

Research Article

Narcotics Suspect Pursuit Discretion: Testing Legality and Accountability in West Java Police Enforcement

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Abstract. Pursuing narcotics suspects places police officers in rapid, risky, and rights-sensitive situations. Police law recognizes discretion, yet pursuit rules remain insufficiently detailed. This regulatory gap creates tension among effective narcotics enforcement, public safety, and accountability for coercive police conduct within the West Java Regional Police. This article analyzes the legality of pursuit discretion in narcotics cases and the legal accountability of narcotics investigators using normative and empirical perspectives. The study applies a juridical-empirical approach with descriptive-analytical specifications. Primary data were obtained through interviews, limited observation, and operational document review, while secondary data consisted of legislation, legal literature, court decisions, and institutional reports. Data were analyzed qualitatively through reduction, thematic categorization, source triangulation, and normative interpretation based on Philipus M. Hadjon's authority theory and Hans Kelsen's legal certainty theory. The findings show that pursuit discretion derives from statutory attribution under the Police Law and appears in four forms: deciding whether to pursue, selecting pursuit methods, using force, and assessing *in flagrante delicto* situations. However, the concepts of public interest and urgent necessity remain operationally vague, making the limits of authority and accountability insufficiently predictable. The study recommends a specific National Police Regulation on pursuit, scenario-based standard operating procedures, discretion and human-rights training, mandatory documentation, and coordinated internal and external oversight. The originality of this study lies in positioning narcotics pursuit discretion as an independent category of police action rather than merely part of arrest or firearms use.

Keywords: Legal accountability; Legal certainty; Narcotics crime; Police discretion; Suspect pursuit.

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1. Introduction

Narcotics crime requires law enforcement that is fast, measured, and respectful of human rights. In the field, officers of the West Java Regional Police Narcotics Investigation Directorate frequently encounter suspects who flee, move evidence, or endanger officers and the public. Such situations cannot always be resolved through general written procedures. Police discretion therefore becomes an important legal instrument for reconciling enforcement effectiveness with legality under the rule of law (Indrayana, 2015; Hafendi, 2024). Discretion should not be understood as unlimited freedom. Article 18 of the Indonesian Police Law authorizes police officers to act according to their own judgment for the public interest, but this authority is limited by urgent necessity, legislation, and the police code of ethics. In narcotics-suspect pursuit, these limits are crucial because the action may

involve high risk, use of force, vehicle pursuit, and rapid decisions on in flagrante delicto situations.

The thesis underlying this article shows that during 2022-2023 the West Java Narcotics Directorate uncovered 4,782 narcotics cases and arrested 6,231 suspects; approximately 18 percent, or about 860 cases, involved suspect pursuit. This figure indicates that pursuit is not incidental but a routine part of narcotics enforcement. In addition, a 2023 West Java BNN report recorded 47 narcotics-suspect pursuit cases, 12 of which involved firm police action that triggered administrative or legal follow-up. The research gap addressed by this article lies in the limited attention given to narcotics pursuit as an independent category of police action. Previous studies commonly discuss discretion in general, firearms use, or arrest procedures, but they rarely test the legality of pursuit discretion and its accountability mechanism within one juridical-empirical framework (Said, 2012; Fathahita, 2023; Hendini, 2025).

Pursuit differs from ordinary arrest because it unfolds in a narrow timeframe, under dynamic conditions, and amid potential conflict between enforcement efficiency and rights protection. The study is both academically and practically urgent. Academically, it enriches police-law discourse by integrating authority theory and legal certainty theory. Practically, it offers an evaluative framework for the Indonesian National Police to design more operational pursuit standards, prevent ultra vires conduct, and clarify criminal, civil, and administrative accountability. The research questions are: how lawful is the application of police discretion in narcotics-suspect pursuit by the West Java Narcotics Directorate, and how should legal accountability for such action be constructed?

2. Preliminaries or Related Work or Literature Review

Authority theory holds that every governmental action is lawful only when it is grounded in clear authority. Hadjon (2015) distinguishes authority into attribution, delegation, and mandate. In policing, discretionary authority primarily derives from statutory attribution under the Police Law and is then operationalized through structural delegation and command mandates. Accordingly, pursuit action is lawful only if it satisfies the source of authority, the limits of authority, and accountable procedures for exercising authority. Police discretion reflects the reality that law cannot regulate every field situation in detail. Suyono (2018) and Rumesten RS (2016) emphasize that discretion is practically necessary in law enforcement but requires normative control to prevent abuse. In narcotics enforcement, the need for discretion is stronger because suspects may move quickly, evidence may be destroyed, and distribution networks are closed. Nevertheless, urgency does not eliminate officers' duties to observe legality, necessity, proportionality, and accountability.

Kelsen's legal certainty theory views law as a hierarchical system of norms that must be clear, consistent, and predictable. Legal certainty in police action is needed not only by citizens but also by officers. Officers need guidance on when pursuit is allowed, what methods are lawful, when force may be used, and what legal consequences follow if conduct exceeds lawful limits. Without such certainty, discretion may produce two extremes: aggressive conduct that violates rights or hesitation that weakens narcotics enforcement. Recent literature demonstrates similar concerns. Hafendi (2024) frames discretion as an enforcement instrument that must remain grounded in the Police Law.

Hutajulu (2026) links police discretion with legality, legal certainty, and human-rights protection. Muliadi (2024) stresses the importance of oversight, while Sitepu (2025) highlights accountability concerns involving police officers in narcotics-related contexts. This article extends those discussions by focusing on pursuit as an operational event insufficiently elaborated in written law. The article's conceptual framework is organized as follows: discretionary authority provides the basis of legality; pursuit is the field of discretionary implementation; legality, necessity, proportionality, and accountability operate as limits; and legal certainty is the criterion for evaluating accountability. This framework moves beyond describing authority and tests whether authority is sufficiently clear, consistent, and predictable in practice.

3. Materials and Method

This research uses a juridical-empirical approach with descriptive-analytical specifications. The juridical component examines the Police Law, KUHAP, the Narcotics Law, Chief of Police Regulation Number 8 of 2009, Chief of Police Regulation Number 14 of 2012, and police ethical and disciplinary instruments. The empirical component examines

how these norms operate in narcotics-suspect pursuit within the West Java Narcotics Directorate.

Primary data were obtained through in-depth interviews with key informants, including Narcotics Directorate officials, investigators and assistant investigators involved in pursuit, Propam officers, and relevant oversight or rights-protection actors. Primary data were also strengthened through limited observation of accessible operational contexts without disturbing investigative confidentiality. Secondary data were obtained from legislation, operational documents, institutional reports, court decisions, books, and scholarly articles.

Data were analyzed qualitatively through reduction, presentation, thematic categorization, and conclusion drawing. Validity was maintained through source triangulation, technique triangulation, and cross-reading between normative and empirical data. The reliability of the argument was developed by linking each finding to two core theories: authority theory to test legality and legal certainty theory to evaluate accountability.

4. Results and Discussion

The results show that the West Java Narcotics Directorate faces a high operational burden in narcotics enforcement. During 2022-2023, 4,782 narcotics cases were uncovered and 6,231 suspects were arrested. Approximately 18 percent, or about 860 cases, involved suspect pursuit. This frequency demonstrates that pursuit discretion is a repeated practice requiring more detailed legal standards.

Normatively, the legal basis for discretion derives from Article 18 of the Police Law and is reinforced by Articles 15 and 16 on general authority and other responsible legal actions. In practice, pursuit discretion appears in four main forms: deciding whether to pursue, choosing methods and facilities of pursuit, using force or firearms, and assessing whether the situation qualifies as in flagrante delicto.

Field findings show that the phrases 'public interest' and 'urgent necessity' do not yet have uniform operational indicators. Officers rely on situational judgment based on threats, potential loss of evidence, public safety, pursuit terrain, and personnel availability. However, interpretive differences among officers may generate different actions in substantially similar cases.

In terms of accountability, the study identifies three possible legal pathways: criminal, civil, and administrative or disciplinary. Criminal accountability is relevant where officers' conduct fulfills elements of an offense and is not justified by legal defenses. Civil accountability may arise through tort-based liability. Administrative and ethical accountability operates through police discipline rules, the police code of ethics, and Propam mechanisms.

Table 1. Summary of Empirical Findings.

Aspect	Objective finding	Juridical consequence
Operational burden	4,782 cases and 6,231 suspects in 2022-2023; about 18% involved pursuit.	Pursuit discretion is a repeated practice, not an incidental action.
Forms of discretion	Decision to pursue, pursuit method, use of force, and assessment of in flagrante delicto.	Requires standards distinct from ordinary arrest.
Normative limits	Public interest and urgent necessity lack operational indicators.	Creates risk of subjective interpretation and ultra vires action.
Accountability	Criminal, civil, administrative, ethical, and external oversight channels exist.	Mechanisms are not yet fully consistent and predictable.

5. Comparison

From the perspective of authority theory, pursuit discretion has basic legitimacy because it derives from statutory attribution under the Police Law. However, attribution alone does not resolve the problem of operational limits. Hadjon emphasizes that authority always contains boundaries. Where boundaries are insufficiently specified, discretion may shift from lawful action to ultra vires conduct. In this article, ultra vires risk primarily arises in the use of force, pursuit in dense public spaces, and subjective assessments of urgency.

The normative gap regarding pursuit as an independent action also reveals weaknesses in regulatory design. KUHAP regulates arrest, search, and seizure, but it does not sufficiently construct pursuit in emergency conditions. Chief of Police Regulation Number 8 of 2009

provides human-rights and force standards, while Chief of Police Regulation Number 14 of 2012 guides investigation management. Yet both instruments have not developed detailed pursuit scenarios, such as vehicle pursuit, pursuit in dense settlements, cross-jurisdictional pursuit, and the use of unmarked vehicles.

From the perspective of legal certainty theory, legal accountability does not yet satisfy three main elements: clarity of norms, consistency of application, and predictability of legal consequences. Norm clarity is weakened because key phrases remain non-operational. Consistency is disturbed because case assessment depends heavily on the interpretation of internal examiners. Predictability is weakened because officers and citizens cannot always foresee whether a particular action will be deemed lawful, disciplinary misconduct, civil wrongdoing, or criminal behavior.

This discussion shows that the central problem is not the absence of authority but the immaturity of accountability design. Narcotics pursuit requires discretion because operations often move quickly and involve serious risks. However, the broader the discretion, the greater the need for documentation, oversight, and evaluation. Without records of chronology, decision grounds, warnings, and reasons for force, accountability processes depend on unilateral narratives that are difficult to test objectively.

The article's scientific contribution is a mapping of the relationship between legality of action and accountability design. Lawful discretion should be understood in three layers: clear source of authority, measurable operational limits, and consistent accountability mechanisms. This model may be used to evaluate other rapid and high-risk police actions, including terrorism pursuit, swift arrests in cybercrime investigations, and other organized-crime operations.

The study is limited by restricted access to confidential operational documents and by limited direct observation of pursuit actions, which cannot always be followed for ethical and security reasons. Therefore, the findings should be read as a juridical-empirical analysis based on available data rather than an absolute generalization of all narcotics pursuit practices in Indonesia.

6. Conclusion

This article concludes that police discretion in pursuing narcotics suspects by the West Java Narcotics Directorate has a legal basis through statutory attribution under the Police Law, particularly Article 18. The discretion appears in four principal forms: deciding whether to pursue, choosing pursuit methods, using force, and assessing in flagrante delicto situations. However, existing norms have not provided sufficient operational boundaries, creating risks of divergent interpretation and ultra vires conduct.

Officers may be held accountable through criminal, civil, and administrative or disciplinary pathways. Nevertheless, the existing framework has not fully achieved legal certainty because parameters of lawful action, proportionality, legal protection for officers, and consistency in handling violations remain insufficiently operational. The theoretical implication of this article is the strengthening of an analytical model of discretion based on authority and legal certainty. Its practical implication is the need for a specific National Police Regulation on pursuit, scenario-based SOPs, discretion and human-rights training, mandatory documentation of every pursuit, and integrated internal and external oversight. Further research may compare pursuit practices across regional police offices or analyze public perceptions of discretion in narcotics operations.

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