

ABSTRACT

The cessation of investigations is one alternative to settling disputes outside the court which is expected to play a role in maintaining public order and security, law enforcement, protection, protection, and services to the community in the context of maintaining domestic security. However, the problem is that the termination of the investigation has been carried out without a clear measure, how much is the size of the compensation, the competence of the investigator in dealing with the cessation of the investigation, to the legality or validity of the termination of the investigation. The legal problem in this legal memorandum is whether the termination of the investigation of cases of traffic accidents that cause casualties is in accordance with applicable regulations? as well as what legal action can be taken by Cimahi Resort Police against someone who due to his negligence resulted in a traffic accident and caused the victim to die?

The method of writing this legal memorandum uses grammatical interpretation, that is, interpreting verbatim from legislation relating to the problem to be discussed and normative juridical research methods related to the opinions of legal experts aiming to find the principles and foundations of positive legal philosophy as well as finding law in concreto, this research refers to legal documents in the form of primary legal materials, namely legislation relating to the issues to be discussed, and secondary legal materials. The specification of this research is analytical descriptive, which is describing facts which are then analyzed using existing regulations.

The results of the study concluded that the termination of the investigation by the National Police of the Republic of Indonesia in the West Java Region of the Cimahi Resort in connection with a traffic accident that caused the crossing of the road to die, was an inappropriate action. The legal basis for stopping an investigation must be in accordance with the matters referred to in Article 109 paragraph (2) of the Criminal Procedure Code. The Police also based the termination of the investigation based on the Circular of the National Police Chief Number 7 of 2018 issued by Muhamad Tito Karnavian, this was a deviation from the Criminal Procedure Code and the National Police Chief Regulation Number 14 of 2012 concerning Management of Criminal Investigations. In the hierarchy of laws, circulars are not included in the order of the laws in force in Indonesia. Based on the Police Report Number 327 / IX / 2018 / Sat Lantas, legal actions that can be carried out by the Cimahi District Police against the negligent driver and causing the victim to die are an investigation of the traffic accident, the investigation carried out by the Police must be in accordance with Article 1 point 5 KUHAP. After an investigation and the Police found negligence in driving a motorized vehicle, the National Police of the Republic of Indonesia in the West Java Region of Cimahi Resort can conduct an investigation based on Article 1 point 2 of the Criminal Procedure Code. After all steps have been taken in accordance with the criminal procedure, the next step is to submit the case file to the Prosecutor's Office for prosecution by the Public Prosecutor.