

Criminal Sanctions in the Application of Electronic Ticketing Using CCTV (Closed Circuit Television) Recording by Satlantas Polda Maluku Utara

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Abstract

This study aims to determine how the criminal sanctions against electronic traffic ticket offenders using CCTV (Closed Circuit Television) recordings and what obstacles are experienced by the North Maluku Regional Police in the application of electronic ticket penalties using CCTV (Closed Circuit Television) recordings. The type of research used in this research is empirical normative research type. Location This research was conducted at the North Maluku Police Traffic Unit. In addition, researchers also conducted direct interviews with the community regarding the application of electronic ticketing by the North Maluku Police Traffic Unit which was recently implemented in Ternate City. Then, the data obtained were analyzed descriptively qualitatively.

Based on the pre-research conducted by researchers, the e-ticket system used by the North Maluku Police Traffic Police is regulated in article 272 of Law number 22 of 2009 concerning road traffic and transportation, the application of e-ticketing through CCTV footage is not yet fully effective because it has only been implemented in one city out of 10 municipalities in North Maluku Province, namely Ternate City, and is still in the socialization period, but what researchers highlight is the application of e-ticketing penalties that have not been clearly regulated by the traffic law. How are the criminal sanctions applied by the North Maluku Police Traffic Unit, if the vehicle recorded by CCTV is not the legal owner listed on the vehicle registration documents (Vehicle Registration Certificate), how is the application of traffic penalties against vehicles or offenders who are sanctioned criminal. One of the principles of criminal law is that there is no crime without error, that a person can only be punished for his actions if there is an error in himself. Whether the offender driving the vehicle at that time, not the legal owner of the vehicle listed on the vehicle registration certificate, is given a criminal sanction. Or is it the owner of the vehicle who must be responsible for the negligence of the offender? The obstacle experienced by the North Maluku Police Traffic Unit is the absence of a traffic regulation that clearly regulates e-ticketing penalties

Keywords: Sanctions, Criminal, Electronic, Tickets

I. Introduction

The application of an electronic ticketing system using CCTV (Closed Circuit Television) recordings, needs to be applied in all City Regencies in North Maluku Province, public awareness of the law is still far from expectations, causing frequent traffic violations, starting from the absence of letters. vehicle completeness documents up to frequent traffic accidents resulting in death. The system for implementing criminal sanctions applied by the

North Maluku Police Traffic Police must be clearer in providing socialization to the community regarding the application of articles and sanctions in the form of fines and imprisonment, as well as for traffic offenders who must be given criminal sanctions.

If the vehicle used at that time was recorded by CCTV, not the owner of the vehicle driving, can criminal sanctions be given to other drivers using the vehicle recorded by CCTV to commit a driving offense, but other people who use the penalty will be given to the owner of the vehicle. Traffic violation is a situation where there is a mismatch between the rules and the implementation. The rules in this case are legal instruments that have been established and agreed upon by the state as laws that apply legally, while in practice many people do not comply with the existing and current regulations. Even though there are no officers or police on the roads, the community no longer commits violations that can obstruct the smooth running of traffic and interfere with the rights of other road users. The implementation of e-TLE uses CCTV to monitor road conditions which are the point for electronic ticketing. The law of electronic ticketing can be seen in Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law). In article 272 of the LLAJ Law.

It is stated that "to support the enforcement of violations in the traffic and road transportation sector, electronic equipment can be used."¹ Based on the above background, the researcher intends to conduct research with the title "Criminal Sanctions in the Application of Electronic Ticketing Using Cctv (Closed Circuit Television) Recording by Satlantas Polda Maluku Utara"

II. Literature Review

A. Overview of Violations

1. Definition of Offenses in Criminal Law

The Criminal Code (KUHP) does not explain the meaning of violation. The Criminal Code places crimes in Book II and violations in Book III, but there is no explanation of what is called crimes and violations. Violation is a law offense, namely an act of an unlawful nature and can be known after a law that regulates it.²

Errors against violations and objectified mistakes are two things that have received rapid development from the review of criminal law experts in a society.³ It is certain that where good people and bad people live together, for this purpose laws must be made in such a way as to guarantee the interests of humans in social life. Therefore, certain assumptions arise as the basis that a law is promulgated in the State Gazette at a certain time and place which is known to the public.⁴

Another criterion put forward, crimes are offenses that violate the public interest and are also concretely dangerous, whereas the violation only differentiates between the offense and the offense:

- a. Article 5 of the Criminal Code only applies to actions which constitute crimes in Indonesia. If an Indonesian citizen who commits an offense outside the country is classified as a violation offense in Indonesia, it is deemed not necessary to be prosecuted.
- b. Attempt and help commit criminal offenses. The conviction or conviction of a minor depends on whether it was a crime or a violation.

2. Definition of Ticket Sanctions

Traffic violations, which are often referred to as speeding tickets, are within the scope of criminal law as stipulated in Law Number 22 of 2009. Violations of criminal law

¹ Undang-undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan (UU LLAJ)

² KUHPperdata, KUHP dan KUHAP, Pustaka Yustisia, Yogyakarta

³ Yang dimaksud masyarakat adalah masyarakat secara umum termasuk anak yang berada di suatu lingkungan social.

⁴ Bambang poernomo, *Asas-asas Hukum Pidana*, Ghalia Indonesia, Yogyakarta, 1992

can be subject to direct legal action from the authorities and there is no need to wait for reports or complaints from the injured party.

Sanctions for traffic violations fall within the scope of criminal law. In criminal law there are also two types of acts, namely crime and offense, crime is an act that is not only contrary to law but also contrary to moral values, religious values and the sense of public justice. , for example stealing, killing, so on. Meanwhile, violations are actions that are only prohibited by law. In this case, it is a traffic violation, for example, such as not wearing a helmet, not using a seat belt while driving, and so on.

Sanctions given to traffic offenders are in the form of sanctions which are generally referred to as “ticketing”. The procedure for implementing this ticket is if it is clear that the investigator / assistant investigator who is legally valid sees, knows, the occurrence of certain road traffic violations as stated in the traffic violation table. Investigators have the right to take action against perpetrators of traffic violations in accordance with applicable laws.

B. Traffic Overview

1. Pengertian Lalu Lintas

Among the general public, especially among drivers, the concept of traffic is a concept that is not only debated, discussed, but is practiced every day by drivers and the general public. Traffic is of course not new, but not everyone understands in detail what traffic really is. What must be considered, fulfilled and / or equipped by, especially the driver when running his vehicle.

Traffic according to article 1 number 2 Law no. 22 of 2009 is the movement of vehicles and people in the road traffic room in the explanation it is said to be clear. The movement of people on the street should also be based on certain requirements. Sajipto Raharjo admitted that there are several provisions that can be indirectly used by individuals who violate this provision. Whose words clearly indicate that this law intends to include people as offenders, and therefore this provision can be imposed. Even so, empirically it can be stated that it can be seen that there has never been a person using the road wrongly, and then the act is qualified and processed as a violation of traffic regulations.

2. Definition of Traffic Violation

Violation comes from the word langgar which means crash, fight, hit. To break means to hit, hit, violate, fight, strike or strike.⁵ The definition of traffic violations can be seen in the VIII legal counseling brochure concerning traffic implementation and can be seen in the VIII legal counseling brochure concerning traffic implementation published by the Directorate General of General Judicial Development, Ministry of Justice Edition 1 of 1993 which reads in full: "Traffic violations traffic is any violation committed by road users whether against traffic signs or in the way of driving the road, people using motorized vehicles or pedestrians".⁶

From the point of view of violations, traffic violations can be divided into:⁷

- a. Standing violations, such as violations of signs prohibiting parking.
- b. Moving traffic violation (moving violation), for example exceeding the speed limit, exceeding the load capacity and so on.

In terms of the consequences of a violation, it can be divided into:

- a. Violations that cause traffic accidents, for example overloading of people or

⁵ Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia: Pusat Bahasa*, PT. Gramedia Pustaka Utama, Jakarta. Hlm 783

⁶ <http://www.scribd.com/doc/129243353/jurnal-ilmiah-ilmu-hukum>. Diakses 17 februari 2020

⁷ Agus Salim, *Teori dan Paradigma Penelitian Sosial : Dari Denzin Dan Penerapannya*, PT. Tiara Wacana Yogyakarta, 2001, hlm.3

goods, exceeding speed and so on.

- b. Violations that do not cause traffic accidents, for example not carrying complete documents, violation of parking prohibition signs and so on.

The regulation regarding the awarding of a ticket or fine basically already has specific rules, namely:⁸

- a. Offenders can deposit a fine or ticket payment to the officer in this case the traffic police
- b. Pay the fine by yourself to the Bank
- c. Attending or undergoing a court session whose time date has been determined based on the ticketing certificate given by the officer at the time the offender is ticketed.

3. Forms of Traffic Violations

The forms of traffic violations that occur include the following:⁹

- a. Use the road in a way that obstructs endangerment of traffic order or safety or which may cause damage to the road.
- b. Driving a motorized vehicle or car that cannot show a valid driving license (SIM), STNK, Vehicle Test Certificate (STUJ) or other evidence according to applicable regulations or can show but the validity period has expired.
- c. Allowing or allowing a motorized vehicle to be driven by another person who does not have a SIM.

C. Electronic Ticket (E-Tilang)

A ticket (Proof of Violation) is a fine imposed by the police on road users who violate the rules. ¹⁰ Prior to the Etilang system, the police stopped the offenders politely and politely, then explained about the violators' mistakes. Offenders are given a ticket and will be processed in court, then the offender will pay a fine in court. So that it takes a long time to process the ticket.

Electronic ticket or so-called etilang is a form of ticketing for road violations using the Electronic Traffic Low Enforcement (ETLE) system. The e-ticket system makes it easy for people to pay fines through banks. However, not all people can follow the E-ticketing procedures provided by the police. Especially for ordinary people who do not understand or know about technology.

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D. Rekaman CCTV (Closed Circuit Television)

CCTV is a digital video camera device that is used to send signals to the monitor screen in a certain room or place. This has the aim of being able to monitor the situation and conditions of a certain place in real time, so that it can prevent a crime from happening or can be used as evidence of a crime that has occurred. In general, CCTV is often used to monitor public areas such as: banks, hotels, airports, shops, factories and warehouses. Even in its development, CCTV footage has been widely used in the scope of private homes.¹¹

CCTV recording is a medium that can be used to load the recording of any

⁸ Adami Chazawi. *Pelajaran Hukum Pidana 2*. PT Raja Grafindo Persada, Jakarta, 2002, halm 27

⁹ <http://www.anakunhas.com/2011/12/pengertian-pelanggaran-lalu-lintas.html>, Diakses pada tanggal 17 Februari 2020

¹⁰ . "Bukti Pelanggaran". 25 Februari 2019 https://id.wikipedia.org/wiki/Bukti_pelanggaran

¹¹ Yudi Muhammad Irsan. 2018. *Perspektif Penerapan E-Tilang Dengan Menggunakan Rekaman CCTV (Closed Circuit Television)* (Universitas Lampung). Hal 30.

information that can be seen and heard with the help of CCTV recording facilities. CCTV footage is used as evidence that the system uses a video camera to display and record an image at a certain time and place where this device is installed, which means it uses a closed signal, unlike ordinary televisions that use broadcast signals.¹²

III. Research methods

A, Research sites

Untuk mendapatkan data dan informasi yang dibutuhkan dalam penelitian ini, maka lokasi penelitian dilakukan di Kepolisian Daerah Maluku Utara (POLDA MALUT).

B. Type, Nature and Approach of Research

To answer the problems that have been formulated in this study, the researcher will use a socio-juridical research type with a qualitative research type. Research with the socio-juridical type is used with the reason to identify the factors that cause teacher violence against students in the school environment and efforts to prevent it. The nature of this research is descriptive in nature which aims to test whether there is a cause and effect relationship between the various problem variables under study.¹³ While the approach in this study is to use a conceptual approach and a statute approach, while the approach in this study is to use a conceptual approach and a statute approach.¹⁴

C. Data Collection Techniques

Data collection techniques in this study through library research, field studies and documentation studies. The three data collection studies are classified into two parts, namely primary data and secondary data, primary data is obtained through field studies, while secondary data is obtained through library research and documentation studies.

D. Data Analysis

The research procedure is carried out in stages, including the following:

1. Preparation and preparation of research instruments;
2. Identification of problems;
3. Data collection and analysis;
4. Compilation of research results; and
5. Follow-up plans for research outputs.

IV. DISCUSSION

To achieve a relevant ticketing process, it is necessary to have an information system that is supported by a network-based software or website that allows the dissemination of information to every member of the police in real time. The software in question is an application program that can store information on every action violation of traffic rules carried out by the public in a database, and when the violation is repeated by the same person, this application program or information system will review the previous violations. and data on violations that are displayed again (review) will be the basis for further action, so that the offender does not get sanctions at the same level but can be prosecuted at a higher level, and of course this will have a deterrent effect on the offender.

Effective comes from the English word "effective" which means something that is done successfully, or can be defined as a stipulation of use, results of use or to support a goal. Etymologically, the word effective serig is defined as achieving the desired result, having a pleasing effect, being actual, real (actual and real). Effectiveness is how well the work has been done, the extent to which the results have been achieved by someone /

¹² Ibid, hal 31.

¹³ Amiruddin & Zainal Asikin, 2006, *Pengantar Metode Penelitian Hukum*, Rajawali Pers: Jakarta, hlm. 26.

¹⁴ Peter Mahmud Marzuki, 2006, *Penelitian Hukum*, Kencana: Jakarta, hlm. 96-133.

something. A job can be said to be effective if it is done well in accordance with the planned output and input. Thus, basically, effectiveness is the level of achievement of the goals or objectives of a program or activity in accordance with the objectives set in planning. So it can be concluded that effectiveness shows the ability to achieve the targets that have been set according to the applicable standards. Effectiveness is more output oriented because it relates to achieving maximum performance in terms of achieving targets related to quality, quantity and time.

In the results of our first research which we had successfully interviewed a member of the Traffic Police at the Ternate City Traffic Police Directorate on behalf of Kompol T. Wedy, he said that there were 2 kinds of E ticketing sanctions including

1. E-ticket

2. Etle (Electronic Traffic Law enforcement) is what CCTV means

Etle is not yet in the North Maluku Regional Police, cannot use Etle, but can only analyze traffic behavior including how many violations have been committed by people, what violations have been committed by people, but have not been able to take action on the ticket. Kalua Etilang at Polda Maluku Utara already exists, in this case it is the violation data.

If the community is not acted upon, it means that there is no deterrent effect, if only they are reminded, they are just ignorant. So Etle still has an evaluation for 6 months, especially in a pandemic situation. All efforts are made from the traffic police and there is also support from the local government. Many programs will be carried out in the future, including preventive activities or outreach to the community in terms of education through discussions, as well as collaborating with the Education Office in the short term of 3 months. In addition, there has been a discussion with the community that these are examples of violations from the community. In collaboration with the campus regarding traffic rules, according to him, this program already exists, but because of the Pandemic period it has not been implemented in North Maluku campuses. There is also an activity dubbed the orderly traffic village which is carried out in Ngade Village, the point is to remind each other how orderly traffic is, and also what equipment is carried by two-wheeled riders. So maybe from the regions also have to be pro-active, because the days and months of vehicles are increasing, what are the thoughts of the Kalua transportation service from the perspective of Ternate and Tidore, for example, he said.

V.CONCLUSION

CLOSING

A. Conclusion

Electronic ticket or so-called etilang is a form of ticketing for road violations using the Electronic Traffic Law Enforcement (ETLE) system. The e-ticket system makes it easy for people to pay fines through banks. However, not all people can follow the E-ticketing procedures provided by the police. Especially for ordinary people who do not understand or know about technology.

B. Suggestions

Behind the advantages, there are several weaknesses in the implementation of E-Tilang so that it is necessary to think about several solutions to improve and minimize the shortcomings of the E-Tilang system, including:

a. App network accessibility. The application system uses a 3G / 4G dualband network where if the signal availability is bad due to the weather, the service will be interrupted. So that officers still have to provide manual services to anticipate system errors.

- b. E-ticketing service which is just in time forces violators to be able to pay a fine according to the amount of fine that is determined on the spot through an existing application so that there is a need for special regulations regarding the payment of fines for offenders who do not bring money at the time of the fine-tuning.
- c. Data that is not yet integrated. The problem of integrating vehicle data that presents different vehicle data makes the application of E-ticketing not optimal. Repair of the vehicle data base needs to be done immediately so that the integrated data is the latest valid data.
- d. Lack of socialization. The lack of socialization regarding E-Tilang has made the public not fully aware of the E-Tilang program. The need for socialization so that the public knows the correct e-ticketing mechanism and can feel the benefits.

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