

The Role of the Republic of Indonesia National Police in the Implementing Restorative Justice in Handling Traffic Accidents (Case Study at Tanjung Pinang Police)

Rendi Ariza Revi¹⁾ & Arpangi²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Rendiarizarevi.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Arpangi@unissula.ac.id

Abstract. *This research discusses the role of the Indonesian National Police in implementing restorative justice in handling traffic accident cases, focusing on the Tanjungpinang City Police as a case study. Data collection combines library research and field research, focusing on secondary legal materials and primary data from practitioners. The study regularly examines the legal framework, the role of the police as facilitators in mediation, and the practical challenges encountered in the field. The findings reveal that the police play a central role as facilitators in the mediation process between offenders, victims, and their families to achieve amicable settlements outside the formal criminal justice process. The implementation of restorative justice at the Tanjungpinang City Police is guided by Indonesian National Police Regulation Number 8 of 2021 and is primarily applied to cases involving minor injuries or material losses. However, in cases resulting in fatalities, settlements are rare as families tend to demand formal legal proceedings. The main obstacles include the limited economic capacity of offenders to fulfill compensation demands, protracted negotiations, and a lack of public understanding of restorative justice. Proposed solutions involve developing more comprehensive regulations, public education, specialized training for investigators, and facilitating compensation through social institutions or third parties. The study recommends enhanced collaboration among the police, government, and society to achieve balanced justice and restore social relations in traffic accident cases.*

Keywords: *Law Enforcement; Police; Restorative Justice; Tanjungpinang City Police; Traffic Accidents.*

1. Introduction

The police, as an aspect responsible for handling traffic accidents, strive professionally to calm down the aspects facing accidents by using road safety, or better known as the concept of road safety. It should be noted that road safety is a method that is often used by all parties involved in traffic accidents to achieve a rescue agreement. As a selector who prioritizes public welfare, the Law on Road Safety ensures that roads and transportation routes have a vital position in supporting national innovation and intelligence. In an effort to achieve the target based on Pancasila and the 1945 Constitution, transportation is a means of transportation and vital to strengthen the implementation of the archipelago insight, strengthen national resilience, and improve relations between nations. Law Number 22 of 2009 concerning traffic and road transportation was created to develop the transportation function. According to Article 107(2), the UULLAJ received a positive response and became a part of community renewal, namely:¹

1) Implementation of guaranteed, protected, orderly, smooth and integrated traffic and road transportation facilities with other transportation modes to encourage national economic development, advance public welfare, strengthen national unity and integrity, and be able to uphold the dignity of the nation;

2) Implementation of traffic and national culture;

3) Implementation of law enforcement and legal certainty for the community.²

The Indonesian National Police (Polri) is part of the Indonesian criminal justice system. Formally, the framework of the Indonesian National Police (Polri) criminal justice system consists of processes or stages before the trial. This process begins with an input, which is then processed and produces an output. This input comes from reports received by the Police and/or cases discovered by the Police themselves. The Police will produce an output, whether it will be resolved at the Police or submitted to the Public Prosecutor for trial. If the case is submitted to the Public Prosecutor, the Police output will become the Public Prosecutor's input. Therefore, the process in the criminal justice system will not stop until a verdict is made and the convict has completed his sentence and returned to society.³

This process, which usually uses a formal legal system, has caused several cases that violate the public's sense of justice. As a result, the idea of resolving cases with a restorative justice approach emerged. This approach requires perpetrators of crimes to admit their mistakes, apologize, and restore the damage and losses experienced by the victim to their original state or at least similar to the previous condition, so that they can fulfill the victim's sense of justice.

¹ Dekie GG Kasenda, Penegakan Hukum Terhadap Pelaku Pelanggaran Lalu Lintas. *Jurnal Ilmu Hukum Tambun" Bunga*. Vol 2 No 1, 2017

² I Made Tambir, "Pendekatan Restorative Justice dalam Penyelesaian Tindak Pidana di Tingkat Penyidikan", *Jurnal Magister Hukum Udayana*, Volume 8, No. 4 (2019) : 551

³ Andi Hamzah, *Hukum Acara Pidana Indonesia*, (Jakarta: Sinar Grafika, 2012), p. 20.

In 2012, the Head of the Criminal Investigation Agency (Kabareskrim) of the Police issued a Telegram Letter from the Chief of Criminal Investigation Agency No. STR/583/VIII/2012 concerning the Implementation of Restorative Justice. This telegram letter became the basis for investigators to resolve criminal cases with restorative justice. The next development came from the Circular of the Chief of the Indonesian National Police (Kapolri) No. 8/VII/2018 dated July 27, 2018 concerning the Implementation of Restorative Justice in the Settlement of Criminal Cases. This Circular is the legal basis and guideline for investigators and investigators of the Police who conduct investigations and inquiries, including providing legal protection and ensuring that they are supervised. At this time, a large number of criminal cases use the Restorative Justice model at the police, prosecutor's office, and court levels. This certainly shows good results for the implementation of Indonesian law. Indonesian criminal law usually emphasizes the implementation of Restorative Justice through case resolution. The attachment of the legal justice system must be reformed to replace it with a criminal case resolution that emphasizes the reconstruction of problems or conflicts and the restoration of social order, or legal justice. The Indonesian criminal justice system is considered to prioritize the rights of suspects or defendants because it still focuses on the perpetrators.⁴

Settlement of criminal cases using a restorative justice approach can be carried out outside the court or what is known as penal mediation and is often referred to by various terms, including: "mediation in criminal cases" or "mediation in penal matters" which in Dutch is called *strafbemiddeling*, in German it is called *"Der Außergerichtliche Tatausgleich"* (abbreviated and in French it is called *"demediation ponale"*). Because penal mediation primarily brings together the perpetrator of the crime and the victim, the maximum is This penalty is often also known as "Victim-Offender Mediation" (VOM), *Täter-Opfer-Ausgleich* (TOA), or Offender-victim Arrangement (OVA). In the effort to resolve criminal cases, *Restoratif Justis* (also called *restoratif justice*) is an example of an approach that emerged in the 1960s. This model emphasizes the direct involvement of the perpetrator, victim, and community in the criminal case resolution process.⁵

2. Research Methods

Data collection method is an important step in a research to obtain relevant, accurate, and in-depth information in accordance with the problems that have been formulated. The data collection methods used in this study are Library Research and Field Research. This study is carried out by collecting library materials, in the form of primary legal sources, journals, and reports related to this study. This study is mostly carried out on data from journals in the library.⁶

3. Results and Discussion

3.1. The Role of the Police in the Implementation of Restorative Justice in Traffic Crimes at the Tanjungpinang Police Department

In criminal law, the purpose of Restorative Justice is to restore the situation to the way it was before the crime occurred. The situation will change when someone violates the law. Therefore, the law is responsible for protecting the rights of every victim of crime. Restoration has a broader meaning in the conventional criminal justice process, but restitution or compensation for victims is known.

Restoration includes restoring the relationship between the victim and the perpetrator. This relationship can be restored based on an agreement between the victim and the perpetrator. The victim has the opportunity to inform the perpetrator of their losses through compensation mechanisms, peace, social work, and other agreements.

Basically, people involved in traffic accidents cannot be categorized as pure criminals because most are caused by negligence rather than intent. No one really stops the accident, so traffic accidents are considered criminal acts without motivation.

Therefore, traffic accident crimes cannot be processed in the same way as other crimes, which are usually processed legally and carried out harshly. Traffic police are very important in the process of resolving traffic violation cases because they can mainly handle traffic violations professionally and try to reconcile the parties concerned through criminal mediation or restorative justice.⁷

According to Article 2 Paragraph 1 of the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, handling of criminal acts based on restorative justice is applied during the implementation of criminal investigation, investigation or inquiry functions. After minor crimes are resolved, the criminal investigation function can be carried out.

After a report or complaint is received, or after it is directly discovered that there is an alleged crime, the settlement is carried out. By submitting a written application letter to the Chief of Police Resort and the Chief of Police Sector, this settlement is achieved. In the process of restoring the rights of victims, perpetrators, victims, families of perpetrators, or other related parties have submitted an application consisting of a peace statement and evidence.⁸

⁴ Barda Nawawi Arief, *Mediasi Penal (Penyelesaian Perkara di Luar Pengadilan)*, (Semarang: Pustaka Magister, 2016), p. 2

⁵ Jonlar Purba, *Penegakan Hukum Terhadap Tindak Pidana bermotif Ringan Dengan Restoratif Justice*, (Jakarta: Permata Aksara, 2017), p. 61.

⁶ Amiruddin & Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: Raja Grafindo Persada, 2004), p. 45.

⁷ Zainul Akbar, *Penerapan Restorative Justice Dalam Tindak Pidana Pelanggaran Lalu Lintas*, *Jurnal Litigasi Amsir*, 2023, p. 186-202.

⁸ Teguh Prasetyo, *Hukum Pidana*, (Jakarta: Raja Grafindo Persada, 2012), p.2

Master of Law, UNISSULA

In resolving cases, restorative justice can be applied through Alternative Dispute Resolution (ADR). ADR is a process that empowers alternative settlements outside the courts through peaceful efforts that prioritize profitable settlements. ADR can also be used as a dispute resolution method as a substitute for the court process.

Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice stipulates several requirements that must be met before restorative justice can be implemented, including:

a. General Requirements

Applies to handling criminal acts based on restorative justice during the criminal investigation, investigation or inquiry process. The two general requirements above are material and formal requirements. The following are examples of material requirements:

- 1) Does not cause unrest or rejection by the community;
- 2) Does not cause social conflict;
- 3) Does not have the potential to divide the nation;
- 4) Is not radical or separatist;
- 5) Never committed the same crime after a court decision; and
- 6) Never committed a crime of terrorism, state security, corruption, or threatening people's lives.⁹

Formal requirements include:

- 1) Except for drug violations, peace between the two parties is evidenced by a peace agreement letter signed and signed by both parties;
- 2) Except for drug violations, a statement signed by the victim indicates the fulfillment of the victim's rights and the perpetrator's responsibilities. This can include the return of goods, restitution of losses, restitution of costs, and restitution of damages caused by the violation.¹⁰

b. Special Requirements

Among the additional requirements for criminal acts are electronic transactions, drugs, and traffic. Law No. 22 of 2009 concerning Traffic and Road Transportation regulates criminal acts of traffic and road transportation violations. As a law outside the codification, this law also

⁹ H. Pudi Rahardi, *Hukum Kepolisian Profesionalisme dan Reformasi Polri*, Surabaya: Laksbang Mediatama, 2007

¹⁰ Ruslan Renggong, *Hukum Pidana Khusus Memahami Delik-delik Di Luar KUHP*, (Jakarta: Prenadamedia Group, 2016), p. 34

Master of Law, UNISSULA

regulates procedural procedures for handling traffic and road transportation violations. These regulations include investigations. According to this law, investigations of Traffic and Road Transportation Crimes are carried out by:

1. Investigators from the Indonesian National Police; and
2. Certain investigators from Civil Servants who are given special authority.

According to Article 1 of the Regulation of the Indonesian National Police Number 8 2021 on Handling of Criminal Acts Based on Restorative Justice, handling outside the court to obtain satisfaction of the parties in resolving criminal acts based on mutual agreement is known as restorative justice, as shown in an interview with Brigadier Chrystoper Gangga Saputra L. as an Assistant Investigator at the Tanjungpinang Police Traffic Unit.¹¹

As a result of the interview with Brigadier Chrystoper Gangga Saputra L., it was said that regarding the mechanism for implementing restorative justice, especially in terms of traffic crimes, we as the police refer to the Regulation of the Republic of Indonesia National Police No. 8 of 2021, because we work in accordance with applicable laws and regulations. The police, especially in cases of traffic accidents, often use the restorative justice process, the most common of which is family group meetings. This family group meeting involves the entire family of the perpetrator and victim to reach a resolution of legal problems.

Based on an interview with Brigadier Chrystoper Gangga Saputra L., one of the traffic crime cases resolved with restorative justice is when the perpetrator is injured in a traffic accident and asks for peace with the victim. As the police, we give freedom to the perpetrator's and victim's families during the process of resolving the case. If they ask for facilities, we first provide them with the facilities. If there is a problem regarding the decision, we still leave it to them. After that, when the parties ask for the facilities, we then provide them. Indonesian National Police Regulation No. 8 of 2021 does not actually require us as the police to provide related facilities during the process of resolving the problem; however, if the parties request it, we will provide it.¹²

Efforts to resolve traffic accident cases begin with notification and negotiation of an out-of-court settlement to the perpetrator, his family, and the victim. Police investigators usually initiate this initiative. The investigator will determine the time and place of the deliberation if the parties agree to do so. However, in practice in the field, several traffic accident cases are handled peacefully by the parties involved rather than using criminal decisions.

Especially in cases of traffic accidents where the perpetrator and victim suffer serious injuries, the perpetrator and victim reach an agreement to reconcile. This agreement is considered a

¹¹ interview with Brigadier Chrystoper Gangga Saputra L. on Monday, April 14, 2025, 13.00 WIB

¹² Sunaryati Hartono, *Kapita Selekta Hukum Ekonomi*, Jakarta: Binacipta, 1976

Master of Law, UNISSULA

case resolution procedure and can resolve disputes or problems that occur between the perpetrator and victim.¹³

In resolving traffic accident cases, the interests of the victim must be a priority in the out-of-court mediation process. This means that investigators must really pay attention to the interests of the victim during the deliberation process so that restorative justice by restoring the original state can be achieved. Investigators must concentrate more on recovering the victim's losses so that a peace agreement can be reached. In the same way, other parties invited to the deliberation always try to ensure that the losses suffered by the victim are paid fairly.

In the next stage, if the out-of-court mediation process is successful, the police investigator must describe the results of the agreement. The results of the deliberation must be written in the form of an out-of-court settlement agreement and signed by both parties. This is important so that the results are clear and detailed and do not give rise to misinterpretations.

After an agreement is made, the agreement must be implemented. In this situation, the police must actively supervise the implementation of the deliberation agreement. The actions of police investigators in handling further cases depend on the implementation of the agreement, so active supervision is carried out. Procedurally, police investigators cannot stop the investigation if the deliberation agreement has not been fulfilled. This means that the follow-up to the agreement must be monitored.¹⁴

Based on an interview with Brigadier Chrystoper Gangga Saputra L, there were 334 traffic crime cases resolved through restorative justice out of 539 cases from 2020 to 2024.

3.2. The Role of the Police in the Implementation of Restorative Justice in Traffic Crimes at the Tanjungpinang Police Resort

The police, especially through the criminal investigation function and traffic unit, play a central role in the implementation of restorative justice in handling traffic accidents at the Tanjungpinang Police Resort. The main task of the police in this context is as a facilitator of the deliberation process between the perpetrator, victim, and family of both parties to seek a peaceful resolution outside the formal criminal justice process.

This process begins with an initiative from the investigator, who offers the option of an out-of-court settlement to the parties, then facilitates a family group conference to discuss the possibility of peace and restitution of the victim's losses. In this deliberation process, the

¹³ Syamsir, Torang, *Organisasi & Manajemen (Perilaku, Struktur, Budaya & Perubahan Organisasi)*, Bandung: Alfabeta, 2014

¹⁴ Citra Ayu Kishardian Salsabila, *Konsep Hukum dan Keadilan Dalam Perspektif Aristoteles, Jurnal Pendidikan, Seni, Sains dan Sosial Humanioral*, 2023

police ensure that the victim's rights remain a priority and the perpetrator is responsible for his actions in accordance with the principles of restorative justice.¹⁵

The implementation of restorative justice at the Tanjungpinang Police Resort refers to the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice. Peaceful settlement is more often applied to traffic accident cases that result in minor injuries or material losses, while for cases with fatalities, peaceful settlements are very rare because the victim's family tends to choose the legal process up to the courts. After a peaceful agreement is reached, police investigators are responsible for supervising the implementation of the points of the agreement so that they are truly carried out by the parties. If the agreement is not implemented, the investigation will continue according to applicable legal procedures.

Based on research data, of the 539 traffic accident cases that occurred at the Tanjungpinang Police during the 2020–2024 period, 334 cases were successfully resolved through the restorative justice mechanism. This shows that the role of the police in facilitating peaceful settlements is quite significant, especially for cases with minor injuries or material losses. However, the main obstacles faced are the perpetrator's economic limitations to meet compensation demands, the difficult deliberation process, and the low public understanding of the concept of restorative justice. In addition, in cases of fatalities, the victim's family generally rejects peace and still wants a formal legal process.¹⁶

3.3. Obstacles Faced by the Police in Implementing Restorative Justice in Traffic Crimes and How to Solve Them

The Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Criminal Acts Based on Restorative Justice regulates what crimes can be restored and how to do it. The results of an interview with Brigadier Chrystoper Gangga Saputra L., Assistant Investigator at the Tanjungpinang Police, showed that there were several obstacles faced when implementing restorative justice for traffic crimes.

In the use of restorative justice for traffic crimes at the Tanjungpinang City Police, there were several obstacles faced. One of them is that many people who are in litigation use restorative justice as a way to get money for compensation, even though the compensation is not commensurate with the losses they have experienced.¹⁷

Sometimes the perpetrators of traffic accidents usually come from poor families. However, every peace agreement certainly requires compensation costs, which can be a challenge for the perpetrator's family to pay. Many families involved in traffic accidents face difficulties in paying compensation due to their limited financial conditions, although compensation claims

¹⁵ Ryan Manggala et al., Studi Kasus Faktor Penyebab Kecelakaan Lalu Lintas Pada Tikungan Tajam, *Jurnal Karya Teknik Sipil* 4, no. 4 (February 2, 2016): 462–470

¹⁶ Maksum Rangkuti, *Restorative Justice Pengertian, Dasar Hukum, Syarat, dan Penerapan*, Fakultas Hukum Terbaik di Medan Sumut, July 21, 2023.

¹⁷ Linda Ayu Pralampita, Kedudukan Amicus Curiae Dalam Sistem Peradilan di Indonesia, *Lex Resaissance* Vol. 5 No. 3, Yogyakarta: Fakultas Hukum Universitas Islam Indonesia, July 2020

are often considered large. The families of traffic accident victims do not only have to pay the victims. There are many cases where deliberations outside the court are very difficult so that it is difficult to reach an agreement. Everyone involved in the problem, including the families of the perpetrators of the accident and the families of the victims, are involved in the conflict by defending their own opinions.¹⁸

Then the obstacles that occur in the restorative justice process based on the results of the interview with Brigadier Chrystoper Gangga Saputra L. Assistant Investigator at the Tanjungpinang Police are that the victim's family tends to remain silent and tries to get the perpetrator punished severely if they die. Because peace cannot bring the victim back to life, traffic accident cases that result in the death of the victim are usually resolved in court because the victim's family is not willing to reconcile. Some things that hinder the implementation of restorative justice include third parties who interfere and force the victim to continue the court process. It is very rare for such cases to be resolved through deliberations outside the court.

To prevent unauthorized persons from being affected, the perpetrator and victim must be contacted. A continuous approach is used to ensure that both parties—the newspaper and the perpetrator—are satisfied with the agreement. Inform those involved about how to resolve the case so that it leads to the principle of justice. So that the victim's family is not easily provoked, they are given an understanding. The principle of justice is that no one is harmed and that joint deliberation helps everyone feel fair.

Efforts to overcome the current challenges will not be successful unless supported by all parties involved. All parties involved must work together so that restorative justice can function as intended. The success of the implementation of restorative justice depends on the following two components:

- 1) Restorative justice will be successful from a community perspective if the community's focus is not only on the deterrent effect of the perpetrator but also on restoring the losses experienced by the victim;
- 2) Law Enforcement Officers (APH) stated that achieving these goals is highly dependent on collaboration between institutions. It takes a long time to change the mentality and active participation of all parties, including law enforcement officers, ministries/institutions, and the community, to achieve ideal conditions. It is very important to change the perspective of punishment towards restorative; In implementing restorative justice, investigators should not rely on agreements made by one party; they should look at what the victim needs and give them as much control as possible over the resolution process. This effort allows investigators to build a stronger foundation for implementing restorative justice in dealing with traffic accidents that cause serious injuries. In turn, this will increase justice and recovery for everyone involved in the accident.

¹⁸ I Made Tambir, "Pendekatan Restorative Justice dalam Penyelesaian Tindak Pidana di Tingkat Penyidikan", *Jurnal Magister Hukum Udayana*, Volume 8, No. 4 (2019) : 551

Some of the solutions implemented by the Tanjungpinang Police in overcoming obstacles to the implementation of restorative justice include:

1. Drafting clearer and more comprehensive regulations related to the implementation of restorative justice, especially for cases of serious traffic accidents, so that investigators have a strong legal basis in making decisions.
2. Conducting regular education and socialization to the community regarding the concept and benefits of restorative justice, so that the community understands that peaceful resolution still prioritizes justice and the responsibility of the perpetrators.
3. Encourage a conducive mediation atmosphere by providing a comfortable space for the parties to talk, and if necessary, hold separate meetings to avoid emotional pressure or provocation from outside parties.
4. Involve community, traditional, or religious leaders as mediators or intermediaries in the mediation process, so that a better atmosphere is created and trust can be built between the two parties.
5. Provide special training to investigators on mediation techniques, negotiations, and the principles of restorative justice, so that the settlement process runs more professionally.
6. Facilitate compensation assistance through social institutions or neutral third parties if the perpetrator is truly unable to pay compensation, so that a peace agreement can still be achieved.

These steps are expected to strengthen the implementation of restorative justice at the Tanjungpinang Police, so that the main obstacles such as the perpetrator's economic limitations, difficult deliberations, and lack of public understanding can be overcome more effectively.¹⁹

3.4. Review of the Role of the Police

1. Definition of Police

Law enforcement is a process to realize the desires in the law so that they become obligations and are obeyed by the community. Another definition of law enforcement is a process to realize the desires of the law into reality. The desires of the law here are the thoughts of the legislative body formulated in the legal regulations, and this will also determine how law enforcement is carried out. The Republic of Indonesia Police is an instrument of law enforcement.

Based on Article 1 of Law Number 2 of 2002 Concerning the Indonesian National Police, general provisions of various matters related to the police, including the release of police, are formulated in the said Law. However, the definition of the police is not formulated comprehensively because it only discusses the functions and institutions of the police which are regulated by laws and regulations.

According to the Indonesian Dictionary (KBBI), the police are organizations that maintain public order, security, and public order (arresting people who break the law), and are part of the police (state officials who maintain order and order).

¹⁹ interview with Brigadier Chrystoper Gangga Saputra L. on Monday, April 14, 2025, 13.00 WIB

Master of Law, UNISSULA

According to Soebroto Brotodiredjo, the term police comes from the Ancient Greek term "politeia" which means the government of a polis or city. So at that time the meaning of "Police" was so broad that in addition to covering the entire government of the city state, it also included religious affairs such as worship of its gods. Van Vollenhoven mentioned that "police" ("politei") into the elements of government in the broad sense, namely the executive body (executive-bestuur), the legislative body, the judiciary and the police. Government institutions including the police are tasked with making and maintaining laws, in other words maintaining order and tranquility (orde en rust) and organizing public interests.

According to Dr. Sadjiljono, an expert in Indonesian law, the term "police" indicates the function and organ of the state government, while "kelpolice" indicates the function and organ of various government institutions that are integrated and structured in the state structure. But it also has various functions, has duties, welfare, and has the responsibility to carry out its functions, including maintaining public order and safety, law enforcement, protection, protection, and public service.

2. Functions and Roles of the Police

The police have two dimensions: legal and sociological. In the legal dimension, the police consist of general police functions and special police functions.

From the sociological dimension, the police function includes certain tasks that are considered necessary and beneficial to maintain order and safety in their environment. Historically, these works are carried out by the community consciously and voluntarily, and then become institutions in the social order of society.

The Police in carrying out their duties play a dual role both as law enforcers (in the field of criminal justice) and as social workers in the social and community aspects (services and devotion). Furthermore, universally the function of the police institution includes two things, namely maintaining security and order (peace & order maintenance) in law enforcement.

The police have three main functions to maintain the peace and order of society:

- a. Preliminary Function: All efforts and community development are aimed at helping to prevent and ward off disturbances to the peace and order of society against state regulations.
- b. Function of the Police: All police efforts to restore public order and security, including maintaining the safety of people and property, as well as providing protection and assistance, especially preventing other actions that may threaten or endanger public order and security.
- c. The function of the Police, namely to take action against violations of the law to be processed until the trial which includes:

- 1) The investigation is a series of investigation actions aimed at finding and finding an incident that is suspected of being a criminal act and to determine whether the investigation can be carried out in accordance with legal regulations.

Master of Law, UNISSULA

2) The investigation is a collection of actions carried out by the investigator in accordance with the law to find and collect evidence to reveal criminal acts and find suspects.

3) Duties and authorities held by the Police

As a regulated in Law No. 2 of 2002, specifically Article 13, the Police have two main tasks outlined in the Law, the police are listed in the Trilbrata and Catur Praseltia Polril:

- a. maintaining public order and safety;
- b. enforcing the law; and
- c. providing protection, assistance and service to the community.

In addition to the authority granted by Law Number 2 of 2002 concerning the Indonesian National Police and Public Order above, Law Number 8 of 1981 concerning Criminal Procedure Code (KUHP) also grants the authority to the police to conduct investigations and criminal investigations. Article 5 paragraph (1) of the Criminal Procedure Code states that:

1. Receive reports or complaints from a person about a criminal offense;
2. Search for evidence and evidence;
3. Order the arrest of a person who has been kidnapped and question and check for signs of identity;

4. Carrying out other actions according to responsible law.

The authority of the police as a prosecutor in carrying out a criminal investigation is formulated in Article 7 paragraph (1) of the Criminal Procedure Code, namely:

- 1) Receive a report or complaint from a person about a criminal act;
- 2) Carry out the first action at the scene of the crime;
- 3) Order the arrest of the suspect's cell and check the suspect's identity;
- 4) Carry out arrests, arrests, searches, and searches;
- 5) Carry out inspections and searches of letters;
- 6) Take the suspect's cell and shoot the person's cell;
- 7) Summoning people to be heard and examined as suspects or witnesses;
- 8) Bringing in experts needed in connection with the examination of the case;
- 9) Holding a trial;
- 10) Carrying out other actions according to responsible law.

Article 1 of Law Number 8 of 1981 concerning Criminal Procedure Code also stipulates the duties of the police in carrying out their duties in society:

- a. Maintaining public order and safety; preventing and eradicating the spread of public disease; maintaining the safety of people, goods, and society, including providing protection and assistance; and ensure that citizens and the public comply with state regulations.
- b. In the field of justice, conduct trials for crimes and violations according to the provisions of the Criminal Procedure Law and other state regulations.
- c. Supervise flows of belief that can endanger the public and the state.
- e. Carry out other special tasks assigned to him by a state regulation.

According to Article 14 paragraph (1) of Law Number 2 of 2002 concerning the Indonesian Public Police, in carrying out its main duties, the Indonesian Public Police in general has the following duties:

- 1) Carrying out regulation, guarding, escorting, and patrolling of community activities and carrying out all necessary actions;
- 2) Organizing all activities in ensuring the safety, security and smoothness of traffic on the road;
- 3) Encouraging the community to increase community participation, community legal awareness and community obedience to the law and statutory regulations;
- 4) Participate in the legal education of the community;
- 5) Maintain public order and guarantee public safety;
- 6) Coordinate, supervise, and train special police, police personnel and other forms of self-protection;
- 7) Conduct investigations and trials of all criminal acts in accordance with criminal procedure law and other laws and regulations;
- 8) Organize police medical examinations, police medical examinations, forensic laboratories and police psychology to carry out police duties;
- 9) Protecting the safety of body and soul, property, society, and the environment from disturbances of disasters and/or disasters, including providing assistance and assistance by upholding basic human rights;
- 10) Serving the needs of community members until handled by authorized institutions and/or parties;
- 11) Providing services to the community in accordance with their needs within the scope of the police; and Carrying out other tasks in accordance with the Laws and Regulations.

C. Review of Restorative Justice

1. Definition of Restorative Justice

The Big Indonesian Dictionary (KBBI) defines implementation as "the act of implementing", and "implementation" is an act of applying a theory, method, or other thing to achieve a certain goal and for the benefit of a community.

3.5. Overview of Traffic Accidents

1. Definition of Traffic Accidents

According to the Law on Traffic and Road Transportation (Law No. 22 of 2009), a traffic accident is an unexpected and unintentional event that occurs on the road involving vehicles with or without other road users, resulting in human casualties or property losses.

According to H.W. Heinrich, an accident occurs when the action and reaction of objects, materials, or radiation causes damage or potential damage. According to DA Colling, quoted by Marc M. Schneier, any unplanned and uncontrolled event that can be caused by humans, circumstances, environmental factors, or a combination of these factors that disrupt the work process and can cause injury, illness, death, property damage, or other undesirable events.

Accidents not only cause trauma or disability, but also often cause death. Along with the length of the road and the number of vehicle movements, accident cases are very difficult to avoid and tend to increase. Traffic accidents are technically defined as events caused by many

unintentional factors (Random Multy Factor Event). In other words, the cause of the accident is not due to the perpetrator's intention, but the perpetrator's negligence.

Along with the length of the road and the number of vehicle movements, cases of serious accidents are minimized and tend to increase. Based on several definitions, a traffic accident is an unexpected and unwanted event that occurs on the road that is difficult to predict when and where it occurs, involving at least one vehicle with or without other road users, and causing injury, trauma, disability, death, or loss of property to the vehicle owner (victim).

2. Classification of traffic accidents

Accidents are categorized based on the following factors:

1. Based on the location of the accident;

- a. Location of a straight road with 1 lane, 2 lanes or 1 lane in the same direction or opposite direction;
- b. Bends; and
- c. Intersection Roads

2. Based on the Time of the Accident;

This type of accident is determined for a certain period of time, such as 1 hour, 2 hours, etc. The Traffic Directorate of the Indonesian National Police divides the time of this accident into the following parts:

- a) 6:00 – 9:00
- b) 10:00 – 13:00
- c) 14:00 – 17:00
- d) 18:00 – 21:00
- e) 22:00 – 01:00
- f) 02:00 – 05:00

3. Based on Accident Victims;

a) Fatal Injury Accidents

Fatal Injury Accidents are traffic accidents that result in death or loss of life.

b) Serious Injury Accidents

Serious Injury Accidents are traffic accidents that cause injuries to victims that can be life-threatening and require additional medical care known as serious injury accidents.

c) Minor Injury Accidents

Minor Injury Accidents are accidents that cause victims to suffer injuries that are not life-threatening and do not require hospital treatment, called minor injury accidents.

4. Based on Weather;

Weather is divided into several types according to the Jasa Marga Traffic Management Division Accident Report Book:

- a) Sunny
- b) Drizzle

Master of Law, UNISSULA

- c) Heavy Rain
- d) Fog
- e) Cloudy

5. Based on Accident Position

a) Angle collision

An angle collision is a collision between two cars that are not traveling in the same direction but also not traveling in opposite directions. Usually occurs at a right angle (right angle) at the point where the roads meet.

b) Rear-end collision

A rear-end collision is when a vehicle hits the rear of another vehicle traveling in the same direction—usually in the same lane.

c) Side-swipe

A side-swipe is when a vehicle hits another vehicle from the side while traveling in the same or opposite direction, usually in a different lane.

d) Head-on

A head-on collision is a collision between two cars traveling in opposite directions.

e) Backing

f) Losing control

Rear-end collision - Occurs on a single-lane road

- Sudden braking

- Uncontrolled vehicle distance

Front-end collision - Occurs on a straight road in the opposite direction

Side-swipe collision - Occurs on a straight and one-way road

- The perpetrator prepares the vehicle

Corner collision - Occurs on a straight road with more than 1 lane / line and at an intersection.

- Vehicles that want to prepare.

- No traffic light settings available

3.6. Review of Restorative Justice

1. Definition of Restorative Justice

The Big Indonesian Dictionary (KBBI) defines implementation as "the act of implementing", and "implementation" is an act of applying a theory, method, or other thing to achieve a certain goal and for the interests of a group or class that has been planned.

Law enforcement in Indonesia is considered as "communis opinio doctorum", which means it cannot fulfill legal obligations to achieve goals. As a result, the Restorative Justice System uses a socio-cultural approach rather than a normative one as an alternative to law enforcement.

Restorative justice is a justice system that emphasizes repairing losses caused or related to criminal acts. Restorative justice is carried out through a process that involves all parties (stakeholders). One of the best ways to achieve this is through a collaborative process involving all interested parties.

In restorative justice, justice requires efforts to restore or return the losses or consequences caused by criminal acts. Perpetrators of criminal acts must also be given the opportunity to participate in these recovery efforts to maintain order and just peace.

The creation of justice in the pre-trial system is the main goal of restorative justice. Wherever, all parties are expected to have a significant role between the perpetrator, the community, and the victim. It is expected that the perpetrator and the victim will provide appropriate compensation for the suffering and losses experienced by the victim. A person who makes a mistake must be aware of and responsible for his mistake.

In the context of punishment, the restorative justice approach uses the idea of balance of interests as one direction. In fact, restorative justice can be applied to the entire criminal law enforcement system, not just at the investigation, prosecution, or trial stages. The principle of restorative justice is based on the criminal law system, so that law enforcers have a role in implementing it in every criminal law enforcement process. Restorative justice is not the basis; it is part of justice and the judicial process. Because the basis on which the judicial institution was formed, they can be considered a philosophy of justice. Therefore, restorative justice can be defined as a series of judicial processes that aim to restore or restore all types of losses experienced by victims of crime, society, and the parties concerned.

2. Purpose of Restorative Justice

In resolving criminal acts through restorative justice, the conflict or damage caused by the crime is considered a conflict that occurs in the relationship between members of society that must be resolved and restored by the entire community. By giving victims the opportunity to participate in the process of resolving the crime, the resolution circle seeks to create balance. Restorative justice is a victim-centered response to crime that allows victims, perpetrators, their families, and community representatives to address the damage and loss caused by the crime, according to Umbreit.

4. Conclusion

Based on the results of research and discussion on the role of the Indonesian National Police in the implementation of restorative justice in handling traffic accidents at the Tanjungpinang Police, it can be concluded that the role of the police in the implementation of restorative justice in handling traffic accidents at the Tanjungpinang Police is very central, namely as a facilitator of the deliberation process between the perpetrator, victim, and family of both parties to reach a peaceful agreement outside of formal criminal justice. This peaceful resolution is most often applied to accident cases with minor injuries or material losses, while for cases of fatalities, peaceful resolution is very rare because the victim's family tends to choose the formal legal route to the courts. The main obstacles in the implementation of restorative justice are the perpetrator's economic limitations to meet compensation demands, the difficult deliberation process, and the lack of public understanding of the concept and benefits of restorative justice. To overcome these obstacles, the Tanjungpinang Police have implemented various solutions such as clarifying regulations, increasing public education, special training for investigators, and facilitating compensation assistance through social institutions or third parties. Thus, the implementation of restorative justice at the

Master of Law, UNISSULA

Tanjungpinang Police has been running quite well, but still requires strengthening in the aspects of regulation, education, and cross-sector collaboration so that justice and restoration of social relations can be achieved optimally according to the goals of restorative justice.

5. References

Journals:

- Citra Ayu Kishardian Salsabila, Konsep Hukum dan Keadilan Dalam Perspektif Aristoteles, *Jurnal Pendidikan, Seni, Sains dan Sosial Humanioral*, 2023
- Dekie GG Kasenda, Penegakan Hukum Terhadap Pelaku Pelanggaran Lalu Lintas. *Jurnal Ilmu Hukum Tambun" Bunga*. Vol 2 No 1 , 2017
- I Made Tambir, "Pendekatan Restorative Justice dalam Penyelesaian Tindak Pidana di Tingkat Penyidikan", *Jurnal Magister Hukum Udayana*, Volume 8, No. 4 (2019) : 551
- Ryan Manggala et al., Studi Kasus Faktor Penyebab Kecelakaan Lalu Lintas Pada Tikungan Tajam, *Jurnal Karya Teknik Sipil* 4, no. 4 (February 2, 2016): 462–470
- Zainul Akbar, *Penerapan Restorative Justice Dalam Tindak Pidana Pelanggaran Lalu Lintas*, *Jurnal Litigasi Amsir*, 2023

Books:

- Amiruddin & Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: Raja Grafindo Persada, 2004)
- Andi Hamzah, *Hukum Acara Pidana Indonesia*, (Jakarta: Sinar Grafika, 2012)
- Barda Nawawi Arief, *Mediasi Penal (Penyelesaian Perkara di Luar Pengadilan)*, (Semarang: Pustaka Magister, 2016)
- H. Pudi Rahardi, *Hukum Kepolisian Profesionalisme dan Reformasi Polri*, Surabaya: Laksbang Mediatama, 2007
- Jonlar Purba, *Penegakan Hukum Terhadap Tindak Pidana bermotif Ringan Dengan Restoratif Justice*, (Jakarta; Permata Aksara, 2017)
- Linda Ayu Pralampita, Kedudukan Amicus Curiae Dalam Sistem Peradilan di Indonesia, *Lex Resaissance Vol. 5 No. 3*, Yogyakarta: Fakultas Hukum Universitas Islam Indonesia, July 2020
- Maksum Rangkuti, *Restorative Justice Pengertian, Dasar Hukum, Syarat, dan Penerapan*, Fakultas Hukum Terbaik di Medan Sumut, July 21, 2023.
- Ruslan Renggong, *Hukum Pidana Khusus Memahami Delik-delik Di Luar KUHP*, (Jakarta: Prenadamedia Group, 2016)
- Sunaryati Hartono, *Kapita Selekta Hukum Ekonomi*, Jakarta: Binacipta, 1976
- Syamsir, Torang, *Organisasi & Manajemen (Perilaku, Struktur, Budaya & Perubahan Organisasi)*, Bandung: Alfabeta, 2014
- Teguh Prasetyo, *Hukum Pidana*, (Jakarta: Raja Grafindo Persada, 2012)

Interview:

interview with Brigadier Chrystoper Gangga Saputra L. on Monday, April 14, 2025, 13.00 WIB