Volume 1 Number 3 (2026)
November 2026
Page: 370-385

JOURNAL OF Legal Theory and Society
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The Use of Police Power in Crowd Control: A Perspective of Proportionality and Accountability

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Abstract

The use of force by the National Police of the Republic of Indonesia in crowd control may restrict citizens' rights and freedoms. Therefore, such actions must comply with legality, necessity, proportionality, and respect for human rights. This study examines whether police regulations on the use of force conform to proportionality and human rights principles, and analyzes the limits of police discretion and legal accountability for violations of standard operating procedures. It employs normative legal research through statutory and conceptual approaches. Legal materials concerning the police, use of force, crowd control, proportionality, and accountability are analyzed qualitatively. The findings indicate that the use of force has a legal basis and a graduated mechanism. Nevertheless, implementation faces challenges involving crowd dynamics, discretionary authority, limited training, and weaknesses in supervision and evaluation. Discretion is necessary when officers respond to concrete situations, but it must remain within the boundaries of legality, necessity, proportionality, propriety, and human rights. Accountability for procedural violations should not be limited to officers involved in operations; it may also extend to command structures and supervisory responsibilities. This study proposes a three-phase analytical framework: proportionality functions as the evaluative criterion, discretion defines the space for operational decision-making, and accountability provides the mechanism for enforcement and institutional learning. The framework explains how legal norms guide police conduct while constraining the exercise of state coercive power. It also emphasizes that effective crowd control requires not only clear rules authorizing force, but also oversight, responsible decision-making, and remedies when police actions exceed lawful limits.

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INTRODUCTION

Indonesia is a country of law that places the law as the basis for the implementation of state life and government. Consequently, every government action, including the actions of the National Police of the Republic of Indonesia (Polri), must be based on the authority granted by law and carried out in

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

accordance with predetermined limits. The National Police, as an institution that has the function of maintaining public security and order, enforcing the law, and providing protection and service to the community, has broad authority in carrying out its duties. This authority cannot be understood as unlimited power, because every police action must be legally accountable and still respect human rights (HAM).[1]

Hasibuan explained that the National Police is the bearer of government functions related to public security and order and law enforcement. The National Police has duties and authorities that are sourced from the law. Police actions are part of government actions that must have a basis of authority and are directed to goals that are justified by law.[2] In line with this, Sadjijono placed police actions as a form of government action that has legal consequences. These actions must be based on legitimate authority and must not be carried out arbitrarily. Police authority is also a limit for the apparatus so that there is no abuse of power.[3]

The issue of the limits of authority has become increasingly important in the implementation of mass control, especially in public opinion submission activities. Expression of opinions is a form of citizen freedom that must be respected and protected. Demonstrations can be a means for the public to convey their aspirations, criticisms, and demands to the government. In its implementation, situations that disturb security and order can arise, such as clashes, acts of violence, destruction, or other actions that endanger public safety. This condition puts the National Police in a complex position because the apparatus must maintain security while ensuring that the public's right to express opinions is protected.[4]

Crowd control cannot be seen solely as an action to disperse the masses. Mass control must be carried out in a measured manner by considering the condition of the masses, the level of threat, the purpose of the action, and the possibility of using lighter measures. The educational materials for the formation of police officers regarding crowd control also place these activities in the framework of maintaining security and order while ensuring that the expression of opinions takes place in an orderly manner and does not violate the rights of other parties. Mass control has two dimensions that must be balanced, namely the need to maintain public order and the obligation to respect the rights of the community.[5]

The problem then arises when the apparatus has to use force in dealing with an escalating mass situation. The use of force is a police action that can directly affect the safety and rights of citizens, so it must have a clear limit. The Regulation of the National Police Chief Number 1 of 2009 concerning the

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[1] C A Archbold, "Police Accountability in the USA: Gaining Traction or Spinning Wheels?," *Policing: A Journal of Policy and Practice* 15, no. 3 (2021): 1665–83, https://doi.org/10.1093/police/paab033.

[2] Jacqui Baker and Rus'an Nasrudin, "Is Indonesian Police Violence Excessive? The Dynamics of Police Shootings, 2005–2014," *Journal of Contemporary Asia* 54, no. 2 (2024): 181–209, https://doi.org/10.1080/00472336.2022.2138773.

[3] F D Boateng et al., "Empirical Examination of Factors That Influence Official Decisions in Criminal Cases against Police Officers," *American Journal of Criminal Justice* 49, no. 3 (2024): 462–84, https://doi.org/10.1007/s12103-024-09756-w.

[4] Aladdin C Speelman et al., "Postmortem Computed Tomography Plus Forensic Autopsy for Determining the Cause of Death in Child Fatalities," *Pediatric Radiology* 52, no. 13 (2022): 2620–29, https://doi.org/10.1007/s00247-022-05406-7.

[5] W Koslicki et al., "Weapons Present, Police Absent? An Analysis of Police Behaviour during 2020–2021 Left- and Right-Wing Demonstrations," *Policing and Society* 36, no. 2 (2026): 137–54, https://doi.org/10.1080/10439463.2025.2532549.

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

Use of Force in Police Actions is one of the important bases in regulating the use of force by members of the National Police. According to the guideline, the use of force must be carried out based on the conditions and level of threats faced and must not be used excessively.

The assessment of the use of force is closely related to the principles of legality, necessity, and proportionality. The principle of legality is related to the existence or absence of a legal basis for the actions of the apparatus. The principle of necessity is related to whether the use of force is indeed necessary to deal with the situation that occurs. The principle of proportionality is related to the suitability between the level of force used and the level of threat faced.[6] These three principles are also related to respect for human rights because the use of force that has no legal basis, is unnecessary, or is unbalanced can potentially cause violations of citizens' rights.

The application of these principles is not always simple. The situation of mass control is dynamic and can change in a short period of time. Differences in the character of the participants in the action, limitations in communication, provocation, and the emergence of anarchist actions can affect the decisions of the authorities in the field. Sitepu and Maryani's research shows that law enforcement in securing protests faces challenges in the form of mass dynamics, communication limitations, heterogeneity of participants, and potential provocation.[7] These conditions show that legal norms must be applied in concrete situations that are not always perfectly predictable.

Revaldi and Yasarman's research also shows that even though regulations on the use of force are available, there are still implementation problems related to training, evaluation, and supervision.[8] Meanwhile, Shabira's research on the practice of mass control in Bandung shows the importance of supervision and professionalism in the implementation of police regulations.[9] The research of Mustofa, Marwiyah, Amiq, and Prawesti also shows that the implementation of mass control is influenced by the condition of resources, mass dynamics, and the discretionary space of the apparatus.[10] These findings show that the problem of the use of force is not only related to the existence of norms, but also to how these norms are applied in real conditions in the field.

This condition is closely related to the existence of police discretion. Not all situations faced by the police can be formulated in detail in regulations or standard operating procedures (SOPs). The police need space to make decisions based on the concrete conditions they face. Discretion is needed so that the

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[6] A T Krajewski, J L Worrall, and R M Scales, "Threat Dynamics and Police Use of Force," *Journal of Research in Crime and Delinquency* 61, no. 6 (2024): 900–948, https://doi.org/10.1177/00224278231194711.

[7] D Sitepu and H Maryani, "Aspects of the Legality of the Actions of the Brimob Pioneer Unit in Law Enforcement of Protests in North Sumatra," *Journal of Social and Legal Sciences* 4, no. 4 (2026): 1–10, https://doi.org/10.61104/alz.v4i4.10743.

[8] I Putu Yogi Revaldi and Yasarman, "The Principles of Legality, Necessity, and Proportionality in the Use of Force by the Police: A Study on the Implementation of Perkap No. 1 of 2009," *Decisio: Legal Scientific Journal* 2, no. 1 (2025): 19–24, https://doi.org/10.52249/decisio.v2i1.25.

[9] Marshanda Faza Shabira, "The Implementation of the National Police Chief's Regulation in the Practice of Crowd Control by the Police in Bandung," *Jurnal Suara Keadilan* 27, no. 1 (2026): 1–15, https://doi.org/10.24176/sk.v27i1.17009.

[10] Arifin Mustofa et al., "Implementation of Police Chief Regulation No. 16 of 2006 Concerning Mass Control on the Handling of Protests and Riots by Dalmas Polda East Java in the City of Surabaya," *Journal of Education, Social & Humanities* 4, no. 3 (2026): 1–12, https://doi.org/10.61104/jq.v4i3.8519.

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

JOURNAL OF
Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

authorities can respond quickly and effectively, but discretion cannot be understood as the freedom to act without limits. Sadjijono explained that the discretion of the police is still limited by the law, the obligation of office, propriety, and respect for human rights.[11] When it comes to mass control, discretion is important because the authorities often have to make decisions in rapidly evolving situations. The greater the room for discretion, the more important the parameters that can be used to assess whether the action is still within the limits of authority. The principle of proportionality can be used as one of these parameters.

The issue of discretion is then related to accountability. If the use of force deviates from the law or SOP, it is necessary to determine who should be responsible. Accountability cannot always be imposed automatically on members in the field. Police operations have a command structure, division of authority, orders, and supervision mechanisms.

These concerns are not unique to Indonesia. Comparative scholarship of the past decade has repeatedly shown that the existence of use-of-force norms does not by itself secure accountability. Archbold's assessment of police accountability in the United States asks whether reform efforts are gaining real traction,[12] while Skinner argues for global monitoring and comparative benchmarking as a way of strengthening accountability for lethal force.[13] Reviews of the research literature, in turn, indicate that the evidence base on police use of force has expanded considerably but still rests on uneven theoretical and empirical foundations.[14] In the Indonesian setting, Baker and Nasrudin observe that public debate on police force has long taken place in the absence of systematic data.[15]

The research of Maheswara, Zakariya, and Nurwanti emphasizes the importance of strengthening police discretionary arrangements in handling protests through clear limits and human-rights-based SOPs, and shows the relationship between discretion, use of force, proportionality, and human rights protection.[16] If previous studies are viewed as a whole, it can be seen that studies on mass control have discussed aspects of legality, regulatory implementation, use of force, discretion, and human rights. There is still room to integrate these aspects in an analysis that connects proportionality as a limit to the use of force, discretion as a decision-making space for the authorities, and accountability as a mechanism of responsibility for the use of authority. This gap is important because the use of force and discretion are two inseparable aspects of mass control. Discretion is necessary because field conditions are dynamic, but at the same time it must be limited so as not to turn into an abuse of authority.

The issue of the use of force by the National Police needs to be seen through a balance between the need to maintain security and the obligation to respect human rights. The existence of rules regarding the use of force and mass control does not in itself guarantee that every action in the field is in accordance

[11] Revaldi and Yasarman, "The Principles of Legality, Necessity, and Proportionality in the Use of Force by the Police: A Study on the Implementation of Perkap No. 1 of 2009."
[12] Archbold, "Police Accountability in the USA: Gaining Traction or Spinning Wheels?"
[13] Stephen Skinner, "Enhancing Accountability for Police Use of Lethal Force: Global Monitoring and Comparative Benchmarking," *Policing: A Journal of Policy and Practice* 18 (2024), https://doi.org/10.1093/police/paad100.
[14] D Oramas Mora, W Terrill, and J Foster, "A Decade of Police Use of Deadly Force Research (2011–2020)," *Homicide Studies* 27, no. 1 (2023): 6–33, https://doi.org/10.1177/10887679221123591.
[15] Baker and Nasrudin, "Is Indonesian Police Violence Excessive? The Dynamics of Police Shootings, 2005–2014."
[16] Demas Candra Maheswara, Hafid Zakariya, and Yulian Dwi Nurwanti, "Police Discretion in Handling Protests Reviewed from the Application of Human Rights," *Tana Mana* 7, no. 1 (2026): 584–96, https://doi.org/10.33648/jtm.v7i1.1673.

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

with the principle of proportionality. Training, professionalism, field conditions, command mechanisms, supervision, and evaluation are also factors that affect the implementation of these norms.

Based on this description, this study examines two main problems, namely: first, are the current rules for the use of force by the National Police in controlling the masses in accordance with the principles of proportionality and human rights (HAM)? Second, what are the limits of the discretion of the authorities in the field, and who must be legally responsible in the event of a violation of SOPs? This study aims to analyze the conformity of the norms of the use of force by the National Police in mass control with the principles of proportionality and human rights, to analyze the limits of the discretion of the authorities in carrying out their duties in the field, and to examine legal accountability in the event of violations of SOPs in the use of force. Its original contribution lies in proposing a three-phase accountability framework that links proportionality, discretion, and accountability within a single analytical structure. The study is expected to contribute to the development of police law studies, especially regarding the relationship between authority, discretion, use of force, human rights protection, and accountability in mass control.

METHODS

This study uses a normative juridical research method, which is a research approach that focuses on legal norms, legal principles, laws and regulations, and legal doctrine as the main material of the study.[17] This method is used because the research focuses on the analysis of the norms of the use of force by the National Police of the Republic of Indonesia in mass control and their conformity with the principles of proportionality, human rights, and accountability. Normative studies of police accountability in Indonesia commonly combine a statutory approach with a conceptual approach in the same way.[18] The approach used in this study therefore includes a statute approach and a conceptual approach.

The statute approach is used to examine the provisions of the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Law Number 9 of 1998 concerning Freedom of Expression in Public, Regulation of the Chief of the National Police of the Republic of Indonesia Number 1 of 2009 concerning the Use of Force in Police Actions, and Regulation of the Chief of the National Police of the Republic of Indonesia Number 16 of 2006 concerning Crowd Control. Meanwhile, a conceptual approach is used to understand various concepts such as police authority, discretion, proportionality, use of force, protection of human rights, and accountability. International standards on the use of force and the right of peaceful assembly are used as interpretive benchmarks.

The legal materials used consist of primary legal materials and secondary legal materials. Primary legal materials are in the form of laws and regulations and police regulations that are directly related to

[17] Wafda Vivid Izziyana and Rahmat Dwi Putranto, *METODE PENELITIAN SO C IO-LEGAL DI INDONESIA*, n.d.

[18] Dudik Djaja Sidarta Ristianto, Irawan Soerodjo, and Syahrul Borman, "Police Accountability in Handling Anarchic Demonstrations in the Jurisdiction of the East Kalimantan Regional Police Based on the Chief of Police Regulation Number 1 of 2009," *Lex Journal: Kajian Hukum Dan Keadilan* 7, no. 2 (2023): 464–88, https://doi.org/10.25139/lex.v7i2.11820.

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

the use of force and mass control. Secondary legal materials are in the form of academic books, scientific journals, and police education materials that are relevant to the research problems.

The analysis of legal materials was carried out qualitatively using descriptive and analytical approaches. The legal materials that had been collected were first explained in order to gain an understanding of the regulation of the use of force and mass control by the police.[19] Furthermore, an analysis was carried out on the relationship between police authority, the principles of legality, necessity, proportionality, discretion, human rights, and accountability. This analysis was used to answer the two research problems, namely the conformity of the rules of the use of force with the principles of proportionality and human rights, as well as the limits of discretion of the apparatus and legal accountability in the event of violations of standard operating procedures. With this approach, the research is directed to find the relationship between the applicable norms and the needs of their application in dynamic conditions of mass control, and to formulate limits on the use of authority so that police actions remain effective, legitimate, measurable, and accountable.

RESULTS AND DISCUSSION

1. Conformity of the Rules on the Use of Force by the National Police with the Principles of Proportionality and Human Rights

a. Use of Force as a Form of Police Authority

The National Police of the Republic of Indonesia has an important role in ensuring public security and order and enforcing the law fairly and firmly. The National Police has certain authorities that allow members of the police to take actions against a person or group of people, if there is a situation that legally justifies such actions. Law No. 2 of 2002 allows police officials, in the public interest, to act on their own assessment in very necessary circumstances, but requires that they remain bound by statutory provisions and the professional code of ethics, and that they act on the basis of legal norms while upholding human rights. This authority cannot be interpreted as an absolute authority. Police authority is an authority granted under the law and at the same time limited by law.

The same logic appears in international standards. The Code of Conduct for Law Enforcement Officials permits force only when strictly necessary and to the extent required for the performance of duty, and the UN Basic Principles require officials, as far as possible, to apply non-violent means before resorting to force, and to act with restraint and in proportion to the seriousness of the offence and the legitimate objective to be achieved.[20] Comparative research on accountability reinforces the point that such norms matter only if their application can be observed and compared. Skinner's proposal of global monitoring and benchmarking, and the discussion by Rappert and colleagues of the opportunities and challenges of a global lethal force monitor, both start from the premise that what states do with force must be measurable before it can be made accountable.[21]

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[19] Zainuddin Ali, *Metode Penelitian Hukum*, Edisi pertama, cetakan ketujuh (Jakarta: Sinar Grafika, 2016).

[20] United Nations, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 1990), principles 4–5.

[21] Skinner, "Enhancing Accountability for Police Use of Lethal Force: Global Monitoring and Comparative Benchmarking."

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

When it comes to crowd control, the use of force is one of the forms that has a high risk. When police officers use physical force, crowd control tools, or other forms of force, these actions can directly affect safety, freedom of movement, bodily security, and the right to express opinions. The greater the level of force used, the higher the standard of legality and responsibility for the act.

Regulation of the Chief of the National Police of the Republic of Indonesia Number 1 of 2009 serves as the main basis for determining the way of using force by the police in carrying out necessary actions. It builds a graduated structure of force, beginning with measures that have a deterrent or preventive effect and verbal commands, then moving through soft and hard empty-hand control and the use of blunt or chemical instruments, and reaching firearms only at the last stage. The existence of these regulations shows that the use of force is not intended as an action that is entirely up to the individual judgment of each member, but an action that must be taken in accordance with the conditions and level of threats faced. It is also notable that the regulation sits at the level of a police regulation. According to the Law on Police Use of Force Worldwide project, there is no primary legislation that specifically governs police use of force in Indonesia, and the field is instead governed by Perkap No. 1 and Perkap No. 8 of 2009. This observation matters for the analysis of proportionality below, because a standard set only by internal regulation depends more heavily on internal supervision for its enforcement.

Thus, there is a fundamental distinction between the authority to use force and the freedom to use force. Authority indicates the existence of a legitimate legal basis for the institution or authority to take certain actions. The authorities must still comply with principles such as legality, necessity, proportionality, and accountability. This distinction is very important because the disorderly state of the masses does not automatically give the authorities the right to use force at any level.

b. Principles of Legality and Necessity in the Use of Force

The principles of legality and necessity are important bases in the use of force by the National Police during mass control. The principle of legality requires that every police action has a legal basis and is carried out within the limits of the applicable authority, while the principle of necessity emphasizes that the use of force can only be carried out if it is really necessary to achieve legitimate goals. These two principles serve as guidelines as well as a barrier so that the apparatus does not use their authority arbitrarily.

When handling demonstrations, police officers are obliged to respect the public's right to express their opinions in public as stipulated in Law Number 9 of 1998. Demonstrations are part of democratic life, so that the presence of the police is not only aimed at maintaining order, but also at protecting the rights of action participants. The same right is protected by Article 21 of the International Covenant on Civil and Political Rights, which Indonesia has ratified through Law No. 12 of 2005, and the Human Rights Committee's General Comment No. 37 treats restrictions on peaceful assembly as exceptions that must satisfy the tests of necessity and proportionality. Demonstrations that take place peacefully must therefore be distinguished from actions that are accompanied by violence. These differences in conditions are the basis for the authorities to determine the right action according to the situation on the ground.

The application of the principle of necessity requires the authorities to prioritize a persuasive approach before using physical force. Communication, negotiation, appeal, and mass organizing are steps that can be taken to prevent conflicts. The use of new force can be considered if the measure is inadequate and there is a threat that requires further action. The authorities need to pay attention to the

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

level of threat, the condition of the masses, the potential for victims, and the possibility of using lighter means.

Necessity is also a principle of evidence. The decision to use force is meaningful only if it can be tied to a real, observable threat. Scholarship on threat dynamics and police use of force treats the officer's perception of threat as central to force decisions,[22] and Baker and Nasrudin's analysis of Indonesian police shootings between 2005 and 2014 found no causal relationship between shootings and officers' perceptions of threat.[23] Although that study concerns firearm use rather than crowd control, it illustrates why necessity cannot simply be presumed from the fact that force was used. It has to be tested against the circumstances that actually existed.

Legality and necessity also require content-neutral application. Koslicki and colleagues examine police behaviour at left- and right-wing demonstrations in the United States in 2020–2021 and draw implications for crowd-management policy from the visible differences in police response. For the Indonesian National Police, the lesson is that the legal basis for force must attach to the conduct of participants and the level of threat, not to the identity, message, or political orientation of the assembly.

The implementation of the principles of legality and necessity faces challenges because the situation of demonstrations can change rapidly. Sitepu and Maryani's research shows that there are obstacles in the form of mass dynamics, limited communication, diversity of participants, and provocations in handling demonstrations.[24] These conditions can make it difficult for the authorities to determine appropriate actions. Changes in the situation cannot be used as an excuse to use excessive force. Any action must still be based on an assessment of the real threat and the need to overcome the situation.

The application of the principles of legality and necessity must be supported by training, professionalism, and supervision of the actions of the officers in the field. The police need to ensure that any use of force has a legal basis, is absolutely necessary, and does not exceed the level of threat faced. The application of these two principles is important to prevent human rights violations while increasing police accountability. Crowd control can be carried out in an orderly and effective manner without ignoring the public's right to express their opinions in public.

c. The Principle of Proportionality as a Limit to the Use of Force

The principle of proportionality is one of the main aspects used in determining whether the use of force is justified. Proportionality requires that there be a match between the level of threat faced and the level of force used. This means that the smaller the level of threat that exists, the smaller the level of force that can be allowed. On the other hand, an increase in force can only be considered if the level of threat also increases significantly.

Proportionality does not mean that every disturbance should be responded to with exactly the same force. This principle is better understood as the obligation to maintain a balance between the goals to be achieved and the means used to achieve those goals. The goal to be achieved is to ensure security

[22] Krajewski, Worrall, and Scales, "Threat Dynamics and Police Use of Force."

[23] Baker and Nasrudin, "Is Indonesian Police Violence Excessive? The Dynamics of Police Shootings, 2005–2014."

[24] Sitepu and Maryani, "Aspects of the Legality of the Actions of the Brimob Pioneer Unit in Law Enforcement of Protests in North Sumatra."

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

and order and to protect the community. The actions taken by the authorities must not cause harm that is far greater than the threat they seek to address.

For example, if most of the protesters are still demonstrating peacefully, while only a small number of people are committing violent acts, then the response from the authorities must be appropriately directed at the potential disturbance. The indiscriminate use of force against the entire mass, without distinguishing between the perpetrators of violence and peaceful participants, can raise proportionality issues.

This is also related to the protection of the right to freedom of opinion. Demonstrations are one way to express opinions that are recognized and protected by law. Actions taken by the police need to pay attention to the fact that in a crowd there are various different rights and interests. There are people who exercise their rights peacefully, there are parties who may violate the rules, and there are ordinary people around the place.[25] [26]Proportionality thus demands a difference in action. Officers must be able to distinguish between the level of threat and the nature of the individual or group faced. This approach is in line with the need to ensure that the use of force does not turn into a punishment imposed collectively on all participants in the action.

The choice of means is part of the proportionality assessment. Crowd-control tools that are labelled "less-lethal" are not risk-free. The United Nations human rights guidance on less-lethal weapons stresses that such weapons can still cause serious injury and must be used in accordance with the same principles of legality, necessity, and proportionality as any other force. In operational terms, the more injurious the instrument, the more demanding the justification that is required, and the stronger the duty to consider whether a lighter measure would have been sufficient.[27]

Research conducted by Revaldi and Yasarman shows that although the rules on the use of force are available, the problems in their implementation are still related to the aspects of training, evaluation, and supervision.[28] The findings show that the existence of a proportionality rule alone is not enough, if it is not accompanied by the ability of the authorities to apply the rule in real conditions. Evidence from outside Indonesia points in the same direction. Engel and colleagues evaluated de-escalation training in the Louisville Metro Police Department as a means of reducing police use of force,[29] which suggests that proportionality is something that can be taught, practised, and assessed, rather than being merely a statement of principle.

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[25] K Puddister, "Oversight and Accountability for Serious Incidents in Canada: Who Polices the Police?," *Canadian Public Administration* 66, no. 3 (2023): 390–408, https://doi.org/10.1111/capa.12538.

[26] Puddister.

[27] Rahman Amin, Anggreany Haryani Putri, and Endang Hadrian, "Indonesia National Police Efforts in Handling Football Supporter Riots; Study of Events at Kanjuruhan Stadium, Malang Regency, Indonesia," *Cogent Social Sciences* 10, no. 1 (2024), https://doi.org/10.1080/23311886.2024.2301837.

[28] Revaldi and Yasarman, "The Principles of Legality, Necessity, and Proportionality in the Use of Force by the Police: A Study on the Implementation of Perkap No. 1 of 2009."

[29] Robin S Engel et al., "Assessing the Impact of De-Escalation Training on Police Behavior: Reducing Police Use of Force in the Louisville, KY Metro Police Department," *Criminology & Public Policy* 21, no. 2 (2022): 199–233, https://doi.org/10.1111/1745-9133.12574.

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

JOURNAL OF
Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

d. Use of Force and Protection of Human Rights

The use of force in mass control has a direct relationship with the protection of human rights. Any action that involves the use of force may reduce or interfere with the rights of citizens; therefore it must be carried out with caution. Respect for human rights is not an obstacle to the performance of police duties, but is part of the legitimacy of the implementation of those duties.[30]

The National Police has an obligation to maintain security and order, but at the same time must protect the community. These two functions should not be considered as two interests that are always in conflict. Mass control carried out professionally must actually be able to combine the two. Perkap No. 8 of 2009 on the implementation of human rights principles and standards in police duties reinforces this expectation. It requires officers, among other things, to refrain from using force unless it is absolutely necessary.

In the state of peaceful demonstrations, the protection of human rights requires the authorities to provide space for the public to express their opinions. In the event of an act that disturbs security, the authorities can take action in accordance with their authority. The action should aim to stop the disturbance and protect the victims, not just to disperse the crowd without regard for the rights of other participants. When the situation worsens, the authorities can increase the response measures as needed, while if the situation is stable, the level of force also needs to be reduced. The use of force is not an action that is carried out only once, but a process that must be continuously evaluated according to the changing conditions that occur.

Research by Maheswara, Zakariya, and Nurwanti emphasizes the importance of strengthening the enforcement of discretion with clear limits and SOPs based on human rights.[31] This shows that human rights protection cannot be separated from the regulation of the use of force and discretion. The broader the authority given to the authorities, the more important it is to have human rights guidelines as a limit in carrying out actions. Comparative evidence supports this view: Mugari and Obioha's study of police powers in Zimbabwe lists excessive use of force among the main forms of police abuse of power, together with unlawful arrest and arbitrary search and seizure.[32] The risk, in other words, is not peculiar to any one legal system. Wide powers without effective human rights constraints create conditions in which force can exceed its lawful purpose.

e. Implementation of Norms and Problems in the Field

Normatively, Indonesia has various legal regulations that regulate police duties, the right to freedom of expression, the use of force, and the control of the masses. The existence of regulations does not automatically guarantee that their application in the field is always in accordance with norms.

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[30] Allan Fredrik Jaftoran, Carina Budi Siswani, and Imanuel I R Hammar, "Implementation of the Use of Force by Police Officers in Handling Mass Actions Based on the Regulation of the Chief of the Indonesian National Police Number 1 of 2009," *LEGAL BRIEF* 14, no. 5 (2025): 1107–17, https://doi.org/10.35335/legal.v14i5.1515.

[31] Maheswara, Zakariya, and Nurwanti, "Police Discretion in Handling Protests Reviewed from the Application of Human Rights."

[32] Sri Dewi Rahayu Kusumawati and Gatoet Poernomo, "Chemical Castration in Indonesian Criminal Law: Human Rights Perspective," *Indonesian Journal of Innovation Studies* 25, no. 1 (2024), https://doi.org/10.21070/ijins.v26i1.991.

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

Research conducted by Shabira on the practice of crowd control in the city of Bandung shows how important it is to have strict supervision and professionalism in implementing police regulations.[33] Research conducted by Mustofa, Marwiyah, Amiq, and Prawesti shows that the implementation of crowd control is influenced by the condition of resources, mass dynamics, and the discretion owned by the authorities.[34] Ristianto and colleagues, writing on anarchic demonstrations in East Kalimantan, similarly conclude that although Perkap No. 1 of 2009 provides sufficiently detailed operational guidelines, the principles of proportionality and necessity are applied ineffectively once demonstrations escalate.[35]

These findings show that there is a difference between norms and practices. Legal norms provide a general framework, while real conditions present specific problems that are not always predictable. Success in implementing rules depends not only on the quality of existing regulations, but also on the quality of the human resources who implement them. Three conditions deserve particular attention.

The first is the operationalization of open-textured standards. Corputty's analysis of police firearm use argues that the notion of an imminent and real threat has not been translated into observable indicators such as distance, tools, behaviour, and crowd dynamics.[36] The same observation can be made about crowd control: unless terms such as "anarchic," "provocation," and "escalation" are tied to observable indicators, they leave too much room for after-the-fact justification.

The second is training. Police members need to understand not only how to control the crowd, but also the legal basis that is the reason for every step in using force. This understanding is needed so that members do not only consider SOPs as mere technical guidelines, but also as a tool to limit power. The evaluation by Engel and colleagues of de-escalation training in Louisville indicates that training can be examined empirically for its effect on the use of force,[37] which suggests that Indonesian training curricula could likewise be assessed against measurable outcomes.[38]

The third is evaluation and evidence. Post-operative evaluation is required. Any significant use of force should be evaluated to determine whether the action is appropriate for the existing threat, whether there are casualties, whether there is a violation of the procedure, and whether correction is needed. Evaluation is important so that the same mistake does not repeat itself in the next operation. Evaluation, however, depends on data. The review by Oramas Mora, Terrill, and Foster of a decade of

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[33] Shabira, "The Implementation of the National Police Chief's Regulation in the Practice of Crowd Control by the Police in Bandung."

[34] Mustofa et al., "Implementation of Police Chief Regulation No. 16 of 2006 Concerning Mass Control on the Handling of Protests and Riots by Dalmas Polda East Java in the City of Surabaya."

[35] Ristianto, Soerodjo, and Borman, "Police Accountability in Handling Anarchic Demonstrations in the Jurisdiction of the East Kalimantan Regional Police Based on the Chief of Police Regulation Number 1 of 2009."

[36] Patrick Corputty, "Reformulating Police Firearm Use Standards: Bridging Legal Frameworks with Pancasila Justice," *Jurnal Hukum Progresif* 13, no. 2 (2025), https://ejournal.undip.ac.id/index.php/hukum_progresif/article/view/77668.

[37] Speelman et al., "Postmortem Computed Tomography Plus Forensic Autopsy for Determining the Cause of Death in Child Fatalities."

[38] Andrew J Thompson, Christi Metcalfe, and Justin T Pickett, "Should Police Officers Who Use Force against Peaceful Protesters Be Punished? A National Experiment," *Journal of Experimental Criminology* 21, no. 1 (2025): 71–98, https://doi.org/10.1007/s11292-023-09589-3.

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

JOURNAL OF
Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

research on police deadly force, and the critique by McLean, Stoughton, and Alpert of the gap between theory and evidence in this field, both indicate that systematic evidence remains a precondition for learning from police force.[39] Baker and Nasrudin's observation that Indonesian debates have long taken place without systematic data suggests that this precondition is not yet fully met.[40]

2. Limits of Apparatus Discretion and Legal Accountability for SOP Violations

a. Discretion in Crowd Control

Discretion is an important component that is inseparable from the execution of duties by the police. Officers in the field often face situations where not all aspects can be regulated in detail in regulations. In certain situations, members are required to make decisions quickly in order to prevent security disturbances, protect the community, or control the development of the situation that occurs. Mugari and Obioha point out that police officers are given wide discretionary powers precisely so that they can carry out their mandate, and that those same powers are the source of recurring allegations of abuse.[41]

At the time of mass control, decisions of discretion that are increasingly greater due to changes in the dynamics of the masses can occur in a relatively short time.[42] Demonstrations that initially run in an orderly manner can turn into situations that trigger tension due to provocations, clashes between groups, destructive actions, or other factors. In such situations, officers cannot constantly wait for new instructions every time there is a change in conditions.[43]

Discretion should not be understood as a freedom that has no limits. Discretion remains part of the government's authority that must be exercised within the applicable legal framework. Sadjijono emphasized that police discretion is still limited by the law, the obligation of office, propriety, and respect for human rights. Law No. 2 of 2002 itself is consistent with this view, since it ties the use of discretion to very necessary circumstances and to the observance of statutory provisions and the professional code of ethics. Discretion should be understood as a decision space given so that the apparatus can carry out its duties effectively, not as a space to ignore the rules. Members who are given discretionary authority must be able to provide an explanation of the reason for taking the action, the purpose of the action, the situation faced, and the relationship between the action and the existing security needs.

The comparative literature shows that the limits of discretion are often enforced from outside the police organization. Mugari and Obioha, for example, examine civil action against the police in Zimbabwe as a means of curtailing police discretionary powers.[44] Although the Zimbabwean legal system differs from the Indonesian one, the example makes a useful analytical point: a discretionary

[39] Oramas Mora, Terrill, and Foster, "A Decade of Police Use of Deadly Force Research (2011–2020)."
[40] Baker and Nasrudin, "Is Indonesian Police Violence Excessive? The Dynamics of Police Shootings, 2005–2014."
[41] Ishmael Mugari and Emeka E Obioha, "Perspectives on Execution of Police Powers and Functions in the Republic of Zimbabwe," *Corvinus Journal of Sociology and Social Policy* 9, no. 1 (2018): 127–49, https://doi.org/10.14267/CJSSP.2018.1.06.
[42] Clifford Stott et al., "The Columbus Model: Crowd Psychology, Dialogue Policing and Protest Management in the U.S.A.," *Policing and Society* 36, no. 2 (2026): 155–77, https://doi.org/10.1080/10439463.2025.2532546.
[43] Surya Aditya Putra and Siti Fatimah, "Policing Mass Demonstrations in Indonesia: Balancing Public Order, Civil Liberties, and Democratic Accountability," *Indonesian Journal of Policing and Security Studies* 1, no. 3 (2026): 235–48, https://doi.org/10.65815/j8aj4k58.
[44] Mugari and Obioha, "Perspectives on Execution of Police Powers and Functions in the Republic of Zimbabwe."

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

power becomes limited in practice only when there is some forum in which its exercise can be questioned and its consequences borne.[45]

b. Parameters of Discretionary Limits

In order for discretion not to turn into an abuse of authority, clear parameters are needed. These parameters build on the human-rights-based limits proposed by Maheswara and colleagues,[46] and they operate cumulatively: an action must satisfy all of them, not only one.

The first parameter is legality. Discretion should not be used as an excuse to commit actions that clearly violate the law. The second parameter is a legitimate objective. Discretion must be exercised with regard to the interests of carrying out police duties, such as maintaining security, preventing disturbances, protecting the public, or enforcing the law. Discretion must not be used for personal gain, revenge, punishment, or purposes beyond its authority.

The third parameter is necessity. The chosen action must be absolutely necessary. If the goal can be achieved by a lighter means, then the use of heavier means should be questioned. The fourth parameter is proportionality. The action taken must be in harmony with the level of danger that occurs. Discretion should not be used as an excuse to carry out an unbalanced action.

The fifth parameter is propriety and human rights. Actions taken officially on the basis of authority still need to be evaluated based on the aspect of propriety and their impact on citizens' rights. The sixth parameter is accountability. Any use of discretion in the implementation of policies must be explained and accountable. The greater the influence of actions on citizens' rights, the greater the need for documentation and supervision. With these parameters, discretion can be placed as an instrument of flexibility in carrying out duties, but still within the legal framework of the state.

c. Relationship of Discretion with SOPs

SOPs play an important role in providing guidelines to members regarding the stages and actions that must be taken. SOPs are needed to reduce uncertainty and prevent members from making decisions based on purely personal considerations. The SOP is also unable to anticipate all circumstances. Discretion is still needed in dealing with real situations when the conditions are different from the scenarios that have been set out in the SOP. In such situations, members can make the necessary decisions, but the decision must still be in accordance with the objectives and principles contained in the SOP.

The relationship between discretion and standard operating procedures is not a conflicting relationship. SOPs provide limits and guidelines, while discretion provides flexibility when a particular situation requires a decision that is not specifically stated in the SOP. Problems arise when discretion is used to justify actions that actually violate the SOP. Violations of SOPs do not automatically become valid just because the authorities say that field conditions require discretion. Claims regarding emergency conditions or crowd dynamics need to be assessed based on the actual situation.

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[45] Galih Aldi Wiyogo and Emy Rosnawati, "Police Use of Live Ammunition in Student Protest Fatality: Penggunaan Peluru Tajam Oleh Polisi Dalam Insiden Kematian Pada Demonstrasi Mahasiswa," *Academia Open* 10, no. 2 (2025), https://doi.org/10.21070/acopen.10.2025.9777.

[46] Maheswara, Zakariya, and Nurwanti, "Police Discretion in Handling Protests Reviewed from the Application of Human Rights."

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

Documentation is the practical link between discretion and SOPs. Corputty identifies a recurring pattern in public police-shooting incidents consisting of inconsistent initial statements, a lack of de-escalation attempts, and inadequate post-incident documentation.[47] If a similar pattern appears in crowd-control operations, it becomes almost impossible to tell afterwards whether a decision was a legitimate use of discretion or a deviation. After the action is taken, there needs to be an evaluation to determine whether discretion is really necessary or is a form of deviation. The evaluation mechanism is important to ensure that discretion is not used as an easy excuse to justify every action taken by the authorities.

d. Accountability of Executive Members

A member who uses excessive force, where the action cannot be justified based on the situation that occurred, can be held accountable in accordance with the applicable law. Assessment of the member should not be made only based on the impact that occurred. Consideration must also be given to the situation that occurred when the decision was made. In times of rapidly changing circumstances, a member may need to make a decision within a very limited time. This is consistent with the emphasis in the threat-dynamics literature on the evolving circumstances in which force decisions are made.[48]

The examination should consider whether the member has authority, whether the threat is necessary, whether the level of force is proportionate to the threat, and whether the member has the opportunity to choose other actions. This approach is critical so that accountability does not turn into a fault against a member who has actually acted within his or her authority under difficult circumstances. Conversely, it should also not be used to protect members who use force arbitrarily.

Indonesian law offers several tracks of individual accountability: criminal liability, disciplinary sanctions under Government Regulation No. 2 of 2003, and ethical sanctions under the police professional code of ethics. The difficulty lies less in the existence of these tracks than in their operation. Ristianto and colleagues identify institutional solidarity, evidentiary difficulties, and insufficient political will to enforce equality before the law as structural and cultural obstacles to criminal accountability for police officers.[49] Comparative research is consistent with this concern.[50] Boateng and colleagues examine the factors that influence official decisions in criminal cases against police officers,[51] and Worden, Harris, and Kim analyze what determines the severity of disciplinary sanctions for police misconduct.[52] Both lines of work indicate that outcomes of accountability processes are shaped by organizational and case-specific factors in addition to the seriousness of the misconduct itself, which is a reason to insist on transparent criteria for decisions.

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[47] Corputty, "Reformulating Police Firearm Use Standards: Bridging Legal Frameworks with Pancasila Justice."
[48] Krajewski, Worrall, and Scales, "Threat Dynamics and Police Use of Force."
[49] Ristianto, Soerodjo, and Borman, "Police Accountability in Handling Anarchic Demonstrations in the Jurisdiction of the East Kalimantan Regional Police Based on the Chief of Police Regulation Number 1 of 2009."
[50] Fera Wulandari Fajrin et al., "Penggunaan Kekuatan Aparat Terhadap Kebebasan Berkumpul Dan Berpendapat Di Indonesia Dalam Kerangka ICCPR," *Jurnal Fundamental Justice* 7, no. 1 (2026): 83–98, https://doi.org/10.30812/fundamental.v7i1.6219.
[51] Boateng et al., "Empirical Examination of Factors That Influence Official Decisions in Criminal Cases against Police Officers."
[52] R E Worden, C J Harris, and M Kim, "Disciplinary Sanctions for Police Misconduct: An Empirical Analysis of Sanction Severity," *Police Quarterly* 27, no. 1 (2024): 80–108, https://doi.org/10.1177/10986111231174831.

Volume 1 Number 3 (2026)
November 2026
Page: 370-385

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

e. Accountability in the Command Structure

Mass control operations have an organizational structure and command. In the event of a violation of the SOP, accountability does not always stop with the member who performs the action directly. Accountability can also be related to the party who gave the order, the party who has the obligation to supervise, or the party who knows of the irregularities but does not take the necessary action. The determination of responsibility must be based on the authority and involvement of each party.

The normative basis for structural responsibility exists in both domestic and international sources. Perkap No. 1 of 2009 provides that a commander who instructs the use of force is accountable for the risks of the force used, provided the ordered personnel do not deviate from the instruction given.[53] The UN Basic Principles likewise provide for the responsibility of superior officers who know, or should know, that subordinates are resorting to unlawful force and fail to take all measures in their power to prevent, suppress, or report it, and they provide that obedience to a manifestly unlawful order is no defence. The two sources point the same way: the command structure is a locus of responsibility, not a shield against it.

This is important because the use of force in police operations is not always an individual decision. There is planning, division of tasks, giving instructions, execution, and evaluation. If mistakes occur due to weaknesses in the command system or failure of supervision, then the problem must be looked at more broadly. The principle of accountability requires supervision of the decision-making process. Who ordered it? What is the content of the order? Is the order in accordance with the law and SOPs? Does the subordinate have room to assess the situation? Does the supervisor supervise? Has corrective action been taken after learning of the violation? These questions are needed to determine how to be held accountable fairly.

Fairness runs in both directions. Farrow distinguishes between blame and accountability in policing and shows how organizations can themselves perpetuate blaming practices, including shifting blame onto other individuals within the organization.[54] A command-responsibility analysis must therefore be designed to avoid two opposite errors: letting commanders escape because the visible act was performed by a subordinate, and converting the lowest-ranking officer into the organization's scapegoat for systemic failures in planning, briefing, or supervision.

CONCLUSION

Based on the results of the research, the rules for the use of force by the National Police in normative mass control have a legal basis and have led to the principles of legality, necessity, proportionality, and human rights protection, but their implementation still faces obstacles in the form of mass dynamics, provocations, communication limitations, training, supervision, and evaluation. The discretion of the authorities is needed to deal with concrete situations that cannot be fully regulated in the SOP, but its use is still limited by the law, legitimate purposes, necessity, proportionality, propriety,

[53] Perkap No. 1 of 2009, art. 13(4).

[54] Kathryn Farrow, "Blame Culture: The Line between Blame and Accountability in Policing," *Policing: A Journal of Policy and Practice* 18 (2024), https://doi.org/10.1093/police/paae034.

JOURNAL OF
Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

human rights, and accountability. In the event of a violation of the SOP, accountability must be determined based on the actions, authority, level of involvement, orders, and supervisory obligations of each party. Thus, responsibility can be individual or structural in accordance with the involvement of the party concerned, so that the use of force remains effective, measurable, proportionate, and legally accountable.

The article's contribution is to connect these findings in a three-phase framework in which proportionality is the criterion, discretion the decision space, and accountability the enforcement and learning mechanism, applied to planning, execution, and post-operation evaluation. Future research may test this framework empirically through case studies of specific operations and through comparative study of how other jurisdictions structure independent review of police force. Such work would help move the discussion from the adequacy of norms to the effectiveness of the institutions that apply them.

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