

Implementation of Restorative Justice in the Settlement of Traffic Cases with Minor Injury Victims in Wonogiri

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ABSTRAK

Tingginya frekuensi kecelakaan lalu lintas di Wonogiri, khususnya yang melibatkan pengendara sepeda motor, telah menjadi perhatian yang signifikan. Setiap tahun, sejumlah besar dari insiden ini mengakibatkan luka ringan, sehingga diperlukan pendekatan yang efektif dan manusiawi dalam penyelesaian kasus. Artikel ini mengeksplorasi penerapan keadilan restoratif dalam penyelesaian kasus lalu lintas dengan korban luka ringan di Wonogiri. Penelitian ini bertujuan untuk menilai bagaimana keadilan restoratif diterapkan dalam kasus-kasus tersebut dan mengidentifikasi tantangan yang mungkin menghambat penerapannya secara efektif. Studi ini menggunakan metodologi yuridis empiris, di mana praktik keadilan restoratif dalam kasus kecelakaan lalu lintas di dunia nyata dibandingkan dengan peraturan hukum yang berlaku di Indonesia. Data dikumpulkan melalui penelitian lapangan, termasuk wawancara dengan penegak hukum, pejabat yudisial, dan pihak-pihak yang terlibat dalam kasus lalu lintas. Pendekatan empiris ini memungkinkan pemahaman yang komprehensif tentang bagaimana keadilan restoratif dipraktikkan di Wonogiri, dengan fokus pada efektivitasnya serta hambatan-hambatan yang dihadapi selama penerapannya. Hasil penelitian menunjukkan bahwa keadilan restoratif sering digunakan dalam kasus lalu lintas dengan korban luka ringan di Wonogiri. Pendekatan ini dihargai karena kemampuannya memfasilitasi rekonsiliasi antara korban dan pelaku, yang seringkali menghasilkan hasil yang lebih memuaskan bagi kedua belah pihak dibandingkan dengan proses hukum konvensional. Namun, penelitian ini juga mengidentifikasi beberapa tantangan, seperti ketidakkonsistenan dalam penerapannya dan kurangnya kesadaran serta pelatihan di antara mereka yang bertanggung jawab untuk menerapkan keadilan restoratif. Penelitian ini menyimpulkan bahwa meskipun keadilan restoratif menawarkan potensi yang signifikan untuk menyelesaikan kasus lalu lintas di Wonogiri, mengatasi tantangan-tantangan ini sangat penting untuk meningkatkan efektivitasnya. Studi ini merekomendasikan pengembangan pedoman yang lebih jelas, peningkatan pelatihan bagi penegak hukum dan pejabat yudisial, serta peningkatan kesadaran

publik untuk mendukung penerapan keadilan restoratif yang lebih luas dalam penyelesaian kasus lalu lintas.

Kata Kunci: Lalu Lintas, Penyelesaian Kasus, Keadilan Restoratif, Wonogiri

ABSTRACT

The high frequency of traffic accidents in Wonogiri, particularly those involving motorcycle riders, has become a significant concern. Each year, a considerable number of these incidents result in minor injuries, highlighting the need for an effective and humane approach to case resolution. This article explores the implementation of restorative justice in resolving traffic cases with minor injury victims in Wonogiri. The research aims to assess how restorative justice is applied in these cases and to identify the challenges that may hinder its effective implementation. The study employs an empirical juridical methodology, where real-world practices of restorative justice in traffic accident cases are compared with the applicable legal regulations in Indonesia. Data was gathered through field research, including interviews with law enforcement, judicial officials, and the parties involved in traffic cases. The empirical approach allows for a comprehensive understanding of how restorative justice is practiced in Wonogiri, focusing on its effectiveness and any obstacles encountered during its application. The findings reveal that restorative justice is frequently utilized in traffic cases with minor injuries in Wonogiri. This approach is valued for its ability to facilitate reconciliation between the victim and the offender, often leading to more satisfactory outcomes for both parties compared to conventional legal proceedings. However, the study also identifies several challenges, such as inconsistencies in its application and a lack of awareness and training among those responsible for implementing restorative justice. The research concludes that while restorative justice offers significant potential for resolving traffic cases in Wonogiri, addressing these challenges is crucial to improving its effectiveness. The study recommends the development of clearer guidelines, enhanced training for law enforcement and judicial personnel, and increased public awareness to support the broader implementation of restorative justice in traffic case resolutions.

Keywords: Traffic, Case Settlement, Restorative Justice, Wonogiri

INTRODUCTION

Traffic accidents have become a pervasive issue globally, with developing regions like Indonesia witnessing a significant number of incidents each year. In particular, Wonogiri, a regency in Central Java, experiences a high frequency of traffic accidents, most of which involve motorcyclists and result in minor injuries. The traditional judicial system, with its focus

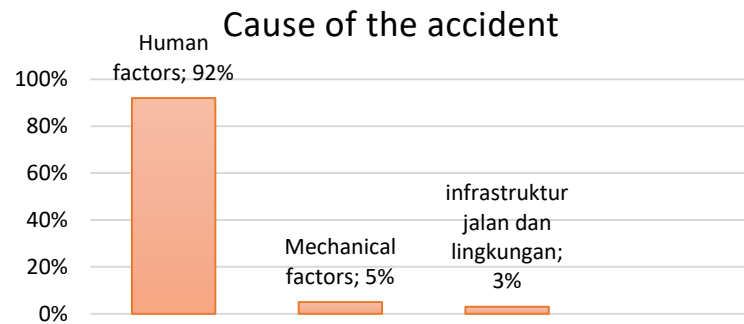
on punitive measures, often fails to address the underlying causes of these accidents or provide a satisfactory resolution for the victims and offenders involved.

In this context, restorative justice has emerged as an alternative approach that emphasizes reconciliation, rehabilitation, and the restoration of relationships between the parties involved. This approach is particularly relevant in traffic cases where the injuries are minor, and the parties may benefit more from a mediated resolution than from prolonged legal proceedings. Restorative justice seeks to engage both the victim and the offender in a dialogue that promotes understanding, accountability, and mutual agreement on the steps necessary to repair the harm caused. Despite the potential benefits of restorative justice, its implementation in Indonesia, and specifically in Wonogiri, faces several challenges. These include a lack of awareness and understanding of the concept among law enforcement officials, inconsistent application across different cases, and limited resources to facilitate the process. More over, the absence of clear legal guidelines further complicates its adoption, leading to variability in outcomes and, at times, dissatisfaction among the parties involved.

This study investigates the implementation of restorative justice in the settlement of traffic cases with minor injury victims in Wonogiri. By examining the current practices, challenges, and outcomes, this research aims to provide insights into how restorative justice can be more effectively integrated into the legal framework in Indonesia, particularly in the context of traffic accidents. The findings will contribute to the ongoing discourse on restorative justice and its role in promoting a more humane and equitable justice system.

Over time, changes have not only occurred in humans but also in transportation. The development of machine-operated transportation has made distance no longer a barrier for people to carry out their tasks. The advancement of the transportation sector is a crucial element in the progress of society and countries, as it forms the foundation for societal development and industrial growth. (Hukum & Warmadewa, 2023)

However, there are also many violations and negative impacts associated with transportation, such as air pollution, which has become a significant issue in Indonesia. Besides increasing pollution, transportation-related problems have also introduced new challenges, such as violations committed by some drivers, including traffic rule violations. As the number of vehicles grows and public awareness and driving skills remain insufficient, traffic accidents are likely to occur. According to the Indonesian government, approximately 92.0% of accidents are attributed to human factors, 5.0% to vehicle factors, and 3.0% to road infrastructure and environmental factors, as illustrated in the chart below. :(Siregar & Dewi, 2020)



Wonogiri is one of the regions in Central Java and part of the Republic of Indonesia, where the number and rate of traffic accidents fluctuate each year. According to data obtained from the Wonogiri Traffic Unit (SATLANTAS Wonogiri), from 2019 to 2024, there were 6,110 traffic accidents, with the majority of victims suffering serious injuries. The year 2022 recorded the highest number of traffic accidents in the past six years, with 101 fatalities and 1,437 serious injuries, resulting in financial losses amounting to IDR 1,760,050,000. Over this six-year period, the Wonogiri Traffic Unit documented a significant number of traffic accident victims, as shown in the table below.

Table 1. Traffic Accident Data in Wonogiri for the Period 2019–2024

Nu	Year	Traffic Accident			Victim	
1	2019	874	92	0	949	401.100.000
2	2020	686	65	0	754	269.900.000
3	2021	770	81	0	828	300.400.000
4	2022	1314	101	0	1437	1.760.050.000
5	2023	1251	88	0	1392	1.706.350.000
6	2024	1215	85	0	1338	1.243.300.000

Source: Archives of the Traffic Unit, Wonogiri Police Resort

In addition, traffic accidents occurring in Wonogiri are mostly involving riders of two-wheeled vehicles. The total number of two-wheeled vehicle accidents up to November 7, 2024, is approximately 7,631 incidents. One of the causes of these traffic accidents is driver negligence, making the accidents unavoidable. The Wonogiri Traffic Unit, which handles traffic accident cases, continuously provides guidance and warnings to drivers who violate traffic regulations. Among the many traffic offenders are vehicle users still classified as minors, specifically those under the age of 17.

In traffic accidents, there are naturally parties who suffer losses, both physically and materially. The legal consequence of a traffic accident is criminal liability; a person who causes harm to others due to their fault is obligated to compensate the injured party for the losses incurred. (Akbar & Enrekang, n.d.)

Restorative justice is an approach to resolving criminal cases that emerged as a concept in the 1960s. The application of restorative justice offers a different way to understand and resolve criminal acts. The philosophy behind restorative justice is to repair the condition of the victim, forgive the actions of the offender, and reintegrate the offender back into society. (Suryani et al., 2023) To accommodate case resolution using this approach, specific events and procedures are required within the legal system. (Karmana et al., 2023)

According to Article 2 of the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution based on restorative justice, restorative justice is implemented based on: (a) justice, (b) public interest, (c) proportionality, (d) punishment as a last resort, and (e) being fast, simple, and low-cost. (Bere et al., 2023)

In practice, in Wonogiri, there are some cases resolved using Restorative Justice, while others are still settled through the court system. Thus, it can be said that the effectiveness of implementing Restorative Justice has not yet fully become the primary approach for resolving traffic-related issues.

RESEARCH PROBLEM

1. How is the implementation and accountability of restorative justice in resolving traffic accident cases with minor injuries in Wonogiri?
2. What are the obstacles to restorative justice in resolving traffic accident cases with minor injuries in Wonogiri?

RESEARCH METHOD

This article uses a qualitative research approach by revealing social facts and then correlating them with the applicable laws. This research also employs a descriptive method, which is used to obtain information and data that are not yet fully recognized. The data sources for this article include both primary and secondary data obtained from the Archives of the Wonogiri Traffic Unit and through direct interviews with Ipda Heri, Aiptu Ghofur Rubiyanto, S.H., and

Bripda Pramudya Yoga Utama. The analysis in this study combines the results of interviews and observations to provide a comprehensive overview

RESULTS AND DISCUSSION

1 Implementation and Accountability of Restorative Justice in Resolving Traffic Accident Cases with Minor Injuries in Wonogiri

Currently, the criminal justice system has weaknesses in paying attention to the conditions of victims and the community, often neglecting their interests. The emergence of restorative justice is an innovation in resolving criminal cases by designing a criminal justice system that prioritizes the needs of the community and victims, while also utilizing the existing system within criminal justice. Howard Zehr describes restorative justice as follows: “The goal of restorative justice is to identify and address hurts, needs, and obligations collectively in order to heal and make things as right as possible for individuals who have a stake in a crime.” This means that restorative justice aims primarily to identify and address pain, needs, and obligations collectively so that the healing process succeeds and provides a truth accepted by all parties involved.

Restorative justice, according to experts, is an approach that emphasizes collaborative conflict resolution and repairing the harm caused by crime. According to Braithwaite, restorative justice aims to repair the damage experienced by victims and restore relationships between offenders, victims, and the community. Zehr adds that restorative justice involves dialogue and mediation to achieve more meaningful justice, not solely focusing on punishment. According to Bazemore and Umbreit, this approach can increase offenders’ sense of responsibility while providing victims the opportunity to participate in the resolution of their cases. (Braithwaite, 2002)

The implementation of restorative justice in resolving traffic accident cases aims to provide a fairer solution and repair damages without going through a lengthy criminal justice process. This approach involves the affected parties—namely the victim, the offender, their families, and the local community—to communicate and seek a mutually acceptable resolution. The offender is given the opportunity to take responsibility for their actions by offering a direct apology, providing compensation, or agreeing on other forms of restitution. This process helps reduce tension and build trust between the victim and the offender.

Accountability in this context refers to the offender’s efforts to repair the impact of the accident they caused. Instead of merely accepting punishment, the offender takes moral and social responsibility, whether through material compensation or participation in dialogue to

reach a shared understanding. Research shows that the implementation of restorative justice in traffic accident cases is effective in preventing prolonged conflicts and minimizing resentment. This approach can also increase victim satisfaction as they have the opportunity to express their losses and receive a more humane and direct form of resolution.

Table 2. Number of Traffic Accidents in Wonogiri by Type of Transportation (2019-2024)

Nu	Year	Type	Number of Incidents
1	2019	R2	876
		R4	11
		Public Transportation	4
		Heavy-Duty Vehicles (<i>Kendaraan Muatan Berat</i>)	17
2	2020	R2	719
		R4	8
		Public Transportation	11
		Heavy-Duty Vehicles (<i>Kendaraan Muatan Berat</i>)	10
3	2021	R2	991
		R4	21
		Public Transportation	106
		Heavy-Duty Vehicles (<i>Kendaraan Muatan Berat</i>)	93
4	2022	R2	1.743
		R4	17
		Public Transportation	166
		Heavy-Duty Vehicles (<i>Kendaraan Muatan Berat</i>)	111
5	2023	R2	1.692
		R4	17
		Public Transportation	192
		Heavy-Duty Vehicles (<i>Kendaraan Muatan Berat</i>)	90
6	2024	R2	1.610
		R4	147
		Public Transportation	17
		Heavy-Duty Vehicles (<i>Kendaraan Muatan Berat</i>)	91

Source: Archives of the Traffic Unit, Wonogiri Police Resort

Restorative justice is a series of judicial stages with the primary goal of restoring the harm experienced by the victims of crime. The main purpose of justice in criminal law is to return the situation and conditions to how they were before the crime occurred. When someone commits a legal violation, the situation inevitably changes.(Sahti, 2019) A peaceful resolution

can be reached by mutual agreement if the offender admits their fault and voluntarily agrees to compensate for the damages experienced by the victim, with the hope of receiving forgiveness from the victim. (Waluyo, 2016) There is a difference between restorative justice and the conventional justice system, where the conventional system focuses on punishment and retribution, while restorative justice prioritizes dialogue, repairing harm, and reintegrating the offender into society. Restorative justice is often used in Indonesia to address issues of overcrowding in the justice system, aiming to produce fairer and more inclusive resolutions.(Nuroini, 2024) The characteristics of Restorative Justice in addressing a criminal act are as follows:(Afif, n.d.)

1. Repairing the damages that have occurred
2. Involving the parties in conflict as well as other relevant parties
3. Making efforts to improve the relationship between the government and the community

An interview with Ipda Heri, a member of the Traffic Unit at Wonogiri Police Resort, explained that the implementation of restorative justice in traffic accident cases with minor injuries in Wonogiri is carried out through several methods and resolutions, namely:

1. Settlement through material compensation using the restorative justice (RJ) approach
2. Settlement of traffic accident cases through the court system

The Indonesian National Police Regulation (Perpol) Number 08 of 2021 regulates the handling of criminal acts based on the principle of restorative justice. This regulation serves as a guideline for case resolution during the investigation and prosecution process, aiming to provide legal certainty. It also regulates the investigation (SPP-Lidik) and the discontinuation of investigation (SP3) based on legal reasons grounded in restorative justice principles as stipulated in Article 2 of Perpol No. 8 of 2021 concerning the handling of criminal acts with restorative justice principles.

In resolving traffic accident cases, both court proceedings and restorative justice are effective. Court proceedings provide legal certainty and serve as a deterrent for offenders. Meanwhile, through restorative justice, the rights of the victims are restored and a sense of justice is fulfilled through mutual negotiation, which may lead to the waiver of criminal prosecution.(Sinaga, n.d.)

In its implementation, restorative justice in traffic accident cases in Wonogiri requires several conditions regulated in Article 5 of Police Regulation (Perpol) Number 8 of 2021 concerning the handling of criminal acts based on the principle of restorative justice, including:

1. General Requirements, Divided into two sub-requirements,, namely:

a. Material requirements:

- 1) Not causing public unrest and/or rejection from the community;
- 2) Not having an effect on social conflict;
- 3) Not having the potential to divide the nation;
- 4) Not involving cases related to radicalism and/or separatism;
- 5) Not involving repeat offenders based on court decisions; and
- 6) Not involving crimes of terrorism, crimes against state security, corruption crimes, and crimes against human life.

b. Formal requirements include:

- 1) Peace between the parties is achieved through deliberation and consensus;
- 2) The rights of the victim and the obligations of the offender to restore the losses are fulfilled, and a written statement is made

2. Specific Requirements for Handling Traffic Crimes Through Restorative Justice :

- a. A traffic accident qualifies for restorative justice when it occurs as a result of a motor vehicle operator's conduct and driving conditions that pose a potential danger and result in material losses and/or minor physical injuries to others.
- b. Road traffic accidents arising from negligence that cause harm to persons and/or property may also fall within the scope of restorative justice..

In the implementation of restorative justice in cases of traffic accidents involving minor injuries, the Indonesian National Police (Polri) aims to resolve criminal offenses by prioritizing the principles of restorative justice. This approach focuses on restoring the situation to its original condition and maintaining social harmony while protecting the interests and rights of both the victim and the offender. It emphasizes resolution outside the conventional penal process, aligning with the legal needs of society and encouraging offender accountability toward the victim.

Law enforcement officials, particularly those with the authority to determine suspect status, must understand both the formulation of criminal offenses and the principles of restorative justice as an alternative or complementary approach within the criminal justice system.(Case Study, IV Unit, 2020) The regulatory framework issued by Polri concerning the

resolution and accountability of criminal acts based on restorative justice represents a progressive legal development, grounded in the institutional authority provided under Law No. 2 of 2002 concerning the Indonesian National Police, specifically Articles 16 and 18.

In legal proceedings involving traffic accident perpetrators, the investigation and prosecution of a criminal case may be terminated through a written petition submitted to the police. Such a petition may be filed by the offender, the victim, their respective families, or other interested parties. The request must be accompanied by a peace agreement and supporting documentation evidencing the restoration of the victim's rights.

In the context of restorative justice for traffic accidents, the peace agreement and request for restorative settlement must be submitted by the offender, victim, or their respective family members, or other relevant parties. The application must include a written statement of reconciliation and evidence of restitution, witnessed by a local village official or community leader as a credible witness.

The accountability of the offender to the victim is fulfilled in accordance with the substantive content of the peace agreement or mutual settlement. The parties involved in the traffic incident must reach a consensus regarding the compensation owed to the victim. The principle of restorative justice is intended to empower victims, offenders, their families, and the community in addressing wrongdoing through awareness, responsibility, and mutual efforts to restore social harmony.

2 Barriers to the Implementation of Restorative Justice in the Settlement of Traffic Accident Cases Involving Minor Injuries in Wonogiri

The concept of restorative justice was initially conceived as a response to the limitations of conventional criminal justice systems in fulfilling the broader needs of victims, offenders, and communities. Restorative justice involves the active participation of key stakeholders—including the government, the offender, the victim, and members of the community—in addressing the consequences of a criminal act. In the context of traffic accident cases in Wonogiri, restorative justice has emerged as an alternative mechanism for resolving disputes, particularly those involving minor injuries. It is a widely recognized approach across jurisdictions for managing both adult and juvenile offenders in traffic-related offenses, offering a more comprehensive and effective solution for legal resolution.

The primary objective of restorative justice is to empower victims, offenders, their families, and the wider community to repair the harm caused by unlawful acts. This is achieved through a process grounded in awareness, accountability, and mutual consent. However, several key

challenges hinder the practical implementation of restorative justice, particularly in local contexts such as Wonogiri. These include factors inherent to the legal system itself, law enforcement practices, the availability of institutional support and infrastructure, the societal context in which laws are applied, and persistent cultural norms that continue to shape local policy and attitudes.

In restorative justice proceedings, victims are given a platform to express the emotional and material impact of the offense, while offenders are offered the opportunity to acknowledge responsibility and actively engage in reparative efforts. This method is believed to reduce recidivism and foster a more holistic sense of justice. According to research published in *The British Journal of Criminology*, restorative justice has proven effective in enhancing victim satisfaction and reducing retaliatory sentiments.

In traffic accident cases resolved through restorative justice in Wonogiri, investigators are obligated to facilitate reconciliation between the victim and the offender. Based on interviews conducted with Police Inspector Ipda Heri, several significant obstacles were identified:

(1) Uncooperative Parties

There are instances where the offender refuses to engage constructively with the victim post-accident, and the victim, in turn, declines to grant forgiveness. This prolongs conflict resolution and may lead to the involvement of third parties who further complicate reconciliation efforts. Additionally, limited public understanding of restorative justice principles, and the insufficient involvement of community leaders to mediate and explain the rationale behind settlements, contribute to public skepticism and resistance. (Mareta, 2018)

(2) Inadequate Compensation.

Often, the restitution offered by the offender does not correspond proportionately to the victim's suffering, despite both parties having reached a formal agreement. This undermines the core focus of restorative justice, which is to meaningfully restore harm and promote sustainable peace through fair compensation and reparative action.

(3) Limited Public Awareness

While investigators may adopt a restorative justice approach in handling minor traffic offenses, the general public—and even involved parties—frequently revert to

informal settlement methods outside the scope of the formal justice system. This suggests a disconnect between the legal framework and its public perception or acceptance. (Efendi et al., 2022)

CONCLUSION

The implementation of Restorative Justice in traffic accident cases by the Traffic Unit (Satlantas) of Wonogiri has begun to be applied in accordance with the conditions set forth in a written agreement based on reconciliation, as mandated by Police Regulation (Perpol) No. 8 of 2021 concerning the handling of criminal acts through the principles of restorative justice. However, the application of this concept in practice faces several obstacles. Among the primary challenges encountered are the uncooperative behavior of parties involved, inadequate compensation offered by the offender, and the general lack of public awareness and understanding regarding the principles and procedures of restorative justice.

The application of restorative justice in traffic accident cases involving minor injuries in Wonogiri represents a progressive shift from punitive criminal justice approaches toward a more reconciliatory, victim-centered model. In accordance with Police Regulation No. 8 of 2021, the Satlantas Wonogiri has begun implementing restorative justice by facilitating written peace agreements as a basis for case resolution.

However, despite this positive development, several significant challenges persist. These include the lack of cooperation from involved parties, especially when the offender fails to engage constructively or the victim refuses reconciliation; the inadequacy of compensation offered by the offender, which often fails to reflect the actual harm suffered by the victim; and limited public awareness and understanding of restorative justice as a legitimate and lawful alternative to conventional legal proceedings.

The findings underscore that successful implementation of restorative justice requires more than just regulatory support—it demands active institutional facilitation, community engagement, and public education. Restorative justice, when effectively applied, has the potential to restore social harmony, reduce recidivism, and provide more meaningful justice to both victims and offenders in traffic accident cases. However, without addressing the structural and cultural barriers identified, its impact will remain limited and inconsistent.

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