

Implementation of the Alternative Dispute Resolution Principle in Handling Traffic Crimes that Result in Minor Injuries

Indah Kusuma Dewi^{1*}, Hardin², Faais Mufaasir Ramadhan³

¹ *Department of Law, Faculty of Law, Universitas Muhammadiyah Buton, Baubau, Indonesia*

² *Department of Agribusiness, Universitas Muhammadiyah Buton, Baubau, Indonesia*

³ *Department of Law, Faculty of Law Universitas Hasanuddin, Makassar, Indonesia*

*Corresponding author. Email: indah.kusuma@umbuton.ac.id

ABSTRACT

Settlement of traffic cases is usually through a litigation system, but now the possibility exists for a peaceful settlement provided that the perpetrators are children and the threat is under seven years in prison. This study aims to determine how the process of handling cases of criminal acts due to negligence resulting in accidents with minor injuries and to find out whether the factors that hamper the process of handling cases in negligence that cause traffic accidents with minor injuries based on Article 310 paragraph (2) Law Number 22 Year 2009 Concerning Road Traffic and Transportation. The method used in this study is empirical research. The principle of alternative dispute resolution is used because this principle is considered the most appropriate in handling traffic crimes that are still children. The inhibiting factors are the difficulty of witnesses to provide information to officers, Evidence or Evidence involved in traffic accidents when investigators arrive at the crime scene, bad weather or rain during a traffic accident have the potential to hamper the case process. The recommendation is for the public who directly witness the traffic accident to give their testimony so that the process of handling traffic cases can proceed as it should, human resources namely traffic accident investigation personnel should be added.

Keywords: *alternative dispute resolution, crime, traffic matters*

1. INTRODUCTION

Crime or in the Dutch language strafbaarfeit which is actually an official term in Wetboek van Strafrecht or the Criminal Code which is now in force in Indonesia there is a term in a foreign language that is delict which means an act that the culprit can be subject to criminal law and this offender can be said to be the subject of a criminal offense [1].

The definition of a criminal offense is a general understanding of all acts that violate the law or legislation by not distinguishing whether the violation is in the field of private or public law including criminal law [2]. According to R. Abdoel Djamali stated that "a criminal act is a criminal event which is also called a criminal act (offense) is an act or series of actions that may be subject to criminal law [3]. The occurrence of a criminal offense must meet the following elements: a. Human actions, both in terms of positive (doing) and negative (not doing) actions; b. Threatened criminal; c. Against the law; d. Made with mistakes; e. By people who are able to take responsibility; f. The act must occur because of an error [4].

A person's mistakes and omissions can be measured by whether the perpetrators of the crime are able to take

responsibility, if the actions contain 4 (four) elements, namely:

- a. Committing criminal acts (nature against the law);
- b. Above a certain age able to be responsible;
- c. Having a form of error in the form of deliberate (dolus) and negligence (culpa);
- d. Absence of forgiving reasons [5].

In the law, it is not found what is the meaning of negligence or negligence (culpa), but from the knowledge of criminal law the characteristics of culpa are known. Generally, culpa consists of two parts, namely not careful doing an action, besides being able to suspect an action even though an act was done carefully it is still possible to happen culpa if the person who did that already know that from the act might arise a result which is prohibited by Law [6].

In Law Number 22 Year 2009 Road Traffic and Transportation is defined as the movement of vehicles and people in the road traffic space, while what is meant by road traffic space is infrastructure intended for movement of vehicles, people and/or goods in the form of road movement or supporting facilities. Traffic operations on the highway there are four interrelated elements namely the driver, vehicle, road and pedestrians [7].

The government has a goal to create safe, secure, fast, smooth, orderly and orderly traffic and road transportation, which is convenient and efficient through traffic management and traffic engineering. The procedures for traffic on the road are regulated by legislation concerning the direction of traffic, priority of using the road, traffic lanes, traffic lanes and flow control at the intersection.

According to Law Number 22 Year 2009 Road Traffic and Transport, a traffic accident is "an unexpected and intentional road event involving a vehicle with or without

other road users resulting in human casualties and / or property losses".

According to Article 229 of Law Number 22 Year 2009 Traffic and Road Transportation determine as follows:

- a. Traffic accidents are classified as:
 - 1) Minor traffic accident;
 - 2) Medium traffic accident; or
 - 3) Heavy traffic accident.
- b. Minor traffic accidents as referred to in paragraph (1) letter a are accidents that result in damage to vehicles and/or goods.
- c. Moderate traffic accidents as referred to in paragraph (1) letter b are accidents resulting in minor injuries and damage to vehicles and /or goods.
- d. The heavy traffic accident as referred to in paragraph (1) letter c is an accident which results in the death of a person or serious injury.
- e. Traffic accidents as referred to in paragraph (1) may be referred to in paragraph (1) may be caused by negligence of road users, vehicle infertility, and road and/or environmental inadequacy.

In determining whether an accident resulting in material loss without loss of life is a crime or not, the action is declared a criminal offense if it meets the elements of: 1. Subject; 2. Error; 3. Unlawful (from action) [8]. An act that is prohibited or required by law/law and against violators is threatened with criminal sanctions; Time, place and situation.

If it is associated with a traffic accident as mentioned above, both minor, moderate and severe traffic accidents are crimes. This refers to the provisions of Article 230 of Law Number 22 Year 2009 Road Traffic and Transport which reads: "The Traffic Accident Case as referred to in Article 229 paragraph (2), paragraph (3), and paragraph (4) is processed with the event criminal justice in accordance with statutory provisions." So, based on the description above, the party that caused a traffic accident that resulted in material losses without a victim is a criminal offender and will be criminally processed for a criminal offense.

The sentence "causing people to die" is not different from the element of the act of eliminating lives from murder in Article 338 of the Criminal Code. The difference with murder lies only in the element of error in the form of carelessness (*culpa*) while the error in murder is intentional [9].

The settlement of criminal cases through mediation cannot be separated from the ideals of the law which are based on the legal philosophy foundation, namely justice (law is justice), and the legal principle of the case settlement process that refers to written legal sources and unwritten legal sources. The formulation of the rule of law for the settlement of criminal cases is carried out through mediation derived from the ideals of the law and the principles of law. Therefore, the mediation pattern applied must refer to the values of justice, the value of legal certainty and expediency. Whereas legal norms are applied must consider philosophical, juridical, and sociological grounds [10].

Based on that, the writer will further study the negligence resulting in traffic accidents with damage to goods with the approach to the problem, namely: (1) How is the process of handling cases of negligence that result in traffic accidents

with minor injuries according to Article 310 paragraph (2)?; (2) What factors hinder the process of handling cases in negligent criminal cases that cause traffic accidents with minor injuries based on article 310 paragraph (2)?.

2. METHOD

In preparing this thesis, the study was conducted by taking a location at the Baubau Police Traffic Unit Office. The reason for taking the location at the Baubau Regional Police Traffic Unit Office is due to the relationship between the title of the thesis which is considered to be in full compliance with the study site

Types and sources of data used in this study:

- a. Primary data, namely empirical data obtained directly in the field or research location through interview techniques with information sources, namely Members of the Baubau Police Traffic Unit who handle the case.
- b. Secondary data is data that we trace through literature review whether sourced from books, magazines, journals, or electronic media and mass media that we consider relevant to the issues discussed.

Data obtained from primary and secondary data will be processed and analyzed qualitatively and then the data will be descriptive. Qualitative analysis is a qualitative analysis of verbal data and numerical data descriptively by describing the real circumstances of the object to be discussed with a formal juridical approach and refers to the doctrinal concept of law.

Qualitative data that is described by words or sentences are broken down according to categories to obtain conclusions.

3. RESULTS AND DISCUSSION

3.1. Principal Duties and Functions of the Traffic Unit

The Republic of Indonesia National Police Traffic Unit Resort Baubau has the following main duties and functions:

- a. Handling Traffic accidents that occur in the territory of the Republic of Indonesia National Police Resort Baubau.
- b. Conduct First Actions at the scene of the traffic accident case, conduct a crime scene event, conduct an investigation and investigation of the traffic accident that occurred.
- c. Providing Services, Protection and Protection and providing legal certainty to the community involved in a Traffic Accident.
- d. Assisting in the management of compensation for *Raharja* Services for heirs or families of victims of traffic accidents.
- e. Collecting data on traffic accident numbers, and data collection of traffic accident-prone areas, in order to be able to anticipate traffic accidents.
- f. Coordination with related agencies in handling traffic accidents in order to accelerate the handling so that victims can be saved, Evidence can be immediately

- secured, and the damage is not getting worse, and prevent new problems from arising at the crime scene.
- g. Anticipating conceptual, programmed and continuous traffic accidents.
 - h. Carry out the leadership's orders as a guide for how to act and provide information to the leader as Supervisor and Controller.

3.2. The process of investigating traffic accident cases which resulted in the victim suffering minor injuries

3.2.1. Investigation Process

The process of investigating traffic accident cases that resulted in the victim suffering minor injuries at the Indonesian National Police Traffic Unit of the Baubau Resort is as follows:

- a. Traffic Accident Unit officers receive information from the public, either directly or indirectly, that a traffic accident has occurred immediately, the crime scene (CS).
- b. Arriving Officers at the CS Officers immediately do the CS (maintaining the Status Quo) so that the CS is not damaged in order to facilitate the process of handling the CS.
- c. Laka Lantas Unit Officers look for Witnesses at the crime scene or outside the crime scene, witnesses who see, hear and feel either directly or indirectly the case of the traffic accident.
- d. Officers shall as soon as possible secure the Evidence involved in a traffic accident so as not to be damaged by others, and secure the suspect so that he is not in Hakimi Massa.
- e. Make a Police Report and Sketch of a crime scene then
- f. Request a VER (Visum et revertum) to the Head of the Hospital or Health Center where the Victim receives medical treatment.
- g. Conduct examination of witnesses, and conduct examination of victim witnesses contained in the Minutes of the examination of witnesses, and victims.
- h. Conduct a suspect's investigation contained in the minutes of the suspect's investigation.
- i. Undertake case titles for traffic accident cases to make light of a case and determine the location of the negligence of the driver or driver of the motorized vehicle. The participants of the case titles are as follows:
 - 1) Head of Traffic Accident Unit of Baubau Resort Police Traffic Unit
 - 2) Assistant Traffic Accident Unit Investigator who handles traffic accident cases.
 - 3) Both parties involved in a traffic accident.
- j. The investigator mediated between the two parties involved in the traffic accident. If agreement is reached on a family or peaceful settlement, then both parties make a statement or peace agreement known by the local government in this case the Village Head. Undertake case titles for traffic accident cases to make light of a case and determine the location of the negligence of the driver or driver of the motorized vehicle. The participants of the case titles are as follows:
 - 1) Head of Traffic Accident Unit of Baubau Resort Police Traffic Unit.
 - 2) Assistant Traffic Accident Unit Investigator who handles traffic accident cases.
 - 3) Both parties involved in a traffic accident.

Legal Basis regarding the Implementation of Alternative Dispute Resolution (ADR) outside the court hearing. Letter of the Head of Indonesian National Police No Pol: B/3022/XII/SDOPS/December 4, 2009 concerning Handling of Traffic Accident cases through Alternative Dispute Resolution (ADR).

3.2.2. Basic Investigation

Police Report: Number: LP/27.03/100/XII/2018 /Then, on December 17, 2018 made by Briпка Muh Alhadi, the position of the Baubau Resort Police Traffic Accident Unit Section. It was true on Friday, December 14, 2018, at 16:30 a.m., on the Labungkari – Mawasangka shaft, right in Mone Village, Lakudo District, Buton District, a traffic accident had occurred in a red and black Honda Revo motorcycle No. Pol DT 5592 The air conditioner driven by LA OJI's brother, who was moving or moving from Labungkari direction to Mawasangka direction, when he wanted to turn left into the hallway of his house, was hit from the right side by a Suzuki Shogun No Pol KT 3161 MD motorbike in driving by brother Safaruddin drove or moved from the same direction, resulting in brother LAOJI suffering abrasions on the right elbow, abrasions on the right leg and treated at the Bauabau City General Hospital.

3.2.3. Facts Regarding the Investigation

- a. Handling of crime scene
 - 1) Securing and researching crime scene
 - 2) Conducting general observations in Tempata Case Includes observing road conditions, weather conditions at the time of a traffic accident, observing the direction of the two vehicles just before the traffic accident.
 - 3) Conducting special observations, including observing the condition of vehicles involved in traffic accidents, whether or not road vehicles are involved in traffic accidents, checking the condition of victims and suspects whether in driving a vehicle during a traffic accident while drunk or consuming drinks hard.
 - 4) Make a sketch of the scene of a traffic accident scene, in accordance with the results of the crime scene by an Investigation Officer who came to the scene.
 - 5) Search and record witnesses who know, see, hear directly or indirectly the traffic accident.
 - 6) Immediately secure evidence involved in a traffic accident to prevent further damage.
- b. Calling:
 - 1) With the Summons Number Pol: SP/XII/2018/Lantas, on December 17, 2018, had

summoned witnesses to Mr. TABSIL ARWILA Bin SAIFUDIN, age 14 years, Student's work, address of Lolibu Village, Lakudo District, Buton District, concerned was ordered. facing Thursday, December 20, 2018 to BRIPKA MUH ALHADI.

- 2) With the Summons No. Pol: SP/ XII /2018/Lantas, on December 17, 2018, a witness had been summoned to witness IZAL Bin LA IDIN, age 15, student's occupation, address of Mone Village, Lakudo District, Buton Tengah District, the person concerned was instructed facing Thursday, December 20, 2018 to BRIPKA MUH. ALHADI.
- c. Arrest is not done
- d. Detention is not done
- e. Confiscation
With the seizure warrant No. Pol: SP. Sita/100/XII/2018 /Lantas, on December 27, 2018, confiscated evidence from the suspect SARIFUDIN Bin RAMLI ULI at the Baubau Police Traffic Unit Office in the form of:
 - 1) One unit of Suzuki Shogun blue color No. Pol KT 3161 MD.
 - 2) One unit of Honda motorbike red black Revo No. Pol DT 5592 AC.
- f. Investigation
With the Investigation Order No. Pol: SPRINDIK/100/ XII /FLOOR.
 - 1) Article 1 points 2 and 5, article 7, article 16, paragraph 1, Article 32, Article 38, Article 102, Article 106 of the Criminal Procedure Code (KUHAP).
 - 2) Police Report Number: LP/27.03/100/XII/2018/ Lantas, December 17, 2018.
- g. Testimony of witnesses:
 - 1) Name: TABSIL ARWILA Bin SARIFUDIN, born in Lapodi on May 3, 2004, age 14 years, Male sex, Butonese, Islam, Indonesian Nationality, Student Work, Student address, Lolibu Village, Lakudo District, Buton Tengah District. The last education of junior high school has not yet finished.
Explain:
 - a) That the witness, when examined and provides information in a healthy physical and spiritual condition, and is willing to provide true information.
 - b) That the witness understood very well that an examination had been carried out on him in connection with a traffic accident, which occurred on Friday, December 14, 2018, around 16:30 pm, on the Labungkari-Mawasangka axis road, precisely in Mone Village, Lakudo District, Central Buton Regency.
 - c) That the witness did not know, there was no family relationship or work relationship with motorcyclists No Pol DT 5592 AC brother of LA OJI.
 - d) That the witness knew, but there was no family relationship or work relationship with motorbike riders No. Pol D KT 3161 MD SAFARUDDIN brother.
 - e) That the traffic accident that the witness intended was a traffic accident of a Suzuki Shogun motorcycle No. Pol DT 5592 AC which

was driven by LA OJI's brother from Labungkari to head towards Mawasangka when he wanted to turn left into the hallway of his house, he had been hit from the right side by a Suzuki Shogun No. Pol KT 3161 MD motorbike driven by SAFARUDIN brothers from the same direction, which resulted in LA OJI's brother suffering abrasions on his right elbow and being treated at the Baubau City General Hospital, and occurred on the day Friday, December 14, 2018 around 16:30 West Indonesian Time on main road Labungkari-Mawasangka, Mone Village, Lakudo District, Buton Tengah Regency.

- f) The witness testified that at first he was sitting in front of his house at a distance close to the scene, suddenly heard the motorbike driver Suzuki Shogun No. Pol DT 3161 MD SAFARUDIN brother crashed from the side before, right Honda Revo No motorcycle Pol KT 3161 MD was driven by LA OJI's brother, resulting in the victim suffering abrasions on the right elbow.
- g) The witness testifies that the distance from his house from the crime scene is approximately 10 (ten) meters.
- h) That at the time before the traffic accident the witness heard the sound or the sound of a Suzuki Shogun No. Pol KT 3161 MD motorbike driven by being driven by a SAFARUDIN brother the longer the state of high sound as a sign of a vehicle driven by SAFAURUDIN at high speed because the witness heard and see first hand the incident.
- i) That shortly before the traffic accident the speed of the Suzuki Shogun motorcycle in blue No. Pol KT 3161 MD was driven by SAFARUDIN with speeds between 40 to 50 Km/hr.
- j) That shortly before the traffic accident referred to the witness did not hear SAFARUDIN's brother sound the horn of the motorcycle he was driving.
- k) That shortly before or at the time of the traffic accident the Suzuki Shogun motorcycle controller KT 3161 MD MD SAFARUDIN brother did not try to avoid the occurrence of a traffic accident that resulted in the victim suffering abrasions on the right elbow.
- l) That shortly before or at the time of the traffic accident the SAFARUDIN brothers did not try to brake or no longer had the time to brake and reduce the speed of the motorcycle they were driving to prevent a traffic accident.
- m) That at the time of a traffic accident on the Suzuki Shogun motorcycle tire section KT KT 3161 MD which was driven by SAFARUDIN brother regarding the right side of the Honda Revo No. Pol DT 5592 AC motorcycle driven by brother LA OJI.
- n) That due to the accident the motorbike rider Suzuki Shogun No. Pol KT 3161 MD brother LA OJI suffered abrasions on his right elbow,

abrasions on his right leg and was treated at the Baubau General Hospital.

- o) The witness testified that shortly before, at the time of the traffic accident the condition of the road was straight, paved, two-way lane, sunny weather, uphill / downhill traffic at that time was quiet and occurred in the afternoon.
 - p) The witness explained that all of the information he gave was truthful and was ready to be held accountable to the court later.
- 2) Name: IZAL Bin LA ADIN, born in Mone on June 14, 2003, age 15 years, Male sex, Butonese, Islam, Indonesian Nationality, Student Work, address of Mone Village, Lakudo District, Central Buton District. The last education of junior high school has not yet finished.
Explain: Same with the explanation of TABSIL ARWILA Bin SARIFUDIN

3.3. Analysis Based on the Investigation Process

3.3.1. Case Analysis

On Friday, December 14, 2018, at around 16:30 West Indonesia Time on the Labungkari-Mawasangka axis, or precisely in Mone Village, Lakudo District, Buton District, there was a traffic accident, a red and black Honda Revo motorcycle, No Pol DT 5592 AC, driven by LA's brother OJI drove or moved from Labungkari to head towards Mawasangka when he wanted to turn left into the hallway of his house and was hit from the right side by a blue Suzuki Shogun motorcycle No. Pol KT 3161 MD which was driven by SAFARUDIN brothers and drove from the same direction so resulting in LA OJI victims suffering abrasions on the right elbow, abrasions on the right leg and then treated at the Baubau City General Hospital.

- a. Based on the witnesses' testimony that just before the traffic accident the speed of the Suzuki Shogun motorcycle in blue was no. Pol DT 3161 MD was driven by a suspect brother SAFARUDIN Bin RAMLI ULI with speeds between 40 to 50 Km/hour.
- b. Based on the testimonies of the two witnesses that shortly before the suspect hit the victim from behind there was no attempt to reduce speed or pass the braking of the motorcycle that the suspect was driving.
- c. Based on the information of the suspect SAFARUDIN Bin RAMLI ULI that shortly before the accident the suspect had no effort to reduce speed or braking because the motorbike ridden by the victim of LA OJI was so close that the suspect was in a nervous condition, then a traffic accident could not be avoided anymore.
- d. In accordance with the statements of witnesses and recognized by the suspect himself before the traffic accident, the suspect SAFARUDIN did not have the chance to sound the horn.

3.3.2. Juridical Analysis

Based on the analysis of the case above there are indications of a criminal act committed by the suspect SAFARUDIN BIN RAMLI ULI due to the fulfillment of the elements referred to in article 310 paragraph (2) of RI Law No. 22/2009 concerning Road Traffic. The elements referred to in article 310 paragraph (2) of RI Law No. 22/2009 concerning Road Traffic

- a. Whoever: Based on the facts, witness statements, results of the Traffic Accident Case Inspection, Visum Et Revertum City Baubau General Hospital Information, as well as the information of the Self-Suspect supported by Evidence, which has been confiscated as a Legal Subject who can be held responsible his actions, are the suspects Brother SAFARUDIN Bin RAMLI ULI, born in Lapodi, Age 14, Male, Gender of Islamic Religion, Nationality of Indonesia, Student Work, Address of Teluk Lasongko Village, Lakudo District, Buton Tengah District, Last Middle School Education not finished,
- b. Because of his fault or because of his negligence or because of carelessness resulting in other people suffered minor injuries.

This element has been fulfilled, namely on Friday, December 14, 2019, around 16:30 West Indonesia Time, located on Jalan Labungkari-Mawasangka, precisely in Mone Village, Lakudo District, Buton Regency, there has been a traffic accident that is a Honda Revo Motorcycle in Red and Black, No. Pol DT 5592 AC driven by LA OJI's brother moves or drove from Labungkari to head towards Mawasangka when he wants to turn left into the hallway of his house has been hit from the right side by a blue Suzuki Shogun motorcycle No. Pol KT 3161 MD driven by SAFARUDIN Bin RAMLI ULI, drove from the same direction, which resulted in LAOJI's saudara victims suffering abrasions on the right elbow, and abrasions on the right leg, then treated at the Baubau City General Hospital. In the case above, the suspect does and does not do the following things:

- a. Based on the testimony of witnesses of the Suzuki Shogun No. 31 KT MD MD Pol which was driven by the suspect SAFARUDIN Bin RAMLI ULI with a speed of 40 to 50 Km / h when the suspect moved behind the victim at a very close distance that the suspect should not have done so that there is no traffic accident.
- b. Based on the description of the suspect before the traffic accident did not have time to reduce the speed of the motorbike, he was driving by braking but the suspect did not do that.
- c. Before the traffic accident that resulted in LA OJI victims suffered minor injuries which at that time assumed SAFARUDIN Bin RAMLI ULI was behind the victim who was supposed to keep a distance to be able to avoid the traffic accident, but the suspect did not do so.
- d. Based on witnesses' testimony and acknowledged by the suspect himself for a moment, at the time of the traffic accident the suspect did not have the chance to sound a horn that could be heard by other drivers in this case the LA OJI victim who should have been accused of doing so.

- e. Before the traffic accident the suspect should be able to avoid or stop his vehicle but the suspect did not do that.

3.4. Case Settlement through Alternative Dispute Resolution (ADR) mechanism outside the court hearing

Before the completion of the traffic accident case which resulted in the victim suffering minor injuries according to article 310 paragraph (2) of the Republic of Indonesia Law No. 22 of 2009 concerning Road Traffic, which is a traffic accident that is the Honda Revo No Pol motorcycle. DT 5592 AC driven by LA OJI was hit by a motorcycle Suzuki Shogun No. Pol KT 3161 MD driven by a suspect SAFARUDIN Bin RAMLI ULI which resulted in the victim suffering abrasions on the right elbow and abrasions on the right leg and treated at the General Hospital City of Baubau, Laka Investigator Then Baubau Regional Police held a meeting with both parties with the intent and purpose of providing space for both parties to express their opinions on the accident that they experienced.

3.5. Factors that hamper the process of handling traffic accident investigations

- a. Difficult people or witnesses to provide information to officers who see, hear or know both directly and indirectly of the accident that occurred. The witness was reluctant to provide information to the investigator because the witness did not want his time taken up to be examined by him, moreover the distance between his house and the Baubau Regional Police Traffic Unit Office was relatively far so that it took a long time and cost to attend the witness's summons to the investigator. With the difficulty of presenting witnesses, the investigator must be proactive or pick up the ball in terms of examining witnesses, in which the investigator conducts an inspection at the house where the witness is located.
- b. Evidence or evidence in the form of a motorcycle involved in a traffic accident at the time the investigator arrived at the scene of the crime is no longer available or has moved from the crime scene at least can hinder the process of the crime scene primarily in determining the direction of the vehicle just before the accident traffic and determine the key point (Collision Point) between the two motorcycles involved in the traffic accident. Evidence that is involved in a traffic accident that is moved by the community is not given a sign or picture (not maintaining the status quo) can hamper or complicate the investigation process.
- c. Bad weather or rain during a traffic accident has the potential to hamper the process of handling, investigating or processing a crime scene where the former motorbike or vehicle involved is not visible so in determining the Key Point. Rainy weather can slow down officers when approaching the scene.
- d. In resolving the case of traffic lightness that occurred on Friday, December 14, 2018, at 16. 30 Wita, on the

Labungkari-Mawasangka axis, precisely in Mone Village, Lakudo District, Buton Tengah District, a bicycle traffic accident had occurred. Honda Revo motorbike red color No Pol DT 5592 AC which is driven by brother LA OJI, who drove or moved from Labungkari direction towards Mawasangka direction, when he wanted to turn left into the hallway his house was hit by a right side by a bicycle Suzuki Shogun No. Pol KT 3161 MD motorbike driven by SAFARUDDIN brother drove or moved from the same direction, resulting in LA OJI brother suffering abrasions on his right elbow, abrasions on his right leg and treated at the Baubau City General Hospital, to reach agreements have obstacles such as the difficulty of reaching an agreement in compensating the cost of damage to the vehicle, and overcoming by the treatment of the victim, but with negotiations conducted by the investigators, then an agreement was reached by both parties.

4. CONCLUSION

The settlement mechanism is before the traffic accident case is resolved which results in the victim suffering minor injuries according to article 310 paragraph (2) of RI Law No. 22 of 2009 concerning Road Traffic, which was the accident, namely the Honda Revo No Pol motorcycle. DT 5592 AC driven by LA OJI was hit by a motorcycle Suzuki Shogun No. Pol KT 3161 MD driven by a suspect SAFARUDIN Bin RAMLI ULI which resulted in the victim suffering abrasions on the right elbow and abrasions on the right leg and treated at the General Hospital Baubau City, Laka Investigator and Baubau Regional Police held a meeting with both parties with the intent and purpose of providing space for both parties to express their opinions on the accident that they experienced with the Alternative Dispute Resolution (ADR) settlement mechanism.

The influencing factors are supporting factors: Headquarters of Baubau Regional Traffic Police Command Unit which stands on State land (certified) with a land area of 3,500 m² with a building area of 375 m², the Baubau Regional Traffic Traffic Unit on Jalan Diponegoro Kelurahan Wangkanapi District Wolio Kota Baubau, the Baubau Regional Police Traffic Unit Building was built in 2014. Facilities and infrastructure that support or support the process of handling Traffic Accidents. The inhibiting factor is the resilience of the public or witnesses to provide information to officers who see, hear or know both directly and indirectly the accident that occurred, Evidence or evidence in the form of motorbikes involved in traffic accidents when investigators arrive at The crime scene no longer exists or has moved away from the crime scene, bad weather or rain during a traffic accident have the potential to hamper the process of handling, investigating or processing the scene where the former motorbike or vehicle dragging involved is not clearly visible.

ACKNOWLEDGMENT

Thank you to the Chancellor of the University of Muhammadiyah Buton for providing financial

assistance to this research so that this research can be carried out well.

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