

# **Traffic Unit Efforts In Handling Traffic Accidents Through Restorative Justice In The Jurisdiction of The Buleleng Resort Police**

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## **ABSTRACT**

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Traffic accidents are unexpected events involving at least one motorized vehicle, resulting in material loss or loss of life. Legal consequences include criminal penalties and civil claims. The police can resolve traffic accident cases quickly outside of court using a Restorative Justice approach, which emphasizes recovering the victim's losses and repairing relationships between the perpetrator and the victim. This research focuses on the efforts of the Traffic Unit in handling traffic accidents through Restorative Justice within the jurisdiction of the Buleleng Police and identifies obstacles encountered in its implementation. Despite previous studies discussing Restorative Justice in various legal contexts, there is a significant research gap regarding its application to traffic accident cases in Buleleng. This study aims to fill this gap by providing insights into the effectiveness and challenges of implementing Restorative Justice in traffic accident cases. Utilizing a normative juridical approach supported by empirical research, this study analyzes legal principles, norms, and conceptual evidence. The findings indicate that the Traffic Unit's efforts include mediation between involved parties but face obstacles such as a lack of public understanding, failure to reach agreements, and differing interpretations among law enforcement officers. Recommendations are provided to enhance the effectiveness of Restorative Justice in handling traffic accidents.

**Keywords : traffic accidents, restorative justice, buleleng police, mediation, legal consequences, public understanding, law enforcement**

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## **INTRODUCTION**

A traffic accident is an unexpected event that involves at least one motorized vehicle on one road section and results in material loss or even loss of life. The legal consequences of traffic accidents are criminal penalties for those who caused or caused the incident and can also be accompanied by civil claims for material losses caused. In various types of mistakes, where the person who made the mistake causes harm to other people, then he must pay compensation. Settlement of traffic accident cases by the Police can be done outside of court so that they can be resolved quickly without having to go through a trial process, this resolution is through a Restorative Justice approach.

By looking at the background above, the formulation of the problem can be drawn, firstly, the efforts of the traffic unit in handling traffic accidents through restorative justice in the jurisdiction of the Buleleng Police, and second, obstacles in implementing restorative justice in handling traffic accidents in the jurisdiction of the Buleleng Police.

A traffic accident is an unexpected event that involves at least one motorized vehicle on a road section and results in material loss or even loss of life. The legal consequences of traffic accidents include criminal penalties for those who caused the incident and may also involve civil claims for material losses incurred (Ratnamiasih,

Govindaraju, Prihartono, & Sudirman, 2012) In various types of faults, where the person at fault causes harm to others, they must compensate for the damage caused (Sulaiman, 2019).

The settlement of traffic accident cases by the Police can be done outside of court to resolve them quickly without going through a trial process, using a Restorative Justice approach (Syahdilla et al., 2023). Restorative Justice emphasizes the recovery of the victim's losses and the repair of relationships between the perpetrator and the victim, aiming to achieve a fair agreement and restore the situation as it was before the incident (Maulana, 2021)

Restorative Justice in the context of handling traffic accidents allows the perpetrator to take direct responsibility to the victim and the community, and enables the victim to directly convey the impact of the incident to the perpetrator (Berampu, A., & Purba, 2021). This approach can also reduce the court's workload and expedite case resolution (Ihsan, 2023).

However, the implementation of Restorative Justice does not always proceed smoothly. Various obstacles include a lack of public understanding of this concept and resistance from some parties who still prioritize a retributive approach (Fandy & Chandra, 2016). Therefore, it is essential to understand the efforts of the Traffic Unit in implementing Restorative Justice in handling traffic accidents in the Buleleng Police jurisdiction and the challenges encountered in its implementation (Rambat Lupiyoadi., 2013).

Based on the background above, the problem formulation can be drawn: first, the efforts of the Traffic Unit in handling traffic accidents through Restorative Justice in the jurisdiction of the Buleleng Police, and second, the obstacles in implementing Restorative Justice in handling traffic accidents in the jurisdiction of the Buleleng Police (Syahdilla et al., 2023).

Previous studies have extensively discussed the application of Restorative Justice in various legal contexts. For instance, (Wijayanti, 2017) in "Restorative Justice in the Indonesian Legal System" examined the effectiveness of this approach in resolving minor criminal cases in Indonesia. The findings indicated that Restorative Justice could reduce recidivism rates and improve social relationships between the perpetrator and the victim.

Additionally, (Handayani, 2019) in "Challenges in Implementing Restorative Justice for Traffic Violations" highlighted various challenges faced in applying this approach to traffic violations. The study found that although Restorative Justice offers many benefits, its implementation often faces obstacles such as a lack of understanding among law enforcement officials and resistance from the community.

Despite numerous studies on Restorative Justice, there remains a significant research gap regarding its application to traffic accident cases in Indonesia, particularly within the Buleleng Police jurisdiction. Previous research has primarily focused on general contexts or other types of crimes, while specific studies on the application of Restorative Justice in traffic accidents are limited. Therefore, this study aims to fill this gap by providing deeper insights into this topic.

The novelty of this research lies in its specific focus on the application of Restorative Justice in handling traffic accidents within the Buleleng Police jurisdiction. Unlike previous studies that have generally addressed Restorative Justice, this research aims to evaluate the effectiveness and challenges of implementing this approach specifically in the context of traffic accidents, which has not been widely explored in prior research.

This research aims to determine the efforts of the Traffic Unit in handling traffic accidents through Restorative Justice and identify the obstacles faced in implementing this approach within the Buleleng Police jurisdiction. Additionally, this study aims to provide recommendations that can enhance the effectiveness of Restorative Justice in handling traffic accidents in the future.

This research aims to determine the efforts of traffic units in handling traffic accidents through restorative justice and the obstacles to implementing restorative justice in handling traffic accidents in the Buleleng Police jurisdiction.

## **RESEARCH METHOD**

This research is normative juridical research supported by empirical research, using a statutory approach and a conceptual approach, namely normative analysis shows that the efforts of traffic units in handling traffic accidents through restorative justice are based on legal principles and norms that applies, while the conceptual approach concerns evidence. Johnny Ibrahim is of the opinion that normative legal research is a form of scientific research aimed at finding the truth based on the logic of legal science as viewed from the normative part, or which takes the form of legal discovery efforts that are adapted to a particular case. This research is also supported by empirical research.

## **RESULT AND DISCUSSION**

### **Efforts of the Traffic Unit in Handling Traffic Accidents Through Restorative Justice in the Legal Area of the Buleleng Resort Police**

Traffic is a process or activity that occurs on a highway, a highway is one of the most important elements in shared life between communities. The road network system is divided into primary roads and secondary roads, the primary road system is used to provide services for the distribution of goods and

services to develop all regions at the national level by connecting all tangible distribution services to activity centers, while the secondary road system provides services to distribution of goods and services within urban areas. According to their function, roads can be grouped into arterial roads, local roads, environmental roads and collector roads. Apart from that, roads are also divided based on class. The division of road classes is useful for regulating the use and fulfillment of transportation needs (Putranto, 2016).

The existence of Law no. 22 of 2009 concerning Road Traffic and Transportation aims to provide restrictions for road users so that they are not careless when operating their vehicles on the highway and regulate all forms of traffic violations that may be committed by road users as a result of traffic growth, considering the level of The number is increasing from year to year. There is concern about the imbalance between the increase in the number of vehicles and improvements in infrastructure and road length (Soekanto, 2010). There will be vehicle congestion and saturation, making it possible for traffic jams and road transport violations to occur.

National Police Chief Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice is used as a legal basis and guideline for National Police investigators and investigators who carry out inquiries/investigations, including as a guarantee of legal protection and supervision of control, in the application of the principles of restorative justice in the concept of investigation and investigation of crimes. criminal law in order to realize the public interest and sense of justice in society,

so as to create uniform understanding and application of restorative justice within the National Police (Munawar, 2005).

In the process of peacefully resolving traffic accidents through restorative justice, it must be ensured that formal and material requirements are met. This regulation is the basis for members of the Buleleng Police Department to carry out out-of-court settlements for traffic accident cases as a manifestation of one of the authorities for implementing restorative justice in resolving criminal cases.

In the context of examining traffic accident cases at the Buleleng Police, the main focus lies on the application of restorative justice. With the high number of traffic accident cases in Buleleng Regency, the Buleleng Police strives for every traffic accident case handled in Buleleng Regency to implement restorative justice. Because the basis of restorative justice is a restoration where essentially both parties agree that the case will be resolved peacefully and amicably, the police will apply restorative justice. Apart from that, because the police also work in line with the laws in force, namely PERPOL No. 08 of 2021 regarding the Handling of Criminal Acts refers to Restorative Justice. Buleleng Police investigators apply restorative justice in a traffic accident case through several stages, namely:

1. Receive a report from the public that a traffic accident has occurred.
2. Create a report.
3. Carry out an investigation first to determine whether a traffic accident is true or not.
4. Assign the suspect to the Buleleng Police investigation department with some of the evidence that has been found.

The Buleleng Police also implement restorative justice practices in criminal cases, especially in the investigation process. They adopted a special approach by bringing the two parties involved together through mediation. This mediation process functions as a means to overcome the problems faced and find solutions. As a result, the results of the mediation became the basis for the Buleleng Police's decision to issue an Investigation Termination Order (SPDP). In line with this, the Buleleng Police have consciously taken a policy not to carry out this traffic accident case, because it has been resolved through a restorative justice system, especially through mediation. mutual agreement. During the mediation process, both parties are usually accompanied by their respective families. The police play a facilitative role by arranging meetings and presenting the best options to reach a fair resolution through restorative justice.

### **Obstacles in Implementing Restorative Justice in Handling Traffic Accidents in the Legal Area of the Buleleng Resort Police**

The phenomenon that occurs in traffic accident cases (LAKA LANTAS) is that settlement is carried out through legal channels. This does not mean that legal settlement (litigation) is not important, but if there is a settlement solution through extralegal channels (non-litigation) it can be an alternative that can be taken without having to settle through the legal process. The existence of restorative justice principles as an alternative to the criminal justice system can be reviewed from a theoretical and practical perspective. The theoretical aspect is that resolving criminal cases committed outside of court by applying restorative justice through penal mediation is used as a new perspective on the criminal justice system in Indonesia (Arief & Ambarsari, 2018). In a practical sense, restorative justice through penal mediation has long been implemented by Indonesian society, especially in the realm of customary law (Ferimon, Mulyadi, & Affan, 2021).

Article 13 of the Police Law of the Republic of Indonesia No. 2 of 2002 states that the police is the leading institution in law enforcement efforts and has the authority, including a series of investigations, searches, arrests, examinations and handing over cases to the prosecutor's office so that they can be tried in court. With this series of activities, it appears that the police is an institution that has the main function of law enforcement. Apart from that, the police are also required to serve social purposes in the form of maintaining security and order as well as providing protection, guidance and service to the community.

In an effort to provide comfort for road users in traffic, the police encounter obstacles in handling traffic violation cases. One of the obstacles encountered in handling traffic violation perpetrators through restorative justice efforts is: 1. The perpetrator or victim of a traffic violation does not can be present when the police handle the case. 2. There were no witnesses when the traffic accident occurred. 3. There are still many traffic violation perpetrators who run away, so those who do traffic violations in the opposite direction do not get ticketed.

Furthermore, the general obstacles encountered by the police in handling traffic violations are: 1. Lack of legal awareness of road users to comply with traffic signs that apply in a road traffic area. 2. There are still inadequate traffic signs. The author's point of view regarding this problem is that the transportation department should install traffic signs on a highway, or replace damaged traffic signs, this is It is very important to provide warnings, prohibitions, orders or instructions to road users. In connection with these obstacles, the Buleleng Police Traffic Unit Gakkum continues to make efforts to prevent or handle the occurrence of traffic violations in the Buleleng Regency area more optimally. This is done with the aim that if the efforts that have been implemented cannot prevent the occurrence of a traffic violation. However, at least there are efforts being made to reduce traffic violations in the Buleleng Regency area.

Apart from the matters stated above, the obstacles that traffic accident unit police investigators often face in handling traffic accidents by implementing restorative justice include: a. Lack of public understanding regarding restorative justice; b. Failure to reach a restorative justice agreement. Determining an agreement between the victim and the perpetrator is not easy. When restorative justice deliberations are carried out when the perpetrator and the victim: "Resolving a traffic accident, the perpetrator meets in the restorative justice room, arguments or commotion often occur which results in restorative justice deliberations not being conducive. c. Different understandings in handling cases between law enforcement officers. Different understandings regarding the handling of violations mean that law enforcers interpret the contents of several articles in statutory regulations differently, giving rise to differences of opinion in how to handle them. If there are often multiple interpretations regarding certain articles in the guidelines for implementing restorative justice.

## **CONCLUSION**

The traffic unit's efforts to handle traffic accidents through restorative justice in the Buleleng Police jurisdiction include bringing the two parties involved together through mediation. This mediation process functions as a means to overcome the problems faced and find solutions. Obstacles encountered in implementing relief for perpetrators of traffic violations through restorative justice efforts are: The perpetrator or victim of a traffic violation in the opposite direction cannot be present when the police handle the case, and there are no witnesses at the time of the traffic accident, this happened because of an

accident. This traffic takes place in a quiet area and there is rarely any activity carried out by the community and there are no residential areas.

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