

The Effectiveness of The Implementation of Restorative Justice in Handling Traffic Accident Cases Resulting in Victim Death in The Jurisdiction of The Nabire Police

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Abstract. *This study aims to analyze the implementation of restorative justice in traffic accidents resulting in death within the jurisdiction of the Nabire Police Resort, as well as the effectiveness of its application in handling such cases. This research employs a socio-legal (normative-sociological) approach. The study is descriptive-analytical in nature, using both primary and secondary data sources, and the data are analyzed using qualitative analysis. The issues are examined through the theories of legal certainty, criminal liability, and criminal responsibility. The results of the study indicate that the application of restorative justice in traffic accidents causing death within the jurisdiction of the Nabire Police Resort represents a more humane law enforcement effort, considering the restoration of relationships between offenders and victims' families through mediation and peace agreements. This approach is effective when the accident occurs due to negligence, the offender accepts responsibility, and the victim's family is willing to forgive, often involving community or customary leaders as mediators. Although supported by strong local cultural values, its implementation still faces several obstacles, such as resistance from victims' families, uncooperative offenders, and a lack of understanding and technical guidelines in practice. Therefore, training for investigators, public awareness programs, and strict supervision are required to ensure that restorative justice is implemented in accordance with the principles of justice and applicable law. The effectiveness of restorative justice in handling traffic accidents resulting in deaths in the jurisdiction of the Nabire Police Resort is considered fairly good, as reflected in the achievement of peace agreements, the restoration of social relations, and the reduction of the burden on the criminal justice system. This approach generally succeeds when the offender demonstrates good faith and the victim's family agrees to reconciliation, supported by local cultural values that emphasize kinship. However, its implementation still faces challenges such as limited*

understanding among law enforcement officers and the public, rejection from victims' families, and the absence of clear technical regulations and supervisory mechanisms. Therefore, its effectiveness needs to be strengthened through investigator training, public outreach, collaboration with customer leaders, and strict supervision of case dismissals (SP3) to ensure that restorative justice is applied in a fair, humane, and legal manner.

Keywords: *Effectiveness; Restorative Justice; Traffic.*

1. Introduction

Traffic issues are a problem faced by both developed and developing countries, such as Indonesia. However, in Indonesia, the problems frequently encountered today have become more severe and significant over the years, including accidents, congestion, air pollution, and traffic violations.¹

Indonesia is a state based on the rule of law, where the exercise of governmental power is based on law. In a state based on the rule of law, the power to exercise government is based on the rule of law (the supremacy of law) and aims to maintain legal order. A state based on the rule of law is a social organization whose purpose is to regulate and organize society through its power.²

Supporting national development and integration to advance public welfare through traffic requires the participation of the community, the government, and authorized parties. When discussing traffic, several parties are involved in ensuring safety, order, and smooth traffic flow. One such party is the police. As law enforcers on the road, the police must be competent in understanding what they are enforcing. The police's role is not merely to enforce the law, but to further foster the nation's morale on the road.³

Law is a set of rules regarding behavior that apply in a community life, the implementation of which can be enforced with sanctions.⁴ The most obvious manifestation of legal sanctions is seen in criminal law. Criminal law defines a criminal act as "an act prohibited by a legal regulation, a prohibition accompanied by a threat (sanction) in the form of a specific penalty for anyone

¹Arif, B. & Mahmudal. (2007). Traffic engineering. Solo: UNS Press, p. 3.

²Lubis, MS (2002). State Science (5th ed.). Bandung: Mandar Maju, p. 1.

³Dwi Wahyono, Rizki Adi Pinandito, Lathifah Hanim Implementation of Law Number 22 of 2009 concerning Traffic and Road Transportation (Study of Traffic Regulation in the Central Java Region) Journal of Legal Research, 01 (01), 2022: pp. 68-77.

⁴Sudikno Mertokusumo, 2008, "Understanding the Law (An Introduction)", Liberty, Yogyakarta, 4th edition, p. 40

who violates the prohibition."⁵However, actions prohibited by law are often violated by the public, and often become a habit. For example, driving carelessly or exceeding the maximum speed limit may seem immature in society. However, in reality, many underage drivers frequently commit these traffic violations, leading to traffic accidents.

Traffic is a national issue that evolves in line with societal development. Diverse vehicle traffic and a faster increase in the number of vehicles compared to the increase in road infrastructure have resulted in various traffic problems such as congestion and traffic accidents. Traffic accidents remain a serious problem in Indonesia. Legal regulations in Indonesia regarding traffic are regulated by Law Number 14 of 1992 concerning Traffic and Road Transportation, which was later amended to Law Number 22 of 2009 concerning Traffic and Road Transportation.

Traffic in Indonesia is regulated by law, namely Law Number 22 of 2009 concerning Traffic and Road Transportation, where the regulation was made to ensure security, order and welfare in society that needs to be determined regarding prohibited and required actions. While violations of these provisions are threatened with criminal penalties. The frequent occurrence of traffic violations, both intentional and unintentional, may be caused by the sanctions imposed on the perpetrators of traffic violations are too light, so it is not surprising that more and more traffic violations occur every day. The legal consequences of traffic accidents are criminal sanctions for the creator or cause of the incident and can also be accompanied by civil claims for material losses incurred.⁶

During the handling or investigation of an accident case, if each party wishes to reach a settlement or settlement outside the court, the investigator will assist in mediating both parties. The investigator will then summon both parties to be enlightened about Law No. 22 of 2009 concerning LLAJ Article 310 to both parties, so that each party can understand the incident or case of the Traffic Accident. Because a Traffic Accident is a case that both (both the Suspect and the Victim or those involved) did not want it to happen but rather the carelessness or negligence of each party. So that the victim's family who initially did not accept or did not want to forgive the suspect or demand a large amount of compensation, can understand the Traffic Accident case and can accept it. In the general public, case resolution through the Restorative Justice approach is more

⁵Sudaryono and Natangsa Surbakti, 2005, "Criminal Law (Lecture Handbook), Faculty of Law, Muhammadiyah University of Surakarta, p. 112

⁶Muhammad Dani Hamzah, Law Enforcement in Traffic Accident Cases Causing Loss of Life, Jurnal Daulat Hukum, Vol. 1. No. 1 March 2018, p. 43

often understood as Family Resolution. Family resolution can be carried out if each party or both parties do not feel pressured or harmed.⁷

Restorative justice is offered as an approach considered to meet these demands. Restorative justice is a concept that will be applied through a concrete process. Therefore, to be able to describe the restorative approach, the following are characteristics of a process that uses a restorative justice approach. First, criminal sanctions should not only serve as retribution for the perpetrator of the crime. Second, the punishment must also include elements of prevention, rehabilitation, and efforts aimed at eliminating the perpetrator's guilt and the negative stigma attached to him. Third, it should build understanding among community members and encourage harmonious relationships among them.

The restorative justice approach is a paradigm that can be used as a framework for criminal case handling strategies that aim to address uncertainty regarding the functioning of the current criminal justice system. The problem with law enforcement using restorative justice in resolving traffic violation cases resulting in injury or death is that law enforcement often ignores the interests of the victims as the aggrieved parties, prioritizing the interests of the perpetrators, which ultimately gives rise to a negative stigma in society, especially among the victims. Not a few victims have bad thoughts about law enforcement who want to help mediate the settlement of traffic accident cases through peaceful means, but they misunderstand by assuming that investigators are defending and being paid by one of the parties, especially the perpetrator.

One of the cases of negligence that caused a traffic accident resulting in injuries, which occurred in the jurisdiction of the Nabire Police, namely on the Waroki SP2 axis road, West Nabire District, between the Honda Supra X PA 2549 KB spm driven by Mr. PJ and the Toyota Agya PA 1467 KE driven by Mr. EP. The incident resulted in the victim, PJ, ultimately dying after receiving treatment at Nabire Regional Hospital.

2. Research Methods

The type of research used is sociological juridical research. Sociological juridical is an approach based on binding norms or regulations. It is hoped that this approach will reveal how law, which is empirically a societal phenomenon, can be studied as a causal variable that produces consequences in various aspects of social life.⁸

⁷Soestyo, B. (2019) accessed on <http://repository.unbari.ac.id/546/1/Bambang%20Soestyo%20B.16031027%20MH.pdf> Friday, November 25, 2022 at 11:15 AM.

⁸Soemitro, RH (1990). Legal research methodology and jurisprudence. Bandung: Ghalia Indonesia, p. 34.

3. Results and Discussion

3.1. Implementation of Restorative Justice in Traffic Accidents Resulting in Death in the Nabire Police Jurisdiction

The application of the principle of restorative justice in resolving criminal cases is part of the reform of the criminal justice system in Indonesia, which emphasizes substantive justice, a balance of rights and obligations, and the restoration of social relations between perpetrators, victims, and the community. In cases of traffic accidents resulting in fatalities, this approach has begun to be widely applied by law enforcement officials, including the Indonesian National Police, as a form of more humane and contextual law enforcement. One area that has begun to implement this approach is the Nabire Police, which has strong social and cultural characteristics in society that are in resolving problems through deliberation and family. Restorative justice is an approach to resolving criminal cases that emphasizes the active involvement of perpetrators, victims, families, and other parties affected by the criminal incident, to jointly find solutions to the crime that occurred and its impact, with the main goal of restoring the situation to the way it was before the incident occurred.⁹This process prioritizes the principle of restoration over retribution and emphasizes the participatory pursuit of justice. In this context, achieving justice for both victims and perpetrators can only be achieved if law enforcement officials are able to take gradual and reflective steps, rather than merely interpreting the law rigidly and textually. In some circumstances, courage is required to interpret the law progressively, even if that means transcending the formalistic boundaries of positive legal norms, because, in essence, law is not simply a collection of written regulations, but rather an instrument for achieving substantive justice that lives within society.

In the case of a traffic accident that occurred on Monday, March 11, 2024 on Jalan Poros Waroki–SP2, West Nabire District, involving a Honda Supra X motorcycle driven by the late Mr. PJ and a Toyota Agya car driven by Mr. Edison Pabilang. The incident resulted in Mr. PJ's death after receiving treatment at Nabire Regional Hospital. Based on the results of the crime scene processing, post-mortem examination, and witness statements, investigators concluded that the accident was caused by negligence on the part of the victim, who was about to turn without paying attention to vehicles from the opposite direction. Therefore, normatively, the victim is positioned as the perpetrator in the context of Article 310 paragraph (4) of Law Number 22 of 2009 concerning Traffic and Road Transportation. However, because the suspect has died, the investigation can be legally stopped as regulated in Article 109 paragraph (2) of the Criminal Procedure Code, which states that the investigation can be stopped if the suspect dies, there is insufficient evidence, or the incident is not a criminal act.

⁹Rahardjo, S. (2009). *Progressive Law: Law for Humanity*. Jakarta: Kompas, pp. 15–17

In handling the case, the police did not stop at formal legal aspects but also adopted a restorative justice approach as a form of resolution based on substantive justice. Both parties, namely the victim's family and the car driver, were facilitated to meet and deliberate at the Nabire Police Headquarters. As a result, an agreement was reached that the legal process would not be continued and the matter would be resolved amicably. Mr. Edison agreed to provide compensation in the form of funeral and condolence assistance of Rp90,000,000, which was gratefully accepted by the deceased's family. The agreement was outlined in a peace statement and a request to withdraw the case. This approach aligns with the National Police Chief's Circular Letter No. SE/8/VII/2021 concerning the Implementation of Restorative Justice in Criminal Investigations, which requires a peace agreement, non-causing unrest in the community, and the perpetrator's cooperation and non-repetition of the offense.

The application of restorative justice in the traffic accident case that occurred on March 11, 2024 on Jalan Poros Waroki–SP2, West Nabire District, shows a concrete practice of a law enforcement approach that is not only oriented towards punishment (retributive justice), but also emphasizes the restoration of relationships between the parties involved and the restoration of conditions after the criminal incident. In this case, the collision involving a motorcycle driven by the late Mr. PJ and a Toyota Agya car driven by Mr. Edison Pabilang resulted in the death of Mr. PJ after being treated at Nabire Regional Hospital. Based on the results of the crime scene processing, post-mortem examination, and examination of witnesses, investigators concluded that the accident was caused by negligence on the part of the victim who did not pay attention to the flow of vehicles from the other direction when turning, so that legally it fulfills the criminal elements in Article 310 paragraph (4) of Law Number 22 of 2009 concerning Traffic and Road Transportation. However, because the suspect in this case is a deceased victim, legally the investigation cannot be continued. This provision is emphasized in Article 109 paragraph (2) of the Criminal Procedure Code, which states that an investigation can be stopped if the suspect dies, there is insufficient evidence, or the incident does not constitute a crime.¹⁰ This principle is also in line with the principle of "non persequitur mortuus," which states that a deceased person can no longer be prosecuted criminally because they cannot be held personally responsible. However, legal resolution does not simply stop at the termination of the investigation by law. Law enforcement officers, in this case the Nabire Police, chose to implement a restorative justice approach as a further step to ensure social recovery between the victim's family and the driver involved. The application of restorative justice in this case was carried out through a deliberation process between the victim's family and Mr. Edison Pabilang, the driver of the vehicle. This process was facilitated by the

¹⁰Prakoso, D. (2020). "Restorative Justice and Its Challenges in the Criminal Justice System." *Journal of Criminal Law and Criminology*, 6(1), pp. 101–114.

police and resulted in a written peace agreement, including Edison's willingness to provide compensation in the form of funeral and condolence assistance of Rp90,000,000. This agreement is evidence that the settlement was not only carried out based on formal law, but also rooted in social principles that exist in society.

This aligns with the National Police Chief's Circular Letter No. SE/8/VII/2021, which provides a normative basis for investigators to resolve criminal cases using a restorative justice approach, provided that the following conditions are met: reconciliation between the victim and the perpetrator, no public unrest, no repeat offense, and voluntary action by both parties without pressure from any party. Furthermore, this approach is not only in line with police policy but also consistent with the concept of progressive law as developed by Satjipto Rahardjo, which positions law as a means to achieve substantive justice and is not limited solely to formal procedures. In this context, restorative justice is a progressive form of law that views case resolution holistically and is oriented toward restoration, not retribution. This is particularly relevant in societies like Papua, where family values, deliberation, and customary-based resolution remain dominant practices in resolving social conflict. From a theoretical perspective, the application of restorative justice is also supported by the views of Howard Zehr, a key figure in the development of restorative justice theory, who stated that the primary focus of justice is not on violations of state law, but on the damage to relationships between individuals and communities. In Zehr's view, the judicial process must prioritize the active participation of perpetrators, victims, and the community to work together to find just solutions and restore the situation.¹¹

This is reflected in the Nabire case, where the victim's family was actively involved in the settlement process, received compensation, and voluntarily declared they would not pursue legal action. From a legal standpoint, this settlement also did not violate the principle of due process of law, as it was conducted openly, based on a written agreement, and accompanied by authorized officials. Thus, the application of restorative justice in this case was not only legally valid but also reflected justice rooted in the social and cultural values of the local community. This demonstrates that restorative justice is not merely an alternative approach, but has become part of a modern criminal justice system that is adaptive, humanistic, and contextual to societal dynamics.

However, this application is not automatic but rather selective, taking into account several conditions, including negligence, good faith on the part of the perpetrator, and the willingness of the victim's family to reconcile. This demonstrates that the application of restorative justice still depends on the

¹¹Amalia, F. (2021). "Restorative Justice as an Alternative to Resolving Traffic Accident Crimes." *Unila Juridical Journal*, Vol. 10 No. 2, pp. 218–230.

specific circumstances of the case and has not yet become a standardized mechanism within the law enforcement system.

From the perspective of restorative justice theory, the practices carried out by investigators at the Nabire Police Department reflect the main principles of restorative justice, namely the active participation of both the perpetrator and the victim in the case resolution process, as well as efforts to restore the harm caused. However, in its implementation, obstacles remain, such as resistance from the victim and limited public understanding of the concept of restorative justice, resulting in less than optimal implementation.

Based on the entire description in this study, the author can conclude that the application of restorative justice in traffic accident cases resulting in fatalities in the jurisdiction of the Nabire Police has been implemented, but is still casuistic and not yet fully effective because it is influenced by social factors and the legal culture of the community.

3.2. The Effectiveness of Restorative Justice Implementation in Handling Traffic Accident Cases Resulting in Death in the Nabire Police Jurisdiction

The effectiveness of restorative justice in handling traffic accidents resulting in fatalities within the jurisdiction of the Nabire Police can be considered quite good. This is evident in the successful peaceful resolution of cases that remain grounded in the principles of substantive justice and the values of local Papuan wisdom. Restorative justice is an alternative approach within the criminal justice system that focuses on restoring relationships between perpetrators, victims, and the community, rather than simply imposing punishment.¹² This approach is typically applied in cases involving negligence, such as traffic accidents, as long as the perpetrator demonstrates good faith in accepting moral and material responsibility. At the Nabire Police, the restorative justice process is implemented systematically through structured stages.

The initial stage begins with investigators approaching the victim's and perpetrator's families to determine the extent to which a peaceful resolution is possible. If both parties are willing, the process continues with mediation facilitated by community leaders, traditional figures, or religious leaders. This provides social legitimacy to the agreement reached. If mediation is successful, a peace statement is issued, which serves as the basis for terminating the investigation or issuing a Notice of Termination (SP3), as stipulated in Article 5 paragraph (1) of the National Police Chief Regulation Number 8 of 2021.¹³

¹²Mahmud Kusuma. (2009). Delving into the spirit of progressive law: Paradigm therapy for the weakness of Indonesian law. Yogyakarta: AntonyLib. p. 7

¹³Prayitno, KY (2012). Restorative justice for justice in Indonesia (a philosophical juridical perspective in law enforcement in concrete terms). *Journal of Legal Dynamics*, 12(3).

The effectiveness of this approach is reinforced by the cultural context of Papuan society, particularly in Nabire, which values dispute resolution mechanisms through family and deliberation. In many cases, traditional leaders and tribal chiefs are present not only as witnesses but also as mediators and respected moral authorities. Forms of responsibility, such as compensation or condolence money, are also considered valid symbols of forgiveness and atonement under local customary law. Therefore, restorative justice in this context not only resolves cases legally but also prevents further conflict and restores social harmony.¹⁴

However, the effectiveness of restorative justice is not without its challenges. Some of the obstacles that arise include the imbalance of power between the perpetrator and the victim, a lack of good faith on the part of the perpetrator, and rejection from the victim's family if the victim is the breadwinner. In some situations, perpetrators from economically powerful backgrounds can manipulate the peace process into a mere formality. These obstacles demonstrate that restorative justice cannot be applied uniformly to every case without considering the sociological and psychological dimensions of the victim.

Internally within the police force, the implementation of restorative justice also faces technical challenges. A lack of training and in-depth understanding of restorative justice principles and procedures among investigators leads to inconsistent implementation in the field. The lack of comprehensive technical operational guidelines also opens up room for irregularities or non-transparent decision-making. Research shows that most investigators remain tied to a retributive paradigm and lack the skills to facilitate fair and balanced mediation.¹⁵

An indicator of effectiveness can be seen from the success of mediation between the perpetrator and the victim's family. In cases involving minor negligence, mediation proceeds smoothly and results in amicable agreements accepted by the victim's family. This is especially true if the perpetrator is cooperative, apologizes, and voluntarily provides compensation. This success not only expedites case resolution but also reduces the burden on law enforcement officials and the criminal justice system as a whole. In the context of regions like Nabire, which have limited resources, restorative justice-based resolution is an effective and efficient alternative that upholds substantive justice.

However, the effectiveness achieved still requires monitoring to prevent misuse. There is still a public perception that restorative justice is a "shortcut" to avoid punishment. Therefore, regular training and technical assistance for investigators on restorative justice procedures, as well as community outreach, are crucial to

¹⁴Zulfa, EA (2012). *Shifting paradigms of criminal justice*. Bandung: Lubuk Agung.

¹⁵Rahardjo, S. (2009). *Progressive Law: Law for Humanity*. Jakarta: Kompas, pp. 23–25.

foster a proper understanding.¹⁶ Furthermore, an independent evaluation mechanism is needed for every decision to terminate an investigation based on restorative justice, to ensure it does not violate the principles of justice or open up opportunities for corruption. The role of traditional and community leaders is crucial in building social legitimacy for the agreement. Their presence not only strengthens the mediation process but also ensures that the justice achieved is not merely legally formal but also morally and culturally recognized. This is crucial in a multiethnic society like Nabire, which has diverse perceptions of the value of justice.¹⁷

Overall, the application of restorative justice in traffic accident cases resulting in fatalities within the jurisdiction of the Nabire Police can be considered quite effective. Despite facing various obstacles, this approach has succeeded in creating space for fair, swift, and recovery-oriented resolutions. This success emphasizes that the law does not always have to end with criminal penalties, but can also be an instrument for restoring social relations, rebuilding trust, and strengthening humanitarian values within society. However, its implementation must be carried out with great care, accountability, and based on a valid legal basis to consistently reflect the principle of legal justice.¹⁸

Based on the description of the effectiveness of the application of restorative justice in handling traffic accident cases resulting in fatalities in the jurisdiction of the Nabire Police, the author argues that this effectiveness is not only measured by the success of reaching a peace agreement, but also by the extent to which the process is able to provide substantive, balanced, and sustainable justice for all parties involved. In this case, the success of mediation that resulted in peace and acceptance from the victim's family indicates that the restorative justice approach has functioned optimally in a practical dimension.

The author believes that the effectiveness of restorative justice in Nabire has a unique character that cannot be separated from the socio-cultural context of Papuan society. Local wisdom that upholds deliberation, family values, and the central role of traditional leaders are determining factors in the successful peaceful resolution of cases. Therefore, this effectiveness is not solely the result of the application of formal regulations, but also the integration of state law and local values (living law). This reinforces the view that effective law is law that adapts to the social realities of its community.

¹⁶Wahyuni, E. (2022). "Custom-Based Conflict Resolution in Papua's Multiethnic Society." *Journal of Sociohumanities*, Vol. 24 No. 1, pp. 63–71.

¹⁷Damanik, S. (2019). "Implementation of Restorative Justice in the Indonesian Criminal Law System." *Samudra Keadilan Law Journal*, Vol. 14 No. 2, pp. 301–312.

¹⁸Harkrisnowo, H. (2010). "Restorative Justice and Its Relevance in the Criminal Justice System in Indonesia". *Jurnal Ius Quia Iustum*, Vol. 17 No. 2, pp. 213–227.

However, the author believes that the "fairly good" effectiveness mentioned in the previous description is still relative and contextual. This means that this success cannot be generalized to all types of traffic accidents resulting in death. In certain cases, especially those involving gross negligence or widespread social impact, the restorative justice approach has the potential to be ineffective and even lead to public dissatisfaction. Therefore, stricter parameters are needed to determine the limits of restorative justice application to avoid disparities in case handling.

The author also highlights that indicators of effectiveness should not be viewed solely in terms of case resolution efficiency or reduced judicial burden, but should also encompass aspects of justice for victims. In some circumstances, there is a risk that the victim's family accepts a settlement not out of sincerity, but rather due to social pressure, economic conditions, or unequal bargaining power with the perpetrator. If this occurs, the effectiveness of restorative justice becomes illusory and potentially undermines the principle of justice itself. Therefore, it is crucial for investigators to ensure that any settlement agreement is truly voluntary and without coercion.

From an institutional perspective, the author believes that the effectiveness of restorative justice implementation at the Nabire Police Department still requires strengthening, particularly in terms of human resource capacity and standard operating procedures. The lack of specific training in penal mediation techniques and the unequal understanding of the concept of restorative justice among officers are obstacles that must be addressed immediately. Without such capacity building, the effectiveness achieved has the potential to be unsustainable and dependent on the individual initiative of officers in the field.

Furthermore, the author believes that oversight of the implementation of restorative justice is crucial for maintaining its effectiveness and integrity. Without a clear oversight mechanism, there is potential for abuse of authority, such as using peace as a formality to dismiss cases without considering substantive justice. Therefore, a transparent and accountable evaluation system is necessary, both internally by the police and externally by oversight bodies.

From a theoretical perspective, the author assesses that the effectiveness of restorative justice in Nabire aligns with Lawrence M. Friedman's legal system theory, which states that the success of a legal system is determined by three elements: legal structure, legal substance, and legal culture. In this context, the legal culture of the Nabire community, which supports peaceful resolution, is a dominant factor strengthening the effectiveness of restorative justice implementation, although several weaknesses remain in terms of structure and substance.

Based on the results of interviews and analysis that have been conducted, the effectiveness of the application of restorative justice in handling traffic accident cases resulting in fatalities in the jurisdiction of the Nabire Police can be said to be quite effective, but not yet optimal.¹⁹ This is demonstrated by the success in several cases of reaching a peaceful agreement between the perpetrator and the victim's family, thus avoiding a lengthy criminal justice process and restoring social relations in the community.

However, when analyzed using Soerjono Soekanto's theory of legal effectiveness, several factors still hinder this effectiveness. Societal factors and legal culture are the main obstacles, evident in the differing public perceptions of restorative justice, particularly in cases involving loss of life. Furthermore, law enforcement and supporting facilities also play a role, particularly in the lack of uniform technical guidelines for implementing restorative justice at the investigative level.

Furthermore, from Lawrence M. Friedman's legal system perspective, effectiveness is influenced by three main elements: legal structure, legal substance, and legal culture. The legal structure, in this case the police, has performed its role as mediator quite well, but the legal substance still does not provide comprehensive regulations, and the community's legal culture does not fully support the implementation of a restorative approach.

The effectiveness of the implementation of restorative justice in the jurisdiction of the Nabire Police is in the fairly effective category, because it has been able to achieve the goal of recovery in several cases, but still faces various obstacles that cause its implementation to be less than optimal.

In closing, the author emphasizes that the effectiveness of the implementation of restorative justice in traffic accidents resulting in death at the Nabire Police Department is a commendable achievement, but it still requires systematic and ongoing improvement. This approach must continue to be developed while maintaining a balance between legal certainty, justice, and expediency, so that it can truly become a case resolution instrument that is not only practically effective but also morally and socially just.

4. Conclusion

1. Implementation of Restorative Justice in Traffic Accidents Resulting in Death in the Nabire Police Jurisdiction: The application of restorative justice in traffic accidents resulting in fatalities within the jurisdiction of the Nabire Police is a more humane law enforcement effort, emphasizing the restoration of relationships between the perpetrator and the victim's family through mediation

¹⁹Surung Pandapotan Manurung, S.IP, AIPDA, Member of the Gakkum Unit of the Nabire Police Traffic Unit, interview, Nabire, April 20, 2026

and peace agreements. This approach is effective when the accident occurred due to negligence, the perpetrator is responsible, the victim is willing to forgive, and involves community or traditional leaders as mediators. Despite strong local cultural support, its implementation still faces obstacles such as rejection from the victim, uncooperative perpetrators, and a lack of understanding and technical guidelines in the field. Therefore, training for investigators, outreach to the community, and strict supervision are needed to ensure that restorative justice truly operates in accordance with the principles of justice and applicable law.

2. The Effectiveness of Restorative Justice Implementation in Handling Traffic Accident Cases Resulting in Death in the Nabire Police Jurisdiction: The effectiveness of restorative justice in handling traffic accidents resulting in fatalities within the jurisdiction of the Nabire Police Department is considered quite good, as evidenced by the achievement of peace agreements, the restoration of social relations, and a reduced burden on the justice system. This approach is generally successful when the perpetrator demonstrates good faith and the victim is willing to forgive, and is supported by local culture that upholds family values. However, its implementation still faces obstacles such as a lack of understanding from officials and the community, rejection from victims, and a lack of technical regulations and oversight mechanisms. Therefore, its effectiveness needs to be improved through investigator training, public outreach, collaboration with traditional leaders, and strict oversight of termination of investigations (SP3) to ensure its implementation is truly fair, humane, and in accordance with the law.

5. References

Journals:

- Amalia, F. (2021). Keadilan restoratif sebagai alternatif penyelesaian tindak pidana kecelakaan lalu lintas. *Jurnal Yuridis Unila*, 10(2), 218–230.
- Bazemore, G., & Umbreit, M. (2001). A comparison of four restorative conferencing models. Center for Restorative Justice.
- Damanik, S. (2019). Penerapan restorative justice dalam sistem hukum pidana Indonesia. *Jurnal Hukum Samudra Keadilan*, 14(2), 301–312.
- Dwi Wahyono, R. A. P., & Hanim, L. (2022). Implementasi UU No. 22 Tahun 2009 tentang lalu lintas dan angkutan jalan. *Jurnal Penelitian Hukum*, 1(1), 68–77.
- Gunarto. (2019). Kebijakan formulasi pidana dalam pembaharuan hukum pidana nasional. *Jurnal Hukum Khaira Umma*, 14(1), 102.
- Hafid, M. I. (2019). Perlindungan hukum terhadap pekerja. *Jurnal Al-Hikmah*, 21(2).

- Harkrisnowo, H. (2010). Restorative justice dan relevansinya dalam sistem peradilan pidana di Indonesia. *Jurnal Ius Quia Iustum*, 17(2), 213–227.
- Krisna, I. G., Sugiarta, I. N. G., & Subamiya, I. N. (2020). Tindak pidana pelanggaran lalu lintas. *Jurnal Konstruksi Hukum*, 2(2), 339.
- McCold, P. (2000). Toward a holistic vision of restorative justice. *International Journal of Restorative Justice*.
- Nurhayati, T. (2022). Evaluasi penerapan restorative justice dalam perkara lalu lintas. *Jurnal Polisi dan Hukum*, 8(1), 55–68
- Prakoso, D. (2020). Restorative justice dan tantangannya dalam sistem peradilan pidana. *Jurnal Hukum Pidana dan Kriminologi*, 6(1), 101–114.
- Prayitno, K. Y. (2012). Restorative justice untuk peradilan di Indonesia. *Jurnal Dinamika Hukum*, 12(3).
- Runtuboy, R. (2021). Kearifan lokal dalam penyelesaian perkara pidana di Papua. *Jurnal Hukum dan Keadilan*.
- Wahyuni, E. (2022). Penyelesaian konflik berbasis adat di Papua. *Jurnal Sosiohumaniora*, 24(1), 63–71.

Books:

- Adami Chazawi. (2011). Pelajaran hukum pidana bagian I. Jakarta: Rajawali Pers.
- Ali, A. (2009). Menguak teori hukum (legal theory) dan teori peradilan. Jakarta: Kencana.
- Amiruddin, & Asikin, H. Z. (2014). Pengantar metode penelitian hukum. Jakarta: Rajawali Pers.
- Arief, B. N. (2014). Bunga rampai kebijakan hukum pidana. Jakarta: Kencana.
- Arif, B. & Mahmudal. (2007). Rekayasa lalu lintas. Solo: UNS Press.
- Ariman, R., & Raghil, F. (2016). Hukum pidana. Malang: Setara Press.
- Asshiddiqie, J. (2010). Perkembangan dan konsolidasi lembaga negara. Jakarta: Sinar Grafika.
- Attamimi, U. (2010). Konsep keadilan dalam hukum Islam. Jakarta: UI Press.
- Audah, A. Q. (2005). *At-Tasyri' Al-Jina'i Al-Islami*. Beirut: Dar Al-Kitab Al-Arabi.
- Braithwaite, J. (2002). Restorative justice and responsive regulation. New York: Oxford University Press.

- Daly, K. (2016). What is restorative justice? Fresh answers to a vexing question. Victims & Offenders.
- Echols, J. M., & Shadily, H. (1990). Kamus Inggris–Indonesia. Jakarta: Gramedia Pustaka Utama.
- Effendi, E. (2014). Hukum pidana Indonesia: Suatu pengantar. Bandung: Refika Aditama.
- Friedman, L. M. (1975). The legal system: A social science perspective. New York: Russell Sage Foundation.
- Hamzah, A. (2017). Hukum pidana Indonesia. Jakarta: Sinar Grafika.
- Herlina, A., dkk. (2004). Perlindungan terhadap anak yang berhadapan dengan hukum. Jakarta: Raja Grafindo Persada.
- Hiariej, E. O. S. (2012). Teori dan hukum pembuktian. Jakarta: Erlangga.
- Kartini Kartono. (2005). Patologi sosial. Jakarta: Raja Grafindo Persada.
- Kelsen, H. (2007). General theory of law and state. New York: Transaction Publishers.
- Lubis, M. S. (2002). Ilmu negara. Bandung: Mandar Maju.
- Marlina. (2019). Peradilan pidana dan restorative justice di Indonesia. Medan: USU Press.
- Marshall, T. F. (1999). Restorative justice: An overview. London: Home Office.
- Moeljatno. (2015). Asas-asas hukum pidana. Jakarta: Rineka Cipta.
- Moleong, L. J. (2002). Metode penelitian kualitatif. Bandung: Remaja Rosdakarya.
- Muladi & Arief, B. N. (2010). Teori-teori dan kebijakan pidana. Bandung: Alumni.
- Muladi. (2002). Kapita selekta sistem peradilan pidana. Semarang: UNDIP Press.
- Nurhayati, T. (2022). Evaluasi penerapan restorative justice dalam perkara lalu lintas. Jurnal Polisi dan Hukum.
- Pohan, A. (2020). Restorative justice dalam praktik hukum pidana. Bandung: Refika Aditama.
- Prakoso, D. (2020). Restorative justice dan tantangannya dalam sistem peradilan pidana. Jurnal Hukum Pidana dan Kriminologi.
- Radbruch, G. (2006). Legal philosophy. Oxford: Oxford University Press.

- Rahardjo, S. (2009). Hukum progresif: Hukum untuk manusia. Jakarta: Kompas.
- Rawls, J. (1971). A theory of justice. Cambridge: Harvard University Press.
- Saleh, R. (1983). Perbuatan pidana dan pertanggungjawaban pidana. Jakarta: Aksara Baru.
- Satjipto Rahardjo. (2006). Ilmu hukum. Bandung: Citra Aditya Bakti.
- Sherman, L. W., & Strang, H. (2007). Restorative justice: The evidence. London: The Smith Institute.
- Sianturi, S. R. (1998). Asas-asas hukum pidana dan penerapannya di Indonesia. Jakarta: Alumni AHAEM PTHAEM.
- Soekanto, S. (1982). Pengantar penelitian hukum. Jakarta: UI Press.
- Soekanto, S. (1983). Faktor-faktor yang mempengaruhi penegakan hukum. Jakarta: UI Press.
- Soekanto, S. (2008). Faktor-faktor yang mempengaruhi penegakan hukum. Jakarta: RajaGrafindo Persada.
- Soekanto, S. (2012). Faktor-faktor yang mempengaruhi penegakan hukum. Jakarta: Rajawali Pers.
- Soemitro, R. H. (1990). Metodologi penelitian hukum dan jurimetri. Bandung: Ghalia Indonesia.
- Soesilo, R. (1995). KUHP serta komentar-komentarnya. Bogor: Politeia.
- Subagyo, P. J. (2004). Metodologi penelitian dalam teori dan praktik. Jakarta: Rineka Cipta.
- Subekti, R. (2003). Pokok-pokok hukum perdata. Jakarta: Intermasa.
- Sudaryono & Surbakti, N. (2005). Hukum pidana. Surakarta: UMS Press.
- Sudikno Mertokusumo. (2008). Mengenal hukum. Yogyakarta: Liberty.
- Surbakti, N. (2015). Peradilan restoratif dalam bingkai empiri, teori dan kebijakan. Yogyakarta: Genta Publishing.
- Wardiah, M. L. (2016). Teori perilaku dan budaya organisasi. Bandung: Pustaka Setia.
- Warpani, S. (2002). Pengelolaan lalu lintas dan angkutan jalan. Bandung: ITB.
- Yusuf, A. (2013). Implementasi restorative justice. Jakarta: UI Press.

Zehr, H. (2002). *The little book of restorative justice*. Pennsylvania: Good Books.

Zuhaili, W. (1989). *Al-Fiqh Al-Islami wa Adillatuhu*. Damaskus: Dar Al-Fikr.

Zulfa, E. A. (2011). *Keadilan restoratif dan peradilan pidana di Indonesia*. Jakarta: Indeks.

Zulfa, E. A. (2012). *Pergeseran paradigma pembedaan*. Bandung: Lubuk Agung.

Regulation:

Law Number 22 of 2009 concerning Traffic and Road Transportation.

Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

The 1945 Constitution of the Republic of Indonesia