

The Role of Law Enforcement Officials in Implementing Alternative Dispute Resolution in Traffic Accident Cases in Indonesia

Serimin Pinem^{1*}, Ilylyana Che Rosli²

¹Universitas Medan Area, Indonesia

²Universiti Sultan Zainal Abidin, Malaysia

*Corresponding Author: serimin.pinem@staff.uma.ac.id

ABSTRACT

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This study analyzes the role of law enforcement officials in implementing Alternative Dispute Resolution (ADR) in traffic accident cases in Indonesia. Although traffic accidents are generally processed through formal criminal justice mechanisms, many cases involve negligence and minor harm, making restorative settlement more appropriate. This research applies an empirical juridical (socio-legal) approach with a qualitative descriptive-analytical design. Data were collected through interviews, observations, and document analysis, and examined using qualitative analysis with triangulation. The findings indicate that law enforcement officials, particularly the police, act as facilitators, mediators, legal educators, and process controllers in promoting peaceful settlements. ADR is conducted through several stages, including initial case assessment, offering mediation, facilitating dialogue, drafting agreements, and monitoring compliance. In exercising discretion, officials consider the severity of the accident, the element of fault, the perpetrator's attitude, the victim's consent, and social benefits. However, implementation faces challenges such as the absence of standardized procedures, limited mediation skills, low public legal awareness, and concerns over transparency. Strengthening regulatory guidance and institutional capacity is essential to ensure fair and humane dispute resolution.



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Introduction

Traffic accidents constitute one of the most persistent legal and social challenges in Indonesia. The rapid growth of motor vehicles, urbanization, and increased public mobility have significantly contributed to the rising number of traffic incidents each year. These accidents not only result in material losses but also cause physical injuries, psychological trauma, and long-term social consequences for victims and their families (Soekanto, 2011). In many cases, traffic accidents disrupt social relationships within communities, particularly when the parties involved know each other or share the same social environment. Consequently, resolving traffic accident disputes requires a legal approach that does not merely focus on punishment but also considers social harmony and restorative outcomes.

Within Indonesia's criminal law system, traffic accidents are generally processed through formal judicial mechanisms. Law enforcement officials, particularly the police, conduct investigations and determine whether cases should proceed to prosecution. However, formal criminal proceedings are often time-consuming, costly, and procedurally complex. For minor traffic accidents, especially those caused by negligence (*culpa*) without serious injury or fatality, the formal process may not always produce substantive justice for either victims or perpetrators (Muladi, 1995). Victims frequently seek immediate compensation or acknowledgment of harm rather than prolonged litigation, while perpetrators may prefer mechanisms that allow them to take responsibility without facing excessive stigma. These realities highlight the need for more flexible and responsive dispute resolution mechanisms.

Alternative Dispute Resolution (ADR) has emerged as a mechanism that offers a non-litigation approach to resolving disputes through deliberation, mediation, and mutual agreement. ADR emphasizes voluntary participation, equality between parties, and the pursuit of mutually acceptable outcomes. In the context of traffic accidents, ADR is particularly relevant because many incidents involve negligence rather than intentional criminal conduct. The social relationships between the parties often remain intact and can be restored through dialogue and compensation. From a philosophical perspective, ADR aligns with Indonesia's foundational values, especially the principle of deliberation for consensus embedded in the fourth principle of Pancasila (Siswadi & Putri, 2024). Therefore, ADR is not merely a procedural alternative but also reflects cultural and normative values rooted in Indonesian society.

The implementation of ADR in criminal cases is closely related to the concept of restorative justice. Restorative justice shifts the focus of criminal law from retribution toward repairing harm and restoring relationships among victims, offenders, and the community (Zehr, 1990). Rather than emphasizing punishment alone, restorative justice seeks to create opportunities for dialogue, accountability, and reconciliation. In traffic accident cases, restorative approaches allow victims to express their losses and expectations directly to the perpetrators, while perpetrators are encouraged to acknowledge their wrongdoing and provide restitution. This process can generate a stronger sense of fairness compared to abstract court decisions that may not directly address victims' immediate needs.

Normatively, Indonesian law provides space for non-litigation settlement in certain traffic cases. Law Number 22 of 2009 concerning Road Traffic and Transportation recognizes the possibility of resolving cases outside formal court proceedings under specific conditions. Additionally, internal police regulations on restorative justice further strengthen the legal foundation for alternative settlements. However, the practical implementation of these provisions largely depends on the discretion exercised by law enforcement officials. Police discretion enables officers to determine whether a case is more appropriately resolved through formal prosecution or alternative mechanisms based on considerations of justice, legal certainty, and social benefit (Rahardjo, 2009).

Discretion, however, is a double-edged instrument. On the one hand, it allows flexibility in responding to concrete social realities, avoiding rigid application of positive law. On the other hand, without clear guidelines and oversight, discretion may result in inconsistent practices or even abuse of authority. The effectiveness of ADR in traffic accidents therefore depends not only on normative regulations but also on how law enforcement officials interpret and apply their discretionary powers in practice. Their roles extend beyond investigators; they function as facilitators, mediators, and educators who bridge legal norms with social expectations.

Despite the increasing recognition of restorative justice and ADR in Indonesian criminal law discourse, empirical studies focusing specifically on traffic accident cases remain limited. Existing literature predominantly discusses restorative justice in general criminal contexts or examines police discretion in administrative and public service settings. Few studies explore how ADR mechanisms are implemented in traffic law enforcement, particularly in relation to the practical roles of law enforcement officials, the stages of dispute resolution, and the considerations underlying discretionary decisions. Moreover, variations in practice across regions and the absence of standardized operating procedures raise questions regarding uniformity, accountability, and transparency.

Another significant issue concerns the legal culture of society. As Soekanto (2004) emphasizes, the effectiveness of law enforcement is influenced not only by legal substance and structure but also by legal culture. In some communities, there remains a perception that criminal cases must always be resolved through formal courts to ensure legal certainty. This view reflects a legalistic-positivistic paradigm that equates justice with formal adjudication. Consequently, alternative settlements may be perceived as informal compromises lacking legitimacy. Such perceptions can hinder the broader acceptance and effectiveness of ADR in traffic accident cases.

In addition, law enforcement officials may face practical obstacles, including limited mediation skills, high workload, and public suspicion regarding transparency. The absence of uniform standard operating procedures (SOPs) for ADR implementation further contributes to inconsistencies in practice. These challenges underscore the importance of examining not only the normative basis of ADR but also its empirical implementation and institutional dynamics.

Based on these considerations, this study seeks to analyze the role of law enforcement officials in implementing Alternative Dispute Resolution in traffic accident cases in Indonesia. Specifically, this

research addresses four main questions: (1) What forms of roles are performed by law enforcement officials in facilitating ADR in traffic accident cases? (2) How is the ADR mechanism implemented in practice? (3) What considerations guide the exercise of police discretion in determining alternative settlements? and (4) What obstacles are encountered in the implementation process?

By employing an empirical juridical (socio-legal) approach, this study aims to bridge the gap between normative legal frameworks and field practices. The research contributes theoretically by enriching the discourse on restorative justice and police discretion within traffic law enforcement. Practically, it offers recommendations for strengthening regulatory frameworks, standardizing procedures, and enhancing the professional capacity of law enforcement officials to ensure fair, transparent, and humane dispute resolution. Ultimately, this study aspires to support the development of a more responsive and socially oriented criminal justice system in Indonesia.

Method

This research uses a qualitative approach with the type of empirical juridical research (socio-legal research) (Bawono, 2020). This approach was chosen because the study not only examines the legal provisions that govern alternative dispute resolution in traffic accidents, but also examines how these provisions are implemented by law enforcement officials in practice. Through an empirical juridical approach, law is understood as a social behavior that lives and develops in society, not just a written norm. The nature of this research is descriptive-analytical, which is to describe systematically and factually the role of law enforcement officials in the application of alternative dispute resolution, as well as to analyze the suitability between normative provisions and practices in the field. This research seeks to provide a complete picture of the process, mechanism, and considerations of the authorities in facilitating the settlement of traffic accident disputes outside the formal judicial channels.

The location of the research was determined purposively, namely in areas that have a relatively high intensity of handling traffic accident cases and have applied a peaceful or restorative settlement approach. The selection of this location is intended so that the data obtained is relevant to the research focus and is able to describe the practice of implementing alternative dispute resolution in real terms. The subjects of the study include law enforcement officials, especially members of the National Police of the Republic of Indonesia who are on duty in the field of traffic, as well as parties involved in resolving traffic accident disputes, such as victims, perpetrators, and community leaders who act as mediators. The determination of informants is carried out by purposive sampling technique, which is to select informants who are considered to understand and are directly involved in the dispute resolution process. The object of the research is the role of law enforcement officials in the implementation of alternative dispute resolution in traffic accidents, which includes the form of role, implementation mechanism, basis for consideration, and obstacles faced in practice. The focus of this research object is directed at the pre-adjudication stage, especially on the mediation and peaceful settlement process facilitated by the police.

The type of data used in this study consists of primary data and secondary data. Primary data is obtained directly from the field through interaction with research informants, while secondary data is obtained through literature studies related to research topics, including laws and regulations, legal textbooks, scientific journals, and relevant previous research results.

Primary data collection techniques are carried out through in-depth interviews and observations. The interviews were conducted in a semi-structured manner to obtain comprehensive information about the experience, views, and practices of law enforcement officials in implementing alternative dispute resolution. Observations were carried out to directly observe the dispute resolution process, especially the interaction between the authorities, victims, and perpetrators. Secondary data collection is carried out by the method of documentation studies and literature studies, namely by examining primary legal materials in the form of Law Number 22 of 2009 concerning Road Traffic and Transportation, internal police regulations related to restorative justice, and secondary legal materials in the form of books, journal articles, and relevant scientific works. In addition, tertiary legal materials such as legal dictionaries and encyclopedias are also used to strengthen conceptual understanding.

The data analysis technique used is qualitative analysis, which is carried out interactively and continuously from the data collection stage to the conclusion drawn. The data obtained was analyzed through the stages of data reduction, data presentation, and conclusion drawn. This analysis aims to find the patterns, meanings, and relationships between legal norms and their implementation practices. To

maintain the validity of the data, this study uses triangulation techniques, both source triangulation and method triangulation. Source triangulation is carried out by comparing information obtained from law enforcement officials with information from victims and perpetrators. Meanwhile, the triangulation method was carried out by comparing the results of interviews, observations, and documentation studies. The results of the data analysis are then presented in the form of a narrative-analytical description, which describes the role of law enforcement officials in the implementation of alternative traffic accident dispute resolution, as well as identifying supporting and inhibiting factors. This presentation is expected to be able to provide a deep and comprehensive understanding of the research object. With this research method, it is hoped that this research will be able to produce valid and relevant findings, as well as make a theoretical contribution to the development of criminal law and traffic law studies, as well as a practical contribution for law enforcement officials in improving the quality of traffic accident dispute resolution in a fair and humane manner.

Results and Discussion

The Form of the Role of Law Enforcement Officials in Resolving Traffic Accident Disputes

The results of the study show that law enforcement officials, especially traffic police, have a very dominant role in the implementation of alternative dispute resolution in traffic accident cases. This role is not only limited to being an investigator, but also as a facilitator, mediator, and controller of the dispute resolution process outside of the formal judicial channels. In practice, the police act as a party that brings together perpetrators and victims to conduct a direct dialogue. The apparatus provides a balanced communication space so that both parties can convey their views, losses, and hopes. This role shows that the apparatus is not passive, but active in encouraging the achievement of a peace agreement. In addition, the apparatus also plays a role in providing legal explanations to the parties regarding the legal consequences if the case is continued to the judicial process. This explanation is the basis for consideration for the perpetrator and the victim in choosing a peaceful settlement. Thus, the role of the apparatus is educational as well as preventive. These findings show that the success of alternative dispute resolution is highly dependent on the ability of the apparatus to carry out multidimensional roles in a professional and humane manner.

Table 1. The Role of Law Enforcement Officers

Yes	Role Form	Description
1	Facilitator	Bringing together perpetrators and victims for dialogue
2	Mediator	Mediating the deliberation and negotiation process
3	Legal educator	Explain the legal consequences and rights of the parties
4	Process controllers	Keeping the settlement fair and orderly

The results of the study show that law enforcement officials, especially the police, carry out multidimensional roles as facilitators, mediators, and legal educators in resolving traffic accident disputes. These findings are in line with the law enforcement theory put forward by (Soekanto, 2007), which states that law enforcement is not only concerned with the application of norms, but also how the authorities interact with society and its social context. The role of the apparatus as mediators reflects the progressive legal paradigm as stated by (Rahardjo, 2006), which emphasizes that the law should serve humans, not the other way around. In the context of traffic accidents, a humanist and communicative approach has proven to be more effective in creating a sense of substantive justice for victims and perpetrators than a repressive approach alone. The findings of this study are also consistent with the results of the research (Muladi, 1995) which concluded that law enforcement officials have a strategic role in directing the settlement of minor criminal cases to non-litigation mechanisms. By playing an active role, the authorities not only enforce the law, but also restore social relations that were disrupted by traffic accidents. Thus, the role of law enforcement officials in the implementation of alternative dispute resolution shows a shift in function from mere norm enforcers to restorative justice agents oriented towards humanity and social harmony.

Alternative Dispute Resolution Implementation Mechanism

The results of the study found that the mechanism for implementing alternative dispute resolution in traffic accidents was carried out through relatively systematic stages although it was not yet fully formally standardized. The process generally begins from the initial stage of handling cases at the crime scene (crime

scene). After an initial examination, the police officers assessed the characteristics of the accident, especially the level of error, the impact of losses, and whether or not there were casualties. For minor traffic accidents, the authorities offer the parties a peaceful settlement option with voluntary consent. The next stage is the mediation process, where the authorities facilitate negotiations between the perpetrator and the victim. In this stage, the discussion is focused on the form of accountability of the perpetrator, such as material damages, medical costs, and a direct apology. The agreement reached was then outlined in the minutes of the peace agreement. If the agreement is fulfilled by the perpetrator, the authorities do not proceed to the prosecution stage. However, if an agreement is not reached or violated, the case will still be processed according to the formal legal mechanism.

Table 2. Stages of Implementation of Alternative Dispute Resolution

Stages	Main Activities
Initial inspection	Identification of the type and impact of accidents
APS Offers	Delivery of peaceful settlement options
Mediation	Deliberation between the perpetrator and the victim
Deal	Formulation and signing of agreements
Evaluation	Fulfillment or breach of agreement

The alternative dispute resolution implementation mechanism found in this study shows that there are relatively systematic stages, although they have not been uniformly regulated. The process that starts from the initial examination, the offer of a peaceful settlement, mediation, to the final agreement reflects the basic principles of Alternative Dispute Resolution (ADR). According to (Mertokusumo, 1986), ADR mechanisms should ideally be flexible, participatory, and mutual agreement-oriented. The findings of this study show that the mechanism has been implemented substantively by the police officers, although it is still practical and based on field experience.

The mediation mechanism facilitated by the authorities is also in line with the concept of restorative justice put forward by the (Zehr, 1990), where direct dialogue between the victim and the perpetrator is the core of the settlement process. This research strengthens Zehr's findings that the dialogue process is able to encourage perpetrators to be morally responsible and provide room for recovery for victims. Previous research conducted (Arief, 1998) It also shows that the mechanism for resolving minor criminal cases through a restorative approach can increase the satisfaction of the parties and reduce the burden on the criminal justice system. Thus, the mechanism of implementation of APS in this study has strong theoretical and empirical relevance.

The Basis of Apparatus Considerations in Implementing Alternative Solutions

The results of the study show that law enforcement officials use several main considerations in determining whether a traffic accident is feasible to resolve through alternative dispute resolution. The first consideration is the severity of the accident, especially whether there are casualties or not. The second consideration is the element of error. Accidents that occur due to negligence without an element of intentionality are more likely to be resolved peacefully. The authorities also considered the cooperative attitude of the perpetrators and their willingness to take responsibility for the losses caused. The next consideration is the will of the victim. The authorities do not impose alternative solutions if the victim refuses or feels aggrieved. This shows that the voluntary principle is an important element in the implementation of APS. In addition, the authorities also consider the value of benefits and social justice, especially to prevent prolonged conflicts in the community. A peaceful settlement is considered to be able to restore social relations that were disrupted by traffic accidents.

Table 3. The Basis of Consideration of Law Enforcement Officers

Yes	Basis of Consideration	Remarks
1	Severity	No casualties
2	Elements of error	Negligence, not intentionality
3	The attitude of the perpetrator	Cooperative and responsible
4	The will of the victim	Non-coercive consent
5	Social benefits	Prevent further conflicts

The results of the study show that law enforcement officials consider various aspects before implementing alternative dispute resolution, including the severity of the accident, the elements of error,

the attitude of the perpetrator, the victim's will, and social benefits. This consideration reflects the application of police discretion in law enforcement practice. According to (Ramadhan, 2021), discretion is an important instrument in criminal law to avoid positive legal rigidity. Discretion allows the authorities to adjust the application of the law to concrete situations to achieve substantive justice. The findings of this study show that discretion is used selectively and responsibly in handling traffic accidents.

The consideration of the victim's will as the main factor is also in line with the principle of restorative justice which places the victim as the main subject in the settlement of criminal cases (Zehr, 1990). This is different from the conventional justice system which tends to marginalize the role of victims. Research (Putri et al., 2025) emphasized that discretion must be used in a transparent and accountable manner so as not to cause abuse of authority. In this study, the apparatus tends to be cautious and prioritize voluntary consent, so that the implementation of APS remains within the corridor of law and professional ethics.

Obstacles in the Implementation of Alternative Dispute Resolution

The results of the study also found that there are various obstacles in the implementation of alternative dispute resolution in traffic accidents. The main obstacle is the lack of a uniform standard operating procedure (SOP), so the implementation of APS is highly dependent on the policies and experience of each apparatus. The next obstacle is the low understanding of the law of the community. Some victims still think that an out-of-court settlement does not provide legal certainty, thus rejecting the peaceful settlement mechanism. In addition, the apparatus also faces obstacles in the form of limited mediation capabilities, especially in dealing with emotional or uncooperative parties. The lack of special training on mediation and restorative justice is a factor that hinders the effectiveness of APS. Another obstacle is the potential suspicion of the integrity of the apparatus, where some people consider a peaceful settlement as a form of compromise that is not transparent. This shows the importance of supervision and accountability in the implementation of APS.

Table 4. Obstacles to Implementing Alternative Dispute Resolution

Yes	Constraints	Impact
1	No standard SOP	Practices differ between regions
2	Low legal understanding	Rejection of a peaceful settlement
3	Limited mediation capabilities	Mediation is not optimal
4	Public suspicion	Declining public trust

The results of the study identified a number of obstacles in the implementation of alternative dispute resolution, especially the lack of a standard SOP, low public legal understanding, limited mediation capabilities of the apparatus, and public suspicion of the integrity of the apparatus. This constraint shows that there is a gap between normative concepts and empirical practice. (Soekanto, 2004) states that the effectiveness of the law is greatly influenced by the legal culture of the community. The low understanding of the law of the community causes some parties to still view peaceful settlement as a form of injustice or detrimental compromise. These findings are also reinforced by research (Asshiddiqie & Fakhry, 1945) which states that public trust is a key factor in the success of non-litigation law enforcement.

The absence of uniform SOPs shows that the implementation of APS still depends on the subjectivity of the apparatus. This is in line with the findings of the study (Marzuki & Sh, 2021) which states that despite the legal basis in the Traffic Law, technical regulations related to APS are still not optimal. In addition, the limited mediation ability of the apparatus shows the need to increase the capacity of human resources. (Rahardjo, 2009) emphasizing that modern law enforcement officials must be equipped with communication, empathy, and conflict resolution skills in order to be able to carry out their role as agents of restorative justice. Thus, these constraints show that the successful implementation of alternative dispute resolution does not only depend on regulations, but also on the quality of the apparatus, the legal culture of the community, and an effective supervisory system.

Conclusion

Based on the results of the research and discussion, it can be concluded that law enforcement officials, especially the police, have a very important role in the implementation of alternative dispute resolution in traffic accidents. The apparatus not only functions as investigators, but also acts as facilitators, mediators, and legal educators in encouraging peaceful settlement of cases through a restorative approach. The implementation of

alternative dispute resolution is carried out through a relatively systematic mechanism, starting from the initial examination, the offer of a peaceful settlement, the mediation process, to the formulation of an agreement between the perpetrator and the victim.

In implementing alternative solutions, law enforcement officials consider various aspects, such as the severity of the accident, the elements of error, the attitude of the perpetrator, the victim's will, and the value of utility and social justice. These considerations indicate the use of discretion aimed at achieving substantive justice. However, this study also found a number of obstacles, including the lack of uniform standard operating procedures, low public legal understanding, limited mediation capabilities of the authorities, and public suspicion of the integrity of law enforcement officials. Therefore, it is necessary to strengthen technical regulations, increase the capacity of the apparatus, and increase public legal awareness so that the implementation of alternative dispute resolution can run more optimally, fairly, and humanely.

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Author Contributions Statement

Serimin Pinem conceptualized the study, conducted the research, analyzed the data, and drafted the manuscript. Ilylyana Che Rosli contributed to the research design, provided academic supervision, reviewed and edited the manuscript. Both authors have read and approved the final version of the manuscript.

AI Usage Statement

The authors declare that artificial intelligence (AI) tools were used solely for language editing and grammar improvement. All ideas, analyses, interpretations, and conclusions presented in this manuscript are the original work of the authors.

Conflict of Interest

The authors declare that there is no conflict of interest regarding the publication of this article.

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