

APPLICATION OF THE PRINCIPLE OF PROPORTIONALITY AND POLICE DISCRETION IN THE SAFETY OF THE STUDENTS (STUDY AT THE BATU BARA POLICE)

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Abstract

This study examines legal issues involving public demonstration, police discretion, principle of proportionality. It employs normative legal research with an empirical juridical approach and draws on interviews, statutory regulations, legal literature, official documents. The findings show that the applicable legal framework must be connected to the specific elements and facts of the case. Investigation or implementation also requires consistent documentary records, witness statements, relevant evidence, and procedural safeguards. The study highlights the need for accurate legal reasoning, coherent documentation, institutional coordination, and accountability. These findings support a more consistent application of Indonesian law concerning public demonstration, police discretion.

Keywords: *Proportionality Principle; Police Discretion; Student Safety; Law Enforcement; Batu Bara Police.*

1. Introduction

Freedom of expression is a constitutional aspect of democratic participation, and demonstrations allow citizens to convey aspirations, criticism, and demands to public institutions. Students frequently use demonstrations to respond to alleged injustice, policy problems, and deficiencies in governmental accountability. Such activities should be understood as public participation protected by law, while their organization must respect security and public order (Asshiddiqie, 2016).

Demonstrations can also create traffic congestion, friction, or security risks through large crowds, loudspeakers, movement toward particular buildings, and possible provocations. Under Law Number 2 of 2002, the National Police maintain public security and order, enforce the law, and provide protection and services to the community. Accordingly, police security measures should facilitate lawful expression and protect participants and other citizens rather than treat every demonstration as a disturbance (Indonesia, 2002).

The principle of proportionality requires policing measures to correspond to the legitimate security objective and the actual level of threat. Officers should choose measured, gradual responses and must not employ harsher measures when less intrusive options can address the situation (Sadjiyono, 2006). Police discretion complements this principle by allowing professional decisions in particular circumstances, but remains constrained by legality, necessity, propriety, public interest, and accountability (Kelana, 2002).

The case examined concerns a planned follow-up action by the North Sumatra Social Care Student Association (IMAPAS) in the jurisdiction of the Batu Bara Police. An Intelligence Unit Special Information document dated February 24, 2026 scheduled the action for February 26,

2026 at 10.00 WIB, at the Batu Bara Regent Office and the Batu Bara District Attorney's Office. The gathering point was the Fifty Ball Field, with an estimated 30 participants, making the event a concrete setting for assessing the security response.

The students' demands concerned alleged budget irregularities at the Batu Bara Regency Hospital and sought an independent investigative audit by the Regent. They also requested transparent examinations by the Inspectorate and law-enforcement authorities, with criminal investigation where sufficient evidence existed. The demands therefore framed the planned action as public oversight of regional financial management rather than an allegation already established as fact.

The intelligence document identified alleged outstanding health-worker service liabilities for 2022 of IDR 2,132,863,995 and a 2023 drug-procurement payment shortfall of IDR 504,157,356. It also recorded alleged 2023 shortfalls of IDR 11,747,000 for disposable medical supplies (BMHP) and IDR 29,123,150 for Covid-19 services. These figures describe issues raised in the demonstration plan, not independently verified findings of financial wrongdoing.

The police risk analysis anticipated possible congestion, traffic accidents, public-facility damage, tire burning, provocations, dangerous objects, clashes, and counter-actions. Because these were anticipated risks rather than proof of actual misconduct by participants, their relevance lies in planning a response proportionate to conditions as they develop. The study therefore addresses the legal regulation of proportionality and discretion, the application of proportionality, and the use of discretion during student-protest security at the Batu Bara Police.

2. Methodology

2.1. Research Methodology

Research was conducted at the Batu Bara Resort Police on Jalan Perintis Kemerdekaan, Lima Puluh, Batu Bara Regency, North Sumatra. This location was chosen because the institution manages the planning and implementation of student-demonstration security in its jurisdiction. Bag Ops, Intelligence, Samapta, Traffic, Criminal Investigation, Binmas, and Propam functions are relevant to planning, monitoring, traffic control, negotiation, security, and internal supervision. The study uses normative legal research combined with an empirical juridical approach to examine proportionality, police discretion, public demonstrations, and freedom of expression. Normative analysis considers relevant primary and secondary legal materials, while empirical examination considers their practical implementation at the Batu Bara Police. The combination assesses whether police measures match legal requirements, field conditions, public safety, and citizens' right to express opinions (Marzuki, 2005; Scott, 2015; Arikunto, 2006).

Primary data were obtained from interviews with personnel involved in protest security, including Bag Ops, Sat Intelkam, Sat Samapta, Sat Lantas, Sat Binmas, and Propam. Interview topics included security planning and implementation, inter-unit responsibilities, the choice of discretionary measures, application of proportionality, and operational obstacles. Relevant documentation included notification letters, special information, security plans and orders, intelligence reports, task reports, and other official records. Interview accounts and operational documents were compared to analyze decisions about personnel deployment, communication, security stages, and responses to changing conditions. Secondary data comprised primary legal materials, secondary legal literature, and tertiary explanatory materials relevant to proportionality, discretion, and demonstrations. The analysis connected the documented practices with laws, police regulations, and legal concepts without assuming that planning documents alone prove what occurred in the field.

2.2. Landasan Theoretis

Proportionality requires police measures to reflect the character and actual risks of a demonstration rather than its critical message. A peaceful action calls for escort, traffic regulation, communication with coordinators, and protection of participants and bystanders. Stronger intervention requires an identifiable threat to safety, public facilities, or order and should remain appropriately limited (Kelana, 2002).

Article 28E paragraph (3) of the 1945 Constitution protects freedom of association, assembly, and expression (Indonesia, 1945). Law Number 9 of 1998 regulates public expression, while Law Number 2 of 2002 and police technical rules supply the institutional framework for police duties. Read together, these provisions place protection of demonstrators' rights alongside the obligation to maintain public security and order.

A proportional action requires a legitimate purpose, such as protecting participants, surrounding communities, public facilities, and the locations involved in a demonstration. Its suitability and necessity must be assessed against the particular threat, and its impact on protected rights must remain balanced. The study therefore uses legitimate objectives, suitability, necessity, balance of effects, and graduated exercise of authority as analytical elements (Ridwan HR, 2018).

Proportionality guides officers when a crowd or the surrounding conditions change, allowing security measures to be adjusted to actual need (Kelana, 2002). It restrains excessive action where a persuasive response can still manage the situation (Sadjijono, 2006). In this way, protection of public order must operate alongside the rights of students to convey their aspirations safely (Asshiddiqie, 2016).

The principle also provides a basis for public confidence and review of how the police exercise authority. Measures perceived as reasonable, measured, and justified can support institutional legitimacy, whereas disproportionate action may undermine it (Marzuki, 2017). For this research, proportionality operates simultaneously as a decision-making guide, a restraint on officers, and a safeguard for participants and the police.

Police discretion refers to decisions made by officers through professional judgment when particular circumstances require action not specified in every detail by written rules. Its use is justified by urgency and public interest, but must remain rational, lawful, ethical, and responsive to necessity. These conditions determine whether the exercise of discretion at the Batu Bara Police can be examined and justified.

Discretion cannot be interpreted as permission to act without legal limits or as an opportunity to expand personal authority. Officers must consider proportionality, the prohibition of abuse of authority, compliance with the code of ethics, and the possibility of later accountability. Its proper function is to support timely protection of public safety while respecting the right to demonstrate.

2.3. Legal Arrangements and Key Concepts

Public demonstrations are an avenue through which citizens can criticize institutions and communicate demands, not merely a source of public disorder. In this research, student action is treated as an exercise of public expression that remains subject to legally defined responsibilities. Security therefore requires both protection of the participants' constitutional rights and appropriate management of risks to others (Huda, 2019).

Article 28E paragraph (3) of the 1945 Constitution guarantees freedom of association, assembly, and expression (Indonesia, 1945). Law Number 9 of 1998 specifies procedures for public expression, notification, participant rights and obligations, and duties of the authorities (Indonesia, 1998). Law Number 2 of 2002 supplies the police-duty framework, so these provisions must be read together when assessing student-protest security.

Article 9 of Law Number 9 of 1998 identifies demonstrations or rallies, marches, public meetings, and free-expression forums as forms of public expression (Indonesia, 1998). Student action may combine demonstrations, speeches, declarations of position, and visual props, provided the activity follows applicable law (Kelana, 2002). Demonstrations are the focus of this research because they directly engage the security functions of the Batu Bara Police.

Participants are entitled to legal protection and police security when expressing their aspirations in accordance with the applicable rules. The presence of officers should enable their participation without intimidation rather than prevent expression merely because it criticizes authorities. This protective obligation is a starting point for evaluating the appropriateness of security decisions (Indonesia, 1998).

The same participants must respect other people's rights to use roads, conduct activities, and live in safety. They must also obey the law, maintain order, and refrain from attacks, damage to public facilities, and carrying dangerous objects (Indonesia, 1998). These responsibilities clarify why the police may manage demonstrators' conduct while still protecting lawful expression.

Police officers must distinguish activities covered by freedom of expression from specific actions that constitute a security threat or legal violation. Respect for participants' rights does not remove the authority to respond to identifiable unlawful conduct, but the response must address the actual conduct. Proportionality and discretion connect these corresponding rights, obligations, and policing powers in operational practice (Kelana, 2002).

2.4. Parameter Analysis Yuridis

Police professional ethics are especially relevant when officers encounter citizens exercising constitutional rights during public demonstrations. Officers are expected to be patient, measured, and resistant to provocation instead of treating criticism as a personal confrontation (Jurdi, 2022). Their professional conduct must cover interactions with demonstrators as well as obligations inside the institution (Marzuki, 2017).

The police code of ethics provides an analytical standard for assessing conduct during student-protest security. It requires professionalism, proportionality, protection of rights, and responsible interaction rather than intimidating or discriminatory behavior. The study uses these standards to evaluate whether the Batu Bara Police's documented practices accord with public-service responsibilities.

Law Number 9 of 1998 concerns the duty to secure public expression, and Law Number 2 of 2002 provides the framework for police functions (Indonesia, 1998; Indonesia, 2002). Regulation of the Chief of the National Police Number 7 of 2012 addresses the procedures for services, security, and case handling related to expression in public. Police Regulation Number 7 of 2022 addresses professional ethics and the Police Code of Ethics Commission, complementing the operational requirements (Indonesia, 2022).

Professionalism requires adherence to applicable procedures, situational assessment, and freedom from emotion-driven or abusive actions (Jurdi, 2022). Respect for human rights obliges officers to allow lawful expression without degrading the dignity of protest participants (Marzuki, 2017). Neutrality requires the police to protect order without taking sides with either the demonstrators or the institution receiving their demands (Hasibuan, 2025).

The relevant ethical principles are professionalism, proportionality, human-rights protection, accountability, and neutrality. They concern both the substance of security measures and the manner in which an officer communicates or intervenes. These principles are used as parameters for assessing the quality of the Batu Bara Police's handling of student demonstrations (Indonesia, 2022).

Officers must safeguard demonstrators, surrounding residents, other road users, police personnel, and the locations involved in an action. They may not discriminate, take sides, or

use policing powers merely to suppress particular aspirations (Indonesia, 2002; Marzuki, 2017). Their obligations and prohibitions therefore provide a basis for assessing whether security remains professional and proportionate.

3. Research Results

3.1. Legal Arrangement of the Principle of Proportionality and Police Discretion in Securing Student Protests

Police discretion responds to situations that written law cannot anticipate in complete operational detail. Provocation, crowd movement, road blockage, or threats to public facilities may require timely decisions as circumstances develop (Indonesia, 2002). Those decisions must still be justified by actual conditions and by the officer's lawful responsibilities rather than a general assumption that demonstrators pose a threat.

In an interview, Batu Bara Police Head of Operations Kompol Zulham, S.H., M.H., stated that demonstration security is organized under legal rules and police procedures. He explained that officers should understand conditions, follow commands, avoid emotional responses, and prioritize the safety of everyone involved. This interview is evidence of the institution's stated operational approach, not by itself independent proof that every field action followed the stated rules.

The police account describes security as a planned activity guided by estimates of crowd size, protest location, targeted premises, and potential disturbances. These estimates translate legal and procedural duties into preparation for concrete risks. The legal framework therefore operates as a planning guide as well as a limitation on the methods available to officers.

According to Kompol Zulham, persuasive measures receive priority in securing student demonstrations. Officers communicate with action coordinators, address the crowd through appeals, and manage the situation to avoid clashes between participants and police personnel. This approach seeks to prevent conflict while maintaining conditions in which the demonstration can proceed.

Proportionality and discretion address different shortcomings in protest security when applied together. Without proportionality, police intervention may interfere excessively with participants' rights, while the absence of discretion may impede necessary decisions in an emergency (Kunarto, 1997). Lawful authority must consequently be accompanied by clearly defined limits, rational reasons, and reviewable decisions.

Kompol Zulham also explained that the police evaluate security operations after a demonstration ends. The evaluation considers officers' conformity with the security plan and applicable procedures and informs improvements in subsequent operations. Such review helps link the exercise of discretionary judgment to institutional supervision rather than allowing accountability to end when the event is over.

The governing framework combines constitutional protection, legislation on public expression, police duties, and technical rules for operational security. The Constitution protects citizens' right to criticize, while the police must also protect public order without treating all protest activity as unlawful (Indonesia, 1945; Indonesia, 2002). Proportionality tests the aims, methods, and impacts of action, and discretion remains a limited power for responding to changing conditions.

3.2. Application of the Principle of Proportionality in Securing Student Protests at the Batubara Police Station

At the Batu Bara Police, proportionality is examined through the adjustment of security measures to conditions at the demonstration site. The relevant considerations include potential vulnerabilities, crowd size, action location, and identifiable risks to safety or public order.

Officers should not impose a more intrusive response merely because they anticipate that problems might occur (Indonesia, 2002).

Kompol Zulham reported that security generally prioritizes communication with field coordinators and appeals to participants. Avoiding provocative responses is intended to keep students and officers from entering unnecessary physical confrontation. He described successful security in terms of maintaining safety without new injuries or conflict rather than the intensity of force used.

The reported security process begins with planning and continues through deployment, communication, adjustment of personnel, and graduated measures. Situational assessment should determine whether the number of officers and the type of response correspond to the risks encountered. These stages help make policing decisions traceable instead of spontaneous or disconnected from operational needs.

The interview further described an evaluation after the demonstration to review personnel numbers, the effectiveness of communication, and officers' conduct. This stage provides a means of identifying measures that require improvement and ensuring consistency across operations. Its existence in the interview record does not remove the need to assess implementation through supporting operational documentation.

Proportionality requires officers to regard participants as citizens expressing aspirations rather than classifying the crowd as a threat from the outset. An initially defensive or rigid stance may shape measures differently from an approach based on communication, services, and disturbance prevention. The legal assessment therefore depends not only on the eventual intervention but also on the assumptions informing security planning.

In the interview and analysis, the Batu Bara Police's stated approach emphasized persuasion and gradual control, but continued supervision remains necessary. Proportionality encompasses the distribution of functions, use of equipment, arrangement of the protest area, documentation, and evaluation as well as restraint in the use of force (Sadjijono, 2006). These interconnected measures aim to protect freedom of expression while maintaining public safety and order.

3.3. The Use of Police Discretion in Securing Student Protests at the Batubara Police Station

Police discretion permits a professional judgment when circumstances in student demonstrations require decisions that cannot be fully anticipated (Indonesia, 2002). Rapid changes in crowd movement or local conditions may require officers to adapt the security plan. This authority serves public order and safety only when exercised for legitimate purposes and subject to legal limits.

Discretion is not unlimited freedom to restrict expression or disregard police procedures. Officers must consider law, propriety, necessity, public interest, and the safety of participants and bystanders (Indonesia, 2002). A decision that addresses only an institution's interests while ignoring other affected parties would not reflect the balancing described in the study.

The circumstances of Batu Bara require discretion to take account of local social dynamics and the characteristics of student action. A prearranged plan remains the starting point, but weather, changing traffic density, crowd emotions, or possible provocations may alter operational needs. Professional assessment connects this change in conditions with a justified and measurable response.

Discretionary action must be based on observable events rather than vague suspicions or subjective reactions. Officers need to identify any disturbance, those involved, its likely impact, and the least intrusive effective measure before acting (Ridwan HR, 2018). This factual foundation improves the ability to explain and review a decision after it has been made.

The study treats discretion as an adjustment between general legal guidance and concrete operational realities (Sadjijono, 2010). The relevant requirements include urgency, public interest, proportionality, command responsibility, and accountability. A quick decision is appropriate only insofar as it responds to a specific need without removing students' lawful opportunity to express their views (Sadjijono, 2006).

Discretion may involve changing personnel positions, rearranging a protest area, adjusting traffic routes, or prioritizing locations where safety is at risk. These choices must be tied to field observations and coordination among police functions rather than allowing individual officers to act arbitrarily. The analysis therefore identifies operational flexibility and accountable limitation as inseparable features of discretion.

The interviews and legal framework indicate that discretion is expected to be used when the situation calls for timely action. This expectation must be distinguished from evidence that any particular discretionary intervention actually occurred during the planned demonstration. Assessment of specific field decisions requires the corresponding situation reports, orders, and other operational records.

4. Discussion

4.1. Analysis of Legal Arrangements on the Principle of Proportionality and Police Discretion in Securing Student Protests

Student-demonstration security is part of policing in a constitutional state because demonstrations express the rights of citizens, including those criticizing public policy. Police duties extend beyond preventing disorder to protecting the exercise of this freedom (Indonesia, 1945). The legal analysis must therefore consider both the legitimate security purpose and its effect on the demonstrators' rights.

Police have to balance public security with expression, avoiding excessive restrictions while responding to specific unlawful conduct (Indonesia, 1998). Proportionality requires a measure to correspond to the actual disturbance or threat and not to exceed security needs (Indonesia, 2002). Where participants remain orderly, escorts, traffic measures, communication, and appeals are more consistent with this approach than an immediate coercive response.

Preventive and persuasive measures are the initial response because expressing aspirations is not in itself a criminal act. The use of stronger measures becomes relevant only where an actual threat to people, public facilities, or order warrants escalation (Indonesia, 2002). A decision must remain connected to necessity and the available less intrusive alternatives rather than to a blanket assessment of the crowd.

Police discretion operates in the public interest, which includes participants, residents, officers, road users, and relevant facilities rather than the interests of a single institution (Kelana, 2002). Respect for human rights requires officers to enable the demonstration while identifying any specific legal ground for restrictions (Indonesia, 2002). Discretionary decisions should therefore explain whose safety was at issue and why a particular response was needed.

Regulation functions as a guideline for permissible intervention and as a limit preventing excessive authority (Utomo, 2005). Administrative-law discretion is intended to fill operational gaps, not to increase officers' personal powers, and must rest on rational and accountable reasons (Ridwan HR, 2018). Changes in crowd numbers, locations, or traffic may justify adaptation, but the reasons for that adaptation must remain demonstrable (Indonesia, 2002).

4.2. Analysis of the Application of the Principle of Proportionality in Securing Student Protests at the Batubara Police Station

According to Kompol Zulham, the Batu Bara Police begin preparing demonstration security by mapping organizers, issues, action sites, estimated crowd size, and the potential for

developments in the field. This preparation allows staffing and operational functions to reflect identified needs instead of relying on a uniform level of force. The reported mapping is therefore relevant to the suitability and necessity components of proportionality.

Personnel placement is described as responsive to the perceived level of risk, with traffic regulation, site protection, and communication emphasized where the potential disturbance is low (Indonesia, 2002). Additional officers or crowd-control capacity may be prepared where the risk assessment identifies greater vulnerability. Preparation does not, however, mean that stronger measures are automatically justified before the situation requires them.

An unexpected increase in participants may require officers to alter deployment or traffic arrangements. Proportionality favors such adjustments over an immediate resort to physical force when the problem can be managed by other means. The underlying assessment must distinguish a logistical change in crowd numbers from a specific threat to public safety.

Officers should distinguish forceful speeches and sharp criticism, which may be expressions of opinion, from acts such as attacking people, destroying facilities, or carrying dangerous objects. Loudspeakers and public appeals can provide a chance for participants to adjust behavior before further intervention becomes necessary (Indonesia, 2002). This staged communication helps align the level of police action with the conduct actually observed.

Protection of participants must be balanced with the rights of other people to use roads and access public spaces (Indonesia, 1998). Banners, posters, speeches, and other symbolic expression should not automatically trigger a coercive response absent violence or destruction (Asshiddiqie, 2016). The operational task is to address the concrete disturbance without unnecessarily restricting legitimate criticism.

Photos, video, situation reports, and command notes can document whether particular measures matched field conditions. The records also help assess complaints against officers and explain actions taken to protect demonstrators and the wider community. Documentation and post-operation evaluation permit the police to identify deficiencies and improve later security arrangements (Sadjijono, 2010).

4.3. Analysis of the Use of Police Discretion in Securing Student Protests at the Batubara Police Station

Operational priorities may compete when officers must secure participants, traffic, government offices, and surrounding communities simultaneously (Indonesia, 2002). Police should assess where an immediate risk exists and direct available resources accordingly. This assessment should consider the consequences of each option rather than assuming that every legally available measure is appropriate in the particular situation (Rahardjo, 2002).

Officers must also take account of crowd reactions when exercising discretion during a tense demonstration. An inflexible response may intensify friction, while calm communication and opportunities for dialogue can reduce it (Rahardjo, 2002). Police may facilitate contact between participants and the institutions receiving their aspirations where that helps resolve disagreement peacefully (Utomo, 2005).

Where one or several individuals provoke a disturbance, the police response should identify the relevant conduct rather than generalize all participants as offenders. Selective measures must also account for the safety of other demonstrators who continue to act peacefully (Indonesia, 2002). This approach connects the protection of collective expression with the need to address a particular threat.

Professional ethics remain relevant even where an operational decision appears technically necessary. Rude, discriminatory, or degrading treatment may undermine the legitimacy of an intervention and conflict with the officers' public-service responsibilities (Indonesia, 2022). Accountability therefore encompasses the purpose, necessity, execution, and subsequent documentation of discretionary actions.

For the planned IMAPAS action, possible choices included prioritizing the Regent Office, District Attorney's Office, gathering point, and movement route based on potential vulnerabilities and public density. The decision on which point to secure first requires assessment of risks, community density, and the facilities likely to be affected. The example illustrates how discretion can coordinate responses across locations, although the planning document does not independently establish which operational choices were ultimately implemented.

5. Conclusion

The legal framework for proportionality and police discretion in student-demonstration security comprises the 1945 Constitution, Law Number 9 of 1998 on public expression, Law Number 2 of 2002 on the National Police, and relevant internal regulations. Proportionality requires actions to be suitable, measured, and balanced against the threat, while discretion permits decisions in particular operational circumstances. Both powers remain subject to legality, propriety, public interest, accountability, and respect for human rights.

At the Batu Bara Police, the security approach described in the interviews includes prior planning, risk mapping, persuasive communication, staffing appropriate to conditions, traffic management, coordination, and post-operation evaluation. Kopol Zulham, S.H., M.H., described communication and prevention as priorities rather than a default reliance on coercive action. This account indicates an intended balance between student expression and public safety, but implementation still requires verification through operational documentation and consistent supervision.

Police discretion is relevant when developments in the field require timely changes to traffic flow, action areas, personnel placement, communication, or the handling of specific provocations. Such decisions must respond to observable risks, employ measures no more intrusive than necessary, and be capable of legal and institutional review. Discretion is consequently a bounded professional authority for maintaining safety without arbitrarily restricting the right of students to express their opinions.

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