



Criminal Law Policy in Implementing Law Number 22 of 2009 in Traffic Violations Case that Cause the Death of People (Case Study Number 405/Pid.Sus/2018/PN Smg)

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Abstract

Any behavior that disrupts the safety, order and smoothness of traffic as well as the rules and regulations that regulate it, is considered a traffic violation. This article attempts to examine the case resolution process, obstacles and solutions in relation to Decision Number 450/Pid.Sus/2018/PN Smg, as well as the application of Law Number 22 In 2009 concerning Road Traffic and Transportation in cases of traffic violations which resulted in fatalities. This research uses a sociological juridical methodology (social legal research) which is sometimes called social legal research. The qualitative method was carried out by utilizing primary and secondary data sources, then descriptive analysis was carried out from this data to form research. The analysis was carried out by applying 2 theories, namely the theory of justice and legal certainty in this paper. In accordance with Decision Number 450/Pid.Sus/2018/PN Smg, the Public Prosecutor has carried out the implementation of Law Number 22 in 2009 concerning Road Traffic and Transportation by charging and prosecuting perpetrators of traffic violations that result in the death of people/individuals. The Public Prosecutor has prosecuted and imposed sentences for traffic violations in decision Number 450/Pid.Sus/2018/PN Smg. SRI WIDODO bin JUMIAN. Case resolution is carried out according to the Criminal Procedure Law contained in the Criminal Procedure Code (KUHAP), starting from investigation, prosecution by the public prosecutor, and trial in court, which is followed by making a decision on the indictment.

Keywords: *Implementation; Traffic Violation; Death of People*

Introduction

In terms of government administration, Indonesia is a legal state.¹ The ruler of the state of law seeks to uphold law and order by exercising its authority according to the rule of law, a kind of law sovereignty. A public organization that aims to organize and organize a society isa legal state. Moreover, according to achmad ali, the law is a systematic collection of rules and regulations governing individual

¹ Pasal 1 ayat (3) Undang Undang Dasar 1945.

social life as citizens.² Constitutional concepts, such as checks and balances and protecting individual freedoms, should also be included in the constitution of the state. Therefore, for a country to be considered a legal state, its authority must be based on law, not just power, and its rule must be based on a constitution that understands constitutionalism.

A set of rules governing behavior in a community that can be established through the use of punishment is called law. In criminal law, the most obvious punishment is carried out. "A deed prohibited by a rule of legislation, which the restriction is accompanied by a threat (penalties) of a particular punishment, to anyone violating the ban," says the compiler of the penal code. On the other hand, people often disobey laws and regulations, even making transgressions a habit. One example of behaviors that society considers to be immature is that of driving recklessly or even violating a maximum limit. But the fact is there are a lot of underage drivers who cause accidents because of traffic violations.

Major cities in developing countries often have problems with traffic behavior. More people living in cities means more traffic and more people taking roads, and this is common concern. Congestion and accidents are just two of the many traffic problems caused by the fact that the number of cars on the road is growing faster than their supporting infrastructure. The problem of traffic accidents is a major concern in both industrialized and developing countries. The world health organization reports that 1.170.694 people have lost their lives as a result. It ranks tenth among the world's leading cause of death, 2.2% of all deaths.

The country of the republic of Indonesia is a legal state that relies on roads and transportation networks to carry out national and state objectives, particularly improving public welfare through development, as stated in the opening of the Indonesian republic of 1945. In order to facilitate economic growth, technological advancement of science and technology, regional autonomy, and accountability of state arrangements, traffic and road transport (LLAJ) must fulfill its mission and fulfill its potential to achieve safety, welfare, order of traffic, and road safety. Transports.³

Tragedies, including severe injury or death, and sometimes even the death of one's own driver, are often the result of irresponsible driving behavior. Road users have the potential to reduce accidents by being more disciplined, polite, and respectful. The Law 22 in 2009 that arranged for transport and road traffic governed the use of this road.

Anything that violates traffic and/or rules of execution is considered a violation of traffic, whether dangerous to life, property, or interfering with the safety, order, or efficiency of traffic (kamtibcarthen). When the above rules are applied and the driver is ready to comply, the frequency of accidents on the highway is reduced. A lack of caution, which often leads to accidents and harm to others, is the result of great indiscretion. The law number 22 in 2009 About traffic and road transport detailing criminal requirements related to accidents, especially in chapters 310 that state:

- (1) Each reckless rider causes a traffic accident that results in the loss of property as referred to in chapter 229 verse (2), being sentenced to six months 'most imprisonment and/or a million dollars' most fine.
- (2) Offenders may be fined as high as two million rupiah or a year at the most when their indiscretions cause a traffic accident that results in minor injuries and damage to vehicles and/or goods, as referred to in chapter 229 of the verse (3).
- (3) Any driver who recklessly causes a traffic collision that results in the severe injuries referred to in article 229 verse (4), is threatened with a prison penalty of five years at the most and/or a fine of ten million rupiah.
- (4) Each person found guilty of the accident as referred to in verse (3) and resulting in the death of

² Achmad Ali, 2008, *Menguak Tabir Hukum*, Ghalia Indonesia, Bogor, hlm. 11.

³ Akademi Kepolisian Mabes Polri, 2009, *Fungsi Teknis Lalu Lintas*, Semarang: Kompetensi Utama. Hlm 19

another person, is threatened with a prison penal code of 6 years at most and/ora maximum of twelve million rupiah.

For motorists, the same criminal referred to in the aforementioned chapter will be threatened if its carelessness causes physical or death to others, as stated in chapters 310 of the traffic and transport laws. However, the frequency of accidents still exists despite traffic and road transportation laws. Many people are in control and respect for traffic signs, so perhaps high rates of motorcycle accidents reflect the folly of motorists to the laws of our culture.

A better understanding of criminal penalties for careless drivers is needed in view of the high volume of traffic accidents and the resulting loss of life. To ensure the safety, order, and efficiency of traffic, traffic police are at the disposal of police functions, such as patrols, arrangements, guards, and guards. Educating people and engineering the flow of traffic. Registration and identifying drivers or motor vehicles. Investigating a traffic accident. And enforce laws related to traffic.

Regardless of economic social status, cultural background, educational level, or other factors, all motorists are legally obligated to follow all traffic signs. Media, newspapers, and online about solving criminal cases have brought some controversial cases to the attention of the public.

An example of a traffic violation that resulted in fatalities and serious injuries occurred in the boginovel sudiwaan case, a marketing supervisor who ordered his driver to deliver the sugar heavier than the designated weight. As a result of rem failure to function properly from carrying more loads than tonase, truck drivers are involved in a series of incidents. Death, trauma, and light wounds are the result of this chain of incidents. Boginovel sudiwaan on criminal charges for misconduct following the tragedy that killed hundreds of people.

Problem Formulation

Based on the background of the above problem, the writer was interested in compiling the writing of the law by title Criminal Law Policy In Implementing Law Number 22 Of 2009 In Traffic Violations Case That Cause The Death Of People. (Case Study Number 405/Pid.Sus/2018/PN Smg)With a problem formulated as follows:

- 1.How does a Criminal Law Policy In Implementing Law Number 22 Of 2009 In Traffic Violations Case That Cause The Death Of People. (Case Study Number 405/Pid.Sus/2018/PN Smg)
- 2.How does the judge's criminal legal policy in deciding road accidents resulting in death at semarang county court in a progressive legal analysis to come?

Research Methods

The study employed sociological juxide (a study of social law) to investigate and debate the issue, that is, by building a relationship between the rule of law and the effort to achieve socially desirable results. The study endeavors to illustrate the issues that arise regarding the use of relevant theories and the regulations of valid legislation known as descriptive analysis.⁴The study begins with accumulating data, processing it, and compiling it using available theories to find practical solutions.

Various methods are used to collect data for research, among other things:

⁴ Damanhuri Fattah, 2013, "Teori Keadilan Menurut John Rawls", *Jurnal TAPIs*, Vol. 9 No. 2, hlm 13.

- Library (Library Research)

The purpose is to gather resources for legal theory, which includes reading and studying relevant legal documents and literature, especially those relating to the proposed title, to prepare for further discussion. For this literature review, we combed reference books, legal documents, and bookshelves at the islamic university's supreme sultan's department of law, the book library at diponegoro university's law school, and the central Java regional library.

- Document Study

The study of the document was a way to collect legal materials through written papers. This involves examination of legal materials the writer collected through research or provided by those involved on the subject of research.

While analyzing data for research USES qualitative analytical methodologies, which are research processes that produce analytic descriptive results. To ensure that the information gathered from interviews, surveys, and other nonnumerical sources is comprehensive, researchers select descriptive data analysis.

Discussion

A. Criminal Law Policy In Implementing Law Number 22 Of 2009 in Traffic Violations Case that Cause the Death of People. (Case Study Number 405/Pid.Sus/2018/PN Smg)

It is undeniable that the talk about punishment policy is inherent in the talk about crime reduction in society. Criminal policy can be viewed as a reasonable attempt to eradicate crime through the application of criminal law. There is no distinction of meaning between penal policy, penal policy, and strafrechtspolitik, Dutch for which criminal law is legal. That is why the three words have the same meaning when used in the context of the realm of thought.⁵

According to barda nawawi arief, the aim of crime prevention should be at the heart of any program or initiative aimed at developing effective criminal law rules. Criminal politics also includes politics and criminal law policies. Based on criminal political spectacles, the concept of "crime prevention policy with criminal law" is synonymous with criminal law politics. The eradication of crime and criminal law enforcement are fundamentally interdependent on the purposes of social defense and social welfare.⁶ It is not surprising, therefore, that social and political policies also include criminal and political legal policies. In a broad sense, social policies encompass any and all reasonable initiatives aimed at improving public welfare while ensuring its safety. Thus, "social welfare policies" and "social defense policies" are also included in the terms "social policy."

Justifiable efforts to reduce or eliminate criminal activity (criminal politics) have been able to use the "penal" and "non-penal" methods.⁷ The process of shaping a norm's norms that encompass social, economic, and cultural aspects in which the law is applied is an important step in the prevention of criminal crime. Criminal justice systems, which include police, prosecutors, courts, correctional institutions, and advocates, work together with the subsystem to combat crime through prison facilities.

One aspect of criminal politics is the formulation of criminal laws. The reason behind this is the belief that the eradication of crime and illegal activity is fundamental to any policy or effort to establish

⁵ R Mahmutarom, 2010, *Merekonstruksi Konsep Keadilan*, Badan Penerbit Universitas Diponegoro, Semarang, hlm 90.

⁶ Barda Nawawi Arief, 2003, *Perbandingan Hukum Pidana* Edisi Cet.5. Penerbitan, Jakarta: RajaGrafindo Persada, hlm 55.

⁷ M. Solly Lubis, 2002, *Ilmu Pengetahuan Negara*, cetakan ke-5, Bandung: Mandar Maju Press, hlm 37.

effective criminal law rules. Hence, criminal politics also includes criminal and political legal policies. A society's fair efforts to eradicate evil are criminal politics.

The driver and the owner of a motor vehicle must be strictly regulated regarding his responsibilities in traffic accidents by virtue the law number 22 in 2009 About traffic and road freight.⁸ The rule consists of:

1. A driver, owner, or public transport company is obliged to assist the beneficiary of medical and/or burial if the victim dies as a result of a traffic accident, as is referred to in article 229 verses (1) letter c. while continuing to file criminal charges.
2. In the case of the victim's physical or mental injuries caused by a traffic accident, the perpetrator (either a driver, a motor vehicle owner, or a public transportation provider) must pay the cost of treatment without dismissal. The criminal charges.

Article 359 of penal law, article 106 verse (2), article 229, article 310 verse 1 s/d 4, and article 312 law number 22 in 2009 on road and transport, and government regulation number 37 in 2017 on road and transport safety, set the rule of law for those responsible for fatal traffic accidents. To ensure a fair equitable interest in all parties, the court leads to a final conclusion, or verdict, based on the evidence and conviction of the judge. In this case, public prosecutors and legal powers could be mutually acceptable. Rather than focusing on whether the verdict is equal, Islamic justice requires that the verdict is proportionate to the actions of the accused causing the victim's death, and whether they have compensated to the victims' families and apologized or not.

According to the lamintang, he declared that:

- a. The word "wettelijk" means "by law" because the amount and quality of the evidence needed to prove a case is determined by legislation.
- b. A negative conclusion" is that a judge cannot be required by a law to impose a criminal sentence on the defendant if the quantity and quality of evidence do not convince him that the theft has taken place. The crime actually happened and the defendant was guilty.⁹

In addition to what the writer has mentioned, the court must ensure that the requirements set out in the legislation are met so that the perpetrator can be found guilty. Seeing something through spectacles of illicit conduct reveals that when a person does something that is unlawful and inexcusable or valid, they will be called to account for his or her actions. From a responsible standpoint, only individuals with the capacity to account for their actions should be held accountable. And its act cannot be pardoned or removed accordingly. From a responsible standpoint, only individuals with the capacity to account for their actions should be held accountable.

According to moeljatno, there are three elements that make up the penal law:

- a. A responsibility or responsible capacity of the creator
- b. Unlawful ACTS involve having a mental attitude that is linked to one's actions in a specific way.

- (1) Intentional.
- (2) Carelessness or negligence.

- c. A rationalization of any magnitude cannot free the perpetrator from criminal responsibility.¹⁰

One aspect of reason is the ability to distinguish between right and wrong, or unacceptable,

⁸ Moeljatno, *KUHP Kitab Undang-Undang Hukum Pidana*, PT. Bumi Aksara, Jakarta, 2007.

⁹ Lamintang, 2011, *Dasar-Dasar Hukum Pidana Indonesia*, Bandung: Citra Aditya Kesetiaan. Hlm 61.

¹⁰ Moeljatno, *KUHP Kitab Undang-Undang Hukum Pidana*, PT. Bumi Aksara, Jakarta, 2007. Hlm 33.

behavior. Moreover, the ability to ascertain one's desires by weighing whether or not an activity is an emotional component. In particular, the ability to change one's behavior according to an understanding of what is acceptable and what is not. In view of both of these matters, it is only reasonable that a person who has no capacity to consider whether he or she should be held accountable for his unlawful actions if he is unable to distinguish his own desires based on his convictions.

The public prosecutor's verdict 405/Pid.Sus/2018 /PN SMG Bringing an indictment and prosecution of traffic violations in accordance with the Law number 22 in 2009 on traffic and road transportation, which deals with the deadly crime of traffic violation.

The court finds that SRI WIDODO bin JUMIAN guilty of crimes beyond doubt encourages the operation of a motor vehicle in a way that threatens life or property, resulting in a traffic accident that kills one person, maims another, and damages even more. Vehicles and stuff. SRI WIDODO bin JUMIAN's deed pays off a 1 year and ten months in jail.

B. Criminal Law Policy by A Judge Who Ruled Out Traffic Accidents Resulting in Death at Semarang County Court in A Progressive Legal Analysis to Come

Satjipto rahardjo claims that the trial and trial of the judge of a matter is a crucial component of the judicial process.¹¹ The judge's job was to examine facts and pass sentences according to the rules based on what he found. The decision to apply the law to a particular case was the pinnacle of law enforcement. The way the judge carries out the law is called *betonisieng* by Hans kelsen. The chief responsibility of the judge as law enforcement was to receive, review, cut off, and complete every matter put before him.

Until now the judge had no clear criteria to use in sentencing the bylaws of criminal legislation. When sentencing, the judge relies solely on legislation as the minimum and maximum parameters. In this context, the judge would have a key role in sentencing, as the judge had the responsibility of inflicting the punishment of a criminal in a regulation by the sentencing of a specific individual.¹² Consequently, legislation had to clearly define the parameters of punishment, thus preventing judges from making arbitrary choices.

Judicial institutions, including police, prosecutors' offices, and courts, are particularly important in the criminal justice system because they provide a place for people to find answers to their questions and gain clarity about the law. From a judicial standpoint, we are not far from the judicial examination stage, where the civil court judges will first examine, prosecute, and cut down on every crime. The power of judging is a judicial authority to decide the case and make amends. According to the constitution of 1945, the word "justice" is officially used to describe the authority of the Supreme Court and other courts in the general context, religion, and military. The power of justice as referred to in the law number 48 in 2009 constitution on the power of justice is the judicial authority, both the courts of state and the constitutional court, to enforce law and justice without any other governing body's interference. Article 1 defines the power of justice as the authority of the sovereign state to execute justice in accordance with the *pancasila* precepts and the constitution of 1945, with the aim of the state of law in Indonesia.¹³

An Indonesian state was established on the basis of law (*rechtsstaat*) and not on the basis of mere power (*machtstaat*) "(the fundamental law of 1945), which affirms that the judiciary plays an important role in enforcing law order. Seeking the proper role for judges in achieving clarity of law, justice, and expediency, and placing their involvement with society and country, is one of the great difficulties the

¹¹ Satjipto Raharjo, *Membedah Hukum Progresif*, Kompas, Jakarta, 2006 hlm ix.

¹² Penjelasan bahwa hukum itu bukan aturan, melainkan perilaku lihat Satjipto Rahardjo, *Hukum Itu Perilaku Kita Sendiri*, artikel pada *Harian Kompas*, 23 September 2002. Lihat juga Satjipto Rahardjo dalam *Hukum dan Perilaku Hidup Baik adalah Dasar Hukum yang Baik*, Jakarta: Penerbit Buku Kompas, 2009.

¹³ Ira Alia Maerani, *Hukum Pidana & Hukuman Mati*, Unissula Press, Semarang, 2018. Hlm 78.

justice authorities continue to face in Indonesia. The guidelines for using the judiciary are:

1. "For the sake of the supreme deity" became the reason for the trial.
2. Pancasila is the basis of law and justice, according to the state justice.
3. The judiciary governed by law is found in every region of the united republic of Indonesia.
4. Simple, swift, and easy justice was served.

Each court ruling in Indonesia begins with the phrase "for justice according to the almighty god." This means that the judicial process in all judicial environments is carried out with regard to the formula. If a verdict is not enforced, it could result in a judicial decision being pronounced invalid and invalid, which would be a denial of its rightful existence. It is of interest to note in this context that the judge's decisions in this matter will be based on and established by the law, whether written or not written.

The judge had to state his legal factors before he rendered his ruling. The details of the events leading to the guilt of the accused must be accurately illustrated on the basis of the evidence presented during the hearing and the results of the hearing. Lack of evidence does not give the magistrate the authority to make decisions.

Anggar M. Wantu held that the judge was a civil servant appointed as a law enforcement officer to try a matter according to the terms and processes set forth by the regulations of the law, while I deemed the judge to be a judicial officer allowed by the law to judge. Responding to the invitation that is relevant, being a judge is not an easy matter; Judges need extensive training and expertise. Moreover, a judge also had to take note of the weight of his office, responsible, clean, and upright. The best candidates for the position of judge must be selected from among the brightest students and undergo rigorous elite academic training that will only result in further improvements in their abilities.

The role of judge is sacred because it serves as the Lord's messenger to ensure justice and equality in society. Therefore, a judge must base his decisions on his own values. Being in law enforcement wasn't enough for him.

As preeminent advocates of the law, the judge exercises his authority over the laws and regulations through his verdict, both light and weight. When rendering judgment, the judge had to consider a number of factors, including special factors relating to the case at hand, the weight of the action and inaction of the perpetrator, the victim, his loved ones, and the public's perception of justice.

The object of the judge's judgment is to resolve or settle a matter or dispute between the parties. Is a statement issued by an authorized state official in a hearing. Justice for the accused and effective law enforcement are the two most important factors to consider when a judge gives public information in a court to resolve or put an end to a matter, according to syahrani. The judge must also observe the regulations of the legislation involved in making the statement.

The panel of judges will follow the guidelines contained in article 183 of the penal code to determine the guilt or innocence of the accused. It reads: "in order for a criminal to be rationed by the court there must be evidence of both criminal and criminal wrongdoing committed by the defendant, which must be supported by at least two credible lines of evidence. "Legal facts and elements of criminal wrongdoing are in question, the panel will determine whether or not the prosecution's claims are proved or not by using the above evidence.

The court of justice would determine whether or not the defendant was found guilty on the following grounds: "without two convincing tools of evidence, the court could not find a possible reason for punishing a person for committing a crime. It's article 183 of the penal code

In deciding whether the public prosecutor had proved the prosecution's case or not, the court

would examine the evidence above, taking into account the legal circumstances and the components of its proceedings. The law number 48 in 2009 reference to the power of justice is made in article 5 verse 1 that the judge, "has a social responsibility to investigate, obey, and understand the norms of society on how to administer justice." This further emphasized the importance of the judge's sense of justice in deciding the matter.

According to the theory "the law without power is wishful thinking, the rule without law is dictatorship," the basis of Indonesian law is the supremacy of law.¹⁴ There must be an authority to support such legislation. Due to the compelling nature of the law, it requires authority in its administration. In fact, power is the law. That is, the excess and lack of power are always relative to how well it serves the established purposes of society. For any society or organized organization in general, this is a necessary condition. It is important that those in power should exercise their authority in a way that reflects society's values and priorities. So law supremacy is vital, but it is also important for individuals who have integrity and commitment to the best interests of society. The greatest obstacle for authorized individuals is the increasing understanding of society toward the law.

According to the principle of negative proof, in order for a court to pass down a criminal act, there must be legal evidence and a judge's confidence in the existence of such evidence. The judge cannot convict unless he has confidence in the guilt of the accused, though there is sufficient evidence according to the law.

The judge according to satjipto rahardjo would base his verdict on facts surrounding the criminal history of the perpetrator, including that which is lightening or incriminating. Additionally, courts may consider a number of rules in the penal code that serve as guidelines in rendering criminal judgments. A court could not convict a person unless he could be convinced by at least two legal tools of evidence that a crime was actually committed and the defendant was guilty of doing so, as stated in article 183 of the book of penal code.¹⁵

A judge has a number of steps to take before making a decision. The first is the study of criminal activity, which involves observing what type of behavior is illegal and can be punished. (ii) criminal wrongdoing, which involved determining if the defendant's actions could be legally explained and, if so, how much guilt the defendant must bear. And (iii) the final step, that is to reach a verdict, a judicial decision, can be either a criminal verdict or a verdict that exonerates the accused.

Here is a summary of its application: (I) the court begins by reviewing the prosecution's chapters, which serve as a work hypothesis. (ii) to corroborate the evidence, the court convened a hearing. (iii) the judge USES the subconsumer, which includes comparing the evidence given to a crime component to decide if the crime was committed. Pennington and Hastie, "building a story. (iv) the judge wrote a narrative based on the fact of the trial to assess criminal wrongdoing. (v) the judge renders a verdict of guilt or innocence.

During the trial, evidence is considered. The fate of the accused is determined by evidence. In a case where the evidence involved was not sufficient to prove his guilt, the accused was acquitted of punishment. On the other hand, if elements appearing in article 184 of the penal code of law could be used to prove guilt, then the accused would be "guilty" and given the appropriate punishment.

The "tool of evidence" is a legal document containing law regulations in performing legal actions to establish the wrongdoing of the accused. Another clause that regulates forms of proof that can be used by the court to stipulate the guilt of the accused is the provision of proof. A process that determined the

¹⁴ Lamintang, 2011, *Dasar-Dasar Hukum Pidana Indonesia*, Bandung: Citra Aditya Kesetiaan. Hlm 33.

¹⁵ Satjipto Rahardjo, *Biarkan Hukum Mengalir*, Kompas, Jakarta, 2007, hlm 139.

guilt or innocence of the trial was not to be carried out indiscriminately or without due process.¹⁶

Selama pemeriksaan pengadilan, bukti dipertimbangkan. Perkara penuntut diputus dengan memeriksa bukti-bukti. Menurut Pasal 191 (1) KUHP, Terdakwa “dibebaskan” dari hukuman apabila temuan hukum tidak membuktikan kesalahannya. Artinya pengadilan berpendapat bahwa kesalahan terdakwa atas perbuatan terdakwa tidak terbukti secara sah dan meyakinkan, sehingga dibebaskan.

But the defendant is "guilty" when the proving of his guilt can be proved by using the evidence found in article 184. The punishment will follow guidelines set out in article 193 (1) the penal code of law, which states: a trial will convict the accused if it is found guilty of such a crime.

That a violation of traffic laws involving the driver of a motor vehicle resulting in death is threatened with a maximum prison sentence of five years or one year, which is greater. Evidentiary in the court is required to implement article 359 of the penal code. It is true that this is often unprovable, but often it stands in the way of the prosecution of those responsible for the illegal traffic accidents that killed the victim.

For the sake of peace, it is best not to pursue the case further. Public justice in Indonesia is responsible for prosecuting and breaking various cases, including traffic accidents, criminals, civil rights, and other types of cases. As we know it, Indonesia still holds a legal principle, so any settlement will not abdicate the responsibility of the accused for the crime resulting in the death of the victim. Because of the high number of cases ending in court, ADR strategy should be used as part of Indonesia's legal reform efforts.

When both the perpetrators and the victims' families show good faith in working together to resolve the case, the perpetrators and the victims' families can put aside their differences and try to achieve a mutually beneficial solution. The belief that there are no objective elements, receipts against the bad consequences of traffic accidents, and the good intentions of the perpetrators to resolve cases peacefully and offer compensation in the form of condolence money, safety costs, or other agreements are critical components of this. Theory. Even so, the actions of the perpetrator will not be affected by the peace that has been attained.

That those responsible for road accidents would be better off compensating the victim's family than facing criminal charges. Transparency in the process of processing causes is expected to reduce gross play and enable win-win solutions, one of which is mediation of punishment. Reflect on some of the benefits of criminal mediation in its current form.¹⁷ A number of criminal justice systems in a country may benefit from research on prison mediation, which is currently lacking in Indonesia¹⁸

According to the principle of settling alternative disputes, criminal mediation can help bring about a more just social order. To ensure that the application of a future criminal justice system will provide the same weight toward restitution for real and significant costs to victims, as well as retribution efforts for perpetrators. One will be prosecuted by the Semarang district court.

There must be a unanimous agreement between the victim and the perpetrator for the settlement to be carried out out of court, so it is not surprising that informal cases often end with a peaceful settlement through the customary process of law or even through direct negotiation, according to the writer. Nevertheless, the matter remained handled by the courts according to the positive legislation involved. Criminal mediation, often called penal mediation, has emerged as a viable alternative to the

¹⁶ M. Yahya Harahap, 2005, *Pembahasan Permasalahan dan Penerapan KUHP*, Jakarta: Sinar Grafika. Hlm 42.

¹⁷ Setio Agus Sampto, *Penyelesaian Perkara Pidana di Luar Pengadilan Tentang Dugaan Tindak Pidana Pasal 359 KUHP pada Kasus Masa Lalu Lintas*, STMIK AMIKOM, Yogyakarta, 2009. Hlm.

¹⁸ Nurnaningsih Amriani, *Alternatif Mediasi Penyelesaian Sengketa di Pengadilan*, Grafindo Persada, Jakarta, 2012.

traditional approach to criminal legal disputes as a result of developing theoretical discourse and criminal law reform efforts around the world.

A new approach to criminal justice known as criminal mediation is rooted in the concept of criminal law reform, states barda nawawi. The aim of victim advocacy, harmonizing, restorative justice, breaking formal barriers, and minimizing the negative effects of the current criminal justice system and punishment is part of the fundamental reform of criminal law. Institution (alternative to containment or detention). As pragmatism is driven by the desire to reduce crime backlog, there is currently a legal obligation to deal with a crime through restorative justice that is put in The chief's decisio number 08 in 2021 And the prosecution rules Number 15 in 2020. Regarding the prosecution for disconnection with this approach to restorative justice

As a general rule, the court ruled that the settlement of a traffic violation resulted in fatalities. If the situation of a traffic violation leads to loss of life, such as a verdict of Number 405/Pid.Sus/2018/PN SMG, It is best to settle peacefully outside the court, in accordance with modern law principles, the following will be outlined.

Conclusion

Based on the above description, the public prosecutor has issued an indictment and tried the perpetrators of a traffic violation according to the rule of Numbers 405/Pid.Sus/2018/PN SMG, According to act number 22 in 2009. About traffic and road freight, in a state of traffic violations that resulted in people's deaths. SRI WIDODO bin JUMIAN has been declared innocent of deliberate crimes involving deliberately driving a motorized vehicle in a way that harms lives or property, which then causes a traffic accident that kills one person, injures more with minor injuries to serious injuries, and damages vehicles and/or property items. The legal code of criminal proceedings sets forth concerning measures taken to resolve the violation of traffic that resulted in death. In Numbers verdict 152/Pid.Sus/2018/PN Bbs, SRI WIDODO bin JUMIAN Sentenced to 1 year 10 months in prison for his crimes. The settlement measures on the case have been consistent with the law of criminal proceedings embodied in the book of penal law (KUHAP), such as by making inquiries, through the prosecution of the public prosecutor, prosecuting in court, and finally, by passing a criminal verdict on the perpetrator.

Based on the description of the above research, the writer offers police advice in order to add a police station or traffic sign on the road and to patrol regularly especially in private and prone places where accidents are treated quickly. Furthermore, it is important to closed circuit television or any other legal electronic evidence apparatus asan extension of the fixed and regulated evidence under section 184 of penal code law. The electronic evidence can then be placed at several places to help with the traffic monitoring and to facilitate the monitoring process

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