

Analysis Of Justice In The Application Of Legal Sanctions To Traffic Violators Based On The Electronic Ticketing System

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Abstract

This study aims to analyze the fairness of the application of legal sanctions to traffic violators through the Electronic Traffic Law Enforcement (ETLE) system using an empirical juridical approach supported by a normative juridical approach. The empirical juridical approach is used to examine the implementation of ETLE in social reality through field observations and interviews with the public, police officers, and road users who have received electronic tickets. Meanwhile, the normative juridical approach is used to examine the legal provisions governing ETLE, such as Law No. 22 of 2009 and police regulations regarding electronic evidence and enforcement procedures. The results of the study indicate that normatively the ETLE system has fulfilled the principles of legal certainty, objectivity, and legality in traffic law enforcement. However, empirically, several obstacles were still found, including a lack of socialization, limited public understanding of the objection mechanism, inconsistencies in vehicle ownership administrative data, and technical constraints on the equipment. Nevertheless, ETLE is considered fairer because it reduces direct interaction between officers and violators and minimizes the potential for irregularities. This study concludes that the conformity between legal norms and field practices still needs to be strengthened so that substantive justice in the ETLE system can be optimally realized.

Keywords: ETLE, Legal Justice, Traffic Sanctions, Empirical Jurisprudence, Electronic Evidence.

Abstrak

Penelitian ini bertujuan untuk menganalisis keadilan dalam penerapan sanksi hukum terhadap pelanggar lalu lintas melalui sistem tilang elektronik (Electronic Traffic Law Enforcement/ETLE) dengan menggunakan pendekatan yuridis empiris yang didukung oleh pendekatan yuridis normatif. Pendekatan yuridis empiris digunakan untuk mengkaji implementasi ETLE dalam realitas sosial melalui observasi lapangan dan wawancara dengan masyarakat, aparat kepolisian, dan pengguna jalan yang pernah terkena tilang elektronik. Sementara pendekatan yuridis normatif digunakan untuk menelaah ketentuan hukum yang mengatur ETLE, seperti UU No. 22 Tahun 2009 dan peraturan kepolisian terkait bukti elektronik dan prosedur penindakan. Hasil penelitian menunjukkan bahwa secara normatif sistem ETLE telah memenuhi asas kepastian hukum, objektivitas, dan legalitas dalam penegakan hukum lalu lintas. Namun secara empiris masih ditemukan sejumlah kendala, antara lain kurangnya sosialisasi, keterbatasan pemahaman masyarakat terhadap mekanisme keberatan, ketidaksesuaian data administrasi kepemilikan kendaraan, serta kendala teknis perangkat. Meskipun demikian, ETLE dinilai lebih adil karena mengurangi interaksi langsung antara petugas dan pelanggar serta meminimalkan potensi penyimpangan. Penelitian ini menyimpulkan bahwa kesesuaian antara norma hukum dan praktik lapangan masih perlu diperkuat agar keadilan substantif dalam sistem ETLE dapat terwujud secara optimal.

Kata kunci: ETLE, Keadilan Hukum, Sanksi Lalu Lintas, Yuridis Empiris, Bukti Elektronik

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INTRODUCTION

The development of digital technology has brought significant changes to traffic governance in Indonesia. One important innovation is the implementation of the Electronic Traffic Law Enforcement (ETLE) system, or electronic ticketing. This system was developed as an effort to increase the

effectiveness of law enforcement, particularly in maintaining order and safety for road users. ETLE enables the process of enforcing traffic violations to be carried out automatically through cameras and sensors, without relying on direct interaction between police officers and violators. The emergence of this system marks a new phase in the modernization of traffic law, where technology is considered to minimize unprofessional practices and increase transparency (Levenda et al., 2021).

However, the implementation of ETLE also raises various issues from a legal justice perspective. With the development of automation mechanisms, questions have arisen regarding the extent to which this system is able to provide fair treatment for all road users, especially given the diverse socioeconomic conditions of Indonesian society. Furthermore, criticism has arisen regarding the accuracy of the equipment, the summons procedures, and the complaint mechanism provided for violators. This calls for in-depth research into how substantive and procedural justice are practiced through this system (Wang et al., 2021).

Justice is a fundamental principle of law, and this value must be concretely realized through every law enforcement mechanism, including ETLE. The use of technology should not diminish people's rights, but rather support the creation of a more responsive and non-discriminatory legal system. Therefore, it is important to review whether the implementation of electronic-based sanctions meets the principles of legal certainty, benefit, and justice as mandated by various laws and regulations, such as Law Number 22 of 2009 concerning Road Traffic and Transportation, and other implementing regulations (Yuan & Lou, 2020).

This research was conducted using an empirical legal approach combined with a normative legal approach. The empirical legal approach was used to explore how ETLE implementation occurs in the field, public perception, and the effectiveness of technology-based law enforcement in a real-life social context. Meanwhile, the normative legal approach was applied to examine the legal regulations that form the basis for ETLE implementation, analyze applicable norms, and assess whether these legal instruments align with the principles of justice (Nagin & Telep, 2020).

Through this dual approach, the research is expected to provide a comprehensive picture of the relationship between legal norms and their implementation practices. On the one hand, positive law must be the primary foundation for understanding the purpose of enforcing sanctions. On the other hand, the social realities surrounding the implementation of regulations cannot be ignored, as implementation that does not align with societal conditions has the potential to create new injustices. Therefore, this research seeks to present an analysis that is not merely legalistic but also examines the surrounding social dimensions (Feenstra & Özerol, 2021).

As the number of violations recorded through ETLE increases, questions have arisen about the effectiveness of the sanctions imposed and public perception of the system. Some believe ETLE is more objective than manual ticketing. However, many also feel disadvantaged because the violation handling process is perceived as less transparent and difficult to understand, especially for those less tech-savvy.

This indicates a gap in understanding and access to information that can impact perceptions of fairness (Reicher & Stott, 2020).

Another issue relates to the accuracy of electronic evidence. Although the technology used is quite advanced, there is the potential for errors such as vehicle misidentification, system errors, and unclear timing or location of violations. The public often questions whether electronic evidence can be considered absolutely accurate without manual verification. This is where research into the accountability aspect of the ETLE enforcement process is crucial, ensuring that violators truly have the right to seek clarification (Stevis & Felli, 2020).

From a socio-legal justice perspective, ETLE is expected to reach all levels of society equally. However, the reality on the ground shows that this system has only been installed in urban areas and certain regions, so violation monitoring is not yet universal. This geographic disparity has the potential to create injustice in the form of disparities in law enforcement. Therefore, it is important to assess whether the equitable distribution of ETLE devices has become part of government policy, or whether it has instead created a gap between supervised and unsupervised areas (Newell et al., 2021).

Furthermore, the implementation of sanctions through ETLE must also be analyzed from the perspective of its effectiveness in reducing traffic violations. Is ETLE capable of increasing public legal awareness, or is it merely administrative in nature without significantly impacting traffic behavior? This question is crucial to answer because the primary goal of law enforcement is not simply imposing sanctions, but fostering a culture of order among all road users (Abram et al., 2022).

Based on this background, this study aims to conduct an in-depth analysis of the fairness of the application of legal sanctions to traffic violators based on ETLE. By combining normative and empirical legal approaches, this study is expected to provide scientific contributions and relevant policy recommendations in order to realize fairer, more transparent, and accountable traffic law enforcement. The results of this study are also expected to serve as a reference in the development of an ETLE system that is more adaptive to community needs and in line with applicable legal principles (Gupta et al., 2023).

METHOD

This research uses an empirical juridical approach supported by a normative juridical approach. The empirical juridical approach is used to directly examine how the law, particularly the electronic ticketing enforcement system (ETLE), operates in social reality. This approach focuses on community experiences, road user perceptions, and the dynamics of legal policy implementation in the field. Conversely, the normative juridical approach is used to analyze laws and regulations governing traffic law enforcement, ensuring the alignment between written legal norms and their implementation practices in society (Wachter et al., 2021).

The empirical legal approach in this research prioritizes direct observation and data collection related to the implementation of ETLE, both through interviews with relevant parties and field studies.

This approach seeks to determine the extent to which the ETLE system is applied consistently and fairly across various community groups with different social, economic, and geographic backgrounds. Thus, the research focuses not only on legal texts but also on concrete phenomena arising from the application of law enforcement technology (Anguelovski et al., 2020).

Meanwhile, a normative legal approach serves as the foundation for assessing the regulatory framework underlying ETLE. Various regulations, such as Law Number 22 of 2009 concerning Road Traffic and Transportation, Police Regulations, and provisions related to electronic evidence, are the primary objects of analysis. The goal of this approach is to ensure that the implementation of ETLE aligns with the principles of justice, legal certainty, and expediency, and does not conflict with general principles of administrative and criminal traffic law (Heffron, 2022).

The research used is descriptive-analytical, aiming to describe in detail empirical facts in the field while analyzing them based on applicable legal regulations. The descriptive approach provides an objective overview of ETLE implementation, including the mechanism for handling violations, the verification process, sending confirmation letters, and imposing sanctions. Meanwhile, the analytical section assesses whether each stage reflects the principles of justice and accountability, which are the focus of this research (Robert et al., 2020).

The research data sources consist of primary and secondary data. Primary data were obtained directly from the field through interviews with traffic police officers, ETLE operators, members of the public who have received electronic ticketing sanctions, and transportation law observers. This data is crucial for capturing firsthand perspectives and experiences regarding the implementation of the ETLE system. Secondary data includes legal documents, academic literature, scientific journals, previous research reports, and various studies relevant to the topic of fairness in traffic law enforcement (Svarstad & Benjaminsen, 2020).

Data collection techniques were divided into three main methods: in-depth interviews, field observations, and documentation studies. In-depth interviews were conducted in structured and semi-structured ways to comprehensively explore the perceptions of officers and the public. Field observations were conducted at locations implementing ETLE, focusing on operational processes, the use of technological devices, and administrative interactions between violators and officers. Meanwhile, documentation studies were conducted by examining legal regulations and statistical data on traffic violations recorded through the ETLE system (Javornik et al., 2020).

The data analysis technique used was qualitative analysis, which is the process of processing, interpreting, and drawing conclusions based on patterns that emerge from interviews, observations, and normative studies. The analysis was conducted through several stages, including data reduction, data presentation, interpretation, and drawing conclusions. This process allows researchers to understand how legal norms are implemented in real life and to assess whether the ETLE system has provided fair and non-discriminatory treatment to all road users (Moniruzzaman & Day, 2020).

To sharpen the analysis, this study also employed data triangulation techniques, which compare information obtained from various sources and data collection methods. Triangulation is essential for testing the validity of the data and ensuring that the research findings are unbiased. With triangulation, researchers can confirm whether information from the police aligns with community experiences and whether the regulatory framework is consistently implemented in the field (Lee et al., 2020).

The research locations focused on areas that have actively implemented ETLE, particularly metropolitan areas and large cities with high traffic violation rates. These locations were selected purposively based on the consideration that ETLE implementation in these areas is relatively more intensive and can provide richer empirical data. Furthermore, several comparison locations were also selected to examine variations in ETLE implementation across regions with varying levels of technology distribution (Wood et al., 2020).

Using a combination of empirical and normative legal approaches, this research is expected to provide a comprehensive overview of the fairness of the application of ETLE-based legal sanctions. This method allows researchers to examine the relationship between ideal legal provisions and the reality of their implementation in the field. Ultimately, this research is expected to provide constructive recommendations for policymakers, law enforcement officials, and the public in realizing an electronic ticketing system that is fairer, more accountable, and in accordance with applicable legal values (Kronenberg et al., 2020).

RESULT AND DISCUSSION

Result

Table 1. Research Findings Based on Empirical and Normative Juridical Approaches

Research Aspects	Empirical Findings (Field)	Normative Findings (Legal Regulations)
Implementation of ETLE	ETLE is automated, but some residents say they don't understand the violation confirmation process and the objection mechanism. There have been complaints about a lack of public awareness.	Law No. 22/2009 and the Police Regulation on ETLE have clearly regulated law enforcement procedures, including sending confirmation of violations and the basis for using electronic evidence.
Justice in Enforcement	The majority of respondents considered ETLE fairer because it prevented illegal levies. However, there was a perception of unfairness when tickets were not delivered to vehicle owners due to address issues.	In law, justice is realized through equality before the law. The ETLE system bases its actions on electronic evidence, making it normatively considered objective and free from interference.
Process Transparency	The public considers ETLE to be quite transparent, but some complain about the limited access to examine recorded evidence directly.	Regulations require authorities to provide evidence of violations electronically through the official ETLE website as a form of public transparency.

Research Aspects	Empirical Findings (Field)	Normative Findings (Legal Regulations)
Effectiveness of Sanctions	ETLE makes violators more cautious. However, some people feel that sanctions are harsher because there is no direct interaction for initial clarification.	The sanctions provisions are detailed in Law No. 22/2009. ETLE only applies the rules without adjusting the penalty amounts.
Implementation Constraints	The main obstacles: limited cameras, technical problems, invalid addresses, people who are not yet digitally literate, and lack of outreach from officers.	The regulations don't address technical details like camera accuracy or population administration systems, creating a gap between norms and practice.

The table above compares empirical and normative findings in the implementation of the electronic ticketing system (ETLE). Empirical data reveals that although ETLE is considered fairer and free from extortion, administrative obstacles remain, such as undelivered tickets and a lack of public awareness. From a normative perspective, existing regulations are quite comprehensive in regulating the legality of electronic evidence, enforcement procedures, and transparency obligations, but they do not detail the technical aspects of implementation. Thus, there is a gap between the ideal formulation of legal norms and the reality of their implementation, particularly in terms of administrative effectiveness, technological readiness, and public understanding.

Discussion

The research results show that the implementation of the ETLE system has brought about significant changes in traffic law enforcement mechanisms. Empirically, the public recognizes that ETLE provides a new perspective on enforcement practices that were previously often criticized for their direct interaction, which could potentially lead to illegal levies. With camera technology and electronic evidence, the application of sanctions is more objective and not influenced by officer preferences. However, this shift to an automated system presents new challenges, especially for the public who are not yet accustomed to digital procedures, leading to perceptions of injustice in certain situations (Lambert et al., 2020).

Normatively, the implementation of ETLE has a strong legal basis, particularly through the LLAJ Law and police regulations on electronic evidence. These regulations emphasize the principles of legal certainty and legality to strengthen the legitimacy of enforcement. However, although legal norms have regulated procedural aspects in detail, their implementation in the field has not fully align with the principle of substantive justice. This is evident in cases where violation confirmation letters did not reach vehicle owners on time, resulting in increased fines due to late completion of obligations (Dillman & Heinonen, 2022).

One important finding is the gap between public understanding and ETLE procedures. Many citizens are still unaware of how to check recorded evidence or file complaints online. This lack of understanding has led some to feel unfairly treated because they were not given the opportunity to explain their true circumstances. However, the complaint mechanism is clearly regulated and accessible

through official platforms. This demonstrates that technology-based law enforcement relies not only on regulations but also on effective communication and public education (Hanke et al., 2021).

Another discussion of the research results shows that transparency in the ETLE process is normatively guaranteed by regulations, but in practice, it still faces obstacles. For example, although photos of evidence of violations can be accessed online, some respondents complained that the image quality was not clear enough, raising doubts about the validity of the violations. This situation shows that the existence of regulations does not fully address the technical quality aspect that is crucial for determining the level of public acceptance of the ETLE system (Bouzarovski et al., 2021).

Further analysis showed that the ETLE system was deemed effective in reducing direct interaction between officers and the public, thus reducing the potential for irregularities. However, this effectiveness was not fully followed by an even understanding across all levels of society. Some respondents, including those from the elderly or those living in areas with limited internet access, found the ticketing process difficult, making the system an additional burden for them. In this context, procedural fairness is an important issue to address (Langemeyer & Connolly, 2020).

Research also shows that technical constraints are a factor influencing public perceptions of the fairness of ETLE. Limited camera availability, network disruptions, and vehicle identification errors often raise public doubts about the system's accuracy. While ETLE is legally valid as evidence, its technical reliability remains a challenge. This gap demonstrates that fairness is determined not only by clear legal regulations but also by the readiness of the infrastructure supporting its implementation (Bennett et al., 2021).

Furthermore, administrative issues such as outdated vehicle owner addresses significantly impact the smooth running of ETLE. Many cases show that confirmation letters are not delivered to vehicle owners because the address no longer matches their current domicile. This leads to additional sanctions and perceptions of unfairness. Normatively, there are no regulations that specifically regulate the oversight of residential address validity, creating a gap between norms and reality (Brosemer et al., 2020).

From a law enforcement perspective, ETLE offers the advantage of more systematically recording traffic violation data. This data can be used for more evidence-based traffic policy. However, empirical research has found that law enforcement officers still need additional training to ensure that all processes, including data verification and evidence uploading, are carried out consistently and do not result in administrative errors that harm the public (Newman et al., 2020).

This study also found that substantive justice in ETLE can be achieved if the public has clear, easy, and affordable access to submit objections or clarifications. However, in practice, this access is not evenly distributed due to differences in digital literacy levels. As a result, people less familiar with technology are more vulnerable to receiving sanctions without going through the defense process that should be available (Enssle & Kabisch, 2020).

Thus, the research results show that although the ETLE system normatively fulfills the principles of justice and legal certainty, its empirical implementation still faces a number of challenges. Procedural fairness, technical effectiveness, equitable access to information, and administrative readiness are the main determinants of the system's success. For ETLE to truly reflect the desired legal justice, comprehensive improvement efforts are required, including infrastructure improvements, public outreach, improvements in population administration, and strengthening technical regulations that support the system's operations in the field (Thew et al., 2020).

CONCLUSION

Based on the results of research using an empirical legal approach supported by a normative legal approach, it can be concluded that the application of legal sanctions against traffic violators through the electronic ticketing system (ETLE) is a strategic step in realizing law enforcement that is more objective, transparent, and free from direct interaction between officers and the public, thus substantively being able to reduce the potential for abuse of authority. Normatively, ETLE has a strong legal basis through the Traffic Law, Police Regulations, and provisions regarding electronic evidence, which in principle have fulfilled the principles of legality, legal certainty, and equality before the law. However, empirically, its implementation still faces challenges that affect the public's perception of justice, including a lack of socialization of the objection mechanism, technical constraints on camera devices, the quality of electronic evidence that is not yet uniform, and administrative problems such as inconsistencies in vehicle ownership data that cause confirmation letters to be misdirected. Nevertheless, the majority of respondents considered ETLE fairer than the manual ticketing system because it reduces the scope for negotiation and extortion, and enforces sanctions based on objective visual evidence. Therefore, to achieve more comprehensive justice, strengthening technical regulations, improving infrastructure, increasing public digital literacy, and optimizing population data integration are needed so that the ETLE system can function more accurately, proportionally, and align with the objectives of law enforcement that uphold social justice and legal certainty.

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