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Implementation of Restorative Justice in Resolving Traffic Accident Cases Resulting in Death at the Boalemo Police Station

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ABSTRACT

This study analyzes the application of restorative justice in resolving traffic accident cases resulting in death at the Boalemo Police Department. The study used an empirical legal method with primary data obtained through interviews with the Traffic Accident Unit/law enforcement officers of the Boalemo Police Department and secondary data in the form of laws and regulations, books, journals, and supporting documents. The results of the study indicate that the application of restorative justice is carried out for traffic accidents that occur due to negligence and unintentional, while still paying attention to material and formal requirements, peace agreements, fulfillment of victims' rights, and a special case title mechanism. The procedures followed include receiving reports, preparing police reports, post-mortems, crime scene investigations, witness examinations, case titles, mediation, and drafting a settlement letter if the parties agree. The main obstacles found were the fear of witnesses to provide testimony, high compensation demands, difficulty in bringing the parties together, and low public understanding of restorative justice. This study emphasizes the importance of implementing restorative justice carefully, transparently, and remaining oriented towards victim recovery and legal certainty.

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1. Introduction

The problem of traffic crimes is a legal and social phenomenon that cannot be ignored in modern society. Traffic accidents not only cause property damage but can also lead to serious injuries, disabilities, and even death. In the context of criminal law, traffic accidents resulting in death are a crucial issue because they bring together aspects of criminal liability, victim protection, and social restoration between the perpetrator, the victim, and the victim's family [1].

Normatively, Law Number 22 of 2009 concerning Traffic and Road Transportation defines traffic accidents as unexpected and unintentional events on the road involving vehicles with or without other road users and resulting in human casualties and/or property losses [2]. Traffic accidents can be influenced by human, vehicle, road, and environmental factors. Human factors such as negligence, fatigue, lack of vigilance, and undisciplined driving behavior are often the dominant causes of accidents [3].

The police hold a strategic position in handling traffic accidents because they are authorized to conduct investigations, inquiries, traffic management, public services, and law enforcement. In the Indonesian legal system, the Indonesian National Police not only act as law enforcers, but also as protectors, guardians, and servants of the community [4]. This police function requires an approach to case resolution that is not solely repressive, but also considers the benefits, certainty, and justice for the parties [5].

One emerging approach to resolving criminal cases is restorative justice. This approach emphasizes restoring the original situation through the involvement of the perpetrator, victim, family, and related parties to achieve a just resolution, not merely criminal retribution [6]. In police practice, the basis for implementing restorative justice is found, among other things, in Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice [7]. In traffic accident cases, this approach is used by considering elements of negligence, reconciliation between the parties, fulfillment of the victim's rights, and the interests of the community [8].

Research data from the Boalemo Police Department shows that between 2021 and 2023, there were 118 traffic accidents. Of these, 54 were resolved through restorative justice, with a breakdown of cases involving fatalities, serious injuries, and minor injuries. This data demonstrates that restorative justice has become a mechanism used in resolving traffic cases at the police level, including those resulting in fatalities. This situation underscores the urgency of this research, namely to ensure that restorative justice is understood not merely as administrative reconciliation, but rather as a recovery mechanism that still considers victims' rights, perpetrators' responsibilities, legal certainty, and public trust in traffic law enforcement.

Based on the background of the description above, the author can put forward the formulation of this problem, namely:

1. How is Restorative Justice implemented in resolving traffic accident cases resulting in death at the Boalemo Police?
2. What are the obstacles to the implementation of Restorative Justice in resolving traffic accident cases resulting in death at the Boalemo Police?

Based on the problem formulation above, this study aims to analyze the application of restorative justice in resolving traffic accident cases resulting in death at the Boalemo Police and identify the obstacles that arise in its implementation. Based on this background, the problem formulation in this article is: first, how is the application of restorative justice in resolving traffic accident cases resulting in death at the Boalemo Police; and second, what are the obstacles to the application of restorative justice in resolving traffic accident cases resulting in death at the Boalemo Police.

2. Research Methods

This study uses an empirical legal research method. Empirical legal research is used because the issues studied relate to the application of law in social reality, specifically the practice of implementing restorative justice in resolving traffic accident cases resulting in death at the Boalemo Police Department. The object of this research is traffic accident cases resolved through restorative justice mechanisms within the jurisdiction of the Boalemo Police Department.

The research location was at the Boalemo Police, specifically the unit that handles traffic accident cases. The data used consists of primary and secondary data. Primary data was obtained through direct communication with police officers handling traffic accident cases, while secondary data was obtained from laws and regulations, books, journals, research documents, and other legal materials relevant to restorative justice, traffic, police functions, and victim protection [9].

Data collection techniques were conducted through interviews, documentation, and literature review. Interviews were used to obtain direct information from sources regarding restorative justice implementation procedures, investigators' considerations, the mediation process, and obstacles that arise in case resolution. Documentation was used to examine traffic accident data, case documents, settlement letters, and case resolution data at the Boalemo Police. Literature review was used to strengthen the analysis through relevant primary, secondary, and tertiary legal materials [10].

The problem-solving approach was carried out descriptively-qualitatively. The collected data were systematically compiled, then analyzed by linking empirical facts at the Boalemo Police with applicable legal provisions, especially Law Number 22 of 2009, Law Number 2 of 2002, and Police Regulation Number 8 of 2021. Problem-solving was directed at assessing the suitability of restorative justice practices with legal requirements, victim recovery needs, perceived responsibility, and social barriers that influence the successful resolution of cases [11].

3. Results and Discussion

The findings of this study indicate that restorative justice was applied to traffic accident cases at the Boalemo Police Department, specifically those deemed to have occurred

due to negligence and unintentional causes. Data from 2021 to 2023 shows 118 traffic accident cases, with 54 resolved through restorative justice. In practice, these settlements rely not only on amicable agreements but also take into account the reporting process, initial investigation, crime scene investigation, witness examination, case presentation, mediation, and fulfillment of victims' rights. Other findings indicate that the main obstacles lie in social aspects, namely the fear of witness testimony, high demands for compensation, difficulties in bringing the parties together, and low public understanding of restorative justice.

3.1. Implementation of Restorative Justice in Resolving Traffic Accident Cases Resulting in Death at the Boalemo Police Station

Restorative justice in traffic accident cases is understood as a resolution mechanism involving the perpetrator, the victim or the victim's family, and related parties to seek a just resolution through restoration of the situation, not merely retaliation. In the context of traffic cases, this approach is important because accidents that occur due to negligence are often not driven by malicious intent, but still have serious consequences for the victim and their family [12]. Therefore, the application of restorative justice must maintain a balance between the interests of the victim, the responsibility of the perpetrator, and the state's obligation to uphold the law.

The research results show that the implementation of restorative justice at the Boalemo Police is carried out through several stages. These stages begin with receiving public reports, preparing police reports, requesting post-mortem examinations, inputting case data, disbursing victim rights through relevant mechanisms, processing the crime scene, summoning witnesses, holding a case conference, delivering the results of the case conference to the parties, mediating, and drafting a settlement agreement if the parties reach an agreement. If one party does not accept the results of the case conference or is unwilling to reconcile, the case can proceed to the next stage according to criminal procedural law procedures [13].

The implementation of restorative justice is guided by Police Regulation Number 8 of 2021. This provision stipulates that restorative justice-based resolutions must meet both material and formal requirements. These requirements include not causing public unrest or rejection, not impacting social conflict, not having the potential to divide the nation, not repeating the crime, and not committing a specific crime that is excluded. Formal requirements include reconciliation between the parties and fulfilling the victim's rights and the perpetrator's responsibilities [14]. In traffic cases, the fulfillment of the victim's rights can include medical expenses, condolence payments, compensation for damages, or other agreed-upon forms of responsibility.

The application of restorative justice in traffic accident cases resulting in death cannot be done automatically. Investigators must assess whether the accident truly occurred due to negligence and not due to deliberate or behavior that clearly endangers the safety of others, such as illegal racing or intentionally dangerous driving. Thus, restorative justice is not a mechanism to freely eliminate criminal liability, but rather a means to resolve cases proportionally when the elements of restoration, peace, and responsibility of the perpetrator have been fulfilled [15].

Based on these findings, the implementation of restorative justice at the Boalemo Police can be understood as a process oriented towards legal benefits. The victim is given the opportunity to seek reparation, while the perpetrator is given the opportunity to take direct responsibility for the consequences of his actions. However, the success of this mechanism still depends on the investigator's careful assessment of the case facts, ensuring the voluntary nature of the settlement, and documenting the entire process in an orderly manner to avoid the impression that a criminal case can be resolved simply by paying compensation [16].

3.2. Obstacles to the Implementation of Restorative Justice in Resolving Traffic Accident Cases Resulting in Death at the Boalemo Police Station

The first obstacle to implementing restorative justice is the public's fear of testifying as witnesses. Some people believe that if they provide false information, they could be made suspects. As a result, the fact-gathering process is less than optimal. Yet witness testimony is crucial for determining whether an accident occurred due to negligence, intent, or other factors that influence the perpetrator's legal responsibility [17].

The second obstacle is the high demands for compensation from the victim's family. In some cases, the victim's family demands large amounts of compensation, while the perpetrator does not always have sufficient financial means. This situation can hinder the achievement of a peace agreement. Furthermore, in cases involving death, the victim's family is often in an emotional state, so the mediation process requires caution, patience, and good communication skills from investigators [18].

The third obstacle is the difficulty of bringing both parties together in the mediation process. The victim's family sometimes does not want to meet the perpetrator directly because they are still grieving, angry, or disappointed. On the other hand, the perpetrator may also experience fear or psychological stress. These conditions mean that the deliberation process does not always run smoothly. The fourth obstacle is the low level of public understanding of restorative justice. Some people still believe that justice can only be achieved through punishment, so peaceful resolution is seen as not having a deterrent effect [19].

A problem-solving approach to these obstacles needs to be implemented through increased legal outreach to the public

regarding the function of witnesses, restorative justice mechanisms, and the limits of legal responsibility of the parties. The police also need to strengthen mediation standards so that compensation agreements take into account the needs of the victim's family, the perpetrator's capabilities, and the principle of propriety. In addition, every restorative justice process needs to be outlined in written documents, starting from the application letter, mediation minutes, settlement agreement letter, evidence of fulfillment of the victim's rights, and the results of the case title, so that the process has legal certainty and can be accounted for [20].

4. Conclusion

The application of restorative justice in resolving traffic accidents resulting in death at the Boalemo Police Station is guided by Police Regulation Number 8 of 2021. The procedures include receiving reports, preparing police reports, conducting post-mortems, processing the crime scene, examining witnesses, conducting case conferences, mediating, drafting settlement letters, and fulfilling the victim's rights. This procedure is primarily applied to accidents caused by negligence and unintentional circumstances and must meet both material and formal requirements.

Obstacles to the implementation of restorative justice at the Boalemo Police Department include the fear of witnesses testifying, high demands for compensation from victims' families, the difficulty of bringing victims and perpetrators together, and the low public understanding of the concept of restorative justice. Therefore, legal awareness campaigns, strengthening the role of investigators as mediators, providing witness protection, and more orderly documentation of the peace process are needed so that restorative justice can provide justice, legal certainty, and benefits for victims, perpetrators, and the community.

Bibliography

[1] Ahmad Fauzi, "Journal of Law and Justice," Volume 3, Number 1, March 2014.

[2] Law Number 22 of 2009 concerning Traffic and Road Transportation.

[3] Dina Lusiana Setyowati, et al., "Factors Causing Traffic Accidents Among High School Students in Samarinda City," The Indonesian Journal of Occupational Safety and Health, Vol. 7, No. 3, 2018.

[4] Adamsyah Nadeak, et al., "Implementation of Police Discretionary Law Enforcement in Resolving Traffic Accidents at the Investigation Level," Hermeneutika, Vol. 3, No. 1, 2019.

[5] I Made Untung Sunantara, Social Functions of the Republic of Indonesia Police, Makassar: Pusaka Almaida, 2020.

[6] Armunanto Hutahaean, "Implementation of Restorative Justice by the Republic of Indonesia National Police to Realize Legal Objectives," Volume 8, Issue 2, 2022.

[7] Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

[8] Junia Rakhma Putri, "Resolving Traffic and Road Transportation Accidents Through a Restorative Justice Approach," Volume 4, Number 1, 2021.

[9] Fitri Wahyuni, Basics of Criminal Law in Indonesia, South Tangerang: PT Nusantara Persada Utama, 2017.

[10] Joko Sriwidodo, Indonesian Criminal Law Study: Theory and Practice, Yogyakarta: Kepel Press, 2019.

[11] Sudaryono, Basics of Criminal Law Based on the Criminal Code and the Draft Criminal Code, Surakarta, 2017.

[12] Andi Sofyan, Criminal Law Textbook, Makassar: Pustaka Pena Press, 2016.

[13] Irsad Dahri and Ahmad Syahril Yunus, Introduction to Restorative Justice, Indonesia: Guepedia, 2022.

[14] An Anisarida, "Victims of Motorcycle Traffic Accidents in Bandung City," HPJI Journal, Vol. 5, No. 2, 2019.

[15] Maidina Rahmawati, et al., Opportunities and Challenges of Implementing Restorative Justice in the Criminal Justice System in Indonesia, South Jakarta: Institute for Criminal Justice Reform, 2022.

[16] Henny Saidah Flora, "Restorative Justice Approach in Resolving Criminal Cases in the Criminal Justice System in Indonesia," Jurnal Law Pro Justitia, Vol. 11, No. 2, 2017.

[17] Alifianissa PN, "Realization of the Principles of Justice and the Principles of Legal Certainty in Police Institutions," Volume 13, Issue 2, 2023.

[18] Edi Ribut Harwanto, Restorative Justice: Implementation of Criminal Law Politics Based on Pancasila Philosophy, Lampung: CV. Laduny Alifatama, 2021.

[19] Rufinus Hitmaulana Hutauruk, Combating Corporate Crime Through a Restorative Approach: A Legal Breakthrough, Jakarta: Sinar Grafika, 2014.

[20] Boalemo Police Public Relations, "History of Boalemo Police," Direktorikantorpolisi.wordpress.com.