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Juridical Analysis of the Destruction of Modified Exhaust Pipes by Palangka Raya Police from the Perspective of Human Rights Protection

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Abstract: The phenomenon of using modified (loud) exhaust pipes, known as *knalpot brong*, in various regions of Indonesia, including Palangka Raya City, has caused public unrest due to noise pollution disrupting comfort and public order. In response, the Palangka Raya Police Department conducted enforcement and destroyed 510 modified exhaust pipes as part of law enforcement efforts. This study aims to analyze the legality of these actions from the perspective of positive law and review them within the framework of human rights protection. The research method used is normative juridical with a legislative approach and case study. Based on Article 285 paragraph (1) of Law No. 22 of 2009 and Minister of Environment and Forestry Regulation No. 56 of 2019, these actions have a strong legal basis. However, from the human rights perspective as regulated in Articles 28A to 28J of the 1945 Constitution and Law No. 39 of 1999 on Human Rights, the destruction of personal property such as exhaust pipes must still consider principles of proportionality, justice, and a humane approach. Law enforcement that ignores these aspects may potentially violate personal property rights. The study results indicate that the destruction of *knalpot brong* by authorities can be legally and ethically justified as long as it is carried out with correct procedures and prioritizes respect for citizens' fundamental rights. There is a need for more intensive socialization and legal education to raise public awareness and foster a culture of civilized traffic order.

Keywords: modified exhaust pipes (*knalpot brong*), destruction, Palangka Raya Police Department, human rights, law enforcement

Abstrak: Fenomena penggunaan knalpot modifikasi (berisik), yang dikenal sebagai knalpot brong, di berbagai wilayah Indonesia, termasuk Kota Palangka Raya, telah menimbulkan ketidaknyamanan publik akibat polusi suara yang mengganggu kenyamanan dan ketertiban umum. Sebagai tanggapan, Kepolisian Kota Palangka Raya melakukan penegakan hukum dan menghancurkan 510 knalpot modifikasi sebagai bagian dari upaya penegakan hukum. Penelitian ini bertujuan untuk menganalisis legalitas tindakan tersebut dari perspektif hukum positif dan meninjaunya dalam kerangka perlindungan hak asasi manusia. Metode penelitian yang digunakan adalah pendekatan normatif yudisial dengan pendekatan legislatif dan studi

kasus. Berdasarkan Pasal 285 ayat (1) Undang-Undang Nomor 22 Tahun 2009 dan Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor 56 Tahun 2019, tindakan tersebut memiliki dasar hukum yang kuat. Namun, dari perspektif hak asasi manusia sebagaimana diatur dalam Pasal 28A hingga 28J Undang-Undang Dasar 1945 dan Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia, penghancuran barang pribadi seperti knalpot brong tetap harus mempertimbangkan prinsip proporsionalitas, keadilan, dan pendekatan yang manusiawi. Penegakan hukum yang mengabaikan aspek-aspek ini berpotensi melanggar hak atas kepemilikan barang pribadi. Hasil penelitian menunjukkan bahwa penghancuran knalpot brong oleh pihak berwenang dapat dibenarkan secara hukum dan etis asalkan dilakukan dengan prosedur yang benar dan memprioritaskan penghormatan terhadap hak-hak dasar warga negara. Diperlukan sosialisasi dan pendidikan hukum yang lebih intensif untuk meningkatkan kesadaran publik dan menumbuhkan budaya ketertiban lalu lintas yang beradab.

Kata Kunci: knalpot brong (knalpot yang dimodifikasi), penghancuran, Kepolisian Palangka Raya, hak asasi manusia, penegakan hukum

INTRODUCTION

The use of Brong exhausts or non-standard exhausts on motor vehicles has become quite a widespread phenomenon in various regions of Indonesia (Nugroho, 2025). The presence of this type of exhaust often causes noise that exceeds reasonable limits, disturbs public order, and triggers public unrest (Narendo, 2024). Complaints from residents regarding the noise produced, especially at night, have triggered increased attention from law enforcement officers toward the use of brong exhausts. Not only considered disturbing, the use of brong exhausts is also seen as a form of legal violation because it does not conform to the technical specifications of vehicles set by the government. This situation creates a need for firm law enforcement while still respecting the rights of citizens (Firmansyah, 2022).

The Palangka Raya City Police Resort (Polresta) responded to this phenomenon with a series of law enforcement measures, including taking action against brong exhaust users and subsequently destroying the evidence in the form of those exhausts. One of the largest regulatory activities carried out was the destruction of 510 brong exhaust units that were collected from traffic operations conducted some time earlier (B, 2024). This measure is not only repressive but also carries a moral message that public order must be maintained for the sake of mutual comfort. Although this action received support from the community disturbed by the noisy exhaust sounds, questions still arose regarding legality aspects and its conformity with the principles of human rights protection. In the context of the rule of law, all forms of law enforcement should be based on legitimate and proportional regulations (Rahman, 2020).

Brong exhausts themselves can generally be understood as vehicle exhausts modified to produce louder and sharper sounds compared to standard factory exhausts (Sidabutar, 2024). This modification is usually done by removing the muffler inside the exhaust or replacing the inner parts with materials that can amplify the sound of engine explosions (Bhaskara, 2024). For some groups, especially young people, the loud sound is considered cool or shows an aggressive "style" of riding (Irawan, 2022). However, from legal and social perspectives, the use of brong exhausts tends to disturb order, threaten the safety of other road users, and even trigger conflicts within the community (Majid, 2023). This is what makes the brong exhaust issue not only a technical vehicle problem but also touches on broader social and legal aspects.

The impact of using brong exhausts cannot be underestimated. The noise generated can disturb the quality of life of the community, especially in densely populated residential areas or near public facilities such as hospitals and schools. Excessive and repeated noise can even trigger psychological disorders, such as stress, sleep disturbances, and concentration problems

in children and students (Akhya, 2019). In the environmental context, noise is classified as a form of sound pollution that, if uncontrolled, can have long-term effects on public health (Lubis, 2024). Therefore, efforts to limit or prohibit the use of brong exhausts are actually not only the responsibility of the police but also part of the protection of the right to a healthy and decent environment. This step ultimately leads to the state's responsibility in ensuring the holistic welfare of its citizens.

In terms of regulation, the use of brong exhausts contradicts the provisions in Law Number 22 of 2009 concerning Traffic and Road Transportation. Article 285 paragraph (1) explicitly states that any motorcycle driver who does not meet technical and roadworthy requirements, including in terms of exhaust use, can be subject to criminal sanctions in the form of imprisonment or fines (Koday, 2021). This regulation serves as the main legal basis for law enforcement officers to take action against vehicles using non-standard exhausts. These technical requirements include, among others, the noise level of motor vehicles determined through official testing. This provision shows that the state has set certain limits on vehicle use for the sake of public interest and safety (Purnomo, 2023).

Furthermore, the Minister of Environment and Forestry Regulation (Permen LHK) Number P.56/MENLHK/SETJEN/KUM.1/10/2019 concerning the Quality Standards of Noise from New Motor Vehicle Types and Motor Vehicles Currently Produced in Categories M, N, and L regulates technically the maximum noise levels allowed for motor vehicles. This regulation sets the decibel standard that must not be exceeded by any type of motor vehicle operating on public roads (Balirante, 2020). Brong exhausts generally produce sounds far exceeding these thresholds, thus their use clearly violates applicable regulations (Putri, 2022). This Permen LHK also strengthens the legal basis that noise is a form of pollution that must be controlled, as mandated in Law Number 32 of 2009 concerning Environmental Protection and Management. Therefore, action against brong exhausts can be seen as part of the state's obligation to maintain environmental quality and public health.

In practice, Polresta Palangka Raya carries out law enforcement against brong exhaust users in stages. The initial approach is done through direct warnings to violators and giving a statement letter declaring that the violator will not repeat the offense. This step indicates that officers do not immediately take repressive action but prioritize legal education to the community. After being given a chance, users who do not comply with the rules or reoffend are subject to stricter sanctions, including seizure and destruction of their brong exhausts. Such enforcement stages show that there is caution and an effort at guidance in carrying out police duties (Pangkan B, 2024).

The destruction of 510 brong exhausts carried out by Polresta Palangka Raya symbolizes the seriousness of the officers in enforcing regulations. The destruction was carried out openly and witnessed by various parties, including the mass media and the community, as a form of transparency. This action is not merely punitive but also serves as legal socialization to the public. The community is invited to directly see the consequences of traffic violations considered detrimental to public order. On the other hand, this action also emphasizes that law enforcement officers have the authority to take firm steps as long as done within the applicable legal corridors.

Nevertheless, in law enforcement including the destruction of evidence, the state remains bound by the principle that every action taken must consider proportionality and not be arbitrary. The destruction of evidence can only be legally justified if it has gone through lawful procedures, including seizure according to regulations and adequate administrative documentation. Thus, the destruction of brong exhausts cannot be separated from the principles of transparency and accountability. The public has the right to know that actions taken by officers are legal and do not violate the fundamental rights of citizens. This is important to maintain public trust in law enforcement institutions.

Various aspects accompanying the brong exhaust phenomenon reflect that this problem is not merely a traffic issue but has touched on dimensions of public order, environment, and the protection of the broad human rights of society. Handling it requires an approach that not only relies on legal instruments but also social sensitivity and understanding of human rights principles. On one side, the state has an obligation to maintain social order and public comfort. On the other side, the state must also ensure that individual rights are respected in every law enforcement process. This balance is the main challenge in facing complex social phenomena such as the use of brong exhausts in the community.

METHOD

This research uses a normative juridical method, which is an approach focusing on the study of primary and secondary legal materials to analyze legal issues arising in practice. This approach relies on the study of applicable written legal norms, such as Law Number 22 of 2009 concerning Traffic and Road Transportation, the 1945 Constitution of the Republic of Indonesia, and Law Number 39 of 1999 concerning Human Rights. This study also examines implementing regulations such as the Minister of Environment and Forestry Regulation Number 56 of 2019 regarding noise thresholds for motor vehicles. Additionally, a case study approach is used to specifically examine the event of the destruction of 510 modified exhaust pipes carried out by the Palangka Raya Police, as a concrete object of the application of applicable legal norms. The data collected comes from official documents, police statements, mass media reports, and scientific literature related to traffic law and human rights. This approach aims to understand the conformity between law enforcement actions and the provisions of legislation as well as the principles of human rights protection. By using the normative juridical method and case study, this research seeks to provide an objective and comprehensive analysis regarding the limits of legitimate law enforcement authority within the context of democracy and the rule of law.

RESULT AND DISCUSSION

Protection of Human Rights in Law Enforcement

Protection of human rights is an inseparable foundation in Indonesia's legal system, as emphasized in the 1945 Constitution of the Republic of Indonesia (Kennedy, 2024). The 1945 Constitution, through Articles 28A to 28J, contains constitutional guarantees of the basic rights of every citizen, including the right to life, the right to security, and the right to be free from arbitrary treatment (Sudiarta, 2024). These articles not only function as the highest legal norms but also as moral guidelines for all forms of policies and state actions, including in law enforcement. The state cannot easily ignore these guarantees because human rights have become an integral part of the national legal framework. Human rights are not rights granted by the state, but rights inherent from birth, whose recognition must be consistently upheld in every aspect of national life (Hadi, 2022).

Article 28I paragraph (1) of the 1945 Constitution explicitly states that the right to life, the right not to be tortured, the freedom of thought and conscience, freedom of religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted under retroactive laws are human rights that cannot be reduced under any circumstances. This provision affirms the existence of absolute norms that must be preserved, even in emergency conditions. In the context of law enforcement such as the regulation of modified exhaust pipes, state apparatuses remain obliged to uphold these principles. Arbitrary actions or treatment that degrade human dignity are not justified, even towards those who have violated the law. This norm serves as a reminder that the law must be enforced within the framework of justice and humanity.

Law Number 39 of 1999 concerning Human Rights reinforces the constitutional mandate by providing details on basic rights that must be protected (Susilowati, 2024). Article 3 states that everyone is born free and equal in dignity and rights and is entitled to equal treatment under the law and government. There must be no discrimination in any form, including in law enforcement against traffic violations such as the use of modified exhaust pipes. The law must not be selective or applied in a way that humiliates the offender. The principle of non-discrimination is a key factor in guaranteeing substantive justice in society.

Article 4 of Law No. 39 of 1999 affirms that the right to life, the right not to be tortured, the right to personal freedom, the right to religion, and the right not to be enslaved are rights that cannot be reduced under any circumstances. This means that even when someone is undergoing legal processes, officials must not treat them inhumanely. Law enforcement must still be conducted in a civilized, transparent, and responsible manner. Firmness in law is not identical with violence or insults to fundamental human rights, but rather represents the civility of a legal system that continues to recognize the dignity of offenders.

Article 70 of Law No. 39 of 1999 provides room for limitations on human rights, but only within strict boundaries. Restrictions can only be imposed solely to guarantee recognition and respect for the rights and freedoms of others, and to fulfill fair demands based on moral considerations, religious values, security, and public order. In this regard, the action of the Palangka Raya Police in acting against and destroying modified exhaust pipes can be understood as an effort to ensure public order and protect the community's right to a quiet and comfortable environment. However, these restrictions must still be proportional, not excessive, and conducted through clear and accountable legal mechanisms. The state must not overstep boundaries to the extent of damaging public trust in legal justice.

Article 71 of the same law affirms the state's obligation, in this case the government's, to respect, protect, enforce, and promote human rights. This obligation is absolute and comprehensive, without exception in the field of law enforcement. Law enforcement that disregards human rights not only harms individuals but also injures the principles of a democratic rule of law. The state cannot use public order as a pretext to perform actions that exceed reasonableness, as this would create new injustices. Balancing law enforcement and respect for human rights is key to maintaining legal legitimacy in the eyes of society.

In the context of regulating modified exhaust pipes, law enforcement officers must always consider procedural and substantive aspects in their actions. Enforcement must follow legally valid processes, starting from warnings, confiscations with official documentation, to destruction based on a strong legal foundation. There must be no unilateral actions that deny the offender's rights to be informed, heard, and protected. Procedural justice is part of human rights protection often overlooked in field practice. Law enforcers are required not only to be skilled in enforcement but also wise in balancing firmness and respect for human dignity.

Human rights protection must also be seen as an ethical foundation for every officer in carrying out their duties. Police officers are not only rule enforcers but also state representatives who bear moral responsibility toward citizens. They must be able to demonstrate that order can be enforced without harming fundamental human rights. Public trust in officers will grow if their actions reflect justice and respect for humanitarian values. Education and human rights training for officers are important steps to realizing civilized law enforcement.

The public also has an important role in supervising and encouraging officers to act according to human rights principles. Public participation can take the form of reporting, dialogue, or monitoring the implementation of regulatory policies. The state must open space for constructive input and criticism as part of the checks and balances mechanism in a democratic state. In the long run, synergy between officers, society, and human rights institutions will create a healthy and just legal climate. Law enforcement will not lose its authority if accompanied by respect for human rights as a main pillar of the rule of law.

Juridical Analysis of the Destruction of Brong Exhaust Pipes

The destruction of brong exhaust pipes by the Palangka Raya Police Resort is a legal response to violations regulated in Article 285 paragraph (1) of Law Number 22 of 2009 concerning Traffic and Road Transportation. This article stipulates that every motor vehicle that does not meet technical requirements and roadworthiness is prohibited from operating on public roads. Brong exhaust pipes that produce noise exceeding the threshold are one form of violation of these technical provisions. In this context, the destruction action is not merely a symbol of firmness but part of law enforcement expected to provide a deterrent effect for violators and education for the wider community. However, such actions must still be based on legitimate legal procedures so as not to become a bad precedent in police practice.

The legality aspect of the destruction action is crucial to examine critically because it involves ownership rights of goods possessed by individuals. Although the brong exhaust pipes have been declared evidence of legal violations, there must still be a transparent and accountable administrative process before the items are destroyed. In this case, destruction is carried out after the violators receive warnings and sign a statement letter, indicating preventive efforts and guidance. This procedure shows that the action is not carried out without educational stages. However, its technical implementation still needs to be supervised to ensure it does not exceed legal limits.

The destruction action cannot be separated from considerations of the right to private ownership as recognized in the national legal system. Although this right is not absolute, the state remains obliged not to arbitrarily confiscate or destroy citizens' property. From a human rights perspective, any act of removing or destroying an individual's property must be based on clear law, have evidential basis, and be carried out proportionally. The destruction of brong exhaust pipes should ideally be based on a ruling or decision from the authorized legal authority, not merely on unilateral discretion. Transparency and accountability are the main principles so that legal actions do not lose public trust.

Article 28J paragraph (2) of the 1945 Constitution provides room for the state to restrict individual rights, including property rights, as long as it aims to guarantee respect for the rights of others and to fulfill fair demands based on moral considerations and public order. Within this framework, the destruction of brong exhaust pipes can be considered legitimate if done for the common interest, namely to create traffic order and reduce disturbing noise pollution. However, the interpretation of public order must not be broadly used to justify actions not based on proper legal mechanisms. The concept of public order must be implemented alongside respect for constitutional rights of citizens.

Proportionality is an important principle in assessing the fairness of law enforcement actions, including in cases of destroying evidence of traffic violations. An action can be called proportional if its purpose matches the impact and method used. In this case, destroying brong exhaust pipes proven to violate technical rules can be considered reasonable, provided it is done after a fair and balanced procedure. However, if such action is taken in a manner that humiliates violators or without legitimate evaluation mechanisms, it risks creating new injustices. Proportionality must be maintained so that law truly serves to protect, not to intimidate society.

Law enforcement should not only rely on repressive approaches but must also prioritize educational and preventive aspects. The community needs to be given understanding about the dangers and impacts of using brong exhaust pipes on the environment and health, as well as its legal implications. Preventive measures that are persuasive, such as traffic safety campaigns or outreach on vehicle technical regulations, can provide a more effective long-term effect than mere enforcement. The law will be better accepted by the public if it functions as protector and educator, not just as a control tool. Education is key to creating a culture of legal order among road users.

A humanistic approach in law enforcement is very necessary so that violators still feel respected as citizens with rights and dignity. Harsh legal actions do not necessarily reflect justice if carried out without empathy. In the case of regulating brong exhaust pipes, officers can involve a more communicative approach, such as providing deadlines to replace exhaust pipes with standard-compliant ones. This approach not only avoids conflict but also builds deeper legal awareness. Justice achieved through humane means will be more sustainable and positively impact relations between society and law enforcers.

Mass destruction actions, such as the destruction of 510 brong exhaust pipes, have a strong symbolic dimension in demonstrating commitment to law enforcement. However, such symbolism must be accompanied by transparency and public involvement. The public has the right to know the legal basis, procedures, and objectives of the destruction to avoid negative perceptions. Openness of information is also part of legal protection for violators to prevent abuse of authority. When legal processes are conducted openly and accountably, the legitimacy of law enforcement officers naturally increases.

Fair and proportional law enforcement creates a sense of justice not only for violators but also for the community harmed by those violations. In this context, the destruction of brong exhaust pipes can be interpreted as a form of protection for the community's right to a decent living environment free from noise disturbances. However, this protective spirit should not justify actions that violate procedures or disregard violators' rights. Maintaining a balance between firmness and justice is a challenge every law enforcement officer must face in a democratic system that upholds human values.

CONCLUSION

The destruction of brong exhaust pipes by the Palangka Raya Police Resort is a concrete manifestation of efforts to enforce the law against violations of motor vehicle technical requirements as regulated in Law Number 22 of 2009. In this context, destruction was carried out after initial enforcement stages such as warnings and statement letters signed by violators, showing that the action was not arbitrary. The regulation of brong exhaust pipes is also in line with efforts to create public order and community comfort from disturbing noise pollution. From a human rights perspective, this action can still be justified as long as it meets fundamental principles of human rights protection, namely being carried out fairly, proportionally, and while respecting private ownership rights within the legal framework. The balance between firm law enforcement and protection of individuals' fundamental rights is key so that law functions not only as a control tool but also as a form of social justice.

To achieve the long-term goals of this law enforcement effectively, an approach that is not only repressive but also educational and participatory is needed. The government and police officers need to expand socialization about the ban on brong exhaust pipes through various media, both conventional and digital, so the public understands the reasons behind the rule. Education about the environmental, social, and legal impacts of using brong exhaust pipes must also be intensified, especially among young people as the largest group of motorcycle users. Law enforcement carried out with a humanistic approach -prioritizing dialogue, understanding, and respect for citizens' rights- will be more accepted and have positive long-term effects. Synergy between firm law enforcement and social empathy is highly needed to build a healthy and civilized legal culture.

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