

Legal Analysis of Law Enforcement in The Investigation Process of Traffic Accident Criminal Acts (Case Study of The Barelang Police Office)

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Abstract. *This study is motivated by the importance of law enforcement in the investigation process of traffic accident crimes in order to ensure legal certainty and a sense of justice for all parties involved. Traffic accidents, as frequent criminal incidents, require professional, objective handling in accordance with applicable laws and regulations. In practice, however, the investigation process still faces various obstacles that may affect the quality of law enforcement. Therefore, this study aims to examine the implementation of investigations at the Barelang Police Resort (Polresta Barelang), the factors influencing the investigation process, and the efforts undertaken to ensure legal certainty and justice. This study employs an empirical juridical approach that conceptualizes law not only as a set of norms but also as a social reality, using statutory, case-based, and conceptual approaches with a descriptive-analytical specification. Primary data were collected through interviews with investigators of the Traffic Accident Unit at Polresta Barelang, public prosecutors, and members of the public or victims, supported by secondary data derived from literature review. Data collection was conducted through field research and library research, followed by qualitative analysis to produce systematic and well-reasoned conclusions. The results indicate that the investigation process of traffic accident crimes at Polresta Barelang has been conducted in a structured manner and in accordance with applicable legal provisions, starting from crime scene handling to case submission, although several obstacles remain, such as the lack of witnesses, changes in crime scene conditions, and the complexity of evidence. The factors influencing the investigation process include legal factors, law enforcement officers, facilities and infrastructure, community participation, and the parties involved, all of which significantly affect the effectiveness and consistency of law enforcement. Efforts to ensure legal certainty and justice are carried out through improving the professionalism of investigators, strengthening facilities and*

infrastructure, increasing public awareness, and managing the roles of perpetrators and victims proportionally, thereby supporting an objective, accountable, and justice-oriented investigation process.

Keywords: Barelang Police; Investigation; Law Enforcement; Traffic Accidents.

1. Introduction

Indonesia is affirmed as a state of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The conceptual implication of this principle is that all actions of law enforcement officers must always be based on normative legitimacy in order to guarantee legal certainty (*rechtssicherheit*) and justice (*gerechtigkeits*) for the community. Law enforcement in this context is not merely understood as a coercive mechanism, but as an instrument for protecting human rights as well as a medium for social engineering to maintain order and harmony in community life. In the realm of criminal law, law enforcement has repressive, preventive, and corrective dimensions that are intertwined to maintain a balance between individual and collective interests.¹ The quality of law enforcement implementation is the main indicator in assessing the extent to which the criminal justice system is able to function effectively in providing substantive justice.

Criminal law enforcement takes place through an integrated criminal justice system that involves the police, prosecutors, courts, and correctional institutions as interacting subsystems. The investigation phase is crucial because it is during this phase that a legal assessment of a crime is conducted.

events to determine whether the event meets the elements of a crime. The Criminal Procedure Code (KUHP) defines an investigation as a series of actions carried out by investigators in accordance with the provisions of the law, with the aim of seeking and collecting evidence to clarify criminal events and identify parties who can be named as suspects.² Accuracy in formulating and applying the elements of the article at the investigation stage greatly influences the direction and quality of the law enforcement process at the next stage.

¹ Teguh Prasetyo, 2020, Criminal Procedure Law: Reorientation of Thought on the Theory of Dignified Justice, K-Media, Yogyakarta, pp. 61–62.

² Edi Setiadi, 2017, Integrated Criminal Justice System and Law Enforcement System in Indonesia, Prenada Media, Jakarta, p. 203.

Investigations require analytical precision from investigators in linking facts to relevant legal norms. Mistakes in identifying or applying elements of a criminal law can lead to a miscarriage of justice, both for victims and suspects. This problem becomes even more complex in traffic accident cases, which have the specific characteristic of negligence (*culpa*) as the basis for criminal liability. Traffic accidents are often perceived as banal, incidental events, whereas from a criminal law perspective, they can be classified as crimes if they meet certain elements. The complexity of proving the element of *culpa* often gives rise to disparities in interpretation at the investigative level.

The construction of criminal liability in traffic accident cases is based on two legal regimes: Law Number 22 of 2009 concerning Traffic and Road Transportation as the *lex specialis*⁴ and Law Number 1 of 2023 concerning the Criminal Code as the updated general criminal law⁵. In both regulations, the element of negligence remains a central element in determining fault as the basis for criminal liability. The presence of the new Criminal Code not only replaces previous provisions but also reflects a paradigm shift in the national criminal law system, particularly regarding the affirmation of the principle of fault, legal certainty, and an orientation toward justice.

The enactment of the new Criminal Code has prompted the need to examine the consistency of the application of norms, particularly in determining the relationship between general criminal law and special criminal law based on the principle of *lex specialis derogat legi generali*. Law Number 22 of 2009 has classified traffic accidents into categories of minor injuries, serious injuries, and death. However, the use of general criminal law provisions for incidents with similar characteristics is still found. This difference in approach has the potential to create uncertainty and non-conformity in law enforcement. This situation demonstrates the importance of a comprehensive study to assess how the relationship between the two legal regimes is applied, in order to ensure legal certainty and justice.

This situation indicates the potential for disharmony between general criminal law, which has been updated, and special criminal law, which has not been updated, thus resulting in differences in the application of norms in investigative practice.

From a criminal law perspective, criminal liability requires an act (*actus reus*) and a fault (*mens rea*). In traffic accident cases, fault, generally in the form of negligence (*culpa*), is an important element that must be proven, especially regarding violations of the standard of care when driving. Mistakes in formulating the element of fault can result in inaccurate application of the article and deviate from the principle of *geen straf zonder schuld*, which states that punishment can only be imposed if there is a fault for which responsibility can be established.

Differences in investigators' interpretation of the element of negligence and the causal relationship between an act and its consequences still frequently occur in traffic accident cases. These variations result in differing applications of articles to cases with similar characteristics, reflecting a lack of consistency and professionalism in law enforcement. In certain situations, investigators use discretion to determine legal action based on professional considerations. This use of authority has the potential to create legal uncertainty.

if it is not based on clear measures and is not based on the principles of legality, accountability and justice.³

The gap between ideal legal norms (*das sollen*) and actual practice (*das sein*) indicates that the traffic accident investigation process still faces various structural and cultural obstacles. Normatively, the law provides clear provisions regarding the elements of traffic accident crimes, but in its implementation, obstacles remain, such as limited evidence, differing legal understandings, and factors within the community's legal culture. This gap impacts the quality of law enforcement and public trust in the police institution.⁴

These conditions are relevant for analysis in the Bareleng Police Department, which has territorial characteristics such as an archipelago, an industrial area, and high transportation mobility. Bareleng, which encompasses Batam and its surrounding areas, is a strategic area with significant traffic intensity and a dynamic distribution of goods and labor. This geographic and sociological complexity has the potential to influence traffic accident patterns and the dynamics of their investigation.

The handling of traffic accident cases within the jurisdiction of the Bareleng Police Department, whether resulting in minor injuries, serious injuries, or death, demonstrates variation in the legal basis used by investigators. Several studies indicate that Article 310 of Law

Law Number 22 of 2009 concerning Traffic and Road Transportation is generally applied when there is an element of driver negligence. In certain circumstances, provisions in the Criminal Code are also used as the basis for criminal liability.⁵ The difference in the application of articles to cases with relatively similar characteristics raises issues related to consistency in formulating the element of negligence and assessing causality during the investigation stage. This indicates that the definition and quality of negligence are still open to various

³ Andrew R. Cecil et al., 2011, *Traffic Law Enforcement: A Guide for Police and Drivers*, Translated by Hega Angayomi, Nuansa Cendekia, Bandung, p. 65.

⁴ Ibid., p. 78.

interpretations. Without clear measures and strong legal arguments, these variations have the potential to affect legal certainty and the assessment of justice for the parties. This condition makes it important to examine investigative practices at the Bareleng Police Department to assess the consistency and accuracy of the application of legal norms.⁶ This condition emphasizes the inconsistency in the application of relevant legal norms that require further study.

Previous research shows that studies on traffic accidents have been conducted using various approaches. Yuliantoro (2019) examined the application of the element of negligence in the traffic accident investigation process at the Tegal Police, focusing on proving the element of negligence and causality in accordance with Article 310 of Law Number 22 of 2009 concerning Traffic.

Traffic and Road Transportation.⁷ Meanwhile, Sahrul's (2020) research examined the implementation of police discretion in traffic accident investigations at the Baubau Police through a restorative justice approach and the obstacles faced by investigators.⁸

However, these studies have not explicitly elaborated on the consistency and appropriateness of investigators' application of the elements of the articles from a comprehensive law enforcement perspective, particularly within the Bareleng Police Department. Furthermore, no research has simultaneously integrated the analysis of the application of the element of fault in traffic accident investigations with the principles of legal certainty and substantive justice. Therefore, this study offers novelty through a comprehensive analysis of investigative practices by assessing the coherence between legal norms and their implementation in the field.

From an Islamic legal perspective, criminal liability also requires an element of fault (*khatha'*) as a prerequisite for imposing sanctions. The principles of justice (*'adl*) and responsibility (*mas'uliyah*) emphasize that a person cannot be punished unless legally proven wrongdoing. This normative-religious approach enriches the analytical framework by introducing an ethical-transcendental dimension in understanding the application of the element of fault in traffic accident investigations.

⁶ Titih Kusprinitis and Lia Fadrijani, "Legal Analysis of Traffic Violations Causing Accidents Resulting in Death," *Zona Keadilan*, Vol. 11 No. 1, 2021, pp. 61 and 63.

⁷ Yuliantoro, "Application of the Negligence Element in the Traffic Accident Criminal Investigation Process", *UNISSULA Law Journal*, Vol. 35 No. 1, 2019, pp. 36–45.

⁸ Sahrul, "The Implementation of Police Discretion in Traffic Accident Criminal Investigations in the Baubau Police Jurisdiction", *Legal Dynamics*, Vol. 13 No. 3, 2022, pp. 320–344.

Based on the above description, it can be seen that the traffic accident investigation process plays a crucial role in determining the realization of justice and legal certainty. However, there are still problems in the application of the elements of the articles by police investigators which have the potential to cause legal inconsistencies and uncertainty. Therefore, the author is interested in conducting a study entitled "Juridical Analysis of Law Enforcement in the Traffic Accident Criminal Investigation Process (Case Study at the Barelang Police)" to examine in depth how investigation practices are carried out and how the elements of the articles are applied in order to realize fair and just law enforcement.

2. Research Methods

The type of research used in this thesis is empirical (sociological) juridical research, namely research that views law not only as written norms (law in books), but also as practices carried out in reality (law in action). This approach was chosen because the research not only examines the provisions of Article 310 paragraph (4) of Law Number 22 of 2009 concerning Traffic and Road Transportation and the provisions in Law Number 1 of 2023 concerning the Criminal Code as general criminal law, but also examines how it is applied in the process of investigating traffic accident cases at the Barelang Police. Thus, this research seeks to see the harmony between legal norms and law enforcement practices in the field.

3. Results and Discussion

3.1. Implementation of the Traffic Accident Criminal Investigation Process at the Barelang Police Station

The investigation process for traffic accidents at the Barelang Police Traffic Accident Unit is a series of law enforcement activities aimed at uncovering accidents objectively and comprehensively. A traffic accident is understood as an unplanned and unintentional event on the highway, involving vehicles with or without other parties, which has implications for the occurrence of fatalities and material losses. The determinants of accidents are multifactorial, including human aspects as road users, the technical condition of vehicles, and the suitability of road infrastructure. Environmental elements, including weather and natural conditions, also contribute to the potential for accidents.

Empirical data within the Barelang Police jurisdiction indicates an increasing trend in the number of traffic accidents in recent years. Interviews with investigators from the Traffic Accident Unit at the Barelang Police Department¹¹³ revealed that this increase is evident not only in the frequency of incidents but also in the number of victims, including fatalities, serious injuries, and minor injuries. This reflects the fact that Traffic accidents remain a serious issue and require comprehensive handling, both through preventive

measures and optimal law enforcement. The efforts undertaken by the Barelang Police include preventive measures through community development and repressive measures in the form of law enforcement against traffic violations. Although various strategies have been implemented continuously, the level of public awareness of traffic laws remains relatively low, which has direct implications for the high number of accidents. This condition demands optimization of investigators' performance in accurately uncovering each accident event, while simultaneously encouraging the strengthening of educational approaches as an integral part of the traffic safety system.

The Indonesian National Police (Polri), as a law enforcement agency, has the responsibility to realize and maintain traffic and road transportation security. This provision is emphasized in Article 200 of Law Number 22 of 2009 concerning Traffic and Road Transportation, which states: "The Polri is responsible for carrying out activities to realize and maintain traffic and road transportation security.¹¹⁴" This provision is then explained through various forms of activities, including:

1. Preparation of a national program for traffic safety and road transportation; Provision and maintenance of traffic and road transport safety facilities and equipment;
2. Implementation of education, training, guidance, counseling and traffic information;
3. Assessment of traffic safety and road transportation problems;
4. Traffic safety management;
5. Arrangement, guarding, escorting and/or patrolling;
6. Registration and identification of motor vehicles and drivers;
7. Traffic law enforcement¹¹⁵.

This series of norms demonstrates that the role of the Indonesian National Police (Polri) is not limited to a purely repressive function, but also encompasses integral preventive, educational, and managerial dimensions. This can be understood from the various forms of activities regulated by laws and regulations in the field of traffic and road transportation. Activities such as outreach and education reflect efforts to build public legal awareness, while regulation and patrols represent direct control over traffic dynamics on the ground. Furthermore, motor vehicle registration and identification contribute to orderly administration, which has important implications for oversight and law enforcement.

The Indonesian National Police (Polri) has a strategic role in efforts to prevent

traffic accidents as part of its responsibility to maintain security and order.

on the highway. These provisions are regulated in Article 226 of Law Number 22 of 2009 concerning Traffic and Road Transportation, which essentially states that traffic accident prevention is carried out through efforts involving stakeholders, community empowerment, and law enforcement.¹¹⁶ These prevention efforts are not partial, but are carried out in a planned and coordinated manner through the Traffic and Road Transportation Forum as a forum for inter-agency cooperation. This demonstrates that traffic accident prevention is implemented with an integrated and collaborative approach.

In addition to its preventive function, the Indonesian National Police (Polri) also bears responsibility for handling traffic accidents. This is emphasized in Article 227 of Law Number 22 of 2009 concerning Traffic and Road Transportation, which states: "In the event of a traffic accident, officers of the Indonesian National Police are obliged to handle the traffic accident by means of:¹¹⁷

1. go to the scene immediately;
2. help the victims;
3. take the first action at the crime scene;
4. processing the crime scene;
5. regulate the smooth flow of traffic;
6. securing evidence; and
7. conduct case investigations."

These provisions demonstrate that the handling of traffic accidents by the Indonesian National Police (Polri) encompasses a systematic series of actions, starting with a rapid response at the scene and continuing through the investigation. Each stage has its own significance, both in ensuring victim safety, maintaining traffic order, and accurately uncovering legal facts. This approach emphasizes that traffic accident management is not solely oriented toward law enforcement but also encompasses a humanitarian dimension and comprehensive control of the situation on the ground.

Technical provisions regarding procedures for handling traffic accidents are regulated in Regulation of the Chief of the Republic of Indonesia National Police Number 15 of 2013 concerning Procedures for Handling Traffic Accidents. This regulation serves as an operational guideline for investigators in carrying out their duties to handle accidents systematically and measurably.¹¹⁹ The effectiveness of traffic accident handling is largely determined by the investigator's accuracy and professionalism in managing each stage of case

handling, particularly in the initial phase at the scene of the crime.

3.2. Factors Influencing the Implementation of the Traffic Accident Criminal Investigation Process at the Barelang Police Department

The Indonesian National Police (Polri) occupies a strategic position as the first point of entry into the criminal justice system, as its investigative and investigatory functions place it directly in contact with criminal acts. Polri investigators play a key role in the initial stages of the criminal justice system, namely the preliminary examination phase, which serves as the basis for subsequent legal proceedings. Under the provisions of the Criminal Procedure Code (KUHP), once sufficient evidence has been gathered, investigators have the authority to refer a case to the prosecutor's office for prosecution.

The implementation of this role, particularly in handling traffic accidents at the Barelang Police Traffic Unit, is influenced by various factors that influence the effectiveness of investigations. Based on interviews with the Barelang Police Traffic Unit¹²⁸, some of these factors are as follows:

Legal Factors (Legislation)

Legal factors as a determinant in the investigation process can be explained through the thinking of Lawrence M. Friedman who places law as part of the legal substance, namely the entire norm that serves as the foundation for the implementation of law enforcement.¹²⁹ Quality legal substance is reflected in the formulation of clear, consistent, and systematically arranged rules, thereby providing firm direction for law enforcement officers in exercising their authority. This clarity and consistency limit the room for excessive interpretation, so that the application of the law takes place in a uniform and measured manner. The quality of legislation plays an essential role in determining the effectiveness of investigations because it is the main reference to ensure that every action has legal legitimacy and provides legal certainty for the parties.

In the research conducted, legal factors are manifested through various laws and regulations which form the basis for authority.

investigators in handling traffic accident crimes at the Barelang Police, including:

- a. The Criminal Procedure Code (KUHP), which comprehensively regulates the investigator's authority in all stages of an investigation, from the preliminary inquiry to the preparation of the Examination Report. The KUHP serves as the primary procedural guideline to ensure the legality of every investigator's actions.
- b. Law Number 1 of 2023 concerning the Criminal Code, which emphasizes the principle of fault as the basis for criminal liability, including in the form of negligence (*culpa*), thus becoming a parameter in assessing the element of fault

in traffic accident cases.

c. Law Number 2 of 2002 concerning the Republic of Indonesia National Police, which provides legitimate authority to the Indonesian National Police in carrying out investigative and investigative functions as an integral part of the criminal justice system.

d. Law Number 22 of 2009 concerning Traffic and Road Transportation, as a special provision that specifically regulates criminal acts of traffic accidents along with their classification and sanctions.

e. Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, which opens up space for resolving cases through a restorative approach by emphasizing restoration of the conditions of the parties.

f. Regulation of the Chief of the Republic of Indonesia National Police Number 15 of 2013 concerning Procedures for Handling Traffic Accidents, which serves as a technical guideline in handling cases from the crime scene processing stage to the investigation process.

Although the regulatory framework has established a relatively comprehensive legal structure, research findings indicate that legal factors also pose obstacles to investigations at the Bareleng Police Department. This is evident in the differences in the application of norms to cases with similar characteristics, particularly in determining the legal basis between provisions in the Criminal Code and the Road Traffic and Transportation Law. These differences are not solely based on significant variations in facts, but rather are influenced by differences in investigators' interpretations of the element of negligence and the construction of criminal responsibility. This situation demonstrates the dual function of legal factors: as a source of legitimacy and as a potential substantive obstacle due to a lack of interpretational integration. This indicates the need for regulatory harmonization and a common interpretative understanding to ensure investigations are consistent, accountable, and provide legal certainty. Legal factors in this study not only function as a normative basis for investigations but also play a key role as determinants that can shape or hinder the realization of legal certainty. Inconsistencies in the application of norms demonstrate that the quality of legal substance is not only determined by the completeness of regulations, but also by the uniformity of their interpretation and implementation by law enforcement officials. Within Lawrence M. Friedman's framework of legal substance, this situation indicates that the availability of adequate legal norms does not automatically guarantee their effectiveness at the empirical level.¹³⁰ This situation demands concrete steps in the form of harmonization between laws and regulations and the preparation of more operational technical guidelines to reduce disparities in legal application, so that

the objectives of law enforcement, which include certainty, justice, and benefit, can be realized proportionally.

4. Conclusion

Based on the results of the research that has been conducted, the author concludes the following: 1. Based on the research results, the process of investigating traffic accidents at the Barelang Police Headquarters has been carried out in a structured manner and in accordance with the provisions of laws and regulations, starting from handling the crime scene, collecting evidence, examining witnesses and related parties, to filing and transferring the case, by emphasizing objectivity and professionalism in revealing the element of negligence as the basis for criminal responsibility; however, a number of obstacles were still encountered such as limited witnesses, changes in the condition of the crime scene, and the complexity of evidence, accompanied by a tendency for resolution through a restorative justice approach that prioritizes peace, thus indicating that the implementation of the investigation has been carried out in accordance with legal provisions, but still requires consistency so that legal certainty and justice can be realized optimally. 2. Based on the research results, the implementation of investigations into traffic accidents at the Barelang Police Headquarters was influenced by various factors, namely legal factors, law enforcement, facilities and infrastructure, the community, as well as the parties involved, which as a whole play a significant role in the effectiveness of the investigation, where the main obstacles lie in differences in legal interpretation, limited capacity and number of investigators, minimal supporting facilities, low public awareness and participation, and a lack of openness from the parties involved, which has implications for less than optimal consistency, objectivity, and legal certainty in the investigation process. 3. Based on the research results, efforts to ensure legal certainty and justice in the investigation of traffic accidents at the Barelang Police are carried out comprehensively through strengthening legal factors, improving the quality and professionalism of investigators, optimizing facilities and infrastructure, increasing public awareness and participation, and managing the roles of perpetrators and victims proportionally, which overall aims to improve the consistency of law enforcement, the quality of evidence, and the protection of the rights of the parties, so as to be able to realize investigations that are more objective, accountable, and oriented towards legal certainty and justice.

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