

## Legal Analysis of Traffic Violation Crimes with E-Tickets from a Human Rights Perspective

**Bonari**

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia,  
E-mail: [bonari.std@unissula.ac.id](mailto:bonari.std@unissula.ac.id)

**Abstract.** *This study uses a normative legal method with a statutory approach and conceptual analysis. Data were collected through a literature study covering traffic regulations, human rights, and relevant literature reviews. This study aims to analyze the extent to which the implementation of E-Tilang is in line with the principles of human rights applicable in Indonesia. The results of the study indicate that although E-Tilang provides many benefits such as efficiency and transparency in traffic law enforcement, there are several issues that need to be considered, such as the protection of drivers' personal data and the potential for injustice in law enforcement. Therefore, strict supervision and regulatory updates are needed to ensure that the implementation of E-Tilang does not violate human rights principles.*

**Keywords:** *Data; Enforcement; Personal; Violations.*

### 1. Introduction

In general, criminal acts of traffic violations are caused by the following factors:<sup>1</sup>  
a) Not wearing a helmet for motorcyclists and not wearing a safety belt for car drivers. b) Not carrying and/or not having complete driving administration, such as a Driving License (SIM) and Resident Identity Card (STNK) Vehicle Registration Certificate. c) Not paying vehicle tax. d) Vehicle conditions that are not roadworthy e) Making modifications or changes to motor vehicles, which disrupt traffic safety and security. f) Not obeying traffic signs. g) Driving carelessly. In addition to the problems above, there are still many other forms of criminal acts of traffic violations.

Highways are essentially public facilities,<sup>2</sup> that is, criminal acts of traffic violations committed on the highway certainly have the potential to conflict with the rights

<sup>1</sup> Koran Sindo, "10 Most Frequent Traffic Violations", Sindonews <https://nasional.sindonews.com/berita/947769/163/10-pelanggaran-lalu-lintas-paling-sering-terjadi> (accessed December 5, 2022).

<sup>2</sup> Marye Agung Kusmagi, Happy Driving on the Highway, (Depok: Achieve Hope for Success (Penebar Swadaya Group, 2010), p. 109.

of other road users. In other words, criminal acts of traffic violations will certainly have a widespread impact on other road users. One of the most dangerous impacts of criminal acts of traffic violations is of course traffic accidents.<sup>3</sup>

In Indonesia, traffic accidents are one of the highest causes of death in Indonesia.<sup>4</sup> The number of traffic accidents in Indonesia tends to increase from year to year.<sup>5</sup> The increasing number of traffic accidents in Indonesia certainly requires special attention from various related parties.<sup>6</sup> Based on data on traffic violation cases at the East Java Regional Police Traffic Unit in Surabaya City in 2022, there was an increase in traffic violation cases.<sup>7</sup> According to the Global Status Report on Road Safety (2013), as many as 1.24 million people die each year worldwide and 20–50 million people are injured due to traffic accidents. In Indonesia over the past 10 years, data shows that it has claimed an average of 10,000 lives per year, where around 332 people die out of 1000 accidents that occur.<sup>8</sup>

The state, as the owner of power over its territory, must be able to create safe and comfortable conditions in all aspects of community life.<sup>9</sup> However, the state certainly does not immediately carry out its duties. In this case, the state then functions state institutions to carry out their main tasks and functions in line with achieving state goals. Regarding the aspects of public safety, security, and comfort, the state institution in question is the Indonesian National Police (POLRI).<sup>10</sup> The Republic of Indonesia National Police (POLRI) is a state institution that functions as a guardian of security, order, protector, guardian and public servant, as well as a law enforcer.<sup>11</sup> These main duties and functions are then emphasized in Law Number 2 of 2002 concerning the Republic of Indonesia

---

<sup>3</sup> <https://dishub.magelangkota.go.id/berita/detail/29/18/06/2015/10-PELANGGARAN-LALU-MOST-FREQUENT-OCCURRING CROSSINGS>, accessed on May 10, 2023.

<sup>4</sup> <https://www.warna.com/otomotif/2022/04/09/142216/kecelakaan-traffic-still-contributes-highest-death-rate>, accessed on 4 December 2022.

<sup>5</sup> <https://www.bps.go.id/indicator/17/513/1/nomor-accident-victims-death-serious-injury-minor-injury-and-losses-material.html> (accessed December 4, 2022).

<sup>6</sup> <https://hubdat.dephub.go.id/id/siaran-pers/dirjen-hubdat-ajak-all-party-wujudkan-road-safety/>, accessed on May 10, 2023.

<sup>7</sup> Bido Arsanu and Ahmad Yulianto Ihsan, "Law Enforcement Against Traffic Violators (Case Study at the East Java Regional Police Traffic Unit, Surabaya in 2022)" *Jurnal Transparency Hukum* Vol. 5 / No. 2 / 2022, p. 87

<sup>8</sup> Rahayu Nurfauziah, "Traffic Violation Behavior by Teenagers Reviewed from a Social Construction Perspective", *Journal of Conflict Resolution Collaboration* Volume 3 Number 1 P. 75-85

<sup>9</sup> <https://www.detik.com/edu/detikpedia/d-6372369/mengenal-kedaulatan-pengertian-ciri-dan-5-theory#:~:text=State%20Sovereignty,as%20the%20main%20source%20of%20law>, accessed on December 5, 2022.

<sup>10</sup> <https://kompaspedia.kompas.id/baca/profil/anggaran/kepolisian-negara-republik-indonesia>, accessed on May 10, 2023.

<sup>11</sup> Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia

National Police.<sup>12</sup>In Article 15 paragraph (1) letter b it is emphasized that one of the implementations of the main duties of the Republic of Indonesia National Police (POLRI) is to carry out all activities to ensure security, order and smooth traffic on the roads.<sup>13</sup>

Thus, it can be understood that criminal acts of traffic violations are an inseparable part of the main duties and functions of the Republic of Indonesia National Police (POLRI).<sup>14</sup> Furthermore, enforcement of criminal acts of traffic violations is part of the field of registration and identification of motor vehicles and drivers, law enforcement, operational management, and traffic engineering, as well as traffic education. As stated in Article 12 letter (f) of Law Number 22 of 2009 concerning Traffic and Road Transportation.<sup>15</sup> In carrying out its duties as law enforcer against criminal traffic violations, the Indonesian National Police (POLRI) is given the authority to issue a violation sign to drivers who commit criminal traffic violations. The Indonesian National Police (POLRI) is also given the authority to temporarily withhold or revoke a Driving License (SIM) until decided by the Court, as explained in Article 89 paragraph (1) and (2) of Law Number 22 of 2009 concerning Traffic and Road Transportation.<sup>16</sup>

The development of information and communication technology that has occurred in recent times has indirectly contributed significantly to various sectors of human life.<sup>17</sup> This certainly cannot be excluded in the field of law enforcement.<sup>18</sup> In terms of law enforcement against traffic crimes, the development that has occurred is the implementation of an electronic ticketing system or what is also known as Electronic Traffic Law Enforcement (ETLE).<sup>19</sup> The electronic ticketing system or Electronic Traffic Law Enforcement (ETLE) is a system for enforcing traffic crimes that is carried out online.<sup>20</sup>

---

<sup>12</sup>Law Number 2 of 2002 concerning the Republic of Indonesia National Police.

<sup>13</sup>Article 15 paragraph (1) letter b of Law Number 2 of 2002 concerning the Republic of Indonesia National Police.

<sup>14</sup><https://onesearch.id/Record/IOS3153.3114/TOC>, The Role of the Police in Law Enforcement, accessed on May 10, 2023.

<sup>15</sup>Article 12 letter (f) of Law Number 22 of 2009 concerning Road Traffic and Transportation.

<sup>16</sup>Article 89 paragraph (1) and (2) of Law Number 22 of 2009 concerning Road Traffic and Transportation.

<sup>17</sup>BKD Jakarta Ministry of Religion of the Republic of Indonesia, The Influence of Advances in Communication and Information Technology on Children's Character, accessed from: <https://bkdjakarta.kemenag.go.id/berita/Influence-technology-advances-communication-and-information-towards-children's-character>, accessed on May 10, 2023.

<sup>18</sup>Traffic Directorate of Polda Metro Jaya, "Effectiveness of Traffic Law Enforcement" (Presentation of Traffic Directorate of Polda Metro Jaya, Jakarta July 2018)

<sup>19</sup>Nurul Fitriana, "What is ETLE? An Electronic Ticketing System with Notifications Sent to Vehicle Owners by Post", Kompas, <https://www.kompas.tv/article/273162/apa-itu-etle-electronic-ticketing-system-the-notification-of-which-is-sent-to-the-vehicle-owner-by-post> accessed on 10 May 2023.

<sup>20</sup><https://www.tribunnews.com/nasional/2022/06/25/mengenal-etle-mobile-etle-system-that-allows-police-to-issue-tickets-with-cell-phone-cameras> accessed on December 5, 2022.

ImplementationThe ETLE (Electronic Traffic Law Enforcement) system or electronic ticketing is basically a realization of the digitalization point of traffic law enforcement which is included in the 10 new flagship programs (quick wins) of the Republic of Indonesia National Police.<sup>21</sup>

Even though it is a new system implemented in Indonesia, in fact ETLE (Electronic Traffic Law Enforcement) or electronic ticketing has contributed to an increase in the number of criminal prosecutions for traffic violations in Indonesia.<sup>22</sup> One of the jurisdictions of the Republic of Indonesia National Police (POLRI) which has experienced a significant increase in criminal prosecution of traffic violations is the jurisdiction of the Central Java Regional Police.<sup>23</sup> Moreover, the Central Java Regional Police even received the title of the best national ETLE implementation at the commemoration of the 67th Anniversary of Bhayangkara Traffic.<sup>24</sup> This result is certainly inseparable from the role and contribution of the Resort Police (Polres), City Resort Police (Porlesta), City Resort Police (Polrestabes) which are under the auspices of the Central Java Regional Police (Polda). The role and contribution related to the optimization of the implementation of ETLE (Electronic Traffic Law Enforcement) or electronic ticketing of the Central Java Regional Police (Polda), specifically implemented by the Boyolali Resort Police (Polres) and the Semarang City Resort Police (Polrestabes).

This ETLE system has succeeded in increasing driver compliance with traffic regulations in big cities like Jakarta and has also become an effective tool in minimizing violations. As reported, the Boyolali Police Department (Polres) contributed to the most ETLE violations and the Semarang Police Department (Polrestabes) contributed to the most violations that could be captured.<sup>25</sup> The contribution given by the Semarang City Police (Polrestabes) to the most ETLE captures, of course, is a separate attention that must be analyzed comprehensively. Because literally, the most captures made by the Semarang

---

<sup>21</sup> Strategi.id Team, "Cool, these are 10 Precision Quick Wins from the Police", strategi.id,<https://www.strategi.id/nusantara/pr-1045368447/keren-ini-10-quick-wins-presis-yang-cetuskan-police> accessed December 5, 2022.

<sup>22</sup> Danrivanto Budhijanto, "The Role of Telecommunication Law on the Implications of Information and Communication Technology Convergence", *Journal of Legal Dynamics* Volume 14 Number 1 2014, p. 135.

<sup>23</sup> IKP Sector, "Implementing the Best National ETLE, Taj Yasin Appreciates the Performance of the Central Java Regional Police", *Jatengprov.go.id*,<https://jatengprov.go.id/publik/tercepat-etle-terbaik-nasional-taj-yasin-Central-Java-Regional-Police-Performance-Appreciation/> (accessed May 10, 2023).

<sup>24</sup> Central Java Public Relations, "Best ETLE Nationally, Central Java Provincial Government Gives Award to Central Java Regional Police Traffic Directorate", *Central Java Public Relations*,[https://humas.jatengprov.go.id/detail\\_berita\\_gubernur?id=7006](https://humas.jatengprov.go.id/detail_berita_gubernur?id=7006) (accessed December 5, 2022).

<sup>25</sup> KSM, "Jasa Raharja supports the implementation of ETLE in Central Java", *Antaranews*,<https://jateng.antaranews.com/berita/431501/jasa-rahajarja-dukung-penerapan-etle-di-jateng> accessed December 5, 2022.

City Police (Polrestabes) are proof that ETLE can be utilized optimally. This certainly needs to be analyzed and made one of the things that can be applied in other big cities in Indonesia.<sup>26</sup> Considering that basically, the problem of prosecuting traffic crimes is one of the major problems in the lives of people in big cities in Indonesia.<sup>27</sup>

Based on the background above, this study aims to determine and analyze how criminal acts of traffic violations are handled from a human rights perspective.

## **2. Research methods**

This study uses a normative legal method with a statutory approach and conceptual analysis. Data were collected through a literature study covering laws and regulations related to traffic, human rights, and relevant literature reviews. The data sources used are secondary data consisting of: Primary, tertiary and secondary legal materials. The analysis uses descriptive analysis methods.

## **3. Results and Discussion**

Traffic violations are one of the crimes that often occur in everyday life. Handling this case requires attention to human rights (HAM) because it is related to individual freedom, the right to fair treatment, and the principle of non-discrimination. On the other hand, law enforcement against traffic violations must also reflect legal certainty as referred to in the theory put forward by Bismar Siregar, namely law as a tool to achieve order and justice.

Human rights emphasize that every individual, including traffic violators, has rights that must not be violated, such as the right to receive a fair legal process (due process of law), humane treatment, and not be subject to sanctions that exceed the offense committed. In the context of traffic violations, these rights must be maintained throughout the law enforcement process, from the enforcement stage to the resolution of the case.

Handling of traffic violations must be free from discrimination based on social status, gender, religion, or other factors. Everyone must be treated equally before the law (equality before the law). This principle is in line with Article 28D paragraph (1) of the 1945 Constitution which states that everyone has the right to fair treatment and equal legal protection.<sup>28</sup>

Bismar Siregar stated that legal certainty is a condition in which the law can

---

<sup>26</sup>ETLE Ditlantas Polda Jatim. 2022. <https://etle-jatim.info/id/mechanism> accessed on May 10, 2023.

<sup>27</sup>Franklin Ronaldo and Muhamad Rizki, "The urban sub-district paradox and solutions to overcome it", The Conversation, <https://theconversation.com/paradoks-macetan-perkotaan-and-solutions-to-solve-it-127021> accessed December 5, 2022.

<sup>28</sup>1945 Constitution, Article 28D paragraph (1).

provide clarity, consistency, and firmness. In the context of traffic violations, legal certainty means the existence of clear rules about the types of violations, the sanctions given, and the resolution mechanisms. This is important to create justice and prevent uncertainty that can harm society.<sup>29</sup>

Traffic law enforcement in Indonesia has been regulated in Law Number 22 of 2009 concerning Traffic and Road Transportation. This regulation provides a clear legal basis for the types of violations and sanctions applied. However, implementation in the field often faces obstacles, such as non-transparent ticketing, illegal levies, or weak education for the community.<sup>30</sup>

Some human rights violations in handling traffic cases include arbitrary actions by officers, use of violence, and lack of effective complaint mechanisms. For example, impounding a vehicle without clear procedures can violate ownership rights. Therefore, there needs to be strict supervision of this practice to ensure that the rights of violators are respected.

The legal culture in Indonesia, which still tends to be permissive towards procedural violations, is a challenge in itself in enforcing traffic law. Comprehensive legal education for the community and law enforcement officers is important to raise awareness of the importance of respecting human rights and implementing the law fairly.

Handling traffic violations from a human rights perspective can be done through several steps:

- 1) Increasing transparency of law enforcement processes, such as the use of e-ticketing technology.
- 2) Provide training to officers to understand human rights principles.
- 3) Establish a complaint mechanism that is easily accessible to the public.
- 4) Strengthening internal oversight of law enforcement to prevent abuse of authority.

The legal certainty promoted by Bismar Siregar is very relevant to respect for human rights. With definite and clear laws, people can understand their rights and obligations, thus reducing the potential for violations. On the other hand, respect for human rights ensures that the law is enforced in a fair and humane manner.

My opinion on handling criminal acts of traffic violations reviewed from the aspect of human rights and the theory of legal certainty Handling criminal acts of

---

<sup>29</sup>Siregar, B. (1984). *Legal Certainty in a State of Law*. Jakarta: Ghalia Indonesia.

<sup>30</sup>Law Number 22 of 2009 concerning Road Traffic and Transportation.

traffic violations has an important role in maintaining public order and safety on the highway. However, its implementation must remain in line with human rights principles. This is relevant considering that every individual, including traffic violators, has rights regulated in the constitution and international instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

In the context of traffic violations, human rights provide protection against arbitrary treatment by law enforcement officers. Principles such as humane treatment, the right to justice, and protection from discrimination should be the guidelines. These violations often involve administrative or minor criminal sanctions that must be carried out with due regard to basic rights, such as the right to information and the right to appeal.

Traffic law enforcement needs to be based on transparent and accountable procedures. In practice, this transparency includes providing clear information to violators regarding the mistakes made, the sanctions imposed, and the objection mechanism. This is in accordance with Article 28D of the 1945 Constitution which guarantees the right to fair treatment and legal certainty.

In law enforcement, excessive use of force is often an issue. Officers carrying out enforcement, such as traffic raids, must avoid repressive actions that violate the rights of violators. This standard is stated in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Traffic violators have the right to object to the actions of the authorities. This right is part of the freedom of expression protected by Article 19 of the ICCPR. The process of objection or appeal against sanctions must be carried out without intimidation, and must be respected as part of a fair legal system.

Often, human rights violations occur due to excessive actions by authorities such as arbitrary detention or extortion. Detention of traffic violators should only be carried out if necessary, for example in cases involving serious crimes, and still comply with the principle of proportionality.

In addition to enforcement, legal education for the community is also important. Many violations occur due to the public's ignorance of traffic rules. The government needs to provide ongoing socialization about rights and obligations in traffic. This effort will create a balance between preventing violations and protecting human rights.

Sanctions against traffic violations must be designed progressively and based on education, not just repressive. For example, the application of fines based on economic capacity or social sanctions such as traffic education. This approach is not only effective but also respects the economic rights of violators.



Reforms in the traffic law enforcement system are urgently needed, especially to eliminate corruption and abuse of authority. Training for officers to understand the human rights aspect is an important step to make law enforcement more humane.

The government must establish an evaluation and monitoring mechanism to ensure that law enforcement officers do not violate human rights in carrying out their duties. This monitoring can involve independent institutions such as Komnas HAM or the Ombudsman.

#### 4. Conclusion

Based on the discussion, it is concluded that effective handling of traffic violations must prioritize a balance between legal certainty and human rights protection. The theory of legal certainty according to Bismar supports that the law must provide clarity and justice, while the human rights perspective ensures that the law enforcement process is carried out by paying attention to human dignity and basic rights. Thus, the legal system that regulates traffic violations can create a just, harmonious, and humanity-oriented social order.

#### 5. References

##### Journals:

Bido Arsanu and Ahmad Yulianto Ihsan, "Law Enforcement Against Traffic Violators (Case Study at the East Java Regional Police Traffic Unit, Surabaya in 2022)" *Journal of Legal Transparency* Vol. 5 / No. 2 / 2022,

Danrivanto Budhijanto, "The Role of Telecommunication Law on the Implications of Information and Communication Technology Convergence", *Journal of Legal Dynamics* Volume 14 Number 1 2014.

Rahayu Nurfauziah, "Traffic Violation Behavior by Teenagers Reviewed from a Social Construction Perspective", *Journal of Conflict Resolution Collaboration* Volume 3 Number 1

##### Books:

Siregar, B. (1984). *Legal Certainty in a State of Law*. Jakarta: Ghalia Indonesia.

##### Internet:

BDK Jakarta Ministry of Religion of the Republic of Indonesia, The Influence of Advances in Communication and Information Technology on Children's Character, accessed from: <https://bdkjakarta.kemenag.go.id/berita/influence-technology-advances-communication-and-information-towards-children's-character>,



Central Java Public Relations, "Best ETLE Nationally, Central Java Provincial Government Gives Award to Central Java Regional Police Traffic Directorate", Central Java Public Relations, [https://humas.jatengprov.go.id/detail\\_berita\\_gubernur?id=7006](https://humas.jatengprov.go.id/detail_berita_gubernur?id=7006).

ETLE Traffic Directorate of East Java Regional Police. 2022. <https://etle-jatim.info/id/mechanism>.

Franklin Ronaldo and Muhamad Rizki, "The urban sub-district paradox and solutions to overcome it", The Conversation, [https://theconversation.com/paradoks-macetan-perkotaan-and-solutions-to-solve-it\\_127021](https://theconversation.com/paradoks-macetan-perkotaan-and-solutions-to-solve-it_127021).

<https://dishub.magelangkota.go.id/berita/detail/29/18/06/2015/10-PELANGGARAN-LALU-MOST-FREQUENT-OCCURRING-CROSSINGS>.

<https://hubdat.dephub.go.id/id/siaran-pers/dirjen-hubdat-ajak-all-party-wujudkan-road-safety/>.

<https://kompaspedia.kompas.id/baca/profil/anggaran/kepolisian-negara-republik-indonesia>.

<https://onesearch.id/Record/IOS3153.3114/TOC>, The Role of the Police in Law Enforcement.

<https://www.bps.go.id/indicator/17/513/1/nomor-accident-victims-death-serious-injury-minor-injury-and-losses-material.html>

<https://www.detik.com/edu/detikpedia/d-6372369/mengenal-kedaulatan-pengertian-ciri-dan-5-theory#:~:text=State%20Sovereignty,as%20the%20main%20source%20of%20law>.

<https://www.tribunnews.com/nasional/2022/06/25/mengenal-etle-mobile-etle-system-that-allows-police-to-issue-tickets-with-cell-phone-cameras>

<https://www.warna.com/otomotif/2022/04/09/142216/kecelakaan-traffic-still-contributes-highest-death-rate>.

IKP Sector, "Implementing the Best National ETLE, Taj Yasin Appreciates the Performance of the Central Java Regional Police", <https://jatengprov.go.id/publik/tercepat-etle-terbaik-nasional-taj-yasin-Central-Java-Regional-Police-Performance-Appreciation/>

Koran Sindo, "10 Most Frequent Traffic Violations", Sindonews <https://nasional.sindonews.com/berita/947769/163/10-pelanggaran>

[lalu-lintas-paling-sering-terjadi](#)

KSM, "Jasa Raharja supports the implementation of ETLE in Central Java",  
Antaranews,<https://jateng.antaranews.com/berita/431501/jasa-raharia-dukung-penerapan-etle-di-jateng>.

Marye Agung Kusmagi, Happy Driving on the Highway, (Depok: Achieve the Hope  
of Success (Penebar Swadaya Group, 2010).

Nurul Fitriana, "What is ETLE? An Electronic Ticketing System with Notifications  
Sent to Vehicle Owners by Post",  
Kompas,<https://www.kompas.tv/article/273162/apa-itu-etle-electronic-ticketing-system-the-notification-of-which-is-sent-to-the-vehicle-owner-by-post>

Strategi.id Team, "Cool, these are 10 Precision Quick Wins from the Police",  
strategi.id,<https://www.strategi.id/nusantara/pr-1045368447/keren-ini-10-quick-wins-presis-yang-cetuskan-police>.

Traffic Directorate of Polda Metro Jaya, "Effectiveness of Traffic Law  
Enforcement" (Presentation of Traffic Directorate of Polda Metro Jaya,  
Jakarta July 2018)

**Legislation:**

Law Number 2 of 2002 concerning the Republic of Indonesia National Police.

Law Number 22 of 2009 concerning Road Traffic and Transportation.

The 1945 Constitution of the Republic of Indonesia