

Restorative Justice Efforts as an Alternative in Resolving Traffic Violations in the Yogyakarta City Police Area

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Abstract. *Traffic violations are violations of the law that can result in accidents and disrupt social order and security, including violations of vehicle registration completeness which can result in difficulties for law enforcers to regulate vehicle ownership and driver propriety in traffic. Control of violations of vehicle registration completeness has been carried out by the Yogyakarta Police through ticketing. The complexity of resolving traffic violations through ticketing often makes the public have a negative view of the good efforts of the Yogyakarta Police Traffic Unit in realizing traffic stability in the City of Yogyakarta, restorative justice is an alternative in this matter, but in its implementation it still has many obstacles. The purpose of this research is to find out the implementation of restorative justice in resolving traffic violations in the Yogyakarta Police area. To find out the obstacles and solutions in the implementation of restorative justice in resolving traffic violations in the Yogyakarta Police area. The type of research in this study is descriptive qualitative. Based on the research results, it can be understood that the obstacle in implementing the resolution of traffic violations through restorative justice is that incomplete vehicle documents through restorative justice are not regulated in the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice and Law Number 22 of 2009 concerning Traffic and Road Transportation. So the solution step that can be taken is to add the type of violation of the completeness of vehicle documents as one type of traffic violation whose resolution can be done using restorative justice in Article 10 of the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.*

Keywords: *Justice; Restorative; Traffic; Violations.*

1. Introduction

The police are one of the government institutions that have a role in a state of law. In a state of law, legal life is very much determined by structural factors or legal institutions, in addition to other factors, such as legal substance factors and legal culture factors.¹

The Indonesian National Police (Polri) is an institution that carries out government functions in the field of maintaining public security and order, law enforcement, protection, shelter and service to the community based on the principle of legality regulated in the 1945 Constitution, Law No. 8 of 1981 concerning the Criminal Procedure Code, Law No. 2 of 2002 concerning the Police and other laws that regulate specifically. The police function consists of two functions, namely preventive functions and repressive functions. The preventive function is carried out in order to provide protection, shelter and service to the community, and the repressive function as a law enforcement function.²

Traffic law enforcement plays a role in ensuring that traffic laws are obeyed by every road user.³ Basically, activities can be grouped into two parts of preventive traffic law enforcement which include traffic regulation activities, traffic guarding, traffic escorting and traffic patrols, where in their implementation these activities constitute a traffic security system where one subsystem cannot be separated from another subsystem.

Traffic law enforcement in the repressive field includes taking action against violations and investigating traffic accidents, while the tasks of taking action against traffic law violations include educative action, namely taking action against traffic violations in a sympathetic manner by giving reprimands or warnings against traffic violations, while legal action can be interpreted as taking action against traffic violations legally which includes taking action using fines.

Law Number 22 of 2009 contains regulations and the application of criminal sanctions is regulated more firmly. For violations that are minor in nature, a relatively lighter criminal sanction is imposed in the form of imprisonment or a fine. However, for serious violations and there is an element of intent, a much heavier criminal sanction is imposed. This is intended to create a deterrent effect for perpetrators of violations without burdening the community too much.

In addition to criminal sanctions, Law Number 22 of 2009 also regulates administrative sanctions imposed on transportation companies in the form of

¹Sadjijono, 2008, *Police Law Series and Good Governance*, Laksbang Mediatama, Surabaya. Page 1

²Ibid. p. 61

³Traffic Police Vademikum, National Police Education and Training Institute, 1999. Page 125

warnings, freezing of permits, revocation of permits, and imposing fines. Provisions regarding criminal and administrative sanctions are also threatened to officials or road organizers.

The existence of Law No. 22 of 2009 does not mean that traffic violations are better, the practice of extortion by means of ticketing by certain traffic police officers is rampant. This reminds the public of the actions of law enforcement officers that were often complained about by the public during the New Order era.⁴

One issue that often arises from this lack of understanding is the problem of managing the remaining money from traffic ticket fines. From time to time this issue surfaces and puts the police in an uncomfortable position. It is as if the remaining money flows into the pockets of the authorities. As a result, this lack of understanding only corners the parties who actually want to reduce abuse of authority on the streets.⁵

Chairman of the Presidium of the Indonesian Police Watch Neta S Pane said that in the Traffic Directorate there are two things that are used as an arena to fatten their own stomachs. First, taking action against violators. Second, registration and identification services such as managing Driving Licenses (SIM), STNK, and BPKB. This is often misused by superiors to use it as an ATM. so that if there are activities in the Traffic Police, they are often asked to back up everything.⁶

Such a phenomenon also seems to be patterned specifically regarding the handling of cases of road traffic violations, Koesparmono Irsan emphasized that "peace fines"⁷ in handling traffic violation cases has become a habit. Officers tend to agree with violators to pay a sum of money below the legal provisions so that their violations are not processed, and the peace money certainly does not enter the state treasury. On the other hand, the image of the police as corrupt is also caused by the attitude of the public who already do not want to bother, because they are always overshadowed by complicated legal procedures that encourage the public to prefer shortcuts by paying a peace fine.

The city is located in a very strategic area that connects the city of Yogyakarta with the cities of Muntilan, Magelang and Semarang. The number of traffic violations that occur from year to year shows an increase. One of the reasons for the increase in the level of traffic violations is the large number of motorized

⁴ <http://news.okezone.com/read/2011/10/25/338/519893/modus-polisi-peras-pelanggar-lalu-lintas-similar-to-new-order>. Accessed on November 14, 2011

⁵Justice Forum "Metamorphosis of Traffic Tickets" No. 23, October 16, 2011

⁶ <http://news.okezone.com/read/2011/10/25/338/519906/awas-ada-40-titik-rawan-pungli-oknum-traffic-police>. Accessed on November 14, 2011

⁷Iwan Santosa, "This Republic Needs Legal Certainty", Kompas Daily Article, 06 March 2004 Accessed 14 November 2011

vehicle users who do not obey traffic rules, for example, do not have a driving license, do not use motorized vehicle equipment such as helmets, rearview mirrors and so on.⁸ Actions for motor vehicle users who do not comply with traffic regulations are given certain sanctions which are usually called fines. The current fine system provides three options for violators, namely:

1) Offenders come directly to the court for trial

By carrying a red form, the violators come to court to undergo a traffic violation trial. The trial is held on Friday, where the trial is carried out according to the locus delicti and tempus delicti of the violators. The number of violators reaching thousands every Friday causes new problems with certain individuals taking advantage of the situation by seeking personal gain. The crowded atmosphere makes people look for shortcuts.

2) Violators pay directly through BRI Bank

When a violation occurs on the highway after being ticketed during working hours, the violator can immediately pay the fine at the nearest BRI Bank. After paying the fine through the Bank by bringing a blue form, the violator can then collect the evidence confiscated by the police, however, the weakness of this system is if the ticket is in the afternoon, evening or holidays, the violator has difficulty paying the fine, not to mention if the violator lives far from the place when the violator was ticketed.

3) Violators deposit their ticket money with officers in the field

Misuse of money deposited by violators to officers is often misused by officers in the field. The remaining money from the ticket that should be returned to the violators is not returned, but is taken by the officer who entrusted it. The negative assumption from the public if the police accept fine money from ticket deposits, as if officers in the field receive peace money from traffic violators.

The three options are based on the Decree of the Chief of Police No. Pol: SKEP/443/IV/1998, dated April 17, 1998 (SK 1998). From this well-intentioned option, suspicion finally arose because one of the available options is that violators who do not want to attend the trial can appoint an attorney, in this case the police, and first deposit the fine money in a designated bank. In practice, the provisions of the rules regarding the fine money that must be deposited are often greater than the judge's verdict, so there is a difference, this is where the problem lies.⁹ For violators who are ticketed, they must take several steps that take up a lot of time, energy and money.

⁸Widodo Putero, "Traffic Safety Management," National Police Education and Training Center, Traffic Education Center, Jakarta, 2010. P.37.

⁹Justice Forum "Metamorphosis of Traffic Tickets" No. 23, October 16, 2011

In resolving legal issues, restorative justice is a very well-known solution in society because it provides an effective and comprehensive solution. This solution aims to involve families, victims, perpetrators of accidents and the community to follow the rules of law and improve unlawful acts based on their own awareness which is used to improve community behavior and explain that the implementation of restorative justice has a simple basic concept. The shift in the implementation of criminal law in the criminal justice system that prioritizes justice for victims and perpetrators of crimes and alternative solutions such as social and others are part of Restorative justice. In resolving traffic cases, this concept can be implemented for the benefit of all parties. The paradigm that provides alternative solutions in resolving traffic violation cases because it is considered a judicial system that does not fulfill substantive justice is part of the implementation of restorative justice, so various considerations are needed in handling the problem. This approach must involve all parties in the process of resolving traffic cases for joint deliberation to reach an agreement. The existence of traffic violation resolution through restorative justice is expected to effectively and efficiently resolve traffic violation issues by realizing a deterrent effect and justice for the community, in the form of efficiency of time, energy, and costs in handling existing traffic violations. Although the concept of restorative justice has been known in the criminal law system, in reality, related to traffic violations, it has not been able to be realized in real terms.

2. Research Methods

The type of research in this study is descriptive qualitative. Qualitative descriptive research is a research method that attempts to describe and interpret objects as they are, with the aim of systematically describing the facts and characteristics of the research objects studied precisely. So that it can be further analyzed based on the data or materials obtained.¹⁰ This research aims to provide a description of a society or a group of people or a description of a symptom or between two or more symptoms.¹¹ related to the issue of disease outbreak control policies. Furthermore, this study attempts to explain the postulates studied in full according to the findings in the field.

3. Results and Discussion

3.1. Implementation of Restorative Justice in Resolving Traffic Violations in the Yogyakarta Police Area

Regional Police ChiefDIY, Inspector General of Police Suwondo Nainggolan said that throughout 2024 there was an increasing trend in the number of traffic accidents which caused material losses estimated to reach IDR 8.4 billion. This is

¹⁰Bambang Sunggono, 2006. *Legal Research Methodology*, Jakarta: PT Grafindo Persada, p. 116.

¹¹Alterton and Klemmack in Irawan Soehartono. 1999. *Social Research Methods: A Research Technique in the Field of Social Welfare*. Bandung: Remaja Rosda Karya. p 63

based on data from the DIY Regional Police Traffic Directorate, incident traffic accidents in 2023 reached 6,211 incidents. The details recorded victims die 470 people, 3 people seriously injured and 8,120 people slightly injured with material losses of IDR 3.564 billion. Meanwhile, in 2024, the number of incidents increased to 6,517 traffic accidents. With the death toll actually decreasing to 393 people, 6 people seriously injured and 8,412 people slightly injured and material losses of IDR 8.406 billion. The DIY Regional Police Chief said that the cause of the rampant traffic accidents was mostly due to traffic violations or non-compliance by traffic drivers. Most motorized vehicle drivers drive at high speeds without high alertness, resulting in traffic accidents.¹²

According to the Director of Traffic of the Yogyakarta Regional Police, Senior Commissioner Yuswanto Ardi, in the period leading up to the end of 2024, the number of traffic violations recorded was 204,754. violations, with the number of tickets as many as 87,093 and warnings as many as 117,661, while the number of traffic accidents was 7,176 cases with 436 fatalities. Of this number, violations of the completeness of driving documents are one of the most significant types of violations. Operation Zebra Progo 2024 held in Yogyakarta recorded 152,375 traffic violations, with 60,070 tickets and 92,305 warnings. Violations of the completeness of driving documents are one of the main focuses in the traffic order operation carried out by the Yogyakarta Police Traffic Unit. The completeness of driving documents is very important, for example the STNK, the STNK is legal proof that the vehicle is officially registered and owned by the rightful owner. Without the STNK, the vehicle cannot be legally operated on public roads. By carrying the STNK, drivers show that their vehicles meet the legal requirements to operate on the highway. The STNK is a document required when there is an inspection by the police or traffic officers. If drivers do not carry the STNK, they can be subject to sanctions in accordance with the Road Traffic and Transportation Law (UU LLAJ), such as fines or vehicle confiscation. The STNK also helps minimize the risk of vehicle theft, because parking attendants or security officers often ask for the STNK to confirm the owner's identity.¹³

Kombes Pol Yuswanto also said that the settlement of vehicle fines, especially through the E-Tilang system, is sometimes considered difficult for the public due to several factors:¹⁴

a. Complicated E-Ticket Process:

The implementation of E-Tilang which is not fully integrated and easily accessible to the public can be an obstacle. Some of the difficulties faced include:

¹² <https://news.indozone.id/news/915476057/number-of-traffic-accidents-throughout-2024-in-yogya-increases-material-losses-to-reach-rp84-miliar>, April 12, 2025.

¹³ Interview with Director of Traffic Police of the Special Region of Yogyakarta Regional Police, Senior Commissioner of Police Yuswanto Ardi, March 10, 2025.

¹⁴ Location, cit.

1) Limited Access: Not all areas have good internet access or adequate infrastructure to support the E-Tilang system.

2) Search Information: The public has difficulty obtaining clear information about the E-Ticket settlement procedure, including how to access the related website or application.

3) Complicated Administration: The process of filling in data, uploading evidence of violations, and paying fines can be complicated and time-consuming.

b. Ineffective Solution Alternatives:

Settling traffic tickets through court hearings or negotiations can also be time-consuming and expensive, and does not always guarantee a satisfactory outcome.

c. Lack of Transparency:

The public feels unclear about the mechanism for handling violations and the process for resolving traffic tickets, which gives rise to distrust.

d. Many Individuals Carry Out Extortion:

People who do not know the correct procedures often become victims of extortion by certain officials or irresponsible parties.

e. The Complicated Traffic Ticket Trial Process

Traffic ticket hearings are sometimes felt to be complicated because of the procedures that need to be followed, such as attending the hearing, waiting for the judge's decision, and paying the fine. Here are the mechanisms of a traffic ticket hearing:

1) Receiving a Traffic Ticket:

The offender will receive a ticket, usually red or blue. A red ticket indicates the offender does not admit the mistake and chooses to go to court. A blue ticket indicates the offender admits the mistake and chooses to pay the fine immediately.

2) Attending the Trial:

If choosing a trial, the offender must attend a hearing in the district court on the specified date.

3) Listening to the Reading of the Verdict:

During the trial, the judge will read out the verdict, including the amount of the fine or other punishment.

4) Paying Fines:

If found guilty, the offender must pay a fine at the designated bank.

5) Retrieving Documents:

After paying the fine, the confiscated documents (such as driving license or vehicle registration) can be collected.

The following are the ticketing procedures carried out by the Yogyakarta Police so far:¹⁵

Police who stop violators must greet them politely and clearly identify themselves. The police must clearly explain to the violators what the offense was, what article was violated, and a table containing the amount of the fine that must be paid by the violators. Violators can choose to accept the error and choose to receive a blue slip, then pay the fine at the BRI where the incident occurred and take the documents held at the Polsek where the incident occurred, or reject the alleged error and request a court hearing and receive a red slip. The court will then decide whether the violators are guilty or not, by listening to statements from the police concerned and the violators in a trial at the local court, at a predetermined time (usually 5 to 10 working days from the date of the violation). Sanctions for traffic violations on the highway are getting heavier. In the latest traffic law, fines or tickets have increased by about 10 times, ranging from IDR 250 thousand to IDR 1 million. Based on Law Number 22 of 2009 concerning Traffic and Road Transportation, which was ratified by the DPR on June 22, 2009. The following is a list of fines for motorized vehicles for traffic violations: 1. Every motorized vehicle driver who does not have a driving license shall be punished with imprisonment for a maximum of 4 months or a maximum fine of Rp 1 million (Article 281). 2. Every motorized vehicle driver who has a driving license but cannot show it during a raid shall be punished with imprisonment for a maximum of 1 month or a maximum fine of Rp 250 thousand (Article 288 paragraph 2). 3. Every motorized vehicle driver who does not have a Vehicle Number Plate shall be punished with imprisonment for a maximum of 2 months or a maximum fine of Rp 500 thousand (Article 280). 4. Every motorcycle rider who does not meet the technical and roadworthy requirements such as mirrors, headlights, brake lights, horns, speedometers, and exhausts shall be punished with imprisonment for a maximum of 1 month or a maximum fine of Rp250 thousand (Article 285 paragraph 1). 5. Every car driver who does not meet the technical requirements such as mirrors, horns, headlights, reverse lights, brake lights, windshields, bumpers, windshield wipers shall be punished with imprisonment for a maximum of 2 months or a maximum fine of Rp500 thousand (Article 285 paragraph 2). 6. Every car driver who is not equipped with

¹⁵Interview with AKP Alvian Hidayat as Head of Traffic Police of Yogyakarta Police, May 12, 2025.

equipment in the form of a spare tire, safety triangle, jack, wheel opener, and first aid equipment for accidents shall be punished with imprisonment for a maximum of 1 month or a maximum fine of Rp250 thousand (Article 278). 7. Every driver who violates traffic signs shall be punished with imprisonment for a maximum of 2 months or a maximum fine of Rp500 thousand (Article 287 paragraph 1). 8. Any driver who violates the highest or lowest speed limit rules shall be punished with imprisonment for a maximum of 2 months or a maximum fine of Rp500 thousand (Article 287 paragraph 5). 9. Any driver who is not equipped with a Motor Vehicle Registration Certificate or Motor Vehicle Test Certificate shall be punished with imprisonment for a maximum of 2 months or a maximum fine of Rp500 thousand (Article 288 paragraph 1). 10. Any driver or passenger sitting next to the driver of a car who does not wear a seat belt shall be punished with imprisonment for a maximum of 1 month or a maximum fine of Rp250 thousand (Article 289). 11. Any motorcycle driver or passenger who does not wear a national standard helmet shall be punished with imprisonment for a maximum of 1 month or a maximum fine of Rp250 thousand (Article 291 paragraph 1). 12. Any person who drives a Motor Vehicle on the Road without turning on the headlights at night and under certain conditions as referred to in Article 107 paragraph (1) shall be punished with imprisonment for a maximum of 1 (one) month or a maximum fine of Rp. 250,000.00 (two hundred and fifty thousand rupiah). (Article 293 paragraph 1). 13. Any person who drives a Motorbike on the Road without turning on the headlights during the day as referred to in Article 107 paragraph (2) shall be punished with imprisonment for a maximum of 15 (fifteen) days or a maximum fine of Rp. 100,000.00 (one hundred thousand rupiah). (Article 293 paragraph 2). 14. Any motorcyclist who turns or reverses direction without giving a light signal shall be punished with imprisonment for a maximum of 1 month or a maximum fine of Rp. 250 thousand (Article 294). Any motorcyclist who turns or reverses direction without signaling with their lights is subject to a maximum imprisonment of 1 month or a maximum fine of IDR 250 thousand (Article 294). Any motorcyclist who turns or reverses direction without signaling with their lights is subject to a maximum imprisonment of 1 month or a maximum fine of IDR 250 thousand (Article 294).

The ticketing system is often associated with corruption and extortion carried out through actions that complicate the process of obtaining vehicle ownership certificates, so that people tend to be suspicious and reluctant to obey traffic regulations. This is the impact of the complicated system for resolving vehicle tickets that violate traffic regulations. There are some violators of the rules who choose to bribe the police with money that is many times the fine that will be imposed because they think that taking care of the ticket is very difficult. There are also times when the police ask for money from the violators so that the violators can immediately leave the location of the violation without following

legal procedures. If this bribery is proven, it can make the police and the briber sentenced to prison because bribing the police/civil servants is an illegal act.¹⁶

One of the new alternatives in answering this problem is through the resolution of traffic violations based on restorative justice. Restorative justice in Indonesia was first known in the positive criminal law system in the form of diversion. The concept of diversion and restorative justice itself is increasingly known through seminars that foster enthusiasm and desire to study these two concepts in more depth. In 2004 in Jakarta, a discussion was held among law enforcement officers involved in the juvenile criminal justice system to discuss the best steps in handling child perpetrators of crimes. The discussion held among law enforcement officers aimed to find the best solution in order to provide protection for children. This seriousness was first carried out by the Bandung District Court by creating a special detention room and a waiting room for children on August 13, 2004. Seeing the seriousness of law enforcement officers in the criminal justice system in Bandung, UNICEF designated the city of Bandung as a Pilot Project in implementing the concept of diversion and restorative justice in Indonesia.¹⁷

Diversion and restorative justice programs have grown rapidly throughout the world in a short time. The starting point for changing the juvenile justice system in several countries and the reasons put forward for child perpetrators are the reasons for implementing a new concept, namely restorative justice. This concept is relevant for the transformation of all parts of the criminal justice system to the right process, meaning that at every level of justice or institution of law enforcement officers included in the criminal justice system can be transferred to the restorative justice process.¹⁸

In Indonesia itself, with the enactment of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the concept of diversion and restorative justice is implemented as a form of resolving criminal cases committed by children as perpetrators and making criminal punishment an ultimum remedium or last resort used when an appropriate resolution is not achieved through these two concepts.¹⁹ Settlement of traffic violations with restorative justice has not been carried out in Indonesia, legal settlement in traffic violation issues still uses manual methods, although legal settlement in traffic violations in Indonesia has been carried out online after the existence of online ticketing, but the mechanism is also quite complicated.

Restorative justice can be applied in resolving traffic violation ticket cases,

¹⁶*Location, cit.*

¹⁷Hadi Supeno, *Restorative Justice: A Model of Future Indonesian Juvenile Justice*, Diponegoro University, Semarang, 2006, p. 211.

¹⁸*Location, cit.*

¹⁹*Location, cit.*

especially if the violation results in victims and meets certain requirements. This application aims to restore the relationship between the perpetrator, victim, and community, and encourage the perpetrator's accountability for his actions. This method can be used in cases of traffic violations that result in accidents and in matters of fulfilling the completeness of vehicle ownership documents. In cases of traffic violations that result in accidents, the principles of Restorative Justice consist of:²⁰

a. Recovery:

Emphasizes the recovery of victims from the impact of traffic violations, both physical, psychological and social.

b. Accountability:

Helping perpetrators understand the impact of their actions and take responsibility for their mistakes.

c. Dialogue and Consensus:

Involving perpetrators, victims and related parties in the settlement process, with the aim of reaching a fair and satisfactory agreement.

d. Relationship Recovery:

Attempting to restore relationships that have been disrupted due to traffic violations, both between perpetrators and victims and between them and the community.

The procedures for resolving traffic violations that result in accidents using restorative justice are:²¹

a. Mediation Process:

The perpetrator and victim are involved in a mediation process facilitated by police officers or competent third parties.

b. Impact Discussion:

The perpetrator and victim discuss the impact of traffic violations on each other, including material and non-material losses.

c. Settlement of the Agreement:

The perpetrator and victim try to reach an agreement regarding a settlement, for example compensation, forgiveness, or another form that is mutually agreed

²⁰Interview with AKP Alvian Hidayat as Head of Traffic Police of Yogyakarta Police, May 12, 2025.

²¹Location, cit.

upon.

d. Follow-up:

If an agreement is reached, the ticketing process can be resolved with restorative justice, taking into account the conditions and needs of each party.

Settlement of violations of vehicle document completeness in traffic tickets can be done with a restorative justice approach, namely an approach that focuses on restoring and improving the relationship between the perpetrator and the victim (in this case, the state and society). In the context of traffic tickets, this means focusing on correcting violations and avoiding severe criminal penalties. Settling violations of vehicle document completeness in traffic tickets with a restorative justice approach can be an effective solution, especially if the case is minor and does not cause major social impacts. This approach focuses on recovery and improvement, and provides an opportunity for the perpetrator to learn from their mistakes without severe criminal penalties. The procedures for resolving violations of vehicle document completeness through traffic tickets with restorative justice are:²²

- a. Acknowledgement of Violation: The perpetrator acknowledges the violation and is willing to correct the mistake.
- b. Correction of Damages: The offender pays a fine or takes other action to correct the violation (e.g., attends traffic education).
- c. Dialogue and Forgiveness: The perpetrator and the party violated (the state) can engage in dialogue and the perpetrator can apologize for the violation committed.
- d. Peace Agreement: The parties involved make a mutually agreed peace agreement.

The implementation of legal settlement related to traffic violations in its development is only for traffic violations that result in accidents that have a legal umbrella, namely Article 10 of the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice which states that:

Special requirements for traffic crimes as referred to in Article 7 letter c, include:

- a. traffic accidents caused by driving a motor vehicle in a dangerous manner and under dangerous conditions resulting in material losses and/or minor injuries; or

²²Location, cit.

- b. traffic accidents on the road due to negligence resulting in human casualties and/or property losses.

Regarding traffic violations in the form of incomplete vehicle documents through restorative justice, it is not regulated in the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice and Law Number 22 of 2009 concerning Traffic and Road Transportation. As a result, the number of traffic violations in the form of incomplete vehicle documents is still high in the city of Yogyakarta. In the vehicle inspection operation carried out by the Yogyakarta City Transportation Agency, 140 vehicles were inspected. From the results of the inspection, 52 vehicles were found that did not comply with the regulations, including 25 KIR violations and 27 other traffic violations. KIR violations include vehicles that do not have a Driving License (SIM), Vehicle Registration Certificate (STNK), or do not complete vehicle equipment according to factory standards. In other operations, such as the 2024 Patuh Progo raid, 75 violators were also prosecuted for not having a SIM and STNK.²³ This shows that law enforcement against violations of completeness of vehicle documents in traffic tickets carried out by the Yogyakarta Police is not yet optimal.

Conceptually, the core and meaning of law enforcement lies in the activity of harmonizing the law with values that are outlined in solid and embodied rules and attitudes and actions as a series of final stage value explanations to create, maintain and defend peaceful social interactions.²⁴ These rules then become benchmarks or guidelines that are considered appropriate or should be. The emergence of the main problem of law enforcement actually lies in the factors that influence it.

According to Soerjono Soekanto, there are several factors that influence the law enforcement process, including:²⁵

- a. The law itself is likely to be a mismatch in the laws and regulations regarding certain areas of life.
- b. Law enforcement, namely the parties who form and implement laws.
- c. Facilities or means that support law enforcement in society, namely where the law is enforced and applied.
- d. Culture is the result of works, creations and feelings that are based on human will in social interactions.

The four factors are interrelated because they are the essence of law

²³Location, cit.

²⁴Soerjono Soekanto, 1993 Factors Influencing Law Enforcement, Jakarta: Raja Grafindo, p. 13.

²⁵Ibid., p. 3

enforcement and are also a measure of the effectiveness of law enforcement. The law functions to protect the interests of the community. The implementation of the law can take place normally and peacefully, but a violation of the law can also occur. Where the violation of the law must be enforced through proper law enforcement.²⁶

3.2. Obstacles and Solutions in the Implementation of Restorative Justice in Resolving Traffic Violations in the Yogyakarta Police Area

1) ConstraintIn the Implementation of Restorative Justice in Resolving Traffic Violations in the Yogyakarta Police Area

Incomplete vehicle registration can be caused by various factors, namely from the intentional or unintentional loss of documents, to administrative problems or blocking of the STNK. Some common causes include loss, blocking due to fines or tax arrears, and problems with the vehicle's chassis or engine number. Incomplete vehicle registration results in deviations in the behavior of vehicle owners in the form of driving without a driver's license and STNK, replacing and falsifying expired license plates, buying and selling vehicles that are not equipped with clear vehicle registration, even this situation is also often used for illegal and unlawful buying and selling of vehicles, such as buying and selling stolen vehicles and credit withdrawals that are not returned to the creditor or vehicle embezzlement. The result of this deviation is that many vehicle drivers are not yet qualified to drive vehicles because they do not have a driver's license, while the absence of a STNK makes it difficult to find someone's vehicle due to the blocking of their STNK due to disorder in managing the STNK.²⁷

It has been explained above that in the wider community, fines for vehicle document completeness, both manual and via ETLE, often meet with opposition, this is due to the public's views in the form of:²⁸

a. Lack of Socialization:

Many people feel they do not understand how the electronic ticketing system works and how the process works. Lack of socialization causes misunderstanding and concerns about the procedure, even giving rise to the assumption that electronic ticketing is just a discourse.

b. Difficulties for People Who Are Not Used to Technology:

Not all people have adequate digital devices to access and understand information related to electronic ticketing. This makes the electronic ticketing

²⁶Sudikno Mertokusumo, 2007, *Understanding Law: An Introduction*, Yogyakarta: Liberty, p. 160.

²⁷Interview with AKP Alvian Hidayat as Head of Traffic Police of Yogyakarta Police, May 12, 2025.

²⁸*Location, cit.*

process feel complicated and difficult for those who are not familiar with technology.

c. Inequality in the Application of Law:

Some people feel that electronic ticketing is being applied unfairly and unevenly, especially in relation to the prosecution of violations that are considered not serious. They are also concerned about the potential for abuse and extortion.

d. Potential for “Wrong Targeting” in Enforcement:

There are concerns that electronic ticketing systems, especially those using CCTV, could misidentify violators. This could lead to inaccurate enforcement and harm innocent people.

e. Habits of Handling Traffic Tickets in a Peaceful Manner:

Some people feel that electronic ticketing is less effective because they are used to handling violations peacefully. They have less deterrent effect and tend to underestimate electronic ticketing.

The lack of public awareness regarding compliance with vehicle document completeness is caused by several factors, namely:²⁹

a. Lack of Understanding and Knowledge:

People often do not understand the rules and regulations related to the completeness of vehicle documents, including driving licenses, vehicle registration certificates, and proof of vehicle inspection. This lack of understanding can lead to violations due to a lack of understanding of the legal consequences.

b. Rule Waiver:

Some people may think that not having or incomplete vehicle documents is not a serious problem, so they ignore the rules. This could be due to economic factors, laziness, or a lack of responsibility for the safety of other road users.

c. Lack of Socialization and Education:

Socialization and education about the importance of complete vehicle documents and their impact on driving safety are often ineffective or uneven. Information about the rules and consequences of violations has not reached all levels of society.

d. Perception of Alternative Choices:

²⁹*Location, cit.*

Some people may prefer to use other transportation or use a vehicle without complete documents because they feel there are other options that are more practical or economical.

e. Lack of Law Enforcement:

The lack of strict law enforcement against traffic violations, including violations related to the completeness of vehicle documents, can worsen the problem. This can create the perception that violations do not have serious consequences.

f. Economic Factors:

In some cases, lack of awareness can also be triggered by economic factors, such as difficulty in paying STNK fees or vehicle tests. This can make some people choose not to take care of the completeness of vehicle documents or even not have these documents at all.

Various factors related to compliance with the completeness of vehicle documents above show that the community's responsibility for fulfilling traffic regulations in the form of complete vehicle documents is very minimal.

The definition of responsibility is very broad, according to Peter Salim, the definition of responsibility can be grouped into three, namely:³⁰

a. Accountability usually related to finance or bookkeeping related to payments, can also be interpreted as trust.

b. Responsibility interpreted as sharing the burden, the consequences of an action, in other words, being obliged to bear everything if anything happens, being able to be blamed, sued, threatened with punishment by law enforcement in court, accepting the burden as a result of one's own actions or those of others.

c. Liability means bearing all losses that occur as a result of his actions or those of others acting on his behalf (obligation to pay compensation for losses suffered).

According to Ridwan Halim, legal responsibility as a further consequence of the implementation of the role, whether the role is a right and obligation or power. In general, legal responsibility is interpreted as an obligation to do something or behave in a certain way without deviating from existing regulations.³¹

2) Solutions to the Problem of Implementing Restorative Justice in Resolving Traffic Violations in the Yogyakarta Police Area

³⁰K. Martono, 2011, *Air Transportation Law Based on Law of the Republic of Indonesia No. 2009*, Jakarta: PT. RajaGrafindo, p. 217.

³¹Purnadi Purbacaraka, 2010, *Regarding Legal Principles*, Bandung: Citra Aditya, p. 35.

The purpose of criminal law according to the concept of restorative justice in criminal law reform. The purpose of criminal law according to the concept of restorative justice in criminal law reform is:³²

a. Restoration:

Restorative Justice emphasizes efforts to restore the negative impacts of crime, both for victims, perpetrators, and communities. This can be in the form of physical, emotional, and social recovery.

b. Reconciliation:

This approach aims to create a healthy relationship again between the perpetrator and the victim, and help them to rebuild trust.

c. Involvement of All Parties:

Restorative Justice involves victims, perpetrators, families, and communities in the case resolution process, so that all parties feel heard and have the opportunity to participate in finding solutions.

d. Alternatives to Sentencing:

Restorative Justice is not a substitute for the criminal justice system, but is an alternative approach that can be used to resolve criminal cases, especially minor crimes.

e. Focus on Wider Justice:

Restorative Justice does not only focus on retributive justice (punishment), but also restorative justice which considers the interests of all parties involved in the crime.

f. Encouraging Accountability of Perpetrators:

Restorative Justice encourages perpetrators to admit mistakes and take responsibility for their actions, as well as take steps to repair the impact caused.

The purpose of legal certainty is to ensure that the law is clear, easy to understand, and predictable in legal decision-making, so that people know what is expected of them. This creates a stable and trustworthy environment for people, so that they can carry out their activities with a sense of security and confidence that their rights will be protected. Here are the importance of legal certainty:³³

³²Septa Candra, "Restorative Justice: A Review of Criminal Law Reform in Indonesia", *Rechts Vinding*, Vol. 2, No. 2, 2013, pp. 266-267.

³³*Location, cit.*

a. Eliminate confusion and uncertainty:

Clear and easy-to-understand laws will reduce the risk of misinterpretation and provide certainty to the public about their rights and obligations.

b. Protecting individual rights:

Legal certainty ensures that everyone will be treated equally under the law, without discrimination or abuse of power.

c. Ensuring social order and security:

With legal certainty, society will be more orderly and safe, because they know what is expected of them and what the consequences are if they break the law.

4. Conclusion

The implementation of restorative justice in resolving traffic violations in the Yogyakarta Police area related to violations resulting in accidents has been regulated in Article 10 of the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice and has been carried out in cases of accidents with fatalities, while regarding violations in the form of completeness of vehicle documents because not set yet Article 10 of the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, it is clear that no resolution of violations of the completeness of vehicle documents in traffic tickets has ever been carried out through restorative justice.

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