



The Effectiveness of the Implementation of the Electronic Ticket System on Public Legal Awareness in Traffic

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Abstract

Article 272 of Law Number 22 of 2009 concerning Road Traffic states that to support activities to enforce violations in the field of Traffic and Road Transportation, electronic equipment can be used. This research is a legal research with descriptive analytical specifications. The implementation of the electronic ticketing system by the West Sumatra Police Traffic Directorate has been carried out using electronic technology in supervising and enforcing traffic issued by the police using CCTV aids. Electronic ticketing has been implemented around 2021 in the jurisdiction of the West Sumatra Police. During the implementation of E Tilang in the West Sumatra Police Jurisdiction, traffic units have experienced disturbances. The obstacle in the implementation of the electronic ticketing system by the West Sumatra Police Traffic Directorate is the lack of integration of data owned by each LLAJ supervisor and Regional Government in the Traffic and Road Transportation Information and Communication System, making it difficult for the National Police. The violation recorded by the camera sensor is the license plate which is then read by the Automated Number Plate Recognition (ANPR) software which then physically matches the vehicle with data from the registration and identification database of the motor vehicle. The effectiveness of the implementation of the electronic ticketing system on the legal awareness of the public in traffic in the jurisdiction of the West Sumatra Police Traffic Directorate is not yet effective because there are still many mistakes that occur in detecting vehicles that violate traffic through the electronic camera and there are still many traffic violations. ETLEs have not been able to effectively detect violations, they are more likely to obey traffic rules if there are traffic officers standing on the road. Awareness of the possibility of serious legal consequences will help suppress offending behavior.

INTRODUCTION

The transportation system is important for a big city where the population has a large level of activity, it is said that because the transportation system is very crucial in determining the effectiveness of a city. The movement of economic activity and the population that drives the city is highly dependent on the transportation system that is largely served by public transportation. Negligence in the form of traffic violations committed by transportation users often causes traffic accidents. There are so many cases of traffic violations on the highway committed by road users that tend to result in an increase in the number of traffic accidents. The majority of violations committed were in the form of violations in terms of markings, breaking through traffic signs, prohibitions on stopping, parking in certain places, not using helmets, not carrying vehicle complete documents such as driver's licenses, STNK, and others.¹

The purpose of the formation of the above laws and regulations is to create safe, safe, smooth, orderly and orderly traffic and road transportation conditions. In addition, it is also intended as a control in the development of transportation which is very fast and has high

¹ Ilham Ahmad, *Tickets in Indonesia's Legal Perspective*, Kompas, Jakarta, 2020, p. 1

mobility in all fields such as the political, economic, social and cultural ideology of the community. The technical function of traffic is one of the technical functions of the police that organizes all efforts, activities and work related to traffic functions, identification of drivers and motor vehicles and assessment of traffic problems.²

Traffic law enforcement is formed by the real behavior pattern of law enforcement in implementing traffic regulations. It is said that this is because most of the community interprets the law as officers in general. The public thinks that the traffic police and other officers in the field of traffic are considered to be layers of society whose traffic behavior on the road should be imitated because they are considered to be the ones who know everything about traffic problems. Therefore, the presence of officers on the highway is expected to ensure a traffic safety situation. It is hoped that the law enforcement process will take place in accordance with the principle of equality before *the law* (*Equality Before The Law*).³

In reality, the enforcement of tickets feels ineffective as a tool in enforcing laws and regulations and a means of improving the discipline of the community of road users or users, so that the number of traffic violations cannot be suppressed.⁴ Other efforts to reduce violations in a persuasive way seem to be very complex and cannot be handled properly and correctly by an agency, namely the Police, so good coordination between agencies is needed to optimize repressive traffic law enforcement.

Legal awareness, according to Wignjoesebroto, is the willingness of the community to behave in accordance with the legal rules that have been set. Legal awareness has two dimensions, namely cognitive and affective. Cognitive is knowledge of the law that regulates certain behaviors, both prohibited and ordered in accordance with the predetermined law. Meanwhile, affective is a form of conversion that recognizes that the law must indeed be obeyed.⁵ According to Abdurrahman, legal awareness is an awareness of legal values contained in human life to obey and obey the applicable law.

Meanwhile, according to Soerjono Soekanto, legal awareness is compliance with the law from a wide range of issues, including the problem of knowledge, recognition, and respect for the law. Legal awareness is centered on the existence of legal knowledge, from the existence of legal knowledge will grow a recognition and appreciation of legal rules, then a legal compliance will arise.⁶

E-TILANG As a law enforcement system in the field of traffic that is quite effective, electronic technology is an ANPR (*Automatic Number Plate Recognition*) camera. ANPR cameras can automatically detect motor vehicle number tags, record and store evidence of violations. Vehicles caught by ANPR cameras are immediately recorded on the *regional traffic management center* (RTMC) operator's server. If the violator does not respond, the Vehicle Registration Letter (STNK) will be blocked by the officer. Furthermore, the officer will give a ticket letter to the violator by sending the E-TILANG brivia code through the mobile phone number listed in the confirmation letter. A blue ticket will also be sent to violators.⁷

RTMC officers will check the ticket sheet and check the briva code via ticket fine payment whether or not the violator has received it. Violators can pay ticket fines through ATMs. After the payment is made, the violator can resume his activities. The blocking of

² H.S Djajoesman, *Police and Traffic*, National Police Legal Office, Jakarta, 2006, p. 14.

³ Suwardjoko P. Warpani, *Traffic and Road Transportation Management*, Bandung Institute of Technology, 2002, p. 1

⁴ Abdul Hamid, *Road Traffic and Transportation*, Pustaka Yustisia, Yogyakarta, 2009, p. 53

⁵ I wan Zainul Fuad, *Legal Awareness of Small Entrepreneurs in the Packaged Food Sector in Semarang City on Halal Product Certification Regulations*, Thesis, Diponegoro University, Semarang. 2010, p. 47

⁶ Soerjono Soekanto, *Legal Awareness and Legal Compliance*, CV. Rajawali, Jakarta, 1982, p. 39

⁷ Junef Muhar, *Public Behavior Towards Violation Evidence Operations (Tilang) in Traffic*, E-Journal Widya Yustisia52 Vol.1 Number 1 June 2014, 2014. p. 54

STNK can occur at the request of the investigator for those who have not paid the ticket fine. The Regional *Traffic Management Center (RTMC) operator server post*, monitoring CCTV is in the *Padang City Operation Control (PCOC)* at the office at the Padang Police. Based on the data received by the researcher until now there have been 780 violations, but only about 300 have been given tickets. Since it was enforced, it has not been running optimally. The Padang Police are still constrained by the delivery of ticket letters to the violator's house. Regarding the submission of ticket letters in the future, cooperation with PT. Post and also directly connected with Samsat related to the existing STNK block. However, in 2022 the electronic ticketing system has been fully implemented after going through a fairly long trial. The problems discussed in the implementation of the Electronic Ticket System by the West Sumatra Police Traffic Directorate, its obstacles and effectiveness.

RESEARCH METHODS

The specification of the research is *descriptive analytical*, with the normative juridical approach method supported by empirical juridical. The types of data used are secondary data and primary data. Secondary data was obtained from document studies, primary data was obtained by interview. The data obtained were then analyzed qualitatively.

RESULTS AND DISCUSSION

Implementation of the Electronic Ticket System by the West Sumatra Police Traffic Directorate

The ticketing process that has been carried out conventionally is expected to be able to reduce the level of traffic violations, where the conventional ticketing system still uses a paper system in one of its implementations. Manual ticketing system that uses blanks or tickets.⁸ When a traffic user is proven to have committed a mistake or violation, the police officer will take several actions, the ticketing mechanism for the red form is⁹: The National Police takes action using the red form; The determination of the hearing date must pay attention to the provisions of the court; Explain when and where the offender must attend the hearing; If the violator is not present, the police are obliged to summon 2 times and make an arrest for the 3rd time; and Return of evidence pending the completion of the trial and after the violator pays the fine to the clerk.

A ticket stands for proof of a violation imposed on a traffic violator. Conventionally, tickets are given if a violation is committed or there is an incomplete examination of the driving license which is given directly face-to-face from the police to the violator who will then be subject to articles and fines from the Union¹⁰. Krabbe in the theory of legal consciousness said that the source of all laws is legal consciousness¹¹ In his opinion, the so-called law is only what fulfills legal consciousness. Laws that are not in accordance with the legal consciousness of most people will lose binding power.

The implementation of the E Ticket actually has a positive impact on certain individuals such as between the traffic police and the community. Because there is no interaction in the field between the parties so that there is no act of bribery or settlement in the place related to the ticket, but from the other side it was found that there were also obstacles experienced by

⁸ Setiyanto, Gunarto, Sri Endah Wahyuningsih, *The Effectiveness of the Implementation of E-Ticket Fine Sanctions*, Khaira Ummah Law Journal, 2017, Volume. 12 Number. 4

⁹ Uni Sabadina, *The Application of E-Tilang in the Settlement of Traffic Offenses*, Journal of Criminal Law and Criminology, Volume 1 Number 1 March 2020

¹⁰ Lutfina Zunia Apriliana and Noman of the Putra Jaya Union, *The Effectiveness of the Use of E-Vehicles Against Traffic Violations at the Magelang Police*, Journal of Legal Communication (JKH) Univ. Pendidikan Ganesha, Volume 5 Number 2 August 2019

¹¹ Krabe in Soerjono Soekanto, *Some Legal Problems in the Framework of Development in Indonesia*, UI Publishers Foundation, Jakarta, 1954, p. 49

the West Sumatra Police Jurisdiction in the factors of facilities and infrastructure. Because in terms of facilities and infrastructure, this is pegged to regional and state finances. In terms of infrastructure facilities during the implementation of E Tickets, a lot is needed as needed, such as the existence of ticket cameras and immobile ticket cameras and sophisticated tools as needed so that the implementation of the E Ticket can be carried out properly. Facilities and infrastructure that are urgently needed are CCTV at every point of application of E Tickets.

Obstacles in the Implementation of the Electronic Ticket System by the West Sumatra Police Traffic Directorate

Based on the results of an interview with the West Sumatra Regional Police Directorate, the supporting factors in the implementation of the ETLE policy consist of legal substance factors, law enforcement factors, facilities or facilities factors, and community legal culture factors.¹² According to the West Sumatra Regional Police Directorate, officers who carry out law enforcement duties against traffic violations through the implementation of *Electronic Traffic Law Enforcement* (ETLE) are *back office officers* consisting of analysis and verification officers and officers in charge of confirmation letters, the two ETLE post officers consist of ticket officers, admin officers, and complaint service sections, and the three samsat officers. The implementation of electronic ticketing through *Electronic Traffic Law Enforcement* (ETLE) is carried out by the traffic unit patrol, where members are assigned to handle *Electronic Traffic Law Enforcement* (ETLE).¹³

The facility or facility factor is a factor related to the facilities or facilities used to support the implementation of the duties of Satlantas members in law enforcement efforts through the application of electronic tickets for traffic violations through *Electronic Traffic Law Enforcement* (ETLE), namely first *e-police* cameras and *check point cameras*, computers, ETLE servers, ETLE applications (scripts), *Electronic Registration databases*, and *Identification* (ERI), printers, internet networks, briva codes, ticket blanks, office stationery, computer equipment, and other electronic equipment. The types of vehicles that need to be prepared for the installation of *mobile cameras* are SUV types such as: pajero, fortuner, rush, D-mux, and horses.¹⁴

The second proposal is to adopt the concept of *vicarious liability* in the implementation of ETLE. If the First Proposal is relatively difficult to realize because the budget owned by the National Police is limited and the financial capacity of the Regional Government has not been able to hold a *face* recognition-based camera, then the relevant proposal is to change the principle of criminal liability in the implementation of ETLE. Currently, Indonesia's positive law applies the principle of no crime without fault (*geen straf zonder schuld*). Fault is the main element that will greatly determine both whether or not an act can be said to be a criminal act and whether or not a person can be held accountable to the criminal law, which is a logical consequence of the adherence to an unwritten principle that is firmly held in criminal law, namely there is no crime without fault (*geen straf zonder schuld*).¹⁵

Usually for errors in this sense the term in Latin culpa or in doctrine is often referred to as errors in a narrow sense. Mistakes in a broad sense include forms of mistakes in the form of intentionality and forgetfulness. Error is used as a term to explain that a person has committed

¹² Results of an interview with AKBP Dewi Suryani., S.H., M.M, Head of the Sub-Directorate of Gakkum of the West Sumatra Regional Police, held on March 15, 2024

¹³ The results of the interview with IPTU Umul Chair, Ps. Kanit 2 Sie Gar Sub-Directorate of Gakkum Ditlantas West Sumatra Police, held on March 15, 2024

¹⁴ The results of an interview with AIPDA Yudi Okpridani Yoes, Bintara of the Ticket Unit Sub-Directorate of Gakkum Directorate of the West Sumatra Police, was held on March 15, 2024

¹⁵ I. Sriyanto. *The Principle of No Fault in Criminal Liability with Its Deviations*, Journal of Law and Development Volume XXIII Number 2, 1993, p. 160.

a criminal act (it can be suspected that he has committed a criminal act). In this case, the mistake is interpreted as having acted.¹⁶

The elaboration of the principle of no-fault crime is usually seen in the discussion of criminal liability, especially those related to the problem of intentionality and forgetfulness.¹⁷ The definition of intentionality and forgetfulness is also not explained in the Criminal Code, therefore it can be explained through the doctrine, which states that what is meant by intentionality is *willen en weten* or willen and know, the meaning is that a person does indeed want to do an act that he already knows as well as the consequences that will arise from his act.¹⁸

The proposal to apply the principle of *vicarious liability* in the application of ETLE means affirming *the principle of geen straf zonder schuld* as described above. Actually, the discourse on the principle of *vicarious liability* is not new, especially in the context of road traffic law.¹⁹ Law enforcement can be interpreted as the act of implementing legal devices or means intended to carry out legal sanctions to ensure compliance with the stipulated provisions. In the theory of law enforcement, Sudarto gives the meaning of law enforcement is attention and cultivation, both unlawful acts that actually occur (*onrecht in actu*) and unlawful acts that may occur (*onrecht in potentie*).²⁰

The Effectiveness of the Implementation of the Electronic Ticket System on Public Legal Awareness in Traffic in the Jurisdiction of the West Sumatra Police Traffic Directorate

The discussion in the research on the effectiveness of the implementation of the electronic ticketing system on the legal awareness of the public in traffic in the jurisdiction of the West Sumatra Police Traffic Directorate is an important part of interpreting the results of the research and concluding the findings that have been obtained. In relation to the issue of legal effectiveness, the theory of legal effectiveness according to Soerjono Soekanto²¹ is that the effectiveness of a law is determined by 5 (five) factors, namely the legal factor itself (law), law enforcement factors, namely the parties that form or apply the law, the factors of facilities or facilities that support law enforcement, community factors, namely the environment in which the law applies or is applied, and cultural factors.

ETLE has been proven to be able to find various types of traffic violations as evidenced by the increasing number of violations of using methamphetamine after the application of ETLE. In addition, ETLE has an impact on giving a cautious attitude from motorists because they are afraid that CCTV can record their traffic violations. This has a relationship with the driver's efforts to continue to obey traffic rules²². So, this is in accordance with one of the factors of legal effectiveness in the theory of legal effectiveness according to Soejono Soekato, namely the community factor.

ETLE is a digitization model of the ticketing process based on Law Number 22 of 2009 concerning traffic and road transportation and Government Regulation Number 80 of 2012 concerning Motor Vehicle Inspection Procedures. This system is expected to be effective in police performance administratively. ETLE includes several traffic violation systems using *Closed Circuit Television* (CCTV), including accidents and traffic violations, road

¹⁶ J.M. van Bemmelen (terj. Hasnan), *Hukum Pidana I (Our Criminal Law I)*, Binacipta, Bandung, 1984, hlm. 142

¹⁷ Barda Nawawi Arief, *Comparison of Criminal Law*, Rajawali, Jakarta, 1990. p. 99

¹⁸ *Ibid.*, p. 162.

¹⁹ Norman D. Lattin, *Vicarious Liability and the Family Automobile*, Michigan Law Review, Volume 26 Number 8, 1928, hlm. 846-879

²⁰ Sudarto, *Kapita Selektta Criminal Law*, Alumni, Bandung, 1986, p. 32

²¹ Soerjono Soekanto, *Factors Influencing Law Enforcement*, Raja Grafindo Persada, Jakarta, 2008, p. 8.

²² Rusmika, A., Tobing, P. L., & Tejamukti, R. (2023). The Influence of Electronic Traffic Law Enforcement (ETLE) in Assisting Zebra's Operations Process. *HUMANIORUM*, 1(03), 81–85.

measurement, and so on²³.

In addition, compliance with traffic regulations can also improve the quality of life of the community as a whole. The researchers revealed that some of the benefits for traffic violators with the ETLE system are transparency of the actions of public officials in government administration activities, community empowerment where the community is expected to transmit traffic order after knowing the existing regulations to the people around them so as not to violate the existing regulations²⁴. Law enforcement against traffic and road transportation violations using *Electronic Traffic Law Enforcement* (ETLE) to avoid abuse of authority by police officers in the West Sumatra Police has been effective²⁵.

This shows that ETLE has helped reduce distrust of law enforcement officials and increase confidence that traffic violations will be dealt with fairly. A traffic violation is an act or act committed by a person driving a vehicle that is contrary to the applicable traffic laws and regulations²⁶. The perpetrators of traffic violations can be punished as a form of law enforcement. Basically, law enforcement in the field of traffic and road transportation is the process of making efforts to uphold or function legal norms in the field of traffic and road transportation in real terms as a code of conduct in the implementation of traffic and road transportation²⁷.

The effectiveness of the ETLE program in tackling traffic violations is indeed quite good and effective in its implementation, but there are indeed several things that need to be re-evaluated, especially regarding public knowledge, both from the technology used to the sanctions received. Potential weaknesses and challenges in the implementation of ETLE. The researcher revealed that there are 2 (two) obstacles in law enforcement against *Electronic Traffic Law Enforcement* (ETLE) traffic violations, namely the address of the traffic sign violator is not in accordance with the address based on the Vehicle Number Registration Certificate and *the Closed Circuit Television (CCTV)* is not functioning²⁸ optimally.

This is because the E-Ticket Sanction can only be applied to 10 (ten) types of traffic violations, even though there are types of violations that are not included in that type, namely the obligation to have and carry a driving certificate in the form of a driver's license and STNK that cannot be detected by ETLE. Efforts to discipline motorists who do not have a driver's license cannot be done. Likewise, efforts to reduce the crime rate in the form of motor vehicle theft due to the absence of STNK are also difficult to do²⁹. The obstacles in the implementation of ETLE currently include limited availability and capacity of ETLE cameras, fragmentation of recorded data, data inconnection, variations in the availability of each Regional Police budget for the procurement of cameras used in ETLE operations, inconsistency of regulatory

²³ Wahyu, A. K., & Tukiman, T. (2022). *The Effectiveness of the E-TLE Program in Handling Traffic Violations in the City of Surabaya*. Journal of Socioeconomics and Humanities, 8(3), 339–346.

²⁴ Armala, Y., & Yasir, M. (2022). *Implementation of Electronic Traffic Law Enforcement (ETLE) in the jurisdiction of the Bojonegoro Resort Police*. Justitiable-Law Journal, 5(1), 32–44.

²⁵ Triono, A. Y. (2022). *Law Enforcement Against Traffic Violations And Electronic-Based Road Transport Through Electronic Traffic Law Enforcement*. Jurnal Hukum Khaira Ummah, 16(4), 225–238

²⁶ Pangestuti, E. (2021). *Procedures for Legal Settlement of Traffic Violations in the Criminal Code*. Justitiablen, 7(1), 72–93

²⁷ Badri, M., Masriyani, M., & Islah, I. (2017). *Law Enforcement Against Perpetrators of Traffic Violations That Resulted in the Death of Victims in the Jurisdiction of the Jambi Police*. Scientific Journal of Batanghari University of Jambi, 16(1), 23–27

²⁸ Leonita, A. N., Islah, I., & Hisbah, H. (2022). *Law Enforcement against Traffic Violations in Jambi City Through Electronic Traffic Law Enforcement (ETLE)*. Scientific Journal of Batanghari University of Jambi, 22(3), 1742–1747.

²⁹ Wasiati, C., & Razak, M. I. A. (2023). *Implementation of the Telegram Letter of the National Police Chief Number ST/2264/X/HUM. 3.4. 5/2022 on law enforcement of traffic violations an empirical study at the DIY Regional Police Directorate*. Widya Pranata Hukum: Journal of Legal Studies and Research, 5(1), 96–110.

provisions regarding manual and electronic tickets ³⁰.

CONCLUSION

The implementation of the electronic ticketing system by the West Sumatra Police Traffic Directorate has been carried out using electronic technology in supervising and enforcing traffic issued by the police using CCTV aids. Electronic ticketing has been implemented around 2021 in the jurisdiction of the West Sumatra Police. During the implementation of E Tilang in the West Sumatra Police Jurisdiction, traffic units have experienced disruptions so that the implementation of this system has not been effective. This effectiveness is seen in the number of personnel and electronic devices used such as CCTV at each red light intersection. The implementation of the E Ticket itself is still not appropriate because there is still a lot that must be evaluated regarding the completeness of the E Ticket application used by the West Sumatra Regional Police Directorate and also the completeness of electronic facilities such as CCTV.

The obstacle in the implementation of the electronic ticketing system by the West Sumatra Police Traffic Directorate is the lack of integration of data owned by each LLAJ supervisor and Regional Government in the Traffic and Road Transportation Information and Communication System, making it difficult for the National Police. The violation recorded by the camera sensor is the license plate which is then read by the *Automated Number Plate Recognition* (ANPR) software which then physically matches the vehicle with data from the registration and identification database of the motor vehicle. The working mechanism of ETLE raises the possibility that the traffic violator is not the owner of the motor vehicle, while the Ticket Letter will be sent with the database of motor vehicle owners in the motor vehicle registration and identification database.

The effectiveness of the implementation of the electronic ticketing system on the legal awareness of the public in traffic in the jurisdiction of the West Sumatra Police Traffic Directorate is not yet effective because there are still many mistakes that occur in detecting vehicles that violate traffic through the electronic camera and there are still many traffic violations. ETLEs have not been able to effectively detect violations, they are more likely to obey traffic rules if there are traffic officers standing on the road. Awareness of the possibility of serious legal consequences will help suppress offending behavior.

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