



Electronic Road Traffic Law Enforcement as an Embodiment of Legal Development in The South Jakarta Jurisdiction

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ABSTRACT

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This research will focus on discussing the use of ETLE technology in the digital era in optimizing law enforcement in the field of traffic in order to reduce the number of traffic violations that are currently occurring. Through the use of the ETLE technology, it will be easier for Traffic Traffic Units to carry out their duties in the traffic sector. The research method used is empirical juridical legal research. Research is descriptive analytical. The results of the research show that the problems in this study refer to the number of traffic violations that have occurred in Indonesia in 2022, especially in the South Jakarta Legal Area. It was recorded that in 2022, there were 57,756 traffic violations, compared to 2021, 29,349. Even though traffic law regulations have been updated, there are still many traffic violations that occur. In the implementation of ETLE at the South Jakarta Metro Police it was proven to be effective in arresting perpetrators of traffic violations but encountered several obstacles in its implementation. Like the weakness of the E-TLE camera, besides that, ticket sanctions are also not on target where the ETLE working mechanism raises the possibility that traffic violators are not owners of motorized vehicles, while ticketing letters will be sent with a database of motorized vehicle owners in the motorized vehicle registration and identification database.

1. Introduction

As a law enforcement officer, the police have the authority to take action against any violations that occur and to impose sanctions in accordance with Law Number 22 of 2009 concerning Road Traffic and Transportation. Motorcyclists will comply with all applicable traffic rules and regulations. Basically Law Number 22 of 2009 concerning Road Traffic and Transportation has supported efforts to use technology in enforcing traffic laws. This is stated in Article 11 of Law Number 22 of 2009 concerning Road Traffic and Transportation. In addition, the use of technology is also regulated in Article 219 of Law Number 22 of 2009 concerning Road Traffic and Transportation which states that the development of industry and technology for Road Traffic and Transportation infrastructure and facilities.

ETLE is a law enforcement system in the field of traffic based on information technology by utilizing electronic devices in the form of CCTV cameras that can detect various types of traffic violations. The South Jakarta Police Traffic Unit has implemented an Electronic Traffic Law Enforcement (ETLE) program trial using an INCAR (Integrated Node Capture Attitude Record) car for the development of an ETLE specifically designed to assist the South Jakarta Police Traffic Unit in taking action against traffic violators. INCAR cars have features for detecting faces, detecting police numbers or vehicle plates, detecting places and detecting traffic violations and are equipped with state-of-the-art cameras that can record in real time and are able to present motorized vehicle data automatically related to data-connected traffic compliance. resident (registration and identification).

The ETLE implementation has been operating since 2020. During the initial operation until December 2022 there were a number of violations. However, since it was put into operation, there are still obstacles. Where at first, the prosecution of traffic violations that were carried out conventionally was more even 86085 with a trend of 1079.30%. However, there has been a gradual increase in prosecutions through ETLE until the end of 2020, more than conventional ones.¹

Of the number of violators, a confirmation letter has been sent according to the address stated on the vehicle registration certificate (STNK). The ELTE system is basically implemented to support community discipline in driving. The implementation of traffic violation enforcement based on Information Technology (IT) is an innovation program in realizing predictive, responsible, transparent and fair National Police. In its application, ETLE (Electronic Traffic Law Enforcement) aims to reduce contact between officers. ETLE can take action against 10 traffic violations including traffic light violations, road marking violations, odd-even violations, violations using cellphones, violations against the flow, violations of not using a helmet, violations of valid vehicle registration, violations of not using seat belts, and violations of restrictions on certain types of vehicles . In addition to detecting traffic violations, the ETLE system can also support evidence of road accidents and crime by using face recognition technology already in the system. At present, Satlantas has collaborated with the transportation service for the placement of a command center.

The problem in this study refers to the large number of traffic violations that have occurred in Indonesia in 2022, especially in the South Jakarta Legal Area. It was recorded that in 2022, there were 57,756 (fifty seven thousand seven hundred and fifty six) traffic violations, compared to 2021, 29,349 (twenty-nine thousand three hundred and forty-nine). Even though traffic law regulations

¹ Data Data Tilang ELTE dan Konvensional Jajaran di Lantas polda Metro Jaya Tahun 2020.

have been updated, there are still many traffic violations that occur. This research will focus on discussing the use of ETLE technology in the digital era in optimizing law enforcement in the field of traffic in order to reduce the number of traffic violations that are currently occurring. Through the use of the ETLE technology, it will be easier for Traffic Traffic Units to carry out their duties in the traffic sector.

Public perception of electronic ticketing is not fully agreed, there is a lack of direction from the government on the importance of obeying traffic rules. In addition, the large number of violations that occur is a legal issue that demands renewal of law enforcement in the field of traffic in this digital era, namely focusing on the existence of ETLE in the development of road traffic law in the digital era, the obstacles faced in enforcing ETLE and compatibility The applicable road traffic law in Indonesia responds to ETLE as a new mechanism for enforcing road traffic laws.

2. Method

Juridical-empirical research is a legal research method that uses empirical facts taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation. This research was conducted in an effort to find data on the problems to be studied, which consisted of Primary Data and Secondary Data. Primary data is data obtained directly from the field based on respondents and informants. Field data collection was carried out by researchers by way of interviews. While secondary data is collected by studying and collecting data related to the research object. These data consist of primary and secondary legal materials. Primary legal materials are legal materials obtained from books of laws and regulations, such as: the 1945 Constitution and Law Number 22 of 2009 concerning Road Traffic and Transportation. Secondary legal material is legal material consisting of legal books and non-law books related to this thesis research, in the form of legal scientific works, journals related to this thesis research, as well as writings obtained from the internet, especially related to this research.

This study uses data analysis techniques with deductive logic, deductive logic or processing of legal material in a deductive way, namely explaining something that is general in nature and then drawing it into a more specific conclusion.²

3. Results & Analysis

3.1. Results by The Research Data

²Zainuddin Ali. (2016). *Metode Penelitian Hukum*. Jakarta: Sinar Grafika. hlm. 22.

The ideal traffic is the reflection of safe, secure, orderly and smooth traffic. From the reflection of this ideal traffic, humans can live, grow and develop in carrying out their lives productively, or in other words, traffic is the lifeblood of life. There are still violations committed by motorists/drivers which result in a number of things that are counter-productive, including: violations which have implications for slowing traffic flow which leads to congestion; violations that result in traffic accidents; and violations that have an impact on other traffic problems. So that traffic violations must be made efforts, in the form of prosecution of traffic violations.³

Based on Law No. 2 of 2009 concerning LLAJ (road traffic and transportation) article 260 & article 262 those authorized to take action against traffic violations are the Indonesian National Police (Polri) and Civil Servant Investigators. Ticketing is evidence of violations in the form of fines imposed by the police on road users who commit violations. The high growth of motorized vehicles without traffic discipline, makes the number of traffic accidents and victims continue to increase. In general, the main factor for the high number of accidents is caused by the human factor (high speed, carelessness, fatigue, etc.) the low discipline of the driver/driver.⁴

So that there is a need for law enforcement in criminal acts of traffic violations. In the current context, the Indonesian National Police (POLRI) has initiated the ETLE program as a breakthrough in the context of electronically enforcing road traffic laws. It is interesting to study the program that has been tried out by several Regional Police (Polda) for its compatibility with traffic laws in Indonesia. The South Jakarta Police Traffic Unit has implemented the Electronic Traffic Law Enforcement (ETLE) program since 2020.

Where before the existence of this ETLE, then in 2018-2019, in law enforcement against traffic crimes by the South Jakarta Police Traffic Unit, it is:

TABEL 1. Data on Enforcement with Traffic Tickets for the South Jakarta Police Traffic Directorate for 2018-2019

Tahun	Jumlah Dakgar	BARANG BUKTI DISITA						
		SIM	STNK	STUK	STCK	KTP	RANMOR	
							RD.2	RD.4
2018	105039	49497	54899	0	0	0	643	0
2019	137979	67565	69397	0	0	0	1016	1

Source: Report on the Results of Enforcement with Traffic Tickets for the Polda Metro Jaya Dit January - December Year: 2018-2019

³Agung Asmara A Wahyurudhanto Sutrisno. (2019). "Penegakan Hukum Lalu Lintas Melalui Sistem e-Tilang". *Jurnal Ilmu Kepolisian*. 13 (3).

⁴Lutfina Zunia Apriliana. (2019). "Efektivitas Penggunaan E-Tilang Terhadap Pelanggaran Lalu Lintas Di Polres Magelang". *Jurnal Komunikasi Hukum (JKH)*. 5(2). 1-11.

From the 2018-2019 South Jakarta Police Traffic Traffic Violation Data, it is known that the 2018-2019 Traffic Violations Data for the Polda Metro Jaya South Jakarta Regional Police are:

TABEL 2. Data on Traffic Violations of the Traffic Directorate of Polda Metro Jaya for the South Jakarta Police Region in 2018-2019

Tahun	Jumlah Langgar			KET
	TILANG	TEGURAN	JUMLAH	
2018	105039	28745	122196	
2019	137979	28685	166664	

From the fines given, the Data on Traffic Violations for the Location of the Dit Traffic Polda Metro Jaya for the South Jakarta Police Region for 2018-2019, are:

TABEL 3. Data on Traffic Violations Locations of Traffic Directorate of Polda Metro Jaya for the South Jakarta Police Region in 2018-2019

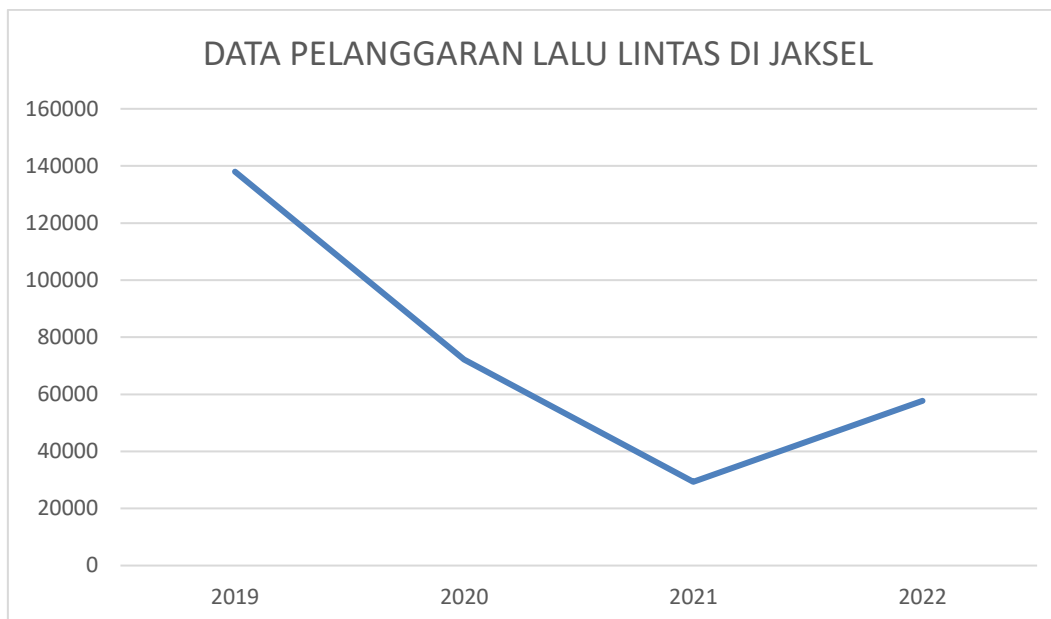
Tahun	Jumlah Kejadian	LOKASI PELANGGARAN			
		Jal. Utama	Jal. Tengah	Jal. Alternatif	Jal. Lainnya
2018	105039	53583	19063	17217	122196
2019	137979	75268	24412	22421	15878

Furthermore, after testing the implementation of ETLE in 2020, until it is officially implemented in 2021, in law enforcement against traffic crimes by the South Jakarta Police Traffic Unit, it is:

TABEL 4. Data on Enforcement with Traffic Tickets for the South Jakarta Police Traffic Directorate for 2020-2022

Tahun	Jumlah Dakgar	BARANG BUKTI DISITA						
		SIM	STNK	STUK	STCK	KTP	RANMOR	
							RD.2	RD.4
2020	72221	37442	34489	0	0	0	290	0
2021	29349	15364	13870	0	0	0	115	0
2022	57756	28910	28632	0	0	0	214	0

Source: Report on the Results of Enforcement with Traffic Tickets for the Polda Metro Jaya Traffic Directorate January - December Year: 2020-2022



From the data above it can be seen that there will be an increase in traffic violations that will occur in Indonesia in 2022, especially in the South Jakarta Legal Area. It was recorded that in 2022, there were 57,756 (fifty seven thousand seven hundred and fifty six) traffic violations, compared to 2021, 29,349 (twenty-nine thousand three hundred and forty-nine). Even though it is lower than in 2020, which is 72,221 (seventy two thousand two hundred and twenty one).

Regarding the implementation of traffic law enforcement with Electronic Traffic Law Enforcement (ETLE) in the prosecution of traffic violations in the South Jakarta Legal Area, according to the first and second informants that the ETLE camera will take action against violators by capturing them. First the camera was captured, then after it was captured, it was verified by members in the back office. After verifying the data on the violators, the officer then sends a confirmation letter along with photos of evidence of the violation, whether the violation was committed by the owner of the vehicle or not. After receiving a confirmation letter from the officer, the violator must confirm or send back the blanks received to the e-TLE Post at Polda Metro Jaya whether he or she committed an offense or not. Violators themselves are given five days to confirm it. Furthermore, if the violator admits that he has actually committed an offense through confirmation, the police will send a ticket. Later, there will be a virtual payment code through Bank Rakyat Indonesia. which is used to make payment of fines and will not attend the trial. Finally, the payment grace period is 7 days, if the STNK is passed, the police will block it.⁵

⁵Hasil Wawancara dengan Bripda Tito Yustianto S, Sat Gatur pada 11 Juni 2023 dan Hasil wawancara dengan Brigadir Arif Hidayat, Sat Gatur pada 11 Juni 2023.

The obstacles encountered in the process of implementing Electronic Traffic Law Enforcement (ETLE) enforcement in traffic violations in the jurisdiction of South Jakarta where there are limitations to the availability and capacity of ETLE cameras⁶, where the informant, by quoting news on compass, gave an example of a Central Jakarta resident, Naufal (27), saying he had received an electronic ticket to his house by post as a result of running a red light at the end of October 2022. However, he felt he had never violated the traffic rules. . Langgeng Sutrisno (43) actually feels the opposite. When he was about to apply for an extension of his vehicle registration certificate (STNK), the officer said that the STNK extension could not be done because it was already blocked. Another citizen who has been hit by an electronic ticket is Mafazah (33). He received a ticket for not wearing a seat belt while driving. However, until now the fines for these violations have not been paid due to lack of understanding regarding the flow of payments.⁷

The second informant added to this obstacle that it turns out that another weakness of the E-TLE camera is that ticket sanctions also apply to the owner of the vehicle being borrowed. This means that if the owner's car or motorcycle is being borrowed, and the borrower commits a violation, then the car owner is subject to a fine.⁸

From the informants above, it can be seen that some of the obstacles in implementing ETLE currently include: Limited availability and capacity of ETLE cameras, disintegration of recording data, data inconnectivity, variations in budget availability for each Polda for the procurement of cameras used in ETLE operations, out of sync in regulatory provisions regarding ticketing manual, and electronic tickets.

With regard to the above constraints, according to the first informant, the solution in facing the constraints is to optimize this new system by increasing the number of equipment.⁹ Apart from that, according to the second informant, it was also necessary to confirm that the vehicle was his, even though someone else was driving it.¹⁰

In the jurisdiction of Jakarta itself, the ETLE camera will monitor the vehicle all day, aka 24 hours, and will take action to capture it. Where every violator will be subject to sanctions according to the specified Article. The advantages and

⁶Hasil Wawancara dengan Bripda Tito Yustianto S, Sat Gatur pada 11 Juni 2023.

⁷Atiek Ishlahiyah Al Hamasy. "Masih Banyak Kendala, Sistem Tilang Elektronik Belum Optimal". Retrived on July 7 2023. <https://www.kompas.id/baca/metro/2022/11/08/masih-banyak-kendala-sistem-tilang-elektronik-belum-maksimal>.

⁸Hasil Wawancara dengan Brigadir Arif Hidayat, Sat Gatur pada 11 Juni 2023.

⁹Hasil Wawancara dengan Bripda Tito Yustianto S, Sat Gatur pada 11 Juni 2023.

¹⁰Hasil Wawancara dengan Brigadir Arif Hidayat, Sat Gatur pada 11 Juni 2023.

disadvantages of ETLE for officers and violators). Second, ETLE also trains people to be more orderly in driving.

Regarding the implementation of Traffic Law Enforcement with Electronic Traffic Law Enforcement (ETLE) in Enforcement of Traffic Violations in the South Jakarta Legal Area, basically based on interview data, the community agrees with this.

According to Dendi apart from following technological developments. With the enactment of ETLE, it can also avoid or minimize traffic violations that take unpleasant actions for traffic violators. For example, there is peace money/bribes/extortion which might be detrimental to the state. The advantages of implementing ETLE itself are: being able to avoid extortion, accurate data because it is recorded automatically, being able to avoid arguments between officers and violating road users, and being able to work non-stop. Which results can be monitored at any time. As for the implementation of the ETLE, it may require higher costs to support the facilities and infrastructure. In terms of the camera that must be installed, adequate office equipment, and in terms of how to maintain or maintenance that must be done periodically. Indeed, with this ETLE. It is more effective and efficient to identify traffic violators. He himself hopes that the existence of ETLE will also avoid public perceptions of the image of the police, especially those that are often discussed about extortion and continue to contribute to the development of an all-electronic era.¹¹

The same thing was conveyed by Yandi who fully agrees with the implementation of Traffic Law Enforcement with Electronic Traffic Law Enforcement (ETLE) in Enforcement of Traffic Violations in the South Jakarta Legal Area which can reduce the number of traffic violations and can reduce invisible violations. However, according to him, there are still many violators who complain because of the lack of supervision and not in accordance with the articles that were violated by the violating driver. So as a road user for the ETLE technological innovation, he hopes to develop even more and always be consistent.¹²

Not much different from the two informants above, Erlyn mentioned the advantage with implementing Traffic Law Enforcement with Electronic Traffic Law Enforcement (ETLE) in Enforcement of Traffic Violations in the South Jakarta Legal Area is the change in traffic discipline in society, fines are issued indiscriminately, in the sense all can be subject to a ticket and the efficiency of

¹¹Hasil Wawancara dengan Dendi, Wiraswasta, bertempat tinggal di Senopati, Jakarta Selatan pada 5 Juli 2023.

¹²Hasil Wawancara dengan Yandi, Wiraswasta, bertempat tinggal di Cilandak, Jakarta Selatan pada 5 Juli 2023.

using members directly on the highway. However, according to him, there are still deficiencies in that not all areas are covered by ETLE and not all members understand ETLE. So he hopes that ETLE needs to be developed further so that it can reach all existing street corners. That way, the purpose of using ETLE for traffic order can run well.¹³

3.2. Obstacles faced in the process of implementing Electronic Traffic Law Enforcement (ETLE) enforcement in the prosecution of traffic violations in the jurisdiction of South Jakarta

In law enforcement using the ETLE system, violations that can be prosecuted include violating traffic signs or road markings; Not wearing a seat belt; Driving while operating a cell phone; Violating speed limit rules; Using fake license plates; ride against the current; through a red light; Not wearing a helmet; Take a ride with more than 3 people; Do not turn on spotlights during the day for motorbikes, all of which are criminal acts regulated in CHAPTER XX Criminal Provisions in the LLAJ Law which qualify as criminal offenses, so that in imposing sanctions the principle of imposing criminal sanctions can only be imposed by criminal judges go through the judicial process, this principle was later concretized by the LLAJ law maker into a legal norm contained in Article 267 Paragraph (1) which states that "any violation in the field of Traffic and Road Transportation which is examined according to the quick examination procedure can be subject to a fine based on court decisions" so that it is clear that those who have the authority to impose criminal sanctions are the Courts, not the Police or the Transportation Service, let alone the Prosecutors Office, even though they are part of law enforcement institutions in the a quo law. This has actually been understood by the Government where in the implementing regulations of the a quo law there is visible harmonization of regulations, namely in Government Regulation Number 80 of 2012 concerning Procedures for Inspecting Motorized Vehicles on Roads and Enforcement of Traffic and Road Transportation Violations it stipulates a separate section how the trial process for traffic violations namely in CHAPTER III Procedures for Enforcement of Traffic and Road Transportation Violations Part Three concerning Trials and Payment of Fines for Violations is contained in Articles 29 to 31.

If you look at the implementation of ETLE in the DKI Jakarta Polda Metro Jaya legal area, it is different from the implementation of ETLE in other Polda areas, for example, this difference occurs due to the different resources and traffic policies in each Polda, in the jurisdiction of Polda Metro Jaya DKI Jakarta there are odd-even policy.

¹³Hasil Wawancara dengan Erlyn, Mahasiswi, bertempat tinggal di Jagakarsa, Jakarta Selatan pada 5 Juli 2023.

In the Legal area of the South Jakarta Metro Police alone, nearly 3,000 (three thousand) violations have been recorded that have been prosecuted by ETLE during the period January 1, 2021 to December 31, 2021, of all these violations, not a single violator wants to follow trial procedures (in the sense pay a fine and take the confiscated SIM and/or STNK after a court decision) violators tend to use the e-tilang mechanism where they will deposit money for paying the fine through BRI bank and can immediately take the confiscated SIM and/or STNK because of the amount of money deposited This will later be in accordance with the court's decision for the violation on the grounds that it does not want to be complicated and is more practical. After depositing payments is complete, then the offender's file will be transferred to the District Court collectively which is recorded in one trial period (once a week) there are 20-30 violations that are delegated to the South Jakarta District Court as a juridical fulfillment of the traffic law regime, practice this is what the author thinks is just a formality trial, and it is not very effective and efficient if we look at the costs and benefits of the enforcement process which can actually be resolved in the realm of the police (if the violation is classified as an administrative violation and not a criminal offense) but because of the violation classified as a criminal offense, inevitably law enforcers (in this case the police) must involve the Court and Prosecutor's Office which seem to be just a formality to legitimize law enforcement, moreover, law enforcement like this will distance the purpose of carrying out the judiciary, namely as a means to test offenders for errors. Besides that, the ticket mechanism with a table of fines, according to the author, deviates from the provisions of the Traffic Law because referring to Article 267 Paragraph (4) it stipulates that "The amount of fines deposited with the bank is equal to the maximum fine imposed for each traffic and road transport violation." ". So according to the author, even though the principle of imposing criminal sanctions which can only be imposed through a court decision has been applied in the process of enforcing traffic and road transport violations based on ETLE, the essence of this principle has not been achieved due to the first impression that the court only legitimizes the law enforcement process which carried out by the police, this is certainly far from the goal of due process of law which requires the law enforcement process to be carried out fairly, which means that there is a defense mechanism for the offender for the alleged violation, but because the trial is only a formality which is not even attended by the offender, it certainly reduces the rights of the seeker. such justice.

As according to the informant, the advantage with implementing Traffic Law Enforcement with Electronic Traffic Law Enforcement (ETLE) in Enforcement of Traffic Violations in the South Jakarta Legal Area is the change in traffic discipline in society, fines are indiscriminately, in the sense that all can be fined and efficiency of use members then on the highway. However, according to him, there are still deficiencies in that not all areas are covered by ETLE and not all members understand ETLE. So he hopes that ETLE needs to be developed

further so that it can reach all existing street corners. That way, the purpose of using ETLE for traffic order can run well.

In addition, there is a discrepancy between the amount of the fine that the violator has deposited and the amount that has been determined by the traffic law, namely the maximum amount, of course, degrades the legal certainty of this provision. This situation has actually become a concern among judges where many judges have questioned the legal basis for making the ticket fines table and in fact some of the judges have realized that there is no legal basis for making this policy, so if this is allowed to continue it will become bad precedent in a rule of law country if you deviate from the law by issuing a policy such as the fines table for the ticket. If in a concrete case maybe a judge can make legal discoveries to fulfill a sense of justice, benefit and legal certainty, but even then in the form of a court decision and it is carried out casuistically not in the form of a policy because that's why not all District Courts have tables of these fines. This kind of situation cannot be allowed to continue, if you return from the goal of punishment in traffic law who wants to create traffic and road transportation that is safe, secure and orderly, as well as smooth and integrated in order to realize traffic ethics which is a reflection of the nation's culture. with the principles of accountability, transparency, balance and conformity.

By looking at the spirit of the birth of the ETLE system, namely so that traffic law enforcement can run transparently and accountably so that the practice of extortion which has become an open secret carried out by officers can be minimized by reducing interaction between offenders and officers with the help of information technology, if this can be a sufficient reason for stakeholders policy to change the formulation of the provisions in the Road Traffic and Transportation Law so that in the breakthroughs in law enforcement that are made there are no conflicts with the applicable laws and regulations.

Apart from that, to assess whether there is enough reason for policy makers to change the formulation of provisions in the Road Traffic and Transportation Law, we must first reflect on the basic principles and objectives of criminal law. Criminal is a punishment or sanction imposed intentionally by the state through judicial power where the penalty or sanction is imposed on someone who has legally violated the provisions of the criminal law and the sanction is imposed through the criminal justice process. The criminal justice process in question is the structure, function, and decision-making process by a number of institutions which include the police, prosecutors, courts and correctional institutions with regard to the handling and trial of crimes and perpetrators of crimes.¹⁴

¹⁴Bambang Waluyo. (2004). *Pidana Dan Pemidanaan*. Depok: Sinar Grafika. hlm. 21.

Furthermore, by looking at criminal elements by Muladi and Barda Nawawi Arief¹⁵, then dogmatically or idealistically the criminal sanction is a very sharp/harsh type of sanction or punishment, therefore it is often also referred to as *ultimum remedium*.¹⁶ Meanwhile, sentencing is sentencing as a legal action based on law to impose sanctions on people who have gone through the criminal justice process where it is proven legally and convincingly guilty of committing a crime. In short, the criminal talks about the punishment while the punishment talks about the process of imposing the sentence itself.¹⁷

Criminals need to be imposed on someone who has committed a crime, because the crime also functions as a social institution that regulates the system of social relations in society. In this case, punishment is an inseparable part of the social reaction to violations that sometimes occur against applicable norms, where these norms reflect the values and structure of society which is an affirmation of violations of "common conscience" as a form of disapproval or rejection of certain behavior. The form can be in the form of actions that suffer, or at least are actions that are unpleasant.¹⁸

With the existence of sanctions in the form of sufferings as mentioned above and seeing that punishment is the *ultimum remedium*, it is relevant what Van Bemmelen said quoted by P.A.F. Lamintang in his book that it is appropriate if people want that the criminal law in its application must be accompanied by the strictest possible restrictions. This is the basis and characteristic that distinguishes criminal sanctions from administrative sanctions, where in imposing criminal sanctions in principle it must go through a body that has authority (in this case the court) while administrative sanctions can be applied by state administrative officials (executive power in this case law enforcers). such as the Police) without having to go through judicial procedures.¹⁹

Other obstacles incidental inspection of motorized vehicles on roads in terms of carrying out police operations or crime prevention. This is something that must be watched out for in the implementation of ETLT because the regulation provides limitations on the application of ETLT only for incidental inspection of motorized vehicles on roads in the event of a violation being caught red-handed and not for the condition of Motor Vehicle Inspection on other Roads. Third Note, criminal liability in the application of ETLT.

¹⁵Muladi dan Barda Nawawi Arief. (2010). *Teori-Teori Dan Kebijakan Pidana*, Edisi Kedua. Bandung: PT. Alumni. hlm. 4.

¹⁶Barda Nawawi Arief. (1998). *Beberapa Aspek Kebijakan Dan Pengembangan Hukum Pidana*. Bandung: PT. Citra Aditya Bakti., hlm. 139-140.

¹⁷Waluyo. *Op.Cit*, hlm.25.

¹⁸ *Ibid*.

¹⁹P.A.F. Lamintang dan F.T. Lamintang. (2019). *Dasar-Dasar Hukum Pidana Di Indonesia*, Cetakan IV. Bandung: PT. Alumni. hlm. 15.

As described in the compatibility analysis above, the regulation on the application of ETLE in Pp 80/2012 has the potential to cause fundamental problems regarding legal liability that will be pursued through ETLE. PP 80/2012 stipulates that a ticket will be sent to the offender as a notification and a summons to attend court hearings. This needs to be examined further, considering that what is recorded by the camera sensor is the number plate which is then read by the Automated Number Plate Recognition (ANPR) software which then performs physical matching of the vehicle with data from the motor vehicle registration and identification database. The working mechanism of this ETLE raises the possibility that traffic violators are not owners of motorized vehicles, while ticket certificates will be sent with a database of motorized vehicle owners in the motorized vehicle registration and identification database.

Apart from that, the implementation also found obstacles in the implementation of electronic ticketing in the Legal Area of the South Jakarta Metro Police, which often occurred, namely:

- a. The problem of vehicle ownership, which means that the owner of the vehicle is actually not aware when lending a motorbike to other people, he is not aware that his motorbike is being used in violation or is in a state of violation.
- b. Preventive measures for traffic violations are still not effective, and there is still a lack of socialization about the process of applying electronic tickets,
- c. Measuring the achievement of the Precision program in the field of traffic tends to focus on ETLE, so that implicitly there are difficulties in conventional law enforcement, while the technology and infrastructure of ETLE are not yet sufficient. This makes it difficult for law enforcement to carry out several violations, for example: noisy exhausts, speeding, fake license plates.
- d. Installation of CCTV in the city of South Jakarta, there are only a few points, and this has not been able to support the occurrence of traffic discipline, seeing the dense city of South Jakarta and there are many other location points that should be installed with CCTV.

Based on the description above, it is important for policy makers to review it again so that the provisions in road traffic and transportation laws can be as effective and efficient as possible in law enforcement and are compatible with law enforcement breakthroughs which in the future can adapt themselves to developments in information technology, for example against traffic violations. certain types where the nature of the error is not too big/serious and the proof is very easy and irrefutable/valid such as the results of recordings/captured by ETLE cameras so that they are classified as administrative violations so that in imposing sanctions it does not require a criminal imposition mechanism by the Court, especially the Traffic Law and Road Transportation itself is classified as

Administrative Law which contains Criminal Provisions²⁰ or if it must be maintained as a violation which constitutes a criminal act, the provisions for deviations from general criminal provisions can be strictly regulated, for example, sanctions can be given by the Police, but if the violator is westernized, a trial can be opened by the court to examine his guilt. so that the problem of formulating provisions in the Road Traffic and Transportation Law is crucial so that the use of criminal law makes it more difficult to enforce the law and becomes ineffective and inefficient and tends to make the law more and more behind the development of society and ultimately the policies made by law enforcers. law will actually conflict with each other both with laws and regulations and with the principles that apply in a unified legal system.

4. Conclusion

In the implementation of ETLE at the South Jakarta Metro Police it was proven to be effective in arresting perpetrators of traffic violations but encountered several obstacles in its implementation. Like the weakness of the E-TLE camera, besides that, ticket sanctions are also not on target where the ETLE working mechanism raises the possibility that traffic violators are not owners of motorized vehicles, while ticketing letters will be sent with a database of motorized vehicle owners in the motorized vehicle registration and identification database.

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Hasil Wawancara dengan Dendi, Wiraswasta, bertempat tinggal di Senopati, Jakarta Selatan pada 5 Juli 2023

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