



Reform Of The Criminal Procedure Law And Criminal Law Enforcement In Indonesia

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Abstract: Criminal Procedure Law (HAP) reform and criminal law enforcement in Indonesia are the main focus in the dynamic development of the criminal justice system. This abstract explores the significant changes in the Criminal Procedure Law implemented since the last few years and their impact on criminal law enforcement in Indonesia. The updates include revisions to provisions in the Code of Criminal Procedure, the introduction of technology in the judicial process, and measures to improve the efficiency and transparency of the criminal justice system. The study also analyzed the response of authorities and communities to the reforms, and evaluated their impact on justice, human rights, and the effectiveness of criminal law enforcement in Indonesia. The results of the study provide an in-depth understanding of changes in criminal procedural law and the dynamics of law enforcement in Indonesia, creating a foundation for continued debate and evaluation of future legal policies.

Keywords: Enforcement ; Law ; Update

1. Introduction

Reform of criminal procedural law and criminal law enforcement in Indonesia has become a crucial issue in efforts to improve the criminal justice system and improve the effectiveness of law enforcement. Along with the times, new challenges in the field of law and increasing demands for justice require changes and improvements in criminal procedural law and criminal law enforcement. (Kabul Budiyo, 2012) These two aspects are the two main pillars in ensuring justice for the people of Indonesia, and therefore, sustainable renewal is urgently needed to achieve this goal. The criminal procedural law system in Indonesia has undergone several revisions and updates over the past few decades. As a country with a large and diverse population, Indonesia is faced with various challenges in enforcing criminal law and eradicating crime. The criminal procedural law is a legal instrument that governs criminal justice proceedings, including investigation, prosecution, trial, and execution of verdicts. Despite efforts to improve the system, some systemic problems and inefficient practices still affect the effectiveness of criminal law enforcement. (Beni Ahmad Saebani & Javid Zia Rahman Haqiq, 2016)

One of the main problems is the slow pace of the judicial process, which results in public confidence in the criminal justice system. The length of this process can lead to loss of evidence, compromise the rights of defendants and victims, and reduce the effectiveness of the law as a tool of social remedy. In addition, there is an imbalance of access to justice between the financially well-off and the underprivileged. Defendants with greater financial resources may easily obtain high-quality legal assistance, while others may not be able to properly defend their rights. Corruption has also become a chronic problem that hinders the development of reliable criminal justice in Indonesia.

Corrupt practices among law enforcement officials and the judicial bureaucracy affect the independence and credibility of these institutions. In addition, lack of coordination between law enforcement agencies often leads to overlap and confusion in han-

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dling complex criminal cases. Another challenge facing Indonesia's criminal justice system is tackling transnational crime, including human trafficking, drugs, and cyber-crime.(Graycar & Sidebottom, 2012) The increasingly connected world in the era of globalization requires close cooperation between countries in facing this challenge. Harmonization of international criminal procedural law is also urgent to improve the effectiveness of criminal law enforcement at the international level. Therefore, comprehensive and sustainable change measures are needed to improve the criminal justice system and law enforcement in Indonesia. Criminal procedural law reform must be able to address existing challenges, including speeding up the judicial process, increasing access to justice for all levels of society, and ensuring the independence and accountability of law enforcement officials. In addition, strengthening international cooperation is also key in tackling transnational crime. The benefit of this research is to analyze efforts to reform criminal procedural law in Indonesia, it can increase the efficiency and speed of the judicial process to achieve faster justice and analyze the obstacles and challenges faced in enforcing criminal law in Indonesia

2. Materials and Methods

The normative research method is a relevant approach to understand and analyze the reform of criminal procedural law and criminal law enforcement in Indonesia. Normative research is descriptive and refers to primary and secondary legal materials. This method will include analysis of legal documents such as statutes, legislation, court decisions, and legal literature. This research will begin with a search of legal documents related to the reform of criminal procedure law in Indonesia, including revisions to the Criminal Procedure Code (KUHAP) and other related laws. Content analysis will be conducted to explore changes in criminal procedure law provisions and compare with previous regulations. Furthermore, an identification of the impact and implications of these updates will be carried out on criminal law enforcement in Indonesia.

3. Results and Discussion

3.1 *Efforts to reform the criminal procedural law in Indonesia can increase the efficiency and speed of the judicial process to achieve faster justice for the parties involved in criminal cases*

Efforts to reform the criminal procedural law in Indonesia have the main objective of increasing the efficiency and speed of the judicial process, so that justice can be accessed faster for all parties involved in criminal cases. Simplification of procedures, application of information technology, strengthening cooperation between law enforcement agencies, and more optimal protection of human rights are some of the key steps in achieving this goal. In this view, the reform of criminal procedural law is not only the responsibility of the government and judicial institutions, but also involves active participation from the public, academics, and non-government institutions to create a more fair, efficient, and just criminal justice system in Indonesia (Abdul, 2000). First of all, in an effort to improve the efficiency and speed of the judicial process, simplification and improvement of the effectiveness of criminal procedural law becomes very important. The complexity and convoluted current judicial procedures often result in slow resolution of criminal cases. In this update, it needs to be considered to simplify and codify the criminal procedure law so that it is easier to understand by all parties involved. This simplification is expected to minimize the risk of errors and reduce the potential for overlapping authority between law enforcement agencies. In addition, attention needs to be paid to the investigation and prosecution process, which is the initial stage in the criminal justice process. Increasing the effectiveness of police investigations and prosecutions by prosecutors will help speed up the process of handling cases.(Romli Atmasasmita, 2020) Interagency collaboration in the exchange of accurate information and evidence will also contribute to the acceleration of the judicial process. Information and communication technology can be an option in optimizing the efficiency of criminal justice. The implementation of e-court and e-filing systems has been the first step in accelerating access to

justice and supporting the transparency of judicial processes. With this technology, case registration, evidence collection, and trial processes can be carried out more quickly and efficiently. In addition, technology can also be used to strengthen supervision and monitoring of judicial processes, thereby ensuring the quality and openness of judicial processes. Cooperation and coordination among law enforcement agencies is also key in improving the efficiency of the judicial process. The success of handling criminal cases does not only depend on one institution, but requires synergy between the police, prosecutors, and courts. In this regard, there is a need for effective coordination mechanisms, information exchange, and synergy of strategies between agencies to accelerate the judicial process (Ulil, 2019).

Strengthening the independence and accountability of law enforcement officials is also important in increasing the efficiency and speed of the judicial process. By maintaining the independence of judges, prosecutors, and police from political pressure or personal interests, it is hoped that the judicial process can take place objectively and fairly. In addition, it is necessary to strengthen internal and external supervision mechanisms to ensure law enforcement officials act in accordance with the law and professional ethics (Harahap et al., 2023). Protection of human rights (HAM) is an aspect that should not be ignored in the reform of criminal procedural law. Defendants, witnesses, and victims should receive adequate protection and feel safe in giving testimony and testimony. Fair treatment and non-discrimination should be a principle upheld in an effort to achieve faster justice for the parties involved in criminal cases. In the context of criminal procedural law reform, it should be noted that efforts to improve the efficiency and speed of the judicial process must not sacrifice the principles of justice and human rights. Therefore, any step in legal reform must consider the balance between the speed of the process and the protection of the rights of the parties involved. In addition, in the reform of criminal procedural law, it is necessary to evaluate the existing criminal justice system. Identification of weaknesses and obstacles often experienced in the judicial process can help devise strategic measures to improve the efficiency and speed of the judicial process. Evidence-based approaches and data analysis will be important in this evaluation process. Reform of criminal procedural law should also encourage the use of alternative dispute resolution, such as mediation and restorative justice. (Harianto, 2021)

This approach places victims, defendants, and communities as part of the problem-solving process, by finding joint solutions that are fair and in the interests of all parties. By using this alternative dispute resolution, it is hoped that more cases can be resolved outside the court, thereby reducing the workload of the court and speeding up case resolution (Prasetyo, 2015). In addition, the importance of strengthening law enforcement agencies at the local level must also be a concern in reforming the criminal procedural law. These reforms should involve strengthening the criminal justice system at the local level, including the training and capacity of judges, prosecutors, and law enforcement officials in the regions. In addition, it is important to ensure adequate allocation of resources to the criminal justice system at the local level to support effective law enforcement. In an effort to improve the efficiency and speed of the judicial process, case resolution with a restorative justice and mediation approach can also be an effective alternative. (Agung et al., 2021) This approach focuses more on reconciliation between perpetrators, victims, and communities, with the aim of achieving more holistic and sustainable justice. In some cases, mediation and restorative justice can reach agreement faster than formal judicial processes, thus saving time and resources (Prakoso, 2013). In an effort to speed up the judicial process, the existence of mediation and dispute resolution facilities at the local level can also help overcome the workload of courts. With mediation serving as a place to reach an amicable agreement between the disputing parties, actual cases can be resolved openly and fairly without having to go through a formal judicial process. The importance of international collaboration should also not be overlooked in efforts to reform criminal procedural law. Indonesia must actively cooperate with other countries in criminal law enforcement, especially related to handling transnational crimes. (Muhaimin, 2019)

The exchange of information and intelligence, the extradition of criminal offenders, and coordination in law enforcement between countries are crucial in facing the challenges of crimes involving more than one country (Wahyunindyah et al., 2023). In the context of more optimal human rights protection, criminal procedural law reform must place human rights principles as the main foundation in just and just law enforcement. Protection of the rights of accused, witnesses, and victims shall be guaranteed at every stage of the judicial process. In this regard, special attention should be paid to the conditions of detainees, the prevention of torture, and inhumane treatment in the criminal justice system. In an effort to achieve efficiency and speed of judicial processes, the importance of scientific approaches and the use of data cannot be ignored. An evidence-based approach in the investigation and prosecution process can help speed up case handling and improve the accuracy of legal decisions.(Budiyanti & Herlambang, 2021) The use of forensic technology, crime analysis, and profiling of criminals can help collect evidence and information more accurately and faster, thus speeding up the investigation and prosecution process (Mahardika, 2019). In overcoming challenges in criminal law enforcement and achieving faster justice for all parties involved in criminal cases, it is necessary to strengthen collaboration between the government, judicial institutions, communities, and non-governmental institutions. Active participation from all parties will be key in creating a more efficient, fair, and equitable criminal justice system in Indonesia. One of the concrete steps in reforming the criminal procedure law is to speed up the investigation process. Currently, criminal investigations often take a long time and are convoluted, delaying justice for victims and defendants.(Justice & Pidana, 2014)

In an effort to address this issue, it is necessary to pay special attention to the initial examination process by investigators. Investigators must be equipped with adequate knowledge and skills to collect evidence efficiently and accurately (Harianto, 2021). In addition, mediation and a restorative justice approach in solving criminal cases can also speed up the judicial process. Using this approach, cases that can be resolved peacefully and fairly without having to go through a formal trial process can be identified early. This will reduce the workload of courts and speed up the resolution of simple cases. In an effort to achieve faster justice for the parties involved in criminal cases, attention needs to be paid to the criminal justice system at the local level. Often, the judicial system at the central level is more sophisticated and efficient, while at the local level there are still many challenges. Therefore, reform of criminal procedural law must involve strengthening the justice system at the local level, including training and capacity of judges, prosecutors, and law enforcement officials in the regions (Yoga , 2017)

No less important is the preventive approach in the reform of criminal procedural law. In addition to focusing on law enforcement, crime prevention should also be a priority. Prevention efforts can be carried out through rehabilitative and educational approaches aimed at reducing crime rates. The development of effective rehabilitation systems and social reintegration programs for ex-prisoners will help prevent the occurrence of repeat crimes. The importance of international collaboration should also not be overlooked in the reform of criminal procedural law.(Mulyana, 2017)

Indonesia as a country involved in many international agreements must take concrete steps in establishing cooperation with other countries in criminal law enforcement. This cross-country collaboration is critical in tackling transnational crimes, such as human trafficking, drugs, and cybercrime. In the context of criminal procedural law reform, the importance of supervision and accountability in the criminal justice system should also not be ignored.(Agung et al., 2021) Internal and external monitoring mechanisms should be strengthened to prevent abuse of authority and human rights violations by law enforcement officials. The existence of an independent agency that has a mandate to supervise and evaluate the performance of law enforcement agencies will be key in ensuring accountability in law enforcement.(Soniansih et al., 2021) In overcoming challenges in criminal law enforcement and achieving faster justice for all parties involved in criminal

cases, it is necessary to strengthen cooperation between the government, judicial institutions, communities, and non-governmental institutions.(S, 2018).

Active participation from all parties will be key in creating a more efficient, fair, and equitable criminal justice system in Indonesia (Werdiningsih, 2022). In conclusion, the reform of criminal procedural law in Indonesia is an important step to improve the efficiency and speed of the judicial process. By simplifying procedures, applying information technology, strengthening cooperation between law enforcement agencies, and more optimal human rights protection, it is hoped that the effectiveness of law enforcement can be improved, and all levels of society can feel better justice (Ridlwani et al., 2015)

3.2 Obstacles and challenges faced in criminal law enforcement in Indonesia

Criminal law enforcement in Indonesia faces various obstacles and challenges that affect the effectiveness and protection of human rights in the criminal justice system. Some of the major barriers include corruption within law enforcement agencies, limited resources, low capacity of law enforcement, complexity of judicial processes, and unequal access to justice. However, legal reform can be a solution to overcome these problems and improve the effectiveness of law enforcement and human rights protection more optimally. One of the main obstacles in criminal law enforcement in Indonesia is corruption that occurs within law enforcement agencies. (Bunga et al., 2019)

These corrupt practices can undermine the integrity and independence of law enforcement, and reduce public trust in the criminal justice system. To address this problem, legal reform should involve measures to strengthen mechanisms for monitoring and combating corruption within law enforcement agencies. A stricter supervision system, transparent selection, and incentives for law enforcement officials with clean and integrity are needed (Mulyana, 2017). In addition, limited resources are an obstacle in criminal law enforcement. Lack of budget and facilities, especially in remote areas, often hinders the process of investigating and prosecuting cases. In an effort to reform, it is necessary to pay attention to adequate budget allocation for law enforcement agencies and the fulfillment of necessary facilities. In addition, strengthening cooperation and collaboration between central and local governments is also important to ensure a more equitable distribution of resources. The low capacity of law enforcement is also a challenge in criminal law enforcement.(Budiayanti & Herlambang, 2021)

Some law enforcement officials may lack adequate knowledge, skills, and training in dealing with a wide array of criminal acts. In legal reform, it is necessary to invest in training and education of law enforcement, including judges, prosecutors, and investigators, to improve their capacity to handle complex and diverse cases(Febriana, 2022). The complexity of the judicial process is also an obstacle in criminal law enforcement. Long, convoluted, and overly formal judicial processes can hamper the speed of handling cases and reduce the effectiveness of law enforcement. In legal reform, it is necessary to consider simplifying and codifying the criminal procedure law so that it is easier to understand and follow by all parties involved. In addition, alternative approaches, such as mediation and restorative justice, can also be applied for faster and fairer resolution of cases. Unequal access to justice is also a challenge in criminal law enforcement in Indonesia. The poor, minorities, and remote areas often find it difficult to have equal access to the criminal justice system. (Syamsarina et al., 2022)

Legal reform should focus on social justice and inclusion, ensuring access to legal aid for the underprivileged. Effective and inclusive legal aid programs must be strengthened to ensure that their rights are well protected (Prihardiati, 2021). In facing the above obstacles and challenges, criminal procedural law reform can be a solution to improve the effectiveness of law enforcement and human rights protection more optimally. Some of the steps that can be taken in this update are (Shidarta,2013.)

- a. Improve the integrity and independence of law enforcement by strengthening mechanisms to supervise and eradicate corruption within law enforcement agencies.

- b. Increase budget and facility allocations for law enforcement agencies, especially in remote areas, to ensure equitable distribution of resources.
- c. Investment in the training and education of law enforcement, including judges, prosecutors, and investigators, to improve their capacity to handle complex and diverse cases.
- d. Simplifying and codifying criminal procedural law to make it easier for all parties involved in the judicial process to understand and follow.
- e. Apply alternative approaches, such as mediation and restorative justice, in case resolution to speed up and simplify the judicial process.
- f. Ensure access to legal aid for the poor, minorities, and remote areas, so that their rights are well protected.
- g. Increase cooperation and collaboration between central and local governments in law enforcement, including a more equitable distribution of resources.
- h. Involve communities and non-governmental organizations in legal reform to ensure broader and participatory representation in judicial processes.

By overcoming these obstacles and challenges through the reform of criminal procedural law, it is hoped that criminal law enforcement in Indonesia can be more effective, fast, and fair. All levels of society will get more optimal human rights protection in a fair and transparent criminal justice system (Bernard , 2013),).

4. Conclusions

One conclusion that can be drawn from the sub-chapter of discussion is that simplification of criminal procedure law in Indonesia is the key to improving the efficiency and speed of the judicial process. By simplifying procedures, codifying criminal procedural law, and implementing alternative measures such as mediation, it is expected to reduce the complexity of the judicial process. This can provide faster access to justice and minimize the risk of wrongdoing and overlapping authority between law enforcement agencies. Collaboration and coordination among law enforcement agencies is key in improving the efficiency of the judicial process. The success of handling criminal cases does not only depend on one institution, but requires synergy between the police, prosecutors, and courts. In this context, effective coordination mechanisms, information exchange, and synergy of interagency strategies are recognized as important steps to accelerate the judicial process. Strengthening the independence and accountability of law enforcement officials is also crucial in increasing the efficiency and speed of the judicial process. By maintaining the independence of judges, prosecutors, and police from political pressure or personal interests, it is hoped that the judicial process can take place objectively and fairly. In order to support the simplification of criminal procedural law, it is recommended to implement the e-court and e-filing system more widely. The use of information technology in justice, such as electronic case registration, digital evidence collection, and online trial processes, can significantly speed up and simplify the justice process. This system can not only minimize administrative errors but also help reduce the workload of courts and ensure faster access to justice for the parties involved.

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