

## The Electronic Traffic Law Enforcement Problems in Traffic Violation Law Enforcement

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**Abstract.** *The aim of this research is to determine and analyze the problems of Electronic Traffic Law Enforcement policies juridically and implementably. The approach method used in this writing is normative juridical. This writing specification is analytical descriptive. Technically, Electronic Traffic Law Enforcement (ETLE) still has problems in achieving smooth implementation. The implementation of electronic-based ticketing carried out by the police on highways has not been effective to date, in enforcing laws and regulations, and has not achieved the discipline that the highway user community aspires to. The development of ticketing must become more dynamic to solve various problems of increasing traffic violations. The implementation of Electronic Traffic Law Enforcement (E-TLE) so far has not been evenly distributed, as can be seen from the CCTV cameras installed, Surveillance cameras (CCTV) in areas that have implemented electronic ticketing are not yet fully automated with vehicle number plate recognition (ANPR), Check Point cameras and speed monitoring (speed radar). Only a few points have surveillance cameras capable of monitoring speed (speed radar), check points and vehicle number plate recognition (ANPR) while there are so many traffic intersections.*

**Keywords:** ETLE; Problems; Traffic; Violations.

### 1. Introduction

Indonesia is a country that continues to improve in facing and following technological developments. On the other hand, Indonesia is also a legal state that upholds justice and provides equal rights to all its citizens in a position before the law as stated in the 1945 Constitution of the Republic of Indonesia Article 1 paragraph (3) which reads "The State of Indonesia is a state of law."<sup>1</sup>The

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<sup>1</sup> Iman Faturrahman, and Bambang Tri Bawono. Application of Restorative Justice to Solution of

main purpose of law is to create order.<sup>2</sup>The law must be implemented and enforced (*fiat justitia et pereat mundus*) which means that even though the world will collapse the law must be upheld.<sup>3</sup>

One of the efforts to implement traffic rules is by assigning a traffic police unit to provide security in maintaining driving order.<sup>4</sup>However, in practice, traffic security carried out manually by police officers often encounters shortcomings, such as frequent arguments between customers and officers, not being able to take action against all violators simultaneously if there are many violators in one area, not being able to provide a deterrent effect because there are many Violators were found who immediately avoided the presence of officers on guard.

The increase in traffic violations is a new challenge for the police to be able to apply sanctions that are educational but still have a deterrent effect.<sup>5</sup>One way to suppress violations is by carrying out administrative sanctions (tickets) carried out by the police. However, what has happened so far is that the ticketing system is often distorted by civilians and police officers to compromise each other so that their respective interests can be achieved without following applicable procedures. It is no secret that the practice of bribery during traffic operations often occurs. That is the underlying reason for the Indonesian National Police to implement a new system called Electronic Traffic Law Enforcement (ETLE), or as the public is familiar with the term E-ticket. This system is expected to reduce the practice of extortion and bribery. E-ticketing was implemented at the same time as it was launched simultaneously throughout Indonesia on December 6 2017.

The implementation of the Electronic Traffic Law Enforcement (ETLE) system in resolving traffic violations is something new in traffic law enforcement in Indonesia. As something new<sup>6</sup>, the implementation of the Electronic Traffic Law Enforcement (E-TLE) system in resolving traffic violations continues to undergo improvements and refinements, moreover the electronic-based ticketing system

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Traffic Accidents. *Journal of Legal Sovereignty* Volume 4 Issue 1, (2021), p.27

<sup>2</sup>Hesti Kristi Wahyudi, and Sri Kusriyah. Owner's Responsibilities of Vehicles Used as Illegal Public Transport When Traffic Accidents Happened. *Journal of Legal Sovereignty* Volume 4 Issue 1, (2021), p.1

<sup>3</sup>Asliani Harahap. Reform of Criminal Law Based on Customary Law. In *Eduteh Journal* Vol. 4 No. 2. (2018). p.1

<sup>4</sup> Arnia Jovi, Umar Ma'ruf, Latifah Hanim, Rahmat Bowo Suharto. The Factors Effectiveness of Driving License Service Procedures, *Journal of Sovereign Law*, Volume 5 Issue 2, (2022), p.108

<sup>5</sup> Nurhasan Ismail, Effectiveness of Traffic and Road Transportation Laws in Minimizing Traffic Accident Fatalities, *Legal Science Journal, Traffic Accident Research Center Journal of Indonesia Road Safety*, Vol. 1, No. 1, (2018), p.113

<sup>6</sup> Asmara et al. Traffic Law Enforcement Through the ETLE System. *Journal of Police Science*. Volume 13 Number 1, (2019). p.187-202.

with the main means, namely CCTV (Closed Circuit Television), was developed in the existing traffic law regime already exists, it is certain that there will also be many interactions with other laws.

The aim of the author's research is to find out and analyze the problems of Electronic Traffic Law Enforcement policies juridically and implementably.

## **2. Research Methods**

To conduct the study in this writing, the author used normative juridical methods, with emphasis on literature study. The specifications in this research are descriptive analysis. Secondary research material comes from statutory regulations relating to the writing carried out. To obtain the data in this writing, secondary data collection methods were used which were obtained from literature, statutory regulations, and the opinions of legal experts. The data that has been obtained is then analyzed using qualitative analysis.

## **3. Results and Discussion**

### **3.1. Overview of Electronic Traffic Law Enforcement (ETLE)**

*Electronic Traffic Law Enforcement* hereinafter referred to as ETLE or electronic ticketing, is one of the policies issued by the Republic of Indonesia Police in an effort to develop an electronic traffic law enforcement system to support security, safety and order which was launched last December 2016. Meanwhile, in a more basic sense, a ticket is a fine imposed by the police on road users who violate the rules. Road users often violate the rules established by traffic law. Tickets are expected to be able to handle traffic problems.<sup>7</sup>

At each Electronic Traffic Law Enforcement placement that has previously been determined by the police agency, a CCTV (Close Circuit Television) surveillance camera will be installed which is directly connected to the monitoring room (Back Office). By using CCTV cameras, you can monitor events and conditions at each installation point in real time, so that every violation that occurs will be automatically captured in the system which will produce electronic evidence of the violation.

The implementation of Electronic Traffic Law Enforcement (ETLE) which is based on digital data through recording on cameras with intelligence software means that direct face-to-face contact between members of the National Police and violators is increasingly minimal, thereby preventing corrupt behavior by

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<sup>7</sup> Junef Muhar, Community Behavior Regarding Violation Evidence Operations (Tickets) in Traffic, E-Jurnal Widya Yustisia 52 Vol.1 Number 1 (2014), p. 54.

members of the National Police and/or traffic violators. Apart from being in line with the direction of development of national law, the implementation of Electronic Traffic Law Enforcement (ETLE) is also in line with the direction of development of Information and Communication Technology (ICT) which is currently causing the industrial revolution 4.0. The technological change factor known as digitalization technology (digitalisation/digitalization) is a method of transitioning from analog technology to digital technology and conveying information in analog format to binary format.<sup>8</sup>

### **3.2. Problems of Electronic Traffic Law Enforcement Policy Juridically and Implementatively**

Regarding Electronic Traffic Law Enforcement (ETLE), the initiation of the application of the ETLE concept is actually in line with the direction of national legal development, especially with the direction of developing the fourth national law which focuses on efforts to eliminate the possibility of criminal acts of corruption, as well as being able to handle and resolve problems completely related to corruption, collusion and nepotism (KKN). The implementation of ETLE which is based on digital data through recording on cameras with intelligence software means that direct face-to-face contact between members of the National Police and violators is increasingly minimal, thereby preventing corrupt behavior by members of the National Police and/or traffic violators.<sup>9</sup>

At each Electronic Traffic Law Enforcement placement that has previously been determined by the police agency, a CCTV (Close Circuit Television) surveillance camera will be installed which is directly connected to the monitoring room (Back Office). By using CCTV cameras, you can monitor events and conditions at each installation point in real time, so that every violation that occurs will be automatically captured in the system which will produce electronic evidence of the violation. The types of violations that can be detected in the ETLE system are violations of road markings and signs, namely lane errors, excess carrying capacity and dimensions; ran a red light; against the current; driving at a speed exceeding the limit; not using a helmet; not using a seat belt; and using a cell phone while driving.<sup>10</sup>

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<sup>8</sup>Danrivanto Budhijanto, The Role of Telecommunication Law on the Implications of the Convergence of Information and Communication Technology, *Journal of Legal Dynamics* Volume 14 Number 1 (2014), p. 135

<sup>9</sup> Dian Agung Wicaksono and Chryshnanda Dwilaksana. Electronic Road Traffic Law Enforcement as a Form of Legal Development in the Digital Era. *Rechtsvinding Journal*. Volume 9 Number 2. (2020), p. 315.

<sup>10</sup>Naufal Adi Pratama, Implementation of Electronic Traffic Law Enforcement Policy in Building Legal Awareness of Traffic in the City of Surabaya. *Magnum Opus Law Journal*, Volume 4 Number 2, (2021), p.134

Motorists who are ticketed are required to pay the maximum fine according to the article violated by the violator. If the motorist who has been ticketed has paid the fine in full, the police who issued the ticket will receive a notification on their cellphone. Then, violators can redeem the confiscated letters at the place mentioned in the notification. This E-ticket application is integrated with the court and prosecutor's office. The judge will give a decision, and the prosecutor will execute the decision, usually within a week to two weeks. The initiation of ETLE implementation is an effort to utilize information and communication technology to support the process of enforcing traffic and road transport laws.

So far, based on the results of the research carried out, there is no legal regulation that specifically regulates Electronic Traffic Law Enforcement (ETLE) as a juridical nomenclature, so the definition of ETLE is only a guideline in understanding ETLE and is not an imperative definition because it does not have binding legal force obtained from certain statutory regulations. So in this case it can only be interpreted as taking action against traffic and road transportation violations, namely a series of actions carried out by the Republic of Indonesia State Police Investigation or Civil Servant Investigators in the field of Traffic and Road Transportation against traffic and road transportation violations.

In terms of implementation, there are also obstacles or shortcomings in implementing this ticketing system, such as drivers still using bogus vehicles, vehicle ownership has not been transferred to the name, so the data is difficult to verify, then seen from the behavior of drivers in Indonesia it is still very worrying, including in the provincial capitals of Indonesia. west to east, because there are still many traffic violations, a violation is overtredingen or a violation means an act that violates something and is related to the law, meaning nothing other than an act against the law.<sup>11</sup>

The application of Electronic Traffic Law Enforcement (E-TLE) to resolve traffic violations in Indonesia is not yet a complete solution, the problems that occur in implementing the Electronic Traffic Law Enforcement (E-TLE) application are inadequate facilities and infrastructure such as the presence of several police officers in the field who do not issue E-tickets to violators and still use manual ticketing, even though the E-ticketing application has been implemented by the National Police which is quite good, but it cannot be implemented optimally by officers in the field.

The implementation of Electronic Traffic Law Enforcement (E-TLE) so far has not been evenly distributed, it can be seen from the installed CCTV cameras, surveillance cameras (CCTV) in areas where electronic ticketing has been implemented, not yet fully automatic vehicle number plate recognition (ANPR),

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<sup>11</sup>Wirjono Prodjodikoro, 2013, Principles of Criminal Law. Bandung: Refika Aditama, p. 33

Check Point cameras and speed monitoring (speed radar). Only a few points have surveillance cameras capable of monitoring speed (speed radar), check points and vehicle number plate recognition (ANPR) while there are so many traffic intersections. This is a factor why the implementation of Electronic Traffic Law Enforcement (E-TLE) in Indonesia is not evenly distributed.

In the context of implementing ETLE, members of the National Police do not need to look for traffic violators because it is based on the principle of vicarious liability<sup>12</sup>Criminal liability attaches to motor vehicle owners.<sup>13</sup>However, the proposed application of the principle of vicarious liability in ETLE requires changes to the LLAJ Law because one of the fundamental principles in formulating norms in criminal law must adhere to the principle of *lex scripta*, namely that the provisions of criminal legislation must be formulated first. Apart from being able to provide legal certainty to citizens, it will also provide similar certainty for government officials who have to enforce criminal law, such as police, prosecutors and judges, so that what is needed to achieve legal certainty is the formulation of criminal law provisions clearly and clearly (*lex certa*), must also be quite strict and limited in scope (*lex stricta*).

#### 4. Conclusion

The application of Electronic Traffic Law Enforcement (E-TLE) to resolve traffic violations in Indonesia is not yet a complete solution, the problems that occur in implementing the Electronic Traffic Law Enforcement (E-TLE) application are inadequate facilities and infrastructure such as the presence of several police officers in the field who do not issue E-tickets to violators and still use manual ticketing, even though the E-ticketing application has been implemented by the National Police which is quite good, but it cannot be implemented optimally by officers in the field. The implementation of Electronic Traffic Law Enforcement (E-TLE) so far has not been evenly distributed, it can be seen from the CCTV cameras installed, surveillance cameras (CCTV) in areas that have implemented electronic ticketing, not yet fully automatic vehicle number plate recognition (ANPR), Check Point cameras and speed monitoring (speed radar). Only a few points have surveillance cameras capable of monitoring speed (speed radar), check points and vehicle number plate recognition (ANPR) while there are so many traffic intersections. This is a factor why the implementation of Electronic Traffic Law Enforcement (E-TLE) in Indonesia is not evenly distributed.

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<sup>12</sup>Norman D. Lattin, *Vicarious Liability and the Family Automobile*, Michigan Law Review, Volume 26 Number 8, (1928). p. 846-879

<sup>13</sup>I. Sriyanto, *Principle of No Fault in Criminal Liability with Deviations*, Journal of Law and Development Volume XXIII Number 2, (1993). p. 160.

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