

# The Concept of Police Justice in Law Enforcement of Minor Criminal Offenses Through Discretion

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## Abstract

Law enforcement is the main function of the police in maintaining public order and security. Police often face situations requiring quick and correct decisions, especially in handling minor crimes. Minor crimes require a proportional and fair law enforcement approach. However, there are problems in law enforcement for minor violations, which are often considered less than proportional. This dilemma is made even more complex by the discretionary authority possessed by the police, which allows them to resolve cases outside formal judicial channels. This research aims to identify the justice form from discretion used by the police in law enforcement against minor crimes and analyze the extent to which this discretion reflects the principles of justice. The research method used is normative with a statutory and conceptual approach. The research results show that discretion is essential in law enforcement and helps police work more professionally and flexibly. Applying restorative justice through discretion shows many benefits, such as restoring relationships between perpetrators and victims and reducing police workload. To increase its effectiveness, training and education for the police is needed, as well as clear policy support to ensure the implementation of restorative justice in accordance with the law and human rights standards.

**Keywords:** Discretion, law, restorative justice, law enforcement, police.



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## Introduction

Law enforcement is one of the primary functions of the police in maintaining public order and security.<sup>1</sup> In carrying out their duties, police officers frequently encounter situations that require swift and precise decision-making,<sup>2</sup> including in handling minor offenses. Minor offenses, which often involve minor violations such as petty theft, traffic infractions, or disruptive behavior, necessitate a proportional and equitable approach to law enforcement.

However, Mulyani argues that law enforcement regarding minor offenses or petty violations is often problematic, as some cases have led to public dissatisfaction due to a perceived lack of proportional justice.<sup>3</sup> This issue places law enforcement in Indonesia at a crossroads between legal certainty and justice. On the one hand, legal certainty demands that all legal violations be processed through formal judicial mechanisms. On the other hand, justice often requires a more flexible and humane approach, particularly for minor offenses that do not result in significant harm. Consequently, police officers frequently face a dilemma: they are expected to always uphold justice while simultaneously operating within legal doctrines and regulations that are largely normative in nature.<sup>4</sup>

The dilemma between legal certainty and justice is further complicated by the discretionary authority granted to law enforcement officers. Discretion refers to the authority given to police officers to make decisions or take actions outside of strict legal provisions in the interest of the public good.<sup>5</sup> In the context of minor offenses, discretion can be exercised to resolve cases outside formal judicial processes,<sup>6</sup> such as through mediation or diversion.<sup>7</sup> While discretion has the

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<sup>1</sup> Ryanto Ulil Anshar and Joko Setiyono, "Tugas Dan Fungsi Polisi Sebagai Penegak Hukum Dalam Perspektif Pancasila," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (August 28, 2020): 359–72, <https://doi.org/10.14710/jphi.v2i3.359-372>; Datu Nur Fathahita, Abd. Asis, and Muhammad Basri, "Analisis Hukum Pelaksanaan Diskresi Kepolisian Dalam Tindak Pidana Narkotika," *Alauddin Law Development Journal* 5, no. 1 (March 11, 2023): 65–76, <https://doi.org/10.24252/aldev.v5i1.35336>; Sukenda Sukenda, "Analisis Hukum Perjudian Togel Di Wilayah Hukum Polres Indramayu: Perspektif Hukum Positif," *Strata Law Review* 2, no. 1 (April 19, 2024): 77–86, <https://doi.org/10.59631/slr.v2i1.184>; Erlyn Indarti, "Strengthen Security and Public Order: Accountability Management in Improving the Quality of Law Enforcement," *Academic Journal of Interdisciplinary Studies* 9, no. 2 (March 10, 2020): 82, <https://doi.org/10.36941/ajis-2020-0025>.

<sup>2</sup> Ferdin Okta Wardana and Zaid Zaid, "Peran Kepolisian Dalam Menangani Kasus Tradisi Penerbangan Balon Udara Di Ponorogo," *Legalitas: Jurnal Hukum* 13, no. 1 (July 3, 2021): 10–14, <https://doi.org/10.33087/LEGALITAS.V13I1.240>.

<sup>3</sup> Sri Mulyani, "Penyelesaian Perkara Tindak Pidana Ringan Menurut Undang-Undang Dalam Perspektif Restoratif Justice (Adjudication Of Misdemeanor Based On Legislation In Current Perspectives)," *Jurnal Penelitian Hukum De Jure* 16, no. 3 (February 9, 2017): 337, <https://doi.org/10.30641/dejure.2016.V16.337-351>.

<sup>4</sup> Mahzaniar Mahzaniar, "Dasar Pertimbangan Hakim Dalam Menjatuhkan Putusan Kasus Perjudian," *Jurnal Administrasi Publik: Public Administration Journal* 7, no. 2 (January 12, 2018): 127, <https://doi.org/10.31289/jap.v7i2.1334>.

<sup>5</sup> Udin Latif, "Diskresi Penyidik Kepolisian Dalam Penyelesaian Perkara Pidana Melalui Jalur Non Litigasi," *Muadalah: Jurnal Hukum* 3, no. 1 (May 30, 2023): 14–27, <https://doi.org/10.47945/muadalah.v3i1.967>.

<sup>6</sup> Alishya Dhir, "'We Work in the Grey around Decision Making': How 'Thematic Discretion' Can Help Understand Police Decision-Making in Cases of Youth Image-Based Sexual Abuse," *Policing and Society* 35, no. 2 (February 7, 2025): 135–48, <https://doi.org/10.1080/10439463.2024.2378302>.

<sup>7</sup> Safrudin Safrudin, "Peaceful Way Before Separation: Examining the Effectiveness and Procedures of Mediation in Resolving Divorce Disputes in Religious Courts," *Strata Social and Humanities Studies* 2, no. 2 (October 31, 2024): 149–57, <https://doi.org/10.59631/SSHS.V2I2.261>; Rininta Gustiyani, *PENERAPAN KEADILAN RESTORATIF Bagi Anak Yang Berhadapan Dengan Hukum Di Dunia Maya*, ed. Zaid, CV. *Strata Persada Academia* (Cirebon: CV. Strata Persada Academia, 2023); Rachmad Hariyanto and Bayu Suseno, "The Role of the Police in Handling Conflicts Between

potential to promote justice, its implementation is not without criticism. Unchecked discretion raises concerns about potential abuses of power, including arbitrary actions and the pursuit of personal or group interests, which may ultimately lead to new forms of injustice.

Given this urgency, this study aims to identify the forms of police discretion utilized in law enforcement concerning minor offenses and to analyze the extent to which such discretion reflects principles of justice. This research introduces a novel perspective by examining police discretion not merely as a legal instrument but also as a mechanism for achieving substantive justice within the criminal justice system. Accordingly, the objectives of this study include identifying various forms of police discretion in handling minor offenses and exploring the challenges associated with applying discretion in the pursuit of justice in minor offenses.

This research is expected to provide several contributions. Theoretically, it enhances scholarly understanding and literature on police discretion and justice in law enforcement, particularly in the context of minor offenses. Practically, it offers guidelines for law enforcement agencies to implement discretion more fairly and consistently, thereby improving public trust in the police institution. From a policy standpoint, this study provides valuable input for policymakers in formulating regulations that support fair law enforcement, particularly in cases of minor offenses. For the general public, this research is anticipated to enhance awareness of how justice principles are applied in law enforcement, ultimately fostering stronger relations between the community and law enforcement agencies.

## METHOD

The research method employed in this study is the normative legal research method. This study is designed to explore and analyze the forms of justice in policing within the enforcement of minor offenses through the use of discretion. The approach utilized includes the statutory and conceptual approaches. The statutory approach is used to examine various legal provisions governing police discretion and the enforcement of minor offenses. Meanwhile, the conceptual approach is applied to analyze the concepts of justice and discretion in the context of law enforcement. The data sources used in this study are secondary data, which consist of primary and secondary legal materials. Primary legal materials include statutory regulations, court decisions, and other relevant official documents. Secondary legal materials comprise legal literature, academic journals, books, and previous research findings related to the research topic. The collected data are analyzed qualitatively to comprehend and interpret the content and legal implications of these materials. This qualitative analysis enables the researcher to delve deeper into how principles of justice are applied in police discretion and how this impacts the enforcement of minor offenses.

## RESULT AND DISCUSSION

### The Concept of Police Discretion in Law Enforcement and the Criminal Justice System

The concept of discretion is considered highly significant in understanding public officials and the manner in which they exercise their authority within the framework of the criminal justice

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Residents in Jakarta: The Perspective of Community Policing Theory and Semelser's Theory," *Multidiscience : Journal of Multidisciplinary Science* 2, no. 1 (January 19, 2025): 216–26, <https://doi.org/10.59631/multidiscience.v2i1.326>; Nur Ariatmoko, "Penerapan Diversi Terhadap Anak Sebagai Pelaku Tindak Pidana Narkotika," *Strata Law Review* 1, no. 1 (March 27, 2023): 14–23.

system and civil service. This concept is found at all levels of the criminal justice system and within police hierarchies across various countries worldwide, making it a crucial component in comprehending the functions of judges, coroners, police officers, and other bureaucratic roles.<sup>8</sup>

In the field of policing, it has long been recognized that law enforcement personnel must apply discretion in their duties.<sup>9</sup> This ensures that police institutions can operate professionally as protectors of society.<sup>10</sup> In fact, laws related to law enforcement explicitly permit the application of discretion by stipulating that officers “may” rather than “must” exercise their authority in every situation.<sup>11</sup> In Indonesia, the legal framework allowing members of the Indonesian National Police (Polri) to exercise discretion is regulated under Article 18 of Law No. 2 of 2002 on the Police. Although Article 18, paragraph (1) does not explicitly mention the term “discretion,” it refers to the ability of officers to “act according to their own judgment.” Based on this provision, police officers are entitled to make appropriate discretionary decisions regarding the most suitable conflict resolution strategy for a given situation.<sup>12</sup>

According to Espeute & Lanskey, discretion can be defined as the decision-making power granted to police officers to use their judgment in making pragmatic decisions in situations where multiple courses of action are possible. Many experts argue that discretion is a fundamental aspect of police work.<sup>13</sup> This is because laws or guidelines may not always exist to direct officers on the appropriate course of action in every scenario. Additionally, police officers frequently encounter ambiguous situations, requiring them to use their discretion to interpret the circumstances and guide their actions appropriately while adhering to applicable procedures and legal provisions.

Nonetheless, Article 18, paragraph (2) of Law No. 2 of 2002 on the Police stipulates the conditions under which discretion may be exercised, stating that it should be applied “in situations of urgent necessity while considering legal regulations and the Code of Ethics of the Indonesian National Police.” This provision is essential, as the normative aspect of discretion allows for its evaluation in terms of whether it has been exercised properly or improperly. The

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<sup>8</sup> Abi Dymond, “Towards a Socio-Technical Understanding of Discretion: A Case Study of Taser and Police Use of Force,” *Policing and Society* 30, no. 9 (October 20, 2020): 998–1012, <https://doi.org/10.1080/10439463.2019.1660338>.

<sup>9</sup> M. Azharil Naufal, Sufirman Rahman, and Askari Razak, “Diskresi Kepolisian Negara Republik Indonesia Dalam Rangka Harkamtibmas Di Wilayah Hukum Polres Pasangkayu,” *Journal of Lex Philosophy (JLP)* 5, no. 2 (December 31, 2024): 2061–76.

<sup>10</sup> Ni Ketut Sari Adnyani, “Kewenangan Diskresi Kepolisian Republik Indonesia Dalam Penegakan Hukum Pidana,” *Jurnal Ilmiah Ilmu Sosial* 7, no. 2 (December 1, 2021): 135–44, <https://doi.org/10.23887/jiis.v7i2.37389>.

<sup>11</sup> Mike Hope, Matthew Radburn, and Clifford Stott, “Police Discretion and the Role of the ‘Spotter’ within Football Crowd Policing: Risk Assessment, Engagement, Legitimacy and de-Escalation,” *Policing and Society* 33, no. 5 (May 28, 2023): 485–500, <https://doi.org/10.1080/10439463.2023.2173193>.

<sup>12</sup> Mario S. Staller and Swen Koerner, “(Non-)Learning to Police: A Framework for Understanding Police Learning,” *Frontiers in Education* 7 (September 26, 2022), <https://doi.org/10.3389/educ.2022.730789>.

<sup>13</sup> Serena Espeute and Caroline Lanskey, “An Exploration of Police Discretion in the Identification of Child Victims of County Lines Drug Trafficking,” *Policing and Society* 33, no. 9–10 (November 26, 2023): 1031–50, <https://doi.org/10.1080/10439463.2023.2223341>.

proper application of discretion depends on balanced decision-making that is not influenced by personal values, interests, or beliefs.<sup>14</sup>

### Implementation of Justice in Minor Crimes

In determining the appropriate response and procedure for minor offenses, the law grants police officers the discretion to exercise their judgment. This flexibility enables them to consider various factors, including the severity of the offense, the circumstances of the offender, and the public interest.<sup>15</sup> According to O'Brien, police possess significant authority and discretion in deciding who receives a warning, who is diverted from court proceedings, and whether a juvenile is detained with or without sentencing.<sup>16</sup>

Ramadhan explains that there are several reasons why law enforcement utilizes discretionary authority:<sup>17</sup>

1. These considerations include the substance of the law, directives from leadership, the role of investigators as law enforcers, and the prevailing scenarios and conditions during the investigative process.
2. Community support serves as an external component. Compared to the practice of criminalizing individuals, the use of discretion through restorative justice methods shifts the resolution approach toward better fulfilling the needs of victims and improving public order.
3. The legal implications include the diminished primacy of legal supremacy as the principal method of case resolution in law enforcement efforts. This is due to the fact that legal supremacy has not fully accommodated alternative dispute resolution mechanisms.

The most practical and significant form of police discretion is the application of restorative justice.<sup>18</sup> This is because restorative justice provides an alternative approach to responding to crime.<sup>19</sup> Restorative justice is a process in which all parties involved in a particular crime collaborate to address the issue and determine how to handle its consequences in the future.<sup>20</sup>

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<sup>14</sup> Espeute and Lanskey.

<sup>15</sup> Puji Harto and Ika Setyorini, "Diskresi Penanganan Tindak Pidana Ringan Kajian Undang-Undang Nomor 2 Tahun 2002 Studi Satreskrim Polres Wonosobo," *Transformasi Hukum* 2, no. 1 (March 31, 2023): 1–14, <https://doi.org/10.59579/transformasihukum.v2i1.4665>.

<sup>16</sup> Grace O'Brien, "Racial Profiling, Surveillance and Over-Policing: The Over-Incarceration of Young First Nations Males in Australia," *Social Sciences* 10, no. 2 (February 10, 2021): 68, <https://doi.org/10.3390/socsci10020068>.

<sup>17</sup> Alfano Ramadhan, "Diskresi Penyidik Polri Sebagai Alternatif Penanganan Perkara Pidana," *Jurnal Lex Renaissance* 6, no. 1 (January 1, 2021), <https://doi.org/10.20885/JLR.vol6.iss1.art3>.

<sup>18</sup> Ian D. Marder, "Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland," *International Journal of Law, Crime and Justice* 70 (September 2022): 100544, <https://doi.org/10.1016/j.ijlcrj.2022.100544>.

<sup>19</sup> Taufik Mohammad and Michael C. Gearhart, "'The Law Is the Law': The Malaysian Police Readiness for the Implementation of Restorative Policing," *International Journal of Law, Crime and Justice* 67 (December 2021): 100505, <https://doi.org/10.1016/j.ijlcrj.2021.100505>; Indra Satria Pratama, "Legal Politics in Restorative Justice," *Strata Law Review* 1, no. 2 (September 25, 2023): 128–35, <https://doi.org/10.59631/slr.v1i2.59>.

<sup>20</sup> Rizanizarli Rizanizarli et al., "The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 21–39, <https://doi.org/10.22373/sjhk.v7i1.15633>; Pratama, "Legal Politics in Restorative Justice."

Lubis et al. revealed in their research that restorative justice is a noble form of justice when a criminal act occurs, as it emphasizes the restitution of victims' material losses caused by the offender's unlawful actions, both physically and psychologically. This process is conducted through deliberation involving the offender, the victim, their respective families, and, if necessary, the community and relevant authorities.<sup>21</sup> Furthermore, Marder noted in his study that restorative justice is applied primarily in minor offenses, particularly those involving victimless crimes (or cases where there is no direct victim).<sup>22</sup>

The discussion on the application of restorative justice in minor offenses by law enforcement highlights several key advantages. First, restorative justice prioritizes restoring relationships between offenders and victims, as well as between offenders and the community.<sup>23</sup> This differs from the retributive approach, which focuses on imposing punishment on offenders. Restorative justice emphasizes the offender's responsibility to repair the harm caused, which in turn facilitates the rehabilitation process and reduces the likelihood of recidivism.

Second, the implementation of restorative justice can reduce the workload of law enforcement and the judicial system as a whole.<sup>24</sup> Minor criminal cases resolved through restorative pathways do not require lengthy and complex legal proceedings, allowing law enforcement to focus on handling more serious cases. Additionally, this approach enhances public satisfaction with police services, as the community feels involved in the problem-solving process and witnesses tangible outcomes in the form of harm restitution.

In the context of restorative justice, several forms of police discretion include mediation between offenders and victims.<sup>25</sup> However, Wilson et al. categorize diversion programs into four types: (1) diversion alone (such as warnings and releases), (2) diversion with referrals to services, either internal or external to the criminal justice system, (3) diversion involving police-led restorative justice, and (4) other forms of police-led diversion. Deliberation may also fall under

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<sup>21</sup> Fauziah Lubis, Fatimah Zahara, and Wanda Hamidah, "Implementation of Restorative Justice, The Intent of Punishment, and Legal Clarity In Indonesia," *UNES Law Review* 6, no. 2 (2023): 6602–13, <https://doi.org/10.31933/UNESREV.V6I2.1521>.

<sup>22</sup> Marder, "Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland."

<sup>23</sup> Ana M. Nascimento, Joana Andrade, and Andreia de Castro Rodrigues, "The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review," *Trauma, Violence, & Abuse* 24, no. 3 (July 23, 2023): 1929–47, <https://doi.org/10.1177/15248380221082085>; Fazar Sodik, "The Application of The Restorative Justice Concept in Child Criminal Acts Perspectives of Islamic Law and Progressive Law," *Strata Law Review* 2, no. 2 (September 30, 2024): 106–16, <https://doi.org/10.59631/SLR.V2I2.213>.

<sup>24</sup> Olma Fridoki et al., "Penerapan Restorative Justice Dalam Penyelesaian Perkara Tindak Pidana Penipuan Dan Penggelapan Di POLRESTABES Medan (The Implementation of Restorative Justice in The Settlement of Criminal Crimes of Fraud and Embezzlement at the Polrestabes Medan)," *Res Nullius Law Journal* 4, no. 1 (January 14, 2022): 42–56, <https://doi.org/10.34010/rnlj.v4i1.4679>.

<sup>25</sup> Priyo Santoso, "Diskresi Kepolisian Melalui Mediasi Penal (Studi Kasus Di Polsek Galur, Kulonprogo)," *Jurnal Penegakan Hukum Dan Keadilan* 1, no. 2 (2020), <https://doi.org/10.18196/jphk.1206>.

the category of restorative justice.<sup>26</sup> This approach is generally more acceptable to society and is perceived as fairer compared to formal judicial proceedings.<sup>27</sup>

### Challenges in the Implementation of Justice in Minor Crimes

Essentially, in cases of minor offenses, police discretion in decision-making is crucial, as law enforcement officers are granted legitimate authority to act as guardians of the criminal justice system for both victims and offenders of minor crimes. Discretion plays a significant role in policing and is an integral part of both police work and the identity of law enforcement officers. The professional judgment of officers is closely linked to individual police professionalism and the perception of their credibility as legitimate law enforcers. However, the inherently individual nature of discretion and its application raises concerns regarding the assumption of objectivity in legal procedures.<sup>28</sup> Consequently, challenges and potential issues may arise in the use of discretion. These include the inconsistent application of discretion by police officers, the potential abuse of authority, and the necessity for establishing more precise regulations or standard operating procedures to ensure consistency and fairness.<sup>29</sup>

Thus, it is undeniable that the implementation of restorative justice by the police also faces several challenges.<sup>30</sup> Anggara & Mukhlis, in their research, reveal that restorative justice has not yet been applied in certain cases of minor offenses due to several factors, including the limited understanding of police officers, inadequate dissemination of information, public distrust in law enforcement institutions, and societal norms that prioritize deterrence for offenders.<sup>31</sup> Hoekstra even states that, despite the increasing popularity of restorative justice in various national contexts, it has yet to become a structural part of policing practices.<sup>32</sup>

Accordingly, the need for training and education for police officers regarding the principles and practices of restorative justice remains one of the primary challenges. Without adequate understanding, there is a risk that this approach may be applied inconsistently or even misused.

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<sup>26</sup> April Amalia and Johannes Mangapul Turnip, "Pertanggungjawaban Hukum Kepolisian Yang Melakukan Kealfaan Dalam Tindakan Diskresi Terhadap Tindak Pidana Lalu Lintas," *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara* 1, no. 2 (June 30, 2023): 119–33, <https://doi.org/10.55606/BIROKRASI.V1I2.560>.

<sup>27</sup> Sutan Siregar and Indra Purba Harahap, "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Kekerasan Rumah Tangga Di Kota Padangsidempuan," *Jurnal Justitia : Jurnal Ilmu Hukum Dan Humaniora* 9, no. 7 (August 15, 2022): 3387–98, <https://doi.org/10.31604/justitia.v9i7.3387-3398>.

<sup>28</sup> Sarah Charman and Emma Williams, "Assessing Justice: The Impact of Discretion, 'Deservedness' and Distributive Justice on the Equitable Allocation of Policing Resources," *Criminology & Criminal Justice* 22, no. 3 (July 20, 2022): 404–22, <https://doi.org/10.1177/17488958211013075>.

<sup>29</sup> Harto and Setyorini, "Diskresi Penanganan Tindak Pidana Ringan Kajian Undang-Undang Nomor 2 Tahun 2002 Studi Satreskrim Polres Wonosobo."

<sup>30</sup> Ian D. Marder and Louise Forde, "Challenges in the Future of Restorative Youth Justice in Ireland: Minimising Intervention, Maximising Participation," *Youth Justice* 23, no. 2 (August 15, 2023): 201–25, <https://doi.org/10.1177/14732254221122568>.

<sup>31</sup> Prima Anggara and Mukhlis Mukhlis, "Penerapan Keadilan Restoratif Pada Tindak Pidana Pencurian Ringan," *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* 3, no. 3 (August 30, 2019): 468–77.

<sup>32</sup> M. S. Hoekstra, "Messy Victims and Sympathetic Offenders: The Role of Moral Judgments in Police Referrals to Restorative Justice," *Contemporary Justice Review* 25, no. 2 (April 3, 2022): 179–97, <https://doi.org/10.1080/10282580.2022.2084087>.

Furthermore, clear and robust policy support is necessary to ensure that the implementation of restorative justice aligns with legal frameworks and human rights standards.

In this regard, Shim et al. argue that police discretion in decision-making can be broadly classified into full enforcement and non-enforcement. Both categories have the potential to become sources of police misconduct.<sup>33</sup> Therefore, Harto & Setyorini suggest that to address these issues, comprehensive guidelines and training programs should be developed for law enforcement personnel.<sup>34</sup> These programs should aim to enhance officers' understanding of discretion and their ability to apply it appropriately when handling minor offenses. Additionally, improving transparency, accountability, and public participation in decision-making processes can help foster trust and confidence in the criminal justice system.

## CONCLUSION

Discretion is a crucial element in law enforcement, particularly in handling minor offenses. Based on the research findings, discretion enables police officers to make more flexible and effective decisions in accordance with Article 18 of Law No. 2 of 2002 on the Indonesian National Police. The application of restorative justice through discretion provides significant benefits, such as restoring relationships between offenders, victims, and the community, while also encouraging offenders to take responsibility for their actions. In addition to expediting rehabilitation and reducing the risk of recidivism, this approach helps alleviate the workload of law enforcement agencies and the judicial system while enhancing public satisfaction with police services.

To optimize the implementation of discretion and restorative justice, training programs for law enforcement officers are essential to strengthen their understanding of its principles and practices, ensuring consistent application and preventing potential misuse. Moreover, clear policy support is necessary to align restorative justice with legal frameworks and human rights standards. Transparency, accountability, and public participation in decision-making processes are also crucial for fostering trust in the criminal justice system and enhancing the effectiveness of law enforcement operations.

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<sup>33</sup> Hee S. Shim, Youngoh Jo, and Larry T. Hoover, "Police Record-Discretion as Misconduct in South Korea," *International Journal of Law, Crime and Justice* 43, no. 4 (December 2015): 569–85, <https://doi.org/10.1016/j.ijlcrj.2015.01.004>.

<sup>34</sup> Harto and Setyorini, "Diskresi Penanganan Tindak Pidana Ringan Kajian Undang-Undang Nomor 2 Tahun 2002 Studi Satreskrim Polres Wonosobo."



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