Reconstruction Of The Police Discretion System In Resolving Traffic Accidents To Achieve Justice For All Parties

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Abstract *: Resolving traffic accidents solely through a punishment-oriented penal approach is not always effective. In certain situations, police discretion is necessary to take into account the interests of the victim, the offender, their families, and the community. However, the exercise of police discretion still faces challenges regarding the limits of authority, inconsistent practices, the potential for subjectivity, and weak oversight mechanisms. This study aims to analyze and reconstruct the system of police discretion in traffic accident resolution to ensure justice for all parties involved. It employs a normative-juridical method utilizing statutory, conceptual, and case-based approaches. A qualitative analysis of primary and secondary legal materials was conducted to identify gaps between the regulations governing police discretion and actual practice. The findings indicate that while a legal basis exists for discretion allowing for flexible case resolution it lacks clear parameters regarding case criteria, resolution procedures, the consent of the parties involved, and oversight mechanisms. Therefore, a reconstruction of the discretion framework is required, grounded in the principles of restorative justice, victim protection, legal certainty, proportionality, and accountability. This model is expected to facilitate the resolution of traffic accidents in a manner that is fair, transparent, and responsive to the interests of all parties.*

Keywords *: Police Discretion, Traffic Accidents, Justice, Restorative Justice, Indonesian National Police.*

Abstrak : Penyelesaian kecelakaan lalu lintas tidak selalu efektif apabila hanya menggunakan pendekatan penal yang berorientasi pada penghukuman. Dalam kondisi tertentu, diskresi kepolisian diperlukan untuk mempertimbangkan kepentingan korban, pelaku, keluarga, dan masyarakat. Namun, penerapan diskresi Polri masih menghadapi persoalan berupa batas kewenangan, ketidakseragaman praktik, potensi subjektivitas, dan lemahnya mekanisme pengawasan. Penelitian ini bertujuan menganalisis dan merekonstruksi sistem diskresi kepolisian dalam penyelesaian kecelakaan lalu lintas guna mewujudkan keadilan bagi para pihak. Penelitian menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Analisis dilakukan secara kualitatif terhadap bahan hukum primer dan sekunder untuk menemukan kesenjangan antara pengaturan dan praktik diskresi kepolisian. Hasil penelitian menunjukkan bahwa diskresi memiliki dasar hukum yang memungkinkan penyelesaian perkara secara fleksibel, tetapi belum didukung parameter yang jelas mengenai kriteria perkara, prosedur penyelesaian, persetujuan para pihak, dan mekanisme pengawasan. Oleh karena itu, diperlukan rekonstruksi diskresi berbasis keadilan restoratif, perlindungan korban, kepastian hukum, proporsionalitas, dan akuntabilitas. Model tersebut diharapkan mampu mewujudkan penyelesaian kecelakaan lalu lintas yang adil, transparan, dan responsif terhadap kepentingan para pihak.

Kata Kunci : diskresi kepolisian, kecelakaan lalu lintas, keadilan, keadilan restoratif, Polri.

INTRODUCTION

Traffic accidents are not merely incidents involving violations of road safety rules; they are complex legal and social events that affect victims, perpetrators, families, communities, and the

state. A traffic accident may result in death, physical injury, psychological trauma, property damage, loss of income, and long-term social consequences. The legal response to such incidents therefore requires more than the mechanical application of criminal sanctions. It requires a framework capable of balancing law enforcement with victim protection, accountability, social restoration, and the legitimate interests of all parties. In this context, police discretion becomes an important legal instrument because police officers are often the first state officials to determine how a traffic accident will be handled. The exercise of discretion can determine whether a case proceeds through formal criminal proceedings or is resolved through alternative mechanisms that prioritize restoration and agreement between the parties.

The importance of police discretion is closely related to the position of the police as a law enforcement institution that operates directly within society. Unlike courts, which generally examine cases after a dispute has entered the judicial process, police officers encounter legal problems in their immediate and social context. Consequently, police decision-making cannot always be reduced to the mechanical implementation of statutory provisions. Police officers are required to assess the circumstances of each case, the seriousness of the consequences, the attitude of the parties, the interests of victims, and the potential social impact of the chosen resolution. Goldstein (1963) argued that police work inevitably involves discretionary decision-making because legal rules cannot anticipate every factual situation encountered by law enforcement officers. Lipsky (1980) similarly demonstrated that street-level bureaucrats possess considerable discretion because they must translate general policies and legal norms into decisions concerning individual cases.

In Indonesia, the legal foundation for police discretion can be found, among others, in Law No. 2 of 2002 concerning the Indonesian National Police. Article 18 provides authority for police officers to act according to their own judgment in the public interest under certain circumstances. This authority is commonly understood as an instrument for enabling the police to respond flexibly to situations where strict application of legal rules may not adequately serve the public interest. Nevertheless, discretion cannot be interpreted as unlimited authority. It must remain subject to legality, proportionality, accountability, professional ethics, and respect for human rights. The existence of discretionary authority therefore creates a dual requirement: police officers need sufficient flexibility to resolve cases appropriately, while the legal system must establish clear boundaries to prevent arbitrary or discriminatory decision-making.

Traffic accidents provide an especially important context for examining this issue. Indonesian traffic law recognizes different forms and consequences of traffic accidents, ranging from minor property damage to serious injury and death. Law No. 22 of 2009 concerning Road Traffic and Transportation establishes obligations, prohibitions, and criminal sanctions relating to traffic accidents. In cases resulting in death or serious injury, formal criminal proceedings may become necessary because the consequences concern fundamental rights and public interests. However, not every traffic accident has the same factual, social, or legal characteristics. Some accidents occur because of negligence rather than intentional conduct. In certain cases, the victim and the perpetrator may reach an agreement concerning compensation, medical expenses, property damage, or other forms of restoration. These differences raise an important question concerning whether a uniform criminal justice response is always capable of producing substantive justice.

The conventional criminal justice model tends to emphasize the identification of criminal responsibility and the imposition of sanctions. Although this approach is important for maintaining public order and deterring unlawful behavior, it may not always adequately address the needs of

victims. A victim may require medical compensation, psychological support, restoration of property, an apology, or assurance that similar conduct will not occur again. At the same time, an offender who caused an accident through negligence may need to accept responsibility and repair the harm caused without necessarily experiencing the full consequences of a punitive criminal process. This tension illustrates why contemporary criminal justice increasingly recognizes restorative approaches. Braithwaite (2002) explains restorative justice as an approach that places the harm caused by crime and the relationships among the affected parties at the center of the justice process.

Restorative justice is particularly relevant to traffic accident cases because such cases frequently involve negligence, interpersonal relationships, and concrete forms of harm that may be addressed through restoration. The objective is not simply to eliminate criminal responsibility but to create a fair resolution that recognizes the victim's suffering, requires the responsible party to accept accountability, and restores social relations where possible. Zehr (2002) emphasizes that restorative justice asks different questions from conventional criminal justice. Instead of focusing primarily on which law was violated and what punishment should be imposed, restorative justice considers who has been harmed, what their needs are, and who has the responsibility to address that harm. This perspective provides an important conceptual basis for reconsidering police discretion in traffic accident cases.

However, the application of restorative justice through police discretion also creates significant legal challenges. The first challenge concerns the boundary between legitimate discretion and arbitrary action. If police officers are given broad authority without clear criteria, similar traffic accident cases may be treated differently. One case may be resolved through restorative mechanisms, while another may proceed to prosecution despite having comparable factual circumstances. Such inconsistency can undermine equality before the law and create perceptions of selective law enforcement. Tyler (2006) argues that public acceptance of legal institutions is strongly influenced by perceptions of procedural fairness. Therefore, discretion must not only produce substantively reasonable outcomes but must also be exercised through procedures perceived as fair and legitimate.

The second challenge concerns the position of victims. A settlement between the perpetrator and the victim cannot automatically be considered just merely because both parties formally agree. Differences in economic position, social status, knowledge of the law, or bargaining power may influence the agreement. Victims may feel pressured to accept compensation because they lack resources to continue formal proceedings. Therefore, a fair discretionary mechanism must ensure that consent is genuine, informed, voluntary, and free from coercion. The police should not simply facilitate an agreement but should also ensure that the rights and interests of vulnerable parties are adequately protected.

The third challenge concerns the relationship between private settlement and public interest. Traffic accidents, particularly those resulting in death or serious injury, may involve broader societal interests beyond the victim and perpetrator. Road safety is a matter of public policy, and the enforcement of traffic law serves preventive and deterrent functions. Excessive reliance on settlement mechanisms could potentially weaken the deterrent function of criminal law. Therefore, restorative resolution should not be understood as automatically replacing criminal accountability. Rather, it must be designed within a legal framework that distinguishes cases appropriate for restorative settlement from cases requiring formal prosecution because of their seriousness, public impact, repeated conduct, or other aggravating circumstances.

The fourth challenge is institutional accountability. Discretionary decisions made by police officers may significantly affect the legal status of individuals. If such decisions are not properly documented, supervised, and reviewable, discretion may become vulnerable to abuse. Baldwin (2004) notes that legal decision-making requires mechanisms capable of controlling uncertainty and ensuring consistency. In the context of police discretion, accountability can be strengthened through written criteria, standardized procedures, supervisory review, documentation requirements, and mechanisms for complaints and external oversight. Such mechanisms do not necessarily restrict police discretion; instead, they provide legitimacy and predictability to its exercise.

The problem becomes more complicated because the Indonesian legal system contains several legal instruments that relate to restorative justice and discretionary authority. Law No. 2 of 2002 provides the institutional basis for police discretion, while Law No. 22 of 2009 establishes the substantive framework for traffic offenses and accidents. In addition, the Indonesian National Police has developed policies concerning restorative justice, including Police Regulation No. 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice. These instruments demonstrate an institutional movement toward a more flexible model of criminal case resolution. Nevertheless, the existence of multiple regulatory instruments does not automatically guarantee coherent implementation. The relationship between discretion, restorative justice, traffic law, victim rights, and criminal accountability still requires systematic clarification.

From a legal policy perspective, this situation demonstrates the need to distinguish between discretion as authority and discretion as a structured decision-making system. The first concept emphasizes the power of police officers to make judgments in particular circumstances. The second emphasizes the conditions, principles, procedures, limitations, and accountability mechanisms governing that power. A modern legal system should move toward the second model. Police discretion should not depend primarily on the individual judgment of an officer but should operate within a predictable institutional framework. Such a framework can reduce disparities between cases while preserving sufficient flexibility to accommodate the specific circumstances of traffic accidents.

The principle of proportionality is particularly important in developing such a framework. Proportionality requires the legal response to correspond to the seriousness of the conduct, the degree of fault, the consequences of the accident, and the interests that need to be protected. A minor accident caused by negligence should not necessarily receive the same procedural treatment as reckless conduct resulting in multiple deaths. Similarly, the existence of a settlement should not automatically determine the outcome of every case. Instead, police officers should assess the factual circumstances, the degree of responsibility, the consequences, the willingness of the parties, and the public interest. Proportionality can therefore serve as a bridge between flexibility and legal certainty.

Another important principle is equality. Equality does not necessarily mean treating every traffic accident identically. Substantive equality requires comparable cases to receive comparable treatment while allowing different treatment where legally relevant differences exist. Discretion should therefore be guided by objective criteria. For example, factors such as the degree of negligence, victim consent, severity of injury, previous violations, public safety implications, and the possibility of restoration may be considered. Such criteria would allow police officers to exercise judgment while reducing the risk of arbitrary differentiation.

The principle of legal certainty must also remain central. Legal certainty does not mean eliminating all discretion. Rather, it requires individuals to have reasonable expectations about how

legal rules and procedures will be applied. Fuller (1969) emphasized that a functioning legal order requires rules to be sufficiently clear, consistent, and capable of guiding conduct. In the context of traffic accident resolution, legal certainty can be strengthened by establishing clear procedures for determining whether a case is eligible for restorative settlement, identifying the parties who must participate, documenting agreements, verifying the fulfillment of obligations, and determining when a case must proceed through formal criminal justice mechanisms.

The principle of accountability is equally important. Police discretion involves the exercise of public power, and public power must be accountable. Accountability requires police officers to provide reasons for discretionary decisions and enables those decisions to be reviewed through internal and external mechanisms. Bovens (2007) explains accountability as a relationship in which an actor is required to explain and justify conduct before a forum capable of questioning and evaluating that conduct. Applied to police discretion, accountability means that decisions to discontinue, divert, or resolve traffic accident cases through restorative mechanisms should be recorded and capable of review.

The protection of human rights provides another essential dimension. Traffic accidents may directly affect the rights to life, physical integrity, property, and access to justice. The interests of victims must therefore be central to any reconstruction of discretionary authority. At the same time, suspects and perpetrators retain procedural rights, including the right to fair treatment and due process. A balanced system must protect both sides without reducing justice to either punishment or settlement. Donnelly (2013) emphasizes that human rights provide a normative framework for limiting the exercise of state power and protecting individuals from arbitrary treatment.

The concept of justice itself also needs to be reconsidered. Formal justice focuses on applying general legal rules, while substantive justice considers whether the outcome adequately responds to the actual circumstances and needs of the parties. In traffic accident cases, a formally correct criminal process may still fail to satisfy the victim if compensation and restoration are ignored. Conversely, an informal settlement may appear beneficial but become unjust if the victim is coerced or inadequately compensated. Therefore, justice requires a balanced process in which the rights and interests of victims, perpetrators, families, and society are simultaneously considered.

This perspective supports the development of a balanced-interest model of police discretion. The model places several interests within a single decision-making framework: the victim's interest in recovery and protection, the perpetrator's interest in fair treatment and proportional accountability, the family's interest in compensation and closure, the community's interest in safety and social harmony, and the state's interest in maintaining legal order and deterrence. These interests should not be viewed as mutually exclusive. Instead, the purpose of discretion should be to identify legally acceptable solutions that accommodate them as far as possible.

The reconstruction of police discretion is therefore not merely a technical amendment to police procedures. It represents a broader transformation in the philosophy of criminal justice. The police should not be viewed exclusively as an institution responsible for arrest and prosecution. They also have a role in preventing conflict escalation, facilitating restoration, protecting victims, and maintaining social order. This does not mean weakening law enforcement. Rather, it means developing law enforcement that is responsive to the nature of individual cases while remaining accountable to legal norms.

Previous studies on police discretion have generally focused on the theoretical basis of discretionary authority, police decision-making, or the implementation of restorative justice. Studies of restorative justice have also examined its potential to reduce the burden of criminal courts and provide greater attention to victims (Braithwaite, 2002; Zehr, 2002). Meanwhile,

studies of traffic law have largely emphasized road safety, criminal liability, negligence, and enforcement. However, there remains a need for research that specifically connects these three dimensions: police discretion, traffic accident resolution, and balanced interests among the parties. This intersection is important because traffic accident cases occupy a distinctive position between criminal liability, private compensation, victim protection, and public safety.

The research gap is therefore not simply whether police discretion exists, but how discretionary authority should be reconstructed so that it can produce consistent, accountable, and fair outcomes. The central problem concerns the absence of sufficiently comprehensive parameters that connect police discretion with restorative justice and the protection of competing interests. Without such parameters, discretion may produce inconsistent outcomes and may be vulnerable to perceptions of arbitrariness. Conversely, excessive restriction of discretion may make police responses rigid and incapable of addressing the social realities of traffic accidents.

This study consequently proposes that police discretion in traffic accident cases should be reconstructed through five interconnected principles: legality, proportionality, restorative justice, protection of victims and parties, and accountability. Legality establishes the authority and boundaries of discretion. Proportionality ensures that the response corresponds to the seriousness of the accident and the degree of responsibility. Restorative justice provides a mechanism for repairing harm and rebuilding relationships. Protection of the parties ensures that settlements are voluntary, informed, and fair. Accountability guarantees that discretionary decisions can be explained, documented, supervised, and reviewed.

Based on this background, the study focuses on the reconstruction of the police discretionary system in resolving traffic accident cases to achieve justice for the parties involved. The study seeks to answer three fundamental questions. First, how is police discretion currently regulated and implemented in the resolution of traffic accident cases in Indonesia? Second, what legal and practical problems arise from the current exercise of such discretion? Third, what model of police discretion can be developed to balance victim protection, offender accountability, legal certainty, public interest, and restorative justice?

The reconstruction proposed in this study is expected to contribute both theoretically and practically. Theoretically, it seeks to develop a conceptual model of police discretion that integrates discretionary authority with restorative justice and balanced-interest principles. Practically, the model may provide a basis for improving police regulations, operational procedures, supervisory mechanisms, and decision-making standards in traffic accident cases. More broadly, it seeks to strengthen the legitimacy of police discretion by ensuring that flexibility does not become arbitrariness and that legal certainty does not become rigidity.

Ultimately, the central argument of this study is that justice in traffic accident cases cannot be measured solely by whether a perpetrator is punished or whether a case is formally closed. Justice should also be assessed through the extent to which the victim's harm is recognized, the responsible party accepts accountability, the rights of all parties are protected, public safety is maintained, and the resolution is achieved through a transparent and accountable process. Police discretion can become an important instrument for achieving these objectives, but only if it is reconstructed as a structured, proportional, restorative, and accountable system. Such reconstruction is necessary to transform police discretion from an individual decision-making power into a legitimate instrument of contemporary criminal justice that is capable of responding to the complex realities of traffic accidents while maintaining the fundamental principles of the rule of law.

RESEARCH METHOD

This study employs a **normative juridical research method** with a qualitative legal analysis. The normative juridical approach is appropriate because the study focuses on examining the legal framework governing police discretion in the resolution of traffic accident cases and developing a reconstruction model based on a balance of interests among the parties. Normative legal research examines law as a normative system consisting of legislation, legal principles, doctrines, concepts, and judicial decisions (Marzuki, 2017). In this study, law is examined not merely to determine whether a particular legal rule exists, but also to assess whether the existing regulatory framework is adequate to provide legal certainty, proportionality, accountability, victim protection, and restorative justice in the exercise of police discretion. The research is also prescriptive in nature because it aims to formulate recommendations for improving the legal framework governing police discretion. Therefore, the analysis identifies weaknesses in the existing system and develops a proposed model of police discretion that can provide fairer and more consistent resolutions of traffic accident cases.

The research uses several legal approaches. First, the **statutory approach** is applied to examine legislation governing police authority, traffic accidents, criminal responsibility, restorative justice, and victim protection. The main legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 2 of 2002 concerning the Indonesian National Police, Law No. 22 of 2009 concerning Road Traffic and Transportation, relevant criminal legislation, and regulations issued by the Indonesian National Police concerning restorative justice and criminal case resolution. These regulations are examined systematically to determine the legal basis, scope, limitations, and procedures for exercising police discretion. Second, the **conceptual approach** is used to examine the concepts of police discretion, restorative justice, proportionality, legal certainty, accountability, victim protection, and balanced interests. This approach is important because discretion cannot be understood only from statutory provisions but must also be interpreted through legal doctrines and theories concerning the proper limits of law enforcement authority. Third, the **case approach** is employed by examining relevant judicial decisions and documented cases involving traffic accidents, police discretion, settlement mechanisms, and restorative justice. The case analysis focuses on the facts, legal reasoning, treatment of victims and perpetrators, forms of accountability, and outcomes of the cases. Fourth, a **comparative approach** is used selectively to examine police discretion and restorative justice practices in other jurisdictions. The comparison focuses on eligibility criteria, victim participation, police authority, proportionality, supervision, documentation, and accountability, without directly transplanting foreign legal models into the Indonesian legal system.

The legal materials used in this research consist of **primary, secondary, and tertiary legal materials**. Primary legal materials include the 1945 Constitution, Law No. 2 of 2002 concerning the Indonesian National Police, Law No. 22 of 2009 concerning Road Traffic and Transportation, relevant criminal legislation, regulations concerning restorative justice, police regulations, and judicial decisions related to traffic accidents and police discretion. Secondary legal materials consist of scholarly books, peer-reviewed journal articles, dissertations, research reports, legal commentaries, and academic publications concerning police discretion, criminal justice, restorative justice, traffic law, victimology, and legal reform. Tertiary legal materials include legal dictionaries, encyclopedias, official legal databases, and other reference materials used to clarify legal terminology and identify relevant legal sources. The selection of legal materials is based on relevance, legal authority, reliability, and contribution to the research questions. The legal status of legislation is also verified to ensure that the analysis relies on regulations that remain applicable and have not been repealed, amended, or replaced.

The collection of legal materials is conducted through **documentary research**. Relevant materials are obtained from official government websites, legal databases, institutional repositories, academic databases, and other credible sources. The search process uses keywords related to police discretion, traffic accidents, restorative justice, traffic criminal liability, victim protection, police settlement, and balanced interests, including their Indonesian equivalents. After the relevant documents are identified, each source is examined to determine its legal status and relevance to the research objectives. Legislation is classified according to its hierarchy and subject matter, while academic literature is categorized according to its theoretical and conceptual contribution. Judicial decisions are organized based on the type of traffic accident, legal issues, and resolution mechanisms. The collected materials are then recorded in a research matrix containing information on the title, year, issuing institution, relevant provisions, legal principles, substantive content, and relationship to the research questions. This process ensures that the legal materials can be systematically compared and analyzed.

The collected materials are analyzed using **qualitative juridical analysis**. The first stage involves identifying and classifying legal provisions relevant to police discretion, traffic accidents, restorative justice, and victim protection. The second stage involves interpreting these provisions through grammatical, systematic, conceptual, historical, and teleological approaches where necessary. Grammatical interpretation is used to understand the meaning of legal terms, while systematic interpretation examines the relationship between different provisions within the legal system. Teleological interpretation is used to identify the objectives and purposes underlying the regulation. This process is particularly important for interpreting concepts such as public interest, reasonable judgment, proportionality, and restorative justice. The third stage involves normative comparison between different legal instruments to identify consistency, overlap, gaps, and potential contradictions. The analysis compares the legal basis of police discretion with traffic accident regulations and restorative justice mechanisms to determine whether the current framework provides sufficient guidance for police officers when deciding whether a case should be resolved through restorative mechanisms or formal criminal proceedings.

The fourth stage of analysis involves examining relevant cases and judicial decisions to understand how legal norms are applied in practice. Particular attention is given to the relationship between statutory provisions and actual decision-making, including the treatment of victims, perpetrators, compensation, settlement agreements, and criminal proceedings. The fifth stage involves comparative analysis of selected foreign practices to identify alternative mechanisms for regulating police discretion. Foreign practices are examined critically by considering differences in legal systems, institutional structures, and social contexts. The final stage is prescriptive analysis, through which the study formulates a reconstruction of police discretion based on the problems identified in the existing legal framework. The proposed reconstruction is evaluated according to five main principles: **legality, proportionality, restorative justice, protection of the parties, and accountability**.

The research applies a **balanced-interest framework** as the principal analytical framework. This framework recognizes that traffic accident cases involve several legitimate interests that need to be accommodated within the limits of law. The first is the victim's interest in recovery, compensation, recognition of harm, participation in decision-making, and access to justice. The second is the perpetrator's interest in fair treatment, proportional accountability, and protection from arbitrary enforcement. The third concerns the interests of families, particularly where an accident results in death or serious injury. The fourth is the public interest in road safety, deterrence, social order, and public confidence in law enforcement. The fifth is the state's interest

in maintaining legal order and ensuring consistent enforcement. These interests do not necessarily have equal weight in every case. Their relative importance must be determined according to the factual and legal circumstances of each case. Therefore, the principle of proportionality is used to balance competing interests and determine an appropriate legal response.

The framework also incorporates **restorative justice** as an important element in reconstructing police discretion. Restorative resolution may be considered where the relevant legal requirements are satisfied, the victim's participation is genuine and voluntary, the responsible party acknowledges responsibility, and the proposed resolution provides appropriate restoration. However, restorative justice should not automatically replace formal criminal proceedings in every traffic accident case. Cases involving serious aggravating circumstances, significant public interests, repeated dangerous conduct, or other circumstances that make settlement inappropriate should remain subject to formal legal procedures. Thus, the reconstructed model seeks to establish objective criteria for determining when police discretion may be exercised and when formal criminal enforcement is required.

The reliability of the analysis is maintained through **source triangulation** by comparing legislation, judicial decisions, academic literature, institutional reports, and policy documents. Where different sources provide conflicting interpretations, the research considers their respective legal authority and position within the hierarchy of legal norms. The current status of legislation is also verified to prevent reliance on outdated provisions. Academic arguments are compared across different scholars to avoid dependence on a single theoretical perspective, while judicial decisions are examined in their broader factual and legal context. The proposed reconstruction is subsequently tested against the principles of the rule of law, legal certainty, equality, proportionality, restorative justice, human rights, and accountability. This ensures that the proposed model does not simply expand police authority but also establishes safeguards against arbitrary or discriminatory decisions.

The research is conducted through several sequential stages, beginning with the identification of legal problems concerning police discretion in traffic accident resolution. The next stage involves collecting and classifying relevant legislation, judicial decisions, academic literature, and policy documents. These materials are then analyzed using statutory, conceptual, case, and comparative approaches. The analysis is directed toward identifying normative gaps, inconsistencies, and weaknesses in the existing system. Based on these findings, the research develops a reconstructed model of police discretion based on balanced interests. The proposed model seeks to establish a clearer relationship between police authority, restorative justice, victim protection, proportionality, and accountability. Accordingly, the objective of the methodology is not merely to describe the existing legal framework but to formulate a **prescriptive model of police discretion** that can provide flexibility while maintaining legal certainty and accountability. The research ultimately argues that effective resolution of traffic accident cases requires an appropriate balance between formal criminal law and restorative mechanisms, police discretion and legal certainty, individual interests and public interests, and punishment and restoration.

RESULT AND DISCUSSION

The analysis shows that police discretion in Indonesia has a clear legal foundation, but its normative construction remains fragmented. The authority of the Indonesian National Police to exercise discretion is primarily derived from Law No. 2 of 2002 concerning the Indonesian National Police. Article 18 allows police officers, for the public interest, to act according to their own judgment. However, such authority must be exercised under circumstances that are genuinely necessary and remain consistent with legislation and professional ethics (Republic of Indonesia,

2002). Article 19 further requires police officers to act according to legal norms, respect religious, moral, and social norms, uphold human rights, and prioritize preventive measures. The legal formulation therefore confirms that discretion is not an unlimited power but a legally conditioned authority. The explanatory provision of Article 18 is particularly important because it requires police officers to consider the benefits and risks of their actions and ensure that discretionary decisions genuinely serve the public interest (Republic of Indonesia, 2002). This establishes two fundamental requirements: reasonableness of judgment and public interest. However, because concepts such as "public interest" and "necessary circumstances" are not exhaustively defined, police officers retain considerable interpretive space. This flexibility is useful because police officers encounter diverse factual situations, but it can also generate different interpretations between officers and police units.

From the perspective of legal theory, this condition reflects the inherent tension between discretion and legality. Police officers cannot perform their functions effectively if every decision must follow rigid rules without considering the circumstances of individual cases. Goldstein (1963) argues that police work necessarily involves discretionary decision-making because general legal rules cannot anticipate every situation encountered by law enforcement officers. Lipsky (1980) similarly explains that frontline public officials exercise practical discretion when translating general legal and policy norms into individual decisions. Therefore, eliminating police discretion is neither realistic nor desirable. The central legal issue is how discretion should be structured, limited, and supervised. This issue becomes particularly important in traffic accident cases because traffic accidents are not legally or socially homogeneous. Law No. 22 of 2009 concerning Road Traffic and Transportation distinguishes traffic accidents according to their consequences, including minor, moderate, and serious accidents (Republic of Indonesia, 2009). Minor accidents generally involve damage to vehicles or property, moderate accidents involve injuries, while serious accidents involve death or serious injury. This classification demonstrates that traffic accidents have different levels of harm and legal responsibility.

The different consequences of traffic accidents are also reflected in Article 310 of Law No. 22 of 2009, which establishes criminal liability according to the consequences caused by negligent driving (Republic of Indonesia, 2009). The legal framework therefore recognizes proportionality to some extent because the severity of the sanction depends on the consequences of the conduct. Nevertheless, the substantive provisions primarily regulate criminal responsibility and punishment. They do not comprehensively explain how agreements between victims and responsible parties should affect the police handling of traffic accident cases. This creates a normative gap because traffic accidents can simultaneously involve criminal liability, compensation, victim protection, public safety, and restoration of social relationships. A criminal law framework that focuses only on determining guilt and punishment may not fully address the practical needs of victims. Victims may need medical compensation, repair of damaged property, replacement of lost income, psychological support, an apology, or other forms of restoration. Therefore, an effective legal system requires a mechanism that can connect formal criminal law with restorative resolution.

The findings further demonstrate a significant tension between the conventional criminal justice model and the restorative needs of traffic accident victims. Formal criminal proceedings remain important because traffic safety constitutes a public interest. Reckless or negligent driving can endanger other road users, and the state has a legitimate interest in deterring dangerous behavior. However, criminal proceedings do not always adequately address the concrete needs of victims. A victim may require immediate medical assistance, compensation for losses, psychological support, or recognition of the harm suffered. In fatal accidents, the victim's family may also require

assistance with funeral expenses and other economic consequences. A criminal sentence imposed after lengthy proceedings may provide accountability but may not necessarily restore the victim's actual losses. This situation supports the relevance of restorative justice. Zehr (2002) argues that justice should focus not only on the violation of legal rules but also on the harm caused, the needs of victims, and the responsibilities of those who caused the harm. Braithwaite (2002) similarly explains that restorative justice emphasizes accountability, restoration, participation, and the rebuilding of relationships.

Restorative justice is particularly relevant to traffic accident cases because many accidents arise from negligence rather than intentional criminal conduct. In certain circumstances, the responsible party may be willing to acknowledge the harm and provide compensation, while the victim may prefer restoration rather than a prolonged criminal process. However, the existence of an agreement between the parties cannot automatically justify the termination of every traffic accident case. The state has an independent responsibility to protect road safety and enforce traffic regulations. A purely private settlement may be problematic if it allows serious misconduct to escape public accountability. Therefore, the appropriate model is not to replace criminal law completely with restorative justice, but to integrate restorative mechanisms into the criminal justice system in a structured manner. Previous research on restorative justice in traffic accident cases has identified similar challenges, including differences in the preferences of victims and offenders, limited public understanding, and the absence of sufficiently comprehensive implementation mechanisms (Mukhtarudin, Gunarto, & Leviza, 2017). More recent studies have also highlighted inconsistent interpretations among law enforcement officers, limited technical guidance, victim hesitation, and institutional constraints as factors affecting restorative justice implementation.

An important development in this area is the adoption of Police Regulation No. 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. The regulation provides an institutional basis for applying restorative justice within police practice (Republic of Indonesia, 2021). It establishes restorative justice as a process involving offenders, victims, families, community representatives, and other relevant parties to achieve a fair resolution that emphasizes restoration. This regulation represents an important development because it provides police officers with a more structured framework than the general discretion provision in Law No. 2 of 2002. The regulation creates a bridge between police discretion and restorative justice by providing specific procedures and requirements for restorative resolution. However, the existence of the regulation does not eliminate all legal problems. Because restorative justice is implemented within a broader criminal justice system involving investigators, prosecutors, and courts, questions remain concerning the relationship between police-level settlement and subsequent criminal proceedings. The legal system must provide clear answers regarding the legal consequences of a restorative agreement, the termination of investigations, the role of prosecutors, the verification of compensation, and the consequences of non-compliance with the agreement.

The findings indicate that the most important problem is therefore not the absence of a legal basis for police discretion but the fragmentation of its normative framework. Police discretion is regulated primarily through police legislation, traffic accidents are regulated through traffic legislation, and restorative justice is addressed through police regulations. Each legal instrument has a different purpose and regulatory orientation. As a result, police officers may face difficulties when attempting to integrate these provisions into a single decision-making process. This fragmentation can potentially produce different treatment of similar cases. One police officer may regard a particular accident as appropriate for restorative settlement, while another may proceed

directly to formal criminal investigation. Differences may arise from professional experience, institutional culture, interpretation of public interest, or the specific circumstances of the parties.

This condition creates concerns regarding equality before the law. Equality does not mean that all traffic accidents must be handled identically because cases may differ in terms of severity, negligence, victim preferences, and public impact. However, cases with substantially similar characteristics should be evaluated using comparable criteria. Otherwise, discretion can become arbitrary. Tyler (2006) argues that the legitimacy of law enforcement is strongly influenced by perceptions of procedural fairness. People are more likely to accept decisions when they believe that authorities listen to them, treat them respectfully, apply rules consistently, and make decisions neutrally. This principle is highly relevant to traffic accident cases. A victim may accept restorative resolution if the process is transparent and the victim's interests are respected. Conversely, even a formally lawful decision may be perceived as unjust if the victim believes that the police favored the responsible party.

The reconstruction of police discretion therefore requires standardized discretionary criteria. Such criteria should not eliminate professional judgment but should provide a structured basis for exercising it. Police officers should consider the nature and severity of the accident, the degree of negligence, the consequences for the victim, the willingness of the parties, the public interest, the previous conduct of the responsible party, the possibility of restoration, and the potential risks of settlement. Importantly, eligibility for restorative resolution should be distinguished from automatic termination of criminal responsibility. A case may satisfy the initial criteria for restorative consideration but still require further legal examination before the investigation is terminated. This distinction prevents restorative justice from being reduced to a simple administrative mechanism for closing cases.

Another important finding concerns the protection of victims. Traditional criminal justice systems often position victims primarily as witnesses or sources of evidence. Restorative justice provides a different perspective by recognizing victims as active participants in determining how harm should be addressed (Zehr, 2002). In traffic accident cases, victim participation should therefore begin from the early stages of the restorative process. Police officers should explain the available legal options, the consequences of settlement, the rights of victims, and the implications of continuing or terminating criminal proceedings. Consent should be voluntary, informed, and properly documented. Particular attention should be given to victims who may be economically or socially vulnerable. Differences in economic capacity can create situations in which victims accept inadequate compensation because they lack the resources to continue formal proceedings. Therefore, the existence of a settlement agreement alone should not be considered sufficient evidence of justice.

Victim protection should also include mechanisms for ensuring compliance with restorative agreements. A settlement that is not implemented cannot provide meaningful justice. The legal framework should therefore establish what happens if the responsible party fails to fulfill the agreed obligations. Victims should not be forced to restart the entire legal process without an effective mechanism for responding to non-compliance. Police monitoring or another institutional mechanism may be necessary to ensure that compensation, medical assistance, property repair, apologies, or other agreed obligations are actually fulfilled. This would strengthen the distinction between restorative justice and ordinary private settlement.

At the same time, a balanced system must protect the rights of the responsible party. Restorative justice should not become a mechanism through which an individual is forced to accept responsibility without adequate procedural safeguards. The responsible party must understand the

consequences of the agreement and participate voluntarily. However, voluntary participation does not mean that the responsible party can avoid accountability. Restorative justice requires genuine acknowledgment of responsibility and meaningful efforts to repair the harm. Accountability may take various forms, including compensation, medical assistance, repair of damaged property, apology, participation in restorative meetings, or other measures appropriate to the circumstances. Braithwaite (2002) explains that restorative processes can create a constructive form of accountability by requiring offenders to recognize the consequences of their actions.

The research also identifies the public interest as an important boundary of police discretion. Article 18 of Law No. 2 of 2002 expressly connects discretionary authority with the public interest (Republic of Indonesia, 2002). Therefore, the interests of individual parties cannot completely override broader public interests. Traffic accidents may have implications for road safety, public order, and deterrence. Cases involving repeated dangerous conduct, extreme negligence, serious public consequences, or other aggravating circumstances may require formal criminal accountability even where the victim is willing to settle. Restorative justice should therefore not be interpreted as impunity. Rather, it should function as an alternative mechanism where legally permissible and socially appropriate.

The principle of proportionality provides an important mechanism for determining the appropriate response. Proportionality requires that the legal response correspond to the seriousness of the conduct, the degree of fault, and the consequences of the accident. A minor accident caused by ordinary negligence should not necessarily be treated in the same manner as reckless conduct resulting in multiple deaths. Similarly, a driver who immediately assists a victim and accepts responsibility differs from a driver who flees the scene or refuses to cooperate. These differences are legally relevant and should influence the exercise of discretion. The proportionality assessment should therefore ask whether restorative resolution is legally permissible, whether it is appropriate to repair the harm, whether the interests of the victim are adequately protected, and whether the resolution sufficiently protects public safety.

The results support the development of a balanced-interest framework for reconstructing police discretion. Traffic accident cases involve several legitimate interests, including the victim's interest in recovery and compensation, the responsible party's interest in fair treatment and proportional accountability, the family's interest in economic and psychological recovery, the community's interest in road safety, and the state's interest in maintaining legal order. These interests may sometimes conflict, but they should not automatically be treated as mutually exclusive. A balanced legal response should attempt to accommodate each legitimate interest within the limits established by law. The concept of balance does not mean that every party must receive identical benefits. Instead, it requires the legal decision to give appropriate weight to each interest according to the circumstances of the case.

The balanced-interest model can therefore be integrated with restorative justice through several principles. First, legality requires that every discretionary decision have a clear legal basis. Second, proportionality requires that the chosen resolution correspond to the seriousness of the accident and the degree of responsibility. Third, victim protection requires that the victim's consent be voluntary, informed, and free from coercion. Fourth, restorative accountability requires the responsible party to acknowledge the harm and undertake meaningful obligations. Fifth, public interest requires that serious cases continue through formal criminal proceedings where necessary to protect society. Sixth, accountability requires that police officers document and justify their discretionary decisions.

These principles indicate that police discretion should be transformed from individual discretion into structured discretion. Individual discretion primarily depends on the judgment of the officer handling the case, while structured discretion provides officers with authority together with defined criteria, procedures, and safeguards. Under the reconstructed model, the police would first conduct a factual and legal assessment of the accident. The case would then be classified according to its severity, degree of negligence, consequences, and public interest. The police would determine whether the case meets the criteria for restorative consideration. If it does, the parties would receive information concerning their legal rights and options. A restorative process could then be conducted, followed by documentation, supervisory review, and monitoring of the agreement.

This structured process would create a clear decision trail. Each discretionary decision would contain its legal basis, factual basis, reasons, assessment of victim interests, consideration of public interest, and supervisory approval where required. Documentation is particularly important because it enables institutional accountability and allows similar cases to be compared. Bovens (2007) explains that accountability requires an actor to explain and justify conduct before a forum capable of evaluating that conduct. In police discretion, this means that officers should be able to explain why a particular case was resolved through restorative justice and how the interests of the victim, responsible party, and public were balanced.

The proposed reconstruction can be described through six interconnected components: legal basis, eligibility criteria, participatory process, proportionality assessment, supervisory control, and monitoring. The first component requires clear legislation and implementing regulations. The second establishes objective criteria for determining which traffic accident cases can be considered for restorative resolution. The third ensures meaningful participation by victims, responsible parties, and relevant families. The fourth requires an assessment of whether the resolution is proportionate to the harm and degree of responsibility. The fifth establishes supervisory review for significant discretionary decisions. The sixth requires monitoring of agreements and evaluation of outcomes. Together, these components transform discretion into an institutional decision-making mechanism rather than an individual choice.

The research also identifies the potential importance of digitalization in strengthening discretionary accountability. A digital case-management system could record the chronology of the accident, evidence, statements of victims and responsible parties, restorative agreements, compensation, supervisory approval, and final resolution. Standardized digital forms could require officers to complete specific information before recommending restorative resolution. Such a system could also provide institutional data concerning the number of cases resolved through restorative justice, compliance with agreements, recurring violations, and differences in discretionary practices among police units. Digitalization could therefore strengthen transparency and evidence-based policy development.

However, digitalization must be accompanied by strong personal data protection. Traffic accident cases may contain medical information, personal identification, financial information, and other sensitive data. Therefore, digital systems should include access restrictions, audit mechanisms, secure data storage, and clear rules concerning data retention and disclosure. Technology should function as a mechanism of accountability rather than create new risks to victims or responsible parties.

Institutional supervision is another essential element of the reconstructed model. Because discretion represents an exercise of public authority, decisions should be subject to internal and, where appropriate, external accountability mechanisms. Internal supervision can ensure

compliance with police regulations and professional standards, while institutional review can identify patterns of inconsistent decision-making. Complaint mechanisms can provide remedies when victims or other parties believe that discretion has been abused. Nevertheless, supervision should not become so rigid that officers are afraid to exercise legitimate discretion. A distinction must be maintained between a good-faith discretionary decision that later produces an unexpected outcome and deliberate abuse, coercion, discrimination, or unauthorized settlement. The principle should therefore be accountable discretion rather than discretion-free policing.

The findings also have implications for legal reform. First, the statutory foundation of restorative justice should be strengthened so that restorative mechanisms are not dependent primarily on police-level regulations. A coherent legal framework should connect police discretion, traffic law, criminal procedure, prosecution, and judicial processes. Second, more detailed regulations are required for traffic accident cases, particularly concerning eligibility criteria, victim consent, compensation, documentation, supervisory approval, and consequences of non-compliance. Third, police officers should receive specialized training in restorative justice, victim communication, negotiation, proportionality, human rights, and ethical decision-making. Fourth, public education should be strengthened because victims and responsible parties need to understand the distinction between restorative justice and ordinary settlement.

The theoretical contribution of this research lies in integrating police discretion theory, restorative justice, and balanced-interest theory. Police discretion theory explains why flexibility is necessary in law enforcement. Restorative justice explains why the harm suffered by victims should be addressed through restoration, participation, and accountability. The balanced-interest framework provides a mechanism for determining how competing interests should be accommodated. The integration of these perspectives produces a model that can be described as Balanced Restorative Police Discretion. Under this model, police discretion is legitimate when it has a clear legal basis, the case meets established criteria, the parties participate voluntarily, the resolution is proportionate and restorative, and the decision is properly documented and supervised.

This model differs from conventional police discretion because it does not place the officer's personal judgment at the center of the system. Instead, it places the quality, legitimacy, and accountability of the decision-making process at the center. This is particularly important because discretionary authority can only strengthen public trust when people understand why a decision was made and believe that the decision was fair. Procedural fairness therefore becomes an important source of institutional legitimacy (Tyler, 2006).

The broader significance of these findings is the need to move from a purely punitive approach toward a more responsive model of justice. Nonet and Selznick (1978) explain that responsive law seeks to remain sensitive to social realities while maintaining legal integrity. Traffic accident cases demonstrate the importance of this approach because the same legal offense may produce very different human consequences. A minor accident involving property damage differs fundamentally from an accident causing permanent disability or death. A driver who immediately assists the victim differs from one who escapes from the scene. A voluntary settlement differs from an agreement obtained through pressure. Therefore, effective law enforcement must be capable of responding to these differences while maintaining clear legal boundaries.

Nevertheless, responsiveness must not become legal relativism. The police cannot simply accept whatever outcome the parties prefer. The state continues to have a responsibility to protect public safety, ensure equality, and maintain legal certainty. The appropriate model is therefore a combination of responsiveness and rule-of-law safeguards. Police discretion should provide

flexibility while objective criteria prevent arbitrariness. Restorative justice should recognize victim preferences while mechanisms of consent protect against coercion. Settlement should provide restoration while public interest determines when formal criminal accountability remains necessary.

Overall, the results demonstrate that the Indonesian legal framework already provides a basis for police discretion and increasingly recognizes restorative justice as a mechanism for resolving criminal cases. Article 18 of Law No. 2 of 2002 establishes discretionary authority in the public interest, Law No. 22 of 2009 establishes the legal framework for traffic accidents and negligent driving, and Police Regulation No. 8 of 2021 provides a specific institutional framework for restorative justice. However, these provisions have not yet been fully integrated into a comprehensive system governing discretionary resolution of traffic accident cases. The principal weakness is therefore not the absence of legal authority but the absence of a standardized, integrated, transparent, and accountable architecture for exercising that authority.

The reconstruction proposed in this study addresses this weakness by placing legality, proportionality, restorative justice, victim protection, balanced interests, and accountability at the center of police discretion. The reconstructed system should establish objective eligibility criteria, meaningful victim participation, voluntary consent, proportional assessment, documented decision-making, supervisory review, digital monitoring, and clear boundaries for cases requiring formal criminal proceedings. Such reconstruction would not weaken law enforcement. Instead, it would strengthen the legitimacy of police discretion by ensuring that flexibility operates within the rule of law.

Ultimately, justice in traffic accident cases should not be measured solely by whether an offender is punished or whether a case is formally closed. Justice should also be assessed according to whether the victim's harm is recognized, the responsible party accepts accountability, the rights of all parties are protected, public safety is maintained, and the resolution is reached through a fair and transparent process. Police discretion can become an effective instrument for achieving these objectives only when it is transformed from individual authority into accountable institutional decision-making. The proposed Balanced Restorative Police Discretion model offers a framework for achieving this transformation by combining legal certainty with flexibility, victim protection with offender accountability, restorative justice with public interest, and police authority with institutional supervision.

CONCLUSION AND RECOMMENDATION

Conclusion

This study concludes that police discretion in resolving traffic accident cases in Indonesia has a strong legal basis, particularly through Law No. 2 of 2002 concerning the Indonesian National Police and Law No. 22 of 2009 concerning Road Traffic and Transportation. The existence of Police Regulation No. 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice further strengthens the possibility of resolving appropriate traffic accident cases through restorative mechanisms. However, the existing framework remains fragmented because the regulation of police discretion, traffic accident liability, and restorative justice operates through different legal instruments. This fragmentation creates potential differences in interpretation and implementation among police officers and may result in inconsistent treatment of similar cases.

The study further concludes that the main challenge is not the absence of police discretionary authority but the absence of a sufficiently structured and accountable mechanism for exercising that authority. Broad discretionary authority without clear criteria may create legal

uncertainty and potentially result in arbitrary decisions. At the same time, excessive formalism may prevent the justice system from responding adequately to the needs of victims and the specific circumstances of individual traffic accidents. Therefore, police discretion should neither be eliminated nor exercised without limitations. It should be reconstructed as **structured, proportional, transparent, and accountable discretion**.

The reconstruction proposed in this study is based on the principle of **balanced interests**, which seeks to accommodate the legitimate interests of victims, responsible parties, families, communities, and the state. Victims must receive meaningful protection, participation, information, and appropriate restoration. Responsible parties must receive fair treatment and proportional accountability while being required to acknowledge and repair the harm caused. Meanwhile, the state must continue to protect public safety and ensure that serious cases are not improperly resolved through private settlements. Restorative justice should therefore function as a complementary mechanism within the criminal justice system rather than as an automatic alternative to formal prosecution.

Accordingly, the study proposes the **Balanced Restorative Police Discretion Model**, which consists of six interconnected elements: a clear legal basis, objective eligibility criteria, meaningful participation of the parties, proportionality assessment, supervisory control, and systematic monitoring. Under this model, police officers retain the necessary flexibility to respond to individual circumstances but must justify their decisions according to legal and factual criteria. The model transforms discretion from an individual police judgment into an accountable institutional decision-making process.

The reconstruction also requires stronger documentation, digital case management, institutional supervision, and mechanisms to monitor compliance with restorative agreements. These measures are necessary to prevent coercive settlements, ensure consistency, protect victims, and strengthen public confidence in law enforcement. Ultimately, a fair traffic accident resolution system should not be measured solely by the number of cases prosecuted or settled, but by its ability to restore victims, ensure proportional accountability, protect public interests, and maintain legal certainty.

Recommendation

The legal framework governing police discretion in the resolution of traffic accident cases should be harmonized and strengthened to create greater legal certainty and consistency. The provisions governing police discretion, traffic accident liability, restorative justice, and criminal procedure should be integrated into a coherent regulatory framework. Such regulation should clearly define the scope, limits, procedures, and legal consequences of discretionary decisions. In particular, the concept of "public interest" should be further operationalized through objective indicators so that police officers have sufficient flexibility to respond to individual cases without creating opportunities for arbitrary decision-making.

Objective criteria should also be established to determine which traffic accident cases are eligible for restorative resolution. These criteria should consider the severity of the accident, degree of negligence, consequences suffered by the victim, willingness of the parties, previous traffic violations, prospects for restoration, and broader public interests. At the same time, clear exclusion criteria should be established for cases involving particularly serious circumstances where formal criminal proceedings remain necessary. This approach would ensure that restorative justice does not become a mechanism for avoiding criminal responsibility but operates as a proportionate and accountable alternative where legally and socially appropriate.

Victim protection should become a mandatory component of police discretionary decision-making. Victims must be provided with clear information concerning their rights, available legal options, and the consequences of entering into a restorative agreement. Consent must be voluntary, informed, and free from intimidation, coercion, or economic pressure. The police should also ensure that the proposed restoration adequately addresses the actual harm suffered by victims, including medical expenses, property damage, loss of income, or other legitimate consequences. In addition, mechanisms should be established to monitor compliance with restorative agreements so that victims are not left without effective remedies when the responsible party fails to fulfill the agreed obligations.

Police discretion should further be supported by standardized procedures, documentation, and supervisory mechanisms. Every discretionary decision should contain a clear legal basis, factual considerations, assessment of the interests of the parties, consideration of public interest, and justification for choosing restorative resolution or formal criminal proceedings. Significant or complex cases should be subject to supervisory review to ensure consistency and accountability. This mechanism should not eliminate professional judgment but should transform individual discretion into structured and accountable institutional decision-making.

The development of an integrated digital system for traffic accident and restorative justice case management is also recommended. Digitalization can facilitate the recording of accident information, victim and offender statements, restorative agreements, compensation, supervisory decisions, and the implementation of settlement obligations. An integrated database could also help identify patterns of discretionary decisions and evaluate the consistency of police practices across regions. However, digitalization must be accompanied by adequate personal-data protection, access controls, security mechanisms, and clear rules concerning the use and retention of information.Finally, the Indonesian National Police should strengthen the professional capacity of officers through specialized training in restorative justice, proportionality, victim protection, human rights, negotiation, mediation, ethical decision-making, and communication with victims and their families. Institutional supervision should be strengthened simultaneously to prevent abuse while protecting good-faith professional judgment. Future empirical research should evaluate the implementation of the proposed **Balanced Restorative Police Discretion Model** in different regions of Indonesia to determine its effectiveness in improving victim satisfaction, settlement compliance, consistency of police decisions, public trust, and the overall legitimacy of traffic accident law enforcement. Through these measures, police discretion can be transformed from a broad individual authority into a **structured, proportionate, restorative, and accountable mechanism for achieving balanced justice in traffic accident cases**.

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