



The Problems of E-Ticketing from Legal Perspective

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Abstract

The problems faced in the development of an electronic system use CCTV to carrying out the function of monitoring and enforcing traffic were: (1) Traffic and legal compliance awareness in paying fines. (2) Public considers about failures in building a good law enforcement structure. (3) Because people who violate it feel afraid to pay STNK, it potentially reduction in non-tax state income through the e-ticket policy. (4) misdirect in sent ticket letters, because many vehicles are purchased by people who administratively still with old owner. This research uses normative legal research methods. This study discusses about the urgency legal certainty of e-tickets, including certainty about the violators, regarding to amount and what kind of violation which has been included on the blue slip. In terms of justice, traffic violators who commit the same offense will receive the same penalty or fine without discrimination, E-tickets are also a form of transparency and professionalism of police officers in law enforcement, to prevent issues of illegal levies (Pungli) by unscrupulous individuals. Characteristics of e-ticket regulations in criminal law framework more focuses on fines than the concept of non-compliance in driving. Articles contained in Law no. 22 of 2009 concerning Road Traffic and Transportation has not been implemented in a real way especially sanctions for revoking driving licenses.

Keywords: e-ticketing, law enforcement, legal certainty.

A. Introduction

Indonesia is a state that order by law. It expressed and stated in article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. As a law, Indonesia have to apply law as an ideology or perspective to create order, security, justice and prosperity for citizens.¹ This addresses that state based on law guarantees and legal certainty in providing law enforcement processes to creation of justice by embodying all forms of provisions in laws and regulations.²

State regulated traffic provisions in Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ), which regulate order and security in traffic. This regulation was part of representation or mandate of the 1945 Constitution of the Republic of Indonesia. The essence, we want to get from this regulation is the realization of legal certainty, orderly, ethical and cultured society in traffic.³ Law no. 22 of 2009, encourages Road Traffic and Transportation to:

1. realization safe, secure, orderly and smooth Road Traffic and Transportation, as well as integration with various modes of transportation to boost national economy,

¹ Aktieva Tri Tjitrawati, The Just Drug Distribution In The Perspective Of Welfare State, *Mimbar Hukum*, Volume 25, No. 3, Oktober 2013, p. 2

² Hartanto, Eksistensi Deradikalisasi Dalam Konsep Pembebasan Bersyarat Bagi Narapidana Terorisme, *Jurnal Jurisprudentie UIN Alauddin Makassar*, Volume 6 No 1 Juni 2019, p. 57

³ Endri, Makna Keteraturan Berlalu Lintas, (Studi Budaya Berlalu Lintas Masyarakat Tanjungpinang, Dalam Perspektif Sosiologi Hukum), *Jurnal Selat*, Volume. 4 Nomor. 1, Oktober 2016. p. 35



promote public welfare and strengthen national unity and integrity also uphold national dignity;

2. realization of traffic ethics and national culture; And
3. realization of law enforcement and legal certainty for community.

Each person has different view of ethics and awareness regarding traffic and road transportation. Traffic behavior and personality must be fostered and developed to create safe traffic. It was confirmed in the LLAJ Law, in Article 4 this Law applies to fostering and organizing road traffic and transportation that is safe, secure, orderly and smooth, through:

- a. movement activities of vehicles, people and/or goods on the road;
- b. activities that use facilities, infrastructure and supporting facilities for Road Traffic and Transportation; and
- c. activities related to the registration and identification of Motorized Vehicles and Drivers, traffic education, Traffic Management and Engineering, as well as law enforcement on Traffic and Road Transportation.⁴

The most important part in issuance the provisions above was in the development of law. In line with this, the development of an electronic system was carry out the function of monitoring and enforcing traffic law in electronic form with CCTV supporting tools, which in order to keep with current developments, the police must understand IT (Information Technology) just like abroad implement E-ticketing (electronic ticketing). The implementation of the E- ticket system was a policy to replace the manual ticketing system which uses blanks/ticket letters, where drivers who violate will be recorded via an application owned by police personnel. Once recorded, the driver will immediately receive a notification in the form of a code whose contents are exactly like a traffic ticket, accompanied by a code to pay the fine via BRI.⁵

The application of electronic ticketing was as a positive part to overcoming extortion and bribery by motorists and police themselves. So, this policy was part of building a clean police image and public opinion to increasing public trust in traffic law enforcement. Developing clean law enforcement was the first step to realizing a prosperous, safe and peaceful society.⁶

⁴ Article 4 of Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ)

⁵ Farid Azis Abdullah, Electronic Traffic Law Enforcement (ETLE) Sebagai Digitalisasi Proses, Jurnal Kewarganegaraan, Vol. 6 No. 2 September 2022, P-ISSN: 1978-0184 E-ISSN: 2723-2328, Sekolah Tinggi Ilmu Hukum IBLAM 3004, p. 3006

⁶ Erliana Hasan; Eva Eviany, Meningkatkan Kualitas Sumber Daya Aparatur Negara (Asn) Dalam Mewujudkan Indonesia Bersih Jurnal Politik Pemerintahan Dharma Praja, Institut Pemerintahan Dalam Negeri, p.1



In line with this, Lawrence M Friedman⁷ explains that there were three components of law as follows: (a) Structural components, were parts of the legal system that move within a mechanism. For example, law-making institutions, courts, and various bodies that are had the right and authority to determine, implement and enforce the law. (b) Substance component, is the result published by a real legal system. These results can take the form of inconcreto laws (individual legal rules) or inabstracto (general legal rules). (c) Components of legal culture, were the attitudes or actions of community members along with the values they adhere to. It can also said that legal culture is the whole fabric of social values related to law along with attitudes that affect feelings of guilt. For example, shame and guilt about breaking the law, in his theory argue that good law development was has good structural components, good substantive components and good legal cultural components. So, the implementation of electronic ticketing policies can run well if these three components run well.

The problem faced currently is the development of legal culture, because good regulations will not work if was cannot influence the culture in society. The implementation of e-ticket policy needs to consider several social factors which include:

1. Traffic compliance and awareness of paying fines for violators.

So far, people still often commit various vehicle traffic violations, such as not completing the driving requirements as regulated in the traffic law, including [Ruba I, Community Legal Awareness in Traffic.⁸

- a. Violation of not wearing a helmet;
- b. Violation of not turning on the main lights;
- c. Violation of not carrying a motor vehicle registration certificate;
- d. Violation of not having a driving license;
- e. Violation of traffic markings and signs;

⁷ The explanation of the three components is as follows: (a) Structural components are parts of the legal system that move within a mechanism. For example, law- making institutions, courts, and various bodies are given the authority to implement and enforce laws. (b) Substantial components Components are the result of a system issuing a real legal entity. These concrete results can take the form of inconcreto law or individual legal rules, or inabstracto law or general legal rules. (c) The components of legal culture are the attitudes and actions of community members along with the values they adhere to. Or it could also be said that legal culture is the entire network of social values related to law along with attitudes that influence feelings of wrongdoing, for example. there is shame and a sense of guilt in breaking the law. Quoted form Dudung Duswara, Pengantar Ilmu Hukum Sebuah Sketsa. Bandung, PT Rafika Aditama, 2001, Cet. Pertama, p. 74.

⁸ Ruba I, Kesadaran Hukum Masyarakat Dalam Berlalu Lintas Di Kepulauan Meranti, <https://media.neliti.com/media/publications/34416-ID-kesadaran-hukum-masyarakat-dalam-berlalu-lintas-di-kepulauan-meranti.pdf>, access at 23 november 2022, pukul 14:00 wib



The traffic violations mentioned above are often encountered, even some people who experience manual tickets often look for justifications on the grounds that there was no notification about Sebra Operations and so on. Today's legal culture does not yet fully realize the importance of orderly traffic for safety. With today's cultural conditions, direct coaching is the ideal effort, this is carried out through manual ticketing.

The implementation of electronic tickets actually has the potential to hinder the development of a legal culture for orderly traffic for safety. Community compliance in paying violation fines is carried out because they are ticketed. The implementation of the e-ticket system actually creates a fear of extending the STNK tax considering the many possible violations and large fines.

2. The public thinks that E ticketing is a failure in building a good law enforcement structure.

The implementation of electronic ticketing is also a positive part in overcoming extortion and bribery carried out by motorists and police officers themselves. This implementation is an illustration of the failure of law enforcement in building the legal structure and legal culture that exists in Indonesia. This failure must be an important evaluation in the development of legal structure and legal culture in Indonesia. Improvements are carried out through institutional strengthening by increasing the professionalism of traffic police and police officers as well as the quality of the system. open and transparent law enforcement, simplifying the traffic ticket system, increasing transparency in order to increase public trust and ensure that the law is applied fairly and favors the truth.⁹ in developing community culture

In building community culture, the implementation of law in society cannot be separated from the interaction between police officers and drivers who violate it. Through this interaction that situations arise and influence the behavior of police officers and motorists. So, the approach in achieving legal compliance for both parties is a tool or instrument for achieving the law. Changing the system with e-tickets was irrelevant because it is problematic in the legal structure and culture of society.

3. Potential reduction in non-tax state income.

⁹ Satjipto Rahardjo, Mengajarkan Keteraturan Menemukan Ketidakteraturan, Speech Ending Position Permanent Professor at the Faculty of Law, Diponegoro University.



Paying taxes was society's obligation as citizens, but tax problems were still ongoing.¹⁰ The number of vehicles continues to increase every year, and the Samsat office can use it to collect taxes from vehicle owners, in order to increase taxpayer compliance and increase sources of income. Ideally the government could get more revenue from this sector, but judging from the existing data there are still several taxpayers who were in arrears in paying motor vehicle tax. This was caused by fines due to delays. If you add more electronic ticket data, it will burden the public and have the potential to reduce taxpayer compliance. If you look at the current data, the increase in paying taxes occurred because of the whitening policy. The potential was greater if the burden on society is piled up in paying taxes, fines and electronic ticket sanctions.

4. Another problem that arises is that many people buy used vehicles, and administratively the name of the vehicle owner is still the previous owner, as a result the ticket letters sent do not match in target.

Several factors above were factors that must be considered in developing electronic ticketing policies. In line with this, Satjipto Raharjo in Martitah's writings, states that it was the law that needs to be reviewed and improved, not humans who are forced to be included in the legal scheme, because humans are above the law, not the other way.¹¹

B. Research Method

Specifically, according to the type, nature and objectives, legal research was divided into two types of research, namely normative juridical and empirical juridical. This research conducted by normative or juridical normative research is currently used.

The research method used by the author in this paper was normative legal research, namely doctrinal legal research, also known as library research or document study. It is called doctrinal legal research, this research was carried out or aimed only at written regulations or other legal materials, because this research is mostly carried out on secondary data in libraries. In relation to the normative juridical type of research, the approach used was the legal approach applicable in Indonesia (positive law). An analysis essentially emphasizes the deductive method as the main guideline, and inductive method

¹⁰ Murti, Sondakh, & Sabijono, Pelayanan Fiskus Dan Pengetahuan Perpajakan Terhadap Kepatuhan Wajib Pajak Orang Pribadi Di Kota Manado, *Jurnal EMBA* 389 Vol.2 No.3 September 2014, p. 389.

¹¹ Martitah, *Mahkamah Konstitusi, dari Negative Legislature ke Positive Legislature*, Jakarta, Konstitusi Press, 2013, p. 37



as a supporting work procedure. Normative analysis uses library materials as a source of research data.

C. Results and Discussion

1. The urgency of implementing the E-Ticket Policy from a Legal Perspective

Several factors were not get attention enough regarding traffic regulations, namely: example or legal compliance from law enforcers themselves, straightforward attitudes from law enforcers, adjustments to traffic regulations as an effort to instill understanding about traffic regulations, explanation of the real benefits of these regulations, as well as interaction with the community to help enforce traffic regulations.¹²

Based on news published in Tribatanews, e-ticketing has been implemented by Surakarta police. The e-tilang application was an application used to pay fines for those who have been ticketed online, with the aim to improving public services and eradicating extortion. The e-ticket system can reduce direct contact between police officers and traffic violators. So that it can create a clean and transparent police force because there is no entrustment of money to the police, as well as supporting the creation of an orderly and law-abiding society.¹³

The existence of e-tickets can certainly support accountability the police who have the authority to handle existing traffic violations. All traffic violations can be rigidly recorded by the existing system from input to output. So no data of violations will be missed. If at any time there was data that seems wrong or problematic, this can be tracked easily. Through this E-ticket system, the public easier to find out all information regarding actions that are categorized as traffic violations and the penalties resulting from that actions carried out. In this way, it is hoped that the public will have legal awareness and will not commit violations again in the future.

This system aims to make easier for violators and the police, as well as preventing violations by traffic police members connected to illegal levies or extortion. The implementation of e-tickets also have purpose to provide legal certainty for perpetrators of, this was also a form of professionalism and transparency

¹² Djaelani Mukhlis, *Kedisiplinan Dalam Tertib Berlalu Lintas Jalan*, Yogyakarta: Budaya Ketertiban, 1995, p. 122

¹³ Mikael, *Sat Lantas Polresta Surakarta Berlakunya E-Tilang bagi Pelanggar*, tribatanews.polri.go.id “official polic news portal, April 26, 2017.



for police officers in terms of law enforcement. According to the author, the use of technology for a ticketing mechanism called e-ticketing using CCTV is very good, as a tool for "forcing" road users to traffic orderly, and as an effort to cultivate good traffic culture in the future. If we look at it in terms of benefits, there were three things we want to achieve, namely legal certainty, justice and benefits. Considering the recent traffic situation, especially in big cities, the tolerance of road users was very worrying. Many road users tend not to respect each other and violations of road markings and traffic regulations. So using e-tickets was seen as a solution to overcome this problem.

There are several benefits for traffic violators with the E Ticketing system: First, transparency, the existence of reporting mechanisms and dissemination of information about irregularities actions of public officials in government administration activities. This Android- based application make public easier to know the processes and regulations regarding traffic. E-Tilang system provides a facility that can answer public questions regarding processes in government administration. Second, Empowerment. these system was empowering the community through information that was easily obtained. Through this E-Tilang, the public will know all information regarding actions that can be categorized as traffic violations and the penalties resulting from that actions. So the people will be aware of the law and will not commit any more violations. And was hope to transmit an orderly traffic attitude after knowing the existing regulations around them so they do not violate the existing regulations. Third, Responsiveness, with this system the responsiveness of the authorities will be higher connected to handle these violations. Officers will be quicker and more responsive to complaints regarding traffic issues. Fourth, Justice Equity, every violator who commits a violation will receive the same fine or punishment without discrimination, even if the violator has previously, because it has been determined by authorities and regulated by existing system. The system will automatically record the violations committed by the road user correctly, so it can avoid haggling, between the party and the police. With the explanation above and with increasingly sophisticated technological developments, e-ticketing is very important and necessary. Another important thing is that people will no longer feel inconvenienced if they get a ticket. In terms of benefits, the e-ticket system also provides several benefits such as legal certainty, justice, convenience, transparency



and professionalism in law enforcement. This also has an impact on reducing news about illegal levies (extortion) on traffic violators. Previously, it often happened that police accepted bribes so that their STNK or SIM would not be detained.

The e-ticket regulations was regulate the relationship between community members - the community - law enforcement. This means regulating the relationship between individuals and society in the social environment related to driving traffic activities. The relationship between traffic regulations in e-ticket policies should not be separated from moral values, as can be seen from several questions as follows:

- a. The e-ticket policy should ideally be able to realize moral ideals by building traffic awareness
- b. Morality and ticket policy have an independent relationship
- c. The e-ticket policy must be able to embody moral values
- d. That moral values influence ticketing policies
- e. The e-ticket policy by definition embodies morality.¹⁴

Broad law enforcement was not only related to the behavior of traffic violators in the judicial area, but also related to protection. In other words, enforcement of the e-ticket policy was not only placed on criminal sanctions and fines, but also on the essence of law enforcement which emphasizes the education aspect. Therefore, the good morale of implementing e-ticket policy enforcement was greatly influenced by the process of how the policy was created and implemented.

The importance of understanding the principles of fair e-ticket policy enforcement based on rights and obligations by decision and policy makers is a measure for society in assessing the performance of law enforcers. Furthermore, law enforcers must effectively carry out optimal social control, so that the quality of law enforcement decisions and policies will be maintained. The high quality of each decision can be measured if the principles of predictability, accountability, transparency and wide participation are met. These principles are able to indicate a high level of democracy in social, national and state life

A good understanding of the principles of law enforcement by law enforcers and public will create caution in actions and traffic. This was also maintained moral- political and moral-legal quality of every decision. Apart from that, the public can also provide benchmarks and assess whether traffic law enforcement, both at the center and in the

¹⁴ Petrus Bello, *Hukum Dan Moralitas Tinjauan Filsafat Hukum*, Jakarta, Erlangga, 2012, p. 5.



regions, understands and was able to implement a good moral style of law enforcement or not. The public was able to assess the compliance of traffic unit members with existing provisions, relating to the mechanisms and procedures that have been established, in order to maintain the traffic law system. Compliance with existing system mechanisms and procedures will ultimately guarantee the fulfillment of demands for predictability and accountability.

The problems arise from the application of e-tickets in law enforcement were problems on process management style and morals, which require more substantive understanding, goals understanding and meaning. Law enforcement problems in the implementation of e-tickets were closely related to the interests of society in a country. To control procedural compliance by traffic law enforcers, it must be understood that in law enforcement there was also the public's interest and access to information regarding the actions of law enforcement officials.

For moral law enforcement to be good and relevant to the interests of society, it is very necessary for the public to be aware of their obligations and rights to monitor and assess the performance of law enforcers. This kind of awareness needs to be understood and developed among the public so that they can evaluate it based on existing benchmarks. In this way, the public can evaluate the performance of law enforcers and prevent them from deviant actions.¹⁵

2. Characteristics of the E Ticketing policy from a legal perspective.

Law Number 22 of 2009 concerning Road Traffic and Transportation and Government Regulation Number 80 of 2012 concerning Procedures for Inspecting Motorized Vehicles on the Road and Taking Action against Traffic and Road Transportation Violations. In the explanation of Article 272 of Law no. 22 of 2009 concerning Road Traffic and Transportation explains that electronic equipment can be used. In the future, the results of this electronic use can be used in court as evidence.

The electronic was equipment that can be used to record an event and then store information. In Article 251 of the same Law, it is stated that the communication and information system for traffic and road transportation can also be used in law enforcement matters, such as investigating and investigating criminal acts in Traffic

¹⁵ Sondakh, Pengantar Ilmu Hukum, Manado, Universitas Sam Ratulung Pers, 2010, p.



and Road Transportation, or other crimes. Handling of actions regarding violations, obstruction, pursuit, enforcement of traffic jams and accidents carried out by the police and perpetrators was carried out by people involved in crimes or traffic violations. It is regulated in Article 267 to take action every violation committed in the field of traffic and road transportation which is inspected according to the rapid inspection program can be subject to a fine based on a court decision.

Faster inspection can be carried out without the presence of violators. Violators who cannot attend can deposit fines with the bank appointed by the Government. Meanwhile, the amount of fines deposited with the bank is the maximum fine imposed for each traffic and road transport violation. Proof of safekeeping of fines must be attached to the violation evidence file. Article 268 of the Road Traffic and Transportation Law explains that if a court decision determines a fine that is smaller than the fine money deposited, then the remainder of the fine money must be notified to the violator and then collected. If the remainder of the fine is not collected within one year of the court decision, it will be deposited into the state treasury. We can also know that in Law Number 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE) has very clearly regulated Electronic Documents/Electronic Systems as legal evidence. Article 1 number 1 of the ITE Law states that "Electronic Information is one or a collection of electronic data, including, without limitation, writing, sound, images, maps, plans, photos, electronic data interchange, electronic mail, telegram, telex, telecopy or similar, letters, signs, numbers, access codes, symbols or perforations that have been processed which have meaning and/or can be understood by people who are able to understand them.

Thus, based on the explanation above, the basic regulations for ticketing via CCTV were clearly regulated in the Law as well as Law Number 22 of 2009 concerning Road Traffic and Transportation. CCTV was categorized as electronic equipment used in ticketing efforts, which was currently used to reveal traffic violations. Law Number 22 of 2009 was appropriate if used as the basis for current ticketing regulations via CCTV. As has been mentioned regarding other articles and laws, the basic regulations for ticketing via CCTV were effectively used 6 and have a clear basis with the same core between the regulations/basics.



E-ticket regulations in the Criminal Law framework focus on criminal responsibility. Application of the Articles contained in Law no. 22 of 2009 concerning Road Traffic and Transportation, needs to be implemented in a real and accountable manner, especially regarding sanctions for revoking driving permits for traffic and road violators, it have to because it was stated in the Law In principle, this e-ticket system was used as an alternative solution for problems that often occur in society like the rise of illegal levies. The use of e- tickets was expected to provide legal certainty for traffic violators so that the police performance becomes more professional and transparent in carrying out law enforcement.¹⁶

Sarif explained that electronic ticketing is a process of digitizing traffic tickets by utilizing information technology. The entire ticketing process will be more efficient and effective without any bargaining, or "peaceful" system in places that often occurs. This is useful in assisting the police to prosecuting traffic violations and increasing traffic compliance and reducing accidents. Apart from that, the most dominant factors influencing the level of traffic accidents are driving behavior and low levels of awareness to traffic regulations. Due to the lack of awareness when driving, the Government of the Republic of Indonesia (police) had implemented an e-ticket system.¹⁷

According to Rahman, dealing with road traffic violations is carried out by enforcing the law for every traffic violator by giving sanctions in the form of a ticket as regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. The police give a ticket which was a letter of sanction for motor vehicle drivers when carrying out raids on the highway, meanwhile the driver will receive a ticket which contains sanctions for violators and must attend the ticket hearing or be represented and pay the specified fine.¹⁸

Ideally, e-ticket policy enforcement is guided by a model that combines laws arise from local wisdom with progressive laws that adhere to a pro-justice and pro-

¹⁶ Kompas,"problematika E tilang", <http://hukum.kompasiana.com/2011/10/18/pengertian-tindakan-pidana>, access at 17 desember 2013 ,10.00 WIB

¹⁷ Muhammad Syaiful Anwar dan Rafiqqa Sari, Reposisi Kebijakan E-Tilang Berbasis Teknologi Dalam Perspektif Hukum Positif Di Bangka Belitung, seminar nasional penelitian dan pengabdian masyarakat 2021, p. 96.

¹⁸ *Ibid*, p.97.



people ideology. Law is not a building of regulations only but also a building of ideas, culture and ideals.

Ideally, the main principle to understanding the formation of e-ticket policies was the ability of law enforcers to understand the principles of legal justice. Understanding the principles of legal justice by law enforcement can be used as a measure of performance in enforcing the law. Whether or not the implementation of law enforcement can be seen from the implementation which was in relate to all the principles of good law enforcement, referring to the principles of legitimacy, accountability, protection of human rights, freedom, transparency, distribution of power and community control. Therefore, an implementation of law enforcement can be called good moral style, if its implementation meets the elements of the principles of justice.

The principle of justice in law enforcement is based on principles, so that it is more or less predictable. Apart from that, implementation of traffic law enforcement in the e-ticket policy must be able to be held accountable for public. The process is carried out openly which can minimize collusion (transparency). The process is open to accommodate critical opinions from the public (participated). Public participation can be realized if transparent principles are implemented.¹⁹

D. Conclusion

The urgency of e-ticketing can be seen in terms of benefits, like Transparency, Empowerment, Responsiveness and Justice. From the aspect of legal certainty, this system provides certainty to violators regarding how much the fine will be and what has been violated. In terms of justice, traffic violators who commit with same offense will receive the same punishment or fine without any discrimination, as well as strengthening in transparency and professionalism of police officers in law enforcement, also improving the system so that it can prevent news about illegal levies (extortion) being imposed. to traffic violators by police officers in the Traffic sector

Characteristics of e-ticket regulations within the framework of Criminal Law focuses more on responsibility for criminal fines rather than the consequences of non-compliance with driving. In reality, the articles contained in Law no. 22 of 2009 concerning Road

¹⁹ Frans Magnis Suseno, *Etika Politik Prinsip-Prinsip Moral Dasar Kenegaraan Modern*, Jakarta, Gramedia Pustaka Utama, 1999, p. 314



Traffic and Transportation has not been implemented in a real and accountable manner, especially regarding sanctions for revoking driving permits for traffic and road violators even though it has been stated in the Law.

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