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Evaluating the Fairness of Police Discretion in the Resolution of Traffic Cases

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Abstract

The discretionary authority of the Indonesian National Police (Polri) serves as a critical instrument in handling traffic-related criminal cases. Nevertheless, its implementation frequently raises debates concerning legal boundaries, accountability, and the consistency of field practices. This study aims to analyze the legal foundations and normative regulations governing police discretion and to examine the forms and mechanisms of its implementation at the Sragen Police Resort. Employing an empirical juridical method supplemented with normative analysis and in-depth interviews with investigators, the study finds that police discretion rests on a strong legal framework, including Law No. 2 of 2002, the Criminal Procedure Code (KUHP), and the Law on Road Traffic and Transportation (UULAJ). However, its practical application is significantly shaped by legal considerations, social context, and the judgment of individual investigators. A Restorative Justice approach emerges as the dominant model in resolving traffic cases. The study concludes that discretion functions effectively as a tool for achieving substantive justice, although more standardized technical guidelines are required to ensure greater uniformity and accountability in law enforcement practices.

Keywords: *Police Discretion, Traffic Crimes, Restorative Justice, Law Enforcement Accountability*

Abstrak

Kewenangan diskresi Kepolisian Negara Republik Indonesia merupakan instrumen penting dalam penanganan tindak pidana lalu lintas, namun implementasinya sering menimbulkan perdebatan terkait batasan hukum, akuntabilitas, dan konsistensi praktik di lapangan. Penelitian ini bertujuan menganalisis dasar hukum dan pengaturan normatif diskresi kepolisian serta mengkaji bentuk dan mekanisme pelaksanaannya di Polres Sragen. Menggunakan metode yuridis empiris dengan analisis normatif dan wawancara mendalam dengan penyidik, penelitian ini menemukan bahwa diskresi memiliki landasan kuat dalam UU No. 2 Tahun 2002, KUHP, dan UULAJ, namun praktik penerapannya sangat dipengaruhi pertimbangan yuridis, konteks sosial, serta kebijaksanaan penyidik. Pendekatan Restorative Justice menjadi pola dominan dalam penyelesaian perkara lalu lintas. Penelitian menyimpulkan bahwa diskresi berfungsi efektif sebagai sarana mencapai keadilan substantif, meskipun diperlukan pedoman teknis yang lebih terstandar untuk memastikan keseragaman dan akuntabilitas penegakan hukum.

Kata kunci: *Diskresi Kepolisian, Tindak Pidana Lalu Lintas, Restorative Justice, Akuntabilitas Penegakan Hukum*

1. INTRODUCTION

Traffic law enforcement is one of the public service sectors most closely connected to citizens' daily lives and serves as a key indicator of the quality of national security governance. As an institution constitutionally mandated to maintain public order, enforce the law, and provide protection and services to society, the Indonesian National Police (Polri) faces highly complex challenges in practice. This complexity largely stems from the rapid, spontaneous, and unpredictable interactions among driver behavior, road conditions, traffic volume, and various social factors that cannot always be anticipated by rigid legal norms. As noted by Ali, general and abstract legal rules cannot fully accommodate the diverse behaviors and situational dynamics that occur in the field. Within this context, police discretion becomes central.¹

Police discretion, as regulated in Article 18 paragraph (1) of Law No. 2 of 2002 concerning the Indonesian National Police, grants officers the authority to act "according to their own judgment" in the public interest. This space becomes essential when officers encounter situations requiring immediate and proportionate responses, particularly in the handling of traffic crimes (*laka lantas*), which are often spontaneous and directly affect public safety. Through discretion, officers may opt for non-formal alternative resolutions—such as penal mediation or restorative justice—that are more effective and humane in minor cases. Such approaches not only reduce the burden on the formal justice system but also promote social restoration and fairness-based outcomes.

However, the flexibility afforded by discretion also carries inherent risks. As emphasized by Rahardjo, freedom of action without adequate oversight mechanisms may create opportunities for abuse of authority. Officer subjectivity, social pressure, differing interpretations of legal norms, and limited institutional resources can lead to inconsistent, discriminatory, or even unjust practices. Therefore, discretionary actions must always be ethically, legally, and administratively accountable and aligned with the overarching objectives of the law.²

Radbruch's *Trias Ius* framework provides an important philosophical basis for evaluating the normative quality of discretion. Radbruch asserted that legal action must maintain a balance among justice (*gerechtigheit*), expediency (*zweckmäßigkeit*), and legal certainty (*rechtssicherheit*).³ In the context of police discretion, these three elements must coexist harmoniously: substantive justice through the protection of rights for both victims and offenders; expediency through efficient case handling and the reduction of judicial burdens; and legal certainty through compliance with

¹ Zainuddin Ali, *Metode Penelitian Hukum*, 4th ed. (Jakarta: Zainuddin Ali, 2013).

² Satjipto Rahardjo, *Penegakan Hukum: Suatu Tinjauan Sosiologis*, ed. Ufran Ufran, 1st ed. (Yogyakarta: Genta Publishing, 2009).

³ Gustav Radbruch, *Legal Philosophy* (Cambridge: Harvard University Press, 1950).

established rules and procedures. A lack of balance in any of these dimensions may result in injustice and erode the legitimacy of law enforcement.

Beyond these philosophical considerations, the effectiveness of discretion is also shaped by Friedman's three components of the legal system: legal structure, legal substance, and legal culture.⁴ Legal structure relates to the capacity of institutions—such as the Traffic Unit at the Police Resort (Satlantas Polres)—to carry out law enforcement functions consistently and effectively. Legal substance refers to the flexibility and clarity of legal norms, such as the gradations of negligence outlined in the Law on Road Traffic and Transportation (UULAJ), which provide investigators with room to determine proportionate measures. Legal culture encompasses societal trust, values, and attitudes toward the law, all of which play a critical role in the success of peaceful or restorative settlement mechanisms.

The Sragen Police Resort, located along a strategic interprovincial route, faces high traffic mobility and diverse driver characteristics. These conditions contribute to a significant number of traffic accidents each year. Practically, the high case volume necessitates a more intensive use of discretion as both a managerial tool and a legal mechanism to ensure that minor cases can be resolved swiftly, appropriately, and proportionally. At the same time, the frequent exercise of discretion in high-mobility areas raises important questions regarding the consistency of its application, the operational standards that guide decision-making, the underlying rationale for such decisions, and the extent to which these practices genuinely reflect the principles of justice, expediency, and legal certainty.

The study of police discretion in handling traffic crimes in Indonesia has increasingly become a central focus of academic inquiry, primarily because discretion is viewed as a legal instrument that enables officers to act swiftly, flexibly, and appropriately in response to situational demands in the field. Numerous empirical studies have demonstrated that discretion plays a strategic role in overcoming rigid legal norms, accommodating the need for substantive justice, and enhancing the efficiency of law enforcement. However, each study also highlights the dynamics, challenges, and variations in the application of discretion across different police jurisdictions.

Research by Martha and Sutrisno makes a significant contribution by showing that the exercise of discretion in resolving traffic crimes is strongly shaped by morality, empathy, and considerations of substantive justice. Their findings reveal that the termination of traffic cases by the Kuningan Police resulted from dialogue between officers and the families of offenders or victims, grounded in humanitarian principles and the factual circumstances of the incident. These findings indicate that discretionary practices are rooted not only in legal norms but also in moral values and the ethical

⁴ Lawrence Meir Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975).

judgment of investigators, especially in cases involving emotional proximity or relational complexity.⁵

Similarly, Yasa and Sugama highlight the role of police professionalism in the use of discretion. Their study demonstrates that officer subjectivity is a dominant factor influencing discretionary decisions. The level of professionalism determines whether discretion is exercised within the boundaries of the law or deviates from principles of propriety and proportionality. This research reinforces the understanding that discretion constitutes a space for freedom of action that must be exercised responsibly and ethically in order to prevent it from deteriorating into abuse of authority.⁶

Research by Sahrul on the application of discretion at the Baubau Police Department shows that peaceful settlements are the most frequently chosen alternative for minor traffic accidents, particularly those involving children or single-vehicle incidents that can be resolved through material compensation. This study also notes a significant obstacle: the difficulty of reaching amicable agreements between the parties. These findings demonstrate that the effectiveness of discretion is deeply influenced by legal culture, public trust in the police, and the officers' ability to mediate conflicts persuasively.⁷

Santoso specifically examines the use of penal mediation based on police discretion implemented by the Galur Police through community policing mechanisms. His findings indicate that the success of discretion is largely determined by collaboration among diverse stakeholders, including community and religious leaders. However, the study also identifies structural barriers—such as limited facilities and infrastructure—and socio-cultural barriers that diminish the effectiveness of penal mediation. This research underscores that discretion is a social process operating not only within a legal framework but also within the broader context of local community dynamics.⁸

In cases of traffic accidents resulting in fatalities, Haniyah et al. show that the application of Article 310 of the Law on Road Traffic and Transportation (UULAJ) and Article 359 of the Criminal Code remains strict among judges, especially in incidents involving gross negligence. This study stresses the normative limits of discretion, noting that in serious cases with severe consequences, the use of discretion becomes

⁵ Aroma Elmina Martha and Endah Rizki Ekwanto, "Reformulasi Prosedur Perlindungan Dalam Undang-Undang Penghapusan Kekerasan Dalam Rumah Tangga Yang Tidak Efektif," *Lex Renaissance* 4, no. 2 (2019): 317–37, <https://doi.org/10.20885/JLR.vol4.iss2.art7>.

⁶ Komang Danan Prayudhi Dharma Yasa and I Dewa Gede Dana Sugama, "Kewenangan Diskresi Kepolisian Sebagai Sub-Unsur Struktur Sistem Peradilan Pidana Di Indonesia," *Journal of Contemporary Law Studies* 2, no. 1 (2024): 9–22, <https://doi.org/10.47134/lawstudies.v2i1.3235>.

⁷ Sahrul Sahrul, "Penerapan Diskresi Kepolisian Dalam Penyidikan Tindak Pidana Kecelakaan Lalu Lintas Di Wilayah Hukum Polres Baubau," *Dinamika Hukum* 13, no. 3 (2022): 320–44, https://ejournal.unisri.ac.id/index.php/Dinamika_Hukum/article/view/8476.

⁸ Priyo Santoso, "Diskresi Kepolisian Melalui Mediasi Penal: Studi Kasus Di Polsek Galur, Kulonprogo," *Jurnal Penegakan Hukum Dan Keadilan* 1, no. 2 (2020): 95–118, <https://journal.umy.ac.id/index.php/jphk/article/view/7747>.

significantly restricted. These findings highlight that the scope of discretion is not absolute but closely tied to the gravity of the offense.⁹

Meanwhile, Putranto and Ginting emphasize the need for clear criteria to determine whether traffic cases may be resolved through discretionary mechanisms or must proceed to judicial processing. Their findings indicate that accidents involving minor injuries or material losses are the most common cases eligible for non-judicial resolution. Conversely, cases involving serious injuries or fatalities are the least amenable to restorative approaches. This research highlights the necessity for more detailed operational guidelines to prevent discretionary practices from becoming overly subjective.¹⁰

Furthermore, Amalia and Turnip found that discretionary practices in traffic cases often carry the potential for discriminatory outcomes. Although discretion should, in principle, align with police regulations and ethical codes, empirical evidence shows procedural inconsistencies, uneven levels of understanding, and varying interpretations of discretionary boundaries. These findings underscore the significant risk of abuse of authority when discretion is not adequately supervised.¹¹

Recent research by Mandaria et al. on the implementation of discretion within the Makassar Police Department indicates that Restorative Justice has become the primary method for resolving minor traffic accidents. However, this study also identified a lack of officer comprehension concerning the principles of justice and the normative limits of discretion as a major obstacle. External pressures—such as societal demands and differing perspectives among law enforcement agencies—further complicate the proper exercise of discretion.¹²

A study by Nurmala et al. further emphasizes that discretion remains an essential component of police professionalism, yet must be regulated through strengthened SOPs and structured decision-making processes. Their findings reinforce the position that discretion should not be eliminated; rather, it must be guided to prevent arbitrary or unjustified ad hoc decision-making.¹³

⁹ Haniyah Haniyah et al., “Tinjauan Yuridis Tindak Pidana Kealpaan Pengemudi Truk Yang Menyebabkan Orang Lain Meninggal Dunia: Studi Kasus Putusan Nomor: 1535/Pid.B/2019/PN.Sby,” *Jurnal Preferensi Hukum* 4, no. 2 (2023): 272–278, <https://ejournal.warmadewa.ac.id/index.php/juprehum/article/view/7759>.

¹⁰ Ferdi Ramadhan Putranto and Rehnalemken Ginting, “Pelaksanaan Diskresi Kepolisian Dalam Penyelesaian Kasus Kecelakaan Lalu Lintas: Studi Pada Kepolisian Resor Magelang Kota,” *Recidive: Jurnal Hukum Pidana Dan Penanggulangan Kejahatan* 3, no. 3 (2014): 305–19, <https://doi.org/10.20961/recidive.v3i3.40537>.

¹¹ Apri Amalia and Johannes Mangapul Turnip, “Pertanggungjawaban Hukum Kepolisian Yang Melakukan Kealpaan Dalam Tindakan Diskresi Terhadap Tindak Pidana Lalu Lintas,” *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara* 1, no. 2 (2023): 119–133, <https://doi.org/10.55606/birokrasi.v1i2.560>.

¹² Muhammad Ray Mandaria, Muhammad Kamal Hidjaz, and Mursyid Mursyid, “Pelaksanaan Diskresi Kepolisian Terhadap Kecelakaan Lalu Lintas: Studi Kasus Kepolisian Resor Kota Makassar,” *Legal Dialogica* 1, no. 1 (2025): 1–17, <https://jurnal.fh.umi.ac.id/index.php/legal/articl>.

¹³ Leni Dwi Nurmala, Robby Waluyo Amu, and Yusrianto Kadir, “Police Discretion in Investigation of Traffic Affects Performed by Child,” *Jurnal Geutbèè: Penelitian Multidisiplin* 5, no. 2 (2022): 246–57, <https://doi.org/10.52626/jg.v5i2.160>.

In contrast, research by Tosubu et al. on the application of discretion in defamation cases highlights that structural factors, the content of legal norms, and social pressures all significantly influence discretionary decision-making. This study stresses that discretion is a multidimensional phenomenon shaped by both internal and external institutional factors.¹⁴

Although numerous studies have examined police discretion, research that specifically analyzes its implementation at the Sragen Police Department—particularly through the combined use of Gustav Radbruch’s Trias Ius framework and Lawrence M. Friedman’s legal system theory—remains scarce. No prior study has integrated these philosophical and sociological perspectives to evaluate the legal quality of discretion in handling traffic crimes in a region characterized by high vehicle mobility. Accordingly, this research offers an original contribution through a comprehensive assessment of the balance between justice, expediency, and legal certainty in discretionary practices at the Sragen Police Department. Based on this background, this study aims to:

- 1) Examine the legal foundations and normative regulations governing the discretionary authority of the Indonesian National Police, particularly in handling traffic crimes, with reference to Law No. 2 of 2002, the Criminal Procedure Code (KUHAP), the Law on Road Traffic and Transportation (UULAJ), and relevant legal theories; and
- 2) Analyze the forms, mechanisms, and practical implementation of discretion by officers at the Sragen Police Department, including case-resolution patterns, the use of Restorative Justice, and both legal and non-legal considerations employed by investigators.

2. RESEARCH METHODOLOGY

This study employs a juridical-empirical approach within a socio-legal framework to examine the practice of police discretion in handling traffic crimes at the Sragen Police Department. This approach is appropriate because discretionary actions represent legal decisions shaped not only by normative regulations but also by the social and cultural context of the police institution. Methodologically, the research is descriptive-analytical, integrating regulatory analysis with empirical findings from the field.

The research site was purposively selected at the Traffic Unit of the Sragen Police Department due to the high frequency of traffic cases requiring discretionary judgment. Primary data were obtained through semi-structured interviews with investigators, relevant officials, and members of the public who had participated in non-judicial case settlements. Secondary data were collected through documentary analysis of laws and

¹⁴ Jekli Tosubu, Robby Waluyo Amu, and Ibrahim Ahmad, “Analisis Kewenangan Diskresi Kepolisian Dalam Proses Penyidikan Perkara Tindak Pidana Pencemaran Nama Baik,” *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 2, no. 2 (2025): 165–183, <https://doi.org/10.62383/progres.v2i2.1698>.

regulations, National Police Standard Operating Procedures (SOPs), court decisions, and scholarly literature.

Data collection techniques included interviews, non-participatory observation, and documentary study. Informants were selected using purposive sampling and subsequently expanded through snowball sampling. Data were analyzed using an interactive qualitative method consisting of data reduction, data presentation, and conclusion drawing, with source triangulation employed to ensure the validity of findings. Radbruch's and Friedman's theoretical frameworks were utilized to evaluate both the normative qualities and the social dynamics embedded in the application of police discretion.

3. RESEARCH RESULT AND DISCUSSION

3.1. Legal Basis and Normative Regulations Governing the Discretionary Authority of the Indonesian National Police in Handling Traffic Crimes

This section examines the legal foundations and normative regulations that govern the discretionary authority of the Indonesian National Police (Polri), specifically in handling traffic crimes at the Sragen Police Department. The analysis focuses on three primary legal pillars underlying discretionary authority: Law Number 2 of 2002 on the Indonesian National Police, the Criminal Procedure Code (KUHAP), and Law Number 22 of 2009 on Road Traffic and Transportation (UULAJ). These regulatory frameworks are analyzed in conjunction with Radbruch's Trias Ius theory and Lawrence M. Friedman's legal system theory to evaluate how discretion is exercised, directed, and justified within the traffic law enforcement process.

Findings from document analysis, interviews, and field observations indicate that the legal basis for police discretion is rooted in Article 18 paragraph (1) of Law No. 2 of 2002, which grants police officers the authority to act according to their own judgment in the public interest. This provision is further strengthened by Articles 16(1) and 15(2) of the same law, which authorize officers to take necessary actions in the event of legal gaps or urgent circumstances requiring immediate intervention.

These findings confirm that discretion does not constitute an unrestricted authority; rather, it is a legally bounded power constrained by the principles of legality, accountability, urgency, and the public interest. This principle is also reflected in the Criminal Procedure Code (KUHAP), which allows investigators to discontinue investigations (SP3) or inquiries (SP2LID) when evidence is insufficient, when the act does not constitute a criminal offense, or when other legitimate legal grounds exist.

The UULAJ further contributes to structuring discretionary practice, particularly through its classification of negligence levels in Article 310, which permits differentiated handling based on the severity of consequences. Minor accidents addressed under

Article 310 paragraphs (1) and (2) constitute the category most frequently resolved through discretionary measures.

Empirical findings indicate that expediency is the most dominant element guiding the use of discretion at the Sragen Police Department. Case-handling data show a 100% resolution rate in 2024, measured by the ratio of police reports (LP) to resolved cases (SELRA). This high level of efficiency is largely achieved through the predominant use of SP2LID, which accounts for approximately 60–65% of all traffic accident cases.

Interviews with investigators reveal that SP2LID is preferred because it offers a fast, simple process that significantly reduces case backlogs. This finding is consistent with the conclusions of Haniyah et al., who argue that discretion functions as a strategic tool for overcoming stagnation in case handling caused by personnel shortages, high case volume, and the procedural complexity of formal investigations.¹⁵

Functionally, discretion serves as both a managerial and legal instrument. From a managerial standpoint, it enables the Sragen Police to allocate investigative resources more proportionally, allowing detailed investigations to focus on serious cases such as fatal accidents under Article 310 paragraphs (3) and (4). From a legal standpoint, discretion facilitates the dismissal of cases that fail to meet the elements of a crime without requiring lengthy judicial proceedings.

Despite the high efficiency achieved through discretionary practices, the study identifies significant gaps in the fulfillment of substantive justice. Data show that SP3 Restorative Justice (SP3 RJ) accounts for only about 3% of total traffic case resolutions—a figure substantially lower than the proportion resolved through SP2LID.

This low proportion suggests that discretionary practices are oriented more toward administrative efficiency than toward restoring social relations through formal restorative mechanisms. Interview findings indicate that many parties prefer informal settlements without official RJ documentation because they are viewed as faster and more flexible. However, such practices undermine core principles of restorative justice, which require deliberation, written agreements, transparent documentation, and the protection of victims' rights.

This imbalance indicates that the element of *Gerechtigkeit* in Radbruch's *Trias Ius* framework is not yet optimal and may even be marginalized.¹⁶ In fact, according to Satjipto Rahardjo's progressive legal theory, discretion should function as a space for achieving substantive justice rather than merely serving technocratic efficiency.¹⁷

Compared with previous studies, these findings reinforce those of Yasa and Sugama, who argue that discretionary decisions are often shaped by officer subjectivity

¹⁵ Haniyah et al., "Tinjauan Yuridis Tindak Pidana Kealpaan Pengemudi Truk Yang Menyebabkan Orang Lain Meninggal Dunia: Studi Kasus Putusan Nomor: 1535/Pid.B/2019/PN.Sby."

¹⁶ Heather Leawoods, "Gustav Radbruch: An Extraordinary Legal Philosopher," *Journal of Law and Policy* 2 (2000): 489–515, https://openscholarship.wustl.edu/law_journal_law_policy/vol2/iss1/16.

¹⁷ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta, 2010), PT. Elex Media Komputindo.

and structural pressures, thereby misaligning them with principles of justice.¹⁸ The results also correspond with the conclusions of Amalia and Turnip, who identified the risk of discriminatory practices in discretionary actions due to the absence of standardized operating procedures and inconsistent benchmarks of fairness.¹⁹

Analysis of investigative documents further reveals that the high number of SP2LID issuances raises concerns about the consistency of accountability and legal certainty. Article 18 of Law No. 2 of 2002 requires every discretionary action to be legally and administratively accountable. However, the study found that documentation standards for recording the rationale behind case termination remain uneven, allowing room for subjective interpretation.

In addition, there is a growing trend in the issuance of SP3 for deceased suspects (SP3 TSK MD), increasing from 3.28% in 2024 to 5.36% in 2025. Although such terminations are normatively valid because the suspect can no longer be held criminally liable, the increasing number warrants strict oversight to prevent misuse of this legal basis. This condition affirms Soerjono Soekanto's assertion that legal certainty depends not only on written norms but also on their effective implementation and the accountability of officials.²⁰

Although the UULAJ provides normative flexibility through its classification of negligence levels, which should enable more equitable handling—particularly through Restorative Justice—the study reveals that RJ implementation remains severely limited. This finding is consistent with Santoso, who contends that flexible legal norms do not automatically produce substantive justice without accompanying structural improvements and shifts in legal culture.²¹

The results also show that the Sragen Police Traffic Unit faces a substantial workload, averaging 145.11 cases per month in 2025. This structural pressure compels officers to prioritize efficiency through SP2LID over RJ mechanisms. The heavier the caseload, the stronger the tendency to choose rapid, administratively convenient resolutions.

A prevailing public legal culture that favors “quick settlements” contributes to the minimal use of formal RJ. Furthermore, an internal police culture that tends to prioritize administrative completion over social restoration also poses a significant barrier. These findings align with Rahardjo's view that the law cannot operate humanely without a legal culture that supports substantive justice values.

This study confirms several key conclusions. First, although discretionary authority has a strong legal foundation, its implementation is heavily shaped by structural and

¹⁸ Yasa and Sugama, “Kewenangan Diskresi Kepolisian Sebagai Sub-Unsur Struktur Sistem Peradilan Pidana Di Indonesia.”

¹⁹ Amalia and Turnip, “Pertanggungjawaban Hukum Kepolisian Yang Melakukan Kealfaan Dalam Tindakan Diskresi Terhadap Tindak Pidana Lalu Lintas.”

²⁰ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Pers, 2016).

²¹ Santoso, “Diskresi Kepolisian Melalui Mediasi Penal: Studi Kasus Di Polsek Galur, Kulonprogo.”

cultural factors. Second, expediency is the most dominant objective of discretionary practices, primarily achieved through SP2LID. Third, substantive justice remains underrealized, as reflected in the limited use of restorative justice. Fourth, legal certainty faces challenges, particularly regarding the accountability and documentation of discretionary actions. Fifth, the implementation of discretion at the Sragen Police Department reveals an imbalance in Radbruch's Trias Ius, where utility outweighs both justice and legal certainty.

3.2. Forms, Mechanisms, and Practices of Police Discretion in Handling Traffic Crimes at the Sragen Police Department

This study analyzes the forms, mechanisms, and practical implementation of police discretion at the Sragen Police Department in handling traffic crimes, with particular attention to case-resolution patterns, the use of the Restorative Justice (RJ) approach, and the legal and non-legal considerations guiding investigators. The analysis was conducted through triangulation of quantitative operational data from the Traffic Police Unit, in-depth interviews, and documentary studies of case files. Findings are interpreted using Radbruch's framework of justice, utility, and legal certainty, alongside Friedman's legal system theory, which emphasizes the interaction of structure, legal substance, and legal culture.

Analysis of traffic accident data from the Sragen Police Department for 2024–2025 confirms that the exercise of discretion is contextually grounded in empirical conditions, particularly the high volume of cases investigators handle monthly. Although the total number of accidents decreased from 1,709 cases in 2024 to 1,306 cases in 2025, normalized data reveal a 1.89% increase in the average monthly caseload. This indicates that investigators' workload remains high and stable, necessitating efficient case management strategies.

The reduction in average fatalities (-6.0%) demonstrates the effectiveness of safety initiatives and rapid response, whereas the increase in material losses (+31.12%) indicates the growing economic impact of traffic accidents. Interviews with investigators suggest that the high-cost nature of accidents generates public pressure for rapid resolution, prompting discretionary interventions to mitigate conflicts and reduce social burdens.

Data show that the majority of traffic accidents are resolved through discretionary mechanisms. In 2024, 68.87% of cases were handled via discretion, decreasing slightly to 64.12% in 2025. The most dominant form of discretion is SP2LID, which accounts for over 60% of all cases. In contrast, formal resolutions through the P21 pathway were minimal—3.80% in 2024 and 2.53% in 2025—primarily applied to cases involving serious negligence (Article 310, paragraphs 3–4) or complex evidence requiring detailed investigation.

These findings are consistent with previous research, which identifies discretion as the primary instrument in traffic law enforcement due to its adaptability to field conditions and resource constraints.²² Similarly, Haniyah et al. note that the operational workload of Traffic Police Units encourages officers to prioritize rapid resolutions to ensure efficient case management.²³

SP2LID, or termination of investigation, is the most frequently applied discretionary mechanism. Interviews indicate that this approach is preferred because it is quick, administratively simple, and does not require formal mediation. Most cases involve minor negligence, which investigators consider insufficient for judicial proceedings, and the public frequently opts for informal settlements. SP2LID thus functions as a legal tool to formalize community agreements without imposing additional structural burdens on investigators.

Despite internal Polri regulations promoting RJ, SP3 RJ was applied in only 2.98% of cases in 2024 and 2.60% in 2025. Interviews reveal that the limited use of RJ is attributable to the RJ mediation process being more time-consuming than SP2LID, a shortage of personnel skilled in penal mediation, and public preference for direct, informal settlement.

These results align with Santoso, who found that the implementation of RJ in Indonesian traffic cases continues to face cultural and legal obstacles: the public often perceives informal deliberation as more effective than formal mediation.²⁴ While RJ theoretically facilitates substantive recovery, in practice the Sragen community prefers non-formal peace agreements, which are subsequently “formalized” through SP2LID rather than via documented RJ mechanisms.

4. CONCLUSION

This study investigates the legal foundations of the discretionary authority of the Indonesian National Police (Polri) in handling traffic crimes and examines its practical implementation at the Sragen Police Department. The findings indicate that police discretion is firmly grounded in Law No. 2 of 2002, the Criminal Procedure Code (KUHAP), and the UULAJ (Law on Traffic Provisions), which collectively empower officers to make prompt decisions aimed at maintaining order, safety, and substantive justice. The results show that discretion at the Sragen Police Department predominantly emphasizes proportional resolution through a restorative justice approach. However,

²² Mandaria, Hidjaz, and Mursyid, “Pelaksanaan Diskresi Kepolisian Terhadap Kecelakaan Lalu Lintas: Studi Kasus Kepolisian Resor Kota Makassar”; Santoso, “Diskresi Kepolisian Melalui Mediasi Penal: Studi Kasus Di Polsek Galur, Kulonprogo.”

²³ Haniyah et al., “Tinjauan Yuridis Tindak Pidana Kealpaan Pengemudi Truk Yang Menyebabkan Orang Lain Meninggal Dunia: Studi Kasus Putusan Nomor: 1535/Pid.B/2019/PN.Sby.”

²⁴ Santoso, “Diskresi Kepolisian Melalui Mediasi Penal: Studi Kasus Di Polsek Galur, Kulonprogo.”

discretionary practices remain influenced by individual investigators' legal and non-legal considerations, resulting in variations in application.

This research provides an empirical overview of how discretion functions as an adaptive, public-interest-oriented instrument of law enforcement. Nevertheless, the study is limited by its focus on a single location and does not quantitatively assess the consistency of discretionary practices across different functional units. Accordingly, policy recommendations include developing standardized technical guidelines, enhancing internal oversight, and strengthening investigator competencies. Future research should broaden the scope to include multiple regions and establish a comparative evaluation model for discretionary performance to improve accountability and uniformity of implementation at the national level.

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