

Restorative Justice in the Case Verdict of the Muhammed Bin Zayed: MBZ Toll Road Case

Mohammad Alwi, Subianta Mandala, KMS Herman

Magister Law of Borobudur, Jakarta, Indonesia

*Email untuk Korespondensi: alwy69@gmail.com, subianta_mandala@borobudur.ac.id, kms_herman@borobudur.ac.id

ABSTRACT

Traffic congestion is a common problem throughout the country. Traffic accident cases that occur in the West Java Regional Police are generally handled through criminal procedures rather than non-criminal. The purpose of this study is to analyze and understand the implementation of the concept of Restorative Justice in cases of traffic accident decisions and other legal products in solving cases. The method used is empirical juridical using primary legal data, secondary legal data and tertiary legal data, namely legal products relevant to the restoration of justice. The results of the study explained the issuance of Law No. 22 of 2009 concerning Road Traffic and Transportation and the Circular Letter of the Chief of Police of the Republic of Indonesia. Police Number: SE/8/VII/2018 concerning the Implementation of Justice and Criminal Justice Decisions to resolve traffic accident cases. The persons involved as well as the legal requirements regarding the time limit for the implementation of justice only react to criminal investigations before submitting the initial notice of investigation, and the principle of civil law culture through the process of implementing the concept of Restorative Justice.

Keywords:

restorative justice;
traffic accidents;
toll muhammed bin
zayed

Ini adalah artikel akses terbuka di bawah lisensi [CC BY-SA](#).

This is an open access article under the [CC BY-SA](#) license.

INTRODUCTION

The National Police of the Republic of Indonesia is an instrument of the state tasked with maintaining public security and order, law enforcement, community protection, development and providing services. The Indonesian National Police must develop into a civilian police. As a civilian police, the position of the Indonesian National Police in the national organization has a strong influence on police operations in accordance with their professional duties and functions, as one of the aspects that support the achievement of good government governance (Sadjijono., (2008). Therefore, in handling traffic accidents, the Indonesian National Police has the responsibility to make peace with the parties involved in the accident professionally through criminal mediation.

In addition to material damage from many parties, data states that the number of accidents in West Java Province, the number of traffic accidents in the West Java Province area starting from 2016 to 2018 is very high. In 2016 there were 7,583 traffic cases; in 2017, there were 7,377 traffic cases; in 2018, there were 7,540 road cases; with data on the number of losses on the data of the National Police of the Republic of Indonesia, West Java Region, Traffic Bureau. Judging from the number of traffic accident cases in West Java Province in 2018, the West Java Regional Traffic Bureau of the National Police carried out various efforts in solving the traffic accident case. West Java Regional Police solved a total of 5,623 traffic accident cases. Of the total cases, as many as 1,008 cases of traffic accidents have P21 which means the results of the investigation have been completed. Then, there were 1,334 cases of traffic accidents stopped or completed on the basis of Cease Investigation Warrants. In addition, a total of 1,053 cases were resolved using peaceful alternatives in matters usually called out-of-court peace alternatives by means of negotiation, mediation, settlement or expert assessment. A further 2,060 cases were resolved through short minutes. 147 cases were resolved through diversion and 18 cases were deposited for processing. The concept of restorative justice is an activity not a criminal or evil act against the state or the people, but an evil act against the victim, so the focus of solving the problem is to restore the interests of the victim, not punish the perpetrator. Therefore, restorative justice can be

understood as a series of judicial procedures whose main purpose is to restore the sense of trauma and the value of property losses belonging to Traffic victims. Judiciary according to criminal law shall have the aim of remediating the same situation before the commission of a criminal act. Things change when someone breaks the law. This is where the role of law is to protect the rights of all victims of criminal acts.

In the past time in May 2024 there was a traffic accident on the Mohamed Bin Zayed Toll Road, entering the West Java Regional Police area. At first, the car came from Cakampek to Jakarta at KM 14 Tol at 7:00 WIB. At that moment, driving the driver's mibil looked sleepy. At the same time, it passes the Mitshubisi minibus. Furthermore, the Mitsubhisi minibus intersected with the West Java Regional Police Agency's fortuner car. Then, the West Java Police official vehicle hit Mitshubisi, resulting in the mitshubisi / mikrolet changing lanes to the right of the road and hitting the traffic barrier and there was no damage to the casualties, while the West West West Java Police vehicle was on the left. The traffic jam on the Mohamed Bin Zayed Toll Road caused severe damage to the Minshubisi/mikrolet mini bus, while the Fortuner car suffered minor damage. The owner of the fortuner car will bear the losses resulting from the accident and be resolved by peaceful means through the process of *restorative justice* based on the agreement of all parties involved. Previously there has been a police report (Cakti, A. (2024).

On the other hand, the Director General of Operations and Maintenance of PT Jasamarga Jalan flyover Cikampek explained that officials on duty went directly to the location of the incident point and carried out enforcement procedures based on information that there had been an accident. Local police explained that the mikrolet and West Java Police official vehicle hit the inner road divider. On the other hand, mikrolets and West Java Police vehicles are in their last position, which is heading west on the road. At 08.30 WIB, the task of managing and deciphering congestion due to accidents was completed and vehicle traffic conditions on the MBZ flyover had returned to normal. Fatalities were declared nil in this accident. The incident of the traffic accident was included in the area and handled by officials of the Jakarta-Cikampek Area Highway Patrol. Obeying traffic signs and instructions from officers in the field and making sure the vehicle is functioning properly is a form of road user discipline to prevent accidents (Yephthah Christopherus Asia Sanjaya, I. E. (2024). The purpose of this study is to analyze and understand the implementation of the concept of restorative justice in the decision of traffic accident cases and their legal consequences in solving traffic accidents

METHOD

Research is a process of collecting, processing, presenting and analyzing data about an event. Get scientifically accountable research results. The author uses strong legal research, with other terms being a type of social research and retrospective meaning that field research that can be considered, examines the laws involved and what happens in the lives of citizens. Research carried out on real conditions in the community aims to know and find the truth and important data (Bambang Wayulo., (2002). This research uses "documentary analysis", meaning that documents are collected, analyzed and discussed based on the theoretical basis and opinions of many experts, then the final results can be interpreted to support making conclusions and recommendations. The supporting documents used in his research are primary legal data, secondary legal data and tertiary legal data. Methods of collecting literature, legal products, academic research, and qualitative analysis methods.

RESULTS AND DISCUSSION

1. The concept of *restorative justice* is applied to the verdict of the case of a traffic accident case that occurred on the Mohamed Bin Zayed Toll Road

a. Understanding *Restorative Justice*

The concept of the restoration process is the development of human thought based on the judicial traditions of ancient Arab, Greek, and Roman civilizations to solve problems, including criminal convictions. The general discussion of restorative implementation was originally introduced by Albert Eglash who mentioned that the parable of justice in his book on restitution, he said that restorative justice is another way of restorative justice and restorative justice. The history of the growth of modern law, the implementation of *Restorative Justice* began with a program to resolve cases other than the conventional judicial process carried out by ordinary citizens called *victim offender mediation* which began in 1970 in Canada. The concept began to be carried out through the movement of various cases in providing laws against perpetrators of criminal cases on children, initially carrying out the sentence the perpetrator and victim were given the opportunity to

meet to make a feasible legal concept plan and became material considered for rulers of various types to be considered by judges. This concept assumes that perpetrators will get positive values and benefits and victims also get special attention and benefits in order to reduce recidivism rates among perpetrators of crimes and grow the number of children have the responsibility to channel compensation, perpetrators, victims. The implementation of this program resulted in a higher level of pride for victims and perpetrators than when each followed the conventional judicial process. The growth of the justice process over the past two decades has developed significantly in many countries such as Canada, the United Kingdom, and various other countries in the European region. Similarly, the United States is a country that always carries out repressive actions and punishments with other countries, unable to avoid the strong influence of the development of restorative justice (Derby, J. (2022).

There are four distinct groups that make up and The Pioneers are among the pioneers in proper justice:

1. Victim Mediation

The most recent form of restorative justice is perpetrator appeal, which began in the 1970s in Canada and Europe, including Norway and Finland. Oversight of the concept is within the Office of Information Communications, part of the Department of Corrections. The program tackles many violent crimes, the perpetrators of which face the death penalty.

2. Family Meetings

The organisation, founded in New Zealand in 1989, is an expression of part of the traditional community system inherited by Indigenous New Zealanders called Māori. The way to use this village is called waggawagga which is used to overcome traditional village problems, traditions have arisen since time immemorial. People who participate in family conferences include members of the people, activists, mediators, groups of victims or perpetrators and organizations concerned with children's problems.

3. Circle

The first round took place around 1992 in Yukon, Canada. The circle is an organization because in its implementation it allows the participation of followers who participate in conceptualizing bombings in addition to victims and perpetrators. Its mission is to find solutions to crimes by meeting face-to-face with victims, perpetrators, the community and parties related to crime.

4. Restoration Council/Youth Representative

The concept began to take place in the state of Vermont in 1996 after they observed public enthusiasm in view of a survey conducted in the spring of 1994 that reported that people's involvement in the concept of rehabilitation. The completion of the problem is the foundation. Indonesian society itself knows the concept of restorative justice and its practices, cultural laws and values that were born there. Before acknowledging Indonesia's unique laws, the idea is balanced before coming to the case. The fifth precept of Pancasila, explains "social justice for all Indonesian people". This means that Indonesian standards are a deliberate offer of resources to make all get justice for the problems faced in the country. This is proof that a real case for restoration is also developing in him. That assessment will lead to an agreement that is a win-win solution without harming or damaging the reputation between the parties in order to negotiate. In the case of the law in Indonesia, saying that is most popular is a reference with him. The discussion among law enforcement officials is to find the best way to protect children (Hadi Supeno., (2006). On August 13, 2004, the Bandung District Court first took serious action by building a special children's waiting room and detention room. UNICEF International Children's Emergency Fund decided that Bandung is an example concept to implement diversion and Restorative Justice because of the seriousness of law enforcement officials in the Bandung criminal justice system. In a short period of time, diversion and Restorative Justice grew significantly around the world. The spread of the concept of Restorative Justice is driven by concerns about child offenders and the starting point for changes in juvenile justice systems in several countries.

b. Implementation of Restorative Justice

According to Wright, restoration is an implementation of restorative justice, The reward is the request for a second sequel. Crime resolution using this restorative approach is a form of crime resolution that aims to restore the situation and then compensate victims in a certain way with the agreement of the parties concerned. Miriam Liebman provides a definition of Restorative justice including: Restorative justice has become a common parable used for the immediacy of criminal justice that focuses on the recovery of victims and society rather than punishment of perpetrators (Mark M. Lanier and Stuart Henry., (2004). According to UNODC (United Nations On Drugs and Crime), Restorative Justice is a method of solving problems by combining perpetrators, victims, social media networks, judicial institutions, and the community (UNODC., (2006).

The principle underlying the restorative concept is a crime of criminality that deviates from the law so as to cause injury to the community. Every effort that will be carried out certainly has a consequence on criminal behavior itself must include the perpetrators and injured parties, and provide a support to the perpetrators and victims. Starting in the 60s, the expression Restorative Justice, a foreign expression, was only heard in Indonesia. In many modern countries, the concept of restorative justice is something that is naturally heard by legal practitioners, the public including among criminal law and criminology academics. America. The concept of Restorative justice has been implemented during judicial proceedings in Australia and European countries. Its implementation in ordinary criminal cases, starting from investigation, prosecution, adjudication, and execution. Miriam Liebman gives the meaning of restorative justice, among others: Restorative Justice is a phrase that is natural to hear, its use in a closeness about punishment focuses on the restoration of the condition of victims and citizens rather than punishment to perpetrators.

Eva Achjani Zulfa stated that restorative justice is a concept that responds to the development of criminal justice procedures through emphasizing how important it is for citizens as victims to feel discriminated against to be involved through existing governance in criminal justice procedures that occur (Eva Achjani Zulfa., (2009). Bagir Manan stated that restorative justice generally means changing the criminal procedure to grow more equitable to perpetrators, victims, and citizens (Albert Aries., (2006).

According to various meanings, restorative justice is classified as limited or otherwise broad. Limited meaning prioritizes the meaning of meeting various parties who have a connection in crime and the period after dealing with the resolution of criminal acts through restorative justice. Disputes and damaged materials arising as a result of criminal acts are considered a dispute in their relationship between citizens to be resolved. Citizen representation for the repair of damage and losses caused due to crime. Discussing the enforcement of the rule of law, Bagir Manan stated that there is a connection between legal certainty and power. According to him, the existence of law and legal certainty is not a guarantee of the fair existence of the law to interpret the law itself so that it meets the needs and convinces citizens who need justice in general. Developments in modern society argue that laws are made, implemented, and influenced by power. Therefore, the meaning of legal diversity and legal certainty itself is always in line with state governance and the system of government. Instead, governance and the rule of law will be adapted to its authoritarian governance and system of government. As a result, the idea that law can independently change political structures, needs to reconsider social, economic, and other problems (Bagir Manan., (2005).

c. The concept of *Restorative Justice* is applied to the verdict of the traffic accident case that occurred on the Mohammed Bin Zayed Toll Road

Regulation of the Chief of National Police No. 15 of 2013 concerning Procedures for Enforcement of Traffic Disasters (Perkap No. 15 of 2013) Article 6 (1) Another disaster is defined in Article 4 letter b, if it results in minor injuries and damage to vehicles and / or objects, paragraph (2) minor injuries interpreted in paragraph (1) include: a) injuries that cause the victim to suffer illness but are not treated overnight in the hospital; or b) fall into the category of in critical condition.

The implementation of Restorative Justice wants to bring up a shift in criminal perspectives and aims at criminals who are in the habit of giving punishment or retaliating for activities with accountability methods for every action that tries to be a solution that focuses on efforts to recover in the initial condition of no form of crime (Jesyliya Hillary Lawalata1., (2022). The benefit is that realizing a restorative justice to uphold legal leadership in Indonesia requires the position of citizens not only to be objects of the law but also to function actively in enforcing the law itself, in the discussion of a restorative justice to solve problems regarding the disaster of traffic accidents on the Mohamad Bin Zayed Toll Road entering the West Java Regional Police area. The researcher will explain the chronology of the traffic accident attempted by the Laka Lalu Unit Investigator and then a combination between Jasa Marga and the West Java Regional Police in the decision of the case. Researchers want to use one of the problems of severe traffic accidents as analysis material based on the conditions that have been recorded in the Circular Letter of the Chief of Police No. 8 of 2018 concerning the Implementation of Restorative Justice in the Criminal Case Verdict which is the benchmark for the staff of the Traffic Accident Unit Investigator staff in restorative justice management to solve the problem of traffic disasters of the Department. A problem in the implementation of restorative justice to solve the problem of traffic accidents followed up by West Java Police Investigators is the problem of traffic accidents that occurred in May 2024 at 07.00 WIB on the Mohammed Bin Zayed Toll Road, then at 8.25 WIB officers have finished handling the incident and the condition of vehicle traffic on the MBZ toll road is smooth as before. The casualties in this incident were declared nil, with the chronology of the description above between the Mitshubishi/mikrolet driver having made a report to the police unit of the Jakarta Cikampek Toll Road. Furthermore, between the pajero driver, and the mistshubisi driver met and agreed to deal with passengers as

victims in the accident, seek treatment and repair the damaged vehicle. The implementation of restorative justice presents perpetrators, victims, the community and law enforcement to decide the case by ensuring the safety of passengers to be able to return to normal activities as before and the crime is considered complete.

Karawang Police assisted in the settlement because it was included in the Karawang Police target area. Violation of negligence in driving that causes traffic accidents causing damage to goods or vehicles in Article 310 paragraph (1) of Law No. 22 of 2009 concerning Road Traffic and Transportation, paragraph (2) and paragraph (3) states that traffic accidents are traffic negligence resulting in traffic accidents and the presence of victims with minor injuries (Krtha Bhayangkara., (2020). During the investigation, restorative justice was applied to the Traffic accident case. This began through efforts to communicate between the two parties, the victim was driving Mitsubishi's car and was hit by a Fortuner official vehicle belonging to the West Java Regional Police. The family of the suspected Fortuner driver communicated with the victim's family and apologized and conveyed and was able to provide medical services and replace the damaged car material with new spare parts.

The meeting of the two parties will create a convention to resolve the case of the traffic accident disaster is peaceful or restorative justice, the message of the peace convention signed by both parties appoints witnesses from both sides. The narrative of the agreement essentially agrees that both parties agree that a traffic accident is an unavoidable disaster and has been written by Allah SWT then both parties agree to end the dispute the case will resolve it peacefully and fraternally. On the other hand, the defendant's family also admitted his guilt and supported in the form of compensation of 15,000,000., (Fifteen million rupiah) Mitsubishi car is a means of transportation to make a living for daily needs including his family. the life of the victim's family and of this peaceful convention so that the victim's family will not carry out legal prosecution back to the Defendant civilly or criminally thereafter. Based on the message of the peace convention, after that both parties proposed a request to the Karawang Police Investigator who handled the problem of the Traffic accident incident then the disaster was not extended its demands and handling because peace had been established (Tasane, S. Y., (2023).

2. Legal responsibility for perpetrators in applying the concept of restorative justice to traffic accident cases

a. Legal Products in handling Criminal Law and Restorative Justice funds

If viewed formally positively, all forms of violations of the law can be threatened with imprisonment, although the purpose of punishment is not just to punish the perpetrator by depriving him of his freedom through imprisonment, in the opinion of Barda Nawawi Arief stated, regarding criminal sanctions, one type of imprisonment is a type of crime that is usually imposed by judges on criminal offenders, its implementation is related to the growth and development of criminal crimes, In addition to focusing on efforts for punishment only, but shifting towards more humane power and efforts, confinement has drawn criticism from various parties, especially regarding the issue of effectiveness and negative impacts arising from the punishment through the implementation of imprisonment (Muladi and Barda Nawawi Arif., (1992).

Therefore, according to Muladi, it is necessary to seek various ways other than criminal policy, as he himself said: "The criminal problem is a problem that is currently being sought for universal resolution. This problem is people's dissatisfaction with the criminal acts committed. Depriving freedom, some studies in fact is very burdensome for everyone accused as well as for the people. Some countries have made continuous efforts to obtain a conciliatory approach to crimes that deprive individuals of their freedoms, including increasing non-judicial sanctions. (Muladi, 1985).

According to Barda Nawawi Arief, the doctrine of regulations is the main issue of criminal law, including: 1) which action should be banned usually abbreviated as a case of "criminal crime"?; 2) what conditions must be supported for the accountability of someone who carries out a case, or what is often called a "blame" case; and 3) will criminal sanctions be imposed on individuals suspected of carrying out criminal acts often referred to as "criminal" cases?

In fact, judging from the law on handling road accidents is regulated by special rules such as a special law of the Criminal Code which is specifically recorded also in Law Number 22 of 2009 concerning Road Traffic and Transportation. Traffic accidents are essentially a sudden or sudden act called "error" or "negligence", where the cause of death is not only the will of the victim but the basis for the accident, unless the accident did not cause death which can be proven that it was intentional, meaning it can be classified as murder. It clearly provides information that restorative justice is generally interpreted and understood with agreements other than formal in court can be implemented in other cases such as criminal entry into minor crimes and special trials for children. Another fact, although well known throughout the world, but few countries have formulated it completely in the concept of national justice. In order for the raising of criminal material to have the possibility or type of punishment other than confinement has always been a concept in

every country, as Barda Nawawi Arief said: "Not only experts convey important points and strong criticisms of imprisonment, but also communities of various nations in the world through global conferences. The 5th United Nations Congress held in Geneva in 1975 on crime prevention and treatment of offenders, among other things, explained that countries have a crisis of confidence in the effectiveness of confinement and tend to ignore the role of prisons in supporting crime control.

b. Legal Responsibility for Perpetrators of Crimes in the Case of Traffic Accidents on the Muhammed Bin Zayed Toll Road

The concept of restorative justice carried out in the implementation of the case of the Mohamed Bin Zayed Toll Road Traffic accident case provides a way of solving the core questions in handling criminal cases, including: 1) criticizing criminal justice procedures by ignoring individuals, especially victims; 2) reduce disputes in particular between perpetrators, victims and communities; 3) Manifestly helpless thinking is felt after a criminal crime must be resolved in order to obtain compensation. Traffic crime is a crime that is classified as having a distinctive characteristic. Traffic Accidents are criminal cases included in the element of accidental but a person's negligence for the carelessness of the perpetrator, according to the laws and regulations Traffic crimes are ordinary crimes. Common criminal cases, the concept of criminal justice following procedures ranging from investigation, prosecution, and trial without relying on the victim is mandatory in the concept of handling criminal acts, there are differences in crimes reported where the criminal justice system, The investigation mechanism can only be implemented if there has been a report from the victim. Judges should also use the restorative justice approach as a basis for consideration in issuing decisions (Sahti, A. (2019).

The results of the above description based on article 235 paragraph 1) of Law No. 22 of 2009 concerning Road Traffic and Transportation, explain that if the victim dies due to an accident as referred to in Article 229 paragraph 1 letter c, then the driver, transportation entrepreneur must help funds as a form of to the victim or heirs in the form of medical expenses and funeral money including grave costs without termination of criminal proceedings. From the explanation above, it is clear that although the perpetrator has assumed responsibility and taken the peaceful path, the criminal lawsuit against the perpetrator has not disappeared. Therefore, the police continue to conduct investigations based on the criminal procedure law based on laws and regulations,

The threat of criminal sanctions against perpetrators based on article 310 of Law number 22 of 2009 concerning traffic and road transportation, namely:

- 1) Whoever drives a motorized and wheeled vehicle and because of his negligence causes a road accident and damage to the vehicle and/or property as referred to in Article 229 paragraph 2, shall be sentenced to imprisonment for a maximum of six months and/or a maximum fine of Rp1,000,000.00 (one million rupiah).
- 2) whoever drives a motor vehicle because his negligence causes a road accident that causes minor injuries and damage to vehicles and/or property in accordance with the provisions of paragraph 3 of Article 229, shall be sentenced to a maximum imprisonment of one year, a maximum fine of Rp2,000,000.00 (two million rupiah);
- 3) Whoever drives a motor vehicle if negligence results in a road accident that results in serious injury based on article 229 paragraph 4, shall be sentenced to imprisonment for a maximum of five years and a maximum fine of Rp. 10,000,000.00 (ten million rupiah); and
- 4) Traffic accidents result in death, punishable by imprisonment for a maximum of six years and a maximum fine of Rp12,000.00 (twelve million rupiah).

In the description of the previous article, traffic accidents consist of three categories, including: light category accidents, medium categories, and severe categories up to death. All of these categories certainly lead to different responsibilities for the perpetrators of crime. In Law no. 22 of 2009 concerning traffic and road transportation, regulating those related to obligations as road users and the responsibilities of road users in the event of an accident on the road, it is recorded in article 234 paragraph (1) which explains that: Motorists, public transportation entrepreneurs are responsible for the injured parties including passengers or owners due to driver negligence.

Based on the previous explanation, the author argues that in the case of the traffic accident on the Mohammed Bin Zayed Toll Road, the perpetrators of which have been responsible and agreed to make peace with the victim and restorative justice for all losses affected by the incident to the victim, during the judicial process the judge must consider the criminal verdict as an effort to protect citizens from the threat of crime tried by the perpetrator against repressive efforts to providing a deterrent effect for criminals so as not to commit crimes in the future; Prevention can be done for other communities so as not to imitate the behavior of criminals and encourage citizens to think that criminals and perpetrators can be accepted in citizens Although

the legal system provides information that traffic accident crimes are ordinary criminal cases, the problem of judges has the authority to seek laws to get a sense of justice for all citizens. opinion of Roscoe Pound who is a law enforcer regarding the effective terms of trial in court, which includes three stages (Roscoe Pound., (1954), namely:

- 1) Find the law, know the law applied. If a legal order is placed, law is required based on the methods shown;
- 2) translating laws that are actually chosen or known, that is, to determine their meaning both at the time of enactment and in view of the wide scope of implementation of the law concerned; and
- 3) Enter the rules found and explain the specifics.

Meanwhile, peace between perpetrators and victims outside the court is used as a basis for attention to reduce the sentence of the accused by applying the concept of rehabilitation justice, so that peace is expected. can be used as a reference for judges in making decisions that can exempt the defendant from his sentence.

CONCLUSION

The National Police of the Republic of Indonesia is an instrument of the State tasked with maintaining the security and order of Indonesian citizens, protecting, fostering and serving the community. The position of the Indonesian National Police in the National Organization has the power to influence the proportional and professional management of the police, as a requirement in achieving good governance. Therefore, in handling traffic accidents, the Police will take responsibility and reconcile the parties involved in the accident professionally through criminal mediation. The practice of restorative justice (responsible punishment or punishment) contributes to a change in the direction and purpose of punishment. All decisions taken so far are taken with the aim of recovery and rehabilitation before the crime occurs. The benefit is to create something restorative justice to enforce the law in Indonesia. Basically, the position of Indonesian citizens is the object of legal products and is active in law enforcement, related to problems and discussions about implementing restorative justice in solving Traffic Accidents on the Mohamad Bin Zayed Toll Road which enters the Karawang area under the auspices of the West Java Regional Police.

In the case of the Mohamed Bin Zayed Toll Road traffic accident case where the perpetrator has been responsible and agreed to make peace with the victim and restorative justice all losses affected by the incident to the victim, during the judicial process the judge must consider if deciding the crime as an effort to protect citizens from threats that the perpetrator tried deliberately, punitive efforts to suggest to the leadership to provide a deterrent effect to the perpetrator other crimes so as not to affect the environment of citizens and will not repeat their behavior in the future; Messages to Indonesian citizens prevention can be done so as not to imitate the actions tried by perpetrators and prepare the community in responding to crimes so that perpetrators can be accepted by the community again even though the legal system explains that Traffic Accident cases are ordinary cases, but this case judges have the authority to seek law to get a sense of fairness for all parties.

REFERENCE

- Sahti, A. (2019). Implementation of the Restorative Justice Concept in Resolving Traffic Accident Cases. *Actualy*, 2(2), 615-642.
- Albert Aries., (2006). "*Settlement of Misdemeanor Theft Cases and Restorative Justice*", *Varia Judicial Magazine*, Year XX. No. 247, (Publisher of the Indonesian Judges Association, June 2006)., p. 3.
- Bagir Manan.,(2005) *Authoritative Justice System*, Yogyakarta, FH. UII Press Yogyakarta, 2005 pp70- 71
- Bambang Wayulo., (2002) *Legal Research in Practice*, Sinar Grafika; Jakarta 2002, p. 15
- Muladi and Barda Nawawi Arif.,(1992) *Potpourri of Criminal Law* , Alumni, Bandung,
- Cakti, A. (2024). *Jasa Marga handles accidents at KM 11 MBZ Elevated Toll Road*. Retrieved from Antara Berita Indonesia: <https://www.antaranews.com/berita/4089783/jasa-marga-tangani-kecelakaan-di-km-11-tol-layang-mbz>
- Derby, J. (2022). *Strengthening restorative practices in programs for prisoners, victims and families of prisoners*. Retrieved from Restorative Justice Exchange: <https://restorativejustice.org/resources/rje-theory-of-change/>
- Eva Achjani Zulfa., (2009). *Restorative Justice*, Publishing Board of the Faculty of Law, University of Indonesia, Jakarta, p. 65.
- Jesyliya Hillary Lawalata1.,(2022) *Restorative Justice Approach in Solving Drug Crime Cases at the Investigation Stage*, *TATOHI: Journal of Legal Sciences* Vol 2, No 1 : 91 - 11
- Hadi Supeno., (2006). *Restorative Justice: Indonesia's Future Juvenile Justice Model*, Diponegoro University, Semarang, p. 211.
- Mudzakir.,(2013) *Analysis of Restorative justice, History, Scope, and Implementation*, PT. Macanan Jaya Cemerlang, Jakarta, 2013.

- Mark M. Lanier dan Stuart Henry., (2004) *Essential Criminology*, Second Edition, Wastview, Colorado, USA, Hal. 332.
- Muladi.,(1985) *Conditional Criminal Institution*, Alumni, Bandung,
- Nikmah Rosidah., (2014) *The Legal Culture of Juvenile Judges in Indonesia*, Pustaka Magister, Semarang, 2014.
- Krtha Bhayangkara.,(2020) Vol.14 No.1(2020) :1-26
- Rufinus Hotmaulana Hutauruk., (2013) *Combating Corporate Crime through a Restorative Approach A Legal Breakthrough*, Sinar Grafika, Jakarta, p. 123.
- Ridwan HR, 2011, State Administration Law Revised Edition, Jakarta, PT. King Grafindo Persada, p. 12.
- Roscoe Pound, An Introducon to the Philosophy of Law, Yale University Press, New Haven, 1954.
- Sahti, A. (2019). Implementation of the Restorative Justice Concept in Resolving Traffic Accident Cases. *Actuality*, 2(2), 615-642.
- Sadjijono.,(2008) *Legal series of Police, Polri and Good Governance*, Laksbang Mediatama, Surabaya,
- Tasane, S. Y., (2023). Implementation of restorative justice in solving traffic accident cases that result in the death of people. *TATOHI: Journal of Legal Sciences*, 3(5), 503-511.
- UNODC., (2006). *Handbook on Restorative Justice Programmes*. Criminal Justice Handbook Series, Vienna: UN New York, Hal. 5.
- Jephthah Christopherus Asia Sanjaya, I. E. (2024). Chronology of West Java Regional Police Fortuner Triggers Consecutive Accidents on MBZ Toll Road, Resolved Family-wise. Retrieved from Kompas.com: