

Implementation of *Restorative Justice* in Traffic Accidents by the Ambon Police Traffic Unit

Jessica Dewastyana¹, Rodiyah², Anis Widyawati³
Faculty of Law, Semarang State University, Semarang, Indonesia

Article Info	ABSTRACT
<p>Keywords: Traffic Accidents Restorative Justice Police Ambon Police Criminal Justice System</p>	<p>Traffic accidents are a serious problem that not only impacts safety but also raises complex legal and social issues. Traffic accident cases in Indonesia have tended to be handled through formal criminal justice mechanisms that are oriented towards punishment, often failing to provide complete recovery for victims and the community. With the development of the concept of restorative justice, the Indonesian National Police (Polresta Ambon) has begun to implement this approach in case resolution, including at the Ambon Police Department. This study aims to analyze the application of restorative justice in handling traffic accidents by the Ambon Police Department Traffic Unit and identify the obstacles encountered in its implementation. The research method uses a normative-empirical juridical approach with qualitative analysis. Primary data were obtained through interviews with police officers, victims, and perpetrators of traffic accidents, while secondary data were obtained from literature, legal documents, annual reports of the Ambon Police Department, and statistical data from the Central Statistics Agency. The analysis was conducted by linking field findings with the theoretical framework of Restorative Justice (Howard Zehr and John Braithwaite), the theory of justice (Aristotle and John Rawls), and the theory of the Criminal Justice System by Lawrence M. Friedman. The results of the study indicate that the implementation of Restorative Justice in the Ambon Police is carried out through a mediation process involving victims, perpetrators, and community leaders, with a focus on reparation of losses and restoration of social relations. However, its implementation still faces obstacles, both from the aspect of legal substance in the form of a weak regulatory basis, the aspect of legal structure in the form of limited apparatus and infrastructure resources, and the aspect of legal culture in the form of the dominance of the retributive paradigm in society. This study concludes that Restorative Justice is a more humane and just mechanism, but requires strengthening regulations, increasing the capacity of officers, and socialization to the community so that it can be implemented consistently and effectively in Ambon City.</p>
<p>This is an open access article under the CC BY-NC license</p> 	<p>Corresponding Author: Jessica Dewastyana Faculty of Law, Semarang State University, Semarang, Indonesia jessicadewastyana00@students.unnes.ac.id</p>

INTRODUCTION

The number of motorized vehicles in Indonesia has increased rapidly over the past two

decades, particularly in large urban areas. This phenomenon marks a rapid pace of motorization that is not matched by adequate road infrastructure and transportation facilities. Consequently, various traffic problems have emerged, including congestion, violations, and an increasing number of road accidents. The government and relevant authorities have attempted to reduce the number of accidents by implementing various traffic regulations that have been widely disseminated. However, the reality on the ground shows that serious challenges remain in enforcing compliance with traffic laws. This is further complicated by the relatively low level of public compliance. This situation confirms that human behavior is one of the root causes of traffic problems in Indonesia (Miharja, 2019).

Public awareness of traffic regulations remains low, despite the availability of clear and detailed legal regulations. Law Number 22 of 2009 concerning Traffic and Road Transportation serves as the primary regulatory basis governing the obligations and rights of road users. This law was enacted in response to the high number of traffic accidents and was ratified on June 22, 2009, by the President of the Republic of Indonesia. One key point in this law is the mandatory use of helmets for motorcyclists and seat belts for car drivers. However, the implementation of these regulations has not been optimal. Many drivers still disregard traffic signs, contributing to the high number of accidents. This phenomenon demonstrates that legal regulations are not fully effective without public legal awareness.

From the perspective of Indonesian criminal law, case resolution is still predominantly oriented towards the concept of retributive justice. This orientation emphasizes punishing perpetrators as a form of retribution. While this approach aligns with the basic principles of classical criminal law, it is considered inadequate in providing comprehensive justice. This occurs because victims often lack sufficient space to fight for their rights. The legal process places greater emphasis on protecting the rights of suspects or defendants than on the rights of victims. Consequently, a gap in justice arises that is inconsistent with the principles of social recovery. Therefore, a new, more humane and inclusive paradigm is needed (Hamzah, 2012).

Restorative justice presents itself as an alternative that emphasizes recovery, reconciliation, and social balance. This concept involves all relevant parties, including victims, perpetrators, the victim's family, the perpetrator's family, and the community. The goal is to create conflict resolution that prioritizes not only punishment but also repairs social relationships damaged by criminal acts. Restorative justice provides victims with the opportunity for recognition and recovery. Furthermore, perpetrators are also given the opportunity to take responsibility through peaceful mechanisms. This aligns restorative justice with the values of deliberation that have developed in Indonesian society. Therefore, the application of this concept is relevant in the Indonesian criminal justice system (Arief, 2014).

The Indonesian National Police (Polri) then responded to the need for this new paradigm by issuing Republic of Indonesia Police Regulation Number 8 of 2021. This regulation emphasizes that criminal cases can be handled using a restorative justice approach. This regulation emphasizes reparation for victims, reconciliation between disputing parties, and creating a balance of legal interests. Through its articles, police officers are authorized to facilitate peace. This process is usually realized in the form of a jointly ratified peace

agreement. This regulation is expected to make the legal system more flexible in responding to community needs. However, implementation on the ground still faces serious challenges.

In practice at the Ambon Police Department, data shows a significant upward trend in traffic accidents from 2021 to 2023. In 2021, 57 cases were recorded, followed by 93 in 2022, and 135 in 2023. However, case resolution through restorative justice mechanisms has actually decreased. In 2021, nine cases were settled out of court, compared to only eight in 2023. This situation indicates a gap between regulations and the reality of implementation. Police officers still tend to use a punitive approach that focuses on punishment. As a result, victims' recovery needs are not a top priority (Ambon Police Department, 2023).

A concrete case example occurred in Ambon City in 2021, resulting in the death of a 75-year-old grandfather. The incident began when a 16-year-old motorcyclist lost control and hit the victim. Although the victim ultimately died, the case resolution process was facilitated through restorative justice mechanisms. The perpetrator was named a suspect, but was facilitated to reach a settlement with the victim's family. This case demonstrates efforts to implement restorative justice, although not always consistently. This inconsistency raises questions about legal certainty in its implementation. Therefore, it is important to examine how restorative justice is implemented concretely in the field.

Based on this background, this study formulates two main questions. First, how is restorative justice implemented in handling traffic accidents by the Ambon Police Traffic Unit? Second, what obstacles are encountered in implementing this concept in accident cases? These two questions are key in identifying gaps between legal regulations and police practice. The purpose of this study is to analyze the application of restorative justice in handling traffic accidents by the Ambon Police Traffic Unit and to identify the obstacles encountered in its implementation. With this goal, the research is expected to provide both theoretical and practical contributions. This research also serves as an evaluation of the consistency of the implementation of Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice.

METHOD

This research uses a qualitative approach with a normative-empirical juridical method. This approach is so named because it not only examines positive legal regulations but also examines how these regulations are implemented in practice in society. Thus, this research combines legal analysis with empirical reality in the field to obtain a more comprehensive picture of the application of restorative justice in traffic accidents. The normative approach is used to examine regulations such as Law Number 22 of 2009 concerning Traffic and Road Transportation, Law Number 2 of 2002 concerning the Police, and Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice (Polri, 2021). Meanwhile, the empirical approach was used to determine how these regulations are applied in resolving cases at the Ambon Police Traffic Unit. Research data was obtained through primary, secondary, and tertiary data sources. Primary data was obtained directly from interviews with police officers, victims, perpetrators, and community leaders involved.

Meanwhile, secondary data was collected through literature studies, while tertiary data was obtained from legal literature, scientific articles, and previous research studies (Amirudin, 2006).

To ensure data validity, this study employed triangulation techniques, including source, technical, and time triangulation. Source triangulation was conducted by comparing information from police officers, victims, perpetrators, and community leaders involved. Technical triangulation was conducted by combining interviews, observations, literature studies, and documentation. Meanwhile, time triangulation was used by collecting data at different times to ensure consistency of answers from informants. The collected data were then analyzed using descriptive qualitative analysis methods. According to Moleong (2011), qualitative analysis is conducted inductively, starting from empirical facts in the field and then drawing conclusions. In this process, data is reduced, presented, and verified repeatedly to ensure the credibility of the research results. Thus, this study is expected to provide a comprehensive picture of the effectiveness of the application of restorative justice in handling traffic accidents by the Ambon Police Traffic Unit.

RESULTS AND DISCUSSION

Implementation of the Restorative Justice Approach in Handling Traffic Accidents by the Ambon Police Traffic Unit

The application of Restorative Justice (RJ) in handling traffic accidents (Laka Lantas) in Ambon City is highly significant in efforts to achieve a more humane justice. RJ emphasizes the restoration of victims' losses and the perpetrator's responsibility, not solely punishment. In the context of traffic accidents, this approach is highly relevant because most cases occur due to negligence, not malicious intent (*mens rea*). The Ambon Police Traffic Unit has referred to Police Regulation Number 8 of 2021 as the legal basis for implementing RJ. This regulation strengthens the police's position as mediators between victims, perpetrators, and the community. According to Zehr (2002), RJ enables a social reconciliation process that restores harmony. Thus, the implementation of RJ in Ambon not only resolves legal cases but also repairs disrupted social relations.

The implementation of RJ at the Ambon Police Headquarters is carried out through mediation, bringing together victims, perpetrators, and their respective families. This process provides space for victims to express their suffering and for perpetrators to admit their mistakes. In practice, the police act as facilitators, ensuring the process is fair and transparent. This aligns with Braithwaite's (1989) concept of reintegrative shaming, which involves shaming perpetrators in a way that builds, rather than destroys, their dignity. Through this mechanism, perpetrators are expected to be able to take responsibility and be accepted back into society. The Ambon Police Traffic Unit emphasizes deliberation and consensus, which aligns with local Maluku cultural values. This process also demonstrates the role of the police not only as law enforcers but also as guardians of social harmony. Therefore, RJ can be considered an effective strategy in resolving traffic accident cases.

Traffic accidents in Ambon have increased significantly over the past three years,

making the implementation of RJ increasingly crucial to reduce the burden on formal justice. Data shows that in 2021 there were 57 accidents, increasing to 93 in 2022, and then soaring to 135 in 2023 (Ambon Police, 2023). This spike demonstrates that preventive measures have not been fully effective in reducing the number of accidents. With the increase in cases, the RJ mechanism has become an important alternative to expedite conflict resolution. This is because RJ does not require all cases to go to court but can instead be resolved through a peace agreement. Victims still receive compensation, while perpetrators do not completely lose their social standing. Therefore, the implementation of RJ is part of the solution to the increasing number of accidents in Ambon.

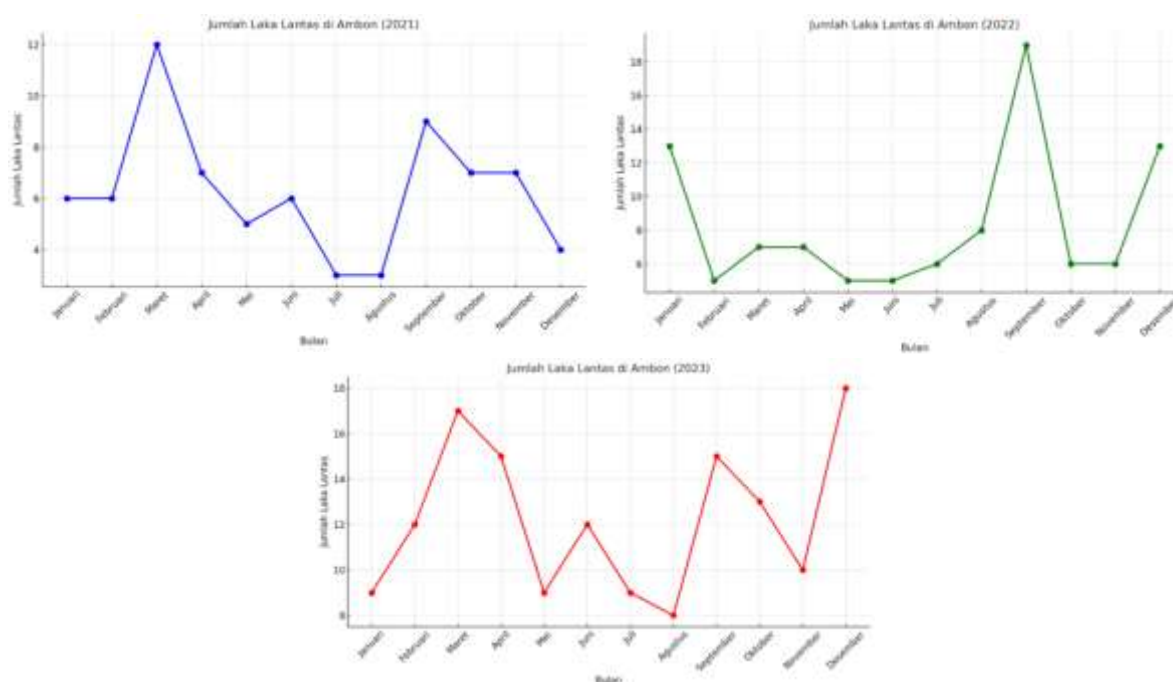


Figure 1. Number of Traffic Accidents in Ambon in 2021–2023

The graphical data above shows the monthly fluctuation trend in traffic accidents in Ambon during the 2021–2023 period. 2021 was marked by a peak in March with 12 cases, while July and August were relatively low with only 3 cases. 2022 saw a significant spike in September with 19 cases, indicating weak oversight during that period. In 2023, the trend continued to increase, with March and December recording the highest numbers, with 17 and 18 cases, respectively. This pattern demonstrates that, despite declines in certain months, the overall number of accidents continues to increase each year. This underscores the urgency of implementing RJ to resolve cases more effectively and reduce the burden on the courts. Based on this data, the need for an alternative approach is clear.

Although RJ provides space for dialogue and agreement, the police must still enforce the law in accordance with Law Number 22 of 2009 concerning Traffic and Road Transportation. Article 310 paragraph (1), for example, states that driver negligence that

causes an accident with minor injuries or material losses is punishable by law. This means that RJ must not ignore positive legal provisions. In this case, the police must ensure that the victim's rights are fulfilled, both in the form of material compensation and psychological recovery. RJ can only be implemented if both parties agree and do not violate applicable legal regulations. Therefore, the implementation of RJ must be positioned as a complement, not a substitute, for the criminal justice system. This is important to maintain legal certainty. With this approach, a balance between recovery and law enforcement can be achieved.

In addition to legal aspects, local Ambon culture also strengthens the legitimacy of RJ implementation. Maluku society is known to uphold the principles of deliberation and consensus and kinship. These cultural values align closely with the spirit of RJ, which emphasizes reconciliation and restoration of relationships. In many cases, the community tends to accept peaceful resolutions rather than lengthy judicial processes. Friedman (1975) emphasized that the success of a legal system is influenced by legal substance, legal structure, and legal culture. In the Ambon context, the community's legal culture supports RJ's success. Therefore, RJ implementation is not merely the implementation of formal regulations but also a form of harmonization with local values. This factor also increases public trust in the police, thereby strengthening RJ's social legitimacy.

However, the implementation of RJ is not without challenges, particularly related to low public legal awareness. Many still misunderstand RJ as the same as releasing the perpetrator from punishment. However, RJ remains within the formal legal framework that prioritizes rehabilitation. Therefore, intensive police outreach is urgently needed. This outreach must emphasize that RJ is not a form of impunity, but rather a more just and humane alternative to resolving the issue. Without proper understanding, the implementation of RJ has the potential to create negative perceptions. For example, victims may feel they have not received justice if the perpetrator is deemed too lenient. Therefore, public education is a crucial aspect of the sustainable implementation of RJ.

The role of the police in implementing RJ is vital because they act as mediators between perpetrators, victims, and the community. In practice, the police ensure that dialogue is conducted openly, fairly, and without coercion. This aligns with the mandate of Law Number 2 of 2002 concerning the Indonesian National Police, which positions the police as protectors, guardians, and servants of the community. By fulfilling their role as mediators, the police not only enforce the law but also maintain social harmony. The success of the mediation process depends heavily on police neutrality in facilitating the dialogue. If mediation goes well, victims will feel satisfied and perpetrators will be accepted back into society. Therefore, the role of the police in RJ is more complex than simply law enforcement. This role demonstrates the transformation of police function towards a more substantial justice.

The application of RJ in Ambon also emphasizes the integration of theory and practice in modern criminal law. Zehr (2002) emphasized three main pillars of RJ: victim needs, perpetrator responsibility, and community involvement. Braithwaite (1989) added the concept of reintegrative shaming as a moral mechanism for perpetrators to improve themselves. Aristotle (2009), with his corrective justice, emphasized the importance of

balancing rights and obligations between perpetrators and victims. Meanwhile, Rawls (1999), through his theory of justice as fairness, emphasized that victims, as the most disadvantaged party, should be the top priority. The integration of these theories is evident in mediation practices in Ambon, which emphasize compensation for victims and social responsibility for perpetrators. With a strong theoretical framework, the application of RJ in Ambon is not only pragmatic but also academic. This demonstrates the evolution of criminal justice toward a more humanistic and inclusive model.

Overall, the implementation of Restorative Justice in handling traffic accidents in Ambon shows positive prospects. Despite challenges such as low public legal awareness, local cultural values strongly support successful implementation. Traffic accident data from 2021–2023 shows an increase in the number of cases, further underscoring the urgency of implementing Restorative Justice. With the active role of the police as mediators, and a clear legal basis through Police Regulation No. 8 of 2021, Restorative Justice can be implemented effectively. This approach ensures that victims receive adequate compensation, perpetrators are held accountable, and community harmony remains. Therefore, the implementation of Restorative Justice in Ambon can be considered a form of substantive justice relevant to community needs. With strengthened regulations, outreach, and community involvement, Restorative Justice has the potential to become an ideal model for resolving traffic cases in Indonesia.

Obstacles Faced in the Implementation of Restorative Justice in Handling Traffic Accidents by the Ambon Police Traffic Unit

The implementation of Restorative Justice (RJ) in handling traffic crimes by the Ambon City Police Traffic Unit faces various complex challenges. These obstacles can be analyzed using Lawrence M. Friedman's Criminal Justice System Theory perspective, which emphasizes three important elements in the functioning of a legal system: legal substance, legal structure, and legal culture. Legal substance reflects the content of applicable regulations, legal structure refers to the institutions and officials who implement them, while legal culture relates to the values, attitudes, and perspectives of society towards the law. These three elements are interrelated and determine the effectiveness of RJ implementation in the field. In the context of Ambon City, the implementation of RJ still faces obstacles in all these aspects, both in terms of regulations, the readiness of law enforcement officers, and public acceptance. Therefore, the following description will map these obstacles into the three main elements of the criminal justice system according to Friedman.

1. Legal Substance

Limitations of Regulations and Guidelines

One of the fundamental obstacles to the implementation of Restorative Justice (RJ) is the limited regulations that serve as the legal basis for its implementation. Although the Indonesian National Police (Polri) has issued Circular Letter of the Chief of Police Number SE/8/VII/2018 and Police Regulation Number 8 of 2021, neither has the same legal force as a law. The circular is only internal, while the Perpol lacks coercive power if it conflicts with higher-level regulations. As a result, police officers at the Ambon Police Department are often

hesitant to use the RJ mechanism in traffic accident cases. This situation creates uncertainty, as officers tend to revert to formal mechanisms, which are considered safer. Within Friedman's (1975) theoretical framework, the weakness of legal substance reflects a lack of certainty for the officers implementing it. Thus, this obstacle makes RJ more of a discourse than an institutionalized legal practice.

Inconsistency of Legislation

The next obstacle in the substantive aspect is the inconsistency between formal regulations and the spirit of RJ. Law Number 22 of 2009 concerning Traffic and Road Transportation, as well as the Criminal Procedure Code, still emphasize a retributive paradigm in case resolution. This paradigm emphasizes punishment as a form of retribution, not restitution. This contradicts the spirit of RJ, which focuses on victim recovery and social reconciliation. As a result of this dualism of norms, Ambon Police Traffic Unit officers often experience confusion: if they choose RJ, they risk being seen as deviating from formal law; if they choose litigation, the interests of victims and perpetrators will not be optimal. From Friedman's perspective, the substance of the law should provide a consistent foundation, but in Indonesia, it has instead given rise to contradictions. Therefore, this obstacle demonstrates the need for regulatory harmonization so that RJ can be implemented more legitimately and consistently (Muladi, 2019).

Absence of Comprehensive Technical SOPs

In addition to regulatory limitations, another substantive obstacle is the lack of clear technical standard operating procedures (SOPs) for the implementation of RJ. Existing regulations provide only general principles, without detailed instructions on mediation stages, agreement forms, or legal documentation procedures. This situation forces each investigator to interpret RJ according to their own understanding, leading to inconsistencies between cases. This inconsistency harms justice because similar cases can be treated differently. In Friedman's theory, this lack of clarity in legal substance weakens the entire legal system. The absence of SOPs also makes it difficult for authorities to provide explanations to the public, thus fostering distrust. Thus, this substantive obstacle confirms that without uniform technical regulations, RJ is difficult to institutionalize consistently (Wahyudi, 2020).

2. Legal Structure

Limited Understanding of Police Officers

The main structural obstacle is the police's limited understanding of Reconciliation. Most investigators at the Ambon Police Traffic Unit were trained in a retributive legal framework, making them more accustomed to punitive mechanisms than restorative ones. The lack of specific training on mediation, dialogue facilitation, and agreement-making makes officers hesitant to implement Reconciliation. Existing outreach programs are sporadic and unsustainable. Consequently, officers' knowledge of Reconciliation is theoretical and untested in practice. According to Friedman's theory, an unprepared legal structure will hinder the implementation of new legal substances. Therefore, this obstacle demonstrates the need to increase the capacity of officers to implement Reconciliation professionally (Setiadi, 2021).

Excessive Workload

In addition to limited understanding, investigators' workload is also a factor hindering the implementation of RJ. The high number of traffic accidents in Ambon requires investigators to handle many cases simultaneously. Under these circumstances, formal mechanisms through the courts are considered faster and more efficient than RJ, which requires a series of mediation meetings. This leads authorities to prefer litigation to meet case resolution targets. Police performance indicators that emphasize the quantity of cases resolved also exacerbate the situation. Investigators who attempt RJ risk being deemed unproductive due to the lengthy process. These obstacles demonstrate that the legal structure does not fully support the RJ paradigm (Siyoto, 2015).

Lack of Supporting Infrastructure

Limited infrastructure also poses a barrier to the legal structure at the Ambon Police Department. The RJ process requires a neutral mediation space, neat documentation, and a clear administrative system. However, available facilities are still very limited, so mediation is often conducted in the investigator's office, which is less conducive. This situation affects the comfort of victims and perpetrators during the dialogue process. Furthermore, there is no electronic recording system or standardized forms that could facilitate the documentation of agreements. As a result, mediation results are difficult to use as an official reference in the event of a re-dispute. These infrastructure constraints demonstrate that the success of RJ depends not only on regulations but also on the availability of supporting facilities (Friedman, 1975).

3. Legal Culture

Retributive Legal Culture

A particularly prominent obstacle in terms of legal culture is the persistent retributive paradigm within society and the authorities. Most people still believe that justice can only be achieved through punishment of the perpetrator. This culture often leads to RJ being perceived as a form of leniency for the perpetrator, rather than a mechanism for restitution. Officials accustomed to a retributive mindset also prefer formal channels. This aligns with Friedman's view that a rigid legal culture will hinder innovation in legal practice. In Ambon, this retributive paradigm remains dominant, particularly in cases of traffic accidents involving fatalities. Therefore, this legal culture obstacle demands a paradigm shift among both officials and the public (Zehr, 2002).

Negative Public Perception

In addition to a retributive culture, negative public perceptions of RJ also pose a serious obstacle. Many believe RJ only benefits perpetrators by avoiding prison sentences. However, the primary goal of RJ is to restore victims' losses through compensation, apologies, and guarantees of non-recurrence. Lack of public awareness by authorities prevents the public from understanding the benefits of RJ. Some even suspect that mediation is a shortcut for authorities to avoid formal procedures. This situation undermines public trust in the police. Therefore, public education is crucial to changing this negative perception (Adireja & Adillah, 2019).

Lack of Support from Institutions and Community Leaders

The final obstacle to legal culture is the lack of support from judicial institutions and community leaders. Even when the police mediate, the results are often not fully recognized by the prosecutor's office or the courts. This makes the RJ agreement lose its legitimacy in subsequent legal proceedings. Furthermore, community leaders, who should play a crucial role in strengthening the agreement, are not fully involved. This lack of involvement robs mediation of its social legitimacy. In Friedman's theory, legal culture should encompass the collective values of the community and institutions. Therefore, this obstacle emphasizes that the success of RJ is highly dependent on cross-institutional support and local community leaders (Wahyudi, 2020).

CONCLUSION

The implementation of Restorative Justice (RJ) in traffic accidents by the Ambon Police Traffic Unit demonstrates a shift in the criminal law paradigm from a retributive orientation to a restorative approach. The police act as facilitators, bringing together perpetrators, victims, and their families to seek a fairer resolution through mediation. This process provides a space for victims to express their losses and feelings, while perpetrators are given the opportunity to take moral and material responsibility. The resulting peace agreement not only resolves legal issues but also creates social reconciliation that benefits the community. This RJ mechanism also helps reduce the burden on formal justice and suppresses the backlog of cases. Furthermore, its implementation increases public trust in the police, as it is perceived as more humane and responsive. Thus, the implementation of RJ can be said to have succeeded in realizing fairer, more efficient, and more restorative justice. Nevertheless, the implementation of RJ at the Ambon Police Department still faces several obstacles that can be analyzed using Lawrence M. Friedman's three elements of the criminal justice system theory: substance, structure, and legal culture. From a substantive perspective, regulatory weaknesses are the main obstacle, as they are supported only by internal regulations that lack the binding force of laws. From a structural perspective, obstacles arise from limited understanding among officers, high workloads, and minimal mediation training. Culturally, the public still adheres to a retributive paradigm, thus viewing RJ as a leniency, coupled with a lack of support from other judicial institutions. This situation is exacerbated by the lack of technical SOPs and adequate supporting infrastructure. Therefore, the successful implementation of RJ in the future requires regulatory reform, increased officer capacity, and public education. With this synergy, RJ is expected to operate more optimally as a just, humane, and sustainable legal mechanism.

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