

THE IMPLEMENTATION OF RESTORATIVE JUSTICE IN THE TRAFFIC CRIME INVESTIGATION PROCEDURES IN CENTRAL JAVA INDONESIA BASED ON JUSTICE VALUE

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The purpose of this study is to explore and to analyze the values of local wisdom to carry out the reconstruction of peace as a legal protection in the implementation of restorative justice at the level of investigation of criminal acts of traffic. The method used in this research was empirical approach method. The legal material consists of primary and secondary data. Primary data were obtained by interviewing selected responses with purposive non random sampling technique. The interviews were conducted with guided free techniques with respondents consisting of community leaders, lecturers and police who handled traffic affairs in Region of Central Java. The secondary data obtained by literature study. The data collected were then analyzed by qualitative methods.

The result of the research stated that the investigation process on the traffic crime is based on the value of justice. The investigator still conducts an examination of accident-related parties to clarify the position of the case. Furthermore, the consciousness and mutual agreement from both parties, they request to the Investigator that the case is not preceded to the Court process. They argue that both parties agree that the traffic accident is a disaster that can happen to anyone and anywhere without the element of deliberate. Usually they have their own deliberations, and if it is required Investigators to help mediation independently. After they all agree, both parties make a collective agreement and do not mutually prosecute legally.

Keywords: Restorative Justice, Investigation, traffic crime, justice value

INTRODUCTION

Traffic accidents can happen anywhere, anytime and happen to anyone. Legal sanction against perpetrators of criminal acts/traffic accidents is in the form of criminal and perhaps it rules out the emergence of civil suits. According to Law Number 22 Year 2009 on Road Traffic and Transportation, if a person commits a criminal offense that meets the formulation of the law, then the offender is processed formally starting from the investigation until the perpetrator is brought before the court. Furthermore, for the perpetrator who is found fault will be sentenced accordingly.

In daily practice, many traffic accidents are not resolved by formal channels but deliberations are made between the perpetrator and the victim. The peaceful

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settlement is more in line with the principle of justice, but in formal terms there is no legal protection underlying the settlement with such mediation.

The criminal justice law policy does not consider the equal of the offender and the victim. It does not reflect the principles of justice, especially when it viewed from the aspect of the perpetrator. Considering the accident is essentially based on a negligence (*culpa*) rather than intent (*dolus*). In fact, a person can be sentenced to a crime if the *actus reus* must contain an evil inner intention (*mens rea*). Furthermore, it should be remembered that the perpetrator also suffers losses both physically, morally and economically. In its development, the idea of punishment then towards a new orientation, where the settlement of a criminal case is a matter of benefit to all parties is to be the most current discourse that people think today.

Restorative justice is offered as an approach that is deemed to meet that demand. The return of the criminal settlement authority of the judiciary is as a representative of the state to the community through a restorative justice approach where victims and the community are the necessary and decisive components.

Barb Toews sees that the concern for victims is the “core values” of restorative justice¹. The attention to the perpetrator is also no fewer portions than the previous theory. The meaning embodied in the concept of rehabilitation, resocialization, restitution, reparation and compensation seems to be only part of the concept contained in restorative.

The researcher’s primary view is based on the basic characteristics of the criminal philosophy underlying restorative justice which is different from the existing theories. If the existing theories see punishment as a forced act (primarily by the judiciary) and the perpetrator executes it as a forced act, then the voluntary element makes restorative justice a view of a different punishment.²

The approach of restorative justice is assumed to be the most recent shift from the various models and mechanisms that work within the criminal justice system in dealing with criminal cases at this time. The United Nations through its basic principles has argued that a restorative justice approach is a viable approach in a rational criminal justice system. This is in line with G.P Hoefnagels’s view that criminal politics must be rational (a rational total of the responses to crime)³. The approach of restorative justice is a paradigm that can be used as a framework of criminal case management strategies aimed at answering dissatisfaction with the workings of the existing criminal justice system.

Restorative justice is a concept of thought with mediation in criminal cases that responds to the development of the criminal justice system by focusing on the needs of the involvement of the community and the perceived victim by the mechanisms employed in the current criminal justice system. On the other hand, restorative justice is also a new frame of mind that can be used in response to a

criminal offense for law enforcement and law enforcement officers through discretion of law enforcement officials.

Mediation in criminal cases known as Alternative Dispute Resolution (ADR), in the private legal domain (*bijzondere belangen*) is an alternative legal settlement that takes a different path than the traditional juridical settlement of cases.⁴ One of the driving factors of the emergence of the concept of mediation in criminal cases is the increasing volume of cases with various types that are submitted to the court which is a burden for the court to conduct examination and prosecute. Limited judicial organizational capabilities, both technically and human resources, result in a conglomeration of cases in court that are certainly inconsistent with simple, rapid and lightly coasted justice principles.

RESEARCH METHODS

The method of this research approach was empirical juridical. The data used were primary data obtained by conducting interviews with legal experts namely lecturers, members of parliament and community leaders and police investigators, in addition to secondary data obtained by conducting library search. The research specification is analytical descriptive. Descriptive nature in this research is expected to explain the picture of the reconstruction of peace as a legal protection in the implementation of restorative justice in the level of investigation of criminal acts of traffic. Analytical nature of the results of this study is expected to describe the findings of both primary and secondary data directly processed and analyzed with the aim to clarify the data categories, arrange systematically and then discuss it logically. Data analysis technique in this research is qualitative data analysis. The data obtained then arranged systematically which then analyzed qualitatively to reach clarity of problem discussed.

RESULTS AND DISCUSSIONS

The proceeds of criminal proceedings should achieve justice for each party in particular and society in general. The punishment imposed should also be a just and civilized humanity. This justice can be realized in a balance between the perpetrator, the victim, and the community. A fair balance will be able to restore the situation as it was before a crime occurred. The perpetrator will be more responsible for the actions that he did, so there is a conscience to apologize and try not to repeat the crime again. The victim can also feel a fair balance if the harm he suffers from a crime can be replaced.

In the criminal law regulated in the Criminal Code, there is no liability for damages imposed on the perpetrator. It is then that cause a sense of dissatisfaction for the victim where after the case is handled by law enforcement officers, it is closed to the victim to demand losses. The Criminal Procedure Code regulates the

authority to prosecute the trial only to the prosecutors acting on behalf of the State. Indeed, the problem of compensation due to unlawful acts can be pursued in a civil manner by filing a lawsuit in court, but it takes a long time and a great cost. Therefore, it is necessary to solve criminal cases quickly in accordance with the wishes of the victim and the abilities of the perpetrators. This is where a fair balance can be realized.

The Indonesian Criminal Justice System shows a polarizing tendency that “penal mediation” in the Indonesian Criminal Justice System has been recognized by Indonesian judges. Reviewed from the perspective of Principle, Norm and Theory of mediation of penal existence is mentioned between “exist” and “nothing”. It is said to be “exist” because the practice of mediation of penal has been done by law enforcers, the Indonesian people and the settlement is done outside the court as through the mechanism of customary institutions. It is said to be “nothing” because penal mediation in the provisions of the Law is not known in the Criminal Justice System but under the law is known to be limited through law enforcement discretion, limited and partial. At the level under the Act, the settlement of cases outside the court through mediation of the penal for example set in:

1. No. Chief of Police. Pol: B / 3022 / XII / 2009 / SDEOPS dated December 14, 2009 on Case Handling Through Alternative Dispute Resolution (ADR) and Regulation of the Chief of Police of the Republic of Indonesia Number 7 of 2008 on Basic Guidelines for Strategy and Implementation of Community Policing in the Implementation of Polri Duties. This letter is partial and the principles of penal mediation referred to in this Chief of Police emphasize that the settlement of criminal cases by using ADR, must be agreed by the litigants but if no new agreement is settled in accordance with the legal procedures that apply professionally and proportionally .
2. Presidential Instruction No. 8 of 2002 concerning the grant of Legal Certainty to Debtors Who Have Completed their Obligations or Legal Actions to Debtors Who Have Not Completed Their Obligations Based on the Settlement of Shareholder Obligations.

In the practice of investigation of traffic crime in Central Java, the settlement of the case by mediation/restorative justice has been implemented, based on the interview result of the researcher with Dirlantas Central Java Regional Police⁵ that in the process of investigating the criminal act of traffic, the investigator keeps examination on the witnesses and the parties associated with the accident to clarify the position of the case. Furthermore, on their own consciousness and mutual agreement, both parties request to the Investigator that the case is not

continued until the Court because it can be settled in kinship. Discretion has three conditions:

1. For the sake of public interest,
2. Still within the scope of its authority, and
3. Not violate the general principles of good governance.

Thus, discretion arises because there is a purpose of statehood that must be achieved, among others, to create the welfare of the people and enforce the law-oriented policy of justice policy and legal benefits.⁶

Legally practically “peace” can be used as a legal protection in the implementation of restorative justice at the level of criminal investigation of criminal acts, but it cannot be done legally formal, because there is no clear regulation on restorative justice. Below is presented the data of the incident and the completion of traffic accidents in the Central Java Regional Police:

TRAFFIC ACCIDENT EVENT AND COMPLETION DATA
CENTRAL JAVA REGIONAL POLICE YEAR 2012 – 2016

No.	Contingent	Number of Accident	Settlement		RJ Settlement Percentage
			SPP	RJ	
1	POLRES BANYUMAS	3.746	632	3.114	83,19
2	POLRES KENDAL	2.358	2.040	743	31,51
3	POLRES SEMARANG	1.691	126	1.565	92,55
4	POLRES DEMAK	2.539	89	2.450	96,50
5	POLDA JATENG	68.492	9.697	58.795	85,84

RJ: Restorative Justice

SPP: The Criminal Justice System

Source: Processed from data in Central Java Police, Banyumas Resort Police, Kendal Police, Semarang Resort Police, Demak Police Station, end of November Year 2016⁷

Completion of SPP (Criminal Justice System) is a settlement of traffic accidents based on legal provisions (Criminal Justice System/Criminal Procedure Code) in the form of investigation and Case Files submitted to the Public Prosecutor (P-21) and / or terminated the investigation process / SP3 (not enough proof / non-compliance) and or delegated to the Prosecutor’s Office.

The settlement of RJ (Restorative Justice) is the settlement of traffic accidents based on the request of the parties who have made peace because it has been achieved justice and usefulness. The form of settlement based on Restorative Justice at the level of investigation is not known by formal juridical but juridical practically has been done because the request of the parties who is involved in accidents. Thus, for legal certainty, the administrative form is the settlement of the violation

causing traffic accidents in the process of *Tilang* (traffic ticket), the short event news (BAC) or fast event news (BAS). However, the implementation is experiencing technical obstacles, as experienced by Banyumas District Police where the Court and the State Prosecutor of Purwokerto and Banyumas refuse to delegate this form of settlement since the settlement is contrary to the principle of *nebis in idem*. In fact, the traffic accident always begins with traffic violation but the event is a series of events so that it cannot be processed individually and must be processed simultaneously as a series of events intact.

The settlement of traffic accident cases with the concept of restorative justice can be said to be “exist” and “nothing”. It is said to “exist” because based on justice (*gerechtigheit*) and benefit (*zweckmassigkeit*) has indeed been carried out on request of parties involved in traffic accidents. On the other hand, it is said “Nothing” because based on legal certainty (*rechtssicherheit*) there is no legal basis.

In the Handbook on Restorative Justice Programs published by the United Nations it is stated that: “Restorative justice is an approach to problem solving that, in its various forms, involves the victim, the offender, their social networks, justice agencies and the community.”⁸ In relationship with the criminal law enforcement, then restorative justice is an approach in solving criminal problems involving victims, perpetrators, and elements of society for the creation of a justice.

According to Bagir Manan, the substance of restorative justice contains principles that can build joint participation between perpetrators, victims, and community groups to complete an event or a crime. It also places the perpetrators, victims, and communities as “stakeholders” who work together and immediately seek to find solutions that are deemed fair to all parties (win-win solutions)⁹. The principle of restorative justice according to Bagir Manan is very possible in the participation of the community in determining the balanced and fair law.

The concept of restorative justice is essentially in line with progressive legal theory presented by Satjipto Rahardjo. According to Satjipto Rahardjo the core of progressive law lies in the progressive thinking and acting that liberate it from the shackles of the text of the legal documents, because ultimately the law is not for the text of law, but for the happiness of people.¹⁰ Therefore, the settlement of criminal cases should not be fixed on the text of the law. The goal to be achieved in the settlement is the return of a balanced social harmonization between the perpetrator, the victim and the community.

Justice in restorative justice requires an attempt to recover/restore the harm or consequences of crime, and the perpetrator in this case is given an opportunity to be involved in the recovery effort, all in order to maintain public order and maintain a just peace. In other words the three principles contain the following elements: first, justice requires that we work to restore those who have been injured; second,

those most directly involved and affected by crime should have the a good will to solve the case.¹¹

Restorative justice places a higher value in the direct involvement of the parties. The victim is able to restore the control element, while the perpetrator is encouraged to assume responsibility as a step in correcting the errors caused by the crime and in building its social value system. Community involvement actively strengthens the community itself and binds the community to values of respect and mutual love for each other. The role of government is substantially reduced in monopolizing the present judicial process. Restorative justice requires cooperative efforts from communities and governments to create a condition where victims and perpetrators can reconcile their conflicts and correct their injuries.¹² In addition, restorative justice returns conflicts to those most affected by victims, perpetrators and their “community interests” and gives priority to their interests. Restorative justice also emphasizes human rights and the need to recognize the impact of social injustice and in simple ways to restore them rather than simply providing legal or legal justice and victims are not getting any justice. Then restorative justice also seeks to restore the security of the victim, personal respect, dignity, and more importantly the sense of control.¹³

Through restorative justice not all criminal cases must be settled on the court, but it can be terminated on their own between the perpetrator and the victim. The way of settlement pursued through restorative justice in accordance with the culture and ideology of the Indonesian nation as mandated in Pancasila. The results of the settlement can be accounted for God Almighty. The settlement takes into account the fairness and fairness of humanity for both sides, and of course it can re-create the social conditions as it was before the crime.

Indonesians inherited the European law tradition of civil law, it usually tended to pour so much attention into law-making activities, but paid less attention to law enforcing activities. Even so, the society simply embraces the common paradigm and doctrine of thought in the civil law system, namely the fictitious theory which assumes that once a legal norm is established, then at that time everyone is considered to know the law. One’s ignorance of the law cannot relieve the person of a lawsuit. This theory is also justified by a universal principle, equality before the law.¹⁴ It should understand the law comprehensively as an integrated system becomes very important to do. Strategy of law development or national development to realize the idea of State of Law (*Rechtsstaat* or The Rule of Law) also should not be trapped only oriented to make law.¹⁵

One of the influences from European law tradition is that law enforcement in Indonesia tends to be normative, or in accordance with written rules. This tendency is often referred to as positivism¹⁶ in which law enforcement must be based on positive law. Law enforcement based on positive law is closely related to the

principle of legality. This means that no act can be punished unless it is based on criminal provisions according to the law that has been held first. Furthermore, what if there is no regulation that prohibits it, when it is obviously harmful to others, or that it is unacceptable in social ethics. Surely those who do it can say that there is no law prohibiting his actions. Law enforcement certainly cannot be separated from law enforcers, such as police, prosecutors, judges, advocates. Moreover, can it be imagined if all law enforcement is guided by positive law? It is a question of how the punishment should be, should we enforce the justice or the law? Should we seek the law first or give priority to conscience? So far, law enforcers in Indonesia are still tied to positivistic understanding, both in formal and material law. From here the toughest task is on the shoulders of a judge, because whatever case before him must be cut off, whether there is a rule or not. Under these circumstances the question can be whether law enforcement officials make their own laws to achieve justice.

The settlement of traffic accident cases by Restorative Justice is in addition to the wishes of the parties involved in traffic accidents as a result of interviews with community members as parties who had been involved in traffic accidents in the jurisdiction of Demak Police, where they prefer to have their cases resolved through Restorative Justice rather than having a trial in court. The reason is that the case is quickly done and more perceived justice¹⁷.

Opinion of the community is similar and supported by religious scholars/religious leaders. KH. Murodhi stated that if between the perpetrator and the victim in the traffic accident have mutually forgiven, then the good has been achieved between the two parties, so for his case no longer needs to be heard in court¹⁸. Sulistyowati's opinion stated that if the incident of traffic accident has been settled between the parties then the social equilibrium in the community has recovered, therefore no longer required the case to be forwarded to court.²⁰

Chairman of the Advisory Board of the Indonesian Writers and Journalists Association Mastur Darori, stated that peace, the parties involved in traffic accidents has a very high value of justice philosophy, even beyond the value of justice that was born by the judge in its verdict. It no longer need the case brought to the realm of court²¹, in line with the matter stated by the legal practitioner who is also Chairman of DPD Peradi Jateng an. H. Doni Djunaedi. Law enforcement process is based on three pillars, namely legal certainty, justice and benefit, if there is a clash between legal certainty with justice and benefit then the more priority is the aspect of justice and benefit. Therefore with the peace between the parties in the case of traffic accidents, in case justice and expediency have been achieved, so that legal certainty can be ruled out.²¹

According to Haryanto²², a lecturer at the Faculty of Law of Satya Wacana Christian University (SWCU) Salatiga, he stated that if in the case of traffic

accidents has been reached the settlement in peace, then no longer need the case passed to the court, based on the consideration of the criminal process is *ultimum remedium* which is the ultimate weapon in the settlement of criminal cases. If other mechanisms are possible (eg consensus deliberations) then the mechanism can be implemented to resolve first because the settlement provides good benefits for both sides. Referring to Gustaf Radbruch's opinion that the law enforcement process is based on the three pillars, namely legal certainty, justice and benefit, if the aspect of legal certainty is prioritized it will sacrifice the aspect of justice, and vice versa. However, if selected the benefits aspect then the aspect of legal certainty and justice aspect is immediately included in it. It is in line with Progressive Law Theory of Satjipto Rahardjo which states that the law is for human not for himself, if there is a problem with the law then the defeated is the law, not the human. This is in the breath with the discretion of the police as referred to in Article 18 paragraph (1) of Law Number 2 Year 2002 concerning the Police of the Republic of Indonesia.²³

Gustav Radbruch states that the ideals of law are none other than justice. The question of justice is not a classical mathematical problem, but a problem that develops along with human civilization and human civilization. The form of justice may change but the essence of justice is always present in human life and social life.²⁴ Therefore in punish must always put forward the aspect of justice. Justice itself cannot be separated from the sociological aspects in people's lives because it grows and develops in a community environment. The justice should not depend on written law. Justice is too narrow to pour in the form of written rules. To achieve justice requires a conscience capable of seeing and exploring justice. Thus, it is unfortunate that justice enforcement is hampered by written rules that are human political products. A written rule alone can be interpreted differently. Surely a just conscience is capable of interpreting justice.

Mahfud MD's opinion states that a judge in court may escape from the shackles of the law to make a decision based on his conviction to uphold substantive justice. This not only exists in the theory or legal tradition of a particular country, but also in the legal system of Indonesia²⁵. In fact, the debate over the duties of judges as law enforcement with respect to the sound of the law and its duty as a law enforcer even though it must be out of the provisions of the law, is a classic issue. Now, there is no longer a line between the civil law tradition that makes judges merely a mouthpiece of common law and law that makes judges as legal justice even if they violate the law. Both are considered as complementary needs. On the verge of every verdict also always affirmed, the verdict is made "For the sake of Justice by the One Supreme God," and not "For the sake of Legal Certainty under the Law." These are all grounds that allow judges to make judgments to uphold justice even if the formal provisions of laws that impede the upholding of justice.

There is a question; it is difficult because there are no definite criteria to determine justice. In contrast to the sound of the law whose content is certain. On the issue it should be emphasized, justice is not always certain first because in many cases it must be addressed according to each character. Justice will be felt and visible from the construction of the judge's law by judging one by one the evidence presented in the trial to finally arrive at the conviction in making the verdict. However, it cannot be interpreted; the judge may casually violate or breach the provisions of the law. In the case that the law has been regulated with certainty and considered fair, then the judge still needs to adhere to the law. In the legal system and the constitution in Indonesia, judges are allowed to make decisions that come out of the law if the legislation is bound from confidence to uphold justice.²⁶ Mahfud MD's opinion is according to the author in line with the consideration of the Supreme Court judge filed the case Number 107 107 PK / Pid / 2006 dated November 21, 2007 and Number: 1600 K / Pid / 2009 dated November 24, 2009. In these two decisions Supreme Court Justices put forward value -the value of restorative justice rather than legal certainty.

Based on the example of the case that the author reviewed above, the application of restorative justice in criminal cases has the following requirements: First, there must be good intentions of the parties including the community. This intention comes from the conscience to forgive the offender. Without the intention of all parties, restorative justice is impossible to be realized. Second, the perpetrator of the crime is truly sorry and promised not to repeat his actions. The perpetrator in this case should apologize to the victim and his family where the victim and his family are willing to forgive the perpetrator. Third, the form of peace proceeds in a balanced way that makes the victim or his family will not sue again against the perpetrator. Fourth, the settlement form between the perpetrator and the victim or his family can be accepted by the community. Although people are not directly exposed to criminal acts, it is basically a criminal act that is an event that disturbs society. This is also related to the purpose of restorative justice. If people accept it, then the perpetrators can be accepted again. If all four have been met then the law enforcement officers should not make rigid decisions. For example, if the case has already been handed over to the court, should not impose the maximum penalty on the perpetrator, the verdict should consider the peace that has been made between the perpetrator and the victim or his or her family.

The researcher thinks that the party who has suffered a crime must be given the authority to settle the criminal offense against him. The authority here is limited to the intention to settle the matter quickly through a peaceful way. So, here there are two options for the victim. First, if the victim has the intention to make peace and forgive the perpetrator, restorative justice is applied and the

victim can play an active role. Second, if there is no peaceful intention of the victim or his family, then the criminal case becomes the full authority of the law enforcement apparatus while maintaining the loss suffered by the victim. Thus the balance between the perpetrator and the victim can be realized in the midst of society. Law enforcement does not have to be rigid. The purpose of the law is inseparable from justice, so that if justice has materialized it does not need to be extended again with the criminal justice process. Giving forgiveness and/or compensation has proven to be able to realize the balance, although in laws and regulations are not regulated.

CONCLUSION

Implementation of restorative justice at the level of the investigation of traffic crimes is legally practicable to be a legal protection at the level of investigation of criminal acts of traffic. It is supported by the opinion of religious leaders, community leaders, DPRD leaders, legal practitioners (lawyers) and academics, but legal formal cannot do that. The settlement of a traffic accident with restorative justice pattern in Central Java Regional Police area has in practice been conducted by Indonesian Police investigators based on justice (*gerechtigheit*) and expediency (*zweckmassigkeit*) on the basis of the request of the parties, even if there is no legal basis. In fact, the application of restorative justice is quite effective in accelerating the settlement of traffic accidents, so as to reduce the accumulation of cases at the investigation level, and majority of them are wanted by the litigants (85.84%). The model of peace between victims and perpetrators in traffic accidents is through mediation, investigators only hold Article 235 paragraph (1) and (2) and Article 236 paragraph (2) of Law Number 22 Year 2009 on Traffic and Road Transportation and Discretion Police, legal benefit, justice and humanity contained in Article 18 paragraph (1) of Law Number 2 Year 2002 regarding the Police of the Republic of Indonesia.

Note

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12. Setyo Utomo, ”Sistem Pemidanaan dalam Hukum Pidana yang Berbasis Restorative Justie” the paper was presented in the Focus Group Discussion (FGD) activity on “POLITICS FOR THE FORMULATION OF CRIMINAL THREATS IN THE LAW OF THE Criminal Code”, organized by the National Law Development Planning Center of the National Legal Development Board / BPHN Departement of Law and Human Rights, in Jakarta, October 21, 2010
13. *Ibid*
14. Jimly Asshiddiqie. ”Pembangunan Hukum dan Penegakan Hukum di Indonesia” Paper presented at the Seminar “Menyoal Moral Penegak Hukum” Faculty of Law Gajah Mada University, Yogyakarta, February 17, 2006
15. *Ibid*
16. Positivism is one of the flows in the philosophy (theory) of law which assume, that the theory of law is only related to positive law alone. Legal science does not discuss whether positive law is good or bad, nor does it deal with the effectiveness of the law in society. see Achmad Roestandi, *Responsi Filsafat Hukum*, Bandung: Armico,1992,page. 80
17. Interview result with Mr. Khoerul Taufik perpetrators and victims in traffic accidents that occurred in Bakung Village, Mijen District, Demak District.
18. Interview result K.H. Murodhi, caretaker of Pondok Pesantren “Darrusalam” Gebugan, Klepu, Semarang, on August 24, 2016
19. Interview result Sulistyowati, Tokoh masyarakat Semarang, on August 24, 2016
20. Interview result with Mastur Chairman of the Advisory Board of the Indonesian Writers and Journalists Association dated August 25, 2016
21. Interview result with Doni Djunaedi.,on August 24, 2016
22. Interview result with Haryanto, Lecturer of Faculty of Law Universitas Kristen Satya Wacana (UKSW) Salatiga. August 27, 2016.

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24. Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2008, page. 23
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