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Harmonization of the code of ethics of the Indonesian National Police and restorative justice principles in the settlement of traffic accident cases

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ABSTRACT

Traffic accidents are unintended events on the road involving at least three vehicles, with or without other road users, and can result in casualties and material losses. The Indonesian National Police serves as a law enforcement apparatus that is at the forefront of creating order and justice in the lives of society, nation, and state. The harmonization between the Police Code of Ethics and the principles of restorative justice in resolving traffic accident cases is crucial for creating a more comprehensive and sustainable justice system, as well as meeting the public's expectations for a better legal system. This research will review various regulations governing traffic accidents, the Traffic and Road Transport Law (UU LLAJ), and the police code of ethics, and analyze the implications of these regulations on law enforcement practices in the field. The results of this research indicate that there is a pressing need to align both aspects in order to facilitate more effective and equitable law enforcement. With the right steps, it is anticipated that law enforcement in traffic accidents in Indonesia can become more just, transparent, and effective, thereby enhancing the overall quality of justice in society.

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INTRODUCTION

The Indonesian National Police serves as a law enforcement apparatus that is at the forefront of creating order and justice in the lives of society, nation, and state. This aligns with the provisions of Article 4 of Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police, which states that the purpose of the police is to ensure national security, including maintaining security and public order, enforcing law in an orderly manner, as well as providing protection, guidance, and service to the community. Additionally, the police aim to foster community tranquility by prioritizing respect for human rights.

Law enforcement is the process of adjusting values, norms, and actual behavior patterns, which aims to achieve peace (Soekanto, 2005). Law enforcement carried out by the Indonesian National Police, which is just and fair, cannot be separated from discussions about justice as a legal ideal that must be used as a direction and guide in the law enforcement itself (Setiadi, 2017). Therefore, law enforcement cannot be separated from the concept of justice (Akmal, 2021; Kelsen, 2022; Kholiq et al., 2022). Justice is the most important value, and he even considers it to be the most perfect value (Herman, 2023; Walgrave, 2023). It aims to benefit both oneself and others. Thus, a just law is one that supports the interests of all. The law must protect the common good (Mayer, 2021; Peck et al., 2021; Van Dijck, 2021).

Law enforcement based on justice is also applied in traffic matters. Traffic is closely related to daily life, as it involves the movement of vehicles and people on the road. Article 3 of the Law of the Republic of Indonesia Number 22 of 2009 concerning Traffic and Road Transport states that the purpose of traffic and road transport management is to create services that are safe, secure, orderly, and smooth. Additionally, this law emphasizes the importance of ethics in traffic as well as law enforcement that provides legal certainty to the public. The aspect of safety in traffic is very important, considering the number of accidents that can occur due to traffic violations. Just law enforcement in this context does not only focus on the application of sanctions for violators but also seeks to create a safe and comfortable environment for all road users.

Although traffic accidents are categorized as crimes, their resolution often involves methods outside the criminal justice system. This includes various mechanisms such as decisions made by law enforcement officials, discussions among the parties involved, mediation, and institutions that prioritize mutual understanding within the community. The restorative justice approach focuses on the needs of the victims, offenders, and community participation, rather than merely fulfilling legal provisions or imposing criminal sanctions. Restorative justice emphasizes humanistic values in handling traffic accident cases. In this regard, justice is not only viewed from the formal legal aspect but also takes into account the social and emotional impacts of the accidents. By involving all parties affected, including victims, offenders, and the community, this approach aims to achieve a more comprehensive solution that is acceptable to all parties involved (Syaputra, 2021).

The Regulation of the Indonesian National Police Number 8 of 2021 serves as the legal basis governing the implementation of restorative justice in resolving criminal acts, including traffic accidents. This regulation emphasizes the importance of mediation and dialogue as part of the resolution process, thereby creating a sense of justice that is more balanced and reducing the potential for further conflict. Thus, restorative justice offers a constructive and rehabilitative alternative that is expected to encourage the improvement of relationships between offenders and victims and to create a more harmonious social environment.

Previously, research on traffic accidents tended to focus on the aspects prescribed in Article 310 paragraph (4) of Law No. 22 of 2009, which states that in cases of accidents resulting in the death of another person, the offender may face a maximum prison sentence of six years and/or a fine of up to IDR 12,000,000 (twelve million rupiah). From the provisions of Article 310 paragraphs (2), (3), and (4) of the law, it can be understood that the severity of the sanctions imposed on the offender depends on the impact experienced by the victim. There are several criminal cases that cannot be resolved outside of court, including traffic accident cases (Subekti & Primasari, 2014). Therefore, these cases must be resolved through the criminal justice system. The implementation of Restorative Justice in handling criminal cases, including traffic accidents, is regulated by the Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, hereinafter referred to as Perpol No. 8 of 2021. Prior to the enactment of this regulation, the resolution of traffic accident cases followed the provisions outlined in Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police.

Article 4 of Perpol No. 8 of 2021 contains provisions regarding the requirements that must be met to resolve criminal cases through a restorative justice approach. These requirements are divided into two categories: substantive requirements and formal requirements. The substantive requirements encompass conditions related to the losses experienced by the victim and the willingness of the offender to take responsibility for their actions. This is important to ensure that the offender understands the impact of their actions and is willing to contribute to the recovery of the victim. Meanwhile, the formal requirements pertain to the procedures and steps that must be followed in the resolution process, such as the existence of an agreement between the offender and the victim and the involvement of authorities in facilitating the process (Muhaimin, 2020).

Based on the explanation above, not all criminal cases can be resolved outside of the trial process, such as in traffic accident cases. For cases that result in minor injuries and do not lead to loss of life, resolution can be carried out through a restorative justice approach. However, for more serious accidents, especially those resulting in death, offenders are required to be held accountable for their actions through the judicial process. Although Perpol Number 8 of 2021 emphasizes that traffic accident cases resulting in severe injuries or death cannot be resolved outside the judiciary using restorative justice, the implementation of this prohibition has not been fully enforced. This is due to various reasons that may influence the application of these provisions (Satria, 2018). Currently, the number of vehicles operating on the roads continues to increase along with the growth of the population. This increase often leads to traffic accidents, which can result in material losses, such as property damage, and even loss of life. Traffic accidents are unexpected and unintended events on the road involving at least three vehicles, with or without other road users, and can result in casualties and material losses. In Indonesia, police laws regulate everything related to policing in various aspects, including matters of authority, people, time, and place. This also includes regulations regarding the rights and roles of the community in supporting police functions.

The Code of Ethics of the Indonesian National Police also plays a crucial role in the law enforcement process. This Code of Ethics emphasizes the responsibility and integrity of law enforcement officials in carrying out their duties. The harmonization between the Police Code of Ethics and the principles of restorative justice is crucial for creating a law enforcement system that is not only effective but also fair and oriented towards recovery. Thus, a proper understanding and implementation of the harmonization of the Police Code of Ethics and the principles of restorative justice in resolving traffic accident cases is essential for creating a more comprehensive and sustainable justice system, as well as meeting the public's expectations for a better legal system.

The absence of harmonization between police regulations regarding restorative justice, the Traffic and Road Transport Law (UU LLAJ), and the police code of ethics creates several issues in handling traffic accident cases in Indonesia. In this context, the police serve as law enforcement officials who must refer to the applicable regulations, including in applying the principles of restorative justice. However, differences in legal approaches and ethical principles often lead to confusion in the field, both for police members and for the community involved in the accidents.

One consequence of this lack of harmonization is the occurrence of legal uncertainty. When traffic accident cases arise, police officers may be confused about whether they should follow the procedures outlined in the UU LLAJ or apply restorative justice principles. This can lead to inconsistent treatment of the parties involved in the accidents, creating injustice and diminishing public trust in the law enforcement process. Additionally, without clear guidelines, the resolution of cases may be hindered, causing prolonged delays in legal processes. The lack of alignment between these regulations can result in conflicts between restorative justice principles and strict law enforcement. For instance, in situations where restorative justice could potentially provide a more humane and rehabilitative solution for the offenders, law enforcement may be bound by the obligation to impose harsh legal sanctions as stipulated in the UU LLAJ. This not only harms offenders who may not have had malicious intent but also overlooks the victims' needs for balanced justice and recovery from their traumatic experiences.

METHOD

The research methodology employed in this study is the normative legal method, which focuses on analyzing existing legal norms, both written and unwritten. This method prioritizes examining various relevant regulations, including the Traffic and Road Transport Law (UU LLAJ) and police codes of ethics, to understand how these provisions interact in resolving traffic accident cases. By utilizing this approach, the researcher analyzes the content of existing legal regulations and assesses the consistency and relevance of these norms in applying restorative justice principles. Additionally, an analysis of legal decisions related to traffic accident cases is conducted to gain a clearer picture of law enforcement practices in the field.

Legislative and conceptual approaches are also employed to further explore this issue. Through the legislative approach, this research reviews various regulations governing traffic accidents and restorative justice principles, analyzing their implications for law enforcement practices. Meanwhile, the conceptual approach enables the researcher to explore and discuss various concepts related to restorative justice, including the values of justice, rehabilitation, and recovery for both victims and offenders. By combining these approaches, the research aims to produce constructive recommendations for improving the harmonization between existing legal norms and the application of restorative justice principles in the context of traffic accidents in Indonesia.

The data source used in this study includes existing legal regulations, such as the Traffic and Road Transport Law (UU LLAJ) and police codes of ethics, as well as legal decisions related to traffic accident cases. The data generated consists of qualitative information derived from the examination of these legal texts and decisions, focusing on their content, consistency, and relevance to restorative justice principles.

The author analyzed the data through a combination of normative legal analysis and comparative evaluation. This involved systematically reviewing the legal texts to identify key provisions and their implications for law enforcement practices. Additionally, the author conducted thematic analysis of the legal decisions, exploring how these cases illustrate the application of existing laws and restorative justice principles in practice. By synthesizing findings from both the legislative and conceptual approaches, the author aimed to identify gaps and inconsistencies in the current legal framework, ultimately leading to constructive recommendations for improving legal harmonization in traffic accident cases.

RESULTS AND DISCUSSION

The Disharmony of Legislation and Its Derivatives, as well as Police Codes of Ethics in the Law Enforcement of Traffic Accidents

Traffic accidents have significant legal consequences, including potential criminal liability for those involved in causing the accident. When an accident occurs, the impact can result in material losses, such as damage to vehicles and property, as well as loss of life, which includes physical injuries or even fatalities. In a legal context, individuals deemed responsible for the accident may face criminal sanctions. Sanctions imposed on traffic accident offenders are in accordance with the provisions stipulated in Article 310 of the Republic of Indonesia Law No. 22 of 2009 concerning Traffic and Road Transport. According to this article, offenders may be subject to imprisonment and/or fines, depending on the severity of the offense committed.

The police play a crucial role in maintaining public security and order, including in traffic contexts. This duty includes law enforcement, protection, public service, and ensuring safety. In this regard, the police act as the frontline to ensure that all aspects of traffic activities are conducted safely and orderly. In accordance with

the provisions outlined in Article 200 of the Republic of Indonesia Law No. 22 of 2009 concerning Traffic and Road Transport, the Indonesian National Police has the primary responsibility to ensure safety in traffic and road transport activities. This article underscores the important role of police in maintaining order and safety for road users, ensuring that every individual can conduct their activities safely.

The legal enforcement system and methods in Indonesia are now increasingly aligned with the development of community justice, particularly in the application of restorative justice principles. This approach emphasizes the importance of offenders acknowledging their mistakes, seeking forgiveness, and striving to restore the victim's situation to its original state, or at least close to it. The aim is to satisfy the sense of justice that the victim seeks. The principles of restorative justice focus on restoring the relationship between the offender and the victim, as well as the community. In this context, the offender is not just punished but is also engaged to take moral responsibility for their actions. This process often involves dialogue between the offender and the victim, where the offender is given the opportunity to understand the impact of their actions and to make efforts to repair the damage caused. Acknowledging mistakes is a crucial first step in the restorative justice process. By admitting their actions, offenders demonstrate awareness and remorse for their behaviors. Apologizing to the victim is also an important part of this process, as it acknowledges the pain and loss experienced by the victim.

The resolution of traffic accident cases by the police can occur outside of judicial proceedings, making the process quicker without the need for a trial. This resolution method uses a restorative justice approach. Restorative justice is a process in which offenders show remorse and are willing to take responsibility to the victims and the surrounding community. The main focus of this approach is on recovery: the recovery of the offender, the restoration of relationships between the offender and victim, and the recovery of both within the context of the community. The fundamental principles contained in the concept of restorative justice are as follows:

1) Prioritizing support and healing for victims.
2) Offenders are responsible for their actions.
3) Dialogue between victim and offender to reach understanding.
4) Efforts to properly address the losses incurred.
5) Offenders must be aware of how to avoid future crimes or offenses.
6) The community helps integrate both parties, the victim and the offender, back into society.

By resolving traffic accident cases through a restorative justice approach, the losses suffered by victims can be comprehensively restored. Offenders can also be held accountable for their actions by providing compensation, whether in the form of material losses or property, to return conditions to their original state or at least close to it, thus fulfilling the victims' sense of justice. The implementation of restorative justice in outside-of-court resolutions has advantages, as the decisions made arise from agreements between the parties involved, creating fair solutions for all parties and resulting in a win-win situation.

The Indonesian National Police serves as the frontline in law enforcement, maintaining order, providing protection, and creating peace within the community. This is outlined in the Duties, Functions, and Roles of the Police (Tupoksi) as regulated in Articles 13, 14, and 15 of Law No. 2 of 2002 concerning the Police. In fulfilling its duties related to road safety, the Police have special units handling traffic accident cases. According to the Regulation of the Chief of the Indonesian National Police No. 23 of 2010 regarding Organizational Structure and Work Procedures at the Resort Police and Sector Police, Article 1 point (20) states that the Traffic Unit (Satlantas) is an execution element of traffic functions at the police resort level under the police chief.

The duties of traffic police include carrying out Polri's duties in the field of traffic, which includes various efforts, jobs, and activities to control traffic and prevent and eliminate all forms of disturbances and threats, ensuring security, order, safety, and smooth traffic on public roads. In handling traffic accidents, there is a unit with special authority, namely the Traffic Accident Unit (Unit Laka Lantas). The Traffic Unit of the Police, in carrying out its duties, refers to Article 62 of the Regulation of the Chief of the Indonesian National Police No. 23 of 2010 concerning the Organizational Structure and Work Procedures at the Resort Police and Police Resort. Restorative justice can be applied in handling traffic accidents as part of the actions taken by the police in carrying out their duties. The application of restorative justice provides a sense of justice for all parties involved by fulfilling the victims' rights over the losses they have suffered and allowing offenders to be reintegrated into society. The ultimate goal of applying restorative justice is to create peace. In this context, the application of restorative justice can eliminate the possibility of imprisonment for offenders if the accident only results in minor injuries or material losses for the victims. Imprisonment will not be imposed as long as the victim has received compensation from the offender, the amount of which is agreed upon between the victim and the offender or their families. If a peace agreement occurs, investigators can stop the case and not proceed to trial, as the restorative justice process can begin at the point of reporting to the police.

In the procedures for handling traffic accidents, the authorized traffic police do not immediately offer the involved parties the option to resolve their cases through restorative justice. Instead, the handling of accidents still follows the applicable regulations. However, if later the parties reach a peace agreement, this can be considered for the implementation of restorative justice, provided it meets the established criteria. The implementation of restorative justice is also regulated in Article 12 of the Regulation of the Chief of the Indonesian National Police No. 6 of 2019 regarding the Investigation of Criminal Acts, which serves as a guideline for investigators to use this approach during investigations. The role of the police investigator in applying restorative justice in traffic accident cases is to act as a facilitator for the involved parties without having the right to interfere in the resolution of the case. Investigators will assist the parties in terminating the legal process if they choose to resolve the case outside of court. On the other hand, if the parties wish to proceed to trial, investigators will also facilitate that process.

Law No. 22 of 2009 concerning Traffic and Road Transport sets forth provisions regarding the obligations and responsibilities of road users related to traffic accidents. This is stipulated in Article 234 paragraph (1), which states that "Drivers, vehicle owners, and/or public transport companies are responsible for losses suffered by passengers, cargo owners, and/or third parties due to the driver's negligence." Article 236 of Law No. 22 of 2009 concerning Traffic and Road Transport explains that the parties causing traffic accidents are obligated to compensate for the losses determined based on a court decision. However, this obligation to compensate can be done out of court if there is a peace agreement between the parties involved. Thus, it can be understood that accountability for traffic accidents that only cause material losses without resulting in fatalities involves the compensation of losses. In this case, the party causing the traffic accident, even if it only results in material losses, is still considered a perpetrator of a criminal act and will be subject to criminal proceedings. Even if the perpetrator has taken responsibility and reconciled with the victim's family, this does not eliminate criminal charges against them. However, efforts to reconcile with the victim's family can be considered by the judge in reducing the sentence. Conversely, the absence of reconciliation between the offender and the victim's family may be a factor that aggravates the offender's position in legal proceedings.

Reconciliation between the offender and the victim conducted outside of court is currently only considered as a factor in mitigating the penalties imposed on the defendant through the application of the restorative justice concept. Thus, it is hoped that these reconciliation efforts can be taken into account by the judge in decisions that may absolve the defendant of penalties. The process of resolving traffic accident cases in the police begins with notification and offering to settle the case out of court, both to the offender and their family, as well as to the victim. Initiatives to resolve cases outside of court generally come from the police investigators. If both parties agree to discuss, the investigator will determine the time and place for the discussion.

The mediation process outside of court to resolve traffic accident cases must take into account the interests of the victim. During the discussion, investigators are expected to fully focus on the victim's needs so that the principles of restorative justice, which aim to restore the situation to its original condition, can be realized. Investigators will strive to restore the losses suffered by the victim, enabling a peace agreement to be reached. Other parties present in the discussion are also expected to support the compensation of the victim in a reasonable manner. If the mediation is successful, the police investigator needs to formulate the results of the agreement. The agreement from the discussion should be documented in an official document signed by both parties. The formulation of the results of the agreement should be done carefully and in detail to avoid any room for different interpretations and ensure that all parties can be held accountable for the implementation of the agreement. Once the agreement is reached, the next step is to implement it. In this case, the police need to actively monitor the implementation of the discussion results. The actions of police investigators regarding the subsequent handling of the case will depend on how well the agreement is implemented, so monitoring must be ongoing. Procedurally, investigators cannot stop the investigation if the agreement resulting from the discussion has not yet been executed. In other words, follow-up on the agreement must continue to be monitored closely.

The disharmony in the legislation governing traffic accidents in Indonesia can be identified from a number of conflicting regulations. For example, the Traffic and Road Transport Law (UU LLAJ) provides a clear legal framework regarding sanctions and law enforcement procedures, while newer regulations concerning restorative justice may not be well accommodated within the existing provisions. Additionally, police codes of ethics that prioritize principles of justice and rehabilitation often conflict with the sanctions stipulated in the more repressive UU LLAJ. This discord can lead to confusion in the field, where police officers lack clear guidelines on the actions to take, both in investigating and resolving accident cases. The impact of this disharmony is significant as it can slow down case resolution processes and create legal uncertainty for all parties involved, both offenders and victims.

The police code of ethics plays an important role in law enforcement, especially in the context of handling traffic accident cases. This code of ethics aims to ensure that police members act with integrity,

professionalism, and fairness. In handling accident cases, the relevance of the code of ethics can be seen through principles that prioritize community interests and the protection of individual rights. For instance, in cases where a traffic violator is involved in an accident causing serious injuries, the application of the police code of ethics can encourage a more rehabilitative approach, where the police not only act as law enforcers but also as mediators helping to resolve conflicts between the offender and the victim. In some cases, the police have successfully mediated leading to peace agreements among the parties involved, thereby reducing tensions and facilitating the victim's recovery.

The disharmony between legislation and police codes of ethics has serious legal consequences for offenders and victims in traffic accident cases. For offenders, uncertainty regarding the sanctions that will be imposed may cause anxiety, while for victims, access to justice and recovery may be hindered. This could lead to perceptions that the legal system fails to provide adequate protection for those harmed in accidents. Furthermore, this disharmony may also erode public trust in police institutions and the legal system as a whole. If the community perceives that law enforcement is inconsistent or unjust, they are likely to lose trust in the institution, which in turn may decrease public participation in supporting law enforcement. Therefore, it is crucial to create a legal framework that is harmonious and consistent, where regulations and codes of ethics complement each other, enabling effective and fair law enforcement.

Efforts to Harmonize Police Codes of Ethics and Applicable Regulations Related to Law Enforcement of Traffic Accidents

To prevent traffic accidents that may harm oneself and others, motor vehicle drivers, whether on motorcycles or in cars, need to comply with traffic signs and always remain vigilant while driving. Additionally, drivers must ensure that all documents and vehicle requirements are fulfilled. A traffic accident is defined as an unexpected and unintentional event on the road involving motor vehicles, either with or without other road users, that results in fatalities or material losses. This definition is regulated in Article 1 of the Republic of Indonesia Law No. 22 of 2009 concerning Traffic and Road Transport. It is important for drivers to understand that traffic accidents can occur anytime and anywhere, making heightened vigilance the key to prevention. Adhering to traffic signs is not only a legal obligation but also a proactive step to ensure the safety of oneself and other road users (Nugroho, 2016).

Criminal law is a part of public law that focuses on regulating and protecting the interests of society. Therefore, criminal cases, including traffic accidents, cannot be resolved solely through family-based approaches or consensus discussions as typically done in civil case resolutions, unless provided for by applicable laws. However, with the advancement of time, technological progress, and changes in societal life, new approaches to resolving criminal cases have emerged. With the enactment of the Indonesian National Police Regulation No. 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice, there is room for resolving certain traffic accident cases through family methods. This approach is known as restorative justice, which allows for mediation between the offender and the victim (Kamaruddin, 2018).

Traffic accidents are criminal offenses that often occur due to the negligence of drivers or motor vehicle operators. Before the enforcement of Law No. 22 of 2009, perpetrators of traffic accidents could be prosecuted under Articles 359 or 360 of the Criminal Code. With the implementation of Law No. 22 of 2009, the prosecution process for traffic accident offenders now refers to the provisions outlined in that law. However, not all traffic accident cases can avoid prosecution. According to the Indonesian National Police Regulation No. 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice, some traffic accident cases can be resolved outside of judicial proceedings through a restorative justice approach (Saputra, 2018).

Traffic accidents can be caused by several factors, as expressed by Agus Nugroho and his colleagues, who identified three main factors: human factors, vehicle factors, and road and environmental factors. Among these three factors, human factors are considered the most crucial. Most accidents are caused by violations of traffic signs or existing regulations. These violations may occur because drivers intentionally break the rules, do not understand the applicable regulations, or ignore them while pretending not to know. Additionally, road users may also drive their vehicles incorrectly, such as driving recklessly, operating a vehicle while under the influence of alcohol or while drowsy, and being influenced by the actions of other road users, ultimately leading to accidents. Analysis shows that human factors, particularly the behavior of drivers, have a significant impact on the occurrence of accidents on the road. Several aspects, such as physical and mental conditions, attitudes while driving, poor driving skills, and driving under the influence of alcohol or drugs also contribute to this issue (Zainuddin et al., 2022).

In analyzing the inconsistencies between the police code of ethics and the legislation related to traffic accidents, several important points need to be considered. Firstly, the Traffic and Road Transport Law (UU LLAJ) emphasizes the strict enforcement of legal sanctions for violators, while the police code of ethics often emphasizes principles of justice and rehabilitation. This creates a tension between a repressive approach and a

more humanitarian approach. For example, UU LLAJ may impose harsh penalties such as prison sentences or heavy fines on violators, while the code of ethics encourages police officers to seek solutions that benefit all parties involved, including the perpetrator and the victim. This inconsistency often leads to confusion in the application of law in the field, where police officers face a dilemma between enforcing existing regulations or applying the principles mandated by their code of ethics.

The concept of restorative justice, which focuses on restoring relationships between the perpetrator, victim, and community, has strong relevance in the context of law enforcement regarding traffic accidents. This approach emphasizes dialogue, mediation, and peaceful conflict resolution, with the goal of restoring the situation to what it was before the violation occurred. Integrating the principles of restorative justice into the police code of ethics and applicable regulations is essential for creating a more just and humane system. By adopting this approach, the police can serve not only as law enforcers but also as mediators who help resolve issues between the parties involved in the accident. This can enhance public satisfaction with the legal process and help improve the relationship between the police and the community they serve.

To achieve harmony between the police code of ethics and existing regulations, several concrete steps need to be proposed. First, it is important to conduct a comprehensive evaluation of existing regulations to identify points that require updates or revisions to align them with the principles of the code of ethics. For example, updating the UU LLAJ to include elements of restorative justice could be an important step. Additionally, socialization and training for police members regarding the code of ethics and restorative justice principles should be conducted regularly to ensure a good understanding of their implementation in the field. This will facilitate adjustments in the attitudes and behaviors of police officers in handling traffic accident cases, thereby allowing law enforcement to be carried out in a more consistent and harmonious manner.

The harmonization of the police code of ethics and related regulations cannot be achieved without involving various parties or stakeholders. The government, as the policy maker, plays a key role in formulating and revising regulations. The police, as law enforcers, need to collaborate with the community and academics to gain constructive input. The community, as the affected party, should be given the opportunity to express their opinions and needs in the law enforcement process. Additionally, academics can contribute through research and analyses that can help clarify the relationship between regulations, codes of ethics, and best practices in the field. Collaboration among all these stakeholders is crucial to ensure that the harmonization achieved is not only formal but also has a positive impact on society.

Successful examples of harmonizing codes of ethics and regulations in other countries can provide valuable lessons for Indonesia. For instance, countries such as New Zealand and Canada have successfully integrated restorative justice principles into their legal systems, particularly in handling traffic accident cases. In New Zealand, the use of a restorative justice approach in dispute resolution programs has reduced the number of cases that proceed to court, and the outcomes show higher satisfaction levels among victims and perpetrators. In Canada, similar programs have also successfully improved the relationship between the police and the community. Analyzing the implementation of these best practices in the context of traffic accidents in Indonesia can provide insights on how to design more effective policies and regulations that not only punish violations but also restore relationships among all parties involved. By studying and adopting successful elements from these international practices, Indonesia can create a more just and effective law enforcement system.

CONCLUSION

The discussion on harmonizing the police code of ethics with traffic accident law enforcement highlights a crucial need for alignment to improve the effectiveness and equity of law enforcement. The existing discord between legislative regulations, like the Traffic and Road Transport Law, and the police code creates confusion, adversely affecting enforcement processes. Integrating restorative justice principles into these frameworks is essential, as it would foster better relationships among perpetrators, victims, and the community, while also building public trust in law enforcement. Successful collaboration among stakeholders—including government, police, and academia—is vital for crafting a comprehensive legal framework. Future research should focus on creating a framework for integrating restorative justice, conducting comparative analyses of effective models from other countries, and engaging stakeholders to gather insights that could inform policy changes. This approach aims to enhance the transparency, accountability, and overall quality of justice in traffic accident cases in Indonesia.

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