


Implementation of Restorative Justice at the Payakumbuh District Attorney's Office in the Case of Traffic Accident Crime Resulting in Minor Injuries

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Abstract

Introduction: The rapid development of transportation has revolutionized people's lives. Behind this progress there are challenges, namely the risk of traffic accidents. In everyday life, accidents that result in minor injuries can often be resolved with a more familial approach. The Payakumbuh District Attorney's Office, in an effort to realize harmonious justice, applies the concept of Restorative Justice as an alternative solution to resolve cases.

Purposes of the Research: Examining the regulations governing criminal acts of traffic accidents which result in minor injuries with restorative justice efforts and the implementation of Restorative Justice for criminal acts of traffic accidents at the Payakumbuh District Prosecutor's Office.

Methods of the Research: The research method used in this research is the juridical-empirical method, legal research regarding the application or application of normative legal provisions directly to each specific legal event that occurs in society.

Results Main Findings of the Research: The basic implementation of restorative justice provisions in the Indonesian Prosecutor's Office is contained in the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020. It is easy to carry out restorative justice efforts in this case because the victim is willing to forgive and reconcile with the suspect, the conditions for carrying out restorative justice efforts are fulfilled.

Keywords: Restorative Justice; Criminal Offences; Traffic Accidents.

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INTRODUCTION

The development of transportation technology can be said to be one of the basic needs of society that continues to increase both in terms of quality and quantity, in human activities, vehicles are very important to travel from one place to another, from various existing transportation systems, such as sea transportation, air transportation, and land transportation. Land transportation is quite dominant used by humans for activities, in terms of the use of land transportation such as cars, motorcycles, trains, and so on, there are also many cases of accidents in the community.¹ According to Law Number 22 of 2009 concerning road traffic and transportation, a traffic accident is an event on the highway that is unexpected and unintentional or negligent for the actions of a person involving a vehicle

¹ Nirmala Sari, Khaidir Saleh, "Tinajauan Yuridis Penerapan Sanksi Pada Kecelakaan Lalu Lintas Yang Menyebabkan Korban Jiwa Menurut Pasaln 310 Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan", *Jurnal Politik dan Pemerintahan Daerah*, 2, no. 2 (2002), p. 283

with other road users that results in loss or loss of property and can result in serious injuries, minor injuries, and even death to the victim.²

Criminal law in Indonesia usually emphasizes the settlement of cases on the application of retributive justice. This retributive justice approach needs to be reformed, namely with an alternative to solving criminal problems with an emphasis on resolving problems/conflicts and taking the balance of society, namely with restorative justice. As a result of the criminal justice system that tends to be offender oriented, the concept of settlement outside the criminal justice system is needed. The solution offered is the settlement of criminal cases in the context of restorative justice. The concept of the restorative justice approach is a concept that focuses more on the conditions for creating justice for perpetrators and victims.³

Currently, the practice of all law enforcement institutions in Indonesia, both the Supreme Court, the Attorney General's Office, the Indonesian National Police, and the Ministry of Law and Human Rights of the Republic of Indonesia, has adopted the principle of Restorative Justice as one of the ways to resolve a criminal case. Guidelines for stopping prosecutions based on restorative justice are contained in Prosecutor's Regulation Number 15 of 2020. In Prosecutor's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice is part of the public prosecutor's authority to close cases in the public interest, more specifically on the grounds that there has been a settlement of cases outside the court.⁴ Efforts to resolve the crime of traffic accidents that resulted in minor injuries through restorative justice by bringing together the victims and perpetrators and involving several related people, including the families of the victims and perpetrators, community leaders, in the meeting each party fanned their desires and then found a way to solve them. The settlement ended with a mutual agreement that both sides agreed to make peace.

Based on this background, the author is interested in raising the title of the Implementation of Restorative Justice at the Payakumbuh District Attorney's Office in the Case of Traffic Accidents That Result in Minor Injuries with the formulation of the problem: 1) What are the Regulations Governing the Crime of Traffic Accidents That Result in Minor Injuries with Restorative Justice Efforts?; 2) How is the Implementation of Restorative Justice for Traffic Accidents Resulting in Minor Injuries at the Payakumbuh District Attorney's Office?.

METHODS OF THE RESEARCH

The research method is a way or effort to do something by using the mind carefully to achieve a goal by searching, writing, formulating, and analyzing until compiling a report.⁵ The research method used in this study is a juridical-empirical method. Juridical-empirical research is legal research on the application or application of normative legal provisions directly to every specific legal event that occurs in society.⁶ Primary legal material consists

² Ferimon, Mahmud Mulyadi, Ibnu Affan, "Penerapan Keadilan Restoratif Justice Dalam Penyelesaian Perkara Kecelakaan Lalu Lintas yang Menyebabkan Korban Luka Berat dan Meninggal Dunia", *Jurnal Ilmiah Metadata*, 3, no. 1, p. 2

³ Kadek Astiti Narayani, Ni Putu Rai Yulianti, Dewa Gede Sudika Mangku, "Implementasi Restorative Justice Pada Kasus Kecelakaan Lalu Lintas", *Jurnal Gender dan Hak Asasi Manusia*, 1, no. 1, (2023), p. 80

⁴ Nurul Husna, Lola Yustrisia, Syaiful Munandar, "Proses Penyelesaian Tindak Pidana Pencurian Ringan Secara Restorative Justice", *PALAR (Pakuan Law Review)*, 10, no. 01 (2024), p. 57

⁵ Mukti Fajar ND dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Hukum Empiris*, (Yogyakarta: Pustaka Pelajar, 2010), p. 34

⁶ Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: Citra Aditya Bakti, 2004), p. 134

of laws and regulations that are sorted according to the legislative hierarchy. In this study, the primary legal materials used consist of: 1) The Constitution of the Republic of Indonesia in 1945; 2) the Criminal Code; 3) the Criminal Procedure Code; 4) Law Number 22 of 2009 concerning Road Traffic and Transportation; 5) Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia; 6) Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative.

RESULTS AND DISCUSSION

A. Regulations Regulating Traffic Accidents Resulting in Minor Injuries with Restorative Justice Efforts

The crime of a traffic accident is a misdemeanor that is categorized as a criminal offense that is resolved by a quick examination because in general, a misdemeanor is a misdemeanor offense that is placed in Book III of the Criminal Code,⁷ in the Criminal Code, the crime of a traffic accident that results in minor injuries is mentioned in Article 310 paragraph (2) of Law Number 22 of 2009 concerning Road Traffic and Transportation states that every person who drives a motor vehicle whose negligence causes a traffic accident with minor injuries and damage to vehicles and/or goods, sentenced to imprisonment for a maximum of 1 (one) year and/or a maximum fine of Rp. 2,000,000.00 (two million rupiah).⁸

The conditions that must be met in the settlement of restorative justice are contained in article 5 of the Prosecutor's Regulation of the Republic of Indonesia Number. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice: 1) The suspect has committed a criminal act for the first time; 2) Criminal acts are only threatened with a fine or threatened with imprisonment of not more than 5 (five) years; and fulfilling the framework of restorative justice, among others, by paying attention to/considering the circumstances: a) The interests of the victim and other legal interests that are protected; b) Avoidance of negative stigma; c) Avoidance of retaliation; d) Community response and harmony; e) Propriety, decency, and public order; f) The background of the occurrence/commission of the criminal act is due to the suspect's negligence; g) There is peace between the victim and the suspect. 3) The criminal act is committed with the value of evidence or the value of the loss incurred as a result of the criminal act of not more than Rp. 2,500,000.00 (two million five hundred thousand rupiah).

Referring to the provisions of the Prosecutor's Regulation of the Republic of Indonesia Number. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, in articles 9 to 13 of the Prosecutor's Regulation of the Republic of Indonesia Number. 15 of 2020 concerning the Termination of Prosecution between the victim and the perpetrator from the beginning peace was carried out voluntarily, with deliberation, without pressure, coercion, and intimidation by involving the victim's family and the perpetrator's family and community leaders until the termination of prosecution based on peace between the perpetrator and the victim.

⁷ Iklimah Dinda Indiyani Adiasta, "Penerapan Restorative Justice Sebagai Inovasi Penyelesaian Kasus Tindak Pidana Ringan", *Interdisciplinary Journal On Law, Social Sciences And Humanities*, Vol.2, Issue 2 (2021), p. 148

⁸ Pasal 310 ayat 2 Undang-Undang Nomor. 22 Tahun 2009

B. Implementation of Restorative Justice for Traffic Accidents Resulting in Minor Injuries at the Payakumbuh District Attorney's Office

The implementation of Restorative Justice in a criminal case reflects the culture of the Indonesian nation which always prioritizes deliberation and consensus in overcoming or resolving a problem. Law enforcement in cases of traffic accidents that result in minor injuries is resolved by prioritizing Restorative Justice efforts. Restorative Justice is an approach in criminal law and can also be applied to the application of criminal law enforcement in Indonesia which has a culture and personality that prioritizes and upholds family values, deliberation and upholding human dignity. The purpose is that legal problems arising from the occurrence of criminal acts can be resolved properly by reaching agreement and agreement between the parties.⁹

In theory, Restorative Justice seeks out-of-court compensation for victims involved with the perpetrators, in restorative justice, the resolution of conflicts between defendants and victims in criminal acts can result in the enforcement of applicable laws if the parties have reached an understanding or agreement. This provides the perpetrator with the opportunity to take responsibility for all his actions by compensating for the losses caused by the crime he committed.¹⁰ The implementation of Restorative Justice is carried out, one of which is at the Payakumbuh District Attorney's Office. The following author explains the criminal cases that were resolved by Restorative Justice efforts in the General Criminal Office of the Payakumbuh District Attorney's Office in the last three years:

Table 1. The implementation of unsuccessful criminal acts is pursued through restorative justice efforts in the General Criminal Division of the Payakumbuh District Attorney's Office from 2022 to 2024

Type of Case (Criminal Offense)	2022	2023	2024
Theft	0	0	1
Threats	0	0	1
Total		2	

Table 2. Pelaksanaan Tindak Pidana Yang Berhasil Diupayakan Melalui Upaya Restorative Justice Di Bidang Pidana Umum Kejaksaan Negeri Payakumbuh Tahun 2022 s/d Tahun 2024

Case Name (Criminal Act)	2022	2023	2024
Traffic accidents that result in minor injuries.	0	0	1

⁹ Sulistyowati. (2020). Alternatife Penegakan Hukum Pidana Bebas Nilai Keadilan. Yogyakarta: CV. Budi Utama

¹⁰ Lola Yustrisia, dkk, "Penerapan Restorative Justice sebagai Mekanisme Penyelesaian Tindak Pidana Kekerasan dalam Rumah Tangga Di Kejaksaan Negeri Bukittinggi", *Jurnal Law, Development & Justice Review*, Vol. 6 No. 2, 2023.

Theft	1	0	0
Drugs	0	1	0
Total	3		

Source : Processed from the Results of an Interview with the Prosecutor Zuryati, S.H

Based on the table above, the researcher is interested in taking one of the three cases that were successfully resolved with Restorative Justice efforts. The case is a traffic accident that resulted in minor injuries. The reason the researcher took a criminal act from this sample is because according to the researcher, the case of a traffic accident that resulted in minor injuries with restorative justice efforts is a criminal act that is quick and easy to solve.

Where the perpetrator named Pendi Sepriadi Pgl. Pendi was driving a Mitsubishi colt diesel truck from the direction of Payakumbuh to Pekanbaru at an unpredictable high speed. Arriving at the West Sumatra-Riau National Road KM 23, the perpetrator was about to overtake the silver Avanza car in front of the perpetrator's car with the condition of a right-turn road, the traffic flow was quiet in the afternoon, the rain was drizzling and without turning the right turn the perpetrator took the opponent's lane to overtake. While at the corner from the front came a Toyota Kijang Innova minibus driven by the victim named Riduan. So that the perpetrator's car lost control and crashed into the right front of the victim's car which was a passenger in the victim's wife, 4 children of the victim so that the victim suffered minor injuries. The minor injuries suffered by the victim were pain in the right thigh, pain in the right eye, laceration on the eyelid and bleeding.

One form of resolving the traffic accident criminal case that resulted in minor injuries is by carrying out restorative justice efforts at the Payakumbuh District Attorney's Office. Both parties agreed to make peace at the Payakumbuh District Attorney's Office with restorative justice efforts. Restorative Justice aims to encourage perpetrators to take responsibility and acknowledge the wrongful acts that have been committed and provide them with the opportunity to make improvements through compensation as a form of responsibility for the damage that has been done to the victim. Restorative Justice has a good goal that is to be achieved for victims of crime, not solely relying on the goodness and interests of the perpetrators of criminal acts because restorative justice comes from the roots of traditional values in the international community. Restorative justice encourages perpetrators to acknowledge their actions and gives perpetrators and other related parties the opportunity to make their best efforts.¹¹

Law enforcement in the case of traffic accidents that result in minor injuries that are resolved by prioritizing restorative justice has been found within the scope of the Payakumbuh District Attorney's Office through interviews with: 1) Mr. Yudhi Saputra, S.H (Public Prosecutor / Facilitator Prosecutor): Based on the results of the interview with Mr. Yudhi Saputra, S.H as the Public Prosecutor explained that: "In this case, it is very easy to make restorative justice efforts, because both parties, especially the victim, with an open heart, have forgiven or received an apology from the suspect. There are conditions that are

¹¹ Harfida dan Usman, "*Keadilan Restoratif (Restorative Justice) dalam Sistem Peradilan Pidana*", (Yogyakarta: CV Budi Utama, Mei 2024), p. 1-4

very supportive of the peace process that is carried out. In this case, restorative justice efforts were carried out smoothly." 2) Ibuk Zuryati, S.H (Public Prosecutor/Facilitator Prosecutor): Based on the results of the interview with Ibuk Zuryati, S.H as the Public Prosecutor explained that: "In this traffic accident case, the conditions for restorative justice to be carried out are fulfilled based on INSJA (Attorney General's Instruction). The legal basis for restorative justice in the Attorney General's Office of the Republic of Indonesia is contained in the Attorney General's Regulation Number 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice. Because these restorative justice conditions were met, the prosecutor offered both parties to reconcile without coercion, pressure, and intimidation. The victim generously wanted to forgive the suspect, restorative justice efforts were made." Based on the results of the author's interview with the source above, it can be concluded: "It is easy to make efforts at restorative justice in this case because the victim wants to forgive and reconcile with the suspect, and the conditions for restorative justice are met. The Public Prosecutor has an important role in criminal cases, the Public Prosecutor becomes a facilitator in the implementation of peace with his steps and authority which are accommodated in the Prosecutor's Regulation called restorative justice.

The stages of implementing restorative justice at the Payakumbuh District Attorney's Office are in accordance with the provisions of the Indonesian Prosecutor's Regulation Number. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, as follows: 1) After phase II is implemented, the Head of the Payakumbuh District Prosecutor's Office issues a warrant to the public prosecutor to resolve the case through restorative justice; 2) After the warrant is issued, the public prosecutor who is assigned as the facilitator prosecutor makes an invitation to the parties, the victim's family, the suspect's family, community leaders, investigators to attend the Payakumbuh District Attorney's office for mediation; 3) On the specified day, mediation is carried out: a) The public prosecutor offers peace efforts to the victim and the suspect; b) Peace efforts are carried out without pressure, coercion, and intimidation; c) The Public Prosecutor provides an opportunity for the suspect to apologize orally to the victim and his family; d) A peace agreement that has been ratified by the parties and the prosecutor's office as representatives and community leaders; e) In the event of an agreement, the prosecutor's office shall make a report on the successful implementation of the peace agreement; f) The peace agreement is implemented through this restorative approach in accordance with the applicable regulations; g) After the two parties agree to reconcile, the Payakumbuh District Attorney's Office will report it in stages to the High Prosecutor's Office at the time of the PIDUM JAM to be asked for exposure related to the application for restorative justice settlement of the case. 4) The Head of the Payakumbuh District Prosecutor's Office makes an exposé before the leadership about the case, about the peace efforts made, about any agreements that have been made that have been reached by the suspect and the victim; 5) The leadership at the Attorney General's Office gave approval that the case could be stopped through restorative justice; 6) After that, the leadership at the Attorney General's Office ordered the Head of the Payakumbuh District Prosecutor's Office to issue a termination of prosecution order (SP3); 7) The order to stop the prosecution was served on the parties, and it was explained to the parties that the case had been stopped and the legal proceedings against the suspect were not continued.

One of the efforts of the Payakumbuh District Attorney's Office is to mediate disputes between parties in the law, commonly known as mediation. This effort is one of the steps to

resolve the case implemented by the Payakumbuh District Attorney's Office in resolving problems between two or more parties through deliberation and consensus methods. The deliberations were assisted by neutral parties who did not have the authority to decide disputed cases. The results of the peace agreement between the two parties are as attached: 1) The suspect and the victim agreed to repair their respective vehicles; 2) The suspect regrettably apologized to the victim and the suspect helped the victim's medical expenses; 3) The local youth really appreciate the peace process initiated by the Payakumbuh District Attorney's Office.

The restorative justice model used by the Payakumbuh District Attorney's Office is Victim Offender Mediation (VOM). Victim Offender Mediation is mediation between the victim and the perpetrator of a criminal act. VOM is one of the alternative dispute resolution efforts in criminal law. Victim offender mediation as a model of restorative justice has encouraged fundamental changes in the resolution of criminal cases that have lasted for hundreds of years applying the retribution paradigm. Victim Offender Mediation with the aim of mediating both parties and returning the situation to its original state before the crime occurred.

CONCLUSION

The Implementation of Restorative Justice for Traffic Accidents Resulting in Minor Injuries at the Payakumbuh District Attorney's Office is based on the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. One of the efforts of the Payakumbuh District Attorney's Office is to mediate disputes between parties in the law, commonly known as mediation. This effort is one of the steps to resolve the case implemented by the Payakumbuh District Attorney's Office in resolving problems between two or more parties through deliberation and consensus methods. The deliberation was assisted by neutral parties who did not have the authority to decide disputed cases. The results of the peace agreement between the two parties are as attached: 1) The suspect and the victim agreed to repair their respective vehicles; 2) The suspect regrettably apologized to the victim and the suspect helped the victim's medical expenses; 3) The local youth really appreciate the peace process initiated by the Payakumbuh District Attorney's Office. The restorative justice model used by the Payakumbuh District Attorney's Office is Victim Offender Mediation (VOM). Victim Offender Mediation is mediation between the victim and the perpetrator of a criminal act. VOM is one of the efforts to resolve alternative disputes in criminal law.

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