

ABSTRACT

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POLICE DISCRETION FOR A CONVOY AND / OR VEHICLE AS ROAD USERS WHO ARE PRIORITIZED IN CERTAIN CIRCUMSTANCES IN THE TRAFFIC SYSTEM IN ACCORDANCE WITH THE THEORY OF DIGNIFIED JUSTICE

(x + 84 pages; 1 attachment)

The certainty of law is often difficult to achieve because in reality the law sometimes cannot be applied just like that, however, there must be considerations that can be given by the authorities to the community to achieve a certain point of justice. The consideration given to society is of course carried out on the basis of matters in order to achieve justice and peace in social life. On this occasion, the author will discuss a self-consideration given by the police, which in this case is the discretion given by the police to a convoy and / or vehicles as road users who are prioritized in certain circumstances in the traffic system in accordance with the theory of justice. dignified. The purpose of this discussion is that the author would like to see the existing regulations regarding police discretion in terms of escorting priority road users as stipulated in Law Number 2 of 2002 concerning the Indonesian National Police and in Law Number 22 of 2009 concerning Traffic and Traffic Force Path. Not only looking at how the existing arrangements are, but, the author will also compare it with the actual actions given by the police regarding discretion to a convoy. In order to conduct this research, the writer uses a normative-empirical legal research in which the secondary data that the writer uses are corroborated by primary data in the form of interviews. Thus we can understand how a rule is applied, whether it is in accordance with the rules or not. After conducting the research, the authors found that there were differences regarding the regulations used and their application in the community. In the existing regulations it is explained that the police can carry out escort and prioritize road users according to the considerations written in Law Number 22 of 2009, however, in reality, Police can provide more discretion than what is stated in the Law. This could happen if according to the police, the escort of the convoy was based on rational reasons because police discretion was made to achieve the "common interest" even though it was under the "own considerations" of a member of the Police.

References: 77 (1981-2021)

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