

Implementation of Ticket Sanctions for Traffic Violations Based on Law No. 22 of 2009 at the Sorong City Police Traffic Unit

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Article History

Received: 20/04/2024; Reviewed: 29/04/2024; Accepted: 06/05/2024; Published: 20/05/2024

Abstract: Traffic violations are one type of offense that is included in certain criminal offenses. In the context of Indonesian law, every offense, whether it is a crime or a violation, must be processed in accordance with the applicable laws. However, there are still many students and people who commit violations such as driving without a driver's license, STNK, violating red lights, and not wearing a helmet. Although the police are responsible for traffic order, often the settlement of violations is not in accordance with the provisions of the law, even settled on the spot by unscrupulous law enforcement officers. Traffic law should create order and freedom for society, by combining the freedom of road users with order. This research aims to explore the application of ticket sanctions against traffic violations based on Law No. 22 of 2009 concerning Road Traffic and Transportation at the Sorong City Police Traffic Unit. The research method used is empirical juridical with descriptive analysis approach. The results showed that the application of ticket sanctions against traffic violations includes various types of sanctions in accordance with the violations committed, such as principal and additional punishment. The application of ticket sanctions is carried out through various stages, including written legal action using ticket stamps. In addition, the research also revealed that minors who commit traffic offenses are enforced with special considerations, taking into account the truth, justice, and welfare of the child. This research underscores the importance of road traffic and transportation in supporting national development and integration, as well as the need to develop its potential and role in realizing traffic safety and order.

Keywords: Ticket Sanctions; Traffic; Sorong City; Violations

Abstrak: Pelanggaran lalu lintas merupakan salah satu jenis pelanggaran yang masuk dalam tindak pidana pelanggaran tertentu. Dalam konteks hukum Indonesia, setiap pelanggaran, baik itu kejahatan maupun pelanggaran, harus diproses sesuai dengan aturan hukum yang berlaku. Namun, masih banyak pelajar dan masyarakat yang melakukan pelanggaran seperti mengemudi tanpa surat izin mengemudi, STNK, melanggar lampu merah, dan tidak menggunakan helm. Meskipun kepolisian bertanggung jawab atas ketertiban lalu lintas, seringkali penyelesaian pelanggaran tidak

sesuai dengan ketentuan hukum, bahkan diselesaikan di tempat oleh oknum aparat penegak hukum. Hukum lalu lintas harus menciptakan ketertiban dan kebebasan bagi masyarakat, dengan memadukan kebebasan pemakai jalan dengan ketertiban. Penelitian ini bertujuan untuk mengeksplorasi penerapan sanksi tilang terhadap pelanggaran lalu lintas berdasarkan Undang-Undang No. 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan di Sat Lintas Polresta Sorong Kota. Metode penelitian yang digunakan adalah yuridis empiris dengan pendekatan deskriptif analisis. Hasil penelitian menunjukkan bahwa penerapan sanksi tilang terhadap pelanggaran lalu lintas mencakup berbagai jenis sanksi sesuai dengan pelanggaran yang dilakukan, seperti pidana pokok dan tambahan. Penerapan sanksi tilang ini dilakukan melalui berbagai tahapan, termasuk penindakan hukum secara tertulis dengan menggunakan blangko tilang. Selain itu, penelitian juga mengungkapkan bahwa anak di bawah umur yang melakukan pelanggaran lalu lintas diberlakukan dengan pertimbangan khusus, mempertimbangkan kebenaran, keadilan, dan kesejahteraan anak. Penelitian ini menggarisbawahi pentingnya penyelenggaraan lalu lintas dan angkutan jalan dalam mendukung pembangunan dan integrasi nasional, serta perlunya pengembangan potensi dan peranannya dalam mewujudkan keamanan dan ketertiban berlalu lintas.

Kata Kunci: Sanksi Tilang; Lalu Lintas; Kota Sorong; Pelanggaran

INTRODUCTION

Violations related to road traffic are one type of offense included in certain criminal offenses. According to Indonesian law, every criminal offense, whether it falls into the category of crime or offense, must be processed in accordance with the applicable laws and regulations.¹ This confirms that road traffic violations, although classified as certain offenses, must still be handled in accordance with existing legal provisions.

Traffic violations are still common among students and the public, including driving without a license, without a Vehicle Number Certificate (STNK), violating red lights, and not wearing a helmet.² Although the police are responsible for traffic order, the settlement of cases is often not in accordance with the applicable law. Many cases of traffic violations are settled on the spot by unscrupulous law enforcement officers or traffic police.³

Traffic law has the dual function of aiming to create order and security, while maintaining freedom for the whole of society. Traffic law should combine the freedom of

¹ I Gede Krisna, I Nyoman Gede Sugiarta, and I Nyoman Subamiya, "Tindak Pidana Pelanggaran Lalu Lintas Dan Upaya Penanggulangannya Pada Masa Pandemi Covid-19," *Jurnal Konstruksi Hukum* 2, no. 2 (2021): 338–43, <https://doi.org/10.22225/jkh.2.2.3233.338-343>.

² Mustafa Hulihulis et al., "The Role of Indigenous Community Paralegals in Providing Legal Aid Case Study of Sorong Regency" 2, no. 1 (2024): 22–34.

³ Rudolf Silaban and Indah Malau Pase, "Tinjauan Yuridis Sanksi Pidana Terhadap Pelaku Pelanggaran Lalu Lintas Menurut Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan," *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana* 3, no. 1 (2021): 107, <https://doi.org/10.46930/jurnalrectum.v3i1.823>.

road users with the goal of achieving the order desired by society.⁴ In this case, the application of law by law enforcement officers is crucial to provide a sense of security to the community, while the settlement of traffic cases must ensure a sense of justice for all parties involved.⁵

Traffic and road transportation laws that are enforced in accordance with applicable procedures and provisions are expected to reduce road violations. The application of violation sanctions or tickets must be carried out consistently in all places, regardless of the status or position of the perpetrator.⁶ This is important because offenders who are not dealt with firmly may repeat their actions.⁷ Furthermore, settling traffic offense cases with bribes not only undermines the principle of justice, but also weakens the integrity of the law and law enforcement as a whole.⁸

Table I.
Data on Traffic Violations in 2021

No	Month	Number of Violations		
		Action		
		Warning	Tickets	E - Ticket
1	January	40	16	0
	February	82	0	0
	Maret	56	6	0
	April	120	5	0
	May	80	20	0
	Juny	0	30	0
	July	0	20	0
	August	0	20	0
	September	0	15	0

⁴ Gerson Sem Buinei et al., "Restorative Justice Approach in Dealing with Crimes at Police Level (A Study at Polresta and Polres Sorong)" 2, no. 1 (2024): 1–12.

⁵ Taufik Hidayat, Abdul Haris Semendawai, and Habloel Mawadi, "Efektifitas Penindakan Tindak Pidana Pelanggaran Lalu Lintas Menggunakan E-Tilang (Studi Kasus Satuan Lalu Lintas Polrestabes Bandung)," *Veritas* 8, no. 2 (2023): 166–90, <https://doi.org/10.34005/veritas.v8i2.2068>.

⁶ Khoirun Nikmah, Anggoro Dominikus, and Alif Rodiana, "Penetapan E-Tilang Dalam Situasi Perilaku Kedisiplinan Berlalu Lintas Masyarakat Surabaya," *Jurnal Hukum Magnum Opus* 2, no. 2 (2019): 196, <https://doi.org/10.30996/jhmo.v2i2.2381>.

⁷ Dewi Mulyati and Ali Dahwir, "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Kejahatan," *Solusi* 20, no. 1 (2022): 31–48, <https://doi.org/10.36546/solusi.v20i1.469>.

⁸ Mahasiswa Magister et al., "Abstrak Untuk Mencapai Sebuah Proses Tilang Yang Relevan Maka Perlu Adanya Sebuah Sistem Informasi Yang Didukung Oleh Sebuah Perangkat Lunak Berbasis Jaringan Atau Website Yang Memungkinkan Penyebaran Informasi Kepada Setiap Anggota Kepolisian Secara" 12, no. 4 (2017): 754–66.

October	0	50	0
November	0	31	0
December	0	20	0
Total	378	233	0

Table II.
Data on Traffic Violations in 2022

No	Month	Number of Violations		
		Action		
		Warning	Warning	Warning
1	January	0	10	0
	February	0	36	0
	Maret	0	93	0
	April	0	35	0
	May	0	55	0
	Juny	0	55	0
	July	28	45	0
	August	213	129	0
	September	232	105	0
	October	137	96	0
	November	105	15	0
	December	120	0	0
Total	835	673	0	

Table III.
Data on Traffic Violations in 2023

No	Month	Number of Violations		
		Action		
		Warning	Warning	Warning
1	January	80	100	0
	February	181	172	0
	Maret	150	144	0
	April	50	60	0
	May	50	40	0
	Juny	50	76	0
	July	50	74	0

August	75	19	0
September	200	116	0
October	75	62	0
November	75	40	0
December	50	25	0
Total	1086	928	0

Source: *Data of Sorong City Police Traffic Unit*

From the data above, it can be seen that the number of traffic tickets has increased in the last 3 years from 2021, 2022, and 2023. It is clear that the high number of traffic violations, both in rural and urban areas, indicates a serious challenge in law enforcement and traffic awareness.⁹ In rural areas, away from the crowds, violations may occur due to lack of supervision and legal awareness. Whereas in urban areas such as Sorong City, which is the capital of the province with a high number of population and motorized vehicles, congestion and time pressure may trigger violations. Therefore, strict law enforcement and effective education on traffic rules are important to reduce the number of violations and improve road safety.

The higher the number of motorized vehicles, the more complex the traffic problems faced, including the increasing level of violations. Violations such as not using seat belts, loading beyond capacity, and not having complete vehicle documents often occur in the midst of heavy traffic. In addition, the disobedient behavior patterns of some people are also an important factor in the increasing number of violations. To overcome this, the need for consistent law enforcement, traffic awareness campaigns, and stricter supervision are important steps in creating a safer and more orderly traffic environment.¹⁰

The urgency of this research, Traffic violations can disrupt order and security on the highway, so consistent law enforcement is needed to prevent accidents or other losses, in the settlement of traffic violation cases must ensure justice for all parties involved, so that each violator is handled in accordance with applicable laws.

The development of traffic violations has shown increasingly complex patterns in line with the modernization of society. Therefore, strong and firm regulations are needed to prevent and take action against such violations. Effective regulations can be an important tool in creating awareness and obedience to traffic rules. In addition, an

⁹ Irfan Ramli, Wahab Aznul Hidayat, and Muharuddin Muharuddin., ""Penghentian Perkara Berdasarkan Restorative Justice Dalam Perkara Tindak Pidana Pencurian Di Kota Sorong.,"" *Journal of Law Justice (JLJ)* 1, no. 2 (2024): 89–108.

¹⁰ Jefry; A. Sakti R.S. Rakia; Sahertian Marthin Kocu, "Penegakan Hukum Terhadap Perdagangan Minuman Keras (Beralkohol) Tanpa Izin Di Wilayah Aifat Kabupaten Maybrat," *Journal of Law Justice* 1, no. 1 (2023): 109–18.

intensive education and socialization approach is also needed so that people understand the importance of obeying traffic rules for mutual safety. With these efforts, it is expected to reduce the level of violations and create a safer and more orderly traffic environment.

Law No. 22/2009 on road traffic and transportation and its implementing regulations play an important role in addressing the high rate of traffic violations. Through this law, efforts to overcome traffic violations are more focused on a comprehensive approach that includes various measures, such as guidance, prevention, regulation, and law enforcement. This approach aims to create a more orderly and safe traffic environment, as well as to increase public awareness of the importance of complying with traffic rules. Thus, it is expected to reduce the number of violations and improve safety for all road users.

METHOD

This research uses an empirical juridical approach with field data as the main source, such as the results of interviews and observations, to analyze community behavior in the legal context related to traffic violations. The research location is at the Sorong City Police Traffic Unit, West Papua. Types and sources of data include primary data from interviews, secondary data from literature studies, and tertiary data that provide additional explanations. Data collection is done through empirical techniques (field research) by examining the phenomenon in detail and conducting interviews. Data analysis uses qualitative methods, with a prescriptive approach to applying and enforcing the law.

DISCUSSION

A. Implementation of Ticket Sanctions Against Traffic Violators Based on Law No. 22 of 2009

The examination procedure in the Indonesian legal system, especially in relation to traffic offenses, includes several processes regulated in KUHAP. The first is the ordinary examination, in which the president of the District Court studies the case file submitted by the public prosecutor.¹¹ If the case does not fall within the jurisdiction of the court to which it has been delegated, action will be taken in accordance with established procedures. Then, there is the summary examination procedure, which applies to cases with evidence that the Public Prosecutor considers easy and simple. In this event, the Public Prosecutor receives the investigator's file directly. Finally, there is the speedy trial, which is divided into two parts: the misdemeanor trial and the traffic violation trial. In traffic violation hearings, the process does not require an investigation report, but the

¹¹ Ahmad Gazali, "Analisis Yuridis Terhadap Penegakan Hukum Pelanggaran Lalu Lintas Dan Angkutan Jalan Berdasarkan Electronic Traffic Law Enforcement (ETLE) Dalam Kaitan Prinsip Sanksi Pidana Hanya Dapat Dijatuhkan Melalui Proses Peradilan," *Al-Adl: Jurnal Hukum* 14, no. 2 (2022): 382, <https://doi.org/10.31602/al-adl.v14i2.5707>.

investigator sends the records directly to the court for consideration in the hearing.¹² As such, this legal process provides a clear framework for dealing with traffic violations, ensuring that each offense is followed up in accordance with established procedures.

In practice, the defendant has the right to file an opposition within seven days after the judgment is pronounced. If the verdict remains criminal after the defendant files an opposition, especially in cases where the defendant was not present beforehand and has been sentenced to imprisonment, then the defendant can still appeal against the verdict. This shows that the defendant has the right to continue the legal process and seek further justice, if they feel that the court's decision is unfair or not in accordance with the applicable law.¹³

According to an interview with KBO Lantas Polresta Sorong Kota, Ipda Suparman, S.Sos, the application of sanctions for traffic violations varies depending on the violation committed. For example, the violation of not having a Driver's License (SIM) is regulated by Article 281, which results in the perpetrator being subject to a maximum imprisonment of 4 months or a maximum fine of Rp 1 million. Meanwhile, the offense of not using a Vehicle Number Mark is regulated by Article 280, which results in the perpetrator being subject to a maximum imprisonment of 2 months or a maximum fine of IDR 500 thousand. This shows that the sanctions imposed are tailored to the level of offense committed, and aim to provide a deterrent effect and encourage awareness of the importance of compliance with traffic rules.

According to the results of an interview with the KBO of the Traffic Police of Sorong Kota, Ipda Suparman, S.Sos, the records in the traffic violation examination program include various forms of legal action, which are explained as follows:

1. Written Law Enforcement (Blangko Tilang):

- The use of ticket stamps is based on Chapter IV section VI paragraph 2 of KUHAP articles 211 to 216.
- Ticket stamps are used as evidence of certain traffic violations and as orders, executions, summons to appear before the District Court, and bank deposits.
- The ticket form contains 27 types of traffic violations.
- The ticket form consists of a red book for the ticket court hearing process, yellow for the police archive, white for the prosecutor's archive, green for the court, and blue for the violator's archive.

¹² suryani & siadari, "Zona Keadilan: Program Studi Ilmu Hukum (S1) Universitas Batam ANALISIS YURIDIS PERLINDUNGAN KESEJAHTERAAN" 10, no. 02 (2020): 18–34.

¹³ Ralfie Noveydi Rumagit Pinasang, "Proses Penyidikan Tindak Pidana Korupsi Oleh Penyidik Kepolisian Negara Republik Indonesia Dalam Pengadaan Barang Mesin Saw Mill Tahun Anggaran 2010 Di Kota Bitung," *Jurnal Unsrat* 8, no. 2 (2020): 1.

2. Preparation and Implementation of Enforcement with Ticket Stamps:

- Preparation for enforcement includes writing on the ticket stamp with a coating tool, writing on the ticket stamp sheet with a black ballpoint pen, and signing the defendant.
- Enforcement is carried out by stopping the vehicle, giving respect, checking identity and vehicle documents, and confiscating motorized vehicles if necessary.

By using the ticket form and following the established enforcement procedures, law enforcement against traffic violations can be carried out in an orderly manner and in accordance with applicable regulations.

Children who have not reached the age of 12, even if they commit a criminal offense, cannot be brought before a juvenile court. This is based on sociological, psychological, and pedagogical considerations, which emphasize that children of this age cannot be subjected to criminal sanctions or actions. The determination of whether the child will be subject to criminal sanctions or measures is made by the judge by considering the seriousness of the criminal offense committed, as well as looking at the child's condition, family situation, the role of parents/guardians, the dynamics of relationships within the family, and the surrounding environment. In addition, reports from community supervisors are also an important consideration for judges in making decisions regarding children involved in criminal offenses.¹⁴

Although children are returned to their parents, guardians or foster parents, they remain under the supervision and guidance of community supervisors. This includes participation in activities such as scouting and others. However, if the judge considers that the foster parents are unable to provide adequate education and guidance, the judge has the authority to place the child in a juvenile correctional institution. There, the child will receive more structured and focused education, guidance and job training.

The Indonesian National Police (Polri) is the main pillar in maintaining security and public order, enforcing the law, and providing protection and services to the community. In its duties, Polri must continue to evolve towards higher professionalism and become more connected to the community. The concept of civilian police emphasizes the importance of Polri as an integral part of society, so that Polri is expected to be closer and more responsive to the needs of the community. As a civilian police force, Polri's role within the state structure is crucial, as its professionalism and independence are key to the creation of good governance. Thus, Polri is expected to be the driving force in realizing a safe, just and prosperous society.

The process of enforcing laws against traffic violations involves several detailed and transparent stages. The traffic offense list contains a list of offenses, the type of offense committed, as well as the evidence, place, and time of the offense. The verdict of the traffic violation is announced on the official page and notice board of the court in

¹⁴ Wahab Aznul Hidayat, "Penerapan Diversi Dalam Sistem Peradilan Pidana Anak," *Justisi* 5, no. 2 (2019): 84–96, <https://doi.org/10.33506/js.v5i2.543>.

person. Offenders who object to the verdict have the right to file a legal appeal on the same day. The court clerk is in charge of ordering the administrative officer to publish the name of the violator, the details of the offense, the fine imposed, and the names of the judge and substitute clerk. The execution of the decision is carried out by the prosecutor's office or prosecutors, who also accept payment of the fine in cash or electronically through the prosecutor's account. After payment of the fine, the violator can collect the evidence by showing proof of payment to the prosecutor concerned. This procedure emphasizes transparency and accountability in the handling of traffic offense cases and provides offenders with the opportunity to lodge objections in a fair and open manner.

B. Efforts Made by the Traffic Police Unit (Polantas) in Overcoming Traffic Violations

Traffic violations refer to the act of violating the provisions and regulations stipulated in the law related to traffic order and road transportation. It covers a wide range of violations such as damaging road functions, vehicle papers, violation of traffic signs, and inappropriate driving behavior on public roads. In other words, traffic offenses encompass any action that violates the norms and regulations established to maintain order and safety in traffic.

Efforts made by KBO Lantas Polresta Sorong Kota, Ipda Suparman, S.Sos in tackling traffic violations include conducting routine vehicle raids. The raids focus on checking motor vehicle equipment to ensure compliance with established rules. Mandatory equipment such as Indonesian National Standard (SNI) helmets for motorcyclists, as well as various equipment for four or more wheeled motor vehicles, such as safety belts, spare tires, safety triangles, jacks, wheel openers, helmets, light reflective vests, and first aid equipment in traffic accidents are the focus of the inspection in the raid. By conducting regular raids and ensuring compliance with these regulations, it is hoped that it can help reduce traffic violations and increase awareness of the importance of safe driving.

Tightening the requirements for obtaining a driver's license is an important step in tackling the problem of traffic violations. This requires cooperation from all parties, both the police as law enforcement officers who impose disciplinary sanctions, and the public as road users. In enforcement, the police have the authority to confiscate the driver's license as evidence of the violation, and can even confiscate the vehicle registration or vehicle. This is supported by Law Number 22 Year 2009 which authorizes traffic police officers to confiscate various documents and goods related to traffic violations. Article 260 paragraph 1 letter d of the law provides the legal basis for this confiscation action, making it a legally valid measure. By tightening the requirements for obtaining a driver's license and enforcing confiscation as a law enforcement measure, it is expected to increase road users' awareness and obedience in traffic, and reduce the number of violations.

Operation Zebra is an initiative of the Indonesian National Police that aims to check the driving papers of car and motorcycle users and crack down on traffic violations. The main objective of Operation Zebra is to increase awareness and discipline in traffic. In its implementation, the police will sweep for traffic violations and impose law enforcement actions in the form of tickets or confiscation to violators. Thus, Operation Zebra aims to create a safer and more orderly traffic environment by encouraging awareness and compliance with traffic rules.

Repressive strategies in traffic law enforcement involve two forms of action, namely ticketing and confiscation. A ticket is a fine given by the police to road users who violate traffic regulations. This ticket aims to serve as evidence that an offense has occurred, as explained in Article 211 of Law Number 8 of 1981 concerning the Criminal Procedure Code. The content of the ticket form is evidence used to show that a person has committed an offense, and this ticket form is given by the investigator to the violator as evidence of the offense or as evidence of traffic confiscation.

Confiscation is carried out when the driver does not have vehicle documents such as a Driver's License (SIM) and Vehicle Number Certificate (STNK). A driver's license is proof that a person is allowed to drive a certain type of vehicle by the police, while an STNK is a sign that the vehicle is registered and allowed to operate on public roads. Although they function differently, they are both important documents that a motorist must have. By conducting confiscation, the police act in accordance with the provisions of the law to enforce discipline and order in traffic.

The Sorong City Police have an important role in tackling traffic violations, which are increasing along with the growth of motor vehicles and the development of transportation technology. One of the roles performed by the traffic police is in three main areas: pre-emptive, preventive, and repressive.

1. Role in the Pre-Emptive Field:

- Conduct direct and indirect socialization to the community about traffic rules, both in schools, villages, as well as social media and banners on the road.
- Conveying information about the importance of obeying traffic signs through mass media such as radio.
- Provide guidance, training, certification and licenses to local governments to improve public understanding and awareness of traffic etiquette.

2. Role in the Preventive Field:

- Counseling the public on the importance of obeying traffic rules and accident prevention.
- Warning the public about the importance of obeying traffic signs.

3. Role in the Repressive Field:

- Conduct law enforcement actions against traffic violations, ranging from warnings to tickets.
- Implementing legal regulations related to the enforcement of traffic violations, such as vehicle inspections, vehicle stops, and ticketing.
- Ensure that enforcement actions have a deterrent effect on traffic violators, such as giving maximum ticket sanctions for serious violations.
- Procurement and placement of traffic signs as a form of social control to prevent and crack down on violations.

Overall, the role of the Sorong City Police in tackling traffic violations includes pre-emptive efforts to prevent violations, preventive efforts to reduce the risk of violations, and repressive efforts to enforce the law against violations that occur. With this comprehensive approach, it is hoped that traffic safety, smoothness and order can be created in Sorong City.

CONCLUSION

Traffic violations are a serious problem affecting order and safety on the roads. Although Law No. 22/2009 has provided a clear legal framework to deal with such offenses, there are still challenges in consistent and fair law enforcement. The large number of traffic violations, both in rural and urban areas, indicates the need for greater efforts in law enforcement and traffic awareness. In tackling traffic violations, the Sorong City Police has an important role in three main areas: pre-emptive, preventive, and repressive. Pre-emptive efforts include socialization, counseling, and guidance to the community on traffic rules. Preventive efforts are carried out by providing warnings and monitoring violations. Meanwhile, repressive efforts involve legal action against traffic violations. The application of ticket sanctions against traffic offenders based on Law No. 22/2009 provides a clear framework for handling violations. Through ticket stamps and established enforcement procedures, law enforcement against traffic violations can be carried out in an orderly manner and in accordance with applicable regulations. Thus, consistent law enforcement, effective pre-emptive and preventive efforts, and the application of ticket sanctions in accordance with the rule of law can help reduce the number of traffic violations and improve road safety. Cooperation between law enforcement officials, the government, and the community is needed to create a safer and more orderly traffic environment.

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