

## A JURIDICAL ANALYSIS OF TRAFFIC VIOLATIONS THROUGH THE E-TICKETING SYSTEM FROM A HUMAN RIGHTS PERSPECTIVE

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### ABSTRACT

*In Indonesia, traffic accidents are one of the leading causes of death. The rate of traffic accidents in Indonesia tends to increase each year. The rising number of traffic accidents certainly requires special attention from various relevant stakeholders. As the authority governing the region, the state must be capable of creating safe and comfortable conditions across all aspects of citizens' lives. However, the state does not necessarily execute this responsibility directly. In this case, the state employs governmental institutions to carry out their main duties and functions in alignment with national objectives. Regarding public safety, security, and comfort, the institution in charge is the Indonesian National Police.*

**Keywords:** Criminal Offenses, Traffic Violations, and the Electronic Ticketing System

### INTRODUCTION

The rapid development of industry in recent years has indirectly contributed to the increase in the number of vehicles on the road. This argument is substantiated by data officially released by the Central Bureau of Statistics (BPS), which shows growth across all types of motor vehicles. Although the number of motor vehicles in Indonesia continues to rise significantly, this trend has not been accompanied by a corresponding level of compliance among drivers with the prevailing laws and regulations. Generally, traffic violations are caused by several factors, including the following:

1. Motorcyclists not wearing helmets and drivers not using seat belts.
2. Failing to carry or possess necessary driving documentation, such as a Driver's License and Identity Card.
3. Failing to pay vehicle taxes.
4. Operating a vehicle that is unfit for road use.
5. Making modifications or alterations to vehicles that compromise traffic safety and security.
6. Disregarding traffic signs.
7. Engaging in reckless driving.

In addition to the aforementioned issues, various other forms of traffic violations exist. It is essential to recognize that public roads are fundamentally public facilities. Thus, traffic violations committed on public roads inevitably have the potential to infringe on the rights of other road users. In other words, traffic violations inherently carry broader consequences for other road users. One of the most dangerous impacts of traffic violations is, of course, traffic accidents. In Indonesia, traffic accidents rank among the leading causes of death. Moreover, the rate of traffic accidents in Indonesia has shown a tendency to increase annually. This rising number of traffic accidents requires special attention from all relevant stakeholders. As the entity with authority over its territory, the state is obligated to create a safe and secure environment in all aspects of public life. However, the state does not directly carry out this responsibility alone.

To fulfill this duty, the state delegates its primary roles and functions to governmental institutions that are aligned with national objectives. Regarding public safety, security, and comfort, the institution tasked with this responsibility is the Indonesian National Police (POLRI). POLRI serves as the institution designated to maintain security and order, protect and serve the community, and enforce the law. These primary roles and functions are emphasized in Law Number 2 of 2002 on the Indonesian National Police. Article 15, paragraph (1), letter (b) specifies that one of POLRI's primary responsibilities is to carry out activities that ensure the safety, order, and smooth flow of traffic on public roads.

Therefore, it is clear that addressing traffic violations falls under the primary duties and functions of POLRI. Furthermore, the enforcement of laws concerning traffic violations involves several aspects, including motor vehicle and driver registration and identification, legal enforcement, operational management, traffic engineering, and traffic education, as stipulated in Article 12, letter (f), of Law Number 22 of 2009 on Road Traffic and Transportation. In its role as an enforcer of traffic violation laws, POLRI is authorized to issue citations to drivers who commit traffic offenses. POLRI is also authorized to temporarily suspend or revoke drivers' licenses, as stipulated in Article 89, paragraphs (1) and (2), of Law Number 22 of 2009 on Road Traffic and Transportation.

Recent advancements in information and communication technology have indirectly contributed to various sectors, including law enforcement. In the context of enforcing traffic laws, one significant development is the implementation of the electronic traffic ticketing system, known as Electronic Traffic Law Enforcement (ETLE). ETLE is an online system for addressing traffic violations, allowing for the remote enforcement of traffic laws.

### RESEARCH METHOD

The approach used in this study is an empirical juridical approach, also known as field research, which examines the application of existing legal provisions in relation to actual occurrences within society.

## DISCUSSION

### A. Handling Traffic Violations by the Traffic Unit of Semarang Metropolitan Police from a Human Rights Perspective

In Indonesia's legal system, an action constitutes a criminal offense only if an established legal provision defines it as such. This principle aligns with the legality doctrine, as stated in Article 1, Paragraph 1 of the Indonesian Criminal Code (KUHP): "No action shall be punishable except based on a criminal regulation established before the act was committed."

Traffic violations are defined as actions that contradict the laws governing road traffic, as specified in Law No. 22 of 2009 on Traffic and Road Transport. When individuals violate these regulations, they are classified as offenders.

Traffic violations include actions that disrupt traffic laws and regulations, whether or not they result in personal or property damage, or compromise public safety. Common types of traffic violations include driving without a valid license (SIM), disregarding traffic signs, lacking a vehicle registration certificate (STNK), failing to wear a helmet, and driving against traffic.

Traffic violations are a major cause of traffic accidents, predominantly due to human factors such as drivers' disregard for traffic rules. However, other causes include mechanical issues like tire blowouts, brake failures, or hazardous road conditions. Congestion is similarly exacerbated by drivers' non-compliance with traffic regulations.

Common Traffic Violations in Semarang's Traffic Unit Jurisdiction:

1. Disobeying traffic lights, often due to haste or inattentiveness.
2. Failing to use safety equipment, such as helmets (for motorcycle riders) or seat belts (for car drivers).
3. Lacking proper documentation, such as SIM and STNK.
4. Not using mirrors while driving, which can prevent accidents.
5. Disobeying traffic officers' directions.
6. Motorcyclists driving against traffic, a dangerous behavior often underestimated by drivers but potentially leading to collisions.

These types of traffic violations frequently occur within the jurisdiction of Semarang's Traffic Unit and can lead to congestion and accidents. Specific behaviors contributing to traffic issues include:

1. Failing to use complete safety equipment, such as non-standard helmets or neglecting seat belts.
2. Ignoring traffic lights due to impatience.
3. Driving without proper documentation, such as STNK and SIM.

Traffic violations in Semarang's jurisdiction have resulted in several issues, including increased accident rates at intersections and on roads, threats to pedestrian and driver safety, traffic congestion caused by non-compliance with officers' directions, and the normalization of violating traffic laws as a social practice. Traffic violation management can be approached in two ways:

1. **Moralistic Approach:** This preventive approach involves raising public awareness through guidance, moral development, and legal outreach, especially for those unfamiliar with traffic laws.
2. **Abolitionistic Approach:** This approach seeks to eliminate or reduce the causes of traffic violations by enforcing existing regulations, such as requiring drivers to have helmets, valid SIMs, STNKs, and vehicle ownership certificates. Violators are processed legally without discrimination.

Preventive efforts aim to create positive changes that prevent disruptions to public order and legal stability. Repressive actions are taken by law enforcement after an offense occurs, through verbal or written warnings and ticketing.

### B. Barriers to Traffic Violation Crime Handling at Semarang Police Traffic Unit from a Human Rights Perspective

Traffic violations are not limited to a small portion of society; rather, a significant portion of the Indonesian population has, at some point, committed a traffic violation. These infractions are commonly observed daily and at any given time. The most evident examples can be seen at traffic light intersections, where motorcyclists frequently violate traffic rules, whether by stopping in unauthorized areas or running red lights.

The core issues in law enforcement stem from various influencing factors. These factors are inherently neutral in nature; whether they contribute positively or negatively to law enforcement depends on their specific content. The primary factors influencing the enforcement of traffic regulations include:

1. Legal factors, specifically limited to legislation.
2. Law enforcement factors, referring to those who create and enforce laws.
3. Infrastructure or facilities factors that support law enforcement.
4. Community factors, relating to the environment in which the law is enforced.
5. Cultural factors, reflecting human creativity, ideas, and values within social interactions.

These five factors are closely interconnected, as they form the foundation of law enforcement and serve as measures for assessing its effectiveness.

## CONCLUSION AND SUGGESTION

### Conclusion

1. The Indonesian Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana, or KUHP) serves as the legal framework guiding law enforcement authorities, such as the police, in handling criminal actions and traffic violations. The police have the authority to address traffic offenses based on Law No. 2 of 2002 concerning the Indonesian National Police. To implement this authority effectively, the Indonesian government enacted Law No. 22 of 2009 on Road Traffic and Transportation, which regulates motor vehicle inspections on public roads as stated in Articles 264, 265, and 266. These inspections are conducted by the Indonesian National Police's traffic unit in accordance with Government Regulation No. 80

of 2012 on Motor Vehicle Inspections and Traffic Law Enforcement. Such inspections cover the documentation requirements for vehicle owners and the physical condition of the vehicle.

2. Common types of traffic violations within the jurisdiction of the Traffic Unit of Semarang Metropolitan Police (Polrestabes Semarang) include running red lights, not wearing proper safety gear such as the Standard Nasional Indonesia (SNI)-certified helmet for motorcyclists or seatbelts for car drivers, driving without a valid driver's license (SIM) or vehicle registration (STNK), and failing to use side mirrors. These acts and corresponding penalties, classified as traffic violations, are regulated under Law No. 22 of 2009 on Road Traffic and Transportation and are frequently committed in the jurisdiction of the Semarang Traffic Police.
3. The obstacles faced by the Semarang Traffic Police in addressing traffic violations are multifaceted, including human factors such as low awareness of traffic regulations, limited knowledge of road signs and markings, and compliance only in the presence of patrol officers. Some drivers prioritize resolving violations through informal "peaceful solutions" rather than following legal procedures. Additionally, inadequate road infrastructure, such as poorly maintained road surfaces, unclear signage, malfunctioning traffic signals, and insufficient street lighting and support facilities like bus stops and safety barriers, further complicates traffic law enforcement.
4. The Semarang Traffic Police's efforts to address traffic violations include:
  - a. **Preventive Measures:** These efforts aim to create positive changes in public behavior to prevent disturbances in public order and legal stability. Preventive measures include traffic education, driver's license issuance services, and collaboration with insurance agencies for the installation of warning signs.
  - b. **Repressive Measures:** These measures are law enforcement actions taken after violations occur, including issuing verbal or written warnings and imposing fines (tickets) for traffic offenses.

### Suggestion

1. Traffic law enforcement should act firmly in dealing with violators and process them according to legal procedures. Police should increase vehicle inspections and patrols not only during the day but also at night, as many reckless drivers pose a danger to themselves and others.
2. A culture of lawfulness should be fostered from an early age through partnerships between police and educational institutions at all levels to instill a sense of rights and responsibilities, aiming to reduce traffic violations in the future for a safe, just, and prosperous Indonesia.
3. The Indonesian government should consider incorporating traffic education into school and university curricula to raise public awareness of the importance of traffic regulations.

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