

Legitimacy of Police Assistance Requests in Pursuit Without Police Report: a Review of the Case of Shooting a Car Rental Boss by TNI AL Personnel

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ABSTRACT

Law enforcement in Indonesia often experiences significant difficulties, especially regarding state apparatus. This study investigates the case of the shooting of a car rental entrepreneur by members of the Indonesian Navy. It assesses the legitimacy of police actions that rejected the request of the victim's family in an emergency without an official report. The goal is to determine the legitimacy of police actions that reject the request of the victim's family in an emergency. The normative juridical method used is a case study. This method analyzes the literature, regulations, expert opinions, legal documents, and legal legitimacy theory of Soerjono Soekanto. The results show that although police reports are administratively necessary, procedures must be flexible in emergencies to guarantee legal protection. An over-reliance on formal processes can hinder access to substantive justice. To maintain public legitimacy and trust in policing, this study emphasizes the importance of policy reform to balance legal compliance and operational responsiveness.

Keywords: Legal Legitimacy, Police Assistance, Police Reports, Law Enforcement, Military, Emergencies.

INTRODUCTION

Law enforcement in Indonesia faces many complex problems, especially in cases involving criminal acts involving state officials. In this situation, it is essential to investigate the legitimacy of the police request to supervise the chase process without a police report. Soerjono Soekanto stated that legal legitimacy is fundamental to understand in every law enforcement procedure because it is the primary basis that determines whether the actions of the apparatus in carrying out their duties are legitimate (Soekanto, 2020). The recent viral shooting of a car rental boss by a member of the Indonesian Navy raises essential questions about the standards and ethics of police supervision in emergencies.

In the development of the case, the victim tried to ask for police help so that the perpetrator, a member of the Indonesian Navy, could be immediately arrested and tried. However, their request was denied as assistance could only be provided after a police report had been made beforehand. (ANTARA/Azmi, 2025) Lubis stated that administrative processes such as police reports open the door to law enforcement, but in emergencies, the flexibility and quick response of the Police are essential to protect victims' rights and enforce justice immediately. (Lubis, "The Role of the Police in Emergency Situations and Law Enforcement Challenges,", 2022) Furthermore, this refusal led to a discussion about whether formal procedures should always take precedence without considering the urgency and context of the case.

One of the responsibilities of the Police is to ensure that the legal process runs smoothly while maintaining the safety of all parties. Raharjo and Santoso stated that mentoring also functions as internal control and ensures that police officers are responsible during law enforcement. (Santoso, 2023) However, assistance that is



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always based on police reports can hinder the law enforcement process, especially in cases that require quick action. Therefore, this study will examine the legitimacy of requests for police assistance in a pursuit without a police report, focusing on shooting cases carried out by individual TNI Navy personnel.

This study aims to improve understanding of how police assistance procedures can balance law compliance and responsive law enforcement needs. This is important to increase public trust in the police institution and ensure that state officials' actions in law enforcement are based on the principles of justice, transparency, and accountability. (Wicaksono, 2021)

METHOD

This study uses a normative juridical method with a legislative, case, and conceptual approach. The data used are secondary data obtained through literature studies, including laws and regulations, court decisions, legal documents, and relevant scientific literature. The subject of the study is law enforcement officials' legal provisions and practices in handling emergency situations without a police report. The research procedure identifies, classifies, and analyzes legal documents related to police assistance cases without official reports. The instrument used is a guide to the analysis of legal documents. Data analysis techniques are carried out qualitatively through systematic, grammatical, and teleological interpretations of legal norms to obtain argumentative and scientifically accountable conclusions.

RESULTS AND DISCUSSION

1. The police action that rejects the request is legally valid

a. Legal Basis of Police Authority

One of the important parts of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia (Polri) is Article 14 paragraph (1) letter g, which gives formal authority to the National Police to "conduct investigations and investigations into all criminal acts following the criminal procedure law and other laws and regulations". (Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, 2002)

The concept of due process of law is closely related to this authority, which means that the criminal procedure law must carry out investigations and investigations. Therefore, the Criminal Procedure Code (KUHAP) is the primary reference source. In this case, Article 108 of the Criminal Code states that every person who experiences, knows, or becomes a victim of an event that is suspected of being a criminal act has the right and obligation to report to investigators or investigators. Based on this provision, the investigation of the National Police must begin with a report or preliminary information from the public and the efforts of the authorities. (Law Number 8 of 1981 concerning the Criminal Procedure Code, 1981)

According to Article 108 of the Criminal Code, investigative actions are not an authority that can be carried out arbitrarily. Normative triggers must be in the form of reports, complaints, or findings of fact that show the existence of a criminal event. Therefore, the Police cannot initiate an investigation without a justifiable reason, according to the criminal procedure law. (Indonesia, 2015)



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This Convention limits and directs the actions of law enforcement officials, in accordance with the principle of the rule of law. In order for *abuse of power* to not occur, the authority of the National Police to investigate and investigate all criminal acts must be balanced with legal accountability and judicial supervision. To ensure a fair and accountable legal process, formal and material requirements must be met from the initial stage, namely the report as stipulated in Article 108 of the Criminal Code. (Asshiddiqie, 2016)

b. Formal Obligations Before Acting

In Indonesia's criminal procedure law system, law enforcement actions must always be based on a legally valid formal administration. The existence of a Police Report (LP) as the main evidence of the start of the investigation process is a form of formal obligation. LP serves as written evidence that a complaint or information has been received and officially recorded by the Police. It also provides a legal basis for further action. Without an LP, an investigation can be considered invalid because it lacks administrative legitimacy. (Law Number 8 of 1981 concerning the Criminal Procedure Code, 1981)

In addition to LP, the actions of the investigator or investigator must be accompanied by a Duty Order or Service Memorandum. This letter provides institutional legitimacy and accountability for the actions of the authorities in the field. As part of the process of exercising authority, the Police are required to "issue a duty warrant", according to Article 14 paragraph (1) letter h of the Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia (Polri). This document not only serves as an administrative function, but also serves as legal protection for the community, since the public has the right to know whether the officer who performs a certain action has authority and legality. (Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, 2002)

The absence of formal documents can lead to abuse of authority. Any action of a public official in the administrative law of the state must comply with the principles of legality and accountability. When the authorities carry out repressive actions or investigations without a written and documented legal basis, these actions can be considered unlawful and violate the human rights of citizens. In fact, based on the Constitutional Court Decision No. 130/PUU-XIII/2015, the government cannot act without a legal basis because it violates the principle of fair legal process. (Indonesia, 2015)

In addition, state officials may consider refusal to receive public reports without a clear legal basis—such as for subjective reasons or unwritten directives—as unlawful. This is contrary to the principle of openness, justice, and the state's obligation to protect all its citizens. In accordance with Article 108, the investigator does not have the authority to reject a report if the report meets the formal and material requirements. Therefore, rejecting written laws without reason is not only maladministration but also violates the constitutional rights of the complainant. (Effendy, 2013)

- 2. In emergencies, formal procedures can be avoided to provide legal protection to victims
- a. Formal Obligations in Law Enforcement Procedures



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In Indonesia's criminal justice system, the law enforcement process emphasizes the importance of formal obligations as the legal basis for any investigation and investigation. According to Article 108 paragraph (1) of the Criminal Code, every person who experiences, witnesses, or becomes a victim of a criminal act has the right and is obliged to report to investigators or investigators. (Law Number 8 of 1981 concerning the Criminal Procedure Code, 1981) According to this provision, the legal process begins with the formal administrative information of the Police Report (LP).

A Police Report is an administrative tool that can be used to issue a Warrant of Duty or an Investigation Warrant, more than just documentation. Every police action must be accompanied by an official warrant, according to Article 14 paragraph (1) letter h of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. This suggests that legal procedures must be carried out in a legal-formal corridor, and without valid administrative documents, such actions can be categorized as legal defects. (Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, 2002)

As explained by Friedrich Julius Stahl in the theory of the state of law (rechtstaat), one of the essential components of the state of law is that power is exercised on a legal basis and is accompanied by accountability and supervision. (Stahl) Therefore, formal obligations in law enforcement indicate that there is no absolute power, and all state actions must be subject to the written laws governing its authority.

In criminal law, the principle of legality *nullum crimen, nulla poena sine lege* says that there are no criminal offenses and punishments without legal consent. If there are no valid procedures and documents, the investigator's actions can be considered invalid. This can lead to the use of power or unlawful acts by state officials. (Indonesia, 2015) Legal legitimacy is protected by the rights of citizens by adhering to administrative procedures.

In addition, the principles of legal certainty (rechtszekerheid) and justice (gerechtigheid) are based on formal obligations in legal proceedings. The principle of legal certainty requires that every law enforcement action is carried out consistently and predictably by the community. The principle of justice, on the other hand, emphasizes the importance of non-discriminatory law enforcement and equal treatment before the law. (Rahardjo, 2000) Thus, formal and written procedures allow the public to understand the basis of the legal action taken against them.

Justice, legal certainty, and utility are the three basic values of law, according to *Gustav Radbruch*'s theory. These three values can only be achieved if the legal process is carried out procedurally and does not rely on policy or unlimited discretion. There is no guarantee that the law is enforced fairly and beneficial to society if there are no legitimate procedures. (Gustav Radbruch, 1946)

Formal law enforcement obligations are also a form of responsibility and oversight over how states exercise their power. When procedures are strictly adhered to, law enforcement can be held accountable for what is done. To build public trust in legal institutions and prevent abuse of power, this is very important. (Hadjon, Legal Protection for the People in Indonesia, 1987)

b. Exceptions in Emergency Situations



Formal obligations, such as complying with administrative procedures and procedural law, are essential in law enforcement to ensure justice and legal stability. However, in certain emergency situations, the question arises as to whether such obligations can be waived in the interests of broader legal protection, such as public safety or state security. Emergency situations, although they remain within strict legal limits, are juridically recognized as justification reasons that allow the actions of state administrators to be carried out in a way that is unusual in some legal provisions. (Law Number 8 of 1981 concerning the Criminal Procedure Code, 1981)

Articles 49 and 50 of the Criminal Code (KUHP) provide a normative justification for forced defense (noodweer) and emergency (noodtoestand) that exempt the perpetrator from criminal liability. A person who commits an act to defend himself or another person from an unlawful attack cannot be punished under Article 49, as long as the act is still within the limits of necessity, (Law Number 8 of 1981 concerning the Criminal Procedure Code, 1981) while Article 50 provides a similar exception for those who take action to prevent greater harm in an emergency, as long as there is no lighter alternative. (Law Number 8 of 1981 concerning the Criminal Procedure Code, 1981)

In the case of law enforcement by state officials, the analogy of this statement can be applied. Law enforcement officials may be given space to take actions that deviate temporarily from the formal procedures that normally apply in emergencies that threaten public safety or state order. However, these principles must always be based on proportionality and the urgent need, taking into account the legal boundaries that must not be violated, in order to maintain a balance between the efficiency of action and the protection of human rights. (Indonesia, 2015)

In theory, it is related to the idea of a state of emergency, or emergency, that allows temporary restrictions on individual rights in the public interest. This concept was developed in national and international legal theory. However, Hans Kelsen in the theory of legal norms said that this emergency exception should not be used as an excuse to abolish the law, since the law should remain the main guideline for the administration of the state. (Kelsen, 1967) Therefore, exceptions from formal procedures must be temporary, have clear boundaries, and be highly supervised to prevent abuse of power.

In this context, the two most relevant legal principles are the principle of proportionality and the principle of human rights protection. The principle of proportionality says that the actions taken in an emergency must be balanced between the goals to be achieved and the means used, so that there is no excessive action. The principle of human rights protection, on the other hand, says that the basic rights of citizens should not be completely overridden in emergency situations. (Nation)

Fundamentally, the legality of discretion is closely related to the principle of legal certainty (*rechtszekerheid*), which requires that the use of discretion not cause legal uncertainty for society. In addition, discretion must also be aligned with the principle of justice (*gerechtigheid*), which ensures that the decisions taken provide fair and non-discriminatory benefits. (Hadjon, Government Administration



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and State Administration Law, 2010) For discretion to be considered an effective yet legitimate legal tool, both are essential.

Lastly, freedom in certain situations also reflects the principle of good governance, which means that governments must act honestly, responsibly, and responsive to changing situations without disregarding the laws and rights of citizens. (Rahardjo, Law and Power, 2003) Therefore, the discretionary regulation of Law No. 30 of 2014 provides flexibility and prevents abuse of power.

c. Legal Responsibilities of Officials Acting Outside the Procedure

Police officers acting outside of procedure pose juridical problems, especially in difficult situations such as accompanying people who are victims of military violence. In the case of rental businessmen who were victims of shooting by members of the Indonesian Navy, questions arise regarding the limits of the legal responsibility of the Police involved in handling the case, especially in cases where they acted without official procedures or warrants. Civil-military tensions often lead to actions outside of procedure. This can lead to conflicts of interest between formal authority, citizen safety, and institutional pressures. (Susanto, 2020)

In the Indonesian legal system, the principle of liability distinguishes individual liability from institutional liability (*vicarious liability*). Police officers who do not follow formal procedures, such as without a duty letter, can be held accountable. This is especially true if there is an element of negligence or willfulness that causes loss or other violations of the law. (Hamzah, 2017)

However, if the authorities act in order to protect civilians and the action is approved or allowed by the police institution, the responsibility can shift to institutional responsibility, as stipulated in Article 1367 of the Civil Code. This responsibility is supported by the doctrine of the superior respondeat in civil law, which states that the employer (in this case the police institution) is liable for any form of violation committed by its members. (HR, 2009)

In cases where the Police are accompanying the victim, the main legal question is: is it a personal act without a legal basis or part of the state's responsibility to protect citizens? Unless it is proven that there is a verbal order or emergency that is justified by law, greater responsibility is attached to the individual in the absence of a formal order.

d. Principles of Legality, Proportionality, and Discretion

According to the principle of legality (rechtmatigheid) in administrative law and criminal law, every action of a state official must have a clear legal basis. However, in practice, there is a principle of administrative discretion, i.e. the authority of officials to take actions in urgent situations that have not been explicitly regulated by law, as long as the action is not unlawful and is carried out in the public interest. (Law No. 30 of 2014 concerning Government Administration, 2014)

If the Police accompany the victim of a shooting by a Navy officer, especially if the situation requires immediate protection of citizens, such action can be considered a form of choice. However, the exercise of the option must still follow the principle of proportionality, which means that the action must be balanced between the effects or violations of the procedure that can be caused and the objectives achieved. (HR, 2009)

e. Actions Based on Good Faith vs Abuse of Authority



The next focus of the analysis is the motivation behind the actions of the authorities. One of the important principles in assessing accountability is good ethics, or good faith. Despite violating procedures, an officer can act in good faith if he protects the victim and does not abuse his power. There may be legal protection for the act or there may be an excuse for it, such as an emergency or *force majeur.* (Arief. 2014)

However, abuse of authority, also known as abuse of power, can cause the apparatus to be personally responsible. Abuse of power can include using positions for self-interest, pressuring others, or acting repressively against other institutions. This is in accordance with Article 17 of Law Number 30 of 2014 concerning Government Administration, which states that excessive authority, mixing of authority, and acting arbitrarily are examples of abuse of authority. (Law No. 30 of 2014 concerning Government Administration, 2014)

Police actions that accompany victims without official procedures or coordination with superiors but with the aim of saving lives or preventing security disturbances are considered closer to good faith. However, actions taken to show strength to other institutions (TNI) or without proper institutional communication can be considered an abuse of authority.

f. Juridical Implications and Institutional Recommendations

Police actions outside of procedure must be seen systemically. Because this creates a bad precedent for the rule of law and relations between state institutions, the state must not allow its officials to act personally without supervision. To ensure that the actions of the apparatus are within the legal and constitutional framework, it is necessary to strengthen regulations related to discretion, limits on individual and institutional responsibility, and dual accountability mechanisms, namely administrative and criminal responsibility. (Asshiddiqie, Constitution and Indonesian Constitutionalism, 2005)

g. Precedents in Legal Practice: Between Norms and Reality

Extraordinary events such as when civilians who are victims of military violence ask for police help create legal complexity in Indonesia's law enforcement system. One example is a rental business owner who was shot by members of the Indonesian Navy and asked the Police for protection. The Police's actions to provide assistance without formal procedures give rise to discussions about the legal precedents, limits of professionalism, and ethical dilemmas associated with such actions. (Arief M. a., 2005)

In the Indonesian legal system, legal precedents (jurisprudence) are not the main source of law as in the common law system. However, it has a role to fill legal voids (rechtvinding) in complex and irregular legal situations. Police providing protection to victims without formal permission in these situations can be considered an administrative and ethical precedent in law enforcement practice. (Rahardjo, Legal Science, 2006)

Similar measures have been taken in a variety of situations, such as protecting citizens from horizontal conflicts or protecting important witnesses in cases involving people in charge of the authorities. If such actions are taken to protect the lives and human rights of citizens, they can be considered in line with the principle of legal protection (rechtsbescherming) and the principle of salus



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populi suprema lex esto (the safety of the people is the supreme law). (Asshiddiqie, Indonesian Constitution & Constitutionalism, 2005)

Actions outside of the procedures in policing are often a dilemma between substantive ethics and formal professionalism. According to police professional ethics, members of the National Police must maintain the principle of protecting the public, especially in critical situations. In accordance with the Police Professional Code of Ethics (KEPP), every police member is obliged to prioritize the safety of human life and human rights when carrying out. (Regulation of the National Police Chief No. 14 of 2011 concerning the Police Professional Code of Ethics, 2011)

However, professionalism requires police actions to be carried out according to standard operating procedures (SOPs) and legal mandates. Officers may face administrative or disciplinary sanctions if they act without a letter of assignment or command order. Therefore, it is necessary to consider ethically that, as long as the action does not cause greater losses or horizontal conflicts, the safety of citizens may be a moral reason for violating the procedure. (Prasetyo, 2015). In order for empathy-based action and rapid response to society not to be always limited by bureaucratic rigidity, law enforcement institutions must have a system in place to assess policy on the ground. (Rajagukguk, 2004)

Discussion

That is not only contrary to the Criminal Code and the National Police Law, but also threatens the constitutional right of citizens to get legal protection if the Police reject reports without legal basis. Police Reports and Duty Warrants are legal requirements to ensure that the authorities are responsible. They are not just administrative actions. Without this basis, investigations can be considered unreasonable and unlawful. These results underscore the importance of strict scrutiny of how police authorities are used and how important it is for police officers to be legally educated so that their actions are always in accordance with the regulations. Justice and openness of the law can only be achieved through institutional reform.

In emergency situations, law enforcement sometimes has to act quickly to save lives or protect victims, even without formal procedures. Although the law states that all actions must be based on legitimate rules, there is room for freedom in emergency situations, provided that they are proportionate, carried out in good faith, and do not violate human rights. They should be considered a humanitarian response that should not be abused. Instead, actions like this should be carried out responsibly, supervised, and a reminder of the importance of regulation that is adaptive to the realities on the ground.

CONCLUSION

The Police can provide assistance without an official report and a legitimate administrative basis. It is a lawful action and reflects compliance with the principles of legality and due process. Every action of the apparatus must be based on a written report and a valid duty warrant, according to Article 108 of the Criminal Code and Article 14 of Law No. 2 of 2002. The absence of such documents can eliminate legal legitimacy and allow for abuse of authority. Therefore, the actions of the Police demonstrate their commitment to fair, accountable, and constitutional law enforcement.



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That in an emergency situation, police actions that deviate from formal protocol are justified as long as they are done in good faith to protect public safety and prevent greater losses. The principle of proportionality and the safety of the people as the supreme law allows for responsible choices, even though the law demands strict procedures. However, actions must be temporary, closely supervised, and administratively and juridically accountable so as not to be abused. Therefore, strengthening regulations and supervisory systems is essential to ensure that discretionary authorities remain within the legal, professional ethics, and human rights environment.

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