LEGAL AND NON-LEGAL APPROACH IN HANDLING TRAFFIC ACCIDENTS IN SATLANTAS

E-ISSN: 2614-2244

ISSN: 2088-5288

Muhammad Javier Pratama¹, Arjuna Galih Djati², Shandya Alonso Eka Renanda³, Yulius Prasetyo Herlambang⁴, Nabila Hidayatul Lail⁵, Rachel Ika Faudina⁶

Department of Law, Faculty of social and Political Sciences, Tidar University

Corresponding Author:

javirapp26@gmail.com

ABSTRACT

Based on the circular of the National Police Chief number 8 of 2018 concerning the use of Restorative Justice in the assessment of criminal cases, restorative justice can be used at the stage of criminal case development. This normative-Empirical Legal Research uses the method of legislation and cases. One of the primary data collection methods is field and library studies. The purpose of this study was to examine the application of the law in the case of traffic accidents in the jurisdiction of the Magelang resort police and the factors that caused the case. The results of the study showed that the implementation of law enforcement in the case of traffic accidents in the jurisdiction of the Magelang Resort Police has not gone well. There are two factors that affect the delay in resolving traffic accident cases in the Magelang resort police jurisdiction, namely internal factors such as human resources, facilities and infrastructure, as well as the relationship between the police and other agencies, as well as external factors such as community factors, Jasa Raharja, and BPJS.

Keywords: Crime, Traffic Accident, Restorative Justice.

Introduction

Indonesia is a state of law, which is based on justice the purpose of the state is to ensure legal certainty in its own country that should be done firmly and fairly for the people without distinguishing each other whether people are able or not able.

Man has been destined and created into a social creature (Zoon politicon) that there will certainly be communication and interdependent as a life between each other and become a community of people, in reality Man is a weak person compared to other creatures created by god, Amun thanks to the ability to think and imagination as outlined in the intellectual factors make man able to solve the problems faced.

Just like driving on the road, the state also has regulations on driving that regulate traffic procedures that must be applied and obeyed by vehicle and road users regulated by state law. In "Law No. 22 of 2009 on traffic and Road Transport" law enforcement against violations is an obligation for the state as the task of the government that has the competence in the determination of the law against criminal acts. The Traffic Police, which is responsible for maintaining traffic order, is responsible for supervising and combating violations of traffic and Road Transport Legislation.

Transportation is the tertiary sector, where it provides services to other sectors. Transportation equipment or vehicles have a complex role in supporting growth, especially in various sectors,

especially rapid economic growth. Motor vehicles are one of the parts that have a connecting role between one area and another.

E-ISSN: 2614-2244

ISSN: 2088-5288

Motor vehicles as a form of rapid development of technology with the aim to accelerate human activities day to day. Technology is a development that cannot be operated without human skills. According to Marshall McLuhan (1964) a communication expert from Canada stated that people do not need to worry about the impact of something that can organize and direct it. This product of modern culture is bad and good but neutral which is run by humans who want to take advantage of technology with the aim of utilizing technology how they use it is good and bad.

The development of transportation technology in indonesia, especially in the Magelang regency area, especially Land Transportation which is now becoming more diverse and faster. The development of Land Transportation has now changed people's lifestyles to be faster and easier to travel to one area to another, this development raises new complex problems in the magelang regency and other cities in indonesia, especially congestion, traffic accidents, pollution which has increased since the development of transportation in indonesia.

According to "Article 1 paragraph 24 of Law No. 22 of 2009 on traffic and Road Transport", traffic accidents are one of the events on the road that can not be expected and not on purpose. Traffic accidents are one of the main problems in traffic. involving vehicles with or without other road users involving fellow human beings and or material and nonmaterial losses and light losses, medium losses and heavy losses.

Indonesia itself has a volume of vehicles that are always increasing in each region but the government does not expand, widen the road and add new roads in each region this is a problem for the country if the volume of vehicles is getting denser but road facilities in each region are not able to accommodate motorists on the road that could increase then.

Criminal cases arising from the accident must then be resolved through law enforcement in the judiciary because in this judicial institution, law enforcement is relied upon which not only ensures legal certainty but also provides fair and beneficial decisions for the parties. for the judge is expected to give a fair verdict for the parties concerned and responsible . the court becomes a place to prove the issue of accident then whether it is true or not and what is the cause of the accident then, there is also a settlement outside the judiciary or restorative justice is the settlement of cases involving victims, perpetrators, and the community as witnesses, this settlement is an alternative to this approach aimed at fairness and expediency for the parties.

LITERATURE REVIEW

From the reset that we did in several previous studies, some of them have a discussion related to the research that we did. Among them have similarities in the settlement taken by prioritizing the path of restorative justice or a process involving victims, perpetrators, and other related parties. This process is carried out outside of Criminal Justice which means it can be carried out wherever it is convenient for the parties. Restorative justice is put forward for the purpose of recovery of victims, perpetrators, and affected persons, this approach or solution presses on restoring damaged relationships among those involved not just on punishment for the victim. Journal with the title Restorative Justice criminal act traffic accident the embodiment of Justice as an alternative to dispute resolution written by Yuda Widodo et al. In his Journal discusses

in depth about dispute resolution then by realizing the principle of justice restorative justice, in this case it is realized by the mediation of the perpetrators of the victims of family group meetings, restorative meetings, community representative councils, restorative circles. In this study the decision-making use of restorative justice settlement of the case because the accident that occurred only caused moderate injury to the victim, although at the beginning of the handling of this case still arise an obstacle-an obstacle from the surrounding environment.

E-ISSN: 2614-2244

ISSN: 2088-5288

A journal entitled Application of restorative justice in the settlement of cases of heavy traffic accidents in the Jakarta Metro Resort Police written by Rahman Amin et al., then published in the journal. According to the Journal, investigators of the Traffic Accident unit decided not to proceed with the case after reaching an amicable agreement with the families of the victims and the perpetrators of the handling of the traffic accident case to the public prosecutor. This decision making is based on factors such as law enforcement factors, legal substance factors, and legal culture factors.

RESEARCH METHODS

The method we use in working on this journal paper is a normative research method that is based on researching a problem that we raise by collecting and analyzing data. Data collection techniques in this study by way of in-depth interviews, analyzing existing data and is considered relevant, and using a system of understanding of existing theories.

This study uses a system of experimental research that is based on the collection of data and information about a subject. Contains all things that have to do with a step in conducting research, research data, as well as tools and materials that are part of this research. The nature of this study itself is descriptive which has a function in providing an overview by describing the object under study with samples that have been collected.

RESEARCH RESULTS AND DISCUSSION

What are the legal approaches used in handling traffic accident cases by Satlantas Polresta Magelang?

Magelang Police Traffic Unit uses various legal strategies that emphasize on fair and efficient settlement in handling traffic accident cases. Restorative justice, which aims to repair damage caused by criminal acts, including traffic accidents, through mediation between perpetrators and victims, is one of the increasingly preferred strategies. Many cases were successfully resolved outside the official legal system, which indicates the effectiveness of restorative justice in dealing with traffic accidents.

Mediation, which aims to reach a mutually beneficial agreement between the parties, is one component of the restorative justice approach in Magelang in dealing with traffic accidents. This is in line with the "Indonesian National Police Regulation No. 8 of 2021", which creates a legislative framework for the application of restorative justice in criminal prosecution. In fact, this approach not only reduces the burden on the legal system but also gives victims the opportunity to receive compensation and forget about their losses.

In addition to restorative justice, Satlantas Polresta Magelang also uses normative juridical methods, which emphasize the application of relevant laws and regulations. According to the

study, this strategy requires a thorough examination of relevant laws, including "road traffic and Transport Law No. 22 of 2009", as well as other road safety requirements. By using this strategy, Satlantas can guarantee that all actions taken are in accordance with applicable legal provisions, thus providing legal certainty to all interested parties.

E-ISSN: 2614-2244

ISSN: 2088-5288

The use of discretionary tactics by law enforcement officers further demonstrates the importance of a thorough legal approach in resolving traffic accident cases. In some situations, this discretion allows officers to make more adaptable choices, especially when dealing with cases with specific circumstances. Depending on the situation and the needs of the victim and the perpetrator, the Magelang police Satlantas may exercise discretion in deciding whether the case should be processed criminally or resolved through mediation and restorative justice.

In addition, cooperation with various stakeholders, such as the public and government organizations, is another aspect of the legal strategy used. According to the study, building an efficient law enforcement system that can respond to community demands requires cooperation between the police and the community as well as other organizations such as prosecutors and courts. This partnership can speed up the process of resolving traffic accident cases while ensuring that all parties receive appropriate protection and Justice.

The legal strategy used by Satlantas Polresta Magelang must consider the protection of human rights when applied. According to research, the practice of restorative justice prioritizes the rights of offenders and victims in addition to The Restitution of harm. Therefore, it is very important for law enforcement to ensure that any measures they take in the case of a traffic accident respect the rights of victims and create opportunities for social reintegration and rehabilitation.

It is important to remember that the Magelang Police Traffic legal strategy is not without difficulties and obstacles in this regard. Research shows that although restorative justice has many benefits, people's ignorance and lack of support often hinder its use. Therefore, more effort is needed to educate the public about the value of this strategy and to teach law enforcement officers about how to properly apply the principles of restorative justice.

Overall, the Magelang police Satlantas legal strategy in resolving traffic accident cases shows that there are efforts to build a more just and compassionate system. It is believed that solutions that not only address legal issues but also offer justice to all parties involved can be developed by integrating restorative justice, normative juridical approaches, the use of discretion, and cooperation with various parties. To assess the success of this strategy and determine the areas in which its implementation needs to be improved, more research is needed.

What is the mechanism for resolving traffic accidents in the Magelang regency area by the Magelang police Satlantas?

Prior to the completion of the accident, there must be prior reporting from the parties involved in the accident or the families of those involved in the accident. There are 2 types of reports:

a. Direct report, is a report made that day and can be directly processed by the Magelang police Satlantas, because the Magelang police Satlantas will search for the files of the Laka then, the direct report is when the time of the laka then, the Magelang police Satlantas is at the location of the laka then.

b. Indirect report, is when it has changed days and when the occurrence of the accident then the Magelang Police Traffic Service is not at the site of the accident then, this report is made by the parties involved/the family of the involved accident then, this direct tudak report requires the reporter to complete his own files needed for the completion of the accident such as driver'S license, vehicle registration, and so forth, and must present the vehicle involved in the accident, 2 witnesses, crime scene photos, victim photos, vehicle photos, location sharelok, stamp duty of 10,000, and others.

E-ISSN: 2614-2244

ISSN: 2088-5288

In this discussion is also more taken from interviews with police who served in the Magelang police Satlantas and also based on data in the Magelang police Satlantas. The actions taken by investigators after a traffic accident include: visiting the scene of a crime, rescuing victims of traffic accidents to be taken to the nearest hospital or health facility to get help, conducting crime scenes in the field, interviewing witnesses to the accident, documenting, taking pictures, and measuring evidence collected in the field, obtaining evidence in the form of vehicles involved in the accident, documenting the identity of the victim and the perpetrators involved in the traffic accident, and immediately contacting the victim's family to inform the victim's good condition immediately after the traffic accident occurred, accident and when they arrived at the office. After sketching the crime scene and immediately filing a complaint with the police, the Traffic Accident unit recorded the incident.

Restorative Justice

Is the settlement of cases involving perpetrators, victims, and other related parties is a restorative justice technique used by the police in dealing with traffic accidents. The purpose of this procedure is to restore the situation as it was, not to take revenge. Police support is part of the restorative justice process.

Restorative justice, according to Tony Marshall, is a procedure in which the parties to a criminal offense work together to solve a problem and deal with its adverse effects. Although there are no rules or legal framework regarding the settlement of restorative justice in the case of catastrophic accidents, pressure from the parties involved is often unavoidable, especially from victims whose financial conditions are less favorable. They usually come to maintain jasa Raharja, but here are the reasons why accident victims who are injured or traffic violations do not get compensation driving against the flow of traffic, driving without a valid driver's license (SIM), operating modified motor vehicles that are not in accordance with the current legislation, violating barriers at railway crossings when signs and/or other signals sound, driving recklessly or irrationally so as to produce content that interferes with traffic, and operating a vehicle that is not registered or equipped with a vehicle registration certificate (STCK) and is an offense.

According to "State Police Regulation Number 8 of 2021, concerning the handling of criminal acts based on Restorative Justice of the Republic of Indonesia", cases of traffic accidents that result in fatalities should not be resolved through Restorative Justice because they involve deaths that do not meet the material requirements, while the application of Restorative Justice must meet two conditions as follows:

1. Necessary ingredients. It does not cause social conflict, concern, or rejection from society; it has no ability to divide the country; and it does not include radicalism or separatism. The perpetrator no longer commits a criminal offense based on a court

decision, and does not have the status of a serious offense including terrorism, corruption, state security, and people's lives.

E-ISSN: 2614-2244

ISSN: 2088-5288

2. Formal conditions. A number of rights and obligations of the victim are fulfilled when both parties reconcile. Because both are prerequisites for the resolution of criminal cases through Restorative Justice or out-of-Court justice, it is not possible to apply Restorative Justice even though the formal requirements are met but the material requirements are not met. Based on "Article 235 Paragraph 1 of Law No. 22 of 2009 concerning traffic and Road Transport", Drivers, Owners, and / or public transport companies are required to assist the victim's heirs for funeral and/or medical expenses if the victim dies as a result of a traffic accident, as referred to in" Article 229 Paragraph 1 Letter C".

When "poor " families see their loved ones lying with severe injuries and potentially permanent paralysis, they become anxious and confused about how to finance the treatment when they must first struggle to meet their basic nutritional needs. Therefore, they think getting money from criminals is much more meaningful than punishing and imprisoning these offenders. Because investigators can only mediate after the parties have discussed and found a point of agreement, the police only provide a place for the parties to meet and do not participate in the meeting, let alone give an intermediary's opinion on the matter. Therefore, the agreement must be in writing and signed by the parties concerned. The letter is given to the accident investigator after the parties have reconciled their findings in writing and are known to the head of the village or Lurah where the victim lives. After that, the parties involved in the traffic collision have a desire to resolve the issue in a family way. Kasatlantas Polresta Magelang received a request from the parties requesting that the traffic accident cases they experienced not be postponed until the court hearing. Considering that the presence of a restorative justice system in the criminal law system is a requirement that must be met as long as it pays enough attention to the interests of the parties, it is clear from the above explanation that mediation in criminal law is a legitimate matter.

P21

If further investigation has been carried out according to the direction of the public prosecutor, the case file is said to be complete if the P21 code is applied. The case is not ready to be transferred to the prosecutor's office if it has not been declared P-21 (the findings of the investigation are not complete). In this scenario, the suspect remains a suspect and cannot be released from any legal procedure that prevents him from committing a criminal offense. This is the result of ongoing legal proceedings. This indicates that the investigation is still ongoing. If the investigation of this case is stopped, another case. The investigation is terminated if:

- 1. The evidence is not enough.
- 2. There was nothing illegal in the incident;
- 3. In addition, for the following legal reasons: the suspect has died; the case has been completed; the complaint has been withdrawn (in particular for the offense of the complaint);
- 4. In addition, the decision of the judge regarding the unlawful act has a permanent legal force (nebis in idem).

The case file will be given P21 status if the public prosecutor considers the findings of the investigation sufficient. At the court hearing, the investigation file can be handled further when it is completed. P21 indicates that the case is considered complete and ready to go to court, as detailed in the book "traffic accidents and corporate criminal liability in the perspective of Criminal Law".

E-ISSN: 2614-2244

ISSN: 2088-5288

Furthermore, the case file is forwarded to the prosecutor's office for further processing, called the second stage. After the second stage is completed, the suspect and his supporting documents will be submitted to the District Court by the prosecutor's office to expedite the trial. After this stage is completed, the offender will be called the accused.

Factors Affecting The Inhibition Of Settlement Of Cases Of Traffic Accidents In The Jurisdiction Of The Magelang Regency Resort Police.

In the jurisdiction of the Magelang resort police, several things can hinder the level of settlement of traffic accident cases (laka). These influences can be classified as internal or external influences. Based on the results of interviews with several respondents in the Magelang resort police, the following are the results of data analysis conducted with an interview approach:

A. Internal Factors

1) Aspects Of Human Resources

In order to help the resort police's ability in solving traffic accident cases effectively, at the very least, the police must have sufficient resources, including trained people. Since the police need sufficient resources to do their job, the availability of resources has an important role in how well the police operate in traffic accident law enforcement. The number and quality of staff available is critical to law enforcement performance. In order to investigate and prosecute those who are rightfully responsible for traffic accidents, the police need a large and skilled workforce. Training and development is another factor that helps the resort police deal effectively with traffic accidents.

The police will be able to deal with traffic accidents more competently and strategically if they get continuous training and development. The efficiency of the police function in enforcing laws related to traffic accidents is influenced by training and development because it can improve the knowledge and ability of the police in handling cases of traffic accidents and the law enforcement procedures they apply. In traffic accident law enforcement, training and development is very important for the reasons below:

Strengthen legal knowledge. Police officers can improve their legal understanding of traffic violations and relevant law enforcement protocols through training and development. This can improve the ability to resolve cases and strengthen law enforcement procedures. The investigative capabilities of the police in handling traffic accident cases (laka) can also be improved through training and development. Police officers can gain more effective investigative skills during training, such as forensics and Accident Analysis, which will allow them to gather stronger evidence and solve crimes more effectively.

Increase practical ability. Training and development can also improve the practical skills of the police in handling traffic accident cases, such as communication skills, time management skills, and interpersonal skills. As a result, they can handle situations more effectively and strengthen their relationships with society. Increase the reputation of the police. The reputation of the police in handling traffic accident cases can also be improved through training and development. Public confidence in law enforcement organizations can be increased by skilled and trained police officers. In short, the effectiveness of the police in traffic accident law enforcement is influenced by training and development because it can improve investigative capabilities and strengthen legal knowledge.

E-ISSN: 2614-2244

ISSN: 2088-5288

2) Elements of facilities and infrastructure

In general, infrastructure is a device that supports the effectiveness of a public service process, because without infrastructure, an activity will not give the expected results. Without the existence or support of adequate facilities and infrastructure, such as qualified and educated human resources, efficient organization, adequate equipment, sufficient funds, and so on, traffic accident investigators in the Magelang Regional Police jurisdiction will be difficult to carry out their duties effectively. Investigators who handle traffic accident cases in the Magelang resort police jurisdiction will not be able to give their best performance if these requirements are not met.

The implementation of the investigation of traffic accident settlement in the Magelang resort police jurisdiction requires adequate means to support highly educated human resources, which are interpreted here as qualified and qualified police investigators who can serve and protect the community in accordance with their duties and fields. The use of the latest technology is one example of the means needed to support the successful handling of traffic accidents. Modern technology, such as speed monitors, license plate recognition software, and surveillance cameras, can help police detect violations and improve their ability to enforce the law.

In terms of traffic accident law enforcement, modern technology has greatly benefited the police. The effectiveness of the police's role in traffic accident law enforcement is influenced by current technology for the following reasons:more efficient Research police investigations of traffic accidents can be conducted more accurately and successfully thanks to contemporary technologies such as dashcams, CCTV cameras and digital data processing. Police can solve crimes more quickly and identify perpetrators more accurately by using well-documented digital evidence. Police can also more quickly and easily identify criminals thanks to modern technology. For example, police can locate a car involved in a collision or a fleeing criminal by using vehicle monitoring equipment.

Traffic management. The police can also use modern technology to help regulate traffic. Police can reduce the danger of accidents and stop traffic violations by using technologies such as speed detection and early warning systems. By presenting new inventions such as accident sensors and navigation systems that can provide early warning of road hazards, modern technology can also contribute to improving road safety. Police departments can handle data more quickly and simply thanks to contemporary technology. Police can react quickly to developments on the ground because data can be processed quickly and accessed from any location.

E-ISSN: 2614-2244

ISSN: 2088-5288

Time and money saving: in the field of traffic accident law enforcement, modern technology can also help save time and costs. Drone technology, for example, can assist law enforcement in conducting patrols and surveillance more effectively and efficiently, thereby reducing the time and cost needed to get the job done.

3) Relations between law enforcement and other organizations

Two examples of how the relationship between the police and other institutions affects the challenge of solving traffic accident cases in the Magelang police jurisdiction are Jasa Raharja and the Social Security Administration Agency (BPJS). Together with the police through the Traffic Unit, jasa Raharja and BPJS continue to strive to reduce the number of traffic accidents through cooperation with related parties. For example, using an online system to provide security to victims of traffic accidents is one way the police collaborate with Jasa Raharja. With this strengthening, the National Police and Jasa Raharja can work together to use technology for traffic accident data, so that Jasa Raharja can quickly provide guarantees to the families of victims. The fact that BPJS encourages prompt delivery in both online and offline systems in health services is an example of how they collaborate with the police to deal with traffic accidents. Regarding the use of online data on traffic accidents for participants in JKN-KIS (National Health Insurance Program-Kartu Indonesia Sehat), one of them concerns a single accident; BPJS Kesehatan treatment costs are included when they were not previously present. This has been socialized to the city or district level.

Police reports are still needed to finance BPJS Health for the victims of this tragedy. This police report is also related to BPJS Health Security. Verifying that the patient is the sole accident victim would be advantageous. There is no deadline set by the police to report an accident. It is acceptable for victims or their families to handle these reports. Increased cooperation between the Magelang resort police and other relevant stakeholders, including medical facilities, insurance companies, and other government organizations, in order to speed up the handling of traffic accident cases and streamline legal procedures. Increased police cooperation can be a successful strategy to address the challenges faced in enforcing traffic accident laws due to: better communication: by enhancing better and more efficient inter-police cooperation and communication among police personnel in various locations.

By doing this, police officers will be easier to exchange intelligence and information about the traffic accident under investigation, which will speed up the process of Investigation and resolution of the case. Installing surveillance cameras in accident-prone locations and conducting integrated operations will improve the monitoring of traffic violations. Some of the challenges police face in law enforcement, such as increasing public trust, encouraging compliance with the law, improving the quality of investigations, and improving accuracy and integrity, can be addressed by increasing transparency and accountability in traffic accident law enforcement.

E-ISSN: 2614-2244

ISSN: 2088-5288

B. External influences

It is important to remember that maintaining road safety and obeying traffic rules is not only the duty of the police but also that of the whole society. pay attention to road accidents. Police officers can better understand the problem of traffic accidents and their impact on society through training and development. By doing so, they can improve law enforcement strategies and increase people's understanding of the importance of obeying traffic rules.

The ability and understanding of the public to deal with traffic accidents and enforce the law against those who cause accidents will also be hampered if police resources are limited. Slower processing of cases, low success rates in apprehending offenders, and ineffective prevention of offenders and the community may be a consequence of this. Therefore, the provision of adequate community resources is essential to improve the effectiveness of the police in dealing with traffic accident violations.

Police-community cooperation / technical assistance (bimteknis) to raise awareness of the importance of safe driving and compliance with traffic rules. Campaigns, educational initiatives and other social events can make this happen. For the following reasons, one of the ways that the police can overcome some of the obstacles in the enforcement of traffic accident violations is through cooperation with other parties, including the public and the private sector:

Cooperation between the police and other parties, including hospitals, insurance companies, and other government agencies, can speed up the legal process and facilitate the handling of traffic accident cases. Campaigns, educational initiatives, and other social activities conducted in conjunction with the private sector and the public can help increase public awareness and compliance with traffic and driving safety regulations.

This can help the police enforce the law more easily and lower the frequency of traffic accidents. Obtaining more thorough and accurate information about traffic accident cases can also be facilitated by the cooperation of the community and the police. Police can use this information to better investigate and handle some cases involving traffic accident victims. The public can support and trust the police if they work closely with the private sector and the public.

This can make it easier for the police to enforce the law as part of their duties. Therefore, cooperation between law enforcement and other stakeholders,

including the public and the business world, can be a successful effort to overcome the obstacles to traffic accident law enforcement. Regarding the community aspect, it can be seen that the level of community compliance with regulations is still low. This is due to some tendency of Indonesian people who tend to compromise. In practice, people's culture tends to deviate from the prevailing rules and become too dominant.

E-ISSN: 2614-2244

ISSN: 2088-5288

CONCLUSION

The mechanism of settlement of Laka lantas in the Magelang Police Traffic, it can be concluded that the process of resolving laka lantas cases has several stages that must be met, starting from reporting to the trial stage if the case cannot be resolved amicably. There are two types of reports that can be submitted, namely direct reports and indirect reports. Direct reports are made on the day of the incident when police officers are at the scene of the crime (TKP), so that the process of searching and collecting accident files can be directly handled by the police. Meanwhile, indirect reports are made if the accident has passed and the officer was not at the scene at the time of the incident.

In some cases, the resolution of traffic accidents can be carried out through restorative justice mechanisms. "Based on the regulation of the Indonesian National Police Number 8 of 2021", the settlement of an accident case with a death victim cannot be done through restorative justice because it does not meet the material requirements. Material requirements in restorative justice requires that the settlement of cases

Code P21 indicates that the results of the investigation have been qualified and are ready to be transferred to the prosecutor's office for further processing in the trial. On the other hand, if the case file has not been declared complete, the suspect status remains attached to the perpetrator and the investigation will continue until all elements are met. Termination of the investigation can be made if there is insufficient evidence, the event is not a criminal offense, or there are valid legal reasons such as the suspect has died, the case has expired, the complaint is revoked in the case of a complaint offense, or the case has obtained a decision with permanent legal force. This legal process is an affirmation that although there is a peace mechanism, in some cases traffic accidents, especially those that cause victims to die, must still be resolved through judicial channels in order to establish justice and ensure legal accountability for the perpetrators.

Advice

Satlantas needs to strengthen the application of traffic rules firmly but still humanist. Consistent law enforcement can be a deterrent effect for offenders and reduce accident rates. In the case of minor traffic accidents, non-legal approaches such as mediation and restorative justice can be an effective solution. The police can facilitate settlement between victims and perpetrators in a family way, so not all cases have to end up in court. Increasing public awareness through socialization and education related to traffic safety must continue to be improved, both through social media, seminars, and programs in schools. Campaigns about traffic order and the dangers of reckless driving need to be intensified. Satlantas can work with relevant agencies to improve the quality of roads, lighting, and traffic signs. The use of technologies such as

traffic monitoring CCTV and electronic ticketing (ETLE) also needs to be expanded to more effectively monitor violations. Handling of traffic accidents must involve various parties, such as the Department of Transportation, jasa Raharja, hospitals, and communities. This synergy will accelerate the victim assistance and insurance claim administration process for accident victim.

E-ISSN: 2614-2244

ISSN: 2088-5288

BIBLIOGRAPHY

- Abdullah Sulaiman, 2021. Introduction to law, Jakarta: UIN Jakarta together with Yayasan Pendidikan dan Pengembangan Sumber Daya Manusia (YPPSDM) Jakarta, 2019.
- Adami Chazawi, 2002, lessons of Criminal Law, Part 1: Stelsel Penal Teoriteori Penal Code & limits of Criminal Law, PT. Raja Grafindo Persada, Jakarta.
- Ahzar, R. M. (2022). Restorative justice as an effort to realize humanist Justice. Amnesty: Law Journal, 4(2), 109-119. https://doi.org/10.37729/amnesti.v4i2.2192
- Bagir Manan, 2008, Restorative Justice (An Introduction) Perum Percetakan Negara RI: Jakarta.
- Bambang Sunggono, Legal Research Methodology, Jakarta: PT. RajaGrafindo Persada, 2013, p. 112-113.
- Burhan Ashshofa, Legal Research Methods, Jakarta: PT.Rineka Cipta, 2004, p. 20.
- Baharuddin Lopa. 1987. Problems of construction and law enforcement in Indonesia. Jakarta: Bulan Bintang. Andi Hamzah. 1986. Criminal Investigation Through Technical Means And Legal Means. Jakarta: Ghalia Indonesia.
- Barda Nawawi Arief, 2013. Capita Selekta Criminal Law, third ctk, Citra Aditya Bandung.
- Deromero, D., Nugraha, D. P., Setiawan, M. R., & Febrianggo, T. (2024). The implementation of the concept of restorative justice towards criminal liability in traffic accident control is viewed from the perspective of restorative justice. Indonesian Journal of Law and Justice, 1(4), 7. https://doi.org/10.47134/ijlj.v1i4.2784
- Eriyantouw Wahid, 2009, restorative justice and conventional justice in Criminal Law, Citra Aditya Bakti, Jakarta.
- Faida, A. N., Ucuk S, Y., & Widodo, E. (2023). Criminal liability for criminal acts in traffic that resulted in the death of another person. Binamulia Law, 12 (1), 227-240. https://doi.org/10.37893/jbh.v12i1.603
- F.M. Nashshar, Understanding The Impact Of Globalization In The Life Of Society, Nation And State (Bandung: Puripustaka, 2015).
- Haga, A., Manu, N., & R. Ch. Manafe, D. (2023). Settlement of traffic accident cases oriented to restorative justice. COMSERVA: Journal of research and Community Service, 3(02), 597-605. https://doi.org/10.59141/comserva.v3i02.801.
- Laica Marzuki. 2005. Take a walk in the realm of law. London: Constitution Press.
- Lukman Hakim, 2019. Principles Of Criminal Law Textbook For Students. Yogyakarta: Deepublish
- Moeljatno, principles of Criminal Law, Rineka Cipta, Jakarta, 2008, p. 69.
- Article 1 paragraph (24) of Law No. 22 of 2009 on road traffic and transportation
- Peter Mahmud Marzuki, Legal Research, Jakarta: Kencana, 2013, p. 133-134.

Vol. 8 No. 1 April 2025 ISSN: 2088-5288

E-ISSN: 2614-2244

- Rahardjo Adisasmita, Analysis Of Transportation Needs (Yogyakarta: Graha Ilmu, 2015).
- Ramadhan, F. W. and Suyatna, S. (2024). The application of restorative justice in traffic accidents is based on the State Police regulation of the Republic of indonesia number 8 of 2021 on handling criminal acts based on restorative justice. Indonesian Journal of Law and Justice, 1(4), 9. https://doi.org/10.47134/ijlj.v1i4.2185
- Sitinjak, N. (2021). Juridical analysis of discretionary authority and legal responsibility in the implementation of police duties and functions. Syntax Idea, 3(6), 1403-1424. https://doi.org/10.46799/syntax-idea.v3i6.1231
- Salsabila, S. and Wahyudi, S. T. (2022). The role of the prosecutor's office in resolving corruption cases using a restorative justice approach. Legal Issues, 51 (1), 61-70. https://doi.org/10.14710/mmh.51.1.2022.61-70
- Sadjijono, 2021. Police Law Series, Police and Good Governance, Laksbang Mediatama, Surabaya.
- Sadjijono, 2021. Police Law Series, Police and Good Governance, Laksbang Mediatama, Surabaya.