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Owner's Responsibility of Traffic Vehicles With E-

Ticketing

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ABSTRACT

The e-ticket system or electronic ticketing has been piloted in several big cities. This electronic ticket, which is commonly called e-ticket, is a digitalization of the ticket process, by utilizing technology it is hoped that the entire ticketing process will be more efficient and effective and can also help the police in administrative management. However, in this e-ticket there are weaknesses as a result of which injustice arises. This study aims to determine whether the vehicle owner is responsible for violations committed by other parties and to find out what efforts the vehicle owner can make with E-Tilang. Based on the problems discussed in this thesis, the research method used is the legal research method with the statue approach and conceptual approach, the type of data uses primary legal material and secondary legal material, the data collection method used is through literature study and legal materials. The results of the study indicate that e-ticketing in the framework of criminal law is more focused on criminal responsibility and vehicle owners are not responsible for violations committed by other parties in the practice of implementing the Article in Law Number 22 Year 2009 concerning Traffic and Road Transportation. Efforts that can be made by vehicle owners are to protest to the police if the photo captured by CCTV is not him.

Keywords: E-Ticketing, Responsible

1. INTRODUCTION

The increase in traffic violations is a new challenge for the police to be able to implement sanctions that are educational but still have a deterrent effect. One of the ways to suppress violations is to carry out administrative sanctions (ticketing) by the police. However, what has happened so far is that the ticket system has often been ignored by unscrupulous members of the police by committing fraud to ask for bribes, but this is also not only on the part of the police but also from members of the community who offer bribes to individual members, therefore this is not uncommon (Pusat Data dan Sarana Informatika Kementerian Komunikasi dan Informatika, 2013). made to compromise each other so that their respective interests can be achieved without following the applicable procedures and are often referred to as illegal levies. In addition, every act of violation committed by the community is only recorded in the ticketing certificate and is invested in the ticket administration division then sanctions are imposed, and only up to the final recording level, so that when there is a repeat of the violation by the same person there is no significant increase in sanctions. The ticket system should be well managed so that in every implementation it produces a deterrent effect on traffic offenders (Gunawan, 2020). Then the information system for every violation by motorists on the highway must be the basis for prosecution of violations in the next stage, meaning that information on violations that have been committed by each person must always be identified by every member of the police who made the ticket.



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Along with advances in technology and information, now the ticketing has used an electronic system, one of which is known as the E-ticket system, and it is hoped that the entire ticketing process will be more effective and efficient as well as assisting the police in administrative management. The E-ticketing system referred to in this study will replace the manual ticketing system that uses a ticket form, where the violating motorist will be recorded through an application owned by police personnel. With the E-ticketing, the community has to pay fines through the bank, so that the opportunity for police officers to carry out illegal fees is small or even non-existent (Junef, 2017). However, not all people can follow the E-ticketing procedures provided by the police, especially for ordinary people who do not understand technology. The eticketing system that is in place gives attention to the community. With the E-ticketing system, it has a good impact on people who are familiar with technology. However, for people who are not familiar with this technology (Bunga, 2019). Factors that are taken into consideration by the community are the use of the E-ticketing system which is not well understood and widespread. In addition to some of the factors above, there are also weaknesses of the E-Tilang system, one of which is if a driver violates traffic but does not use his own vehicle but uses his friend's vehicle, it means that what appears on the CCTV footage is his friend's vehicle and in the system from E- A ticket is seen by the police number or vehicle number plate, which means that in this way the ticketing certificate will come to the owner of the vehicle, not the driver of the vehicle (Setiyanto et al., 2017).

2. RESEARCH METHODS

Research Approach Based on the problems discussed in this thesis, the research method used is the legal research method with the statue approach and the conceptual approach.

Statue approach

This is an approach taken by examining all laws and regulations related to the legal issue at hand Conceptual approach

It is an approach that studies the views and doctrines that develop in legal science. This approach is used to analyze the meaning, principles, norms or legal principles which can then be used as a legal basis in writing this thesis.

Source of Legal Materials

Sources of legal materials used in this research are primary and secondary legal materials, such as: Primary legal materials in the form of related laws and regulations, namely:

The 1945 Constitution of the Republic of Indonesia

Criminal Code (KUHP)

Law No. 11 of 2008 on electronic information and transactions



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Law No. 22 of 2009 on road traffic and transportation

Government Regulation number 80 of 2012 concerning procedures for inspecting motorized vehicles on the road and prosecuting traffic and road transportation violations (Indonesia, 2004). Secondary legal materials in the form of literature books related to E-Tilang and scientific journals and electronic media that are in accordance with the legal issues discussed.

3. RESULTS AND DISCUSSION

Rights and obligations of motor vehicle owners

The State of Indonesia already has a Law on Traffic and Road Transportation for the first time, namely through Law No. 3 of 1965 concerning Highway Traffic and Transportation. With the promulgation of this law, every motorized vehicle has the obligation to have complete documents in the form of a Vehicle Registration Certificate (STNK) and a Motor Vehicle Owner's Book (BPKB).

The word motorized vehicle means something that is used to be driven or ridden by using an engine (motor) to run it. Meanwhile, according to Law no. 14 of 1992 concerning Highway Traffic and Transportation, the meaning of vehicle can be found in Article 1 point (6), namely, one device that can move on the road consists of motorized and non-motorized vehicles. It is further explained in Article 1 point (7) that a motorized vehicle is a vehicle driven by technical equipment located in that vehicle.

In Law No. 14 of 1992 requires every motorized vehicle on the road to be registered. This obligation is stated in Article 14 paragraph 1, which states that every motorized vehicle operated on the road must be registered. As well as in Article 14 paragraph (2) it is stated that, as proof of registration, proof of registration of a motor vehicle is given. Motor vehicle owner rights Rights are everything that must be obtained by every person who has existed since birth. In the Indonesian Dictionary, rights have the meaning of something that is true, property, possession, authority, power to do something (because it has been determined by laws, regulations, etc.), true power over something or to claim something, degree or dignity. As a vehicle owner, everyone has the right to do anything with the motorized vehicle as long as it does not change the shape and color of the motorized vehicle or it must match those on the STNK and BPKB of the motorized vehicle. In addition to the vehicle owner being able to do whatever he likes with his / her motorized vehicle, the owner should also be entitled to legal protection for what he has.

Sudikno Mertokusumo stated that what is meant by law is the entire collection of various kinds of regulations or rules that exist in a common life. The whole of the rules about behavior that already apply in a common life, which can be enforced with a sanction. Law contains a collection of rules or rules that are general and normative. General because it applies to everyone and is



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normative because it determines what should be done, what should not be done or what should be done and determines how to carry out obedience to the rules. So legal protection is an act that protects various legal subjects with the applicable laws and regulations and can be enforced by the existence of a sanction. That way, the owner of a motorized vehicle will be able to obtain legal protection as a legal subject, if the owner of the motorized vehicle has carried out the obligation to register his motor vehicle in accordance with the prevailing laws and regulations (Law No. 14 of 1992).

Obligations of motor vehicle owners

Obligation is something that must be carried out, must (something that must be done). As owners of motorized vehicles, we are obliged to properly maintain and care for the condition of the motorized vehicle so that the condition of the motorized vehicle remains good and can be used and does not trouble us because if the motorized vehicle we have is damaged or cannot walk, it becomes difficult for us to move because our motorized vehicle has been damaged or the tire is flat so that it cannot run, eventually making it difficult for us as motorized vehicle owners. So legal protection is an act of protecting legal subjects with the applicable laws and regulations and can be enforced with a sanction. Thus legal protection will be obtained by motorized vehicle in accordance with statutory regulations.

Traffic

The definition of traffic according to Article 1 of Law Number 22 Year 2009 concerning Road Traffic and Transportation (UULLAJ) is defined as follows: movement of vehicles and people in road traffic spaces, as infrastructure used for moving a vehicle, person, and or an item in the form of a road with supporting facilities. According to Muhammad Ali, traffic is walking, back and forth, traveling on the road. Ramdlon Naning also describes or puts forward the notion of traffic, namely the movement of a group of people moving with a moving device or without a moving device from one place to another. Meanwhile, according to Poerwodarminto stated that the traffic is:

- 1. Travel back and forth
- 2. Subject about road trips and so on
- 3. Relation between places

Based on the above definitions and definitions, it can be interpreted that traffic is anything that has a relationship with public road facilities as the main means for the goal to be achieved. Traffic can also be interpreted as something that has a relationship between humans with a moving device or without a means of moving from one place to another by using the road as a space for movement.



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Traffic violations

The definition of traffic in relation to road traffic violations Ramdlon Naning explains or states that what is meant by road traffic violations is an act, action or activity that is contrary to the provisions of the existing regulations in traffic laws. The violation referred to above is a violation. as regulated in Article 105 of Law Number 22 Year 2009 which reads:

1. To behave in an orderly manner and / or

2. Prevent anything that could obstruct, endanger the security or safety of traffic and road transportation or anything that could cause damage to roads in Indonesia.

To understand about traffic violations in more detail, it is necessary to explain in advance the meaning of the violation itself.

In the Criminal Code (KUHP), criminal acts are divided into 2, the first is crime (misdrijve) and the second is violation (overtredingen). Crime itself is regulated in the Criminal Code in Book II, namely Crime. Meanwhile, violations are regulated in Book III, namely on Violations. In criminal law, there are two (2) views on the criteria for the division of crimes and offenses, namely qualitative and quantitative. According to a qualitative view, it is defined as an act or activity which is deemed or deemed a criminal act after the existence of a law regulating it as a criminal act. Meanwhile, crime is recht delicten in nature, which means something that is viewed or judged as an act against justice, regardless of whether the act or activity is punishable by law or not. According to a qualitative view, is that there is or is there a threat of criminal offense that is lighter than the crime. If according to JM Van Bemmelen in his book "Handen Leer Boek Van Het Nederlandse Strafrecht" states that the differences between the two groups of this crime (crime and offense) are not qualitative in nature, but only quantitative, namely crimes that are generally threatened with punitive penalties. slightly heavier than the offense and seems to be based on the more serious nature of the crime. According to Wirjono Prodjodikoro, the definition of violation is "overtreding" or violation means an act that violates something and is related to the law, meaning nothing other than an act against the law. From the various definitions of violations mentioned above, it can be interpreted that the elements of violations are:

1. There is an act that is against the law.

2. Has legal consequences.

From the various meanings above, it can be interpreted that a violation is an act, action or activity that is contrary to a provision of the legislation. Actions or actions that are contrary to the provisions of this law are usually actions that in fulfilling the legal consequences are subject to sanctions in the form of administrative sanctions, fines or imprisonment. Based on the definitions of traffic violations and the definition of traffic above, it can be interpreted that what is meant by traffic violations is an action or act committed by a person driving a public vehicle or motorized



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vehicle and also a pedestrian that is contrary to a statutory regulation. -Traffic legislation that already applies in that area.

Criminal Liability by Other Parties

Criminal Law is a legal rule regarding crime. The word "criminal" means something that is "convicted", is that the ruling institution is delegated to a person as something that feels bad and is also something that is not like everyday being transferred.

According to Muladi and Barda Nawawi Arief,

Criminal is the suffering given to people for committing an act that fulfills certain conditions. Meanwhile, Roeslan Saleh stated firmly that the punishment was a reaction to the offense, and this was in the form of a sorrow that the state deliberately gave to the offender. Crime itself always has the following elements or characteristics:

a. In essence, the crime itself is an imposition of suffering and other consequences that do not apply.

b. Criminal is given intentionally by an authorized body or person

c. The punishment is imposed on a person who commits a crime based on law.

Criminal liability contains the principle of error, which is based on a monodualistic balance that the principle of guilt based on justice must be parallel to the principle of legality based on the value of certainty. Although the principled concept is criminal liability based on error, in some cases it does not rule out the possibility of substitute and strict accountability. The problem of heresy, both heresy regarding the situation and heresy regarding the law according to the concept, is one of the reasons for forgiveness so that the perpetrator is not convicted unless his error should be blamed on him. Criminal liability is a process, method or mechanism that determines whether a person (defendant or suspect) can be held accountable right for a criminal act that occurred or did not occur. To be able to convict the perpetrator, the requirement is that the criminal act committed fulfills the elements that have been determined in the law. Criminal responsibility has the meaning or meaning that all people who have committed a criminal act or are against the law, as has been formulated in law, should be held accountable for their actions according to their mistakes. In other words, a person who has committed a criminal act will be held accountable for his act with a criminal if he / she has an error, someone has an error if when he commits an act, seen from the perspective of society, he shows a normative view of or about a mistake that person has committed. . Criminal responsibility must pay attention to the fact that criminal law must also be used to create a harmonization of a just and prosperous society with material and spiritual equality. The criminal law is used to do one thing to prevent or to overcome an act that is not desired by many people. In addition, criminal law means must be used with negative sanctions and must pay attention to the costs and capabilities of the workforce of the



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relevant institution, so that there should not be a problem such as an overload of duties (overbelasting) in carrying out it. From the explanation above, we can conclude that people who have done something wrong should be punished, which means that the vehicle owner is not responsible for what the other party does (Asmuni et al., 2020).

Definition of E-Ticket

Evidence of violation or commonly abbreviated as a ticket is a fine that has been imposed by the police on all road users who have violated the regulations. Road users often violate the regulations that have been or have been stipulated by the traffic law law, are expected to be able to handle traffic problems. E-Tilang or so-called electronic ticketing is a digitalization of the ticket process by utilizing a technology. It is hoped that the entire ticketing process will be more efficient and also more effective and also help the police in administrative management.

The difference between the ticket and e-ticket system

Prior to the existence of the E-Tilang mechanism, traffic users if they violated the rules were subject to a sanction which is commonly called a ticket or evidence of violation. The ticketing mechanism is different from the E-ticket mechanism. In the ticket system, when a road or traffic user is proven to have committed an error or violation so that the police officer will take several actions, the ticket mechanism for the red form is as follows:

A. Polri takes action against offenders using a red form.

B. Determination of the day for the trial must take into account the decisions of the court.

C. Explain when and where the offender must attend the hearing.

D. If the offender is unable to attend, the National Police is obliged to summon twice, if he does not come, then the 3rd time to make an arrest.

E. The return of evidence awaits the completion of the trial and after the offender has paid a fine to the Registrar.

E-ticketing process flow

The application of E-Tilang has or has a strong legal basis, namely Law Number 11 of 2008 Article 5, concerning electronic transactions and Law Number 22 of 2009 concerning Road Traffic and Transportation. The e-ticket or electronic ticketing mechanism is by using an application that has been downloaded and must be in accordance with the user and password that is owned. The flow of the E-Ticketing process includes:

a. Police take action against drivers who violate traffic. Then the police enter the ticket data on the E-Tilang application. Offenders must provide correct data, in the form of KTP number, vehicle police number, and especially cellphone numbers, because the next process requires a valid cellphone number. At this stage, the police also determine which articles the driver violated.



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- b. After being recorded, the offender will receive a notification for the ticket payment number. The notification is in the form of an SMS, the content of which is to notify the ticket payment number and also the maximum penalty payment amount in accordance with the article being violated. Payments can be made on any banking network.
- c. After paying, the offender can take the evidence that was confiscated, in the form of a SIM, STNK, or vehicle, by showing proof of payment.
- d. If you do not wish to attend, the offender does not need to come to court because the officers can represent him. The consequence is that if you don't come, the offender cannot defend himself in court. Offenders are welcome to court to defend themselves if they feel innocent.
- e. The violator will then receive an SMS notification containing information on the verdict and the amount of the fine. There is also the amount of money left over from the maximum fine that has been previously paid.
- f. The remainder of the ticket penalty can be collected at the bank by showing an SMS from Korlantas or it can also be transferred to the offender's account.

That's the flow or process of E-Tilang.

How to make payments for e-ticket violations The procedure for payment of electronic tickets or E-Tilang is carried out according to the BRIVA (BRI Virtual Account) number listed so that for each violator the nominal number listed on BRIVA is different. There were some violators who misunderstood the BRIVA number they got, they thought that the number they got was a ticketing account number, resulting in confusion when processing the payment (Rudianto & Roesli, 2019). Payment of the ticket fines can be made in various ways, namely through BRI tellers, BRI ATMs, BRI mobile banking, BRI internet banking, through EBC BRI and also use ATMs from other banks.

The advantages and disadvantages of E-Tilang

The advantages of E-Tilang

The application of E-Tilang is an option that is quite effective that achieves the target (but not all) in the implementation of a ticket to traffic regulation offenders. However, not all people in Indonesia are technology literate. There are still a lot of them who do not know about the existence of E-Tilang, therefore there is a need for more equitable socialization to the community. It cannot be said that E-Tilang is effective because the implementation of E-Tilang in Indonesia is still in the trial phase and from this trial there will be an evaluation for the improvement of the next E-Tilang service. However, the choice to implement the system from E-Tilang is considered very effective by taking advantage of advances in information and communication technology (Yustianti & Roesli, 2018).



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Lack of E-ticket system

Among the advantages of the E-Tilang system, there are drawbacks, namely that currently, E-Tilang still has limitations. Because this new service can only serve blue ticket slips. Regarding information, the blue ticket can always be done by entrusting cash to the officer. However, to minimize the occurrence of illegal fees, the E-Tilang system was implemented. Because with this system, there are no more cash transactions between offenders and officers. The weakness of the E-Tilang system is that if the person who violates the traffic regulations is not the owner of the vehicle but the vehicle is borrowed by the brother, borrowed from a friend or neighbor, in the end the vehicle owner does not want to pay a fine because it is not him who violates it but siblings. , his friend or neighbor who is borrowing a vehicle from the owner. This is a weakness that often occurs, but not many people know what the vehicle owner can do if the person who commits the violation is not the owner of the vehicle.

Definition of Criminal Sanctions

Criminal sanction is a punishment from cause and effect, because it is a case and the consequence is the law, every person who is affected by the consequences will get a penalty either going to jail or other punishment from the authorities. Criminal sanctions are a type of sanction that is sorrowful in nature that is threatened or imposed on an act or perpetrator of a criminal act or criminal act that can interfere or endanger legal interests (Wanda, 2020). The criminal sanction is basically a guarantor to carry out activities to rehabilitate the behavior of all the perpetrators of this crime, but it is not uncommon that the sanction from punishment is created as a threat to human freedom itself. Criminal is suffering or sorrow that is deliberately inflicted on a person who commits an act that meets the elements of certain conditions, while Roslan Saleh emphasizes that punishment is a reaction to the offense, and this is a form of sorrow that the State deliberately bestows on the offender.

Criminal act

According to P.A.F. Lamintang:

Criminal action is the basic meaning in criminal law. Criminal action is a juridical definition, different from the term evil deed or crime. In formal juridical terms, a crime is a form of behavior that violates the criminal law. Therefore every act that is prohibited by law must be avoided and anyone who violates it will be subject to punishment. So everything and certain obligations which must be obeyed by all citizens of the State must be included in the law and all government regulations. A criminal act is an act of committing or not doing anything that has an element of wrongdoing as an act that is clearly prohibited and punishable by punishment, in which the imposition of a criminal sentence against the perpetrator is for the sake of maintaining legal order and ensuring the interests of the general public (Asmuni et al., 2020).



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Minor Crime

Minor Crime (Tipiring) is a criminal act that is light or harmless in nature. Minor criminal acts are not only in the form of violations but also include all minor crimes written in Book II of the Criminal Code which consist of, light animal abuse, light humiliation, light maltreatment, light theft, light embezzlement, light fraud., light damaging, and light bracing. This is a feature of the Indonesian Criminal Code, which is a legacy of the Dutch East Indies Criminal Code. Even though the Dutch East Indies Criminal Code is based on the Dutch Criminal Code, the division of forms of ordinary and minor crimes originating from the Netherlands Indies itself and then adopted into the Indonesian Criminal Code. Crime and offense are different. Regulations regarding crimes and violations are placed in different places in the Criminal Code. Basically, the Criminal Code consists of 569 articles divided into three books, namely: Book I: General provisions - articles 1-103. Book II: Crime chapters 104-448. Book III: Violations - articles - articles 449 - 569. " As we have known so far, the Dutch East Indies Criminal Code which has been adopted into the Indonesian Criminal Code recognizes minor crimes, but the Netherlands itself does not recognize this institution. However, along with the development of an era, minor criminal institutions are increasingly being questioned. Utrecht in his book "Hukum Pidana 1" uses the term light crime as the equivalent of the word Lichte misdrijven in Dutch or minor crime or which in this paper uses the term Minor Crime (Yustisia, 2016). The definition of minor criminal offenses will be difficult to find in the Criminal Code, a fairly understandable definition of minor crimes can be found in the Criminal Code as the provisions of the formal criminal law of the Criminal Code. Article 205 paragraph (1) of the Criminal Procedure Code which regulates the provisions of the quick procedure examination states that: "What is examined according to the minor criminal offense examination procedure is a case which is punishable by imprisonment or imprisonment of a maximum of three months and or a maximum fine of seven thousand five hundred rupiahs. and minor insults except as provided for in Paragraph 2 of this Section". From the sound of the article, a conclusion can be drawn regarding the definition of a minor crime, namely a case which carries a maximum imprisonment or imprisonment of three months and / or a maximum fine of seven thousand and five hundred rupiahs. If traced further the articles contained in the Criminal Code, there are at least nine articles that are classified as minor criminal acts, namely Article 302 paragraph (1) regarding light abuse of animals, Article 352 paragraph (1) regarding light maltreatment, Article 364 concerning petty theft, Article 373 regarding light embezzlement, Article 379 regarding minor fraud, Article 384 concerning fraud in sales, Article 407 paragraph (1) concerning destruction of goods, Article 482 concerning light detention, and Article 315 concerning light insult.



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Efforts made in E-Tilang

Definition of Effort In the Big Indonesian Dictionary (KBBI) effort is effort and effort (to achieve a goal, solve a problem, find a way out, effort).

Poerwadarminta explained that effort is An attempt that aims to convey a purpose, reason and summary. Peter Salim and Yeni Salim also said that effort is "a part that is done by the teacher or a part of the most important task that must be done. Based on the above understanding, it can be explained that effort is part of the role that must be performed by a person to achieve certain goals. In this study, the emphasis is on how the vehicle owner's business is in an effort to defend himself or herself for traffic violations (E-Tilang) committed by other parties.

4. CONCLUSION

Based on the results of the author's research, it can be concluded that the vehicle owner is not responsible for any violations or actions that have been committed by other parties, because whoever is guilty of that person is punished. Efforts that can be made by vehicle owners with E-Tilang are, everyone who gets the letter can go to the post to provide real confirmation. They were given 15 days to come. If indeed the person concerned violates, he will immediately be given a ticket.

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