Restorative Justice Approach in Resolving Fatal Traffic Accident Cases: A Legal and Implementation Analysis in District Courts

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Abstract

The increasing number of traffic accidents resulting in loss of life has created serious problems in the criminal justice system. Law enforcement, which has historically focused solely on punishment, often fails to fully address the sense of justice for all parties, particularly victims and their families. In this context, the restorative justice approach presents itself as an alternative way to resolve cases, emphasizing the restoration of social relationships, accountability for perpetrators, and the fulfillment of a sense of substantive justice. This study aims to analyze the application of restorative justice in traffic accident cases resulting in death and to examine the judges' legal considerations in adapting this approach. The research methods used are normative and empirical, examining laws and regulations, court decisions, and judicial practice.

Keywords: Assault, Online Drivers, Judges' Considerations, Criminal Decisions, Legal Protection.

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Introduction 1.1 The Concept of Criminal Liability in Traffic Accidents

Criminal liability in traffic accidents resulting in death is generally based on the element of negligence. This element distinguishes traffic crimes from other intentional crimes. Nevertheless, the consequences remain serious, thus the state has an interest in enforcing the law to maintain public order and safety.

In this context, criminal punishment is not only interpreted as a form of retribution, but also as a means to provide a deterrent effect and provide protection for the community. However, an overly rigid approach to criminal punishment has the potential to ignore the humanitarian aspects of both the perpetrator and the victim. Therefore, a balance between legal certainty and substantive justice is necessary.

1.2 Restorative Justice as an Alternative for Case Resolution

Restorative justice offers a new paradigm in resolving criminal cases, emphasizing the restoration of the original situation and the repair of the relationship between the perpetrator and the victim. In fatal traffic accidents, this approach can be realized through dialogue, compensation, and a sincere apology from the perpetrator to the victim's family.

While it does not automatically eliminate criminal liability, restorative justice can be a mitigating factor in the judicial process. Judges can assess the good faith of the perpetrator and the acceptance of the victim's family as relevant factors in issuing a verdict.

1.3 Judges' Considerations in the Application of Restorative Justice

In judicial practice, judges play a strategic role in accommodating the restorative justice approach. Judges' considerations are based not only on formal legal aspects, but also on the values of justice, humanity, and legal expediency. Judges can consider the background of the incident, the perpetrator's attitude after the incident, and the resulting social impact.

The application of restorative justice in fatal traffic accident cases must be carried out carefully to avoid diminishing the authority of the law and the public's sense of justice. Therefore, this approach is generally applied in a limited and selective manner, while still adhering to applicable laws and regulations.

Problem Formulation

1. What are the regulations and concepts of restorative justice in resolving traffic accident cases resulting in fatalities in the Indonesian criminal legal system?
2. How are judges' implementation and considerations in accommodating the restorative justice approach in fatal traffic accident cases in court?

Research Methodology

This research applies a combination of normative juridical and empirical juridical approaches. The normative approach examines statutory regulations, legal doctrines, and court decisions concerning criminal liability and restorative justice in traffic accidents resulting in death, in line with the legal research framework proposed by Peter Mahmud Marzuki (2017). The empirical approach is conducted at the Pengadilan Negeri Pematangsiantar to analyze how judges implement restorative justice in practice.

This study is descriptive-analytical in nature. Data consist of primary legal materials (legislation and court decisions), secondary materials (books and journals by scholars such as Moeljatno (2015), Barda Nawawi Arief (2016), and Howard Zehr (2015)), and tertiary materials. Data were collected through library research and interviews, then analyzed qualitatively using statutory, conceptual, and case approaches to examine the balance between criminal liability and restorative justice in judicial decisions.

Discussion

4.1 The Juridical Framework of Restorative Justice in Fatal Traffic Accident Cases

The development of restorative justice in Indonesian criminal law emerges as a response to the

need for case resolution that emphasizes restoration rather than retribution. In fatal traffic accident cases, the juridical framework of restorative justice cannot be separated from the principle of criminal liability based on negligence. The nature of negligence positions the offender not as a person with malicious intent, but as a legal subject whose carelessness results in serious consequences.

In this context, restorative justice functions as a complementary approach that allows criminal law to be enforced without neglecting humanitarian dimensions. This framework emphasizes the active involvement of the offender, the victim, and the victim's family in resolving the case. Its primary objective is not to eliminate fault, but to encourage acknowledgment of responsibility, reparation of harm, and social reconciliation. Thus, criminal law is not merely a coercive instrument of the state, but also a dignified means of conflict resolution.

Criminal liability in fatal traffic accidents remains attached to the offender as a consequence of the act committed. However, the restorative approach provides space for a more proportional assessment of the offender's subjective conditions, such as cooperative behavior, remorse, and good faith in restoring the harm caused. This humanitarian dimension is significant, considering that offenders often experience psychological impacts from the incident as well.

Through a restorative approach, offenders are encouraged to actively participate in the recovery process, whether through apologies, compensation, or involvement in mutual agreements with the victim's family. In this sense, criminal liability is not viewed solely as suffering imposed by the state, but as a process of learning and social responsibility.

Victims and their families are the parties most directly affected by fatal traffic accidents. In conventional criminal justice systems, victims' interests are often marginalized because the primary focus lies on proving the offender's guilt and imposing punishment. Restorative justice seeks to shift this paradigm by placing victims as central subjects whose voices must be heard.

Through dialogue and agreement mechanisms, the victim's family is given space to express their feelings, expectations, and forms of reparation they consider fair. Such restoration is not always material in nature, but may include acknowledgment of wrongdoing and moral responsibility from the offender. In this way, restorative justice contributes to healing the social and psychological wounds experienced by victims and their families.

Judges play a central role in determining the extent to which restorative justice can be accommodated in fatal traffic accident decisions. Judicial considerations are not limited to normative aspects, but also include values of justice, utility, and propriety. In assessing the application of restorative approaches, judges generally consider the existence of agreements between the offender and the victim's family, the offender's attitude after the incident, and the impact of the decision on society's sense of justice.

When considered wisely, restorative justice can produce decisions that are not only legally valid but also socially acceptable. Nevertheless, judges must maintain balance to ensure that the application of restorative justice does not create perceptions of impunity or weaken the preventive function of criminal law.

The application of restorative justice in fatal traffic accident cases has broad implications for the criminal justice system. It encourages a shift in law enforcement orientation from mere punishment toward fair and sustainable resolution. Additionally, restorative justice has the potential to reduce court burdens and strengthen public trust in the legal system. However, its implementation requires clear guidelines to prevent inconsistency in practice. Synergy among law enforcement agencies, judicial institutions, and society is necessary to ensure consistent and responsible application.

4.2 The Application of Restorative Justice by Judges in Fatal Traffic Accident Cases

In judicial practice, the application of restorative justice in fatal traffic accident cases is not automatic, but rather the result of careful and selective judicial assessment. This is because

such cases involve the loss of human life, which is legally regarded as a serious consequence affecting not only the parties involved but also public order and society's sense of justice.

Judges remain bound by positive criminal law provisions governing liability arising from negligence. However, in accommodating restorative justice, judges assess not only the fulfillment of criminal elements but also the social and humanitarian dynamics underlying the accident. This approach reflects a shift from purely retributive punishment toward a more proportional and substantively just sentencing paradigm.

Restorative justice is generally reflected not in the termination of judicial proceedings, but in mitigating considerations within the judgment. Judges may accommodate reconciliation efforts between the offender and the victim's family, compensation, and the offender's cooperative attitude and remorse since the early stages of the legal process. Thus, restorative justice functions as a complementary instrument in sentencing, not as a complete substitute for punishment.

Judicial considerations in accommodating restorative justice remain grounded in the principles of legality and legal certainty. Judges must first ensure that the defendant's act fulfills the elements of a criminal offense as regulated by law. Subsequently, judges evaluate factors related to the offender's subjective condition and the objective circumstances of the incident.

Within the restorative justice framework, judges consider whether the accident occurred purely due to negligence without intent, and whether the offender demonstrates good faith in taking responsibility for the consequences. The existence of an agreement or acceptance from the victim's family is also an important factor, as it reflects social reconciliation and peaceful resolution. These considerations show that judges act not only as textual law enforcers but also as guardians of justice who consider humanitarian values and living societal norms.

In addition to juridical considerations, judges also take into account sociological and humanitarian aspects. Recognizing that fatal traffic accidents generally lack intent to kill, judges avoid imposing excessively harsh punishments that may create new injustices. Sociological considerations are reflected in evaluating the social impact of the decision on the offender, the victim's family, and society at large. Judges aim to impose sentences that not only deter but also encourage moral and social responsibility.

Nevertheless, judges must ensure that restorative justice does not create the impression that the loss of human life can be resolved lightly. Therefore, restorative justice is applied in a limited, proportional, and contextual manner, while still safeguarding the public interest. Clear boundaries must be maintained so that restorative justice does not contradict principles of justice, legal certainty, and community protection. It should not serve as a means to avoid criminal liability, but rather as a mechanism to enhance the quality and humanity of judicial decisions.

Through a balanced approach, restorative justice can function as an instrument to achieve decisions that are fair, humane, and authoritative.

Conclusion

Based on the results of the research and discussion concerning Criminal Liability and Restorative Justice in Traffic Accidents Resulting in Death (A Study at the District Court of Pematangsiantar), the following conclusions can be drawn:

1. The application of restorative justice in fatal traffic accident cases is legally permissible but limited and selective. This approach is applied by considering that the offender's act constitutes negligence (culpa), not intent, and that the offender demonstrates good faith in taking responsibility and providing restoration to the victim's family. Restorative justice does not eliminate the criminal nature of the act; rather, it functions as a complementary mechanism to achieve more substantive justice.
2. Criminal liability remains attached to the offender despite the application of restorative justice. Offenders may still be held criminally responsible under Article 310 paragraph (4) of Law Number 22 of 2009 concerning Road Traffic and Transportation and Article

359 of the Indonesian Penal Code, as the element of negligence has been fulfilled. However, reconciliation, compensation, and agreements between the offender and the victim's family may serve as mitigating factors in sentencing.

3. Judges play a strategic role in accommodating restorative justice. In practice, judges consider juridical, sociological, and humanitarian aspects, including the background of the incident, its social impact, the offender's post-incident conduct, and the victim family's acceptance of peaceful settlement efforts. These considerations aim to ensure a balance between legal certainty, justice, and utility.
4. The implementation of restorative justice reflects a shift toward a more humane paradigm of criminal law enforcement. It emphasizes social reconciliation, moral responsibility, and the interests of victims, while maintaining the fundamental function of criminal law in protecting human life and public safety.

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