



Legal Void Regarding Discretion In The Police and The Urgency of Its Reformulation

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Abstract

Discretion is an integral part of the authority of law enforcement officers in the modern state administration system, including within the Indonesian National Police. In the context of dynamic police duties and functions that often confront unexpected situations, discretion provides a means for officers to act swiftly to maintain public order and security. However, the use of discretion by the police also carries the potential for legal issues if not supported by a clear and measurable normative framework. The fundamental problem that arises is the indication of a legal vacuum or unclear boundaries and mechanisms for implementing such discretion, which have implications for the accountability of officers' actions in the field. The absence of detailed guidelines often leads to overlapping legal interpretations and opens up loopholes for abuse of authority. It raises an urgent need to reformulate the regulation of discretion in Indonesian police law to align with the principles of a state based on the rule of law that guarantee legal certainty, justice, and the protection of human rights. This research uses a normative juridical method, an approach that focuses on the study of primary and secondary legal materials, including laws, legal literature, and other relevant normative documents. This approach aims to analyze the concept of discretion in administrative law, evaluate applicable laws and regulations, and identify normative deficiencies in current police discretionary arrangements. With this framework, this research is expected to provide theoretical and practical contributions to the development of a more responsive and accountable police legal system.

Keywords: *Legal Vacuum, Police Discretion, Legal Certainty.*

Abstrak

Kebijaksanaan merupakan bagian integral dari kewenangan aparat penegak hukum dalam sistem administrasi negara modern, termasuk di dalam Kepolisian Negara Republik Indonesia. Dalam konteks tugas dan fungsi polisi yang dinamis yang sering menghadapi situasi yang tidak terduga, diskresi menyediakan sarana bagi petugas untuk bertindak cepat menjaga ketertiban dan keamanan umum. Namun, penggunaan diskresi oleh kepolisian juga membawa potensi masalah hukum jika tidak didukung oleh kerangka normatif yang jelas dan terukur. Masalah mendasar yang muncul adalah indikasi kekosongan hukum atau batasan dan mekanisme yang tidak jelas untuk menerapkan diskresi tersebut, yang berimplikasi pada akuntabilitas tindakan petugas di lapangan. Tidak adanya pedoman terperinci sering menyebabkan interpretasi hukum yang tumpang tindih dan membuka celah untuk penyalahgunaan wewenang. Hal ini menimbulkan kebutuhan mendesak untuk merumuskan kembali peraturan diskresi dalam hukum kepolisian Indonesia agar selaras dengan prinsip-prinsip negara berdasarkan supremasi hukum yang menjamin kepastian hukum, keadilan, dan perlindungan hak asasi manusia. Penelitian ini menggunakan metode yuridis normatif, pendekatan yang berfokus pada studi materi hukum primer dan sekunder, termasuk hukum, literatur hukum, dan dokumen normatif lain yang relevan. Pendekatan ini bertujuan untuk menganalisis konsep diskresi dalam hukum administrasi, mengevaluasi peraturan perundang-undangan yang berlaku, dan mengidentifikasi kekurangan normatif dalam pengaturan diskresi polisi saat ini. Dengan kerangka ini, penelitian ini diharapkan dapat memberikan kontribusi teoritis dan praktis bagi pengembangan sistem hukum kepolisian yang lebih responsif dan akuntabel.

Kata Kunci: Kekosongan Hukum, Kebijakan Polisi, Kepastian Hukum.

INTRODUCTION

Discretion is a crucial concept in the legal system, particularly in the realm of state administrative law, granting public officials the authority to make decisions based on their own judgment in situations not expressly regulated by law (Ashfiya 2023). In practice, discretion is not a violation of the law, but rather an instrument of legal flexibility that allows state officials to continue carrying out their duties despite legal gaps or ambiguities (Rumbawer 2024). This concept is closely related to the context of the police institution, which is responsible for maintaining order and security, and enforcing the law amidst highly complex social dynamics (Arif 2021).

Within the Indonesian National Police, discretion is frequently used in decision-making in the field, particularly in emergencies or situations requiring a rapid response (Adnyani 2021). For example, when riots, traffic accidents, or threats to public order occur, police officers cannot always directly refer to existing regulations, necessitating immediate personal discretion. Discretion in this context allows the police to remain within the law, even in the absence of written regulations explicitly governing such actions. It is where discretion plays a vital role, serving as a bridge between legal requirements and practical realities on the ground (Suparman 2020).

However, despite the urgency of using discretion within the police institution, there is also the potential for abuse of authority that cannot be ignored. Discretion that lacks clear boundaries and is not supported by strict oversight mechanisms risks giving rise to arbitrary action (Suteja 2013). Throughout the history of law enforcement in Indonesia, numerous cases demonstrate how discretion has been used as a shield for human rights violations, criminalization, or disproportionate repressive actions. When discretion is used without careful moral and legal considerations, its primary function as a balancing tool becomes biased and undermines public trust in the police institution itself (Zulfa 2016).

Legally, the definition of discretion is explained in state administrative law, which defines it as a form of freedom of action granted to state administrative officials in carrying out their functions (Taufiqurrahman 2024). Discretion is not an act of absolute freedom, but rather an act that remains within the bounds of the law, even if carried out in a normative vacuum (Munaf 2018). In this sense, discretion requires a high degree of legal consideration, ethics, and professionalism. Meanwhile, abuse of authority is an act that exceeds the limits of legal authority or uses authority for illegitimate purposes (Simanjuntak 2018). The fundamental difference between the two lies in the orientation and legal basis of the action. Discretion aims to fill a legal vacuum for the public interest, while abuse of authority leads to violations of the law and personal interests (Arief 2022).

In the Indonesian context, police discretion is regulated normatively in Law Number 2 of 2002 concerning the Indonesian National Police. One important article relating to discretion is Article 18 paragraph (1), which states that officers of the Indonesian National Police, in carrying out their duties, may exercise police discretion in certain situations to ensure public order and prevent crime (Luntungan 2023). This provision provides the legal basis for the police to act according to their judgment in urgent circumstances. However, unfortunately, this norm does not yet clearly define the limits, procedures, or parameters for its implementation.

In addition to the Police Law, another regulation related to discretion is Law Number 30 of 2014 concerning State Administration in conjunction with Law Number 6 of 2023, which defines discretion as a decision or action determined or carried out by government officials to address governmental stagnation in certain circumstances for the

public interest (Syafriil 2023). This law extends the meaning of discretion to various government institutions, including the police as part of the state apparatus. However, the relationship between these two regulations is not yet fully synchronized, particularly regarding the development of technical guidelines and accountability mechanisms for discretionary actions.

Discretion has strategic value in public service because it enables state officials to act quickly, adaptively, and efficiently in the dynamic field conditions (Putra 2019). In the police force, the decision not to detain someone, divert a case, or postpone legal action are concrete examples of how discretion can be used to salvage a situation without always having to wait for a lengthy and rigid legal process. However, such decisions must not be separated from careful oversight and consideration, as they affect the fate of individuals, the public interest, and the legitimacy of the legal institution itself.

It is not uncommon for police officers to face complex moral and legal dilemmas in certain circumstances. For example, in an emergency where a swift action could save many lives, while there is no clear legal basis for that action. In such situations, discretion becomes a logical compromise. However, it is important to remember that such decisions must be ethically and legally accountable, so that the officers involved do not fall into the trap of exceeding their authority (Rijal 2021).

The exercise of discretion in the police force is linked to respect for human rights. When discretion is used in the context of repressive law enforcement, citizens' rights, such as the right to liberty, justice, and humane treatment, are potentially violated. Therefore, the exercise of discretion must always consider universal human rights principles. The concerns not only the effectiveness of the action but also the moral legitimacy of the action itself.

Discretion is not simply a matter of freedom of action within a legal vacuum, but also how to exercise authority wisely, proportionally, and responsibly. Herein lies the greatest challenge in the practice of discretion in the police: maintaining a balance between legal interests, operational needs in the field, and the protection of citizens' fundamental rights. When discretion is exercised within a strong legal framework, high ethical standards, and adequate oversight, the police institution will be able to enforce the law without losing legitimacy and public trust.

The legal vacuum in the context of police discretion cannot be understood simply as the complete absence of legal norms. Normatively, discretion has a legal basis in Law Number 2 of 2002 concerning the Indonesian National Police and Law Number 30 of 2014 concerning State Administration. However, the existence of these norms has not been accompanied by adequate regulations regarding substantive limits, objective parameters, and accountability mechanisms for the use of discretion by police officers. As a result, discretion is often understood as a space for freedom of action without clear technical guidance, creating legal uncertainty for both law enforcement officials and the public. Within this framework, the legal vacuum referred to is not an absolute normative vacuum, but rather a vacuum of technical, operational, and procedural regulations that should be the primary support for the accountable implementation of discretionary authority.

This absence of technical regulations and accountability mechanisms creates serious problems in law enforcement practices. Discretion, which should function as an instrument to bridge the limitations of positive law, instead has the potential to become a space of subjectivity that is difficult to control. The absence of clear indicators regarding when discretion can be used, the decision-making procedure, and how such actions must

be legally accounted for opens the door to differing interpretations, inconsistent application, and even abuse of authority. This situation not only undermines the principles of legal certainty and legality but also has implications for the protection of human rights and public trust in the police institution. Therefore, the legal vacuum in the regulation of police discretion needs to be understood as a normative problem that stems from the lack of comprehensive structured regulation of discretion, thus demanding a critical analysis and reformulation of legal regulations that are clearer, more measurable, and more accountable.

METHOD

This research employs a normative juridical method, an approach based on the study of applicable legal norms. This method is done by examining various laws and regulations related to discretion within the police institution, including Law Number 2 of 2002 concerning the Indonesian National Police and Law Number 30 of 2014 concerning State Administration. This approach also includes a conceptual analysis of relevant administrative law theories and legal doctrines, to understand the limitations and scope of discretion from a legal scientific perspective. The legal materials used consist of primary legal materials such as laws and other regulations, as well as secondary legal materials such as books, scientific journals, and literature discussing the discretion and authority of law enforcement officers. This research does not involve empirical data in the form of interviews or field studies, but rather focuses on the processing and logical reasoning of existing legal norms. Through this normative approach, the research aims to identify normative problems related to legal gaps in the implementation of discretion by the police and provide an in-depth legal understanding in the context of developing a more comprehensive legal system.

RESULT AND DISCUSSION

Analysis of Legal Gaps in the Implementation of Discretion by the Police

Discretion within the police force should serve as a flexible legal framework when written regulations fail or fail to address concrete issues on the ground. However, in practice in Indonesia, the implementation of police discretion still faces serious challenges, one of which is the lack of technical regulations governing the operational implementation of such actions. There are no detailed and uniform internal guidelines or regulations on how, when, and to what extent police officers can exercise discretion. The absence of such regulations leaves discretion too broad and susceptible to subjective interpretation, depending on the individual officer's perception or judgment.

The lack of standard procedures for the use of discretion also reinforces the vulnerable position of both police officers and the public. In various legal systems that emphasize legal clarity and certainty, discretion remains bound by formal mechanisms that limit its use to prevent arbitrary actions. However, in Indonesia, there is no legal instrument that provides in-depth technical guidance for all levels of the police force in exercising discretion. As a result, discretionary actions in the field are often poorly documented, cannot be objectively audited, and are difficult to legally account for if they have negative impacts.

When discretion is exercised without clear boundaries and firm technical guidelines, the potential for abuse of authority is enormous (Arifin 2025). An officer may act based on "good intentions" or efficiency, but without a strict legal framework, such actions could violate individual rights or create injustice. This situation becomes even more serious when oversight mechanisms for such discretionary actions are ineffective. The absence of specific institutions or procedures to systematically oversee the

implementation of discretion leaves these actions virtually free from public and internal police oversight (Pambudi 2025).

Furthermore, legal controls, which should act as a bulwark against abuse of discretion, are not yet fully functional. In a modern legal system, all administrative authority should be subject to oversight, whether through internal mechanisms such as functional oversight, or through external mechanisms such as courts or independent institutions (Jayanti 2019). However, in the context of police discretion, legal boundaries are often too vague to provide a basis for evaluation. This ambiguity makes it difficult to determine whether an action constitutes legitimate discretion or a deviation from existing authority.

Article 18 paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police legitimizes police officers to exercise discretion in carrying out their duties, particularly through the phrase "act according to their own judgment." While this norm is intended to provide flexibility in dealing with concrete situations in the field, the formulation poses serious legal problems because it is vague and open to overly broad interpretation. The phrase lacks objective indicators that can be used to assess when an action can truly qualify as legitimate discretion. This ambiguity contradicts the principles of legal certainty and legality, which require that all state authority be formulated clearly, measurably, and predictably. Under these circumstances, Article 18 paragraph (1) not only provides room for flexibility but also creates a gray area that is vulnerable to abuse in law enforcement practices.

Furthermore, the normative weakness of Article 18 paragraph (1) of the Indonesian National Police Law is also evident in the absence of regulations regarding substantive parameters limiting the use of police discretion. The norm does not stipulate minimum requirements that must be met before officers can act discretionarily, such as the existence of urgent circumstances, a clear public interest objective, or an obligation to consider the impact on human rights. The absence of these parameters leaves discretion potentially subject to disproportionate and subjective use, depending on the individual judgment of officers in the field. In fact, in modern administrative law, discretion is not understood as unlimited freedom, but rather as authority that must be exercised within the framework of the principles of prudence, proportionality, and rationality. Without clear normative limitations, police discretion loses its corrective function and potentially contradicts the objectives of the rule of law.

In addition to the issue of substantive limitations, Article 18 paragraph (1) of the National Police Law also does not regulate accountability mechanisms for the use of discretion, either in the form of mandatory recording or a mechanism for testing the legality of such actions. The absence of mandatory documentation makes discretionary actions difficult to trace and evaluate objectively, both by internal supervisors and by the judiciary. As a result, when a discretionary action results in harm or a violation of a citizen's rights, there are no adequate legal instruments to assess whether the action constitutes legitimate discretion or an abuse of authority. This lack of a testing mechanism weakens police institutional accountability and has the potential to lead to impunity. Thus, the main problem in the implementation of police discretion lies not solely in the practices of officers in the field, but stems from the normative weaknesses of Article 18 of the National Police Law itself, which does not provide a clear, measurable, and accountable legal framework.

This situation has a long-term impact on public trust. When the public perceives officers' actions as arbitrary, unfair, or unpredictable, their sense of security and trust in

law enforcement institutions will decline drastically. Public trust is not only shaped by how frequently the law is enforced, but also by how it is enforced, whether it is fair, transparent, and accountable (Alfian 2020). Discretion exercised without clear rules can lead the public to doubt the intentions and integrity of officials in conducting their duties.

On the other hand, the legal vacuum in discretion also gives rise to conflicting interpretations between the principle of discretion and the principle of legality, which are the main foundations of the legal system. The principle of legality requires that all state actions be based on written and pre-determined laws. Discretion, on the other hand, allows officials to act without waiting for the existence of clear legal norms. When these two principles are not in harmony, a conflict can arise, confusing both for law enforcement officials themselves and for the public affected by those actions.

The principle of legality is also closely related to the principle of due process of law, which ensures that every legal action must be carried out procedurally, fairly, and without violating human rights (Siregar 2016). If discretion is exercised without regard to this principle, discretionary legal action has the potential to override citizens' procedural rights. This disharmony creates a dilemma: on the one hand, the state wants its officers to act quickly and flexibly, but on the other, there is no guarantee that such actions will not violate individual rights or conflict with the values of justice.

Discretion within the police institution ultimately requires a solid foundation, not only philosophically, but also normatively and technically. Without regulations that can serve as practical guidance, police officers will continue to be legally and ethically vulnerable. The public will also remain suspicious of the motives and legality of actions taken under discretion. Therefore, as long as this legal vacuum remains unfilled with adequate instruments, the exercise of discretion will remain a source of controversy and uncertainty in the law enforcement process.

The Urgency of Reformulating Discretionary Regulations in the Police

In the dynamics of modern law enforcement, the need to reformulate discretionary regulations within the police institution arises not only as a response to existing shortcomings, but also as a strategic step to strengthen the legal foundation underlying the implementation of police duties. This reformulation is necessary to balance the need for flexibility in dealing with concrete situations on the ground and the demand for legal certainty. Discretion is indeed important, but it must be framed within a legal structure that provides clear boundaries and direction. This is where the urgency of strengthening normative aspects becomes particularly relevant, as through this strengthening, law enforcement officers would have a valid legal basis and be legally and ethically accountable.

One crucial aspect of this reformulation is the affirmation of the principles of accountability and proportionality. This means that every discretionary action taken must not only be legally valid but also be balanced with the desired objectives and not exceed reasonable limits. Accountability ensures that actions can be traced and evaluated, while proportionality ensures that the use of authority is not excessive. Reformulation in the form of explicit norms governing these principles will provide a strong foundation for officers not only to carry out their duties but also to maintain public trust in every step.

Judging from the experiences of other countries, there are several good practices that can serve as references in designing a better system for regulating police discretion. In the Netherlands, for example, police discretion has been regulated in detail within the context of administrative law, with an emphasis on the principles of transparency and judicial oversight. Meanwhile, in the UK, the use of discretion in the common law system

tends to be more associated with institutional accountability, where every decision must be tested in terms of logic, compliance with the law, and its impact on society. Both systems emphasize that discretion is not absolute freedom, but rather authority that is limited by normative and operational constraints.

Lessons learned from these countries demonstrate that limitations and oversight of discretion do not limit the performance of officers but rather strengthen trust in the legal system itself. The use of discretion, coupled with mandatory record-keeping, regular evaluation, and a legal review framework, will strike a balance between swift action on the ground and the protection of citizens' rights. In this regard, Indonesia can reformulate its legal approach by adopting general principles that have proven effective in other systems, while adapting them to the national social and legal context.

Concrete steps in this reformulation can begin with the affirmation of legal norms in the Police Law and its implementing regulations, such as the National Police Chief's Regulation or Government Regulations. These norms do not need to be rigid, but rather provide a clear framework of reference regarding when discretion can be used, the procedures, and who is responsible for the decision. This affirmation will close any gray areas in practice and serve as a legal source that officers and the public can use to assess the legitimacy of discretionary actions.

In addition to legal norms, the development of specific and applicable Standard Operating Procedures (SOPs) is also crucial. Good SOPs bridge abstract legal norms with concrete practices in the field. These procedures can cover the discretionary decision-making process, required documentation, and reporting and evaluation mechanisms. With nationally standardized SOPs, all officers in various regions have the same guidelines, thus preventing differences in interpretation that could lead to injustice or abuse.

Equally important is the existence of an effective and independent internal control mechanism. Reformulation of discretionary regulations should consider the establishment of an internal oversight unit capable of evaluating the use of discretion, both through periodic audits and investigations into public reports. This internal control is not intended to restrain officials, but rather to serve as a means of institutional reflection to ensure that discretionary actions do not deviate from legal and ethical standards. Furthermore, involving civil society in oversight mechanisms can also balance power and control.

The success of reformulating discretionary regulations depends heavily on the police force's own understanding of the concept and limitations of discretion. Therefore, specialized training aimed at developing a legal and ethical understanding of discretion is essential. Training materials should emphasize not only formal legal aspects but also the moral, social, and psychological dimensions of decision-making. This way, every police officer is equipped not only with legal knowledge but also with sensitivity to the impact of their actions on the wider community.

Reformulation of police discretionary regulations needs to be directed at establishing a clear, structured, and applicable legal framework, not simply a reaffirmation of existing authority. Normatively, the most realistic and immediate step is to establish a Regulation of the Chief of the Indonesian National Police as a *lex specialis* specifically governing the implementation of police discretion. This regulation serves as an operational legal instrument that elaborates the provisions of Article 18 of the Police Law into technical norms that can be directly implemented in the field. With this approach, the technical regulatory gap inherent in police discretion can be filled without having to wait for long-term legislative changes. The National Police Chief's Regulation

must be nationally binding to avoid disparities in the application of discretion between units and regions.

Substantively, the reformulation through the National Police Chief's Regulation must include concrete provisions regarding the conditions of employed discretion. These conditions include the existence of an urgent situation that cannot be handled through ordinary legal procedures, a clear objective in the public interest, and the obligation to consider the principles of proportionality and human rights protection. Furthermore, the obligation to document every discretionary action must be emphasized, either in a written report or an integrated electronic recording system. This documentation serves not only as a tool for individual officer accountability but also as a basis for institutional evaluation of patterns of discretionary use. With a standardized recording requirement, every discretionary action can be traced, tested, and evaluated objectively.

In addition to the technical provisions through the National Police Chief's Regulation, reformulation should also be considered in the form of a limited revision to Law Number 2 of 2002 concerning the Indonesian National Police. This revision does not have to fundamentally change the structure of police authority, but rather simply add norms requiring a mechanism for oversight and legality testing of discretionary actions. This oversight can be implemented through strengthened internal mechanisms, as well as opening up opportunities for external review through the courts or independent oversight bodies if discretionary actions give rise to legal disputes. By combining technical regulations through the National Police Chief Regulation and strengthening norms in the law, police discretion is no longer a gray area but rather becomes an authority with clear boundaries, measurable implementation, and legally accountable. This approach ensures that discretion continues to function as an instrument of law enforcement flexibility without compromising the principles of the rule of law and public trust

CONCLUSION

Based on the analysis outlined above, it can be concluded that the primary problem in the implementation of police discretion in Indonesia lies not in the lack of a legal basis, but rather in the absence of technical-operational regulations and clear accountability mechanisms. Although discretion has received normative legitimacy through Law Number 2 of 2002 concerning the Indonesian National Police and Law Number 30 of 2014 concerning State Administration, the formulation of discretionary authority, particularly as reflected in Article 18 of the National Police Law, remains unclear regarding its limits and parameters of use. The phrase "according to one's own judgment" leaves room for overly broad interpretation because it lacks objective indicators, documentation requirements, or adequate legality testing mechanisms. This situation creates legal uncertainty, increases the risk of abuse of authority, and potentially disregards the principles of human rights protection and accountability in a state based on the rule of law. Thus, police discretion in practice remains in a normative gray area that requires more comprehensive legal regulation.

In light of these conclusions, this study recommends the need for a concrete and operational reformulation of police discretion regulations. Reformulation can be achieved through the establishment of a Regulation of the Chief of the Indonesian National Police as a *lex specialis* that regulates in detail the conditions for the use of discretion, the obligation to record and document, and the internal and external oversight mechanisms for discretionary actions. Furthermore, a limited revision of the Police Law is also needed to strengthen the normative basis for supervision and testing the legality of discretion, so that such authority is not only legally valid but also institutionally and ethically

accountable. With clear and measurable regulations, police discretion is expected to continue to function as an instrument of flexibility in law enforcement without sacrificing legal certainty, justice, and public trust in the police institution.

REFERENCE

- Adnyani, N. K. S. 2021. "Kewenangan diskresi kepolisian Republik Indonesia dalam penegakan hukum pidana." *Jurnal Ilmiah Ilmu Sosial* 7(2): 135-144.
- Alfian, E. 2020. "Tugas dan Fungsi Kepolisian Untuk Meningkatkan Kepercayaan Publik terhadap Penegak Hukum." *Legalitas: Jurnal Hukum* 12(1): 27-37.
- Arief, M. I. 2022. *Benang Merah Penyalahgunaan Kewenangan Dan Diskresi Antara Hukum Administrasi Dan Hukum Pidana (Korupsi)*. Jakarta: MCL Publisher.
- Arif, M. 2021. "Tugas dan fungsi kepolisian dalam perannya sebagai penegak hukum menurut Undang-Undang Nomor 2 Tahun 2002 tentang kepolisian." *Al-Adl: Jurnal Hukum* 13(1): 91-101.
- Arifin, F. 2025. "REKONSEPTUALISASI DISKRESI PERSPEKTIF HUKUM ADMINISTRASI NEGARA: ANALISIS KRITIS TERHADAP IMPLEMENTASI UNDANG-UNDANG ADMINISTRASI PEMERINTAHAN NASIONAL." *Audi Et AP: Jurnal Penelitian Hukum* 4(01): 25-37.
- Ashfiya, D. G. 2023. "Diskursus Pergeseran Konsep Diskresi Pasca Undang-Undang Cipta Kerja Dan Pengujiannya Pada Peradilan Tata Usaha Negara." *Jurnal Hukum Peratun* 6(1): 57-88.
- Jayanti, N. 2019. "Mekanisme Pengawasan Terhadap Produk Hukum dalam Konstruksi Politik Hukum." *Jurnal Ilmu Hukum Tambun Bungai* 4(2).
- Luntungan, B. E. 2023. "TINDAKAN DISKRESI KEPOLISIAN NEGARA REPUBLIK INDONESIA DALAM PERSPEKTIF HUKUM PIDANA." *Journal Scientia De Lex* 11(1): 1-13.
- Munaf, Y. 2018. "Diskresi Sebagai Kebebasan Bertindak Pemerintah (Tinjauan Konseptual dan Empris)." *Jurnal Kajian Pemerintah: Journal of Government, Social and Politics* 4(1): 10-24.
- Pambudi, P., & Hoesein, Z. A. 2025. "Kekosongan Hukum Mengenai Wewenang Kepolisian Untuk Dapat Bertindak Menurut Penilaiannya Sendiri." *Jurnal Retentum* 7(1): 157-168.
- Putra, T. M. 2019. *Pelayanan publik, good governance, dan ketahanan nasional*. Jakarta: Gramedia Widiasarana Indonesia.
- Rijal, A. H., Muin, A. M., & Inrawati, D. 2021. "Penerapan Diskresi Menurut Undang-Undang Nomor 2 Tahun 2002." *Jurnal Hukum Dan Kenotariatan* 5(3): 478-489.
- Rumbawer, Y. B., Karauwan, D. E. S., & Rumburen, A. 2024. "Ambiguitas Keputusan Administrasi Negara: Antara Diskresi Dan Legalitas." *JURNAL SULTAN : Riset Hukum Tata Negara* 2.
- Simanjuntak, E. P. 2018. "Pengujian Ada Tidaknya Penyalahgunaan Wewenang Menurut Undang-Undang Administrasi Pemerintahan/Examination To Determine The Presence Or Absence Of Abuse Of Authority According To Government Administration Law." *Jurnal Hukum dan Peradilan* 7(2): 237-262.
- Siregar, R. E. A. A. 2016. "Due Process of Law dalam Sistem Peradilan Pidana di Indonesia Kaitannya dengan Perlindungan HAM." *FITRAH: Jurnal Kajian Ilmu-ilmu Keislaman* 1(1): 35-46.

- Suparman, R. 2020. "Pelaksanaan diskresi Aparatur Sipil Negara dalam rangka penegakan hukum." *Jurnal Hukum Mimbar Justitia* 6(1): 1-28.
- Suteja, M. 2013. "Pengawasan Terhadap Penyalahgunaan Wewenang Polri Mengadakan Tindakan Lain Menurut Hukum Yang Bertanggung Jawab (Diskresi)." *Jurnal Magister Hukum Udayana* 2(2): 44073.
- Syafril, R., Efrina, R., Putri, V. A., & Chrisdiana, Y. 2023. "Analisis Wewenang Pemerintah dalam Kuasa Diskresi Administrasi." *JESS (Journal of Education on Social Science)* 7(2): 219-228.
- Taufiqurrahman, M. 2024. "Kebijakan Diskresi Dan Pertanggungjawaban Pejabat Pemerintahan Dalam Memutuskan Kebijakan Publik." *Jurnal SOMASI (Sosial Humaniora Komunikasi)* 5(2): 1-17.
- Zulfa, E. A., & Praptadina, S. B. 2016. "Diskresi Kepolisian Dalam Penanganan Konflik Sosial: Kedudukan Peraturan Internal Kepolisian Dalam Penanganan Konflik Di Dalam Peraturan Perundang-undangan." *Jurnal Hukum & Pembangunan* 46(4): 538-551.