

The Role of the Indonesian National Police in Implementing Restorative Justice in Cases of Traffic Accidents Resulting in Injuries (A Study in the North Sumatra Regional Police)

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ABSTRACT

Settlement of cases outside the court through Restorative Justice (RJ) or penal mediation is a new approach in law that is being explored. RJ, especially in cases of traffic accidents, is seen in court rulings that indicate compensation agreements between perpetrators and victims. RJ is also applied in Article 98 of the Criminal Procedure Code, allowing for compensation agreements and discussions on loss values between victims and perpetrators. However, the limitations of applying RJ at the police and prosecutor levels are not yet clear, while in court, RJ is used to achieve peace through penal mediation and diversion programs. With the enactment of the new Criminal Code Law, which incorporates the concept of RJ, the hope for legal conformity with Pancasila values is growing. The substance of the new Criminal Code Law emphasizes the recovery of victims as the main focus, marking a shift from criminal orientation to the integration of the interests of society, victims, and perpetrators of crime. While the police have the authority to stop investigations under certain conditions, considering the law, urgent circumstances, and human rights.

Keywords: Restorative Justice, Traffic Accident, Injured Victim.

INTRODUCTION

Traffic accidents involve one or more vehicles with material losses and casualties. The population and traffic growth in the jurisdiction of the Delitua Police Sector are increasing rapidly, requiring additional transportation infrastructure to address its impacts. Infrastructure shortages can lead to traffic problems such as congestion and accidents. Human factors, vehicles, and road conditions influence accidents. A combination of these factors can lead to incidents such as speeding and tire blowouts resulting in accidents. ([Dwi et al., 2019](#)). The legal consequences include penalties for the perpetrator as well as claims for compensation for material losses.

Reviewing Law Number 22 of 2009, its focus is on legal protection for traffic accident victims by bringing the perpetrators to trial for criminal verdicts. This policy is not always balanced for both perpetrators and victims, especially if the accident occurs due to negligence rather than intent. Criminal prosecution requires evidence of actions and malicious intent, while perpetrators also experience physical, moral, and economic losses. With developments, there are new thoughts on criminal resolution that benefits all parties. Restorative justice becomes the current discussion offering a solution. ([Wahyono, n.d.](#)). This returns criminal resolution from judicial institutions to the

community, through an approach involving victims and the community as crucial parts in determining case resolution.

Just enforcement of the law is also applied concerning traffic matters. ([Kartika, n.d.](#)). Traffic is the movement of vehicles and people on the road, according to Law Number 22 of 2009. The purpose of organizing traffic and road transportation, as stated in Article 3 of the same law, is to create safe, orderly, smooth services, with traffic ethics, and to enforce the law and provide legal certainty to the community. ([Akbar, 2023](#)).

The police have a responsibility to maintain security, order, law enforcement, protection, and service to the community, including in traffic matters. This is in accordance with Article 200 of Law Number 22 of 2009 concerning Traffic and Road Transportation, which stipulates that the Indonesian National Police is responsible for ensuring the safety and smoothness of traffic and road transportation.

The legal consequences of a traffic accident are that the perpetrator may be sentenced to criminal penalties and required to pay compensation for material losses incurred. ([Zuleha, n.d.](#)). This principle is explained by Andi Hamzah, who states that those who are at fault and cause harm to others must pay compensation.

Increasing traffic volume can significantly increase the number of accidents. Under certain conditions, increasing speed can reduce accidents, but at a certain level, an increase in speed actually increases the number of accidents. ([Dwi et al., 2019](#)). Accidents not only result in loss of life but also cause significant financial losses. It is important to take strategic steps to improve safety and legal compliance in traffic to address this issue. The Indonesian National Police plays a crucial role in addressing traffic accidents through professional approaches, such as penal mediation, to reconcile the involved parties. ([Naim et al., n.d.](#)). The legal system in Indonesia is moving towards restorative justice, where criminals must acknowledge their

wrongdoing, apologize, and compensate victims as part of justice.

Settling cases outside of court through Restorative Justice or penal mediation is a new dimension being explored both in theory and practice. Practically, penal mediation is closely related to how the justice system operates. With the surge of cases entering the courts over time, the judiciary must handle this burden without compromising principles such as simple, fast, and affordable justice, while still ensuring legal certainty, benefits, and fairness. ([ARIEFIANTO, n.d.](#)). Must all criminal cases be tried in court, or are there certain cases that can be resolved through penal mediation? In penal mediation, it is important that both parties, the suspect and the victim, genuinely desire it to achieve a greater interest, which is to maintain social harmony. ([Hariandja, 2012](#)). The resolution of traffic accident cases by the Police can be done outside of court using a Restorative Justice approach to settle quickly without a trial. ([Kartika, n.d.](#)). In the application of Restorative Justice, the legal role of the Police is crucial as it regulates all aspects related to the Police, including the rights and roles of the community in the Police functions. ([MARTHADINATA, 2023](#)).

METHODS

This research focuses on normative legal research, which treats law as a system of norms encompassing principles, norms, regulatory rules, court decisions, agreements, and doctrines. The research aims to address the possibility of applying restorative justice in traffic accident cases. Research methods include statutory, case, and conceptual approaches using secondary data from primary, secondary, and tertiary legal materials.

RESULT

Based on data from the Traffic Directorate of the North Sumatra Regional Police and the Central Bureau of Statistics of North Sumatra Province for the year 2023, it is known that the highest number of traffic accidents occurred in the North Sumatra Regional

Police area from 2018 to 2022 was in the year 2019, with a total of 6,580 accidents. Meanwhile, the highest number of accidents resulting in severe injuries and material

losses occurred in the year 2022, with a total of 2,138 cases and material losses amounting to Rp. 17,314,000,000.42.

Table 1: Number of Traffic Accidents and Losses, 2018 - 2022

Type of Accidents and Material Losses	2018	2019	2020	2021	2022	
	(1)	(2)	(3)	(4)	(5)	(6)
Number of Accidents	5.990	6.580	6.083	5.616	6.465	
Severe Injuries	1.701	1.888	2.046	1.933	2.138	
Minor Injuries	6.658	7.439	6.511	5.911	7.196	
Material Losses	13.696,83	13.749,48	13.825,12	13.675,59	17.314,42	

Source: Traffic Directorate of the North Sumatra Regional Police and Central Bureau of Statistics of North Sumatra Province, 2023

The data on the number of traffic accidents and losses in the jurisdiction of the North Sumatra Regional Police are further broken down by district/city within each police resort area. Based on the data, it is known

that the highest number of traffic accidents occurred in the jurisdiction of the Medan Metropolitan Police Resort, with a total of 1,345 traffic accident cases in 2021.

Table 2. Number of Traffic Accidents by Victim and District/City, 2021

Police Resort Jurisdiction	Number of Accidents	Severe Injuries
District		
Nias	92	12
Mandailing Natal	77	36
Tapanuli Selatan	113	61
Tapanuli Tengah	129	53
Tapanuli Utara	142	104
Toba	105	59
Labuhanbatu	488	216
Asahan	295	20
Simalungun	253	41
Dairi	104	77
Karo	174	19
Deli Serdang	354	10
Langkat	260	119
Nias Selatan	28	32
Humbahas	36	0
Pakpak Bharat	14	3
Samosir	44	24
Serdang Bedagai	282	33
Batubara	240	100
Padang Lawas	45	29
Kota		
Sibolga	9	0
Tanjungbalai	57	0
Pematangsiantar	185	28
Tebing Tinggi	184	6
Binjai	266	19
Medan	1.345	726
Padangsidimpuan	39	17
Pel Belawan	256	89
Sumatera Utara 2021	5.616	1.933
2020	6.083	2.046
2019	6.580	1.888

Source: Traffic Directorate of the North Sumatra Regional Police and Central Bureau of Statistics of North Sumatra Province, 2023

Based on the research findings of Rindu Arleston Butar-Butar ([Butar-Butar, 2020](#)) in resolving traffic criminal offenses, investigators can use discretion referring to Article 7 paragraph 1 letter j of the Criminal Procedure Code (KUHAP) and Article 18

paragraph 1 and 2 of the Police Law to settle cases quickly and effectively while considering human rights and legal certainty. In civil aspects, efforts for reconciliation between the involved families are initiated by the investigators. Although there is a

statement of reconciliation, the case still proceeds to criminal court; however, the reconciliation statement only mitigates the judge's decision, rather than dismissing the criminal case.

Restorative Justice, focuses on repairing the relationship between the offender and the victim while involving the community in conflict resolution and law enforcement. Riza Zarzani ([Zarzani & Tanjung, 2023](#)) explains that this concept aims to address the negative impacts of crime, allowing the offender to acknowledge wrongdoing and compensate the victim. The term "restorative justice" originates from "restore," indicating rehabilitation, and "justice," indicating fairness. In this context, restorative justice refers to a process aimed at restoring or repairing conditions damaged by criminal actions.

Based on the research by Budhi Suprayitno et al., ([Fadri et al., n.d.](#)), the implementation of restorative justice in traffic criminal offenses utilizes Alternative Dispute Resolution (ADR), resolving traffic accident cases through peaceful agreements. The basis for implementing ADR is the Telegram from the Chief of the Indonesian National Police Number ST/389/II/2011, which regulates minor traffic accident cases with material losses, where the parties do not feel aggrieved and agree to reconcile. Cases involving severe injuries or death are still pursued, but agreements among the parties may be considered to mitigate punishment. There is an exception for cases of death if there is a direct kinship relationship between the parties; such cases can be stopped with a Notification of Investigation Development Results (called SP2HP).

Restorative justice is applied in cases of traffic criminal offenses using the Alternative Dispute Resolution (ADR) method. ADR is utilized to resolve traffic accident cases through peaceful agreements. The basis for implementing ADR is the Telegram from the Chief of the Indonesian National Police Number ST/389/II/2011, which regulates the resolution of minor traffic accident cases with material losses

where the parties do not feel aggrieved and agree to reconcile. However, cases involving severe injuries or death are still pursued, although agreements among the parties may be considered to mitigate punishment. There is an exception for cases of death if there is a direct kinship relationship between the parties; in such cases, resolution can be stopped with a Notification of Investigation Development Results (SP2HP).

DISCUSSION

The potential application of restorative justice in Indonesia concerning traffic accident criminal offenses in connection with Article 98 of the Criminal Procedure Code (KUHAP) applied in Article 310 (1) of Law No. 22 of 2009 regarding traffic accidents can be seen in Decision No. 187/Pid.B/2010/PN.Klt. In this case, there was an agreement between the perpetrator and the victim regarding compensation for losses. Decision 274/Pid.B/2012/PN.Bwi also shows agreements for victim compensation in court, where the defendant pays compensation. The application of Article 98 KUHAP to Article 378 of the Criminal Code (about fraud) is evident in Decision 1090/Pid.B/2010/PN.Bwi. The perpetrator is sentenced to compensate for the losses and in court, acknowledges the value of the losses claimed by the victim. In Decision 2096/Pid.B/2013/PN.Mdn, there is a discussion of the value of the losses between the victim and the perpetrator, enabling dispute resolution involving the victim.

In Decision No. 53/Pid.B/2010/PN.Klt, Article 98 of the Criminal Procedure Code (Called KUHAP) and Article 359 of the Criminal Code ([Rahmawati et al., 2022](#)) were used in a traffic accident case resulting in the death of a victim. However, the judge granted probation because the defendant showed good intentions and funded the victim's funeral. Regarding compensation, the judge considered Article 99 paragraph (2) of the Criminal Procedure Code (KUHAP), which limits compensation to the actual expenses incurred due to the defendant's

fault. The Plaintiff's lawsuit was dismissed for failing to explain relevant and immaterial costs.

At the police level, the application of Restorative Justice (RJ) does not have specific limitations except for cases that are not terrorism, state security, corruption, or life-threatening crimes. In the prosecutor's office, RJ is applied to criminal offenses with a penalty threat of less than 5 years and losses exceeding Rp 2,500,000. The RJ mechanism differs in the police and prosecutor's office, focusing on case resolution through compensation and reconciliation. In court, the RJ mechanism combines various programs (such as penal mediation, juvenile diversion, and victim support in court).

The concept of Restorative Justice (RJ) within the legal framework of Indonesia still faces some ambiguity. Although its orientation leans towards resolution or reconciliation, several legal provisions provide room to support the application of RJ as an approach in handling criminal offenses. The term RJ may not always be explicitly mentioned, but various regulations provide opportunities to involve victims, offenders, and relevant parties in the case resolution process with a focus on restoration. Some regulations that encompass opportunities for RJ implementation include: 1. Probation with probationary periods, where judges can postpone imprisonment with certain conditions; 2. Consolidation of compensation claims in criminal prosecutions, allowing prosecutors to include victim compensation in their demands; 3. Restitution mechanisms in several laws provide room for offenders to provide restitution to victims; 4. Drug users' diversion and community service in law enforcement institution's internal regulations; 5. Juvenile Justice System including diversion and avoidance of imprisonment for children; 6. Supreme Court Regulations on Adjusting the Limits of Minor Criminal Offenses and Fine Amounts in the Criminal Code; 7. Guidelines for the Implementation of Restorative Justice in the Decision Letter of the Directorate General of

Judiciary; 8. Prosecutorial Discontinuance Based on Restorative Justice in the Attorney General's Regulation; 9. Application of Restorative Justice in the Police based on Circulars, Regulations of the Chief of the Indonesian National Police, and Regulations of the Indonesian National Police. Although the terminology RJ is not always used, these regulations provide a foundation for approaches involving victims, offenders, and relevant parties to achieve restoration goals in handling criminal cases.

In the restorative justice project in the Netherlands, the role of the police is highly significant. At the national level, the police are beginning to acquire knowledge about restorative justice, although many police officers are still uninformed about it. At the local level, for example in Utrecht, the police collaborate with professional mediators in handling community conflicts and criminal cases. Evaluations of this collaboration show that in many cases, the police find that legal resolution is not always effective if the involved parties live nearby and frequently encounter each other. Therefore, the police direct these cases to be resolved through mediation with professional mediators.

Police participation in the restorative justice project in the Netherlands ([Rahmawati et al., 2022](#)) indicates a significant transformation in their law enforcement approach. At the national level, efforts are made to broaden police understanding of restorative justice, although there are still police members who are not fully informed about the concept. The importance of police involvement is evident locally, such as in Utrecht, where they engage in collaboration with professional mediators in handling community conflicts and criminal cases. Evaluations of this collaboration depict that the police recognize that resolution through formal legal processes is not always effective, especially if the involved parties reside in the same neighborhood and interact frequently.

In such cases, the police choose to guide conflict resolution through mediation with professional mediators. This approach allows the involved parties to sit together in a

controlled environment, facilitating open dialogue and seeking solutions that are more emotionally and practically satisfying than formal legal processes.

The police's decision to direct these cases to mediation demonstrates an awareness of the complexity of society, where resolving conflicts through the court system may not always be the most appropriate solution, especially if interactions between the involved parties will continue in the same environment. This also reflects efforts to broaden a more responsive and adaptive approach in handling conflicts, with a focus on reconciliation and restoring relationships between the individuals or groups involved. Based on the RJ practices in Kalinga, Philippines ([Garcia, n.d.](#)) the police implement restorative justice for minor offenses such as vehicle accidents, theft, and vandalism. The police have the authority to utilize a restorative approach if both the offender and the victim agree to settle through mediation. Once an agreement is reached, the police record it and forward it to the court. If the police-led resolution fails, the case may be directed to the barangay level or directly to the court, depending on the circumstances.

The implementation of restorative justice (RJ) by the police in Kalinga, Philippines, for minor offenses such as vehicle accidents, theft, and vandalism demonstrates a different approach in handling these cases. Through this approach, the police play a crucial role in facilitating mediation between the offender and the victim if both parties agree to reach a settlement without going through the direct court process.

The process begins with mediation efforts facilitated by the police. If the offender and the victim successfully reach a mutually satisfactory agreement, the police will record the agreement. The outcome of this agreement is then forwarded to the court to be recorded and considered as part of the case resolution.

However, if the settlement efforts initiated by the police are unsuccessful, there are two courses of action that can be taken. First, the

case can be referred to the barangay level, which is the local government level in the Philippines, where mediation or other alternative dispute resolution processes can be conducted. Second, the case can be directly transferred to the court for further resolution, depending on the complexity and nature of the case.

This approach demonstrates a willingness to efficiently resolve minor cases while considering the interests of both the perpetrator and the victim. The use of restorative justice at the early stages of law enforcement like this can expedite case resolution without overly relying on more formal judicial processes, while also providing room for reconciliation between the perpetrator and the victim.

After the enactment of the Criminal Code Law in early 2023, optimism regarding the ideals of Pancasila law has grown as the substance of the Criminal Code Law has been aligned with Indonesia's legal culture. The concept of restorative justice is also included in the Criminal Code Law, aiming to improve the criminal justice system, which focuses more on victim recovery than on punishing the perpetrators. Punishment is only seen as a simple step because criminal resolution requires a complex approach that integrates the interests of the community, victims, and perpetrators of crime.

Restorative justice existed before the Criminal Code Law ([Flora, 2022](#)), as reflected in the internal policies of legal institutions such as the Circular Letter of the Chief of Police regarding Case Handling through Alternative Dispute Resolution, the Supreme Court Regulation on Adjustments for Minor Criminal Offenses in the Criminal Code Law, and other regulations. However, its main weakness lies in the potential inconsistency of restorative justice regulations among legal institutions, which could create legal uncertainty in society due to differences in approaches between one institution and another.

Article 51 of the Indonesian Penal Code (called KUHP) contains the substance of restorative justice by emphasizing the

objectives of punishment involving the enforcement of legal norms, community protection, rehabilitation of prisoners, maintaining balance and peace in society, as well as fostering remorse in offenders to prevent the recurrence of criminal acts (Flora, 2022). Article 52 asserts that punishment must respect human dignity and must not violate humanitarian principles. Consequently, the implication is that the orientation of restorative justice in the Indonesian Penal Code supports Indonesia's legal ideals involving the active role of the community and law enforcement agencies in criminal law enforcement.

Putri and Tajudin (Putri & Tajudin, 2015) explain that traffic offenses often differ from other crimes because they tend to involve negligence rather than intent. In some cases, the victims of accidents unintentionally become family members of the perpetrators, making the perpetrators victims as well. In the Indonesian Penal Code (KUHP), crimes involving family members as both perpetrators and victims are categorized as private prosecution offenses, such as adultery or theft within the family, which require a complaint from the aggrieved party for the case to be prosecuted. However, in traffic offenses, even if the perpetrator and victim are family members, these crimes are still treated as regular offenses and processed by the law.

In regular offenses, the criminal justice system can conduct investigations, prosecutions, and trials without necessarily relying on the victim, whereas in private prosecution offenses, investigations only commence upon a complaint from the victim. The restorative justice approach should be considered by judges when delivering verdicts. When delivering verdicts, judges must consider several factors, including the need to protect society from crime, deterrence of perpetrators, prevention of similar actions, and preparing ways for society to handle the crime and its perpetrators so that they can be reintegrated into society.

Judges play a crucial role that goes beyond simply imposing punishment on perpetrators. The decisions they make should align with efforts to protect society from potential crime, deter perpetrators, and prevent the recurrence of similar actions. However, it's not just that; judges must also consider rehabilitation aspects so that the perpetrators can be reintegrated into society. The decision-making process of judges is not merely about adhering to the law but also taking into account the social realities and dynamics within the community. By considering these aspects, judges strive to create decisions that are not only legally fair but also take into account the long-term interests of all parties involved.

Peace outside the courtroom, aided by restorative justice, is often utilized to alleviate punishment for defendants, especially when there is a familial relationship between the perpetrator and the victim. This is expected to serve as the basis for decisions that exempt defendants from punishment, particularly in cases of accidents involving family relationships. The judge's decision is expected to be binding on all parties, reflecting a more comprehensive sense of justice by considering social realities.

In cases of accidents where the perpetrator and the victim have a family bond, applying the concept of restorative justice is considered fairer because it provides protection, especially for the perpetrator who is also a member of the family and did not intend to harm the victim. Thus, justice is not solely based on legal rules but also takes into account the real situations within society.

The role of restorative justice in resolving legal cases, particularly in the context of familial relationships between the perpetrator and the victim in accident cases, is significant. Peace outside the courtroom, facilitated by restorative justice, is often utilized to mitigate punishment for defendants, especially when there is a familial bond between the perpetrator and the victim. This is expected to provide the foundation for decisions that exonerate the

defendant, particularly in situations where families are involved in accident cases.

Applying the concept of restorative justice is considered fairer in cases of accidents involving familial relationships between the perpetrator and the victim. This approach is seen as providing protection, especially for perpetrators who are also members of the family and did not intend to harm the victim. As cited by Yasmirah Mandasari ([Saragih & Lubis, 2022](#)), resolving a criminal case through restorative justice essentially involves a collaborative effort between the perpetrator and the victim in a forum. This indicates that justice is not only based on legal rules but also considers the social realities and dynamics within society.

Furthermore, Nopiana Mozin and Yasmirah Mandasari ([Mozin et al., 2021](#)), citing Tony F Marshall, explain that restorative justice is a process where stakeholders in a particular violation come together to jointly address how to resolve the consequences of the violation for the future's interests.

The concept of restorative justice has transformed the paradigm in conflict resolution, especially in cases like accidents involving family relationships between the perpetrator and the victim. This aligns with the opinion of Andry Syafrizal Tanjung ([Syafrizal Tanjung & Fifaldi Harahap, 2024](#)), who fundamentally asserts that restorative justice is rapidly evolving and crucial in legal reform in many countries. This concept contrasts with retributive justice, which solely punishes the perpetrator. Indonesia's criminal justice system also minimizes the role of the victim, focusing on punishing the perpetrator without considering the victim's rights.

Based on that, it can be assumed that the restorative justice approach focuses on recovery, reconciliation, and accountability, not just punishment alone. In situations where the perpetrator and the victim have a family relationship, restorative justice allows for open dialogue, deeper understanding of emotional and psychological impacts, and efforts to repair the damage that has occurred. This can help improve

relationships between them, while still acknowledging and treating seriously the consequences of the actions taken.

The importance of this approach lies in providing an opportunity for all parties to speak, understand each other's perspectives, and collectively seek solutions that are more emotionally and practically satisfying than relying solely on legal regulations. By considering social dynamics and emotional needs, restorative justice seeks to create a better environment for recovery, learning, and reconciliation, which ultimately can strengthen relationships within families and the community as a whole.

Sahti, A. ([Sahti, 2019](#)) explains that the resolution of traffic accident cases by the Indonesian National Police often involves restorative justice methods such as penal mediation, discretion, and diversion. Although restorative justice is frequently used, especially in cases involving juvenile offenders, the resolution typically occurs outside the courtroom through deliberation using discretion and diversion methods.

Discretion is regulated in Indonesian law, as stated in Article 7 paragraph (1) point 1 of Law Number 8 of 1981 concerning the Criminal Procedure Code, granting investigators the authority to take action in accordance with the law. Similarly, this is affirmed in Article 18 paragraphs (1) and (2) of Law Number 2 of 2002 concerning the Indonesian National Police, which gives authority to the National Police to act at their own discretion while considering police regulations and ethics.

Discretion is regulated in Indonesian law, with an example being Article 7 paragraph (1) point 1 of Law Number 8 of 1981 concerning the Criminal Procedure Code, which grants authority to investigators to take actions in accordance with the law. A similar provision is also explained in Article 18 paragraphs (1) and (2) of Law Number 2 of 2002 concerning the Indonesian National Police, which gives authority to the National Police to act at their own discretion while considering police regulations and ethics. This confirms that both in criminal

procedural law and in police law, there are foundations that grant certain authorities to the involved parties to act in accordance with the law and their own considerations, while still adhering to applicable regulations.

Based on those provisions, the police have the authority to terminate investigations under certain conditions, including compliance with the law, legal obligations, and rational considerations while taking into account urgent circumstances and human rights. Law Number 2 of 2002 concerning the Indonesian National Police allows the National Police to act based on their own judgment for the public interest. This discretion can be applied at various levels of the judicial process, from the police to the courts, regarding legal interpretation, the use of authority, and law enforcement decisions. The authority granted to the Indonesian National Police to act based on their own judgment for the public interest allows for discretion to be applied at various stages in the judicial process, from the police to the courts. This includes legal interpretation, the use of authority, and law enforcement decisions made by the police. Therefore, the discretion or decisions in handling a case are not solely limited to the judiciary but can also involve the police while considering the public interest.

The police have the authority to settle criminal cases outside the court, but they must meet certain requirements. Police discretion, while useful, needs clear boundaries to prevent abuse. Up to now, these boundaries have not been clearly defined, so the use of discretion such as penal mediation or ADR could violate internal police regulations. As law enforcers, the police should act based on the applicable regulations and principles of the rule of law. The role of the police in resolving criminal cases outside the court is a granted authority, however, this authority must be bound by clear provisions. While police discretion has its benefits in resolving cases, without clear boundaries, this authority is susceptible to abuse. Until now, there has been no clarity that firmly establishes the boundaries that

must be followed by the police, which could result in case resolutions such as through penal mediation or ADR violating internal regulations. As law enforcers, it is crucial for the police to operate within the framework of applicable laws, upholding the principles of the rule of law in every action taken.

However, it is important to understand that in the restorative justice approach, the process of dialogue between the perpetrator and the victim is a fundamental aspect. Yasmirah Mandasari Saragih explains that ([Saragih, 2021](#)) through direct dialogue, victims can express their feelings, state their hopes for human rights, and seek criminal resolution. The dialogue process also encourages perpetrators to improve themselves, acknowledge their mistakes, and accept responsibility and the consequences of their actions. From this dialogue process, the community can participate in forming agreements and monitor their implementation.

That based on this, the role of the Indonesian National Police in implementing the restorative justice approach in traffic accident cases resulting in injuries aims to seek a resolution involving both the perpetrator and the victim and ensure that this process is conducted fairly and in accordance with the principles of restorative justice.

CONCLUSION

Data from the Traffic Directorate of the North Sumatra Regional Police and the Central Statistics Agency of North Sumatra Province in 2023 indicate a surge in traffic accidents and losses in the North Sumatra Regional Police from 2018 to 2022. This condition highlights the potential application of restorative justice in Indonesia, especially concerning traffic accident cases. Several court decisions show the implementation of Article 98 of the Criminal Procedure Code (KUHAP) in accident cases, resulting in compensation agreements between perpetrators and victims. Restorative justice is applied without specific limitations at the police level, while at the prosecutor's office,

the focus is on crimes with penalties of less than 5 years and losses exceeding Rp 2,500,000. In court, the RJ mechanism integrates various programs, emphasizing victim recovery and the integration of the interests of the community, victims, and perpetrators. With the enactment of the Criminal Code Law (UU KUHP) in early 2023, hopes regarding the ideals of Pancasila law are growing due to its substantial adjustment to Indonesian legal culture and the inclusion of restorative justice concepts prioritizing victim recovery. The police's authority to terminate investigations is bound by specific requirements, including compliance with the law and human rights.

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