

# Model of Restorative Justice Settlement in Traffic Accidents with Child as the Perpetrator in Polres Rembang Indonesia

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## Abstract

The rise of traffic accidents on the highway recently with the child as the perpetrator which caused fatalities gives and extra black sheet to the traffic law. People often see that traffic accidents that cause injuries and death is the false of the driver. This research formulates how the model of restorative justice solution in the case of traffic accident with child as perpetrator in Polres (Resort Police) Rembang Indonesia, the obstacle faced by investigator and the solution to obstacle in handling traffic accident case conducted by child in Polres Rembang. Research method used in this study was empirical juridical approach by using primary data obtained by conducting an interview with the investigator handling the case. The result of the investigator in solving the traffic accident case with the child actor is through a diversion process. It aims to avoid the child from detention and obtaining the label as a bad boy, saving the child's mental, physical and mental to the bad effect if detention and responsible with his actions. The settlement with the diversion model involves the perpetrator, the victim, the family and the investigator. Constraints faced by investigators in the diversion process are the presence of less cooperative actors of the victims after the accident, there are victims who do not want to forgive the perpetrators and the existence of third parties that disturb the atmosphere and the lack of understanding about diversion in society. Attempts from Traffic Unit Officers to avoid conflict/complaints from the victims, the officers become neutral, the perpetrators are directed to conduct a relationship and convey condolences to the victims, to conduct deliberation and ask for assistance from the Correctional Institution.

**Keywords:** Settlement Model, Traffic Accident, Child Perpetrator

## 1. Introduction

The rise of traffic accidents on the highway that occurred recently resulting in the death of victims incised black sheets in the traffic law. The dominant factor in the occurrence of cases of traffic accidents is the negligence or lack of care of the driver. This can be due to alleged driving in sleepy state, underage drivers, driving under the influence of drugs and alcohol.

In every case of traffic accidents occurring on the highway, it certainly has legal consequences for the driver of the vehicle. The legal provisions governing death accidents resulting in injuries or deaths of a person, in general, are the Indonesian Criminal Code (KUHP), and specifically is Law no. 22 of 2009 on Traffic. People often see that traffic accidents cause injuries and death is the false to the driver of the vehicle concerned. Meanwhile, according to legal theory that the error of a person seen from the actual incident factors, what factors cause the traffic accidents. This can be expressed from the chronological events, testimonies including eyewitnesses who saw the accidents. More specific legislation regulates in detailed and unequivocal traffic on highways/tolls and traffic accidents, including arranging for negligence in driving a vehicle to cause injury and death is the Law Number 22 of 2009 on Traffic and Road Transport (UU LLAJ).

Alternative Dispute Resolution (ADR) is a pattern of solving social problems through alternative paths other than legal process or non-litigation, among others through the efforts of peace that is solved through mediation which is one form of restorative justice approach. Mediation is a way that is often used by all parties involved in a traffic accident that ultimately finds the word mufakat to resolve the case by way of kinship.

Peace in criminal law in the case of traffic accidents is common and applied by the people of Indonesia. Peace often occurs between drivers who collide with the victim by means of payment of money or compensation by the victim to the victim as a replacement of medical expenses in the hospital or the cost of compensation for the deceased victim. Usually the victim party has felt fair while the perpetrators themselves sincerely willing to pay some money.

Cases of traffic accidents with underage perpetrators often cause controversy in the application of criminal law, it causes many polemics. The opinion that the legal process should still be implemented and must be enforced indiscriminately (rule of law and law enforcement), because the "negligence" which includes deli culpa/negligence that is when driving a vehicle to cause an accident and result in the death of the victim still must be processed by law.

Many customary laws in Indonesia can become Restorative Justice as an attempt to seek peaceful settlement of conflict outside the court, although in reality it is still very difficult to implement because its existence is not recognized by the state or is not codified in national law.

Restorative justice is one of the paradigm shifts that provide solutions to the handling of child delinquency problems, which assume that the criminal justice system does not meet substantive justice. Thus, it needs a consideration in handling the problem of child mischief, because this approach involves all parties in the settlement process to sit together deliberation. The purpose of restorative justice is to restore the resulting consequences of child delinquency as well as efforts to improve the moral of the child so that the child no longer repeats his actions. Imprisonment of children can interfere with the development of children physically, mentally and psychologically.

Restorative Justice as an alternative solving problem should be better than the current process and handling pattern. The completion of the criminal case of the child must pay attention to the psychological development of the child in the future, so there is a need for a scientific study on the description of the implementation of Restorative Justice In the Settlement of Traffic Accidents cases with the child as the perpetrator in the Rembang Police of Indonesia, the obstacles faced by the investigator and the solution in facing the obstacles in the process of handling traffic accident cases with the child as the perpetrator.

### *1.1 The Concept of Restorative Justice in Criminal Law*

Restorative Justice is a concept of justice that has an emphasis on correcting the harm caused by criminal behavior. This is done by bringing together parties, both the perpetrator and the victim to decide the best way to solve the case (Ness, et al., 2014). The Restorative Justice Approach focuses on the needs of both victims and perpetrators of crime. In addition, the Restorative Justice approach helps criminals to avoid other crimes in the future (Chandra, 2013).

It is based on a theory of justice that considers crime and offense, in principle is a violation of the individual or society and not to the state (Chandra, 2013).

Restorative Justice itself means a fair settlement involving the perpetrator, the victim, the family and other parties involved in a crime and collectively seeking a settlement of a crime and its implications by emphasizing restoration of its original state (Kejaksaan Agung, 2014). Justice for victims and perpetrators can be realized with the progressive actions and ways of thinking law enforcement in applying regulations. Rule is done not only textually but also sometimes need to break rule (rule breaking) because in the end the law is not text for the achievement of justice desirable by society (Zehr, 2014).

Restorative Justice in criminal law should aim to restore such a state before a crime occurs. When someone violates the law then things will change. So, that is where the role of law to protect the rights of each crime victim. In the conventional criminal justice process, it is known that there is restitution or compensation for victims, while restoration has a broader meaning. Restoration involves restoring relationships between victims and perpetrators. The restoration of this relationship can be based on mutual agreement between the victim and the perpetrator. The victim may report the loss and the perpetrator is given the opportunity to redeem it, through compensation, peace, social work, and other agreements (Angkasa, et al., 2012).

The process of restoration becomes very important when conventional criminal proceedings do not provide space to the parties involved in violation of criminal law in this case the perpetrators of criminal acts and victims of such crimes to participate actively in mediation/deliberation in the settlement of their problems outside the court.

Any indication of a crime, regardless of the escalation of its actions, will continue to be rolled into the realm of law enforcement which is only the jurisdiction of law enforcement. The active participation of the community does not seem to be important anymore, it only leads to a punishment decision (punishment of criminal sanctions) regardless of the existence of Restorative Justice that has been done and agreed by the parties.

Restorative Justice is a model approach that emerged in the era of the 1960s in the settlement of criminal cases where this approach emphasizes victims and communities in the process of settling criminal cases. Liebmann defined restorative justice as a legal system that "aims to restore the welfare of victims, perpetrators and communities corrupted by crime, and to prevent further offenses or criminal acts." (Liebmann, 2007).

Liebmann also provided the following basic tenor of restorative justice:

1. Prioritizing support and healing of victims.
2. The offenders are responsible for what they do.
3. Dialogue between victim and perpetrator to reach understanding.
4. There is an attempt to properly put the losses incurred.
5. The offender must be aware of how to avoid future crimes.
6. The community helps to integrate the two parties, both victims and perpetrators (Liebmann, 2007).

Tony F. Marshall means restorative justice is a process in which stakeholders in a particular breach meet together to solve the problem together how to solve the consequences of the violation for the sake of the future (Liebmann, 2007).

This explanation was developed by Sharpe into 5 key principles of restorative justice:

- a. Restorative Justice contains full participation and consensus.

- b. Restorative Justice tries to cure any damage or damages caused by a crime.
- c. Restorative Justice gives the perpetrators direct responsibility.
- d. Restorative Justice seeks reintegration of people who are divided or separated by crime.
- e. Restorative Justice provides resilience to communities in order to prevent further crime.

Marlina mentioned in her book that the concept of restorative justice is a process of settlement of legal violations that occurred carried out by bringing the victim and the perpetrator (suspect) together sitting in a meeting to be able to speak (Marlina, 2009). The settlement of a criminal case through restorative justice is essentially a joint settlement between perpetrators and victims in a forum.

So, it can be concluded that in restorative justice, the priority is not the punishment of the perpetrators, but how the perpetrator can be responsible for the criminal acts committed and how victims can get justice until things can recover as before. The main purpose of restorative justice is the creation of a fair justice. In addition, it is expected that the parties, perpetrators, victims, and society play a major role in it. The victim is expected to receive appropriate compensation and agreed with the offender to indemnify and reduce the suffering experienced. In restorative justice, the perpetrator must be fully responsible so that the perpetrator can realize his mistake.

## 2. Children as A Criminal Actor

Understanding the child according to Indonesian Dictionary which can be concluded is the second meaningful heir of a man and a woman who gave birth to her generation, which where the descendant is biologically derived from male eggs which then breed in the womb of a woman in the form of a womb and then the woman in time will give birth to her children (Depdikbud & Effendy, 2016). The child is the trust and grace of God Almighty, which in itself embodies the dignity as a whole person. The child is a bud of potential sources and the younger generation of successors struggle the ideals of the nation in the future that will come later, therefore we must guard and we protect from bad deeds or as victims of bad deeds of a person.

A child is a person who is not yet 18 (eighteen) years old, including a child still in the womb. So that the unborn child and still in the mother's womb according to this law have obtained a legal protection. In addition to the child's understanding, in this law there is an understanding of abandoned children, children with disabilities, children who have advantages, adopted children and foster children. Another definition of a child is a person who, in the case of a naughty child, is 8 (eight) years old, but has not reached the age of 18 (eighteen) years and has never married (Law Number 3, Year 1997). The child is defined as someone who has not reached the age of 21 (twenty-one) years and has never married (Law Number 4, Year 1979).

Understanding children has a very broad meaning, children are categorized into several age groups, namely childhood (aged 0-12 years), adolescence (aged 13-20 years), and adulthood (aged 21-25 years). In childhood the children themselves tend to have a nature that likes to imitate what others do and their emotions are very sharp. At this time the child begins to seek peers and begin to connect with people in the environment, then began to form thoughts about himself. Furthermore, at this time also the development of children can develop quickly in all areas whether it changes body, feelings, intelligence, social attitudes and personality.

Conceptual is a framework that describes the relationship between specific concepts which are collections of meanings related to terms that want to be researched or known (Soekanto & Soerjono, 1983). This concept will explain the basic notion of the title of the study, so that it has appropriate limits in the interpretation of several terms. It is intended to avoid misunderstandings in conducting research.

Restorative Justice is as a means of settling criminal acts of traffic accidents with children as perpetrators. The concept of Restorative Justice Approach is an approach that focuses more on the conditions of creating justice and balance for the perpetrators of their own criminal acts and victims (Reimer, 2011). The criminal-focused criminal justice and criminal justice mechanism is transformed into a process of dialogue and mediation to create an agreement on a fairer and more equitable criminal justice settlement for victims and perpetrators (UNODC, 2006). Restoration involves restoring relationships between victims and perpetrators. The restoration of this relationship can be based on mutual agreement between the victim and the perpetrator. The victim may report the loss and the perpetrator is given the opportunity to redeem it, through compensation, peace, social work, and other agreements (Reimer, 2011).

Efforts to solve problems outside the court conducted by the perpetrator of the crime (family) and the victim of the crime (family) will be expected to be the basis of consideration in the process of examining the perpetrators of criminal offenses in court in the imposition of criminal sanctions by judges. So that it can be interpreted that Restorative Justice is a series of process of solving criminal problem outside court which aims to restore (reestablish) the relationship of parties and losses suffered by victims of crime and is expected to be the basis of consideration for the panel of judges of criminal court in ease the sanctions the criminal sanction imposed on the offender (Prihatin AN, 2012).

Justice is a consideration in the system of enforcing the criminal law and incorporated into new Criminal Law Regulations (KUHP), especially for criminal complaint offenses (*Klacht delict*) in order to emphasize the

conditions of justice and balance of legal treatment of offenders and victims of criminal acts can be achieved well, without having to always use criminal sanctions (imprisonment) in the final settlement. Since the deterrent effect is as the ultimate goal of criminal punishment, the perpetrators of crime now no longer achieve the target as expected. There needs to be a breakthrough in the implementation of the punishment system in Indonesia, not only through prison sentences but also through the implementation of Restorative Justice.

### 3. Position of Police in Law Enforcement of Traffic Accidents

Generally, the tasks and functions of the Police in the existing organizational structure, the tasks and functions of community policing are not limited to the functions of *samapta* (Sabhara and traffic). It also in the form of community security activities such as regulation, guarding, guarding and patrolling, as well as non-judicial acts but. Further, there are at other Polri operational functions, such as in the function of Community Development (Binmas), Criminal Investigation (Criminal) in the form of law enforcement activities, in the function of Intelligence in the form of security and community-raising activities. The different duties and functions of policing between the operational functions of the Police in the fostering of public order lay in methods and/or ways of acting (Mabes Polri, 2011).

The main tasks of the Police Traffic Police Unit in accordance with Article 7 of the Chief of Police Regulation no. 23 Year 2010 Traffic Unit is the main task force element at the Polres level. Furthermore, it is reinforced again in Article 59 of the Regulation of the Chief of Police. 23 YEAR 2010, it explains that:

1. The traffic unit is the main task force element under the Police Chief.
2. Satlantas (traffic unit) task to carry out Turjawali (Traffic Arrangement, Guarding, Guarding and Patrol), traffic public education (Dikmas Lantas), registration and identification services of motor vehicles and drivers, traffic accident investigation and law enforcement in the field of traffic.
3. In carrying out the duties as referred to paragraph (2), Sat Lantas performs the functions of: guidance of traffic of the police in fostering the participation of the community through cross-sectorial cooperation, Dikmas and the study of traffic problems, the implementation of police operation in the field of law enforcement and security, safety, order and smoothness of traffic (*kamseltibcar*), service administration registration and identification of motor vehicles and drivers, the implementation of road patrols and the violation and handling of traffic accidents in law enforcement and guarantee *kamseltibcar* then on the highway, security and rescue of road users, maintenance and maintenance of equipment and vehicles.

The traffic unit Rembang Police is as public service, one of the duties is the issuance of SIM (Driving License) and service in Samsat Joint Office seeks to improve the quality of service excellence, perspectives on the community to achieve satisfaction, transparent and accountable. The effort of the traffic unit Polres Rembang in improving public service is done by publishing Standard Operational Procedure Book (SOP) of Public Service. The traffic unit Polres (Resort Police) Rembang is the officer's guideline to carry out public service. With the existence of SOPs, it is expected to grow mutual understanding, equality of perceptions of officers Then implementing public services both in SATPAS and SAMSAT and Unit Laka Lantas, Unit Dikyasa and Unit Turjawali (Arrangement, Guard and Patrol), will the main duty, procedures, rules that must carried out, making Polantas officers as professional public service providers, providing guidance in carrying out excellent service to the community to create public confidence in the Police, especially in the field of Sat Lantas services and improve the image and public confidence in the Police, especially the Traffic Police.

### 4. Implementation of Restorative Justice in the settlement of traffic accident crimes committed by children in Polres (Resort Police) Rembang

Restorative Justice is a Diversion process, ie all parties involved in a particular crime jointly solve problems and create an obligation to make things better by engaging victims, children and the community in finding solutions to improve, reconciliation, and reassurance that is not based on retaliation. Diversion is the transfer of settlement of child cases from the criminal justice process to proceedings outside the criminal justice.

Not all criminal proceedings are processed in accordance with Article 230 of Law Number 22 Year 2009 on Road Traffic and Transportation. Based on the data of the number of traffic accidents from the Central Java Regional Police of Rembang until October 2017, there were 410 cases of traffic accidents, but only 5 cases were handed over to the Public Prosecutor or at P-21. While many cases of traffic accidents are settled out in court or through the concept of Alternative Dispute Resolution (ADR) as the following table.

Table 1. Data of Traffic Accident at Rembang Resort 2014 to 2017

Year	Accident	Saikara	Rest	P21	BAS	SP3	Other institutions
2014	371	333	38	3	292	45	0
2015	431	389	42	13	360	15	0
2016	481	444	37	5	438	-	1
2017	410	354	56	5	333	15	1

Source: Polres Rembang, 2017



The table shows that cases of accidents were increasing every year and the reality shows that many people preferred to settle criminal cases outside the system.

Restorative Justice in criminal law should aim to restore such a state before a crime occurs. When someone violates the law then things will change. That is the role of law to protect the rights of each crime victim. In the conventional criminal justice process, it is known that there is restitution or compensation for victims, while restoration has a broader meaning. Restoration involves restoring relationships between victims and perpetrators. The restoration of this relationship can be based on mutual agreement between the victim and the perpetrator. The victim may report the loss and the perpetrator is given the opportunity to redeem it, through compensation, peace, social work, and other agreements (Angkasa, et al., 2012).

The implementation of restorative justice in the Police of the Republic of Indonesia Regional Central Java Rembang resort according to KOMPOL PRANANDYA SUBIYAKTO, SH., M.Hum as Waka Resort Police, until now the case settled through Diversion is expected to be able to solve the accident case with the child as the perpetrator. The purpose of Restorative Justice through the Diversion process is to avoid the child from detention so that the child as the perpetrator is spared the label as the child as a criminal and teaches the child to be responsible for his actions (Pranandya, 2017).

The results to be achieved with the restorative justice is encouraging the child to take responsibility for his actions provides an opportunity for the child to make amends for the mistake of doing good with the victim (AKP Ariakta Gagah Nugraha & IPDA Moh. Safi'i Karim, 2017).

The steps taken are then carried out in the handling of accident and then the child actors dealing with the law (ABH) where the investigator is obliged to mediate the two parties involved. Based on the interview with KOMPOL PRANANDYA SUBIYAKTO, SH., M.Hum as Waka Police Rembang, after receiving reports from the victim, Police Report (LP) published, and then made an Investigation Order and the investigator apply restorative justice by seeking a diversion system. The investigator sends a letter to the Penal Institution for the purpose of mentoring the Child and conducting community research and assisting during the investigation. The investigator sent a letter to the Legal Counsel for the assistance of the child offender during the investigation.

Furthermore, AKP ARIAKTA GAGAH NUGRAHA, S.I.K., M.H. as the chief of Polres Rembang stated that the Diversion system was implemented in the presence of the parties, the victim was accompanied by family and village apparatus while the suspect was accompanied by family and village apparatus as well as the Correctional and Legal Counsel. IPDA MOH SAFI'I KARIM, SH as the head of traffic unit Polres Rembang added that the perpetrators are directed to approach by way of silaturahmi (meeting) and convey condolences to the victim, conducting musyawarah (discussion) with the accompanied local village apparatus. After the communication from both parties (Victim with the perpetrators) then the Investigator ask for assistance from the Prison Hall (BASH) in Pati. Furthermore, the Pati Correctional Institution conducted a survey to the victim and the perpetrator then coordinated with the Traffic Unit investigator.

If the diversion agreement has been reached then the victim has agreed that the case is settled in a familial manner and does not claim to the law. Subsequently, the investigator sends the Diversion Agreement and the Minutes of the Agreement to the District Court and will then get a decision from the District Court instructing the investigator to stop the investigation. If the divergence agreement is reached, the Investigator only sends the diversion agreement and the News Report to get the Diversion verdict from the District Court.

However, if there is no agreement diversion, it means the victim is still demanding and the investigator to continue the case according to the applicable law. In the absence of a diversion agreement the Investigator sends the SPDP (Notice of Commencement of Investigation) to the Procurator. Further processed is according to the juvenile justice law No. 11 of 2012. Investigators are not required to make a detention if there is a guarantor (IPDA Moh. Safi'i Karim, 2017). If later there is dissatisfaction in the settlement of cases each party cannot sue for having signed the statement. If the settlement of accident cases with the child as perpetrator does not find a peaceful way because the perpetrator is less cooperative with the victim and the victim does not want to forgive the perpetrator then the settlement of the case proceeded to use the juvenile court with a closed session.

##### **5. Constraints in implementing Restorative Justice in Criminal Acts of Traffic Accidents with Children as Perpetrator in POLRES Rembang Indonesia.**

Constraints faced by law enforcers within the Polda (regional police) of Central Java internal factors according to KOMPOL PRANANDYA SUBIYAKTO, SH., M.Hum as Waka Polres Rembang, AKP ARIAKTA GAGAH NUGRAHA, S.I.K., M.H. as a the head of traffic unit Rembang Police, IPDA MOH SAFI'I KARIM, SH As Kemitraan traffic unit Rembang Police are (Kompol Pranandya Subiyakto, 2017):

1. Lack of competence of Human Resources (HR) Personnel Polres Rembang in understanding the restorative justice, system and methods applied in the implementation of restorative justice,
2. Supporting infrastructure facilities of restorative justice enforcement is not adequate.
3. Systems and Methods Implemented in the implementation of restorative justice or substance of law that has not accommodated the implementation of restorative justice completely.

4. Law enforcers who have not implemented optimally and existing regulations and still rigid, and the culture of law/public participation that has not been maximized.
5. The absence of regulation making that accommodates all provisions concerning the handling of ABH through the approach of restorative justice, socialization to all law enforcement officers and the public
6. Lack of coordination between law enforcement officers and changing the paradigm of law enforcement officers from retributive and restorative justice approaches to restorative justice has not been fully achieved.

The results of interviews with the three-interviewee explained that the implementation of restorative justice is not always smooth, there are some external constraints that impede the implementation of restorative Justice include:

1. Absence of support from Local Government (Regency/City), Related Institution and Community Leader.
2. The offender is less cooperative with the victim after the accident
3. Lack of socialization about the implementation of restorative justice.
4. The victim does not want to abandon the perpetrators, causing prolonged conflict (Pranandya, 2017).
5. The existence of a third party that confuses the situation. In handling the incidents of children as the perpetrators of traffic accidents by conducting the process of restoration of justice the investigator is obliged to mediate both parties either the perpetrator or the victim but the existence of a third party that confuses the consolidation atmosphere (AKP Ariakta Gagah Nugraha, 2017).
6. The number of underage children who already use motor vehicles on the Highway.
7. The number of parents who allow their children to drive a motorcycle even though he/she is under 17 years old.
8. Lack of community understanding about the approach diversion is lacking (IPDA Moh. Safi'i Karim, 2017).

## **6. Solutions from the obstacles by Implementing Diversion Settlement of crime committed by children in Polres Rembang**

Implementation of the concept of Restorative Justice is manifested in the form of penal mediation and diversion, both methods have the same point of view but their use is in different jurisdictions. Penal mediation is more commonly mentioned and attributed to law enforcement against common criminal cases. On the other hand, diversion occurs more frequently in the discussion on the scope of the Criminal Justice System of Children, which refers to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice otherwise known as "The Beijing Rules". In essence, the concept of Restorative Justice is to build joint participation among perpetrators, victims, and community groups to complete an event or a crime. Placing perpetrators, victims, and communities as "stakeholders" work together and immediately seek to find a win-win solution (Makarao, 2013). A prominent feature of restorative justice, crime is placed as a symptom of social action and not merely a violation of criminal law. Crime is more viewed as an act that harms others and undermines social relationships. Unlike the criminal law that has attracted crime as a state problem. Only the state is entitled to punish, although in fact indigenous communities may sanction (Utomo, 2014).

Interview with KOMPOL PRANANDYA SUBIYAKTO, SH., M.Hum as Waka Polres Rembang emphasized that the implementation should prioritize justice, affirmed by the term integrated justice, that is justice for the perpetrator, justice for the victim and justice for society.

Interview with AKP ARIAKTA GAGAH NUGRAHA, S.I.K., M.H. as Kasat Lantas Polres Rembang and IPDA MOH SAFI'I KARIM, SH As Kanit Laka Sat Lantas Polres Rembang is related to efforts of Sat Lantas to suppress Child Accident Rate in the Police of the Republic of Indonesia Region of Central Java Rembang Resort among others are:

1. By providing socialization about the understanding of traffic safety and minimum age of children driving a motor vehicle in schools targeting the underage students, socializing with the target parents through the program of the Polres Rembang that is with the holding of sarasehan (informal meeting) in villages for the purpose of giving understanding to Parents about the importance of orderly traffic, and prohibiting minors to drive motor vehicles before the age of 17 years and must have a driver's license (driver's license)
2. Conducting Enforced Violations against Violations potentially targeting underage children.
3. Increasing the competence of Rembang Police Staff members in implementing restorative justice,
4. Legalize SOP and system of settlement of Traffic Accident cases with restorative justice.
5. The Binluh (Coaching and Counseling) approach in schools aimed at students with the aim of introducing early on the importance of traffic and age that are allowed to drive a motor vehicle is indicated by having a driver's license.
6. Approach through workshop of socialization in the form of socialization of traffic order in villages with

the objective of the community aims to provide an understanding of the minimum age limit rules that are allowed to drive motor vehicles declared by ownership of driving license (Driver's License); the importance of orderliness in traffic and provide understanding to parents not to support their children in the offense with "pride" can see children under age driving a motor vehicle.

7. Members of traffic unit under the leadership of officers carry out acts against violation of Traffic Act by way of operating with the target completeness in driving, especially under age children who drive a vehicle does not have a driver's license.

Table 2. Obstacles and solutions in Implementation of Diversion against Traffic Accident Cases with Children as Actors in Resort Police Rembang

No	Obstacles	Solution
1.	Internal factors	
	- Human Resources (HR) Personnel Polres Rembang in understanding restorative justice	- Increasing the competence of Rembang Police HR in the implementation of restorative justice
	- Systems and Methods Implemented in the implementation of restorative justice	- Legalize SOP and Settlement system of Traffic Accidents with restorative justice.
	- Lack of socialization about the implementation of restorative justice	- Socialize the implementation of restorative justice to the community - Provide socialization about the understanding of road safety - Conduct socialization with the target of parents through the program of the rembang polres, - Socialize in the villages about the importance of traffic order, - Forbid children to drive a motor vehicle before the age of 17 and having a driver's license (driving license) - Perform a potentially accident violent action against the target of underage children
2.	External Factors	
	- Lack of cooperation in both side	- mediating both parties both perpetrators and victims
	- the community is lack understanding about diversion	- giving coaching and socialization about diversion
	- There is no support from local government, related institutions and community leaders	- In cooperation with Local Government (Regency / City), Related Institution and Community Leader to socialize restorative justice

## 7. Conclusion

The model of settlement of traffic crime cases with child offenders in Rembang Police Station is conducted with a diversion model with the aim to avoid the child from detention where the child will be labeled as a criminal, saving the child mentally from detention. Diversion carried out for the transfer of criminal proceedings out of its formal process for the settlement of cases by deliberation. Constraints faced by the Investigator are: there is a lack of cooperation with the victim after the accident, the victim does not want to abandon the perpetrator and the existence of a third party that confuses the atmosphere and still lack of understanding about the diversion in society. The result to be achieved by restorative justice is to encourage the child to take responsibility for his actions to provide an opportunity for the child to replace the mistakes made by doing good with the victim. The solution of the constraints is by the officers being neutral, the perpetrators are directed to conduct a relationship and convey condolences to the victims, conduct deliberation and ask for assistance from the Correctional Institution.

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