

SPLITSING: AS A METHOD FOR RESOLVING TEDDY MINAHASA'S NARCOTICS CASE IN CRIMINAL JUSTICE INVESTIGATIONS

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ABSTRACT

Deliberate narcotics crimes typically involve multiple perpetrators or are coordinated to incorporate an element of participation. This is due to the fact that these crimes are carried out in groups and each individual is assigned specific responsibilities in order to accomplish predetermined objectives. In order to identify the principal perpetrators of group crimes, the public prosecutor is compelled to segregate the case files for the purpose of examination. As a result, this article aims to gain a deeper understanding of the splitting mechanism, which is utilized to divide the files of multiple perpetrators. This research employed a normative juridical approach, which is based on cases and legislation, and utilized secondary data in the form of legal materials. The complete dataset, consisting of primary, secondary, and tertiary legal materials, was subsequently gathered and subjected to deductive analysis. The results of this study indicate that case file splitting (splitting) is the division of a single file containing multiple perpetrators' information so that the public prosecutor may divide the file into multiple files based on the number of defendants. This is done in an effort to clear up the case and expedite the judge's evidentiary process. The provision pertaining to the division of case files is outlined in Criminal Procedure Code Article 142. Inspector General of Police Teddy Minahasa and his associates investigated a narcotics trafficking case using the splitting method, which involves the separation of case files. This approach has demonstrated significant efficacy in upholding the principles of fast, simple, and low-cost justice.

A. INTRODUCTION

Law Number 35 of 2009 about Narcotics divides drugs into the following groups: synthetic and semi-synthetic substances; drugs derived from plants or non-plants; drugs that can change your consciousness; drugs that can make you lose your taste; drugs that can reduce or stop pain; and drugs that can make you dependent¹. Narcotic development and research are crucial to the fields of science and medicine, but they are subject to widespread illicit trafficking and misuse, which increases the risk.

¹ See Article 1 Number 1 Law Number 35 of 2009 concerning Narcotics

It is now widely recognized that the use of narcotics can induce dependence, cause loss of consciousness, and induce paranoia². Additionally, the user may become vicious and irrational. Indirect effects of narcotics include the depletion of one's finances and property, social exclusion from good company, and loss of trust from others. This is not to mention the detrimental effects on health; narcotics addicts are notorious for cheating and committing crimes.³

Due to the use of cutting-edge technologies, the illicit trafficking and misuse of drugs, psychoactive substances, and other dangerous substances has become a major concern on a global scale.⁴ Organized crime syndicates have transformed narcotics crime into a global enterprise, employing a high modus operandi that is preoccupied with illicit trade, such as the distribution of prohibited goods. The narcotics industry has emerged as a lucrative and swiftly expanding sector of commerce. Illicit narcotics trafficking encompasses any course of action or sequence of actions conducted in violation of legal regulations or without authorization, which is classified as a criminal offense in the case of narcotics or precursors to narcotics⁵.

Because this crime was committed in groups, the criminal law is *ultimum remedium*⁶ which has the concept for crimes committed by more than one person is accompaniment (*deelneming*), a legal term that refers to the participation and assistance of someone in committing a criminal act. Identification of the primary perpetrator in a criminal incident involving multiple individuals is a challenging task. The public prosecutor may, in the event of multiple offenders, implement a policy whereby the case file is divided into multiple files in proportion to the number of defendants. Individuals who engage in collaborative endeavors that culminate in unlawful activities exhibit distinct patterns of behavior. However, their dissimilarities converge towards a singular objective: the commission of offenses. By allowing cases involving multiple defendants in criminal activity to be divided and resolved concurrently, the separation of case files is expected to accelerate the judicial process.

Narcotics trafficking was one of the narcotics-related crimes in which case files were divided (*splitting*) and the principal offenders were law enforcement officers. Inspector General of Police Teddy Minahasa and his companions investigated this case. The individuals in question are under suspicion for allegedly engaging in, offering for sale, selling, acting as an intermediary in the purchase and sale, exchanging, and transferring class 1

2 A Condition Characterized By Excessive Distrust And Suspicion Of Other People For No Apparent Reason.

3 Muhamad Romdoni., Konsekuensi Legal Kegagalan Upaya Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Dalam Tindak Pidana Narkotika, *Al-Jinayah: Jurnal Hukum Pidana Islam*, Vol. 8, No. 2, 2022, page. 192-213

4 Mikhael Lefri et al., *Hukum Pidana di Luar Kodifikasi*, PT Global Eksekutif Teknologi, 2023, page. 99.

5 Bagaskoro Ladito R et al. 2023., *Perkembangan Hukum Pidana di Indonesia*, PT Sada Kurnia Pustaka, page. 121.

6 Topo Santoso., *Hukum Pidana Suatu Pengantar*, PT. RajaGrafindo Persada, 2020, page. 121.

non-plant narcotics with a combined weight exceeding 5 grams, all in violation of the law or without authorization.

Research on the separation of case files of criminal offenders has indeed been carried out by several previous researchers, such as, firstly, I Gusti Ayu Aditya Wati with the title *Splitting Cases (Splitsing) in Pre-Prosecution*, which in its conclusion states that the prosecutor must consider the actions carried out if there are no witnesses, and if it is not supported by valid evidence, splitting can be carried out⁷. Secondly, research conducted by Ignasius A. Tiolong, Veibe V. Sumilat, and Harold Anis with the title *Authority to Solve Cases (Splitsing) by the Public Prosecutor according to Article 142 of Law Number 8 of 1981* states in its conclusion that the splitting requirements are contained in Article 142 of the Criminal Procedure Code. If viewed from human rights, there are principles that justify splitting, namely the principle that people cannot be obliged to unite themselves and that a person will not be prosecuted for at least the minimum penalty⁸. Thirdly, Elvianus J.R. Wakary, Marthin Doodoh, and Hironimus Taroreh entitled *Juridical Study of Splitting to find material truth from a human rights perspective* conclude that the interest of prosecution is so that prosecutors can carry out prosecutions, which later in court can achieve the objectives of the prosecution itself. separation of case files⁹.

It is evident from a number of pertinent prior research studies that the three studies in question exclusively examined the execution of case file partitioning or splitting by public prosecutors, both prior to prosecution and in the pursuit of material truth. The case involving Inspector General of Police Teddy Minahasa and his companions serves as an example of how this research differs from earlier investigations in that it focuses on the application of splitting in the context of specific drug offenses. Due to the absence of this information in prior investigations, the author became motivated to conduct further research under the heading "Splitsing: As a method for resolving Teddy Minahasa's narcotics case in criminal justice investigations".

B. RESEARCH METHODS

Research is the primary mechanism through which science and technology advance. This is because the objective of all research is to systematically, methodologically, and consistently unveil the truth. By conducting research, it is possible to analyze and construct meaning from the collected and processed data. Consequently, the researchers employed a legal research methodology of the normative juridical type for this study because normative refers to library legal research and the data utilized

7 I Gusti Ayu Aditya Wati., *Pemecahan Perkara (Splitsing) dalam Pra Penuntutan, Kerta Negara: Jurnal Ilmu Hukum*, Vol. 4 No. 2, Februari 2016, page. 1-5

8 Ignasius A. Tiolong et al., *Wewenang Pemecahan Perkara (Splitsing) oleh Penuntut Umum Menurut Pasal 142 UU Nomor 8 Tahun 1981*, *Jurnal Lex Crimen* Vol. 7, No. 6 2018 page. 144-151.

9 Elvianus J.R. Wakary et.al., *Kajian Yuridis Terhadap Pemecahan Perkara (Splitsing) untuk Menemukan Kebenaran Materiil dalam Perspektif Hak Asasi Manusia*, *Jurnal Lex Crimen*, Vol. 10, No. 6, 2021, page. 14-23

originates from a library¹⁰. The data utilized in this study comprised primary sources (legislation pertaining to the regulation of splitting and narcotics crimes), secondary sources (books and research concerning splitting and criminal acts involving narcotics), and tertiary sources (dictionaries and encyclopedias). Following this, every piece of collected data was analyzed deductively, which entails deriving specific findings from general circumstances or drawing conclusions from general circumstances. Therefore, deducing a specific logical conclusion from one or more general statements constitutes the deduction method.

C. RESULTS AND DISCUSSION

1. Separation of Case Files as an Effort to Settle Special Narcotics Crimes

Survey findings from the data and information research center of the National Narcotics Agency (BNN) indicate that the prevalence of substance abuse exhibited an upward trend from 1.80% in 2019 to 1.95% in 2021. This indicates that 195 out of 10,000 residents between the ages of 15 and 64 used drugs once in the past year. It is a proven fact that narcotics-related offenses in society are becoming more prevalent and afflict a large number of individuals.

Nowadays, narcotics abuse in Indonesia has reached a very worrying level, so it is seen as a very serious problem. In an effort to prevent narcotics abuse, the government emphasizes Article 54 in Law Number 35 of 2009.¹¹ It means narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation.

Meanwhile, punishment for narcotics dealers is regulated in Article 114, paragraph (2), of Law Number 35 of 2009 concerning Narcotics. which reads: "*In the event of the act of offering for sale, selling, buying, being an intermediary in buying and selling, exchanging, handing over, or receiving Narcotics of Category I as intended in paragraph (1), which in the form of plants weigh more than 1 (one) kilogram or more than 5 (five) tree trunks or in the form of non-plants weighing 5 (five) grams, the perpetrator will be punished with the death penalty, life imprisonment, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and criminal "Adding 1/3 (one third) increases the maximum fine as intended in paragraph (1)."*" Based on the provisions of this article, those distributing certain classes of narcotics can be sentenced to death. The death penalty is implemented to provide a deterrent effect against narcotics traffickers.

Narcotics crimes are usually crimes committed by more than one person, or there is an element of inclusion because these crimes are generally committed in groups and there is a division of labor to achieve group goals. This is to avoid suspicion from the National Narcotics

10 Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, PT Raja Grafindo Persada, Depok, 2021, page. 12.

11 Indonesia, Republic of Indonesia Law no. 35 of 2009 article 54 concerning narcotics

Agency, which actually has the authority in matters of narcotics crimes to take action against perpetrators who violate the Narcotics Law.¹²

The inclusion of criminal acts is contained in Article 55, Paragraph 1, of the Criminal Code, which reads, "Punishable as a person who commits a criminal event: a person who commits, who orders to commit, or who participates in committing the act." So that the perpetrators who commit a criminal act When they are proven guilty, groups of people who have related relationships are given different punishments, so that the sanctions received by the perpetrators are appropriate and not wrongly targeted. This is in accordance with the law, which regulates punishment between dealers and buyers in an effort to create a sense of justice.

To avoid the perpetrator being free from criminal responsibility, if the defendant consists of several people and, based on the results of the investigation, the public prosecutor is hesitant to forward the case to court due to a lack of evidence and witnesses, then the public prosecutor can adopt the policy of splitting the case file into several files. according to the number of defendants. One of the authorities of the public prosecutor is to separate case files (splitting).¹³ In accordance with criminal procedure law, a prosecutor may, in principle, divide the evidence. If the prosecutor receives a single case file containing multiple criminal acts, this division is possible. Several offenders were involved in this crime.

Separation of case files based on Article 142 of the Criminal Procedure Code (KUHAP) reads, "In the event that the public prosecutor receives one case file, which contains several criminal acts committed by several people that do not fall under the provisions of Article 141, the public prosecutor may prosecute each defendant separately."¹⁴ In this case, the Criminal Procedure Code has emphasized that separating case files is within the authority of the public prosecutor if the case contains several criminal acts, so that each defendant is examined in a different trial so that the public prosecutor can prosecute each defendant separately. This was done to strengthen the charges.

According to Wirjono Projodikoro, "splitting case files" refers to circumstances in which a criminal case file contains numerous offenses that more than one person committed. In such cases, where the stipulations for combining multiple case files into one are not met, the law must issue a letter of accusation in each case file.

The legal basis for separating case files is contained in Article 142 of the Criminal Procedure Code (KUHAP), which reads, "In the event that the public prosecutor receives one case file containing several criminal

12 Muhamad Romdoni., Overview on The Role of National Anti-Narcotics Agency and The Constraints of Law Enforcement Based on Criminal Law Number 35 of 2009 on Narcotics, *International Journal of Scientific and Technology Research*, Vol. 8, No. 11, 2019, page. 2632-3635.

13 Hidayat Abdullah, Separate Filling (Splitsing) in Criminal Case Management., *Jurnal Daulat Hukum*, Vol. 1, No. 2, 2018, page. 465.

14 Indonesia., Criminal Procedure Code, Law No. 8 of 1981, Surabaya, Karya Anda;

acts committed by several suspects that fall within the provisions of Article 141, the public prosecutor can prosecute each defendant."

First of all, splitting the case files or splitting is carried out by means of each defendant being preached in a separate letter, where the indictment is independent of one another and each defendant is examined in a different trial so that each defendant can be used as a witness.

In the case of the distribution of methamphetamine-type narcotics involving West Sumatra Inspector General of Police Teddy Minahasa, the case file was separated (splitting) because this crime was carried out by several people, so the public prosecutor has the authority to split the case file into several files according to the number of defendants, with the aim of making this case clear so that the defendants can be held accountable for their actions in accordance with their role in the criminal act that has been committed in the same court as society in general.¹⁵

Initially, the Bukit Tinggi-West Sumatra resort police (Polres) uncovered a drug case; in this case, evidence of methamphetamine weighing 41,387 kilograms was confiscated. Inspector General of Police Teddy Minahasa then instructed the suspect, AKBP Doddy Prawiranegara, to exchange the evidence of methamphetamine drugs for alum. The total confiscated methamphetamine that was replaced with alum was 5 kilograms. Then the suspects sold the shabu-type narcotics.

The West Jakarta District Prosecutor's Office received the handover of the case files of seven suspects and evidence from investigators from the Narcotics Directorate of Polda Metro Jaya (PMJ) to the public prosecutor. The seven suspects are Inspector General of Police Teddy Minahasa, AKBP Doddy Prawiranegara, Kompol Kasranto, Aiptu Janto Situmorang, Linda Pujiastuti, Muhammad Nasir, and Syamsul Maarif. Meanwhile, the files of the four suspects—Ariel Firmansyah, Hendra, Achmad Darmawan, and Mai Siska—were handed over to the Central Jakarta District Prosecutor's Office.

The following are the demands made by the prosecutor against Inspector General of Police Teddy Minahasa and his friends according to the roles they played in the crime of narcotics trafficking, namely:

Perpetrator	Prosecutor's demands	Fine
Inspector General of Police Teddy Minahasa	Death penalty	-
AKBP Doddy Prawiranegara	20 Years in Prison	Rp. 2 billion subsidiary six months in prison
Police Commissioner Kasranto	17 Years in Prison	Rp. 2 billion subsidiary six months in prison

¹⁵ Gede Arya Aditya Darmika et.al, Penegakan Hukum Terhadap Anggota Polri yang Melakukan Tindak Pidana Narkotika, *Jurnal Analogi Hukum*, Vo. 1, No. 1, 2019, page. 113.

Aiptu Janto Situmorang	15 Years in Prison	Rp. 2 billion subsidiary six months in prison
Aipda Ahmad Darmawan	10 Years in Prison	Rp. 1 billion subsidiary six months in prison
Linda Puji Astuti	18 Years in Prison	Rp. 2 billion subsidiary six months in prison
Muhammad Nasir	11 Years in Prison	Rp. 2 billion subsidiary six months in prison
Syamsul Maarif	17 Years in Prison	Rp. 2 billion subsidiary six months in prison
Ariel firmansyah	10 Years in Prison	Rp. 1 billion subsidiary six months in prison
Hendra	10 Years in Prison	Rp. 1 billion subsidiary six months in prison
Mai Siska	10 Years in Prison	Rp. 1 billion subsidiary six months in prison

The Public Prosecutor is demanding the death penalty from Inspector General Teddy for Minahasa in the narcotics trafficking case with case number 96/Pid.Sus/2023/PN Jky.Brt. Inspector General of Police Teddy Minahasa and his friends were legally and convincingly proven guilty according to Article 114 paragraph (2) of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics and Article 55 paragraph (1) No. 1 KUHP (Criminal Code). This happened because the files were split up during the criminal trial. Namely, "Those who do it, order it to do it, and those who participate in doing it without any right or against the law offer for sale, sell, act as intermediaries in buying and selling, exchange, and hand over Class I non-plant narcotics that weigh more than five grams." Inspector General of Police Teddy Minahasa was proven legally and convincingly guilty as the main perpetrator of the crime of distributing 5 kg (five kilograms) of methamphetamine. Meanwhile, the other suspects received different charges because they were only intermediaries in this case.

By penalizing Inspector General of Police Teddy Minahasa and his companions criminally, it is demonstrated that the application of the law by "law enforcers" differs significantly from that observed in civil society¹⁶. However, splitting proves that the splitting of case files (splitting) carried out by the public prosecutor in special narcotics crimes confirms that the splitting method accommodated in the Criminal Procedure Code provides a clear path in resolving narcotics crimes, which in the case of Inspector General of Police Teddy Minahasa is considered difficult because the perpetrator is In his daily life as a law enforcer, he definitely knows the loopholes to be able to avoid all the demands of the

16 Dwi Indah Widodo., Penegakan Hukum Terhadap Anggota Kepolisian yang Menyalahgunakan Narkotika dan Psikotropika, *Jurnal Hukum Magnum Opus*, Vol. 1, No. 1, 2018, page. 9.

public prosecutor, but with this method, the perpetrator can be subject to sanctions according to his actions.

2. Separation of Case Files to Accelerate the Evidence Process

Proof is a process in a trial where the act of proving is carried out by the public prosecutor to convince the judge that the defendant is guilty of committing a crime, and evidence is carried out by the defendant to prove that he is innocent. Proving means giving testimony or showing evidence, doing something true, carrying out, indicating witnessing, and convincing. For the public prosecutor, evidence is an effort to convince the judge, namely based on the existing evidence, to declare a defendant according to the indictment letter or record and to determine the crime against the defendant.

In criminal law, evidence is at the core of criminal trials because what is sought is material truth. Proof begins at the investigation stage to determine whether or not an investigation can be carried out in order to shed light on a criminal act and find the suspect. According to the Big Indonesian Dictionary, proof is an effort to show the right or wrong of the defendant in a court trial.

When attempting to establish the veracity of a problematic matter, there are undoubtedly specific criteria or conditions that, in the eyes of the general public, must be met in order for the thing to be proven to be accepted by others for proper and appropriate reasons. These conditions or criteria may include employing common sense, refraining from contradicting established truths, or taking into account additional factors that support the intended purpose of the proof.

The basis of evidence based on article 184 of the Criminal Procedure Code (Criminal Procedure Code) is valid evidence:

- a. Witness Statement
- b. Expert Statement
- c. Letter
- d. Instruction
- e. Defendant's statement

A minimum of two of the five categories of evidence specified in the Criminal Procedure Code are required to persuade a judge to render a verdict in a given case.¹⁷ In the absence of direct visual or auditory evidence, individuals who commit a criminal act in concert may be the only ones aware of what transpired, if there are no witnesses to the crime. This entails the public prosecutor endeavoring to establish guilt through the division of case files (splitting) pertaining to each defendant or perpetrator, with the intention of utilizing the information as evidence and compelling one perpetrator to testify against the other.

Witness statements are used to establish that a criminal act has transpired; thus, they function as evidence that establishes a standard

17 Wibowo Kurniawan Tri., *Hukum Acara Pidana: Menggugat Kelemahan Kitab Undang-Undang Hukum Acara Pidana di Indonesia*, Papas Sinar Sinanti, 2020, page. 199.

against which the efficacy of the criminal justice system is evaluated.¹⁸ In order to streamline the evidentiary process, criminal case files are divided into sections, given that all suspects are implicated in the same issue and thus no witnesses are available. However, the presence of witnesses should facilitate the establishment of proof.¹⁹ Due to the fact that not all witness statements are admissible or lack value as evidence, the division of case files may result in reciprocal relationships in this instance. The reciprocal relationship being discussed pertains to the capacity of each defendant to serve as a witness, commonly referred to as a "crown witness" (an expression that did not appear in the original Criminal Procedure Code).²⁰

Crown witness is a term given to a defendant who is willing to be a witness in revealing a crime he committed, ordering other people to do it, or helping. So a crown witness is defined as a witness who originates from or is taken from one of the suspects or other defendants who together commit a criminal act, in which case the witness is given a crown. The crown given to a strong witness is in the form of eliminating the prosecution of their case, giving them a very light charge if their case is transferred to court, or being forgiven for the mistakes they have committed.

The use of crown witness evidence can only be seen in criminal cases in the form of inclusion, and in these criminal cases, splitting has been carried out since the preliminary examination process at the investigation level. Apart from that, the emergence and use of crown witnesses in criminal cases involving separation were based on the fact that there was a lack of evidence to be presented by the public prosecutor.²¹ Determining whether a suspect or defendant should become a crown witness is the authority of the public prosecutor. So that splitting can speed up the resolution of criminal cases, especially in cases that are difficult to prove and are carried out using the delneeming concept. This is in accordance with the principles of criminal justice law, namely fast, simple, and low-cost justice.

D. CONCLUSION

The criminal acts committed by Inspector General of Police Teddy Minahasa and his friends in the form of involvement (deelneming) show that narcotics crimes that are organized and carried out are very neatly managed by "law enforcers." In cases where crimes are committed in an organized

18 Christian Rompas., Pemecahan Perkara Pidana (Splittings) Sebagai Upaya Untuk Mempercepat Proses Pembuktian, *Lex Privatum*, Vol. 6, No. 2, 2016, p. 113.

19 Krisna Monita Sari dan Suwari Akhmaddhian., Penegakan Hukum Terhadap Anggota Polri yang Melakukan Tindak Pidana Narkoba, *Logika: Journal of Multidisiplinary Studies*, Vol. 10, No. 1, 2019, page. 54.

20 Sang Ayu Ditapraja Adipatni et.al., Eksistensi Saksi Mahkota Kaitannya dengan Splittings dalam Pembuktian Perkara Pidana, *Kerta Wicara: Journal Ilmu Hukum*, Vol. 1, No. 1, 2012, page. 8.

21 Gorby Zefanya Tahitu., Keberadaan Saksi Mahkota Dalam Sistem Peradilan Pidana Indonesia, *Lex Crimen*, Vol. 4, No. 1, 2015, page. 169.

manner, such as those committed by the perpetrators, this creates difficulties in the process of proving them before trial. However, the Criminal Procedure Law still plays a role as a seeker of material truth, so it accommodates an effort in the event of a criminal incident such as that carried out by Inspector General of Police Teddy Minahasa and his friends by means of splitting or separating case files as stated in Article 142 of the Code of Procedure. Criminal. The use of the splitting method proves that criminal justice can still process criminal incidents despite the difficulty of proving testimony. This can be seen in the verdict, which stated that Inspector General of Police Teddy Minahasa and his friends were proven guilty, so the splitting method was considered effective in resolving similar cases in the future.

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