



## **POLICE AUTHORITY IN ENVIRONMENTAL POLLUTION CRIMES: THE USE OF DISCRETION IN THE INVESTIGATION PROCESS**

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### **ABSTRACT**

The police as law enforcement officers who are given the authority to carry out inquiries and investigations based on statutory regulations must be able to understand the various problems contained in the Environmental Protection and Management Law. One of the reasons for using discretion in investigating criminal acts in the environmental sector is the lack of PPNS (Civil Servant Investigator) resources in the area where the crime occurred to carry out the investigation. For the sake of effectiveness and efficiency of investigations, Police Investigators take a discretionary policy by carrying out their own investigations by only taking expert information from experts in the environmental field. Therefore, this research aims to find out and analyze the authority of the police in investigating environmental crimes, and to understand and analyze the implementation of police discretion in the process of investigating environmental crimes. Using normative legal method, the author finds that the authority of the Police in investigating environmental crimes is considered to be the same as the authority obtained in the Criminal Procedure Code, with several mechanisms in the the Environmental Protection and Management Law, but with procedures in the provisions of Regulation of the Chief of Police of the Republic of Indonesia. Police discretion in investigating environmental crimes needs to be exercised because it provides flexibility for the police in dealing with various complex and dynamic situations in environmental crimes

**Keywords:** police, discretion, environmental law, crime investigation.

### **INTRODUCTION**

Law is a universal element that is present in every society, both primitive and modern. In Indonesia, as a rule of law state as confirmed in the 1945 Constitution Article 1 paragraph 3, law is the basis for national and state life (Prasetyo and Barkatullah, 2009). To achieve the country's goals, improving order and legal certainty, including in traffic, is very important.

The living environment includes ecosystems, social behavior, customs, culture, as well as inanimate objects such as land, water and air (Erwin, 2008). This environment is a gift from God that must be preserved and managed with the principle of balance to support sustainable

development (Hardjasoemantri, 1993). UU no. 32 of 2009 concerning Environmental Protection and Management (EPM) emphasizes that a good and healthy living environment is the human right of every citizen.

The EPM Law establishes the principles of environmental management such as state responsibility, preservation, sustainability and justice. Exploitation of natural resources often ignores environmental sustainability, focusing on economic growth. Environmental law enforcement is important to maintain environmental sustainability in this modern era (Husin, 2009).

Environmental dispute resolution can be done through court or outside court, as regulated in the EPM Law. Law enforcement in environmental protection efforts is regulated in three ways: administrative law, criminal law, and civil law (Machmud, 2012).

The police have an important role in enforcing environmental laws, based on the Criminal Procedure Code and Law no. 2 of 2002 concerning the Police. The police play an active role as investigators of environmental crimes, although criminal sanctions are placed as a last resort if other sanctions are ineffective and violations are significant.

Article 94 paragraph (1) of the EPM Law states that apart from the police, certain civil servant officials also have the authority to act as investigators in environmental cases. However, this provision often creates confusion and multiple interpretations regarding the investigating authorities.

The EPM Law functions as the main law that regulates environmental management, with criminal law as a last resort (*ultimum remedium*) except for certain criminal acts that use the premium *remedium* principle (Luthan, 2009). Environmental law enforcement is often hampered by the difficulty of proving and determining criteria for environmental damage (Sutrisno, 2011).

The police, as civil public institutions, are responsible for maintaining security, order and law enforcement. The Police Law states that the police have government functions in the areas of security and public order, law enforcement, as well as protection and service to the community. Police also have the discretion to act based on their own judgment in certain situations in accordance with professional regulations and codes of ethics.

This use of discretion also occurs in handling cases in the environmental sector. In the case based on Police Report Number:

LP.A/1004/IX/2019/JABAR, dated 25 September 2019 regarding the management of B3 Waste without a permit at PT.South Pacific Viscouse Jl.Industri Desa Cicadas Kec. Babakan Cikao District. Purwakarta and also environmental matters regarding textile washing, dyeing and/or dyeing business activities that occur at PT. Alfayed Indah Perkasa, the case file was returned by the Public Prosecutor because the file was declared incomplete due to the absence of an investigation by the Civil Servant Investigator (PPNS).

The return of files also occurred in cases based on Police Report Number LP/170/I/2018/Jabar/Res.Krw via Letter from the Head of the Karawang District Prosecutor's Office Number: B-6053/0.2.18/Euh.1/11/ 2018, dated 23 November 2018, Regarding the Return of Case Files of Daim bin Juhi, who is suspected of violating Article 102 and/or Article 104 of Law Number 32 of 2009 concerning Environmental Management, must be completed due to a lack of investigation by PPNS. These cases indicate the use of discretion by Police Investigators in handling these cases by ignoring or not using investigations by PPNS.

One of the reasons for using discretion in investigating criminal acts in the environmental sector is the lack of PPNS resources in the area where the crime occurred to carry out the investigation. For the sake of effectiveness and efficiency of investigations, Police Investigators take a discretionary policy by carrying out their own investigations by only taking expert information from experts in the environmental field.

Therefore, the author aims to find out and analyze the authority of the police in investigating environmental crimes, and to understand and analyze the implementation of police discretion in the process of investigating environmental crimes.

## METHOD

This research uses normative legal research methods or library research, which aims to obtain secondary data through the study of books and applicable laws and regulations. Normative juridical approach is used to conduct the research, specifically a statutory approach. This research explores the provisions of legislation relating to the formulation of the problems discussed, as well as reviewing normative law to ensure legal certainty for mediation in resolving industrial relations disputes.

The approach used in writing research must be adjusted to the type of research the author is taking. In writing this thesis, a statutory approach was used because the type of research is normative juridical research.

Because this research only focuses on library data and documentation, without any field research, the explanation is qualitative in nature, namely the data is presented in the form of sentences to form an explanation of the results of the problem and finally several conclusions are made in the form of statement sentences.

## RESULTS AND DISCUSSION

### 1. Regulation of Police Authorities in Investigating Environmental Crimes.

In accordance with Law no. 8 of 1981 concerning Criminal Procedure Law, criminal investigation is part of the Integrated Criminal Justice System. The criminal law enforcement process includes inquiry, inquiry, prosecution and trial. Investigation of environmental crimes includes investigation, prosecution, inspection, as well as completion and submission of case files. This process involves collecting evidence, taking action such as arrest and confiscation, as well as examining suspects, witnesses and experts.

Investigators are police officials or certain civil servants who are given special authority. In environmental crime cases, investigators can involve environmental experts. Apart from police investigators,

there are prosecutors' investigators for cases of corruption and serious human rights violations, as well as KPK investigators for corruption cases. Assistant investigators are Polri officials who are appointed based on certain rank requirements.

In addition to the provisions in the Criminal Procedure Code, investigations into environmental crimes are regulated in Law no. 32 of 2009 concerning Environmental Protection and Management and National Police Chief Regulation Number 6 of 2019 concerning Investigation of Criminal Acts.

Article 94 and Article 95 of the EPM Law states the authority and investigation process related to environmental crimes. Based on Articles 94 and 95, the authority to investigate environmental crimes lies primarily with the Police of the Republic of Indonesia, assisted by Civil Servant Investigators (PPNS). Even though PPNS has investigative authority, coordination with police investigators is still necessary. Law enforcement is carried out in an integrated manner between PPNS, the Police and the Prosecutor's Office.

In practice, environmental case files often cannot be continued. National Police investigators have the authority to issue SP-3 (Order to Stop Investigation) if there is insufficient evidence, if the incident is not an environmental crime, or if the investigation is stopped by law. The provisions of Article 109 paragraphs (2) and (3) of the Criminal Procedure Code require investigators to notify the public prosecutor, the suspect and his family of the termination of the investigation. This is important to ensure that the relevant parties understand the reasons for terminating the investigation and to respect human rights and legal certainty.

The Criminal Procedure Code which is used by Indonesia as positive law does not regulate if investigators do not return case files after fourteen days have passed. Indeed, the process of passing criminal case files back and forth from the police to the

prosecutor's office often occurs, this is because there are no clear rules regarding the coordination of the transfer of case files from investigators to the public prosecutor. In the KUHAP pre-prosecution is regulated in Article 14 letter b.

By not determining how many times case files are handed over or re-submitted reciprocally from the investigator to the public prosecutor or vice versa, it is always possible that case files will go back and forth from the investigator to the public prosecutor or vice versa, so that this kind of back-and-forth situation of cases actually occurs. reduce the efficiency of investigations. This will create legal uncertainty and potentially harm those seeking justice.

In fact, in the Criminal Procedure Code, the term back and forth is not known, but this process of going back and forth between court documents is commonly used during pre-prosecution of cases. This case file goes back and forth because each of them has logical and justifiable arguments, but cannot necessarily be justified.

To overcome the occurrence of case files going back and forth from the investigator to the public prosecutor, once the investigator has started carrying out an investigation, the investigator notifies the investigation to the prosecutor's office and then the prosecutor's office, apart from sending P.16 to the investigator, also conveys that the investigator in the case has been able to coordinate. at any time with the prosecutor P.16. Because with the enthusiasm and willingness to coordinate both juridically and non-judicially, a good relationship will be created and one can view the case and will eliminate selfish values between investigators and public prosecutors in carrying out a law enforcement process.

The meaning of inquiry and inquiry in the Criminal Procedure Code and National Police Chief Regulation Number 6 of 2019 concerning Criminal Investigations is no

different. However, National Police Chief Regulation Number 6 of 2019 was issued to meet the organizational needs of the Indonesian National Police and overcome deficiencies in previous regulations. The aim is for police investigators to carry out their duties professionally, transparently and accountably.

Investigations and inquiries begin after there are reports, complaints or information from the public regarding suspected criminal acts. The information received by the investigator or investigators is the initial material that needs to be researched and filtered. After receiving the report, police officers immediately go to the crime scene (TKP) to collect information and evidence to determine whether the reported incident is a criminal act or not, and complete the information and evidence before further action is taken.

Researchers conducted interviews with the North Sulawesi Regional Police regarding procedures for carrying out investigations which fall under the authority of the Police within the North Sulawesi Regional Police and found several authorities which were interpreted based on Perkap 6 carried out by Investigators, namely as follows:

- a. Collect evidence at the scene of the crime, including samples of contaminated soil, water and air.
- b. Use of environmental forensic technology for evidence analysis.
- c. During interrogations and examinations, examinations of witnesses, victims and suspects are carried out in accordance with applicable procedures, with emphasis on protecting human rights.
- d. Always document all inspections in the form of an Inspection Report (BAP).
- e. Collaborate with related agencies such as the Ministry of Environment and Forestry (KLHK), Regional Environmental Agency, and other institutions that have authority in the

environmental sector.

- f. Carry out collaboration between these institutions in terms of providing data, analyzing evidence and assessing environmental impacts.
- g. The arrest and detention of suspects is carried out in accordance with the provisions of the Criminal Procedure Code.
- h. Complete preparation of case files to be submitted to the prosecutor's office.
- i. Sending the suspect and evidence to the prosecutor's office after the case file is declared complete (P-21).
- j. Each stage of the investigation must be reported and documented in writing to ensure accountability and transparency.
- k. Investigators are required to make regular case progress reports to their direct superiors.
- l. Ensure protection of witnesses and victims from threats, intimidation and violence during the investigation process.
- m. Providing protection facilities for witnesses and victims if necessary.
- n. Police officers who handle environmental crimes must receive special training related to environmental investigation techniques and knowledge of environmental law.
- o. Capacity building through continuous education and training.

Discretion is the authority given to the police to handle cases flexibly and based on situational assessment. Although acting based on the law is often considered to be contrary to discretion, discretion provides legal certainty which is one of the main functions of law. Discretionary actions taken by police in the field, without asking for instructions or decisions from superiors, are called individual discretion. An example is directing drivers to continue walking even though the traffic light is red to avoid traffic jams.

According to Article 18 paragraph (1) of Law no. 2 of 2002 concerning the Police of the Republic of Indonesia, Police officials are given the authority to act based on their own judgment in the public interest. Article 18 paragraph (2) regulates that discretion can only be exercised in very necessary circumstances, taking into account statutory regulations and the Police Professional Code of Ethics.

Functionally, the task and authority of the Police is to implement and enforce the law, so that the police act as guardians of the legal status quo. Police actions must comply with the rules applicable to law enforcement, such as statutes and criminal law principles, which is why they are often referred to as "servants of the law" or "law enforcement officers."

The situation or conditions that require the police to implement policy (discretion) are caused by several things, including (Adnyani, 2021):

- a. There is a choice that is presented to officials to choose based on rational and fundamental decisions. However, each choice means that there are several alternatives where the antithesis to discretion is a situation where the law provides an appropriate and correct solution to a case.
- b. The reason for the use of discretion is a problem of legal grammar that is not concrete.
- c. There is a gap or void (legal gap) in a legal rule which is seen as a source of discretionary use because the interpreter must make a choice between several alternatives. Legal gap problems are often related to semantic indetermination.
- d. Contradiction or inconsistency between two legal rules if "incompatible legal effects are attached to the same factual conditions."

Discretion arises due to a lack of clear guidelines or existing guidelines that are too abstract and difficult to implement. Police

discretion must be in accordance with Article 13 of Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, which stipulates the duties of the National Police to maintain security and public order, enforce the law, and provide protection, guidance and service to the community.

The way in which discretion is exercised depends greatly on the perspective of the individual law enforcer. If law enforcers understand and apply moral and ethical values, the exercise of discretion will produce a sense of justice and peace in society. On the other hand, without paying attention to these values, discretion can lead to abuse of authority.

The National Police has the authority to carry out law enforcement efforts such as inquiries and investigations, including summons, inspection, arrest, detention, search and confiscation. In dynamic and changing situations, police officers often have to take actions that are not yet specifically regulated in law. Therefore, in certain circumstances, members of the National Police need to use their discretion to maintain public order.

Discretion is needed because the regulations do not cover in detail how each official can carry out their duties and authority in the field. The subjective considerations and policies of public officials are necessary for the smooth implementation of their duties. However, the use of discretion must be based on sound ethical considerations and take into account all relevant aspects.

Actions taken by the Police must remain in accordance with the law. The main task of the National Police, as regulated in Article 13 of Law no. 2 of 2002, are: (a) maintaining public security and order; (b) enforce the law; and (c) provide protection, protection and services to the community. These three tasks have the same level of importance and none is more important than the others (Pudi, 2007). The Polri's duty to maintain public

security and order comes from the Polri's obligation to ensure public security. The duties of the National Police are also related to law enforcement, which is based on legal provisions that regulate the duties of the National Police in relation to criminal justice.

Viewed as a policy process, criminal law enforcement is essentially policy enforcement, through several stages, namely (Felisiano and Paripurna, 2010):

- a. The formulation stage, namely the in abstracto law enforcement stage by the law-making body. This stage is also called the legislative policy stage.
- b. Application stage, namely the stage of application of criminal law by law enforcement officials from the police to the courts. This second stage can also be called the judicial policy stage.
- c. Execution stage, namely the stage of concrete implementation of criminal law by criminal implementing officials. This stage is called the executive or administrative policy stage.

Several laws that can be used as a legal basis for the application of discretion, especially in the criminal law enforcement process, include Law Number 2 of 2002 concerning the Police:

- a. Article 15 paragraph (2) The National Police of the Republic of Indonesia, in accordance with other laws and regulations, has the authority to carry out other authorities which are included in the scope of police duties.
- b. Article 16 Paragraph (1) in order to carry out duties in the field of criminal proceedings, the National Police of the Republic of Indonesia has the authority to: 1. carry out other actions according to the law that are responsible. Paragraph (2) Other actions as intended in paragraph (1) letter 1 are investigation and investigation actions which are

carried out if they meet the following requirements:

- 1) does not conflict with a legal rule;
  - 2) in line with the legal obligations that require the action to be carried out;
  - 3) must be appropriate, reasonable, and included in the scope of the position;
  - 4) reasonable consideration based on compelling circumstances; And
  - 5) respect human rights.
- c. Article 18 Paragraph (1) of Law Number 2 of 2002 concerning the Police states that in the public interest, officials of the Indonesian National Police in carrying out their duties and authority can act according to their own judgment. Paragraph (2) Implementation of the provisions as intended in paragraph (1) can only be carried out in very necessary circumstances by paying attention to statutory regulations, as well as the Code of Professional Ethics for the National Police of the Republic of Indonesia.

Although the exercise of discretion by the police may sometimes appear to be contrary to the law, this is actually a solution provided by law to the police to increase efficiency and effectiveness in the greater public interest. Therefore, discretion should not be abolished and should not be abolished. Discretion is an important part of the function of the institution or organization.

However, discretion can be controlled and limited, for example by increasing the use of written orders and more tightly programmed decisions, which can limit opportunities for making discretionary decisions. Non-programmed decisions often arise and provide wide scope for the use of discretion (Susanto, 2004).

Discretion clearly cannot be used arbitrarily. There needs to be strict limits on

the use of discretion by the police. According to H.R. Abdussalam, the actions taken by the police were based on considerations based on moral principles and institutional principles, as follows: moral principle, that moral conception will provide leniency to someone, even if he has committed a crime, and the institutional principle is that the institutional goals of the police will be more secure if the law is not implemented rigidly, thereby giving rise to feelings of dislike among ordinary citizens who obey the law (Abdussalam, 2009).

The policy steps taken by the police are usually widely understood by the functional components in the criminal justice system. especially by prosecutors. According to M. Faal, this was a policy step taken by the police. Usually with the considerations of the use of local customary law is felt to be more effective than the applicable positive law, local laws can be felt more by the parties, including perpetrators, victims and the community, the policy adopted has more benefits than simply using existing positive law, of their own will, and does not conflict with the public interest (Faal, 1991).

Article 3 of the Regulation of the Chief of the National Police of the Republic of Indonesia Number 1 of 2009 concerning the Use of Force in Police Actions regulates the principles of the use of force as a limit in police actions (discretion), including:

- a. Legality: Every police action must comply with applicable law.
- b. Necessity: The use of force should only be used if it is necessary and cannot be avoided based on the situation at hand.
- c. Proportionality: The use of force must be balanced with the threat faced, so as not to cause excessive harm or suffering.
- d. General Obligations: Police officers are responsible for maintaining public order and safety based on their own judgment.
- e. Preventive: Police action takes

priority in preventing crime.

- f. Reasonable: Police actions must be logical and take into account the situation and conditions faced.

Article 12 paragraph (1) confirms that members of the National Police who use force according to procedures are entitled to protection and legal assistance from the National Police. Article 12 paragraph (2) states that this right must be provided by the National Police institution.

Accountability for police discretion is regulated in Article 13, which includes:

- a. The obligation of every member of the National Police to be responsible for the use of force in their police actions.
- b. Possibility to refuse orders from superiors if they conflict with the law, with reasonable reasons.
- c. Responsibility of the superior who gave the order if the member's actions are not in accordance with the order or direction given.
- d. Determination of accountability for decisions taken by members of the National Police based on the results of inquiries or investigations by the Investigation Team formed in accordance with applicable regulations.

Supervision and control in the use of police discretion is regulated in Article 14, which includes direction from the leadership before the task is carried out, reporting immediately after the use of force, and evaluation of the results and impacts of the use of force.

This shows that the use of discretion by the National Police must be carried out with full responsibility, comply with the law, and respect human rights, as well as taking into account the security and order of society as a whole.

James Q Wilson suggests that there are four types of situations where discretionary action may be carried out, namely police-invoked law enforcement, citizen-invoked law enforcement, police-

invoked order maintenance, citizen-invoked order maintenance (Wilson, 1972).

From Wilson's view, it can be seen that the exercise of discretion by the police can be carried out independently, can also be influenced by superiors, and can even be influenced by the community. In this case, the researcher believes that the use of discretion should be seen not as a personal action, but as an institutional action taken when various things occur that are required to exercise discretion.

Discretion in law enforcement allows law enforcement officers to handle each case individually, following their own assessment of the situation at hand. However, in practice, the use of discretion often has no clear rules or limitations, which can lead to deviations from legal provisions. This can result in legal uncertainty for both investigators and the public.

Discretion in law enforcement is sometimes exercised due to unclear understanding of the law regarding discretionary authority, bureaucratic policies that support discretionary actions for operational interests or personal gain, as well as a lack of an effective control system. This discretionary action can also be influenced by society's reluctance to resolve problems through legal channels.

In the context of formal criminal law, actions to set aside criminal cases cannot be justified haphazardly because criminal law has an uncompromising nature. This shows the need for a strong legal basis to provide legal certainty in the use of discretion by the police.

Therefore, the need for clearer regulations and careful consideration in the use of discretion by the police is important to ensure that discretionary powers are not abused. This will help set clear boundaries for the police in carrying out criminal law enforcement duties fairly and transparently.



## 2. Implementation of Police Discretion in Investigating Criminal Acts in the Environmental Sector.

Discretion in the investigation of environmental crimes clearly plays a real role. For example, in cases of environmental pollution, such as the dumping of hazardous waste by a factory, the police may have to take immediate action to stop the pollution and prevent further damage. Discretion allows the police to take necessary steps, such as temporarily closing the factory or detaining the perpetrator, pending further legal proceedings.

Investigating environmental crimes is an important aspect of law enforcement which aims to protect the environment from damage and pollution. The police have a crucial role in investigating environmental crimes, where the exercise of discretion is a significant element. Police discretion, as part of the powers granted to law enforcement, allows police to make decisions based on personal judgment in situations that are not regulated in detail by law.

The use of discretion by the police can be seen in the case of Police Report Number: LP.A/1004/IX/2019/JABAR, dated 25 September 2019 regarding the management of B3 waste without a permit at PT.South Pacific Viscouse Jl.Industri Desa Cicadas Kec. Babakan Cikao District. Purwakarta. In this case, the case file was returned by the Public Prosecutor because the file was declared incomplete due to the absence of an investigation by the Civil Servant Investigator (PPNS).

The return of files also occurred in cases based on Police Report Number LP/170/I/2018/Jabar/Res.Krw via Letter from the Head of the Karawang District Prosecutor's Office Number: B-6053/0.2.18/Euh.1/11/ 2018, dated 23 November 2018, Regarding the Return of Case Files of A.n. Daim bin Juhi, who is suspected of violating Article 102 and/or Article 104 of Law Number 32 of 2009

concerning Environmental Management, must be completed due to a lack of investigation by PPNS.

In the two cases mentioned above, it appears that there was discretion exercised by the police in the form of handing over files to the prosecutor without any investigation by PPNS investigators. This is very possible because there is limited time for solving cases that the Police have and the work area does not have sufficient PPNS investigator resources.

Discretion in law enforcement by the police is influenced by several main factors:

- a. Emergency or Urgent Conditions: In emergency situations such as life-threatening traffic accidents, the police can use discretion to take quick action without having to wait for specific guidance or procedures.
- b. Legal Vagueness or Regulatory Vacuum: When the law does not provide clear guidance or there is a void in the regulations, the police use discretion to handle the situation by considering the principles of justice and the public interest.
- c. Various Environmental or Social Conditions: Different environmental or social conditions require different approaches to law enforcement. Police use discretion to adapt their actions to the specific context they face.
- d. Resource Limitations or Law Enforcement Priorities: Police may use discretion to allocate their resources by prioritizing the different tasks at hand.
- e. Awareness of Social or Environmental Impact: Police consider the social or environmental impact of their actions. They can choose preventive measures or a softer approach if they are deemed more beneficial to society or the environment.
- f. Community Involvement or Humanitarian Factors: Opinions or interests of local communities as well as humanitarian factors can influence the use of discretion by the police.

These factors show that discretion in law enforcement is not only influenced by the law itself, but also by factors such as officer involvement, available facilities, the community involved, and prevailing cultural values. The need for clear rules and careful consideration in the use of discretion by the police is crucial to ensuring fair and effective law enforcement.

In reality, the use of discretion by the police is not as easy as imagined to be implemented and carried out correctly. There are many obstacles and even problems that can occur in the field due to the use of discretion by the police (Goldstein, 1977).

Discretion often involves the subjective judgment of police officers based on the situation and conditions faced. This can make supervision difficult because the decisions taken may be based on factors that are difficult for the supervisor to understand or assess. Limited resources, both in terms of personnel and technology, can affect the ability of supervisory institutions to carry out effective control and supervision over the use of discretion. These limitations may hinder efforts to comprehensively monitor and evaluate the actions of police officers.

Control and supervision over the use of discretion can also be hampered by the unavailability of complete and accurate data. Without adequate data, it is difficult for supervisors to conduct a comprehensive analysis of patterns and trends in the use of discretion by police officers.

Pressure from various parties, including the public, mass media and political parties, can influence the control and supervision of the use of police discretion. This pressure can cause supervisory institutions to tend to be reactive and less objective in assessing the actions of police officers.

An organizational culture that does not support accountability and transparency can also be a challenge in controlling and supervising the use of police discretion. If

the organizational culture tends to protect its own members or prioritize internal interests, then it is difficult to uphold ethical standards and integrity in the use of discretion.

## CONCLUSION

Regulation of police authority in investigating environmental crimes is contained in various laws and regulations:

- a. The police, in accordance with KUHAP Article 6 Paragraph (1), have the authority to investigate all general crimes, including environmental crimes.
- b. Law No. 32 of 2009 concerning Environmental Protection and Management (UUPPLH) recognizes the authority to investigate by the Police and certain civil servant officials within government agencies with authority in the environmental sector.
- c. National Police Chief Regulation Number 6 of 2019 (Perkap 6) regulates various stages of investigations by the Police, including in environmental crime cases.

The police's discretionary authority in investigating environmental crimes is based on:

- a. Article 18 paragraphs (1) and (2) of the Police Law provides flexibility to Police officials in carrying out their duties in the public interest, by complying with regulations and the Police Professional Code of Ethics.
- b. Supervision and control of police discretion is regulated in Article 14 of National Police Chief Regulation no. 1 of 2009.
- c. Application of principles such as Necessity, Straightforwardness and Integrity, Benefits and Objectives, and Balance to control the use of discretion.

Police discretion in investigating environmental crimes provides flexibility to

handle complex and dynamic situations involving technical and scientific aspects, as well as allowing the adaptation of actions to special conditions in the field.

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