

## The Juridical Study of the Position of Joint Property Due to Divorce According to the Law on Marriage

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**Abstract.** *This research aims to find out and analyze the evidentiary process and the basic legal considerations used by judges for the distribution of mutually exclusive assets and to understand the legal consequences of dividing mutually exclusive assets for husband and wife resulting from a divorce at the Kendal Religious Court. The research approach used in this thesis is a sociological juridical legal research method. This research uses primary data sources and secondary data sources and then the data is analyzed qualitatively. The type of data used in this research is primary data which includes the 1945 Constitution; Law Number 16 of 2019 concerning amendments, as well as secondary data containing books and other supporting documents. Collecting research data using interview techniques and studying documents or library materials. The data analysis method used in analyzing the data is qualitative analysis. The research results show that the evidentiary process and basic considerations in decisions on joint property cases start from the examination stages, the judge's considerations in his decision are based on evidence. The division of joint assets is carried out in accordance with the provisions of the applicable law. The judge's decision regarding the distribution of joint assets as a result of divorce is in accordance with the applicable rules or regulations. Judging from the applicable legislation, Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage and KHI is appropriate, namely that joint assets are divided between the plaintiff and the defendant so that each gets ½ of the joint assets.*

**Keywords:** *Marriage, Divorce and Gono-Gini's Assets)*

### 1. Introduction

Humans are His most perfect creatures, so there are many needs that must be met. Allah SWT created everything in pairs, men and women to feel at peace, to give each other love, especially to obtain offspring from a sacred bond called

marriage of necessity, which is a human need that must be fulfilled, namely the marriage bond.

According to Article 1 of Law Number 1 of 1974, marriage is a spiritual and physical bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on the belief in the Almighty God.

The Marriage Law was passed to abolish various legal regulations regarding marriage that existed before, so that all Indonesian people have the same legal guidelines governing marriage issues, namely Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage. also with its implementing regulations, namely Government Regulation Number 9 of 1975<sup>1</sup>.

In a marriage, what is meant by an inner and outer bond is that the marriage carried out should have a physical and inner bond, both from the point of view of a man and a woman. So that physical and spiritual ties can become the main foundation in forming a family that is harmonious and prosperous and full of eternal happiness as desired. Apart from that, the parties entering into the marriage should be individuals who are mature both psychologically and biologically, and able to take responsibility for the family they form. This means that marriage should be able to last once in a lifetime and should not just end because a marriage must adhere to or be based on the Almighty Godhead,<sup>2</sup>.

In a household, commotion or disputes are very normal things. This is like spices in a dish called household. Disputes or problems that occur in the family must be resolved wisely in order to obtain good results. If problems in the family cannot be resolved well, this can trigger the breakdown of marital ties which can lead to divorce.

Divorce will give rise to various legal consequences, one of which is related to joint assets in marriage. Joint assets have been explained in Article 35 paragraph of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, which states that "Property acquired during marriage becomes joint property"<sup>3</sup>Judging from the contents of the article, this means that what is referred to as joint property only includes property acquired by husband and wife during/during marriage only. Property acquired by each other during marriage is not called joint property<sup>4</sup>.

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<sup>1</sup>HM Djamil Latif, 2000, Various Divorce Laws in Indonesia, Jakarta: Ghalia Indonesia, p. 22.

<sup>2</sup>Ibid.

<sup>3</sup>Law Number 16 of 2019 Article 35 Paragraph 1

<sup>4</sup>J. Satrio, 2004, Marital Property Law, Bandung: PT Citra Aditya Bakti, p. 189.

Assets acquired during marriage are assets acquired here that must be interpreted as the result of a form of cooperation between husband and wife. The word cooperation must be interpreted broadly, there are 2 possible forms of cooperation between husband and wife. First, the husband and wife both work to earn a living, resulting in a mix of assets between the husband's income and the wife's income. Second, only the husband works to earn a living. This is still seen as a form of cooperation, even though physically there is no visible cooperation there. However, a husband's work must be based on the enthusiasm, support and preparations made by his wife who acts as a housewife<sup>5</sup>.

## 2. Research Methods

The research approach used in this thesis is a sociological juridical research method. Sociological juridical research emphasizes research that aims to obtain legal knowledge empirically by going directly into the object. 11 The specifications of this research use descriptive analysis, namely research that, in addition to providing an overview, writing and reporting on an object or event, will also draw general conclusions from the problem being discussed. Data sources come from primary data and secondary data. Data collection methods include interviews, document studies or library materials. The data analysis method used in analyzing the data is qualitative analysis.

## 3. Results and Discussion

### 3.1. The Evidence Process and Basic Legal Considerations Used by Judges for the Distribution of Gono-Gini Assets in the Kendal Religious Court

The law of evidence in civil procedural law occupies a very important place. We know that procedural law or formal law aims to maintain and maintain material law. So formally, the law of evidence regulates how to carry out evidence as contained in the RBg and HIR. Meanwhile, materially, the law of evidence regulates whether or not evidence can be accepted using certain pieces of evidence at trial as well as the evidentiary strength of those pieces of evidence.

In answering before a court hearing, parties to a lawsuit can state events that can be used as a basis for confirming their civil rights or for denying the civil rights of other parties. It is certainly not enough to just mention these events, either in writing or verbally. However, it must be accompanied or accompanied

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<sup>5</sup>Joint Assets in Marriage, accessed from [www.legal-community.blogspot](http://www.legal-community.blogspot), accessed on 19 August 2020, at 16.01 WIB.

by legally valid evidence so that the truth can be ascertained. As stated in Article 283 RBg/163 HIR states:

"Anyone who claims to have a right or puts forward an act to confirm his right, or to dispute another person's right, must prove the existence of that act."<sup>6</sup>

When carrying out evidence, the parties to the case and the judge who presides over the examination of the case at trial must pay attention to the provisions in the law of evidence which regulate the method of proof, the burden of proof, types of evidence and the strength of the evidence, and so on. This law of evidence is contained in the HIR (Herziene Indonesische Reglement) which applies in the Java and Madura regions, Articles 162 to Article 177; RBg (Rechtsreglement voor de Buitengewesten) applies outside the regions of Java and Madura, Articles 282 to Article 314; Stb. 1867 No. 29 concerning the evidentiary power of private deeds; and BW (Burgerlijk Wetboek) or Civil Code Book IV Articles 1865 to Article 1945.

The author has conducted interviews with judges at the Kendal Religious Court with Drs. Noor Shofa SH, MH on October 2 2020 at the Kendal Religious Court. Based on the results of interviews with judge Drs. Noor Shofa SH, MH, Kendal Religious Court has the authority to examine cases in accordance with its absolute authority in Articles 2 and 49 of Law Number 3 of 2006 in conjunction with Law Number 50 of 2009 concerning amendments to Law Number 7 of 1989 concerning Religious Courts and passionate about the principles of Islamic Personality. Based on these provisions, the Semarang Religious Court determines who can submit cases, then the cases that can be submitted for examination at the Religious Court are in the fields of Marriage, Wills, Grants, Waqf, Zakat, Infaq, Shodaqoh, and Sharia Economics, It is on this basis that a case can be submitted for examination by the parties to the Religious Court. One of them is the distribution of mutually beneficial assets<sup>7</sup>.

According to Marriage Law Number 1 of 1974, if someone is going to carry out a marriage then he must complete the terms and conditions of marriage, however, not everyone who will carry out the marriage can fulfill all the terms and conditions of marriage. And if that happens, there will be legal consequences, namely the annulment of the marriage. According to Article 22 of the Marriage Law, it is stated that a marriage can be annulled if the parties do not fulfill the requirements for carrying out a marriage.

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<sup>6</sup>Article 283 RBg/163 HIR

<sup>7</sup>Interview with Mr Drs. NoorShofaSH, MH, judge at the Kendal Religious Court on October 2 2020 at 13.00 WIB.

The Sharia does not divide mutually beneficial assets into definite shares, for example the wife 50% and the husband 50%. Because, there is no text that requires this - as far as we know - from either the Koran or the Sunnah. And the family's needs are covered by both of them from the results of their work. So what portion of the husband's assets remains and what portion of the wife's assets is unclear.

And this is the picture of most families in Indonesia. In such conditions, it is impossible to divide the gono-gini assets except by sulh, 'urf or qadha. Sulh itself is an agreement between husband and wife based on deliberation based on mutual consent. This division is what is meant here, namely the division that fiqh experts call ash-shulh.

Thus, based on the argument from the hadith of Amr bin Auf al-Muzani above, if a husband and wife separate and wish to divide mutually beneficial assets between them, the path of peace can be taken. Because, one type of peace is peace between husband and wife, or peace when there is a dispute regarding joint property. With this method of peace, the division of marital property depends on deliberation between husband and wife. It could be that the husband gets 50% and the wife 50% or the husband gets 30% and the wife 70%, the husband can also get 70% and the wife 30%, and it is also permissible to divide it with another ratio.

Everything is justified by the sharia, as long as it is the result of peace that has been reached based on the willingness of each. The Kendal religious court which examines and adjudicates certain cases at the first instance has handed down a decision in the case of a joint property claim between the disputing parties.

Plaintiff, 32 years old, Muslim, works as a housekeeper, lives in Weleri Hamlet, Kendal Regency, in this case represented by attorneys M. Nasro, SH and Ahmad Muhlisin, SH Advocates;

Against the Defendant, 31 years old, Muslim, works as a migrant worker, lives in Weleri hamlet, Kendal Regency, and is represented by his attorney Edi Wahyudi, SH and Sigit Nugroho, SH Advocate

Position of the Case That the Plaintiff with his lawsuit letter dated June 7 2016 has filed a lawsuit for the division of joint assets which has been registered at the Registrar's Office of the Kendal Religious Court Number 1451/Pdt.G/PA.Kdl. dated 07 June 2016 submitted the following arguments:

1. That the Plaintiff and the Defendant were married on 15 December 1992, in the presence of a Marriage Registration employee at the Religious Affairs Office,

Ngampel District, Kendal Regency, as stated in the Marriage Certificate Excerpt Number: 95/15/IV/1992.

2. That the marriage between the Plaintiff and the Defendant has been dissolved due to divorce based on Kendal Court Decision Number: 2609/Pdt.G/2012/PA.Kdl. dated 27 December 2015 with the following decision:

Declare that the respondent, who has been officially summoned and is fit to appear before the court, is not present, grant the petitioner's request with *verstek*, give permission to the petitioner (Defendant) to impose one *raj'i talaq* on the petitioner (Plaintiff) before the Kendal Religious Court hearing., order the clerk of the Kendal Religious Court to send a copy of the determination of the Divorce Pledge to the marriage registration officer of the Religious Affairs Office, Ngampel sub-district, Kendal district to be recorded in the list provided for this purpose. Charges the applicant to pay court fees which until now have been set at Rp. 351,000.00 (three hundred and fifty-one thousand rupiah) and the Defendant did not submit legal action, so that the decision has permanent legal force (*Inkrahct Van Gewisjde*) and a *Crai Deed* Number: 1286/AC/2015/PA has been issued.

The Plaintiff and Defendant have gone through a mediation process with mediator DR. Radi Yusu, MH, as reported by the mediator on July 2 2018, but to no avail;

In judicial practice, a judge is actually required to seek the material truth regarding the case he is examining because the purpose of the evidence is to convince the judge or provide certainty to the judge about the existence of certain events, so that the judge makes a decision based on this evidence.

Based on the evidence submitted by the Plaintiff, basically the burden of proof does not lie with the judge, but with each party in the case, both the Plaintiff and the Defendant. Apart from that, *shofa* is in accordance with Article 1865 of the Civil Code, namely that the party who must prove or who is burdened with the burden of proof is the party with an interest in a case, especially the plaintiff who puts forward the arguments in his lawsuit. Meanwhile, the defendant is obliged to submit evidence as a tool. he argued. Thus, in this case, the Plaintiff has attempted to prove all the events, circumstances or facts necessary to support the application for annulment of the marriage by presenting legal evidence according to law in the form of a number of documentary evidence and witness evidence.<sup>8</sup>

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<sup>8</sup>Interview with Mr Noor Shofa, judge at the Kendal Religious Court on Monday 6 November 2020 at 13.25 WIB.

Before a judge decides on a case regarding a request for distribution of mutually beneficial assets, the judge must have a strong basis so that his decision can be justified, including wise legal considerations and knowledge of the law, and even be a place to ask all kinds of questions for the people who are expected to be able to solve problems wisely. When judging a case, a judge must be based on the facts or events and not the law. Legal regulations are only a tool, while what is decisive is the event.

To be able to resolve a case, the judge must objectively know the actual situation of the case as the basis for his decision. The truth of the event that is used as the object of the dispute must be proven through evidence. After the judge deems it proven to be the event that is used as the object of the dispute, the judge must determine what legal regulations govern the dispute between the two parties.

When the Panel of Judges grants a request, the judge must examine the Plaintiff's request carefully to avoid errors. For example, an application for division of mutually beneficial assets was submitted by the Plaintiff against the Defendant. This mutual division of assets occurs because there are definite elements regarding the object of the division.

The legal considerations used by the judge in deciding the case regarding the distribution of gono-gini assets No. 1451/Pdt.G/2016/PA.Kdl namely:

1. So, based on article 118 HIR, the plaintiff's lawsuit must be submitted to the Kendal Religious Court;
2. The Plaintiff and Defendant are legal husband and wife whose marriage was held on December 27 1992 according to the Islamic religion and are now divorced and the plaintiff stated that during the marriage they had joint property which had not been divided, therefore the plaintiff has legal standing to apply for the division of joint property as regulated in article 35 of Law no. 1 of 1974 and article 88 KHI;
3. This case is included in the field of marriage based on article 49 letter a and the explanation is in number 37 article 49 letter a number 10 Law no. 3 of 2006 concerning the first amendment to Law no. 7 of 1989 concerning Religious Courts, the aquo case becomes the absolute authority of the Religious Courts;
4. The Panel of Judges cannot conduct mediation because the defendant is not present at the trial;
5. The testimony given by the 3 plaintiff's witnesses was based on direct knowledge of sight and hearing and each other's statements were in agreement and were not included in the number of people who were prohibited from being

witnesses as intended by article 145 HIR, so based on article 172 HIR they were deemed to have fulfilled the formal requirements and material, thus the witness's statement is evidence that has evidentiary value.

6. That basically, the distribution of shared assets between husband and wife gets the same share, namely  $\frac{1}{2}$  share for the husband and  $\frac{1}{2}$  share for the wife as regulated in article 97 of the KHI

The panel of judges at the Kendal Religious Court who tried the case concluded that in the division of mutually beneficial assets, the plaintiff and the defendant had fulfilled the legal rules that must be fulfilled in the event of a lawsuit involving the distribution of mutually beneficial assets, therefore the panel was of the opinion that the Plaintiff had been proven according to the law. .

The conclusion drawn from the description is that the judge in making decisions regarding divorce on the division of joint assets is in line with the theory of legal certainty. The Theory of Legal Certainty is that apart from using the Legal Protection Theory, Roscou Pound's idea in analyzing the first problem, the author also uses the Triadism Law Theory which was initiated by Gustav Radburch. Gustav Radburch in his Triadism Law theory divides the aims and functions of law into three basic concepts, namely justice, certainty and usefulness, in justice there are philosophical aspects, namely legal norms, values, justice, morals and ethics. Law as the bearer of the value of justice, the value of justice is also the basis of law as law.

Justice has both normative and constitutive characteristics for law. Justice is the moral basis of law and at the same time the benchmark for a positive legal system and without justice, a rule does not deserve to be law, so Gustav Radburch stated "recht ist wille zur gerechtigkeit" (law is the will for justice)<sup>9</sup>.

The Triadism Law theory divides the function of law into three basic concepts, namely justice, certainty and expediency. The author will also use this theory to analyze the third issue regarding the authority and responsibility of a judge, as well as regarding the considerations taken by the panel of judges in deciding cases.

### **3.2. Legal Consequences of Division of Mutually-Gini Assets for Husband and Wife After Divorce**

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<sup>9</sup>Romli Atmasasmita, Legal Reform, Human Rights and Law Enforcement, Bandung : Mandar Maju, 2001, p. 29



Joint assets in marriage (gono-gini) are regulated in positive law, both the Marriage Law and the Civil Code. Thus, all matters relating to joint property need to be based on these two sources of positive law. For example, if a husband and wife have to divorce, the division of their joint assets must be clear and based on the applicable provisions of positive law.

Based on the results of the author's interview with the judge at the Kendal Religious Court, namely Mr. Noor Shofa, the division of joint property has legal consequences for husband and wife, children born from the marriage, joint property and third parties.<sup>10</sup>.

The Panel of Judges at the Kendal Religious Court, based on the statements of witnesses and documentary evidence as well as the considerations above, are viewed from their relationship and suitability, the consequences of the distribution of mutual assets from the decision are:

1. The parties received half of the shared property from the residential building and its contents, which stood on jointly owned land located in Weleri Village. Which is recorded with Certificate of Ownership no. 440 in the name of Moch. Arjanto, picture of the situation dated 10 September 2000 Number 10 / Bugungin / 2000.
2. The parties received half of the Gono-Gini property from the land located in the Jetis sub-district. The recorded C Jatirejo Village is Plot 591 Class D. II, in the name of Moch. Arjanto
3. Likewise, the Defendant also gets the same share as the Plaintiff;

The division of joint assets in marriage is based on the aspect of justice for all parties concerned. Justice in question includes the understanding that the distribution does not discriminate against any of the parties. The interests of each party need to be accommodated as long as they are in accordance with actual reality.

In matters of property and joint assets as well as maintenance during and after the dissolution of marriage, the woman is often the party who suffers losses. This is again because married couples usually never think about their respective assets as well as joint assets and property acquired after marriage. When they first got married, they generally never thought about divorcing, so when the household broke up in the middle of the road, they were confused about dividing joint assets.

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<sup>10</sup>Interview with Mr Noor Shofa, judge at the Kendal Religious Court on Monday 2 October 2020 at 14.00 WIB.

Distribution with the composition divided into two is not necessarily considered completely fair and the decision is also not absolute. In general, division with this composition is limited to formally dividing assets, such as salaries.

The court can determine other percentages with certain considerations. For example, based on considerations of who takes care of and pays for the children, who contributes to greater joint assets, and who is able to support their own living expenses. What about wives who don't work (formally)? In many cases, wives who do not work often receive unfair treatment in terms of the distribution of joint assets after an official divorce. A wife who does not work should still receive a share of her shared assets with her husband. The reason is, what a wife does while living with her husband includes work activities as well. However, the wife's work is mostly in the form of domestic work (housekeeping), such as looking after children, cooking.

What about husbands who don't work (formally)? Based on applicable regulations, joint assets, including the wife's income, are still divided in half. As is the case when the wife does not work (formally), the husband who does not work also gets his rights in dividing joint assets. This is based on the logic that if one party does not produce, the other party cannot produce without the other's help. This means that even though one of them does not work formally, there are other jobs that are considered to help with household matters.

Husbands who do not work formally also need to see what their condition is, are they totally unemployed, have odd jobs, or are they totally unemployed but do domestic work? If it turns out that the husband is completely unemployed, but does not want to do domestic work, and the joint property is divided in half, it will be a big question. Can a distribution like this be said to be fair? For this reason, the division of joint assets also needs to pay attention to who contributes the most to the joint assets of husband and wife (gono-gini assets).

The reality of life in society is that the division of joint property often causes disputes between divorced married couples, especially because one of the partners is unemployed, both the wife and the husband. Based on the provisions in the Marriage Law, Civil Code and KHI as explained, each couple gets an equal share. This means that the spouse who doesn't work still gets a share. As explained in the paragraph above, a wife who does not work is still considered to be working and contributing to the joint assets there. However, the distribution with a percentage of 50:50 is not absolute, it can also be based on considerations of who has the greatest income.

A marriage that is later broken up due to divorce has civil consequences for the husband and wife and the children of the marriage by the husband and wife, both of which were carried out in good faith, but if the good faith is only on one

party then the consequences for the party with bad intentions will be borne as well. As contained in national law, namely Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law.

The status of children when a divorce occurs, both husband and wife are still obliged to look after and educate their children, solely based on the interests of the children, if there is a dispute between the control of the children, the court decides that the father is responsible for all maintenance and education costs. what the child needs, the maintenance of a child who is not yet 12 years old is the mother's right. This is stipulated in article 41 of the Marriage Law no. 1974 and in KHI article 105 in the event of divorce.

Based on the judge's consideration, because all joint assets are controlled by the Defendant, a security confiscation (conservatoir beslag) will be carried out to ensure the smooth implementation of the case decision and to ensure that the object of the dispute is not transferred to someone else. The items confiscated are:

Confiscation of collateral for immovable goods:

- a. The residential building and its contents stand on jointly owned land located in Weleri Village. Which is recorded with Certificate of Ownership no. 440 in the name of Moch. Arjanto, picture of the situation dated 10 September 2000 Number 10 / Bugungin / 2000.
- b. A plot of land is recorded in village book c number 18 parcel 1, class D1, in the name of Moch. Arjanto, SHM no. 178.

Confiscation of collateral aims to ensure that anyone between the Plaintiff and the Defendant who controls the object will be divided into  $\frac{1}{2}$  part of the disputed object and if it cannot be divided in kind, the object will be sold at auction in public and  $\frac{1}{2}$  of the proceeds will be handed over to each party.

The author has reviewed the description, it can be concluded that the panel of judges in giving decisions regarding divorce cases, in this case the division of joint assets, is in line with the theory of Legal Protection. Legal Protection Theory is basically the theory of legal protection is a theory related to the provision of services to the community. Roscou Pound stated that law is a tool of social

engineering (law as a tool of social engineering). Human interests are demands that are protected and fulfilled by humans in the legal field.<sup>11</sup>

Roscou Pound divides human interests protected by law into three types, which include:

- a. Public Interest
- b. Social Interest
- c. Private Interest

Law as the protection of human interests is different from other norms. Because the law contains orders and/or prohibitions, as well as dividing rights and obligations. The theory of legal protection, which was initiated by Roscou Pound, is used to analyze the first and second problems, where it is stated that the theory of legal protection is a theory related to the provision of services to society and human interests which are demands that must be protected and fulfilled by humans themselves.

In the first and second problems regarding why legal protection is needed for husband or wife's assets and how to legally protect assets in the marriage agreement deed made by a notary for Indonesian citizens who are Muslim, guided by the theory of legal protection initiated by Roscou Pound This means that legal protection for a husband's or wife's assets is by making a marriage agreement. In this matter, the determination of the protection of assets in marriage will be determined by the Constitutional Court Decision.

#### **4. Conclusion**

The evidentiary process and basic considerations in decisions on joint property cases start from the examination stages, namely: Plaintiff's lawsuit, Defendant's answer, Plaintiff's copy, Defendant's copy and proof. The stages of the examination constitute the case, namely everything that happens at the trial. The judge's considerations in his decision are based on evidence. The division of joint assets is carried out in accordance with the provisions of the applicable law. The judge's decision regarding the distribution of joint assets as a result of divorce is in accordance with the applicable rules or regulations. The judge's decision regarding the distribution of joint assets as a result of divorce is in accordance with the applicable rules or regulations. Judging from the applicable legislation, namely the KHI and Law Number 16 of 2019 concerning amendments

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<sup>11</sup>Salim and Erlies Septiana Nurbani, Application of Legal Theory in Thesis and Dissertation Research, Jakarta : PT. Raja Grafindo Persada, 2013, p. 266

to Law Number 1 of 1974 concerning Marriage and the KHI, the joint assets are divided between the plaintiff and the defendant so that each gets  $\frac{1}{2}$  from joint assets. Meanwhile, each person's belongings must be returned from the bearer.

## 5. References

H. M. Djamil Latif, 2000, *Aneka Hukum Perceraian di Indonesia*, Jakarta: Ghalia Indonesia.

Harta Bersama Dalam Perkawinan, accessed from [www.legal-community.blogspot.com](http://www.legal-community.blogspot.com)

J. Satrio, 2004, *Hukum Harta Perkawinan*, Bandung: PT Citra Aditya Bakti.

Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage.

Romli Atmasasmita, 2001, *Reformasi Hukum, Hak Asasi Manusia dan Penegakan Hukum*, Bandung : Mandar Maju.

Salim dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, Jakarta: PT. Raja Grafindo Persada