

CONSTRUCTION OF CLOSED CIRCUIT TELEVISION (CCTV)-BASED E-TICKETING POLICIES AGAINST TRAFFIC VIOLATIONS AND ROAD TRANSPORTATION BASED ON JUSTICE VALUES

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Abstract

This study aims to examine 1) whether the implementation of CCTV-based e-ticketing policies against traffic and road transportation violations meets the values of justice?; 2) How to Reconstruct CCTV-Based E-Tilang Policy on Traffic and Road Transport Violations Based on Justice Values. The research method used is a juridical-empirical method with a statutory approach, a concept approach and a case study approach. The results showed that; 1) The implementation of CCTV-based e-ticketing policies against traffic and road transportation violations currently does not meet the value of justice, because; a) criminal imposition on the object (the violator's vehicle) not on the subject (the violator), b) On the constraints of the means, namely the high installation of ETLE facilities, c) Not all road areas have CCTV, d) habitual legal cultural factors not to carry out the name reversal process on motor vehicle ownership documents, e) often the public tries to trick the ETLE system by using fake license plates or modifying license plates so as to make it difficult to read the system, f) payment of ticket fines made through BRI will make it difficult for people who do not have accounts or ATMs at BRI. 2) Construction of CCTV-Based E-Tilang Policy against Traffic Violations and Road Transport Based on Justice Values can be implemented; a) criminal imposition on the subject (the violator) not the object (the violator's vehicle), b) the constraints of expensive facilities for the installation of ETLE facilities are overcome by developing the INCAR Program to overcome these cost problems, c) Increasing the installation of CCTV so that all road areas have CCTV, d) Socialization is carried out so that community factors carry out the process of turning names on motor vehicle ownership documents, e) officers are needed every CCTV to overcome deceiving people ETLE system by using fake license plates or people's habit of modifying license plates so that it is difficult to read the system, f) payment of ticket fines should be banks where E-TLE payments are not only BRI, but multibank, with the aim of facilitating public access to pay ticket fines.

Keywords: Reconstruction, Policy, E-Ticket, Cctv, Violations, Traffic, Justice.

A. INTRODUCTION

Law enforcement in the field of traffic and road transportation through the electronic system E-Tilang Based on *Closed Circuit Television* (CCTV) is a policy in terms of information technology used to record a violation in traffic. E-Tilang was developed to support security, order, and safety in traffic (Irsan, 2018).

E-Tilang is expected to be an effective law enforcement system in the field of traffic, using electronic technology in the form of ANPR (*Automatic Number Plate Recognition*) cameras, which can detect Motor Vehicle Number Signs automatically, record, and store evidence of violations to be used as evidence during enforcement. Thus, the purpose of the existence of E-Tilang is as an effective road traffic law enforcement system by using electronic technology support to obtain evidence of road traffic law violations. (Hasmita, 2021)

Law enforcement through E-Tilang is a form of transformation of road traffic law enforcement which was originally carried out manually and partially by members of the National Police to become digital and comprehensive because it involves data on other sectors within the scope of the National Police. Thus, road traffic law enforcement is not only the scope and responsibility of the law enforcement subfunction, but also related to the data held by the registration and identification subfunction, both for drivers and motor vehicles. (Sari, 2018)

The application of ETLE aims to minimize traffic traffic, but in its implementation it also depends on the law enforcement factors themselves both from legal substance factors, law enforcement factors, facilities and facilities factors, community legal culture factors related to legal awareness, and natural or environmental factors. (Santalova et al., 2022) Therefore, the author is interested in conducting an in-depth study in the field of traffic law enforcement.

Some problem formulations that can be proposed in this study construction of closed circuit television (Cctv) based e-ticketing policies against traffic violations and road transportation based on justice values” are as follows:

1. Why the implementation of the *Closed Circuit Television* (CCTV)-based e-ticketing policy against traffic violations and road traffic violations has not fulfilled the values of justice?
2. How is the Construction of E-Tilang Policy Based on Closed Circuit Television (CCTV) against Traffic and Road Transport Violations Based on Justice Values?

B. REGULATION OF TRAFFIC RULES AND ROAD TRANSPORT IN INDONESIA

1. Road Traffic and Transport Rules

The State of Indonesia is a state of law that has been mandated by Article 1 paragraph 3 of the Constitution of the Republic of Indonesia Year 1945, on this basis all actions of the community must be in accordance with the law. Likewise, the actions of the community on the highway must be in accordance with the law as stipulated in Law Number 22 of 2009 concerning Road Traffic and Transportation, every road user must understand every rule that has been formally standardized both in the form of laws and other rules so that there is a perception in the pattern of action and mindset in interacting on the road. Highways are a system of transportation facilities, especially land transportation. The transportation system is an important thing to be owned by a city, especially a big city that has a lot of activities and many residents. (Fahlevi et al., 2023)

The transportation system is crucial in determining the effectiveness of a city. The movement of people and the economic activity that drives cities are highly dependent on these transportation systems. Makassar is one of the big cities in Indonesia, therefore its transportation system is important. (Nia Indriyani, 2021)

Traffic and Road Transport as part of the national transportation system must develop its potential and role to realize security, safety, order, and smooth traffic and Road Transport in order to support economic development and regional development. Law Number 22 of 2009 concerning Road Traffic and Transportation is a legal basis for the implementation of this traffic activity, which is increasingly developing and increasing in line with the development and needs of the community that continues to increase. If reviewed further, this traffic behavior turns out to be a joint work between humans, vehicles and road networks. (Hadirman, 2004)

Road Traffic and Transport is a unified system consisting of Traffic, Road Transportation, Traffic and Road Transport Network, Traffic and Road Transport Infrastructure, Vehicles, Drivers, Road Users, and their management. Road Traffic and Transport has a strategic role in supporting national development and integration as part of efforts to promote general welfare as mandated by the Constitution of the Republic of Indonesia Year 1945. (Budiarto & Mahmudal, 2007)

In Law Number 22 of 2009 concerning Road Traffic and Transportation, the development of Traffic and Road Transport is carried out jointly by all relevant agencies (stakeholders) as follows: 1. government affairs in the field of road infrastructure, by the ministry responsible for the field of roads; government affairs in the field of traffic and road transportation facilities and infrastructure, by the ministry responsible for traffic and road transportation facilities and infrastructure; 3. government affairs in the field of development of the traffic and road transport industry, by the ministry responsible for industry; 4. government affairs in the field of development of traffic and road transport technology, by the ministry responsible for technology; and 5. government affairs in the field of registration and identification of motor vehicles and drivers, law enforcement, traffic management and engineering operations, and traffic education by the National Police of the Republic of Indonesia. (Putranto, 2013)

Traffic is the movement of vehicles and people in road traffic space. Traffic and Road Transport is organized with the objectives of: 1) The realization of safe, safe, orderly, smooth, and integrated traffic and road transportation services with other modes of transportation to encourage the national economy, promote general welfare, strengthen unity and unity of bangasa, and be able to uphold the dignity of the nation. 2) The realization of traffic ethics and national culture. 3) The realization of law enforcement and legal certainty for the community. Traffic is the movement of vehicles, people and animals on the road. The movement is controlled by a person using common sense. People who lack common sense driving vehicles on the road, will cause danger to other road users. Likewise, animals on the road without being controlled by someone who is sound will endanger other road users. (Chusminah & Kristiani, 2018)

Traffic procedures in accordance with the rules in traffic law include:

1. Order and safety

a. Everyone who uses the road must:

- 1) Conduct in an orderly manner and/or
- 2) Prevent things that can hinder, endanger the security and safety of traffic and road transport, or that can cause road damage.

b. Every driver of a motorized vehicle on the road must comply with the following conditions:

- 1) Traffic Signs
- 2) Road markings
- 3) Signaling Device
- 4) Traffic Movement
- 5) Stop and Parking
- 6) Warning with sound and light.
- 7) Maximum or minimum speed; and/or
- 8) Procedures for coupling and attachment with other kendaraan.
- 9) When an inspection of a motorized vehicle is held on the road, the driver of the motor vehicle must show:
 - a) STNK or STCK
 - b) SIM
 - c) Proof of passing periodic tests; and/or
 - d) Other valid evidence
- 1) Every driver of a four-wheeled or more motorized vehicle on the road and passengers sitting next to him must wear a seat belt.
- 2) Every driver of a four-wheeled or more motorized vehicle that is not equipped with houses on the road and passengers sitting next to him must wear a seat belt and wear a seat belt and wear a helmet that meets Indonesian National standards.
- 3) Everyone who rides and passengers on motorcycles is required to wear a helmet that meets Indonesian national standards.
- 4) Motorcyclists without side carriages are prohibited from carrying more than 1 (one) person.

Law Number 22 of 2009 concerning Traffic and Transport is a regulation that regulates the rules of conduct for motorists or road users in Indonesia. One of the provisions is to require motorists to have and carry a driver's license while using or driving on the

highway. One of the requirements for possession of a driver's license is to be at least 17 years old and have passed the driving skills test at the Traffic Police Office. (Country, 2020)

Some stages of the exam that must be passed are to conduct an exam in the form of written theory and practice with a vehicle that is adjusted to the driver's license sought, whether SIM A for 4-wheeled vehicles (cars) or SIM B for 2-wheeled vehicles (motorcycles). The requirement for SIM ownership is mandatory for all motorized vehicle users who use the highway. If there are people or road users who do not have a driver's license, the person is considered incompetent in driving a motor vehicle on the highway, so that if found to violate it will be sanctioned in accordance with the provisions in the LLAJ Law in the form of fines and others. (Rahmadhan et al., 2020)

b. Types of Traffic and Road Transport Violations

Violation comes from the word "langgar" which means place of worship, tubruk, landa. To violate means to hit, offend, resist, attack, or struck. While violations are criminal acts whose punishment is lighter than crimes. Moeljatno pointed out that violations are acts that are against the law can only be known after there is a law that specifies so. So, violations are identical to the provisions of applicable laws and regulations. It cannot be said to be a violation when there is no rule prohibiting. (Editor, 2022)

Traffic activities require a regulation that can be used to guide the community, so that traffic violations do not occur. Traffic violations are actions that are contrary to traffic and/or it's implementing regulations, whether or not they can cause loss of life or property and also traffic death. Traffic violations are also often referred to as speeding tickets which is the scope of criminal law regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation.(Arifin, 2016)

Traffic violations are not regulated in the Criminal Code (KUHP) but some involve offenses referred to in the Criminal Code, for example because their negligence causes the death of someone (article 359), because their negligence causes serious injury to others, and so on (article 360). A law is essentially a reflection of the will of the government and society. Every society needs a social control mechanism, which is everything that is done to carry out the planned process to educate, invite, and even force the citizens of the community to conform to the rules and values of the life of the community concerned.(Nugroho & Pujiyono, 2022)

As for Law Number 22 of 2009 concerning Traffic and Road Angkutan categorizes negligence or types of traffic violations are classified into three of them:

1. Gross Violations

This type of violation has a maximum criminal sanction of six months or more and a maximum fine of more than Rp. 1 million rupiah. Offences that fall into this category are damaging and disrupting the functioning of the road and wild racing on the road.

2. Moderate Violation

The types that fall into this group are violations that receive a maximum criminal sanction of 3-4 months or a maximum fine of Rp. 500 thousand-Rp. 1 million. While the types include not having a driver's license, not concentrating while driving, and breaking through the train crossbar doors.

3. Misdemeanors

The violations that fall into this category are quite numerous. The criteria for this one are a maximum penalty of 15 days-2 months or a maximum fine of Rp. 100 thousand-Rp.500 thousand. There are 40 types of violations that fall into this category, namely wearing dangerous accessories on vehicles, not wearing vehicle license plates, and not prioritizing pedestrians and cyclists.

Then, cars that do not meet technical requirements, cars that are not roadworthy, violate traffic signs, violate traffic signaling devices, violate maximum and minimum speed limits, and do not have a Vehicle Number Certificate. Furthermore, it is not equipped with periodic test certificates and periodic test pass marks, does not install safety triangles, hazard warning signal lights, or other signals when stopping or parking in emergencies, and special freight transportation that does not meet the provisions on safety requirements. In addition, public transportation of goods that do not comply with the provisions regarding loading procedures, public transportation does not have route permits and special goods permits, interferes with the function of signs, road markings, and road user safety devices, and does not enter the terminal.(Fadli et al., 2021)

Other violations are the car is not equipped with a spare tire, safety triangle, jack, wheel opener, and disobeying orders given by police officers. Then, the motorcycle does not meet the technical requirements and is roadworthy including mirrors, horns, headlights, brake lights, directional lights, light reflectors, speed gauges, exhaust, and tire groove depth. In addition, violating the rules of traffic movement or stop and parking procedures, violate the terms of use or the main right to use warning devices with sound and light, and violate the rules of coupling and attachment procedures with other vehicles.(Colloy, 2014)

There are more, namely not being able to show a valid driver's license, drivers or passengers sitting next to drivers who are not wearing seat belts, and drivers and passengers of vehicles other than motorcycles that are not equipped with houses and do not wear seat belts and wear helmets. Then, driving a motorcycle does not wear an Indonesian national standard helmet, driving a motorcycle allows passengers not to wear a helmet, driving a motorcycle that carries more than one passenger, and driving a vehicle without turning on the main lights at night and certain conditions. Then, turn or turn around, without signaling with a directional light or hand signal and change lanes or move sideways without signaling.(Rista, 2020)

Another violation is public transportation that does not use the designated lane or does not use the leftmost lane, except when going ahead or changing direction. Then, do not stop the vehicle while boarding and/or disembarking passengers. Do not close vehicle doors during walking, and freight transport that does not use the road network according

to the specified road class. In addition, the transportation of people is not according to the route, stops other than at a predetermined place, temtem, drops off passengers other than at the stopping place. Then, freight cars to transport people, pick up and/or drop off passengers carelessly or transport vehicles that are not in accordance with transportation, and freight transportation that is not equipped with a letter of cargo of Travel documents.(Zanuardi & Suprayitno, 2018)

Lastly, motors without turning on headlights during the day and non-motorized vehicles that deliberately hold on to motor vehicles to be towed, attract objects that may endanger other road users. From the forms of violations that often occur as mentioned above, problems that often occur in traffic conditions in Indonesia have caused various problems such as the high number of traffic accidents both at traffic sign intersections and on the highway, the safety of motorists and pedestrians is threatened, traffic congestion due to people who do not follow orders given by road traffic control officers, and the usual habit of breaking traffic rules became a culture of breaking the rules.(Fauzi, 2020)

Traffic budgets can be interpreted as actions committed by everyone who is closely related to traffic and road transportation, where these actions are contrary to the prevailing laws and regulations in the field of traffic, where the types of actions categorized as traffic violations are regulated in Articles 274 to 309 and Article 313 of Law Number 22 of 2009 concerning Traffic and Road Transportation. By understanding the construction of regulations within the scope of road traffic law above, it is interesting to then examine the context of the industrial revolution 4.0 with the fulcrum of road traffic law enforcement. (Leonita et al., 2022)

c. Sanctions (Fines) for Traffic and Road Transport Violations

A fine is a sanction or punishment applied in the form of having to pay a certain amount of money. Where it occurs due to violation of applicable legislation or denial of a previously agreed agreement (AK, 2011). In its application a fine can be made / imposed by making a further consequence if there is no settlement carried out from both parties involved. Basically, a fine is an error / omission to a bill or obligation that has been stipulated in an initial agreement. A fine is a form of punishment that involves money that must be paid in a certain amount. Fines are mostly paid in court, but in certain countries police can impose speeding tickets on drivers who violate traffic (Putri & Rusli, 2022)

In Law Number 22 of 2009 concerning Traffic on the road which is categorized as a traffic violation, the provisions of the law are as follows:

Article 279 Every person who drives a motorized vehicle on a highway that is equipped with equipment that can interfere with traffic safety as referred to in article 58 shall be punished with a maximum penalty of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand rupiah).

Article 280 Every person who drives a Motor Vehicle on a road that is not equipped with a Motor Vehicle Number Mark determined by the National Police of the Republic of Indonesia as referred to in article 68 paragraph (1) shall be punished with a maximum

imprisonment of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand rupiah)

Article 281 Every person who drives a Motor Vehicle on the Road who does not have a Driving License as referred to in article 77 paragraph (1) shall be punished with a maximum imprisonment of 4 (four) months or a maximum fine of Rp. 1,000,000.00 (one million rupiah).

Article 283 Every person who drives a Motor Vehicle on the Road unreasonably and carries out other activities or is affected by a condition that results in impaired concentration in driving on the Road as referred to in article 106 paragraph (1) shall be punished with a maximum penalty or imprisonment fine of 3 (three) months or a maximum fine of Rp. 750,000.00 (seven hundred fifty thousand rupiah).

Article 284 Every person who drives a Motor Vehicle without prioritizing the safety of pedestrians or cyclists as referred to in article 106 paragraph (2) shall be punished with a maximum imprisonment of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand rupiah).

Article 285 (1) Any person driving a Motorcycle on the Road that does not meet the technical and roadworthy requirements which include rearview mirrors, horns, headlights, brake lights, directional lights, light reflectors, speed measuring devices, exhaust, and tire groove depth as referred to in article 106 paragraph (3) juncto article 48 paragraph (2) and paragraph (3) shall be punished with a maximum imprisonment of 31 for a long time of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred fifty thousand rupiah). (2) Any person driving a four-wheeled Motor Vehicle or more on the Road that does not meet the technical requirements which include rearview mirrors, horns, headlights, reverse lights, limit sign lights, vehicle body dimensions, coupling lights, brake lights, directional lights, light reflectors, speed measuring devices, tire groove interiors, windshields, fenders, bumpers, couplings, sticking, or wiping glass as referred to in article 106 paragraph (3) juncto article 48 paragraph (2) punishable with a maximum imprisonment of 2 (two) months or a maximum fine of Rp. 500,000.00 (five hundred thousand rupiah).

Article 291 (1) Every person who drives a motor bicycle not wearing an Indonesian national standard helmet as referred to in article 106 paragraph (8) shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred fifty thousand rupiah). (2) Every person who drives a motorcycle that allows its passengers not to wear a helmet as referred to in article 106 paragraph (8) shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred fifty thousand rupiah).

Article 293 Every person who drives a Motor Vehicle on the road without turning on the main lights at night and certain conditions as referred to in article 107 paragraph (1) shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred fifty thousand rupiah).

Article 294 Every person who drives a Motor Vehicle that will turn or turn around, without giving a signal with a directional light or signal as referred to in article 112 paragraph 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred fifty thousand rupiah).

Article 297 every person who drives a Motor Vehicle racing on the Road as referred to in article 115 point b shall be punished with a maximum imprisonment of Rp. 3,000,000.00 (three million rupiah).

Article 302 Every person who drives a Public Motor Vehicle transporting people who does not stop other than at a predetermined place, stops, drops off passengers other than at a stopping place, or 33 passes through roads other than those specified in the route permit as referred to in article 126 shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred fifty thousand rupiah).

An offense related to road traffic violations itself is a type of violation that is included in certain criminal offenses involving criminal acts or violations must still be processed with existing legal rules. Motor Vehicle Inspection is carried out by Examining Officers, namely Indonesian National Police Officers (Polri) and Civil Servant Investigators (PNS). Police Officers can conduct periodic or incidental checks on the scope of inspection of Motor Vehicles on the Road, while Civil Servant Investigators in the field of traffic and road transportation conduct periodic and incidental inspections of motor vehicles (except for checking driver's licenses, vehicle registrations, Motor Vehicle Test Certificates, Motor Vehicle Number Signs, or Motor Vehicle Test Marks) periodically and incidentally.(Andasia, 2015)

C. DISCUSSION

1. Implementation of CCTV-Based E-Tilang Policy Against Traffic Violations

Electronic Tilang Enforcement) in accordance with the Chief of Police's PRECISION program with the Chief of Police's priority program, namely, improving law enforcement performance. The implementation of ETLE through CCTV is expected to reduce the number of traffic violations. Because actually, the main purpose of implementing ETLE is to create a culture of orderly traffic. With the installation of ETLE, we hope to be more disciplined in traffic. (Darmawan et al., 2022)

The Traffic Directorate has installed reconnaissance cameras or Closed-Circuit Television (CCTV) at the location of Traffic Lights. CCTV to crack down on traffic violators recorded on camera. Agus said, the enforcement mechanism will refer to the license plate data of vehicles that commit violations. The data is directly connected to Samsat data. If a violation is found, the Police will provide a letter of recommendation to the violator. The confirmation letter is valid three days from the time it is given.(Bahri, 2018) After violators get a ticket, they must pay BRIVA at the bank and send or show a photo of the BRIVA payment code to ELTE officers in the data center. However, if the ticket is not followed up with BRIVA payment by the deadline of 8 days, the vehicle will be blocked at Samsat.(Hasmita, 2021)

The Electronic Tilang Center has opened a hotline as an information center for electronic ticket enforcement. The launching of the electronic ticketing system began on June 9, 2021. In addition to being connected to Samsat data, ELTE cameras are also connected to the Department of Transportation. Meanwhile, the Police have enforced electronic tickets since early 2021. Payment of ticket fines has used the BRIVA application in collaboration with BRI (Prawitasari & Setyawan, 2023). Types of Violations in the implementation of CCTV-based E-Tilang Policy as follows:

1. Using a device (mobile phone).

The prohibition of using mobile phones while driving has been regulated in Article 283 of Law No. 22 of 2009 concerning Road Traffic and Transportation (Law LLAJ). Violators can be sentenced to imprisonment for 3 months or a fine of Rp 750 thousand.

2. Not wearing a seat belt

Violators can be sentenced to imprisonment for one month or a fine of Rp 250 thousand.

3. Violating traffic signs and road markings.

Violators will be subject to Article 287 paragraph 1 with imprisonment of up to 2 months or a maximum fine of IDR 500 thousand.

4. Not wearing a helmet.

This violation is stated in Article 106 paragraph 8 of Law No. 22 of 2009 concerning LLAJ that every motorcycle driver and passenger must wear a helmet according to the Indonesian National Standard (SNI). Violators can be sentenced to imprisonment for a maximum of one month or a fine of Rp 250 thousand.

5. Wearing fake license plates.

In accordance with Article 280, violators can be sentenced to imprisonment for a maximum of 2 months or a maximum fine of IDR 500 thousand. The Refinery Stage in the implementation of the E-Tilang Policy in the Jurisdiction of the NTT Regional Police is as follows:

1. The device automatically captures monitored traffic violations and sends media evidence of violations to the Back Office at RTMC Polda NTT.
2. Officers identify vehicle data using Electronic Registration & Identification (ERI) as the source of vehicle data.
3. The officer sends a confirmation letter to the address of the vehicle owner. The letter will be sent no later than three days after the violation was committed.
4. The vehicle owner confirms via <https://etle-pmj.info/id> website or comes directly to the Sub Directorate of Law Enforcement office.
5. Officers issue tickets with the BRIVA payment method for every violation that has been verified for law enforcement.
6. If the driver does not pay the fine within 15 days, the STNK will be blocked.

Then how to pay E-Tilang Kupang - East Nusa Tenggara can be through the prosecutor's office. If through an ATM the method is as follows:

1. Please insert your ATM Debit card and PIN
2. Select or click the Other Transactions menu -> Transfer -> To Other Bank Account
3. First select the bank code you want to transfer, for this E-Tilang using Bank BRI then Enter the BRI bank code, namely number 002 then followed by the 15 digit number E-Tilang Payment Number. Example: 002123456789012345
4. See the receipt you got from the e-ticket, then enter the nominal amount of payment according to the fine to be paid. E-Tilang transactions will be rejected if the payment does not match the amount of the E-Tilang penalty deposit
5. then Follow the next instruction on the ATM menu to complete the transaction
6. Save the E-Tilang transaction receipt as proof of payment

Note: Electronic ticket fines are paid after a court hearing and have received a verdict from the Court. If on H-4 from the date of the hearing has not been paid, then the E-Tilang / Briva Number will automatically change (Rules may change at any time)

How to Check E-Tilang is to visit a website such as cektilang.com type No E-Tilang / No Blanko / No BRIVA then click Check to find out how much fines and fees must be paid.

Violators no longer need to attend a speeding ticket hearing in the district court, you simply open the Case Tracing Information System (SIPP) then you type your vehicle number and E-Tilang Number. For payment of ticket fines and collection of evidence, you simply come to the prosecutor's office if your ticket number has been severed or not by the district court and is not on the list according to the decision date determined by the district court, then you can directly contact the relevant party (Police or DLLAJ)

Through ETLE cameras, all types of vehicles can be monitored when crossing all points that have been installed cameras at a price of Rp 1 billion per unit. The type of vehicle and others can be read from the police number.

If there is a violation, his party immediately makes a ticket confirmation letter which is sent directly to the reason stated in the STNK.

The confirmation letter is sent to the address listed on the STNK and the owner of the name will appear. Letters delivered to homes have a time limit of 8 days including three days of delivery. If the deadline is not confirmed, it will be blocked by Samsat.

Violations caught on camera such as not wearing a helmet, seat belts, going against the flow and violating traffic lights. The violation letter is sent to the address inside the STNK. The address corresponds to STNK and he is integrated with samsat(Fadli et al., 2021).

2. Reconstruction of E-Tilang Policy Based on Closed Circuit Television (CCTV) against Traffic and Road Transport Violations Based on Justice Values

Strengthening the effectiveness of traffic law enforcement needs to be encouraged. The implementation of electronic-based traffic law enforcement has become an urgent matter to be realized immediately. Monitoring traffic flow through the use of monitoring cameras (*Closed Circuit Television / CCTV*) and enforcement of traffic rule violations using documentary evidence from CCTV is an effective step for the traffic monitoring and enforcement system because it is a transfer from regulation and enforcement based on the number of traffic police personnel to information technology-based.

The basis of E-TLE (*Electronic Traffic Law Enforcement*) can be seen in Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ) and Government Regulation Number 80 of 2012 concerning Procedures for Inspection of Motor Vehicles on the Road and Enforcement of Traffic and Road Transportation. In Article 272 of the Road Transport Traffic Law that states that to support violation enforcement activities in the field of Traffic and Road Transportation, electronic equipment can be used which has been entirely integrated in the NTMC (National *Traffic Management Center*) data center or the Indonesian term, namely the National Police Traffic Control Center. (Leonita et al., 2022)

Electronic Tilang (*E-ticket*) is the digitization of the ticketing process, by utilizing technology. With the implementation of the E-Tilang system, it is hoped that the entire ticketing process will be more efficient and effective, also helping the police in increasing traffic compliance and reducing accidents and traffic violations. Various factors affect the rate of traffic accidents, among the dominant factors are behavior when driving and the level of awareness of traffic rules is very lacking. Because of these factors, the Government of the Republic of Indonesia (police) applies the Etilang system. This system is expected to increase traffic compliance and reduce the rate of accidents and traffic violations of motor vehicle users. This ticketing process is assisted by the installation of CCTV (*Closed Circuit Television*) cameras at each intersection (red light) to monitor road conditions. (Darmawan et al., 2022)

E-ticketing is a digitization of the ticketing process by utilizing technology, it is hoped that the entire ticketing process will be more efficient and effective in helping the police. Factors that affect law enforcement include the law itself, law enforcement officials, infrastructure, community, and cultural factors. In its enforcement, the factor of legal substance is a factor derived from its own law, namely the substance of the applicable legislation (*ius constitutum*) relating to the Law (Indarsih, 2021).

The provisions for the implementation of E-TLE have been reflected in Article 272 of the LLAJ Law, namely the enforcement of violations in the field of traffic and road transportation using electronic equipment. Currently, the provisions regarding electronic tickets in general are regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation, namely Article 243 paragraph (3) and Article 272, where the provisions of these articles do not provide adequate regulations related to the mechanism of applying electronic tickets to traffic violations and only regulate the use of electronic equipment as evidence of traffic violations in court. Similarly, Government Regulation Number 80 of

2012 concerning Procedures for Inspection of Motor Vehicles on the Road and Enforcement of Traffic and Road Transport Violations, Article 14 paragraph (3), Article 23 and Article 28 only implicitly regulate the use of electronic evidence from electronic equipment records in law enforcement against road traffic violations by National Police and PPNS officers as evidence in court hearings, so that the provisions of the article also do not provide adequate regulation on the mechanism or procedure for implementing electronic tickets against traffic violations on highways. (Yu et al., 2021)

Then the law enforcement factor is a factor related to law enforcement officials who implement the provisions of applicable laws and regulations, in this case traffic members who carry out law enforcement duties through the application of *Electronic Traffic Law Enforcement* (ETLE) against traffic violations from the initial stage of traffic violations which are then followed up to the confirmation stage, the enforcement stage by granting speeding tickets, to the final stage of resolving the traffic violation by violators, namely by paying the Tilang fine within a predetermined period either through Bank BRI or through the Prosecutor's office in accordance with the amount of the Tilang fine as stipulated in the Law. (Triono, 2022)

Officers who carry out law enforcement duties against traffic violations through the application of *Electronic Traffic Law Enforcement* (ETLE), namely *First*; Back office officers consist of analysis and verification officers and officers in charge of confirmation letters, *second*; ETLE Post Officers consist of Ticket Officers, Admin Officers, and Yanduan Officers and *the Three Samsat Officers*. In this regard, based on the Regulation of the Chief of Police Number 14 of 2018 concerning the Organizational Structure and Work Procedures of the Polda, that handling traffic violations on the highway is the duty of Subdit Gakkum, but there is no special section or unit that handles traffic violations through the application of *Electronic Traffic Law Enforcement* (ETLE) so that an ETLE Task Force was formed. (Nababan et al., 2023)

Facilities or facilities are factors related to facilities or facilities used to support the implementation of the duties of members of the DITLANTAS Polda in law enforcement efforts through the application of electronic tickets for traffic violations through *Electronic Traffic Law Enforcement*, namely; 1) equipment and equipment consisting of; E-Police cameras and Check point cameras, computers, ETLE servers, ETLE applications, Electronic Registration and Identification (ERI) databases, printers, internet networks, E-Tilang applications, Briva codes, Tilang blanks, office stationery and other computer and electronic equipment, 2) Back office support facilities and ETLE Subditgakkum Post consist of Back office rooms, ETLE Subditgakkum Post, Call Center and Yanduan ETLE Post. (Dewanto, 2019)

In connection with the above, that CCTV cameras currently installed in locations that are prone to traffic violations consist of *E-Police* cameras are cameras that can detect types of violations of road marking provisions and violations of traffic lights, and *Check Point* cameras is a camera that can detect the type of violation of the terms of use of seat belts, violation of the terms of use of mobile phones by car drivers, violations of not using helmets, breaking through Busway lanes and violations of speed limits. This means that

other types of violations in Law Number 22 of 2009 cannot be detected by CCTV cameras so that action cannot be carried out in the form of speeding tickets.(Abdullah & Windiyastuti, 2022)

Another factor of community legal culture is the willingness of people who commit traffic violations to follow up on confirmation letters by ETLE Back office officers in accordance with a predetermined period of time, namely for 5 (five) working days directly by visiting the ETLE Post or confirmation through the website so that traffic violations can proceed to the enforcement stage by granting a ticket. In addition, public awareness of traffic violations who have received a ticket letter to pay the ticket fine for the traffic violation they committed within a predetermined period of 7 (seven) working days through Bank BRI or through the Prosecutor's office in accordance with the amount of the ticket fine as stipulated in Law Number 22 of 2009 concerning Road Traffic and Transportation.(Kurniawan & Suwandi, 2021)

The weaknesses of the application of Electronic Tilang include that it cannot be done to drivers or owners of motor vehicles who do not follow the mechanism for resolving traffic violations in accordance with the specified period, namely confirming traffic violations involving motorized vehicles detected by CCTV cameras either directly to the CCTV Post or online so that they cannot be subject to ticket sanctions, and not paying ticket fines in accordance with the amount specified in Law Number 22 of 2009 concerning Road Traffic and Transportation. Electronic ticketing also cannot take action against motor vehicles that use vehicle number signs that do not match the motor vehicle registration number recorded on Samsat, so that drivers or owners of motor vehicles who commit traffic violations cannot be subject to speeding tickets or blocking if they do not complete traffic violations.

The application of electronic tickets can provide convenience for traffic police in carrying out law enforcement against traffic violations, but the application of electronic tickets also has problems related to evidence of CCTV camera footage taken when traffic violations occur are identified based on the Motor Vehicle Number Mark that committed the violation and then a confirmation letter is sent to the address of the vehicle owner in accordance with vehicle registration data Motor. This becomes a problem if the motor vehicle has changed hands to someone else but has not changed the identity of the owner

The weaknesses of the application of Electronic Tilang include that it cannot be done to drivers or owners of motor vehicles who do not follow the mechanism for resolving traffic violations in accordance with the specified period, namely confirming traffic violations involving motor vehicles detected by ETLE cameras either directly to the ETLE Post or online so that they cannot be subject to ticket sanctions, and not paying ticket fines in accordance with the amount specified in Law Number 22 of 2009 concerning Road Traffic and Transportation. (Santalova et al., 2022)

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The effective implementation of ETLE is expected to increase public legal awareness in traffic. Legal awareness is self-awareness without pressure, coercion, or outside orders to submit to applicable laws. Legal awareness is associated with the observance of the law or the effectiveness of the law in other words, legal awareness concerns the issue of whether certain legal provisions actually function or not in society. The high legal awareness of community members causes community members to obey applicable legal provisions, and vice versa, if legal awareness is low, then the degree of law obedience is also low.(Nasali, 2021)

Law enforcement in the application of ETLE is expected to create justice for the community, every violator in the e-ticketing service who commits violations will get the same fine or punishment indiscriminately, even if the violator has previously committed the same violation. Because it has been determined by the authorities and regulated by the existing system. So this can avoid bargaining between the party affected by the ticket and the police, automatically of course the system will record violations committed by road users correctly.(Sudarto et al., 2023)

Digitalization in traffic law enforcement through ETLE is a form of legal certainty for the community, where the public can find out mistakes and violations through CCTV footage, on the other hand the amount of fines can also be known according to the level of violation. Legal certainty is a guarantee that a law must be carried out in a good or appropriate way. Certainty is essentially one of the purposes of law. Legal certainty often leads to positivism because if the law does not have an identity, it is no longer used as a guide or role model for everyone's behavior. So that the law is no longer related to power politics blows then that's where the law is anchored, in this case bargaining as well as the manual ticketing process.(Pangesta et al., 2021)

The *e-ticketing* regulation within the framework of the Criminal Law is more focused on criminal liability and in practice the application of the Article contained in Law No. 22 of 2009 concerning Road Traffic and Transportation needs to be implemented in a real and accountable manner, especially those that have been seen regarding the sanctions for revocation of driving licenses. The current urgency of ETLE can be seen in terms of benefits, namely Transparency, Empowerment, Responsiveness, and Justice. In terms of legal certainty, this system provides certainty for violators, namely about how many fines and what has been violated that has been listed on the blue slip. In terms of fairness, traffic violators who commit the same offense will get the same punishment or fine indiscriminately (Syafitri & Dadang, 2022)

The ETLE system makes it easy for people to pay fines through banks. However, not all communities can follow the ETLE procedures provided by the police. The following will be explained about the criminal law enforcement mechanism for traffic violations with the ETLE system, among others:

a. Recorded driver committing a traffic violation by Camera ETLE

The types of violations recorded by ETLE: Breaking through traffic lights (287 paragraph (1)) the sanction is 2 months imprisonment or a maximum fine of Rp. 500 thousand; Using a cellphone while driving (Article 283) sanctions 3 months imprisonment or a maximum fine of Rp750 thousand; Not wearing a seat belt (Article 106 paragraph (6)) the sanction is imprisonment for a maximum of 1 month or a maximum fine of Rp250 thousand; Not wearing a helmet (Article 106 paragraph (8)) the sanction is imprisonment for a maximum of 1 month or a maximum fine of Rp250 thousand; Violating traffic markings and signs (Article 287 paragraph (1)) sanction of 2 months imprisonment or a maximum fine of Rp500 thousand; Using a Fake Number Plate (Article 280) 2 months imprisonment or a maximum fine of IDR 500 thousand.

Regarding sanctions, ETLE is actually the same as the sanctions contained in Law Number 22 of 2009 concerning Road Traffic and Transportation (Law LLAJ). If you look at the actual sanctions contained in the LLAJ Law applied in ETLE enforcement, it is enough to make someone think twice about violating traffic.

The largest offender in the first month of ETLE enforcement was in the private sector with 1556 violations and even in the following month the profession in the private sector still dominated with 2135 violations or an increase of 579 violations. It is interesting to note above that precisely in the second month of ETLE implementation there were 18 violations that occurred with the profession as a TNI / Polri.

This indicates that the ETLE program will not look at the profession of violators so that anyone who violates will be recorded by the system and must fulfill their fine obligations. The largest contribution of traffic offenders was dominated by offenders with high school education, namely in the first month 1775 violations and in the following month 2335 violations. From these education criteria, if the percentage of increase or decrease in violations after the second month of ETLE implementation, it is explained as follows: violators with elementary education levels increased by 38.46%, junior high school education according to 17.68%, high school education rose by 23.98%, higher education rose by 32.89% and others were recorded at 100%.

It is also known that the age range of 31-40 years is the age with the highest quantity as a perpetrator of traffic violations. It was also revealed that minors often drive motor vehicles in the middle of the city. It was revealed that there were 8 violations committed by minors (aged 16 years and under).

b. The recording results were analyzed by the Analysis Officer from the Regional Traffic Management Cente (RTMC)

Officers analyze the results of ETLE camera captures (photos, or videos) whether they include traffic violations or not. If it is not declared a traffic violation, the results of the ETLE camera capture remain stored in the system. So this is where the decision is made about whether a driver will be ticketed or not. The results of the analysis will also qualify what violations the rider committed and include sanctions and the amount of fines on the confirmation letter.

Please note here with the ETLE system, if someone commits repeated violations, whether it's in the same place or another place where ETLE cameras are installed, then for him, action is still carried out with Kawruh Abiyasa Journal Vol 1 No 2 (2021) 225 accumulating fines in accordance with the violation. In addition, if in one capture there are 2 violations, for example not wearing a seat belt and using a cellphone while driving, then the violator is also subject to a cumulative fine according to the violation.

Based on this, violators who commit repeated violations in the same or different locations on the same day or on different days will still be enforced, so that each violation will still be dealt with even though it is carried out simultaneously or separately.

c. Issue a confirmation letter addressed to the owner of Ranmor

It must be understood here that the so-called confirmation letter is not a ticket as understood by society today. The confirmation letter was sent from the Police Department to the address of the owner of the vehicle license plate suspected of committing a traffic violation. The correspondence address is of course based on the latest data inputted by the owner of the vehicle license plate. For the delivery time, it takes about 5 days from the time of analysis until the confirmation letter is sent via Post to the address concerned.

The letter also provides instructions for confirming including a date for the deadline to confirm. As part of the confirmation letter, there is an attachment sheet containing a close-up photo (zoom) as evidence to show the violation of the recipient of the confirmation letter. That's also where the type of offense is.

Confirmation must be carried out if the vehicle owner does not want the Vehicle Number Certificate (STNK) to be blocked. This means that the owner of the vehicle must confirm to the police whether or not the violation is true or whether the vehicle is no longer his. Likewise, the recipient of the letter who feels that he has not committed a violation but is sent an electronic mail can also provide confirmation to the Gakkum Post located at the ETLE RTMC Polda Post in Indonesia.

d. Confirmation Answer from the Offender

The next most important process is the response of the recipient of the confirmation letter regarding the alleged violation committed. Upon receipt of the confirmation letter, it is given up to 10 days for violators to immediately confirm. Otherwise, STNK will be blocked automatically through the Electronic Registration and Identification (ERI) system.

e. Consequences for Offenders

Starting up to 15 days after a violation occurs for violators who have confirmed but did not make payments, the STNK will be blocked through the ERI system. The blocking has been regulated in Perkap No. 5 of 2012 concerning the Blocking of Motor Vehicle Resident Article 115 paragraph 5 which states that requests for STNK Blocking for the purposes of law enforcement of traffic violations are submitted by law enforcement against ranmor who based on electronic data have committed traffic violations.

To unblock STNK, violators are required to come to Gakkum Post, to pay a ticket fine. After paying the ticket fine, violators will get a cover letter to unblock at SAMSAT. Without unblocking, the temporary stnk status cannot be used.

Author uses in analyzing influential factors in traffic criminal law enforcement using ETLE means is Soerjono Soekanto's opinion which bases law enforcement on indicators of legal factors, law enforcement factors, sarpras factors, cultural and community factors.

The implementation of ETLE is a breakthrough made by the police to minimize extortion parties when enforcing traffic violations and to improve driving discipline in the community. The problem in ETLE is in the facilities and infrastructure needed in large quantities so that it requires large funds, people who do not obey the rules, and a more orderly community culture if there are police on guard. The solution to this problem is that the National Police can cooperate with local governments in preparing ETLE facilities and infrastructure.

The National Police must intensively conduct socialization related to ETLE, the placement of officers on duty is still needed to anticipate traffic violations that cannot be done through ETLE. Commission III of the House of Representatives of the Republic of Indonesia can supervise the implementation of ETLE and encourage related institutions/agencies to cooperate in the implementation of ETLE. In addition, Commission III can ask the National Police to be more aggressive in terms of socialization. The lack of socialization of the government and the police causes many people who do not know or even do not know that electronic tickets have been set. The lack of information obtained by the public makes the government face several obstacles. The high rate of traffic violations is not entirely the fault of the community, but some of the government does not provide a specific understanding of the application of electronic tickets. Some people only get information through social media. By expanding information on this application, the police and government are able to cooperate and involve the community directly in tackling and reducing the rate of traffic violations and accidents. (Wibowo et al., 2022)

It is known that the legal rules for the implementation of ETLE are Articles 242 and 272 of Law No. 22 of 2009, Article 5 of the ITE Law, Articles 23 and 28 of PP No. 80 of 2012, Article 115 paragraph (3) of Perkap No. 5 of 2012 and the implementation procedure guides the Supreme Court of the Republic of Indonesia Regulation No. 12 of 2016. Regarding the enforcement mechanism with ETLE begins: First, the recording of drivers who commit traffic violations by ETLE cameras. Second, the recordings were then analyzed by RTMC officers. Third, RTMC officers issue a confirmation letter. Fourth, confirm the recipient of the confirmation letter regarding the alleged violation committed. Consequences for violators, starting up to 15 days after the violation occurs for violators who have confirmed but did not make payments, the STNK will be blocked through the ERI system. (Rahmadany & Windiyastuti, 2022)

Law enforcement constraints in terms of legal rule factors, the first is a legal conflict in the application of criminal ETLE fines related to criminal imposition on the object (violator's vehicle) not on the subject (the violator). The solution is with a speeding ticket, which was originally a criminal offense, into an administrative offense. Another obstacle from legal

factors is the absence of Perkap that specifically regulates ETLE. The obstacle from law enforcement officials is the problem of technical competence of RTMC members of the Ditlantas.

On the constraints of the means, namely the expensive installation of ETLE facilities which is currently developed by the INCAR Program to overcome these cost problems. Therefore, it is necessary to increase the installation of CCTV on a number of roads in Indonesia. CCTV recording is a medium that can be used to contain recordings of any information that can be seen, and heard with the help of CCTV recording facilities. CCTV footage is used as evidence whose system uses a video camera to display and record an image at a certain time and place where this device is installed which means using a closed signal. The application of CCTV, which is only enforced on some road sections, still provides great opportunities for disorderly road users when driving. If the installation of CCTV on all roads, the community will be afraid and realize that every violation committed on the highway is recorded by CCTV to raise awareness so as not to commit violations again. Some people think that the opportunities posed can make people disobedient and negligent in traffic. Although there has been CCTV installed at traffic lights, disobedient motorists can pass through roads that do not have CCTV. The opportunity to commit violations is still very large because there are many small roads and there is no CCTV.

The constraints of habitual legal cultural factors are not to carry out the name reversal process on motor vehicle ownership documents. Some people consider the application of electronic tickets less effective because many vehicle drivers buy their vehicles through second or third parties or buy used cars. Vehicle drivers who buy vehicles using the name of the previous owner on the grounds of high name reversal fees.

Then on the community's constraints are often people trying to trick the ETLE system by using fake license plates or people's habit of modifying license plates so that it is difficult to read the system.

D. CONCLUSION

The implementation of the Closed Circuit Television (CCTV)-based E-Tilang Policy on Traffic and Road Transport violations currently does not meet the Value of Justice, including due to problems in the Implementation of the E-Tilang Policy as follows; a) criminal imposition on the object (violator's vehicle) not on the subject (the violator), b) On the constraints of the means, namely the expensive installation of ETLE facilities, c) Not all road areas have CCTV, d) cultural factors of habitual law not to carry out the process of turning names on motor vehicle ownership documents, e) often people try to trick the ETLE system by using fake license plates or people's habit of modifying license plates so as to make it difficult to read the system, f) payment of ticket fines made through BRI will make it difficult for people who do not have accounts or ATMs at BRI.

Reconstruction of Closed Circuit Television (CCTV)-Based E-Tilang Policy on Traffic Violations and Road Transport Based on Justice Values can be implemented with solutions to the problems of implementing CCTV-based E-Tilang or ETLE, including; a)

criminal imposition on the subject (the offender) not the object (the offender's vehicle), b) the constraints of expensive facilities for the installation of ETLE facilities are overcome by developing the INCAR Program to overcome these cost problems, c) Increasing the installation of CCTV so that all road areas have CCTV, d) Socialization is carried out so that community factors carry out the name reversal process on motor vehicle ownership documents, e) officers are needed on every CCTV to overcome the community who tricking the ETLE system by using fake license plates or people's habit of modifying license plates so that it is difficult to read the system, f) payment of ticket fines made through BRI will make it difficult for people who do not have accounts or ATMs at BRI. Therefore, banks where E-TLE payments should not only be BRI, but multibank, with the aim of facilitating public access to pay ticket fines

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