

ABSTRACT

Samian; " POLICY DISCRETION POLICY ON CRIMINAL ACTION: CASE APPROACH TO INDIVIDUAL GENERAL CRIMINAL ACTIONS AND CASES OF CRIMINAL ACTIONS ASSOCIATED WITH SOCIAL CONFLICT) ", This Dissertation is under the guidance of Prof. Dr. H. Faisal Santiago, SH, MM as Supervisor and Dr. H. Azis Budianto, SH, MS as Co. Supervisor.

Based on the provisions of Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police the main duties of the police are to maintain public security and order, enforce the law, and provide protection, protection and services to the public. The police are also obliged to participate in maintaining the dynamics of public order in every social conflict dispute. Dispute resolution is an effort to end disputes arising between the parties, such as by means of mediation, reconciliation, negotiation, and others, which are regulated under Law Number 7 of 2012 concerning Handling of Social Conflicts. The role of the police institution in uncovering a crime or social conflict is the responsibility of the institution to be resolved. In its capacity as a law enforcer, according to the Criminal Procedure Code, the police have the legitimacy to be able to act according to their own judgment, which is called discretion, of a criminal act in the perspective of an individual or social conflict.

The problem is, Why do Police Investigators Take Legal Discretion Against Criminal offenders? What is the Police Investigator's Discretion Policy Model Against Criminals and in Criminal Acts Regarding Social Conflict?

The research method used is Normative Research and Empirical Research. The type of data used in this study is secondary data. Data collection uses observation interviews, documentation, and questionnaires.

The results of his research, that the discretionary legal actions carried out by police investigators against the perpetrators of criminal acts, are based on several correlative aspects including; philosophical aspects, discretion as a decision which is more starting with the strategic intelligence. Sociologically, the role and function of the National Police in the community is in accordance with the demands in the community for the existence of police services. Juridical aspect, the act of police discretion is governed by the Police Act No. 2 of 2002 concerning the Indonesian National Police, as well as the Criminal Procedure Code, as well as other laws. Polri's Investigator's discretion policy model for perpetrators of criminal offenses in criminal cases related to social conflict, theoretically based on law enforcement theory, justice theory and progressive legal theory. Discretion in resolving the social conflict case of the Mbah Priok Grave, by the Tanjung Priok Port Police, through the restorative justice approach as a visionary manifestation towards the realization of progressive law, is a fact and legal evidence that can reduce social conflict resulting in a peace agreement. Thus the police investigator's discretion policy model towards perpetrators of crime related to social conflict, namely using the application of the Restorative Justice Model based on a visionary spirit towards the realization of progressive law in order to realize a fair benefit for the community.

Keywords: Police Discretion Policy Model on Criminal Action.