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Effectiveness of Law Enforcement for Traffic Violators Through E-Tickets

Suko Prayitno^{1*}, Erma Hari Alijana², Asih Susilowati³, Ifa Latifa⁴, Heru Riyadi⁵, Ilhamsyah Lubis⁶, Ayni Suwarni⁷

Universitas Pamulang

Corresponding Author: Suko Prayitno dosen00084@unpam.ac.id

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ABSTRACT

Traffic violations often occur, the cause is the driver does not comply with the applicable regulations, so that many accidents occur and cause victims to both the driver and other people. This is a problem that must be resolved by the police. e-ticket is one way to solve these problems. Including to prevent extortion practices that are often carried out by irresponsible individuals. In this paper The normative juridical research approach is employed by the author, namely by looking at based on secondary or library resources and / or research that limits the existing norms in statutory regulations, namely Law No. 22 of 2009 concerning Highway Regulations pertaining to traffic and transportation. Efforts made are through outreach and direct action to the offender. Thus it is hoped that there will be no violations that cause accidents and cause casualties

INTRODUCTION

Ideal traffic is characterized by safety, security, order, and smooth flow. It is through this ideal traffic environment that society can thrive and develop, enabling people to lead productive lives. In this sense, traffic can be described as the dynamic lifeblood of society. It also reflects the orderliness of the community that uses the roads.

Fundamentally, every reform and change in national and state affairs is intended to advance the realization of democratic governance, leading to An improved form of government (Good Governance). Information and communication technology (ICT) has advanced in many nations, including Indonesia, as a result of globalization. One use of ICT in government administration is to enhance public services, administrative procedures, and public engagement through e-Governance. (Mulyadi, Deddy: 2016).

With the e-Tilang system now in operation, According to Chusminah et al. in their research, The e-Tilang's implementation system has proven to be highly successful in curbing extortion as well as brokerage activities, both from within the National Police and from other stakeholders or actors (such as the prosecutor's office and the courts) engaged in the e-Tilang system's implementation (Chusminah SM, R. Ati Haryati, and Desi Kristiani; 2018).

In addition to improving the efficiency of the procedure, it also encourages responsibility and openness within law enforcement. officials regarding the payment of e-Tilang fines. The e-Tilang system was essentially implemented across all 33 provincial police departments throughout 2017; however, in reality, its implementation has not yet met expectations—or, in other words, has not been optimal.

On June 1, 2023, manual traffic citations will be reinstated throughout Indonesia, as the effectiveness of the e-Tilang system is deemed insufficient to cover all areas traversed by motor vehicles.

These manual traffic citations, were distributed over Telegram No. as directed by General Listyo Sigit Prabowo, the Chief of National Police. ST/830/IV/HUK.6.2./2023 on April 12, 2023.

According to the telegram issued by the National Police Chief, there are 12 priority violations subject to manual ticketing, he explained. These include driving underage, carrying more than two passengers, reckless driving, using a cell phone while driving, running a red light, failing to wear an SNI-certified helmet, driving against traffic, exceeding the speed limit (<https://humas.polri.go.id/2023/06/01/ingat-mulai-1-juni-2023-tilang-manual-kembali-diberlakukan>)

From this, we see the need to increase ETLE's efficacy as a traffic enforcement instrument in Indonesia so that motorists can feel safe and comfortable while driving.

Based on my brief experience last February in Saudi Arabia, driving and traffic conditions there were very smooth on the toll roads; trucks and buses did not dare to cross into designated lanes, so there were no traffic jams involving private cars or other vehicles on the toll roads.

After I asked several drivers, they told me that camera-based traffic enforcement is very strict here; almost every location is covered by traffic enforcement cameras, though there are also manual citations issued by the police—I witnessed this myself near the Masjid al-Haram.

In fact, the e-Tilang system's deployment in Indonesia can prevent illegal levies (pungli) by unscrupulous officers, so the purpose of the e-Tilang framework is to improve effectiveness, save time, and minimize corrupt behavior. The digitization of the traffic ticket procedure is known as e-Tilang, and it is intended that by using technology, the process will become more efficient overall. The following is stated in Law No. 22 of 2009 on Road Traffic and Transportation, Article 272: Paragraph 1: Enforcement actions pertaining to traffic and transportation infractions may be supported by electronic technology. Paragraph 2: The outcomes of using this electronic device could be presented in court as evidence.

Furthermore, the term “Electronic devices” refers to incident-recording devices used to store information. Regarding the provisions of Government Regulation No. 80 of 2012 on

Procedures for the Inspection of Motor Vehicles on Roads and the Enforcement of Traffic and Road Transportation Violations further regulates these under Article 272 of Law No. 22 of 2009 on Road Traffic and Transportation. This regulation states that the enforcement of traffic and road transportation violations is based on the following: (1) findings during the vehicle inspection process; (2) reports; and/or (3) recordings from electronic devices.

The government's adoption of e-Tilang is a step in the right direction toward attaining good governance, which will enable more effective, efficient, transparent, and accountable public services. Given this, the purpose of this article is to evaluate how well e-Tilang addresses traffic infractions in Indonesia.

METHODS

This paper utilizes primary data (field study) and secondary data, employing a normative legal research approach—that is, Examining theories, concepts, legal principles, legal doctrines, legal norms, and/or regulations relevant to the research—especially the provisions found in Law No. 22 of 2009 on Road Traffic and Transportation as well as other laws and regulations—is a method of conducting research based on primary legal sources or legislation.

This method, commonly referred to as the literature review method, entails examining books, rules, and other materials pertaining to the implementation and enforcement mechanisms of the law through e-Tilang. The data analyzed is qualitative in nature.

RESULTS AND DISCUSSION

A. Law Enforcement Through E-Tilang

1. Traffic Violations

Under the general definition set forth in the Transportation and Road Traffic Law (Article 1 of Law No. 22 of 2009), there is no exhaustive definition of what constitutes a traffic violation. A traffic infraction is an act or behavior committed by an individual that contravenes road traffic laws and regulations as said in Article 32, paragraphs (1) and (2), and Article 33, paragraph (1), letters a and b, of

Law No. 14 of 2002 or other applicable laws and regulations (Chusminah SM, R. Ati Haryati, Desi Kristiani, 2018).

Law No. 22 of 2002 on the Indonesian National Police governs the Indonesian National Police's operations. The three basic responsibilities of the Indonesian National Police are outlined in this law: 1) upholding public security and order (kamtibmas); 2) executing the law; and 3) offering the public protection, direction, and services.

The police's core duties cannot be carried out effectively without the public's cooperation. Members of the public who violate regulations established by the police can have a negative impact on the community and affect the sustainability of social life, as well as hinder the police's ability to fulfill their core mission of ensuring the well-being of the community itself (Anakletus Mardi Wayne, 2020).

2. Definition of E-Tilang

Electronic traffic tickets, Launched in December 2016, e-Tilang is a technology-based traffic ticketing tool by the Indonesian National Police (POLRI) to reduce extortion. According to the Online Great Dictionary of the Indonesian Language (KBBI Online) cited in Setiawan (2016), "Tilang is an acronym for evidence of a traffic violation." (Chusminah SM, R. Ati Haryati, Desi Kristiani, 2018).

According to the Appendix to the Decision of the Chief of the Indonesian National Police According to Police Traffic Corps No. KEP/12/2016, "The e-Tilang application -Tilang is an Android-based program used by officers in conjunction with a web application by the Traffic Ticket Administration Division (Banim) to digitally record traffic ticket data and facilitate online payments through designated banks." (Chusminah SM, R. Ati Haryati, Desi Kristiani, 2018).

A. Implementation of E-Tilang and Its Challenges

1. Implementation of the E-Tilang System Using CCTV

To promote economic development and regional expansion, the potential and function of the national transportation system must be developed to provide security, safety, order, and the efficient flow of traffic and road transportation. The general public requires traffic laws that can serve as guidelines for road use, thereby preventing traffic violations (Yudi Muhammad Irsan: 2018).

Based on Law No. 22 of 2009 on Road Traffic and Transportation, Law No. 8 of 1981 on Criminal Procedure, and other pertinent laws. There are three functions of a traffic ticket, namely:

1. As a summons to appear in District Court and as a notice to pay the fine at a bank or to the court clerk
2. As a notice of seizure of evidence, such as a motor vehicle, driver's license, or certificate of vehicle registration.

To support these efforts, there is now a new recording technology called CCTV stands for closed-circuit television. With the help of CCTV recording technology, all information that can be seen or heard can be recorded. CCTV recordings are used as proof. Unlike broadcast television, which uses a closed-circuit signal, the system uses video cameras to record and display images at predetermined times and locations where the devices are installed. (Yudi Muhammad Irsan et al., 2018).

Traffic tickets (evidence of violations) for certain traffic offenses are a form of expedited proceedings specifically applied to specific traffic violations that are easily identifiable to the naked eye, require no equipment to prove them, and require no expert testimony, as these are straightforward cases; As far as the author is aware, expert witnesses have never been present in traffic ticket hearings. As times have changed, technology has evolved in line with globalization and modernization, leading to the development of a groundbreaking new application launched by the National Police's Traffic Corps Headquarters, known as the e-Tilang program (Anakletus Mardi Wayne: 2020).

Constitutional Court Decision No. 20/PUU-XIV/2016, issued September 7, 2016; Law No. 11 of 2008 on Electronic Information and Transactions. CCTV footage can be used as evidence in

investigations, prosecutions, and trials under criminal procedure law, as allowed by Article 5, paragraphs (1) and (2), and Article 44 of the ITE Law, since it falls under the definition of electronic information and electronic documents as mentioned in Article 1, items 1 and 4, of the ITE Law and constitutes valid evidence under applicable procedural law.

The rise in traffic violations presents a new challenge for law enforcement to impose sanctions that are educational yet still serve as a deterrent. Police-issued administrative punishments, such as traffic fines, are one method of reducing infractions. but, the traffic ticket system has often been circumvented by unscrupulous civilians and police officers who collude to advance their own interests without following established procedures.

Furthermore, in implementing e-Tilang, there are obstacles that affect the effectiveness of the e-Tilang application, including: (1) Human Resources; (2) the Intensity of e-Tilang Outreach; (3) the Service Mechanism of the e-Tilang Application; and (4) Facilities and Infrastructure (Nyoman Serikat Putra Jaya and Lutfina Zunia Apriliana, 2019).

1. Effectiveness and Efficiency in the e-Tilang Implementation

Effectiveness refers to the achievement of objectives in an appropriate manner or the selection of the right objectives from a series of alternatives or options, and the determination of a choice among several other options. Linguistically, Effectiveness is a condition that shows the degree of success or accomplishment of a goal, as determined by quality, quantity, and time, in compliance with the original plan.

The use of e-Tilang is a successful strategy that accomplishes its goals of issuing traffic tickets to those who break traffic laws. But not every Indonesian is tech-savvy. The fact that many of them are still ignorant of e-Tilang's existence emphasizes the necessity of more extensive and focused public awareness campaigns. The effectiveness of e-Tilang cannot yet be determined, as its implementation in Indonesia is still in its early stages and requires evaluation to determine its future course.

Nevertheless, the decision to implement e-Tilang is highly effective, leveraging advancements in information and communication technology (Syeni Rakhmadani, 2017).

According to Soerjono Soekanto, in the enforcement of traffic laws using e-Tilang,

Law enforcement is influenced by five elements. These five factors are as follows:

- a. Lawful factors
- b. Factors related to law enforcement
- c. Infrastructure aspects
- d. Societal aspects
- e. Cultural aspects

These five factors serve as an analytical framework for understanding how traffic law enforcement can function effectively.

Let's discuss each of these factors one by one based on Soerjono Soekanto's analysis

a. The legal factors themselves

This factor determines whether law enforcement functions effectively or not.

How was the law formulated? Is it consistent with philosophical, legal, and sociological analyses (Law No. 12 of 2011 on the Formulation of Legislation, Appendix 1)?

b. Law enforcement factors.

Do law enforcement officers still engage in legal discrimination? Can they still be bribed? As for e-Tilang, the author believes it would be difficult for bribery to occur because officers do not come into direct contact with traffic violators.

However, this must be anticipated in case there are legal loopholes that could allow bribery to take place.

There is also a need to increase the number of monitoring personnel watching the screens to detect even more violations.

a. Infrastructure Factors

This factor is important because these monitoring devices must be installed in all locations where traffic violations are likely to occur.

Based on the author's observations on the toll road, infrastructure is severely lacking. CCTV cameras are only installed every several kilometers, including on arterial roads.

b. Public Awareness.

Public awareness of the e-Tilang system must be high because officers are no longer patrolling the roads. Police or officers simply monitor the situation from screens in the monitoring room.

Based on the author's observations, the introduction of the e-Tilang system has made the public more cautious while driving.

c. Cultural factors

This relates to society—specifically, the prevailing cultural norms—which prevent the public from trying to cut corners with law enforcement officers. This is possible because the system operates electronically.

If the five factors outlined by Soeryono Soekanto are met, the effectiveness of the e-Tilang system will be realized.

CONCLUSION

Using e-Tilang is a practical choice. for achieving the objectives of issuing traffic citations to violators, although It is not yet possible to declare e-Tilang to be completely successful. The application of e-Tilang in Indonesia still needs improvement; infrastructure remains very limited, resulting in many regions or areas where cameras have not been installed.

Based on a review of various sources, e-Tilang's implementation is currently limited to roads in urban areas, whereas on toll roads—both within and outside cities—it has not yet been fully implemented. The author has frequently observed that many drivers still drive on the shoulder of toll roads yet avoid e-Tilang enforcement, even though CCTV cameras have been installed there.

On toll roads, the implementation and enforcement of traffic laws should be prioritized so that drivers adhere more strictly to traffic rules, ensuring that regulations are followed out of a sense of responsibility—not merely because officers are present, but genuinely out of a sense of responsibility—to prevent traffic accidents that result in casualties among both drivers and others.

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