

Juridical Analysis Of Prosecution Application Against Traffic Violators Through E-Ticketed System With CCTV Footage As Evidence

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Abstract. This study aims to identify and analyze the application of the prosecution and the inhibiting factors, as well as the implementation of action should be, against traffic violators through E-Traffic ticket system with CCTV footage as evidence.

The approach method in this research is empirical juridical approach. Specifications are descriptive analytical research and analysis used is qualitative analysis.

The results of this research are: 1) Implementation of action against traffic violators through E-Traffic ticket system with CCTV footage as evidence that E-Traffic ticket enacted to curb the traffic. If the conventional ticketed offenders will be dismissed by the officer and given a ticket, but the E-Traffic ticket there is not like it and if the offender has committed an offense. 2) inhibiting factors in the implementation of action against traffic violators through E-Traffic ticket system with CCTV footage as evidence, namely Traffic Police not yet have its own camera so that in its application to the camera's still a part of the Transportation Agency of Semarang. Data Regident must use a server connected to Traffic Police Coordinator and in every action must be coordinated to the Central Java Traffic Police Directorate which has the network. Supported yet the budget for delivery via Postal address listed on the vehicle registration is not yet fully in accordance with the ownership. 3) Implementation of action that should be against the violators of traffic through the E-Traffic ticket system with CCTV footage as evidence that by applying the principle of vicarious liability where a criminal liability imposed on a person for the actions of others (the legal responsibility of one person for the wrongful acts of another). This means that the current application and E-Traffic ticket system become Electronic Traffic Law Enforcement (ETLE) in can not be charged to the owner of the vehicle of origin, even though the vehicle has not been did name change / but still subject to the deed of sale and purchase of own popularity. That is because owners of vehicles, both cars and motorcycles, not entirely make the process behind the name.

Keywords: Repression; Traffic Offenders; E-Traffic Ticket; CCTV Footage; Evidence.

1. Introduction

Currently, the transportation system is crucial in determining the effectiveness of a city. Many cases of traffic violations on highways committed by road users are likely to result in the incidence of accidents and traffic congestion increases. Here is the data traffic violations from January 2018, until March 2019:

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Table 1.1
Traffic Violations Month January 2018 - March 2019

No.	Month year	Number of Traffic Violations (Traffic ticket)
1.	January, 2018	594 152
2.	February, 2018	704 402
3.	March, 2018	547 100
4.	April, 2018	575 853
5.	May, 2018	567 453
6.	June, 2018	94 949
7.	July, 2018	356 018
8.	August, 2018	526 685
9.	September, 2018	587 161
10.	October, 2018	662 188
11.	November, 2018	916 778
12.	December, 2018	299 902
13.	January, 2019	555 579
14.	February, 2019	526 759
15.	March, 2019	421 844
	Total	7936823

Source: *Korlantas* Police, 2018

Based on the data in the table can be seen that in January 2018 until March 2019, the number of traffic violations in the case of total Traffic ticket 7936823, Majority of traffic violations in the form of violations in terms of markings, traffic signs, completeness vehicles, and others. Here are the data types of traffic violations from January 2018 until March 2019:

Table 1.2
Types of Traffic Violations Two wheels
Month January 2018 - March 2019

Month year	Violation type					
	Helm	Transport ation Tool	Letter	Mark	Counter current	More
January, 2018	96 351	44 690	284 383	92 672	32 496	2,091
February, 2018	110 297	48 389	364 780	96 468	33 764	2336
March, 2018	82 193	37 383	263 655	93 176	34 079	1,770
April, 2018	87 841	38 866	281 175	95 559	37 127	1,504
May, 2018	94 691	35 562	277 701	94 457	33 778	1,041
June, 2018	19 269	7367	35 104	20 082	7462	279
July, 2018	58 222	22 660	164 069	70 161	31 486	1,121
August, 2018	74 691	35 666	251 032	90 374	37 496	1,354
September, 2018	83 197	40 590	300 457	94 262	37 338	1,501
October, 2018	101 128	47 942	325 806	103 504	42 455	1,805
November, 2018	138 554	61 156	448 366	129 082	49 408	3,261

Month year	Violation type					
	Helm	Transportation Tool	Letter	Mark	Counter current	More
December, 2018	54 464	22 433	133 687	47 377	15 504	579
January, 2019	90 242	41 697	248 188	103 145	41 509	1,201
February, 2019	75,556	35 760	232 836	107 655	46 706	1,248
March, 2019	64 777	26 784	167 737	105 453	50 022	1,022
Total	1231473	546 945	3778976	1343427	530 630	22 113

Source: *Korlantas* Police, 2018

Table 1.3
Types of Four Wheel Traffic Violations
Month January 2018 - March 2019

Month year	Violation type					
	Safety belt	Transportation tool	Letter	Over-loading	Mark	More
January, 2018	16 127	3,378	30 557	11 586	27 769	3,585
February, 2018	18 307	3,480	32 025	11 610	27 084	3,576
March, 2018	15 167	2,833	27 319	10,376	25 260	3,391
April, 2018	18 128	3,386	30 942	11 640	27 366	3,950
May, 2018	22 195	2,758	27 339	9,041	22 670	3186
June, 2018	2,686	735	5746	2367	9866	1,255
July, 2018	10,090	1,877	20 058	7612	23 210	2,310
August, 2018	14 746	2,982	26 708	9295	40 382	2,956
September, 2018	16 142	3,382	31 193	10 116	29 525	2,989
October, 2018	19 052	4129	37,800	12,886	33,963	3,440
November, 2018	39,500	6,169	53 950	15 677	31 643	4,205
December, 2018	9809	2,881	18 937	6,616	17 977	2,088
January, 2019	15 183	3,625	29 867	11 745	30 683	3,028
February, 2019	12 755	3,071	26,500	12 859	30 259	4,711
March, 2019	9463	2,755	21 353	11 160	28 240	3824
Total	239 350	47 441	420 294	154 586	405 897	48 494

Source: *Korlantas* Police, 2018

According to the table above, it is known that this type of offense of the month of January 2018-March 2019 the most widely performed two-wheeled vehicle is not carrying the papers as much as 3778976, Motorists who do not use as much helmets 1231473, Breaking as many signs marking 1343427, Does not carry as many vehicles completeness 546 945, Against the flow as much as 530 630, And others as much as 22 113,

While the violations committed by four-wheeled vehicles, most are not as many letters 420 294, violates marker beacon as much as 405 897, not wearing a seatbelt as much as 239 350, overloaded as many as 154 586, do not carry as many vehicles completeness 47 441, and others as 48 494.

E-Traffic ticket system will replace the manual system Traffic ticket using Form / a ticket, where motorists who violate will be recorded through the application owned by police

personnel. With the service process more quickly than conventional Traffic ticket, E-Traffic ticket a Traffic ticket process by utilizing technology that is expected Traffic ticket the whole process will be more efficient and effective with the use of CCTV footage as evidence.

Based on these facts, the author aims to conduct research under the title: "Analysis of Judicial Application of Repression Against Traffic Offenders Through the System E-Traffic ticket With CCTV as Exhibit". Based on the above background, the issues to be discussed are: 1) How is the implementation of action against traffic violators through E-Traffic ticket system with CCTV footage as evidence? 2) Is the limiting factor in the implementation of action against traffic violators through E-Traffic ticket system with CCTV footage as evidence? and 3) How should the application of the prosecution against the violators of traffic through the E-Traffic ticket system with CCTV footage as evidence?

Research Methods

The method used in this research is empirical juridical approach. Specifications research is descriptive analysis, which describes the applicable laws and regulations associated with the law theories and practice of positive law,³

Types and data sources can be divided into two, namely primary data and secondary data. Primary data were collected through interviews. Secondary data in this study of primary legal materials, secondary law, and tertiary legal materials.

Methods of data collection in this research: the study of literature, observation, interviews, and documentation.

Data analysis is the process of organizing the data so that the data can be interpreted.⁴ In this case the analysis of qualitative data is data which can not be measured or judged by the numbers directly.⁵

2. Results and Discussion

2.1. Application of Offenders Against Traffic Enforcement System Through E-Traffic ticket With CCTV footage as evidence

Based on interviews the author conducted in the jurisdiction of *Polrestabes* Semarang that traffic violators are dominated by high-school students. Offenses committed by students is caused because students are not old enough so it does not have a driving license (SIM), but they are already using a motor vehicle. Offenses committed in addition to not have a driving license is also still a lot of offenses such as not wearing a helmet, broke traffic signs, road markings and abuse against the current.

Efforts made traffic police as enforcers to reduce the number of traffic violations such as the socialization of the importance of safe driving is often done. However, the lack of public awareness and lack of awareness about the orderly traffic law remains a constraint to date.

³Moch Nazir, 2008, *Metode Penelitian*, Ghalia Indonesia, Jakarta, p. 84.

⁴Dadang Kahmad, 2000, *Metode Penelitian Agama*, CV Pustaka Setia, Bandung, p. 102.

⁵Tatang M. Aminrin, 1995, *Menyusun Rencana Penelitian*, PT. Raja Grafindo Persada, Jakarta, p. 134.

Thus, after seeing the number of traffic violators were quite a lot, based on the Supreme Court Regulation No. 12 of 2016 on the implementation of the settlement of traffic violations decided E-Traffic ticket program. E-Traffic ticket program is expected to have a positive impact on the community in order to have more awareness about the law, especially orderly traffic.

The number of traffic violators is said to increase based on data obtained by the author, but even though it was enacted E-Traffic ticket in the process of settlement of traffic violations have not been fully resolved using E-Traffic ticket. Of the 161 874 number of traffic violators, where the implementation of the settlement of the offense using a speeding ticket 78 415 83 459 manual and the rest use the E-Traffic ticket. This can occur because the process of settlement of traffic violations by E-Traffic ticket still have many obstacles and shortcomings.

Of application systems that it is still not perfect so the need for improvement of the application system, the parties related institutions that have not coordinate well, and lack of socialization to the public on the process of resolving cases of traffic violations by E-Traffic ticket so many people who have difficulty in the completion of the case. So in this case it can be said that the implementation of E-Traffic ticket in Semarang *Polrestabes* jurisdiction is still not effective.

E-ticket gives an opportunity to the offender to leave the fine directly to the bank with the facilities he has, perhaps with e-banking, ATM, or come in person to the teller. Motorists are required to pay a maximum fine according to clause being violated. After completing the payment, give traffic warning officers will receive a notification on their mobile phones. Violators may redeem directly with the letter confiscation submit sufficient proof of pay, and pick it up at a place called in the notification.

For speeding ticket using manual processes or still use a red slip but require offenders to attend the session so that the processes are the same. E-Traffic ticket application integrated with the court and the prosecutor. The judge will deliver a verdict, and prosecutors will execute the decision, usually this process will take a week to two weeks.⁶Ticketed process is done is based on the CCTV which has been installed at some point in Semarang earlier. There are 50 points CCTV has been connected to the ATCS-owned Transportation Agency of Semarang.⁷

E-ticketed enacted to curb the traffic. Without making fundamental changes about traffic rules just do a slightly different way, if the conventional ticketed offenders will be dismissed by the officer and given a ticket, but the E-ticket is likely offenders do not know if the violation. It is expected that with the adoption of the E-ticket will create a deterrent effect for motorists who frequently commit traffic violations, although never caught by the officer.

2.2. Obstacles In Against Repression Application Traffic Offenders Through the System E-Traffic ticket With CCTV footage as evidence

⁶Nibras Nada Nailufar. 2016. *Mulai Besok, Polisi Berlakukan ETilang, Apa Itu?* Kompas [online], page 1, accessed on July 15, 2019.

⁷Interview with AKBP Yuswanto Ardi, S.I.K., as the Head of Traffic Unit Polrestabes Semarang, on July 12, 2019 in Simpang Lima-Semarang Post.

E-Traffic ticket has the advantages of service faster than conventional ticket. The surplus is the system is very practical and fast. Implementation of the system of electronic tickets (e-Traffic ticket) was to facilitate the speed and ease, openness implementation process instead of a speeding ticket or traffic ticket process in place. Especially in the police, which is one program towards police Chief of Police for the professional, modern and trustworthy.

However, like other policy e-Traffic ticket policy is relatively new and requires time and processes to achieve the policy objectives and no doubt there are inhibiting factors or constraints or problems associated with the policy objectives of this e-Traffic ticket.

The limiting factor in the implementation of action against traffic violators through E-Traffic ticket system with CCTV footage as evidence, namely:

- Traffic has not had its own camera so that in its application to the camera's still a part of Semarang City Transportation Agency
- Data Resident must use a server connected to *Korlantas* Headquarters and in every action must be coordinated to the Central Java Traffic Police Directorate which has the network
- Supported yet the budget for delivery via post
- Address listed on the vehicle registration is not yet fully in accordance with the ownership.⁸

According Invisible Adjunct Senior Then Yuswanto Ardi SIK, Head of Traffic Unit *Polrestabes* Semarang stated that some of the weaknesses groove E-Traffic ticket implementation are:

- Accessibility applications where the network using the network application system dual band 3G / 4G, if the availability of the signal was poor due to weather then the service would be disrupted.
- Still lack people who have HP with application of E-Traffic ticket that complicate the implementation of the E-Traffic ticket on the ground and cause it some people who do not understand the program E-Traffic ticket and E-Traffic ticket regarded as a complicated process.
- Not to many people who have e-Traffic ticket application is due to inadequate information dissemination so that this indicates that the need for socialization so that people know the mechanism of the E-ticket is right and beneficial to the community.
- Police data on vehicle ownership has not been integrated with the data from both regional and cross-national region. The problem of data integration vehicle that presents the data of different vehicle makes implementation of E-Traffic ticket not optimal.
- By using a wireless service where it is the target of hacker attacks. If not addressed early on, this attack could undermine the entire plan has been drawn up to improve the National Police in the Police system.⁹

⁸*Ibid.*

⁹*Ibid.*

Efforts to overcome obstacles that arise regarding the application of the prosecution of traffic offenders through a system of E-Traffic ticket with CCTV footage as evidence of which include:

- Coordinate with Transportation Party Semarang to take advantage of the camera is mounted in order to monitor the situation of the traffic flow in the city of Semarang
- Coordination with *Ditlantas* and *Korlantas* to identify the ownership of a motor vehicle if found traffic violations caught on camera.
- Proposed that the budget of a post specifically for the delivery of the identity of offenders to the addressee.
- Advocate to the public if it has a motor vehicle so as soon name change on its own behalf.¹⁰

In addition, there are also other efforts undertaken *Satlantas Polrestabes* Semarang in the implementation of the National movement Pioneer Passes traffic safety, namely the use of technology, infrastructure and facilities are very adequate.

Based on several factors and the efforts made in the above, it can delivered that enforcement of traffic violations by E-Traffic ticket which require offenders to pay a fine on the spot to be not optimal if the offender was no money. Conventional ticketed systems provide a grace period of up to two weeks to complete the offense in court. But the system of traffic tickets just in time cause the offender must immediately complete the payment of the fines that have been determined through existing applications.

3. Application of Offenders Against Repression Who Should Traffic System Through E-Traffic ticket With CCTV footage as evidence

Application of E-ticket is an effective option in a goal in the execution of a ticket to the offender traffic law. However, not all people in Indonesia are technology literate. There are still many of them who do not know about their E-Traffic ticket so that the need for more vigorous socialization and evenly to the public. It can not be said that the E-Traffic ticket is effective for implementation of E-Traffic ticket in Indonesia is still in the testing phase and from these trials will be held for the evaluation of E-ticket service improvements further.¹¹ However, the option to apply E-Traffic ticket will be highly effective by utilizing advances in information and communication technology and dissemination of good with a whole line of people.

Application of E-ticket is very efficient because it is done without the use of paper all traffic violations recorded by the digital system, thereby reducing the cost of paper as proof of infringement. Violators of traffic rules does not have to go back and forth and stand in line to court to resolve the problem. Because they will be sent a notification digitally by the system when the case will go to trial. By leveraging technology speeding ticket the whole process will be more efficient and effective also assist the police in administrative management.

Implementation of enforcement of traffic violations via E-Traffic ticket with CCTV recordings as evidence has been running in the jurisdiction of *Satlantas Polrestabes*

¹⁰ *Ibid.*

¹¹ https://www.academia.edu/4532617/Sistem_Informasi_E-tilang (accessed on July 17, 2019)

Semarang. Road user community who commits an offense and shall on the camera recorded crop ATCS and the results will be sent via post to the appropriate address on the vehicle registration motor vehicle.¹²

Ideally, the application of enforcement violations through system E-Traffic ticket with CCTV (ETLE) in order to effectively and efficiently without going through the stages of verification, ie by applying the principle of vicarious liability where a criminal liability imposed on a person for the actions of others (the legal responsibility of one person for the wrongful acts of another). This means that the current application or E-Traffic ticket ETLE in Semarang *Polrestabes* jurisdiction can not be charged to the owner of car, though the car has not name change, but is still subject to the deed of sale and purchase of own popularity. That is because Owners of motor vehicles, both cars and motorcycles, not entirely make the process behind the name.¹³

In practice in Indonesia, vicarious liability doctrine can not be applied. Vicarious liability is defined as a person's legal liability on wrongdoing committed by others. The doctrine of vicarious liability stipulated in the draft 2011-2012 Draft Penal Code, Article 38 paragraph (2) which states: "in terms defined by law, every person accountable for criminal acts committed by any other person".

Application of ELTE or E-Traffic ticket still imposed on the owners of vehicles with the name on the vehicle registration even though the vehicle has been sold to someone else. So that the public is expected to be immediately behind the name on the vehicle. For violation letter will be sent in the name on the vehicle registration. For example, the offense is the A (vehicle owners now), but the ticket will have sent to the address B for vehicle registration and BPKB still on behalf of the B. In fact, the violation of traffic signs is the A is.¹⁴

Indicators of successful implementation of ETLE or E-Traffic ticket is to increase awareness of drivers to obey and adhere to traffic regulations, a lack of driver's pass offense, the creation of the ethics of driving that puts the safety of both themselves, family and others to avoid the occurrence of negligence on the street as well as a decline in the fatality victims and the number of accidents that occur and to avoid and prevent illegal payments. If the indicators are gradually running and do a comparative analysis had good results and, hopefully, it can be said the pattern of implementation and application of the systems and methods ETLE or E-Traffic ticket is ideal.

3. Closing

3.1. Conclusion

Based on the discussion of the problems under study, the conclusions of this study are as follows:

- Implementation of action against traffic violators through E-Traffic ticket system with CCTV footage as evidence that E-Traffic ticket enacted to curb the traffic. Without making fundamental changes about traffic rules just do a slightly different way, if the

¹² Interview with Bripka Rio Saso as Members of the Traffic Unit on July 12, 2019

¹³ Ibid, Yuswanto Ardi...

¹⁴ Interview with Pol. Hery Saso as Kasubditdakgar Ditgakkum Police Korlantas, On July 17, 2019.

conventional ticketed offenders will be dismissed by the officer and given a ticket, but the E-Traffic ticket there possible not know if the offender has committed an offense. It is expected that with the adoption of the E-Traffic ticket will create a deterrent effect for motorists who frequently commit traffic violations, although never catch by officers.

- Inhibiting factor in the implementation of action against traffic violators through E-Traffic ticket system with CCTV footage as evidence, namely *Satlantas* not yet have its own camera so that in its application to the camera's still a part of the Transportation Agency of Semarang. Data Regident must use a server connected to *Korlantas* Headquarters and in every action must be coordinated to the Central Java Traffic Police Directorate which has the network. Supported yet the budget for delivery via Postal address listed on the vehicle registration is not yet fully in accordance with the ownership.
- Implementation of action that should be against the violators of traffic through the system E-Traffic ticket with CCTV footage as evidence that by applying the principle of vicarious liability where a criminal liability imposed on a person for the actions of others (the legal responsibility of one person for the wrongful acts of another). This means that the current application or E-Traffic ticket ETLE in Semarang *Polrestabes* jurisdiction can not be charged to vehicle owners origin, even though the vehicle has not been in name change / but still wearing the deed which has based its selling. That is because Owners of motor vehicles, both cars and motorcycles, not entirely make the process behind the name.

3.2. Suggestion

Based on the above conclusions, the authors formulate suggestions related to this study as follows:

- Need procurement of CCTV cameras which have a high resolution, can detect traffic violations such as violations are not using safety belts, plates or a number of vehicles as well as several other applications required in the application of enforcement of traffic violations, and installed at several locations on the highway as a substitute Police officer due to the limited number of personnel in the field of traffic.
- In realizing the program E-Traffic ticket in order to effectively and efficiently applied in the settlement of traffic violations in advance to be repaired, a program / application of E-Traffic ticket itself because it is still very need for improvement of application programs such as the vehicle registration which has not been behind the name.
- It is expected that the community as an important component in keeping and will subject the existing regulations should people no longer commit traffic violations and obey traffic rules and if traffic law violations should be held accountable and comply with all the processes of the system E-Traffic ticket.

4. References

Book:

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