

Application of the Concept Restorative Justice in Resolution of Traffic Accident Cases

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Abstract. One of the problems in traffic is the occurrence of traffic accidents which result in human casualties and/or property loss. The development of law enforcement systems and methods in Indonesia shows a tendency to follow developments in general justice, especially the development of the principles of restorative justice by burdening criminals with the awareness that they admit mistakes, apologize, and return damages and losses to victims. as before or at least resembles the original situation, including traffic crimes. The formulation of the problem in this research is what form of traffic accident crime can be resolved through restorative justice, and what investigators consider in resolving traffic accident cases through restorative justice. The concept of restorative justice in traffic accidents, especially those that result in serious injuries and death, the legal consequences for the perpetrator are the obligation to return, replace, or restore all flops caused by the traffic accident caused by the perpetrator so that justice can be achieved for the victim. Even though the perpetrator has been responsible and has made peace with the victim, this is only used as a basis for the judge's consideration to lighten the sentence imposed on the perpetrator, the criminal indictments against him will not disappear as explained in Article 235 paragraph (1) of Law Number 22 of 2009 concerning Trafficking. Traffic and Road Transport.

Keywords: Restorative Justice, Justice, Accidents, Traffic

1 BACKGROUND OF THE PROBLEM

As vehicle ownership and technology advance, it is crucial to expand roadways and enforce balanced traffic regulations to prevent accidents and congestion. Road safety measures must keep up with the growth of the automotive industry.

The problem currently faced is the still high number of traffic accidents on the highway. This shows that even though information and counseling efforts have been made as well as operational actions such as zebra operations which were followed by compliant operations by the Police, the number of victims due to traffic accidents is still worrying, even very scary.

The reality that is often encountered every day is that there are still many drivers who are not mentally ready, especially public transport drivers. They overtook each other without caring about the safety of themselves and their passengers. Some of the traffic accidents that occur could be avoided if road users behaved in a disciplined, polite, and respectful manner. As expressed in Article 106 section (1) of Regulation Number 22 of 2009, "each individual who

drives a mechanized vehicle out and about is obliged to drive his vehicle sensibly and with full focus."

In general, the factors that cause traffic accidents include human factors, vehicles, weather or nature as well as roads or the environment. However, the main factor in causing traffic accidents is the driver himself, namely carelessness, a sense of wanting to win, including wanting to overtake without paying attention to traffic rules and his safety or the safety of others.

Many vehicle drivers are selfish, with feelings of selfishness that are uncontrolled or uncontrollable and turn emotional, resulting in a desire to catch up and overtake. So he increased his speed so that a chase or overtaking occurred, all common sense and safety considerations were no longer taken into account. This is related to road user carelessness.

"Car driver errors can often be concluded by using traffic regulations. For example, he does not give a signal to turn, drives the vehicle not in the left path, or at a crossing point doesn't give need to different vehicles coming from the left, or drives the vehicle too quick past as far as possible determined in the signs out and about being referred to.[1] Prodjudikoro's statement above is that traffic accidents occur mostly as a result of human error (legal error). The driver's mistake is not being careful and negligent in driving the vehicle.

The Government of the Republic of Indonesia has made such efforts to overcome traffic orders, proof of this seriousness is that on June 22, 2009, the Public authority passed Law of the Republic of Indonesia Number 22 of 2009 concerning Street Traffic and Transportation, in regards to Regulation Number 14 of 1992 with respect to street traffic and transportation is as of now not proper to conditions, changes in the strategic environment, and the current needs for organizing traffic and road transportation so it needs to be replaced with a new law. The Road Traffic and Transportation Law, among other things, regulates efforts to foster, prevent, and enforce laws in the field of traffic and road transportation. Related to law enforcement efforts which is one of the objectives of the enactment of the Road Traffic and Transportation Law.

According to Rahardjo; "Law enforcement is a process of realizing legal desires, namely the thoughts of the law-making body formulated in legal regulations, into reality." [2]

A similar opinion was expressed by Sunaryo, "that the effectiveness of the law is very dependent on substance factors (legislation), structural factors (law enforcement officers) and cultural factors (society), these three factors together or individually will influence effectiveness legal or not."

Concerning the substance factor, Article 310 section (4) of Regulation Number 22 of 2009 states that "each individual who drives a mechanized vehicle who because of his carelessness causes a car crash which brings about the passing of someone else, will be rebuffed with a greatest detainment of 6 (six) year or potentially a most extreme fine of IDR 12,000,000.00 (twelve million rupiah)."[3]

Judging from the criminal threat of Article 310 paragraph (4) above, it is quite high and scary, but vehicle drivers rarely check the condition of their vehicle when they want to use it, because of this we often hear that traffic accidents are caused by brakes not working, tires bursting, etc. "Traffic accidents can occur due to several interacting factors, namely the driver (human), road conditions, vehicles and the environment." [4] "Motorcycle accidents are influenced by various factors, including road conditions, vehicle conditions, human factors (riders), and the environment. In this case, human factors have the biggest contribution to motorbike accidents."

If all traffic accidents are resolved through the courts, then we can be sure that handling traffic accident cases will be very draining on the minds and energy of judges, and as a result, traffic accident cases will pile up. Settlement of cases beyond court through helpful equity or punitive intercession is another aspect contemplated from hypothetical and functional

perspectives. Analyzed from the reasonable aspect, correctional intercession will connect with accomplishments in the realm of equity. As time goes by, there is an increase in the volume of cases in all forms and variations entering the courts, so that the consequences become a burden for the courts in examining and deciding cases according to the principle of "simple, fast and low-cost justice" without having to sacrifice the achievement of judicial objectives, namely legal certainty, expediency, and justice.

The resolution of traffic accident cases that places officers with perpetrators of criminal acts currently often creates a feeling of dissatisfaction on the part of both the victim and the perpetrator of the crime. Victims feel that their interests are not being considered, while limited criminal sanctions cause perpetrators of criminal acts, especially traffic accidents, to feel that they are being treated inconsistently with the actions they have committed.

The existence of dissatisfaction with the implementation of criminal law enforcement carried out by law enforcement officials, both by perpetrators and victims of criminal acts, makes criminal mediation an alternative that can be offered, taking into account that with criminal intervention casualties and culprits of criminal demonstrations can look for and arrive at the most ideal understanding, moving toward the desires and interests of casualties and culprits of criminal demonstrations.

Based on the description above, the resolution of criminal traffic accident cases at the investigation level can be carried out by peaceful settlement outside of court (Restorative Justice). Based on the views of the Police, Public Prosecutors, Advocates, and Judges, it is recognized that settlement of cases outside of court occurs in the settlement of criminal cases. The police mostly resolve criminal acts outside of court using a discretionary approach.

In general, in cases that are resolved peacefully, the victims receive compensation. However, although the perpetrators of criminal acts are willing to provide compensation, they are generally not willing to admit their actions and apologize openly to the victims of criminal acts.

Settlement by the police is generally carried out in cases for which an Investigation Commencement Order (SPDP) has not been issued to the Public Prosecutor. The police generally facilitate settlements outside of court due to requests that are generally made by the perpetrators of criminal acts. The form of facility provided is to provide time for the perpetrator and victim to negotiate, negotiations can be carried out at the police station or elsewhere, and the result of an agreement made by the perpetrator and victim of a criminal act must be stated in a written agreement and have it completed properly so that there will no longer be demands for fulfilment of the contents of the agreement. The results of the agreement outlined in the agreement will become a basis for the police to take discretion.

2 RESEARCH METHODS

This research is included in the type of normative juridical research. Normative juridical research is a type of research that seeks to synchronize the legal provisions that apply in law enforcement with norms or other legal regulations. It also uses a conceptual approach based on the opinions of legal experts.[12] In view of this sort of regularizing juridical exploration, the examination approach in this postulation utilizes a legal methodology and a calculated methodology.

The statutory regulatory approach uses statutory regulations related to criminal law rules regarding criminal acts of traffic accidents that result in death, while the conceptual approach

uses theories and concepts used in this thesis which have relevance to the legal issues analyzed regarding the criminal responsibility of perpetrators criminal acts of traffic accidents that result in death are reviewed from the provisions of criminal law.

Normative juridical research uses secondary data sources. Secondary data in this type of normative juridical research is data sourced from legal materials, comprising of essential legitimate materials, optional lawful materials, and tertiary legitimate materials.[13]

Legal materials as secondary data used to analyze legal issues in this thesis are as follows.

- a) Primary Legal Material, is binding legal material, sourced from:
 - 1) Primary legal materials, namely the set of statutory regulations relating to "Settlement of Traffic Accident Crime Cases Through Restorative Justice". These laws and regulations include; the Lawbreaker Code; Regulation Number 8 of 1981 concerning the Criminal Method Code; Regulation Number 22 of 2009 concerning Street Traffic and Transportation; what's more, Regulation Number 11 of 2012 concerning the Adolescent Law enforcement Framework.
 - 2) Secondary legal materials, namely the results of scientific work by scholars and research results, literature by legal experts relating to criminal law in general, as well as literature relating to "Settlement of Traffic Accident Criminal Cases Through Restorative Justice".
 - 3) The tertiary legal materials studied are related to encyclopedias and various legal dictionaries that are relevant to this research.
- b) Secondary Lawful Materials, are legitimate materials that give clarifications connecting with essential legitimate materials, sourced from books, scientific journals, and opinions of legal experts relating to the legal issues researched in this thesis regarding the criminal liability of perpetrators of traffic accidents that resulted in death through the study of the judge's decision.
- c) Tertiary Lawful Materials, are legitimate materials that give extra clarifications or backing that help existing information in essential and optional legitimate materials. The tertiary lawful materials utilized are legitimate word references and web look.

3 RESULT AND DISCUSSION

3.1 Application of the Restorative Justice Concept in Traffic Accident Cases Following the Issuance of the Republic of Indonesia Police Circular Letter Number: SE/8/VII/2018

The criminal justice system is the oldest method of dealing with crime, as old as human civilization itself. Up until this point, the law enforcement framework has been more abusive without focusing on the interests of casualties and culprits. The ongoing improvement of criminal regulation shows a propensity to move the idea of equity and the worldview of discipline in the criminal regulation framework, specifically retributive equity (law enforcement) to supportive equity.

Helpful equity is a way of thinking that examines how the law enforcement framework has created by stressing the requirement for local area inclusion and the necessities of casualties who feel they have lost their freedoms because of the ongoing framework.

The idea of restorative justice developed in response to criticism of the use of prisons in the criminal justice system, which was seen as inefficient in solving social problems. The problem is not resolved because the people involved are not involved. Although criminals behind bars can create new problems for their families and others, victims are still victims. The rise of restorative justice does not mean that incarceration is no longer an option; In some situations when significant harm occurs and involves someone's life, a prison sentence is still the right choice.

Protecting crime victims, compensating victims for losses, and improving the relationship between victims and perpetrators are prioritized in restorative justice. When a crime is resolved using restorative justice, the recovery of the victim takes priority over punishment for the perpetrator because the crime is considered a crime against the victim rather than a crime against the state or society. Meanwhile, in the implementation of the criminal justice system, we continue to place a strong emphasis on the use of "restitutive justice" and "retributive justice", which concentrate on how criminals can be proven guilty and punished. This is the background for many law enforcement officers in carrying out their duties because they have to determine who is at fault and receive appropriate punishment.

The idea of restorative justice theory provides solutions to several main problems in resolving criminal cases, including: in the first place, analysis of the law enforcement framework for neglecting to give valuable open doors, particularly for casualties (a law enforcement framework that debilitates people); second, settling clashes, particularly between culprits, casualties, and society (eliminating clashes from them); furthermore, third, the way that sensations of vulnerability are capable subsequently.

Both developed and developing countries often experience traffic problems. The high number of traffic accidents every year shows that it is impossible to completely eradicate the number of accidents in this country. It cannot be denied that the number of vehicles has increased significantly compared to road capacity, especially in big cities in Indonesia.

The effectiveness of traffic enforcement and the appropriate accessibility of road infrastructure both impact the frequency of accidents. Based on this, the high number of traffic accidents will of course be directly correlated with the handling of traffic accident cases which will of course be resolved through the existing criminal process. It will determine the number of prisoners who will be placed in correctional institutions and is also closely correlated with the caseload brought to court.

As made sense of in Point 2 of the Republic of Indonesia Police Round Number: SE/8/VII/2018 concerning the Execution of Supportive Equity in Settling Criminal Cases, to be specific:

"In connection with the above reference, we hereby notify you as follows:

- a. that the course of endlessly exploring criminal demonstrations is the passage point for criminal policing the law enforcement framework in Indonesia. Thusly, the course of endlessly exploring a lawbreaker act is the fundamental key to deciding if a crook case can continue to the indictment and law enforcement cycle to acknowledge legitimate targets, specifically equity, lawful sureness, and convenience while as yet focusing on the standards of basic, quick and minimal expense equity;
- b. that the development of law enforcement systems and methods in Indonesia shows that there is a tendency to follow the development of social justice, especially the development of the principles of restorative justice which

reflects justice as a form of balance in human life, so that deviant behavior from criminals is seen as manners that eradicating balance. Thus, the case resolution model used is an effort to restore this balance, by imposing obligations on the perpetrator of the crime by consciously admitting his mistake, apologizing, and returning the victim's damage and losses to their original state or at least to their original condition, which can fulfill the victim's sense of justice;

- c. the development of the concept of law enforcement in criminal law enforcement systems in various countries that adopt the principles of restorative justice is also in line with the emergence of various problems in the process of criminal law enforcement in Indonesia such as correctional institutions that are over capacity, arrears, cases that are increasing, the number of law enforcement that is not balanced with the development of cases, costs that are unable to support the increase in cases and so on, have an impact on changes in the legal culture of society, especially the way Indonesian society views the criminal law enforcement process;
- d. to answer the improvement of the legitimate necessities of society and satisfy the feeling of equity, all things considered, the Public Police of the Republic of Indonesia as a foundation is given the power to go about as examiners and specialists as well as facilitators and bosses of criminal examinations, wants to form another idea in the criminal policing, particularly the examination cycle and examination of criminal demonstrations that can oblige the upsides of equity in the public arena while giving lawful conviction, particularly process sureness;
- e. that the use of the standards of helpful equity in the idea of examination and examination of criminal demonstrations is to understand the public premium and feeling of equity in the public eye which doesn't yet have a legitimate premise and can be utilized as an aide for its execution and to understand the non-consistency of understanding and utilization of supportive equity in the climate For the Public Police of the Republic of Indonesia, an item with lawful power is required as an aide for Polri specialists and agents who do it, including certifications of lawful security and management of control;
- f. that the guideline of supportive equity can't be deciphered as a strategy for finishing cases calmly, yet more comprehensively as satisfying a feeling of equity for all gatherings engaged with criminal cases through endeavors including casualties, culprits, and neighborhood networks as well as specialists/analysts as middle people, while case goal, one of which is as a nonaggression treaty and the denial of the casualty's on the whole correct to sue, requires an appointed authority's choice through the public examiner to renounce the power to sue the person in question and the public investigator;
- g. that various methods for resolving criminal cases that reflect the application of the principles of restorative justice and can be used as a reference in applying the principles of restorative justice to criminal cases are as follows:
 - 1) Article 76 passage (1) of the Criminal Code expresses that besides in situations where the adjudicator's choice might in any case be rehashed, an individual may not be indicted two times for a demonstration that an Indonesian adjudicator has attempted against him with a choice that becomes long-lasting;

- 2) Article 7 section (1) of Regulation Number 11 of 2012 concerning the Adolescent Law enforcement Framework at the degree of examination, arraignment, and assessment of youngsters in area courts requires redirection;
 - 3) Article 15 passage (2) of Regulation Number 42 of 1999 concerning Guardian Ensures states that the Trustee Assurance Endorsement has the equivalent executorial power as a court choice that has gotten long-lasting lawful power;
 - 4) Article 51 section (7) of Regulation Number 21 of 2001 concerning Exceptional Independence for the Territory of Papua expresses that to liberate criminal culprits from criminal allegations as per the arrangements of the material criminal regulation, an assertion of endorsement is expected to be executed from the Director of the Locale Court in the district got through the Top of the Examiner's Office. The nation concerned where the criminal occurrence happened;
- h. that the exercise of authority to investigate and/or investigate criminal acts by National Police Investigators who apply the principles of restorative justice in their investigative methods can be based on the following provisions:
- 1) Article 7 section (1) letter j of Regulation Number 8 of 1981 concerning Criminal Method Regulation, that agents, due to their commitments, have the position to do other capable activities as per regulation;
 - 2) Article 16 passage (1) letter L and Article 18 of Regulation Number 2 of 2002 concerning the State Police of the Republic of Indonesia and Article 5 section (1) number 4 of Regulation Number 8 of 1981 concerning the Criminal System Regulation that different activities as expected in Article 16 section (1) letter L is an examination and insightful activity that is performed in the event that it meets the accompanying necessities:
 - a) does not conflict with a legal rule;
 - b) is reliable with the lawful commitments that require the move to be made;
 - c) must be fitting, sensible, and remembered for the extent of the position;
 - d) reasonable contemplations in view of convincing conditions; Also,
 - e) respect common freedoms.

To execute helpful equity in settling criminal cases, the Republic of Indonesia Police Strategy gave the Republic of Indonesia Police Roundabout Letter Number: SE/8/VII/2018. To build consensus, the interests of victims and perpetrators are prioritized to foster a sense of justice and humanity. Sama emphasizes the recovery of retribution to find a resolution for illegal acts and their impacts. The enactment of the law can occur naturally and peacefully, but it can also occur as a result of violations of the law. The law violated in this case must be enforced. It is through law enforcement that this becomes a reality. However, in enforcing the law 3 (three) elements need to be considered, namely: Legal certainty (*rechtssicherheit*), expediency (*zweckmassigkeit*), and justice (*gerechtigke*).[9]

Enforcement also refers to all actions carried out by law enforcers to uphold the supremacy of law, justice, and protection of human dignity, as well as maintaining order,

peace, and legal certainty by the 1945 Constitution. Of course, crime prevention is related to law enforcement related to criminal law enforcement issues. Criminal law aims to advance criminal politics, namely "protection of society", also called "social defense".

Settlements using the concept of restorative justice are generally carried out through discretion and diversion methods outside the formal process through deliberation mechanisms.

Article 7 section (1) number 1 of Regulation Number 8 of 1981 concerning the Criminal Strategy Code which controls carefulness in the Indonesian general set of laws expresses that examiners have the power to make a further fitting legitimate move because of their obligations. The Public Police of the Republic of Indonesia can act as per its contemplations in completing its obligations and authority in circumstances where it is fundamental by thinking about legal guidelines, as additional affirmed in Article 18 sections (1) and (2) of the Law. Regulation Number 2 of 2002 concerning the Public Police of the Republic of Indonesia and the Set of rules for the Police of the Republic of Indonesia. In view of these arrangements, the police have the power to quit exploring a case. Different activities as expected in Article 5 passage (1) letter (a) number (4) of the Criminal Technique Code are joined by the prerequisite that the end of the examination or examination be done on the accompanying premise:

- 1) Does not struggle with any lawful guidelines;
- 2) In line with lawful commitments that require official moves to be initiated;
- 3) The activity should be fitting, sensible, and remembered for the workplace climate;
- 4) Based on proper contemplations in light of convincing conditions; Also,
- 5) Respect basic freedoms.

As per Regulation Number 2 of 2002 concerning the Public Police of the Republic of Indonesia, acting as per one's judgment is a move that can be made by Cops, who in doing so should consider the benefits and impediments of their decisions to guarantee that they are really to the greatest advantage of society. As a legal framework that incorporates deciphering regulations, utilizing authority, and making a move by policing, carefulness can basically be utilized at each phase of the legal cycle, from the police, and examiner's office, to the court.

Therefore, as long as you adhere to points 1 to 5 above, the Police are allowed to take any action, including resolving criminal cases outside of court. This is known as police carefulness and is likewise managed in Article 16 passage (2) jo. Article 18 section (1) of Regulation Number 2 of 2002 which directs the Public Police of the Republic of Indonesia, "Polri officials in carrying out their duties and authority can act according to their considerations in matters that are very necessary and urgent, in the public interest. "By paying attention to the police professional code of ethics, this can be done in very urgent situations.

Police discretion is very susceptible to deviation and abuse so it needs to be limited and supervised. As a result, if police or investigators from the Indonesian National Police use their discretionary authority to resolve criminal cases through restorative justice mechanisms such as penal mediation or alternative dispute resolution, at the very least they have violated the provisions, especially internal regulations. both disciplinary regulations and professional codes of ethics. The blurred lines governing discretionary authority are to blame for this. The Police of the Republic of Indonesia as regulation masters ought to constantly act in view of relevant regulations and guidelines in light of

the fact that the Police of the Republic of Indonesia in completing policing should apply the standard of legitimacy due to law and order embraced by the Indonesian State.

Something else that directs the execution of ADR is the Guideline of the Top of the Public Police of the Republic of Indonesia Number 7 of 2008 concerning Fundamental Rules for Technique and Execution of Local area Policing in Completing Police Obligations.

With the issuance of the Republic of Indonesia Police Roundabout Number: SE/8/VII/2018 concerning the Execution of Supportive Equity, the thought arose to apply the idea of helpful equity utilizing correctional intercession, diversion, and discretion as well as the ADR method in resolving traffic accident cases viewed from the perspective of the concept of justice. The idea of restorative justice can be used to resolve such cases in the criminal justice system because it gives law enforcement the authority to stop, delay, or end the criminal justice process in certain situations. Thus, not all traffic violations or crimes must result in punishment.

In resolving minor traffic accident cases by Article 63 of the National Police Chief's Regulation Number 15 of 2013 concerning Procedures for Handling Traffic Accidents, namely:

- 1) The commitment to make up for misfortunes happens through a neighborly understanding between the gatherings engaged with a car crash so the case can be settled beyond a trial;
- 2) The nonaggression treaty between the gatherings engaged with the car crash is expressed in a nonaggression treaty proclamation;
- 3) Settlement of cases beyond court as alluded to in passage (2) can be done up to a police report has not been made;
- 4) In minor car crash cases, on the off chance that the components of a criminal offense are met and there is no tranquil understanding between the gatherings engaged with the auto collision, then, at that point, the case will be settled utilizing a short system;
- 5) Settlement of cases beyond court as alluded to in section (2) should be enlisted, and an assertion of nonaggression treaty filed.

In Perkap No. 8 of 2018 concerning the Use of Helpful Equity in the Settlement of Criminal Cases, it is expressed that the rules for taking care of case goal utilizing a supportive equity approach are as per the following:

- 1) the material necessities are met, to be specific: not causing public turmoil and no local area dismissal, not affecting social clash, an assertion from all gatherings included not to protest, and surrendering the option to sue under the steady gaze of the law, the restricting standard, on the culprit: the culprit's bad behavior moderately not serious, to be specific a mix-up (schuld) or mensrea as conscious activity (dolus or opzet) particularly conscious goal or reason (opzet als oogmerk) and the culprit isn't a recidivist, in that frame of mind during the time spent examinations and examinations before the SPDP is shipped off the public examiner; And
- 2) formal requirements, including a letter of request for peace from both parties (reporter and complainant), a deed of dading (statement of peace), and resolution of disputes between the parties involved in the case (reporter and/or the family of the reported party), the reported party and/or the family of the reported person, and representatives of community figures known to the

investigator), as well as minutes of further investigation of the parties to the case after the case has been resolved through mediation, are fulfilled.

In the Public Police Boss' SE No. 8 of 2018 over, the proper necessities plainly express that a crook act can be settled through helpful equity on the off chance that it doesn't bring about human setbacks, this is by Article 236 passage (2) of Regulation No. 22 of 2009 concerning Traffic and Street Transport that minor car crashes can be settled through helpful equity. The substance of this article is that the commitment to make up for misfortunes as planned in section (1) in car crashes as expected in Article 229 passage (2) can be completed beyond court assuming there is a serene understanding between the gatherings in question. Conceptually, restorative justice must be there are strict restrictions to prevent deviations from the concept of restorative justice which have the potential to give rise to abuse of power (deviation of power) because restorative justice and abuse of power by the police have something in common, namely that they both carry out police duties outside the law, which is the difference between the two namely the motive or goal.[16] Restorative justice is aimed at the public interest or community interests, while abuse of power by the police is oriented towards the personal interests of the police officers themselves.

4 CLOSING

Based on the explanation in the discussion above, the form of criminal traffic accidents can be resolved through restorative justice according to Article 236 (2) of Law No. 22 of 2009, namely only minor traffic accidents, according to Article 63 of National Police Chief Regulation No. 15 of 2009. 2013, namely minor traffic accidents, and based on SE Chief of Police No. 8 of 2018, namely criminal acts that did not result in human casualties. In general, Unitlaka investigators' considerations in resolving traffic and road transport accidents outside of court carried out by Unitlaka only refer to the customs carried out at Unitlaka and the basis for out-of-court settlement is a letter of peace agreement by both parties involved in the traffic accident. When the idea of restorative justice is applied to traffic accidents, especially those that result in serious injuries and fatalities, the perpetrator has a legal obligation to return, replace, or rejuvenate all flops caused by the incident so that the victim can obtain justice. Even though the perpetrator has been responsible and has made peace with the victim, this is only used as a basis for the judge's consideration to lighten the sentence imposed on the perpetrator, the criminal charges against him will not disappear as explained in Article 235 paragraph (1) of Law Number 22 of 2009 concerning Trafficking. Traffic and Road Transport. Therefore, the police continue to carry out investigations by criminal procedural law by statutory regulations, this is as regulated in Article 235 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation. Thus, in traffic accident cases, the police will still carry out investigations even though there is an agreement that the victim's family will not prosecute criminally.

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