

Reforming the Limits of Discretion and Strengthening the Police Code of Ethics in Achieving Justice in Law Enforcement

Donny Widiyanto ¹, Azis Budianto ²

Borobudur University, Indonesia

donwidwsl@yahoo.com ¹, azis_budianto@borobudur.ac.id ²

Keywords

Discretion, Police, Code of Ethics, Law Enforcement

Abstract

Effective law enforcement requires clear regulations and high accountability. However, the use of discretion by law enforcement officers often poses a dilemma in maintaining a balance between flexibility and legal certainty. This study aims to analyze the legal regulations governing police discretion and code of ethics in Indonesia and to formulate a reform model to improve justice in law enforcement. This study uses a normative legal method with a legislative and conceptual approach, which examines written legal regulations and the underlying legal concepts. Data were collected from various relevant legal and scientific literature sources. The results of the study indicate that the use of undirected discretion can create injustice and reduce public trust in law enforcement officers. Reforms are needed to limit discretion by strengthening the police code of ethics and implementing clearer legal guidelines. The implications of this study include the development of policies that are more transparent, accountable, and in accordance with the principles of social justice. This reform is expected to increase the professionalism and legitimacy of the police in the eyes of the public.

Writer Correspondence : Azis Budianto

E-mail: azis_budianto@borobudur.ac.id



INTRODUCTION

Law enforcement is a process that aims to ensure compliance with the laws and regulations in force in a country (Arief, 2001). In essence, law enforcement is one of the main pillars for maintaining order, justice, and security in society. This process includes various activities such as investigation, prosecution, and implementation of court decisions. In practice, law enforcement officers such as the police are often faced with complex situations that require quick and precise decision making. In this context, police discretion is an important instrument to fill in legal gaps that are not regulated in a way explicit in regulation legislation (Adnyani, 2021). However, without adequate regulation, the use of discretion has the potential to create uncertainty, law and abuse authority (Baihaki, 2009).

Generally, law enforcement involves three main components: law enforcement agencies, the judiciary, and correctional institutions. These three components play a role in ensuring that violations of the law can be identified, processed through legal means, and punished appropriately to uphold social justice. The main function of law enforcement is to ensure that the established rules are enforced and applied consistently, without discrimination, and with a strong sense of justice. (B. Manan, 2009). Effective law enforcement requires not only clear legal provisions, but also the role of law enforcement officers who are professional, have integrity, and comply with the law. code ethics (J. Purba, 2017). In this case, law enforcement officers are often at the forefront of the law enforcement process, especially in handling crimes, maintaining public order, and handling violations of the law in society.

Globally, discretion in law enforcement has become a much-discussed issue, particularly regarding legal limits and accountability. In countries such as the United States and the United Kingdom, reforms to the use of discretion are ongoing to improve transparency and prevent

abuse power (Smith, 2020). The concept of discretion not only includes flexibility in law enforcement but also includes the principles justice and rights basic man (Williams, 2019).

In Indonesia, the use of discretion is often associated with ethical violations and abuse of power by police officers. Several high-profile cases involving abuse of authority demonstrate the urgent need to regulate use Discretion in a way more strict (Santoso, 2022). Weak internal supervision and lack of clarity in the police code of ethics become factor main contributors (Putra, 2023).

In modern legal systems, discretion plays an important role in ensuring that the law can be enforced in a more equitable manner . flexible and adaptive (Baihaki, 2009). This is particularly relevant in situations where existing laws cannot cover all possible scenarios or situations that arise on the ground. Discretion allows law enforcement officers, especially the police, to use their professional judgment in deciding the most appropriate course of action according to the needs and conditions on the ground. For example, in the case of a minor offence, a police officer may decide to issue a verbal warning rather than pursue the case in court, to avoid burdening an already overcrowded justice system and to consider the social impact of harsh legal action. Discretion also allows a more approach human to enforcement law , where officers police can take into account non- legal factors like background behind social perpetrator or victim, condition psychological , and effects enforcement law to public (C. DL, 2002). For example, in dealing with cases involving minors, a police officer may prefer an educational approach rather than simply imposing punishment, to provide an opportunity for rehabilitation and social reintegration.

Giving the police discretion actually creates a dilemma, because it is basically contrary to the principle of acting according to the law. Discretion has the potential to damage legal certainty, while one of the main functions of the law is give certainty for public (Ridwan, 2014). Law plays a role in creating order and security by establishing clear and predictable rules. However, discretion allows room for law enforcement officers, especially police, to make decisions based on situations for reasons that are not always detailed by law (D. Krishna, 2012). This creates uncertainty in law enforcement because decisions made by the police can vary depending on the situation and individual judgment. However, laws that are too rigid and detailed that regulate every aspect of people's lives can cause the legal system to become inflexible, which ultimately limits the social and economic dynamics of society. In this context, discretion is a necessary complement to maintaining flexibility in the application of law in the field.

The use of discretion by law enforcement presents a number of challenges, especially when there is a lack of clear guidelines or adequate oversight. Discretion, which essentially allows police to make quick decisions based on the situation on the ground, can be a double-edged sword. On the one hand, discretion allows for flexibility in applying the law, which is especially important when dealing with complex or unpredictable situations. On the other hand, without clear rules, discretion can be a source of abuse of power, resulting in injustice. Law enforcement, as enforcers of the law, have the potential to abuse this discretion, making decisions that favor certain groups or even acting on personal preferences that are not based on principles of law or justice.

One common problem that arises from the use of discretion is imbalance in law enforcement. For example, discretion is often used to decide whether to detain or release someone when caught breaking the law. In some cases, law enforcement officers may show a tendency to be more lenient toward individuals with certain connections or social access, while others are treated more harshly without clear justification. This creates the perception that the law is being applied unequally, which ultimately undermines public trust in police and law enforcement agencies. When law enforcement uses their discretion in a biased or self-interested manner, it can lead to serious injustices in society.

Abuse of police discretion can have a direct impact on human rights and the principles of justice. One concrete example of abuse of discretion is when the police arbitrarily detain someone without sufficient evidence or a strong legal basis, or conversely, release certain perpetrators of crimes because of personal interference or interests. Such practices clearly violate the principle of equality before the law and undermine public justice. In some

countries, there have been cases where such policies have been used to disproportionately target minority or vulnerable groups, perpetuating racial or social discrimination. Another example of abuse of discretion is when the police decide to stop investigating a criminal case for reasons that are not transparent.

In some situations, the termination of these investigations is not based on legitimate legal considerations, but rather on political pressure, personal relationships, or corruption. This creates space for perpetrators to avoid legal consequences, while victims of crimes do not receive the justice they deserve. Such injustices illustrate that the use of discretion without accountability can lead to human rights violations and undermine the integrity of the justice system.

Several studies have discussed the importance of discretion in law enforcement. For example, (Hartono, 2021) highlight the need clearer guidelines in the use of discretion to avoid multiple interpretations of the law. While That, (Susanto, 2022) emphasize that strict internal supervision must be accompanied by strict sanctions to enforce the code of ethics effectively. In addition, Nugraha, (2023) propose strengthening regulation law to create more justice Good in system justice criminal.

This study provides an update by highlighting the relationship between legal regulations and their implementation in police practice. Unlike previous studies, this study proposes a comprehensive reform model through a normative approach that includes instruments, relevant laws and institutions (Pratama, 2024)

This study aims to analyze the laws and regulations governing police discretion and code of ethics in Indonesia, and to formulate a reform model that can improve justice in law enforcement.

RESEARCH METHODS

The normative legal research method is an approach used to study and examine law as a system of applicable norms. In this method, the focus of research is on written legal rules, whether in the form of legislation, legal doctrine, or court decisions. Normative legal research aims to analyze and understand how existing legal rules are regulated, applied, and interpreted, and whether these rules are in line with broader legal principles such as justice and legal certainty. This method is often used to examine legal issues from a normative perspective, by examining existing legal provisions and assessing their relevance and appropriateness in practice.

Legislative approach and conceptual approach are two main approaches in normative legal research methods. The legislative approach focuses on the analysis of applicable regulations, both at the national and international levels, to identify relevant legal rules related to the problem being studied. In this approach, researchers will study existing laws and regulations, how they are formulated, and how they are applied in the field. The conceptual approach, on the other hand, focuses on more fundamental legal concepts, such as justice, freedom, or legal responsibility. This approach aims to deepen the understanding of the legal principles underlying these regulations, as well as to explain relevant legal concepts related to the problem at hand.

During the research process, several challenges and limitations faced include limited access to primary data from police institutions, which hinders more comprehensive data collection. In addition, the limited literature that discusses the implementation of the police code of ethics in Indonesia in depth is also an obstacle. Another influencing factor is the dynamic regulatory changes that require continuous data updates. These obstacles are overcome through a data triangulation approach from trusted secondary sources and interviews with relevant legal experts.

RESULTS AND DISCUSSION

Research result

The results of this study indicate that the reform of discretionary limits and the strengthening of the police code of ethics in Indonesia play an important role in creating legal justice. Data obtained through normative analysis of regulations and the implementation of

law enforcement show that unclear discretionary limits often have the potential to be a source of abuse of authority by law enforcement officers.

To clarify the findings, several illustrations are presented in the form of graphs, tables and diagrams which show:

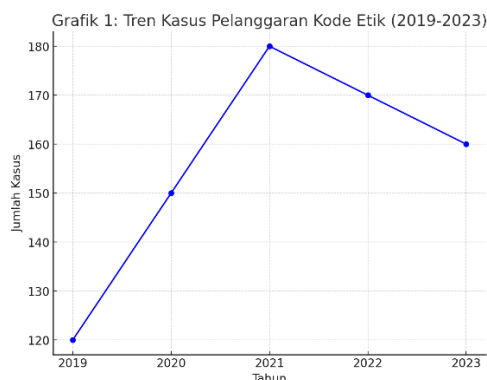


Chart 1. Trends in code of ethics violations in the last five years

Chart 1: Trend of Code of Ethics Violation Cases (2019-2023)

This graph shows the fluctuation in the number of cases of code of ethics violations that occurred in the last five years. The increase in the number of cases was seen from 2020 to 2021, which then decreased in the following two years. This indicates the potential for strengthening internal supervision or implementing more effective regulations during this period.

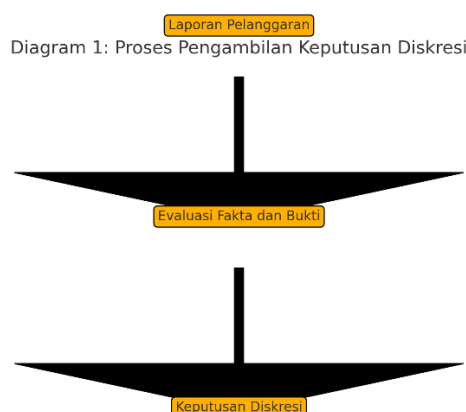


Diagram 1. Discretionary decision-making process in the context of the Indonesian police.

Diagram 1. Discretionary Decision Making Process

This diagram illustrates the stages of the police discretionary decision-making process. The process begins with receiving a report of a violation, followed by evaluating facts and evidence, and then making a discretionary decision. This diagram shows that each stage requires transparency and accountability to ensure that the decision is made in accordance with the principles of justice.

Discussion

Limitations on the Use of Discretionary Authority by Law Enforcement Officials in pursuit of justice

Discretion refers to the authority given to law enforcement officers, including police, to make decisions based on situational considerations and specific circumstances. In the context of policing, discretion allows officers to assess and determine the most appropriate course of action in complex and dynamic situations. This is especially important because not all situations can be explicitly specified by law; therefore, police need flexibility to act quickly and effectively. Discretion includes not only administrative decisions, such as determining whether to take a police report, but also operational actions in the field, such as deciding whether to detain someone involved in an offense. In this regard, discretion serves to

accommodate the various social and cultural nuances that may not be fully addressed by existing legislation.

The importance of discretion in law enforcement cannot be overstated. Discretion allows police to adapt to the specific contexts they encounter on the ground, allowing for more responsive and relevant law enforcement. For example, in emergency situations, such as an ongoing criminal incident, police may need to use discretion to take immediate action to prevent further harm or secure the scene. Additionally, discretion allows police to adopt a more humane approach, such as prioritizing mediation in minor offenses, which can reduce the burden on the justice system. However, the exercise of discretion must be done carefully and based on the principles of fairness, transparency, and accountability to avoid creating legal uncertainty or potential abuse of power that could undermine public trust in law enforcement agencies.

The police serve as an important component of criminal law enforcement, having duties and authorities structured within a legal framework. From a legal perspective, the duties and authorities held by the police are functionally aimed at implementing and enforcing the law, making them the guardians of the integrity and stability of applicable law. In this context, the police are expected to operate within a set of established rules, including existing laws, legal doctrines, and generally accepted principles in the field of criminal law. As a result, law enforcers are often referred to as "law enforcers" or "law enforcement officers", highlighting their role in ensuring that the law is applied and enforced fairly.

Understanding the position of the police as law enforcement officers has significant implications for their legitimacy and accountability. The police have no mandate or legitimacy other than to enforce the law, so every action and decision they make must be justified in a legal context. The main responsibilities of the police include receiving reports or complaints from the public regarding criminal acts, conducting investigations and inquiries, and filtering cases that meet the criteria to be brought to the prosecutor's office. In addition, the police are also responsible for reporting the results of the investigation to the prosecutor and protecting all parties involved in the criminal justice process. In this sense, the role of the police cannot be separated from the implementation of the law; once all legal orders have been implemented, their job is considered complete.

However, in practice, not all police tasks can be carried out in accordance with established formal procedures. Often, they face unexpected circumstances that require rapid situational assessment. In these circumstances, the police must make discretionary policy decisions based on assessments relevant to the context at hand. For example, in emergencies or when faced with unusual violations of the law, the use of discretion becomes important to align their actions with the realities on the ground. Without proper discretion, the police can be trapped within rigid legal boundaries and unable to respond effectively to the situation. These policies often require police officers to be more flexible, allowing them to operate more effectively and responsively to the needs of the community.

In carrying out their duties and authorities in enforcing criminal law, the police often face situations or conditions that force them to exercise discretion. One of the main reasons for the use of discretion is the choice that must be made by law enforcement officers, which depends on rational and fundamental judgments. However, each of these options faces possible alternatives, where ideally, the law should provide the right and accurate solution for each case. Difficulties in interpreting the law often arise from the ambiguous and unclear nature of legal language, thus creating uncertainty (uncertainty) regarding the legislator's intent. Legal philosopher Ronald Dworkin argues that when there is a legal gap, or a situation where the law does not fully provide the right answer, the decisions made by law enforcement officers cannot be fully regulated by the standards set by legal authorities.

Another reason for the use of discretion relates to the inherent inconsistencies in legal grammar, which often create uncertainty. Hartian positivist thinking highlights semantic problems in law that can lead to confusion and challenges in the application of the law. In this context, discretion becomes a legitimate tool to address the problems faced by legal officials. In addition, the existence of legal gaps is another source of discretionary use, where legal interpretation is required to choose from a variety of alternative solutions when there is no

clear normative answer. This legal vacuum is not only related to semantic ambiguity, but can also occur in situations where there is no applicable legal rule. For finish problem certain.

Contradictions or inconsistencies between different laws also pose challenges for police decision-making. When different legal effects are applied to the same factual conditions, a conflict of norms arises that requires resolution. In such situations, police and prosecutors must determine which norm is relevant to apply. If more than one norm governs a particular issue, law enforcement officers have the autonomy to choose the criteria they deem appropriate to make a decision. Therefore, the use of discretion is essential in helping police navigate the complexities of the law, although it must still be done carefully and with due regard to the principles of justice and compliance with applicable law. This ensures that the actions taken are not only effective but also legally accountable.

From the conditions discussed, it can be concluded that problems related to the use of discretion among law enforcement officers, such as police and prosecutors, often arise due to the lack of clear guidelines, or, if there are any, they may be abstract and difficult to apply in practice. This leads to the application of discretion that is highly dependent on individual subjectivity. When law enforcement officers have a strong understanding of moral and ethical values, they tend to use discretion in a way that fosters a sense of justice and tranquility in society. Conversely, if a police officer or prosecutor ignores moral and ethical values, the use of discretion can result in arbitrary actions that harm society and reduce public trust in legal institutions.

Discrimination lies at the intersection of law and morality. For law enforcement officers who are deeply involved in their profession, moral values serve as a guiding force that directs their actions to a higher standard. Therefore, every law enforcement officer is expected to have a strong moral foundation to guide them in making decisions. These moral values must be regulated by clear norms that are applied in the code of ethics of the legal profession. This code of ethics is an important guideline for law enforcement officers in implementing discretion, ensuring that decisions taken are not only based on legal considerations, but also consider fundamental moral and ethical aspects. However, in practice, law enforcement officers have not fully adopted a clear and comprehensive code of ethics. Even if they have a code of ethics, the formulation is often too abstract and does not provide concrete guidance. In addition, this code is not supported by firm and strong sanctions as found in positive law, such as statutes. The lack of clear guidelines and adequate sanctions in the code of ethics of the profession makes it very challenging to monitor the use of discretion by law enforcement officers.

Meanwhile, the code of ethics in the police and prosecutor's office cannot function as an effective reference, because it does not have binding authority, either individually or institutionally. As a result, control over the use of discretion by law enforcement officers becomes weak and ineffective. In this situation, it is very important to strengthen the existing code of ethics by providing more concrete definitions and guidelines while including clear sanction mechanisms. This aims to ensure that the code of ethics can truly become a guideline that is expected to limit and direct the application of discretion in the law enforcement process. Ambiguity in the code of ethics can make law enforcement officers feel free to act according to their personal wishes, without clear accountability. This can create opportunities for abuse of power and arbitrary actions, which ultimately harm justice and reduce public trust in legal institutions.

Abuse of discretion by police officers is a serious problem that can lead to a variety of negative risks affecting the individuals involved and the police agency itself. One potential risk of discretionary abuse is decisions made without considering the principles of fairness and equality. When officers use discretion to bypass existing legal procedures, or when their decisions are based on personal preferences or biases, this can result in unfair treatment of the public. For example, in handling certain cases, an officer may be more inclined to show leniency to certain individuals while imposing harsher sentences on others without clear justification. This situation not only undermines fairness but also creates the impression that the law can be negotiated or selectively enforced, eroding public trust in the legal system.

The impact of discretionary abuse can be very damaging to public trust in the police as a law enforcement agency. When people feel unfairness in the application of the law, they tend

to lose confidence that the police are acting in the public interest. This decline in public trust can have implications for the relationship between the public and law enforcement, making people reluctant to cooperate in reporting crimes or providing necessary information to the police. In the long term, this decline in trust can lead to weaknesses in law enforcement efforts, as citizens do not feel safe or protected by the institutions that are supposed to protect them.

In addition, abuse of discretion can also affect the legitimacy of the police institution itself. When arbitrary actions or abuse of power are exposed, the police institution can experience a crisis of legitimacy, affecting its image and reputation in the eyes of the public. In such a situation, the police institution can be labeled as unreliable and unfair, which in turn can worsen the relationship between the police and the community. With increasing public scrutiny and demands for accountability, continued abuse of discretion can trigger protests or even social movements calling for reforms in law enforcement institutions.

Reform Efforts in Limiting Discretion and Strengthening the Police Code of Ethics to Enhance Fair Law Enforcement

The current situation regarding the use of discretion by police officers in Indonesia presents a complex challenge, where freedom of decision-making is often accompanied by the risk of abuse of power. While discretion is needed to address dynamic and diverse situations on the ground, the practice is often marked by uncertainty and ambiguity in existing guidelines, which ultimately leads to injustice in law enforcement. Many cases show that the use of undirected discretion can result in inconsistent treatment of individuals or groups, creating perceptions of bias and discrimination in law enforcement. As a result, public trust in the police decreases, making the public reluctant to collaborate with law enforcement officers, and worsening relations between the police and the community. In addition, abuse of discretion can trigger human rights violations and erode the legitimacy of the police institution as an entity that must protect and uphold justice.

Discretion is the authority held by police officers to make decisions or choose certain actions in handling violations of the law or criminal cases. The use of discretion is very important because decisions made by the police must consider various aspects, including ethical standards, as well as comply with applicable legal provisions. Individual discretion refers to discretionary actions taken by officers in the field without the need for guidance from superiors. For example, an officer can signal for traffic to continue even though the traffic light is red to avoid congestion. However, actions such as rejecting a case, deciding whether to detain a suspect, or stopping an investigation do not qualify as individual discretion; it falls into the category of bureaucratic discretion, where decisions are made based on organizational policies that have been agreed upon within the police organization.

Discretion is particularly relevant in the context of police work for several reasons. First, laws are often written in overly general language, making them difficult to use as detailed guidelines for officers in the field. Second, laws should serve as a means to achieve justice and maintain order, not the sole means to achieve those ends. Third, considerations of officers' resources and capabilities also influence the discretionary actions taken. James Q. Wilson identifies four types of discretionary action situations: first, police-requested law enforcement, in which the police have broad grounds for using discretion; second, citizen-requested law enforcement, in which the public takes the initiative and discretion is unlikely; third, police-requested order maintenance, in which discretion and leadership control are balanced; and fourth, citizen-requested order maintenance, in which the exercise of discretion is necessary even without the approval of a superior.

In practice, the law does not always apply rigidly to all individuals and in every situation, as outlined by the law. A narrow perspective in criminal law may be contrary to the purpose of the law itself, which is to create justice for society. If every social activity is strictly regulated, daily life can become burdensome and unpleasant. Therefore, law enforcement officers are expected to be able to filter every case that enters the legal process, using discretion as a tool to achieve justice. Selective law enforcement, a form of bureaucratic discretion, occurs when decisions are made based on organizational priorities rather than solely on legal grounds. In formal criminal law, police actions to ignore a case cannot be justified, given the

uncompromising nature of criminal law. Sociological considerations that are often used in practice can be subjective and situational, thus requiring a strong legal basis to provide legal certainty for investigators and the public. Discretion can also be influenced by ambiguity in understanding the law regarding discretionary authority, as well as policies from officials in the bureaucracy who can support discretionary actions to meet operational needs or personal interests. In addition, a weak control system contributes to the abuse of discretion. The public's reluctance to resolve their cases through legal channels also worsens this situation.

The use of discretion by police officers must be based on a strong legal basis to avoid misunderstanding as a tool for personal gain. Some laws that underlie the application of discretion in the criminal law enforcement process in Indonesia include Article 15 paragraph (2) and Article 16 paragraph (1) letter l of Law No. 2 of 2002 concerning the Republic of Indonesia National Police, which gives the police the authority to act in accordance with the law and responsibility. This action must meet the criteria of validity, fairness, and respect for human rights. In addition, Article 5 paragraph (1) letter a number 4 and Article 7 paragraph (1) letter j of the Criminal Code also empower investigators to take other actions in accordance with the law. Discretion can also be based on customary law, as seen in Bali with the practice of cockfighting, where the police can choose not to take action against the activity, even if it is categorically illegal gambling.

Although the police have the authority to act based on personal judgment, the exercise of discretion should not be arbitrary. Discretion must remain within the framework of existing laws and authorities. Several considerations can be prioritized in the exercise of discretion in resolving criminal cases, including expediting the resolution of cases, preventing a backlog of cases, and achieving a mutually beneficial solution for the parties involved. In addition, compassion for the victim can be a reason not to prolong the case, especially if the parties have agreed to resolve the problem peacefully through reparation.

Despite the importance of discretion as a tool in the performance of police duties, there are currently no clear and definitive rules that limit the use of discretion in law enforcement. The absence of detailed guidelines often leads to uncertainty in decision-making by law enforcement officers. As a result, discretionary actions can vary significantly from officer to officer, depending on the individual's understanding and interpretation of the situation at hand. This potential creates opportunities for arbitrariness and abuse of power, where some officers may exploit their discretion for personal gain or to avoid legal responsibility. Without clear boundaries, discretionary actions can lead to injustice and inconsistent law enforcement, harming the citizens they are supposed to protect.

A concrete example of this problem can be found in cases where the police choose not to pursue clear violations of the law based on subjective and unjustified reasons. For example, in cases of gambling involving local cultural activities, such as cockfighting in Bali, the police may choose not to take action, even if the behavior violates the law. Such choices, while potentially based on social and cultural considerations, highlight gaps in the legal guidelines that should govern discretionary measures. Without strict oversight and a clear legal framework, the potential for abuse of discretion remains a significant challenge in law enforcement, which can ultimately undermine public trust in the police.

Efforts to reform the limitations on discretion and strengthen the police code of ethics are essential to ensure fair and transparent law enforcement. There is a need to develop and refine regulations governing the use of discretion by police officers. These regulations should provide clear and firm guidelines regarding the limits of discretion that officers can exercise. This includes defining the situations in which discretion can be applied, as well as the criteria that must be met in order to use discretion. With concrete guidelines in place, it is hoped that every discretionary action can be accounted for and free from potential abuse.

Reforms must also include strengthening the police professional code of ethics. This code of ethics must be formulated with the involvement of all elements within the police institution and reflect high moral and ethical values. Enforcement of the code of ethics must be taken seriously, including imposing strict sanctions on those who violate it. Through ongoing training and education, police officers are expected to understand the importance of ethics in carrying out their duties and internalize the values of justice and propriety in every

decision-making process involving wisdom. Thus, it is hoped that the discretionary actions taken will be more in line with the public interest than just personal judgment.

To support these reform efforts, it is essential to increase transparency and accountability in the implementation of police duties. This can be achieved through stricter oversight mechanisms, both from within the police institution itself and by civil society. The public must be involved in the process of monitoring and reporting discretionary actions that are considered deviant, providing channels for complaints or reporting abuse of discretion. In addition, the application of information technology in supervision can serve as an effective tool for real-time monitoring of police actions. With a combination of these efforts, it is hoped that reforms in limiting discretion and strengthening the police code of ethics can be realized, creating a fairer and more trustworthy law enforcement system.

CONCLUSION

The use of discretion in law enforcement by police officers shows that, although discretion plays an important role in handling various legal situations flexibly and responsively, its application must still be well managed to avoid abuse. Discrimination carried out without clear guidelines has the potential to create injustice and damage public trust in the police institution. Therefore, it is important to develop and implement strict regulations, as well as a code of ethics that governs the wise use of discretion, so that every decision taken by law enforcement officers can be accounted for and in line with the principles of justice.

In addition, ongoing reform efforts in the law enforcement system are essential to improve accountability and transparency. Community involvement in the oversight process, as well as the use of information technology, can be strategic steps to ensure that discretionary actions taken by police officers are not only oriented towards efficiency but also towards justice and human rights. Thus, these reforms will help create a more professional and ethical police institution that can meet public expectations for fair law enforcement. The success of these reforms will have a positive impact on the legitimacy of the police institution and increase public trust in the law as a means to achieve social justice.

REFERENCE

- Adnyani. (2021). Authority Discretion Indonesian Police in Criminal Law Enforcement . *Journal Scientific Knowledge Social* .
- B. Manan. (2009). *Law Enforcement of Searches* . Association Indonesian Advocate .
- BN Arief. (2001). *Problems Law Enforcement and Policy Crime Prevention* .
- C. DL. (2002). Discretion and Corruption . *Journal Indonesian Police* .
- D. Krishna. (2012). *Power Discretion Government* .
- E. Baihaki . (2009). *Dialectics Police , Society and Communication* . UNPAD Press.
- HR Ridwan. (2014) . *Government Policy and Responsibility* .
- Hartono, D. (2021). *Criminal Law and Law Enforcement in Indonesia* . Gramedia.
- J. Purba . (2017). *Law Enforcement Against Motivated Crimes Low with Justice Restorative* . Jewel Net Aksara .
- Nugraha , Y. (2023). *Legal Reform in the Modern Era* . Mandala Press.
- Pratama , F. (2024). *Police and Justice : Normative Legal Perspective* . Andi Publisher .
- Putra, A. , & MT (2023). Mixed hand political in enforcement Law . *Journal Knowledge Indonesian Politics* .
- Santoso, R. (2022). Regulation Discretion in Indonesian Criminal Law . *Journal of Criminal Law* .
- Smith, A. & JB (2020). The Role of Wisdom in Modern Police . *Journal International Law enforcement* .
- Susanto, E. (2022). *Code of Ethics and Challenges of Police Law* . Law Library .
- Williams, D. (2019). Policing and Accountability in the 21st Century. *Journal of Law Reform*.