



Dualistic law enforcement system for conventional traffic violations compared to electronic tickets

Ahmad Heru Romadhon¹, Raul Zaikus Sandy Wibawa², Edo David Supriyanto³, Bobby Pratama Dirja⁴

¹⁻³ Master of Law, Bhayangkara University, Surabaya-East Java, Indonesia

⁴ Faculty of Law, Maarif Hasyim Latif University, Sidoarjo-East Java, Indonesia

Abstract

This study aims to base on the common interest to understand law enforcement which has a dualistic system in enforcing traffic violations previously carried out conventionally and now using electronic tickets. This research is a normative juridical research, based on a rule that is in force today, namely Law No. 22/2009 on traffic, and comparing case studies with other countries outside Indonesia. In the subject of this research, an electronic ticket with CCTV aids is very effective to be absorbed anywhere. In addition, electronic tickets can make vehicle drivers obey a number of restrictions that have been passed through a number of regulations that still apply today. It is hoped that in the future the ticket court will require everyone who violates the court to not have to bother coming to court to attend the ticket decision. enough with notifications that are sent through personal mobile phones and pay a fine via transfer.

Keywords: electronic ticket, dualistic system, closed circuit television

1. Introduction

Law enforcement is a process by which efforts are made to uphold or function the legal norms in fact as a guideline for behavior in traffic or relationships in social and state life ^[1]. In principle, every law that is born contains general regulations. That is, the validity of the established norms is directed at all acts committed by legal subjects. Therefore, special arrangements are needed from the provisions that are general or known as *Lex Specialis*. Legal development through progressive law is linguistically an expression of the nature and substance of law. In a progressive Indonesian dictionary interpreted as the direction of progress, towards the improvement of the present situation ^[2]. In addition to the way of substantial punishment, Satjipto Rahardjo with his progressive law also always stressed that "to judge holistically, not skeletonically. Holistic punishment, which means placing the law in its entirety with its environment, must be based on awareness in placing law in society. Commonly understood by those who study the law, that the law in the community serves to maintain the order of life in order ^[3].

As it is known that the current level of public compliance with traffic regulations is still considered to be less obedient, it can be seen from the number of motorists who are still dealing with the Polantas law enforcers who have to take action, as a result of the level of public discipline in driving that does not comply with established standards, so

This implication breeds an undisciplined culture in certain societies. The number of laka incidents is then caused by frequent traffic violations based on courage to break the law because of the mentality that every problem can be resolved "peacefully" with the Traffic Police, the culture of crashing and the fading of a culture of shame even for some people being a pride if they can trick Traffic police or violating traffic signs ^[4]. The doctrine of coercion as an essential element of law often causes disputes, especially from a sociological point of view. The objection is related to the fact that people obey the rule of law and fulfill their legal obligations in the case not for fear of sanctions in the rule of law, but for other reasons. Eugen Ehrlich is one of the sociology of law figures who put forward this matter.

Reporting from the page Surya.co.id while carrying out operations Zebra Semeru 2018 East Java Regional Police. Preliminary results recorded Surabaya Polrestabes cracked down on traffic violators by issuing 13,685 speeding tickets. Furthermore, the second position was occupied by Sidoarjo Regional Police totaling 6,230 ticketed tickets and Tanjung Perak Regional Police totaling 4,373 ticketed tickets. Previously, East Java Regional Police Directorate (Ditlantas) of all 39 Polres ranks 60,813 traffic tickets during the six days of Operation Zebra Semeru 2018. This was done in the context of copyright conditions. This means, that there are still many forms of violations that occur in the East Java region as follows the details ^[5].

¹ Setiawan Widagdo, *Kamus Hukum*, Pertama (Jakarta: Prestasi Pustaka, 2012).

² Sri Priyati Prasetijo Rijadi, *Pembangunan Ilmu Hukum Mazhab Pancasila*, kedua (Surabaya: Al Maktabah, 2019).

³ M. Zulfa Aulia, "Hukum Progresif Dari Satjipto Rahardjo," *Undang: Jurnal Hukum* 1, No. 1 (2018): 159–85, <https://doi.org/10.22437/ujh.1.1.159-185>.

⁴ SONI SADONO, "BUDAYA TERTIB BERLALU-LINTAS Kajian Fenomenologis Atas Masyarakat Pengendara Sepeda Motor Di Kota Bandung," *E-Jurnal.Lppmunsera.Org*, No. 01 (2015): 58–70.

⁵ Mohammad Romadoni, "Jumlah Pelanggar Lalu Lintas Di Surabaya Tertinggi Di Jatim, Ini Data Lengkapnya," *Surya.co.id*, 2018, <https://surabaya.tribunnews.com/2018/11/05/jumlah-pelanggar-lalu-lintas-di-surabaya-tertinggi-di-jatim-ini-data-lengkapnya>.

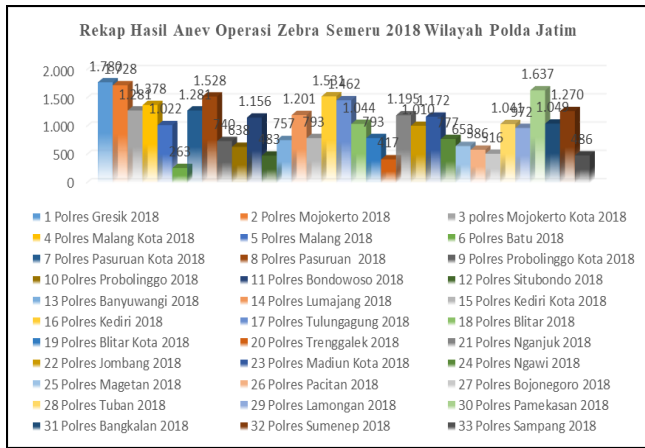


Fig 1: Rekap Hasil Anev Operasi Zebra Semeru 2018 Wilayah Polda Jatim

Referring to the many levels of violations that occurred in Surabaya City Tri Rismaharini Surabaya Mayor together with Inspector General Luki Hermawan as East Java Regional Police Chief, Inspector General of Police Istiono Korlantas Polri and Kombes Pol Budi Indra Dermawan Dirlantas East Java Regional Police on Thursday, 1/16/2020 inaugurated the Electronic Traffic system Law Enforcement (ETLE / e-ticketing) as a positive step in initiating reducing the level of accidents and violations of traffic laws while simultaneously anticipating various forms of criminal action. This moment is considered appropriate in entering the era of the industrial revolution 4.0 in enforcing laws that replace the role of humans with machines. Before the e-ticket was inaugurated the East Java Regional Police held an e-ticket test, from the results of the seven-day trial found hundreds of vehicles that violated the orderly traffic. From the sophistication of CCTV installed in 25 points of the city of Surabaya can detect the type of traffic violations and automatically present data on motorized vehicles or automatic number plate recognition. E-TLE records are used as evidence in cases of traffic violations [6].

Various kinds of violations detected by CCTV, among others, violated markers, and traffic signs, do not use standard helmets, do not wear seat belts, go against the flow and exceed the speed limit in the city. The E-TLE system was launched on January 14, 2020 in the East Java Regional Police RTMC building, Surabaya. East Java Regional Police Directorate General also mentioned that there are some exceptions that cannot be imposed by E-TLE [7]. Like when priority vehicles pass, such as ambulances and fire trucks.

2. Materials and methods

This research is normative juridical research, according to Soerjono Soekanto normative juridical approach, namely legal research carried out by examining literature or secondary data as a basis for research by conducting a search of regulations and literature relating to the problem under study. Also combines with comparative case studies with other countries.

⁶ Hilda Melisa Rinanda, “E-Tilang Surabaya Diuji Coba, Seratusan Kendaraan Langgar Lalin/Hari,” detiknews, 2020, <https://news.detik.com/berita-jawa-timur/d-4855093/e-tilang-surabaya-diuji-coba-seratusan-kendaraan-langgar-lalin-hari>.

⁷ Wijayanto, “Hari Ini. Ditlantasi Polda Jatim Mulai Ujicoba E-Tilang Di Surabaya,” Radar Surabaya, 2020, <https://radarsurabaya.jawapos.com/read/2020/01/08/173785/hari-ini-ditlantasi-polda-jatim-mulai-ujicoba-e-tilang-di-surabaya>.

3. Results and Discussion

3.1. History of the development of the industrial revolution

Revolution is generally understood as “change”. According to the Language and Literature Council (DBP) too, revolution means:

1. A change in a kingdom, political system, or social system that is carried out radically and violently, such as riots and armed rebellion.
2. A sudden and complete change, especially in terms of ways of thinking, acting, etc.

In human history, at least, the Industrial Revolution has been in effect three times, and the latest wave, before examining it further, let us highlight the history of the First Industrial Revolution so that the 3rd Industrial Revolution [8].

3.1.1 First industrial revolution (1760-1840)

The First Industrial Revolution began in Britain. This change started when a machine that uses the steam-engine power (steam-engine) was created. The source of power of this machine is also through the burning of charcoal.

3.1.2 The 2nd industrial revolution (1870-1914)

After the wave of the First Industrial Revolution, it also switched to the 2nd Industrial Revolution. It has become commonplace for change to emerge after the emergence of new technology. This second wave also began after the use of electricity was introduced. The side impression of the second industrial wave was even worse compared to the first wave. Comparable to the more advanced development, the bad impact also seems to be equivalent to the changes below. Among them:

1. The process of urbanization that grows like a fungus. More housing was built in the area adjacent to the refinery due to an increase in the class of workers / laborers.
2. Eroded family values. Before this, most workers worked at home. At that time, the place of work had moved from the house to the refinery.
3. Worker’s health deteriorates due to the condition of the refinery which is not conducive and polluted.
4. Unemployment levels increase.
5. Prostitution increases

3.1.3 3rd Industrial Revolution (1940- present?)

This third wave is better known as the Digital Age. In fact, this third wave is not much information obtained compared to the two previous industry waves. This wave is in the final rank and will enter a new era, the 4th Industrial Revolution. So, this third wave has not yet become history and it cannot be known for sure if this wave will end and move on to the next wave of change. Although, in general, the 3rd Industrial Revolution began with the advent of computers and the Internet. The latest technology that developed with a “data base” became one of the important assets for a collection of companies / organizations. The Digital Age is also developing so rapidly that what we see today is true.

In addition to the development of digital systems and computers, in this era, digital systems are only used as human tools. That is, humans are escorting machines.

⁸ Maisarah Mohamed Pauzi, *REVOLUSI PERINDUSTRIAN 4.0 Satu Pengenalan*, ed. Ahmad Fahmi Mokhtar (PAMI RESOURCES, 2017).

Unlike the 4th Industrial Revolution, machines will interact with machines. For example, the sensor system will be used extensively and the sensor will package data automatically. After we highlight the history of the three waves of the Industrial Revolution before this, let us turn also to the main topic, the 4th Industrial Revolution. In summary, you can see the relationship between each wave in the image below:

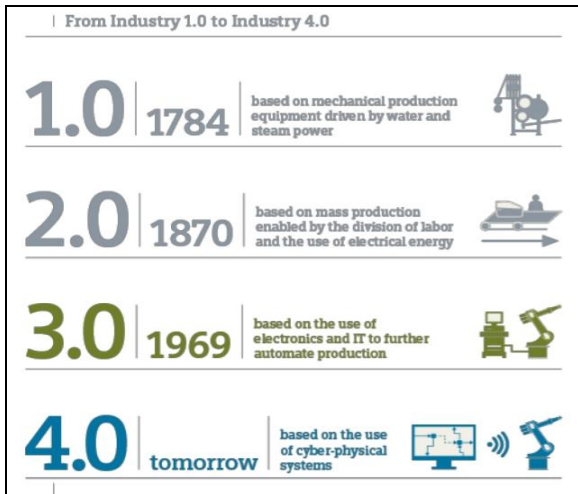


Fig 2: From Industry 1.0 to Industry 4.0

3.2 System integration

Systems in Industry 4.0 will integrate more broadly. Different computers will connect through a series of software that will facilitate communication and data delivery. This idea is very useful in the machine-making industry because the development of production (production progress) between refineries will be faster packed and industrial operations will be more smooth and efficient. The following illustration shows a portion of the fields that would dominate the economy in the Industrial 4.0 era.

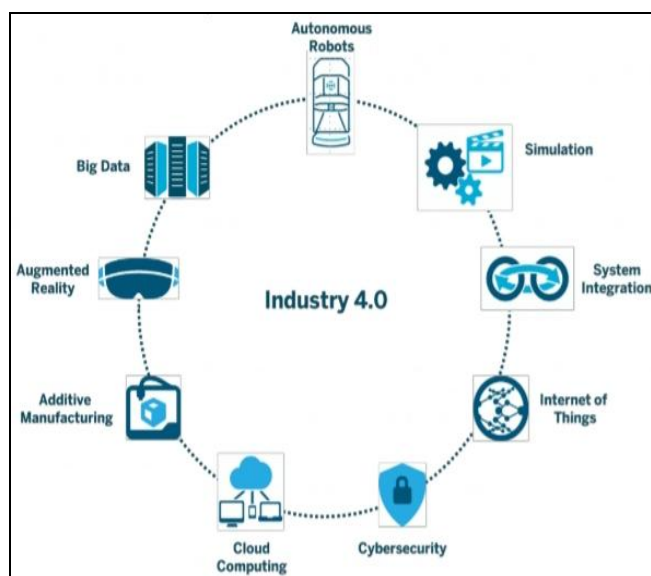


Fig 3: System Integration

3.3 E-TLE Based Intelligence Operating System

Theoretically, in almost all large-scale feuds, the opposing forces are required to have an initial designation on the strength of their enemies, especially something that involves all aspects of the military that allow for proper and accurate command decisions to be carried out. The task of doing so

cannot be carried out solely by the opposing forces, but rather by a special unit which must be formed for that (special) purpose^[9]. In today's development, looking at the industrial revolution 4.0 is a transition from the Digital Era to the Physical Siber Era, so that the new field that will dominate the world is more focused on computer science or computer science, in fact more jobs will be replaced with machines compared to the previous era.

Through the E-TLE work system which is applied as an Autonomous Robot, it refers to robots that are able to operate independently with minimal input rather than humans or without direct human intervention that can analyze the data as a whole, which is obtained early with highly confidential, decision-making taken with the consideration that if all of the information is credible (intelligence worthied), then with your trust E-TLE can act against someone who does not obey the law to take responsibility for an action. Besides that, minimizing the level of traffic violations, and then minimizing the crime.

3.4 Comparative case studies

One of the regulations set out in Law No. 22/2009 about traffic and road transportation, namely the obligation of motorcyclists to turn on the lights during the day, is found in Article 107 paragraph (2) which reads "Motorbike Drivers in addition to complying with the provisions referred to in paragraph (1) must turn on the main lights during the day." together that the principle of equality before the law in its application is still far from the same sense of justice before the law. As a comparison in this matter reported by detiknews, President Jokowi was not ticketed even though he did not turn on the motorcycle lights during the day. As for the Russian President, Vladimir Putin chose to be ticketed for violating traffic rules namely forgetting to wear a helmet^[10]. Looking at the phenomenon, obedience to the law is still considered low, especially to the number one person in the country. So with the implementation of an electronic ticket based on the sophistication of a CCTV device can be a solution to law enforcement as in the ius contituum in line with the issue of constitutum.

3.5 The urgency of equitable laws in the industrial revolution 4.0

It must be understood that the Industrial Revolution 4.0 all boils down to people and their values. Humanity needs to shape a successful future for all of us by preparing the best people and empowering them. In its most pessimistic and inhumane form, Industrial Revolution 4.0 may indeed have the potential to "robotize" humanity and thereby deprive us of our hearts and souls. However, "only" as a complement to the best parts of human nature, creativity, empathy, stewardship can also elevate humans to a new collective and moral consciousness based on a sense of shared destiny. Understanding the growing interest in the Industrial Revolution 4.0 throughout the world the question arises whether the impact that was brought from the Industrial Revolution 4.0 to various countries and regions in particular in the construction of the evolution of Legal Theory. Legal theory must strive to restore the unity between legal aspects

⁹ Hariyadi Wirawan, "Dua Evolusi Intelijen Indonesia," n.d., 26–27.
¹⁰ Adhi Saputra, "Beda Jokowi Beda Putin, Presiden Rusia Ditolong Karena Lupa Pakai Helm," detiknews, 2020, <https://news.detik.com/berita/d-4884728/beda-jokowi-beda-putin-presiden-rusia-ditolong-karena-lupa-pakai-helm>.

and reality in people's lives, once again uniting the plurality arranged by the sciences and academic imperatives into a consistent, consistent picture of truth. Legal theory in achieving the intended purpose must rely on (utilize, refer to) other sciences^[11].

3.2 E-TLE in aspect angle

3.2.1 Criminal legal aspects

The aspect of criminal law in the objective sense is the applicable criminal law, or what is also referred to as positive law or *ius poenale*. As stated by Prof. Simons, that, "The entire prohibition and necessity, for violations by the State or by another general legal community, has been linked to a specific type of suffering in the form of a sentence, and the whole of the rules in which the conditions regarding the consequences the law has been regulated as well as the entirety of the regulations governing the issue of imprisonment and execution of the sentence itself"^[12]. As with traffic signs, road markings and traffic signal devices, they serve as a warning to motorcyclists who often violate the rules set by traffic laws.

Legal subjects for anyone who does not obey it will be subjected to a speeding ticket, the ticket is expected to be able to handle traffic problems. Judging from the aspect of criminal law, which refers to Law 22/2009 Article 76 paragraph (1) types of administrative sanctions that must be considered by all road users to comply with the contents of the rules that have been set, one of which is a fine or sanctions applied in a form of having to pay a certain amount of money. Which is because of the violation of the applicable law. Fines are a consequence of determinism of intentional, negligence of everyone. Implications E-ticket that has the ideal service is faster than conventional tickets^[13]. The ideals of this system are very practical and fast, also in the application of the electronic ticketing system (E-ticketing) to facilitate speed and ease, openness of the implementation of the ticketing process or as a substitute for the ticketing process in place that refers to corruption crimes.

3.2.2 Criminal procedure aspects

As a systemic process, information is data that has been processed into a form that is meaningful to the recipient and useful in making current or future decisions. The Transaction and Electronic Information Act which adopts KUHAP Article 184, CCTV recording is a valid evidence, so it can be used as evidence. Another legal basis is also found in PP 80/2012 Article 23^[14].

3.2.3 Administrative law aspects

Administrative law places the system under development not only to facilitate law enforcement for violators. Information technology also needs to be developed to facilitate the administrative process of registration and

change of vehicle ownership identity, which does not stop in a certain juridical area in implementing e-ticketing. In applying e-ticketing, the violating object will be captured and then sent to the control center. Then, the alarm sensor at the next control center will sound. Data breach will then enter the data storage system. The data stored is the type of violation, the vehicle police number or license plate, as well as the time and location of the incident. So what if the motorists who violate it are road users outside the juridical area.

The established e-ticketing system has the following considerations: 1) that the administration of justice is carried out with the principle of simple, fast and low cost to open wide access for the public to obtain justice. 2) that the Court together with the Police and Attorney General's Office is an institution that is given the mandate to carry out the management of traffic violation cases based on Law 8/1981 concerning Criminal Procedure Code and Law 2/2009 on LLAJ as well as related legislation. 3) that the settlement and management of cases of certain traffic violations have not been optimal so that arrangements need to be made so that justice and public services can be felt by the public or justice seekers.

4. Conclusions

With the application of e-ticketing which is oriented towards motorbike violation enforcement which at the same time minimizes the crime rate. This system is considered very effective to be a solution in accordance with the current era. But on the other hand the e-ticketing system must really be able to apply the same sense of justice before the law including the number one person in Indonesia. At the level of a speeding trial conducted in a determined court, this seems to place the legal subject for traffic violations such as criminal acts that must go to court in court.

The existence of an e-ticket that works automatically to detect any violations that occur is expected to no longer bother requiring to come to court in the decision of a ticket. besides that the need for changes in regulations in the use of lights during the day also felt ineffective. then there needs to be a change in the content of regulations regarding traffic 22/2009.

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