

## **Effectiveness of Implementing the Etle Program in Following Traffic Violations**

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**Abstract:** Traffic violations are a common phenomenon in big cities in developing countries, such as Indonesia. This problem is often associated with the increasing number of city residents which results in increasing activity and density on the highway. For traffic violations, motorists are subject to a ticket using a proof of violation or ticket. As time goes by, the ticket is now updated with a technology system called electronic traffic law enforcement (ETLE). ETLE is like a monitoring camera that provides information to the police if a violation occurs via the license plate of the offending vehicle. To avoid sanctions that will be recorded on the E-ticket application, the perpetrators use a method by removing the vehicle's number plate so that it is not visible and recorded on the E-ticket. This study aims to determine the effectiveness of the application of the E-ticket program in dealing with traffic violations and to find out the law enforcement process against perpetrators who commit violations in the implementation of the E-ticket program in dealing with traffic violations. The research method used in this research is normative legal research which is carried out by examining norms or regulations in various studies based on theory and also legal concepts related to the issues studied. The approach taken uses a statutory approach and a conceptual approach. Based on the results of the research, the effectiveness of implementing the ETLE program in dealing with traffic violations is indeed quite effective in its implementation, but there are indeed a number of things that need to be re-evaluated, especially regarding public knowledge, both from the technology used to the sanctions received.

**Keywords:** ETLE, effectiveness, and the law enforcement.

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### **1. Introduction**

One of the violations of law that often occur and is very easy to find is a traffic violation. Traffic violations are a common phenomenon in big cities in developing countries, such as Indonesia. This problem is often associated with the increasing number of city residents which results in increasing activity and density on the highway.

Humans as road users who do not comply with traffic rules are the main factor in the occurrence of traffic accidents. Even though there are other causes other than the human factor such as flat tires, flat brakes, potholes, traffic jams, high volume of vehicles passing through certain road sections, road conditions, inadequate road infrastructure and others. [1]

Road traffic and transportation in Indonesia has an important and strategic role so that its implementation is controlled by the state, and its guidance is carried out by the government with the aim of realizing safe, secure, fast, smooth, orderly, orderly, comfortable and efficient road traffic and transportation. In Law Number 22 of 2009 concerning Road Traffic and Transportation, it explains that the changes that occur in people's lives are related to traffic problems. It is hoped that with the enactment of the new law regarding traffic, the community will be able to implement it as well as possible. Of course, this can only be achieved by all parties who want to be aware of and comply with the regulations that have been made.

Traffic cases in general include types of violation cases, traffic problems are not only concerned with increasing levels of congestion or accidents but are also affected by traffic violations such as traffic signs, road markings, red light break-ins, incomplete vehicle documents and so forth. Law enforcement in creating safe and comfortable driving for the community is implemented into traffic regulations where violations will be prosecuted with evidence of violations or called tickets.

Proof of violation or abbreviated as a ticket is a fine imposed by the police on road users who violate the rules. Road users often violate the rules set by the traffic law. Tickets are expected to be able to handle traffic problems. Motorists will be fined for traffic violations using a ticket. The letter contains information on the perpetrators of the violation, including the name of the motorcyclist, ID card number or vehicle registration certificate (STNK) and driving license (SIM), type of violation committed, age, article of violation and fines as

well as other important matters. Tickets are given to motorists as sanctions for violations they have committed. However, in practice these sanctions are misused by civil elements so that they do not provide a deterrent effect.

As technology and information development progresses rapidly, the Indonesian National Police develop an information system using network- or website-based software that provides increased dissemination of information to each member of the police force in real time. The software is an application program that can store information on prosecution of people who commit traffic violations in a database, and if a violation is committed by the same violator repeatedly, then the application or system will show violations that were committed before, data on violations that are displayed. The return will be the basis for the next violation, so that the violators will receive action at a higher level than the previous violation. This of course has a deterrent effect on the community, especially the violators who still commit violations frequently.

In the implementation of E-tickets, there are still many people who are indifferent and do not care about enforcement even though they already know the sanctions they will get. Like the case that occurred in Probolinggo, East Java. To avoid sanctions that will be recorded on the ETLE application, the perpetrators use a method by removing the vehicle's number plate so that it is not visible and recorded on the ETLE. The Head of the Probolinggo Police Traffic Unit explained that many of the drivers who did this trick avoided E-tickets, with this happening the Police continued to carry out physical checks of the vehicle directly.

By law, driving without a license plate is a violation. This is explained in Article 280 of Law Number 22 of 2009 concerning Road Traffic and Transportation that every motorist who does not have a Vehicle Number Sign is threatened with imprisonment for a maximum of 2 months or a fine of up to Rp. 500,000.00.-

In law enforcement, harmonization of the elements is required, starting from the substance and also supported by the existing community culture. However, what is the focus of this research is how effective the implementation of the E-ticket program is in dealing with traffic violations and how is law enforcement against perpetrators who commit violations in implementing the E-ticket program in dealing with traffic violations. So the purpose of this study is to provide education to readers regarding the effectiveness of implementing the ETLE program in prosecution of traffic violations and to find out the law enforcement process against perpetrators who commit violations in the application of the ETLE program in prosecution of traffic violations.

## **2. Research Methods**

The research method used in this research is normative legal research which is carried out by examining norms and regulations in various studies based on theory and also legal concepts related to the issues studied. The approach to be taken is to use a statutory approach and a conceptual approach. The analysis to answer the problems raised in this study will be carried out in a qualitative descriptive manner, namely describing data in a quality manner in the form of regular, logical and effective sentences and using language that can be easily understood in order to facilitate understanding of the results of research analysis to answer existing problems.

## **3. Results and Discussion**

### **1) The Effectiveness of Implementing the E-Ticket Program in Enforcement of Traffic Violations**

ETLE or electronic ticketing is the digitization of the ticketing process, by utilizing technology it is hoped that the entire ticketing process will be more efficient and also effective as well as assisting the Police in administrative management. 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. [2]

Based on the function, the E-Ticket application program does not carry out the function as an introduction to paying fines to the Bank or Registrar because the mechanism involves ticket papers, on E-Ticket proof papers the violator is not used as a normal ticket should be. The application only sends a reminder in the form of a ticket ID which stores all data or police records regarding the chronology of fines that will be given to the court or prosecutor who has a website with the same database integration, so this application only digitizes ticket tickets.

The application of ETLE itself has a strong legal basis, namely Article 5 of Law Number 11 of 2008 concerning Information and Electronic Transactions, and Law Number 22 of 2009 concerning Road Traffic and Transportation. The ETLE or Electronic Ticket mechanism is by using an application that has been downloaded and signed in according to the user and password you have. The flow of the ETLE process itself is that the Police take action against drivers who violate traffic. Then the police enter the ticket data into the ETLE application. Violators must provide correct data in the form of KTP numbers, vehicle police numbers, and especially cellphone numbers, because the next process requires a valid cellphone number. At this stage, the police also determine the article that the driver violated. After being recorded, the violator gets a ticket payment number notification. This notification in the form of SMS notifies the ticket payment number and also the

maximum fine payment nominal in accordance with the article that was violated. Payments can be made at any banking network. After payment, the offender can take the confiscated evidence, which can be a driver's license, vehicle registration, or vehicle, by showing proof of payment. If you don't want to attend, the offender doesn't need to come to court because the officer can represent him. Violators will then receive an SMS notification containing information on the decision and the amount of the fine. There is also the remaining amount of money from the maximum fine that has been paid. The remaining fines can be collected at the bank by showing an SMS from Korlantas or can be sent to the violator's account. [4]

If seen from the mechanism before the existence of E-Tickets, if traffic users commit violations, they will be subject to sanctions which are commonly referred to as Tickets or Proof of Violation. The ticket mechanism is different from the mechanism for E-tickets. In ordinary ticketing, when traffic and highway users commit violations or mistakes, the police will carry out several enforcements, the ticket mechanism for red ticketing is that the police take action using a red form or ticket which then determines the day of the trial which must pay attention to the decision of the court and explained when and where the offender had to attend the trial. If the violator is not present, then the police are required to summon 2 times and on the 3rd summons an arrest will be made. Furthermore, the return of evidence awaits the completion of the trial and after the offender pays a fine to the clerk.

The application of E-tickets is an option that is of course effective which achieves the goal of implementing fines for violators of traffic rules. However, not all people understand technology. Many do not know and understand about the existence of E-tickets so that more and equitable socialization is needed to the whole community. The effectiveness of this E-ticket has not reached the expected effectiveness because the application of E-tickets in Indonesia still needs to be evaluated for further service improvements. However, if the choice to implement E-tickets is very effective in utilizing advances in information and communication technology. The implementation of E-Ticket information disclosure is ensured because all information regarding traffic violations will be immediately available in the application and has been standardized by the system in accordance with policies that have been made by the relevant agencies such as the Police. The fines imposed on violators are ensured that there will be no bargaining with police officers who are no longer responsible, this is because there is no direct face-to-face process with police officers (illegal fees) because the amount of fines for violations has been determined. This is very effective in reducing acts of corruption which are usually committed by irresponsible law enforcement officers. With a system that makes it easier from all sides, people only need to make payments at the bank according to the fines that have been determined according to the violation. E-tickets will also support the accountability of the authorized police in dealing with violations of traffic rules. All traffic violations that occur will be recorded clearly by the system from the input and output. So that no handling data is missed or not inputted. And it is ensured that if there are things that are not appropriate regarding the data it will be easy to track.

The advantages of the ETLE system that have been described and described above, of course, are not without drawbacks. What can be seen, ETLE has limitations. Because this new service can only serve blue ticket slips. A blue ticket slip can be made by entrusting money to the officer. However, to minimize the occurrence of illegal levies, this ETLE system is implemented. With this system, there will be no more cash transactions between violators and officers.

Apart from that, many of the people do not really understand or understand technology. Many do not know about the existence of E-tickets, so it is necessary to socialize it regularly and more thoroughly to the public. There are still many violators who don't understand about E-tickets, this makes offenders wonder from one agency to another. There are also people who feel burdened with the payment of the maximum fine that must be paid when subject to fines for violations. Even though the remainder of the maximum fine payment will be returned according to the violation, not all people can afford and have the money to pay the maximum fine. And society is also increasingly advanced in technology and information used, some people are also increasingly advanced in thinking. However, in this case it is of course detrimental because some people use it to avoid this E-ticket policy rather than comply with it. As was the case in Probolinggo, some members of the public or individuals removed their vehicle license plates to avoid E-ticket cameras that would read the vehicle's license plate in the event of a violation. That way, violators will be free from the system and cannot be fined. Of course this requires decisive action by the police.

According to Hans Kelsen, when talking about legal effectiveness, it also talks about legal validity. Legal validity means that legal norms are binding, that people must act according to what is required by legal norms, that people must obey and apply legal norms. Legal effectiveness means that people actually act in accordance with the legal norms as they have to do, that the norms are actually implemented and complied with. [5]

Effectiveness comes from the word effective which implies the achievement of success in achieving the goals that have been set. Effectiveness is always related to the relationship between the expected results and the actual results achieved. Effectiveness is the ability to carry out tasks, functions (operations, activities, programs

or missions) of an organization or the like without pressure or tension between its implementation. So the effectiveness of the law according to the meaning above means that the indicator of effectiveness in the sense of achieving predetermined goals or objectives is a measurement in which a target has been achieved in accordance with what was planned.

Theory of Effectiveness (Soerjono Soekanto) Law as a rule is a benchmark regarding appropriate attitudes or behavior. The thinking method used is the deductive-rational method, giving rise to a dogmatic way of thinking. On the other hand, there are those who see law as an attitude or behavior that is regular (steady). The method of thinking used is inductive-empirical, so that the law is seen as an act that is repeated in the same form, which has a specific purpose. [6]

The effectiveness of law in action or legal reality can be known if someone states that a rule of law succeeds or fails to achieve its goals, then it is usually known whether its influence succeeds in regulating certain attitudes or behaviors so that they are in accordance with their goals or not. Legal effectiveness means that legal effectiveness will be highlighted from the goal to be achieved, namely legal effectiveness. One effort that is usually done so that people comply with the rule of law is to include the sanctions. These sanctions can be in the form of negative sanctions or positive sanctions, the purpose of which is to create stimulation so that humans do not take disgraceful actions or take commendable actions.

Certain conditions are required that must be met for the law to have an influence on the attitude of action or human behavior. The conditions that must exist include, among other things, that the law must be communicable. Legal communication focuses more on attitude, because attitude is a mental readiness so that a person has a tendency to give good or bad views, which are then manifested in real behavior. If what is communicated cannot reach the problems directly faced by the target of legal communication then difficulties will be encountered. The result is that the law has no effect at all or even has a negative influence. This is because their needs cannot be met and understood, resulting in frustration, pressure, or even conflict.

When viewed from the legal theory of effectiveness that has been explained, the effectiveness of implementing the E-ticket program in prosecution of traffic violations is effective enough in its implementation that legal norms are binding, that people must act according to what is required by legal norms that have been made. In this case, the application of E-tickets, where the rules are binding and there are clear sanctions for its application. In its implementation, there is also the aim to discipline the public to comply with traffic regulations, which in this case is sufficient to discipline the public in driving and obeying traffic rules. However, it is undeniable that there are a number of things that may not have reached the effectiveness as expected, this is of course a condition where some people have not been properly educated or have had sufficient education but have attitudes that have an impact on the violations committed. This, of course, cannot be said to be effective for the implementation of the ETLE program and needs to be followed up and provided with sufficient education to achieve the desired goals and be created for the good of the whole community and the agencies concerned.

## **2) Law Enforcement Against Perpetrators Who Violate the Implementation of the E-Ticket Program in Enforcement of Traffic Violations**

Law enforcement in Dutch is called *rechtstoe* passing and *rechtshand* having, including macro and micro meanings. Macro in nature includes all aspects of community, nation and state life, while in the micro sense it is limited to the examination process in court including the process of investigation, investigation, prosecution up to the implementation of criminal decisions that have permanent legal force.[7] According to Abdul Kadir Muhammad, argues that law enforcement can be formulated as an effort to carry out the law as it should, supervise its implementation so that violations do not occur, and if a violation occurs, restore the violated law so that it is enforced again.[8]

Law enforcement is the process of carrying out efforts to enforce or function legal norms in a real way as a guide for actors in traffic or legal relations in the life of society and the state. Law enforcement is an attempt to realize legal ideas and concepts that the people expect to become reality. Law enforcement is a process that involves many things.[9]

Law enforcement is an activity that has the goal of harmonizing the relationship of values contained in solid and embodying values and attitudes as a series of final stages of elaboration of values that aim to create, maintain and maintain social peace. In this case the rule contains orders, prohibitions or permissibility. Which orders, prohibits, and allows to do or not to do certain actions. These rules or rules then become a benchmark for an attitude that is inappropriate or should be carried out. [10] Law enforcement is a process that can be in the form of the application of discretion, namely decisions that are not governed by the rule of law, by having elements of personal views and judgments. Law enforcement is an attempt to implement the notion of justice, legal certainty, and the benefits of social life.

Law enforcement is related to the parties that make up and apply the law (law enforcement). The divisions of law enforcement are law enforcement officials who are able to provide certainty, justice and legal

benefits proportionally. Law enforcement apparatus includes the notion of law enforcement institutions and law enforcement officials, while law enforcement officials in a narrow sense start from the Police, Prosecutors' Office, Judiciary, Legal Counsel, and Civil Correctional Officers. Each officer and apparatus is given the authority to carry out their respective duties which include the activities of receiving reports, investigations, investigations, prosecutions, proofs, imposition of sentences and imposition of sanctions as well as efforts to reinstate the convicted person.

According to Soerjono Soekanto, law enforcement is the activity of harmonizing the relationship of values which are spelled out in solid principles and attitudes as a series of final stages of value translation to create, maintain and maintain social peace. Concrete law enforcement is the application of positive law in practice as it should be obeyed. Therefore, providing justice in a case means deciding the law in concreto in maintaining and guaranteeing the observance of material law by using the procedural method stipulated by formal law. [11]

In essence, law enforcement aims to realize values or principles that contain justice and truth, law enforcement is not only the duty of conventionally known law enforcers, but is the duty of everyone. However, in relation to public law, it is the government that is responsible. Law enforcement when viewed from the perspective of the subject in a broad sense, the process of law enforcement involves all legal subjects in every legal relationship, anyone who carries out normative rules or does something or does not do something based on the norms of the rule of law. In a narrow sense, law enforcement is only interpreted as an effort by certain law enforcement officials to guarantee and ensure that a rule of law operates as it should. Viewed from the point of view of the object, namely from a legal perspective in a broad sense, law enforcement includes the values of justice which contain the sound of formal rules and the values of justice that exist in society. In a narrow sense, law enforcement only concerns the enforcement of formal and written regulations.

Law enforcement is a process of achieving or realizing legal desires to come true, legal desires here are the ideas of the legislature. Law enforcement as an effort to realize good governance by using 2 (two) ways, namely through penal and non-penal channels. Both of these methods are used simultaneously because crime cannot be minimized only by strict prosecution.

Through the ETLE program, public services, especially in terms of prosecution of traffic violations, can be provided more effectively, efficiently, transparently and accountably in realizing good governance. In fact, it is in line with the constitutional mandate of Article 34 Paragraph (3) of the 1945 Constitution which explains that the state is responsible for the provision of proper health service facilities and public service facilities. If examined implicitly the legal basis explaining the electronic ticketing system is still unclear. However, it is explicitly stated that the electronic traffic violation enforcement system policy through the ETLE program has been co-opted in Article 272 Paragraph 1 of Law Number 22 of 2009 concerning Traffic and the Road Force which explains that, to support violation enforcement activities in the field of traffic and road transport, can be used electronic equipment.[12]

Enforcement of traffic and road transport violations has procedures for prosecution which are regulated in Article 267-269 of Law Number 22 of 2009 concerning Road Traffic and Transportation, Article 267 states: (1) every violation in the field of traffic and road transportation which is examination according to the express inspection procedure may be subject to fines based on a court order; (2) The speed check procedure 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 traffic and road transport offender; (5) Evidence of safekeeping of the fines must be attached to the evidence of the violation. Article 268 states: (1) In the case of a court decision stipulating that the fine is smaller than the fines deposited, the remaining fines must be notified to the violator for collection; (2) The remaining fines as referred to in paragraph 1 which are not collected within 1 (one) year from the decision of the court shall be deposited into the state treasury. Article 269 states: (1) The fines determined by the court as referred to in Article 267 paragraph 1 shall be deposited to the state treasury as non-tax state revenue; (2) as the non-tax state revenue referred to in paragraph 1 is allocated as an incentive for officers of the Indonesian National Police and Civil Servant Investigators who carry out law enforcement on the road, the implementation of which is in accordance with the provisions of laws and regulations.

### **3. Conclusion**

The ETLE or Electronic Ticket mechanism is by using an application that has been downloaded and signed in according to the user and password that is owned. In ordinary ticketing, when traffic and highway users commit violations or errors, the police will carry out several enforcement mechanisms. ticket for a ticket that is red in color is that the police take action using a red form or ticket which then determines the day of the trial which must pay attention to the stipulations of the court and explain when and where the offender must

attend the trial. Many do not know and understand about the existence of E-tickets, so more and equitable socialization is needed to the whole community.

Implementation of E-Ticket information disclosure is ensured because all information regarding traffic violations will be immediately available in the application and has been standardized by the system in accordance with the policies that have been made from the relevant agencies such as the Police. Fines imposed on violators are ensured that there is no bargaining bargaining with police officers who are no longer responsible, this is because there is no direct face-to-face process with police officers (illegal fees) because the amount of fines for violations has been set. with fines that have been determined according to the violation. Legal validity means that legal norms are binding, that people must act according to what is required by legal norms, that people must obey and apply legal norms.

When viewed from the legal theory of effectiveness that has been explained, the effectiveness of implementing the E-ticket program in prosecution of traffic violations is effective enough in its implementation that legal norms are binding, that people must act according to what is required by legal norms that have been made. In its application there is also a goal to further discipline the public to comply with traffic regulations, which in this case is enough to discipline the public in driving and comply with traffic regulations. what is expected is of course a condition where some people are not properly educated or have sufficient education but have attitudes that impact the violations committed. Of course this cannot be said to be effective for the implementation of the E-TLE program and needs to be followed up and given education yes enough to achieve the desired goals and created for the good of the whole community and other institutions.

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