reflects the existence of a bias in the legal system which tends to strengthen state dominance in regulating ownership of movable assets. This has the potential to cause legal injustice, especially for parties who have less access to administrative services. To create legal justice, reforms are needed that not only harmonize regulations but also ensure equal protection for all motor vehicle owners. Such reforms should focus on simplifying administrative procedures, improving access to information, and recognizing property rights based on the principles of substantive justice.

## **References**

- [1] Djumikasih, R. Sulistyarini, Y.E., Widyanti, R., Suwardiyati, & Wicaksono, S. (2022). *Hukum Perdata: Buku Ajar*. Universitas Brawijaya Press.
- [2] Apeldorn, van L.J. (1980). Pengantar ilmu Hukum, terjemhan Mr. Oetarid Sadino. In *Cet. XVI*. Jakarta: Pradnya Paramita.
- [3] Dermawan, A. (2020). Urgensi Perlindungan Hukum Bagi Korban Kecelakaan Lalu Lintas Menurut Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan. *Doktrina: Journal of Law*, 3(1), 1-6. <https://doi.org/10.31289/doktrina.v3i1.3527>.
- [4] Nur'aini, A.L. (2021). Aspek Pidana Pembuatan Tanda Nomor Kendaraan Bermotor (Tnkb) Selain Oleh Korlantas Polri. *Simp. Huk. Indones*, 2(1), 15-30. Retrieved from <https://journal.trunojoyo.ac.id/shi/article/view/12149/5979>.
- [5] Papendang, C. (May 24, 2024). Penyerahan Hak Milik Pada Transaksi Jual Beli Kendaraan Bermotor Dalam Praktik. *LEX Priv.*, 1(2), 145-155. Retrieved from <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/1711>.
- [6] Putri, R.T.A.P., Kurniawan, M.F., & Alfian, M.D. (2020). Pembatasan Kepemilikan Mobil Bagi Setiap Warga yang Tidak Memiliki Garasi di Perumahan Penjarangan Sari. *Mimb. Keadilan*, 13(2), 515755. Retrieved from <https://www.neliti.com/publications/515755/pembatasan-kepemilikan-mobil-bagi-setiap-warga-yang-tidak-memiliki-garasi-di-per>.

- [7] Putria, A.A., & Sukawati, E., et al. (2021). Perlindungan hukum bagi wajib pajak progresif kendaraan bermotor di Provinsi Bali. *Jurnal Interpretasi Hukum*, 2(2), 328–333. <https://doi.org/10.22225/juinhum.2.2.3435.328-333>.
- [8] Laurina, N. P. D., Dantes, K. F., & Hartono, M. S. (2022). Implementasi Pasal 1320 KUH Perdata terkait transaksi jual beli motor bekas tanpa Buku Pemilik Kendaraan Bermotor (BPKB) di Kota Jembrana. *Jurnal Komunitas Yustisia*, 5(2), 549–557. <https://doi.org/10.23887/jatayu.v5i2.51681>.
- [9] Rahmaditya, A., & Suganda, W. (2020). Pelaksanaan pemungutan pajak kendaraan bermotor pada kendaraan ubah bentuk offroad di Kota Surakarta. *Jurnal Discret*, 1(3), 146. <https://doi.org/10.20961/jd.v1i3.50239>.
- [10] Susanti, D. (2018). Analisis kritis terhadap dualisme hak kepemilikan kendaraan bermotor. *Jurnal Perspektif Hukum*, 17(3), 103-118.
- [11] Azizah, N. (2021). Kajian Kritis Terhadap Hak Milik Kendaraan Bermotor Dalam Perspektif Benda Bergerak Terdaftar. *Jurnal Kajian Hukum Kritis*, 10(4), 134–150. <https://doi.org/10.47268/ballrev.v1i1.421>.
- [12] Santoso, R. (2020). Kepastian hukum kepemilikan kendaraan bermotor sebagai benda bergerak. *Jurnal Hukum Nasional*, 23(1), 45-61.
- [13] Marzuki, P.M. (2019). Penelitian hukum. In *Edisi Revisi*. Prenadamedia Grup.
- [14] RI, S.D. (November 10, 2024). JDIH SETJEN DPR – JDIH SETJEN DPR. Retrieved from <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/539>.
- [15] Dimiyati, K., & Mudjiono, M. (2009). *Teori hukum dalam konteks Indonesia*. Ghalia Indonesia.
- [16] Rahardjo, S. (2010). *Hukum progresif: Perspektif baru dalam hukum Indonesia*. Pustaka Yustisia.
- [17] MacKinnon, C. A. (1989). *Toward a feminist theory of the state*. Harvard University Press.
- [18] Shuibao, Z. (2020). Registration of vessels in the PRC: Diversity of legal regimes. *Lex Portus*, 2, 1. <https://doi.org/10.26886/2524-101X.2.2020.1>.
- [19] Rahardjo, S. (2015). *Hukum dan masyarakat: Membangun paradigma hukum yang humanis*. Bandung: Alumni.
- [20] Ehrlich, E. (2002). *Fundamental principles of the sociology of law*. Routledge.
- [21] Rahardjo, S. (2013). *Sosiologi hukum: Membangun hukum yang berkeadilan*. Jakarta: Genta Publishing.
- [22] Risdiwanto, G. (2018). Perlindungan hukum terhadap pengguna sepeda motor listrik dalam perspektif Pasal 68 Ayat (1) Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan (Studi di Kepolisian Resor Kota Malang) Universitas Brawijaya. Retrieved from <http://repository.ub.ac.id/id/eprint/14077/>.
- [23] S., S., & Sri, M. (2016). *Hukum dan Masyarakat: Suatu Pendekatan Sosio-Legal*. Rajawali Pers.
- [24] Tomášek, M. (n.d.). Roots and Perspectives of Approximation of Laws on Motor Vehicles Registration Among EU Member States. *Lawyer Quarterly*. Retrieved from <https://tlq.ilaw.cas.cz/index.php/tlq/article/view/42>.
- [25] Safitri, W. (2007). Perlindungan hukum konsumen dalam jual beli kendaraan bermotor secara kredit pada Federal International Finance (FIF) di Samarinda. Universitas Gadjah Mada. Retrieved from <https://etd.repository.ugm.ac.id/penelitian/detail/34634>.
- [26] JDIH Mahkamah Agung RI. (November 10, 2024). Kitab Undang-Undang Hukum Perdata. Retrieved from <https://jdih.mahkamahagung.go.id/legal-product/kitab-undang-undang-hukum-perdata/detail>.

- [27] Trubek, D. M. (1972). Toward a social theory of law: An essay on the study of law and development. *Yale Law Journal*, 82(1), 1-50. <https://doi.org/10.2307/795251>.
- [28] Widjaja, G., & Yani, A. (2001). *Seri Hukum Bisnis Jaminan Fidusia*. PT RajaGrafindo.
- [29] Studocu, R. (November 10, 2024). Unger. The critical legal studies movement. The Critical Legal Studies Movemen. Retrieved from <https://www.studocu.com/en-za/document/university-of-kwazulu-natal/jurisprudence/unger-the-critical-legal-studies-movement/32852826>.
- [30] Trubek, D.M. (1972). Toward a Social Theory of law: An Essay on the Study of Law and Development. *Yale Law Journal*, 82(1), 1-50. <https://doi.org/10.2307/795251>.
- [31] Krausová, A., & Matejka, J. (2020, June). Autonomous Vehicles and in-Vehicle data in the Context of Motor Insurance. *Lawyer Quarterly*, 10(2), art. 2. Retrieved from <https://tlq.ilaw.cas.cz/index.php/tlq/article/view/403>.
- [32] Haryono, H. (2012). Penegakan hukum berbasis nilai keadilan substantif (Studi putusan MK No. 46/PUU-VII/2012 tertanggal 13 Februari 2012). *Jurnal Hukum Progresif*, 7(1), 20. <https://doi.org/10.14710/hp.7.1.20-39>.
- [33] Fikri, A. (2024). *Perlindungan hukum terhadap konsumen pembelian kendaraan bermotor berdasarkan Undang-Undang Nomor 8 Tahun 1999 tentang perlindungan konsumen (Studi putusan Nomor 12/Pdt.G/2023/PN Kmn)*. Universitas Jenderal Soedirman. Retrieved from <https://repository.unsoed.ac.id/29780/>.

### **Mohammad Ali**

Doctoral Candidate in Faculty of Law  
University of Brawijaya  
65145, 169, Mayjen Haryono Str., Malang, Indonesia  
e-mail: [alialwahid07@gmail.com](mailto:alialwahid07@gmail.com)  
ORCID 0000-0003-2237-6845

### **Afifah Kusumadara**

Professor in Faculty of Law  
University of Brawijaya  
65145, 169, Mayjen Haryono Str., Malang, Indonesia  
e-mail: [afifah.kusuma@ub.ac.id](mailto:afifah.kusuma@ub.ac.id)  
ORCID 0000-0001-7167-8044

### **Shinta Hadiyantina**

Dr., Associate Professor Faculty of Law  
University of Brawijaya  
65145, 169, Mayjen Haryono Str., Malang, Indonesia  
e-mail: [shinta\\_@ub.ac.id](mailto:shinta_@ub.ac.id)  
ORCID 0000-0001-7413-7008

### **Amelia Sri Kusuma Dewi**

Dr., Associate Professor Faculty of Law  
University of Brawijaya  
65145, 169, Mayjen Haryono Str., Malang, Indonesia  
e-mail: [amelia\\_dewi@ub.ac.id](mailto:amelia_dewi@ub.ac.id)  
ORCID 0009-0005-5985-7230

**Мохаммед Алі**

докторант юридичного факультету  
Університет Бравіджая  
65145, вул. Мауйен Наруоно, 169, Маланг, Індонезія  
e-mail: alialwahid07@gmail.com  
ORCID 0000-0003-2237-6845

**Афіфа Кусумадара**

професор юридичного факультету  
Університет Бравіджая  
65145, вул. Мауйен Наруоно, 169, Маланг, Індонезія  
e-mail: afifah.kusuma@ub.ac.id  
ORCID 0000-0001-7167-8044

**Шінта Хадіянтіна**

доктор, доцент юридичного факультету  
Університет Бравіджая  
65145, вул. Мауйен Наруоно, 169, Маланг, Індонезія  
e-mail: shinta\_@ub.ac.id  
ORCID 0000-0001-7413-7008

**Амелія Шрі Кусума Деві**

доктор, доцент юридичного факультету  
Університет Бравіджая  
65145, вул. Мауйен Наруоно, 169, Маланг, Індонезія  
e-mail: amelia\_dewi@ub.ac.id  
ORCID 0009-0005-5985-7230

**Suggested Citation:** Ali, M., Kusumadara, A., Hadiyantina, S., & Dewi, A.S.K. (2025). Critical Legal Rview of the Legal Dualism of Motor Vehicles as Registered Movable Objects. *Problems of Legality*, 168, 256-270. <https://doi.org/10.21564/2414-990X.168.323378>.

Статтю подано / Submitted: 28.01.2025  
Доопрацьовано / Revised: 28.02.2025  
Схвалено до друку / Accepted: 25.03.2025  
Опубліковано / Published: 31.03.2025