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Legal And Ethical Debate Concerning Escorts On Public Roads: A Comparative Case Study

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Abstract. This research aims to comprehensively analyze the conflict between the implementation of Article 134 of Law No. 22 of 2009 (UU LLAJ) regarding priority rights and the fundamental principle of equality among road users. This conflict is triggered by the phenomenon of official escorts that consistently spark public controversy and ethical debate, often exacerbated by viral displays of arrogance. Using a normative-comparative approach, the study dissects how the loose interpretation of priority rights creates discretionary loopholes that are prone to abuse, consequently eroding public trust in law enforcement. The discussion is further strengthened by a comparative study of escort practices applying a Risk-Based Approach in other countries, and the case study of De Facto Diplomatic Priority (Ambassadors). This comparison is crucial to clearly distinguish between functional priority (based on real urgency) and status/ceremonial priority. The conclusion affirms the urgent need to review and reform the UU LLAJ and its technical regulations by adopting Objective Risk-Based Criteria to shift the escort paradigm from status-based to functional-urgency based, thereby restoring the public's sense of justice and trust.

Keywords: Discretion, Escort, Equality Principle, Risk-Based Approach, UU LLAJ.

INTRODUCTION

The legal order in public spaces is clearly reflected in road traffic and transportation regulations. Highways, as vital infrastructure, are spaces of social interaction that are subject to the fundamental principle of equality before the law. This constitutional principle requires that every citizen, regardless of position or position, has equal rights and obligations in using public facilities.

In Indonesia, Law Number 22 of 2009 concerning Road Traffic and Transportation regulates this dynamic. The Road Traffic and Transportation Regulations Law seeks to balance the goal of ensuring public order with granting priority rights to vehicles that carry out urgent

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functions or vital state security. This priority right is regulated in Article 134 of the Road Traffic and Transportation Regulations Law.

Purely functional priority rights, such as Fire Brigade and Ambulance, are rarely a problem. However, legal and ethical tensions arise from categories involving state authority and police discretion, namely: (1) Letter d: Vehicles of Leadership of State Institutions of the Republic of Indonesia, and (2) Letter g: Convoys and/or Vehicles for certain purposes according to the considerations of the Republic of Indonesia State Police officers (Ananda et al., 2022).

The interpretation and implementation of Article 134 letters d and g consistently spark public debate (Priyono & Rusdiana, 2018). When priority rights, which are actually normative exceptions, are used excessively or without a proportional basis, they have the potential to damage the principle of equality. The phenomenon of escorting in Indonesia has shifted from a professional functional security mechanism to a symbol of status privilege, even becoming a site for abuse of discretion.

The urgency for this research is based on three controversial case studies which collectively illustrate three critical dimensions of vulnerability in the implementation of the Road Traffic and Transportation Regulations Law and the Regulation of the Head of the National Police of the Republic of Indonesia, which has implications for decreasing public trust in law enforcement.

Three Case Studies as a Foundation for the Implementation Crisis

1. Dimensions of Status Arrogance and Social Segmentation: The Case of Indonesian Vehicle Escorts 36

Viral case regarding escorting a car with RI number plate 36, which was revealed to be used by a special presidential envoy, represents a conflict between legal authority and public ethics (Susilo, 2025). The incident, which was widely recorded around January 2024, shows the actions of escort officers who were considered arrogant in forcing other road users to give way.

This incident raises a fundamental normative question: whether escorts based on Article 134 letter d based on a measurable security threat, or simply a justification for the accelerated mobility of status-bound officials? (Ananda et al., 2022), When scorts are characterized by arrogance, the public interprets it as a manifestation of exclusive power, which creates and strengthens social segmentation on the highway.

This suggests a distinction in privileges between state elites and ordinary people, a serious violation of the principle of equality in the public sphere.

2. Widespread and Unlimited Dimensions of Discretion: The Case of Non-Emergency Civil Guards

The second case is the widespread misuse of escorts involving civilians who are not included in the category of vital state officials. Examples that often go viral include an incident in December 2024 which showed Bogor Police Patwal officers escorting a couple who were traveling in the Puncak area, as well as the case of a private car with civil plates that was allowed to cross the Transjakarta (Busway) route with a police escort in Jakarta.

These incidents show how the phrase "certain interests" in Article 134 letter g is interpreted loosely. The absence of strict objective criteria in the phrase left to the "consideration of Police officers" opens up a discretionary gap that is prone to abuse. Discretion, which should ideally be used for the public interest, is instead misused to serve individual interests driven by the desire to show off social status or personal comfort. This abuse of discretion confirms that discretion without clear Risk-based Objective Criteria will slip from a law enforcement tool to a source of privilege that undermines the legal order.

3. Dimensions of Service Commodification and Integrity Crisis: The Case of Foreign Citizens in Bali

The case of a foreign citizen in Bali who made it viral that he managed to pay a Traffic Police member 100 US dollars to be escorted to avoid traffic jams is the most damaging example of a crisis of ethics and integrity. This incident which went viral in February 2024, which was claimed by the Bali Regional Police to be an old incident around the time of the 2022 G20 Summit, illustrates the practice of substantive abuse of authority.

This case touches the heart of the issue of institutional integrity. Discretion mandated in Article 134 letter g transformed into a paid service commodity (paid escort). This commodification of public authority violates the Principle of Public Interest and the Principle of Professionalism in the General Principles of Good Government (Undangundang (UU) Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan, 2014). State authority has been traded to the highest bidder, without considering functional exigencies. The impact is a complete erosion of public trust and confirmation that the principle of equality on the road has been eliminated by financial power. This case is the worst example of discretion without strict supervision and regulation.

These three case studies comprehensively show the existence of normative and implementation failures in escort governance. This failure stems from (1) Loose Interpretation of Article 134 of the Road Traffic and Transportation Regulations Law and (2) Weak Ethical and Professional Control which facilitates a shift from Functional Priorities to Status or Commercial Priorities.

This research aims to analyze the conflict between the implementation of Article 134 of the LLAJ Law and the principle of equality of road users, as well as proposing regulatory reforms based on objective and measurable criteria. Specifically, this research aims to:

- 1. Analyze the legal vulnerability of Article 134 letter g of the LLAJ Law in the context of abuse of discretion and violations of AUPB.
- 2. Conduct a comparative case study regarding VIP escort practices in other countries that implement a Risk-Based Approach, and compare it with the phenomenon of De Facto Diplomatic Priority in Indonesia which is guaranteed by the 1961 Vienna Convention but rarely causes controversy (United Nations, 1961).
- 3. Formulate policy recommendations and proposed changes to Standard Operating Procedures for the Indonesian National Police to adopt Risk-Based Objective Criteria.

METHOD

This research uses a normative-comparative method with an analytical approach to laws and regulations and a comparison of the implementation of escort practices in other jurisdictions. This research argues that to restore public trust and ensure justice on public roads, the LLAJ Law must be revised to clearly distinguish between functional priorities and status priorities, while increasing the competence and integrity of police officers. So that discretion can be used wisely and professionally, so that escorts can return to their essential functions.

RESULT AND DISCUSSION

1. Normative Conflict, Abuse of Discretion, and Social Segmentation

This study comprehensively analyzes the conflict between the implementation of Article 134 of Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) regarding the main rights of escort vehicles and the principle of fundamental equality of road users, which is guaranteed by Article 28D paragraph (1) of the 1945 Constitution. This conflict was triggered by the phenomenon of escorting officials which consistently sparked public controversy and ethical debate (Abidin, 2023). Analysis of three

controversial case studies of RI 36's arrogance, civil guard discretion, and the commodification of foreigners in Bali reveals structural failures in the implementation of the Road Traffic and Transportation Law that go beyond operational errors, but touch the dimensions of administrative law, public ethics, and social justice (Sutopo & Raharjo, 2024).

a) Erosion of Functional Priorities and Violation of General Principles of Good Governance

Priorities on highways, based on the principles of international traffic law, must be based entirely on functional urgency, namely needs that are proven to be urgent for the safety of life or the vital interests of the state (United Nations, 1961). However, practice in Indonesia, especially as reflected in the case of RI 36 (Special Presidential Envoy) vehicle escorts, shows that Article 134 letter d of the Road Traffic and Transportation Law has been misused as a status priority (status-based priority). This priority shifted from a vital security mechanism to a symbol of privilege (Pramono, 2022).

Within the framework of administrative law, the authority given to officials must always be exercised based on the Principle of Proportionality and the Principle of Public Interest which are an integral part of the General Principles of Good Government (Undang-undang (UU) Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan, 2014). The arrogance of RI 36 escorts, which prioritized the mobility of non-emergency officials at the expense of the rights of other road users in the midst of traffic jams, openly violated these two principles (Juwono, 2021). The principle of proportionality is violated because the resulting public losses (time delays, increased traffic stress) are far greater than the functional benefits for the official. Meanwhile, the Public Interest Principle is violated because the rights of the majority of road users are sacrificed for the sake of the mobility of one individual who does not meet the criteria of real urgency. Research by Hidayat and Wibowo (2022) in the Public Law Journal underlines that "abuse of prerogative rights in the public sphere is the most visible form of abuse of power and damages the legitimacy of power in the eyes of citizens" (Hafis & Yogia, 2017). The aspect of public ethics and morality demands that state officials, although guaranteed by law, must prioritize empathy and the principle of equality. When this is ignored, priority rights turn into a feudalistic means of satisfying status.

b) Unlimited Discretion and Commodification of Public Authority

The biggest problem that has sparked controversy and discretion is the loose formulation in Article 134 letter g of the LLAJ Law, namely the phrase "certain interests according to the consideration of Police officers". Normatively, discretion (free authority) is given to state administrators as a "safety valve" to fill legal gaps in urgent situations, as long as the goal is in the public interest (Ridwan, 2016).

However, the unclear criteria in Article 134 letter g has exceeded the limits of reasonable administrative law. The case of Non-Emergency Civilian escorts (Couples at the Peak or Cars on the Busway) proves that officers' "considerations" have changed to considerations that are subjective and based on connections or social status. Without explicit limitations, this discretion becomes absolute discretion, a concept that is rejected in the modern legal system because it contradicts the Principle of Legal Certainty. According to Hafis & Yogia (2017), "discretion that is not limited by clear technical criteria will inherently lead to practices of favoritism and small-scale corruption."

The peak of this abuse of discretion was the case of foreign nationals in Bali. This case turns discretion into a paid service commodity (paid escort) or illegal levies. This practice directly violates the Principle of Prohibition of Confusing Authority and the Principle of Integrity in the AUPB. Public authority, which is an official mandate tied to

state goals, has been sold to the highest bidder, without considering functional exigencies. In this context, police discretion has violated the principle of the Principle of Prohibition of Abuse of Authority (Detournement de Pouvoir) (Atmosudirdjo, 1994), because the authority given for the purpose of controlling traffic is used for personal purposes, namely illegal financial gain. This commodification of public authority fundamentally damages public trust in law enforcement institutions (Fukuyama, 1995), because it eliminates the state's neutrality in the public sphere.

c) The Impact of Social Segmentation on Substantive Justice

The gravest consequence of misuse of priority rights is the creation of social segmentation which undermines the principles of substantive justice. Theory of distributive justice. Rawls (1999) emphasizes that social systems must be organized in such a way that they benefit all parties, especially the most disadvantaged. On the highway, where every second of time has economic and social value, arrogant elite escorts imply distributive injustice.

This social segmentation is further exacerbated by the inability of the authorities to differentiate between security needs (function) and comfort needs (status). Research by Wijaya and Susanto (2023) found that "public perception of the arrogance of official escorts is positively correlated with an increase in anti-elite sentiment and a decrease in compliance with traffic rules in general". Thus, this abuse not only violates individual rights but also disrupts the stability of social order collectively. For this reason, this emphasis must be the basis for reform: supervision must not create a gap between officials and ordinary people.

2. Comparative Studies and Adoption of a Risk-Based Approach

To formulate a robust solution, comparative studies are needed with other jurisdictions that have succeeded in limiting abuse of priority rights, especially through the adoption of objective criteria. This comparison is crucial to clearly differentiate between functional priorities (based on real urgency) and status/ceremonial priorities (Setiadi & Riyanto, 2023).

a) Risk-Based Monitoring Model (Risk-Based Approach - RBA)

Developed countries have shifted completely to the Risk Based Approach (RBA). The RBA model no longer relies on "officer judgment" in the field, but is based on a formal threat assessment supported by contemporary intelligence data (Smith, 2021). For example, in the United States (US), the United States Secret Service uses a very strict RBA methodology. The decision to provide high-escalation escort (e.g. lane closure) is decided at the command level after the threat is classified as high-risk based on ongoing intelligence analysis.

The RBA model has significant normative advantages compared to the status-based model in Indonesia, namely Objectivity and Legality: Escort decisions are based on verifiable threat data, guaranteeing compliance with the Principle of Legal Certainty and the Principle of Professionalism. This eliminates the legal basis for commodification of services (WNA Bali). Proportionality of Authority: The RBA ensures that traffic intervention (escorting) actions are proportionate to the threat faced. If the threat is low, intervention should be minimal (Juwono, 2021). Resource Efficiency: The RBA model ensures that police resources are only mobilized for threats that are proven to be real, in line with the principles of the Principles of Efficiency and Effectiveness (Wiratama, 2022). With the adoption of the RBA, Indonesia can systemically prevent cases of arrogance (RI 36) that are driven by status and totally eliminate commercial loopholes (WNA Bali) that are driven by free discretion, because escorts must have a valid risk certificate issued by a competent security authority. Implementation of this RBA

requires revision of zhe Police Chief's Regulations on Escorts to include formal risk assessment terminology and procedures.

b) Diplomatic Compliance as Evidence of Functional Limitations

A comparison with the phenomenon of De Facto Diplomatic Priority of foreign representatives (Ambassadors) in Indonesia offers a very persuasive comparative case. Ambassadors are guaranteed immunity and protection by the 1961 Vienna Convention (Article 29) (United Nations, 1961) and Law Number 37 of 1999 in Indonesia. That is, they have very strong legal and international security justifications for escorts.

However, controversial incidents involving diplomatic escorts are extremely rare compared to incidents involving domestic officials. This fact proves that functional priorities that have a transparent legal basis and are internationally agreed (security/agreement based) are much more easily accepted by the public and have minimal conflict (Juniarti & Chairul, 2018). compared to loose or commercial status priorities (Article 134 letter d/g). The diplomatic case has become a normative model for domestic reform, proving that tightening function-based regulations can reduce ethical and social conflicts. Diplomatic compliance, supported by clear regulations and strict protocols, emphasizes that society is not questioning priority rights per se, but rather the injustice and arrogance behind the implementation of those priority rights.

3. Reforms and Recommendations: Towards Objective and Accountable Discretion

The findings from this normative and comparative study emphasize the urgency of reviewing and reforming the LLAJ Law and Perkap by adopting Risk-based Objective Criteria to shift the monitoring paradigm from status-based to functional urgency-based. Reform must include changes to legal norms (regulations) and strengthening the integrity of the apparatus (institutional).

a) Normative Reform: Adoption of Objective Criteria and Reformulation of the LLAJ Law

The most urgent step is structural reform by revising Article 134 of the LLAJ Law and derivative technical regulations (Police Regulations) to adopt RBA principles.

b) Recommendations for Reformulation of Article 134 letter g:

The phrase "certain interests according to the consideration of Police officers" must be eliminated and replaced with a firm, objective and limiting formulation: "Convoys or Vehicles that require Functional Escort based on Objective Criteria for Risk Level and Urgency of Humanitarian or National Security Missions that have gone through a formal risk assessment process, which is contemporary and ongoing, and determined through an official Permit from the Chief of Police of the Republic of Indonesia/appointed authority, which has limited validity, cannot be traded and cannot be transferred".

This change has significant legal and administrative impacts, namely, the Elimination of Absolute Discretion: The replacement of "consideration" with "formal risk assessment" requires an intelligence data-based process, which explicitly eliminates the legal basis for the commodification of services (prevention of the Bali Foreigners Case) and the use of subjective discretion (Non-Emergency Civil Cases). Application of the Principle of Specialization: The limitation of interests to "Humanitarian or National Security Missions" confirms the Principle of Specialization (specialiteitsbeginsel), returning the escort function to its main objective. Command Accountability: The obligation to have an official permit from the High Command eliminates the potential for illegal levies at the field level and increases institutional accountability (Abidin, 2023).

c) Institutional Strengthening: Increasing Competency and Ethical Supervision

Regulatory reform must be strengthened by strengthening human resources and oversight mechanisms to ensure remaining discretion is used wisely and appropriately. This is a definite additional solution for improved implementation.

- a. Increasing Special Competencies and Ethics Certification: Special Education and Training programs and mandatory certification are required for each member of the Patwal Unit. This training curriculum should include:
 - a) Public Ethics and AUPB Continued: Instilling an understanding that discretion is an authority bound for the Public Interest, not a tool for seeking personal gain (self-enrichment). This is a key emphasis to ensure discretion can be used wisely, not carelessly.
 - b) Administrative Law and Detournement de Pouvoir: Deep understanding of the limits of legitimate discretion and the legal consequences (onrechtmatige daad) of abuse of authority, with a focus on preventing small-scale corruption.
 - c) RBA and Situational Assessment Technical Training: Technical training to assess functional urgency quickly and objectively in the field, which must be based on standard RBA procedures (Smith, 2021).
- b. Progressive Sanctions Mechanism and Accountability Transparency: To overcome the integrity crisis and commodification, internal monitoring mechanisms must be strengthened:
 - a) Progressive Sanctions Issued: The police are obliged to implement a very strict and transparent system of progressive sanctions for officers who are proven to abuse discretion, especially illegal levies (Bali Foreigner Case) or acts of arrogance (RI Case 36). Publication of sanctions data can restore the public's sense of justice.
 - b) Propam Special Audit: Establishment of a Special Audit Unit under the Professional and Security Division (Propam) which periodically carries out post-factum audits of every Civil Patrol Permit issued. According to Wiratama (2022), "risk-based internal audit is the key to mitigating the risk of corruption inherent in police discretion."
 - c) Complaint-Based Key Performance Indicators (KPI): Data on public complaints related to escort services must be used as Key Performance Indicators (KPI) for the Patwal Unit in each region. This encourages officials to prioritize public satisfaction (Wirajaya, 2024).

By integrating RBA normative changes that limit authority, and strengthening the competence of officers who are oriented towards integrity and ethics, escort governance in Indonesia can be returned to its essential function: ensuring state security and urgent humanitarian interests, while upholding the principle of constitutional equality on public roads.

CONCLUSION

The conclusions of this study contain the essence of the normative-comparative analysis that has been carried out, as well as an answer to the problem regarding the conflict between the implementation of priority rights for escort and the principle of equality of road users. The preparation of these conclusions is adjusted to the sequence of problems that have been studied in the article.

1. Highlights and Answers to Problem 1 (Normative Conflict and Abuse of Discretion): The fundamental conflict between the priority rights of escort vehicles (Article 134 of the LLAJ Law) and the principle of equality of road users (1945 Constitution) is rooted in a loose interpretation of priority rights. The most significant legal vulnerability is found in the formulation of Article 134 letter g of the LLAJ Law, namely the phrase that delegates

escort authority to "the consideration of Police officers." The lack of clarity in these criteria creates a discretionary gap that is vulnerable to abuse, which in turn causes the erosion of functional priorities into status-based priorities (the arrogance of RI 36) and the commodification of public authority (the case of Balinese foreigners). This abuse directly violates the Principle of Proportionality and the Principle of Public Interest (Sitorus, 2019), resulting in the erosion of public trust in law enforcement and creating social segmentation on public roads.

- 2. Highlights and Answers to Problem 2 (Comparative Study and Risk-Based Approach): A comparative study of international VIP escort practices shows that the solution to limiting discretion is through the adoption of a Risk-Based Approach (RBA), where escorts are only provided based on a formal threat assessment and not position status. This comparison is crucial to clearly distinguish between functional priorities based on real urgency and status/ceremonial priorities. Furthermore, the De Facto Diplomatic Priority phenomenon strengthens the finding that priorities based on transparent legal grounds and strict protocols are more easily accepted by the public compared to loose discretion. Thus, RBA is a model that must be adopted to ensure that monitoring decisions are objective and accountable.Intisari dan Jawaban.
- 3. Problem 3 (Reform and Policy Recommendations): Conclusions emphasize the urgency of reviewing and reforming the LLAJ Law and the Police Chief Regulation (Perkap) which regulates it. The main policy recommendation is to adopt Risk-based Objective Criteria to eliminate absolute discretion in Article 134 letter g. Reformulation of norms must change the phrase "at the discretion of the Police officer" to require a formal risk assessment and the establishment of an official Permit from the High Command, which has limited validity and cannot be transferred. This normative reform must be supported by institutional strengthening, including increasing the ethical competence of officers and implementing progressive sanctions mechanisms and transparency of Patwal Permit audits. These steps are needed to shift the monitoring paradigm from status-based to functional urgency-based in order to restore a sense of justice and public trust (Sianipar, 2015).

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