

ABSTRAK

Lis Diana Ningsih: Pertanggungjawaban Pidana terhadap Kelalaian Pengemudi Kendaraan Bermotor Penyebab Kecelakaan Lalu Lintas di Wilayah Hukum Polres Subang Perspektif Keadilan Restoratif

Pertanggungjawaban pidana atas kelalaian pengemudi di wilayah hukum Polres Subang berpedoman pada Pasal 310 Undang-Undang LLAJ dengan sanksi sesuai akibat yang ditimbulkan. Dalam praktiknya, Polres Subang lebih mengutamakan penyelesaian melalui Restorative Justice berdasarkan Perpol Nomor 8 Tahun 2021 guna memulihkan hak korban melalui perdamaian dan ganti rugi. Penerapan Restorative Justice dinilai efektif, terbukti 83,8% perkara kecelakaan lalu lintas tahun 2022–2024 diselesaikan melalui jalur nonlitigasi.

Penelitian ini bertujuan untuk menganalisis pertanggungjawaban pidana terhadap kelalaian pengemudi, implementasi *restorative justice*, dan efektivitas pelaksanaannya dalam penyelesaian perkara kecelakaan lalu lintas. Penelitian ini menggunakan metode yuridis empiris dengan pendekatan perundang-undangan dan konseptual. Data diperoleh melalui wawancara dan studi kepustakaan serta analisis data perkara kecelakaan lalu lintas di Polres Subang periode 2022–2024.

Secara teoritis, penelitian ini menggunakan *Grand Theory* berupa Teori Keadilan dari Aristoteles, Adam Smith, dan John Rawls; *Middle Range Theory* berupa Teori Pertanggungjawaban Pidana yang meliputi *mens rea* dan asas tiada pidana tanpa kesalahan; serta *Applied Theory* berupa Teori Keadilan Restoratif yang menekankan pemulihan korban dan perdamaian melalui musyawarah antara pelaku, korban, dan masyarakat. Berdasarkan Peraturan Kepolisian Nomor 8 Tahun 2021, pendekatan tersebut menjadi alternatif penyelesaian perkara yang lebih humanis dan efektif, termasuk dalam penanganan kecelakaan lalu lintas.

Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana terhadap pengemudi yang melakukan kelalaian didasarkan pada unsur kesalahan (*culpa*) sebagaimana diatur dalam Pasal 310 Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan. Implementasi *restorative justice* dilakukan melalui mediasi antara pelaku dan korban dengan mengedepankan musyawarah, perdamaian, serta pemberian ganti kerugian. Berdasarkan data Polres Subang tahun 2022–2024, dari 2.230 perkara kecelakaan lalu lintas, sebanyak 1.870 perkara diselesaikan melalui pendekatan *restorative justice*, sedangkan yang diselesaikan melalui proses peradilan formal hanya 10 perkara. Hal tersebut menunjukkan bahwa penerapan *restorative justice* dinilai efektif karena mampu mempercepat penyelesaian perkara, memberikan pemulihan kepada korban, serta menjaga keharmonisan sosial dalam masyarakat.

Berdasarkan hasil penelitian tersebut, bahwa integrasi pendekatan retributif dan restoratif dalam penanganan kecelakaan lalu lintas di wilayah hukum Polres Subang mampu menciptakan sistem penegakan hukum yang lebih humanis, memberikan kepastian hukum, serta memenuhi rasa keadilan bagi korban, pelaku, dan masyarakat.

ABSTRACT

Lis Diana Ningsih: Criminal Liability for the Negligence of Motor Vehicle Drivers Causing Traffic Accidents within the Jurisdiction of the Subang Regional Police from a Restorative Justice Perspective

Criminal liability for driver negligence within the jurisdiction of the Subang Regional Police is governed by Article 310 of the Indonesian Road Traffic and Transportation Law, with sanctions imposed according to the consequences resulting from the accident. In practice, the Subang Regional Police prioritize case settlement through the Restorative Justice approach based on Police Regulation Number 8 of 2021, aiming to restore victims' rights through reconciliation and compensation. The implementation of Restorative Justice has proven effective, as evidenced by the fact that 83.8% of traffic accident cases between 2022 and 2024 were resolved through non-litigation mechanisms.

This study aims to analyze criminal liability for driver negligence, the implementation of restorative justice, and its effectiveness in resolving traffic accident cases. The research employs an empirical juridical method with statutory and conceptual approaches. Data were collected through library research and analysis of traffic accident case records at the Subang Regional Police from 2022 to 2024.

Theoretically, this study applies the Grand Theory of Justice as developed by Aristotle, Adam Smith, and John Rawls; the Middle-Range Theory of Criminal Liability, encompassing the concepts of *mens rea* and the principle of "no punishment without fault"; and the Applied Theory of Restorative Justice, which emphasizes victim recovery and reconciliation through deliberation involving offenders, victims, and the community. Under Police Regulation Number 8 of 2021, this approach serves as a more humane and effective alternative dispute resolution mechanism, including in traffic accident cases.

The findings reveal that criminal liability for negligent drivers is based on the element of fault (*culpa*) as stipulated in Article 310 of Law Number 22 of 2009 concerning Road Traffic and Transportation. The implementation of restorative justice is carried out through mediation between offenders and victims, emphasizing deliberation, reconciliation, and compensation for damages. Based on data from the Subang Regional Police between 2022 and 2024, out of 2,230 traffic accident cases, 1,870 cases were resolved through the restorative justice approach, while only 10 cases proceeded through the formal judicial process. These findings indicate that restorative justice is effective in accelerating case resolution, providing recovery for victims, and maintaining social harmony within the community.

Based on these findings, the integration of retributive and restorative approaches in handling traffic accidents within the jurisdiction of the Subang Regional Police has contributed to the establishment of a more humane law enforcement system, ensuring legal certainty while fulfilling the sense of justice for victims, offenders, and society.