

The Role Of The Police In Enforcement Of The Law On The Criminal Acts Of Fraud In Yellow Card Plasma Palm Oil Transactions Based On Justice

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Abstract. *There were 30 reports and complaints related to oil palm plasma land disputes at the Tanah Bumbu Police during January 2024–February 2025, which included fruit theft, overlapping land, and plasma yellow card fraud. Data from the Tanah Bumbu Plantation Service as of December 2024 showed that the plasma land area reached 30,847.80 Ha, with a mandatory partnership basis of 20% according to Minister of Agriculture Regulation Number 26 of 2007. The conflict was triggered by problems in the land consolidation process and the administration of the "yellow card" membership of the KUD, which was initially formed through the People's Nucleus Plantation (PIR) scheme in 1987. Based on Law No. 2 of 2002, the National Police plays an important role in maintaining security, order, and enforcing the law by prioritizing community protection and care. The article emphasizes that law enforcement aims to achieve justice, while fraud is defined as the act of deceiving others into handing over goods under Article 378 of the Criminal Code. Research at the Tanah Bumbu Police highlighted three main modes of plasma yellow card fraud: land sales in HGU areas, misuse of CPCL data by KUD officials, and document falsification by brokers. The Tanah Bumbu Police Criminal Investigation Unit handled this case through litigation methods, focusing on the articles of fraud (Article 378 of the Criminal Code/Article 492 of Law 1/2023) and document falsification. The handling was carried out professionally by proving the subjective element of unlawful intent and the objective element of a series of lies. The legal process includes investigation, inquiry, and transfer of the case to the Prosecutor's Office. This effort was made to ensure that the perpetrator is responsible for his actions. The criminal act of "Yellow Card" fraud in Tanah*

Bumbu requires the implementation of restorative justice by the National Police, considering that the weak administration of underhand transfer of rights makes it difficult to prove malicious intent. Handling this dispute requires strengthening internal administration at the KUD, digitizing CPCL data, and better legal education for plasma farmers.

Keywords: Restorative Justice; Yellow card for Palm Oil Plasma.

1. Introduction

The increasing number of problems that arise related to disputes over oil palm plasma land which have the potential to become social conflicts in the community, that based on data from reports and complaints at the Tanah Bumbu Police in the period January 2024 - February 2025 there were 30 reports and complaints from the public consisting of theft of oil palm fruit, overlapping recognition of plasma land and fraud related to the sale of yellow cards for oil palm plasma.

Historically, plasma farmers were farmers who participated in the government's transmigration program, better known as community nucleus plantations, launched in 1987. Under this program, farmers, mostly from Java, were relocated to rural areas in Kalimantan and Sumatra and given two hectares of land per family to manage as homes and gardens.

In its development, there was a trend of increasing demand for palm oil fruit as a promising plantation commodity around 1980 where the area of palm oil plantations at that time was around 294.5 thousand hectares and in 2021 and in 2023 palm oil plantations through CPO production contributed to an export volume of 38.23 million tons and contributed to the country's foreign exchange earnings of USD 25.61 billion.

Based on data from the Tanah Bumbu Regency Plantation Service, the number of Large Oil Palm Plantations in December 2024 was 54,469.38 Ha with a plasma land area of 30,847.80 Ha with the following details:

Table 1.1

No	Plasma	Area (Ha)
1	Tuwuh Sari	16,000
2	Develop Kusan Maju Jaya	2,252
3	Buana Sawit Sejahtera	6,026,80
4	Developing Prosperous Citizens	196.33
5	Makmur Jaya's Equal Services	380.75
6	Civil and noble family	230.46
7	Noble Family	108.5
8	Offering Agro Sejahtera	111.78
9	Binjai Flowers	405.1
10	Barakat Sari Mulya	517.3
11	Blessing of the Light of Semman	144.19
12	Blessings together	638.91
13	Blessings of Joint Efforts	332.10
14	Developing Prosperous Citizens	950.37
15	Build Together	481.80
16	Prosperous Jombang	1,065.22
17	Buana Karya Bersama	199.9

18	Citra Karya Agricultural Training Center	145.15
19	Offering Agro Sejahtera	661.59
	Total Area	30,847.80 Ha

2. Research Methods

The type of research used in this thesis is descriptive. Descriptive legal research is explanatory in nature, aiming to obtain a complete picture (description) of a specific situation at a specific time, or of existing legal phenomena, or of specific legal research occurring in society.¹

3. Results and Discussion

3.1. Research Location

1. Implementation of Law

In this study, the author chose the legal area of Tanah Bumbu Regency, including the Tanah Bumbu Police, Batulicin District Court, the National Land Agency of Tanah Bumbu Regency, the Plantation Service of Tanah Bumbu Regency, KUD Induk Tuwuh Sari, Angsana District, and PT. BKB in order to obtain valid information and data related to report and complaint data handled by the Tanah Bumbu Police Criminal Investigation Unit regarding fraudulent transactions of oil palm plasma yellow cards, the area of plasma plantations, dispute data related to disputes regarding oil palm plasma issues in the Legal area of Tanah Bumbu Regency. And from the results of the study, data was obtained, including;

a. Modus operandi

As for the data obtained from investigators from the Tanah Bumbu Police Criminal Investigation Unit, there are several fraud modes in yellow card transactions, including:

- 1) The perpetrator sold a yellow palm oil plasma card where the location of the plasma plantation is within the core plantation which is actually impossible for there to be a community plantation because it is within the Cultivation Rights (HGU) permit which is land obtained by the palm oil plantation company from freeing community-owned land (purchasing) and or releasing forest areas that

¹Ibid, p. 63.

are converted into Other Use Areas (APL) which then becomes the basis for the issuance of the Cultivation Rights (HGU) Certificate. The fraudster convinced his victim by showing that the company's core plantation is a plasma plantation and the plasma card he sold is within the plantation.

- 2) The perpetrator, in collaboration with a plasma plantation cooperative official, convinced the victim that his name was registered as a plasma farmer by showing them a list of prospective farmers on the land (CPCL) from the plantation's initial establishment. However, it was later discovered that the perpetrator had previously sold his plasma yellow card and had changed ownership. Therefore, the perpetrator was only selling old or forged plasma yellow cards for profit.
- 3) The perpetrator acted as a broker/marketer for KUD who was selling yellow cards belonging to plasma farmer members who were in need of funds, and then convinced potential victims by showing several fake documents that had been prepared by the perpetrator, including yellow plasma plantation membership cards, CPCL lists, transfer of rights letters, plantation location maps and others.

b. Handling Methods by Investigators

1) Litigation Method (investigation/criminalization)

That in criminal acts with the mode of plasma yellow card transactions based on the Republic of Indonesia Law Number 8 of 1981 concerning Criminal Procedure Code and later replaced by Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) it is the authority of the Police Investigator in this case the investigator of the Tanah Bumbu Police Criminal Investigation Unit to conduct investigations and inquiries related to the alleged criminal act of fraud in palm oil plasma yellow card transactions.

How investigators and investigators of the Tanah Bumbu Police Criminal Investigation Unit maximize the authority granted by law in handling cases of fraudulent transactions of yellow palm oil plasma cards by looking at several cases that have been handled. By receiving complaints and/or reports from the public then conducting investigations and if sufficient evidence is found then it will be upgraded to the investigation stage with Article 378 of the Criminal Code (now Article 492 of UURI Number 1 of 2023 concerning the Criminal Code) which is also usually followed by an article on forgery of letters or making fake letters which are actually only a means to convince potential victims.

The handling of fraud cases in palm oil plasma sales transactions was carried out professionally starting from the investigation stage, inquiry, filing, handover to the

Public Prosecutor until then undergoing a prosecution trial and obtaining a decision from the court against the defendant as an effort to obtain justice (Litigation).

Based on the provisions of Article 378 of the Criminal Code (Article 492 of Law Number 1 of 2023 concerning the Criminal Code), it can be seen that the main elements (*bestendel delict*) in the crime of fraud are: "using a false name, or false dignity, or trickery, or a series of lies, to induce another person to hand over something to him." What is meant by "using a false name" is using a name that is not his own name. What is meant by "false dignity" is using dignity or a position that he does not actually hold that position. What is meant by "trickery" is a deception in such a way that people can be deceived. What is meant by "series of lies" is not enough just one lie, but must be a series (many) lies that ultimately form a story that seems true. How: it is done "with intent" meaning there is an intention to benefit oneself or another person and in an unlawful manner, meaning it is against the rights of others, or often called *mens rea* (intent), the form of the act is "using a false name, or false dignity, or trickery, or a series of lies, so that another person is moved to give up something.

Fraud in Criminal Law has 2 elements, namely:

a. Subjective elements, namely:

1) Intent to benefit oneself or others In this case, the perpetrator's intention in carrying out the act of mobilizing must be aimed at benefiting oneself or others, namely in the form of an element of error in fraud. Against an intention must be aimed at benefiting oneself, also aimed at other elements behind it, such as elements against the law, mobilizing, using a false name and so on. Intention in this intention must already be present in the perpetrator, before or at least when starting the act of mobilizing. Profiting means increasing wealth from what already exists. Increasing this wealth is good for oneself and for others.

2) By breaking the law In this case, the element of intent as explained above is also aimed at the element of breaking the law. The intention to benefit oneself or another person by carrying out the act of mobilizing must be an unlawful intention. The element of intent in the formulation of fraud is placed before the element of breaking the law, which means that the element of intent must also be aimed at the element of breaking the law. In this case, before carrying out or at least when starting the act of mobilizing, the perpetrator has had an awareness within himself that benefiting himself or another person by carrying out the act is against the law.

b. Objective elements

1) Element of whoever. What is meant by whoever is a person who commits an act of fraud, for which the act and the person who commits the crime of assault can be held responsible.

2) The element of the act of moving, the word moving can also be interpreted as the term to persuade or move the heart. The Criminal Code itself does not provide any explanation regarding the term moving. Moving can be defined as the act of influencing or exerting influence on another person, because the object being influenced is a person's will. The act of moving is also an abstract act, and its concrete form will be seen in relation to the way it is done, and this way of doing it is actually more concrete, which can be done with true actions and with false actions. Because in a fraud, moving is interpreted as ways that contain untruths, falsehoods and are of a lying or deceptive nature.

3) The person who is moved is the person. In general, the person who hands over the object, the person who gives the loan and the person who cancels the debt as a victim of fraud is the person who is moved. However, this is not a requirement, because in the formulation of Article 378 of the Criminal Code there is no indication whatsoever that the person who hands over the object, gives the loan or cancels the debt must be the person who is being moved. The person who hands over the object, gives a loan or cancels a debt can also be someone other than the person who is being moved, as long as the other person or third party hands over the object at the command or will of the person who is being moved.

4) The purpose of the act in a fraud is divided into 2 (two) elements, namely:

a) Handing over objects In this case, the meaning of objects in fraud has the same meaning as objects in theft and embezzlement, namely as tangible and movable objects. In fraud, the objects handed over can occur against one's own property as long as the perpetrator's intention is to benefit themselves or others.

b) Giving debt and writing off receivables In this case, the word debt does not have the same meaning as debt, but is interpreted as an agreement or obligation. What is meant by debt is an obligation, for example depositing a certain amount of collateral. Therefore, giving debt cannot be interpreted as simply giving a loan of money, but is given a broader meaning as creating a legal obligation that results in the emergence of an obligation for another person to hand over or pay a certain amount of money. Likewise with The term debt, in the sentence "write off receivables" has the meaning of an obligation. While writing off receivables has a broader meaning than just releasing the obligation to pay debts or loans, because writing off receivables is interpreted as eliminating all kinds of existing legal obligations, which therefore eliminates the fraudster's legal obligation to hand over a certain amount of money to the victim or another person.

5) Fraudulent attempts under Article 378 of the Criminal Code (currently Article 492 of Law Number 1 of 2023 concerning the Criminal Code) there are several ways, namely:

a) Using a fake name in this case there are 2 (two) definitions of a fake name, namely using a name that is not one's own name but someone else's name (for example using a friend's name) and using a name whose owner is not known for certain or does not have an owner (for example a person named A uses the pseudonym B). The name B does not have an owner or it is not known for certain whether or not the person exists. In this case we must stick to a name that is known by the general public. For example, A is known in the community by the name C, then A introduces himself with the name C, that is using a fake name.

b) Using a false dignity or position A false position is a position that is claimed or used by someone, which position creates or has certain rights, when in fact he does not have those rights. So this false position is much broader in meaning than simply claiming to have a certain position, such as lecturer, prosecutor, head, notary, and so on. It is enough to have a false position, for example, someone claims to be an heir, who thus receives a certain portion of the inheritance, or as a guardian, father or mother, power of attorney, and so on.

c) Using deception and a series of lies In this case, both of these ways of influencing others are equally deceptive or the content is not true or false, but can create trust or the impression for others that all of it is as if it were true. However, there is a difference, namely that deception is in the form of actions, while in a series of lies is in the form of words or statements. Deception is defined as an act in such a way that it creates the impression or belief about the truth of the act, which is actually not true. Therefore, people can become believe and be interested or moved.

2. Non-litigation methods (outside legal channels)

In addition to litigation (court) settlement, investigators also have the authority to mediate disputes or cases of plasma yellow card transactions by bringing together the reporting and reported parties in order to obtain a peaceful way (in a family manner) with the aim of restoring the rights of victims without criminal punishment against the perpetrator (non-litigation) or outside the courts. The concept of restorative justice or restorative justice is a new approach model in efforts to resolve criminal cases. Law enforcement according to Soerjono Soekanto is a process of adjustment between values, rules and real behavioral patterns, which aims to achieve peace. Law enforcement carried out by the Republic of Indonesia National Police that is just certainly cannot be separated from the discussion of justice as a legal ideal that must be used as a direction and guideline in law enforcement itself. Therefore, law enforcement cannot be separated from

justice, this is in accordance with Aristotle's statement that places justice as the most important value, even calling justice the most perfect or complete value. The reason is, justice is basically directed at both oneself and others. Therefore, just law for Aristotle means the law must side with the interests of all people.²

The legal basis for the police in exercising discretion is based on Police Regulation Number 8 of 2021 Chapter 1 Article 2 paragraph (1) Handling of Criminal Acts based on Restorative Justice is carried out in the following activities:

- a implementation of the Criminal Research function;
- b investigation; or
- c investigation.

Circular Letter of the Chief of Police Number. SE/8/VIII/2018 concerning the Implementation of Restorative Justice in the Settlement of Criminal Cases states that the implementation of the authority to investigate and/or investigate criminal acts by investigators and investigators of the National Police who apply the principle of Restorative Justice in their investigative methods is based on the provisions of the Criminal Procedure Code and the provisions in 4 Indonesia, Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Article 4. 5 Indonesia, Article 2 Paragraph (1), Regulation of the National Police of the Republic of Indonesia Number 8 of 2021. 4 Law Number. 2 of 2002 concerning the National Police of the Republic of Indonesia. Regulation of the Chief of the National Police of the Republic of Indonesia Number 6 of 2019 concerning Criminal Investigation, in Article 12 regulates the conditions that must be met in implementing the Restorative approach. These regulations provide a way to use the Restorative Justice approach in resolving a case. Restorative Justice, or often translated as restorative justice, is an approach model that emerged in the 1960s in efforts to resolve criminal cases.

In the Indonesian context, the highest and most fundamental formulation of justice is manifested in Pancasila. Pancasila not only functions as the state philosophy, but is also positioned as the source of all sources of law or *staatsfundamentálnorm* (basic state norms).¹² This status is affirmed in various regulations, including Law No. 12 of 2011 concerning the Formation of Legislation,

²Edi Rebut Harwanto, *Restorative Justice*, (Lampung: Cv. Laduny Alifatma, 2021), p. 4. 3

which affirms that Pancasila is the highest source of values that must inspire every national legal product.³

Pancasila justice emphasizes not only formal aspects, but also prioritizes a balance between rights and obligations, individual and collective interests, and upholds the values of humanity and deliberation. Specifically, this justice is divided into two main principles: the Second Principle, "Just and Civilized Humanity," which serves as the foundation for civil and political justice and the recognition of equal dignity before the law. And the Fifth Principle, "Social Justice for All Indonesians," which serves as the basis for distributive justice in the economic, social, and cultural fields.⁴

In implementing the resolution of the palm oil plasma yellow card transaction fraud case through the Restorative (RJ) approach by the Tanah Bumbu Police Criminal Investigation Unit investigators always refer to the Pancasila justice theory, namely the balance between rights and obligations, individual and collective interests, and upholding the values of humanity and deliberation, namely:

- a. The Litigation Authority conducts investigations in a professional, transparent and accountable manner until the trial process against the suspect/defendant with the aim of the victim getting justice for the losses he/she suffered while the perpetrator gets justice in the form of a commensurate response in the form of a punishment that must be served, but still opens up space for resolution through deliberation and family. Conversely, the Authority to stop handling a case on a report/complaint that is a civil event through a case title by the investigator is a neutral attitude from the investigator to try to be fair and professional, so as not to give the impression of criminalization and forced case investigation, by still directing the victim or reporter to be able to take civil lawsuit steps in the Civil Court.
- b. Non-Litigation Authority in the form of the concept of restorative justice or restorative justice is a new approach model in efforts to resolve criminal cases, by conducting mediation and deliberation to find solutions to problem solving, is the restoration of the victim's rights and the restoration of the suspect's good name is equal justice that will be felt by both parties if peace can be achieved through out-of-court settlement (RJ).

³Salwa, BAN, & Sunaryo, S. (2025). Justice from the Perspective of Pancasila Values: Relevance and Implementation in the Indonesian Legal System. *Al-Zayn: Journal of Social Sciences & Law*, 3(3), 1956–1964. <https://doi.org/https://doi.org/10.61104/alz.v3i3.1513>

⁴Suhardin Yohanes. (2023). The Concept of Justice from John Rawls with Pancasila Justice (Comparative Analysis). *Fiat Iustitia: Journal of Law*, 3(1), 200–208. <https://doi.org/https://doi.org/10.54367/fiat.v3i2.2535>.

According to Mariam Liebman, restorative justice is a legal framework whose essence is to restore the situation to be better for all parties affected by a criminal act, namely the victim, the perpetrator, and the wider community, and simultaneously seeks to prevent unlawful acts from occurring in the future.⁵ Restorative justice can be understood as a theoretical concept of justice that focuses on efforts to reconcile or restore conditions to their original state in relation to losses and impacts caused by violations of the law.

According to Muladi, within the framework of restorative justice, respect for the victim's dignity is the top priority, while the perpetrator is required to assume responsibility for their actions and is directed toward reintegration into the social order. This paradigm views the victim and perpetrator as two entities with equal status and a close reciprocal relationship, making mediation between the two essential for achieving just and harmonious reconciliation.⁶

Howard Zehr, a central figure and pioneer in the restorative justice movement, put forward a definition describing restorative justice practice as a collaborative mechanism. This mechanism involves all relevant parties affected by a violation, with the primary goal of collectively addressing the consequences of the event and its impact on the future. This definition highlights several fundamental components, namely:⁷

a. Participation;

The primary focus of restorative justice is the active involvement of those most vulnerable to crime: victims, perpetrators, and community representatives. The parties' roles shift from passive objects in the state justice system to central participants with a voice in finding a resolution. A neutral and skilled facilitator typically acts as a mediator in creating a safe and productive dialogue forum, such as a family conference or mediation between the victim and the perpetrator.

b. Focus on damage and needs;

The initial stage of restorative justice involves a detailed identification of all forms of damage or loss experienced by the victim, including material, physical, psychological, and social aspects. Based on this identification, essential needs for

⁵Neisa Angrum Adisti, et al., *Restorative Justice and Human Rights*, First Edition, Indonesian Bright House Association, Tasikmalaya, 2025, p. 1.

⁶Alfitra, *The Effectiveness of Restorative Justice in the Criminal Law Process*, First Edition, Wade Group, Ponorogo, 2023, p. 5.

⁷Iwan Rasiwan, *The Principle of Restorative Justice in the National Criminal Code: The Middle Way of Criminal Law*, First Edition, Dra Cipta Kreasi, Jakarta, 2025, pp. 24-25.

restoration are formulated, which can include a sincere apology from the perpetrator, compensation or restitution, reputational rehabilitation, or simply understanding the motives of the incident. Prioritizing the needs of the victim, restorative justice seeks to restore the victim's dignity, which is often overlooked within conventional legal frameworks.

c. Responsibility.

The restorative justice approach requires perpetrators to proactively and substantively bear the consequences of their actions. These consequences go beyond formal recognition before judicial authorities, encompassing a thorough understanding of the perpetrator's actions against the victim and a commitment to redress the harm caused. Through this approach, perpetrators are given the opportunity to return to full membership in society after atoning for their wrongdoing, rather than being subjected to the ongoing negative stigma of society. Therefore, the concept of justice is no longer understood as a gift from state institutions, but rather as a collaborative product constructed jointly by all relevant parties.

Restorative justice represents a paradigm for addressing crime that is fundamentally different from conventional retributive approaches. These characteristics collectively emphasize that restorative justice is a holistic, participatory, recovery-oriented, and inherently humanistic approach that aims to repair the damage caused by crime and rebuild social harmony.

The roots of restorative justice lie in the practice of conflict resolution within indigenous communities worldwide. Long before the establishment of modern state justice systems, community groups have developed and developed efforts to restore harmony disrupted by disputes or norm-violating actions. This approach places greater emphasis on restoring social bonds and community balance than on imposing punishment. Furthermore, as a modern discourse, restorative justice is also heavily influenced by past victims' rights campaigns, which actively advocated for the placement of victims' needs and perspectives at the heart of the justice process.⁸

3.2. Obstacles in Handling Cases

From the research results, it was discovered that several obstacles were experienced by investigators in enforcing the law against criminal acts of fraud using the method of palm oil plasma card transactions in the jurisdiction of the Tanah Bumbu Police, including:

⁸Iwan Rasiwan, op.cit., p. 40.

1. The land administration management system is still chaotic with overlapping between ownership certificates and ownership certificates, ownership certificates and sporadic certificates, ownership certificates and Cultivation Rights Certificates (HGU) and overlapping with other land management permits.
2. The mindset of people who intend to invest through palm oil plasma but do not do it according to procedures in accordance with land regulations and prefer to do it underhand (mutual trust).
3. The administration at the plasma cooperative is not organized and individuals from the cooperative and village are involved in gaining profits from fraudulent palm oil yellow card transactions.
4. There are no regulations regarding anticipating the practice of buying and selling yellow cards which has the potential to give rise to criminal acts.
5. There has been no special attention from related institutions to massively carry out socialization and appeals to KUD and plasma farmer communities. The mode of buying and selling transactions with agreements that lead to civil events.

4. Conclusion

Urgency of Law Enforcement: The crime of "Yellow Card" fraud is a crucial problem with 30 reports a year, indicating a crime modus that is detrimental to plasma farmers. Role of the Police: Law enforcement must include preventive and mediative functions to protect farmers' rights from speculators, going beyond a repressive approach and resolving problems with a restorative justice approach to restore social relations. Justice Gap, Weaknesses in the administration of underhand transfer of rights without going through administrative procedures which makes it difficult for investigators to prove malicious intent, so that law enforcement often comes up against civil cases.

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