

Criminal Liability of Perpetrators of Traffic Accidents Resulting in Fatalities Within the Indonesian Criminal Justice System (A Study at Polrestabes Medan)

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Abstract

Traffic accidents resulting in fatalities remain one of the most serious legal and social issues in Indonesia. The increasing number of motor vehicle users, weak public legal awareness, and inconsistent law enforcement have contributed to the high mortality rate caused by road traffic accidents. This study aims to analyze criminal liability for perpetrators of traffic accidents causing death within the Indonesian criminal justice system and to examine the implementation of law enforcement by the Medan City Police Department (Polrestabes Medan). This research employs normative juridical methods supported by conceptual, statutory, and case approaches. Legal materials were obtained from legislation, court decisions, scientific journals, books, and relevant legal doctrines. The findings indicate that criminal liability for fatal traffic accidents is not solely based on the existence of negligence, but also influenced by evidentiary mechanisms, investigative discretion, restorative justice practices, and the legal culture of society. In practice, law enforcement at Polrestabes Medan still encounters several obstacles, including limited evidence, the tendency toward informal settlements, and difficulties in proving criminal negligence. The study further reveals that the implementation of restorative justice in traffic accident cases requires clearer limitations to ensure legal certainty and justice for victims' families. Therefore, strengthening legal substance, improving law enforcement professionalism, and enhancing public legal awareness are essential to establish a more accountable and humane criminal justice system in traffic accident cases.

Keywords: *Criminal Liability, Traffic Accident, Negligence, Criminal Justice System, Polrestabes Medan.*

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Introduction

Traffic accidents continue to constitute one of the most complex legal and social issues in Indonesia. This phenomenon is not merely associated with the increasing number of motor vehicles, but is also closely related to the low level of public legal awareness, weak traffic discipline culture, and the suboptimal enforcement of traffic regulations against violations that potentially result in fatalities. Within the framework of a state governed by law, traffic accidents causing loss of life cannot simply be regarded as ordinary acts of negligence; rather, they represent conduct carrying criminal consequences that must be accounted for through the criminal justice system [1].

Normatively, criminal liability for perpetrators of traffic accidents is regulated under Law Number 22 of 2009 concerning Road Traffic and Transportation. The law provides a legal basis stipulating that any person whose negligence causes the death of another individual may be subject to imprisonment and criminal fines [2]. Nevertheless, the implementation of these legal norms in practice continues to face numerous challenges, particularly concerning the proof of negligence, the exercise of police discretion, and the tendency to resolve cases through familial settlements that often obscure the aspect of criminal accountability.

Over the last several years, the number of traffic accidents in North Sumatra has shown a relatively high trend. Data from the Traffic Directorate of the North Sumatra Regional Police indicate that between 2021 and 2025, thousands of traffic accident cases resulted in fatalities. In 2021, approximately 5,487 traffic accidents were recorded, causing more than 1,500 deaths. In 2022, the number increased to around 6,112 cases, while in 2023 more than 6,300 traffic accidents were documented. From 2024 through early 2025, traffic accident cases within the jurisdiction of the North Sumatra Regional Police remained considerably high, particularly in urban areas such as Medan City, which experiences significant vehicle density [3]. These conditions demonstrate that traffic accidents are no longer merely administrative matters, but have evolved into criminal law enforcement issues requiring serious attention.

On the other hand, the high number of traffic accidents also reflects a gap between *das sollen* and *das sein* within Indonesian legal practice. Ideally, traffic law aims to establish order, security, and protection for road users. In reality, however, various forms of recurring violations continue to occur, including underage driving, the use of mobile phones while driving, driving under the influence of alcohol, and speeding violations. Moreover, many fatal traffic accident cases end without an optimal legal process due to out-of-court settlements between the parties involved [4].

These circumstances raise fundamental questions regarding the effectiveness of the criminal justice system in ensuring legal certainty for both victims and perpetrators of traffic accidents. In principle, the criminal justice system does not merely aim to punish offenders, but also seeks to guarantee the protection of victims' rights and create a sense of justice within society [5]. In this regard, law enforcement authorities occupy a strategic position in determining the direction of case handling, particularly during the investigation stage conducted by the police.

The Medan City Police Department (Polrestabes Medan), as one of the principal law enforcement institutions in North Sumatra, plays a significant role in handling criminal traffic accident cases. The high mobility of Medan's population makes the region particularly vulnerable to traffic accidents, ranging from minor incidents to cases resulting in fatalities. In practice, investigators frequently encounter both technical and juridical obstacles, such as insufficient evidence, uncooperative witnesses, and social pressure from both victims' and perpetrators' families seeking peaceful settlement of cases [6].

The handling of traffic accident cases also cannot be separated from the development of modern criminal law paradigms that increasingly emphasize restorative justice approaches. Fundamentally, restorative justice provides an opportunity for dispute resolution through the restoration of relationships between perpetrators and victims. Nevertheless, the implementation of restorative justice in cases involving loss of life continues to generate academic and juridical

debate, particularly regarding the limitations on cases that may be resolved outside the court system [7]. In practice, concerns have emerged that improper application of restorative justice may reduce legal certainty and weaken the deterrent effect of criminal sanctions.

Several previous studies have examined traffic accident issues from different perspectives. Research conducted by Aspan highlighted the importance of law enforcement discretion within the criminal justice system, particularly in maintaining a balance between legal certainty and the sense of justice [8]. Other studies have emphasized that weak legal culture within society contributes significantly to the high rate of traffic violations and low public compliance with legal norms [9]. However, studies specifically examining criminal liability for perpetrators of fatal traffic accidents, particularly focusing on case handling practices at Polrestaes Medan, remain relatively limited.

Furthermore, previous studies generally focused more on the normative aspects of criminal provisions under the Road Traffic and Transportation Law without comprehensively linking them to the implementation of the criminal justice system at the policing level. In fact, law enforcement during the investigation stage greatly influences both the direction of case resolution and the quality of criminal accountability imposed upon perpetrators [10]. Therefore, this research is important to fill the existing academic gap while simultaneously contributing to the development of traffic criminal law in Indonesia.

From the perspective of criminal law, criminal liability arises from fault committed by an individual for an act prohibited by law. Such fault may take the form of intent or negligence. In traffic accident cases, negligence frequently becomes the central element of proof, since not all accidents occur intentionally. Nevertheless, the distinction between ordinary negligence and gross negligence often leads to differing interpretations among law enforcement officials [11]. This condition contributes to disparities in case handling and judicial decisions.

Another issue concerns legal protection for traffic accident victims. In practice, victims' families often receive only informal compensation without certainty regarding criminal proceedings against the perpetrator. Yet, the loss of human life constitutes a harm that cannot be fully remedied through private settlement mechanisms [12]. Consequently, the state, through the criminal justice system, must ensure legal accountability for every act resulting in loss of life. Based on the foregoing discussion, this research focuses on two principal legal issues:

1. How is criminal liability imposed upon perpetrators of traffic accidents resulting in fatalities within the Indonesian criminal justice system?
2. How is law enforcement implemented against perpetrators of fatal traffic accidents at Polrestaes Medan?

Literature Review

1. Theory of Criminal Liability

Criminal liability constitutes one of the most fundamental concepts in criminal law, determining whether an individual may be subjected to criminal punishment for acts committed. Within criminal law doctrine, a person may only be punished if the elements of a criminal act are fulfilled and if fault exists as the basis of liability [13]. This concept is reflected in the principle of *geen straf zonder schuld*, meaning that there can be no punishment without fault.

According to Moeljatno, criminal liability represents the continuation of objective reproach inherent in a criminal act and is subjectively directed toward an offender who fulfills the requirements to be punished [14]. In the context of traffic accidents, criminal liability is not solely related to the occurrence of the accident itself, but also concerns the existence of negligence that can be legally proven.

Negligence, or *culpa*, is a form of fault frequently found in traffic-related crimes. Negligence occurs when a person fails to exercise the caution reasonably expected under particular circumstances, thereby causing consequences prohibited by law [15]. In practice, proving the element of *culpa* in traffic accident cases often generates debate because it is necessary to distinguish between pure accidents and accidents caused by unlawful conduct.

Under Indonesian criminal law, negligence is regulated in several legal provisions, including Article 359 of the Indonesian Criminal Code, which stipulates that any person whose fault causes the death of another person may be punished with imprisonment [16]. This provision is further reinforced by Law Number 22 of 2009 concerning Road Traffic and Transportation, which specifically regulates criminal liability in traffic accident cases.

Aspan explains that criminal liability cannot be separated from the role of law enforcement authorities in exercising discretion proportionally [8]. In traffic accident cases, discretion is often used to determine whether a case should proceed to court or be resolved through restorative approaches. However, the unmeasured use of discretion may create legal uncertainty.

Siregar argues that the development of Indonesia's criminal law system demonstrates a paradigm shift from a retributive approach toward a more humane and restorative orientation [17]. This shift is reflected in the increasing use of restorative justice mechanisms in resolving certain criminal cases. Nevertheless, the application of such approaches in cases involving fatalities still requires clear limitations.

Theoretically, criminal liability is also closely related to a person's capacity for responsibility. An offender may only be held criminally liable if he or she possesses awareness of the act committed and understands the consequences arising from it [18]. Therefore, factors such as age, mental condition, and other specific circumstances become essential considerations in criminal law assessment.

2. Theory of the Criminal Justice System

The criminal justice system is an integrated mechanism involving the police, prosecutors, courts, and correctional institutions in handling criminal offenses [19]. The primary objectives of the criminal justice system are to maintain social order, enforce the law, and protect the rights of society.

According to Barda Nawawi Arief, the criminal justice system functions not only as a means of law enforcement but also as an instrument for protecting society against criminal acts [20]. In the context of traffic accidents, the criminal justice system bears the responsibility of ensuring that every negligent perpetrator causing fatalities is processed fairly and proportionally.

The police occupy a strategic position as the entry point to the criminal justice system. During the investigation stage, the police possess authority to determine whether an incident constitutes a criminal offense and to collect the necessary evidence [21]. Consequently, the professionalism of investigators significantly influences the quality of law enforcement.

Siregar, Adrian, and Rambe explain that Indonesia's criminal law system has undergone dynamic developments in response to changing societal needs [22]. These developments are reflected in the growing attention to human rights protection and victim protection within criminal proceedings.

In practice, the handling of traffic accident cases frequently encounters coordination problems among law enforcement institutions. Differences of opinion often arise between investigators, prosecutors, and judges concerning the element of fault or the appropriateness of applying restorative justice [23]. Such conditions may affect legal certainty and the effectiveness of law enforcement.

Fatmawati, Fikri, and Siregar emphasize that restorative approaches fundamentally aim to create balance among the interests of perpetrators, victims, and society [24]. However, their implementation must still observe the principle of legality and the public sense of justice.

3. Theory of Law Enforcement

Law enforcement is the process of transforming legal norms into concrete realities within society [25]. According to Soerjono Soekanto, the success of law enforcement is influenced by

five main factors, namely legal substance, law enforcement officers, facilities and infrastructure, society, and legal culture [26].

In traffic accident cases, legal culture constitutes a particularly dominant issue. Many motorists continue to regard traffic violations as ordinary conduct, resulting in relatively low compliance with legal regulations [27]. This condition demonstrates that law enforcement cannot rely solely on repressive approaches, but also requires continuous legal education.

Aspan asserts that law enforcement authorities must exercise their powers professionally, objectively, and without discrimination [8]. In practice, social and economic pressures often influence the handling of traffic accident cases, especially when perpetrators and victims choose to settle disputes outside the court process.

Law enforcement must also pay close attention to the principle of human rights protection. Siregar emphasizes that a modern rule of law state is not solely oriented toward punishment, but also guarantees the protection of every citizen's rights throughout judicial proceedings [28]. Therefore, traffic accident cases must be handled proportionally and in accordance with the principle of due process of law.

4. Theory of Restorative Justice

Restorative justice is an approach to criminal case resolution that emphasizes the restoration of relationships between perpetrators, victims, and society [29]. This concept emerged as a critique of conventional penal systems considered excessively punishment-oriented. Within the context of Indonesian criminal law, restorative justice has gradually been applied to several categories of criminal offenses, including certain traffic-related cases involving negligence [30]. This approach is considered capable of providing a more humane form of dispute resolution while simultaneously reducing the burden on correctional institutions.

Nevertheless, the application of restorative justice in cases involving loss of life continues to provoke debate. Some scholars argue that the loss of human life cannot be resolved merely through reconciliation because such acts concern public interests [31]. Conversely, others maintain that restorative settlement may still be implemented provided that certain requirements are fulfilled and consent is obtained from the victim's family.

Tarigan and Aspan explain that restorative approaches must continue to uphold the principle of substantive justice in order to avoid imbalances in legal protection [32]. Therefore, clear guidelines are required regarding the limitations on the application of restorative justice in traffic accident cases.

Research Methodology

This study employs normative legal research supported by a limited empirical approach in order to obtain a more comprehensive understanding of the criminal liability of perpetrators of traffic accidents resulting in fatalities within the jurisdiction of Polrestabes Medan. Normative legal research was selected because the primary focus of this study lies in the analysis of legal norms, legal principles, and the synchronization between statutory regulations and law enforcement practices [33]. Meanwhile, the empirical approach was utilized to examine the implementation of law enforcement in the investigation process of traffic accident cases.

The research approaches applied in this study consist of the statute approach, conceptual approach, and case approach. The statute approach was conducted through the examination of various regulations related to criminal liability in traffic accidents, including the Indonesian Criminal Code, Law Number 22 of 2009 concerning Road Traffic and Transportation, and internal regulations of the Indonesian National Police regarding the handling of traffic accident cases [34]. The conceptual approach was used to analyze the concepts of criminal liability, negligence, law enforcement, and restorative justice based on legal doctrines and scholarly opinions. Furthermore, the case approach was carried out through the analysis of several traffic accident cases handled by Polrestabes Medan.

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations, court decisions, and official documents related to the handling of traffic accident cases [35]. Secondary legal materials were obtained from academic books, scientific journals, legal articles, previous research findings, and scientific proceedings relevant to the research topic. Meanwhile, tertiary legal materials consist of legal dictionaries, encyclopedias, and other supporting references that assist in understanding legal terminology and concepts.

The collection of legal materials was conducted through library research by systematically reviewing relevant legal literature. The researcher also examined traffic accident data in North Sumatra and Medan City through official police reports and related publications. In addition, this study utilized documentation techniques involving court decisions and official case reports concerning traffic accidents resulting in fatalities.

The analysis of legal materials was carried out qualitatively using a descriptive-analytical method. The researcher described the applicable legal provisions and subsequently connected them with law enforcement practices in the field [36]. The analysis was conducted systematically to identify both conformity and inconsistency between legal norms and their implementation. Thereafter, conclusions were drawn using deductive reasoning, namely by moving from general concepts toward more specific conclusions regarding the criminal liability of perpetrators of traffic accidents.

This research methodology was selected because it is considered capable of providing a comprehensive overview of the problems surrounding law enforcement in traffic accident cases. The normative approach enables the researcher to examine juridical aspects in depth, while the empirical approach assists in understanding the realities of law enforcement within society. Therefore, the findings of this study are expected not only to contribute theoretically but also to possess practical relevance for the development of the criminal justice system in Indonesia.

Results

1. Criminal Liability of Perpetrators of Traffic Accidents Resulting in Fatalities within the Indonesian Criminal Justice System

Criminal liability in traffic accident cases fundamentally arises from the existence of fault committed by the perpetrator, thereby causing harm to another person, including the loss of human life. Under Indonesian criminal law, the concept of criminal liability emphasizes not only the existence of an unlawful act, but also the existence of fault as the primary requirement for criminal punishment [13]. Therefore, every traffic accident case must be carefully analyzed to determine whether the element of negligence on the part of the perpetrator can be legally proven.

Law Number 22 of 2009 concerning Road Traffic and Transportation explicitly stipulates that drivers whose negligence results in the death of another person may be sentenced to a maximum imprisonment of six years and/or a maximum fine of IDR 12,000,000 [2]. This provision demonstrates that Indonesian positive law categorizes traffic accidents causing fatalities as serious criminal offenses.

Nevertheless, law enforcement practices indicate that not all traffic accident cases proceed to the trial stage. In many instances, cases are resolved through reconciliation mechanisms between perpetrators and victims' families. This phenomenon reflects the influence of legal culture within society, which still prioritizes familial settlement approaches [27]. On the one hand, such approaches are considered capable of reducing social conflict. On the other hand, these conditions potentially weaken legal certainty and criminal accountability.

From the perspective of criminal liability theory, reconciliation does not automatically eliminate the unlawful nature of a criminal act. The loss of human life remains a violation of legal interests protected by the state [14]. Therefore, law enforcement authorities must continue to consider public interests in determining the direction of case resolution.

The exercise of discretion by police authorities constitutes one of the most influential factors in handling traffic accident cases. Aspan explains that discretion refers to the authority possessed by law enforcement officers to act according to their own judgment under particular circumstances for the public interest [8]. In practice, discretion is often used to facilitate restorative settlements between perpetrators and victims.

However, the excessive or unmeasured use of discretion may create legal uncertainty and disparities in case handling. Numerous fatal traffic accident cases have been terminated during the investigation stage due to reconciliation between the parties, despite the fact that normatively such conduct fulfills the elements of a criminal offense [37]. This condition demonstrates the necessity for clearer guidelines concerning the limits of discretionary authority in traffic accident cases.

In addition to issues concerning discretion, proving the element of negligence also constitutes a major challenge in establishing criminal liability for traffic accidents. Investigators must be capable of proving a causal relationship between the perpetrator's conduct and the resulting consequences. Such proof is generally established through crime scene investigations, witness testimony, CCTV recordings, and vehicle examinations [38]. Nevertheless, limitations in available evidence frequently become obstacles during the investigation process.

In several court decisions, judges tend to consider humanitarian factors and the social circumstances of perpetrators when imposing criminal sanctions. Perpetrators who have provided compensation to victims' families or demonstrated good faith often receive lighter sentences [39]. This approach reflects the influence of the restorative justice paradigm within Indonesian criminal justice practices.

Despite this, restorative approaches must not eliminate the primary objectives of criminal law, namely creating deterrence and ensuring social protection. If every fatal traffic accident case is resolved merely through reconciliation, a perception may emerge that human life can simply be "compensated" through material payment [40]. Therefore, the implementation of restorative justice must be carried out selectively while still taking into account the degree of fault committed by the perpetrator.

From a human rights perspective, the state bears an obligation to protect the right to life of every citizen [28]. Consequently, the criminal justice system must ensure that every act resulting in the loss of life receives a proportionate legal response. Weak law enforcement against perpetrators of traffic accidents may ultimately reduce public trust in the legal system.

Based on the foregoing analysis, it can be understood that criminal liability for perpetrators of traffic accidents in Indonesia continues to face various challenges, both in terms of legal substance and law enforcement implementation. Strengthening legal regulations, improving the professionalism of law enforcement officers, and establishing clear limitations on the application of restorative justice are necessary in order to create a balance between legal certainty, justice, and societal benefit.

2. Implementation of Law Enforcement against Perpetrators of Fatal Traffic Accidents at Polrestabes Medan

Polrestabes Medan, as one of the largest police institutions in North Sumatra, possesses a strategic responsibility in handling traffic accident cases resulting in fatalities. The high mobility of Medan City residents has made the region one of the areas with a relatively high rate of traffic accidents [3]. These conditions require police authorities to carry out their law enforcement functions professionally and effectively.

In practice, the handling process of traffic accident cases at Polrestabes Medan begins with the receipt of reports, crime scene investigations, witness examinations, and ultimately the determination of suspects. Traffic investigators play a crucial role in determining whether an incident fulfills the elements of a criminal offense or merely constitutes a pure accident [41]. Such assessments significantly determine the direction of case resolution.

One of the primary obstacles faced by investigators is the limitation of available evidence. Not all accident locations are equipped with surveillance cameras or eyewitnesses who directly

observed the incident. In several cases, investigators rely solely on statements from perpetrators and the results of crime scene investigations [38]. Such circumstances frequently create difficulties in proving the element of negligence.

Apart from technical factors, the handling of traffic accident cases is also influenced by social and cultural factors within society. In Medan City, familial settlement mechanisms remain highly dominant, particularly when perpetrators and victims share family ties or originate from similar social environments [42]. It is not uncommon for victims' families to request that cases not proceed to court after receiving compensation from the perpetrators.

This phenomenon demonstrates that legal culture significantly affects the effectiveness of law enforcement. Soerjono Soekanto argues that law cannot function effectively without the support of a sound legal culture within society [26]. In this context, the low level of public legal awareness constitutes a particular challenge for police authorities.

On the other hand, law enforcement officers also face dilemmas between strictly enforcing the law and maintaining social stability. Excessively rigid repressive approaches are often perceived as inhumane, particularly when perpetrators themselves suffer psychological trauma as a result of the accident [43]. Consequently, investigators frequently adopt persuasive and restorative approaches.

The implementation of restorative justice at Polrestabes Medan is generally conducted through mediation between perpetrators and victims' families. This mechanism aims to achieve peaceful settlement and restore social relationships. However, the implementation of such approaches continues to raise problems because there are still no definitive limitations concerning the categories of traffic cases eligible for restorative settlement [44].

In several cases, restorative settlements have instead generated perceptions of injustice within society, particularly when perpetrators originate from certain economic or social groups. Such conditions may potentially reduce public trust in law enforcement institutions [45]. Therefore, the implementation of restorative justice must be conducted transparently and accountably.

In addition to legal culture factors, facilities and infrastructure also influence the effectiveness of traffic law enforcement. Limited personnel, inadequate accident investigation technology, and the high volume of cases constitute significant obstacles [46]. Under certain circumstances, investigators must handle multiple cases simultaneously, resulting in less optimal investigation quality.

To improve the effectiveness of law enforcement, strengthening investigators' capacities through specialized training on traffic accident investigation and criminal evidentiary techniques is necessary. Furthermore, the utilization of digital technologies such as CCTV, electronic traffic law enforcement (ETLE), and digital accident reconstruction should be expanded to support evidentiary processes [47].

Law enforcement against perpetrators of traffic accidents must also be accompanied by preventive measures through legal education for the public. The high number of traffic accidents demonstrates that repressive approaches alone are insufficient to establish traffic order. Therefore, police authorities need to enhance public awareness programs regarding traffic safety, particularly targeting younger generations and motorcycle riders who dominate traffic accident statistics in Medan City.

Based on the foregoing analysis, the implementation of law enforcement against perpetrators of traffic accidents at Polrestabes Medan continues to face various obstacles, including technical constraints, legal culture issues, and limitations in supporting infrastructure. Nevertheless, efforts to implement restorative approaches and improve investigator professionalism indicate positive developments in the handling of traffic cases. In the future, harmonization between legal certainty and humane approaches is required so that the criminal justice system may provide fair protection for all parties involved.

Conclusion

The criminal liability of perpetrators of traffic accidents resulting in fatalities within the Indonesian criminal justice system is fundamentally based on the element of fault in the form of negligence, as regulated under Law Number 22 of 2009 concerning Road Traffic and Transportation. Nevertheless, the implementation of criminal liability continues to encounter various challenges, particularly regarding the proof of negligence, the exercise of discretion by law enforcement authorities, and the application of restorative justice mechanisms. Therefore, stronger legal regulations and clearer guidelines concerning the limitations of restorative settlement in fatal traffic accident cases are necessary in order to ensure legal certainty and provide adequate protection for victims' rights.

The implementation of law enforcement against perpetrators of traffic accidents at Polresta Medan demonstrates that the investigation process continues to face both technical and social obstacles, including limitations in evidence, the high prevalence of familial settlements, and the low level of public legal awareness. Despite these challenges, efforts to improve investigator professionalism and the adoption of more humane approaches in case handling constitute positive developments that should continue to be strengthened. Accordingly, the police institution needs to enhance its traffic accident investigation capacity, expand the utilization of digital technology, and intensify public education regarding traffic safety in order to reduce the number of traffic accidents resulting in fatalities.

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