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LEGAL RESPONSIBILITY OF PERPETRAL VIOLATIONS OF THE HANDLED ETLE SYSTEM USING VEHICLES

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Abstract

This study aims to analyze the legal liability of traffic violators through the Handled ETLE system who use vehicles under someone else's name, the obstacles faced, and efforts to overcome them. The study uses a normative legal method. The results show that law enforcement through Handled ETLE is carried out in stages, starting from violation detection, recording electronic evidence, verification, vehicle identification, sending confirmation letters, clarification, issuing e-tickets, and settlement through payment of fines. If the vehicle owner does not provide confirmation, they may be subject to administrative sanctions in the form of temporary blocking of the vehicle registration certificate (STNK). Legal liability remains borne by the driver who committed the violation, while the vehicle owner is only obliged to provide clarification regarding the driver's identity. The Handled ETLE system applies the principle of liability based on fault and supports legal certainty, justice, transparency, and accountability in traffic law enforcement.

Keywords: Traffic, ETLE Handled, Legal Responsibility

INTRODUCTION

According to Subekti, law serves the goals of the state by providing justice and order, the basic conditions for bringing prosperity and happiness. He further emphasized that justice can be described as a balanced justice that brings peace to a person's heart and if disturbed or violated will cause anxiety and turmoil (Kansil, 1992). Law plays a very strategic role in the development of a nation. Legal development is absolutely necessary to ensure it can keep pace with societal developments. One law that plays a strategic role in regulating social order is the legal regulations that develop with traffic issues.

Every motorized vehicle driver is obliged to maintain order and obey traffic signs. This is to ensure the driver's safety and to protect the rights of others related to traffic and road transportation. However, many motorized vehicle drivers still disregard applicable road regulations. The increasing number of motorized vehicles in Indonesia also significantly impacts traffic problems in general (Soponyono, 2013). The rapid growth of motorized vehicles, coupled with a lack of traffic discipline, has led to a continued rise in traffic accidents and fatalities. Generally, the main factors contributing to the high accident rate are human factors (high speed, inattention, fatigue, etc.) and low driver discipline (Marsaid et al., 2013).

Traffic violations are a crime. According to Moeljatno, a crime is an act prohibited by law and punishable by law (Syamsu, 2016). Imposing sanctions on someone who commits a crime is not only to make the perpetrator suffer, but according to Remmelink, it is intended to uphold legal order, protect the legal community, and maintain social order, which is largely dependent on coercion (Hamzah, 2015). Traffic is crucial to social life, as it underpins a range of economic and social activities. Population growth in Indonesia will be accompanied by an increase in motorized vehicle use (Tetuko, 2020).

The government is attempting to reduce accident rates by improving public order while driving through the use of Electronic Traffic Law Enforcement (ETLE). ETLE is an electronic ticketing application that represents a transformation of ticketing in the current digital era. The innovation of implementing Electronic Traffic Law Enforcement (ETLE) is a good decision, and the current urgency of Electronic Traffic Law Enforcement (ETLE) is to achieve transparency between the police and the public to prevent illegal levies (Wulandari, 2020). In fact, the implementation of the Electronic Traffic Law Enforcement (ETLE) system is able to provide a simple, fast and easier service when compared to conventional ticketing. In addition, the implementation of Electronic Traffic Law Enforcement (ETLE) is able to suppress extortion and brokers both from within the police and other stakeholders/actors (prosecutors and courts). So it can be said that this system is able to realize transparency and accountability in the payment of Electronic Traffic Law Enforcement (ETLE) fines, thereby improving the image of the police in the eyes of the public.

To address traffic violations, regulations are needed regarding safe, orderly, smooth, and efficient traffic flow to ensure the smooth running of various activities in realizing public welfare and provide strict sanctions for violators. These regulations are embodied in Law Number 22 of 2009 concerning Traffic and Road Transportation. The problem that occurs in society is when the motorized vehicle is being loaned but the vehicle borrower has violated traffic laws, then based on the electronic ticketing mechanism or Electronic Traffic Law Enforcement (ETLE) of the Rokan Hilir Police, the one who will be sent a confirmation letter is the vehicle owner. Although regarding the confirmation letter, the ETLE system only has a confirmation category for submitting a blocking request for vehicles that have been sold. This means that the enforcement of this confirmation letter does not focus on vehicles that are currently being loaned. Motorized vehicle owners will still be charged with criminal responsibility for their loaned vehicles.

Criminal liability is the ability of a perpetrator of a crime to be responsible for his mistake in violating a regulation. This is stated in Article 1 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code, an act cannot be punished except based on the strength of existing criminal law provisions. This means that the criminal provisions must have existed before the act, in other words the criminal provisions must have been in effect when the act was committed. Therefore, these provisions do not apply retroactively (non-retroactive principle), both regarding the provisions that can be punished and the sanctions. Looking at the Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transportation, it is clear that the subject who is the violator is the driver or person who is driving a vehicle and violates traffic laws. So that in this law it has a vague meaning when viewed from the implementation of the ETLE of the Rokan Hilir Police.

The implementation of Electronic Traffic Law Enforcement (ETLE) does bring benefits in terms of transparency, empowerment, responsiveness, and equity. However, unwittingly, cases of Electronic Traffic Law Enforcement (ETLE) are highly detrimental to the public, especially rental vehicle owners. In cases of violations, the perpetrator is the vehicle renter, while the vehicle owner is obligated to pay the fine. This is certainly very detrimental because the vehicle owner, who did not commit the violation, is obliged to pay the full fine without being able to do anything.

*ETLE Handled*is a smartphone-shaped device integrated with the Indonesian National Police's Electronic Traffic Law Enforcement (ETLE) application. Unlike static ETLE, which uses fixed cameras at specific points, Handled ETLE can be operated by mobile officers, enabling it to reach areas where static ETLE cameras are not yet installed. This broadens the scope of traffic violation monitoring without compromising the principle of objectivity in law enforcement (Korlantas Polri, 2023).

The law enforcement mechanism through ETLE Handled begins with the discovery of traffic violations by police officers who are conducting patrols or traffic control. When officers see violations, such as not wearing a helmet, going against the flow of traffic, running a red light, using a mobile phone while driving, not wearing a seat belt, or other violations as regulated in Law Number 22 of 2009 concerning Traffic and Road Transportation, officers no longer automatically stop the vehicle as with conventional ticketing mechanisms. Instead, officers use the ETLE Handled device to take pictures or videos of the vehicle along with the motor vehicle registration number (NRKB) as electronic evidence.

Technically, the use of mobile ETLE is the same as Static ETLE. The advantage of mobile ETLE is that police can reach areas that cannot be reached by static ETLE; police patrol the highway; access roads to the border; and road sections prone to accidents. The ticket camera used is a mobile phone camera, so the mobile ETLE device has technology that will continue to develop. Officers who will operate mobile ETLE are officers who have qualified as assistant investigators or investigators. The types of violations captured are thematic violations, such as: not wearing a helmet, going against the flow of traffic, parking in an inappropriate place, and violations that cannot be reached by Static ETLE. Functionally, the use of mobile ETLE is the same as static ETLE, officers who will capture traffic violations and the results are directly connected to the national ETLE dashboard and ERI data, officers do not need to input data again. They will only need to print a confirmation letter of the violation. The great hope with this mobile ETLE is that the public will be more orderly so as to be able to reduce accidents on the highway.

The mobile ETLE technology transformation process uses mobile devices, which is a digital transformation. Mobile Electronic Traffic Law Enforcement (ETLE) drives changes in how traffic violations are enforced on the road. This change certainly impacts work patterns and organizational culture. Through digital transformation, organizations are required to change the way they handle problems by utilizing technology, which will provide

effectiveness and efficiency. The ongoing digital transformation process requires reinforcement that begins with a strategic vision, planning, implementation, and continuous evaluation.

In line with the development of information and communication technology today, ETLE Mobile is a smart innovation offered by the Indonesian National Police to encourage discipline among motor vehicle drivers in traffic on the highway. Considering that the highest death rate in Indonesia is caused by motor vehicle accidents, 90% of which are due to human error in driving. ETLE Mobile is not only a technology for law enforcement (low enforcement), but also protection for citizens on the highway for their safety.

RESEARCH METHODS

The author's research is normative legal research, based on applicable legal norms, both those contained in laws and legal doctrine. This research focuses on the legal liability of traffic violators who use vehicles registered under another person's name through the ETLE Handling system.

RESULT AND DISCUSSION

A. Law enforcement mechanism for traffic violators through the Handled ETLE system

One form of this modernization is realized through the implementation of Electronic Traffic Law Enforcement (ETLE) as an electronic-based traffic violation enforcement system that utilizes surveillance cameras, vehicle license plate recognition technology (Automatic Number Plate Recognition/ANPR), and the integration of motor vehicle registration and identification data. The implementation of ETLE is an implementation of the electronic policing concept that aims to increase the effectiveness of law enforcement, reduce direct interaction between officers and violators, minimize deviant practices in enforcement, and realize the principles of transparency and accountability in public services.

Law enforcement through ETLE obtains its legal basis from Law Number 22 of 2009 concerning Traffic and Road Transportation, specifically the provisions regarding electronic evidence. Article 272 paragraph (1) states that to support enforcement of traffic violations, electronic equipment can be used, the results of which can be used as evidence in court. Furthermore, Article 272 paragraph (2) emphasizes that the results of the use of electronic equipment can be used as a basis for enforcement of traffic violations in accordance with the provisions of laws and regulations. This provision shows that Indonesian positive law has legitimized the use of electronic technology as an instrument for traffic law enforcement.

The existence of ETLE is also in line with the recognition of electronic information and electronic documents as valid evidence as regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions as last amended by Law Number 1 of 2024. The recognition of this electronic evidence strengthens the position of ETLE camera recordings as evidence that has legal force as long as it is obtained through a reliable electronic system and meets the provisions of laws and regulations.

One of the innovations implemented by the Indonesian National Police is Electronic Traffic Law Enforcement (ETLE), a traffic violation enforcement system based on electronic technology. In line with the growing need for more effective law enforcement, the Police then developed ETLE Handheld (ETLE Handled) as a portable electronic device used directly by officers in the field to digitally record, verify, and take action against traffic violations. This system is part of the National Police's digital transformation to realize professional, transparent, and accountable public services.

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The electronic evidence collection is carried out while adhering to the standard operating procedures established by the Indonesian National Police Traffic Corps (Korlantas Polri). The recorded evidence must clearly show the type of violation committed, the vehicle's identity, the time of the incident, and the location of the violation. This data is automatically stored in the ETLE system and then sent to the data center (ETLE back office) for verification. This step is crucial to ensure that the recorded violation truly meets the elements of a violation as stipulated in the law, thus preventing errors in enforcement (Korlantas Polri, 2023).

Next, officers at the ETLE Back Office identify vehicle registration plates using the Electronic Registration and Identification (ERI) database held by the Indonesian National Police Traffic Corps (Korlantas Polri). The ERI system contains motor vehicle registration data, including the vehicle owner's identity, address, vehicle type, chassis number, engine number, and other administrative information. Through the integration of ETLE and ERI, vehicle owner identities can be identified quickly, making law enforcement more effective than previous manual mechanisms.

If the verification results indicate that the electronic evidence meets the requirements, the system will issue a violation confirmation letter to the vehicle owner as listed in the motor vehicle registration database. The confirmation letter is sent via courier service or available electronic media to provide the vehicle owner with an opportunity to provide clarification. This confirmation stage protects the public's rights to prevent errors in imposing sanctions, considering that the vehicle that committed the violation may not have been driven by the owner registered on the Vehicle Registration Certificate (STNK).

During the clarification process, vehicle owners are given the opportunity to provide information regarding the driver's identity at the time of the violation. If the vehicle was used by another person, the owner can explain who was in control of the vehicle at the time of the incident by attaching supporting evidence. This clarification can be done through the National ETLE website or by visiting the Traffic Unit office that issued the confirmation letter. This stage implements the principle of the presumption of innocence and ensures the public's right to defend themselves before being subject to administrative or criminal sanctions (Harahap, 2019).

Once the confirmation process is complete and the violation is confirmed, the officer issues an electronic ticket (e-Tilang). The offender then receives a fine payment code through the BRIVA system or other payment mechanisms established by the Supreme Court and the Indonesian National Police. The amount of the fine imposed is not determined unilaterally by the officer, but is based on a court decision or applicable provisions according to the type of violation committed. Thus, the Handled ETLE system still places the judicial process as part of the law enforcement mechanism in accordance with the provisions of the Criminal Procedure Code and Law Number 22 of 2009 concerning Traffic and Road Transportation.

In practice, if a vehicle owner fails to provide confirmation within the specified timeframe or fails to complete the fine payment obligation, the ETLE system will impose an administrative sanction in the form of a temporary blocking of the vehicle registration data (STNK). This blocking prevents the vehicle owner from validating the STNK or carrying out other vehicle administration processes until the legal obligations are fulfilled. This policy aims to increase public compliance with traffic violation resolution without the need for repressive action in the field.

The implementation of Handled ETLE also plays a crucial role in realizing the principles of good governance in public service delivery. The use of electronic evidence reduces the potential for direct interaction between officers and violators, thereby minimizing the potential for extortion, on-the-spot negotiations, and abuse of authority. Furthermore, the entire enforcement process is digitally documented, allowing for audits in the event of objections or disputes. This system also increases the accountability of law enforcement officers in carrying out their duties (Ridwan HR, 2020).

From a legal evidentiary perspective, photo and video recordings produced through ETLE Handled constitute legally binding electronic evidence as stipulated in Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. Electronic information, electronic documents, and their printouts are recognized as valid legal evidence as long as they are obtained through a reliable and accountable electronic system. Therefore, electronic evidence produced through ETLE Handled has legal legitimacy in the process of enforcing traffic violations.

In law enforcement practices within the jurisdiction of the Indragiri Hulu Police, a complex problem is still encountered, namely traffic violations committed using vehicles that are administratively still registered under another person's name. This condition generally occurs because the vehicle has been bought and sold but has not been transferred to another person's name, the vehicle is lent to a family member or other party, company operational vehicles are used by employees, or rental vehicles are used by renters. As a result, when the ETLE system detects a violation, the identity that appears in the Motor Vehicle Registration and Identification database is the name of the owner listed on the Vehicle Registration Certificate (STNK), not the identity of the driver who actually committed the violation.

This issue has sparked debate about who should be held legally responsible for violations captured by ETLE cameras. From a criminal law perspective, legal responsibility is not solely based on ownership of an object, but rather on the relationship between the perpetrator and the act. This principle is known through the principle of "no punishment without fault" (geen straf zonder schuld), which is one of the fundamental principles in modern criminal law. This principle requires that a person can only be held accountable if proven to have committed a prohibited act and has an element of fault in the form of intent or negligence (Hamzah, 2019).

This idea is in line with Moeljatno's (2018) opinion which states that criminal responsibility is a continuation of a criminal act committed by someone who can be blamed for his actions. Thus, vehicle ownership does not automatically result in criminal liability if the owner is not the party committing the violation. Criminal liability must still be based on proof of who was driving the vehicle when the violation occurred.

A similar opinion was expressed by Chairul Huda (2020), who explained that criminal responsibility can only be imposed on people who have a spiritual connection with the criminal act through an element of fault. This error provides both a moral and legal basis for the state to impose criminal sanctions. Therefore, in the context of ETLE, the mere presence of a vehicle owner's name in the registration data is not sufficient to conclude that the individual is a perpetrator of the violation.

From the perspective of the theory of legal responsibility, Hans Kelsen (2018)

distinguishes between responsibility that arises due to committing an unlawful act (liability based on fault) and responsibility that arises due to a particular legal relationship. In the ETLE system, the identity of a vehicle owner essentially only indicates an administrative relationship between the vehicle and its registered owner. This administrative relationship is not synonymous with a criminal relationship. Therefore, when a violation confirmation letter is sent to a vehicle owner, this mechanism is actually an administrative step to obtain information regarding the driver's true identity, not to directly impose sanctions on the vehicle owner.

This approach also reflects the application of the principle of due process of law, which requires that anyone facing sanctions be given the opportunity to provide clarification, defense, or explanation regarding the actual facts. In ETLE practice, vehicle owners are given the opportunity to confirm whether the vehicle has been sold, loaned, rented, or used by another person. Thus, the ETLE system does not rely solely on vehicle registration data but also provides a verification mechanism before imposing sanctions (Waruwu, 2023).

In the jurisdiction of the Indragiri Hulu Police, this mechanism is crucial given the public's continued tendency to conduct underhand vehicle transactions without immediately completing the vehicle name transfer process. Consequently, vehicle data in the Motor Vehicle Registration and Identification system does not always reflect the actual ownership status. In such circumstances, the ETLE confirmation letter is often received by the previous owner, while the violation is committed by the new owner or another party in control of the vehicle. This situation demonstrates the close relationship between the accuracy of vehicle administration data and the effectiveness of electronic law enforcement.

Table 1. ETLE User Data From May – June 2026 In Jurisdiction of the Indragiri Hulu Police

No	Month	Number of Captures	Validation Count	Sent	Confirmed
1	May	144	72	52	-
2	April	109	79	73	2
3	June	154	64	63	-
Amount		407	215	188	2

Data Source: 2026

Table I shows data on the use of the Electronic Traffic Law Enforcement (ETLE) system in the jurisdiction of the Indragiri Hulu Police during April, May, and June 2026. Based on this data, 407 traffic violations were successfully captured by the ETLE device. Of these, only 215 violations were declared valid after being verified by officers. Then, 188 confirmation letters were successfully sent to vehicle owners, while only 2 violations received confirmed status.

The data shows that not all ETLE camera captures can be automatically processed for legal action. Of the 407 captures, only about 52.8% passed the validation stage. This demonstrates the crucial role of the validation process in ensuring that electronic evidence truly meets the requirements for valid evidence. Not all camera captures can be processed due to various factors, such as unclear image quality, illegible vehicle registration plates, the vehicle being obscured by other vehicles, or technical glitches during the recording process.

When analyzed by month, in April 2026, 109 captures were obtained, 79 of which were successfully validated, 73 confirmation letters were sent, and only 2 violations received confirmed status. This condition indicates that although most validation results have been successfully sent to vehicle owners, the public response rate is still relatively low. The low confirmation rate may be influenced by vehicles that have changed ownership but have not yet undergone the transfer process, changes in vehicle owner addresses, and a lack of public awareness to clarify ETLE confirmation letters.

In May 2026, the number of successfully captured violations increased to 144, but only 72 data passed validation, and 52 confirmation letters were sent. No violation data

received confirmed status that month. This situation indicates an increase in violation activity recorded by the ETLE system, but the effectiveness of administrative follow-up actually decreased. The difference between the number of validations and confirmation letters indicates continued administrative obstacles in the process of sending notifications to vehicle owners.

Meanwhile, in June 2026, the number of captures increased again to 154 incidents, but the number of validations actually decreased to 64. Of these, 63 confirmation letters were successfully sent, but again, no violations were confirmed. This phenomenon indicates that the increase in the number of violations recorded by ETLE cameras is not always accompanied by increased effectiveness of law enforcement. The greater number of recorded violations actually indicates a greater burden on the verification process and follow-up that must be carried out by ETLE officers.

Overall, the data demonstrates a decline in the effectiveness of the law enforcement process after a violation is successfully recorded by an ETLE camera. While ETLE technology is capable of documenting hundreds of traffic violations, the system's success is determined not only by the cameras' ability to capture violations, but also depends on the accuracy of the vehicle registration database, the completeness of vehicle owner identification, and public compliance in confirming the notification letters received.

The low number of confirmed violations compared to the number of captures also indicates that there are still problems in the implementation of ETLE, especially for vehicles used by other parties but still registered under the name of the previous owner. In practice, this condition often occurs with used vehicles that have not been transferred, vehicles loaned to family or relatives, or company operational vehicles used by several drivers in rotation. As a result, ETLE confirmation letters are sent to the name listed in the vehicle registration data, not to the actual perpetrator of the violation.

Based on Table I, it can be concluded that the implementation of ETLE in the jurisdiction of the Indragiri Hulu Police has been able to improve the police's ability to detect traffic violations electronically. However, the effectiveness of law enforcement still faces obstacles in the data validation stage, sending confirmation letters, and the process of identifying the actual perpetrators of violations. Therefore, it is necessary to periodically update vehicle registration data, improve coordination between vehicle owners and ETLE officers, and increase public awareness to immediately change vehicle ownership after a transfer of ownership so that the legal accountability mechanism through the ETLE system can run more effectively and provide legal certainty for all parties.

According to Mr. Akp Fikri Kurniawan S.Trk.,S.ik.,MM., CHRM as Head of Traffic Police of Indragiri Hulu Police, he said that the law enforcement mechanism for traffic violators through the Handled ETLE system isThe implementation of Handheld ETLE is part of the transformation of traffic law enforcement that prioritizes transparency, accountability, and the use of information technology. Officers on patrol use Handheld ETLE devices to document traffic violations directly through photos and videos. The violation data is then uploaded to the ETLE back office system for verification and validation by officers. Once the data is declared valid, a confirmation letter is sent to the vehicle owner according to the motor vehicle registration and identification data (Regident) contained in the Samsat database. If the vehicle owner admits to the violation, an electronic ticket will be issued along with a fine payment code in accordance with statutory provisions. This mechanism aims to eliminate the practice of extortion, increase legal certainty, and provide more professional services to the public.

According to Mr. First Inspector Rahmat Hidayat, SH as Head of Traffic Law Enforcement Unit of Indragiri Hulu Police, the law enforcement mechanism for traffic violators through the Handled ETLE system is a law enforcement stage that begins when

officers discover a violation in the field using a Handheld ETLE device. Each violation is recorded as electronic evidence containing the vehicle identity, location, time, and type of violation. The evidence is then re-examined to ensure there is no misidentification of the vehicle or violation. After the validation process is complete, a confirmation letter is sent to the vehicle owner. If the vehicle owner clarifies and admits the violation, the process continues with the issuance of an electronic ticket until the payment of the fine through a predetermined mechanism.

According to Mr. Aiptu Dodi Wijaya S.Sos as Assistant Investigator of the Indragiri Hulu Police, the law enforcement mechanism for traffic violators through the Handled ETLE system is that in field implementation, officers are required to ensure that each violation truly meets the elements of a traffic violation before taking pictures using Handheld ETLE. This electronic evidence becomes the basis for the enforcement process so that objectivity is more guaranteed. After all data is entered into the system, officers re-check the conformity of the police number with the vehicle database before a confirmation letter is issued.

According to Mr. Aipda Wahyu Satria SE as Assistant Investigator of the Indragiri Hulu Police, the law enforcement mechanism for traffic violators through the Handled ETLE system isHandheld ETLE simplifies law enforcement because the entire process is digitally documented. Once a violation is recorded, the data is immediately input into the ETLE application for verification. If all data is correct, the system will generate a confirmation letter sent to the vehicle owner. The vehicle owner is given the opportunity to clarify if the vehicle has changed hands or if certain circumstances exist before the electronic ticket is issued.

According to Bripka Febri Marozi as Assistant Investigator of the Indragiri Hulu Police, the law enforcement mechanism for traffic violators through the Handled ETLE system isField officers are responsible for ensuring that evidence of violations is clearly visible so they can be accounted for. After the data is verified by the ETLE operator, a confirmation letter is sent to the vehicle owner. If no objections can be proven, the violation is processed as an electronic ticket. This mechanism makes the law enforcement process more effective because all stages are recorded in the system.

According to Mr. Kardi Lamhot Pasaribu, a confirmed ETLE violator, the law enforcement mechanism for traffic violators through the Handled ETLE system is as follows: "I became aware of the violation after receiving a confirmation letter from the Indragiri Hulu Police Traffic Unit. The letter detailed the time, location, and type of violation, along with a photo of the vehicle. After confirming with the officer, I admitted the violation and followed the fine payment procedure as instructed. I believe the process is quite clear because all the evidence was presented to me."

According to Mrs. Merry Siska as a Confirmed ETLE Violator, the law enforcement mechanism for traffic violators through the Handled ETLE system isI received a confirmation letter a few days after committing a traffic violation. Initially, I didn't understand the mechanism, but after the officer explained the evidence of the violation and how to resolve it, I confirmed it and completed the fine payment obligation. I found this system more orderly because the entire process is based on electronic evidence.

Based on the author's observations in the field, the law enforcement mechanism for traffic violators through the Handled ETLE system is implemented through several stages, namely officers conduct patrols and find traffic violations, then the violations are documented using Handheld ETLE devices in the form of photos or videos as electronic evidence. The captured data is then uploaded to the ETLE Back Office system for verification and validation by the operator. After the data is declared correct, a confirmation letter is sent to the vehicle owner based on Motor Vehicle Registration and Identification (Regident) data. The vehicle owner is given the opportunity to clarify if there are objections or the vehicle has changed ownership. If the violation is acknowledged or there is no objection that can be proven, an

electronic ticket is issued along with a fine payment code according to applicable regulations. The entire process is carried out in a documented manner in the electronic system, thereby increasing transparency, accountability, and minimizing the potential for abuse of authority in traffic law enforcement.

Vehicle use by family members is also a fairly common phenomenon. Many vehicles are registered under the head of the family, but are used daily by their wives, children, or other relatives. If a traffic violation is recorded by an ETLE camera, the system automatically sends a notification to the vehicle owner listed in the database. Therefore, the confirmation process is a crucial tool to ensure that sanctions are imposed on the actual perpetrators of the violation, thus reflecting the principles of justice, legal certainty, and expediency.

Based on Article 272 of Law Number 22 of 2009 concerning Traffic and Road Transportation, the results of the use of electronic equipment can be used as evidence in the process of enforcing traffic violations. This provision legitimizes the use of ETLE cameras as a valid means of evidence. However, this electronic evidence essentially only proves that a violation has occurred by a particular vehicle, not automatically proving the identity of the person driving the vehicle. Therefore, proof of the perpetrator must still be carried out through confirmation and verification mechanisms as implemented in the ETLE system.

In practice within the jurisdiction of the Indragiri Hulu Police, the confirmation process is a crucial step in determining the success of law enforcement. After the ETLE camera records a violation, the system matches the vehicle registration number with the Regident database and sends a confirmation letter to the registered vehicle owner. The owner is given the opportunity to provide an explanation regarding the driver's identity at the time of the violation. This mechanism implements the principle of audi alteram partem, which provides everyone with the opportunity to be heard before being subject to legal sanctions. This principle is part of the general principles of good governance and reflects the protection of citizens' rights in the law enforcement process.

From a theoretical perspective, ETLE camera footage possesses strong evidentiary value because it is produced through an electronic system that operates automatically and minimizes human intervention. However, this evidentiary strength must still be linked to other evidence if the perpetrator's identity remains in dispute. Therefore, camera footage does not stand alone as a basis for imposing sanctions, but rather serves as evidence that must be combined with confirmation results, vehicle registration data, and statements from related parties. This approach demonstrates that the ETLE system continues to prioritize the principle of fair evidence and does not ignore citizens' rights to defense.

The most common legal issue involves vehicles that have been transferred to another party without a transfer of ownership. Administratively, the vehicle is still registered under the name of the previous owner, so every ETLE confirmation letter is sent to the person who no longer controls the vehicle. From a civil law perspective, the sale and purchase of a vehicle actually results in a transfer of rights and obligations between the seller and the buyer. However, from a state administrative perspective, this change has no legal effect on the registration data unless the transfer of ownership has been completed. This situation creates a difference between civil ownership and administrative ownership.

This difference demonstrates that the obligation to change vehicle ownership is not solely related to taxation but also plays a crucial role in supporting effective law enforcement. Continuously updated vehicle registration data will facilitate police identification of violators and prevent errors in sending confirmation letters. Conversely, if individuals fail to promptly change vehicle ownership data, the law enforcement process through ETLE will encounter administrative obstacles that could potentially reduce the system's effectiveness.

On the other hand, vehicle use by family members or company employees also carries different legal consequences. In such circumstances, vehicle owners have an administrative

obligation to provide information regarding the party using the vehicle at the time of the violation. This obligation represents a form of community cooperation in supporting law enforcement. However, if vehicle owners intentionally provide false information or refuse to confirm without a valid reason, such actions can hinder the law enforcement process and contradict the objectives of the ETLE system.

When analyzed based on the theory of legal effectiveness, the success of ETLE implementation is not only determined by the quality of the regulations governing it, but also influenced by factors such as law enforcement officers, facilities and infrastructure, community legal culture, and the level of public compliance with motor vehicle administration obligations. In the jurisdiction of the Indragiri Hulu Police, people still consider the process of changing vehicle ownership to be a simple administrative matter and therefore often ignore it. However, accurate vehicle registration data is one of the main prerequisites for the ETLE system to run optimally.

Furthermore, the success of ETLE also requires data integration between the Indonesian National Police, the Regional Revenue Agency (BAPEPAM), the One-Stop Integrated Administration System (SAMSAT), and the Directorate General of Population and Civil Registration. This integration will expedite the process of identifying violators while improving the accuracy of vehicle ownership data. With an integrated system, the potential for misidentification of vehicle owners can be minimized, resulting in more effective law enforcement and improved legal certainty.

Based on this analysis, the author argues that the ETLE system has made a significant contribution to the modernization of traffic law enforcement in Indonesia, including within the jurisdiction of the Indragiri Hulu Police. However, the success of this system depends not only on technological sophistication, but also requires public compliance in updating vehicle ownership data, awareness to provide honest confirmation, and consistency of police officers in implementing the principles of justice, legal certainty, and benefit. Thus, legal accountability in the ETLE system must be understood as a combination of the administrative responsibility of vehicle owners and the criminal responsibility of drivers who actually commit violations.

The law enforcement mechanism through ETLE Handled demonstrates a paradigm shift from conventional enforcement to information technology-based law enforcement. This system not only increases the effectiveness of traffic violation monitoring but also strengthens transparency, accountability, legal certainty, and protection of public rights. However, its effective implementation remains dependent on the accuracy of vehicle registration data, public legal awareness, and strong coordination between the police, courts, and relevant agencies in supporting the implementation of the ETLE system nationally.

B. Legal responsibility of traffic violators through the Handled ETLE system who use vehicles in other people's names

Legal accountability in the Electronic Traffic Law Enforcement (ETLE) system is essentially not only related to the administrative aspects of vehicle ownership, but also concerns proving the legal subject who actually committed the traffic violation. This problem becomes increasingly complex when the vehicle recorded as committing the violation is still registered under another person's name in the Motor Vehicle Registration and Identification (Regident) database. In practice developing in the jurisdiction of the Indragiri Hulu Police, this condition often occurs because the vehicle has been sold without the name change process, the vehicle is loaned to a family member, the company's operational vehicle is used by certain employees, or the vehicle is still under leasing company financing so that the administrative data does not fully reflect the party who actually controls the vehicle.

ETLE was introduced as a technology-based traffic law enforcement mechanism that records violations through cameras and vehicle registration databases, thus facilitating enforcement without the presence of officers at the scene; this system aims to increase the efficiency, transparency, and accountability of traffic law enforcement. However, the mechanism that links violations to the identity of the vehicle owner in the registration creates problems when the actual violators are not the registered owners, so the question arises who is legally responsible when ETLE evidence records violations on vehicles that are still registered in someone else's name.

From a criminal law perspective, this situation cannot be used as a basis to declare the vehicle owner listed on the Vehicle Registration Certificate (STNK) as the party responsible for the traffic violation recorded by the ETLE camera. Indonesian criminal law adheres to the principle of geen straf zonder schuld, or no crime without fault. This principle implies that a person can only be held accountable if proven to have committed an act prohibited by law and has an element of fault in the form of intent (dolus) or negligence (culpa). Therefore, administrative identity in vehicle data cannot replace proof of who the driver was actually controlling the vehicle at the time of the violation.

This concept aligns with the theory of criminal responsibility, which explains that the relationship between the perpetrator and the crime must be proven through the ability to take responsibility, the existence of fault, and the absence of justification or excuse. In the context of ETLE, camera footage can only show the fact that a vehicle has committed a specific violation, such as running a traffic light, not wearing a seat belt, using a cell phone while driving, or violating road markings. However, cameras cannot always clearly identify the driver's identity, so a further mechanism is needed in the form of confirmation with the vehicle owner.

Implementation*Electronic Traffic Law Enforcement (ETLE) Handheld*has brought about changes in the traffic law enforcement system in Indonesia through the use of digital technology as a means of proving violations. However, in practice, legal problems are still found when the vehicle that committed the violation is not driven by the owner whose name is listed on the Vehicle Registration Certificate (STNK). This situation often occurs because the vehicle is loaned to family members, relatives, friends, company employees, office operational vehicles, rental vehicles, or vehicles that have been bought and sold but have not yet undergone the name change process. As a result, the ETLE violation confirmation letter is sent to the owner registered in the motor vehicle registration database, while the actual perpetrator is someone else. This problem raises questions about who should be legally responsible for the traffic violations that occur (Soekanto, 2020).

From a criminal law perspective, legal responsibility is basically attached to the person who commits an unlawful act (*daad dader strafrecht*), not solely to the owner of the object used in committing the violation. This principle is in line with the principle of*geen straf zonder schuld*(no punishment without fault), which requires that a person can only be held accountable if proven to have committed a prohibited act and has an element of fault. Therefore, in traffic violations captured through ETLE Handheld, the party who should be responsible is the driver who is actually driving the vehicle at the time the violation occurs, not automatically the vehicle owner as stated in the STNK (Moeljatno, 2018).

Law Number 22 of 2009 concerning Traffic and Road Transportation also emphasizes that the legal subject for traffic violations is any person driving a motorized vehicle who violates traffic regulations. Provisions regarding the obligation to wear a helmet, obey traffic signs, use a seat belt, have a driver's license (SIM), and the prohibition on using a mobile phone while driving are all directed at the driver. Therefore, the perpetrator element in a violation remains directed at the person controlling the vehicle at the time of the legal incident.

However, the characteristics of the Handheld ETLE system differ from conventional ticketing. In conventional ticketing, officers can immediately stop the vehicle and determine the driver's identity, thus eliminating difficulties in identifying the perpetrator. In contrast, with Handheld ETLE, initial identification is based on the vehicle registration number, which is then matched against the data.*Electronic Registration and Identification (ERI)*. Therefore, the first confirmation letter is sent to the vehicle owner as the party administratively responsible for the vehicle registration, not as a form of determination that the owner is the perpetrator of the violation (Korlantas Polri, 2023).

According to Mr. Akp Fikri Kurniawan S.Trk.,S.ik.,MM., CHRM as Head of Traffic Police of Indragiri Hulu said that the legal responsibility of traffic violators through the Handheld ETLE system who use vehicles in other people's names is in principle, legal responsibility in the Handheld ETLE system is charged to the perpetrator who actually committed the violation. However, because the ETLE system refers to Motor Vehicle Registration and Identification (Regident) data, a confirmation letter is first sent to the registered vehicle owner. The vehicle owner is given the opportunity to clarify if at the time of the violation the vehicle was used by another person or had changed ownership but had not been changed to the name. After clarification and supported by valid evidence, responsibility for the violation can be transferred to the party who actually drove the vehicle at the time the violation occurred. Thus, the ETLE system still upholds the principle of justice and provides legal protection to vehicle owners who are not the perpetrators of the violation.

According to Mr. First Inspector Rahmat Hidayat, SH, Head of the Traffic Law Enforcement Unit of the Indragiri Hulu Police, the legal responsibility of traffic violators through the Handled ETLE system who use vehicles under someone else's name is often found in practice vehicles that are still under the name of the previous owner or are loaned to family members or other parties. Therefore, a confirmation letter is an important step in determining who is responsible for the violation. If the vehicle owner can prove that he was not the driver when the violation occurred, then officers will conduct a clarification process before determining the responsible party. The goal is to prevent sanctions from being imposed on people who did not commit the violation.

According to Mr. Aiptu Dodi Wijaya S.Sos as Assistant Investigator of the Indragiri Hulu Police, the legal responsibility of traffic violators through the Handled ETLE system who use vehicles in other people's names is not solely based on who is listed on the STNK, but also takes into account the results of clarification from the vehicle owner. Officers will ask for information and evidence if the vehicle is used by another person. Once the identity of the actual perpetrator is known, the electronic ticketing process will be carried out against the party who committed the violation.

According to Mr. Aipda Wahyu Satria SE as Assistant Investigator of the Indragiri Hulu Police, he said that the legal responsibility of perpetrators of traffic violations through the Handled ETLE system who use vehicles in other people's names isThe ETLE system does send a confirmation letter to the name registered in the vehicle data. However, this mechanism does not automatically preclude the vehicle owner from being found guilty. Owners still have the right to provide an explanation if the vehicle has been loaned, sold but not yet transferred to another person, or used by another person. After verification, legal responsibility is directed to the actual perpetrator of the violation.

According to Bripka Febri Marozi, Assistant Investigator of the Indragiri Hulu Police, the legal responsibility of traffic violators through the Handheld ETLE system who use vehicles in other people's names is that in the implementation of Handheld ETLE, officers always prioritize the principle of caution to avoid errors in determining the responsible party. Therefore, every vehicle owner who receives a confirmation letter is given the opportunity to clarify. If it is proven that the vehicle is used by another person, then the data will be the basis

for officers to determine the actual perpetrator as the party responsible for the traffic violation.

According to Mr. Kardi Lamhot Pasaribu, a confirmed ETLE violator, the legal responsibility of traffic violators through the Handled ETLE system who use vehicles in someone else's name is that at the time of receiving the confirmation letter, the vehicle I was using was still registered in someone else's name. After I came to the Traffic Police Unit and explained that I was the vehicle user when the violation occurred, the officer clarified it and I completed the electronic ticketing process myself. In my opinion, this mechanism is appropriate because the person who committed the violation is responsible.

According to Mrs. Merry Siska, a confirmed ETLE violator, the legal responsibility for traffic violations through the ETLE Handlded system who use vehicles in other people's names is that the vehicle I used was a family vehicle, so the STNK was still in the name of another family member. After receiving the confirmation letter, we clarified with the officer and explained who was driving the vehicle when the violation occurred. Furthermore, as the driver, I fulfilled my obligation to pay the fine in accordance with applicable regulations.

Based on the author's observations in the field, it is stated that the legal responsibility of perpetrators of traffic violations through the Handled ETLE system who use vehicles in the name of other people isis essentially aimed at people who have actually committed traffic violations. Although an initial confirmation letter is sent to vehicle owners based on Motor Vehicle Registration and Identification (Regident) data, vehicle owners are given the right to seek clarification if the vehicle is used by another person, lent, or has been sold but the name change process has not been carried out. In the clarification process, officers check the identity of the vehicle user along with supporting evidence before determining the responsible party. With this mechanism, the implementation of Handheld ETLE is not only oriented towards vehicle administration data, but also pays attention to the principles of legal certainty, justice, and criminal accountability that impose sanctions on the actual perpetrators of violations. However, the author also found that delays in vehicle name changes are still one of the factors causing the clarification process to take longer before legal accountability can be determined appropriately.

The vehicle owner's role in the ETLE mechanism is essentially that of the party obligated to provide clarification regarding the use of their vehicle. After receiving a confirmation letter, the owner is given the opportunity to acknowledge that they are the driver or explain that the vehicle was being used by someone else at the time of the violation. If the vehicle is loaned to a family member, friend, employee, or other third party, the owner can provide the driver's true identity to the ETLE officer. This mechanism serves as a form of legal protection to prevent errors in assigning legal responsibility to someone who has not committed a violation.

Problems often arise when a vehicle has changed hands through a sale and purchase, but the buyer has not yet completed the vehicle transfer process. In such circumstances, all ETLE confirmation letters are still sent to the previous owner because the vehicle registration data has not changed. Administratively, owners who are still listed in the ERI database are still obliged to provide confirmation to the police. However, if it can be proven that the vehicle has been transferred to another party through a sale and purchase agreement or proof of vehicle ownership, then responsibility for traffic violations shifts to the party who controlled the vehicle at the time the violation occurred (Marzuki, 2021).

If a vehicle owner ignores the ETLE confirmation letter and fails to provide clarification within the specified time limit, the system will impose an administrative sanction in the form of a temporary blocking of the vehicle registration certificate (STNK). This blocking is not a criminal offense against the vehicle owner, but rather an administrative consequence of failing to fulfill the obligation to confirm the vehicle registered in their name.

Therefore, this administrative sanction aims to encourage vehicle owners to participate in maintaining orderly motor vehicle registration administration while also assisting law enforcement.

From the perspective of legal responsibility theory, the concept applied in ETLE Handheld reflects the separation betweenAdministrative and criminal liability. Vehicle owners are administratively responsible because their names are recorded in the motor vehicle registration system, while drivers are criminally responsible for any violations they commit. This separation provides legal certainty and avoids the imposition of strict liability on vehicle owners who have not committed any violations (Sudarto, 2018).

Legal liability for traffic violators through the Handheld ETLE system who use vehicles in the name of others is in principle still borne by the person driving the vehicle when the violation occurred. Meanwhile, the vehicle owner has an administrative obligation to provide confirmation of the use of his vehicle if he receives a notification letter of ETLE violation. This system demonstrates that electronic-based law enforcement is not only oriented towards the effectiveness of enforcement, but also continues to uphold the principles of legal certainty, the principle of justice, the principle of presumption of innocence, and the principle that criminal penalties can only be imposed on parties who actually commit violations.

This mechanism protects the rights of every citizen to avoid sanctions based solely on administrative assumptions. The ETLE system does not automatically impose criminal penalties on the name listed on the vehicle registration certificate (STNK), but rather first sends a confirmation letter as a means of clarification. This mechanism provides the vehicle owner with the opportunity to clarify whether the vehicle is still in their possession or has been transferred to another party. This approach demonstrates that the ETLE system upholds the principle of due process of law, which states that everyone has the right to an opportunity to defend themselves before being subject to legal sanctions.

In law enforcement practices within the Indragiri Hulu Police Department, vehicles that have changed hands without being transferred are a major source of obstacles to electronic law enforcement. Unauthorized transactions for used vehicles are still commonplace, perceived as simpler and less expensive. Consequently, when ETLE cameras record a violation, a confirmation letter is sent to the previous owner, who is no longer in possession of the vehicle. This situation demonstrates a discrepancy between legal data and the actual situation on the ground.

When examined based on the provisions of Law Number 22 of 2009 concerning Traffic and Road Transportation, every motorized vehicle must be registered as part of the state administration system. This registration aims to ensure orderly administration, provide legal certainty regarding vehicle ownership, support criminal investigations, and facilitate motorized vehicle identification. Therefore, changes in vehicle ownership must, in principle, be immediately followed by changes in registration data through the name change process. This obligation relates not only to taxation aspects but also relates to the effectiveness of law enforcement through the ETLE system.

From the perspective of state administrative law, Regident data functions as an administrative identification tool, not as an absolute means of proof regarding the perpetrator of the violation (Hadjon, 2018). Thus, this data is only a starting point in the law enforcement process. Law enforcement remains obligated to ensure that sanctions are imposed on those who actually committed violations. This approach aligns with the principle of legal certainty, which requires a balance between administrative certainty and substantive justice.

In addition to vehicles that have been bought and sold, the use of vehicles by family members is also a common phenomenon. In everyday life, motorized vehicles are generally registered in the name of the head of the family, while use is carried out alternately by the

wife, children, and other family members. If a violation occurs recorded by the ETLE camera, the vehicle owner is obliged to provide information regarding who was using the vehicle at the time of the violation. The obligation to provide this clarification is part of the administrative responsibility as a vehicle owner, but does not mean that the owner is automatically criminally responsible for violations committed by others.

A similar situation is also found with company operational vehicles. Official and operational vehicles are usually registered under the name of a legal entity, while the vehicle's owner can change daily according to the company's operational needs. In such circumstances, the company has an administrative obligation to help identify the driver who was using the vehicle at the time of the violation. Criminal liability remains with the driver who committed the violation, while the company is administratively responsible if it fails to fulfill its obligation to provide vehicle user data.

Another issue arises with vehicles still under leasing. Although the legal relationship between the debtor and the leasing company remains, the vehicle is in fact under the debtor's control. Therefore, if a traffic violation occurs as recorded by the ETLE, the party who should be held accountable is the driver using the vehicle, not the leasing company as the fiduciary guarantee holder. This demonstrates that the concept of accountability in ETLE emphasizes control and use of the vehicle rather than merely administrative ownership.

From a legal certainty perspective, the introduction of ETLE has significantly changed Indonesia's traffic law enforcement system. Enforcement, which previously relied heavily on officers on the ground, is now carried out electronically around the clock. Camera recordings provide more objective evidence by automatically revealing the time, location, type of violation, and vehicle identity. This minimizes the potential for disparate treatment of violators and the potential for abuse of authority.

However, legal certainty is not only measured by technological sophistication, but also by the accuracy of determining the legal entity responsible. If sanctions are imposed on vehicle owners who have not committed any violations simply because their names are listed in the Regident database, the legal objective of achieving justice will be defeated. Therefore, the confirmation system in ETLE serves a crucial function as a correction mechanism for possible discrepancies between administrative data and actual conditions.

When analyzed using the theory of justice put forward by Gustav Radbruch, the law must be able to realize three fundamental values, namely justice, legal certainty, and utility. These three values must be balanced in the implementation of ETLE. Legal certainty is reflected through the use of an objective, data-driven electronic system. Justice is realized by providing vehicle owners with the opportunity to seek clarification if their vehicles are being used by someone else. Meanwhile, benefits are achieved if ETLE improves public traffic discipline and reduces the number of traffic accidents within the jurisdiction of the Indragiri Hulu Police.

In addition, improvements to regulations regarding confirmation mechanisms, vehicle registration data updates, and strengthening inter-agency coordination need to be continuously carried out so that the ETLE system is truly capable of realizing modern, fair traffic law enforcement and providing legal certainty for the entire community.

Vehicle owners are solely responsible for ensuring the accuracy of registration data and assisting in the identification of the perpetrator if the vehicle is used by another party. This approach reflects the application of the principle of no fault (geen straf zonder schuld), the principle of legal certainty, the principle of justice, and the principle of proportionality in an electronic-based traffic law enforcement system, so that the legal objective of creating order, security, and traffic safety can be optimally achieved.

Thus, legal accountability for traffic violations through the ETLE system cannot be based solely on the identity of the vehicle owner as stated on the vehicle registration

certificate (STNK). Criminal liability remains with the driver who actually commits the violation, while the vehicle owner has administrative responsibility to ensure that vehicle ownership data is always updated and to provide clarification if the vehicle is used by another party. This accountability pattern demonstrates that the ETLE system is not only oriented towards effective law enforcement, but also continues to pay attention to the principles of human rights protection, the principle of fault, legal certainty, and justice, as the main objectives of law enforcement in Indonesia.

CONCLUSIONS

The law enforcement mechanism for traffic violators through the ETLE Handled system is carried out through several stages starting with the detection of violations by officers using the ETLE Handheld device, then recording electronic evidence in the form of photos or videos, verification by ETLE Back Office officers, identification of vehicle registration numbers through the Electronic Registration and Identification (ERI) database, sending a confirmation letter to the registered vehicle owner, the clarification process, issuing an electronic ticket (e-Tilang), to resolving the case through payment of a fine according to applicable provisions. If the vehicle owner does not confirm or does not complete the electronic ticketing obligation, they may be subject to administrative sanctions in the form of a temporary blocking of the STNK. This mechanism shows that ETLE Handheld is a technology-based law enforcement system that prioritizes transparency, accountability, effectiveness, and minimizes direct interaction between officers and violators so as to reduce the potential for deviations in the enforcement process.

The legal responsibility of traffic violators through the Handheld ETLE system who use vehicles in the name of others is in principle still borne by the person who actually drove the vehicle when the violation occurred, not solely to the vehicle owner whose name is listed on the Vehicle Registration Certificate (STNK). The vehicle owner is only administratively responsible for providing confirmation of the driver's identity if he receives an ETLE violation notification letter. In the case of a vehicle being loaned, rented, used as a company operational vehicle, or has been sold but has not been transferred to another person's name, the driver or the party in control of the vehicle at the time of the violation is the party responsible for the violation. Thus, the Handheld ETLE system has implemented the principle of liability based on fault and continues to uphold the principles of legal certainty, justice, and protection of public rights through a clarification mechanism before imposing sanctions.

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