

Effectiveness of Investigations into Domestic Violence Crimes at the Cirebon Police

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Abstract. *Domestic violence is an act that can damage the psyche of every victim and can even result in death for the victim. Until now, acts of domestic violence are growing, legal action efforts by law enforcement often encounter difficulties, this is due to a culture that views domestic violence as a common household problem and a shame that should not be known to parties other than family members, this makes victims of domestic violence reluctant to report the domestic violence they experienced to law enforcement. The research approach method used is a sociological juridical approach. Based on the results of the study, it can be seen that data collected by the Cirebon Police indicate that domestic violence cases in 2024 have increased. The tendency for an increase in domestic violence cases every year indicates that the implementation of investigations into domestic violence that have been carried out so far has not been effective. Obstacles in the implementation of the investigation process are based on several factors that influence law enforcement, namely legal factors, law enforcement factors, infrastructure factors, community factors, cultural factors. The five factors above are interrelated and are the essence of law enforcement. Besides that, it is also a benchmark for optimizing law enforcement.*

Keywords: *Criminal; Investigation; Optimization Violence.*

1. Introduction

Domestic violence is a type of violence characterized by its specific nature: it occurs within the home, with both the perpetrator and victim being family members. Types of domestic violence include physical violence, psychological violence, sexual violence, and domestic neglect. Therefore, everyone within a household has the potential to become either a perpetrator or a victim of domestic violence. In cases of domestic violence, many family members who commit violence are subject to criminal penalties. The violence is usually physical or psychological. Physical violence refers to actions that result in pain, illness, or serious injury.

The very minimal attention given to victim witnesses in all types of violence and especially domestic violence crimes needs to be paid attention to, this is also because acts of violence have not been able to realize the right to protection for victims as mandated by Article 5 and Article 6 of the Republic of Indonesia Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. Article 5 of the Republic of Indonesia Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims states that:

(1) Witnesses and victims have the right to:

- a. receive protection for the security of his/her person, family and property, and be free from threats relating to the testimony he/she will, is or has given;
- b. participate in the process of selecting and determining the form of security protection and support;
- c. provide information without pressure;
- d. get a translator;
- e. free from entangling questions;
- f. receive information regarding case developments;
- g. receive information regarding court decisions;
- h. receive information in the event that the convict is released;
- i. kept his identity secret;
- j. get a new identity;
- k. obtain temporary residence;
- l. get a new residence;
- m. obtain reimbursement for transportation costs according to needs;
- n. get legal advice;
- o. receive temporary living expenses assistance until the Protection period ends; and/or p. receive assistance.

(2) The rights as referred to in paragraph (1) are granted to Witnesses and/or Victims of criminal acts in certain cases in accordance with the LPSK Decision.

(3) Apart from Witnesses and/or Victims, the rights granted in certain cases as referred to in paragraph (2) may be granted to Witnesses, Perpetrators, Reporters and experts, including people who can provide information related to a criminal

case even if they did not hear it themselves, did not see it themselves or did not experience it themselves, as long as the person's information is related to the criminal act.

Then Article 6 of the Republic of Indonesia Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims reads:

(1) Victims of serious human rights violations, victims of acts of terrorism, victims of human trafficking, victims of torture, victims of sexual violence and victims of serious abuse, in addition to the rights referred to in Article 5, also have the right to:

- a. medical assistance; and
- b. psychosocial and psychological rehabilitation assistance.

(2) Assistance as referred to in paragraph (1) is provided based on the LPSK Decision.

Although national legal policies comprehensively regulate the protection of victims of domestic violence, the number of domestic violence cases remains relatively high. Cirebon Police Chief of Criminal Investigation, Commissioner Hario Prasetyo, stated that his department has received 39 reports of domestic violence cases since the beginning of 2024. The high number of domestic violence cases is due to the fact that most victims are reluctant to report the violence they experience due to a cultural perception that reporting it will bring shame on their family and social life.¹

2. Research Methods

The approach used in this paper is a sociological-juridical approach. The sociological-juridical approach is a type of legal research that analyzes and examines the operation of law in society. This sociological, or empirical, legal research explains that legal research is conducted by examining primary data.²

3. Results and Discussion

3.1. Investigation Process into Domestic Violence Crimes at the Cirebon Police

The increasing number of domestic violence cases worldwide is a matter of grave concern for all parties, and it is crucial to emphasize the importance of

¹Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

²Soerjono Soekanto and Sri Mamuji, *Normative Legal Research: A Brief Review*, RajaGrafindo Persada, Jakarta, 2010, p. 14.

understanding the vulnerability of women and children to violence, making this issue a significant threat to women. Furthermore, women and children are increasingly fearful of crime. The reality is that most victims of domestic violence experience far greater trauma than those who experience other types of violence. This trauma is felt and threatens human life because the perpetrator is someone with a special relationship with the victim, such as a father, uncle, husband, or boyfriend, or someone related to their work, such as a boss or coworker.³

Family violence Or violence occurring within the family, which has become a global issue and has long received attention in all countries, including Indonesia. This is evidenced by the establishment of international legal instruments, including:⁴

- a. *Vienna Declaration and Program of Action* (1993)
- b. *Convention on the Elimination of Violence Against Women* (1993)
- c. *Beijing Declaration and Platform for Action* (1995)

Then followed by national legal instruments, including:

- a. Law No. 7 of 1984 concerning the Ratification of the Republic of Indonesia of the Convention on the Elimination of All Forms of Discrimination against Women in all fields.
- b. Law No. 23 of 2004 concerning the Elimination of Domestic Violence. Seeing recent developments that public understanding and public concern are very lacking, coupled with an inadequate legal evidence system and then the understanding of investigators who are below the standard operating procedures for handling domestic violence cases has resulted in these cases being rampant everywhere without clear handling and ending up being ignored due to lack of evidence or the report being withdrawn and diverted to a regular divorce case.

With the enactment of Law No. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT), which is a historical milestone in Indonesia as a breakthrough by the government of the Republic of Indonesia to eliminate all forms of violence that occur in the household as a realization of the ratification of the international convention on the elimination of discrimination against women in all fields.

The Indonesian Government's commitment is stated in the dictum of Law No. 23 of 2004 as follows:

- a. That every citizen has the right to feel safe and free from all forms of violence in accordance with the philosophy of Pancasila and the 1945 Constitution of the

³Ira Alia Maerani, Implementation of the Idea of Balance in the Development of Indonesian Criminal Law Based on Pancasila Values, Journal of Legal Reform Volume II No. 2 May - August 2015, pp. 330-331.

⁴Anna, Sakreti. 2004. The Complexity of Handling Domestic Violence. Kompas Monday 12 July 2004

Republic of Indonesia.

b. That all forms of violence, especially domestic violence, constitute a violation of human rights and a crime against human dignity and a form of discrimination that must be eliminated.

c. That victims of domestic violence, most of whom are women, must receive protection from the state and/or society to avoid and be free from violence or threats of violence, torture, or treatment that degrades human dignity and status.

d. In reality, cases of domestic violence occur frequently, while the legal system in Indonesia does not guarantee protection for victims of domestic violence.

Based on the results of the interview with the Head of Criminal Investigation Unit of Cirebon Police, AKPPolice Commissioner HarioPrasetyo The investigation process in handling cases of domestic violence at the Cirebon Police starts from:⁵

1) Receive report

Law No. 23 of 2004 explicitly stipulates that victims have the right to report domestic violence directly to the local police, either at their location or at the scene of the incident (Article 26). Victims can also authorize family or others to report domestic violence to the police, either at the victim's location or at the scene of the incident (Article 26 paragraph 2). This is in accordance with the provisions of Article 51 of the Domestic Violence Law, which states that there is a complaint offense.

In the case of a child, the report can be made by the parents, guardian, or the child concerned, which is carried out in accordance with applicable legal provisions (Article 27). The Head of the District Court, within a period of 7 days from the receipt of the application, is obliged to issue a decision letter containing a protection order for the victim and other family members, unless there is a reasonable reason (Article 28). And protection for victims of domestic violence is valid for a maximum of 1 year and can be extended if there is information from the victim, health workers, social workers, volunteer companions or spiritual guides that the victim still needs protection. There is a clear difference between the Criminal Procedure Code and Law 23 of 2004 in terms of the investigation process. If the Criminal Procedure Code prioritizes the perpetrator to be immediately processed for investigation, Law 23 of 2004 prioritizes services for victims first to obtain legal protection as victims of domestic violence. The rights of victims are regulated in Articles 16 to 38 of Law 23 of 2004. Namely:

a. Within 1 x 24 hours from the time of learning about or receiving a report of domestic violence, the police are obliged to immediately provide temporary

⁵Interview withPolice Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

protection to the victim;

- b. This protection is provided for 7 days;
- c. In providing protection, the Indonesian National Police can collaborate with health workers/hospitals, social workers, volunteer companions, spiritual guides or shelters if any;
- d. The Court's decision regarding the protection of victims by the Police must be issued immediately within 1x24 hours;
- e. A request for protection may be submitted by the victim themselves, their family, friends, the police, a companion, or a spiritual guide. An investigation must be conducted immediately upon learning of or receiving a report of domestic violence (Article 19).

2) Conducting Investigations and Inquiries

The investigation and inquiry process for domestic violence cases is carried out in accordance with applicable criminal procedure law. This implies that the Criminal Procedure Code (Law No. 8 of 1891) serves as the guideline for investigations into domestic violence.

An investigation is a method or method of the investigative function that precedes other actions such as arrest, detention, search, confiscation, examination of documents, summons, examination actions, and submission of files to the public prosecutor. An investigation is conducted as an effort to find and discover traces in the form of information and evidence of an event suspected of being a crime. Before an investigation is carried out, an investigative action is first carried out by the investigating officer.

Based on Article 1 paragraph (1) of the Criminal Procedure Code, an investigator is an official of the Republic of Indonesia National Police or a certain civil servant who is given special authority by law to conduct investigations. Investigators are appointed based on the Decree of the Chief of the Republic of Indonesia National Police or another official appointed by the Chief of the Republic of Indonesia National Police. From the description above, it can be ascertained that the Republic of Indonesia National Police plays a very important role in efforts to carry out or reveal various criminal cases that occur, including cases of domestic violence.

In the investigation and inquiry stage of domestic violence, investigators carry out the following actions:

- a. Making a Visum et repertum

A medical report is a written statement or report from an expert regarding the

results of their examination of the effects of the violence, such as abuse, bruises, etc. It is used as evidence in court. The police will refer the victim to a general hospital, etc., for this post-mortem examination.

b. SigningCrime scene

The aim is to conduct an investigation and inquiry into whether a crime has actually occurred and then process it.

c. Securingperpetrator

Investigators have the right to make arrests and detentions in cases of domestic violence as regulated in Article 35 of the Law on the Elimination of Domestic Violence for the reasons regulated in the Criminal Procedure Code, namely:

- 1) So that the suspect does not escape
- 2) So that the suspect does not destroy evidence
- 3) So that the suspect does not repeat the crime
- 4) Make it easier for investigators to conduct investigative examinations.

This aims to avoid anger from the victim's family and to prevent the recurrence of crimes. However, for types/forms of violence that are psychological in nature, investigators often encounter difficulties in ensnaring the perpetrator for detention, because evidence of psychological distress suffered by the victim requires careful assessment of the level of psychological distress. This is where investigators must be equipped with professional skills as investigators or can be through a specialist doctor/psychiatrist to conduct an in-depth examination of the victim. The legal principles governing acts of domestic violence are clearly regulated in Law No. 23 of 2004, but in reality, this law has not been properly socialized in all levels of society, so its implementation is very difficult and results in the investigation process that still fails at the inquiry and investigation stage. Many families or households are still unaware that acts of domestic violence are no longer a family matter but have become a public matter, even a violation of human rights and threaten human life.

d. DoExamination and Witnesses

This examination is useful for gathering evidence for further processing according to applicable law. A witness is someone who clearly knows something because they saw it themselves or because of their knowledge (an expert witness).

e. Effort-police efforts to reconcile

The police or investigators in an effort to reconcile the case will provide an understanding to both parties regarding the risks that will be taken if the case is

processed legally. As well as providing an explanation of the psychological impact of the legal process on their children if they have children. However, if a peaceful way cannot be reached or the victim insists (peace efforts are rejected), then the next step in the investigation process is transferred to the prosecutor's office, if it has been declared complete (P21) then the suspect in the case is transferred to the prosecutor's office. Then proceed to examination in court. The first trial must first read the results of the mediation conducted by the investigator, then the examination of witnesses and examination of evidence including the results of the post-mortem examination. If the evidence has been completed, then the reading of the sentence demands for the accused and then the reading of the legal counsel's plea and finally the judge's decision.

However, according to the Head of Criminal Investigation Unit of Cirebon Police, AKP Andi Mekuo, many law enforcement officers are still unfamiliar with the Domestic Violence Law. This has hampered the investigation process of domestic violence cases when victims report to the Special Service Room (RPK) located in the Regional Police Criminal Investigation Unit or the Resort Police in Indonesia. Many investigators have not yet carried out legal services for victims by implementing the protection procedures specifically stipulated by Law 23 of 2004. This has caused victims to withdraw or withdraw their reports and complaints. In addition, many of the legal facilities provided by the Women and Children Protection Unit at each Resort Police are still inadequate, for example, the Integrated Service Center which provides free services to reporters/victims has not been implemented properly.⁶Public legal awareness regarding compliance with the Domestic Violence Law is still very minimal. Some people are still unaware that there is a law prohibiting violence against fellow family members. Although some members of the community are aware of the threat of prison sentences for perpetrators of domestic violence, they are still influenced by patriarchal culture or the excessive power within the family. The level of legal awareness in the community is still far from the hope of eliminating domestic violence, so many victims of domestic violence prefer divorce to end the problem of domestic violence rather than expect a protracted and expensive investigation process. Handling domestic violence cases through criminal law according to Law No. 23 of 2004 is called handling with an integrated criminal justice system. Integrated means that handling domestic violence cases not only prosecutes the suspect/perpetrator of violence but also considers the rights of the victim and how to rehabilitate them. Therefore, Article 4 of Law No. 23 of 2004 regulates the objectives of eliminating domestic violence as follows:

- a. Prevent all forms of domestic violence

⁶Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

- b. Protecting victims of domestic violence
- c. Taking action against perpetrators of domestic violence
- d. Maintaining the integrity of a harmonious and prosperous household.

Based on the goal of eliminating domestic violence, handling cases, both during the investigation and trial stages, must strike a balance between imposing sanctions on the perpetrator and protecting and rehabilitating the victim. Therefore, investigators do not work alone, but rather collaborate in an integrated manner with health workers/hospitals, victim advocates, and religious leaders to uncover the truth and uncover reported incidents of domestic violence. Once the investigation is complete and enters the preliminary stage, the victim's legal representative will accompany the victim, while the perpetrator's legal representative will accompany the perpetrator.

Since the criminal process is running according to the criminal procedure law regulated in the Criminal Procedure Code. At this stage, the National Police, in this case the National Police investigators, must have an understanding of the police women desk as well as professionalism and empathy towards victims. Currently, a Special Service Room has been established in the Regional Police and Police Resorts in Indonesia that specifically handles the investigation of domestic violence cases. The Regional Police and Police Resort Investigative Teams assigned to the Regional Police and Police Resorts RPK must have attended special training in handling domestic violence cases at the National Police Headquarters. After the case file is completed, the victim must receive their rights as a victim of domestic violence according to Law 23 of 2004, namely:

- 1) Protection from family, police, prosecutors, courts, legal advisors, social institutions or the government.
- 2) Health services according to medical needs;
- 3) Special handling relates to victim confidentiality;
- 4) Accompaniment by social workers, legal assistance at every level of examination;
- 5) Psychological support and spiritual guidance. The victim's rights are granted until the victim's physical and mental health has recovered, which can take up to one year.

Law No. 23 of 2004 concerning the Elimination of Domestic Violence In 2004, the Indonesian government issued Law No. 23 of 2004 concerning the Elimination of Domestic Violence. This law received a warm welcome from various parties, especially the women's rights movement, as domestic violence is one of the issues

that has received serious attention from them.⁷ This law explicitly states that acts of physical, psychological, sexual violence, and economic neglect committed within the household are criminal acts. This law also protects women's rights to be free from marital rape, regulates sanctions, including counseling, its own procedural law (different from the Criminal Procedure Code), and the state's obligation to provide immediate protection for victims who report it. Furthermore, it also lists evidence that is considered legally binding, namely a written report of the victim's examination or *visum et repertum* (medical certificate) and the recognition of a victim's witness's statement as valid evidence if accompanied by other valid evidence. Victims can also directly report the violence they experienced at their place of residence or at the scene of the crime. This law also regulates the identification of actors who have the potential to commit violence, which is increasing. The Annual Report on Violence Against Women from 2019 to 2024 shows a five-fold increase. Before the enactment of the Domestic Violence Law, namely in the period 2019 to 2024, the number of reported cases was 30,130. Meanwhile, after the Domestic Violence Law, during 2019 – 2024, 68,425 cases were reported.⁸

However, increasing public awareness of reporting violence has not been immediately supported by follow-up or handling efforts by law enforcement officials, including the police, prosecutors, or the courts. Police have yet to apply the Domestic Violence Law to charge perpetrators, and the investigation process is lengthy. Cases that have been referred to the prosecutors' office are often returned to the police due to insufficient evidence. Prosecutors' offices lack a strong understanding of how to handle domestic violence cases, and judges' sentences are often lenient, failing to fulfill the victims' desire for justice.

The implementation of recovery for victims of domestic violence is regulated in Government Regulation Number 4 of 2016 concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence. Government Regulation Number 4 of 2016 concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence has not been implemented effectively in Cirebon. This is indicated by the fact that most victims of Domestic Violence have not received recovery services and compensation for the losses they have experienced.⁹

⁷Annual Report on Violence against Women 2007, "10 Years of Reform: Progress and Setbacks in the Fight Against Gender-Based Violence and Discrimination", February 7, 2024, p. 12.

⁸Annual Report on Violence against Women 2007, "10 Years of Reform: Progress and Setbacks in the Fight Against Gender-Based Violence and Discrimination", February 7, 2024, p. 12.

⁹Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

3.2. Effectiveness of Investigations into Domestic Violence Crimes at the Cirebon Police

The household becoming a site of violence is not a desirable situation according to social norms or the law. As a social institution, the household is expected to be a place of warm and intensive interaction between its members, a place where social values are instilled.¹⁰ As a legal institution, a household is expected to be a safe and comfortable place for all its members, protecting each other, respecting each other, loving each other so that eternal happiness grows.¹¹ The Marriage Law, enacted in 1974, incorporated this as a family ideal. However, its provisions are largely regulatory and non-legal in nature, meaning they do not impose any real legal consequences on husbands or wives who disrespect and love their partners, including those who commit acts of violence. Consequently, acts of domestic violence are not considered legal events, but rather part of the dynamics of marriage. Thus, individuals experiencing violence by other family members are not entitled to protection from the state or society. This systematic lack of legal protection leads to domestic violence being considered normal behavior. Individuals experiencing domestic violence are simply viewed as less fortunate than those who happen to have a loving husband or wife.¹²

Domestic violence is any act against a person, especially a woman, that results in physical, sexual, psychological misery or suffering, and/or domestic neglect, including threats to commit acts, coercion, and unlawful deprivation of liberty within the household. This violence often occurs between people who are closely related, such as husbands and wives, prospective husbands and wives, family members, or domestic workers. The most common cases of domestic violence are generally perpetrated by husbands against their wives. Factors underlying the occurrence of domestic violence include economic factors, infidelity, social factors, culture, and the number of children.

Violence against women, particularly within the home, is a major global issue affecting women's human rights. Women have the right to live free from violence, slavery, and discrimination, as well as the right to education, ownership rights, the right to vote, and a living wage. The WHO states that 1 in 3 women (35%) worldwide have experienced physical and/or sexual violence, whether by their husbands or intimate partners.

Indonesia currently lacks national statistics on actual domestic violence. The data recorded in reports from various institutions certainly does not reflect the full scope of domestic violence incidents across Indonesia. This is understandable, as

¹⁰TO Ihromi, 2000, *Sociology of the Family*, Obor Indonesia Foundation, Jakarta, p. 5.

¹¹This family ideal is formulated by Law Number 1 of 1974 concerning Marriage.

¹²Fathia, 2008, *Dynamics of Violence Against Wives (A Qualitative Study of Female Victims of Domestic Violence Who Survived Their Marriages)*, Master's Thesis in Psychology, Diponegoro University, Semarang, p. 76.

not all victims are aware of and report the violence they experience, resulting in their reports being recorded. However, traces of domestic violence in society can be traced through data collected by various relevant service providers, as regulated by the Act. These institutions include hospitals, community health centers, the police, social institutions, courts, and others. An interview with the Head of the Criminal Investigation Unit of the Cirebon Police, AKP Andi Mekuo, noted that there has been a consistent increase in the number of domestic violence cases every year since the enactment of the Domestic Violence Law. For example, data collected by the Cirebon Police shows that over the past five years, from 2020 to 2024, the number of domestic violence cases handled by their institution has consistently increased.¹³

Based on an interview with the Head of the Cirebon Police Criminal Investigation Unit, AKP Andi Mekuo, 45 cases of domestic violence were reported in 2024. The reports received were as follows:¹⁴

No	Types of Violence	Amount
1	Physical violence	21
2	Psychological violence	7
3	Sexual violence	11
4	Domestic neglect	6

Of the reported cases, a significant number, 12, had their complaints withdrawn. These withdrawals were caused by factors including pressure from the perpetrator, recommendations from law enforcement officials, the complainant's own willingness, and successful mediation.¹⁵The data shows that violence committed in the personal sphere is the most prevalent. This personal sphere refers to the perpetrator being related by blood (father, brother, sister, uncle, grandfather), kinship, marriage (husband), or intimate relationship (dating) to the victim.¹⁶Physical violence ranks first in the types of cases of violence against women in the personal sphere (KDRT/RP).¹⁷

Domestic violence against women is a crime that violates the principle of gender equality. The Sustainable Development Goals (SDGs) set gender equality and women's empowerment as one of the goals to be achieved. This is considered crucial because women make up more than half of the world's population, and they will have a significant influence on the world's future. Women's participation in various industrial sectors will strengthen the economy, and they also play a role

¹³Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

¹⁴Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

¹⁵*Loc, cit.*

¹⁶*Loc, cit..*

¹⁷*Loc, cit.*

in educating children as the nation's next generation. Therefore, efforts to protect and empower women are needed. Protection efforts for victims of domestic violence can include counseling services and assistance to bring matters to the legal realm.

Legal resolution of domestic violence cases begins with a report to the police. Reporting domestic violence is the first step in determining the appropriate resolution. Legal resolution of domestic violence cases can occur through mediation, divorce, or criminal proceedings. Factors influencing reporting include community support, economic independence, and the victim's education level. The increasing trend in domestic violence cases each year indicates the ineffectiveness of domestic violence investigations.

4. Conclusion

Data collected by the Cirebon Police Department shows that domestic violence cases increased in 2024. The trend of increasing domestic violence cases each year indicates that the implementation of domestic violence investigations that have been carried out so far has not been effective. Obstacles in the implementation of the investigation process are based on several factors that influence law enforcement, namely legal factors, law enforcement factors, infrastructure factors, community factors, and cultural factors. These five factors are interrelated and constitute the essence of law enforcement. In addition, they are also benchmarks for optimizing law enforcement.

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