Journal of Social Research

JOSR: Journal of Social Research
November 2022, 1 (12), 623-633

p-ISSN: 2827-9832 e-ISSN: 2828-335x

Available online at http:// https://ijsr.internationaljournallabs.com/index.php/ijsr

JURIDICAL ANALYSIS OF THE INVESTIGATOR'S AUTHORITY IN THE DETENTION OF CRIMINAL SUSPECTS TO REALIZE LEGAL CERTAINTY

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Received:
November 15, 2022
Revised:
November 18, 2022
Accepted:
November 20, 2022

Abstract (Indonesia)

Latar Belakang: Indonesia adalah negara hukum dan tidak didasarkan pada kekuasaan belaka, semua kekuasaan negara diatur oleh hukum. Hukum pidana adalah aturan untuk melakukan ketertiban umum dengan melarang apa yang bertentangan dengan hukum dan memberikan pesan kepada mereka yang melanggar larangan tersebut. Untuk menegakkan hukum pidana materiil diperlukan hukum formal (hukum acara pidana). Penanganan perkara pidana pada prinsipnya berasal dari penyidikan, penyidikan, penuntutan, dan diakhiri dengan putusan hakim. Pada tahap penyidikan, penyidik berwenang menahan tersangka yang pelaksanaannya diatur dalam KUHAP untuk mewujudkan kepastian hukum.

Tujuan: Tujuan penelitian ini adalah menganalisis secara yuridis kewenangan penyidik dalam penahanan tersangka pidana untuk mewujudkan kepastian hukum.

Metode: Penulis menggunakan metode penelitian hukum normatif dan empiris. Penelitian hukum normatif dilakukan penilaian melalui studi pustaka dan data sekunder. Penelitian empiris menggunakan data primer, yaitu data yang diperoleh dari hasil penelitian langsung yang dilakukan melalui wawancara.

Hasil: Hasil penelitian tentang kewenangan penyidik dalam menahan tersangka tindak pidana diatur pasal 20 ayat (1) KUHAP. Faktor-faktor yang mempengaruhi antara lain takut tersangka melarikan diri, merusak/menghilangkan barang bukti dan/atau mengulangi tindak pidana. Pertimbangan lain tersangka adalah target operasi, tempat tinggal tersangka yang jauh tidak jelas, tersangka melakukan tindak pidana yang menjadi perhatian pimpinan, kasus yang terjadi telah diberitakan oleh media massa dan mendapat perhatian luas dari masyarakat. Konsekuensi hukum yang dihadapi penyidik dalam menjalankan kewenangan menahan tersangka adalah gugatan praperadilan.

Kesimpulan : Konsekuensi hukum dari tindakan penyidik Polri dalam menjalankan kewenangannya atas penahanan tersangka, bahwa dalam melakukan penahanan tetap harus memperhatikan hak-hak tersangka, dan tersangka dapat mengajukan permohonan praperadilan.

Kata Kunci: Kewenangan Penyidik, Penahanan, Tersangka

Abstract (English)

Background: *Indonesia is a country of law and is not based on mere power, all state power is governed by law. Criminal law is the rule of conducting a public order by prohibiting what is contrary to the law and giving a message to those who violate the prohibition. To enforce material criminal law requires formal law (criminal procedural law). The handling of criminal cases in principle comes from investigation, investigation, prosecution, and ends with a judge's ruling. At the investigation stage, the investigator is authorized to detain suspects whose implementation is regulated in the Criminal Procedure Code to realize legal certainty.*

Objective: *The purpose of this study is to juridically analyze the authority of investigators in the detention of criminal suspects to realize legal certainty.*

Methods: *The author uses normative and empirical legal research methods. Normative legal research by conducting studies through literature studies and secondary data. Empirical research using primary data, namely data obtained from the results of direct research conducted through interviews.*

Results: *The results of the research on the authority of the investigator in detaining suspects of criminal acts regulated by article 20 paragraph (1) of the Criminal Procedure Code. Influencing factors include fearing that the suspect will flee, tamper with/remove evidence and/or repeat criminal acts. Other considerations of the suspect are the target of the operation, the suspect where he lives is far away is unclear, the suspect committed a criminal act that is the attention of the leadership, the case that occurred has been reported by the mass media and has received widespread attention from the public. The legal consequence faced by investigators in exercising the authority to detain suspects is a pretrial lawsuit.*

Conslusion: *The legal consequence of the actions of the Police investigator in exercising his authority over the detention of suspects, that in carrying out detention, they must still pay attention to the rights of suspects, and suspects can apply for pretrial.*

***Keyword**s: Authority to Investigate, Detention, Suspects.*

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INTRODUCTION

The Indonesian state is a state of law and is not based on mere power, all state power is governed by law. All his attitudes, behaviors, and deeds must be lawful. The source of law is the sense of law that exists in society itself (Khambali, 2014). Good state administration is government based on good legal arrangements (Prasetyo, 2014).

In the literature of criminal law, according to the purely normative nature of thought, the talk of criminals will be bumped at a *paradoxal* point of opposition, namely that criminals on the one hand are held to protect one's interests, but on the other hand it turns out to rape the interests of someone else by giving punishment in the form of suffering to someone who is convicted (Priyatna, 2006).

Sudarto said criminal is a nestapa by the state to a person who violates the provisions of the criminal law, deliberately to be perceived as a nestapa (Sudarto & Criminal, 1986). Roeslan Saleh stated that criminality is a reaction to delik and this is in the form of a state deliberately inflictedon the makers of the delik itu (Roeslan, 1987). To enforce material criminal law requires formal law (criminal procedural law). The Criminal Procedure Code (KUHAP), contained in the Statute Book of the Republic of Indonesia Number 76 Supplement to the Statute Book Number 3209, to replace HIR.

Criminal procedural law is a law that regulates how to maintain and maintain material criminal law and regulates ways of adjudicating cases before a criminal court by a criminal judge. As stipulated in the Criminal Procedure Code, it acts as the main investigator of the Criminal *Procedure Code in the criminal justice system.*

Law Number 2 of 2002 concerning the Police of the Republic of Indonesia, in Articles 13 and 14 outlines the functions and roles of the National Police, namely: Article 14 (1) letter g makes the substance of the details of the duties of the National Police in the field of investigation and investigation of criminal acts in accordance with the Criminal Procedure Code and other laws and regulations.

Article 20 paragraph (1) of the Criminal Procedure Code states: For the purposes of investigation, the investigator or auxiliary investigator at the behest of the investigator as referred to in Article 11 is authorized to make detentions. Article 1 number 21 of the Criminal Procedure Code specifies, that detention is the placement of a suspect or defendant in a certain place by an investigator or public prosecutor or judge with his opinion, in the case and in the manner provided for in this law.

Detention is a form of deprivation of one's freedom of movement. Therefore, detention should be carried out if necessary once. Errors in detention can result in fatal things for many parties including restraints (Hamzah, 2001).

In the criminal justice process, whether or not a suspect can be detained is due to the possibility of law enforcement officers according to Article 21 paragraph (4) namely: That the suspect does not run away, remove goods, and repeat the act. In the Criminal Code, an act of detention may also be a criminal offense punishable by a maximum of eight years in prison as threatened in some articles of the Criminal Code, which threatens the criminal act of unlawful detention of persons, or contrary to the provisions of the law. Therefore, with the issuance of the Criminal Procedure Code, law enforcement officials in the criminal justice process must be more careful and selective in carrying out detention (Sahetapi, 1995).

Article 22 of the Criminal Procedure Code states that there are 3 types of detention of suspects or defendants, namely state detention centers,house arrests and city detention centers. Detention of suspects or defendants is transferable to the type of detention. The official authorized to transfer the type of detention is the investigator or public prosecutor or judge.

Article 31 of the Criminal Procedure Code provides for the suspension of detention, that at the request of the suspect or defendant, the investigator or public prosecutor or judge, in accordance with their respective authorities, may hold a suspension of detention with or without bail of money or bail of persons, under specified conditions. The official authorized to suspend a suspect or defendant is an investigator or public prosecutor or judge in accordance with their respective authorities in their detention. Because between the official authorized to make or not to make detention, transfer of the type of detention, and suspension of detention of the suspect or defendant is in one institution or institution, it provides an opportunity for the authorized official to detain, transfer the type of detention, suspend the detention to commit deviation by making the detention of the suspect or defendant arbitrarily or even beyond the authority. .

RESEARCH METHODS

Normative juridical research refers to laws and regulations using skunder data. While empirical research is field research using primary data.

In a juridical-empirical approach, normative law or written legislation is primary data that is used as a fundamental reference in the course of research, because it becomes a guideline for searching for data in the field, namely how people implement the rules of written invitations that have been set in their lives.

Data Sources

The main data source in this study is the reality that occurs, the rest is additional data such as documents and others. This study used primary data sources and secondary data. Primary data sources are taken from communities where there is detention of suspects. Secondary data sources in this study were obtained from various sources, such as library materials, literature, documents, statutory associations, legal journals or scientific bulletins, newspapers and various scientific papers published in accordance with this research topic, namely the detention of suspects.

Data Collection Methods

To obtain the data carried out in the preparation of this study , it is carried out by:

1. Library *Research*

The literature research in question is to obtain theoretical data and reading materials, namely, by reading scientific books, the opinions of scholars and reading the laws and regulations on which the law is based.

2. This field research is intended to obtain primary data, namely by interviewing both informants and respondents, namely:
    a. Head of the Criminal Investigation Unit of the Barelang Police.
    b. 2 (two) Auxiliary Investigators at the Barelang Police Criminal Investigation Unit.
    c. 2 (two) suspects.

Data Analysis

Data processing is carried out by analyzing data qualitatively, which is described systematically so as to answer the overall problem with the results of the research constructed in a conclusion.

Research is qualitatively based on assumptions about reality or phenomena of a complex nature. Where there is regularity in a certain pattern with full diversity. Qualitative data analysis was carried out on primary and secondary data derived from primary legal materials, secondary legal materials and tertiary legal materials (Mungin, 2015).

According to Michaell Quinn Patton, data analysis is the process of organizing a sequence of data, organizing it into a pattern, a category, and a basic description. He distinguishes it from interpretation, which gives significant meaning to the analysis, explains the patterns of the description, and looks for relationships among the dimensions of the description. Data analysis is intended first of all organizing data. The data collected is a lot and consists of field notes and researcher comments, pictures, photos, documents in the form of reports, biographies, articles, and so on. The work of data analysis in this case is to organize, sort, group, provide code, and categorize it. The main principle of qualitative research is to find a theory from data or verify a new theory will be seen when the analysis of that data begins to be carried out. Although its position is important, in itself this stage of data analysis is only one part that is inseparable from other stages (Moleong, 2021).

RESULTS AND DISCUSSION

1) Legal Arrangements Regarding The Authority Of Investigators In Detaining Criminal TindAk Suspects To Realize Legal Certainty

Criminal law is a law that (Moeljatno, 1992):

a. Determine which acts should not be done, prohibited, accompanied by threats or sanctions in the form of certain criminal offenses for whoever violates;
b. Determine when and in what respect those who have violated the prohibition may be subject to or sentenced as has been threatened;
c. Determine the manner in which criminal imposition can be carried out if there is a person who has violated it.

A criminal act as an act whose perpetrator can be subject to criminal punishment and the perpetrator is the subject of a criminal act (Pradjodikoro, 1980). One of the characteristics of the criminal law system is the responsibility of the perpetrator, for a criminal act that has been committed, it is connected to a certain state of the offender's mentality (Ranomihardja, 1994). Judging from the occurrence of a criminal act, a person will be held accountable (criminalize the act if the act is unlawful, and there is no enforcement of the unlawful nature or justification) for it (Kanter & Sianturi, 2002).

Criminal is a special definition related to criminal law (Hamzah, 2003). Efforts to combat crime using criminal sanctions (laws) are the oldest way, as old as human civilization itself (Muladi & Arief, 1984). Crime as a dynamic, growing and related social phenomenon and complex societal structure, then also known as *socio political problem* (Arief, 1996). Efforts to overcome criminal acts are included in the criminal policy. Criminal policy is inseparable from broad policies, namely social policy consisting of social welfare policy, and *social defence policy* (Arief, 2001).

Defenitively, criminal law can be divided into ius *poenale* and *ius puniendi*. *Ius puniendi* is a subjective aspect that means the right toimpose a criminal offense (Hamzah, 2003). Meanwhile, *Ius poenale* is simply defined as a number of legal regulations that contain prohibitions and orders or imperatives against prohibitions and orders or imperatives against violators are threatened with criminal penalties (legal sanctions) for those who realize them (Zainal, 2007). The definition states that there is a necessity to

threaten criminal sanctions against violators, so that criminal sanctions are an essential element of criminal law.

In the study of criminal law, not only criminal sanctions are known but also action sanctions (*maatregel*). To distinguish between criminal sanctions and *maatregel* can be used the following opinion of Roeslah Saleh as a guideline. In many ways, the boundary between criminal and action is theoretically difficult to determine with certainty, since criminal in many ways also contains the mind of protecting and correcting. There is practically no difficulty, since what is referred to in Article 10 of the Criminal Code is criminal, while others of it are acts, for example: forced education, as in a child who is handed over to the government to be educated, is placed in a psychiatric hospital with an order because it cannot be accounted for because there is a growth of his mental disability or (Putra & Abdul, 2010).

In principle, the criminal law regulates crimes and violations of the public interest and the act is threatened with a criminal offense which is a suffering. Criminal procedural law is a law that regulates how to maintain or organize material criminal law, so as to obtain a judge's decision and the way in which the content of the decision is implemented (Andi, 2002). Criminal law or criminal procedural law has the function of implementing material criminal law, meaning that it provides regulations on how the state by using its tools can realize its authority to convict or release criminals (Andi, 2002).

Article 1 number 4 of the Criminal Procedure Code formulates that investigators are officials of the State Police of the Republic of Indonesia who are authorized by law to carry out investigations. Furthermore, according to Article 4 of the Criminal Procedure Code, those who are authorized to carry out the investigation function are every official of the State Police of the Republic of Indonesia, strictly speaking, other than Police officials, others are not authorized to conduct investigations. The investigation is the sole monopoly of the National Police. Meanwhile, what is meant by an investigation according to Article 1 number 5 of the Criminal Procedure Code is a series of investigative actions to search for and find an event that is suspected of being a criminal act in order to determine whether or not it can be carried out according to the method regulated in this law.

Investigation comes from the word sidik which means terang, investigation means to make light or clear, and bekas (fingerprint), investigating means looking for traces, in this case traces of crime which means after the traces are collected the crime becomes light (Soesilo, 1974). Investigation is a series of actions by the Investigator, in terms of those regulated in the Criminal Procedure Code, according to the manner regulated in the Criminal Procedure Code, and to find and collect evidence and to make light of a criminal act and who the suspect is (Sitompul & Syahpenong, 2003). Article 1 number 1 jo Article 6 paragraph (1) of the Criminal Procedure Code formulates that investigators are officials of the State Police of the Republic of Indonesia or certain civil servant officials who are given special authority by law to conduct investigations. That in addition to the investigator, in conducting the investigation, there is an auxiliary investigator who has the same authority as the investigating authority as in Article 7 paragraph (1) of the Criminal Procedure Code except regarding detention which must be given with the delegation of authority from the investigator.

According to Article 1 number 14 of the Criminal Procedure Code, a suspect is a person who, because of his actions or circumstances, based on preliminary evidence, is suspected of being a criminal offender. In the Legal Dictionary, it means that a suspect is a person who has been suspected of committing s(Andi Sofyan, 2017) a criminal offence and this is still under preliminary examination to consider whether this suspect has sufficient grounds to be examined at trial (T, Erwin, & Prasetyo, 1995). A suspect is a person who is suspected of being the perpetrator of a criminal offense (Prints, 1989).

Article 1 number 21 of the Criminal Procedure Code, namely: Detention is the placement of a suspect or defendant in a certain place by an investigator, or public

prosecutor or judge with its application, in terms of and in the manner provided for in this law.

The terms of detention consist of two parts , namely (Salam, 2001):

a.Terms oobjective or also called *gronden van rechtmatigheid*

The objective requirement is the basis for detention in terms of the criminal act, namely the criminal act that is subject to detention. For this reason, it has been stipulated in Article 21 paragraph (4) of the Criminal Procedure Code. Objective terms are absolute, in the sense that if a criminal act committed by a suspect or defendant is not included in the formulation of Article 21 paragraph (4) of the Criminal Procedure Code, then the suspect or defendant cannot be subject to detention.

b.Subjective Terms or also called *gronden van noodzakelijkheid*

The subjective condition is the reason for detention in terms of the need for the suspect or defendant to be detained. According to Article 21 paragraph (1) of the Criminal Procedure Code, the need for a suspect or defendant to be detained due to circumstances that raise concerns that:

1) The suspect or defendant will flee;
2) Tampering with or removing evidence;
3) Repeating criminal acts.

Subjective conditions are alternative, meaning that it does not need all three conditions to be met, but one of the conditions alone is enough.

Criminal acts that can be detained as regulated by Article 21 paragraph (4) namely that detention can only be imposed on suspects or defendants who have been proven to have committed criminal acts and or probation or the provision of assistance in criminal acts. Article 20 of the Criminal Procedure Code authorizes investigators, public prosecutors or judges to make further detention or detention where each time they make such detention, they must use a detention warrant

The details of detention in Indonesian criminal procedure law according to Articles 24 – 28 of the Criminal Procedure Code are as follows (Hamzah, 2010):

a. Detention by investigators or assistant investigators (20 days)
b. Extension by the public prosecutor (40 days
c. Detention by the public prosecutor (20 days)
d. Extension by the chief justice of the district court (30 days)
e. Detention by a district court judge (30 days)
f. Extension by the chief justice of the district court (60 days)
g. Detention by a high court judge (30 days)
h. Extension by the chief justice of the high court (60 days)
i. Detention by the Supreme Court (50 days)
j. Extension by the Chief Justice (60 days)

2.Consideration of Police Investigators in Detaining Criminal Suspects to Realize Legal Certainty

Criminal investigation activities are carried out after it is known that there is an alleged criminal act, either through reports, complaints, and criminal acts that are directly known by the Police. Criminal investigation activities include the stages of preliminary examination, summons or arrest, examination of suspects, reports on the results of examinations, case titles and decisions on the detention of suspects.

In the course of the investigation, the suspect was detained. There are considerations of investigators detaining suspects among others (*Interview with Akp FS, Kanit IV Jatanras Sat Reskrim,* n.d.) :

a.Suspect Is The Target Of Operation

b.Suspects of Serious Criminal Acts

c.Suspect Where He Lives Unclear

d. Suspects of Committing Criminal Acts that are the Attention of the Leader

e.The case that occurred teIah was reported oIeh media and received very wide attention from the public

Article 31 of the Criminal Procedure Code states that a suspect or defendant can apply for a suspension, the suspension can be granted by the Investigator, Public Prosecutor, Judge in accordance with their respective authorities by determining the presence or absence of money or person guarantees based on certain conditions and if such conditions are violated then the suspension can be revoked and the suspect or defendant can be detained again.

The investigator also has a basis for granting a suspension of detention, because of the belief of the investigator that the applicant can meet the terms of the agreement agreed between the investigator and the applicant, and the most basic is the most important indicator of concern so that the investigator does not feel worried about the applicant's ability to meet the agreed requirements, for example, there has been peace with the victim, and is willing to be present and cooperative if needed by the Investigator / Investigator Maid (*Interview with Akp FS, Kanit IV Jatanras Sat Reskrim,* n.d.) .

A phenomenal idea aimed at law enforcement officials especially so as not to be shackled to legal positivism. So far, there has been a lot of injustice to justice seekers in enforcing the law, because law enforcement is a series of processes that describe values, ideas, minds that are quite abstract that are the purpose of the law. The purpose of the law or the mind of law begins with moral values, such as justice and truth. These values must be able to be embodied in real reality. The existence of law is recognized if the moral values contained in the law are able to be implemented or not.

Conceptionally, the essence of the meaning of law enforcement lies in the activity of harmonizing the relationship of values described in stable rules and interpreting the attitude of action as a series of elaboration of final stage values, to create, maintain and maintain the peace of life associations (Satjipto, 2000).

3.Legal consequences of investigators' actions in detaining criminal suspects to realize legal certainty

The principle of equality before the law in Indonesia states that the use of detention institutions always confronts two fundamental interests, namely the interest to uphold the human rights of individuals (suspects/defendants) and the right of the state to restrict the freedom of movement of a person suspected of committing a criminal act. This principle carries the consequences of being enforced in every area of the law, including criminal procedure. In this regard, the spirit of the principle of *equality* before the law in the field of criminal procedural law, especially in the criminal justice process which is a sub-system of criminal justice, there is a principle that is a pillar, namely the principle of *presumption of innocence*, that every suspect and defendant must be presumed innocent before his guilt is proved in court and stated in the judgment that has had the force of law fixed.

The Criminal Procedure Code has created a new institution called pretrial that has the task of maintaining the order of preliminary examinations and to protect suspects and defendants against the actions of investigators/police and/or public prosecutors/prosecutors who violate the law and harm suspects. Pretrial as specified in Article 1 number 10 of the Criminal Procedure Code is the authority of the state judiciary to examine and decide according to the manner provided for in the law, including:

1. Whether or not an arrest and detention is lawful at the request of the suspect or his family or others on the suspect's control.
2. Whether or not the termination of the investigation or the termination of the prosecution on request is valid for the sake of law and justice.

3. A request for damages for rehabilitation by the suspect or his family for another party on his behalf whose case was not brought before the court.

Article 77 of the Criminal Procedure Code specifies that the district court has the authority to examine and decide in accordance with the provisions stipulated in this law, concerning:

1. Whether or not an arrest, detention, termination of investigation or termination of prosecution is lawful.
2. Indemnification and or rehabilitation for a person whose criminal case is terminated at the level of investigation or prosecution.

After the Constitutional Court Decision Number 21/PUU-XII/2014, the determination of suspects is included in one of its pretrial domains. Therefore, pretrial is part of the district court held to provide protection for the human rights of suspects or defendants in criminal justice so that supervision is needed by the judge.

The control function will be more visible and effective when any action / event that deviates from the provisions of the law can be immediately prevented or legal action is carried out for the sake of law and justice, as well as legal certainty. Also, the pretrial control function will review the legal actions that the law enforcement official has taken that have been appropriate or proportionate, in relation to the legal actions taken by the investigator or public prosecutor or judge. Whether it is in accordance with the procedure of statutory provisions or not (*Interview with Akp FS, Kanit IV Jatanras Sat Reskrim*, n.d.) .

CONCLUSION

a. In conducting an investigation, arrests can be made against suspects. The legal regulation regarding the investigator's authority to detain suspects is contained in Article 20 paragraph (1) of the Criminal Procedure Code which states: For the purposes of investigation, the investigator or auxiliary investigator by order of the investigator as referred to in Article 11 is authorized to make detention.
b. Factors that influence the consideration of the Police Investigator in exercising his authority over the detention of suspects are fears that the suspect will run away and repeat his actions towards the victim, in addition to that detention is carried out considering that the suspect is the target of the operation, the suspect where he lives is far unclear, the suspect commits a criminal act that is the attention of the leadership, the case that occurred has been reported by the mass media and received widespread attention from community. Meanwhile, the investigator's consideration of not making arrests of suspects is due to an application not to be detained (suspension of detention), with a letter of bail not to escape, repeating deeds, eliminating evidence, and cooperatively requested by the Family which was granted by the Investigator, and there has been peace with the victim.
c. The legal consequence of the actions of the Police investigator in exercising his authority over the detention of suspects, that in making detentions, they must still pay attention to the rights of suspects, and suspects can apply for pretrial.

Suggestion

a. Detention of suspects should be regulated in a regulation capable of reaching the values of justice, by changing, adding, or refining the rules for detention of suspects based on the values of justice

b. Detention of a suspect or defendant should be used if there is no other option to address the risk of the suspect or defendant escaping or endangering the public
c. Investigators should remain cautious and careful with discretion to consider an application for suspension of detention before deciding whether or not an application for suspension of detention from a suspect can be granted in order to minimize the possibilities that may hinder the investigation process during the suspension of detention.

BIBLIOGRAPHY

Andi, Sofyan. (2002). *Criminal Procedure Law An Introduction*. Yogyakarta: Rangkang Education.

Andi Sofyan, S. H. (2017). *Criminal Procedure Law An Introduction*. Prenada Media.

Arief, Barda Nawawi. (1996). Bunga Rampai Kebijakan Hukum Criminal, Bandung: PT. *Image of Aditya Bakti*.

Arief, Barda Nawawi. (2001). *Law enforcement issues and crime prevention policies*. Image of Aditya Bakti.

Hamzah, Andi. (2003). *Criminal and Conviction System in Indonesia*. Jakarta: Pradya Paramita.

Hamzah, Andi. (2010). *Indonesian criminal procedural law*.

Kanter, E. Y., & Sianturi, S. R. (2002). *Principles of Criminal Law in Indonesia and Its Application*. Jakarta: Storia Grafika.

Khambali, Muhammad. (2014). The Function of Legal Philosophy in the Formation of Law in Indonesia. *The Rule of Law: Journal of Legal Studies*, *3*(1).

Moeljatno. (1992). *Principles of Criminal Law*. Jakarta: Rajawali Pers.

Moleong, Lexy J. (2021). *Qualitative research methodology*. PT Remaja Rosdakarya.

Muladi, & Arief, Barda Nawawi. (1984). *Criminal theories and policies*. Alumni.

Mungin, Burhan. (2015). Qualitative research data analysis (philosophical and methodological understanding towards mastery of application models. In *Jakarta: Raja Grafindo*.

Pradjodikoro, R. Wiryono. (1980). *Certain Criminal Acts in Indonesia*. London: Eresco.

Prasetyo, Teguh. (2014). Building National Law Based on Pancasila. *Journal of Law and Justice*, 3(3), 213–222.

Prints, Darwan. (1989). *Criminal procedural law: an introduction*. Djambatan.

Priyatna, Dwija. (2006). *Prison Implementation System in Indonesia*. Bandung: Refika Aditama.

Sons, M. Eka, & Abdul, Khair. (2010). The Criminal System within the Criminal Code *and Its Arrangements According to the New Criminal Code Concept*. Terrain: USU Press.

Ranomihardja, Atang. (1994). *Criminal Law, Principles, Points of Understanding and Theory and Opinions of Some Scholars*. London: Tarsito.

Roeslan, Saleh. (1987). Indonesian Criminal Stelsel. *Jakarta: New Script*.

Sahetapi, J. E. (1995). *Quovadis Criminal Law*. Bandung: Alumni.

Regards, Moch Faisal. (2001). *Criminal Procedural Law In Theory & Practice*.

Satjipto, Raharjo. (2000). Law, Bandung: PT. *Image of Aditya Bakti*.

Sitompul, D. P. M., & Shahpenong, Edwar. (2003). *Police Law in Indonesia*. London: Tarsito.

Soesilo, Raden. (1974). *Tactics and Techniques for Criminile Case Investigation*. Politeia.

Sudarto, Capita Selecta of Criminal Law, & Criminal, Law. (1986). *Bandung Alumni*. Bandung.

T, Simorangkir J. C., Erwin, Rudy. T., & Prasetyo, J. T. (1995). *Legal Dictionary*. Jakarta: Bumi Aksara.

Interview with Akp FS, Kanit IV Jatanras Sat CID. (n.d.).

Zainal, Abidin. (2007). *Criminal Law I*. Jakarta: Sinar Grafika.