
Due Process of Law in Verification and Validation of Electronic Evidence on The Use of Fake Motor Vehicle Registration Numbers in The Enforcement of Etilang

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ABSTRACT

The implementation of the electronic ticketing system (Electronic Traffic Law Enforcement/ETLE) represents a modernization of traffic law enforcement based on information technology. This study aims to analyze the verification and validation mechanisms of electronic evidence within the ETLE system and assess its compliance with the principles of criminal procedure law, particularly the *due process of law*, the *principle of legal certainty*, and the protection of violators' rights. This study employs a normative juridical approach, analyzing laws and regulations and legal doctrine, further strengthened by interview results from Cirebon Resort Police officers. The study's findings indicate that the verification and validation mechanisms for electronic evidence in the ETLE system currently lack standard operating procedures, are conducted entirely internally, and have not been supervised by an independent institution. Furthermore, the use of fake TNKB by perpetrators of violations cannot be effectively detected, leading to errors in identifying legal subjects and potentially infringing upon citizens' constitutional rights. Therefore, the ETLE system necessitates legal and technical reforms, including the establishment of an independent verification agency and strengthened regulations to ensure that electronic evidence can be legally, accurately, and objectively tested. Moreover, bolstering the integration of vehicle data with digital identification systems is crucial to ensure *legal certainty* and prevent the criminalization of innocent parties.

Keywords: Verification; Validation; Fake TNKB; Electronic Evidence; Legal Certainty; E-Tickets.

INTRODUCTION

The advancement of technology mandates the Indonesian National Police (Polri) to enhance protection, service, and care for the public (Mahendara, 2022). Consequently, the public naturally evaluates the police's performance, particularly in enforcing traffic regulations (Wulandari & Syafiq, 2020). One innovation stemming from technological and information developments is the electronic ticketing system, or *e-ticketing*, introduced as a state response to the need for a more efficient, transparent, and accountable enforcement mechanism (Wiguna et al., 2023). By utilizing CCTV cameras, the *e-ticketing* system automatically records traffic violations without requiring direct interaction between officers and violators (Aribowo & Sudarto, 2024).

However, this system raises significant legal issues, especially concerning the verification and validation of electronic evidence as the basis for enforcement actions (Arshad et al., 2018; Komalasari & Mustafa, 2023; Wang et al., 2024). From the perspective of procedural law, the validity of evidence is fundamental to ensuring *due process of law* and

normative control over investigators' authority. The electronic evidence used in the *e-ticketing* system raises questions regarding its status in criminal evidentiary law, particularly for minor offenses categorized as traffic violations under Book 3 of the Criminal Procedure Code. Since traffic violations processed under this system utilize an expedited procedural mechanism, the judge's decision is final and binding, without the possibility of appeal or cassation as stipulated in Article 205 of the Criminal Procedure Code. This renders the evidentiary system crucial, as the decision depends solely on a single judge, which creates a potential vacuum in protecting the offender's rights during ticketing due to the immediate absence of reaffirmation or interaction between law enforcement officers and violators at the time of issuance.

Contrary to the general procedural law paradigm, where the presence of an examination report and its signing by both investigator and suspect fulfills the principle of *audi et alteram partem* as stated in Article 184 of the Criminal Procedure Code, the *e-ticketing* system's unilateral nature raises concerns. The validity of CCTV camera footage as evidence, the data processing mechanism, and the possibility of technical errors are critical issues demanding thorough investigation. Moreover, concerns about protecting citizens' human rights arise because the system tends to sideline the violators' right to a fair defense.

Public reports indicate fraudulent activities involving the sending of electronic tickets via WhatsApp and incidents of erroneous ticket issuance, emphasizing the urgent need for rigorous verification and validation of evidence before declaring violators guilty. Another pressing challenge is the use of fake Motor Vehicle Registration Plates (*TNKB*) by offenders, which allows perpetrators to shift responsibility to innocent vehicle owners. This constitutes a criminal offense under Article 280 of Law Number 22 of 2009 concerning Traffic and Road Transportation, prescribing penalties of up to two months' imprisonment or a fine of IDR 500,000.00. Article 68 paragraph (1) of the same law mandates that motorized vehicles must be equipped with a valid *TNKB* issued by the police.

This issue becomes particularly pertinent in the *e-ticketing* context because the system relies solely on license plate identification without real-time authenticity verification of the *TNKB*. This vulnerability risks wrongful ticketing of innocent parties, undermining the principles of presumption of innocence and *legal certainty* as guaranteed in Article 28D paragraph (1) of the 1945 Constitution. Without accurate verification of the violator's identity, the *e-ticketing* system may lead to errors in legal enforcement, violating the principle of *due process of law*.

In light of these challenges, this research is driven to analyze legal certainty, and the obstacles law enforcement faces in verifying and validating electronic evidence, especially regarding fake motor vehicle number plates in *e-ticketing* enforcement. The purpose is to identify means to minimize disproportionate and repressive law enforcement practices.

This study offers significant theoretical and practical contributions. Theoretically, it advances legal science in criminal procedure and human rights protection by analyzing the mechanisms for verifying and validating electronic evidence in the ETLE system. Its findings can serve as an academic reference for developing fairer and more transparent legal policies. Practically, the research aims to inform government and law enforcement improvements such

as establishing an independent verification body and developing clear operational standards. Additionally, it seeks to raise public awareness of their rights in the *e-Tilang* process, reducing risks of legal errors due to fake *TNKB* use. Ultimately, this research promotes legal reform while safeguarding public interest.

METHOD

This research was conducted using a descriptive approach that refers to the use of normative juridical methods. The aim is to examine the provisions of laws and regulations concerning the implementation of electronic evidence verification and validation in e-ticketing enforcement, focusing on guaranteeing the rights of violators as citizens so that they have sufficient opportunity to defend themselves.

Data sources are the subjects or objects from which data is obtained. Research data is obtained, collected, and analyzed through library research to obtain primary, secondary, and tertiary legal materials.

- a. Primary Legal Materials, Primary legal materials include legal materials derived from secondary data sources that are not obtained directly, including documents containing binding statutory provisions stipulated by authorized parties. In this study, the documents used include Law Number 22 of 2009 concerning Traffic and Road Transportation, Supreme Court Regulation of the Republic of Indonesia Number 12 of 2016 concerning Procedures for Settling Traffic Violation Cases, Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016, and the Criminal Procedure Code (KUHAP).
- b. Secondary legal materials, all documents or information sourced from studies on the verification and validation of e-ticket evidence, such as books, seminars, legal journals, magazines, newspapers, scientific papers, and several internet sources relevant to the verification and validation of e-ticket evidence.
- c. Tertiary materials include all documents containing concepts and information supporting primary and secondary legal materials, such as language dictionaries, encyclopedias, and so on.

The data collection techniques in this study utilized library research and direct field data collection through interviews. Legal research using the normative juridical method was conducted by examining secondary data and presenting the data along with the results of the analysis.

RESULTS AND DISCUSSION

Legal Certainty Regarding the Use of Fake Motor Vehicle Registration Numbers by Perpetrators in E-Ticketing Violations

Advances in information and communication technology are driving digitalization in various aspects of life, including traffic law enforcement. One form of this modernization is the implementation of the electronic ticketing system, or electronic traffic law enforcement (ETLE). Normatively, this system is legally legitimized through Law Number 22 of 2009

concerning Road Traffic and Transportation, specifically Article 272, which states that enforcement of traffic violations can be carried out using electronic devices that can automatically record incidents without the direct involvement of officers in the field (Halid et al., 2024).

Furthermore, technical reinforcement for the implementation of ETLE is also provided through Supreme Court Regulation of the Republic of Indonesia Number 12 of 2016 concerning Procedures for Settling Traffic Violation Cases. This regulation responds to the need for a simple, fast, and low-cost justice system, including for minor traffic violations, which can now be handled electronically (Jonathan & Faozi, 2024). Through this mechanism, violators do not need to physically appear in court; instead, they can simply receive a traffic ticket notice, pay the fine online, and resolve the case without a lengthy litigation process.

From a legal perspective, Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended by Law Number 19 of 2016, legitimizes electronic evidence. Article 5, paragraphs (1) and (2) of the Electronic Information and Transactions Law explicitly state that electronic information and/or electronic documents (Trisnawati et al., 2015), including surveillance camera recordings, constitute valid legal evidence and have the same legal standing as conventional evidence as defined in applicable procedural law.

In the context of violations recorded by ETLE cameras, serious problems arise when violators use fake Motor Vehicle Registration Plates (TNKB). This practice makes the e-Ticketing system, which relies on license plate identification, vulnerable to errors by legal subjects. The use of fake TNKB is explicitly an unlawful act as regulated in Article 280 of Law Number 22 of 2009 concerning Traffic and Road Transportation, which states that motor vehicle drivers who do not use the official TNKB determined by the Police shall be punished with imprisonment for a maximum of two months or a maximum fine of IDR 500,000.00.

Furthermore, Article 68 paragraph (1) of Law Number 22 of 2009 concerning Traffic and Road Transportation requires every motorized vehicle operated on the road to be equipped with a valid TNKB issued by the Police. Therefore, the act of using a fake TNKB is not merely an administrative violation, but a criminal offense that can have legal consequences for other parties, including errors in enforcement within the e-Ticket system. In this situation, the legitimate owner of the vehicle may receive an e-Ticket confirmation letter due to the violation committed by the perpetrator who used the vehicle's identity illegally.

Furthermore, as stipulated in Supreme Court Regulation Number 12 of 2016 concerning Procedures for Settling Traffic Violation Cases, Article 7 states that parties who object to the determination/decision may file an objection on the same day. It can be concluded that the statute of limitations for the violator's defense is that day. Therefore, if the a quo violator is not present, regardless of the reason, an administrative fine will still be imposed without consideration of the material truth regarding why or how the traffic violation occurred.

Thus, the implementation of e-ticketing still poses problems in the context of due process of law, particularly regarding the verification and validation mechanisms for evidence before imposing administrative sanctions. Although the e-ticketing system is technology-based, the principle of procedural fairness must still be guaranteed to prevent abuse of authority by law

enforcement officials (Hartono, 2021). Weak oversight of the validity of electronic evidence in the ETLE system, as well as the need for policy reforms to establish technical standards and independent verification institutions (Kusuma, 2022), also poses a significant challenge.

Challenges and Obstacles to Verifying and Validating Electronic Evidence of Fake Motor Vehicle License Plates in Enforcing E-Tickets

In the criminal justice system, the evidentiary process plays a central role as a mechanism for assessing the material truth of a legal event. In this context, verification and validation are two fundamental principles inherent in the evidence-testing process. Verification is defined as the process of examining the validity and authenticity of evidence, while validation emphasizes the assessment of the relevance and probative value of the evidence. Valid evidence must be obtained through a mechanism that ensures the evidence is obtained legally and does not violate the principle of a fair trial (Mertokusumo, 2009).

In Indonesian criminal procedure law, although the terms "verification" and "validation" are not explicitly mentioned in the Criminal Procedure Code (KUHAP), the substance of these two principles is reflected in the provisions regarding the procedures for obtaining and assessing evidence. Article 184 of the KUHAP specifically outlines five types of valid evidence, and each piece of evidence must meet the principles of legality and due process of law in its acquisition. This demonstrates that testing the veracity and procedural appropriateness of evidence is an integral part of the evidentiary process, which in turn ensures that judges' decisions are not based on legally flawed evidence.

With technological advances, challenges to the principles of evidence verification and validation are increasingly complex, particularly in cases involving electronic evidence. CCTV footage, screenshots, or metadata require technical verification to ensure their integrity and authenticity, including through digital forensics or audits of the electronic systems used (Suratno, 2018). Without this process, electronic evidence has the potential to be manipulated or misinterpreted, leading to errors in the assessment of legal facts.

Based on research with the Cirebon Police, e-ticketing enforcement is now not based on CCTV footage or E-TLE cameras at red lights, but rather on E-TLE cameras (bodycams) of traffic officers on patrol. Cirebon Police ETLE officers then search for a match between vehicle license plate numbers in the database and send a confirmation letter to the vehicle owner via WhatsApp or post. Some of the main obstacles faced are the existence of multiple interpretations by the public regarding violations recorded by ETLE cameras and the less-than-optimal socialization which causes public resistance and difficulties in carrying out the process of clarifying evidence of e-ticketing actions.

From a technical perspective, ETLE camera footage is often unclear, complicating the verification and validation process. This aligns with the principles of criminal procedure law, which require that all evidence be tested for its validity and authenticity. Without adequate visual quality, the potential for wrong tickets increases. Budget constraints can also be a hindering factor in ETLE device updates.

Structurally, the verification and validation process for ETLE results is carried out internally by e-ticketing operators, without any external oversight mechanism or independent verification agency. This naturally raises questions about accountability and objectivity in the evidentiary process. Field findings indicate that the responsibility for the validity of ETLE evidence rests entirely with the operators. However, the lack of publicly available standard operating procedures (SOPs) regarding the technical and legal methods for assessing recordings represents a legal gap worthy of criticism.

The importance of the verification and validation principles is closely related to fulfilling the principle of *audi et alteram partem*, which is an integral part of the right to a fair trial. This principle guarantees that every party subject to legal proceedings has the right to be heard and to defend themselves proportionately. In the context of the e-ticketing system, if violators do not have an adequate opportunity to access, examine, and verify the electronic evidence used against them, this principle has been violated. The violators' right to know, understand, and examine the evidence presented against them is a constitutional right that cannot be waived for reasons of efficiency (Nanda, 2022).

CONCLUSION

The verification and validation system for electronic evidence in Indonesia's *e-Ticketing* system has yet to achieve full legal recognition within the existing criminal procedure framework, due to the absence of explicit regulations on procedures, authorities, and mechanisms governing electronic evidence in traffic and criminal law. This legal gap poses risks to the validity and reliability of electronic evidence used in enforcement actions. While the *e-Ticketing* system at the Sumber Police Resort reflects technological progress in traffic law enforcement, it continues to encounter both technical and legal challenges, especially in evidence verification and ensuring accuracy. Moreover, the lack of oversight by an independent institution or court undermines the objectivity of the validation process. Future research should explore the development of comprehensive legal frameworks and institutional mechanisms that integrate independent oversight to strengthen the legitimacy, transparency, and accountability of electronic evidence verification in traffic law enforcement.

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