

The Effectiveness of Application of Electronic Ticket Laws against Motorized Vehicles

Fadlan*)

*) Faculty of Law, Universitas Islam Sultan Agung Semarang, Indonesia, E-mail:
fadlan.std@unissula.ac.id

Abstract. *Traffic chaos indicates traffic violations committed by motorists. Electronic Traffic Law Enforcement or ETL is the implementation of technology to record traffic violations electronically to support security, safety and order in traffic. This electronic ticket relies on CCTV cameras installed on the highway to automatically detect traffic violators. Then this Electronic Ticket System Notification will be sent to the Vehicle Owner by Post. The purpose of this research is to find out how to apply electronic fines to motorized vehicles, and what are the obstacles in applying electronic fines to motorized vehicles. In this study using Normative juridical method. The research specification used in this study is a descriptive type of analysis. Data analysis techniques in this study were carried out by qualitative data analysis, namely data collection using laws, theories and legal principles. The research results of this electronic ticketing mechanism rely on CCTV. After being responded to by CCTV, the captured images will be processed by the relevant parties and then the ticket will be sent to the address of the vehicle owner according to the license plate. Because vehicle ownership is also attached to responsibility and everything that happens to the vehicle unit, the ticket will be directed to the vehicle owner. Obstacles in electronic ticketing process will be difficult to do if the vehicle has changed hands but has not been processed to change the name. Besides that, the weakness of the flow of implementing E-tickets is network accessibility.*

Keywords: *Electronic; Tickets; Vehicles.*

1. Introduction

The influence of the progress of the times which is marked by the development of science and technology, culture, and development makes it not only adults who

can violate norms, especially legal norms.¹In carrying out their activities, the community cannot be separated from the means of transportation in the efficiency of mass mobilization from one place to another. In using transportation facilities, there are still many transportation users who commit traffic violations, this causes chaos.

Traffic chaos indicates traffic violations committed by motorists. So that the phenomenon that is currently developing in the field of traffic is traffic violations and accidents. Traffic violations and accidents do not only occur in big cities, these two problems currently occur in almost all regions in Indonesia. Clutter in traffic is one of the social phenomena that is currently becoming a common feature in big cities and small towns that have a fairly high population density. Several factors that usually cause chaos in traffic are the increasing number of vehicles, both public and private vehicles; and low discipline of road users.²

Responding to the increasing number of traffic violations, the Traffic Police Unit Corps (Korlantas Polri) is making various systematic efforts to tackle the increasingly massive traffic violations. Efforts are being made, namely through periodic operations in regional units (Satwil). In addition, in 2021 the Indonesian National Police (Polri), especially the Korlantas, will launch a new strategy to deal with traffic violations, namely electronic ticketing (E ticketing) with the name electronic traffic law enforcement (E_TLE). The ETL system is one of the National Police's strategies in law enforcement against traffic violations on the road. ETL is supported by modern technology so there is less chance of error or manipulation.

Electronic Traffic Law Enforcement or ETL is the implementation of technology to record traffic violations electronically to support security, safety and order in traffic. This electronic ticket relies on CCTV cameras installed on the highway to automatically detect traffic violators. Then this Electronic Ticket System Notification will be sent to the Vehicle Owner by Post.³

Regarding law enforcement against traffic violators who are threatened with criminal penalties based on Act No. 22 of 2009 concerning Road Traffic and Transportation, the police as a law enforcement organization has an important role in enforcing criminal law rules regarding traffic, therefore it can also stated

¹Risky Adiyanzah Wicaksono and Sri Kusriyah, Implementation of Restorative Justice Approach In Legal Protection Against Lightweight Crime By The Children, Journal of Daulat Hukum, Vol 1, No 4 (2018). p. 44

²Adi Sulistiono, et al, 2006, Traffic Tangle, Pencil, Jakarta, p. 2

³Setiyanto, Gunarto, Sri Endah Wahyuningsih, The Effectiveness of Implementing E-Ticket Fines for Traffic Violators Based on Law Number 22 of 2009 Concerning Road Traffic and Transportation (Study at Rembang Police), Journal of Law Khaira Ummah Vol. 12. No. 4 (2017), p.745

that the police as the gate of law enforcement in Indonesia. As quoted from the journal written by Kabib Nawawi, in essence explaining that Indonesia is a rule of law country, then in terms of law enforcement, the police is one of the important pillars, because this body has a very important role in making legal promises come true.⁴

Therefore, efforts to eradicate traffic violations on the highway have been carried out by giving a ticket to every motorized vehicle driver who commits a traffic violation as referred to in Act No. 22 of 2009 concerning Road Traffic and Transportation. Motorists who are ticketed by the traffic police while on duty or during road raids can attend in person or be represented at trial or pay a predetermined fine. can now detect motorist activity on the highway,

In the case of violations in traffic, the use of electronic tickets can make law enforcement easier for traffic police, but there is a lack of evidence related to CCTV footage of violations, where the vehicle in question will be identified based on the Motor Vehicle Number. After a violation occurs, a confirmation letter is sent to the owner according to the motorized vehicle data. This can certainly cause problems if the vehicle has been transferred to a new owner, but the identity of the previous owner has not been updated, or the vehicle's license plate has been used in a way that is not in accordance with the law.⁵

Based on this background, the authors are interested in researching the Effectiveness of Electronic Ticket Law Enforcement Against Motorized Vehicles. The purpose of this study is to find out how electronic fines are applied to motorized vehicles, and what are the obstacles in applying electronic fines to motorized vehicles.

2. Research Methods

The method used by the author in compiling the journal uses the normative juridical method. The research specification used in this study is a descriptive type of analysis. In this study the authors focused on library research as well as primary materials in the form of applicable laws and secondary materials in the form of expert opinions, law books, journals and magazines. The data collection technique carried out in this study used literature study, collecting data from the results of a review of literature and secondary data which included primary legal materials, secondary legal materials and tertiary legal materials. Data analysis techniques in

⁴Kabib Nawawi, Progressive Police Towards Professional Police, Innovative, Journal of Legal Studies, Vol. 2, No. 3 (2010), p. 1

⁵Erik Suriadi Harja, Kristiawanto, Santrawan T. Paparang, The Effectiveness of Implementing Electronic Tickets for Traffic Violations in the Legal Area of Polda Metro Jaya, Policy, Law, Notary And Regulatory Issues (Polri), Volume 1 issue 2 (2022), Pg. 16

this study were carried out by qualitative data analysis, namely data collection using laws, theories and legal principles.

3. Results and Discussion

3.1. Application of Electronic Ticket Penalties on Motorized Vehicles

According to Soerjono Soekanto, said that law enforcement is an activity of harmonizing the relationship of values that are described in solid principles and attitudes as a series of final stages of value translation. To create, maintain and maintain social peace of life.⁶

Criminal law enforcement is the concrete application of criminal law by law enforcement officials. In other words, criminal law enforcement is the implementation of criminal regulations. Thus, law enforcement is a system that involves harmonization between values and norms and real human behavior. These rules then become guidelines or benchmarks for behavior or actions that are considered appropriate or appropriate. The behavior or attitude of the act aims to create, maintain, and maintain peace.

The application of E-Tilang certainly has its own system. The traffic ticket mechanism itself is when the police have ticketed manually (writing on the ticket blank), then the police enter the data back into the ETilang application contained in the cellphone belonging to the police officer who was on guard at that time and has been integrated with the Korlantas E-Tilang server Police (Mabes Polri) in accordance with the data on the violators including the ticket number. So the information system for every violation by motorists on the highway must be able to become the basis for taking action on violations in the next stage, meaning that information on violations that have been committed by each person must always be identified by every member of the police who orders a ticket.⁷

The E-ticket system will replace the manual ticketing system that uses blanks/tickets, where motorists who violate will be recorded through an application owned by police personnel. With the existence of the E-ticket, it will be easier for the public to pay fines through the bank. However, not all people can follow the E-ticket procedures provided by the police. Especially for ordinary people who do not understand about technology. The e-ticket system that has

⁶Soerjono Soekanto, 1983, Factors Influencing Law Enforcement, UI Pres, Jakarta, Pg 35

⁷Rahadian IB. Dian AK, Wap-Based Application Program to Increase Accountability of the Ticket System for Violation of Traffic Regulations in the Majalengka Police Region, Online Journal of ICT-STMIK IKMI, Volume 1 Number 1(2011), p. 43.

been implemented pays attention to the community. The E-ticket system has a good impact on people who are familiar with technology.

However, for people who are less familiar with technology, it is difficult to keep up with the development of this technology. The factors that are considered by the community are the use of the E-ticket system which is not well understood and widespread. The application of E-tickets is not just a rumor because E-tickets are an effort aimed at the public so that people obey traffic rules so as to create a culture of orderly traffic.⁸

Electronic ticketing, commonly known as E-Tilang, is digitizing the ticketing process. By utilizing technology, it is hoped that the entire ticketing process will be more efficient and effective as well as assisting the police in administrative management.⁹This e-Tilang is an application that can be used by the public where they can know the fees that must be paid directly. After being recorded in the application, violators can choose to use the E-Tilang in the application or manually.

The application is categorized into two users, the first is the police and the second is the prosecutor's office. On the police side, the system will run on a tablet computer with the Android operating system, while on the prosecutor's side, the system will run in the form of a website, as an executor, like a manual trial process. The E-Tilang application does not apply the function as an introduction to paying fines to the Bank/Registrar because the mechanism involves a ticket form or paper, the E-Ticket form or violator's proof paper is not used, this application only sends a reminder in the form of a ticket ID which stores all data or records The police regarding the chronology of fines that will be given to courts or prosecutors who have websites with the same database integration.¹⁰

This electronic ticket mechanism relies on CCTV. After being responded to by CCTV, the captured image will be processed by the relevant party and then a ticket letter will be sent to the vehicle owner's address according to the license plate number. Because vehicle ownership is also attached to responsibility and everything that happens to the vehicle unit, the ticket will be directed to the vehicle owner.

⁸Setiyanto , Gunarto , Sri Endah Wahyuningsih, The Effectiveness of Implementing E-Ticket Fines for Traffic Offenders Based on Law Number 22 of 2009 Concerning Traffic and Road Transportation (Study at Rembang Police), Journal of Law Khaira Ummah Vol. 12. No. 4 December 2017, p. 757

⁹Sona Seki Halawa, 2015, Application of Fines for Traffic Violators Based on Law Number 22 of 2009 concerning Traffic and Road Transportation in the Legal Area of the Pekanbaru City Police. pg 6.

¹⁰Subhave Sandhy, Suwanto H, Arie Q, 2016, Android-based ticket application, University of Pakuwan Science, Bogor, Pg. 7

In accordance with the ITE Law, CCTV footage is valid evidence, so it can be used as evidence. If the vehicle owner has received a ticket, the vehicle owner can pay the fine through the bank and then proof of payment can be brought to the local District Attorney. The amount of the fine that will be imposed is the maximum fine according to the violation in accordance with Act No. 22 of 2009. The application of electronic fines is based on Article 5 paragraph (1) and (2) of Act No. 11 of 2008 concerning information and electronic technology and Article 249 paragraph (3), Article 272 paragraphs (1) and (2) of the Road Traffic Law, as well as government regulation Number 80 of 2012 concerning inspection of motorized vehicles on the road.¹¹

After the driver and the vehicle have been violated, there are parties involved in the implementation of the Electronic Traffic Law Enforcement (ETLE) system, namely:¹²

a. Police

The police are directly responsible for all actions under the president. All during activities must be based on security, comfort, protection for the community and upholding human rights. If the police carry out their duties responsibly and seriously, the community will feel safe. The police have a professional code of ethics as a guiding norm for every police behavior that has been regulated in the Chief of Police Regulation No. Pol 7 of 2006 dated 1 July 2006. Regarding the implementation of Electronic Traffic Law Enforcement (ETLE), the police as the party operating the ETLE system and identification of violations.

b. Court

The court in terms is called court and recht bank in Dutch. The court is a body that conducts justice in the form of examining, adjudicating, and deciding cases. According to article 4 of the Law on Judicial Power, it is explained that the court is to judge according to law by not discriminating against people and helping seek justice by overcoming all obstacles and obstacles so that a simple, fast and low-cost trial can be achieved. The form of this judicial system that is carried out in court is an official public forum and is carried out based on the procedural law in force in Indonesia. In this case the court as the party that conducts formal hearings and decides cases.

¹¹ <https://fjp-law.com/id/penerapan-tilang-elektronik/> was accessed on January 6 at 10.54 WIB

¹² Ayu Christina Wati Yuanda, Ratih Dara Ayu Dewily, Pralistyo Dijunmansaputra, Legal Protection Against Errors in Enforcement of Traffic Violations, Journal Is, Volume 4 , No 3 (2020), p.53

c. attorney

In Act No. 16 of 2004 which replaced Act No. 5 of 1991 concerning the Indonesian Attorney General's Office. The Attorney General's Office is a law enforcement agency that is required to play a greater role in upholding the rule of law, protecting public interests, upholding human rights, and eradicating corruption, collusion and nepotism (KKN). In carrying out its duties, it is led by the Attorney General and six Junior Attorney Generals, one Head of the Indonesian Prosecutor's Office Training Agency and 32 Heads of High Prosecutors' Offices in each province. In relation to ETLE, the task of the Attorney General is to optimize public service duties in the field of law with full responsibility, obedience, effectiveness and efficiency, as well as respect for public rights.

3.2. Barriers to Implementing Electronic Tickets on Motorized Vehicles

Legal effectiveness according to Hans Kelsen is whether people actually act in a way to avoid sanctions that are threatened by legal norms or not, and whether these sanctions are properly implemented if the conditions are met or not met.¹³

Success in implementing the law is that the law made has achieved its purpose. The purpose of legal norms is to regulate human interests. If the legal norms are adhered to and implemented by the community and law enforcers, then the implementation of the law is said to be effective in its implementation. This can be seen in the community in implementing the rule of law

When a traffic user is proven to have committed a mistake or violation, the police officer will take several actions, the E-ticket mechanism for the red form is as follows:

- a. Police take action using a red form
- b. Determination of the day of trial must pay attention to the decision of the court.
- c. Explain when and where the offender must attend the hearing.
- d. If the violator is not present, the National Police must summon him twice and make an arrest a third time.

¹³Hans Kelsen, 2006, *General Theory of Law and the State*, Nusa Media Publisher, Bandung, Pg. 39.

e. The return of evidence awaits the completion of the trial and after the offender pays a fine to the Registrar.

From the above mechanism, the E-ticket application will adapt the above process, and what needs to be considered is that the ticket form will be formatted in digital form so that what the violators get is only the ticket form ID which represents all stored data.¹⁴

In the process of electronic ticketing, it will be difficult to do if the vehicle has changed hands but has not yet been processed. In addition, the weakness of the E-ticket implementation flow is the accessibility of the application network where the application system uses a dualband 3G/4G network, if signal availability is bad due to weather, service will be disrupted. The lack of people who have cellphones with the E-Tilang application makes it difficult to implement E-Tilang in the field and this causes some people who do not understand the E-Tilang program and consider E-Tilang as a complicated process.

Police data on vehicle ownership has not been integrated with data from across regions, both regionally and nationally. The problem of vehicle data integration that presents different vehicle data makes the application of E-tickets not optimal. By using wireless services where this is the target of hacker attacks. If not dealt with from the start, this attack could undermine all the plans that have been drawn up by the Police to improve the system within the Police.¹⁵

In addition, its implementation in the field is less effective because it requires a long time. In addition to having to write down the offender's data on the ticket blank, the officer must also enter the offender's data into the e-ticket application. What's more, people don't understand about electronic tickets, so officers have to explain them one by one to each offender. Personnel in the field are also lacking if there has to be a division of tasks in taking action, dismissing, and so on and adding to filling out an e-ticket application. Then the public is reluctant to know about e-ticketing which is a new program from the Traffic Unit so officers cannot socialize it to the community as a whole.¹⁶

4. Conclusion

¹⁴The application of E-tickets has a strong legal basis, namely Law Number 11 of 2008 article 5, concerning electronic transactions and Law Number 22 of 2009 concerning Traffic and Road Transportation.

¹⁵Setiyanto, Gunarto, Sri Endah Wahyuningsih, Loc.cit, p. 762

¹⁶Anakletus Mardi Wayne,. The Effectiveness of Implementing E-Tickets in Enforcement of Traffic Violations in the Legal Area of the Banyumas Police, Police Studies Review 4.1 (2020), p. 57

The E-ticket system will replace the manual ticketing system that uses blanks/tickets, where motorists who violate will be recorded through an application owned by police personnel. With the existence of the E-ticket, it will be easier for the public to pay fines through the bank. However, not all people can follow the E-ticket procedures provided by the police. In the implementation of electronic ticketing, several obstacles occur, such as if during the ticketing it turns out that the vehicle has changed hands but has not yet returned its name, then the accessibility factor is due to using electronics, the device must also be ensured to support it, so the internet speed factor also influences the smooth implementation of electronic ticketing.

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