



# Assessment of Electronic Ticket Law (ETLE) Against Four-Wheeled Road Users in the Area of the Traffic Directorate of Polda Metro Jaya

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## Abstract

Users of four-wheeled vehicles in everyday life can have a negative impact, namely traffic jams and accidents, requiring law enforcement efforts by using an electronic ticket or called ETLE. The application of ETLE is a new thing in traffic law enforcement at the Traffic Directorate of Polda Metro Jaya. the enactment of electronic ticketing can provide fast and effective service so as to provide convenience in resolving traffic violations. Electronic Traffic Law Enforcement is the implementation of technology to record violations in traffic electronically to support security, order, and safety. ETLE provides a guarantee of the application of the law for all parties participating in traffic, especially four-wheeled motorists. The electronic ticket does not present officers in the field but monitors through a monitoring camera, later traffic riders who violate will be told what the sanctions in accordance with the violation are made through a letter sent to the address of the violator.

**Keywords:** Law; Violation; Traffic

## A. Introduction

In this era of globalization increasingly sophisticated technology that brings rapid changes to human life. One of them is an electronic ticket or can be called Etle (Electronic Traffic Law Enforcement) .Electronic traffic ticket is the application of advanced technology monitoring cameras that can control all traffic violations on some roads that have etle monitoring cameras. In the jurisdiction of Polda Metro Jaya, the number of traffic violations is increasing every year, where the last two years there are 177,000,000 traffic violations.To overcome traffic violations on the highway, law enforcement efforts are made against every driver who commits a traffic violation by giving sanctions in the form of a speeding ticket (*Fernando, H. M. M. D. I. 2017*)

Along with the development of technology, law enforcement in the enforcement of traffic violations also experienced developments, namely in the supervision and granting of speeding tickets assisted by the elektronik system (*Apriliana, Z. L. & Jaya, P. S. N. ,2019*) This is evidenced by the existence of Etle (ElectronicTraffic Law Enforcement) which is an attempt to implement technology to record violations in

traffic electronically to support security, safety, and order (*Noveredi Puja Saputra, 2021*). The application of ETLE is based on Law No. 22 of 2009 on traffic and Road Transport and Government Regulation No. 80 of 2012 on procedures for inspection of motor vehicles on the road and enforcement of violations of traffic and Road Transport. There are several types of traffic violations that can be recorded by CCTV cameras ETLE :

1. Violation Of Road Markings And Traffic Signs
2. Using A Smartphone (Hp) While Driving
3. Not Wearing A Safety Belt While Driving
4. Driving With Maximum Speed Limit
5. Motor Vehicles That Use Fake Plates
6. Running A Red Light
7. Against The Current
8. Not Wearing A Helmet
9. Riding More Than 3 People

Traffic offenders will be recorded cameras that can detect the police number of the car. There are several stages of etle action mechanism, among others (*Wahyuningsih, E. S, & Gunarto. 2017*) :

- a) The etle camera will automatically capture traffic violations monitored, then send media evidence of violations to the etle back office
- b) Officers identify vehicle data using Registration and identification (ERI) as a source of vehicle data violators
- c) The officer sends a confirmation letter to the address of the violator or email on behalf of the violator. After the violator receives a ticket confirmation letter, the owner is obliged to confirm about the ownership of the vehicle and the driver when the violation occurs. Confirmation is the first step in action, where the vehicle owner is obliged to confirm the ownership of the vehicle, if the vehicle is not a vehicle belonging to the person who gets the confirmation letter, then the charus is confirmed to the officer.
- d) The recipient of the letter gets 8 days to confirm through the available website or can come directly to the gakkum subdit office
- e) After the violator confirms, the officer issues a speeding ticket with a payment method through the BRI Virtual Account (BRIVA).

With a note, if the owner of the vehicle does not confirm the violation, it will result in a temporary vehicle registration blocking. Whether it's when it has moved addresses, has been sold, or failure to pay fines. Based on the description of the above background, then obtained some problem identification, namely how effective is the application of Ethilang in the Polda Metro Jaya area? And how to take responsibility for the ownership of vehicles that violate traffic rules.

## B. Method

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## C. Result and Discussion

### 1. Criminal Law

Criminal law is part of the overall law in force in a country that bases its rules on acts that should not be violated, sanctions for violation of the provisions of the violation and the provision of criminal sanctions for violators (Sinar & Hal, 2016). Criminal law is the overall regulations that contain and regulate about (*Rusli, Tami, 2017*) :

- a) Prohibited and required acts (which are contained in the Criminal Code Book II on crimes and Book III on offenses)
- b) Requirements to be sentenced to criminal punishment (contained in book I of the Criminal Code)
- c) Sanctions criminal (contained in Book II of the Criminal Code)

Criminal law there are 2 types of material criminal law and formal criminal law, which can be spelled out:

- a) Material criminal law contains rules that establish and formulate actions that can be punished, rules that contain conditions to be able to impose criminal and criminal provisions. Material criminal law is regulated in the Criminal Code.

- b) Formal criminal law regulates how the state by means of equipment exercises its right to impose a criminal. Formal criminal law can also be called procedural Law  
In the Indonesian legal system, Criminal Procedure Law is not only practiced according to law, but based on values and principles and goals, for what the law is applied or practiced. The goal is that the law cannot be executed or practiced arbitrarily. There are several principles in the field of criminal law that serve as the basis for understanding criminal law, among others (*Hakim, Lukman, 2020*).

- a) The principle of legality in Indonesian criminal law is regulated in Article 1 Paragraph (1) of the Criminal Code, which determines "an act cannot be punished, except based on the force of existing criminal legislation"

- b) The principle of no crime without fault, based on this principle even if a person has committed a criminal act and has fulfilled the elements formulated in the offense, it is also necessary to prove whether he can be accountable or not for his actions, that is, whether he has a fault or not.

- c) The principle of non-retroactive, the principle of "criminal provisions in the law may not apply retroactively", retroactive is also known as "retroactive". This principle is the principle of criminal law as stated in Article 1 Paragraph 1 of the Criminal Code. This prohibition of retroactive enforceability is to increase legal certainty for the population that it should know what is a criminal act or not.

- d) The principle of Prohibition of analogy users, using analogies in criminal law means to assume "something "is included in the sense of a term/provision of the Criminal Law Act, because" something" has many similarities or similarities.

## **2. Traffic**

Traffic in Law No. 22 of 2009 is defined as the movement of vehicles and people in road traffic space, while road traffic space is infrastructure intended for the movement of vehicles, people, and/ or goods in the form of roads and supporting facilities (Law No. 22 of 2009). In addition to Law No. 20 of 2009 on traffic and Road Transport, until now there are also two regulations derived from the Government of the Dutch East Indies, namely the famous as Wegverkeer-ordonnantie (traffic on the road Act) tanggal 23 February 1933, contained in staatsblad 1933-86 yo 249, then valid from 1 January 1937, and wegverkeer - ordonnantie (traffic on the road) dated 15 August 1936, contained staatsblad 1936-451, entered into force on January 1, 1937, so together with wegverkeer-ordonnantie.

According To (*Desi, P. Y. P. S. (2018)*) there are several components of traffic occurrence, namely :

- a. Humans as users can act as drivers or pedestrians who under normal circumstances have different abilities and alertness (reaction time, concentration and others). These differences are still influenced by physical and psychological conditions, age, as well as gender and external influences such as weather, lighting/ street lights and spatial planning.
- b. The vehicle used by the driver has characteristics related to speed, acceleration, deceleration, dimensions and loads that connect enough traffic space to be able to maneuver in traffic
- c. The road is a track that is planned to be traversed by motor vehicles and non-motorized vehicles including pedestrians

Traffic violations are described in the UUAJL based on the implementation regulations of Law No. 14 of 1992 as included in the closing provisions of Article 324 of Law No. 22 of 2009 on the enforceability of the implementation regulations. The implementation regulations in question are the contents of Government Regulation No. 41 of 1993 on road transport, the contents of Government Regulation No. 42 of 1993 on inspection of motor vehicles on the road, Government Regulation No. 43 of 19, Government Regulation No. 43 of 1993 on infrastructure and road traffic and the contents of Government Regulation No. 44 of 1993 on vehicles and drivers.

The government has a goal to realize traffic and Road Transport that is safe, safe, fast, lancer, orderly and orderly. Speeding ticket is a term used by police to crack down on traffic offenders. The abbreviation for speeding ticket is an acronym for " evidence of traffic violations "(Arjuna, 2020).

The technology carried out by the police to conduct checks on road users as a repressive act was launched by the Electronic Traffic Law Enforcement (Etle) program

aimed to create a culture of orderly traffic without being supervised by officers and reduce congestion caused by traffic violations (Dewi, 2016)

### 3. Electronic Traffic Enforcement (ETLE)

Speeding tickets or evidence of violations are explicitly not listed in Law No. 22 of 2009 on traffic and Road Transport. The definition of a speeding ticket is contained in Article 1 Number 4 of Government Regulation Number 80 of 2012 on procedures for inspection of motor vehicles on the road and enforcement of traffic violations and Road Transport, that a speeding ticket or evidence of violation is evidence of violation (Government Regulation Number 80 of 2012) in particular in the field of traffic and Road Transport with the format set M. Karjadi suggested that the speeding ticket serves as an invitation to traffic offenders (*M Karjadi.Pdf*, 2018) to attend a hearing in the District Court, as well as evidence of confiscation of goods seized by the police.

The term electronic speeding ticket is implicitly listed in Article 243 paragraph (3) letter d of Law Number 22 of 2009 on traffic and Road Transport, in essence that the activities of the Control Center for traffic and Road Transport Information and communication systems at least include support for law enforcement by electronic means (*Wicaksono, A. D. & Dwilaksana, Chryshnanda. 2020*). Article 272 that to support the activities of enforcement of violations in the field of traffic and road transport can be used electronic equipment, where the results of the use of electronic equipment can be used as evidence in the court.

Based on Law No. 22 of 2009 on traffic and Road Transport, the amount of fines for online traffic tickets in accordance with the type of violation that occurs is :

- a. Using a mobile phone while driving a fine of Rp. 750,000 or maximum 3 months of criminal imprisonment
- b. Do not use a helmet when driving a motorcycle with Rp. 250,000 or maximum criminal imprisonment of 1 month
- c. Not wearing a seat belt in the car a fine of Rp. 250,000 or maximum 2 months of criminal confinement
- d. Violation of traffic signs and road markings a fine of Rp. 500,000 or maximum 2 months of criminal confinement
- e. Using fake license plates a fine of Rp. 500,000 or maximum 2 months of criminal confinement
- f. Breaking the speed limit fines of Rp. 500,000 or maximum 3 months of criminal confinement
- g. Driving against the current a fine of Rp. 500,000 or maximum 2 months of criminal confinement
- h. Breaking the red light a fine of Rp. 500,000 or maximum 2 months of criminal confinement
- i. Berboncengan more than 3 people a fine of Rp. 250,000 or maximum criminal imprisonment of 1 month
- j. Do not turn on the lights during the day a fine of Rp. 100,000 or 15-day Penal confinement

To facilitate motorists, checking etle violations can be done online can be checked via mobile phone and computer. Here's how to check your ticket online :

- 1) Open a browser on your phone type a page <https://etle-pmj.info/id/check-data>



- 2) Enter the vehicle plate number, vehicle mesein number, and vehicle frame number
- 3) Click " Check data"
- 4) Later information will appear related to the time, location, and type of vehicle violation

Police officers will upload videos or photos of vehicles that violate traffic. Vehicle data identification process using Electronic Registration and Identification (ERI) data. Motivation in the initiation of etle is actually inseparable from the spirit of road traffic law enforcement, namely :

- 1) To prevent accidents, so as not to occur congestion, so as not to occur other traffic problems
- 2) To protect, protect and serve other road users from violations of the law, so as to remain lancer, safe and secure
- 3) To build an orderly culture, because traffic is a reflection of the nation's culture
- 4) To realize legal certainty in road traffic law enforcement
- 5) To make ETLE as a means of education for the community

#### **4. Efectivity of the application of electronic traffic tickets in the jurisdiction of Polda Metro Jaya**

The application of electronic traffic ticket to violators through Electronic Traffic Law Enforcement (ETLE), is a law enforcement system in the field of traffic based on information technology by using electronic devices in the form of cameras that can detect various types of traffic violations and present motor vehicle data automatically (Dewi, Martyanda, 2019).

Electronic Traaffic law Enforcement (ETLE) cameras that can detect motor vehicles that commit traffic violations are regulated in Law No. 22 of 2009 on road traffic, namely Article 287 paragraph (1) on violations of traffic signaling devices (APIL) and traffic lights (traffic light) , article 289 on violations of the provisions of wearing safety belts, Article 283 on violations of speed limits.

The procedure or mechanism for implementing Electronic Traffic Law Enforcement (ETLE) is :

##### a. Stage 1

The etle device automatically captures monitored traffic violations and sends media evidence of violations to the ETLE Back Office at TMC Polda Metro Jaya .

##### b. Stage 2

Officers identify vehicle data using Electronic Registration and identification (ERI) as a source of vehicle data

##### c. Stage 3

The officer sends a confirmation letter to the violator tool to request confirmation of the violation that occurred, the confirmation letter is the first step of action in which the vehicle owner is obliged to confirm the ownership of the vehicle and the driver of the vehicle at the time of the violation. If the vehicle in question is not a vehicle belonging to the person who gets the confirmation letter then it must immediately confirm to the officer.

d. Stage 4

The recipient of the letter has a deadline of 8 days from the occurrence of the violation to confirm.

e. Stage 5

After the violation is confirmed, the officer issues a ticket with a payment method through the BRI Virtual Account (BRIVA) for each violation that has been verified for law enforcement. As a record of the vehicle owner's failure to confirm the violation, the vehicle registration will be temporarily blocked. Whether it's when it has moved addresses, has been sold, or failure to pay fines. The application of ETLE is a good thing and should be appreciated, because with the technology that participates in controlling traffic violations will certainly facilitate the work of the police. Recording and working of etle electronic cameras is also not limited in time so that it can be done at any time (*Saputra, P. N, 2021*).

The effectiveness of Traffic Law Enforcement (ETLE) in the Prevention of extortion in law enforcement, in addition to minimizing the interaction between traffic violators and members of the police at the time of prosecuting traffic violations, the application of ETLE is also at the same time to improve public discipline in driving (*Zainudin, M,2022*). ETLE is also considered important, because a number of considerations of the many problems that occur in law enforcement regarding violations of traffic violations such as illegal charges, the term peace in place, the problem of court ticket hearing to the payment of fines is also a problem in our legal culture (*Hartina, A. C. A, 2019*).

## 5. Liability for ownership of vehicles that violate traffic via Electronic Traffic Law Enforcement (ETLE)

Criminal liability is a form that determines whether a person is acquitted or convicted. A person will be charged with a crime if proven to have violated criminal regulations or committed acts that are contrary to applicable criminal legislation. According to (*Nurhidayat, Syarif, 2020*) the responsibility of traffic offenders via ETLE, especially those who use vehicles on behalf of others, is a form of criminal offense so that violators must account for the violation. If the vehicle has been sold according to Article 71 paragraph 1 (c ) of Law No. 22 of 2009 on traffic and road transport, the owner of a motor vehicle must report to the police if the ownership of a motor vehicle switches.

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The recipient of the letter has a deadline of 8 days from the occurrence of the violation to confirm.

e. Stage 5

After the violation is confirmed, the officer issues a ticket with a payment method through the BRI Virtual Account (BRIVA) for each violation that has been verified for law enforcement. As a record of the vehicle owner's failure to confirm the violation, the vehicle registration will be temporarily blocked. Whether it's when it has moved addresses, has been sold, or failure to pay fines.

Then, what will happen if the driver of the vehicle is not the driver when the violation occurs.

According to the official website of Etle Polda Metro Jaya, vehicle owners must be responsible when lending the vehicle "vehicles operated on the highway, have the potential to harm other highway users, even until death."The police will continue to send a letter to the address that is recorded based on the vehicle number and the vehicle owner must follow the procedure penilangan. This also happens when the vehicle is sold . The police appealed to the recipient of the confirmation letter to continue to confirm and provide new rider info. Confirming the new owner can help the police if the vehicle is used for criminal acts (*Perdana, Wisnu. & Sihotang, P. A, 2020*)

## **D. Conclusion**

Based on the description above, it can be concluded that the effectiveness of the application of ETLE to traffic violators in the jurisdiction of Polda Metro Jaya is very efektif because if the existence of ETLE can minimize the interaction between traffic violators and members of the police at the time of prosecuting traffic violations, the application of ETLE is also at the same time to improve public discipline in driving. ETLE is also considered important, because of a number of considerations of the many problems that occur in law enforcement regarding violations of traffic violations such as illegal charges, the term of peace in place, the issue of court ticket hearing to the payment of fines.

Liability for vehicle ownership a traffic violation via ETLE that uses a vehicle on behalf of another person has not been enforced, but the recipient of the confirmation letter must report to the police that the vehicle is no longer his property .

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