

## Implementation of Electronic Traffic Law Enforcement in the Settlement of Traffic Violation Cases in the Jurisdiction of Directorate of Traffic Police Bengkulu Regional Perspective Of Fiqih Siyasa

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### ABSTRACT

*This research aims to analyze the application of Electronic Traffic Law Enforcement in efforts to prosecute traffic violations in the jurisdiction of the Bengkulu Regional Police Traffic Directorate using the perspective of Siyasa Dusturiyah. This research is a qualitative-empirical research using documentation and interview data collection methods. This research found that the use of ETLE in efforts to prevent traffic violations in Bengkulu City is one of the efforts made by the Traffic Directorate (Ditlantas) of the Bengkulu Regional Police to deal with the problem of high traffic violations occurring in the Bengkulu City Traffic Space. This also shows the need for more public awareness to avoid harm and negligence in obeying the regulations set by Ulil Amri. This research found that (1) Bengkulu Police Traffic Directorate's efforts to regulate traffic and reduce violations of traffic regulations are by Law Number 22 of 2009 concerning Road Traffic and Transportation. The Bengkulu Police Traffic Directorate has also carried out outreach and supervision of the implementation of ETLE in Bengkulu City. Apart from that, the implementation of ETLE is also intended as a form of transparency in the payment of traffic violation fines to avoid extortion by unscrupulous ticket officers. (2) Judging from siyasah dusturiyah, the Bengkulu Police's efforts in implementing ETLE as a way to resolve traffic violation cases are seen as an effort to bring benefit to the community and avoid damage (mafsadah) that could potentially occur in the middle of the Traffic Space.*

### Introduction

Bengkulu City is the capital of Bengkulu Province, which has quite a busy traffic area. This is because Bengkulu City is the centre of the economy and government in Bengkulu Province. The Central Statistics Agency recorded that there were 357,014 vehicles in Bengkulu City in 2020 (Badan Pusat Statistik, 2020). This number is far above other areas in Bengkulu Province, such as Rejang Lebong Regency, with 103,865 vehicles and Kepahiang Regency, with 51,777 vehicles in the same year. Therefore, Bengkulu City needs a traffic space that can accommodate the mobility interests of its people, namely an orderly and safe traffic space.

To create an orderly and safe traffic space, the role of the National Police of the Republic of Indonesia is needed. The Police is one of the institutions responsible for enforcing traffic regulations in Indonesia and many countries. In the jurisdiction of Bengkulu Province, the institution tasked with monitoring order and security is the Bengkulu Regional Police, usually shortened to Bengkulu Regional Police. The Bengkulu

Police work unit that specifically handles traffic problems in Bengkulu Province is the Traffic Directorate, usually shortened to Ditlantas. The Bengkulu Police Traffic Directorate ensures compliance with traffic regulations to maintain security and smooth traffic in the Bengkulu Province traffic area. In dealing with traffic violations, the Police, in this case, the Bengkulu Regional Police Traffic Directorate, has implemented various preventive and repressive efforts to achieve security, safety, order and smooth traffic by statutory provisions, namely in the form of criminal procedural law. The criminal procedural law used in controlling traffic is fast procedural law, namely using only one trial judge and using one piece of evidence or what is called evidence of a single violation. We usually know evidence of this single violation as a ticket, which means a fine imposed by police officers on road users who violate the rules (Mahkamah Agung RI, 1994).

Imposing fines is one way to regulate traffic. A ticket is a legal action given to traffic violators as a form of sanction or punishment for violations committed based on statutory regulations. Establishing these laws and regulations aims to create safe, secure, smooth, orderly and regular traffic and road transport conditions. Apart from that, it is also intended as a control in the fast development of transportation and has high mobility in all fields such as ideology, politics, economics, and social and cultural society (Gazali, 2022; Priyono, 2023; Saswati, 2018; Silaban & Pase, 2021).

However, traffic ticket raids carried out to bring order to the people of Bengkulu Province have become fertile ground for bribery practices carried out by police officers. Many negative testimonies from the public regarding bribery by individuals when giving tickets have tarnished the image of the Bengkulu Police Traffic Directorate as a traffic law enforcement agency. The manual ticketing system, closely associated with negative stigma from the public, also reduces public trust in the Traffic Directorate, so people tend to be reluctant to obey traffic regulations. To overcome this problem, the Bengkulu Police Traffic Directorate implemented ETLE in Bengkulu Province to replace manual traffic tickets.

ETLE, or Electronic Traffic Law Enforcement, is a traffic law enforcement system that uses technology by utilizing electronic devices such as CCTV cameras (Leonardo, 2023; Pardede et al., 2022; Windiyastuti, 2022). This is as regulated in Article 272 of Law Number 22 of 2009. The ETLE system in Bengkulu Province can only cover the Bengkulu City area, considering its limited implementation. It will only start in November 2022. In the future, ETLE will become an electronic-based law enforcement system that can cover all areas in Bengkulu Province in stages.

ETLE systems usually have cameras or electronic sensors installed on roads or important intersections. This sensor can detect traffic violations such as breaking a red light, exceeding the speed limit or breaking other rules. When the ETLE system detects a violation, data in images or videos of the violation will be immortalized as evidence. Then, fines or other sanctions can be applied to violators based on evidence recorded via ETLE cameras. Imposed sanctions, including fines, reduction points in the driver's system, or even restriction or revocation of driving permits via the ETLE system, are sent by post or electronically. The ETLE system aims to increase efficiency and accuracy in traffic law enforcement. By using electronic technology, violations can be detected automatically,

reducing the direct involvement of law enforcement officers in detecting violations. This can help reduce the number of traffic violations, improve overall road safety, and reduce extortion by unscrupulous officers.

The majority of the people of Bengkulu City are Muslims. This sociological background makes the people of Bengkulu City have an attachment to their religious law. Obedience to Islamic religious law is an integral part of the transcendental value of faith in Allah. For Muslims, following, obeying and living Islamic law is an obligation that must be carried out as stated in His word.

بِمَا وَالْأَخْيَارُ وَالرَّبَّانِيُّونَ هَادُوا لِلَّذِينَ اسْلَمُوا الَّذِينَ النَّبِيُّونَ بِهَا يَحْكُمُ وَنُورًا هَدَىٰ فِيهَا التَّوْرَةَ أَنْزَلْنَا نَا  
بِمَا يَحْكُمُ لَمْ نُنزِّلْ قَلِيلًا ثَمَّنَا بِأَيْتِي تَشْتَرُوا وَلَا وَاحْشُونَ النَّاسَ تَخْشَوْنَ فَلَا شُهَدَاءَ عَلَيْهِ وَكَانُوا اللَّهُ كَتَبَ مِنْ اسْتُخْفِظُوا  
الْكُفْرُونَ هُمْ فَأَوْلِيكَ اللَّهُ أَنْزَلَ

“Indeed, We have sent down the Book of the Torah; in it (there is) guidance and light. With this book, the prophets who submitted to Allah gave judgment on the matters of the Jews, as did their scholars and priests, because they were commanded to keep Allah's books and they were witnesses to them. Therefore do not be afraid of people, (but) fear Me. And do not sell My verses cheaply. Whoever does not decide with what Allah has sent down, then they are the disbelievers.” (QS. Al Baqarah: 44)

وَالْجُرُوحَ بِاللِّسَانِ وَاللِّسَانَ بِالْأُذُنِ وَالْأُذُنَ بِالْأَنْفِ وَالْأَنْفَ بِالْعَيْنِ وَالْعَيْنَ بِالنَّفْسِ النَّفْسَ أَنْ فِيهَا عَلَيْهِمْ وَكَتَبْنَا  
الظَّالِمُونَ هُمْ فَأَوْلِيكَ اللَّهُ أَنْزَلَ بِمَا يَحْكُمُ لَمْ وَمَنْ لَهُ كَفَّارَةٌ فَهُوَ بِهِ تَصَدَّقَ فَمَنْ قِصَاصٌ

“And We have ordained for them in it (At the Torah) that soul (will be repaid) for soul, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds (too) have qishaash. Whoever renounces (his right to qishaash), then renounces that right (becomes) atonement for his sins. Whoever does not decide matters according to what Allah has revealed, then they are the wrongdoers.” (QS. Al Maidah:45)

الْفَاسِقُونَ هُمْ فَأَوْلِيكَ اللَّهُ أَنْزَلَ بِمَا يَحْكُمُ لَمْ وَمَنْ فِيهِ اللَّهُ أَنْزَلَ بِمَا الْإِنْجِيلِ أَهْلٌ لِيَحْكُمُوا

“And let the followers of the Gospel decide matters according to what Allah has revealed in it. Whoever does not decide matters according to what Allah has revealed, then they are the wicked.” (QS. Al Maidah:47)

Islamic teachings introduce the perspective of *siyasah fiqh* as a guide to state life. From a constitutional perspective, according to Islam (*Fiqh al-Syiasah*), the state obtains its power from the people so that the problems of Muslims are resolved through deliberation (*shura*). Therefore, state administration and governance, according to Islam, have a democratic character. At the operational level, the concept of *shura* provides a very large portion for the people's representatives or legislature to carry out *ijtihad* in making laws or regulations. In Islamic teachings, the state has legislative power, namely creating laws (*al-sulthah al-tasyri'iyah*), and the task of implementing state laws belongs to the executive power (*al-sulthah al-tanfidziyah*) while maintaining the laws that have been created by the

legislative institution whose duties are carried out by the government (al-sulthah al qadha'iyah). One example of this terminology is the implementation of traffic regulations through ETLE by the Bengkulu Regional Police Traffic Directorate.

In this research, researchers will use the siyasah dusturiyah study because it focuses on the relationship between leaders on one side, their people on the other, and between institutions in this society. Siyasah dusturiyah is limited to discussing the application of regulations and legislation, which are guided by state matters in terms of conformity with religious principles and the realization of human benefit and meeting their needs.

Implementing Electronic Traffic Law Enforcement (ETLE) should increase the awareness of the people of Bengkulu City about orderly traffic and reduce extortion in Bengkulu City. However, anomalies emerged in the systematic implementation of ETLE, and confusion and resistance emerged from the public, who tend to be used to the manual ticketing system. The public feels inconvenienced because the ETLE implementation has yet to be fully processed electronically, so people must go directly to the ETLE section. Apart from that, traffic violations still occur even though ETLE cameras are on standby 24 hours a day to record traffic violations. This is due to a lack of obedience and awareness as a Muslim. It is necessary to study the laws and regulations that constitute ETLE regulations to see it from an Islamic perspective so that the implementation of ETLE in Bengkulu City from the perspective of siyasah dusturiyah is an interesting study. There is a need for a study using a siyasah dusturiyah perspective to find a connection between the application of ETLE as a statutory regulation and obedience as a Muslim who is obliged to obey Islamic law.

## Method

This type of research is field research. The research informant subject used in this research informant was purposive sampling. The data in this study the authors use primary and secondary data sources. researchers used data collection techniques with observation, interviews and documentation. the researcher uses an analytical technique of inductive thinking method, namely reasoning that departs from specific facts, concrete events, then from specific facts or concrete events, then from specific facts or concrete events generalizations or conclusions are drawn general.

## Results and Discussion

### Implementation of ETLE in Bengkulu City

One of the efforts made by the Police to maintain security order, enforce the law, and provide protection, guidance, and services in terms of traffic in Bengkulu City is by implementing ETLE. The author has conducted research at the Bengkulu Police Traffic Directorate and observed the implementation of ETLE. One of the ETLE officers at the Bengkulu Police Traffic Directorate whom the author interviewed was Brigadier Okto Ferry who served as BA of the Bengkulu Police Traffic Directorate. Brigadier Okto Ferry conveyed the definition of ETLE as follows.

"ETLE or Electronic Traffic Law Enforcement is an electronic traffic law enforcement system that uses technology to automatically detect and record traffic violations." (Interview with Brigadier Okto Ferry on May 30, 2023).

Because the public demands transparency and accountability in police performance, the Police provide excellent and fast service. So, the National Police created innovation in the traffic sector, namely ETLE. Electronic Traffic Law Enforcement, now referred to as (ETLE), was first implemented in Indonesia on November 25, 2018, in Jakarta at the initiative of the National Police Chief, Police General Drs. Idham Azis, M.Si and Traffic Director of Polda Metro Jaya Kombes Pol Yusuf, SIK, M. Hum. The implementation of ETLE itself is due to the high number of accidents and traffic violations in Indonesia, which is caused by a need for more public awareness in complying with regulations. This is in line with what was conveyed by Brigadier Okto Ferry,

"The aim of ETLE is to reduce the number of violations and to prevent extortion from occurring by traffic members and to minimize extortion by carrying out enforcement actions on the highway, that is one of the goals of creating ETLE, as well as to reduce the number of violations from the public." (Interview with Brigadier Okto Ferry on May 30, 2023).

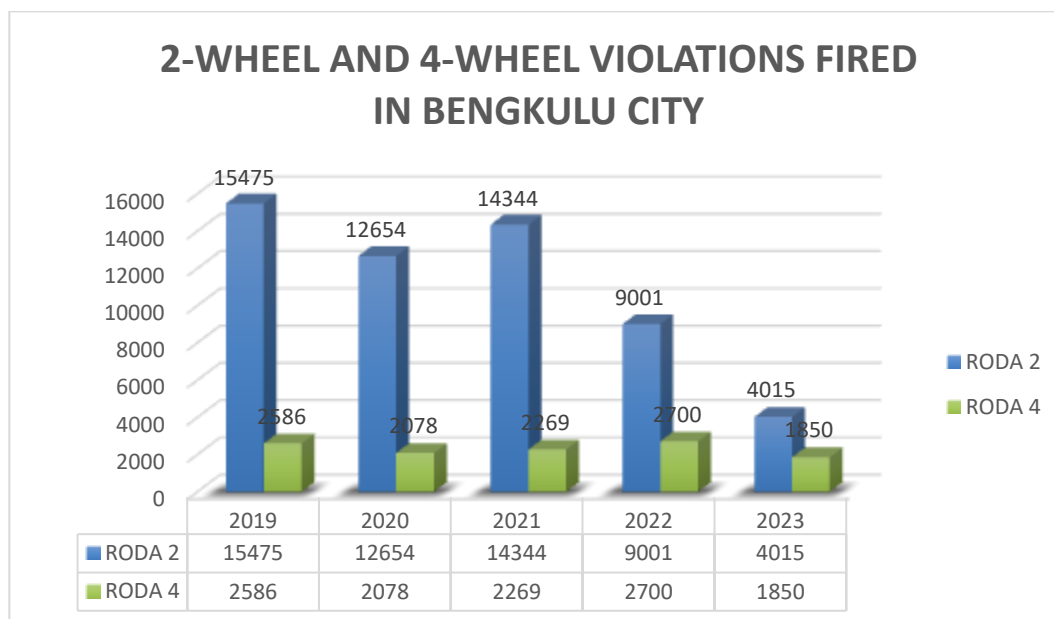
After implementing ETLE nationally, an evaluation was carried out to see the impact of implementing ETLE. The evaluation results show that Electronic Traffic Law Enforcement is very effective, reducing the number of accidents by 44.2%. Apart from improving traffic order, other benefits that ETLE has are providing legal certainty, supporting smart cities, helping the government increase local revenue (PAD) from motor vehicle title transfer fees (BBN-KB), and reducing the number of accidents. To minimize the number of losses to the state and individuals to achieve an effective, efficient, and responsive Republic of Indonesia Police by the vision and mission of the National Police. The government has also conducted comparative studies of several countries that have implemented ETLE, including the People's Republic of China (Nusadaily, 2020).

ETLE is a new idea with a law enforcement system based on information technology. ETLE CCTV cameras have a sophisticated Automatic Number Plate Recognition (ANPR) feature (Kominfo, 2023). This camera can detect types of violations of markings and traffic lights automatically, and the next sophistication is the presence of a checkpoint feature that can detect types of violations, including detecting motorists violating red lights, not using helmets, running red lights, not using safety belts for car drivers, cell phone use while driving, as well as other traffic violations (Interview with Brigadier Okto Ferry on May 30, 2023).

ETLE will begin to be socialized in Bengkulu in 2022, specifically in March; this socialization aims to provide direction to Traffic Unit officers regarding electronic traffic regulations or what is better known as ETLE. Apart from that, the target of this socialization is also aimed at the community environment. The ETLE system in Bengkulu City underwent a trial implementation period in the same month. The ETLE system in Bengkulu City will enter the overall implementation stage in November 2022, starting from the installation of ETLE supporting operational equipment and installation and preparation points. The placement of ETLE in Bengkulu Province has only been implemented in the capital city of Bengkulu because there is no supporting budget for the distribution of ETLE CCTV throughout Bengkulu province. 5 points have been installed in Bengkulu City: the Bengkulu Regional Police Intersection, the KM 8 West Lingkar Interchange, two Fatmawati Interchange 5, and the Sawah Lebar GOR Intersection. In the

three-day ETLE trial in March 2022, 1700 traffic violations were recorded. Brigadier Okto Ferry also explained several violations that often occur in the Bengkulu City Traffic Space.

"So for violations that occur frequently or are dominated by one of them is not using a seat belt, the second is not using a helmet for R2 riders. That's what dominates the most. There are not as many violations for using a cellphone and running a red light as for not using a seat belt." (Interview with Brigadier Okto Ferry on May 30, 2023).



### **Socialization of Electronic Traffic Law Enforcement (ETLE)**

In Bengkulu City, the Bengkulu Police Traffic Directorate has carried out outreach as stated in an interview with Police Commissioner Ricky Crismawardana as Head of the Bengkulu Police Gakkum Sub-Directorate, as follows

"We use various methods to carry out outreach. First, we held traffic awareness campaigns in various locations, such as schools, markets and shopping centers. Apart from that, we also use social media and notice boards to spread information about ETLE and the importance of complying with traffic regulations." (Interview with Kompol Ricky Crismawardana July 22 2023).

Apart from that, Police Commissioner Ricky also explained that this socialization aims to increase public awareness of traffic orders and the consequences if they do not comply, as explained by Commissioner Ricky as follows.

"The main aim of ETLE outreach at the Bengkulu Regional Police is to increase public awareness about complying with traffic regulations. "We want to provide the public with an understanding of the importance of traffic safety, as well as the consequences of breaking these regulations." (Interview with Kompol Ricky Crismawardana July 22 2023).

The Bengkulu Regional Police carried out outreach in several places, aiming to spread information evenly to all communities in Bengkulu City, such as in schools, markets, and shopping centers. This method can also see directly the response given by the community to the presence of ETLE as explained by Kompil Riky as follows.

"Of course the public response so far has been quite positive. They begin to realize how important it is to respect traffic rules and contribute to creating a safer road environment. Some road users even stated that they felt more orderly and disciplined after gaining understanding from this socialization." (Interview with Kompol Riky Krismawardana July 22 2023).

However, the Bengkulu Police still face challenges in socializing ETLE, as explained by Police Commissioner Riky as follows.

"One of the main challenges is changing the behavior of road users who are used to traffic violations. We must work hard to convince them that compliance with traffic rules is paramount for their own safety and that of others." (Interview with Kompol Riky Krismawardana July 22 2023).

Apart from socialization, the Bengkulu Regional Police also took several other steps to increase awareness and compliance of the people of Bengkulu City through ETLE, as explained by Commissioner Riky as follows.

"Apart from outreach, we are also increasing patrols and supervision on roads that are prone to violations. We actively use ETLE technology to detect and take action against traffic violations. Apart from that, we also provide training for our traffic officers so that they can provide better services and educate the public directly." (Interview with Kompol Riky Krismawardana July 22 2023).

This shows that the Bengkulu Regional Police have carried out outreach to the community before fully implementing ETLE in Bengkulu City so that the community can adapt to the ETLE system so that its implementation can achieve maximum goals.

### **Systematic Implementation of Electronic Traffic Law Enforcement (ETLE)**

Brigadier Okto Ferry explained the implementation stages of the implementation of ETLE in Bengkulu City, which were carried out by the back office of the Gakkum Sub-Directorate of the Bengkulu Police Traffic Directorate as follows

"So the implementation of ETLE is the mechanism. First, the camera captures the violation so the back office carries out validation and prints the violation letter; after printing, the letter will be sent via the post office to the address according to the data listed on the car registration address. "After that, the people who received the confirmation letter came to the confirmation room in the traffic room to carry out the confirmation. After confirmation, the confirmation officer issued the BRIVA code and paid the ticket fine via BRI ATM, MOBILE BANKING, or via Brilink online." (Interview with Brigadier Okto Ferry on May 30, 2023)

If described, several stages of implementing ETLE in Bengkulu are as follows.

- 1) ETLE CCTV cameras will record violators at traffic lights if they commit violations such as not stopping in place, not wearing a helmet, not wearing a seat belt, running a red light, which then data will be sent automatically to the ETLE back office or the ETLE monitoring room at the Traffic Directorate.

Bengkulu Regional Police. Article 5, paragraphs (1) and (2) of Law Number 11 of 2008 concerning Electronic Information and Electronic Documents and printed results are valid legal results.

- 2) Electronic Traffic Law Enforcement back office officers then identify the violator's vehicle data using Electronic Registration and Identification (ERI). Identification is done by looking at the vehicle number and then checking the vehicle owner and the vehicle identity in the system so that officers can find the vehicle owner and the vehicle owner's address. Violators. Through this data, officers can send violation tickets to vehicle owners' homes identified as having violated them. Bengkulu Police Traffic Directorate back office officers will input data manually and online. It will immediately confirm the violation within three working days and as soon as two working days.
- 3) The vehicle owner then confirms via the website or can also come directly to the Sub Directorate of Law Enforcement office a maximum of 8 days after the violation occurs. After the vehicle owner confirms, the person concerned will receive a confirmation email and an email relating to the date and location of the court. If the vehicle owner does not confirm for one reason or another, the vehicle's Vehicle Registration Certificate (STNK) will be temporarily blocked until the case is resolved. To avoid being blocked, violators can use the fine payment method via BRI Virtual Account (BRIVA) transfer. The final deadline given for payment is 15 days from the date of violation.
- 4) After verifying the violation, the violator will get a reference number or unique code on the third sheet. This reference number can be used to view the violation status via [www.ETLEdiy.info](http://www.ETLEdiy.info). Furthermore, we urge vehicle owners to pay via BRIVA, where they were previously sent an SMS or email containing the BRIVA code. The vehicle owner can also attend the hearing. However, the violator can skip a court hearing if the payment has been completed.

### Settlement of Traffic Violation Cases

Researchers have conducted interviews with one of the violators who had resolved a traffic violation case using the ETLE system. The perpetrator, Mr. Wannahri, is 59 years old and works as a civil servant. Mr. Wannahri explained that previously he was not aware of the existence of ETLE cameras even though he knew that the ETLE system had been implemented in Bengkulu City, so he was a little surprised when he received a ticket as he explained as follows.

“At first, I felt shocked because I didn't realize that I had violated traffic rules. However, after seeing the photos and reading further information, I realized that it was true that I had to take responsibility for the violation.” (Interview with Mr. Wannahri on July 23, 2023).

Mr Wannahri admitted that he did not know he had committed a traffic violation so he did not believe it at first. However, in the ticket that was sent, there was a photo of the vehicle showing his figure while driving through the Pola Bengkulu intersection while carrying out unnatural activities, namely using a cellphone while driving, as he explained as follows.



"I received a traffic ticket sent to my address. "In the ticket, there is a photo of my vehicle violating traffic rules, namely using a cellphone while driving." (Interview with Mr. Wannahri on July 23, 2023).

After confirming that the violation had indeed been committed by Mr. Wannahri, he immediately followed the instructions to complete the next steps as explained in the interview excerpt as follows.

"After receiving the ticket, I followed the instructions in it to pay the fine within the specified time limit. "I was also explained the option to file an appeal if I felt there was an error in the action." (Interview with Mr. Wannahri on July 23, 2023)

Mr. Wannahri also explained that the evidence attached by the ETLE system is very clear so that it does not cause any confusion for the recipient of the letter as explained in the interview excerpt as follows.

"I chose to pay the fine because after seeing the photos and further information, I realized that I had indeed committed a violation. I feel better about taking responsibility for my mistakes." (Interview with Mr. Wannahri on July 23, 2023).

From the interview excerpt above, it can be seen that violators can receive the sanctions given if accompanied by clear evidence. Mr. Wannahri also explained the impact he felt after implementing ETLE in Bengkulu City as follows.

"This experience made me more careful and disciplined when driving. I am more aware of the importance of following traffic rules and obeying red lights. I want to avoid further violations and contribute to safety on the roads." (Interview with Mr. Wannahri on July 23, 2023).

The statement given by Mr. Wannahri shows a change in attitude after the implementation of ETLE in Bengkulu City. Safety on the road is the shared responsibility of all road users, so they must obey traffic regulations whether there are ETLE cameras or not.

#### Barriers and Support in Implementing ETLE in Bengkulu City

Based on the data and analysis that the author has carried out, namely in the form of observations, interviews, and documentation as well as literature studies, there are several obstacles and supports in implementing ETLE in Bengkulu City, which are divided into several factors as follows.

#### Support in the Implementation of ETLE in Bengkulu City

##### 1. Traffic Safety

The main factor that supports the implementation of ETLE in Bengkulu City is awareness of the importance of traffic safety. ETLE can help reduce violations and maintain compliance with traffic regulations, which will increase the safety of road users.

##### 2. Violation Reduction

With ETLE, it is hoped that there will be a reduction in traffic violations because drivers will be more careful and disciplined because violations can be detected automatically.

3. Operational Efficiency

Implementing ETLE can increase the operational efficiency of traffic law enforcement. Automatic violation detection reduces the workload of traffic officers so they can focus on other tasks that require human intervention.

4. Accountability

The use of ETLE can increase accountability in traffic law enforcement because evidence in the form of data and images produced can be used as strong legal evidence in court.

5. Citizen's awareness

Implementing ETLE can increase public awareness about the importance of obeying traffic regulations and reduce violation behavior.

### **Inhibiting Factors in Implementing ETLE in Bengkulu City**

There are many factors that influence the occurrence of traffic violations on the road every year. These factors include the existence of an instantaneous paradigm of social thinking in the modern era, the fading of sensitivity in driving with each other, and the lack of driving ethics in order, mutual respect, and mutual respect, resulting in an increasingly eroded sense of ownership of something.

Obstacles in enforcing ETLE actually lie in infrastructure, society, and culture, as well as several other factors. The infrastructure factor in implementing ETLE requires sophisticated tools in the form of ticket cameras and other sophisticated tools to support large numbers of ETLE enforcement. This, of course, requires very large funds because Indonesia has a very large territory. Enforcement must be carried out evenly throughout the region. Apart from that, currently, ETLE has not been fully implemented online, and this creates new problems for the implementation of ETLE. If the driver has not received information that he has been ticketed, the driver's STNK will be blocked so he cannot make tax payments. Meanwhile, to complete the blocking, you still have to go directly to the ETLE office. This is felt to be a hassle for the public because they have to go through a series of long and complicated procedures. This can be seen in the interview with Mr. Wannahri as follows.

"ETLE is a bit difficult, especially for people who are quite old and not used to using cell phones. Especially now, if you don't know that you have been ticketed, your STNK will be blocked, so you only find out when you want to pay taxes at the SAMSAT office. So you have to first go to ETLE at the Regional Police to take care of the block there; the process takes a long time and is confusing; only then can you pay the tax. This is called delaying the process. The process should be all online to confirm the ticket or be given a special ETLE post at the SAMSAT office, so there's no hassle going back and forth." (Interview with Mr. Wannahri on July 23, 2023).

Next is the community factor. It can be said that the community is the most important factor in implementing ETLE. The problem is that many Indonesian people do not obey the rules. In fact, to trick ETLE, the vehicle number plate is covered so that it cannot be recorded. Based on the results of an interview with Brigadier Okto Ferry the factors inhibiting the implementation of the E-TLE (Electronic Traffic Law Enforcement) system in Bengkulu City are

"So one of the problems with ETLE violations is that people drive vehicles that are not equipped with a vehicle plate number. One of the weaknesses of ETLE is that they can't capture it because the plate number doesn't appear, so the solution is manual ticketing is applied to back up the problem. "Not captured with the ETLE camera, one of which is a fake plate, and the vehicle's TNKBP is not installed." (Interview with Brigadier Okto Ferry on May 30, 2023).

The interview also explained the efforts made by the Police if a vehicle was not equipped with a vehicle plate number. Apart from that, several other factors that cause delays in implementing ETLE are as follows.

1. Law Enforcement Factors

Law Enforcement Factors are the parties who form and apply the law. One of the keys to success in law enforcement is the mentality or personality of the law enforcers themselves. In the framework of law enforcement by every law enforcement agency, justice and truth must be expressed, felt, seen, and actualized. In this case, law enforcers are enforcement officers who usually, in carrying out their duties and functions, there are errors in the input application, which makes the officers lose track of the violators. So, this problem becomes an important obstacle. If an input error occurs, for example, in the identity of the violator, it is certainly difficult to trace the whereabouts of the violator.

2. Facilities and Infrastructure Factors

Facilities and infrastructure factors based on CCTV in the Bengkulu Regional Police operator's room, there are several road markings that are not clear enough so that enforcement officers cannot carry out electronic ticketing. Apart from that, of the 24 CCTVs that were tested at launch, only 16 CCTVs were used because the CCTVs went offline which resulted in the network not being conducive.

3. Community Factors

The community factor itself is one of the shortcomings in implementing the Electronic Traffic Law Enforcement (E-TLE) system. Many motorists or people do not carry out the name change process after carrying out motor vehicle purchase transactions, which results in the confirmed letter not reaching the violator or current vehicle owner and there are also vehicles that are not identified or do not match the data contained in the vehicle numbering registration ( using fake plates) so that officers cannot take action.

4. Financing

Implementing ETLE requires a fairly high initial budget for the procurement and installation of cameras, sensors, and software. This cost can be an obstacle for regions with limited budgets. Apart from that, the ETLE mechanism also requires quite large costs, one of which is sending a confirmation letter to the violator's

address. Currently, the ETLE development budget for the National Police Traffic Corps is not yet optimal, so this also causes ETLE's human resources to be limited.

5. Maintenance and Technical

Implementing ETLE requires technical expertise and resources to ensure the system functions properly and accurately. Regular maintenance and repairs are also needed to keep this technology optimal. However, because budgeting is still not optimal, human resources in maintenance and technical matters are still limited.

6. Driver

Another obstacle is that if there are vehicles from outside Bengkulu City, action cannot be taken at this time because the data has not been integrated nationally, so cooperation between regional Police is needed to integrate community data. Apart from that, if the vehicle purchased is not owned by the first hand, often the driver has not changed the name, so the data recorded is still the owner of the first vehicle. This may cause data errors.

### **Siyasah Dusturiyah's perspective on implementing ETLE in Bengkulu City**

*Siyasah dusturiyah* is an outfit of *siyasah fiqh* that discusses matters of state legislation regarding basic principles relating to the form of government, rules relating to the rights of the people, and the division of power. The focus of this research is on Traffic Law Number 22 of 2009 Article 272, concerning the prosecution of violations on the road using electronic devices. The government, in this case, is the Bengkulu Regional Police as the leader who enforces the regulations in Traffic Law Number 22 of 2009 Article 272 in Bengkulu City and has made maximum efforts to implement them.

Traffic Law Number 22 of 2009 Article 272 states that electronic equipment can be used to support activities to take action against traffic and road transport violations, and the results can be used as evidence in court. So basically, the implementation of Traffic Law Number 22 of 2009 Article 272 is an effort made by the Bengkulu Regional Police to overcome various problems experienced by the people related to traffic, namely the practice of bribery, breaking regulations, and ignoring safety. Traffic Law Number 22 of 2009 Article 272 reads as follows.

Article 272, paragraph 1: "To support activities to take action against violations in the field of Road Traffic and Transportation, electronic equipment can be used.

Article 272, paragraph 2: "The results of the use of electronic equipment as intended in paragraph (1) can be used as evidence in court."

From the words of Article 272, paragraph 2 above, it can be seen that ETLE is a tool used to support and facilitate activities to prosecute violations in the field of traffic and road transportation as well as to present valid and honest evidence in court. This is an effort made by the Bengkulu Regional Police to eradicate sinful actions that are often carried out by unscrupulous officers and the public, namely the practice of bribery and ignoring traffic regulations. In *siyasah dusturiyah*, the most important task for the government and its officials is to ensure security and order in society in a sustainable and non-conditional manner to create mutual benefit.

*Siyasa Dusturiyahin* traffic provides a religious view taken from *tafshiliyyah* (detailed) arguments related to traffic practices faced by *themukallaf*. Related to this reasoning are not always in the form of practical laws that are *taklifiyyah* such as obligatory, *haram*, *makruh*, *sunnah*, and *mubah*, but also in the form of ethical views that

amukallaf should do or not do in relation to realizing a better, fairer and more beneficial life.

Traffic Law Number 22 of 2009 Article 272 in the form of ETLE is increasingly gaining legitimacy when viewed from the perspective of al-maṣlaḥah al-mursalah because it maintains the objectives of syara' with the intention of not accepting and rejecting everything that can damage creatures. According to Imam Ar-Razi maṣlaḥah are beneficial actions that have been ordered by muṣyarri' (Allah) to his servants regarding the maintenance of their religion, soul, mind, descendants, and property. The application of the Road Traffic and Transportation Law Number 22 of 2009 Article 272, in this case, is ETLE in the same direction as prioritizing the common interest or good by rejecting actions that lead to destruction, but rejecting mafsadah is also prioritized if it is accompanied by benefit.

ETLE implementation can be used mashlahah "dar'ul mafasid" If you face mafsadat at the same time, then the way to choose to leave it is to prioritize the worst consequences because in essence anticipating things that give rise to mafsadat means pursuing benefits.

مُصْلِحُونَ نَحْنُ إِنَّمَا فِالْأَرْضِ قَالُوا تَفْسِدُوا لَا لَهُمْ قِيلَ وَإِذَا

"And when it is said to them: "Do not cause corruption on the face of the earth."  
They answered: "Indeed, we are the ones who make repairs."

One of the main aspects mentioned in Article 272 paragraph 2 is that the results of using electronic devices (ETLE) can be used as evidence in court. This shows an effort to create an honest and clean government that is free from risywah (bribery). Risywah is a gift given to others with the intention of passing off disgraceful actions as well as blaming what is right and justifying what is wrong.

Law of the Republic of Indonesia Number 11 of 1980 concerning the criminal act of bribery is defined as giving or promising something to someone with the intention of persuading that person to do something or not do something in their duties, which is contrary to their authority or obligations involving the public interest. The act of bribery on the highway carried out by unscrupulous traffic police officers with traffic violators is a negative stigma that has long been familiar to the public, even though the act of bribery is a haram act that is a major sin as explained in Surah Al-Maidah verse 42

يَضْرُوكَ فَلَنْ عَنْهُمْ تُعْرَضُ وَإِنْ ۖ عَنْهُمْ أَعْرَضُ أَوْ بَيْنَهُمْ فَأَحْكُمْ جَاءُوكَ فَإِنَّ ۖ لِلْسُّخْتِ أَكُلُونَ لِلْكَذِبِ سَمْعُونَ  
الْمُفْسِدِينَ يُحِبُّ اللَّهُ إِنَّ ۖ بِالْقِسْطِ بَيْنَهُمْ فَأَحْكُمْ حَكَمْتَ وَإِنْ ۖ شَيْئًا

"They are people who like to hear fake news, eat a lot of what is haram. If they (the Jews) come to you (to ask for a verdict), then decide (the matter) between them, or turn away from them; If you turn away from them, they will not harm you in the slightest. And if you decide their case, then decide (the matter) between them fairly, indeed Allah loves those who are just."

The verse above shows that the implementation of ETLE is an effort made by the Bengkulu Regional Police to prevent mafsadat from causing harm to life, property, religion, and descendants. So, refusing to lose is more prioritized than putting others first. Another example is also found in Surah an-Nisa 148

عَلِيمًا سَمِيعًا اللَّهُ وَكَانَ ۖ ظَلِمَ مَنْ إِلَّا الْقَوْلِ مِنَ بِالسُّوءِ الْجَهْرَ اللَّهُ يُحِبُّ لَا

“Allah does not like bad words, (which are spoken) openly except by people who have been wronged. And Allah is All-Hearing, All-Knowing.”

Allah SWT has ordered us to obey Ulil Amri (the government) as long as we do not invite disobedience to Allah, as he ordered us to obey Allah and His Messenger. Every Muslim must comply with the state regulations that apply to him, including the rules when traveling on the road. Driving on the road is a form of obedience to the government as ordered in the Koran, Surah An-Nisa verse 59.

لَكَ ذُ ۖ الْآخِرِ وَالْيَوْمِ بِاللَّهِ تَوَمَّنُونَ ۖ تَتَمَّ الرَّسُولُ عُوا وَأَطَىٰ اللَّهُ أَطِيعُوا أَمْنُوا الَّذِينَ أَيَّهَايَ تَأْوِيلٌ وَأَحْسَنُ ۖ يَزَّ خ

“O you who believe! Obey Allah and obey the Messenger (Muhammad), and Ulil Amri (the authority) among you. Then, if you differ in opinion about something, then return it to Allah (the Qur'an) and the Messenger (His Sunnah), if you believe in Allah and the Last Day. That is more important (for you) and the consequences are better.”

The state makes these regulations based on the spirit of realizing the rules of maṣlaḥat for all society and avoiding threatening dangers. This rule in the formulation of Islamic law is known as the theory of almaṣḥalaḥ al-murṣalaḥ, namely a benefit that is not stipulated by the syara' to make it happen and there is also no syara' argument that orders one to pay attention to it or ignore it as Allah SWT says in QS. Al-Ankabut verse 20 which reads:

إِنَّ الْآخِرَةَ النَّشْأَةَ يُنْشِئُ اللَّهُ ثُمَّ ۖ الْخَلْقِ بَدَا كَيْفَ فَانظُرُوا الْأَرْضِ فِي سِيرُوا قُلْ ۖ قَدِيرٌ شَيْءٍ كُلِّ ۖ لَىٰ عَ اللَّهُ

"Say, "Walk on the earth, then see how (Allah) begins the creation of (creatures), then Allah brings about the final event. Indeed, Allah is Almighty over all things.”

So, it can be concluded that ETLE is a law or rule that has useful value. So the ETLE regulations should be included in the category of benefits that cannot be abandoned, namely maṣlaḥah dharuriyah, which is a necessity and is considered useful for implementing all things that form the basis of the existence of human life, the existence of ETLE itself exists for the benefit of humanity and is also part of the rules of sharia law. 'at which must be obeyed, because it is in accordance with the guidance of the texts of the Al-Qur'an and Hadith in order to create benefits and prevent damage.

Driving properly on the road is an obligation and is part of the etiquette or morals of drivers and road users. Traffic awareness is part of sharia. Rasullah SAW has provided guidance to Muslims regarding the rights of road users, including ethics or manners in driving to achieve and maintain the maqāṣid of mutual benefit for road users, the most important of which is protecting the soul (maqāṣid shari'ah al-Nash), protecting religion (maqāṣid shari'ah ḥifz al-Din), and safeguarding property (maqāṣid syari'ah ḥifz al-Amal). The

rules governing orderly traffic practices are not actually a product that has only appeared recently. Several countries, such as Saudi Arabia, Jordan, Palestine, and the United Arab Emirates, have done something similar (Muhtari, 2023).

This is a form of dignified reconciliation towards social, economic, and political development and includes matters which are obligations and authorities in implementing Islamic law for all its adherents in accordance with the provisions and guidelines.<sup>1</sup> If you look at the considerations based on the Shari'a, they will be explained in very detail, as is the explanation regarding the law of *wasilah*. The law of carrying out *wasilah* is in accordance with the law of *maqasid*. Every *wasilah* that causes it to be completed is obligatory, then the *wasilah* becomes obligatory, and vice versa. If the *maqasid* is obligatory, then the *wasilah* is also obligatory. For example, wearing a helmet and a seat belt when driving and obeying red lights are mandatory factors to support personal, mental, social, religious, hereditary, and other people's safety when driving.

The command for humans not to be arrogant and proud to walk on earth is as stated in QS Al-Luqman 18

فَخُورًا مُخْتَالًا كَلَّ يَحِبُّ لَا إِلَهَ إِلَّا اللَّهُ إِنَّ َحًا

“And do not turn your face away from people (out of pride) and do not walk on the earth arrogantly. Indeed, Allah does not like those who are arrogant and boastful.”

In line with the conditions above, something more or less similar also happened in Bengkulu City. The Islamic Sharia that has been in effect in Bengkulu City has indirectly become the main driver for regulating or creating regulations that are not only oriented towards positive law but can also be in accordance with religious demands. However, the difference is in Bengkulu City. However, it starts from more or less the same background, namely to provide protection. So, the City of Bengkulu began trying to apply traffic fiqh with the principles of *maqasid sharia* for a formulation process involving various relevant parties such as the Islamic Sharia Service, the Ulama Consultative Council, the Police, and others.

The application of ETLE is in the same direction as prioritizing common interests or goods by rejecting actions that lead to destruction, but rejecting *mafsadah* is also prioritized if it is accompanied by benefits, such as obeying traffic signs for orderliness when driving in public places so as to avoid accidents that result in loss of life or organs of fellow drivers on the road.

The state makes these regulations based on the spirit of realizing the rules of *maṣlaḥat* for all society and avoiding threatening dangers. This rule in the formulation of Islamic law is known as the theory of *al-maṣlaḥat al-mursalah*, namely a benefit that is not stipulated by the *syara'* to make it happen and there is also no *syara'* argument that orders one to pay attention to it or ignore it. As Allah SWT says in QS. Al-Ankabut verse 20

عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ فَابْدَأِ الْبَدَأَ الْحَيُّ الْأَرْضِ فَانظُرُوا كَيْفَ سِيرُوا فِي ٢٠

<sup>1</sup>ibid p.32

Say: "Walk on (the face of) the earth, then see how Allah created (humans) from the beginning, then Allah created them again. Indeed, Allah has power over all things.

So, it can be concluded that ETLE is a law or rule that has useful value. So the ETLE regulations should be included in the category of benefits that cannot be abandoned, namely *maṣlaḥah dharuriyah*, which is a necessity and is considered useful for implementing all things that form the basis of the existence of human life, the existence of ETLE itself exists for the benefit of humanity and is also part of the rules of sharia law. 'at which must be obeyed, because it is in accordance with the guidance of the texts of the Al-Qur'an and Hadith in order to create benefits and prevent damage.

## Conclusion

The implementation of ETLE in the jurisdiction of the Bengkulu Police Traffic Directorate is an effort to maintain traffic order for the people of Bengkulu City. ETLE was first implemented in November 2022 in Bengkulu City with five initial installation points. The implementation of ETLE in Bengkulu City is currently running quite smoothly, but even though ETLE cameras have been installed at several points, the level of violations is still quite high. This shows that the use of ETLE has not effectively regulated traffic in Bengkulu City. There needs to be a fundamental traffic law enforcement revolution in order to grow awareness of traffic order. Apart from that, the implementation of ETLE is not yet perfect because the process cannot be completely online. This causes confusion. The public feels that the ETLE systematics are too long, convoluted, and confusing. However, ETLE is an initial step that can be taken to start a better traffic violation enforcement system. Judging from the *siyasah dusturiyah*, the Bengkulu Regional Police's efforts in implementing ETLE as a way to resolve traffic violation cases are seen as an effort to bring benefit to the community and avoid damage (*mafsadah*) that could potentially occur in the middle of the Traffic Space.



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