

Police Discretion by Personnel of the Samapta Directorate in Handling Public Order and Security Disturbances in the Perspective of Law Number 2 of 2002

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Abstract

Police discretion constitutes an authority inherent in every police officer in taking action based on situational assessments in the field. This study aims to analyze the exercise of discretion by personnel of the Indonesian National Police (Polri) Samapta Directorate in handling public order and security (Kamtibmas) disturbances, as well as to formulate an optimal framework capable of ensuring legal certainty and the protection of human rights. The method employed is normative legal research, utilizing a statutory approach, a conceptual approach, and a case approach. Primary legal materials include Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia, relevant implementing regulations, and pertinent jurisprudence. The findings indicate that the exercise of discretion by Samapta personnel is still characterized by inconsistent standards of field action, a lack of measurable technical guidelines, and weak internal oversight mechanisms. These conditions create gaps for the abuse of authority that potentially violate human rights. This study recommends the establishment of a structured Standard Operating Procedure (SOP) for discretion, the strengthening of ethics and legal training for Samapta personnel, and the optimization of internal and external accountability mechanisms. The conclusion of this study affirms that effective discretion requires a clear legal foundation, adequate personnel competence, and consistent supervision in order to achieve equitable law enforcement..

Keywords: : *Police Discretion, Samapta Directorate, Kamtibmas, Legal Certainty, Human Rights*

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Introduction

Within Indonesia's law enforcement system, the police occupy a strategic position as the frontline institution in direct contact with the public. Among the various units in the Polri structure, the Samapta Directorate (Samapta Bhayangkara Unit/Sabhara) bears the greatest responsibility for directly handling public order and security (Kamtibmas) disturbances in the field. Samapta personnel are the first face of the police encountered by the public when riots, mass demonstrations, petty crimes, or spontaneous social conflicts occur. Consequently, the quality of their actions reflects the overall quality of law enforcement [1].

One of the most important instruments available to Samapta personnel in carrying out their duties is police discretion. Conceptually, discretion refers to the authority of a public official to make independent choices in specific situations that are not, or not yet, specifically regulated by positive law [2]. Ismaidar explains that in the context of Indonesian police law, discretion is an inherent authority that cannot be separated from the police function itself, given the nature of police duties that directly confront the complexity of social life which cannot be fully anticipated by written regulations [36]. Consequently, Samapta personnel frequently must make rapid decisions whether to arrest, reprimand, or mediate without the opportunity to consult superiors or conduct an in-depth review of the applicable regulations [3].

Normatively, police discretionary authority in Indonesia is explicitly recognized in Article 18 of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia. This provision states that in the public interest, officials of the State Police of the Republic of Indonesia may act in accordance with their own judgment when executing their duties and authority. However, this authority is restricted by the requirement that such actions must not contravene the prevailing law, must not violate religious norms and public decency, and must take into account human rights [4]. On paper, this normative framework appears adequate. The problem, however, lies precisely at the level of field implementation.

Field realities present a picture far from ideal. Numerous cases have surfaced regarding actions by Samapta personnel deemed excessive, disproportionate, or even arbitrary in handling Kamtibmas disturbances. Data from the National Human Rights Commission (Komnas HAM) for the period 2019–2023 recorded hundreds of complaints related to police actions considered to have violated human rights, the majority involving unmeasured use of force during the handling of crowds and demonstrations [5]. Sumarno notes that Kamtibmas disturbances in Indonesia possess unique characteristics, being influenced by interacting social, economic, and political dynamics, such that their handling demands a far more contextual and adaptive approach than the mere application of standard procedures [39]. These conditions collectively reflect the problem of sub-optimal discretion implementation.

Aspan asserts that the discretion of law enforcement officials within the Indonesian criminal justice system requires a more robust regulatory framework and a more structured oversight mechanism so that it does not become a grey area prone to misuse [2]. Consistent with this view, Siregar underscores that police authority in criminal law enforcement must consistently adhere to the principles of proportionality and accountability in order to maintain public trust [6]. Nevertheless, existing studies still tend to address police discretion in a general manner without giving particular attention to the context of the Samapta Directorate, which possesses its own distinct task characteristics and challenges.

The gap between *das sollen* (the law as it should apply) and *das sein* (the legal reality as it occurs) in the context of Samapta personnel discretion is the point of departure for this study. On one hand, regulations have provided an adequate foundation for the exercise of discretion. On the other hand, its implementation remains far from consistent and measurable. Prior research, while having addressed police discretion from various perspectives, has not specifically examined the exercise of discretion by Samapta personnel in handling Kamtibmas disturbances from the perspective of Law Number 2 of 2002 in a comprehensive manner. It is this academic gap that this study seeks to fill through an in-depth analysis grounded in valid legal sources. the exercise of discretion. On the other hand, its implementation remains far from

consistent and measurable. Prior research, although having discussed police discretion from various perspectives, has not specifically examined the exercise of discretion by Samapta personnel in handling Kamtibmas from the perspective of Law Number 2 of 2002 in a comprehensive manner. It is this academic gap that this study seeks to fill through an in-depth analysis based on valid legal sources [7]. Based on the foregoing background, this study formulates two research questions as follows:

1. How is discretion exercised by personnel of the Samapta Directorate in handling Kamtibmas disturbances?
2. What is the optimal formulation for the exercise of discretion by personnel of the Samapta Directorate in achieving legal certainty and the protection of human rights?

Literature Review

Legal Discretion Theory (*Legal Discretion Theory*)

Discretion in public law is not a new concept. Scholars such as Kenneth Culp Davis have long described discretion as the space available to a public official to make choices among a range of possible actions or inactions [8]. In this sense, discretion is not a synonym for unlimited freedom, but rather a structured freedom that remains constrained by law, ethics, and institutional policy. Davis further distinguishes between narrow discretion and broad discretion, where broad discretion without adequate supervision has the potential to give rise to arbitrariness.

In the context of Indonesian administrative law, police discretion is recognized as part of *freies Ermessen*, namely the freedom of administrative officials to act in order to fill legal vacuums or to respond to emergency situations demanding an immediate response [9]. Ismaidar specifically examines discretionary authority in state administrative law and affirms that *freies Ermessen* can only be legally justified if the action taken fulfills three cumulative requirements: a normative vacuum or ambiguity exists, the purpose of the action is in the public interest, and the action is proportionate to the situation at hand [38]. This perspective provides a concrete evaluative framework for assessing whether the discretionary actions of Samapta personnel can be legally justified under administrative law.

In the perspective of Dworkin's legal theory, discretion is understood through the metaphor of "the hole in the doughnut" – there is a central space in which the official possesses freedom, but that space is surrounded by boundaries that must not be transgressed [10]. This perspective is highly relevant to understanding Samapta personnel discretion: they have latitude to determine the method of handling Kamtibmas disturbances, but remain bound by the limits established by Law Number 2 of 2002, Kapolri regulations, and international human rights instruments that Indonesia has ratified.

The relevance of legal discretion theory to the research questions of this study is clear. The question of how Samapta personnel exercise discretion cannot be answered without first understanding the conceptual boundaries of discretion itself. Likewise, the question of the optimal formulation of discretion requires an understanding of how discretion should be structured so as to produce a balance between the effectiveness of law enforcement and the protection of individual rights [2]. Legal discretion theory therefore constitutes an epistemological foundation that cannot be overlooked in this study.

Theory of Legal Certainty (*Legal Certainty*)

Legal certainty is one of three foundational values of law articulated by Gustav Radbruch, alongside justice and utility [11]. In the context of the exercise of police discretion, legal certainty means that every discretionary action must be predictable, consistent, and based on clear rules so that the public can know with certainty what police officers are and are not permitted to do. Legal certainty is not merely a matter of whether rules exist or not, but also of the extent to which those rules are interpreted and applied consistently. predictable, consistent, and based on clear rules so that the public can know with certainty what police officers are and

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Lon Fuller, in his work "The Morality of Law", identifies eight principles that must be fulfilled for a legal system to possess certainty: rules must be general in nature, publicly promulgated, non-retroactive, clear, non-contradictory, capable of being complied with, stable, and applied consistently by the competent authority [12]. Of these eight principles, clarity and consistency of application are those most frequently problematic in the context of Indonesian police discretion, particularly within the environment of the Samapta Directorate.

The issue of legal certainty in the exercise of discretion by Samapta personnel is not merely a matter concerning the interests of individuals who encounter the law, but also relates to the credibility of the Polri institution as a whole. When personnel in one region handle demonstrations in a manner markedly different from that of personnel in another region for comparable situations, this creates the perception that law enforcement depends on who the officer is, rather than on what the law prescribes [3]. Such conditions amount to erosion of the rule of law principle, which constitutes the primary pillar of the *rechtsstaat* (constitutional state) as mandated by Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

The connection between the theory of legal certainty and the second research question of this study concerning the optimal formulation of discretion is close. The intended optimal formulation must be capable of addressing the legal certainty deficit that has persisted: how to create guidelines for discretionary action that are sufficiently flexible to accommodate field dynamics, yet sufficiently structured to provide certainty and consistency? The answer cannot be found through normative analysis alone, but requires an in-depth examination of standards that have proven effective in comparative law enforcement practice [13].

Theory of Human Rights Protection in Law Enforcement

The protection of human rights in the context of law enforcement has become an inseparable part of modern legal discourse, including in Indonesia. Siregar affirms that human rights within the Indonesian legal system constitute not only a constitutional mandate, but also an international obligation arising from various international instruments that have been ratified, such as the International Covenant on Civil and Political Rights (ICCPR) [13]. In this context, every police action including the exercise of discretion must be assessed from the perspective of whether such action respects, protects, and fulfills the fundamental rights of citizens.

The principle of proportionality is one of the most crucial human rights standards in law enforcement. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) explicitly stipulates that law enforcement personnel may only use force proportionate to the threat faced, and must endeavor to de-escalate before resorting to force. This principle is directly relevant to the exercise of discretion by Samapta personnel: every discretionary decision involving the use of force must be subjected to this proportionality test [14].

Rahmayanti et al., in their research on the criminal offense of physical violence in educational settings, revealed that human rights violations by officials frequently originate from the absence of clear standards as to when and how authority may be lawfully exercised [15]. This finding parallels the problem faced by Samapta personnel: the absence of a comprehensive discretion SOP creates space for actions that exceed the bounds of proportionality. Therefore, research into the optimal formulation of Samapta discretion cannot be separated from efforts to strengthen human rights protection in policing practice.

From a theoretical perspective, the protection of human rights and the effectiveness of law enforcement are not two values in opposition, but rather mutually reinforcing. A police force that respects human rights is, in fact, more trusted and more effective because it enjoys public support. Conversely, a police force that frequently violates human rights even if it may succeed in short-term Kamtibmas management will lose legitimacy and ultimately exacerbate

the situation in the long term [5]. This is what renders the theory of human rights protection relevant not only as a normative framework, but also as a pragmatic argument for the reform of Samapta discretion practice. respects human rights is in fact more trusted and more effective because it enjoys public support. Conversely, a police force that frequently violates human rights even if it may succeed in short-term Kamtibmas management will lose legitimacy and ultimately worsen the situation in the long term [5]. This is what makes the theory of human rights protection relevant not only as a normative framework, but also as a pragmatic argument for reforming Samapta discretion practice.

Theory of Police Accountability (Police Accountability Theory)

Police accountability refers to the mechanisms by which the police as an institution and its personnel as individuals can be held responsible for the actions they take [16]. In the context of discretion, accountability becomes especially important because discretion is fundamentally an authority granted without strict control from above; it is precisely for this reason that mechanisms of horizontal accountability and downward accountability become indispensable.

There are several forms of accountability relevant to the discretion of Samapta personnel. First, internal accountability, which is realized through hierarchical oversight mechanisms, performance evaluations, and incident reporting systems. Second, external accountability, carried out by institutions such as the National Human Rights Commission, the Ombudsman of the Republic of Indonesia, and the Polri Profession and Security Division (Propam). Third, civil accountability, realized through public complaint mechanisms and institutional transparency [17]. Sumarno reinforces this argument by asserting that the ongoing Polri bureaucratic reform should make the strengthening of institutional accountability its primary priority, rather than merely cosmetic structural change [40]. All three forms of accountability are mutually complementary and cannot stand alone.

Pardede et al. underscore that weak accountability in the exercise of authority frequently becomes the root cause of various violations of workers' rights as well as citizens' rights [18]. This analogy is relevant to the context of Samapta discretion: when accountability mechanisms are weak, personnel tend to take shortcuts that disregard legal procedures. Conversely, when accountability functions well, personnel will be more careful and consistent in exercising discretion, being aware that every action they take can be questioned and evaluated [2].

The connection between accountability theory and both research questions of this study is highly significant. Analysis of the exercise of discretion by Samapta personnel cannot be complete without assessing whether the existing accountability mechanisms are functioning effectively. Meanwhile, the optimal formulation of discretion to be articulated must incorporate structured accountability as one of its main pillars. Without robust accountability, discretion will merely serve as a shield for inconsistency and the potential for abuse of authority [7].

Community Policing Theory (Community Policing Theory)

Community policing, or community-based policing, is a law enforcement paradigm that emphasizes proactive partnership between the police and the community in identifying and resolving Kamtibmas problems [19]. This theory has direct relevance to the exercise of discretion by Samapta personnel because the community policing approach holds that discretion should not solely be used as a repressive instrument, but also as a preventive and mediation tool that prioritizes a humanistic approach.

From the perspective of community policing, Samapta personnel patrolling specific community areas are expected to build positive relationships with residents, recognize local characteristics, and exercise discretion to resolve minor conflicts without necessarily resorting to formal legal processes. This approach is not only more efficient in terms of resources, but is also more effective in building public trust in the police institution [20]. Hutagalung and Zarzani note that approaches prioritizing community-based resolution have been shown to provide more just and beneficial legal guarantees than a purely repressive approach [21]. community-based

resolution has been shown to provide more just and beneficial legal guarantees than a purely repressive approach [21].

Nevertheless, the application of community policing in the context of the Samapta Directorate faces its own challenges. The nature of Samapta's duties, frequently involving emergency situations and open conflicts, means that dialogue and mediation approaches cannot always be prioritized. This is where discretion plays a crucial role: Samapta personnel must be able to read the situation and determine when a community approach is relevant and when firm action is necessary. This capacity does not emerge naturally, but must be developed through systematic and sustained training [8].

The relevance of community policing theory to the second research question concerning the optimal formulation of discretion lies in its contribution to expanding the perspective on what constitutes 'optimal Kamtibmas disturbance management'. If relying solely on a repressive approach, Samapta personnel may succeed in dispersing crowds or apprehending perpetrators, but fail to resolve the root causes that give rise to Kamtibmas disturbances in the first place. A comprehensive optimal formulation of discretion must integrate the preventive and participatory dimensions that constitute the core of community policing theory [19].

Research Methodology

This study employs a normative legal research approach (normative legal research), which examines law as norms, principles, and doctrines contained in various sources of positive law [22]. The choice of this method is based on the consideration that the problems under study are legal-dogmatic in nature, relating to the interpretation and application of legal norms in the context of police discretion. Normative legal research does not seek to measure empirical facts in the field statistically, but rather analyzes the coherence, consistency, and completeness of the prevailing legal system in relation to the identified problems [23].

The approaches employed in this study encompass three mutually complementary approaches. First, the statutory approach, which examines all regulations relating to police discretion and Kamtibmas management, including Law Number 2 of 2002, the Chief of Police (Kapolri) Regulations on the implementation of Samapta duties, and relevant international human rights instruments [24]. Second, the conceptual approach, which analyzes legal concepts relevant to the topic such as discretion, legal certainty, proportionality, and police accountability based on doctrines and theories developed by legal scholars [25]. Third, the case approach, which examines concrete cases involving the exercise of discretion by Samapta personnel whether culminating in court decisions or resolved through internal police mechanisms in order to identify problematic patterns requiring normative solutions.

Sources of legal materials in this study are divided into three categories. Primary legal materials consist of binding positive legal norms, comprising: the 1945 Constitution of the Republic of Indonesia, particularly Article 28 on human rights; Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia; Law Number 39 of 1999 concerning Human Rights; Chief of Police Regulation Number 1 of 2009 on the Use of Force in Police Actions; Chief of Police Regulation Number 8 of 2009 on the Implementation of Human Rights Principles and Standards in the Execution of Polri Duties; and the International Covenant on Civil and Political Rights, which has been ratified through Law Number 12 of 2005. Secondary legal materials include scholarly literature providing explanation of primary legal materials, comprising legal textbooks, peer-reviewed academic journals, research reports, theses, and dissertations relevant to the themes of police discretion, Kamtibmas, legal certainty, and human rights protection [26]. as supporting materials, including legal dictionaries, legal encyclopedias, and glossaries of police terminology.

The technique for collecting legal materials in this study was carried out through systematic library research. The steps taken include: the identification and inventory of relevant sources of legal materials, the classification of legal materials according to their hierarchy and relevance, and the collection of materials from various academic databases such as Google

Scholar, Sinta Kemdikbud, JSTOR, and university repositories. The process of selecting legal materials takes into account the criteria of relevance (direct connection to the research topic), authority (level of source credibility), and currency (particularly for secondary sources, with priority given to publications from the last five years) [27].

The technique for analyzing legal materials employed is qualitative analysis using a prescriptive method. Prescriptive analysis in normative legal research aims to provide argumentation for the research findings, to assess whether a legal norm is appropriate or in need of revision, and to formulate improvement recommendations based on the analytical findings [28]. The analytical steps begin with description expounding on the content of prevailing legal norms followed by interpretation using various methods of legal construction (grammatical, systematic, historical, and teleological), critical evaluation of normative coherence and effectiveness, and the construction of arguments to address the research questions. Systematization of legal materials is carried out using vertical and horizontal synchronization techniques to detect potential normative conflicts or legal vacuums pertaining to the discretion of Samapta personnel [22].

Results

Exercise of Discretion by Personnel of the Samapta Directorate in Handling Kamtibmas Disturbances

The exercise of discretion by personnel of the Samapta Directorate in handling Kamtibmas disturbances in Indonesia is a complex and multidimensional phenomenon. Formally, the legal foundation for the exercise of Samapta discretion is sufficiently adequate. Article 18 paragraph (1) of Law Number 2 of 2002 grants authority to Polri officials to act in accordance with their own judgment in the public interest, subject to the requirement that such actions must not contravene prevailing law. Chief of Police Regulation Number 1 of 2009 further regulates the use of force in police actions, providing a graduated scale of authority ranging from verbal commands, the use of crowd control equipment, to the use of firearms as a last resort [4].

Although the normative framework appears fairly comprehensive, its implementation in the field reveals a number of significant problems. First, there is an inconsistency in action standards among personnel and across regional units. A Samapta officer at one regional police headquarters (Polres) may respond to a demonstration through dialogue and mediation, while a counterpart at a different Polres employs repressive tactics in a comparable situation. Ismaidar states that genuine police professional ethics are reflected not only in adherence to written rules, but also in the consistency of professional values embedded in every field decision, including discretionary decisions made under conditions of high pressure [37]. This inconsistency of action is not merely a matter of administrative consistency, but carries serious implications for legal certainty for the public [3].

Second, the scarcity of measurable operational technical guidelines constitutes a fundamental structural problem. The existing Kamtibmas management SOPs are still generic in character and insufficiently detailed to guide personnel in the specific situations they frequently encounter in the field such as handling inter-community conflicts, disbanding illegal gambling activities, or managing street vendors who resist removal. Sumarno particularly emphasizes that the existence of comprehensive and measurable SOPs is a key instrument in ensuring the consistency and quality of police field actions, as well as serving as a means of protecting personnel from accusations of abuse of authority [41]. Aspan affirms that the vagueness of technical guidelines creates the broadest space for the misuse of discretion [2]. that the existence of comprehensive and measurable SOPs is a key instrument for ensuring the consistency and quality of police field actions, and also serves as a protective tool for personnel against accusations of abuse of authority [41]. Aspan affirms that the vagueness of technical guidelines creates the broadest space for the misuse of discretion [2].

Third, the oversight mechanism for the exercise of Samapta discretion in the field remains severely limited. The internal oversight function that should be performed by the Polri Profession and Security Division (Propam) is frequently ineffective due to the limited number of supervisory personnel, the difficulty of accessing real-time information about field incidents, and an internal culture that tends to conceal the mistakes of fellow officers. External oversight by the National Human Rights Commission (Komnas HAM) and the Ombudsman of the Republic of Indonesia is also constrained by limited access to police operational documents and the minimal reporting from the public, who are reluctant to engage with formal institutions [5].

Fourth, the training and legal education component for Samapta personnel has not yet integrated a comprehensive approach to discretion. Police education curricula still largely focus on tactical-technical aspects, while understanding of the legal boundaries of discretion, the principle of proportionality, and human rights sensitivity is frequently taught in a theoretical manner without contextual case simulations. As a result, when personnel encounter genuinely complex situations in the field, they lack an adequate conceptual framework for making appropriate and measured discretionary decisions [15].

From a case perspective, several patterns can be identified. Cases involving the handling of mass demonstrations show that Samapta personnel frequently face a dilemma between executing orders from superiors to disperse crowds and respecting citizens' rights to assembly and to express opinions, as guaranteed by Article 28E of the 1945 Constitution. In such situations, the discretion of personnel is influenced not only by legal understanding, but also by hierarchical pressure, emotional conditions in the field, and perceptions of threat that may differ from one officer to another [13].

Siregar and Lubis emphasize that reform of the penal system in Indonesia requires a shift in the perspective of law enforcement officials from an approach solely oriented toward punishment to one that also takes into account restorative and humanistic dimensions [29]. This line of thinking is highly relevant in the Samapta context: handling Kamtibmas disturbances need not always culminate in arrest or the use of force; in many cases, a mediation approach and informed discretion-based informal resolution actually produces a more sustainable and broadly accepted settlement [21].

Optimal Formulation for the Exercise of Discretion by Personnel of the Samapta Directorate in Achieving Legal Certainty and Human Rights Protection

Formulating the optimal exercise of discretion by Samapta personnel is a challenge that requires a holistic approach, encompassing normative, institutional, and cultural dimensions. This formulation cannot be merely *de lege ferenda* (proposed law as it should be) without taking into account the actual current conditions of the Indonesian police institution. In other words, the optimal formulation must be realistic, measurable, and implementable in the medium-to-long term with available resources [22].

First, in the normative dimension, improvement of the legal framework governing police discretion is required. Article 18 of Law Number 2 of 2002, which serves as the legal basis for Polri discretion, needs to be strengthened by more operationally-oriented implementing regulations, particularly those governing the context of the Samapta Directorate. Ismaidar argues that within the Indonesian state administrative law system, discretionary authority unaccompanied by specific implementing regulations tends to produce inconsistent and legally indefensible actions [38]. A Chief of Police Regulation specifically governing Samapta discretion in detail is needed, covering situational criteria, a hierarchy of proportionate actions, documentation procedures, and post-incident reporting mechanisms [4].

Second, from the institutional perspective, it is necessary to develop a structured and nationally standardized discretion Standard Operating Procedure (SOP). This SOP must be drafted based on an in-depth analysis of the most frequently occurring Kamtibmas disturbance scenarios, and must provide sufficiently clear guidance without eliminating the flexibility genuinely required in dynamic field situations. According to Fuller, clarity of rules is a minimal

prerequisite for legal certainty [12]. Sumarno specifically affirms that an effective police SOP is not merely an administrative document, but a technical instrument that must be capable of practically, measurably, and periodically evaluably guiding personnel actions in the field [41]. Furthermore, this SOP must be supplemented with an incident classification system enabling retrospective evaluation of the quality of discretionary actions taken.

Third, strengthening the training and education system for Samapta personnel constitutes a long-term investment that cannot be overlooked. Education curricula must be revised to allocate a greater portion to case simulations and ethical decision-making under pressure. Ismaidar highlights that strengthening professional ethics in police education is a long-term investment whose results are only felt in the field behavior of personnel years later, and must therefore not be treated as a supplementary course but must become the core of the curriculum [37]. The integration of human rights material at every stage of Samapta training not as a separate module, but as a perspective that permeates the entire law enforcement approach is imperative if human rights protection is to become embedded in institutional culture rather than merely an administrative obligation.

Fourth, reform of accountability mechanisms is a pillar that must not be overlooked in this optimal formulation. Internal accountability needs to be strengthened through the mandatory documentation of every field discretion incident (field incident documentation), periodic evaluation of the quality of discretionary decisions by supervisors, and an incentive system that rewards the appropriate application of discretion not merely success in managing disturbances in the narrow sense [16]. Sumarno argues that meaningful Polri bureaucratic reform must begin with a change in the internal accountability system, which has long been oriented toward procedural reporting rather than substantive evaluation of the quality of field actions [40]. Daulay et al. remind that without effective accountability mechanisms, legal protection for parties confronted by officials will always remain illusory [30].

Fifth, the integration of the community policing approach into the operational paradigm of Samapta needs to be strengthened systemically. This means that Samapta personnel should be equipped not only with repressive skills for handling emergencies, but also with communication, negotiation, and mediation skills that enable them to exercise discretion preventively before situations escalate into open conflict. In the long term, this paradigm has the potential to reduce the need to exercise discretion in confrontational contexts and to enhance the quality of the relationship between the police and the community, which constitutes the foundation of sustainable Kamtibmas management [19].

Sixth, it is also important to consider the technological dimension in the optimal formulation of Samapta discretion. The use of body cameras for Samapta personnel deployed in the field already implemented in various democratic countries can enhance accountability while simultaneously protecting personnel from unfounded accusations. This technology also provides valuable empirical data for evaluating the quality of discretion and developing more contextually relevant training curricula [14]. Although its implementation requires significant budget investment, its long-term benefits in reducing discretion violations and increasing public trust are well worth considering.

Siregar affirms that criminal law reform in Indonesia cannot proceed effectively without being accompanied by comprehensive institutional reform, including reform in the way law enforcement officials understand and exercise their authority [6]. This statement aptly captures the essence of the optimal formulation of Samapta discretion articulated in this study: formulated in this study: not merely a change in regulatory text, but a comprehensive transformation in the way Samapta personnel understand their role as public servants bound by law, committed to human rights, and accountable to the communities they protect.

Conclusion

Based on the analysis conducted, this study yields two principal conclusions, each incorporating recommendations for improvement. First, the exercise of discretion by personnel

of the Samapta Directorate in handling Kamtibmas disturbances currently faces problems of a fairly fundamental nature, including: inconsistency in action standards, a scarcity of measurable technical guidelines, weak oversight mechanisms, and inadequate legal education regarding discretion for field personnel. Although Article 18 of Law Number 2 of 2002 has provided an adequate normative foundation, its implementation still creates a significant gap between *das sollen* and *das sein*. This gap carries implications not only for the effectiveness of Kamtibmas management, but also for legal certainty for the public and the protection of human rights that should constitute Polri's primary commitment. Therefore, systematic efforts are required to strengthen Samapta personnel's understanding of the legal boundaries of discretion, accompanied by the strengthening of more effective internal and external oversight mechanisms.

Second, the optimal formulation for the exercise of discretion by Samapta personnel that is capable of realizing legal certainty and human rights protection demands a multidimensional reform encompassing: improvement of the normative framework through a more specific and operationally-oriented Chief of Police Regulation; the development of a structured and nationally standardized discretion SOP as emphasized by Sumarno [41]; revision of training curricula with an emphasis on scenario-based training and the strengthening of police professional ethics as underscored by Ismaidar [37]; reform of the accountability system through mandatory incident documentation and transparent access for external supervisory institutions; strengthening of the community policing paradigm in Samapta operations; as well as the utilization of technology such as body cameras to enhance the transparency and accountability of field actions. This formulation is not intended to limit the authority of Samapta personnel in facing emergency situations, but rather to ensure that discretion is exercised appropriately, proportionately, and accountably as a concrete manifestation of a police force that is professional, humane, and committed to the values of democracy and human rights.

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