

## THE ROLE OF THE POLICE IN THE INVESTIGATION OF TRAFFIC ACCIDENT CASES THAT RESULTED IN SERIOUS INJURIES AND DEATHS IN THE MEDAN POLICE TRAFFIC UNIT

Syahri Ramadhan<sup>1a\*</sup>, Isnaini<sup>2b</sup>, Ridha Haykal Amal<sup>3c</sup>

<sup>1234</sup> Universitas Medan Area, Medan, Indonesia

<sup>1</sup> [rsyahri1971@gmail.com](mailto:rsyahri1971@gmail.com)

<sup>2</sup> [isnaini@staff.uma.ac.id](mailto:isnaini@staff.uma.ac.id)

<sup>3</sup> [ridhahaykalamal@staff.uma.ac.id](mailto:ridhahaykalamal@staff.uma.ac.id)

(\*) Corresponding Author

[rsyahri1971@gmail.com](mailto:rsyahri1971@gmail.com)

### ARTICLE HISTORY

Received : 20-11-2025

Revised : 07-12-2025

Accepted : 25-01-2026

### KEYWORDS

The Role of the Police;  
Traffic Accidents;  
Deaths;

### ABSTRACT

Traffic accident cases in Medan City in the last three years show a high number with serious injuries to death. Most of them are caused by driver negligence. This study aims to analyze the legal basis for the settlement of traffic accidents that result in death and the role of investigators of the Medan Police Traffic Unit in the investigation process and legal protection for perpetrators and victims. Using a qualitative descriptive method with a case study approach, the results of the study show that the settlement of these crimes is regulated in various regulations, including the Criminal Procedure Code and Law Number 22 of 2009. Investigators from the Medan Police Traffic Unit play an important role in processing crime scenes and collecting evidence to realize fair and professional law enforcement.

*This is an open access article under the CC-BY-SA License.*



### INTRODUCTION

The increase in transportation in Indonesia is quite significant, especially in the North Sumatra region. This will certainly have a negative impact on transportation users if they do not apply safety standards in driving. The Minister of Transportation of the Republic of Indonesia has issued Regulation Number 26 of 2015 concerning Road Traffic and Transportation Safety Standards which aims to minimize the occurrence of accidents on the highway. The existence of these regulations can certainly minimize the occurrence of accidents if its implementation is properly implemented by vehicle users, including public transportation. (Stuart et al., 2018)

Accidents in the transportation sector are caused by several factors, including: lack of consistency of law enforcement officials in the transportation sector, operators in the transportation sector lack discipline and trivialize safety and health issues, legal sanctions against violators of laws and regulations in the transportation sector have not been implemented optimally, funds are still limited in the context of implementing the Occupational Safety and Health (K3) program in the sector transportation, the quality of human resources (HR) and the development of transportation technology are unbalanced and there is a complexity of transportation problems in the field.

The legal rules for perpetrators of traffic accidents that result in the death and serious injury of victims are regulated in Article 359 of the Criminal Code, Article 106 paragraph (2), Article 229, Article 310 paragraphs 1 to 4

and Article 312 of Law No. 22 of 2009 concerning Road Traffic and Transportation and Government Regulation Number 37 of 2017 concerning Traffic Safety and Road Transportation. Legal policy in an effort to overcome the crime of a traffic accident that resulted in the death of the victim and serious injury is carried out in a penal manner, but in the crime of a traffic accident that results in the death and serious injury, penal mediation is sought first, namely peace, between the perpetrator and the victim and the victim's family, although the peace effort continues the criminal legal process. (Supriadi, 2021)

Non-Penal legal remedies are: Preventive efforts are efforts aimed at preventing the occurrence of traffic accidents, which in concrete form are in the form of traffic regulation activities, guarding vulnerable places, patrols and escorts. One of the authorities given by the Police based on the Law is regarding traffic security. Traffic police are the implementing element The Responsible for carrying out police duties including guarding, regulating, escorting and patrolling, public education and traffic engineering, registration and identification of drivers or motor vehicles, investigation of traffic accidents and law enforcement in the field of traffic to maintain security, order and smooth traffic. Sadjijono said that the police are "government organs or institutions that exist in the state". The term police as an organ and also as a function. The police as an organ, namely "an organized and structured government institution in the constitution that by law is given the duties and authority and responsibility to organize the police. As a function referring to the duties and authorities given by the law, namely the preventive function and the repressive function". (Hasibuan, 2021)

Handling traffic accidents and prosecuting violations on the highway is the duty and authority of the police which is a manifestation of law enforcement efforts. The traffic police always carry out socialization activities of Law No. 22 of 2009 concerning Road Traffic and Transportation to road users, both two-wheeled and four-wheeled, so that vehicle users always comply with traffic regulations and signs so that they can suppress accidents and traffic violations. However, if there is no synergy between officers and the community, safety in driving will not be achieved. "The characteristics of traffic duties and functions that are in direct contact with the community, have the consequence of making this traffic function the target of various *external controls*".

Based on article 1 point 1 of the Criminal Procedure Code jo article 1 point 10 of the Law of the Republic of Indonesia of 2002 concerning the Indonesian Police, what is meant by an investigator is "An official of the National Police of the Republic of Indonesia or a certain civil servant official who is given special authority by law to conduct an investigation", as well as in article 14 point 1 (g) which states that the main task of the police is to "conduct investigations and investigations of all criminal acts in accordance with the with the criminal procedure law and other laws and regulations. The investigation task carried out by the POLRI (Indonesian Police) investigator is the sole investigator for general crimes, his task as an investigator is very difficult and requires a very large responsibility, because the investigation is the initial stage of the series of criminal case settlement processes which means that it will affect the next stage of the judicial process. (Zairusi, 2022)

Investigation of traffic accidents is regulated in Law No. 22 of 2009 concerning Road Traffic and Transportation, especially in articles that discuss traffic crimes. If the accident is relatively minor, it can be resolved by a *restorative justice mechanism* or mediation between the victim and the perpetrator. However, if it results in death or serious injury due to negligence, criminal sanctions can be imposed according to applicable law. (Walintukan, 2021)

Most traffic accidents are caused by negligent, or careless drivers. Traffic accidents involving private vehicles and public vehicles are usually caused by a number of factors, including drivers, pedestrians, and unfavorable road conditions. The most common driver mistake is not having caution while driving. Cases of traffic accidents in the city of Medan that have occurred over the past 3 years have not only caused material losses but also claimed lives. The following is data on the number of accidents that occurred in the city of Medan:

**Table: 1.1 Traffic Accident Data in Medan City**

No.	Year	Stuttgart	Victims		
			M.D	L.B.	L.R.
1	2021	268	282	31	107
2	2022	190	196	24	93
3	2023	239	251	37	93
4	2024	250	263	37	95
5	2025	92	99	15	43

**Description:**

JLH LAKA : Number of Traffic Accidents  
L.B. : Serious Injuries  
M.D : Passed Away  
L.R. : Minor Wounds

For example, an accident case that just occurred that caused someone to die, namely a student named TMS (19) hit a motorcyclist resulting in the death of three people. TMS is suspected of violating Article 310 of Law No. 22 of 2009 concerning Traffic.

The accident occurred on Sunday (12/1/2025) night on Jalan Abdul Hakim, Medan City. TMS, who claimed to be drunk, hit the Kharisma motorcycle driven by IZ and IT and the two victims fell and were injured. Due to panic approached by residents, TMS fled and crashed into two other motorcycles around the Fishing Pond, namely a Supra X motorcycle driven by NS, and a Beat motorcycle driven by TB and V which resulted in the death of the victim (Goklas Wisely, 2025). (Wisely & Jaya, 2025)

Regulations used in handling traffic violations and accidents include Law No. 22 of 2009 and several articles in the Criminal Code. Traffic accidents are criminal acts that must be punished in accordance with the applicable laws and regulations (Criminal Law). Based on the above background, so the researcher is interested in discussing the research with the following discussions:

What are the legal regulations related to the settlement of traffic accidents that caused the death of victims in Indonesia?

What is the role of investigators related to the crime of a traffic accident that caused the death of the victim based on Law Number 22 of 2009 concerning Road Traffic and Transportation?

How is the Protection of Perpetrators and Accident Victims by the Medan Police Traffic Unit?

Based on the formulation of the problems that have been stated above, the objectives to be achieved from this research are:

Analyze and review legal regulations related to the settlement of traffic accidents that cause the death of victims in Indonesia.

Analyze and to review the implementation of the investigation of the crime of a traffic accident that caused the death of the victim based on Law Number 22 of 2009 concerning Road Traffic and Transportation

Analyze and Examining the Protection of Perpetrators and Victims of Accidents Carried Out by the Medan Police Traffic Unit.

## METHOD

This research is a normative juridical law research that covers various aspects such as positive legal inventory, legal principles, clinical legal research, systematics of laws and regulations, synchronization of laws and regulations, legal history, and legal comparison. Normative legal research is a research approach that focuses on written legal norms that govern human behavior in a society. This research focuses on legal analysis that is doctrinal or normative in nature using legal materials, such as laws, regulations, court decisions, and other legal doctrines. (Isnaini, 2024)

Through what has been explained earlier, the source of data in this study is primary data, namely data obtained directly from research in the field, in this case the Medan Police, North Sumatra. Second, secondary data, which is data obtained from literature studies by conducting assessments to gain an understanding of the types of literacy, consisting of: Primary legal materials, namely legal principles contained in the provisions of laws and regulations; Secondary legal materials are materials that are closely related to primary legal materials and can help analyze and understand primary legal materials. Tertiary legal materials, which are materials that provide information, instructions, or explanations about secondary legal materials.

Data collection techniques are methods used to obtain information from various sources to support research or data analysis. This technique can be in the form of quantitative (number-based) or qualitative (description-based) methods. Data collection in the preparation of this thesis research was carried out by literature study.

Analysis of data obtained to draw conclusions about research findings using qualitative descriptive analysis, Qualitative descriptive analysis is an analysis method used to describe, explain, and understand phenomena based on non-numerical (qualitative) data. The data analyzed is usually in the form of texts, interviews, documents, or observations. The data obtained from the research is then interpreted in the form of a proposition, which is systematically compiled to arrive at conclusions based on the results of the research conducted.



## RESULTS AND DISCUSSION

### ***Legal Regulations Related to the Settlement of Traffic Accidents That Cause the Death of Victims in Indonesia***

Traffic accidents that cause death are serious crimes that have a major impact on society and public order. Indonesia's positive law expressly regulates criminal liability for perpetrators to ensure legal certainty, uphold justice, and protect victims. (Sari & Saleh, 2022)

The main legal basis is regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ). Article 310 paragraph (4) ensnares the perpetrator of negligence that causes death with a maximum prison sentence of 6 years or a maximum fine of IDR 12 million. Article 311 paragraph (5) regulates the act of endangering the life of another person (such as driving recklessly or while drunk) which results in death with a maximum penalty of 12 years or a fine of Rp24 million. Meanwhile, Article 312 confirms the penalty for drivers who flee without helping the victim (hit-and-run) with a threat of 3 years in prison or a fine of IDR 75 million.

In addition, Article 359 of the Criminal Code can be applied in a subsidiary manner to negligence that causes death, if the elements in the LLAJ Law are not met. This is in line with the principle *of lex specialis derogat legi generali*, where the LLAJ Law is a special law that overrides the Criminal Code.

Law enforcement is also regulated in Perkap Number 15 of 2013 concerning procedures for handling traffic accidents, as well as Perpol Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. The application of restorative justice can be carried out if there is a peaceful agreement between the perpetrator and the victim's family, confession of guilt, and the fulfillment of the community's sense of justice. (Zaky, 2020)

All of these regulations form a comprehensive and complementary legal system between the LLAJ LAW, K.K.P., KUHAP, SPPA Law, Perma No. 4 of 2014, and the Public Service Law, so that the investigation and law enforcement process of traffic accidents that result in Death can be carried out professionally, transparently, and fairly. ( Hafrida & Usman, 2024)

Restorative justice is an approach to resolving criminal cases that focuses on restoring relationships between perpetrators, victims, and the community. In the context of traffic accidents, this approach is an alternative to a more humane legal settlement because most cases occur as a result of negligence (*culpa*), not intentionality (*dolus*). (Istiawan, 2025)

Although it is not directly regulated in Law No. 22 of 2009 concerning Road Traffic and Transportation, the concept of restorative justice has been recognized in the Indonesian judicial system through the Criminal Code, Supreme Court Decree No. 1 of 2016, and is explicitly regulated in Police Regulation No. 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. Article 3 paragraph (1) of the Perpol emphasizes that the purpose of restorative justice is to create a fair and harmonious settlement of cases by paying attention to the interests of victims, perpetrators, and the community.

In the case of a traffic accident that results in death, the application of restorative justice is selective and can only be carried out if it meets the requirements of Article 12 paragraph (2) of Perpol No. 8 of 2021, namely:

There is a peace agreement between the perpetrator and the victim's family;

Confession of guilt and remorse of the perpetrator;

Losses have been reimbursed or agreed; and

It does not cause public unrest.

This approach is oriented towards peace, compensation, and the restoration of social relationships. The mediation process is facilitated by law enforcement officials such as the police and the prosecutor's office to avoid lengthy legal proceedings. *Restorative justice* provides great benefits, including speeding up the resolution of cases, reducing the burden of justice, and providing a more real sense of justice for victims. (Supriadi, 2021)

However, the application of restorative justice cannot be applied absolutely, especially in cases of gross negligence or fatal consequences. For example, the accident on Jalan Abdul Hakim, Medan, on January 12, 2025 involving TMS (19) and killing three people, shows the complexity of applying this approach. In such cases, the mediation process must consider the level of wrongdoing, social impact, and a sense of justice for the victim's family.

Thus, restorative justice in traffic accident cases can be a complement to the criminal justice system, not a substitute. This approach is relevant if all parties agree to reconcile and meet strict legal requirements. Law enforcement officials need to ensure that their implementation is carried out carefully so as not to ignore the rights of victims and still ensure a deterrent effect for perpetrators, so that a balance between substantive justice and social restoration is achieved.

### ***The Role of Investigators in the Crime of Traffic Accidents Causing Death Based on Law Number 22 of 2009***

The national legal system, the National Police of the Republic of Indonesia (Polri) has a strategic position as a state tool that functions to maintain public security and order, enforce the law, and protect and serve the community.

The role of the police is not only measured by the normative implementation of legal functions, but also by its ability to adapt and interact in a broader social context. Sociologically, the *role theory* put forward by Soerjono Soekanto explains that every individual or institution in the social structure has a certain status accompanied by a set of roles in the form of rights and obligations. In the context of the police, this theory places the National Police not only as law enforcers, but also as social actors who have moral, social, and institutional functions in the legal system and society. (Soekanto, 2007)

Ranking Police constitutionally regulated in Article 30 paragraph (4) of the 1945 Constitution, which affirms the duty of the National Police to maintain security and order, enforce the law, and protect, protect, and serve the community. Based on these provisions, Law Number 2 of 2002 clarifies the institutional role of the National Police as a social-bureaucratic organization that has a hierarchical structure, division of authority, and a strict coordination system. Social organization is a set of roles that are coordinated to achieve certain goals in the social system. Thus, the National Police can be seen as an interrelated role system, where each member carries out his or her functions according to his position and responsibilities. (Soekanto, 2010)

Based on an interview with S. Rajagukguk, Head of the Gakkum Satlantas of the Medan Police, it was explained that the role of the police is not only limited to the implementation of normative duties based on Law Number 2 of 2002, but also includes the ability to adapt to the social conditions of the community. He emphasized: "We in the National Police work on a clear legal basis, but in the field, the role is not only to carry out legal orders, but also to adjust to the social conditions of the community. For example, in the function of Binmas, we must be able to approach the community in a humane way, not just enforce the rules."

Furthermore, Rajagukguk emphasized the importance of coordination in the organizational structure of the National Police: "The structure of the National Police is hierarchical and coordinated, from the Chief of Police to the Bhabinkamtibmas. Each has a specific role, such as investigation in investigations, traffic maintaining road order, and Binmas fostering the community. Coordination between divisions needs to be strengthened so that all functions run in harmony with the needs of the community."

From the theoretical perspective of Soerjono Soekanto's role, the role of the police can be divided into three main dimensions:

Ideal (*normative*) role: determined by laws and regulations and legal norms.

Social role (*expected role*): formed by public expectations of police behavior and responsibility.

Real *role*: realized through the real actions of the apparatus in the field.

The effectiveness of the police organization depends on the ability to balance these three dimensions. The National Police as a social-legal organization not only maintains order, but also plays a role as a guardian of the social and moral values of the community.

Furthermore, Soekanto's role theory is also relevant to explain the role of the police in the social structure of society. The police function as a link between the laws of the country and the social norms that live in society. This is reiterated by S. Rajagukguk who stated: "The role of the police is not only as a law enforcer, but also part of the social system. The police must understand local values in order to be able to be a link between state law and the customs and culture of the community. Our approach is now more community *policing*, so that the police are really part of the community."

In the context of modern society that is experiencing rapid changes due to globalization and digitalization, the National Police also plays a role as an *agent of social change*. The police are not only reactive to violations of the law, but also proactive in providing legal education and coaching to the community. Social roles are dynamic and adaptive to changes in values and norms. Therefore, the police need to continue to update their approaches and strategies to remain relevant to the development of society.

Thus, the application of Soekanto's role theory shows that the effectiveness of the law cannot be separated from the effectiveness of the social role of the police. The law will run well if the National Police is able to maintain a balance between normative, social, and moral aspects, and is accepted by the public as an integral part of the social structure they trust.

Traffic accidents that result in death are complex legal events and require a serious approach from law enforcement officials, especially police investigators. Investigators play the role of the front line in uncovering the facts, collecting evidence, and ensuring justice is upheld for victims and the community. (Hasibuan, 2021)

The main function of investigators is to search and collect evidence to identify suspects and reveal legal facts objectively and transparently. In the case of a fatal traffic accident, the investigation process includes several important stages, namely:

Crime Scene Processing (Crime Scene): Investigators are required to conduct a professional crime scene

processing to collect physical evidence such as vehicle position, brake tracks, road conditions, and damage to objects around the scene. Precision in this stage is the basis for the accuracy of subsequent investigations.

**Examination of Witnesses and Victims:** Eyewitness statements are very important to reconstruct the chronology of events. If the victim is still alive, the investigator needs to request a medical examination or visum to strengthen the evidence of cause and effect.

**Perpetrator Examination:** The examination of the driver is carried out to assess the elements of negligence or violation of the law, including alcohol/drug tests, health conditions, and behavior at the time of the incident. In the case of TMS who hit the victim's vehicle and fled, investigators are obliged to delve into the motive and legal considerations for the escape because it can be a ballast element in accordance with Article 312 of Law Number 22 of 2009. Collection and Analysis of Evidence Evidence is collected systematically and measurably, including physical evidence at the crime scene and vehicles; CCTV footage or other recording equipment; *results of a visum et repertum* from a forensic doctor; expert testimony, such as a traffic, forensic expert, or accident reconstruction.

In the case that occurred on Jalan Abdul Hakim and Kolam Pancing, Medan City, investigators conducted a thorough crime scene processing by documenting the vehicle's position, brake marks, and environmental conditions. CCTV footage was also used to visually and objectively reconstruct the incident.

Based on the results of the evidence analysis, investigators determine whether or not there is a criminal element such as gross negligence or traffic violations. When there is sufficient evidence, the investigator then determines the suspect and compiles the case file to be submitted to the prosecutor's office as the basis for prosecution. In the process, investigators also coordinate with medical personnel, forensic experts, and other related institutions to ensure the validity of the investigation results. This cross-agency collaboration is important to ensure the quality of investigations and the effectiveness of criminal justice.

However, practice in the field often faces various obstacles, including a lack of credible witnesses, perpetrators who flee, and pressure from external parties. The technical complexity of crime scene processing is also a challenge. Therefore, investigators are required to remain professional, objective, and independent in carrying out their duties so that the investigation process runs fairly and transparently.

Investigators have a moral and legal responsibility to ensure that the rights of victims and their families are protected, while perpetrators are held accountable according to the provisions of the law. With a professional and transparent investigation, it is hoped that a deterrent effect will be created for the perpetrators and prevention of similar incidents in the future. (Damayanti, 2019)

Normatively, Article 310 paragraph (4) of Law Number 22 of 2009 emphasizes that drivers who due to their negligence cause the death of another person can be subject to imprisonment for a maximum of six years or a maximum fine of Rp12 million. This provision is the legal basis for investigators in determining criminal elements and compiling case files.

The accident case involving TMS and resulting in the death of three victims is a clear example of the importance of investigative professionalism in handling traffic crimes. Through systematic and law-based investigations, investigators play an important role in upholding justice and restoring public trust in the law and law enforcement officials.

Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) is the main legal basis in law enforcement against accidents traffic resulting in deaths. In the case of TMS in Medan City, investigators applied Article 310 paragraph (4) which regulates sanctions for drivers who due to their negligence cause the death of another person. This law also requires the driver to provide assistance to the victim and not to flee from the accident site, as stipulated in Article 312. In the TMS case, the perpetrator allegedly violated both provisions, namely driving carelessly until killing three people and fleeing the scene. (Supriyadi et al., 2023)

Investigators are guided by the LLAJ Law in every stage of the investigation, starting from the collection of evidence, the determination of suspects, the proof of elements of negligence, to the protection of victims' rights. The application of these articles ensures that the legal process runs professionally, transparently, and fairly. Thus, the implementation of Law Number 22 of 2009 provides a strong legal basis for investigators in upholding justice and ensuring that perpetrators are responsible for the consequences of their actions.

#### ***Protection of Perpetrators and Accident Victims by the Medan Police Traffic Unit***

Protection of victims of traffic accidents is a legal and moral obligation regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. In the case of the accident on Jalan Abdul Hakim, Medan City, which involved TMS (19) and killed three people, the Medan Police Traffic Unit has carried out its legal protection function by evacuating the victims, securing the crime scene, and conducting investigations in accordance with the provisions of Article 226 and Article 310 paragraph (4) of the LLAJ Law. Legal protection includes the victim's right to medical



treatment, compensation, and justice in the legal process. The police also helped the victim's family obtain compensation from Jasa Rahardja as stipulated in Article 229 of the LLAJ Law, as well as providing administrative and legal assistance. This action is in line with the principles of *due process of law* and human rights as guaranteed in Articles 28A and 28G of the 1945 Constitution. In the case of TMS, the perpetrators who escaped are still processed legally, while the police ensure that the rights of victims and families are respected. Thus, legal protection by the Medan Police reflects the implementation of the principles of justice and the state's responsibility in guaranteeing the rights of traffic accident victims. (Dermawan, 2020)

The implementation of legal protection for victims and perpetrators of traffic accidents in the Medan Police area has not been running ideally. The case of the accident on Jalan Abdul Hakim, Medan City, which involved TMS and killed three people, shows the existence of structural, instrumental, and cultural obstacles in the implementation of the law in the field.

**Structural Constraints:** Limited human resources and infrastructure cause the process of evacuating victims and securing the crime scene to be less than optimal. This condition hinders the implementation of police duties as stipulated in Article 226 of Law No. 22 of 2009, and reduces the effectiveness of law enforcement.

**Instrumental Obstacles:** Complicated bureaucracy in submitting Jasa Raharja claims and lack of coordination inter-agency slowing down the fulfillment of victims' rights. On the other hand, perpetrators often face social pressure before the legal process runs, so the principle of presumption of innocence (Article 8 paragraph (1) of Law No. 48 of 2009) has not been fully realized.

**Cultural Constraints:** An emotional legal culture often leads to vigilante actions at the scene of an accident. This phenomenon shows that there is a gap between law in books and *law in action*, which hinders the professionalism of investigators in enforcing the law in a fair and humane manner.

In addition, both victims and perpetrators often experience psychological trauma, while mental recovery facilities are still limited. The *restorative justice approach* has not been optimally implemented due to the lack of counselors and coordination with psychosocial institutions. To overcome these various obstacles, it is necessary to take several strategic steps, including:

Strengthening personnel capacity through training and adding officers in accident-prone areas.

Reform of administrative procedures through the digitization of services and the establishment of a *one-stop service* at the Polrestabes.

The application of restorative justice and psychological assistance for victims and perpetrators.

Public legal education to suppress the practice of vigilantism.

Collaboration cross-sector with hospitals, Jasa Raharja, and local governments to accelerate victim services.

With these steps, legal protection for victims and perpetrators of traffic accidents in the Medan Police area is expected to run more effectively in accordance with the principles of justice, legal certainty, and legal utility.

## CONCLUSION

Based on the explanation and study above, this study concludes, namely:

Legal regulations related to the settlement of traffic accidents that cause the death of victims in Indonesia Law Number 22 of 2009 and the Criminal Code are the main legal frameworks, in the context of law enforcement against traffic accidents that result in death in Indonesia, there are quantity other relevant laws and regulations, such as the Criminal Procedure Code, the SPPA Law, Perma Number 4 of 2014, the National Police Regulation Number 15 of 2013, the Narcotics Law, and the Public Service Law. All of these rules complement each other and contribute to the creation of a fair, transparent, and professional legal system. This regulation also reflects legal protection for victims and the community while providing a basis for law enforcement officials to process perpetrators professionally in accordance with the principles of justice and legal certainty

The role of investigators in the crime of traffic accidents that cause death based on Law Number 22 of 2009. The accident case involving TMS as the perpetrator and killing three people confirms the importance of the role of investigators in handling traffic accident crimes. Through a structured and professional investigation process in accordance with Law Number 22 of 2009, investigators play a crucial role in uncovering the facts, determining suspects, and enforcing the law for the sake of justice for the victims and the wider community, this can be seen where investigators conduct a Crime Scene (TKP) on Jalan Abdul Hakim and Kolam Pancing, Medan City, to collect physical evidence such as the position of the vehicle, brake marks, vehicle damage, and traces at the accident site. Photos and CCTV footage around the crime scene are also very important to reconstruct the chronology of the incident. The application of Law Number 22 of 2009 in the investigation process of traffic accident cases that caused the death of

victims, such as in the TMS case, is the main legal foundation in determining the criminal element and ensuring that the law enforcement process runs fairly and effectively. With a clear legal basis, investigators can objectively uncover the facts and ensure that the perpetrators are legally responsible.

Protection of perpetrators and accident victims by the Medan Police traffic unit. From a legal perspective, the protection of traffic accident victims by the Medan Police Traffic Unit in the case of TMS has been carried out in accordance with the mandate of Law Number 22 of 2009 and the principles of legal protection. This includes medical evacuation, ensuring security at the scene, administrative assistance, psychological support and the use of law enforcement measures against those responsible for the accident. The protection is a concrete implementation of the principle of due process of law and the fulfillment of victims' rights in the context of human rights. The implementation of this policy will increase the protection of victims and perpetrators of traffic accidents in the Medan Police area in accordance with the principles of restorative justice, legal certainty and legal utility. Cross-sectoral cooperation and strengthening the role of the community are also important keys to realizing more responsive and humane legal protection.

## REFERENCES

- Damayanti, Y. (2019). *Penegakan Kode Etik Profesi Polri dalam Rangka Optimalisasi Peran Polisi Sebagai Aparat Penegak Hukum*. Universitas Atma Jaya Yogyakarta.
- Dermawan, A. (2020). Urgensi Perlindungan Hukum Bagi Korban Kecelakaan Lalu Lintas Menurut Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan. *Doktrina: Journal of Law*, 3(1).
- Hafrida, & Usman. (2024). *Keadilan Restoratif (Restorative Justice) dalam Sistem Peradilan Pidana*. Deepublish.
- Hasibuan, E. S. (2021). *Hukum Kepolisian dan Criminal Policy dalam Penegakan Hukum*. PT. RajaGrafindo Persada.
- Isnaini. (2024). *Teori dan Metodologi Penulisan & Penelitian Ilmu Hukum*. Pustaka Pratama Edukasia.
- Istiawan, I. R. (2025). Penegakan Hukum Terhadap Pelaku Kelalaian dalam Berlalu Lintas Yang Mengakibatkan Orang Lain Meninggal Dunia (Studi Kasus Putusan Nomor 34/Pid. B/2021/PN Mgt). *Jurnal Hukum Dan Kesejahteraan*, 6(1). <https://ejournals.com/ojs/index.php/jhk/article/view/916>
- Pinayungan, J., Kusmanto, H., & Isnaini, I. (2018). Implementasi Peraturan Menteri Perhubungan Republik Indonesia Tentang Standar Keselamatan Lalu Lintas Dan Angkutan Jalan. *Jurnal Administrasi Publik: Public Administration Journal*, 8(1), 108. <https://doi.org/10.31289/jap.v8i1.1581>
- Sari, N., & Saleh, K. (2022). Tinjauan Yuridis Penerapan Sanksi Pidana pada Kecelakaan Lalu Lintas Yang Menyebabkan Korban Jiwa Menurut Pasal 310 Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan. *Jurnal Politik Dan Pemerintahan Daerah*, 4(2), 282–292. <https://doi.org/10.36355/JPPD.V4I2.55>
- Soekanto, S. (2007). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Rajawali Pers.
- Soekanto, S. (2010). *Pokok-Pokok Sosiologi Hukum*. Rajawali Pers.
- Supriadi, A. (2021). *Kecelakaan Lalu Lintas dan Pertanggungjawaban Pidana Korporasi: Dalam Perspektif Hukum Pidana Indonesia*. Penerbit Alumni.
- Supriyadi, Ismail, D. E., & Rahim, E. I. (2023). Model Penyelesaian Perkara Kecelakaan Lalu Lintas Korban Meninggal Dunia dan Luka Berat. *Jurnal Ilmiah Publika*, 11(1), 361–372. <https://doi.org/10.33603/publika.v11i1.8550>
- Walintukan, J. E. Y. (2021). Penerapan Restorative Justice Dalam Proses Penyelesaian Pelanggaran Kecelakaan Lalu Lintas Yang Menyebabkan Kematian. *LEX CRIMEN*, 10(11). <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/38404>
- Wisely, G., & Jaya, E. E. (2025). *Ketika Mabuk Tuak Berujung Kecelakaan Maut di Medan...* Kompas.Com. <https://medan.kompas.com/read/2025/01/14/045900378/ketika-mabuk-tuak-berujung-kecelakaan-maut-di-medan-->
- Zairusi. (2022). *Transparansi Penyidikan Kepolisian*. Eureka Media Aksara.
- Zaky, I. (2020). *Analisis Teori Dolus Eventualis Dan Bewuste Culp Pada Kasus Kecelakaan Lalu Lintas Yang Mengakibatkan Korban Meninggal Dunia* [Universitas Islam Indonesia]. <https://dspace.uui.ac.id/handle/123456789/26800>