

The Application of Discretion in Criminal Offenses Related to Narcotics in the Regional Police Force (Polda) of Bali

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ABSTRACT

The rising prevalence of sophisticated narcotics crimes in Bali necessitates the effective use of police discretion, yet its implementation faces significant operational challenges. This study examines how *Polda Bali* (the Bali Regional Police) applies discretionary authority in narcotics cases and identifies key barriers to its effective execution. Combining normative juridical analysis of relevant legislation with empirical field research, the investigation incorporates in-depth interviews with eight narcotics investigators and a systematic review of case documents. Findings reveal that officers primarily exercise discretion through warrantless arrests, justified by urgency and public interest considerations; however, this practice encounters two major constraints: insufficient operational budgets within the police force and inadequate community participation in crime reporting. While *Polda Bali's* discretionary actions remain legally compliant, the study concludes that their full potential is undermined by these persistent resource and social challenges. The research suggests practical interventions, including enhanced budget allocations for narcotics units and comprehensive community outreach programs to improve public understanding of discretionary policing. These recommendations aim to strengthen the balance between law enforcement effectiveness and procedural legitimacy in Bali's unique context as a tourism-dependent region facing complex drug crime networks.

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INTRODUCTION

Currently, drug-related crimes and illicit drugs have become transnational in nature, carried out with sophisticated *modus operandi* and advanced technology (Berry, 2018). Law enforcement agencies are expected to prevent and combat such crimes to enhance morality and the quality of human resources in Indonesia, particularly among the younger generation. Narcotics no longer discriminate based on age; parents, young adults, teenagers, and even children are among those who use and distribute illegal drugs (Santi et al., 2019).

Drug trafficking and related crimes in Indonesia are now dominated by organized networks operating across regions and borders, functioning with high efficiency and secrecy. This trend aligns with patterns of transnational organized crime, record methamphetamine seizures in the region, and joint operations uncovering cross-jurisdiction syndicates (UNODC, 2025a; UNODC, 2024). Domestically, official data indicate a steady increase in reported narcotics cases over the past three years, showing that drug distribution is no longer limited to major cities but has penetrated smaller

regions (P3DI DPR RI, 2025). Indonesia is no longer merely a transit country; the discovery of clandestine laboratories and synthetic production facilities—from DMT labs to liquid meth manufacturing—demonstrates local production capacity (ANTARA, 2025; UNODC, 2025b). National reports confirm the widening distribution to border and coastal areas, with networks exploiting surveillance gaps (BNN RI, 2025). At the same time, surging production and trafficking from the Golden Triangle continues to “flood” Southeast Asia, positioning Indonesia both as a market and a maritime distribution point (UNODC, 2025b; UNODC, 2024). Recent large-scale law enforcement operations in Indonesia have also resulted in the arrest of hundreds of suspects from multiple nationalities and the prevention of massive drug shipments—evidence of the deep interconnection between local and global syndicates (Associated Press, 2025).

In carrying out their duties as protectors or maintainers of order in society, within the scope of the police profession in the Indonesian National Police institution, the concept of police discretion is codified in Article 18 of Law No. 2 of 2002 on the Indonesian National Police, which states: "(1) For the public interest, officials of the Indonesian National Police in performing their duties and exercising their authority may act according to their own judgment. (2) The provisions referred to in paragraph (1) may only be implemented in cases of extreme necessity. The Indonesian National Police, as law enforcement authorities, are granted legal authority to conduct investigations and inquiries into all criminal offenses in accordance with criminal procedure laws and other applicable regulations (Prawira et al., 2020).

Currently, drug and illegal substance crimes have become transnational in nature, carried out with sophisticated modus operandi and advanced technology. Law enforcement agencies are expected to be able to prevent and combat these crimes in order to improve morality and the quality of human resources in Indonesia, especially for the next generation. Narcotics no longer recognize age boundaries; parents, young people, teenagers, and even children have become users and dealers of illegal drugs.

Based on the aforementioned background, the problem can be formulated as follows: First, this study examines how discretion is applied in drug-related criminal cases at the Bali Regional Police Headquarters (Polda Bali), focusing on the legal basis, implementation procedures, and practical considerations that guide officers in exercising their discretionary powers. Second, it investigates the obstacles to implementing discretionary measures in such cases, analyzing both internal challenges (such as limited resources, officer expertise, and institutional constraints) and external factors (including public perception, community cooperation, and legal ambiguities). These research questions aim to provide a comprehensive understanding of the role and limitations of police discretion in addressing narcotics crimes within Bali's unique law enforcement context.

Previous research on police discretion, such as studies by Raharjo (2001) and Prawira et al. (2020), has primarily focused on general frameworks or regional cases like Central Kalimantan, often neglecting the localized challenges faced by high-risk areas like Bali. These studies also tend to overlook the practical obstacles, such as budget constraints and community reluctance, that hinder the effective use of discretion in narcotics cases. This research aims to bridge these gaps by providing a detailed analysis of how discretion is applied in Bali's narcotics enforcement and identifying the specific barriers that limit its effectiveness.

The novelty of this study lies in its localized approach, offering insights tailored to Bali's unique environment. By examining both internal factors (e.g., limited funding,

officer expertise) and external factors (e.g., public perception, community cooperation), the research provides a comprehensive understanding of the challenges faced by the Bali Regional Police. Furthermore, it contributes to academic discourse by linking theoretical frameworks to real-world practices, while also offering practical recommendations for policymakers and law enforcement agencies to enhance discretionary practices.

This study aims to identify and analyze the implementation of discretion in narcotics crimes and to identify and analyze the obstacles to the implementation of discretion in narcotics crimes in the Bali Regional Police (Polda). The benefits of this study are multifaceted, including academic contributions to criminology and legal studies, practical improvements for police operations, and policy recommendations to refine legal frameworks. By addressing these areas, this research seeks to strengthen the Bali Regional Police's capacity to combat narcotics crimes while upholding justice and public trust.

RESEARCH METHOD

This research used a normative juridical approach enriched by empirical analysis to comprehensively examine the application of police discretion in drug crimes within the Bali Police. Johnny Ibrahim argued that normative legal research is a scientific method aimed at discovering truth based on legal logic from a normative perspective or tailoring law to specific cases. The legal materials obtained were analyzed using descriptive, systematic, evaluative, and argumentative methods, and explained clearly with orderly, coherent, and logical sentences to facilitate interpretation and comprehensive analysis.

The research method involved three main stages. First, data were collected through documentary study of primary legal materials such as Law No. 2/2002 on the Police and Law No. 35/2009 on Narcotics, as well as secondary sources including academic literature and court decisions. Field data were gathered through in-depth interviews with investigators from the Bali Police Directorate of Narcotics and legal academics. Second, data analysis applied a dual approach: normative juridical analysis to assess the conformity of discretionary practices with legal frameworks, and qualitative thematic analysis to identify barriers to implementation. Third, triangulation combined interview results, limited observations, and official document studies to ensure validity.

Ethical considerations were observed by maintaining the confidentiality of sources and complying with police data access protocols. This combined normative-empirical approach addressed gaps in previous research that focused mainly on formal legal aspects without capturing operational realities, while providing contextual recommendations for the Bali Police.

RESULTS AND DISCUSSION

Application of Discretion in Drug Crimes in the Bali Regional Police (Polda)

The police, in carrying out their duties of law enforcement, maintaining security, providing protection and services to the community, may exercise discretion in accordance with Article 18 of Law No. 2 of 2002 on the National Police of the Republic of Indonesia. Based on reasonable belief and consideration, acting swiftly and decisively to apprehend perpetrators is a policy that deserves appreciation. Discretion should be

given greater priority, especially when positive legal regulations are still struggling to adapt to the various challenges that arise (Priyantoko, 2016).

According to Satjipto Raharjo, discretionary actions by the police are limited by:

- a. The policy measures taken by the police The principle of necessity, that the action must be absolutely necessary.
- b. The actions taken are truly for the sake of police duties.
- c. The principle of purpose, that the action is the most appropriate to eliminate a disturbance or prevent greater harm.
- d. The principle of balance, which requires that in taking action, the balance between the nature of the action or the target used and the magnitude of the disturbance or the severity of the object to be addressed must be considered.

According to M. Faal (2001) the policy measures taken by the police are usually based on the following considerations:

- a. The use of local customary law is considered more effective than positive law.
- b. Local laws are more easily understood by the parties involved, including the perpetrators, victims, and the community.
- c. The policy pursued yields more benefits than simply applying existing positive law.
- d. At their own discretion.
- e. It does not conflict with the public interest.

Drug-related crimes, including trafficking and illegal distribution, in Indonesia today are a cause for concern for all elements of society. This is because drug-related crimes are no longer confined to "hidden" activities in major cities, but have spread to districts and even villages. Their abuse is no longer limited to those with financial means but has also spread to the lower-middle economic class. Similarly, those consuming drugs range from the elderly to school-age children. Thus, drug abuse has now spread almost across all social strata and levels of society.

The criminal justice system is no stranger to discretion. Discretion is not limited to the scope of police duties alone, but is also present in the three branches of the criminal justice system (), each of which has the authority to exercise discretion, albeit under different names. The investigative process for narcotics-related criminal offenses conducted by investigators from the Narcotics Investigation Directorate begins with an investigation, which may involve direct apprehension by investigators or other means such as reports, complaints, or information obtained independently by investigators.

The investigative process, enforcement process, examination process, conducting arrest efforts, suspending detention, conducting body searches and house searches, conducting seizures, examining the crime scene, and the investigator examining the suspect, examining witnesses and experts, as well as completing the case file . Such conditions require serious handling by the government, particularly law enforcement officials. In this context, the police, as law enforcement authorities, are required to effectively uncover drug-related crimes in society and identify the perpetrators.

The police must take a series of measures to search for and find evidence to clarify criminal acts, thereby improving security and order and preventing the degradation of morality and the quality of human resources in Indonesia, especially among the younger generation who will carry on the torch of national development (Prawira et al., 2019).

Based on cases found in the Bali Regional Police Headquarters, according to an interview with Ipda I Komang Widarsana, S.H., an investigator at the Bali Regional Police Headquarters' Narcotics Investigation Directorate on June 5, 2025, the arrest of perpetrators of narcotics crimes by the police without an arrest warrant is considered police discretion. Article 18 of Law No. 2 of 2002 on the Police Code of the Republic of Indonesia states that based on reasonable belief and consideration, the police must immediately take action to arrest the suspect, as failure to do so at that time could result in the suspect fleeing, destroying, or tampering with the narcotics evidence. therefore, the arrest was carried out without a warrant from the police.

Obstacles to the Application of Discretion in Drug Crimes at the Bali Regional Police Headquarters (Polda Bali)

Factors that hinder investigators from exercising discretion in narcotics crime cases during investigations:

1. Internal factors

a. Financial constraints

Financial constraints in the form of limited budgets. The funds available to the police from the department for investigation, undercover operations, and arrests carried out by investigators are only around 10-25% of the total cost of activities, with the remainder coming from investigators' own funds. Facilities for transportation for investigators at the Bali Police Department's Narcotics Investigation Unit are also considered inadequate, despite the prioritization of vehicle provision for investigators in the Narcotics Investigation Unit. The Bali Police Department's Narcotics Investigation Unit requires more advanced information technology equipment to uncover drug trafficking networks.

b. Inadequate professionalism and expertise of police officers

Regular training as an alternative to special education on narcotics investigation and counseling conducted by the police in preventive measures against narcotics crimes is still lacking. If continuous training is provided, it can create professional police officers who are able to carry out their duties in accordance with the education they have received and are able to use instruments developed through scientific knowledge.

c. The enforcement of law in Indonesia remains weak.

The weak enforcement of law in Indonesia in terms of discretion is exemplified by relationships that should be official according to the law but are considered familial. This places the police in a difficult position, as familial feelings cause them to filter cases.

d. Lack of community participation in efforts to combat drug abuse. In combating drug-related crimes, law enforcement agencies require additional information to uncover crimes related to drugs.

2. External factors

- a. The public's lack of understanding of discretion, especially in providing additional information during investigations or inquiries required by the police. If the information available to the police is limited, the consideration of exercising discretion will also take longer.
- b. There is a lack of cooperation and participation from the community, especially in terms of arresting suspects, providing witness statements, and other matters. The community considers discretion to be a bad thing because it constitutes a violation of the law. If the police use their discretionary powers, the community believes that the police are violating the law because they are not prosecuting criminals but instead giving them the opportunity to escape prosecution on the grounds of discretion.

CONCLUSION

The application of police discretion in narcotics cases within the Bali Regional Police (Polda Bali) includes warrantless arrests authorized under Article 18 of Law Number 2 of 2002, permitting swift action based on reasonable belief to prevent suspects from escaping or destroying evidence. However, the effective use of this discretion faces significant barriers. Internally, financial limitations, insufficient officer professionalism, weak law enforcement, and low public participation hinder enforcement efforts. Externally, a general lack of public understanding about police discretion and limited cooperation—such as reluctance to provide information or witness statements—further impede effectiveness. Future research could explore strategies to enhance community engagement and police training to improve discretionary practices and enforcement outcomes in narcotics cases.

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