

**IMPLEMENTASI *RESTORATIVE JUSTICE* BERDASARKAN DISKRESI
KEPOLISIAN TERHADAP TINDAK PIDANA KECELAKAAN LALU
LINTAS DI POLRES KARANGASEM**

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ABSTRAK

Penelitian ini bertujuan untuk mengetahui (1) penerapan dan kendala serta faktor pendukung diadakannya *restorative justice* kepada pelaku tindak pidana kecelakaan lalu lintas di wilayah hukum Polres Karangasem, (2) proses diskresi terhadap tindak pidana kecelakaan lalu lintas di Polres Karangasem berdasarkan Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan. Jenis penelitian ini dengan menggunakan metode yuridis empiris. Teknik penentuan sampel menggunakan purposive sampling. Teknik yang digunakan dalam penelitian ini adalah teknik studi dokumen, teknik wawancara (interview) dan teknik observasi. Data yang dikumpulkan dianalisis secara dekriptif kualitatif. Hasil penelitian menunjukkan (1) penerapan *retorative juctice* merupakan upaya pengalihan dari proses peradilan pidana keluar proses formal untuk diselesaikan melalui musyawarah dan kendala yang dihadapi dalam menerapkan *restorative juctice* adalah di seluruh Polsek yang ada di Kabupaten Karangasem tidak semuanya memiliki Laka Lantas, jadi jika ada kecelakaan diurus langsung oleh Polres Karangasem, faktor pendukung di adakannya *retorative juctice* adalah kedua belah pihak yang terkait baik korban maupun tersangka mau di adakan *retorative juctice*, (2) berdasarkan wawancara dari Bapak Gusti Lanang Putu selaku Kanit Lantas di Polres Karangasem menyatakan proses diskresi terhadap tindak pidana kecelakaan lalu lintas di Polres Karangasem adalah yang pertama kedua belah pihak membuat surat perdamaian, yang kedua kedua belah pihak mau di adakan perdamaian melalui jalur mediasi penal, ketiga di pertemukannya kedua belah pihak yang berperkara di pertemukan untuk melakukan mediasi penal, keempat dibuat berita acara oleh pihak kepolisian, semua itu atas pertimbangan bahwasanya kecelakaan yang terjadi memang benar dikarenakan karena ketidaksengajaan atau kelalaian dari pelaku melalui penyelidikan dari pihak Kepolisian yang di dasari Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan.

Kata kunci: *Restorative Juctice*, Diskresi, Mediasi Penal

**IMPLEMENTATION OF RESTORATIVE JUSTICE BASED ON THE
POLICE'S DISCRETION ON CRIMINAL ACTIONS OF TRAFFIC
ACCIDENTS AT POLRES KARANGASEM**

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ABSTRACT

This study aims to find out (1) the implementation and constraints as well as the supporting factors for holding restorative justice for traffic accident criminals in the jurisdiction of the Karangasem Police, (2) the discretionary process for traffic accidents at the Karangasem Police based on Law Number 22 of 2009 concerning Road Traffic and Transportation. This type of research uses empirical juridical methods. The sampling technique used was purposive sampling. The techniques used in this research are document study techniques, interview techniques and observation techniques. The data collected were analyzed descriptively qualitatively. The results of the study show (1) the application of restorative justice is an effort to divert from the criminal justice process out of the formal process to be resolved through deliberation and the obstacles faced in implementing restorative justice are that all Polsek in Karangasem Regency do not all have accidents, so if there is an accident managed directly by the Karangasem Police, the supporting factors for holding a restorative justice are that both parties involved, both the victim and the suspect, want to hold a restorative justice, (2) based on an interview from Mr. Gusti Lanang Putu as Head of Traffic at the Karangasem Police, stated that the discretionary process for criminal acts The traffic accident at the Karangasem Police Station was the first for both parties to make a letter of peace, the two parties wanted peace through the penal mediation route, the third was at the meeting of the two litigants who were brought together to conduct penal mediation, the fourth was at for the official report by the police, all of this is based on the consideration that the accident that occurred was true due to the inadvertence or negligence of the perpetrator through an investigation from the police based on Law Number 22 of 2009 concerning Road Traffic and Transportation.

Keywords: *Restorative Justice, Discretion, Penal Mediation.*