

The Role of the Police in Solving Traffic Accidents Through a Restorative Justice Approach

Riyandi Azhari, Mhd. Azhali Siregar

Abstract

Traffic accidents are one of the criminal acts that often occur in Indonesia and cause both material and immaterial losses to the parties involved. In law enforcement practice, the resolution of traffic accident cases is not only oriented towards criminalization, but also prioritizes the restoration of relationships between perpetrators, victims, and the community through a restorative justice approach. The police as the front line in the criminal justice system have a strategic role in facilitating fair case resolution, providing protection for victims' rights, and creating legal certainty without ignoring human values. This study aims to analyze the role of the police in resolving traffic accident crimes through a restorative justice approach, identify factors that support and hinder its implementation, and formulate efforts to optimize the application of this approach. The research uses an empirical legal research method with a juridical-sociological approach. Data was obtained through literature studies and field research in the form of interviews with police officers and parties related to the handling of traffic accident cases. The data obtained was analyzed qualitatively. The results of the study show that the police play a role as law enforcers, mediators, facilitators, and supervisors in the process of resolving traffic accident cases through restorative justice. This approach is able to provide a more effective, fast, and just settlement by prioritizing deliberation, peace, recovery of victims' losses, and the restoration of social relations between the parties. However, its implementation still faces various obstacles, including the lack of uniform understanding of the apparatus regarding the concept of restorative justice, limited technical regulations, and low public legal awareness. Therefore, it is necessary to strengthen regulations, increase the capacity of police officers, and socialize to the public so that the application of restorative justice in resolving traffic accident crimes can be carried out optimally, providing legal certainty, justice, and benefits for all parties.

Keywords: Police, Traffic Accidents, Restorative Justice, Law Enforcement, Case Resolution.

Riyandi Azhari¹

¹Magister of Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: riyandiazhari12@gmail.com¹

Mhd. Azhali Siregar²

²Magister of Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: azhalisiregar@dosen.pancabudi.ac.id²

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Introduction

Traffic accidents remain one of the most significant public safety problems in Indonesia, causing loss of life, physical injury, psychological trauma, and substantial material damage. Along with the rapid increase in the number of motor vehicles and the growing mobility of society, the frequency of traffic accidents has continued to rise, creating complex legal and social consequences. In addition to their impact on victims and perpetrators, traffic accidents also impose economic burdens on families and the state. Consequently, effective law enforcement in traffic accident cases has become an essential element in maintaining legal order while ensuring justice for all parties involved.

Conventionally, the settlement of traffic accident cases has relied primarily on the criminal justice system, emphasizing investigation, prosecution, and punishment. While this retributive approach aims to uphold legal certainty and deterrence, it often overlooks the interests of victims, fails to restore social relationships, and may not adequately address the actual needs of the parties. In many cases involving negligence rather than intentional criminal conduct, imprisonment alone does not necessarily provide meaningful justice or facilitate reconciliation between victims and offenders.

The development of modern criminal law has introduced restorative justice as an alternative paradigm that emphasizes restoration rather than retaliation. Restorative justice seeks to repair the harm caused by criminal acts through dialogue, mediation, compensation, accountability, and voluntary agreement between victims, offenders, and the community. This approach recognizes that justice is not merely achieved through punishment but also through restoring social harmony, repairing losses suffered by victims, and encouraging offenders to take responsibility for their actions.

In Indonesia, the implementation of restorative justice has gained increasing legal recognition through various regulations and institutional policies. Within the Indonesian National Police, restorative justice has become one of the strategic approaches in resolving certain criminal cases, particularly those involving negligence and limited social harm. In traffic accident cases, police officers are expected not only to function as law enforcers but also as mediators and facilitators capable of balancing legal certainty, justice, and social benefit. This expanded role reflects the transformation of policing from a purely coercive institution toward a more community-oriented and problem-solving institution.

Despite the growing acceptance of restorative justice, its implementation in traffic accident cases remains inconsistent. Differences in the interpretation of legal provisions, varying levels of understanding among police officers, limited technical guidelines, and the reluctance of victims or offenders to participate in mediation often hinder its effective application. Moreover, concerns regarding legal certainty and accountability continue to generate debate regarding the appropriate scope of restorative justice in criminal cases involving traffic accidents.

These challenges indicate that the role of the police extends beyond enforcing statutory provisions; it also includes facilitating communication, ensuring procedural fairness, protecting victims' rights, and promoting mutually acceptable settlements without compromising the rule of law. Therefore, evaluating how the police implement restorative justice in resolving traffic accident cases is essential for improving criminal justice policies and strengthening public confidence in law enforcement institutions.

Based on these considerations, this study aims to analyze the role of the Indonesian National Police in resolving criminal traffic accident cases through a restorative justice approach, identify the factors supporting and hindering its implementation, and formulate recommendations for optimizing restorative justice within the framework of Indonesian criminal law. The findings are expected to contribute both theoretically to the development of restorative justice scholarship and practically to improving police performance in achieving justice, legal certainty, and social welfare.

Literature Review

1. Police Authority in the Criminal Justice System

The police constitute the front line of the criminal justice system and play a fundamental role in maintaining public order, enforcing the law, protecting citizens, and providing public services. In modern criminal justice systems, police functions extend beyond the investigation of criminal offenses to include crime prevention, conflict resolution, and community engagement. The evolution from a traditional law enforcement model toward community-oriented policing has encouraged police institutions to adopt approaches that prioritize problem-solving and social harmony alongside legal enforcement.

In Indonesia, police authority in handling criminal cases is exercised within the framework of criminal procedural law and sectoral legislation governing traffic and road transportation. In traffic accident cases, police officers are responsible for securing accident scenes, collecting evidence, determining criminal liability, protecting victims' rights, and facilitating legal processes. Increasingly, these responsibilities also include exploring non-litigation mechanisms that are consistent with statutory regulations and the principles of justice.

2. Concept of Restorative Justice

Restorative justice represents a paradigm shift from retributive justice toward a system that emphasizes repairing the harm caused by criminal conduct. Rather than focusing exclusively on punishment, restorative justice encourages dialogue between victims, offenders, and the community to achieve mutually acceptable solutions that restore social relationships and compensate for losses.

Scholars generally identify several essential principles of restorative justice, including voluntary participation, offender accountability, victim involvement, restoration of losses, community participation, and consensus-based decision-making. The primary objective is not merely to impose sanctions but to restore the balance disrupted by criminal behavior while preventing future conflicts.

Restorative justice has been widely implemented in various jurisdictions, particularly in cases involving juvenile offenders, minor crimes, negligence, and disputes where reconciliation remains possible. The approach has demonstrated its potential to improve victim satisfaction, reduce recidivism, decrease court workloads, and strengthen public trust in criminal justice institutions.

3. Restorative Justice in Traffic Accident Cases

Traffic accidents differ from many other criminal offenses because they frequently result from negligence rather than intentional criminal conduct. Although criminal liability remains applicable, many traffic accident cases involve circumstances in which both victims and offenders prefer reconciliation, compensation, and restoration over lengthy criminal proceedings.

The restorative justice approach is particularly relevant where offenders acknowledge responsibility, victims voluntarily participate in mediation, and the public interest is not adversely affected. Through mediation facilitated by law enforcement authorities, parties may negotiate compensation, express remorse, rebuild social relationships, and reach agreements that satisfy both legal and humanitarian considerations.

Nevertheless, restorative justice cannot be applied indiscriminately. Serious traffic accidents involving intentional conduct, gross negligence, repeat offenders, or significant public interest generally continue to require formal criminal prosecution to uphold deterrence and legal certainty.

4. The Police as Facilitators of Restorative Justice

Contemporary policing recognizes that police officers serve not only as investigators but also as facilitators of dispute resolution. Within the restorative justice framework, police officers assume multiple functions, including mediator, facilitator, protector of victims' rights, legal advisor, and supervisor of settlement agreements.

Effective implementation of restorative justice requires police officers to maintain impartiality, ensure voluntary participation, prevent coercion, verify the legality of settlement agreements, and safeguard the interests of vulnerable parties. Police discretion therefore becomes an important instrument in determining whether restorative mechanisms may appropriately be applied while remaining consistent with legal standards and public interests.

The success of restorative justice is strongly influenced by institutional capacity, officer competence, public legal awareness, inter-agency coordination, and the availability of clear procedural guidelines. Consequently, police professionalism plays a decisive role in ensuring that restorative justice contributes to legal certainty, fairness, and public confidence.

5. Previous Studies and Research Gap

Previous studies have generally concluded that restorative justice provides significant benefits in resolving criminal cases by reducing litigation, promoting victim participation, and encouraging offender accountability. Research has also demonstrated that mediation-based settlements frequently produce higher levels of satisfaction among victims compared with purely punitive approaches.

However, existing scholarship has primarily concentrated on restorative justice in juvenile justice, domestic violence, minor offenses, and narcotics cases. Comparatively limited attention has been devoted to examining the specific role of the police in implementing restorative justice within traffic accident cases, particularly regarding institutional authority, procedural implementation, practical challenges, and policy effectiveness.

Furthermore, previous research has often analyzed restorative justice from normative legal perspectives without sufficiently exploring the practical experiences of police officers responsible for handling traffic accident investigations. This limitation creates a research gap concerning how restorative justice is operationalized in practice and how police discretion influences the effectiveness of case resolution.

Accordingly, this study seeks to address this gap by providing an empirical and legal analysis of the police's role in resolving traffic accident crimes through restorative justice, focusing on implementation mechanisms, supporting and inhibiting factors, and recommendations for strengthening restorative justice within Indonesia's criminal justice system.

Research Methodology

This study employs an empirical legal research design using a socio-legal approach. The socio-legal approach is adopted because the research examines not only the normative legal framework governing traffic accident cases and restorative justice but also how these legal norms are implemented in practice by the police. This approach enables the researcher to analyze the interaction between legal rules, institutional practices, and the social realities encountered in resolving criminal traffic accident cases.

The research was conducted at the Traffic Police Unit responsible for handling traffic accident investigations. The selection of the research site was based on its active implementation of restorative justice in resolving eligible traffic accident cases. The study focuses on police officers directly involved in traffic accident investigations and restorative justice processes, as well as other relevant stakeholders involved in case resolution.

The sources of data consist of primary data and secondary data. Primary data were obtained through semi-structured interviews with police investigators, traffic police officers, legal practitioners, and, where relevant, victims or offenders who had participated in restorative justice proceedings. Secondary data were collected through library research, including legislation, court decisions, police regulations, legal textbooks, scientific journal articles,

official reports, and other academic publications relating to criminal law, traffic law, policing, and restorative justice.

Data collection was conducted using three complementary techniques. First, document analysis was employed to examine statutory regulations, police policies, official reports, and relevant legal documents governing restorative justice and traffic accident investigations. Second, semi-structured interviews were carried out to obtain in-depth information regarding police practices, institutional challenges, and the effectiveness of restorative justice implementation. Third, literature review was undertaken to establish the theoretical and conceptual framework supporting the analysis.

The collected data were analyzed using qualitative descriptive analysis. The analytical process involved data reduction, data categorization, interpretation, and conclusion drawing. Legal norms were analyzed systematically and compared with empirical findings obtained during field research to evaluate the consistency between legal provisions and their implementation. The analysis also identified supporting factors, obstacles, and institutional practices influencing the effectiveness of restorative justice in traffic accident cases.

To ensure the credibility and validity of the findings, the research applied data triangulation, including triangulation of data sources, interview results, documentary evidence, and relevant legal literature. The triangulation process enhanced the reliability of the analysis by comparing information obtained from multiple sources and verifying the consistency of empirical findings with applicable legal provisions.

Through this methodological framework, the study provides a comprehensive understanding of the police's role in implementing restorative justice in traffic accident cases and offers evidence-based recommendations for strengthening law enforcement practices that promote legal certainty, justice, and social welfare.

Results

1. The Role of the Police in the Implementation of Restorative Justice

The findings indicate that the police perform multiple functions in resolving criminal traffic accident cases through a restorative justice approach. Beyond their conventional role as law enforcement officers responsible for investigating criminal offenses, police officers also act as facilitators, mediators, and supervisors during the settlement process. Investigators initiate communication between victims and offenders, explain the legal consequences of available settlement options, ensure that both parties participate voluntarily, and facilitate negotiations aimed at reaching a mutually acceptable agreement.

The implementation of restorative justice generally begins after the preliminary investigation confirms that the accident resulted from negligence rather than intentional criminal conduct. Police investigators assess the eligibility of the case by considering several factors, including the degree of fault, the willingness of the offender to accept responsibility, the consent of the victim or the victim's family, and the broader public interest. Where these conditions are satisfied, mediation is conducted to encourage reconciliation and compensation while maintaining compliance with applicable legal procedures.

The study also found that police officers continue to monitor the implementation of settlement agreements to ensure that offenders fulfill their commitments, including compensation for damages, medical expenses, or other obligations agreed upon during mediation. This supervisory role contributes to increasing public confidence in the fairness and effectiveness of restorative justice.

2. Mechanism for Resolving Traffic Accident Cases through Restorative Justice

The empirical findings reveal that the implementation of restorative justice follows several procedural stages. Initially, police investigators conduct the standard investigative process by securing the accident scene, collecting evidence, interviewing witnesses, and determining the legal circumstances of the accident. After sufficient preliminary findings are

obtained, investigators evaluate whether the case fulfills the legal and practical requirements for restorative settlement.

Where restorative justice is considered appropriate, mediation sessions are organized involving the offender, the victim or the victim's family, legal representatives when necessary, and police facilitators. During these meetings, both parties are encouraged to communicate openly regarding the consequences of the accident, acknowledge responsibility, discuss compensation, and formulate a mutually acceptable settlement agreement.

Following successful mediation, the agreement is documented formally and incorporated into the administrative records maintained by the investigating authority. Although restorative justice does not eliminate the obligation to comply with applicable legal provisions, the settlement agreement becomes an important consideration in determining the continuation of criminal proceedings in accordance with prevailing legal policies.

3. Supporting Factors for the Implementation of Restorative Justice

Several factors contribute to the successful implementation of restorative justice in traffic accident cases. The first is the willingness of both victims and offenders to resolve disputes through dialogue and mutual agreement. Cases involving negligent conduct rather than intentional violence are generally more conducive to mediation because the parties often prioritize compensation and reconciliation over punitive sanctions.

Institutional support within the police organization also plays an essential role. Clear internal policies, leadership commitment, adequate investigator training, and cooperation among investigators facilitate consistent implementation of restorative justice principles. Furthermore, community acceptance of mediation as a legitimate dispute resolution mechanism enhances the effectiveness of restorative practices.

The study further demonstrates that effective communication between investigators and the parties significantly increases the likelihood of successful settlements. Police officers possessing mediation skills and experience are better able to create an atmosphere of trust, encourage constructive dialogue, and reduce emotional conflict between victims and offenders.

4. Obstacles to the Implementation of Restorative Justice

Despite its positive contributions, the implementation of restorative justice continues to encounter several challenges. One major obstacle is the absence of uniform understanding among police personnel regarding the legal scope and procedural application of restorative justice. Differences in interpretation frequently result in inconsistent practices between investigators and jurisdictions.

Another challenge concerns cases involving severe injuries or fatalities, where victims' families may demand formal criminal prosecution rather than mediation. Public perception that criminal punishment is the only form of justice may reduce willingness to participate in restorative processes.

Administrative limitations also affect implementation. In some cases, investigators experience difficulties related to documentation, procedural requirements, workload, and limited institutional resources. These conditions may delay mediation or discourage investigators from utilizing restorative justice despite its potential benefits.

5. Implications for Criminal Justice

The findings demonstrate that restorative justice provides several practical benefits in handling traffic accident cases. Mediation enables faster dispute resolution, reduces procedural costs, promotes victim participation, and encourages offenders to accept direct responsibility for the harm they have caused. As a result, settlement outcomes tend to produce greater satisfaction for both parties compared with adversarial criminal proceedings.

At the institutional level, restorative justice contributes to reducing investigative and judicial workloads while strengthening community trust in the police. Nevertheless, its

effectiveness depends on the existence of clear legal standards, professional investigator competence, transparent procedures, and adequate institutional supervision.

Overall, the results indicate that the police have become central actors in integrating restorative justice into traffic accident case resolution. Their effectiveness extends beyond law enforcement functions to include conflict resolution, community engagement, victim protection, and the promotion of balanced justice that accommodates legal certainty, fairness, and social welfare.

Conclusion

This study concludes that the police play a strategic and multidimensional role in resolving criminal traffic accident cases through a restorative justice approach. Beyond their conventional responsibility as law enforcement officers, police officers function as mediators, facilitators, and supervisors who promote dialogue, encourage offender accountability, protect victims' rights, and facilitate mutually agreed settlements. The findings demonstrate that restorative justice is particularly effective in traffic accident cases arising from negligence, as it enables the parties to achieve reconciliation, compensation, and restoration without disregarding the principles of legal certainty and justice.

The study further reveals that the successful implementation of restorative justice is influenced by several supporting factors, including the willingness of victims and offenders to participate voluntarily, institutional commitment within the police organization, the competence of investigators in mediation, and community acceptance of non-litigation dispute resolution. However, its implementation continues to face challenges, such as inconsistent interpretation of restorative justice principles among law enforcement officers, limited technical guidelines, administrative constraints, and differing public perceptions regarding the appropriateness of restorative settlements in criminal cases.

These findings indicate that restorative justice should not be viewed as an alternative that weakens criminal law enforcement, but rather as a complementary mechanism capable of achieving substantive justice by balancing the interests of victims, offenders, society, and the state. The police therefore occupy a central position in ensuring that restorative justice is implemented transparently, fairly, and consistently while remaining within the framework of applicable criminal law.

The implications of this research suggest the need to strengthen institutional policies governing restorative justice in traffic accident cases through clearer operational guidelines, continuous professional training for police investigators, and enhanced coordination among criminal justice institutions. Public legal education should also be intensified to improve community understanding of restorative justice as a legitimate and effective dispute resolution mechanism. Future research may expand this study by conducting comparative analyses across different jurisdictions, examining the long-term effectiveness of restorative justice in reducing recidivism and improving victim satisfaction, or evaluating its implementation under Indonesia's evolving criminal law framework. Such studies are expected to contribute to the further development of restorative justice policies that promote legal certainty, fairness, and social welfare within the Indonesian criminal justice system.

References

- [1] H. Zehr, *The Little Book of Restorative Justice*. New York, NY, USA: Good Books, 2015.
- [2] J. Braithwaite, *Restorative Justice and Responsive Regulation*. Oxford, U.K.: Oxford University Press, 2002.
- [3] T. F. Marshall, *Restorative Justice: An Overview*. London, U.K.: Home Office Research Development and Statistics Directorate, 1999.
- [4] D. W. Van Ness and K. H. Strong, *Restoring Justice: An Introduction to Restorative Justice*, 5th ed. New York, NY, USA: Routledge, 2015.

- [5] M. S. Umbreit, B. Vos, R. B. Coates, and E. Lightfoot, "Restorative justice in the twenty-first century: A social movement full of opportunities and pitfalls," *Marquette Law Review*, vol. 89, no. 2, pp. 251–304, 2005.
- [6] K. Daly, "What is restorative justice? Fresh answers to a vexed question," *Victims and Offenders*, vol. 11, no. 1, pp. 9–29, 2016.
- [7] G. Johnstone and D. W. Van Ness, Eds., *Handbook of Restorative Justice*. New York, NY, USA: Routledge, 2013.
- [8] United Nations Office on Drugs and Crime (UNODC), *Handbook on Restorative Justice Programmes*, 2nd ed. Vienna, Austria: United Nations, 2020.
- [9] Government of the Republic of Indonesia, Law Number 22 of 2009 concerning Road Traffic and Transportation. Jakarta, Indonesia, 2009.
- [10] Government of the Republic of Indonesia, Law Number 2 of 2002 concerning the Indonesian National Police. Jakarta, Indonesia, 2002.
- [11] Government of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code. Jakarta, Indonesia, 2023.
- [12] Government of the Republic of Indonesia, Law Number 20 of 2025 concerning the Criminal Procedure Code. Jakarta, Indonesia, 2025.
- [13] Indonesian National Police, Regulation of the Chief of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice. Jakarta, Indonesia, 2021.
- [14] A. von Hirsch, J. Roberts, A. Bottoms, K. Roach, and M. Schiff, Eds., *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* Oxford, U.K.: Hart Publishing, 2003.
- [15] L. Sherman and H. Strang, *Restorative Justice: The Evidence*. London, U.K.: Smith Institute, 2007.
- [16] G. Bazemore and M. Schiff, *Juvenile Justice Reform and Restorative Justice: Building Theory and Policy from Practice*. New York, NY, USA: Routledge, 2015.
- [17] S. A. Moore, "Police discretion and restorative justice in criminal justice systems," *Policing: An International Journal*, vol. 43, no. 5, pp. 695–709, 2020.
- [18] A. Crawford, "Restorative policing and community justice: International developments and challenges," *Criminology & Criminal Justice*, vol. 22, no. 3, pp. 345–362, 2022.
- [19] M. Findlay, *Introducing the Australian Criminal Justice System*, 6th ed. Oxford, U.K.: Oxford University Press, 2017.
- [20] B. Galaway and J. Hudson, Eds., *Restorative Justice: International Perspectives*. Monsey, NY, USA: Criminal Justice Press, 1996.