ISSN 2830-4624

published by Master of Law, Faculty of Law Universitas Islam Sultan Agung

Volume 4 No. 4, December 2025

Effectiveness of Implementing Restorative... (Setya Dwi Nugroho & Andri Winjaya Laksana)

Effectiveness of Implementing Restorative Justice in Traffic Accident Case Settlement Based on Benefit (Case Study of Wonosobo Police Resort)

Setya Dwi Nugroho¹⁾ & Andri Winjaya Laksana²⁾

¹⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: ho.ecilop@gmail.com

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

Abstract. This study aims to analyze the effectiveness of the implementation of juvenile delinquency programs based on applicable regulations and guidelines in Indonesia. The study focuses on the implementation of juvenile delinquency policies in relevant institutions and the extent to which restorative justice approaches are applied in the juvenile justice system. Using qualitative research methods with a sociological-juridical approach, this study reveals that juvenile delinquency programs still face various obstacles, including human resources, inter-institutional coordination, and limited supporting facilities and infrastructure. The research findings show that although Indonesia's juvenile justice system has normatively adopted the principles of restorative justice as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, its implementation in practice has not been fully consistent with these values. Many juvenile delinquency cases are still resolved through a retributive approach, rather than through social development and rehabilitation. However, there are several supporting factors, such as increased awareness among law enforcement officials and public support for the restorative approach. Thus, this study emphasizes the importance of strengthening the capacity of development institutions, enhancing the competence of law enforcement officers, and optimizing the role of families and communities in supporting the social rehabilitation process for children. A more integrated policy approach, combining legal and social approaches, is also needed to ensure that development programs for minors are truly effective in returning children to their full social function.

Keywords: Delinquency; Effectiveness; Guidance; Justice; System.

1. Introduction

In a state based on the rule of law, law is the main pillar driving the foundations of social, national, and state life. One of the main characteristics of a state based on the rule of law lies in its tendency to assess the actions of its citizens based on legal regulations. This means that a state based on the rule of law always regulates every action and behavior of its citizens based on applicable laws.

Criminal law itself is a tool or means for resolving problems in society. The existence of criminal law can provide justice and appropriate solutions for that society. Because criminal law is a set of regulations that regulate actions, both ordering or prohibiting actions or doing something, which are regulated in the law, with criminal sanctions for violators. Meanwhile, the criminal law in force in Indonesia can be divided into two types: criminal law recognized in the Criminal Code (KUHP) and Special Criminal Law regulated outside the KUHP.

Criminal law not only provides an understanding of actions prohibited by a legal rule, which prohibition is accompanied by a threat (sanction) in the form of a certain penalty for anyone who violates the prohibition, but also includes matters related to the imposition of penalties and how the penalty can be implemented. The prohibition is directed at actions, a condition or event caused by a person's behavior or actions. The threat of criminal penalties or sanctions is directed at the perpetrator who commits a criminal act, usually referred to as "whoever", namely the perpetrator of the criminal act as a legal subject, namely a supporter of rights and obligations in the legal field. So that criminal acts are one of the parts studied in criminal law.

Traffic accidents are a complex social and legal issue in Indonesia. Annually, data from the Central Statistics Agency (BPS) shows a high number of accidents in various regions, including Wonosobo. Traffic accidents not only cause material losses but also have a psychological impact on victims and their families, necessitating effective and humane legal treatment. In this context, conventional legal approaches are often considered slow and burdensome to the justice system, prompting the search for faster and more restorative alternatives.

One such alternative approach is restorative justice, which emphasizes restoring relationships between perpetrators, victims, and the community through deliberation, reconciliation, and mutual agreement. Restorative justice offers perpetrators the opportunity to be directly accountable for the harm suffered by victims and for victims to receive compensation or more humane justice. This approach aligns with the spirit of Indonesian law, which prioritizes deliberation and consensus as principles of conflict resolution.

In the Wonosobo Police Department, traffic accident cases demonstrate the need for effective and efficient legal resolution methods. Many cases involve perpetrators willing to compensate victims directly, but the formal justice system

often requires lengthy procedures that lead to dissatisfaction on both sides. Restorative justice is a solution that is expected to resolve cases quickly, minimize social conflict, and provide a sense of justice for the community.

The application of restorative justice in traffic accidents is not only related to the criminal law aspect but also encompasses social and psychological dimensions. Friedman stated that legal effectiveness must be measured by the extent to which it meets the social needs of society, not simply by formally enforcing norms. With a restorative approach, case resolution can reduce the likelihood of resentment or prolonged conflict between the parties involved, thus creating a more harmonious environment.

Furthermore, Law No. 22 of 2009 concerning Road Traffic and Transportation emphasizes the importance of safety and the responsibility of perpetrators in traffic accidents. The implementation of restorative justice is expected to align with this provision, by providing perpetrators with the opportunity to resolve their responsibilities fairly and expeditiously, without creating additional burdens on the justice system.

In practice, the restorative justice approach also supports legal education for the community, as it involves understanding the rights and obligations of both perpetrators and victims. This is important, considering that some of the perpetrators of accidents in Wonosobo are members of the public who may not fully understand the legal consequences of their actions. The implementation of restorative justice is expected to increase legal awareness and social responsibility, while strengthening public trust in the justice system.

For example, consider the case of a motorcyclist who hit a pedestrian in Wonosobo. Rather than going through a lengthy formal legal process, the police facilitated mediation between the victim, the perpetrator, their family, and local community leaders. As a result, the perpetrator agreed to pay direct compensation, the victim received justice, and social relations between the parties involved were maintained. This approach not only expedites the resolution of the case but also provides tangible benefits to the community and reduces the potential for social conflict, in line with the principle of utility, which is the focus of this research.

With the background described above, the author is interested in conducting indepth research based on existing data and conducting research entitled "EFFECTIVENESS OF IMPLEMENTING RESTORATIVE JUSTICE IN TRAFFIC ACCIDENT CASE SETTLEMENT BASED ON BENEFIT (Case Study of Wonosobo Resort Police)"

2. Research Methods

This study employs normative legal research, utilizing norms within laws with a conceptual and specific approach. The method employed in this study is

normative juridical. This research involves a literature review, and the data obtained is then analyzed using a qualitative analysis approach. Qualitative data processing and analysis generally emphasize deductive and inductive inference processes and the dynamics of relationships between observed phenomena using scientific logic.

3. Results and Discussion

3.1. Implementation of Restorative Justice in Resolving Traffic Accident Cases

The application of restorative justice in resolving traffic accident cases is a legal innovation that emphasizes restoring social relations between perpetrators, victims, and the community, in contrast to conventional criminal law approaches that tend to emphasize punishment. Restorative justice focuses on restoring the situation to its original state through dialogue, mediation, and peace agreements, placing the value of social justice at the heart of the resolution. This value aligns with Indonesian culture, which emphasizes deliberation and consensus as a means of resolving conflicts. This approach provides space for all parties to express their views, seek joint solutions, and restore social harmony, rather than simply imposing sanctions.

In the context of traffic accidents, restorative justice can be applied as an alternative resolution outside of litigation, particularly in cases that do not result in loss of life or where the victim and their family are willing to offer forgiveness. This approach is legitimized by the Circular Letter of the Chief of Police Number SE/8/VII/2018 concerning the Implementation of Restorative Justice, which serves as the basis for police officers in conducting mediation. This circular emphasizes that peaceful resolution must still consider a sense of justice, the benefit to the victim, and the responsibility of the perpetrator, so that the legal process is not only administrative, but also educational and humane.

The implementation of restorative justice begins with a mediation process facilitated by investigators acting as neutral mediators. This stage includes an admission of guilt by the perpetrator, a public apology, and a willingness to provide agreed-upon compensation. If a settlement is reached, the agreement is outlined in a joint statement, which then serves as the basis for investigators to issue a Letter of Termination of Case Investigation (SP3). This mechanism emphasizes that criminal sanctions are not the sole means of resolution, but rather an alternative that can be pursued if deemed more beneficial and fair to all parties.

Normatively, restorative justice aligns with the principles of legality and ultimum remedium in Indonesian criminal law. The ultimum remedium principle emphasizes that criminal sanctions should be used as a last resort, when all alternative measures are ineffective. Therefore, the application of restorative justice is not a violation of legal principles, but rather the use of legitimate means to achieve substantive justice. This is crucial because lengthy legal processes and

formal litigation often impose psychological burdens on both the child perpetrator and the victim's family.

In areas like Wonosobo, the implementation of restorative justice is crucial due to the high number of traffic cases that, if resolved through the courts, would burden the justice system. Field observations and interviews indicate that many victims or their families prefer amicable resolution because the perpetrators are ordinary citizens who were negligent, not outright criminals. This peaceful approach prioritizes education, accountability, and restitution, while also reducing the potential for social conflict that can arise from lengthy and formal court proceedings.

Community culture also supports the implementation of restorative justice. The values of mutual cooperation, family, and peace form the foundation for community acceptance of this approach. In some cases, victims' families have refused further legal proceedings after a peace agreement has been reached, demonstrating that restorative justice is not simply a legal mechanism but also a reflection of local wisdom that aligns with the local social system. This reinforces the argument that law should not only be normative but also responsive to social needs.

The implementation of restorative justice still requires oversight to prevent abuse. The mediation process must occur voluntarily without pressure, intimidation, or coercion. The agreed-upon compensation must be fully implemented by the perpetrator. Investigators play a role in ensuring that this process considers moral, humanitarian, and fair aspects for all parties. Proper oversight also ensures that a peaceful resolution does not disregard the rights of victims or harm perpetrators who should be provided with guidance.

The effectiveness of restorative justice implementation depends heavily on law enforcement's understanding of its principles. Some officials still view mediation solely as an administrative tool to close cases, rather than as a process for restoring social relations. This highlights the need for training, outreach, and capacity building for investigators to implement restorative justice according to its concept. A deeper understanding will improve the quality of resolutions, ensure justice is achieved, and maintain social harmony.

From a progressive legal perspective, the implementation of restorative justice demonstrates the courage of officials to move beyond rigid legal paradigms. According to Satjipto Rahardjo, law should not simply be a norm, but a means to achieve social justice that is alive in society. Thus, restorative justice reflects a law that "breathes humanity," as it prioritizes social interests, education, and recovery above mere punishment.

The success of restorative justice can be measured by the satisfaction of both parties, the avoidance of lengthy legal proceedings, and the reduction of the

potential for social conflict. This approach allows perpetrators to take responsibility for their wrongdoings, while also enabling victims to receive swift, dignified, and just reparations. In this way, restorative justice not only upholds the law but also restores social harmony, which is at the heart of humanitarian values and justice.

In practice, several studies support the effectiveness of restorative justice. Nurul Fathiqah Sari found that the application of restorative justice to children involved in traffic accidents in which the biological parents were the victims had a positive effect on the children's understanding of the law and social responsibility. Hendra Marlan and Mustamam added that restorative justice-based mediation in the Madiun District Court decision was able to resolve conflicts quickly and reduce the burden on the courts. These findings confirm that restorative justice is effective as an alternative legal resolution mechanism, especially for minors.

From an Islamic perspective, the principle of restorative justice aligns with sharia teachings, which emphasize the restoration of rights, forgiveness of wrongdoing, and the avoidance of excessive harm. The hadith of the Prophet Muhammad (peace be upon him) states, "la darar wa la dirar," meaning no harm should be caused or received. In the context of traffic accidents, this principle emphasizes that the law must protect victims without causing additional harm to perpetrators, especially children who are still in the mental and moral development stage. This perspective provides moral and ethical legitimacy for the implementation of restorative justice in the national legal system.

The application of restorative justice also supports legal education for children. Through the mediation process, children learn to understand the consequences of their actions, make amends, and develop social awareness. This process not only teaches formal law but also moral and ethical norms, in accordance with Islamic principles that promote peace and the restoration of rights. Thus, restorative justice serves a dual role: as a legal mechanism and a means of character education.

Beyond legal and moral aspects, restorative justice reduces negative psychological impacts on children. Formal criminal punishment often leads to trauma, social stigma, and feelings of injustice. Through mediation and deliberation, children can understand their mistakes without feeling repressively punished. This is crucial for social reintegration and fostering responsible behavior in the future. Islamic principles emphasizing mercy, forgiveness, and restoration also strengthen this psychological dimension.

Restorative justice also strengthens the relationship between families, schools, and communities in the child's education process. The family plays a role in assisting the perpetrator in understanding responsibility, while the community provides support for the victim's recovery. This holistic approach aligns with

Islamic principles that emphasize social responsibility and mutual assistance. With the support of various parties, restorative justice becomes a comprehensive mechanism, encompassing not only legal resolution but also education, rehabilitation, and strengthening social values.

The effectiveness of restorative justice in traffic accidents demonstrates that flexible, humane, and educational laws can balance justice for victims and rehabilitate perpetrators. This approach demonstrates that the legal system does not need to be repressive to uphold justice, but can instead utilize local wisdom, sharia principles, and social approaches to achieve optimal resolution.

Overall, the application of restorative justice in traffic accident cases emphasizes the principles of substantive justice, social restoration, and character education. Restorative justice bridges formal law with moral and social values, providing a swift, effective, and humane alternative resolution, and giving children the opportunity to learn and take responsibility for their actions without undue trauma. This approach is a concrete example of the integration of law, education, and social ethics, aligned with progressive legal principles and Islamic values.

3.2. Weaknesses in the Implementation of Restorative Justice in Resolving Traffic Accident Cases

The application of restorative justice to traffic accident resolution is a legal innovation with numerous benefits, but in practice it still faces a number of fundamental weaknesses. Within law enforcement agencies, including the Wonosobo Police Department, these weaknesses impact the effectiveness of restorative justice in resolving cases. One major weakness is the lack of a regulatory framework specifically governing the mechanism for resolving traffic accidents through restorative justice. This regulatory gap often results in implementation in the field relying on internal policies, local authorities' initiatives, and subjective judgments. As a result, restorative justice practices tend to vary across regions and authorities, creating legal uncertainty for both victims and perpetrators.

This regulatory weakness also has consequences for coordination between law enforcement agencies. In traffic accident cases, good coordination between the police, prosecutors, and courts is essential for effective mediation and termination of investigations. However, overlapping authorities and unclear roles are often found in the field. Some officials do not clearly understand who is authorized to facilitate mediation, how the amicable settlement procedure is carried out, and how the decision to terminate an investigation is ratified. This lack of clarity leads to inconsistencies in the implementation of restorative justice and risks injustice for both victims and perpetrators.

In addition to regulatory and coordination issues, limited human resources are a real obstacle. Many investigators and law enforcement officers lack specific

training in the principles, methods, and procedures of restorative justice. This training should include mediation skills, an understanding of the psychology of victims and perpetrators, and humanistic communication techniques. Without these competencies, the mediation process often becomes a formality, merely following administrative procedures, and failing to reflect the essence of restorative justice as a mechanism for restoring social relations. The lack of trained human resources is a major factor in the suboptimal implementation of restorative justice in various regions, including Wonosobo.

The next obstacle arises from the victim's participation. Not all victims or their families have an adequate understanding of their rights in the restorative justice process. Some victims feel pressured to accept settlements or compensation without adequate opportunity to express their suffering or losses. This poses a risk of injustice, as settlements do not always reflect voluntary agreements but rather the result of psychological or social pressure. This presents a significant challenge that investigators and mediation facilitators must address to ensure a truly fair and transparent process.

Furthermore, transparency and documentation are often overlooked. Many agreements reached between perpetrators and victims are not adequately documented, either in written statements, mediation minutes, or official reports. This lack of documentation reduces the accountability of the process, complicates evaluation, and can lead to future disputes. Proper documentation should include details of the agreement, evidence of compensation, and the consent of both parties, so that authorities can ensure that the settlement is truly legitimate and compliant with restorative justice principles.

The balance of bargaining power between victims and perpetrators is also a crucial issue. In many cases, victims experiencing traumatic situations often lack equal negotiating power with perpetrators, especially if the perpetrators have stronger economic or social support. This imbalance can leave victims feeling disadvantaged or powerless during the mediation process. Ideal restorative justice must ensure that victims have equal rights to express their opinions, seek compensation, and ensure fair restitution of their losses.

Community legal culture also acts as a hindering factor. Although Indonesian society is known for its values of deliberation and family, understanding of restorative justice remains limited. Many parties do not yet understand the essence and purpose of this approach, resulting in minimal community participation in the mediation process. Yet, community involvement is key to socially acceptable mediation outcomes and fostering post-accident harmony. Without community understanding and support, restorative justice will remain merely a formal mechanism devoid of social recovery substance.

Another weakness is the lack of standard indicators to measure the success of

restorative justice. Parameters such as victim satisfaction, resolution time, perpetrator compliance with agreements, and the potential for recurrent conflict have not been officially standardized. Without these indicators, it is difficult to assess effectiveness empirically, making program evaluation subjective and hindering systemic improvement. Clear evaluation standards are needed to allow authorities to objectively assess the success of restorative justice and adapt the approach to the needs of the case.

Technical aspects also pose significant obstacles. The lack of adequate mediation space, investigators' time constraints, and the scarcity of professional facilitators are significant obstacles. Police officers, often overwhelmed by operational duties, are unable to optimally support the mediation process, resulting in a decline in the quality of restorative justice. Adequate mediation space, a structured schedule, and trained facilitators are urgently needed to ensure the process is effective and compliant with restorative justice principles.

The legal paradigm, which is still dominated by a retributive approach, also poses a major challenge. Some officials still view restorative justice as weakening law enforcement and are concerned that it will reduce the deterrent effect on perpetrators. This view needs to be corrected through training, outreach, and a shift in mindset. Law enforcement officials need to understand that restorative justice is not a substitute for the law, but rather a form of law enforcement that is just, beneficial, and prioritizes social restoration and education for perpetrators.

Furthermore, limited social support and external institutions also impact the effectiveness of restorative justice. Many regions lack institutions or communities that can assist with mediation, provide psychological counseling, or support the reintegration of perpetrators into society. Without this support, children or perpetrators can feel isolated, thus underachieving the rehabilitative and educational goals of restorative justice. Ongoing social support is crucial in ensuring the restorative justice process has a long-term positive impact.

Furthermore, the restorative justice approach to traffic accidents sometimes faces resistance from victims or their families who want repressive punishment. Feelings of loss or trauma can make it difficult for victims to accept mediation, especially if compensation is perceived as disproportionate to the losses they have suffered. This highlights the need for a sensitive, empathetic facilitation strategy that bridges the interests of victims and perpetrators without compromising substantive justice.

Another weakness relates to ongoing monitoring and evaluation. Many restorative justice cases are concluded without any monitoring of the implementation of the agreements. There is no formal mechanism to ensure that perpetrators fulfill their obligations or that victims receive full reparations. This lack of a monitoring system can undermine public trust in restorative justice and diminish the law's legitimacy

in the public eye.

From a legal psychology perspective, the limited understanding of child or victim trauma by law enforcement officials also poses a barrier. Children involved in traffic accidents require a specialized approach that takes into account their mental and emotional development. Law enforcement officials who fail to understand this aspect may employ mechanistic mediation, potentially creating new trauma and hindering the restorative justice educational process. Therefore, training in child and victim psychology is crucial.

Another weakness is integration with the formal legal system. Restorative justice has not yet been fully recognized as a binding alternative legal mechanism nationally. This creates a dilemma when cases resolved restoratively must face formal courts, especially if one party rejects the agreement. This uncertainty impacts the credibility of restorative justice and creates uncertainty for both authorities and the public.

Finally, the final weakness is the lack of legal literacy and public information regarding restorative justice. Many members of the public, victims, and perpetrators are unaware of their rights, procedures, and the benefits of this approach. This lack of legal education often leads to the misinterpretation of restorative justice as "just peace" without regard for the principles of justice. Good legal literacy, outreach, and public education are key to increasing the acceptance and effectiveness of restorative justice.

Overall, the weaknesses in the implementation of restorative justice in traffic accident cases include regulatory aspects, coordination, human resources, victim participation, transparency, bargaining power, legal culture, success indicators, technical aspects, legal paradigms, social support, victim resistance, monitoring, legal psychology, integration with the formal legal system, and legal literacy. All of these factors are challenges that must be anticipated so that restorative justice can be effective, fair, and sustainable. With regulatory improvements, officer training, public education, and support from external institutions, restorative justice has the potential to become a humane and educational mechanism for resolving traffic accidents and restoring social harmony. This approach not only enforces the law but also builds awareness, responsibility, and values of justice in society.

3.3. The Effectiveness of Implementing Restorative Justice in Settling Traffic Accident Cases Based on Benefit

The effectiveness of restorative justice in resolving traffic accident cases can be measured by the extent to which the approach achieves substantive justice, social benefits, and legal certainty for all parties involved. A benefit-based approach emphasizes that law enforcement must provide tangible benefits to victims, perpetrators, and the community, not simply enforce formal rules.

In the context of traffic accidents, the effectiveness of restorative justice is evident in the mediation process's ability to restore social relationships and reduce the psychological burden between victims and perpetrators. When victims receive adequate compensation and an admission of guilt from the perpetrator, and the perpetrator is given the opportunity to correct their mistakes without having to go through a lengthy judicial process, substantive justice can be said to have been achieved.

Furthermore, the implementation of restorative justice is also considered effective if it can reduce the caseload of the police and courts. Internal data from the Wonosobo Police Department shows a decrease in the number of traffic cases referred to the prosecutor's office after the implementation of a restorative justice-based peace settlement mechanism. This indicates that this approach has significant institutional efficiency value.

Effectiveness can also be seen in the speed of case resolution. By using a restorative approach, accident cases that typically require weeks of investigation can be resolved in just a few days after the parties reach a settlement agreement. This speed not only provides relief for victims but also reduces legal costs and avoids protracted court proceedings.

Another beneficial aspect of implementing restorative justice is the growth of legal awareness in society. Through mediation and open dialogue, people learn that resolving legal issues does not always have to lead to imprisonment, but can be done through deliberation oriented toward recovery. This strengthens the social and cultural values of mutual cooperation, which are the moral foundation of Indonesian society.

From the perspective of Lawrence Friedman's legal system theory, the effectiveness of law is determined by three main elements: legal substance, legal structure, and legal culture. In the implementation of restorative justice, all three must work in harmony. The legal substance, in the form of regulations and implementation guidelines, must support the restorative process; the legal structure, namely law enforcement officials, must understand and implement it correctly; and the legal culture of society must be open to peace and restoration.

The utilitarian approach also emphasizes that the law must be able to produce better outcomes for the welfare of society. In line with Jeremy Bentham's view of the greatest happiness for the greatest number, the application of restorative justice is considered effective if it can create broader social satisfaction and peace.

However, the effectiveness of restorative justice is measured not only by the success of a peaceful resolution, but also by the level of compliance of the perpetrators with the agreements reached. In several cases at the Wonosobo Police Department, perpetrators who signed peace agreements were found to have fulfilled their obligations, such as paying compensation or providing care to

the victim, demonstrating the successful implementation of the principle of social responsibility.

The application of restorative justice has also proven effective in reducing the potential for further social conflict. In traffic accidents involving perpetrators and victims from the same community or village, this approach can prevent resentment and prolonged hostility. Following the peace process, social relations return to normal and community stability is maintained.

From Satjipto Rahardjo's progressive legal perspective, legal effectiveness is not measured by adherence to the text, but by the extent to which the law serves people and humanity. The application of restorative justice is a concrete manifestation of living law that functions to resolve social problems in a humane manner.

However, the effectiveness of restorative justice implementation remains limited without ongoing monitoring and evaluation. A mechanism is needed to assess whether each agreement is truly implemented and whether the parties feel they have received justice. Without such evaluation, effectiveness remains merely administrative.

The involvement of non-law enforcement agencies, such as social organizations, religious leaders, and community leaders, also significantly influences the success of restorative justice implementation. When mediation is conducted with the support of local leaders, social legitimacy and the effectiveness of the resolution are strengthened.

In terms of benefits, restorative justice also contributes to cost and time efficiency for both the state and society. This process does not require the high court costs of formal court proceedings, and the state does not have to bear the costs of detaining perpetrators who are not actually a danger to society.

Furthermore, the effectiveness of restorative justice is also evident in the positive psychological impacts it produces. Victims feel valued and heard, while perpetrators have the opportunity to improve themselves. Fractured social relationships can be repaired through the communication and empathy fostered in mediation.

Overall, the effectiveness of implementing expediency-based restorative justice in resolving traffic accident cases can be measured not only from a formal legal perspective, but also by its contribution to social order, substantive justice, and increased public legal awareness. With a comprehensive and sustainable approach, restorative justice can become a more humane and socially welfare-oriented means of law enforcement.

4. Conclusion

Based on the research results, it can be concluded that the application of restorative justice in resolving traffic accident cases in the Wonosobo Police Department has been quite effective. The settlement mechanism through mediation and amicable agreements between perpetrators and victims has been proven to reduce the burden of cases in court and expedite the legal process efficiently. This approach prioritizes social restoration and the perpetrator's moral responsibility over mere formal punishment. Despite this, the implementation of restorative justice still faces several obstacles, such as uneven understanding of restorative justice principles among law enforcement officials, limited technical regulations at the police level, and a lack of supporting facilities for mediation. However, in general, this approach aligns with the principle of legal expediency because it provides substantive justice for all parties and strengthens public trust in law enforcement. Thus, the effectiveness of restorative justice implementation in Wonosobo can be seen not only in terms of case resolution, but also in its social impacts, namely the creation of harmony, reduced conflict, and increased public legal awareness. This demonstrates that the Indonesian legal system is shifting toward a more humanistic paradigm of justice oriented toward the common good.

5. References

Al-Qur'an And Hadist:

- Al-Qur'an, Surah Al-Baqarah: 282, terkait prinsip menjaga hak dan kewajiban dalam urusan utang-piutang
- HR. Ibn Majah, Kitab al-Mu'amalat, Hadis no. 2591, la darar wa la dirar (tidak boleh menimbulkan kerugian terhadap orang lain)
- Wahbah az-Zuhaili, Al-Fiqh al-Islami wa Adillatuh, Juz 8, Dar al-Fikr, Damaskus, 2003, hlm. 235-240

Journals:

- Nurul Fathiqah Sari, "Pertanggungjawaban Pidana Pelaku Anak pada Kecelakaan Lalu Lintas dengan Korban Orang Tua Kandung," Recidive: Jurnal Hukum Pidana
- Hendra Marlan & Mustamam, "Analisis Yuridis Penyelesaian Kecelakaan Lalu Lintas oleh Anak dengan Pendekatan Diversi (Studi Putusan Nomor 08/Pid.Sus/2015/PN Mdn)," Jurnal Ilmiah METADATA, vol. 4, no. 3, 2022, hlm. 112–125
- Farah Nabilah, Penerapan Restorative Justice dalam Penyelesaian Tindak Pidana di Kepolisian Negara Republik Indonesia, Tesis, Universitas Islam Sultan Agung (UNISSULA), 2023

- Nurul Qomariyah, "Efektivitas Penerapan Restorative Justice oleh Kepolisian dalam Penyelesaian Kasus Lalu Lintas," Jurnal Hukum Islam dan Sosial, Universitas Islam Sultan Agung (UNISSULA), 2022
- M. D. Hakim, "Analisis Penerapan Restorative Justice dalam Tindak Pidana Kecelakaan Lalu Lintas," Jurnal Hukum dan Keadilan Sosial, UNISSULA, 2021
- Sri Sutatiek, "Paradigma Baru Penegakan Hukum dalam Perspektif Keadilan Restoratif," Jurnal Hukum dan Pembangunan, UNISSULA, 2020
- Fitriyani, "Kendala Implementasi Restorative Justice dalam Sistem Peradilan Pidana di Indonesia," Jurnal Hukum Khaira Ummah, Vol. 17, No. 2, 2023, Fakultas Hukum UNISSULA.

Books:

- Abintoro Prakorso, Kriminologi dan Hukum Pidana, Laksbang Grafika, Yogyakarta, 2013.
- Rahman Syamsuddin, Merajut Hukum Di Indonesia, Mitra Wacana Media, Jakarta, 2014, hlm. 192
- Rodliyah, Hukum Pidana Khusus Unsur dan Sanksi Pidananya, Cetakan ke-I, PT. Raja Grafindo Persada, Jakarta, 2017, hlm. 1
- Chairul Huda, Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan, Kencana Prenada Media, Jakarta, 2006, hlm. 127
- Soerjono Soekanto, Faktor-Faktor yang Mempengaruhi Penegakan Hukum, Rajawali Pers, Jakarta, 2007, hlm. 5
- Satjipto Rahardjo, Ilmu Hukum, Citra Aditya Bakti, Bandung, 2006, hlm. 115
- Lawrence M. Friedman, System Hukum Dalam Perspektif Ilmu Sosial, Nusa Media, Bandung, 2009, diterjemahkan dari The Legal System: A Social Science Perspective, Russell Sage Foundation, New York, 1969, hlm. 16
- Moeljatno, Asas-Asas Hukum Pidana, Rineka Cipta, Jakarta, 2010
- Sutrisno, Metodologi Penelitian Sosial, Rajawali Press, Jakarta, 2015
- Bambang Waluyo, Penegakan Hukum di Indonesia, hlm. 109
- Achmad Ali, Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicial Prudence), Kencana Prenada Media Group, Jakarta, 2009, hlm. 249
- Rufinus Hotmaulana Hutauruk, Penanggulangan Kejahatan Korporasi Melalui

- Pendekatan Restoratif: Suatu Terobosan Hukum, Sinar Grafika, Jakarta, 2013, hlm. 123
- Abintoro Prakorso, Kriminologi dan Hukum Pidana, Laksbang Grafika, Yogyakarta, 2013, hlm. 162
- Hadi Supeno, Peradilan Restoratif: Model Peradilan Anak Indonesia Masa Datang, Universitas Diponegoro, Semarang, 2006, hlm. 203, 211
- Lilik Mulyadi, Mediasi Penal dan Restorative Justice dalam Sistem Peradilan Pidana di Indonesia, PT Alumni, Bandung, 2020
- Muladi & Barda Nawawi Arief, Teori-Teori dan Kebijakan Pidana, Alumni, Bandung, 1992
- Satjipto Rahardjo, Hukum Progresif: Hukum yang Membebaskan, Kompas, Jakarta, 2010
- Daniel W. Van Ness & Karen Heetderks Strong, Restoring Justice: An Introduction to Restorative Justice, Routledge, 2022
- Howard Zehr, The Little Book of Restorative Justice, Good Books, 2002
- Elmar G. M. Weitekamp & Hans-Jürgen Kerner, Restorative Justice: Theoretical Foundations, Willan, 2002
- Johnstone, G., & Van Ness, D., Handbook of Restorative Justice, Willan, 2007
- Friedman, L. M., Legal Theory and Social Needs, Harvard University Press, 2001
- Friedman, L. M., Legal Culture and Social Development, Harvard University Press, 1975
- Jeremy Bentham, An Introduction to the Principles of Morals and Legislation, Dover Publications, New York, 2007

Regulation:

- The 1945 Constitution of the Republic of Indonesia
- Law Number 22 of 2009 concerning Traffic and Road Transportation, Ministry of Law and Human Rights, Jakarta, 2009
- Law Number 1 of 2012 concerning the Juvenile Justice System, Article 1 number 6
- Regulation of the Chief of Police Number 8 of 2016 concerning Restorative Justice in the Settlement of Minor Criminal Cases, Republic of Indonesia Police, Jakarta
- Rona Publishing, Law Number 22 of 2009 concerning Traffic and Road

Transportation, Surabaya, 2013, p. 19

CV. Nuansa Aulia, Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation, Bandung, 2009, p. 130