

Effectiveness of the Implementation of Investigations into Criminal Acts of Abuse by the Police of the Republic of Indonesia

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Abstract. *Effectiveness of the implementation of investigations into criminal acts of abuse by the Police of the Republic of Indonesia. This research is limited to policy formulation regarding special minimum prison sentences in criminal laws and regulations in the Criminal Code which includes patterns of length of special minimum prison sentences and the concept of the Criminal Code in the judicial process in Indonesia. Research steps include formulating problems, reviewing literature, planning research design, collecting data, analyzing data, drawing conclusions, and providing recommendations. The concepts described in this thesis include legal effectiveness theory, cultural factors, legal certainty theory, and legal certainty theory. Apart from that, the thesis also discusses the importance of patience and speaking skills in resolving conflicts, as well as the involvement of community leaders in the investigation process. It is hoped that the results of this research can provide new insights and recommendations regarding the effectiveness of law enforcement and criminal investigation in Indonesia. The National Police of the Republic of Indonesia (Polri) is regulated by Law Number 2 of 2002 which provides the main tasks of maintaining public security and order, enforcing the law, and providing protection, guidance and community service. Since the separation from the Indonesian National Army, the National Police has attempted to build a new image as a protector, protector and servant of the community. In carrying out its duties, the National Police has a Criminal Investigation function which is tasked with carrying out inquiries and investigations into criminal acts in accordance with the criminal procedural law and other statutory regulations. . This law enforcement process involves the police subsystem (as investigator), prosecutor's office (as public prosecutor), judiciary (as judge), and correctional institutions (as rehabilitation subsystem) in the Criminal Justice System. However, in practice, synergy between related institutions in the Justice System Criminal law is still not optimal. Criticism of law enforcement in Indonesia, especially at the investigation stage, shows the need for change towards a better criminal justice system. The challenges of National Police investigators are*

increasingly complex, requiring the ability to uncover cases without violating human rights. Apart from that, investigators are also faced with the possibility of legal action from the suspect and his family. In this context, it is important to continue to strive to improve the quality of law enforcement in order to achieve justice and security for society.

Keywords: Abuse; Criminal; Implementation; Investigation.

1. Introduction

The Indonesian National Police (Polri) as one of the institutions that carries out the function of public service is required to be able to provide the best service to the community by displaying professional and reliable unit performance in its field. Law Number 2 of 2002 concerning the Indonesian National Police, Article 13 states that the Polri has the main task of maintaining public security and order, enforcing the law and providing protection, shelter and public service.¹

According to Soerjono Soekanto, law and law enforcement officers are factors that cannot be separated from each other, if separated will result in the failure to achieve the expected legal objectives. Therefore, the existence of the National Police as a law enforcement institution has a central and strategic role in law enforcement in Indonesia because the Police are a filter between the investigation and prosecution processes in a trial.

In the current era of reform, the demands of the Police's duties are increasingly heavy so that the task of providing services to the community is increasingly difficult to carry out, as a result of the increasing development of crime both qualitatively and quantitatively. In addition, there is a critical attitude from the community towards the performance of the Police, and no less important is the structural change of the Police which used to be part of a military institution that was part of the ABRI and now stands alone so that there is much hope from the community that the Police will be able to build an ideal posture as a police with a civil character and be able to become the backbone of the nation in handling public order and security problems.

Since officially separating from the Indonesian National Armed Forces (TNI) in accordance with Presidential Instruction Number 2 of 1999 and MPR Decree Number 6 of 2000 concerning the separation of the National Police from the TNI, which was also strengthened by MPR Decree Number 7 of 2000 concerning the Role of the TNI and the National Police of the Republic of Indonesia, the National Police has tried to build a new image and paradigm. The image of the National Police, which was originally militaristic and tended to be repressive, has gradually begun to change with its new paradigm as a protector, guardian, and servant of the community (to serve and protect). However, it is realized that it is not easy to

¹ SH Barda Nawawi Arief, Problems of law enforcement and criminal law policies in combating crime (Prenada Media, 2018).

make changes to the militaristic culture and paradigm of the state apparatus that has taken root in the National Police.²

The Indonesian National Police is one of the government institutions that serves as the spearhead of law enforcement in Indonesia. The task carried out is not easy because it will deal with the community. Law enforcement, not only the community must be aware of the law and obey the law, but more meaningful in the implementation of the law as it should be and for those who violate it must also be prosecuted according to applicable legal procedures and provisions.

Crime is a form of "deviant behavior" that is always inherent in society, there is no society that is free from crime. Criminal acts themselves are acts or actions against applicable laws, be it violations or provisions of laws and regulations so that criminal acts need to be regulated by a legal norm in the form of sanctions to be obeyed and complied with.

The services provided to the community are contained in the law enforcement duties carried out by the Police in this case carried out by the Criminal Research function. In the formulation of Article 14 paragraph (1) letter g of Law Number 2 of 2002, it is stated that in carrying out the main duties as referred to in Article 13, the Republic of Indonesia National Police is tasked with conducting investigations and inquiries into all criminal acts in accordance with criminal procedure law and other laws and regulations.

In enforcing the law in order to create security and order, it is carried out together in a Criminal Justice System (CJS) which is a long process and involves many elements in it. The Criminal Justice System as a large system contains several subsystems including the police subsystem (as investigators), the prosecutor's subsystem as public prosecutors, the judicial subsystem as judges, and the correctional subsystem as a rehabilitation subsystem.

In relation to the duties between the police, prosecutors and judges in the integrated criminal justice system, there are differences in the duties and authorities of the three institutions as part of the Indonesian criminal justice subsystem that at the time the Criminal Procedure Code was enacted, the duties of the police were completely separate from the duties of prosecutors and judges. The police as investigators and the prosecutor as the prosecutor and the judge as the person who decides the case. The existence of this separation, according to Mardjono Reksodiputro, "should not interfere with efforts to have a single policy of investigation, prosecution and trial which will be a guideline for joint work in the criminal justice process".³

The four subsystems above can only work well if all interact and work together in order to achieve one goal, namely seeking truth and material justice as the soul

² SH Ruslan Renggong, *Special Criminal Law Understanding Offenses Outside the Revised Edition of the Criminal Code* (Prenada Media, 2021).

³ Ir Yudi Wibowo Sukinto and MH SH, *Criminal acts of smuggling in Indonesia: Criminal sanction formulation policy* (Sinar Grafika, 2022).

and spirit of the Criminal Procedure Code (KUHAP). As a criminal procedure law/in the framework of criminal law enforcement, the KUHAP is a general reference that must be used as a guide for all those involved in the process of the Criminal Justice System in order to achieve one common goal.

The series of processes of the Criminal Justice System begins with an event that is suspected to be a criminal event (criminal act). After a criminal event, an investigation and inquiry action begins. Investigation and inquiry are actually a series of actions that cannot be separated, although the stages are different. If the investigation process is combined with the investigation, there will be a continuity of action that facilitates the next process.

Law Number 8 of 1981 concerning the Criminal Procedure Code, gives the role to the Indonesian National Police to carry out the task of investigating and investigating criminal acts (in general) without limitations on the scope of authority as long as it is still included in the scope of public law, so that basically the Police are given the authority by the Criminal Procedure Code to conduct investigations and inquiries into all criminal acts, although the Criminal Procedure Code also gives authority to certain PPNS to conduct investigations in accordance with the special authority granted by the law which is the legal basis for each.

Indonesia adopts an integrated law enforcement system (Integrated Criminal Justice System) which is the legal spirit of the Criminal Procedure Code. This integration is philosophically an instrument to realize the national goals of the Indonesian nation that have been formulated by the Founding Fathers in the 1945 Constitution, namely protecting society (social defense) in order to achieve social welfare.

In the integrated law enforcement system based on the Criminal Procedure Code that we have so far adopted the principle of division of function or compartment system, which strictly separates the tasks and authorities of investigation, prosecution and examination in court hearings as well as the implementation of integrated court decisions and rulings, leading to an integrated criminal justice system, but in practice it has not yet given rise to synergy between related institutions.

Nowadays, the increasing criticism of the reality of law enforcement in Indonesia, especially the performance that is included in the Criminal Justice System, is a natural thing. This concern must be seen as a desire from all parties so that there will be changes towards the better in the future because there is no criminal justice system that is stable and permanent to be applied throughout the ages in any country.

The reality of the complexity of law enforcement in Indonesia, especially starting from the investigation stage. The beginning of the complexity is due to the laws and regulations that regulate the authority of investigation that are not conducive to the occurrence of integration in its implementation. Finally, what is

seen is the fight over cases between agencies that feel they are authorized by law so that the public often becomes a victim as a seeker of justice due to errors in law enforcement and results in the loss of public trust in the existence of judicial institutions.

In implementing law enforcement, if law enforcement officers are unable to demonstrate their abilities, then the community will seek another way out or what is called Alternative Dispute Resolution (ADR). The radical view of the community will judge the problems that arise so that a chaotic situation will occur because it does not go through an existing legal path, this happens because they consider the judicial institution to be no longer trusted.

The public's disappointment with law enforcement that is very worrying is the loss of trust in the investigative apparatus (police). The public does not want to hand over someone who has committed a crime to the police. The public judges, processes and executes people who are caught red-handed. This is done because the public has seen too many times how someone who has committed a crime is finally released again by the police or other law enforcement officers with the reasons reported on average being insufficient evidence, no evidence or not fulfilling the elements of a crime, thus causing disappointment from the public who reported it.

The investigation process is the most crucial stage in the Criminal Justice System, where the investigative tasks assigned to the Police are very complex, in addition to being investigators, they also act as supervisors and as coordinators for PPNS investigators. The complexity of the duties of Polri investigators is increasing along with the rolling of reforms in all areas of life in Indonesia. Investigators are required to successfully uncover all cases that are indicated to have violated the law that they handle.

In addition, investigators are also required not to violate Human Rights (HAM) in conducting investigations against someone suspected of committing a crime. Another challenge faced by Polri investigators is not only from the success of forwarding a case to court through the prosecutor's office, but also the possibility of being sued by the suspect and his family through a pre-trial lawsuit due to the mistakes of the Polri investigator himself.

This study aims to determine the Implementation of Investigation of Criminal Acts of Assault by the Police in the Criminal Justice System in Indonesia at this time and to determine the Effectiveness of Investigation of Criminal Acts of Assault by the Police in the Criminal Justice System in Indonesia in the future.

2. Research Methods

The approach method used by the author in this study is the empirical legal approach method. Empirical legal research is conducted by analyzing field data as primary material which is also commonly referred to as field research.

In relation to the object of research which is limited to the policy formulation

regarding special minimum imprisonment in criminal legislation in the Criminal Code which includes the pattern of the length of special minimum imprisonment and the Concept of the Criminal Code in the judicial process in Indonesia, the steps that will be taken in order to conduct this research are to formulate the problem, review the literature, plan the research design, collect data, analyze data, draw conclusions, and provide recommendations, Given that the problem of the research is focused on the effectiveness of the investigation, especially concerning special minimum imprisonment, the research specifications use interview result analysis, As explained above, that this research is an empirical research, the type of research data includes secondary data, in addition to primary data is also needed as a support. The secondary data in this study is data obtained from the reality of applicable legal regulations, books, articles or scientific journals related to the object of research, Data obtained either through literature studies or field research are collected and then analyzed. Data that is less or not relevant is ignored. While the useful ones will be processed systematically. Qualitative analysis is used to analyze the data obtained. Furthermore, it is expected that the collection of data and research results that have been analyzed and discussed can provide a way out of the shortcomings, difficulties and obstacles that arise in practice. The purpose of the analysis is to obtain new views which are then expected to be able to provide a way out of the existing problems.

3. Results and Discussion

3.1. Implementation of Investigations into Criminal Acts of Assault by the Police in the Criminal Justice System in Indonesia at this Time

Law enforcement in the criminal justice system aims to combat every crime. For the purposes of investigating criminal acts and identification services, it is the police's obligation to carry out their duties, for the sake of police work with the participation of various parties ranging from police medicine, forensic laboratories and psychology as stated in Article 14 paragraph (1) letter (h) of Law Number 2 concerning the Republic of Indonesia Police. These roles in the examination of a criminal act of abuse will greatly assist investigators in uncovering the crime, and this is also important in the examination at the trial of the case.⁴

Therefore, the investigator's efforts to carry out the investigation process at the beginning of the examination of the case are important and must be done. Examination of the Crime Scene (TKP) where the crime of abuse was committed immediately after the abuse occurred.⁵

TKP is evidence that can possibly be found at the scene of an assault crime. These actions aim to obtain the material truth of a criminal assault case and

⁴ Momo Kelana, "Understanding the Police Law" (2007).

⁵ Carolina Da Cruz et al., "The Implementation of Good Governance Principles in the Admission of Prospective Civil Servants," *Journal of Legal Sovereignty* 5, no. 1 (2022): 40–48.

determine the elements of the alleged or suspected articles of the case process being handled and to be able to provide legal certainty to the reporter in order to terminate the investigation of the reported case process.

In conducting the investigation of the crime of assault, the investigators of the Indonesian National Police at the Cirebon Police took actions in accordance with what should be guaranteed by the applicable laws and regulations. This process then became a barometer to measure the extent to which the investigation was optimized by investigators at the Cirebon Police in handling assault cases.⁶

a) Accountable

In cases of criminal acts of assault committed by people in general, most of the provisions violated are criminal regulations contained in the Criminal Code, so the investigation is carried out by general investigators in this case Polri investigators. Not all Polri investigators can investigate a crime. This is because one of the responsibilities of a Polri investigator is his ability to investigate a case so that it can be carried out accountably or in this case can be accounted for.

From the results of the researcher's interview with Epda Suyitno as the Cirebon Police investigator, it was revealed to the researcher that:

"Investigators at the Cirebon Police are not easy, especially in relation to cases of abuse. Therefore, so far what we have done so that we can be accounted for, we involve parties that are related to criminal cases. These parties include social workers, legal aid institutions, psychologists, etc."

From the statement above, it is clear that criminal cases absolutely require the presence of parties who can help both legally and mentally with the person in question as a responsibility for the rights and survival of that person.

The same thing was also conveyed by the Head of Criminal Investigation Unit of Cirebon Police, Mr. Nana Wijaya to researchers, who said: "We often encounter obstacles in investigating criminal acts committed in the Cirebon Police area.

This is because on the one hand based on the applicable rules that a criminal act of abuse committed by a person must be accompanied by social observer groups. While in the Cirebon Police area itself. These social observer groups include legal assistance groups, and mental/psychiatric assistance groups.

The involvement of these groups is in order to support the accountability of all investigators' work so that it will create public trust. The results of the researcher's interview with one of the social workers accompanying the Cirebon district, Mr. Mukhtar, S.Sos, to the researcher revealed that:

"So far, we have often been called by investigators from the Cirebon Police to provide assistance when there are cases of criminal acts of abuse committed by someone. So far, in providing assistance, we have often experienced obstacles because the number of social workers in Cirebon who focus on assistance is still

⁶ Ibid.

very small. This certainly has an impact on efforts to resolve cases of criminal acts of abuse that should be resolved through the diversion/reconciliation process."

The limited number of social workers then became a problem because of the many cases of criminal acts of abuse that occurred in the Cirebon Police area which should have required assistance.

This limitation also affects public trust in the accountability of a case being handled by an investigator at the Cirebon Police Cirebon. Professional Based on PP 58 of 2010 Amendment to Government Regulation Number 27 of 1983 Concerning the Implementation of the Criminal Procedure Code, where the person authorized to conduct an investigation is an investigator who has undergone training as an investigator.

Based on Article 26 Paragraph (3), the conditions that must be met by a child investigator are as follows:⁷

- a) Has experience as an investigator;
- b) Have interest, attention, dedication and understand children's problems; And
- c) Has attended technical training on Juvenile Justice.

From the results of the researcher's interview with Epda Artur as an investigator at the Cirebon Police, it was conveyed to the researcher that:

"Specifically in the Cirebon Police area, we are very lacking in terms of the number of investigators who have undergone technical training to become qualified investigators as required by the laws and regulations. However, in terms of the ability of investigators of criminal acts of assault in the Cirebon Police, I think there is no problem whatsoever, in fact everything is in accordance with the applicable regulations."

In the Cirebon Police itself, there are only six investigators who have been certified and meet the requirements as investigators. So in terms of investigating the crime of assault so far, it has not been handled as expected by everyone. When the researcher confirmed this to the Head of Criminal Investigation Unit of the Cirebon Police, Mr. Nana, he told the researcher that:

"The problem of the number of investigators at the Cirebon Police is that the number has not met the requirements when compared to the burden of criminal cases that we have handled. Therefore, the cases that we have handled so far have been very difficult for us to complete in a timely manner."

In terms of numbers, investigators who specifically handle criminal cases at the Cirebon Police are still very lacking. This can be seen in the process of criminal assault cases which have not been handled properly so far.

With the condition of the Cirebon Police area which is geographically a coastal

⁷ Soerjono Soekanto, "Legal awareness and legal compliance," *Journal of Law & Development* 7, no. 6 (1977): 462–471.

area with a fairly long distance, made worse by the condition of the road from the sub-district area to the city of Cirebon, many cases are often hampered in their investigation efforts.

Based on PP 58 of 2010 Amendment to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code, it is explained that in handling the investigation of a case, the investigation must be carried out by an investigator who has met the requirements in accordance with applicable laws and regulations, one of which is that he must be certified and have undergone investigation training.

The results of the researcher's interview with Epda Suyipno as an investigator at the Cirebon Police told the researcher that:⁸

"One of our obstacles at the Cirebon Police in investigating a criminal act of assault is the geographical condition of the Cirebon area as a mountainous area with a relatively far distance between the Polsek and Polres, exacerbated by the condition of the road where there are still many points that have not been repaired. Meanwhile, if there are criminal cases that occur in the Polsek area, most are forwarded to the Polres for investigation because the Polsek does not have investigators who live in the Polsek. Of the six Polsek in seventeen sub-districts in Cirebon Regency, only the Cirebon and Aralle Polsek have Police Chiefs who meet the requirements as investigators."

This statement illustrates that the geographical conditions of Cirebon as a coastal area make the connection between the Polsek and Polres in conducting investigations into criminal acts of assault a very fundamental obstacle.

It is made worse by the fact that the number of qualified investigators is still very lacking in both the Police and the Sector Police. While on the other hand, many people report suspected criminal acts to the Sector Police where they live. And because the investigators at the Sector Police where the case was reported do not meet the requirements, the case files are then taken to the Police for further action.⁹

b) Responsive

Legal protection for a person in the judicial process is carried out starting from the level of investigation, inquiry, prosecution, examination in court until the implementation of the court's decision. During the judicial process, the rights of the reported party must be protected by applicable law and therefore must be carried out consistently by the parties related to the resolution of the problem.

Based on the results of the researcher's interview with Mr. Epda Suyipno as an investigator at the Cirebon Police, it was revealed to the researcher that:

⁸ Glenda Magdalena Lenti, "Crimes Against the Body in the Form of Abuse According to Article 351 Paragraphs 1–5 of the Criminal Code," *Lex Crimen* 7, no. 4 (2018).

⁹ Muhammad Adam HR, "Weak Law Enforcement in Indonesia," *JISH: Journal of Sharia and Legal Sciences* 1, no. 1 (2021): 57–68.

"When a criminal act of abuse occurs in the Cirebon Police area, the actions that can be taken by investigators are arrest, detention, conducting an examination at the scene, conducting a search, examining the suspect and interrogating him, making an Examination Report (BAP), confiscation, storing the case, transferring the case. Therefore, this must be viewed as appropriate to the status and function of an investigator according to the Criminal Procedure Code. Investigation of a person in conflict with the law is carried out by investigators who are appointed based on PP 58 of 2010 concerning the Investigation System."

Investigations into criminal cases of assault committed by a person to be punished in accordance with the law require investigators to act responsively in order to ensure that the case handling process is handled properly as it should be.

When the researcher confirmed this with investigator Epda Suyipno, he told the researcher that:

"We have been carrying out the investigation process for cases of criminal assault well. We do this to ensure that investigations into criminal acts committed by someone suspected of committing a crime must be carried out in a family atmosphere as regulated in Article 18 of PP 58 of 2010 Amendment to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code which states that in handling cases of criminal assault, they must be accompanied by Community Counselors, Professional Social Workers and Social Welfare Workers, Investigators, Public Prosecutors, Judges, and Advocates or other legal aid providers must pay attention to the best interests of those suspected of committing a crime and strive to maintain a family atmosphere."

Based on PP 58 of 2010, it is described that investigators are required to examine suspects in a family atmosphere. In this atmosphere, the examination is carried out without taking a long time, using language that is easy to understand, and can invite suspects to provide the clearest possible information.

In addition, investigators also behave politely and friendly and do not scare the suspect. The goal is for the examination to run smoothly, because a suspect who feels afraid when facing investigators will have difficulty expressing true and clear information. When the researcher confirmed with one of the reporters, on behalf of NN (not willing to be named) to the researcher it was revealed that:

"When we reported the case of abuse involving our family at the Cirebon Police, the investigator in this case who was tasked with handling the case we reported showed quite serious attention to us in relation to the case we reported. It's just that the effort they made was to reconcile us with the reported party, and for us that was unfair to us as victims."

In this statement, it can be seen that so far the reporters felt that they had been well served when making reports related to criminal acts of abuse that they reported to the police.

This means that in terms of the process, there is nothing fundamentally questionable, only that the investigators' efforts to reconcile are considered unfair to their position as victims.

c) Transparent

In conducting an investigation into a person who has committed a crime of assault, the investigator is obliged to ask for consideration or advice from a community counselor, and if necessary can also ask for consideration or advice from an education expert, mental health expert, religious expert, or other community officer. This is in accordance with Article 27 paragraph (1) and paragraph (2) of PP 58 of 2010 concerning Amendments to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code.

The involvement of the parties as stakeholders is in order to ensure the openness of information on the investigation process of a criminal act of abuse committed by someone. The results of the researcher's interview with Epa Suyipno as an investigator at the Cirebon Police to the researcher revealed that:

"As part of our efforts to openly reveal the case of criminal acts of abuse committed by someone, one of the things we have done so far is to involve community leaders. Moreover, in Cirebon, we all know that customary rules are still highly respected by the community. With the presence of community leaders as customary elders, it will provide reinforcement to the investigation case that we are working on that there are formal legal efforts that we are running and working on."

When the researcher conducted an interview with one of the reporters named NN (who did not wish to be named), the researcher revealed that:

"When the police handling process was underway with the criminal case that we reported, also present in the investigation process were Cirebon community leaders. The goal is to provide enlightenment related to the laws that are often applied if there are cases of abuse committed by the region."

From the results of the interview, it is explained that the involvement of community leaders so far in cases of criminal acts of abuse was presented by the Cirebon Police. The purpose of their presence is to provide enlightenment regarding the comparison between customary law and formal law.

This is because in the tradition of punishment in the Cirebon community, it is not allowed for someone who makes a mistake to be punished twice. Punishment is sufficient once according to the act, and more than that is considered not treating someone like a human being.¹⁰

d) Effective and Efficient

¹⁰ Muhammad Arif, "The duties and functions of the police in their role as law enforcers according to Law Number 2 of 2002 concerning the police," *Al-Adl: Jurnal Hukum* 13, no. 1 (2021): 91–101.

The investigation process of a criminal act of assault that has been handled by the Cirebon Police has not been running effectively and efficiently. Technically in accordance with the SOP regulated in PP 58 of 2010 Amendment to Government Regulation Number 27 of 1983 Concerning the Implementation of the Criminal Procedure Code, it is actually quite clear and transparent.

It's just that the investigation process has experienced many obstacles due to geographical conditions and the number of personnel as a coastal area while the number of investigators is limited so they have offices at the Polsek.

This means that so far there have been almost no investigators who meet the requirements to work at the Polsek except for the Aralle Polsek and the Cirebon Polsek because their Polsek Chiefs meet the requirements to be investigators.

According to the results of the researcher's interview with Epda Suyipno as an investigator at the Cirebon Police, it was revealed to the researcher that:

"We do admit that so far the investigation process that should be effective and efficient has not been able to be carried out optimally at the Cirebon Police. One of the things that hinders the investigation to resolve a criminal case is the absence of investigators at the Polsek level, where Polres investigators have only been assigned as assistants, so that if there is a case reported to the Polsek, the case file must be forwarded to the Polres to be investigated by investigators who have met the requirements as an investigator."

Of the forty sub-districts in Cirebon Regency, there are only thirty-one Polsek. The thirty Polsek are:¹¹

- a) Arjawinangun District, by coordinating;
 1. Susukan Police Station.
 2. Gegesik Police Station.
 3. Kapetakan Police Station
- b) Palimanan District Coordinating ;
 1. Ciwaringin Police Station
 2. Klangeran Police Station.
 3. Plumbon Police Station.
- c) Weru District, coordinating.
 1. West Cirebon Police Station
 2. North Cirebon Police Station
 3. South Cirebon Police Station
 4. Sumber Police Station.
- d) Sindang Laut District, coordinating.

¹¹ Stefanie Beyer, "Environmental law and policy in the People's Republic of China," Chinese journal of international law 5, no. 1 (2006): 185–211.

1. Astana Japura Police Station
 2. Karang Sembung Police Station
 3. Beber Police Station.
- e) Ciledug District Coordinates.
1. Losari Police Station
 2. Babakan Police Station.
 3. Waled Police Station

As for police stations that are not divided into districts, they include:

1. Susukan Police Station. 2. Gegecik Police Station. 3. Arjawinangun Police Station. 4. Kapetakan Police Station. 5. Ciwaringin Police Station. 6. Palimanan Police Station. 7. Klangeran Police Station. 8. Plumbon Police Station. 9. Weru Police Station. 10. West Cirebon Police Station. 11. North Cirebon Police Station. 12. North Cirebon Police Station. 13. Sumber Police Station. 14. Beber Police Station. 15. Astanajapura Police Station. 16. Sindang Laut Police Station. 17. Karang Semung Police Station. 18. Ciledug Police Station. 19. Waled Police Station. 20. Babakan Police Station. 21. Losari Police Station. 22. Dukupuntang Police Station. 23. Susukan Lebak Police Station. 24. Sedong Police Station. 25. Pabedilan Police Station. 26. Mundu Police Station. 27. Pangeran Police Station. 28. Panguragan Police Station. 29. Kaliwedi Police Station. 30. Plumbon Police Station became Depok. 31. West Cirebon Police Station became Kedawung. 32. Ciledug Police Station became Pabuaran. 33. Palimanan Police Station became Gempol. 34. North Cirebon Police Station became Gunung Jati. 35. South Cirebon Police Station became Talun.

1. Suranenggala sub-district, is still part of Kapetakan Police.
2. Tengah Tani District is still part of the Kedawung Police.
3. SubdistrictJamblang, is still part of Klangeran Police.
4. Palimanan District is still part of Gempol Police.
5. Greged District, entered the Beber Police.
6. Pasaleman District, enter the Waled Police.
7. Karang Wareng District, entered the Karang Sembung Police Station
8. Ciledug District, entered the Pabuaran Police.
9. SubdistrictPlumbon, Enter the Depok Police Station.

3.2. Obstacles in Investigating Criminal Acts of Assault

In realizing good law enforcement, a good and systematic chain of processes is required, as well as good coordination between law enforcement officers, guided by applicable statutory provisions.

Basically, the effort to divert from the criminal justice process to a settlement through deliberation is the soul of the Indonesian nation to resolve problems in a

family way to reach consensus. This is in accordance with the sound of the 4th principle of Pancasila, namely democracy led by the wisdom of deliberation/representation.

a) Legal or Regulatory System

Laws in the material sense are written regulations that apply in general, whether made by the central or regional government legally. Regarding the enactment of this law, there are several principles whose aim is for the law to have a positive impact.

In terms of the implementation of action in the investigation of criminal acts of assault, it is regulated in PP 58 of 2010 concerning Amendments to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code. The results of the researcher's interview with Epda Suyipno, an investigator at the Cirebon Police, revealed that:

"In carrying out the investigation into the crime of assault, we, the Cirebon Police, carry out all procedures in accordance with those regulated in PP 58 of 2010 Amendment to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code. We carry out and implement these provisions consistently without any other efforts that can harm the parties, both the reporter and the reported."

From the statement it is illustrated that the investigation actions carried out by the Cirebon Police are in accordance with applicable laws and regulations. That these provisions are carried out properly in order to ensure legal protection for those involved both as reporters and as reported.

In PP 58 of 2010 Amendment to Government Regulation Number 27 of 1983 Concerning the Implementation of the Criminal Procedure Code, it is very clear how the investigation system must be carried out by an investigator in order to conduct an investigation and inquiry into the crime of assault. The results of the researcher's interview with the Head of Criminal Investigation Unit of the Cirebon Police, Mr. Nana Ruhdiyana, revealed to the researcher that:

"There are signs that we must follow as instructed in PP 58 of 2010. One of which is an effort to resolve cases of criminal assault with restorative justice. Members of the Cirebon Police in general often hear the term restorative justice, but in reality, not a few members do not understand the term, let alone apply it because the concept is relatively new in criminal law enforcement."

From the statement it is very reasonable because in Law Number 2 of 2001 concerning the Police only introduces the concept of police discretion. Although discretion already exists in Article 18 of Law Number 2 of 2001 concerning the Police. The opportunity for police officers to apply discretion as an action that does not deviate but in the practice of carrying out police duties there are still many police officers who hesitate to use this authority, especially in handling criminal cases. The same thing was also expressed by the Head of Criminal

Investigation Unit of the Cirebon Police, Mr. Wijyadi, SH, to researchers who expressed that:

"Some of the obstacles faced by Polri investigators at Polres Cirebon in the process of investigating criminal cases that hinder the implementation of restorative justice are: 1) Legal substance that does not fully accommodate the implementation of restorative justice; 2) Law enforcement that has not optimally implemented existing regulations and is still rigid and the legal culture/community participation is not yet optimal; 3) There has been no regulation that accommodates all provisions on handling ABH through a restorative justice approach, socialization to all law enforcement officers and the community; and 4) Coordination between law enforcement officers and changing the paradigm of law enforcement officers from a retributive and restitutive justice approach to restorative justice has not been fully achieved."

As a form of actualization of the concept, it must be stated in the legislation. With the regulation on Police Discretion in Article 18 Number 2 of 2002, it has actually provided legal impetus for the police to apply the Restorative Justice philosophy in handling criminal cases.

With the discretion of the police investigator can choose various actions in resolving criminal cases handled, one of the actions that can be taken. Implementing restorative justice is by placing the victim at the central point in resolving criminal cases and keeping them away from imprisonment but being held accountable.

The investigation is considered finished and complete, if there has been a notification from the public prosecutor stating that the case file is complete or if the response time is 14 days from the date of receipt of the file, the public prosecutor does not submit any statement and does not return the case file to the investigator. Starting from the time limit, by law the submission of the case file is valid and perfect, transferred to the public prosecutor without requiring any further process. There is a transfer of legal responsibility for all cases concerned from the investigator to the public prosecutor. Transfer of legal responsibility for the case file, legal responsibility for the suspect and legal responsibility for all evidence or objects confiscated. This is what must then be consistently carried out by the investigators in the case.

b) Law enforcer

In the implementation of investigations in criminal cases, law enforcers are role models in society. Therefore, a law enforcer should have certain abilities in accordance with the aspirations of society. They must be able to communicate in addition to being able to carry out or carry out roles that can be accepted by the parties to the case.

Responsibility in the implementation of action by investigators at the Cirebon Police cannot be separated from the legal basis/legal umbrella that will be used as a reference. With a clear legal umbrella, it then becomes a strength for law

enforcers in realizing true justice to all levels of society.

The presence of law enforcers as investigators both in terms of quantity and quality is an absolute necessity that must be fulfilled by a law enforcement agency. The results of the researcher's interview with Epda Suyipno as an investigator at the Cirebon Police, to the researcher it was conveyed that:

"In implementing or implementing law enforcement in the field, as law enforcers we often experience hesitation in making decisions in the investigation process caused by the lack of qualified investigators to conduct an investigation. Because if based on PP 58 of 2010 where one of the qualifications of an investigator is to be certified, and if we do not fulfill these requirements, this could be a space for the parties to the case to take other legal processes such as pretrial."

One of the obstacles for investigators in handling criminal cases of assault is the lack of investigators who meet the requirements set out in laws and regulations.

Because investigators at the Polsek are investigators who are seconded from the Polres investigators, so the investigators are not always at the location where a legal incident is reported. The results of the researcher's interview with the Head of Criminal Investigation Unit of the Cirebon Police, Mr. Nana Ruhdiyana, revealed to the researcher that:

"So far, we have handled many cases of criminal acts of abuse reported by the public to the Polsek level, then the Polsek forwards the case files to us at the Polres because the Polsek's resources do not meet the requirements as investigators in conducting investigations into the reported cases."

Based on the statement, it illustrates how so far the lack of investigators has greatly influenced the investigation work at the Cirebon Police. As a result, investigating a criminal case of assault cannot be done as expected by all parties.

Such a situation was also complained about by the reporter as a victim of abuse in this crime. To the researcher, NN1 (not willing to be named) told the researcher that:

"When we reported a criminal case to the Polsek where the case occurred, it turned out that the Polsek was unable to follow up on our report directly. But we were directed to the Polres together to follow up on the report we reported. Of course this is very burdensome for us in terms of our ability and time, both in terms of mobilization and our opportunities, especially since this problem should require a quick handling by law enforcement."

When the researcher confirmed their reasons with the reporter, NN1 (who did not want to be named), the researcher was told that:

"I think that's the kind of thing that has been a problem that we as a society have complained about a lot in reporting a crime. Because the Polsek itself cannot take over the investigation process. Meanwhile, if we are directed to the Polres again, the problem then is that the distance to the Cirebon Polres is relatively far from our domicile."

From this statement, it can be analyzed that the problem of investigations that cannot be carried out by the Polsek is mostly at the Cirebon Police because there are no investigators at the Polsek, which is a problem that has also been complained about by the public as a party dealing with police affairs.

When the researcher confirmed this with the investigators at the Cirebon Police, Epda Suyipno, as the investigator at the Cirebon Police, told the researcher that:

"Indeed, such incidents often occur and as law enforcers at the Cirebon Police, we cannot do much about such circumstances, although of course we do not expect this to happen. And as a form of our seriousness in this case, the efforts we make are when there is a criminal act of abuse reported by the public at the Polsek level that needs to be handled quickly while the distance between the Polsek and Polres is far, then it is sufficient to make an investigation report at the Polsek level where the Cirebon Police investigator who is already a conditional investigator is listed in the investigation report."

From the statement it illustrates where there are efforts made by the Cirebon Police in order to speed up the investigation of a report reported by the public. Although of course it is not the most appropriate way if an investigator whose name is listed in an investigation but is not involved in the investigation process. The problem that could then occur is that the results of the investigation are considered not to meet the requirements by the parties to the case.

c) Facilities and Amenities

Facilities are a basic need in carrying out investigative activities in order to meet the expectations of all parties. These facilities include, among others, educated and skilled human resources, good organization, adequate equipment, sufficient finances, and so on. Facilities have a very important role in law enforcement.

Without these facilities, it would be impossible for law enforcers to align their proper roles with their actual roles as their actions should be. The results of the researcher's interview with Epda Suyipno as an investigator at the Cirebon Police to the researcher revealed that:

"Regarding the facilities and infrastructure at the Cirebon Police in carrying out investigative activities, I think there have been no serious problems so far. It's just that the number of investigators has been the main obstacle. In addition, the geographical conditions of Cirebon as a coastal area are also a very fundamental obstacle."

In the research findings that researchers obtained in the field that out of thirty-one Polsek in Polres Cirebon with forty-one sub-districts in Cirebon Regency only have six investigators in each Polsek. Meanwhile, based on PP 58 of 2010 Amendment to Government Regulation Number 27 of 1983 Concerning the Implementation of the Criminal Procedure Code, the minimum requirement for investigators at the Polsek level is ten people.

Of course, this is an important problem at the Cirebon Police in conducting

investigations because apart from the number of investigators being very limited, it is made worse by the relatively large number of Polsek areas so that the cases that are also handled usually cannot be resolved at the Polsek level which is where they should be working.

In terms of investigation activities at the Cirebon Police, what then becomes an obstacle is the relatively difficult geographical conditions of the Cirebon area. Including the needs in the digitalization era like today, of course, it is also an obstacle in itself. Just for information, in Cirebon, there are still many areas that have not been reached by communication tools such as adequate internet networks.

Of course, this also has an impact on providing information when there is an investigation.

In the results of the researcher's interview with the Head of Criminal Investigation Unit of the Cirebon Police, Mr. Nana Ruhdiyana, it was stated that:

"Our constraints in terms of facilities and infrastructure are that not all areas in Cirebon are connected to the internet. Only certain areas can access information via social media. Ideally, if all areas were connected to the internet, then of course it would be easy for us to build information related to the investigation activities that we are carrying out."

d) Public

In resolving a legal case, community participation is very important, with the aim of becoming a mediator to achieve peace in society.

Therefore, viewed from a certain angle, society can influence the enforcement of the law. Indonesian society has a great tendency to interpret the law and even identify it with officers.

One of the important roles of the community as a partner of the police is to provide important reports on conditions that are occurring in the community, especially criminal acts of assault.

Public reports relating to a criminal act of assault are used by investigators as consideration in carrying out investigative actions, considering that a perpetrator who commits a crime needs to receive the best possible treatment from investigators, therefore it is important that the investigation is carried out carefully so that the investigation can provide legal certainty.

The results of the researcher's interview with Epda Suytipno, an investigator at Cirebon Police, revealed that:

"Community involvement in the investigations we conduct is very important. Moreover, this is guaranteed by the Law in accordance with Article 27 paragraph 1 of PP 58 of 2010 which states that in conducting an investigation of a criminal act of abuse, investigators are assisted by community counselors. Meanwhile, Article 65 paragraph 1 letter b of PP 58 of 2010 stipulates that community

counselors are tasked with helping to facilitate investigations by making community research reports. The investigative actions that can be taken include arrests, detentions, and other actions taken from the investigation stage to the investigation stage, which must be carried out in secret."

There are conditions that are often unacceptable to the community when reporting a criminal act of abuse. Based on PP 58 of 2010, a criminal act of abuse is resolved through the estorative justice process.

One of the obstacles to this problem is that information related to these efforts has not been widely disseminated to the public.

The results of the researcher's interview with one of the reporters, namely NN (who did not wish to be named), revealed to the researcher that:

"We never knew about such regulations, let alone their contents. So far, we have never been given knowledge in socialization, let alone to campaign for these regulations."

When the researcher confirmed this with the Cirebon Police, in this case the Head of Criminal Investigation Unit, Mr. Drones Ma'dika, SH, he told the researcher that:

"We are still very limited in terms of conducting socialization regarding regulations that contain efforts to resolve a criminal case through restorative justice. Many factors make it difficult to do so, although so far we have always encouraged such efforts. But of course the police cannot do it alone in matters like this, we need to be involved together including the government and traditional institutions that have been formed in Cirebon."

From the explanation above, it is illustrated that socialization related to the Law has so far been very minimal. Therefore, on the one hand, the community is very understood when they always report a case of criminal assault which is expected to be prosecuted by law enforcement.

Therefore, in addition to socialization, it is also necessary to build partnership cooperation between law enforcers, in this case the National Police, together with community leaders through traditional institutions that have been established in Cirebon Regency.

When the researcher confirmed this matter with the Head of Criminal Investigation Unit of Cirebon Police, Mr. Nana Ruhdiyana, he told the researcher that:

"So far, what we have done together with traditional institutions as organizations of traditional elders in Cirebon in the form of workshops, seminars in the form of joint discussions. It's just that the obstacle is that there is no clear and explicit MoU related to how to divide the duties and functions between law enforcement officers of the police and traditional institutions in relation to cases of criminal acts of abuse."

So community participation is important because it must be followed up seriously. Efforts that need to be done massively include in terms of making cooperation with traditional institutions in Cirebon. This is because peace efforts that in formal law are known as restorative justice are also known in community law in Cirebon.

Therefore, it is necessary to sit together in a more constructive discussion so that the police as law enforcers can work together with traditional institutions in Cirebon.

e) Culture

In Indonesia, customary law still applies, customary law is customary law that applies in society. The problems faced by Indonesia today are not only in the issue of law enforcement. Therefore, the enforcement of the rule of law itself can only be realized if the law to be enforced reflects the values of justice that live in society.

Cirebon Regency is one of the regions in Indonesia where customary law is still alive and developing. As one of the regions that still upholds all its customary rules, in 2017 the local government formed a customary institution called the Pasundan customary institution. The organizational structure of this customary institution from the district to the villages allows cases within the community, including criminal cases, to be followed up to the village community.

The results of the researcher's interview with the Head of Criminal Investigation Unit of the Cirebon Police, Mr. Nana Ruhdiyana, told the researcher that:

"Regarding cases of criminal acts of abuse, we are actually very helped by the existence of customary law in Cirebon. Moreover, the community still highly upholds the customary rules that they have believed in for generations. It's just that there is still a need for exploration, including how to create cooperation between the police and the customary institutions that have been formed."

From the explanation above, it is clear that so far, follow-up activities in terms of cooperation between traditional institutions and the police in handling cases of criminal acts of assault are still very lacking.

In the tradition of Cirebon customary punishment, they do not agree if someone is punished twice. For them, such an action is an act that does not humanize humans. Therefore, as law enforcers, including in handling cases of abuse, it is necessary to first examine whether there has never been a customary sanction given before.

The results of the researcher's interview with Epda Suyipno as an investigator for the Cirebon Pores explained to the researcher that:

"Actually, on the one hand, the resolution of criminal cases of abuse can be resolved using a customary law approach. Because in the tradition of the Cirebon customary community, they reject someone being punished twice. So if it has been handled by custom, then actually it does not need to be handled by the

police anymore, and vice versa. It's just that we need to build communication and coordination with them so that in the future we can increase cooperation more optimally."

The statement from the investigator above explains that they actually understand very well the existence of customary law in their area. It's just that they admit that so far there has been very little cooperation between law enforcers, in this case the police, and customary institutions in Cirebon that are responsible for enforcing customary laws.

3.3. Implementation of Investigations into Criminal Acts of Assault by the Police in the Criminal Justice System in Indonesia in the Future

In accordance with applicable laws and regulations, investigators from the National Police who are authorized to conduct investigations must currently be at least a Police Officer with a minimum rank of Second Inspector of Police (IPTU) and also be certified as an investigator, this is in accordance with PP 58 of 2010 Amendment to Government Regulation Number 27 of 1983 Concerning the Implementation of the Criminal Procedure Code.

Meanwhile, a Police officer who serves as an assistant investigator comes from a Police Non-Commissioned Officer with a minimum rank of Police Brigadier Two (BRIPDA), Police Brigadier One (BRIPTU), Brigadier or Chief Brigadier (BRIPKA) with the requirement of graduating from a criminal investigation function specialization development education, serving in the field of investigation for at least 2 years, being physically and mentally healthy as proven by a doctor's certificate and having high moral ability and integrity.

This condition in Cirebon Police is in accordance with the requirements above, only the number of investigators is still very limited. In the Polri investigators in Cirebon Police in handling cases of criminal acts of abuse, each Polsek only has six investigators each while ideally according to the laws and regulations is ten people.

Likewise, at the Polres level, the number of investigators should be thirty people, all of whom are certified investigators and have attended investigation training. Thus, investigation activities can be carried out properly as they should be. Based on the Criminal Procedure Code and Law Number 2 of 2002 concerning the Indonesian National Police, to ease the burden on investigators, it has also been regulated that there will be assistant investigators.

Assistant investigators are officers of the Indonesian National Police who are appointed by the Chief of the Indonesian National Police based on rank requirements who are given certain authority in carrying out investigative duties as regulated by law. Assistant Investigator Officers in the Criminal Procedure Code are regulated in Article 10, then Article 3 of Government Regulation Number 58 of 2010 concerning the Implementation of the Criminal Procedure Code determines that assistant investigators are officers of the Indonesian National Police who meet the following requirements:

- 1) The lowest rank is Second Brigadier of Police;
- 2) Follow and graduated from specialization development education in criminal investigation functions;
- 3) Serve in the field of investigative functions for at least 2 (two) years;
- 4) Physically and mentally healthy as evidenced by doctor's certificate; and
- 5) Have high moral ability and integrity.

The authority of the Assistant Investigator is almost the same as that of investigators in general, except for the authority of detention. In the case of detention, the assistant investigator must first wait for the delegation of authority from the investigator. In the preparation of minutes and case files that are not directly submitted to the public prosecutor, but are submitted to the investigator, except in cases with a short examination.

In the 2012 Perkaba SOP on the Implementation of Investigations, there are several principles and principles that serve as guidelines or instructions in carrying out examinations or investigations, these principles and principles are as follows:

- a) Accountable, namely prioritizing accountability in investigations by involving stakeholders and being accountable;
- b) Professional, namely increasing the capacity and abilities of investigators so that they can provide easy, fast and proportional services;
- c) Responsive, namely increasing the sensitivity of investigators in following up on public reports;
- d) Transparent, namely the process and results of the investigation are carried out openly and can be easily monitored by interested parties so that the public can access information as widely and accurately as possible; and
- e) Efficient and effective, meaning that the investigation is carried out well and achieves the expected targets.

Investigation of a criminal act of abuse should be carried out in a family atmosphere and for that, investigators are required to ask for consideration or advice from Community Guidance in accordance with Law Number 3 of 1997. Meanwhile, in the Regulation of the Head of Criminal Investigation Unit of the Indonesian National Police No. 1 of 2012 concerning Standard Operating Procedures (SOP) for handling a criminal act of abuse that is in conflict with the law within the Criminal Investigation Unit of the Indonesian National Police, it is stated that in carrying out investigations, investigators must pay attention to human rights and provide protection for suspects.

Some things that are done in the investigation of a criminal act of abuse, one of which is to make an arrest of the person suspected of committing the crime. Arrest is a temporary restriction of the freedom of a suspect that can only be done if there is sufficient evidence for the purposes of the investigation.

The act of arresting a person in conflict with the law must take into account the basic rights of that person and the action must be swift and measured according to accountable law.

In a statement delivered by the Cirebon Police, the basis for arresting someone who commits a crime of assault is in accordance with what is regulated in PP 58 of 2010 concerning the Implementation of the Criminal Procedure Code.

In this condition, investigators do not experience many difficulties, especially for someone who has just committed a crime for the first time, because most of them are still innocent and honest. After the arrest process, the next thing to do is to interview the alleged perpetrator of the assault.

Interviews in investigations are a very important aspect of the implementation of every police task in uncovering a case of criminal assault. Steps that can help the police in conducting interviews effectively and efficiently are to be accompanied by supporting institutions such as legal assistance institutions as the party they trust the most so that they can help the smooth running of the interview.

Therefore, in the facts that researchers found in the field, this mentoring process was carried out well, namely by involving social workers in the mentoring.

4. Conclusion

The implementation of the investigation of criminal acts of abuse by the Indonesian National Police has been carried out based on applicable laws and regulations. However, optimization in terms of the investigation process has not been carried out in accordance with the provisions in PP 58 of 2010 concerning the Police Investigation System. As a result, the investigation process of criminal acts of abuse tends to be unaccountable, unprofessional, unresponsive, non-transparent, and tends to be ineffective and inefficient.

Related to the obstacles experienced by investigators in conducting investigations into criminal acts of assault are influenced by regulations, law enforcement, infrastructure, and community culture. In the implementation of investigations at the Cirebon Police, these obstacles were caused by the lack of investigators, both at the Police level and at the Polsek level which did not comply with the requirements in PP 58 of 2010. Another problem is the vast area with geographical conditions which are coastal areas with relatively far distances from the Polsek to the Polres, so that cases that cannot be resolved at the Polsek level, the case files of which must then be brought to the Polres, take quite a long time. In addition, the condition of the Cirebon community as an area with a community that still lives in a traditional community unit with all its rules.

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