

IMPLEMENTATION OF SANCTIONS FOR TRAFFIC VIOLATIONS IN BANDAR LAMPUNG CITY THROUGH ELECTRONIC TICKETS (ETLE)

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Abstract

The implementation of Electronic Traffic Law Enforcement (ETLE) is a breakthrough made by the police to prosecute traffic violations and to improve driving discipline in the community. This research uses a normative juridical approach and an empirical juridical approach. Data collection with field studies and literature studies. The results of the study discuss the Implementation of Electronic Traffic Law Enforcement (ETLE) in the Context of Electronic Traffic Law Enforcement carried out by the Bandar Lampung Police Traffic Unit by preparing the infrastructure and human resources in charge and also coordinating with related agencies, the facilities and infrastructure needed include server room/back office, in this case, using the Regional Traffic Management Center (RTMC) room and ETLE post. Then ETLE cameras, fiber optic networks, servers, computers, printers, and internet networks are also needed. Obstacles to the implementation of electronic traffic law enforcement (ETLE) in the context of electronic traffic law enforcement carried out by the Bandar Lampung Police Traffic Unit include Law Enforcement Factors, Facilities and Infrastructure Factors, and Community Factors, where the most dominant factor is the limited factor of the ETLE VPN network, the relatively expensive procurement, and maintenance of devices makes it an obstacle to meet all points prone to violations and prone to traffic accidents.

Keywords: *Application of Sanctions, Traffic Violations, ETLE.*

Abstrak

Penerapan Electronic Traffic Law Enforcement (ETLE) merupakan suatu terobosan yang dilakukan oleh kepolisian untuk penindakan pelanggaran lalu lintas dan untuk meningkatkan kedisiplinan berkendara di masyarakat. Penelitian ini menggunakan pendekatan yuridis normatif dan pendekatan yuridis empiris. Pengumpulan data dengan studi lapangan dan studi pustaka. Hasil penelitian membahas Penerapan Electronic Traffic Law Enforcement (ETLE) dalam Rangka Penegakan Hukum Lalu Lintas Secara Elektronik yang dilakukan oleh Satuan Lalu Lintas Polresta Bandar

Lampung dengan menyiapkan sarana dan prasarana serta sumber daya manusia yang bertugas dan juga melakukan koordinasi dengan instansi terkait, sarana dan prasarana yang dibutuhkan antara lain ruang server/back office dalam hal ini menggunakan ruang Regional Traffic Management Center (RTMC) dan posko ETLE. Kemudian dibutuhkan juga kamera ETLE, jaringan fiber optic, server, komputer, printer dan jaringan internet. Faktor penghambat penerapan electronic traffic law enforcement (ETLE) dalam rangka penegakan hukum lalu lintas secara elektronik yang dilakukan oleh Satuan Lalu Lintas Polresta Bandar Lampung meliputi Faktor Penegak Hukum, Faktor Sarana dan Prasarana serta Faktor Masyarakat, dimana faktor yang paling dominan adalah faktor terbatasnya jaringan VPN ETLE, relatif mahalnya pengadaan dan perawatan perangkat menjadikan kendala untuk memenuhi semua titik rawan pelanggaran dan rawan laka lantasi.

Kata Kunci: Penerapan Sanksi, Pelanggaran Lalu Lintas, ETLE.

INTRODUCTION

Background

The creation of the rule of law is inseparable from the existence of state instruments that assist in organizing the life of the nation and state, one of the state instruments in the field of law enforcement is the police. In order to realize justice and legal certainty, the Indonesian National Police (hereinafter abbreviated as POLRI) provides protection, protection, and services to the community through preemptive, preventive, and repressive efforts that can increase awareness and strength, and legal compliance with the community (law abiding citizenship).

A very large number of problems that arise in urban areas are problems on the highway. For example in the problem of traffic violations. Where violations are acts that violate something related to the law or acts against the law. So that in this case the participation of the community as road users in traffic control is needed (Syafitri 2022).

There are many cases of traffic violations on the highway committed by road users which tend to result in accidents and increase traffic congestion. The majority of 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, breaking through red lights, without letters and vehicle equipment, and others (Setiyanto, Gunarto, and Wahyuningsih 2017).

One of the legal breakthroughs made by the National Police in creating public security and order, especially in the field of road traffic, is the Electronic Traffic Law

Enforcement (ETLE) program. The implementation of Electronic Traffic Law Enforcement (ETLE) is a breakthrough made by the police to take action against traffic violations and to improve driving discipline in the community.

Electronic Traffic Law Enforcement (ETLE) is an effort to implement technology to record violations in traffic electronically to support security, safety, and order. Actually, the application of ETLE was first piloted on October 1, 2018, but now it has been implemented nationally. The purpose of implementing ETLE is to improve driving discipline. In principle, in the implementation of ETLE, there is a change in the law enforcement mechanism for traffic and road transportation violations. ETLE itself is the process of prosecuting traffic and road transportation violations using the help of electronic equipment that can capture images or videos of violations and later become the basis for issuing tickets (Gazali 2022).

The implementation of the Traffic Violation Enforcement system with electronic evidence or electronic ticketing aka Electronic Traffic Law Enforcement (ETLE) has now been implemented in various regions in Indonesia (Pattiruhu et al. 2022). National Police Chief General Listyo Sigit Prabowo inaugurated the implementation of Electronic Traffic Law Enforcement (ETLE) or Phase I electronic tickets on Tuesday, March 23, 2021. During the inauguration, there were 12 Regional Police (Polda) with 244 electronic ticket cameras operated. The twelve Polda are Polda Metro Jaya, Polda West Java, Polda Central Java, Polda East Java, Polda Jambi, Polda North Sumatra, Polda Riau, Polda Banten, Polda DIY, Polda Lampung, Polda South Sulawesi, and Polda West Sumatra. However, according to the Head of Sub Directorate of Violation Enforcement of the Directorate of Law Enforcement of the Police Traffic Corps, Kombes Abrianto Pardede, only 3 (three) Polda has implemented the ETLE system, namely Polda Metro Jaya, Polda DIY, and Polda Jatim. The rest are still socializing and educating the public about the implementation of ETLE (Noverdi Puja Saputra 2021).

Electronic Traffic Law Enforcement (ETLE) is an effort to implement technology to record violations in traffic electronically to support security, safety, and order. Actually, the application of ETLE was first piloted on October 1, 2018, but now it has been implemented nationally. The purpose of implementing ETLE is to minimize those who commit extortion when prosecuting traffic violations. Not only that, the application is to increase driving discipline.

Based on the background description above, the author is interested in conducting research on these issues, so the researcher will put it in the form of a thesis scientific work with the title Implementation of Sanctions for Traffic Violations in Bandar Lampung Through Electronic Tickets or (ETLE).

RESEARCH METHOD

The problem approach in this research uses normative and empirical juridical approaches. A normative juridical approach is an approach through library research by reading, quoting, and analyzing legal theories and laws and regulations related to the problems in the study. The empirical juridical approach is an effort to clarify and understand research problems based on the results of interviews, existing realities, or case studies. Data collection is done by literature study and field study. Data analysis is carried out qualitatively.

RESULTS AND DISCUSSION

Implementation of Electronic Traffic Law Enforcement (ETLE) in the context of Electronic Traffic Law Enforcement carried out by the Bandar Lampung Police Traffic Unit

As an analysis knife for the Application of Sanctions for Traffic Violators by Electronic Traffic Law Enforcement (ETLE) in the Context of Law Enforcement Application of Sanctions for Traffic Violators by Electronic Traffic Law Enforcement (ETLE) in the Context of Electronic Traffic Law Enforcement (Study at the Bandar Lampung Police Traffic Unit), where the law as a means of renewal in a developing society can also be detrimental, so it must be done carefully.

Electronic Traffic Law Enforcement (Study at the Bandar Lampung Police Traffic Unit), where the law as a means of reform in a developing society can also be detrimental, so it must be done carefully. The role of law is to ensure that changes occur in an orderly manner (orderly); the law plays a role through the help of legislation and court decisions or a combination of both.

Indonesia is a State based on law; the Indonesian State must uphold the rule of law, both in the administration of government and in the community. This is possible if the existing legal system is well organized and can be applied optimally.

The rule of law is a concept of the state. According to Lintje Anna Marpaung, the state is an organization that is the product of politics, which in this case can also be

interpreted as a policy, strategy, steps, tips or policies, or policies, to achieve the desired goals (Marpaung 2021).

According to Roscoe Pound, it explains that law, apart from functioning as social control, also functions as a tool to change society or commonly called law as a tool of social engineering. The tool of changing society is analogous to a mechanical process, this can be seen with the development of industry and business transactions that introduce new values and norms (Kusumaatmadja 2012)

According to Ludwig Von Bertalanfy in his book, Baharudin explains that law is a system carrying out its function to achieve the desired goals effectively, law must be seen as a sub-system of a large system, namely society and its environment (Baharudin 2019).

The legal system is inseparable from the purpose of law universally, where the law is a means of social control in detail where the legal structure, court system, legal procedures, legal history, and the place of law in society all of these are important subjects that affect human life every day.

According to Soedarto, talking about law enforcement is not talking about how the law is, but what is done by law enforcement officials in dealing with problems in law enforcement. This means that law enforcement is always related to the activities carried out by law enforcers. More explicitly Soedarto said that when viewed functionally law enforcement is an action system As an action system, in law enforcement there will be activities carried out by law enforcers, among others:

- a. The activity of the legislative body that formulates legislation;
- b. The activity of the police;
- c. The activities of the prosecutor's office that enforces the law;
- d. Court activities that supervise the implementation of the law (Soedarto 2006).

The functionalization of criminal law against criminal acts according to Barda Nawawi Arief equates the notion of law enforcement with functionalization, he said that the functionalization of criminal law can be interpreted as an effort to make criminal law concrete. So the term functionalization of criminal law can be identified with the term operationalization or concretization of criminal law, which is essentially the same as the notion of law enforcement (Arief 2002).

One form of law enforcement in the field of repressive enforcement is the prosecution of traffic violations. Enforcement of traffic violations can be carried out educationally, namely by giving warnings and warnings in a sympathetic manner to traffic violators, while juridically enforcement is carried out by using tickets and/or using brief/summary/minor criminal acts or with ordinary minutes.

The e-Ticket System (ETLE), Korlantas Polri is a system that involves agencies other than the police at several stages. With the specific functions of each agency, e-Ticket data will be more valid and accountable because it is processed by authorized agencies. The Police with its Korlantas as a sub-agency responsible for the prosecution of traffic violations is the starting point of the e-Tilang process itself. The process carried out is the same as the manual ticketing process, namely recording the occurrence of violations according to the time and place and the facts obtained. However, the difference is that the recording is digital/electronic and directly stored on the national server.

In order to keep up with technological developments, the National Police issued a new system for enforcing traffic rules called ETLE (Electronic Traffic Law Enforcement). The use of ETLE is also a form of Polri's contribution to realizing Bandar Lampung as a Smart City in line with bureaucratic reform. Another benefit is to increase the culture of public order in traffic, which is the deterrent effect of the ETLE system.

Enforcement of violations with electronic recording evidence is regulated in Government Regulation Number 80 of 2012 Procedures for Inspection of Motor Vehicles on Roads and Enforcement of Road Traffic and Transportation Violations. This is in line with the current situation and development where the limited number of traffic police officers in the field is in the context of traffic supervision and the creation of security, safety, order, and smooth traffic. Therefore, the support and role of technology must be optimized, one of which is through electronic traffic law enforcement (electronic recording/cameras). The use of electronics/cameras has become a necessity amid the various kinds of traffic violations that occur.

The implementation of electronic traffic law enforcement (ETLE) in the context of electronic traffic law enforcement carried out by the Bandar Lampung Police Traffic Unit is an effort to utilize information technology in supporting the road traffic law enforcement process. This can be seen in the ETLE work mechanism scheme which changes the road traffic law enforcement process from being caught by hand with the

naked eye to the implementation of cameras with intelligence software to capture traffic violations. The application of ETLE in Bandar Lampung City is as follows:

- a. Camera sensor Implementation of camera intelligence software to capture traffic violations.
- b. Evidence validation Matching police numbers with automated number plate recognition (ANPR)-powered software readings
- c. Regident data validation Matching the physical vehicle (in photos and videos) with data from the motor vehicle registration and identification database.
- d. Document printing Confirmation letter of violation of the vehicle owner's address obtained from the motor vehicle registration and identification database is included in the confirmation document and the delivery address on the envelope.
- e. Delivery of ETLE confirmation letters via Post is addressed to the address of the traffic violator.
- f. Settlement After ETLE traffic violators get a ticket stamp, ETLE traffic violators can settle related violations by paying via the Bank using the payment code received by the ETLE traffic violator.

The technical implementation of law enforcement using the ETLE system refers to the Standard Operating Procedure (SOP), namely the Regulation of the Traffic Director of the Indonesian National Police Number 170 of 2020 concerning Standard Operating Procedures for Enforcement of Traffic and Road Transportation Violations with Electronic Traffic Law Enforcement (ETLE). The Standard Operating Procedure (SOP) was prepared with the aim that every traffic violation prosecution, confirmation service, and making proof of violation payment (ticket) carried out by Polri officers electronically can provide legal certainty. Where the presence of ETLE can minimize the intersection between police officers and violators and prevent the practice of gratuities and abuse of authority in the implementation of law enforcement against traffic violations.

Legal development is sought to find a powerful means of building this society based on the consideration that a national legal system that is good in terms of the truth of its contents and the strength of its enforcement, will be able to force citizens (who have the status of citizens) to behave as ordered by state law and not laws that can force compliance with a rule due to coercion by the authorities.

According to Roscoe Pound's opinion, legal changes that can affect social change are in line with one of the functions of law, namely the function of law as a means of social change, or a means of social engineering. Law as a social control mechanism plays an important role in society and even has multifunctions for the good of society, in order to achieve justice, legal certainty, order, and legal benefits.

Based on Roscoe Pound's opinion above, the law as a means of community control is realized in legal development by the state, meaning that the application of ETLE is actually in line with the direction of national legal development, especially in the direction of legal development towards the development of advances in information technology known as the change from analog technology to digital technology in supporting the road traffic law enforcement process which can be seen in the ETLE working mechanism which changes the road traffic law enforcement process from being caught by hand with the naked eye to camera implementation with intelligence software to capture road traffic violations.

Based on the description above, it can be analyzed that the Application of Electronic Traffic Law Enforcement (ETLE) in the Context of Electronic Traffic Law Enforcement carried out by the Bandar Lampung Police Traffic Unit by preparing facilities and infrastructure as well as human resources (Personnel of the Bandar Lampung Police Traffic Unit) on duty and also coordinating with related agencies, in this case, the court, prosecutor's office, transportation office, regional revenue office, and PT Pos Indonesia. The facilities and infrastructure needed to include a server room / back office in this case using the regional Traffic Management Center (RTMC) room and ETLE post. Then ETLE cameras, fiber optic networks, servers, computers, printers, and internet networks are also needed.

The implementation of ETLE is an effort to utilize information and communication technology (ICT), the implementation of ETLE is one form of road traffic law development in Indonesia in the digital era because ETLE transforms the road traffic law enforcement process which was originally carried out manually and partially by members of the Police to become digital and comprehensive because it involves data on other sectors within the scope of the Police. Thus, road traffic law enforcement is not only the scope and responsibility of the law enforcement sub-function but also related to data

owned by the registration and identification sub-function, both for drivers and motorized vehicles.

Inhibiting Factors in the Implementation of Electronic Traffic Law Enforcement (ETLE) in the Context of Electronic Traffic Law Enforcement carried out by the Bandar Lampung Police Traffic Unit

Realizing law enforcement is an effort made by law enforcement officials to obtain legal certainty, justice, and benefits from law enforcement. The law enforcement process can run effectively if it forms a chain of several processes that cannot be separated, among others: investigations, prosecutors' charges, judges' verdicts, and making laws and regulations. However, in reality, law enforcement experiences several obstacles or obstacles that are influenced by several factors. Thus there are problems in law enforcement, law enforcement problems are influenced by several things, the substance of the law to be enforced, the structure of law enforcers, and the culture of society.

Criminal law enforcement manifests itself as the application of criminal law (criminal law application) which involves various structural sub-systems in the form of police, prosecutors, courts, and correctional officers. Law enforcement is influenced by several factors, where the factors that influence law enforcement according to Soerjono Soekanto are:

- a. **Legal Factors** The practice of implementing the law in the field sometimes conflicts between legal certainty and justice, this is because the conception of justice is an abstract formulation, while legal certainty is a procedure that has been determined normatively. Precisely, a policy or action that is not fully based on the law is something that can be justified as long as the policy or action is not contrary to the law. So in essence, the administration of law does not only include law enforcement, but also peace maintenance, because the administration of law is actually a process of integration between the value of rules and real patterns of behavior aimed at achieving peace.
- b. **Law Enforcement Factors** The function of law, mentality, or personality of law enforcement officers plays an important role, if the rules are good, but the quality of officers is not good, there is a problem. Therefore, one of the keys to success in law enforcement is the mentality or personality of law enforcement.
- c. **Supporting facilities** include software and hardware, one example of software is education. The education received by the police today tends to be on conventional practical matters, so in many cases the police experience obstacles in their goals, including knowledge of computer crimes, in special crimes which have so far been authorized by prosecutors, this is because technically juridical police are considered

incapable and unprepared. Although it is also realized that the tasks that must be carried out by the police are so broad and numerous.

- d. Community Factors Law enforcers come from society and aim to achieve peace in society. Every citizen or group has more or less legal awareness, the problem that arises is the level of legal compliance, namely high, moderate, or lack of legal compliance. The degree of community legal compliance with the law is an indicator of the functioning of the law concerned.
- e. Cultural Factors Based on the concept of everyday culture, people often talk about culture. Culture, according to Soerjono Soekanto, has a very large function for humans and society, namely regulating so that humans can understand how they should act, do, and determine their attitude when they relate to other people. Thus, culture is a basic line of behavior that sets rules about what to do, and what is prohibited (Soekanto 2018)

The inhibiting factors for the implementation of electronic traffic law enforcement (ETLE) in the context of electronic traffic law enforcement carried out by the Bandar Lampung Police Traffic Unit are:

1. Law Enforcement Factors Law Enforcement Factors are parties that form and apply the law. One of the keys to success in law enforcement is the mentality or personality of the law enforcers themselves. In the context of law enforcement by every law enforcement agency, justice, and truth must be stated, felt, seen, and actualized. In this case, law enforcers are enforcement officers who usually in carrying out their duties and functions there are errors in the input application that make officers lose track of violators. Thus, this problem is one of the important obstacles. If there is an input error, for example in the identity of the violator, of course, it is difficult to track the whereabouts of the violator.
2. Facilities and Infrastructure Factors Limited access to the ETLE VPN (Virtual Private Network) network and still expensive procurement and maintenance of devices make it an obstacle to meet all points prone to violations and prone to traffic accidents, then so far the ETLE device can only record four types of violations on 4 (four) wheeled vehicles, namely violations of the use of safety belts, using cellphones while driving, violating markings and violating APIL (Traffic Signal Devices).
3. Community Factors The community factor itself is one of the shortcomings in the implementation of the Electronic Traffic Law Enforcement (ETLE) system. This was revealed by Kompol M. Rohmawan the Head of the Traffic Division of the Bandar Lampung Police, explaining that there are still many motorists or people who do not carry out the name change process after purchasing a motorized vehicle, which results in a

confirmed letter not reaching the violator or current vehicle owner. There are also vehicles that are not identified or do not match the data contained in the vehicle numbering registration (using fake plates) so officers cannot take action.

In the application of ETLE for the prosecution of traffic violations, of course, there are several obstacles faced. One of the obstacles faced in the application of ETLE is that the community objects because they feel they are not violating traffic rules and the vehicle is being borrowed by another party. This is because socialization is carried out only regarding the ETLE mechanism but related to the material of Laws, Regulations, and legal principles which have not been massively conveyed in the community. This is what causes ETLE to be felt to be detrimental to vehicle owners. Other obstacles also arise in terms of law enforcement facilities and infrastructure. The obstacles faced in implementing the ETLE program itself are due to the limited ETLE VPN network, the relatively expensive procurement and maintenance of devices makes it difficult to meet all points prone to violations and prone to traffic accidents, then so far the ETLE device can only record four types of violations on 4 (four) wheeled vehicles, namely violations of the use of safety belts, using cellphones while driving, violating markings and violating APILL. Based on the description above, it can be analyzed that the inhibiting factors for the implementation of electronic traffic law enforcement (ETLE) in the context of electronic traffic law enforcement carried out by the Bandar Lampung Police Traffic Unit include Law Enforcement Factors, Facilities, and Infrastructure Factors and Community Factors, where the most dominant factor is the limited factor of the ETLE VPN network, the relatively expensive procurement, and maintenance of devices makes it an obstacle to meet all points prone to violations and prone to traffic accidents.

CLOSURE

Conclusion

The implementation of Electronic Traffic Law Enforcement (ETLE) in the context of Electronic Traffic Law Enforcement carried out by the Bandar Lampung Police Traffic Unit by preparing facilities and infrastructure as well as human resources (personnel of the Bandar Lampung Police Traffic Unit) on duty and also coordinating with related agencies, in this case, the court, prosecutor's office, transportation office, regional revenue office, and PT Pos Indonesia. The facilities and infrastructure needed to include a server room / back office in this case using the Regional Traffic Management Center (RTMC) room and the ETLE post. Then ETLE cameras, fiber optic networks, servers, computers, printers, and internet networks are also needed. Obstacles to the implementation of

electronic traffic law enforcement (ETLE) in the context of electronic traffic law enforcement carried out by the Bandar Lampung Police Traffic Unit include Law Enforcement Factors, Facilities and Infrastructure Factors, and Community Factors, where the most dominant factor is the limited factor of the ETLE VPN network, the relatively expensive procurement, and maintenance of devices makes it an obstacle to meet all points prone to violations and prone to traffic accidents.

Suggestion

The Bandar Lampung Police Traffic Unit should further improve the quality of performance in the implementation of electronic tickets and coordinate with the Transportation Agency for the condition of road markings in Bandar Lampung City, especially at the point where the ETLE CCTV camera is installed which is less clear to smoothly implement the implementation of the electronic ticket. It is hoped that the Bandar Lampung Police Traffic Unit will impose direct sanctions as a deterrent effect on people who use fake plates and on people who have not changed ownership of motorized vehicles.

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