

ABSTRAK

KEGAGALAN TERHADAP PENYELESAIAN PERKARA KELALAIAN KECELAKAAN LALU LINTAS SECARA *RESTORATIVE JUSTICE*

(Studi di Kejaksaan Negeri Metro, Lampung)

Oleh

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Penyelesaian kasus kecelakaan lalu lintas yang ada sering kali tidak konsisten sebagaimana yang terjadi di Kejaksaan Negeri Metro, Lampung, di mana Tersangka H dan J terbukti secara sah dan meyakinkan bersalah melakukan tindak pidana karena kelalaiannya terhadap kecelakaan lalu lintas yang mengakibatkan orang lain meninggal dunia. Masing-masing dari perwakilan pihak keluarga kedua tersangka tersebut memohon untuk dilakukan *restorative justice*, tetapi permohonan tersebut ditolak. Alasan inilah yang membuat peneliti tertarik untuk menganalisisnya dari segi *restorative justice*.

Penelitian ini menggunakan pendekatan hukum empiris. Sumber data yang digunakan adalah data primer dan sekunder. Data dikumpulkan dengan teknik wawancara dan dokumen kemudian diolah melalui pemeriksaan, penandaan, dan sistematisasi data. Analisis terhadap data yang diperoleh dilakukan secara kualitatif yang menekankan penyimpulan secara induktif.

Hasil penelitian dan pembahasan ini menyimpulkan, bahwa pelaksanaan *restorative justice* terhadap kelalaian kecelakaan lalu lintas di Kejaksaan Negeri Metro, Lampung dilakukan setelah berkas perkara dinyatakan P-21, kemudian dilakukan upaya perdamaian serta proses perdamaian dengan mempedomani ketentuan pelaksana yang ada dalam Huruf E poin 2 c Surat Edaran Jaksa Agung Muda Tindak Pidana Umum Nomor: 01/E/EJP/02/2022. Terjadinya kegagalan dalam penyelesaian perkara secara *restorative justice* terhadap kelalaian kecelakaan lalu lintas di Kejaksaan Negeri Metro, Lampung karena faktor perundang-undangan.

Berdasarkan kesimpulan tersebut, maka disarankan Jaksa Penuntut Umum di Kejaksaan Negeri Metro, Lampung diharapkan dapat meringankan tuntutan pidananya terhadap tersangka, mengingat sudah tercapainya kesepakatan perdamaian antara pihak yang bersangkutan. Pemerintah selaku pembentuk undang-undang perlu melakukan kebijakan formulasi terhadap penyelesaian kasus-kasus kecelakaan lalu lintas melalui pendekatan *restorative justice*, khususnya dalam hal kelalaian yang menyebabkan korban meninggal dunia.

Kata Kunci: *Restorative Justice*, Kelalaian, dan Kecelakaan Lalu Lintas

ABSTRACT

FAILURE TO RESOLVE CASES WITH RESTORATIVE JUSTICE FOR NEGLIGENCE IN TRAFFIC ACCIDENTS

(Study at Metro District Attorney's Office, Lampung)

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The resolution of existing traffic accident cases is often inconsistent, as happened in the Metro District Attorney's Office, Lampung, where Suspects H and J were legally and conclusively proven guilty of committing a criminal offense due to their negligence in a traffic accident that resulted in the death of another person. Each of the representatives of the families of the two suspects pleaded for restorative justice, but the request was rejected. This reason makes researchers interested in analyzing it in terms of restorative justice.

This research uses an empirical legal approach. The data sources used are primary and secondary data. Data was collected by interviewing and documenting techniques and then processed through checking, tagging, and systematizing data. Analysis of the data obtained is carried out qualitatively, which emphasizes inductive conclusions.

This research and discussion concluded that implementing restorative justice against negligence in traffic accidents at the Metro District Attorney's Office, Lampung, was carried out after the case file was declared P-21. Peace efforts and peace processes were carried out by guiding the implementing provisions in Letter E point 2 c of the Circular Letter of the Young Attorney General for General Crimes Number: 01/E/EJP/02/2022. The failure to resolve cases in a restorative justice manner against negligence in traffic accidents at the Metro District Attorney's Office, Lampung, was caused by statutory factors.

Based on these conclusions, it was suggested that the Public Prosecutor at the Metro District Attorney's Office, Lampung, was expected to ease his criminal charges against the suspect, considering that a peace agreement had been reached between the parties concerned. As the framer of the law, the government needs to formulate policies for solving traffic accident cases through a restorative justice approach, especially in negligence that causes the victims to die.

Keywords: Restorative Justice, Negligence, and Traffic Accidents