

The Law Enforcement in Judges' Decisions based on Progressive Law

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Abstract.

This study aims to identify and examine law enforcement in judges' decisions based on progressive law. This study uses a normative juridical approach with descriptive analysis. The data used was secondary data obtained through literature study, which was then analyzed qualitatively. Based on the research, it is concluded that law enforcement in fair judge decisions is based on progressive law, namely in making decisions, judges adhere to their conscience. Progressive law is very important to be presented as a philosophical and theoretical basis for judges in handling cases in court. Judges have the freedom of logic to find and create laws that are in accordance with the community's sense of justice, because the law is for humans, not the other way around. The discovery of law in the context of making decisions, is not merely legalistic, does not only fulfill legal formalities or just maintains order, has a vision of foresight (visionary) who has the moral courage to make legal breakthroughs, and takes sides and is sensitive to fate and the state of the nation and state.

Keywords: Decision; Enforcement; Judge; Justice; Progressive.

1. Introduction

Law enforcement is an effort to enforce real legal norms as a code of behavior related to legal traffic in the life of society, nation and state, which is expected to encourage creativity and an active role in building the nation's society, especially in guaranteeing the independence of human rights because they are human rights rights. Natural basic rights, which are inherent in humans and the universe.¹

Bambang Poernomo stated that law enforcement in modern society is not only interpreted in a narrow sense, but also in a broad sense, as in Indonesia law enforcement is associated with the human element and the social environment.² Law enforcement in Indonesia is carried out by law enforcers in accordance with the provisions of the applicable laws and regulations, and is guided by other foundations. This means law enforcement efforts are in accordance with applicable provisions or do not violate legal provisions as regulated in laws and regulations.³

Enforcement of the applicable legal rules (*ius constitutum*) in a state of law requires a power whose duty is to enforce and supervise the enactment of applicable

¹Tasmo and Suharto, Rahmat Bowo. (2019). The Legal Consequence Of The Judge Decision In The Case Of Children Criminal Justice Which Do Not Based On Society Research From Society Supervisor (Studies on Settlement Case of Children Crime In State Court of Cirebon). *in Jurnal Daulat Hukum* Vol. 2 No. 4. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8362/3900>.

²Hamza, Muhammad Dani. (2018). Penegakan Hukum Pada Kasus Tindak Pidana Kecelakaan Lalu Lintas Yang Menyebabkan Hilangnya Nyawa Orang. *in Jurnal Daulat Hukum* Vol. 1. No. 1, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/2563/1920>.

³Amen, Rahman. (2020). *Hukum Pembuktian Dalam Perkara Pidana & Perdata*. Ed.1. Yogyakarta: Deepublish. p. 2.

laws and regulations, which is called judicial power (judicative or judicial power). Judicial power in practice is exercised by state judicial bodies. The main task of the judiciary is to examine, adjudicate, decide and resolve cases submitted by justice-seeking communities.⁴

Judicial power is exercised by courts who have the obligation to uphold law and justice, protect the rights of defendants, witnesses and victims in an effective judicial process, give fair and legal decisions, and prepare the public arena for trials, so that the public can participate and evaluate the judicial process.⁵ Constitutionally, the composition and organization of the judicial power can be seen in the provisions of Article 24 of the 1945 Constitution of the Republic of Indonesia and the organic law that regulates judicial power.⁶

Judges as officials who carry out the duties of judicial power in court in carrying out their duties, obligations and functions in the field of justice are obliged to maintain the independence of judges.⁷ The court decision handed down by the judge must be based on an indictment made by the public prosecutor which contains the facts that occurred in a criminal act (violation) along with the legal rules violated by the defendant.⁸ However, many judges' decisions are judged by the community not to reflect a sense of justice. The process of resolving cases involving people whose fate is marginalized or less fortunate, proceeds quickly, while cases involving elite communities often end in darkness and the perpetrators are mostly set free. In layman's language, Indonesian law is sharp downwards, but blunt upwards.⁹ The downturn of the court is contrary to the "nature" of the existence of the judiciary as a means to resolve legal conflicts.¹⁰

It must be admitted that there are still judges' decisions that are too normative and do not reflect the value of justice. There are judges' decisions that (sorry) are only glued to the form of the verdict, so the verdict is static and less creative.¹¹ The influence of legal-positivism understanding is still very dominant in controlling the judge's way of thinking in constructing a decision. If the understanding of legal theories is low, then they are less sensitive to heteronomous factors outside the law

⁴Sutiyoso, Bambang. (2006). *Metode Penemuan Hukum: Upaya Mewujudkan Hukum yang Pasti & Berkeadilan*. Yogyakarta: UII Press. p. 2.

⁵Sinaga, Dahlan. (2015). *Kemandirian & Kebebasan Hakim Memutus Perkara Pidana Dalam Negara Hukum Pancasila, Suatu Perspektif Teori Keadilan Bermartabat*. Ed.1. Bandung: Nusamedia. p. 144.

⁶Waskito, Achmad Budi. (2018). Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi. in *Jurnal Daulat Hukum* Vol. 1. No. 1. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/2648/1992>.

⁷Sinaga, Dahlan. *op.cit.*, p. 77.

⁸Nur Dwi Edie W and Gunarto. (2020). Analysis of Judicial Policy in Deciding Criminal Acts Based Alternative Indictment (Case Study Decision Number 82/Pid.B/2019/PN.Blora). in *Jurnal Daulat Hukum* Vol. 3 No. 1. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8429/4063>.

⁹Yusuf, Anas. (2016). *Implementation of Restorative Justice Dalam Penegakan Hukum Oleh Polri, Demi Mewujudkan Keadilan Substantif*. Ed.1. Jakarta: Universitas Trisakti. p. 3.

¹⁰Efendi, Jonaedi. (2018). *Rekonstruksi Dasar Pertimbangan Hukum Hakim Berbasis Nilai-Nilai Hukum & Rasa Keadilan yang Hidup Dalam Masyarakat*. Ed.1. Depok: Kencana Prenada Media Group. p. 2.

¹¹Fanani, Ahmad Zaenal. (2014). *Berfilsafat Dalam Putusan Hakim (Teori & Praktik)*. Ed.1. Bandung: Mandar Maju. p. 30.

such as social, economic and political conditions which should be the basis for judges' considerations in deciding cases to achieve justice.¹²

Progressive law emerged as a reaction to the stagnant school of legal positivism. The notion of positivism affects the life of the state to seek to positivize the norms of justice so that they will soon become legal norms to accelerate the realization of the idealized nation state.¹³ In contrast to rule-centered legalism/positivism, progressive law offers another way. The paradigm behind honesty and sincerity is the crown of law enforcement. Empathy, concern, and dedication to bring justice, become the spirit of law enforcement. Human interests (welfare and happiness) become the point of orientation and the ultimate goal of law.

Based on this, the judge's decision must be in accordance with the applicable legislation. On the other hand, the judge must also be able to recognize the truth with his conscience. Although they also have to use their conscience, judges must not escape from the values prevailing in society. This is done so that when making decisions, there is a balance between law and a sense of justice because the community is the subject most affected by the proper operation of the legal system.¹⁴

The purpose of this research is to find out and examine the law enforcement in judge decisions based on progressive law.

2. Research Methods

The type of research used in writing this legal journal is normative juridical, which is descriptive in nature. The data used in this research is secondary data. According to the data that has been obtained, then it is analyzed using qualitative data analysis.

3. Result and Discussion

The rise of criminal acts that occur in Indonesia makes the community very restless. A criminal act itself is an act or action that is threatened by law, is contrary to the law and is carried out by a person who is capable of being responsible.¹⁵ The law seems to no longer be able to function in preventing criminal acts that occur in society. Law is the juridical basis for state administrators and society. If the law is not positioned as a juridical basis in acting in a country, then the atmosphere of life in society will certainly become chaotic and even conflict can occur between them.¹⁶

¹²Syamsudin, M. (2012). *Konstruksi Baru, Budaya Hukum Hakim Berbasis Hukum Progresif*. Ed.1. Jakarta: Kencana Prenada Media Group. p. 211.

¹³Efendi Jonaedi. *op.cit.*, p. 64-65.

¹⁴Abdurrachman, Hamidah, Nugraha, Rahmad Agung, and Majesty, Nayla. (2021). *Palu Hakim Versus Rasa Keadilan, Sebuah Pengantar Disparitas Putusan Hakim Dalam Tindak Pidana Korupsi*. Ed.2 Yogyakarta: Deepublish. p. 62.

¹⁵Bahri, Zulfikar Hanafi. (2018). Consideration of Semarang District Court Judge's Decision in Case Dropped Because The Crime of Defense of Emergency. in *Jurnal Daulat Hukum* Vol. 1 No. 2. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/3322/2453>.

¹⁶Arsyad, Jawade Hafidz and Karisma, Dian. (2018). *Sentralisasi Birokrasi Pengadaan Barang & Jasa Pemerintah*. Ed.1. Jakarta: Sinar Grafika. p. 25.

Basically, all humans agree that in life they must obey the law because it will provide peace, order, and a sense of security. When the law is not obeyed there will be chaos and disorder,¹⁷ so the law needs to be enforced without exception. In the 5th Pancasila principle which reads: "Social justice for all Indonesian people", then the law becomes the right of the Indonesian people, in this case related to justice in truth.¹⁸ Justice is basically the implementation of the law, in the sense of demanding concrete rights or disputes or violations, a function carried out by an institution by giving binding decisions and aiming to prevent vigilantism (*eigenrichting*).¹⁹

Law enforcement is one of the parameters in the success of the rule of law.²⁰ Consistent law enforcement will provide a sense of security, justice and certainty.²¹ Law enforcers are required to carry out their duties in accordance with the mandate of the laws and regulations that lead to decisions with substance in the form of justice for the parties.²²

The law is enforced through law enforcement officers, one of which is a judge. Judge is one of the predicates attached to a person, who has a job with special specifications in the field of law and justice, with issues of freedom and legal justice in the context of a case.²³ Philosophically, the ultimate goal of the judge's profession is to uphold justice through its decisions. The purpose of a judge's decision or court decision is to solve problems, in accordance with the main tasks of the court which include the task of receiving, examining, deciding, and resolving cases that are submitted to the court.²⁴

The paradigm of judges' thinking is very important in determining the content of a decision. The judge's decision is part of the result of the judge's mindset. Judges as law enforcers and justice are obliged to explore, follow and understand the legal

¹⁷Hafidz, Jawade. (2021). Cyberbullying, Etika Bermedia Sosial, & Pengaturan Hukum-nya. *in Jurnal Cakrawala Informasi*, Vol. 1 No. 1. url: <https://itbsemarang.ac.id/sijies/index.php/jci/article/view/147/110>.

¹⁸Hasanah, Lailatul Nur and Wahyuningish, Sri Endah. (2019). The Application of Justice Principles Of Rapid Simple Fee In Criminal Justice System In The State Court (Case Study in State Court of Pati). *in Jurnal Daulat Hukum*, Vol. 2 No. 4. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8353/3910>.

¹⁹Rusydan, Wilmar Ibni. Ma'ruf, Umar. and Bawono, Bambang Tri. (2019). Judicial Activism In Criminal Case To Ensure The Human Rights Upholding (Study In State Court Of Semarang). *in Jurnal Daulat Hukum* Vol. 2 No. 4. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8347/3868>.

²⁰Wahyuningish, Sri Endah and Rismato. (2015). Kebijakan Penegakan Hukum Pidana Terhadap Penanggulangan Money Laundering Dalam Rangka Pembaharuan Hukum Pidana Di Indonesia. *in Jurnal Pembaharuan Hukum*, Vol. II No. 1. url : <http://jurnal.unissula.ac.id/index.php/PH/article/view/1414/1087>.

²¹Praptiwi, Aggrin Gayuh and Hanim, Lathifah. (2019). Effectiveness And Role Of The Food Duty Unit Of Police Region Of Central Java In Law Enforcement In The Field Of Food In The Regional Law Of POLDA Central Java. *in the Journal of Sovereign Law*, Vol. 2 No. 3. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/5669/3416>.

²²Setiyadi, Iwan and Kusriyah, Sri. (2019). Law Enforcement Process Analysis By Agencies Of Provos Indonesian National Police (Inp) On Discipline Violation In The Form Of Crime By Police Members (Case Study In National Police Headquarter). *in Jurnal Daulat Hukum*, Vol. 2 No. 2. URL : <http://jurnal.unissula.ac.id/index.php/RH/article/view/5424/3345>.

²³Muzazanah, Siti. Khisni, Ahmad. and Rozihan. (2019). Judge Consideration of Religious Court Of Blora on Application of Married Dispensation. *in Jurnal Daulat Hukum* Vol. 2 No. 4. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8356/3898>.

²⁴Efendi, Jonaedi. *op.cit.*, p. 284.

values that live in society, and in considering the severity of the crime, the judge must also pay attention to the good and evil characteristics of the accused.

Judges are formulators and explorers of legal values that live among the people. For this reason, judges must plunge into the midst of society to recognize, feel and be able to explore the feelings of law and the sense of justice that live in society. Thus, judges can give decisions that are in accordance with the law and a sense of community justice. The judges must pay attention to the evil and good qualities of the accused in considering the sentence to be imposed. A person's personal circumstances need to be taken into account in order to give a commensurate and fair punishment. This personal situation can be obtained from information from people from their environment, neighborhood associations, psychiatrists, and so on.²⁵

The task of the judge is to settle each case, even if it is against the law or the law remains silent. The judge is obliged to make the settlement desired by the justice-seeking community, based on the law that was discovered or formed by himself.²⁶ The judge must impose a sentence according to the loss and its impact on the victim. Perpetrators have different roles, positions and sanctions, both based on the law and the laws and regulations that govern them and based on the role and impact of their actions.²⁷

Progressive law is very important to be presented as a philosophical and theoretical basis for judges in handling cases in court. His presence is also very much needed to be an alternative solution and therapy in solving legal problems, which are currently experiencing many declines and failures, especially in eradicating corruption.²⁸

Progressive law is linguistically an expression of the nature and substance of the law. In the Indonesian dictionary, progressive is defined as towards progress; leaning towards improving the current situation (about politics).²⁹ Progressive law departs from 2 (two) basic assumptions, namely:³⁰

- The presence of law is for humans, and not the other way around (humans are for law). This assumption has the consequence that the presence of law is not for itself, but for something bigger and wider. Therefore, if there is a legal problem, it is the law that must be reviewed and corrected, not humans who are forced to be included in the legal scheme;
- Law is not an absolute and final institution, because the law is always in the process of being continuously (law as a process, law in the making).

To produce progressive judges, who are not just mouthpieces of laws and regulations, the process of increasing scientific and intellectual capacity needs to

²⁵*Ibid.*, p. 264.

²⁶*Ibid.*, p. 268.

²⁷Setiawan, Dudu Wawan and Bawono, Bambang Tri. (2019). Disparity of Judge's Decision on Children Of Narcotics Crime Actors Study on Denpasar State Court Decision No. 3/Pid.Sus.Anak/2014/PN.Dps. by Denpasar State Court Decision No. 14/Pid.Sus.anak/2015/PN.Dps. in *Jurnal Daulat Hukum*. 2 No. 4. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8434/3906>.

²⁸Syamsudin, M. *op. cit.*, p. 229.

²⁹Efendi, Jonaedi. *op.cit.*, p. 60.

³⁰Syamsudin, M. *op. cit.*, p. 230.

continue to be optimized, therefore judges must follow the development of the legal system and social dynamics, so judges must understand the existence of substance, structure and culture of society in which the law applies. Law is not just legislation, but all normative orders that create binding power and public compliance, therefore the breadth, flexibility and progressive thinking of judges are needed as law reformers.³¹

Satjipto Rahardjo as the initiator of the birth of progressive law urges that in law enforcement, judges must dare to free themselves from the use of standard patterns, and this method has actually been done a lot, even in the United States of America. This method is called rule-breaking. There are 3 (three) ways to do rule-breaking, namely:³²

- Using spiritual intelligence to wake up from legal adversity and dare to seek new paths and not allow oneself to be restrained by old ways that have clearly hurt the sense of justice;
- The search for more meaning becomes a new measure of law enforcement, and each party involved in the law enforcement process is encouraged to always ask his conscience about the deeper meaning of the law;
- In carrying out the law, not only according to logical standards, but with feelings, care and involvement (compassion) for weak groups. The search for justice cannot only be achieved from the normative aspect, but also from the sociological aspect, especially when it concerns aspects of social justice and the constitutionality of a law.

Progressive law under the motto of pro-justice and pro-people law. Progressive law places the dedication of legal actors at the forefront. Lawyers are required to prioritize honesty and sincerity in carrying out the law. They must have empathy and concern for the suffering experienced by the people and this nation. The interests of the people (welfare and happiness) must be the point of orientation and the ultimate goal of implementing the law.³³

*Judges as law and justice enforcers are obliged to explore, follow and understand the legal values that live in society, and in considering the severity of the crime, the judge must also pay attention to the good and evil characteristics of the accused. Judges are formulators and explorers of legal values that live among the people. For this reason, judges must plunge into the midst of society to recognize, feel and be able to explore the feelings of law and the sense of justice that live in society. Thus, judges can give decisions that are in accordance with the law and a sense of community justice.*³⁴

A quality court decision demands a combination of knowledge and wisdom, which is in mental energy, emotional energy, and spiritual energy. Optimizing the use of the energies bestowed by the Almighty and Most Just God will touch the mind, feelings and beliefs, so that it will lead to court decisions of the highest quality of

³¹Efendi, Jonaedi. *op.cit.*, p. 272.

³²Syamsudin, M. *op. cit.*, p. 230-231.

³³*Ibid.*, p. 232.

³⁴Efendi, Jonaedi. *op.cit.*, p. 276.

wisdom. Mental energy, gave birth to me thinking; emotional energy, raises the power I feel; and spiritual energy, guiding me to believe.³⁵

The judge's decision in accordance with the progressive legal discovery method is:³⁶

- Judges' decisions are not merely legalistic, that is, they only serve as mouthpieces for the law (*la bouche de la loi*), although judges should always be legalistic because their decisions are still guided by the prevailing laws and regulations;
- The judge's decision does not only fulfill legal formalities or just maintain order, but the judge's decision must function to encourage improvement in society and build social harmonization in relationships;
- Decisions of judges who have a visionary vision, who have the moral courage to make legal breakthroughs (rule breaking), where in the event that a provision of the existing law is contrary to the public interest, decency, civilization, and humanity, namely the values that live in society, the judge is free and authorized to take counter-*legem* actions, namely taking decisions that are contrary to the articles of the law in question, with the aim of achieving truth and justice;
- The judge's decision is impartial and sensitive to the fate and condition of the nation and state, which aims at increasing welfare for the prosperity of the community and bringing the nation and state out of adversity in all areas of life.

Based on this, in progressive law, a judge in making a decision to be handed down is not just carrying out procedures and then applying articles of law that are suitable for the incident or event to be punished, but sociologically (factually) many social variables are involved. By thinking that way, a judge in enforcing the law is essentially related to basic issues such as justice, certainty, and social benefits.³⁷

4. Conclusion

Law enforcement in fair judge decisions based on progressive law, namely in making decisions, then judges have the freedom of analogy to find and create laws that are in accordance with the community's sense of justice, because the law is for humans, not the other way around. Judge decisions in progressive law have a vision of forward thinking, moral courage to make legal breakthroughs, take sides and are sensitive to the fate and conditions of the nation and state, decisions represent the intellectual values and wisdom of the judges who decide them, and become a constructive source of law for future legal developments.

5. References

Journals:

- [1] Bahri, Zulfikar Hanafi. (2018). Consideration of Semarang District Court Judge's Decision in Case Dropped Because The Crime of Defense of Emergency. *in Jurnal Daulat Hukum Vol. 1 No. 2*. url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/3322/2453>.

³⁵*Ibid.*, p. 285.

³⁶Rifai, Ahmad. 2018. *Penemuan Hukum Oleh Hakim Dalam Perspektif Hukum Progresif*. Cetakan Keempat. Jakarta: Sinar Grafika. p. 137-138.

³⁷Syamsudin, M. *op. cit.*, p. 258-259.

- [2] Hafidz, Jawade. (2021). Cyberbullying, Etika Bermedia Sosial, & Pengaturan Hukumnya. *in Jurnal Cakrawala Informasi, Vol. 1 No. 1.* url: <https://itbsemarang.ac.id/sijies/index.php/jci/article/view/147/110>.
- [3] Hamzah, Muhammad Dani. (2018). Penegakan Hukum Pada Kasus Tindak Pidana Kecelakaan Lalu Lintas Yang Menyebabkan Hilangnya Nyawa Orang. *in Jurnal Daulat Hukum Vol. 1. No. 1,* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/2563/1920>.
- [4] Hasanah, Lailatul Nur & Wahyuningish, Sri Endah. (2019). The Application of Justice Principles Of Rapid Simple Fee In Criminal Justice System In The State Court (Case Study in State court of Pati). *in Jurnal Daulat Hukum, Vol. 2 No. 4.* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8353/3910>.
- [5] Muzazanah, Siti. Khisni, Akhmad. & Rozihan. (2019). Judge Consideration of Religious Court Of Blora on Application of Married Dispensation. *in Jurnal Daulat Hukum Vol. 2 No. 4.* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8356/3898>.
- [6] Nur Dwi Edie W & Gunarto. (2020). Analysis of Judicial Policy in Deciding Criminal Acts Based Alternative Indictment (Case Study Decision Number 82/Pid.B/2019/PN.Blora). *in Jurnal Daulat Hukum Vol. 3 No. 1.* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8429/4063>.
- [7] Praptiwi, Anggrin Gayuh & Hanim, Lathifah. (2019). Effectiveness And Role Of The Food Duty Unit Of Police Region Of Central Java In Law Enforcement In The Field Of Food In The Regional Law Of POLDA Central Java. *in Jurnal Daulat Hukum, Vol. 2 No. 3.* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/5669/3416>.
- [8] Rusydan, Wilmar Ibni. Ma'ruf, Umar. & Bawono, Bambang Tri. (2019). Judicial Activism In Criminal Case To Ensure The Human Rights Upholding (Study In State Court Of Semarang). *in Jurnal Daulat Hukum Vol. 2 No. 4.* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8347/3868>.
- [9] Setiawan, Dudu Wawan & Bawono, Bambang Tri. (2019). Disparity of Judge's Decision on Children Of Narcotics Crime Actors Study on Denpasar State Court Decision No. 3/Pid.Sus.Anak/2014/PN.Dps. by Denpasar State Court Decision No. 14/Pid.Sus.Anak/2015/ PN.Dps. *in Jurnal Daulat Hukum Vol. 2 No. 4.* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8434/3906>.
- [10] Setiyadi, Iwan & Kusriyah, Sri. (2019). Law Enforcement Process Analysis By Agencies Of Provos Indonesian National Police (Inp) On Discipline Violation In The Form Of Crime By Police Members (Case Study In National Police Headquarter). *in Jurnal Daulat Hukum, Vol. 2 No. 2.* url : <http://jurnal.unissula.ac.id/index.php/RH/article/view/5424/3345>.
- [11] Tasmu & Suharto, Rahmat Bowo. (2019). The Legal Consequence Of The Judge Decision In The Case Of Children Criminal Justice Which Do Not Based On Society Research From Society Supervisor (Studies on Settlement Case of Children Crime In State Court of Cirebon). *in Jurnal Daulat Hukum Vol. 2 No. 4.* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8362/3900>.
- [12] Wahyuningsih, Sri Endah & Rismato. (2015). Kebijakan Penegakan Hukum Pidana Terhadap Penanggulangan Money Laundering Dalam Rangka Pembaharuan Hukum Pidana Di Indonesia. *in Jurnal Pembaharuan Hukum, Vol.*

II No. 1. url : <http://jurnal.unissula.ac.id/index.php/PH/article/view/1414/1087>.

- [13] Waskito, Achmad Budi. (2018). Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi. *in Jurnal Daulat Hukum Vol. 1. No. 1.* url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/2648/1992>.

Books:

- [1] Abdurrachman, Hamidah. Nugraha, Rahmad Agung. & Majestya, Nayla. (2021). *Palu Hakim Versus Rasa Keadilan, Sebuah Pengantar Disparitas Putusan Hakim Dalam Tindak Pidana Korupsi*. Ed.2 Yogyakarta: Deepublish.
- [2] Amin, Rahman. (2020). *Hukum Pembuktian Dalam Perkara Pidana & Perdata*. Ed.1. Yogyakarta: Deepublish.
- [3] Arsyad, Jawade Hafidz & Karisma, Dian. (2018). *Sentralisasi Birokrasi Pengadaan Barang & Jasa Pemerintah*. Ed.1. Jakarta: Sinar Grafika.
- [4] Efendi, Jonaedi. (2018). *Rekonstruksi Dasar Pertimbangan Hukum Hakim Berbasis Nilai-Nilai Hukum & Rasa Keadilan yang Hidup Dalam Masyarakat*. Ed.1. Ed.1. Depok: Kencana Prenada Media Group.
- [5] Fanani, Ahmad Zaenal. (2014). *Berfilsafat Dalam Putusan Hakim (Teori & Praktik)*. Ed.1. Bandung: Mandar Maju.
- [6] Rifai, Ahmad. 2018. *Penemuan Hukum Oleh Hakim Dalam Perspektif Hukum Progresif*. Cetakan Keempat. Jakarta: Sinar Grafika.
- [7] Sinaga, Dahlan. (2015). *Kemandirian & Kebebasan Hakim Memutus Perkara Pidana Dalam Negara Hukum Pancasila, Suatu Perspektif Teori Keadilan Bermartabat*. Ed.1. Bandung: Nusamedia.
- [8] Sutiyoso, Bambang. (2006). *Metode Penemuan Hukum: Upaya Mewujudkan Hukum yang Pasti & Berkeadilan*. Yogyakarta: UII Press.
- [9] Syamsudin, M. (2012). *Konstruksi Baru, Budaya Hukum Hakim Berbasis Hukum Progresif*. Ed.1. Jakarta: Kencana Prenada Media Group.
- [10] Yusuf, Anas. (2016). *Implementasi Restorative Justice Dalam Penegakan Hukum Oleh Polri, Demi Mewujudkan Keadilan Substantif*. Ed.1. Jakarta: Universitas Trisakti.