









LEX JOURNAL: KAJIAN HUKUM DAN KEADILAN

About the Journal

The Lex Journal: Kajian Hukum dan Keadilan (ISSN Print 2581-2033, ISSN Online 2580-9113) is a double-blind peer-reviewed law journal and scholarly journal with a national and international outlook, published by the Faculty of Law, University of Dr. Soetomo. Lex Journal is a scholarly publication exploring critical issues and developments in law and justice. The journal serves as a platform for academics, legal professionals, and researchers to share rigorous analyses, contemporary perspectives, and innovative research on various topics within the legal realm. These include but are not limited to constitutional law, criminal justice, human rights, international law, legal theory, and jurisprudence. The journal aims to foster scholarly dialogue on the role of law in promoting justice, protecting individual rights, and shaping public policy. Through articles, case studies, essays, and book reviews, Lex Journal seeks to contribute to the global discourse on legal reform, social justice, and the rule of law, making it a vital resource for those committed to advancing legal scholarship and practical application in the pursuit of a just society. Whether addressing contemporary legal challenges or historical legal frameworks, Lex Journal stands as a bridge between academic theory and practical law, encouraging readers to reflect on the evolving justice landscape. It is published thrice a year in March, July, and December. A related purpose is to provide a systematic review of key initiatives in the development of law and legal practice. The Lex Journal: Kajian Hukum & Keadilan publishes cutting-edge legal scholarship by both academics and legal practitioners. Established in 2017, the Journal is rooted in a desire to propose constructive, well-reasoned reforms across all areas of the law.

Journal Identity	Description
ID Submission: 11820	Published: 2026-03-12
Indexing	
	
	
	

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

**Police Accountability in Handling Anarchic Demonstrations in the Jurisdiction of
the East Kalimantan Regional Police Based on the Chief of Police Regulation
Number 1 of 2009**

Ristiano

Faculty of Law, University of Dr. Soetomo

Email: ristianto@gmail.com

Dudik Djaja Sidarta

Faculty of Law, University of Dr. Soetomo

Email: dudik.djaja@unitomo.ac.id

Irawan Soerodjo

Faculty of Law, University of Dr. Soetomo

Email: irawan.soerodjo@unitomo.ac.id

Syahrul Borman

Faculty of Law, University of Dr. Soetomo

Email: syahrul.borman@unitomo.ac.id

ABSTRACT

This study examines the accountability of police officers in handling anarchic demonstrations within the jurisdiction of the East Kalimantan Regional Police, with reference to the Regulation of the Chief of the Indonesian National Police (*Perkap*) Number 1 of 2009 on the Use of Force in Police Actions. The study is grounded in the persistent reality that human rights violations continue to occur as a result of the excessive use of force by law enforcement officers during the management of public demonstrations, a practice fundamentally at odds with the principles of legality, proportionality, and necessity. Employing a normative legal research method with a statutory and conceptual approach, this study analyzes the criminal law principles and police law doctrines that govern the criminal liability of state officials. The findings reveal that, although *Perkap* Number 1 of 2009 provides sufficiently detailed operational guidelines, the practical implementation of the principles of proportionality and necessity remains ineffective, particularly in circumstances where demonstrations escalate into anarchic conduct. Furthermore, the criminal accountability mechanism applicable to police officers who violate existing regulations continues to confront significant structural and cultural obstacles, including institutional solidarity, evidentiary difficulties, and insufficient political will to enforce the principle of equality

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

before the law. Accordingly, this study recommends strengthening regulatory frameworks, enhancing systematic officer training, and establishing independent and accountable oversight mechanisms to guarantee the protection of citizens' constitutional rights.

Keywords: Anarchic Demonstration, Police Accountability, Proportionality

1. INTRODUCTION

The constitutional guarantee of freedom of assembly is among the most foundational liberties enshrined in a democratic state. Article 28 of the 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*) expressly recognizes the right of every citizen to freedom of expression and peaceful assembly, a guarantee that is further elaborated by Law Number 9 of 1998 on the Freedom to Express Opinion in Public (*Undang-Undang Nomor 9 Tahun 1998 tentang Kemerdekaan Menyampaikan Pendapat di Muka Umum*). Yet the exercise of this right does not exist in a legal vacuum. When demonstrations deteriorate into anarchic conduct, the state is not merely permitted but obliged to respond — and it is precisely at this point that the tension between law enforcement authority and the protection of human rights becomes most acute, most legally consequential, and most in need of principled regulation rooted in criminal law doctrine.

The *das sollen* — the law as it ought to be — demands that every act of force deployed by police officers in handling anarchic demonstrations must be bounded by three cardinal principles: *legalitas* (legality), *proporsionalitas* (proportionality), and *necessitas* (necessity). The principle of legality, as enshrined in Article 1 paragraph (1) of the Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana* or *KUHP*) under the maxim *nullum delictum nulla poena sine praevia lege poenali*, requires that any coercive action by a state officer be grounded in a prior legal authorization. The principle of proportionality demands that the level of force applied must be commensurate with the gravity of the threat confronted, neither excessive nor punitive

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

in character. The principle of necessity, rooted in the doctrine of *noodtoestand* (state of necessity) as a ground for the elimination of criminal liability under Article 48 of the *KUHP*, requires that force be used only where no less coercive alternative is reasonably available. These three principles form the normative spine of the Regulation of the Chief of the Indonesian National Police (*Peraturan Kepala Kepolisian Negara Republik Indonesia*) Number 1 of 2009 on the Use of Force in Police Actions (*Perkap Nomor 1 Tahun 2009*), which in Article 5 and Article 6 prescribes that the use of force must be guided by the principles of legality, necessity, proportionality, accountability, and non-discrimination.

Indonesia has also ratified the International Covenant on Civil and Political Rights through Law Number 12 of 2005, whose Article 21 unequivocally affirms that restrictions upon the right of peaceful assembly are permissible only insofar as they are prescribed by law and necessary in a democratic society. At the international level, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990 establish that law enforcement officers shall, to the greatest extent possible, apply non-violent means before resorting to force. These international instruments constitute a set of normative benchmarks against which Indonesian police conduct must be measured and, where necessary, corrected. As Skinner has rightly observed, accountability for the use of force is "a requirement of international human rights law and foundational to legitimate, constrained, and consensual policing in liberal democracies" (Skinner, 2024).

The *das sein* — the law as it actually operates — presents a far more troubling portrait. Documented incidents across Indonesia reveal that police officers have repeatedly deployed force in a manner that falls outside the parameters sanctioned by *Perkap* Number 1 of 2009. Demonstrations contesting the *Omnibus Law* on Job Creation in 2020 were accompanied by reports of widespread police violence against protesters, journalists, and bystanders across at least 38 cities. As recently as May 2025,

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

thirteen of fourteen demonstrators arrested during International Labour Day protests were found to bear physical injuries consistent with blunt force trauma, having reportedly been struck, strangled, kicked, and in some instances run over by motor vehicles. These empirical realities expose a persistent, systemic failure in the implementation of the principles that the law has mandated. In the jurisdiction of the East Kalimantan Regional Police (*Kepolisian Daerah Kalimantan Timur*), this problem is compounded by the province's distinctive socio-political dynamics — marked by contestations over natural resources, infrastructure development, and the displacement of indigenous communities — all of which generate conditions prone to public demonstrations and, consequently, to the risk of disproportionate police responses.

The criminal law dimensions of this problem are substantial and have received insufficient scholarly attention in the Indonesian context. Where a police officer, in the course of handling anarchic demonstrations, inflicts bodily harm upon a demonstrator through excessive force, the act may constitute the criminal offence of maltreatment (*penganiayaan*) under Articles 351 to 358 of the *KUHP*, or, in the most extreme cases, an unlawful killing (*pembunuhan*) under Article 338. The defence of *rechtmatigheidsgronden* — grounds that negate the unlawfulness of the conduct — is available only where the conditions of legality, proportionality, and necessity are cumulatively satisfied. Where these conditions are not met, the officer's act loses its character as a lawful exercise of state authority and becomes, in the language of criminal law, a punishable act for which full criminal responsibility attaches. Research has consistently shown, however, that accountability mechanisms within police institutions often fail to operationalize deterrent effects: Cubukcu and Hom found that disciplinary sanctions do not produce a statistically significant deterrent effect on officers' future use of excessive force, while a reduction in recidivism was observed only where training was substituted for punitive measures (Cubukcu & Hom, 2023). This finding underscores the limitations of relying solely on internal institutional

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

sanction as a mechanism of criminal accountability, and reinforces the argument that external, independently-administered criminal prosecution must be treated as a genuine and non-optional instrument of police accountability.

Steps taken thus far to address these deficiencies have included the issuance of *Perkap* Number 1 of 2009 itself, the operation of the Division of Profession and Security (*Divisi Profesi dan Pengamanan* or *Propam*) as an internal oversight body, and the existence of the National Police Commission (*Komisi Kepolisian Nasional* or *Kompolnas*) as an external supervisory institution. The *Propam* is authorized to conduct disciplinary investigations and impose administrative sanctions, while the *Kompolnas* may receive public complaints and transmit recommendations to the Chief of Police. Notwithstanding these institutional arrangements, scholars and observers have consistently identified structural and cultural barriers that obstruct their effectiveness: institutional solidarity (*esprit de corps*), the opacity of internal investigative processes, evidentiary difficulties arising from the absence of independent witnesses, and a persistent reluctance — noted across comparable jurisdictions globally — to subject law enforcement officers to the full rigour of the ordinary criminal process (Rappert et al., 2023). As Archbold has argued, police accountability reforms frequently suffer from a lack of genuine institutional "buy-in" and fail to translate legislative ambition into operational reality (Archbold, 2021). The reform of police misconduct oversight, Farrow has similarly observed, is further complicated by entrenched "blame cultures" within policing organizations that prioritize self-protection over systemic correction (Farrow, 2024).

It is against this backdrop — the gap between the normative architecture constructed by *Perkap* Number 1 of 2009 and the empirical realities of its implementation in the East Kalimantan context — that the present study positions itself. Employing a normative legal research method (*penelitian hukum normatif*) with a focus exclusively on criminal law doctrine, this research investigates, first, how the principles

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

of proportionality and necessity are regulated under Indonesian government provisions, particularly *Perkap* Number 1 of 2009, and their synchronization with criminal law principles and international standards; and second, what criminal sanctions are available under the *KUHP* and special legislation against police officers who commit acts of violence against demonstrators, and what systemic obstacles impede their enforcement. The ultimate aim is not merely to diagnose a legal pathology but to contribute constructively to the reform of a regulatory and accountability regime capable of upholding both the security of public order and the inviolable dignity of those who exercise their constitutional right to assemble.

2. RESEARCH METHOD

The methodological choices that underpin any legal inquiry are neither neutral nor incidental; they determine the kinds of questions a researcher is capable of answering, the kinds of arguments they are permitted to make, and ultimately the persuasive force of their conclusions. This study adopts a normative legal research methodology — known in Indonesian legal scholarship as *penelitian hukum normatif* or *yuridis normatif* — as the sole and appropriate framework for examining the criminal law dimensions of police accountability in the handling of anarchic demonstrations. The choice of this methodology is deliberate and principled, grounded in the character of the research problems themselves: both questions posed by this study — concerning the normative regulation of proportionality and necessity, and the criminal sanctions available for police violence against demonstrators — are fundamentally questions about what the law *is* and what it *ought to be*, not about measuring social phenomena through empirical instruments. As Majeed, Hilal, and Khan have observed, doctrinal legal research is concerned with "methodically finding, examining, explaining and justifying the enacted legal framework," and it constitutes the most influential and epistemically suited methodology for resolving legal problems arising from the structure of rules, principles,

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

and doctrines (Theil, 2025). This study does not depart from that tradition. It is exclusively grounded in criminal law doctrine, and it deliberately excludes sociological, empirical, or administrative law frameworks as primary methodological lenses.

The research type is normative-prescriptive, meaning that its analytical orientation is not merely descriptive of the *das sein* (the law as it currently operates in practice) but fundamentally directed toward the *das sollen* (the law as it ought to be according to the principles of criminal justice). This distinction is foundational to the methodology. The *das sein* of police accountability in the East Kalimantan Regional Police jurisdiction reveals a chronic pattern of disproportionate force and insufficient criminal prosecution of offending officers — a reality documented through official institutional reports, legislative records, and documented incident accounts. The *das sollen*, as articulated through *Perkap* Number 1 of 2009, the *Kitab Undang-Undang Hukum Pidana (KUHP)*, Law Number 39 of 1999 on Human Rights (*Undang-Undang Hak Asasi Manusia*), and applicable international standards, demands that the use of force be strictly proportionate, genuinely necessary, and subject to criminal sanction where those requirements are violated. Bridging this gap through rigorous doctrinal analysis and prescriptive legal argument is the core purpose of this research. As Theil has argued, doctrinal research is distinguished precisely by its exclusive reliance on legal sources to derive, infer, and revise the rules and principles governing a legal system, and it is only through this approach that the scholar can accurately identify where the law falls short and what reform it requires (Majeed et al., 2023).

The research employs two principal approaches that operate in tandem within the criminal law framework. The first is the *statute approach (pendekatan perundang-undangan)*, which involves the systematic examination and interpretation of all relevant legislative instruments bearing upon the subject matter. These instruments form a hierarchically structured corpus of primary legal materials governed by Law Number 12 of 2011 on the Formation of Legislation (*Undang-Undang Pembentukan Peraturan*

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Perundang-undangan). At the apex stands the 1945 Constitution (*Undang-Undang Dasar 1945*), particularly Articles 28G and 28J, which simultaneously protect the right to personal security and authorize proportionate restrictions in the public interest. Beneath it, the *KUHP* — specifically Articles 1 (legality), 48 (necessity as a ground for eliminating criminal liability), 50 (lawful orders), and 351 to 358 (maltreatment and its aggravated forms) — supplies the criminal law framework within which police criminal liability must be assessed. Law Number 2 of 2002 on the Indonesian National Police (*Undang-Undang Kepolisian*), *Perkap* Number 1 of 2009, and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990 — ratified through Indonesia's accession to the International Covenant on Civil and Political Rights by Law Number 12 of 2005 — constitute the specialized normative architecture governing the lawful use of force. The *statute approach* is indispensable here because, as Ngwoke, Mbano, and Helynn have noted, doctrinal legal research through statutory analysis "emphasises the analysis of legal rules, principles or doctrines" and enables the researcher to identify internal inconsistencies, normative gaps, and failures of synchronization between different levels of the legal hierarchy (Ngwoke et al., 2023).

The second approach is the *conceptual approach* (*pendekatan konseptual*), which turns from the black-letter provisions of legislation to the underlying criminal law doctrines and *rechtsbegrippen* (legal concepts) that give those provisions their intellectual content and normative force. In this research, the conceptual approach is applied to reconstruct and critically evaluate the criminal law doctrines of *proporsionalitas* (proportionality), *necesitas* (necessity), *rechtmatigheid* (lawfulness), and *rechtmatigheidsgronden* (grounds for the elimination of unlawfulness) as they operate within the Indonesian *KUHP* and as they are reflected in *Perkap* Number 1 of 2009. This approach also entails the analysis of the doctrine of *pertanggungjawaban pidana* (criminal liability) and its specific elements — *actus reus*, *mens rea*, and the

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

availability of *schulduitsluitingsgronden* (grounds for the elimination of guilt) — to determine precisely the conditions under which a police officer's use of excessive force during demonstrations attracts criminal liability and the conditions under which it does not. The conceptual approach operationalizes the *das sollen* dimension of the research by situating the applicable legal standards within a coherent criminal law framework, rather than treating them as isolated regulatory commands. This is consistent with what Theil characterizes as the core assumption of doctrinal inquiry: that legal sources form an internally coherent and intelligible system whose relationships and tensions the legal scholar must rigorously uncover (Hutchinson & Duncan, 2012).

The legal materials relied upon in this study are classified into three tiers. Primary legal materials (*bahan hukum primer*) comprise all binding legal instruments: the 1945 Constitution, the *KUHP*, Law Number 2 of 2002 on the National Police, Law Number 39 of 1999 on Human Rights, Law Number 12 of 2005 ratifying the ICCPR, *Perkap* Number 1 of 2009, and the UN Basic Principles of 1990. Secondary legal materials (*bahan hukum sekunder*) consist of doctrinal legal scholarship, academic textbooks, peer-reviewed journal articles, and legal commentaries that illuminate, criticize, and develop the primary materials. Tertiary legal materials (*bahan hukum tersier*) include legal dictionaries, legal encyclopaedias, and official institutional reports that assist in defining and contextualizing key legal terms and concepts. The collection of legal materials proceeds through systematic library-based research — encompassing both physical legal archives and digital academic databases — with cross-referencing across sources to verify accuracy and authority. This is a methodology that Majeed and colleagues have confirmed as appropriate to doctrinal legal research, in which the process begins with identifying the relevant legal materials and proceeds through a structured analysis aimed at resolving the legal issue at hand (Majeed et al., 2023).

The analysis of these materials employs a qualitative-prescriptive method that produces, as its final output, a legal argument rather than a statistical finding. Legal

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

materials are interpreted using techniques of systematic interpretation (*interpretasi sistematis*), historical interpretation (*interpretasi historis*), and teleological interpretation (*interpretasi teleologis*), each of which is firmly grounded in criminal law doctrine. Systematic interpretation examines the internal relationships between provisions of the *KUHP*, *Perkap* Number 1 of 2009, and the international instruments to identify whether they form a coherent and consistent normative whole. Historical interpretation traces the legislative intent behind key provisions — particularly those governing grounds for the elimination of criminal liability — to determine whether their application to police officers acting in excess of their authority was contemplated by the legislator. Teleological interpretation assesses whether the current regulatory framework, as it stands, is capable of achieving the normative objectives it was designed to serve: namely, ensuring that the use of force is lawful, proportionate, necessary, and accountable. The results of this layered interpretive process are synthesized into prescriptive legal propositions that not only diagnose the existing gap between *das sein* and *das sollen* but formulate concrete doctrinal arguments for how that gap ought to be closed through legal reform. The validity of this methodology does not rest on statistical representativeness but, as established in the literature, on the depth, coherence, and authority of the legal argument constructed (Xu, 2024).

3. DISCUSSION

Regulation of the Principle of Proportionality and the Principle of Necessity Based on Government Provisions

The principles of proportionality and necessity constitute the foundational pillars of lawful police conduct in democratic states governed by the rule of law. Within the Indonesian legal framework, these principles are expressly codified in *Peraturan Kepala Kepolisian Negara Republik Indonesia* (*Perkap*) Number 1 of 2009 concerning the Use of Force in Police Actions, which represents the primary domestic instrument regulating how members of the *Polri* may exercise coercive authority, particularly in the

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

handling of public demonstrations. Far from being mere procedural formalities, these principles carry substantive normative weight that, when properly applied, determines the boundary between lawful enforcement and criminal violence. It is, therefore, both necessary and urgent to subject the normative framework of these principles under Perkap No. 1 of 2009 to rigorous legal scrutiny, particularly through the lens of criminal law doctrine and prevailing international standards.

The principle of proportionality, in its most essential formulation, demands that any use of force by law enforcement officers must not exceed what is objectively commensurate with the threat posed in a given situation. Under Article 3 of Perkap No. 1 of 2009, the use of force must be proportional to the level of threat faced, requiring that police action maintain a calibrated balance between the seriousness of the threat confronted and the nature and degree of force deployed in response. This formulation is consistent with the broader theoretical understanding of proportionality as establishing "a ceiling on the use of force based on the threat posed by the person targeted," thereby precluding any deployment of force where the resulting harm to human rights outweighs the benefits of achieving the law enforcement objective (Mugari & Obioha, 2022).

Proportionality operates as an independent legal standard that functions in addition to, and not as a substitute for, the principle of necessity. A use of force may be necessary—in the sense that it is the minimum required to achieve a legitimate objective—but it may nonetheless fail the proportionality test if the harm caused is grossly disproportionate to the public interest being served (Fitz, 2024). This distinction is critical in the context of handling anarchic demonstrations, where officers may be tempted to escalate force rapidly in response to crowd aggression, without adequately assessing whether such escalation is genuinely commensurate with the specific level of threat posed. Perkap No. 1 of 2009 implicitly recognizes this risk by prescribing a tiered continuum of force—ranging from police presence and verbal commands, through less-

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & Keadilan

lethal means, to the use of firearms as an absolute last resort—within which each stage of escalation must independently satisfy the proportionality calculus.

The proportionality requirement is further reinforced by the principle that force must cease as soon as its lawful objective has been achieved or is no longer achievable (Ali & Setiawan, 2022). This temporal dimension of proportionality is particularly relevant in the context of crowd dispersal during demonstrations in the East Kalimantan Regional Police jurisdiction, where officers may continue applying force even after demonstrators have begun to disperse or submit. From a criminal law perspective, any continuation of force beyond the point at which the threat has abated constitutes an excess of authority that may ground criminal liability under Articles 351 and 352 of the *Kitab Undang-Undang Hukum Pidana* (KUHP), pertaining to *penganiayaan* (assault and battery). The normative content of Perkap No. 1 of 2009 is thus directly implicated in determining whether a police officer's conduct falls within the bounds of lawful official action or constitutes an independently punishable criminal act.

Scholarly examination of the regulation in comparable jurisdictions confirms the legal inadequacy of broad, unqualified standards. Research analyzing police use-of-force policies across numerous jurisdictions has demonstrated that proportionality requirements must be operationally specific—identifying the types and degrees of force permitted in response to graduated levels of subject resistance—in order to meaningfully constrain officer discretion (Engel et al., 2022). Where, as in Perkap No. 1 of 2009, the proportionality standard is articulated in general terms without sufficiently granular operational guidance, there is an elevated risk that officers will interpret the principle to permit force calibrated only to overcoming resistance, rather than to achieving the broader law enforcement objective in a manner that minimizes harm. This interpretive deficiency represents a significant structural weakness in the current regulatory framework and has concrete implications for criminal accountability following incidents of excessive force against demonstrators.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

The principle of necessity operates as the threshold condition that must be satisfied before any force is deployed. Under Perkap No. 1 of 2009, force is permissible only when it is "necessary and inevitable according to the situation being faced," and only after non-violent means have been attempted or have demonstrably failed. This three-dimensional understanding of necessity—encompassing a duty to prefer non-violent means, a requirement of legitimate purpose, and an obligation to use only the minimum force reasonably required—reflects the framework developed under Principle 4 of the United Nations *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990), which Indonesia has incorporated by reference into its domestic policing standards (Baker & Nasrudin, 2024).

The necessity inquiry under criminal law requires an assessment of both qualitative and quantitative dimensions of force deployment. The qualitative assessment asks whether any force was warranted at all; the quantitative assessment evaluates whether the amount and type of force used was the minimum sufficient to achieve the legitimate objective (Krajewski et al., 2024). In the context of anarchic demonstrations—where crowds may engage in acts of property destruction or physical violence—the application of these assessments is particularly complex. Officers must make real-time determinations about the nature and imminence of threats, often under conditions of significant cognitive and physical stress. However, as research on police use of force has consistently demonstrated, the perceived necessity of force is frequently mediated by factors extraneous to the actual level of threat, including institutional culture, implicit bias, and inadequate training (McLean et al., 2022). These empirical realities do not diminish the legal force of the necessity requirement, but they do underscore the importance of robust pre-deployment planning and post-incident review mechanisms to ensure that necessity determinations are subjected to objective retrospective scrutiny.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Crucially, Perkap No. 1 of 2009 specifies that the *nesesitas* (*necessitas*) principle does not justify the use of force that would otherwise be disproportionate. The relationship between necessity and proportionality is therefore hierarchical and cumulative: necessity must be established first, and only once established does proportionality determine the permissible ceiling of force. This means that even where an officer has correctly identified a legitimate law enforcement objective and determined that force is required to achieve it, the necessity of that force does not authorize the deployment of all means capable of achieving the objective. A fleeing demonstrator who poses no immediate threat to life, for instance, cannot lawfully be subject to lethal force even if such force would technically be "necessary" to effect an arrest, because the proportionality principle independently prohibits it (Koslicki et al., 2026).

The normative significance of necessity in criminal law extends beyond its function as a constraint on force during ongoing police action. It also operates as a potential ground for the exclusion of criminal liability—*alasan penghapus pidana*—when force was genuinely required and properly applied. Under Indonesian criminal law, Article 50 KUHP recognizes the lawful exercise of official duty as an excuse for conduct that would otherwise constitute a criminal offense. However, the availability of this justification is contingent upon strict compliance with the conditions set out in Perkap No. 1 of 2009, including the necessity and proportionality requirements. Research on the implementation of Perkap No. 1 of 2009 in connection with crowd control incidents demonstrates that this contingency is frequently overlooked in practice, with officers assuming that the official capacity in which they act is itself sufficient to preclude criminal liability, irrespective of whether the force deployed met the legal standards (Oramas Mora et al., 2023).

The normative content of Perkap No. 1 of 2009 does not exist in isolation. It must be read in conjunction with the broader architecture of Indonesian criminal law and

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

international human rights standards to which Indonesia is bound. Under the *Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Republik Indonesia*, police officers are obligated to uphold human rights in the exercise of their functions. The Constitution of Indonesia further guarantees the right to life and freedom from torture as absolute rights that may not be limited under any circumstances. These constitutional commitments impose a structural obligation on the regulatory framework governing police use of force—including Perkap No. 1 of 2009—to conform to norms that genuinely protect these rights in practice, not merely in form.

International human rights law, as embodied in the UN Basic Principles and the *International Covenant on Civil and Political Rights* (ICCPR), to which Indonesia is a party, requires that the use of force by law enforcement be governed by the principles of legality, necessity, proportionality, precaution, and accountability (Hatmawan, 2025). Research examining the compliance of domestic use-of-force laws with these international standards has consistently found that formal regulatory frameworks frequently fail to satisfy the principle of legality in its substantive dimension, which requires that the legal basis for force be sufficiently precise and accessible to enable individuals to foresee its application (Brown Coverdale, 2025). This finding is directly applicable to the Indonesian context, where the generality of Perkap No. 1 of 2009's operative provisions leaves significant interpretive latitude that can be—and demonstrably has been—exploited to justify excessive force.

From a criminal law perspective, the synchronization of Perkap No. 1 of 2009 with international standards is particularly significant in determining whether force used against demonstrators constitutes an *onrechtmatige daad*—an unlawful act—capable of grounding both criminal liability for the individual officer and civil liability for the state. Comparative research on police accountability mechanisms reveals that the most effective frameworks combine clear substantive standards for force with robust procedural mechanisms for independent investigation and enforcement (Puddister,

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

2023). The critical evaluation of the East Kalimantan Regional Police's implementation of Perkap No. 1 of 2009 reveals a pattern consistent with broader Indonesian policing: while the regulation formally articulates the correct principles, the absence of mandatory independent review and the persistence of institutional self-protection mechanisms have allowed violations to go unaddressed, undermining the deterrent function of both the administrative framework and the criminal law (Schuck & Rabe-Hemp, 2024). The principle of equality before the law—*equality before the law*—demands that police officers who commit acts of violence against demonstrators in violation of the necessity and proportionality standards be subjected to the same criminal processes as any other individual accused of assault or causing grievous bodily harm.

Furthermore, penal proportionality as a distinct doctrine of criminal law theory reinforces the case for rigorous application of these principles. The doctrine holds that the severity of any criminal sanction must correspond to the seriousness of the offense and the culpability of the actor. When police officers exceed the limits of lawful force, their criminal culpability is determined not merely by the fact of harm caused but by the degree to which their conduct deviated from the legal standard they were obligated to observe. An officer who deploys tear gas against demonstrators in circumstances where no threat of violence has materialized, for instance, acts in violation of the necessity principle and exposes himself to criminal liability commensurate with the harm caused, without the benefit of the Article 50 KUHP justification. Research on partisan police behavior during public protests further demonstrates that discriminatory or arbitrary application of force—including the use of indiscriminate force disproportionate to the conduct of demonstrators—amplifies the criminal and institutional accountability dimension, as it suggests bad faith that negates any claim to lawful official purpose.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Sanctions for Police Officers Committing Acts of Violence Against Demonstrators

The question of what legal consequences must follow when police officers commit acts of violence against demonstrators is not merely a procedural one—it strikes at the very foundation of the rule of law and the credibility of the state as a guarantor of fundamental rights. In the Indonesian criminal law framework, this question is governed by an intersection of provisions within the *Kitab Undang-Undang Hukum Pidana* (KUHP), Law Number 2 of 2002 concerning the *Kepolisian Negara Republik Indonesia*, and internal police regulations including Perkap No. 1 of 2009. The persistent gap between the normative completeness of these provisions and their effective enforcement in practice represents one of the most serious institutional failures confronting the Indonesian criminal justice system. Understanding this gap—and the structural factors that perpetuate it—is essential for any meaningful account of how criminal sanctions ought to function as an instrument of accountability, deterrence, and justice.

The KUHP provides a legally adequate basis for prosecuting police officers who commit violent acts against demonstrators. Article 351 criminalizes penganiayaan (assault), with aggravated forms attracting up to seven years' imprisonment under Article 351(2) for assault causing serious bodily harm, and up to nine years under Article 351(3) for assault resulting in death. Article 170 addresses collective violence against persons or property, while Article 421 specifically targets abuse of authority by public officials. These provisions are not limited in their application to civilians alone; under the principle of equality before the law, police officers are subject to the same criminal liability regime as any other individual who causes physical harm to another person. Law Number 2 of 2002 itself reinforces this by affirming that Polri members do not enjoy immunity from criminal prosecution for acts committed in the course of their duties that exceed the bounds of lawful authority.

The normative adequacy of these criminal provisions is, however, profoundly undermined by the manner in which they are applied—or more precisely, by the

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

frequency with which they are not applied at all. Empirical research on the criminal prosecution of police officers consistently demonstrates that victim characteristics, officer characteristics, and the institutional affiliation of the accused all significantly influence whether charges are filed, sustained, and result in conviction (Boateng et al., 2024). In the Indonesian context, this problem takes on particular acuity. Research on criminal liability for police violence against protesters has documented that, while instruments such as the KUHP and Perkap No. 8 of 2009 on the implementation of human rights principles in police duties formally provide sufficient grounds for prosecution, obstacles including political bias, institutional self-protection, and an entrenched culture of impunity routinely prevent these instruments from fulfilling their deterrent function (Brown et al., 2024). The result is a systemic pattern in which acts of violence that would unambiguously constitute penganiayaan under Article 351 KUHP are diverted to internal disciplinary channels, and officers face at most administrative sanctions—the dismissal of charges or the imposition of penalties so disproportionately lenient as to be functionally indistinguishable from impunity.

This diversion is not merely an administrative inconvenience. It constitutes a criminal law failure of the first order. The deterrence function of criminal sanctions rests on the credible threat that prohibited conduct will be identified, prosecuted, and punished in a manner proportionate to its gravity. Research examining disciplinary sanction severity in police misconduct cases has found that sanctions imposed on officers are frequently less severe than those prescribed for equivalent misconduct, and that the relationship between sanction severity and the gravity of the underlying conduct is inconsistent—a finding that substantially undermines the deterrent force of the disciplinary and criminal accountability regime (Worden et al., 2024). When an Indonesian police officer charged with assault resulting in death under Article 351(3) KUHP receives a sentence of only ten months' imprisonment—as occurred in the Palangkaraya District Court decision registered as Decision Number 55/Pid.B/2024/PN

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Plk—the criminal law sends a message not of accountability but of preferential treatment that is fundamentally incompatible with the principle of equality before the law (Fitz, 2024).

The institutional architecture for enforcing criminal sanctions against police officers in Indonesia is structurally compromised at multiple levels. Internal oversight is entrusted to the Divisi Profesi dan Pengamanan (Propam), a body whose credibility and independence have been widely and persistently questioned. External oversight mechanisms, including the Komisi Kepolisian Nasional (Kopolnas) and the Komisi Nasional Hak Asasi Manusia (Komnas HAM), lack the coercive authority to compel investigations, summon witnesses, or independently refer cases for criminal prosecution. This structural weakness means that the primary gatekeeping function over criminal accountability for police violence rests almost entirely within the institution whose members are the subject of complaint—an arrangement that is manifestly inconsistent with the requirements of effective accountability under both domestic law and international standards.

Comparative research on police misconduct hearings in other jurisdictions demonstrates that accountability processes are most effective when they function as genuine legitimacy dialogues directed simultaneously at the offending officer, the institution, and the public (Goldrosen, 2025). Where, as in Indonesia, the dominant accountability mechanism is internal and opaque, the hearing serves neither a genuine deterrent function nor a legitimacy-restoring one. The persistent perception—empirically grounded—that police officers who commit violence against demonstrators face significantly lighter consequences than civilians who commit equivalent offenses reinforces what criminologists identify as the "rotten barrel" problem: a systemic institutional culture that neutralizes individual criminal accountability by treating officer misconduct as a matter of internal management rather than public criminal law

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

enforcement.¹ The consequence is a cycle of impunity that reproduces itself structurally, as each instance of inadequate accountability normalizes the next.

Deterrence theory offers a critical analytical lens through which to evaluate the adequacy of existing sanctions. The theory posits that potential offenders are deterred from prohibited conduct when they believe that violation is likely to be detected and will attract a cost that outweighs the anticipated benefit of the conduct. Research on the effect of police accountability measures on repeat use of excessive force has found that neither disciplinary actions nor sustained complaints produce a statistically significant deterrent effect on officer recidivism for use-of-force violations (Cubukcu & Hom, 2023). This finding is particularly significant for the East Kalimantan Regional Police context, where the combination of weak criminal prosecution, lenient sentencing, and the absence of independent external oversight removes the very conditions under which deterrence theory would predict that criminal sanctions could effectively constrain officer behavior. The implication is clear: punitive sanctions alone, however formally adequate in their statutory quantum, will not achieve their deterrent purpose unless supported by credible enforcement mechanisms that operate independently of institutional self-interest.

The case for systematic reform of the sanction regime applicable to police officers who commit violence against demonstrators rests on several mutually reinforcing criminal law grounds. First, the principle of legality—*nullum crimen sine lege*—requires not merely that criminal provisions exist, but that they be applied consistently and predictably. A system in which criminal provisions nominally apply to police officers but are routinely displaced by internal disciplinary procedures fails the legality principle in its substantive dimension, because it renders the criminal law inaccessible to victims of police violence as a meaningful avenue of redress. Second, the principle of proportionality in punishment—which demands that the severity of criminal sanctions correspond to the gravity of the offense and the culpability of the offender—is violated

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

when officers convicted of assault or negligence resulting in death receive sentences that bear no rational relationship to the harm caused and the authority the officer was entrusted to exercise responsibly. Research on penal proportionality in Indonesian legislation has confirmed that disproportionality in criminal sanction formulation and application constitutes a failure of the criminal law to fulfil its retributive and deterrent functions (Ali & Setiawan, 2022).

Furthermore, the enactment of the new Criminal Code (Law Number 1 of 2023, effective January 2026) introduces provisions addressing abuse of power that may offer a strengthened basis for criminal prosecution of police officers who exceed their authority during demonstrations. Courts must be willing to adopt progressive interpretations of these provisions to ensure that the equality principle is operationally realized, not merely formally proclaimed. What is required is not only legislative reform but a transformation of prosecutorial and judicial culture—one in which the criminal justice system consistently treats excessive force by police officers during demonstrations as a matter of public criminal law rather than a matter of internal institutional governance.

The external criminal law accountability framework must be reinforced by an independent civilian oversight body with genuine investigative powers, including the authority to refer cases directly to the public prosecutor without requiring internal police consent. Such a body, modelled on effective comparative examples, would directly address the accountability gap that currently allows institutional loyalty and political bias to function as shields against criminal liability. Without this structural reform, the criminal provisions of the KUHP will continue to exist as a normative promise unfulfilled—adequate on paper, impotent in practice—and demonstrators in the East Kalimantan Regional Police jurisdiction and across Indonesia will continue to bear the cost of a state that fails to hold its own officers to the same criminal standard it imposes on those they are tasked to protect.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

4. CONCLUSION

The principles of proportionality and necessity as codified in Perkap No. 1 of 2009 represent an essential normative framework for regulating police conduct during anarchic demonstrations in the jurisdiction of the East Kalimantan Regional Police. These principles are not merely administrative guidelines but substantive legal standards that, when violated, directly engage the criminal liability provisions of the KUHP and special laws. The synchronization of Perkap No. 1 of 2009 with Indonesian constitutional obligations and international human rights norms further confirms that compliance with these principles is a matter of legal imperative rather than discretionary best practice. Nevertheless, the effectiveness of this normative framework remains severely constrained by structural deficiencies in implementation, including insufficient operational specificity, weak independent oversight, and an entrenched culture of institutional impunity. Meaningful accountability for police violence against demonstrators therefore requires not only enforcement of the existing criminal law but also systematic regulatory reform to transform the principles of proportionality and necessity from formal textual commitments into operational realities that are rigorously monitored, transparently enforced, and genuinely protective of the fundamental rights of all persons involved in public demonstrations.

The criminal sanctions available under the KUHP for police officers who commit acts of violence against demonstrators are normatively sufficient but operationally inadequate, undermined by a pervasive culture of institutional impunity, structurally compromised oversight mechanisms, and a pattern of disproportionately lenient sentences that betray the foundational principles of criminal law accountability. The legal framework governing the criminal liability of police officers in the East Kalimantan Regional Police jurisdiction possesses all the formal instruments necessary to deliver justice for victims of police violence; what is urgently and demonstrably lacking is the political will, institutional independence, and judicial courage to apply

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

those instruments with the consistency, proportionality, and rigor that the rule of law demands.

4. REFERENCES

- Ali, M., & Setiawan, M. A. (2022). Penal proportionality in environmental legislation of Indonesia. *Cogent Social Sciences*, 8(1). <https://doi.org/10.1080/23311886.2021.2009167>
- Archbold, C. A. (2021). Police Accountability in the USA: Gaining Traction or Spinning Wheels? *Policing: A Journal of Policy and Practice*, 15(3), 1665–1683. <https://doi.org/10.1093/police/paab033>
- Baker, J., & Nasrudin, R. (2024). Is Indonesian Police Violence Excessive? The Dynamics of Police Shootings, 2005–2014. *Journal of Contemporary Asia*, 54(2), 181–209. <https://doi.org/10.1080/00472336.2022.2138773>
- Boateng, F. D., Pryce, D. K., Dzordzormenyoh, M. K., Hsieh, M.-L., & Cuff, A. (2024). Empirical Examination of Factors that Influence Official Decisions in Criminal Cases Against Police Officers. *American Journal of Criminal Justice*, 49(3), 462–484. <https://doi.org/10.1007/s12103-024-09756-w>
- Brown Coverdale, H. (2025). Putting Proportional Punishment into Perspective. *Criminal Law and Philosophy*, 19(2), 181–201. <https://doi.org/10.1007/s11572-024-09736-5>
- Brown, D., Onič, T., Novak, S., & Plemenitaš, K. (2024). An absolute shield: Qualified immunity, police misconduct and black lives matter. *International Journal of Discrimination and the Law*, 24(1–2), 93–105. <https://doi.org/10.1177/13582291241249674>
- Cubukcu, S., & Hom, O. (2023). The Effect of Police Accountability Measures on the Repeat Use of Excessive Force by Police Officers. In *Police Use of Force* (pp. 323–337). Springer International Publishing. https://doi.org/10.1007/978-3-031-22705-9_16
- Engel, R. S., Corsaro, N., Isaza, G. T., & McManus, H. D. (2022). Assessing the impact of de-escalation training on police behavior: Reducing police use of force in the Louisville, KY Metro Police Department. *Criminology & Public Policy*, 21(2), 199–233. <https://doi.org/10.1111/1745-9133.12574>
- Farrow, K. (2024). Blame culture: The line between blame and accountability in policing. *Policing: A Journal of Policy and Practice*, 18. <https://doi.org/10.1093/police/paae034>
- Fitz, L. (2024). A critical analysis on the use of force by law enforcement officials in a

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

- correctional setting—an expert witness account. *SN Social Sciences*, 4(12), 217. <https://doi.org/10.1007/s43545-024-01013-5>
- Goldrosen, N. (2025). Police misconduct hearings as legitimacy dialogues. *Policing and Society*, 35(7), 951–966. <https://doi.org/10.1080/10439463.2024.2442715>
- Hatmawan, I. D. (2025). Public Compliance Towards Indonesian National Police (POLRI) Authority in the Midst of a Strained Public-Police Relationship. *Jurnal Kriminologi Indonesia*, 1(1), 6.
- Hutchinson, T., & Duncan, N. (2012). Defining and Describing What We Do: Doctrinal Legal Research. *Legal Education Digest*, 17(1), 83–119.
- Koslicki, I., Morczek, A. L., Posey, B. M., & Kennedy, L. (2026). Weapons present, police absent? An analysis of police behaviour during 2020–2021 left- and right-wing demonstrations. *Policing and Society*, 36(2), 137–154. <https://doi.org/10.1080/10439463.2025.2532549>
- Krajewski, A. T., Worrall, J. L., & Scales, R. M. (2024). Threat Dynamics and Police Use of Force. *Journal of Research in Crime and Delinquency*, 61(6), 900–948. <https://doi.org/10.1177/00224278231194711>
- Majeed, N., Hilal, A., & Khan, A. N. (2023). Doctrinal Research in Law: Meaning, Scope and Methodology. *Bulletin of Business and Economics (BBE)*, 12(4), 559–563. <https://doi.org/10.61506/01.00167>
- McLean, K., Stoughton, S. W., & Alpert, G. P. (2022). Police Uses of Force in the USA: a Wealth of Theories and a Lack of Evidence. *Cambridge Journal of Evidence-Based Policing*, 6(3–4), 87–108. <https://doi.org/10.1007/s41887-022-00078-7>
- Mugari, I., & Obioha, E. E. (2022). Curtailing police discretionary powers: Civil action against the police in Zimbabwe. *Cogent Social Sciences*, 8(1). <https://doi.org/10.1080/23311886.2022.2075132>
- Ngwoke, R. A., Mbano, I. P., & Helynn, O. (2023). A Critical Appraisal of Doctrinal and Non Doctrinal Legal Research Methodologies in Contemporary Times. *International Journal of Civil Law and Legal Research*, 3(1), 08–17.
- Oramas Mora, D., Terrill, W., & Foster, J. (2023). A Decade of Police Use of Deadly Force Research (2011–2020). *Homicide Studies*, 27(1), 6–33. <https://doi.org/10.1177/10887679221123591>
- Puddister, K. (2023). Oversight and accountability for serious incidents in Canada: Who polices the police? *Canadian Public Administration*, 66(3), 390–408. <https://doi.org/10.1111/capa.12538>
- Rappert, B., Adang, O., De Paepe, J., Dymond, A., Easton, M., & Probert, T. (2023). A Global Lethal Force Monitor: Comparative Opportunities and Challenges.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Homicide Studies, 27(1), 187–203.
<https://doi.org/10.1177/10887679221121146>

Schuck, A. M., & Rabe-Hemp, C. E. (2024). Women police, legitimacy, and ethics of care. *Policing: A Journal of Policy and Practice*, 18. <https://doi.org/10.1093/police/paae006>

Skinner, S. (2024). Enhancing accountability for police use of lethal force: Global monitoring and comparative benchmarking. *Policing: A Journal of Policy and Practice*, 18. <https://doi.org/10.1093/police/paad100>

Theil, S. (2025). Carefully Tailored: Doctrinal Methods and Empirical Contributions. *Oxford Journal of Legal Studies*, 45(4), 1047–1075. <https://doi.org/10.1093/ojls/gqaf029>

Worden, R. E., Harris, C. J., & Kim, M. (2024). Disciplinary Sanctions for Police Misconduct: An Empirical Analysis of Sanction Severity. *Police Quarterly*, 27(1), 80–108. <https://doi.org/10.1177/10986111231174831>

Xu, D. W. (2024). Narrowing the Police Accountability Gap in Civil Rights Prosecutions. *Emory Law Journal*, 73(4).