Law Enforcement Using the Electronic Traffic Law Enforcement (ETLE) System Against Traffic Violations in Jurisdiction Jambi Polresta

Jhonatan Mulyana Nababan; Ismansyah; Aria Zurnetti
Fakultas Hukum, Magister Ilmu Hukum, Universitas Andalas, Padang, Indonesia

http://dx.doi.org/10.18415/ijmmu.v10i2.4450

Abstract

Law enforcement against traffic violations using the Electronic Traffic Law Enforcement (ETLE) system, which is a digitization of the ticketing process by utilizing technology that is expected to be more efficient and effective in the entire ticketing process and assist the police in administrative management, as well as provide legal certainty to fines received by violators. Electronic Traffic Law Enforcement (ETLE) is believed to reduce the practice of extortion and bribery. This process is assisted by using CCTV (Closed Circuit Television) cameras at red lights to monitor road conditions. The problems in this thesis are (1) How is legal certainty in law enforcement against traffic violators in general in the jurisdiction of the Jambi Police (2) What is the process of applying sanctions using Electronic Traffic Law Enforcement (ETLE) in an effort to prevent traffic violations in the area Jambi Police law (3) What factors are the obstacles in the application of Electronic Traffic Law Enforcement (ETLE) sanctions related to efforts to prevent traffic violations in the jurisdiction of the Jambi Police. The conclusions in this study are: (1) Legal certainty in law enforcement against traffic violators using the Electronic Traffic Law Enforcement (ETLE) system in the Jambi Police jurisdiction, namely: Through preventive and repressive efforts, the E-Tilang Program has been effective in reduce the number of traffic violations and reduce the number of extortion (illegal levies) in Jambi City, but not yet fully applicable to all traffic violators. (2) The application of sanctions using the Electronic Traffic Law Enforcement (ETLE) system in resolving cases of traffic violations within the Jambi Police jurisdiction has not been very effective because their implementation has not met the expected objectives of the Electronic Traffic Law Enforcement (ETLE) program itself. (3) Constraints by law enforcement officers in enforcing the law by using an electronic ticket system (E-Tilang) against traffic violators in Jambi City, namely: the occurrence of data errors or errors, lack of facilities, lack of understanding of electronic ticketing from the public, problems with vehicle plates motorbikes from outside the city of Jambi, related to vehicle ownership that violates traffic rules, related things such as motorbike or car rental, the bank where ETLE payments are made is only Bank BRI, the enforcement of violations is not strict.

Keywords: Law Enforcement; Legal Certainty; Traffic Violations; Electronic Traffic Law Enforcement (ETLE)
**Introduction**

Lots of cases of traffic violations on the highway due to negligence committed by road users which tend to result in accidents and increasing traffic jams. Throughout 2021, the number of traffic accidents (lakalantas) in Jambi City has increased quite a lot compared to 2020. Even the number of fatalities due to traffic accidents has also increased. According to data from the Jambi Police traffic unit, throughout 2021 there were 218 fatalities on the road due to accidents. in 2021 there were 513 incidents of traffic accidents in Jambi City. This figure has increased compared to 2020 with 487 incidents. Then, the death toll from traffic accidents in Jambi City in 2020 was 199 people died, or an additional 19 people. Then, the number of seriously injured victims in 2021 will be 185 people. Whereas in 2020 there were 154 people. The victims of minor injuries in 2021 will be 432 people, and in 2020 there will be 320 people. Material loss of approximately IDR 1,335,500,000. The majority of these traffic violations are in the form of violations in terms of markings, traffic signs and traffic control lights such as prohibitions on stopping, parking in certain places, running red lights, not wearing a helmet, without vehicle documents and documents such as driving licenses and certificates. Vehicle Number and others. The violation occurred precisely during rush hour when people's activity on the highway increased.

The impact caused by traffic violations is so great that a strategy and corrective steps are urgently needed in an effective and better administration system, procedures and traffic violation enforcement mechanisms. These steps and methods serve to create a condition of order and smooth traffic. With an emphasis on the legal aspect in the form of legal sanctions for traffic violators, it is hoped that road users can comply with the rules of traffic on the highway. So that every vehicle operating on the highway must meet the technical and eligibility requirements, especially having headlights that must be turned on when driving at night, or there are vehicles that are not equipped with headlights, so these vehicles can be categorized as vehicles that do not meet the technical and feasibility requirements.

Road traffic and transportation is a unified system consisting of traffic, road transportation, road traffic and transportation networks, road traffic and transportation infrastructure, vehicles, drivers, road users, and their management. With the existence of criminal sanctions to give a deterrent effect to every road user who violates traffic regulations, for every traffic violation that occurs it is regulated in the provisions of Law Number 22 of 2009 concerning Road Traffic and Transportation. Regarding the purpose of forming legal arrangements regarding traffic as stipulated in Article 3 of Law Number 22 of 2009 concerning Road Traffic and Transportation, it is emphasized that road traffic and transportation are organized with the objectives of:

a. Realization of road traffic and transportation services that are safe, secure, orderly, smooth and integrated with other modes of transportation to boost the national economy, advance public welfare, strengthen national unity and integrity, and be able to uphold national dignity;  
b. Realization of traffic ethics and national culture; and  
c. Realization of law enforcement and legal certainty for the community.

Proof of Violation or a ticket is a penalty in the form of a fine imposed by the police on road users who violate traffic rules. Tickets are expected to be able to handle traffic problems. There are three main functions of a ticket, namely: (1). As a summons to the District Court; (2). As an introduction to paying fines to the Bank/Registrar; and (3). As a sign of confiscation of confiscated evidence, such as a driver's license, vehicle registration or vehicle. Prosecution of traffic violations committed by police officers both educationally and juridically, this is in accordance with their role, in Article 1 paragraph 2 of Government Regulation No. 80 of 2012 concerning Procedures for Settlement of Traffic Violations Cases.
states that the prosecution of road traffic and transportation violations is a series of actions carried out by investigators from the Indonesian National Police or Civil Servant Investigators in the field of Road Traffic and Transportation against Traffic and Road Transportation violations.

The Traffic Police Unit (Satpolantas) together with Civil Servant Investigators in the Road Traffic and Transportation sector have the right to investigate, prosecute and process all kinds of traffic violations committed by motorized vehicle drivers according to the provisions of Article 265 paragraph (1) of the Law - Law Number 22 of 2009 concerning Road Traffic and Transportation, the inspection process for motorized vehicles includes:

2. Proof of passing the test for vehicles required to test;
3. Physical Motorized Vehicles;
4. Transport capacity and/or method of transporting goods; and/or
5. Permit for the operation of transportation.

While the process and procedures for taking action against road traffic and transportation violations are regulated in Article 267 of Law Number 22 of 2009 concerning Road Traffic and Transportation, namely:

1. Every violation in the field of traffic and road transportation which is examined according to the speedy examination procedure may be subject to fines based on a court order.
2. The speed inspection program as referred to in paragraph (1) can be carried out without the presence of the offender.
3. Violators who are unable to attend as referred to in paragraph (2) may place a fine at a bank appointed by the Government.
4. The amount of the fine that is deposited with the bank as referred to in paragraph (3) is the maximum fine that is imposed for each Road Traffic and Transportation violation.
5. Proof of safekeeping of fines must be attached to the evidence of violation file.

Based on the article above, it can be explained that the settlement and prosecution of traffic violations is based on a court decision and the violator will be subject to a penalty of a fine deposited in a bank designated by the government. However, in reality the practice in the field may be different from what is contained in the law or regulations. In practice, the settlement of traffic violations is mostly carried out outside the courtroom rather than in court. Settlement of criminal acts of traffic violations outside the trial is often carried out by unscrupulous officers with traffic offenders on the road. This is often done by the violator by offering a sum of money or "peace money" to the officer or vice versa the officer scares the violator with high fines when a trial is held in court. Apart from that, there are also concerns that the violator will take quite a long time and quite a lengthy procedure if it is resolved through the trial route in court.

The act of abusing the authority of officers, especially officers of the Indonesian National Police, towards violators as mentioned above is clearly included in the category of illegal levies (pungli), as well as offenders who give "peace money" to unscrupulous police officers with the intention of not being fined for their violations. Bribery, both of which are criminal offenses that violate legal provisions that can be punished with criminal penalties. The act of extortion by unscrupulous officers is very detrimental to the state in general and also to the Polri institution in particular, because Polri officers who are supposed to
Law Enforcement Using the Electronic Traffic Law Enforcement (ETLE) System Against Traffic Violations in Jurisdiction Jambi Polresta
However, in reality the application of the Electronic Traffic Law Enforcement (ETLE) or electronic ticketing system (E-Tilang) in the jurisdiction of the Jambi Police is still relatively minimal compared to the use of manual ticketing, even though the electronic ticketing system (E-ticketing) makes it easier for traffic violators to solve the legal problems it faces with effective bureaucratic reform and legal certainty for ticket fines obtained by violators. Legal certainty is the factor that is most in the spotlight in the prosecution of violations of the law, because every violator will be subject to fines in accordance with the nominal based on Law Number 22 of 2009 concerning Road Traffic and Transportation.

Based on this background, the author raised a scientific paper entitled "Law Enforcement Using the Electronic Traffic Law Enforcement (ETLE) System Against Traffic Violations in Jurisdiction Jambi Polresta".

Research Methods

The research method used by the author in this study is empirical juridical. According to Bahder Johan Nasution, empirical juridical research is legal research that seeks to observe legal facts that apply in society, where this requires knowledge to be observed and proven openly. The starting point of this observation lies in social facts or facts that exist and live in the midst of society as a living culture of society.

Thus this type of research is classified as empirical juridical research because the problems studied are regarding the implementation of law enforcement using the electronic traffic law enforcement (ETLE) system for traffic violations in the jurisdiction of the Jambi Police. In this study the author will also describe Das Sollen and Das Sein or conformity of expectations in law enforcement against traffic violations that will be subject to criminal sanctions based on the provisions in Law Number 22 of 2009 concerning Road Traffic and Transportation with the reality that occurs in law enforcement, law against traffic violations on the highway.

Research Result

Law enforcement in the country is carried out preventively and repressively. Preventive law enforcement is held to prevent violations of the law by members of the public and this task is generally assigned to executive bodies and the police. Meanwhile, repressive law enforcement is carried out if preventive efforts have been made but it turns out that there are still violations of the law. Based on this, the law must be enforced in a preventive manner by law enforcement agencies who are given judicial duties. Repressive law enforcement at the operational level is supported and through various institutions that are organizationally separate from one another, but still within the framework of law enforcement, starting from the police, prosecutors, courts, to correctional institutions.

Efforts made both preventively and repressively must be carried out in tandem and in balance. Where preventive efforts are still carried out by parties who have these duties and functions, while repressive efforts are carried out by law enforcers who already have the duties and functions to enforce the law. This effort was also carried out by the Jambi Police traffic unit as an effort to change people's behavior patterns so they could comply with laws and regulations, while this was to foster legal awareness in the community. This preventive effort can be done by:

1. Educating the public about traffic regulations, namely by providing training on driving safety.
2. Disseminating traffic rules and signs and giving seminars to the public, especially to school children.
3. Maintaining traffic in certain places according to the needs assessed by the Police is deemed necessary to guard.
4. Improve and increase the quantity of traffic facilities and amenities such as traffic signs and street lighting.
5. Manage traffic regularly, especially when there is congestion on certain roads.

Meanwhile, repressive efforts can be carried out by:

1. Giving warnings to traffic violators and checking motor vehicle documents.
2. Give fines to motorized vehicles in accordance with statutory regulations.
3. Confiscate a motorized vehicle if the violation committed by the violator is serious enough and could endanger the safety of other motorists.

The main problem of law enforcement actually lies in the factors that might influence it. These factors have a neutral meaning, so that the positive or negative impact lies in the content of these factors. Soerjono Soekanto also stated that the effectiveness of law enforcement is influenced by 5 (five) factors, namely:

1. The legal factor itself (law)
2. Law enforcement factors
3. Factors of facilities or facilities that support law enforcement
4. Community factors, namely the environment in which the law applies or is applied
5. Cultural factors, namely as a result of work, creativity and taste based on human initiative in social life

Traffic violations are a social phenomenon and a legal issue that demands effective and efficient management to ensure orderly traffic and legal awareness. The procedure for handling cases of traffic violations in Indonesia is currently regulated by referring to Law Number 22 of 2009 concerning Road Traffic and Transportation which is a substitute for Law Number 14 of 1992 concerning Road Traffic and Transportation and Law Number 8 of 1981 Concerning Criminal Procedure Law.

The brief examination program regulated in the Criminal Procedure Code includes procedures for examining minor crimes and traffic violation cases. Article 211 of the Criminal Procedure Code states that those who are examined according to the procedure for examining traffic violations are certain traffic violations against traffic laws and regulations.

Law enforcement against traffic violations before the issuance of Supreme Court Regulation Number 12 of 2016 concerning Procedures for Settlement of Traffic Violations Cases referring to Law Number 22 of 2009 concerning Traffic and Road Transportation and the Laws and Regulations under it as implementing regulations of the Law on Road Traffic and Transportation such as Government Regulation Number 80 of 2012 concerning Procedures for Inspecting Motorized Vehicles on the Road and Enforcement of Traffic and Road Transportation Violations. The law on traffic and road transportation has essentially given the court the obligation to examine and decide cases of traffic violations (tickets). Based on Article 267 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation, the procedures for taking action against traffic and road transport violations are examined according to the speed inspection procedure and can be fined based on a court order. all road users including motorized vehicle drivers.
In implementing law enforcement, there are three elements that must always be considered, namely: a) legal certainty that violators will actually be prosecuted, b) benefits, from the law enforcement actions taken can provide a deterrent effect, and c) justice, if from the perspective of victims, the community and the perpetrators feel that there is a balance between the actions and the consequences received by the perpetrators and the victims.

Law enforcement as a means to achieve legal goals, then all energy should be mobilized so that the law is able to work to realize moral values in law. The failure of the law to realize the value of the law is a threat that the existing law will go bankrupt. Laws that have poor implementation of moral values will be distant and isolated from society. The success of law enforcement will determine and become a barometer of legal legitimacy in the midst of its reality.

The Traffic Unit or Satlantas is the implementing element that has the authority to carry out police duties including guarding, regulating, escorting, patrolling, public education, and traffic engineering. Apart from that, Satlantas also carries out routine activities such as registration and identification of motorized vehicle drivers, traffic accident investigations and law enforcement in the traffic sector. While other activities at the implementation level can be exemplified by enforcing several main tasks, especially those related to services in the field of driving licenses (SIM), vehicle registration certificates (STNK), motorized vehicle owner books (BPKB) and traffic accident investigations.

Likewise law enforcement using Electronic Traffic Law Enforcement (ETLE) in the Jambi Police jurisdiction, for violators who commit traffic violations and have been sent an electronic ticket notification letter (E-Tilang) but have not confirmed it to the officer, then the Vehicle Number Certificate (STNK) belonging to the violator will be blocked and when the violator is about to make a payment for motor vehicle tax at the One-Stop Investment and Integrated Services Service (DPM-PTSP/SAMSAT), the officer will be advised in advance to make payment of a ticket fine through BRI Briva so that can be unblocked the STNK Vehicle Registration Certificate, after which the new violators can make motor vehicle tax payments. Whereas for violators who do not want to pay electronic ticket fines (E-Tilang) when paying motorized vehicle taxes, the violator's Vehicle Registration Certificate (STNK) will still be blocked by police officers, and if in the future the violator commits a violation traffic, police officers can still carry out re-enforcement tickets, both electronic tickets and conventional tickets.

Based on data obtained by the author regarding the number of traffic violations monitored by the Electronic Traffic Law Enforcement (ETLE) system in the Jambi City Region where in 2021 the number of violations was 52,904 violations of which 197 violations had been fined while the number of violations in 2022 as many as 30,242 violations and 555 violations have been carried out. From the data received by the author from the Jambi Police traffic unit which has confirmed ticket fines in 2021 as many as 162 violators and as many as 435 violators in 2022. This is of course influenced by the low level of compliance and legal awareness of the public in driving on the highway, and also influenced by the actions of the police in enforcing the rule of law for any traffic violations. In general, people think that the traffic police and other officers in the field of traffic are considered a layer of society whose traffic behavior on the road is exemplary, because they are considered the group who knows everything about traffic problems. Therefore, the presence of officers on the highway is expected to ensure a safe traffic situation. However, in reality, the application of fines has not been effective as a tool in enforcing laws and regulations and a means of increasing the discipline of road users or users, so that the number of traffic violations cannot be reduced.

Therefore, increasing legal awareness is an important part of efforts to realize law enforcement. The result of the low legal awareness of the community is that people do not comply with applicable legal regulations. The consequences caused by the low legal awareness can be even worse if it affects law
enforcement officials and legislators. You can imagine how law enforcement efforts and the condition of the existing legal system and system will be like.

Many of the people are actually aware of the importance of law and respect the law as a rule that needs to be obeyed, either because of instinct or rational impulses. But factually, this awareness is not realized in everyday life or in real practice.

Legal certainty in law enforcement against traffic violations in Jambi City has been regulated in Law Number 22 of 2002 concerning Road Traffic and Transportation, in an effort to prevent traffic violations from occurring in Jambi City, the Jambi Police traffic unit has gone through preventive measures, namely Educating the public about traffic regulations by providing training on safety in driving, socializing traffic rules and signs and giving seminars to the public, especially for school children, keeping traffic in certain places according to the needs assessed by the police it is necessary to maintain, perfect and increase the quantity of traffic facilities and facilities such as traffic signs and also street lighting, and regulate traffic regularly, especially when there is congestion on certain roads and through repressive measures, namely giving a warning to a traffic violators and examine motor vehicle documents, give fines to motorized vehicles in accordance with statutory regulations, confiscate motorized vehicles if the violations committed by violators are serious enough and could endanger the safety of other motorists.

Electronic Traffic Law Enforcement (ETLE) is a law enforcement system in the field of traffic based on information technology using electronic devices in the form of tools/cameras that can detect various types of traffic violations and present vehicle data automatically (Automated Number Plate Recognition). Before the Electronic Traffic Law Enforcement (ETLE) system was implemented, motorists often behaved like cat and mouse with officers in the field. For example, when there are no officers, they don't use helmets, but when there are officers, they immediately use helmets. Officers generally take action one by one in cases of being caught red-handed on the highway. Starting from checking the identity of the vehicle, completeness of documents, to the condition and data of the driver who committed a traffic violation. It is possible that of the 10 violation phenomena that occur, only one can be processed at the same time.

The types of traffic violations that can be detected and become the priority for the Jambi Police traffic unit are as follows:

1. Through a red light;
2. Do not use SNI helmets;
3. Not using a seat belt;
4. Travel with more than one person;
5. Violation of road markings;
6. Driving at high speed;
7. Vehicles that do not meet the technical requirements;
8. Driving while using a cellphone.

Against violations that occur within the jurisdiction of the Jambi Police, prosecution of traffic and road transport violations is carried out on the basis of electronic data records and appropriate information in the Electronic Traffic Law Enforcement (ETLE) instrument and set forth in an electronic ticket (E-Tilang) in the electronic surveillance room traffic and road traffic violations.
Vehicles caught on CCTV cameras are immediately recorded on the Regional Traffic Management Center (RTMC) operator server. The data is directly processed by the officer. In accordance with Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Technology, CCTV footage is legal evidence, so it can be used as evidence. Through CCTV cameras, traffic violators will be detected and a confirmation letter will be sent to the registered address according to the vehicle used.

The process of applying a ticket using the Electronic Traffic Law Enforcement (ETLE) system is as follows:

1. Image Capture
2. Violation Verification
3. Enforcement
4. Confirm
5. Blocking
6. Payment
7. Unblock
8. Done

This mechanism is in accordance with Regulation of the Head of the Indonesian Police Traffic Corps Number 1 of 2021 concerning Standard Operational Procedures for Enforcement of Traffic and Road Transportation Violations Using Electronic Equipment.

If the ticket fine as submitted to the violator is not paid, then the motor vehicle registration certificate (STNK) will be temporarily blocked until payment is made by the violator and the amount of the fine on the electronic ticket is fixed in accordance with the type of violation that was violated. Provisions regarding the blocking of STNK are contained in the Chief of Police Regulation Number. 5 of 2012 concerning Blocking of Motorized Vehicle Residents in Article 115 paragraph (5) which states that STNK based on electronic data commits traffic violations can be blocked. So that during the blocking period, the vehicle owner was deemed not to have a valid document based on the law because the STNK was considered dead.

Based on the discussion above, the law enforcement process using the Electronic Traffic Law Enforcement (ETLE) system against traffic and road transport violations in the jurisdiction of the Jambi Police begins with the ETLE camera capturing vehicles that commit violations on the highway, then from surveillance camera screenshots After that, the officer will then identify the vehicle data using Electronic Registration and Identification (ERI) as the vehicle data source and the system will display the results of synchronizing the violation data. The officer verifies the violation data that appears on the system, takes action on violations of the verification results and sends them to the violator's address according to the data in the Electronic Registration and Identification (ERI), violators receive a confirmation letter and violators confirm again either online/offline within 7 (seven) working days. The officer submits a STNK block to the Electronic Registration and Identification (ERI) if the violator does not follow the procedure. Violators receive BRIVA SMS and pay fines through the method provided within 7 (seven) working days after confirming. After payment is made, the violator submits a confirmation to the officer to apply for unblocking, then Electronic Registration and Identification (ERI) will unblock it.

The application of sanctions using the Electronic Traffic Law Enforcement (ETLE) system in resolving traffic violation cases within the jurisdiction of the Jambi Police has not been very effective because the implementation has not met the expected objectives of the Electronic Traffic Law
Law Enforcement Using the Electronic Traffic Law Enforcement (ETLE) System Against Traffic Violations in Jurisdiction Jambi Polresta

Enforcement (ETLE) program itself, where it should electronic-based (without a ticket) in practice there are still many traffic violations with the use of a ticket. In addition, it is said to be ineffective because there are still many people who do not know about the procedure for resolving traffic violation cases using the Electronic Traffic Law Enforcement (ETLE) system.

Obstacles in law enforcement using an electronic ticket system (E-Tilang) against traffic violators in Jambi City, namely 1) Data errors or errors occur, 2) Facilities and infrastructure are still inadequate, 3) Offenders do not confirm with officers, 4) Electronic ticket settlement procedures are still somewhat complicated, 5) Problems with license plates for motorbikes from outside the city of Jambi, 6) Related to vehicle ownership that violates traffic rules, 7) Related to motorbike or car rental, 8) The bank where ETLE payments are made is only Bank BRI, 9) Enforcement of violations that are not firm.

References


Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (http://creativecommons.org/licenses/by/4.0/).