

Abstrak

Penelitian ini bertujuan;(1) Untuk mengetahui, menganalisis dan mengkaji upaya kepolisian dalam menerapkan keadilan restoratif pada penyelesaian perkara kecelakaan lalu lintas dalam perspektif peraturan perundangan-undangan di Indonesia. (2) Untuk mengetahui, menganalisis dan mengkaji prinsip *restorative justice* pada perkara kecelakaan lalu lintas dalam perspektif keadilan di Indonesia .(3) Untuk menemukan kebijakan formulasi hukum pidana yang ideal terhadap prinsip *restorative justice* terkait kecelakaan lalu lintas dalam perspektif keadilan di Indonesia. Penelitian ini menggunakan metode normatif dengan dengan langkah-langkah deskripsi, sistematisasi, dan eksplanasi terhadap isi hukum positif secara mendalam dengan pendekatan Perundang-undang, pendekatan Konseptual, dan pendekatan kasus. Hasil penelitian ini menunjukkan bahwa; Pada tingkat penuntutan di Kejaksaan juga terdapat Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 Tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif. Selain hal tersebut terdapat juga Surat Keputusan Direktur Jendral Badan Peradilan Umum No.1691/DJU/SK/PS.00/12/2020 tentang Pedoman Penerapan *Restorative justice* Di Lingkungan Peradilan Umum.Juga ada Nota Kesepakatan Bersama Ketua MA, Menkumham, Jaksa Agung, Kapolri Nomor 131/KMA/SKB/X/2012, Nomor M.HH-07.HM.03.02 Tahun 2012, Nomor KEP-06/E/EJP/10/2012, Nomor B/39/X/2012 tanggal 17 Oktober 2012 tentang Pelaksanaan Penerapan Penyesuaian Batasan Tindak Pidana Ringan dan Jumlah Denda, Acara Pemeriksaan Cepat Serta Penerapan Keadilan Restoratif, Peraturan Mahkamah Agung Republik Indonesia Nomor 1 tahun 2024 Tentang pedoman mengadili perkara pidana berdasarkan keadilan restorative dan Peraturan Polri Nomor 8 Tahun 2021 Tentang Penanganan Tindak Pidana berdasarkan Keadilan Restoratif,KUHP tidak secara khusus mengatur tentang tindak pidana lalu lintas akan tetapi tindak pidana lalu lintas di atur dalam Undang–Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan. Dalam Undang–Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan jalan, hal-hal mengenai tindak pidana lalu lintas terdapat sebanyak 44 Pasal, yang diatur dalam Bab XX. Ketentuan pidana mulai dari Pasal 273 hingga Pasal 317 UULAJ.; Polisi berwenang untuk melakukan tindakan apa saja, termasuk penyelesaian perkara pidana di luar pengadilan, sepanjang memenuhi ketentuan; Formulasi Peranan Kepolisian Dalam Penerapan *Restorative Justice* Terhadap Kecelakaan Lalu Lintas Berbasis Nilai Keadilan Bermartabat dilakukan dengan merekonstruksi Pasal 230 Undang-Undang Nomor 22 Tahun 2009 Tentang LLAJ dan adanya undang-undang yang mengatur *Restorative justice* dalam perkara penyelesaian perkara lalu lintas yang lebih komprehensif dan terpadu bagi setiap aparat penegak hukum, melalui pengaturan dalam Undang-undang.

Kata Kunci : Prinsip, *Restorative Justice*,Kecelakaan,Lalu lintas

The Principle of Restorative Justice Against Traffic Accident Crimes in the Perspective of Justice in Indonesia

Abstract

This research aims; (1) To know, analyze and review the efforts of the police in applying restorative justice to the resolution of traffic accident cases in the perspective of laws and regulations in Indonesia. (2) To know, analyze and study the principles of restorative justice can be applied to traffic accident cases in the perspective of justice in Indonesia. (3) To find an ideal criminal law formulation policy towards the principle of restorative justice related to traffic accidents in the perspective of justice in Indonesia. This research uses normative methods with steps of description, systematization, and explanation of positive legal content in depth with a statutory approach, a conceptual approach, and a case approach. The results of this study show that; At the prosecution level at the Prosecutor's Office, there is also the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice In addition to this, there is also a Decree of the Director General of the General Court Agency No.1691/DJU/SK/PS.00/12/2020 concerning Guidelines for the Implementation of Restorative Justice in the General Court Environment. There is also a Memorandum of Understanding with the Chairman of the Supreme Court, the Minister of Law and Human Rights, the Attorney General, Chief of National Police Number 131/KMA/SKB/X/2012, Number M.HH-07. HM.03.02 of 2012, Number KEP- 06/E/EJP/10/2012, Number B/39/X/2012 dated October 17, 2012 concerning the Implementation of the Application of Adjustment of the Limits of Minor Crimes and the Number of Fines, Quick Examination Events and the Application of Restorative Justice. National Police Regulation Number 8 of 2021 concerning Handling Criminal Acts based on Restorative Justice. The Criminal Code does not specifically regulate traffic crimes, but traffic crimes are regulated in Law Number 22 of 2009 concerning Traffic and Road Transportation. Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2024 concerning guidelines for trying criminal cases based on restorative justice. In Law Number 22 of 2009 concerning Road Traffic and Transportation, there are 44 articles regarding traffic crimes, which are regulated in Chapter XX. Penal provisions ranging from Article 273 to Article 317 of the UULAJ.; The police are authorized to take any action, including the settlement of criminal cases outside the court, as long as they meet the conditions; The formation of the role of the police in the application of restorative justice to traffic accidents based on the value of dignified justice is carried out by reconstructing Article 230 of Law Number 22 of 2009 concerning LLAJ and a law that regulates Restorative justice in traffic case resolution cases from the stages of investigation, prosecution, to the court stage.

Keywords : Principle, Restorative Justice, Accident, Traffic