

RECONSTRUCTION OF THE USE OF *THE DEMERIT POINT SYSTEM* (DPS) IN BUILDING A CULTURE OF TRAFFIC ORDERLY LAW

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Abstract

This study aims to examine the Reconstruction of the Use of *Demerit Point System* (DPS) in Building a Traffic Orderly Law Culture; (1) How is the regulation of traffic law through the Demerit Point System in order to build a culture of orderly traffic?; (2). How are the problems and effectiveness of traffic law through the Demerit Point System in order to build a culture of orderly traffic?. (3). How is the reconstruction of traffic law through the Demerit Point System for the behavior of motor vehicle drivers in order to build a culture of orderly traffic?. The research method used is empirical juridical with a statutory approach, concepts, and case studies. The results showed that; (1) Regulation of Traffic Law through the Demerit Point System in order to Build a Culture of Traffic Order is regulated in Police Regulation Number 5 of 2021 concerning the Issuance of Driver's Licenses promulgated on February 19, 2021. The existing regulations regarding the Demerit Point System (DPS) in Indonesia are actually quite systematic. Demerit Point System arrangements in Indonesia apply the following points; a) 1-point violation including; Article 275, Article 276, Article 278, Article 282, Article 285 paragraph (1), Article 287 paragraph (3), (4), (6); Article 288 paragraph (2): Article 289: Article 290: Article 291: Article 292: Article 293: Article 294: Article 295: Article 300: Article 301: Article 302: Article 303: Article 304: Article 306: (2). Problems and effectiveness of Traffic Law through the Demerit Point System in order to Build a Culture of Traffic Order in Indonesia can be seen based on the following factors; (a) legal factors, namely the Regulation on the Demerit Point System is not yet understandable to the wider community, (b) law enforcement factors, namely the lack of synergy between related institutions in the application of the Demerit Point System, (c) limited budget factors and infrastructure in the application of the Demerit Point System, (d) the legal awareness factor is the low awareness and observance of community law, (e) The legal culture of the community that obeys and obeys the law for fear of sanctions is low level of legal compliance. (3) Reconstruction of Traffic Law Through Demerit Point System for The Behavior of Motor Vehicle Drivers in Order to Build a Culture of Traffic Order, several steps are carried out as follows; (a) legal factors, namely education, socialization, publication of regulations on the Demerit Point System to the wider community, (b) law enforcement factors, namely synergy between related institutions in the implementation of the Demerit Point System, (c) Addition and strengthening of budget factors and infrastructure, (d) legal awareness factors, namely increasing public awareness and compliance with Demerit Point System regulations, (e) Building a Legal Culture of Traffic-Orderly Society.

Keywords: Reconstruction, Demerit Point System, DPS, Legal Culture, Orderly, Lalu Lintas.

A. INTRODUCTION

Law enforcement in the field of traffic is an important and inseparable part of national development. The low level of discipline of road users and the suboptimal and effective enforcement of the law are the main causes of irregularity and disorganization of road traffic, which also has an impact on the low level of safety on the road. Limited number of law enforcement officers, especially from the police to supervise and crack down on traffic

violations, Not optimal sanctions given by other law enforcement elements or the low level of sanctions regulated by applicable laws and regulations so that they do not have a deterrent effect on violators of traffic regulations (Santalova et al., 2022).

Traffic law regulation is contained in Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia and Law No. 22 of 2009 concerning Road Traffic and Transportation which aims to create safe, safe, smooth, orderly and orderly traffic and road transport conditions. The technical function of traffic organizes all undertakings, activities and works related to the functions of traffic, drivers and motor vehicles as well as traffic issues (Yuliantoro & Sulchan, 2021).

Road traffic and transportation have a strategic role in supporting national development and integration as part of efforts to advance the general welfare as mandated by the 1945 Constitution of the Republic of Indonesia. Road Traffic and Transportation Development is carried out jointly by all relevant agencies (*stakeholders*). The division of coaching authority is intended so that the duties and responsibilities of each supervisor in the field of traffic and road transportation are seen more clearly and transparently so that the implementation of traffic and road transportation can be carried out safely, safely, orderly, smoothly, and efficiently, and can be accounted for as stipulated in Law Number 22 of 2009 concerning Road Traffic and Transportation (Noor Al-Azam et al., 2021).

Public legal awareness of traffic order in Indonesia is considered far from expectations, therefore the implementation of the *Demerit Point System* (DPS) is expected to be able to increase public legal awareness in driving to comply with traffic rules for the creation of safety and mutual benefit. The higher the awareness of the community's law, the better the legal culture will be created and can change people's mindset about the law so far (Azis Abdullah & Windiyastuti, 2022).

The demerit point system is part of the traffic law enforcement system that has been implemented in several countries that applies points to every violation or laka that is committed by the driver of a motor vehicle over a period of time. This system requires the support of big data traffic that is able to *record* and automatically calculate predetermined points, so that officers in other related systems can apply *rewards and punishments* to the data displayed (Kurniawan & Suwandi, 2021).

The application of points in this system depends on the policy and legal system in force in a country. The point scale depends on the results of the evaluation of the target of reducing the level of certain violations and the factors causing the traffic accident to be achieved. It is hoped that with the implementation of this system, the implementation of *rewards and punishments* for perpetrators of traffic regulation violations can be carried out more transparently and accountably and have an effective impact on changes in people's behavior in driving (Santalova et al., 2022).

In simple terms, the degree of public compliance with the law is one of the indicators of the functioning of the law. which determines how the law is used, avoided, or abused. This is in accordance with the main purpose and the main purpose of the law is order, the need, of order

is a fundamental condition for the existence of an orderly human society. Another goal of law is the attainment of justice of varying content and size according to society and its times (Nasali, 2021).

In Police Regulation Number 5 of 2021, points are the value given to the owner of a driver's license in every traffic violation and/or accident that is made variably based on the classification of traffic violations and accidents. Then, Article 33 states that the National Police has the authority to provide signs or data on violations of driver's licenses belonging to drivers who commit traffic crimes. The traffic crime violations in question are traffic violations and traffic accidents. When there is a driver who commits a traffic crime violation, the driver's license will be marked and points will be awarded. As for the points given, they are 5 points, 3 points, and 1 point, with different types of violations (IOM, 2000).

This study examines; (1) How is the regulation of traffic law through the Demerit Point System in order to build a culture of orderly traffic?; (2). How is the Problem and the effectiveness of Traffic Law Through the Demerit Point System?. (3). How is the reconstruction of traffic law through the Demerit Point System for the behavior of motor vehicle drivers in order to build a culture of orderly traffic?.

B. ROAD TRAFFIC AND TRANSPORT RULES

The State of Indonesia is a legal state that has been mandated by Article 1 paragraph 3 of the Constitution of the Republic of Indonesia of 1945, on that basis all community actions must be in accordance with the law. Likewise, community actions on the highway must be in accordance with the law as stipulated in Law Number 22 of 2009 concerning Road Traffic and Transportation, every road user must understand every rule that has been formally standardized both in the form of laws and other rules so that there is a perception in the pattern of action and mindset in interacting on the road. Highways are a system of means of transportation, especially land transportation. The transportation system is an important thing to be owned by a city, especially a large city that has a lot of activities and many residents (Suryanto & Adhitia, 2022).

Road Traffic and Transport as part of the national transportation system must develop its potential and role to realize security, safety, order, and smoothness of traffic and Road Transport in order to support economic development and regional development. Law Number 22 of 2009 concerning Road Traffic and Transportation is a legal basis for the implementation of this traffic activity, which is increasingly developing and increasing in line with the development and needs of the community that continue to increase (Wibowo et al., 2022).

Road Traffic and Transportation is a unified system consisting of Traffic, Road Transport, Road Traffic and Transportation Networks, Road Traffic and Transportation Infrastructure, Vehicles, Drivers, Road Users, and their management. Road Traffic and Transportation has a strategic role in supporting national development and integration as part of efforts to advance the general welfare as mandated by the 1945 Constitution of the Republic of Indonesia (Rahmadany & Windiyastuti, 2022a).

As part of the national transportation system, Road Traffic and Transportation must develop its potential and role to realize security, welfare, traffic order and Road Transport in order to support economic development and the development of science and technology, regional autonomy, and accountability for state administration.

In Law Number 22 of 2009 concerning Road Traffic and Transportation, the development of the Road Traffic and Transportation sector is carried out jointly by all relevant agencies (stakeholders) as follows: 1. government affairs in the field of road infrastructure, by the ministry responsible for the road sector; government affairs in the field of road traffic and transport facilities and infrastructure, by the ministry responsible for traffic and road transport facilities and infrastructure; 3. government affairs in the field of development of the road traffic and transport industry, by the ministry responsible for the industrial sector; 4. government affairs in the field of development of road traffic and transport technology, by the ministry responsible for technology; and 5. government affairs in the field of registration and identification of motor vehicles and drivers, law enforcement, traffic management and engineering operations, and traffic education by the National Police of the Republic of Indonesia (Indarsih, 2021a)

The division of coaching authority is intended so that the duties and responsibilities of each coach in the field of traffic and road transportation are clearer and more transparent so that the implementation of traffic and road transportation can be carried out safely, safely, orderly, smoothly, and efficiently, and can be accounted for. Road traffic and transportation have a strategic role in supporting national development and integration. Therefore, to realize the safe, safe, orderly, and smooth implementation of road traffic and transportation, it is necessary to support the availability of a decent and good network and supporting facilities for traffic and road transportation. The feasibility of networks and supporting facilities for traffic and road transport can be guaranteed if it is supported by planning, implementing, managing, and supervising and implementing institutions (Pangesta et al., 2021)

The regulation of road traffic and transport networks aims to realize an integrated road traffic and transport network (Fahmadi et al., 2022). To realize integrated road traffic and transportation, the development of a road traffic and transport network that connects all regions on the mainland is carried out. The development of road traffic and transport networks is guided by the master plan of the road traffic and transport network according to needs (Santalova et al., 2022).

In addition, to further improve the usability, usefulness, and utilization of roads, provisions are also needed for road traffic and transportation operators in carrying out traffic planning, regulation, supervision, and control activities (Pradana et al., 2022).

Law Number 22 of 2009 concerning Traffic and Transportation is a regulation that regulates the order of motorists or road users in Indonesia. One of the provisions is to require motorists to have and carry a driver's license while using or driving on the road (Hafiz et al., 2019).

C. TRAFFIC AND ROAD TRANSPORT OFFENDER ENFORCEMENT CHECKS

The police are the closest law enforcement institution to the community. In social life, it is the police force that creates a sense of security and comfort in the community. The role of the police is vital in society. As a community organizer, the police have a noble duty to maintain the security and order of the community (kamtibmas) as stated in article 30 paragraph (4) of the 1945 Constitution (Zanuardi & Suprayitno, 2018).

In particular, Law Number 22 of 2009 concerning Road Traffic and Transportation gives authority to the National Police to crack down on traffic violations and investigate traffic crimes, as stipulated in Article 260 as follows: (Leonita et al., 2022)

- 1) In the case of enforcement of violations and investigation of criminal acts, police investigators other than those regulated in the Criminal Procedure Code and laws concerning the National Police, in the field of traffic and road transport are authorized to:
 - a) Dismiss, prohibit, or delay the operation and temporary confiscation of motor vehicles that are reasonably suspected of violating traffic regulations or are tools and/or proceeds of crime;
 - b) Conducting an examination of the correctness of information related to the investigation of criminal acts in the field of traffic and road transport;
 - c) Request information from drivers, motor vehicle owners, and/or public transport companies;
 - d) Confiscate driver's licenses, motor vehicles, cargo, Motor Vehicle Number Certificates, Motor Vehicle Trial Certificates, and/or Marks that pass the test as evidence;
 - e) Cracking down on criminal violations or traffic crimes according to the provisions of laws and regulations;
 - f) Create and sign the minutes of the examination;
 - g) Stop the investigation if there is not enough evidence;
 - h) Make detentions relating to traffic crimes; and/or
 - i) Perform other actions according to the law responsibly.

Enforcement of Road Traffic and Transport Violations is a series of actions carried out by Police investigators or Civil Servant Investigators in the field of Road Traffic and Transportation against Traffic and Road Transport violations. The Basis for Enforcement of Traffic and Road Transport Offences is based on the results of: a. findings in the Road Motor Vehicle Inspection process; b. reports; and/or c. electronic equipment recordings (Syafitri & Dadang, 2022).

Enforcement of Traffic and Road Transport Violations is carried out based on the rapid inspection procedures, classified into: 1) the procedure for checking minor crimes is carried out in accordance with the provisions of the laws and regulations; and 2) the procedure for

prosecuting cases against criminal acts of the Certain Road Traffic and Transport Act shall be carried out by issuing a Ticket (Nugraha, 2023).

Proof of Violation hereinafter referred to as Tilang is evidence in the field of road traffic and transportation with a certain established format. The issuance of a ticket letter is carried out by filling in and signing the Blangko Tilang which contains at least columns regarding: 1) the identity of the violator and the motor vehicle used; 2) violated provisions and articles; 3) the day, date, time, and place of the violation; 4) seized evidence; 5) the amount of the fine deposit to the bank (can only be filled for traffic and road transport violators who did not attend the hearing); 6) the offender's place or address and/or telephone number; 7) the granting of powers; 8) signing by the offender and the Examining Officer; 9) the news of the brief submission of the ticket letter to the court; 10) the day, date, time, and place to attend the court siding; and 11) the records of the enforcement officers. The ticket letter must be signed by the Examining Officer and the violator, in the event that the violator is not willing to sign the ticket, the officer must provide a note (Nababan et al., 2023)

Ticket letters that have been signed by Police Officers and violators for the benefit of: 1) violators as a basis for being present at the trial or payment of deposits to pay fines through banks designated by the Government; 2) National Police; 3) local District Courts; and 4) the local District Attorney's Office. Ticket letters that have been signed by civil servant investigators and violators for the benefit of: 1) violators as a basis for being present at the trial or payment of deposits to pay fines through banks appointed by the Government; 2) National Police; 3) local District Courts; 4) the local District Attorney's Office; and 5) The agency in charge of the civil servant investigator concerned. Civil servant investigators are required to submit case files resulting from the investigation of traffic and road transport violations along with evidence to the court through the Police investigator no later than 3 (three) working days from the time they are given a ticket or 3 (three) working days before the next trial day (Sudarto et al., 2023).

Enforcement of Violations with Electronic Recorded Evidence The enforcement of traffic and road transport violations based on the results of electronic equipment recordings, Police Officers or Civil Servant Investigators in the field of traffic and road transport can issue a ticket. The ticket must be attached with recorded evidence of electronic law enforcement equipment and delivered to the violator as a notice and summons to appear in court. In the event that the offender is unable to comply with the summons to appear in court, the offender may deposit the fine money through a bank designated by the Government (Putri & Rusli, 2022).

After enforcement is carried out to the violator, the ticket letter and evidence are submitted to the District Court where the violation occurred within a maximum of 14 (fourteen) days from the occurrence of the violation (Fahlevvi et al., 2023). The conduct of the trial of traffic and road transport offences shall be carried out in accordance with the day of the aforementioned hearing in a ticket that may be carried out with or without the presence of the offender and his attorney. In the event that the violator deposits the fine money through a bank designated by the government, proof of deposit of the fine money is attached to the ticket letter (Hasmita, 2021).

Payment of ticket fines for traffic violations and road transport based on the time of payment is divided into 2 (two), namely: a. made after a court decision; Payment of the fine money is made in the event that the offender or his attorney attends the trial. The amount of payment of the fine money must be in accordance with that stipulated in the court decision. b. carried out at the time of granting the Ticket by way of custody to a bank appointed by the government. Proof of deposit of fine money is declared valid if: 1) stamped with a stamp and signature of a bank officer in the event that the deposit of fine money is carried out in cash; or 2) the format of proof of delivery or remittance of the fine as stipulated in the event that the custody is carried out through electronic means of payment (Sandhu & Fussey, 2021).

In the event that the fine decided by the court is less than the deposit to pay the deposited fine, the prosecutor as the executor of the court decision notifies the violator through the enforcement officer to take the remaining deposit money no later than 14 (fourteen) working days after the court's decision is received. The remaining deposit of fines that are not taken within 1 (one) year from the time the court decision is handed down is deposited into the state treasury. The procedure for depositing and returning the remaining deposit money is carried out in accordance with the provisions of the laws and regulations (Meijer & Wessels, 2019).

D. REGULATION OF TRAFFIC LAW THROUGH DEMERIT POINT SYSTEM IN ORDER TO BUILD A CULTURE OF TRAFFIC ORDER

The demerit point system is part of the traffic law enforcement system that has been implemented in several countries that applies points to every violation or laka that is committed by the driver of a motor vehicle over a period of time. This system requires the support of big data traffic that is able to *record* and automatically calculate predetermined points, so that officers in other related systems can apply *rewards and punishments* to the data displayed. The application of points in this system depends on the policy and legal system in force in a country. The point scale depends on the results of the evaluation of the target of reducing the level of certain violations and the factors causing the traffic accident to be achieved. It is hoped that with the implementation of this system, the implementation of *rewards and punishments* for perpetrators of traffic regulation violations can be carried out more transparently and accountably and have an effective impact on changes in people's behavior in driving (Rahim et al., 2022).

In simple terms, the degree of public compliance with the law is one of the indicators of the functioning of the law. which determines how the law is used, avoided, or abused. This is in accordance with the main purpose and the main purpose of the law is order, the need, of order is a fundamental condition for the existence of an orderly human society. Another goal of law is the attainment of justice of varying content and size according to society and its times.

In Police Regulation Number 5 of 2021, points are the value given to the owner of a driver's license in every traffic violation and/or accident that is made variably based on the classification of traffic violations and accidents. Then, Article 33 states that the National Police has the authority to provide signs or data on violations of driver's licenses belonging to drivers who commit traffic crimes. The traffic crime violations in question are traffic violations and

traffic accidents. When there is a driver who commits a traffic crime violation, the driver's license will be marked and points will be awarded. The points awarded, namely 5 points, 3 points, and 1 point, with different types of violations (Rispani & Johan, 2021)

The following types of violations are given a value of Point 5 based on Police Regulation Number 5 of 2021 Article 35 paragraph (2):

- 1) Driving a motor vehicle on the road, by not having a driver's license
- 2) Driving a motor vehicle on the road unnaturally and carrying out other activities that are affected by circumstances that result in impaired concentration in driving
- 3) Non-compliance with technical requirements such as mirrors, horns, headlights, reverse lights, brake lights, windshields, bumpers, glass wipers, turning radius, accuracy of speed designation tools, suitability of the driving engine power to the weight of the vehicle
- 4) Driving a motor vehicle on a road in violation of the rules of an order or prohibition stated by a traffic sign
- 5) Violating command rules or violating stated with the Traffic Signaling Tool
- 6) Driving a motor vehicle on a road that violates traffic movement rules or stopping ordinances
- 7) Violating the highest or lowest speed limit rules
- 8) Driving a Motor Vehicle at the crossing between the train and the road, not stopping when the signal has sounded, the railroad door bars have begun to close, and/or there are other signals
- 9) Driving a motor vehicle on the road is referred to in Article 115 letter b

Point 3 is awarded for:

- 1) Everyone who drives a motor vehicle on the road, who is fitted with equipment that can interfere with traffic safety
- 2) Using fake license plates
- 3) Motor vehicle riders who do not prioritize pedestrian or bicycle safety
- 4) Any motorist who does not meet technical requirements such as mirrors, horns, headlights, reverse lights, brake lights, windshields, bumpers, glass wipers
- 5) Any motorist who violates traffic signs
- 6) Any motorist who violates the highest or lowest speed limit rules
- 7) Any motorist who is not equipped with a Motor Vehicle Number Certificate or Motor Vehicle Trial Certificate

Point 1 applies to the following violations:

- 1) Any person who damages traffic signs, road markings, traffic signaling devices, pedestrian facilities, and road user safety devices so that they do not work
- 2) Any motorist who is not equipped with equipment in the form of spare tires, safety triangles, jacks, wheel openers, and first aid equipment in an accident
- 3) Any motorcyclist who does not meet technical and roadworthy requirements such as mirrors, headlights, brake lights, horns, speed gauges, and exhaust
- 4) Violating the rules of traffic movement or how to stop and park
- 5) Any driver or passenger sitting next to the driver of the car is not wearing a safety belt
- 6) Any motorcyclist or passenger who is not wearing a national sTandar helmet
- 7) Any motorcyclist who will turn or reverse direction without signaling the lights
- 8) Overtaking from the left of the road without paying attention to other vehicles Everyone who deliberately drives
- 9) Motor Vehicles in a manner or circumstance that endangers life or property
- 10) Any person who drives a freight car to transport persons except by reason of article 137 paragraph 4
- 11) Misuse of the license of a person transport vehicle with a specific purpose, raising or carrying other passengers throughout the journey or using the vehicle inappropriately and for other purposes.

The National Police of the Republic of Indonesia issued a new policy in enforcing traffic order called *the Demerit Point System* (DPS) which is integrated with electronic ticketing. *The Demerit Point System* (DPS) has been developed and implemented in European countries, aiming to address repeated violations in road transport by acting as a deterrent and imposing sanctions. Korlantas Polri developed the *Demerit Point System* (DPS) to be applied in Indonesia. This is in view of the incidence of traffic accidents with increased fatality casualties. *The Demerit Point System* is part of the driver's license ticketing and renewal system by awarding punitive points (penalties) to traffic offenders (Sardjono et al., 2022).

Points are accumulated Points if the Driver repeats a traffic violation and/or traffic accident. Points accumulation is carried out at least: a. 12 (twelve) Points are subject to a penalty of 1 (one); and b. 18 (eighteen) Points are subject to a penalty of 2 (two). For driver's license owners who are subject to a penalty of 1 (one) and a penalty of 2 (two), the Police officer carrying out the traffic function gives a notice. Driver's license owners who reach 12 (twelve) Points are subject to sanctions for temporary detention of the driver's license or temporary revocation of the driver's license before the court's decision. The owner of a sanctioned driver's license must carry out driving education and training if they want to get a driver's license back that has been sanctioned by the temporary detention of the driver's license or the temporary revocation of the driver's license (Darmawan et al., 2022).

Article 39 (1) Driver's license owners who reach 18 (eighteen) Points as referred to in Article 37 paragraph (2) point b, are subject to sanctions for revocation of driver's licenses on the basis of a court decision with permanent legal force. (2) The owner of a driver's license subject to sanctions as referred to in paragraph (1) shall carry out the judgment of the court along with the time period for the sanction of revocation of the driver's license if it is in a court decision of permanent legal force. (3) After the sanction period for revocation of the driver's license as referred to in paragraph (2) expires, the owner of the driver's license may apply to obtain a driver's license again provided that he must carry out driving education and training and follow the procedure for making a new driver's license (Syasdawita, 2022).

The Demerit Point System (DPS) is a complement to traditional law enforcement. *Demerit Point System (DPS)* focuses on repeat offenders by assigning (reducing) 'penalty' points to offenders. When the rate of repeated violations results in a certain number of penalty points being collected or lost it results in additional penalties. The violations are grouped into three major groups: administrative offenses; violations that have an impact on traffic jams; and violations that impact traffic accidents. *Demerit Point System (DPS)* has characteristics, namely; Violations lead to the addition of points; The heavier the offense, the more points; If within a certain period, a certain number of points has been at the established critical threshold, then the driver's license will be withdrawn; After the withdrawal period, the driver's license will be reearned, after the driver has completed a rehabilitation course or has taken a new driving test (Indarsih, 2021b).

The basis of *the Demerit Point System (DPS)* can be seen in Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ) and Government Regulation Number 80 of 2012 concerning Procedures for Inspection of Motor Vehicles on the Road and Enforcement of Traffic and Road Transportation. In Article 272 of the Road Transport Traffic Act, it states that to support violation enforcement activities in the field of Road Traffic and Transport, electronic equipment can be used, which has been entirely integrated in the NTMC (*National Traffic Management Center*) data center (Yu et al., 2021).

Enforcement of traffic violations through the *Demerit Point System (DPS)* means that violations are assessed using a points system, one of which can be the revocation of a driver's license (SIM). These provisions are contained in Police Regulation Number 5 of 2021 concerning the Issuance and Marking of Driver's Licenses issued by the National Police. The Police Regulation (Perpol) regulates the classification of driver's licenses, and regulates the types of traffic violations and their sanctions.

Here are some facts from the *Demerit Point System (DPS)* related to Police Regulation 1 Number 5 of 2021 concerning the Issuance and Marking of Driver's Licenses issued by the National Police (Nia Indriyani, 2021)

1) Points system

Points are the value awarded to the owner of the driver's license, in any traffic violation and/or accident. When there is a driver who commits a traffic crime violation, the driver's license will be marked and given points. The points awarded include, 5 points, 3 points, and 1 point,

according to the type of offense committed. A 5-point sanction is given to violations in the form of driving a motor vehicle on the road, by not having a driver's license. Such points are also awarded to drivers who drive unreasonably, and perform other activities that result in impaired concentration in driving.

For sanctions 3 points are given to violations in the form of using fake license plates, and motorists who do not prioritize the safety of pedestrians or cyclists. Point 3 is also given to motorists who do not carry a Vehicle Number Certificate (STNK) or a Motor Vehicle Trial Certificate (STCKB).

While point 1 is given to motorcyclists who do not wear the Indonesian national sTandar helmet (SNI). A 1-point sanction is also given to the driver of a vehicle that overtakes from the left of the road without regard to other vehicles.

2) Points will be accumulated

Every point of traffic violations that have been committed will be recorded and accumulated. If the accumulated points reach a certain limit, sanctions will be imposed. If 12 points have been collected, it will be subject to a penalty of 1, and will be subject to sanctions for detention or temporary revocation of the driver's license before the court decision. This means that the owner of the driver's license must carry out driving education and training if they want to get a driver's license back. Meanwhile, if you have collected 18 points, you will be subject to a penalty

3) Sim can be revoked

If you are subject to penalty 1 and penalty 2, then the driver's license owner cannot renew the driver's license or replace the driver's license. In fact, the revocation of a driver's license can be carried out if it is in a court decision with permanent legal force. After the sim revocation sanction period expires, the driver's license owner can apply to get the driver's license back. However, there is a provision under which it must carry out driving education and training and follow the procedure for the creation of a new driver's license.

4) integration with electronic ticketing (*E-ticket*)

Demerit Point System (DPS) integrated with electronic ticketing (*E-ticket*) is expected that the entire ticketing process will be more efficient and effective, as well as assist the police in increasing traffic compliance and reducing accidents and traffic violations. This system is expected to improve traffic compliance and reduce the rate of accidents and traffic violations of motor vehicle users. This ticketing process is assisted by the installation of CCTV (*Closed Circuit Television*) cameras at each intersection (red light) to monitor the condition of the road. E-LTE is the digitization of the ticketing process by utilizing technology, it is hoped that the entire ticketing process will be more efficient and effective in helping the police (Rahmadany & Windiyastuti, 2022b).

E. RECONSTRUCTION OF THE USE OF DEMERIT POINT SYSTEM (DPS) IN BUILDING A CULTURE OF TRAFFIC ORDERLY LAW

Reconstruction of Traffic Law Through Demerit Point System For Motor Vehicle Driver Behavior In Order To Build A Traffic Orderly Culture Can Be Done By The Police Based On Traffic Law Problems Through Demerit Point System In Order To Build A Traffic Orderly Culture As follows:

1) Legal Factors

The legal basis for the *provisions of the Demerit Point System (DPS)* in Indonesia is regulated in Police Regulation (Perpol) Number 5 of 2021 concerning the Issuance of Driver's Licenses (SIM) promulgated on February 19, 2021. The existing regulations regarding the *Demerit Point System (DPS)* in Indonesia are actually quite systematic. So that as law enforcement in carrying out their duties, there is no doubt because there are already guidelines that clearly regulate it (Pradana et al., 2022).

Traffic Law Problems through Demerit Point System in Order to Build a Traffic Orderly Culture from legal factors, namely the Regulation on *the Demerit Point System* has not been understood by the public at large. Therefore, further education, socialization and publication are needed for the implementation of the *Demerit Point System* in Indonesia. Public acceptance of DPS is not too difficult to get support from the general public about the introduction of DPS because of the tendency of people to have had a positive perception of such a system. They consider DPS to be a very fair system: drivers who commit frequent violations should be punished more severely than drivers who sometimes and unintentionally commit misdemeanors. Once the DPS takes effect, public support must be maintained.

Therefore, regular feedback on the overall functioning of the system is important. Regular feedback is also a useful means of communication to remind people of the existence and value of the system. System transparency is important. In addition, it also requires ease of system and clarity of information about the consequences of a violation along with the collection or deduction of points and ease of access to obtain actual information about points.

Demerit's grading system is similar to the calculation of measurements that affect the licensing process (agreement) but is not the same as the usual function without adequacy at a higher level in its implementation, complemented by media coverage coverage. When people consider it highly improbable that a violation can be detected, DPS may not have a preventive effect. The degree of its implementation is not enough to directly consider the main reasons that give a weak effect than the introduction of DPS itself (Sari, 2018).

An important element of effective execution is the risk felt and captured when committed to an offence. It is clear that subjective situation arises more than objective, changing behavior is more captured. However, this substantially affects the communication campaign and mass media coverage in the implementation operation, whose purpose and results are through newspapers, magazines, radio, television as well as social media. This explains that local communication is better than more effective national publicity. Another important purpose of

the communication is to increase public support for measuring in this case for the usefulness and fairness of the DPS and its associated implementation. Recently all countries have used a number of forms of communication to support DPS in general, however communication activity is more broadly concentrated in the period of DPS implementation.

If support for DPS is lacking, public campaigns should take precedence. Furthermore, the media should provide information for regional and national implementation activities and their outputs. Furthermore, it is quite important to provide information that suppresses the fulfillment of the emphasized rules. Since people tend to behavior conformity with most, information about behavior becomes something that is primarily used to change people's views on DPS. A relevant proportion of that on drivers who are missing or acquired is lower but quite relevant dividing whether their driver's license is revoked. It also contributes to changing people's views on DPS (Irsan, 2018).

2) Law Enforcement Factors

The next inhibiting factor in the implementation of police discretion is the law enforcement factor, one of the factors that has a very large influence in carrying out law enforcement is the factor of the law enforcement apparatus both from the point of quality (ability & professionalism and from the point of quantity (number or comparability to the scope of its duties).

Law enforcement is one of the characteristics of the state of law. As the priority of the implementation of the duties of the National Police is law enforcement. Police duties are more geared towards how to crack down on criminals while protection and community services are the second priority of police action (Basyar et al., 2022).

Issues affecting the effectiveness of written law in terms of apparatus will depend on the following:

- 1) To what extent officers are bound by existing regulations.
- 2) To what extent officers are allowed to give discretion.
- 3) What kind of example should officers give to the community.
- 4) To what extent is the degree of synchronization of the assignments given to the officer thus giving strict limits to his authority.

In practice, there has not been a good synergy between the Indonesian National Police (Polri), the Transportation Service, the Regional Government in the implementation of the Demerit Point System in order to Build a Traffic Orderly Culture, including due to conflicts of authority between the Indonesian National Police (Polri), the Transportation Service, the Regional Government in handling the *Demerit Point System* (Rakhmadani, 2017).

In addition to requiring synergy between related institutions in the implementation of *the Demerit Point System*. The implementation of the Demerit Point System in Indonesia not only requires an automatic camera system as a detection of traffic violations, apart from the limitations and the need for development in terms of monitoring the *Demerit Point System* in

Indonesia through cameras, it also requires police patrols, police officers tracking traffic violations while driving. Police checks can be random or selective, that is, checking all passing cars or checking only those suspected of violations (Fadli et al., 2021).

Automatic enforcement utilizes fixed and mobile cameras; The perpetrator does not need to be stopped because the owner of the vehicle or the driver is identified through images. At present, automatic enforcement is mainly focused on speed and red light violations. Ongoing developments in digital video and image processing technologies will increasingly allow for automated enforcement, such as: the use of seat belts, the distance between vehicles, lanes and many other rules. When a violation is detected automatically, the responsibility of the driver or the responsibility of the owner of the vehicle (Chusminah, & Kristiani, 2018).

In this case the responsible is the driver, so the driver must be identified. When a violation is detected through camera enforcement, there are two main approaches taken: 1. Taking pictures of the plate and the driver. 2. Only take a picture of the license plate and require the owner of the vehicle to identify the responsible driver.

3) Budget and Infrastructure Factors

The factors that become obstacles in law enforcement through subsequent efforts are budget and infrastructure factors, Law enforcement will run well if all supporting components are available including facilities and facilities that support law enforcement itself, the Police have operational facilities such as four-wheeled and two-wheeled vehicles which are very limited in number, to supervise law enforcement at all times, until recently. Likewise, the budget provided for carrying out the duties of the Police is not in accordance with the scope of the fung duties and the authority of the police, thus one of the obstacles in the implementation of police duties is the limited facilities and infrastructure including the budget.

In practice the speed of the camera should not be determined by a simple view of a number of inhabitants. This should be based more on a number of sections of the road with a number of speeds connected by collisions, where alternative measurements such as road design and credible speed restrictions are not feasible or cost-effective. Another issue is the precise location and ability to deploy surveillance cameras, For obvious reasons, it is recommended to organize the implementation of speed cameras (or other types of camera use) based on clear instructions for location and monitoring with political and financial calculations (Prawitasari & Setyawan, 2023).

The provision of special budgets and limited capacity, the result of automatic implementation in greater opportunity than the countermeasures of police patrols and the consequences will have a greater preventive effect. Therefore, the recommendation is to automatically detect perpetrators using DPS. It also recommends applying random checks added with selective methods. Moreover, this will increase arrests both objectively and subjectively. Finally, it is recommended to be applied by mixing between the clearly visible and the unpredictable implementation since it is known that it will increase the capture of subjective data (Nia Indriyani, 2021).

It is recommended the implementation of a system where cases of violations are detected by the camera, tasked with calculating pointpoints for the actions of the motorist rather than the owner of the vehicle. This can become a reality with early identification on vehicle ownership through images from the driver's license and coupled on their ownership of the driver's identity. Failure to identify the driver should have shown the points of possession, Incorrect or incorrect naming of a driver will result in the appearance of severe violations and penalties in connection with countering the point in traffic (Rahmadany & Windiyastuti, 2022a).

4) Legal Awareness Factors of Society

The legal consciousness possessed by a particular society can easily fade by behavior or something that allows a person to be able to get greater benefits both material and immaterial if he does not comply with the law. In this case, the interests of a person will be accommodated more by not obeying the law even though it must harm or potentially harm the interests of the crowd. Furthermore, regarding the observance of the law, it depends more or less on whether the interests of citizens in certain areas can be accommodated by the provisions of the law. In addition, obedience depends a lot on the power of persuasive efforts to institutionalize certain legal provisions in society (Wibowo et al., 2022). Efforts to increase the degree of observance are usually made by allowing citizens to understand the provisions of the law at hand. This will provide an opportunity to be able to permeate the stance that the worst examples are acts of violating the provisions of the law. If a rule of law is adhered to by most of the targets to which it is subjected, we can say that the rule of law in question is effective. Nevertheless, even if it can be said that the rules that are obeyed are effective (Suryanto & Adhitia, 2022).

A person obeys or disobeys a rule of law, depending on his interests, namely:

1. *Compliance* obedience, that is, if a person obeys a rule only for fear of being sanctioned. Obedience as the fulfillment of a light acceptance persuaded by the expectation of appreciation and an attempt to avoid possible punishment, not because of a strong desire to obey the law from within. Influencing power is based on "means of control" and as a consequence, the affected person adjusts only under surveillance.
2. *Identification* obedience, that is, if a person obeys a rule only for fear that his good relationship with someone will be damaged. Identification is an acceptance of a rule not because of its essential value and approach is simply due to one's desire to maintain membership in a relationship or group with that obedience. The source of power becomes the allure of the relationships of the people who enjoy the company of that group and their adjustment to the rules will depend on this primary relationship.
3. *Internalization* obedience, that is, if a person obeys a rule because he really feels that the rule is in accordance with the intrinsic values he adheres to. Internalization is acceptance by individual rules or behavior because it finds its content that is essentially rewarding. Content is the same and in line with the values of any person, because their values change and adjust to the indisputable. There is an awareness from within that makes him obey the law well.

If most of the public's adherence to a general rule is only due to *Compliance* interests or simply fear of sanctions, then the degree of severity is very low, because it requires continuous supervision. It is different if the *ketaatanya* is the nature of Internalization, whose severity because the rule of law really matches the intrinsic value it adheres to, then the degree of its notability is the highest.

The Problem of Traffic Law Through the Demerit Point System in order to Build a Traffic Orderly Culture from the factor of legal awareness is the low awareness and compliance of community law to the regulations of the *Demerit Point System* in order to build a Traffic Orderly Culture.

Therefore, it is necessary to increase public legal awareness related to *the Demerit Point System* in order to build a Traffic Orderly Culture through education, socialization and publications to increase people's legal knowledge which in turn can increase public legal awareness.

5) Cultural Factors of Legal Society

Culture as a habit that society does regarding the treatment of a rule. It can be seen whether or not there is a treatment of rules that are made habitual by the community, either good habits or contrary to the rules. In general, high public awareness of the law results in citizens complying with the provisions of applicable laws and regulations. On the other hand, if citizens' awareness of the law is very low, then the degree of compliance with the law is also not high.

According to Soerjono Soekanto put forward four legal consciousnesses and cultures, namely:

1) Knowledge of the law

In this case, it is a person's knowledge with regard to certain behaviors regulated by written law, namely about what is prohibited and what is allowed.

2) Knowledge of the content of the law

What is meant is that a certain amount of information that a person has regarding the content of the rule of law (written), namely about the content, purpose, and benefits of the regulation

3) Legal stance

It is a tendency to accept or reject the law because of an appreciation or conversion that it is beneficial or unbeneficial to human life. In this case, there is already an element of appreciation of the rule of law.

4) Patterns of legal behavior

What is meant is about whether or not a rule of law applies in society. If a rule of law applies, the extent to which it applies and the extent to which society complies with it. The point is that the legal awareness of citizens actually concerns the factors of whether a certain legal provision is known, understood, obeyed, and valued. If citizens are only aware of a legal provision, then the level of legal awareness is lower than those who understand it, and so on.

In practice, community legal cultures that hinder law enforcement by the Police in the application of *the Demerit Point System* in order to build a Traffic Orderly Culture include;

1. Traffic Offenders Are Uncooperative with Lawmakers
2. Traffic offenders are not responsible for violations committed
3. Indifferent attitude to the existence of existing violations of the law in society
4. Trying to find loopholes in the *Demerit Point System* to commit traffic violations
5. Lack of legal knowledge of society

Therefore, it is necessary to do the following things to construct community culture:

1. Increasing the legal awareness of society that the importance of a law-conscious society
2. Increasing people's legal knowledge through the introduction of legal awareness that is *Compliance, Identification, and Internalization*
3. Developing a society that cares about the law
4. Building community behavior that cares, understands, and is aware of the law
5. Educating the public that orderly traffic is for the safety of road users, not only for themselves but also for other road users

Regarding liability, the owner must pay a fine for the automatically detected violation or the owner proves that he is not the driver. When the owner comes to see the number of points, in most EU countries with DPS, the owner of the vehicle will not be awarded points if he refuses to name the driver, but he will be required to pay a fine for violations committed with his vehicle. The Czech Republic, Hungary, Ireland, Malta, Spain and the United Kingdom also apply the responsibilities of vehicle owners in the DPS. Vehicle owners receive points and penalties when they do not name the responsible driver at the time of the violation.

F. SIMPLICANT

Traffic Law Regulation through the Demerit Point System in order to Build a Traffic Orderly Culture is regulated in Police Regulation Number 5 of 2021 concerning the Issuance of Driver's Licenses promulgated on February 19, 2021. The existing regulations regarding the Demerit Point System (DPS) in Indonesia are actually quite systematic. So that as law enforcement in carrying out their duties, there is no doubt because there are already guidelines that clearly regulate it. Demerit Point System arrangements in Indonesia apply the following points; a) 1-point violation including; Article 275, Article 276, Article 278, Article 282, Article 285 paragraph (1), Article 287 paragraph (3), (4), (6); Article 288 paragraph (2); Article 289: Article 290: Article 291: Article 292: Article 293: Article 294: Article 295: Article 300: Article 301: Article 302: Article 303: Article 304: Article 306.

Problems and effectiveness of Traffic Law through the Demerit Point System in order to Build a Culture of Traffic Order in Indonesia can be seen based on the following factors; (a) legal factors, namely the Regulation on the Demerit Point System cannot be understood by the public at large, (b) law enforcement factors, namely the lack of synergy between related institutions in the application of the Demerit Point System, (c) limited budget factors and infrastructure in the application of the Demerit Point System, (d) the legal awareness factor is the low awareness and compliance of public law to the regulations of the Demerit Point System in order to Build a Traffic Orderly Culture, (e) The legal culture of a law-abiding and law-abiding society for fear of sanctions is a low level of legal compliance, not because of the established legal awareness.

Reconstruction of Traffic Law Through Demerit Point System for The Behavior of Motor Vehicle Drivers in Order to Build a Culture of Traffic Order is carried out in the following steps; (a) legal factors, namely education, socialization, publication of regulations on the Demerit Point System to the wider community, (b) law enforcement factors, namely synergy between related institutions in the implementation of the Demerit Point System, good cooperation between the Indonesian National Police (Polri), Transportation Service, local governments (c) Addition and strengthening of budget factors and infrastructure in the application of the Demerit Point System, (d) legal awareness factors, namely increasing public awareness and legal observance of the Demerit Point System regulations in order to build a Traffic Orderly Culture, (e) Building a legal culture of people who obey and obey the law because of the awareness of the law of Traffic Order

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