

INTEGRATED CRIMINAL LAW ENFORCEMENT REGARDING PREVENT AND DESTROY, AND THE LIST OF WANTED PEOPLE IN INDONESIA

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ABSTRACT

This research aims to propose integrated criminal law enforcement regarding prevention and deterrence, and the People Wanted List (DPO) in Indonesia. The KPK (Corruption Eradication Commission), Republic of Indonesia Police, Prosecutor's Office, which have the authority to investigate based on data, issue many decisions regarding a person's DPO status without having a standard system in the form of cooperation between law enforcement agencies. This research uses normative legal research methods. Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia Article 15 paragraph (1) letter j, "The National Police has the authority to organize a Criminal Information Center (*Pusiknas*)". *Pusiknas* is under National Police Criminal Investigation Agency of the Republic of Indonesia and is based on the regulations of the Chief of the Republic of Indonesia National Police Regulation Number 15 of 2010 concerning the Implementation of a National Criminal Information Center within the National Police of the Republic of Indonesia. The Prosecutor's Office and the Corruption Eradication Committee have a sporadic habit of notifying a person's DPO status and it is possible that other law enforcers do not know each other. To guarantee the effectiveness of repatriation and find every person who evades legal obligations, it is clear that progressive and basic action is needed.

Keywords: Criminal Law, Prevent and Deter, Wanted List, Law Enforcement



APLICAÇÃO INTEGRADA DA LEI PENAL RELATIVA À PREVENÇÃO E DESTRUÇÃO, E À LISTA DE PESSOAS PROCURADAS NA INDONÉSIA

RESUMO

Esta pesquisa tem como objetivo propor a aplicação integrada do direito penal em relação à prevenção e dissuasão, e a Lista de Pessoas Procuradas (DPO) na Indonésia. A KPK (Comissão de Erradicação da Corrupção), a Polícia da República da Indonésia e o Ministério Público, que têm autoridade para investigar com base em dados, emitem muitas decisões relativas ao estatuto de DPO de uma pessoa sem ter um sistema padrão sob a forma de cooperação entre as agências de aplicação da lei. Esta pesquisa utiliza métodos normativos de pesquisa jurídica. Lei Número 2 de 2002 relativa à Polícia Nacional da República da Indonésia Artigo 15 parágrafo (1) letra j, "A Polícia Nacional tem autoridade para organizar um Centro de Informação Criminal (Pusiknas)". Pusiknas está sob a Agência Nacional de Investigação Criminal da Polícia da República da Indonésia e é baseado nos regulamentos do Chefe do Regulamento da Polícia Nacional da República da Indonésia Número 15 de 2010 relativo à Implementação de um Centro Nacional de Informações Criminais dentro da Polícia Nacional da República da Indonésia. O Ministério Público e a Comissão de Erradicação da Corrupção têm o hábito esporádico de notificar o estatuto de DPO de uma pessoa e é possível que outros responsáveis pela aplicação da lei não se conheçam. Para garantir a eficácia do repatriamento e encontrar todas as pessoas que fogem às obrigações legais, é claro que são necessárias medidas progressivas e básicas.

Palavras-chave: Direito Penal, Prevenir e Dissuadir, Lista de Procurados, Aplicação da Lei

1 INTRODUCTION

People Wanted List (*Daftar Pencarian Orang, DPO*) is used as a term in the field of law or crime which refers to a list of people who are wanted or targeted by investigators. In general, DPO refers to two things, namely missing people and criminals. Criminals are more often found on wanted lists (DPO) than missing people (*Orang Hilang, OH*).¹ However, there are many reasons why someone can be designated as a DPO, including if the examination of witnesses and evidence is sufficient and the investigators are confident that they can determine someone as a suspect or perpetrator of a crime.² For parties who have been designated as suspects and have never attended the examination

¹ Mia Rizkinia, Nathaniel Faustine, and Masahiro Okuda, "Conditional Generative Adversarial Networks with Total Variation and Color Correction for Generating Indonesian Face Photo from Sketch," *Applied Sciences* 12, no. 19 (October 5, 2022): 10006, <https://doi.org/10.3390/app121910006>.

² Armunanto Hutahaean and Eryln Indarti, "Implementation of Investigation by the Indonesian National Police in Eradicating Corruption Crime," *Journal of Money Laundering Control* 23, no. 1 (January 23, 2020): 136–54, <https://doi.org/10.1108/JMLC-12-2018-0075>.



process determined by the investigator, it is possible that the investigator will make DPO status, according to the level of examination.

DPO is a very down-to-earth term for the public which indicates that someone is being sought because of a case involving them, or someone does not want to take responsibility for the case they are being accused of so they are avoiding or deliberately hiding and instead changing their identity and even changing their face so that they are not recognized by other people. We often hear and see the words DPO (People's wanted list) or the term Fugitive in print and electronic media. Let's take the example of KPK (Corruption Eradication Commission) fugitive Harun Masiku, whose jungle is currently unknown.¹ DPO (People Wanted List) or can be said in terms of Fugitive is a person who is being hunted/wanted by the police/investigators or a person who has escaped because the police/investigators are looking for him or a person who has escaped from prison according to the Big Indonesian Dictionary.

In Indonesia, the term "*Daftar Pencarian Orang*" (DPO) refers to a list containing the names of people who are wanted by law enforcement officials because they are related to a criminal act or because they have the status of suspects who have not yet been arrested.² A DPO is issued by the police or other law enforcement agency.³ A DPO is prepared by the police or law enforcement agency after there is sufficient evidence to declare a person a suspect or alleged perpetrator of a criminal act.⁴ In general, a DPO contains information such as full name, photo, address and other identity data. Information regarding DPOs is often conveyed to the public through various channels, such as press conferences, official police websites, and mass media.⁵ The purpose of the DPO publication is to ask for the public's help in finding and reporting the suspect's whereabouts.⁶ A person who is included in the DPO is still considered a suspect or alleged

¹ Ahmad Deni Rofiqi and Sholikul Hadi, "ANALISIS YURIDIS PUTUSAN MK NOMOR 79/PUU-XVII/2019 TENTANG REVISI KEDUA UNDANG-UNDANG KPK," *Constitution Journal* 2, no. 1 (June 1, 2023): 85–108, <https://doi.org/10.35719/constitution.v2i1.54>.

² Yustika Rahmawati and Rosa Linda, "Authority in Handling Criminal Actions Conducted by Law Enforcers," *Corruptio* 2, no. 1 (May 3, 2021): 61–72, <https://doi.org/10.25041/corruptio.v2i1.2320>.

³ Michael Eilenberg, "6: Intersecting Spheres of Legality and Illegality," in *At the Edges of States* (BRILL, 2012), 205–34, https://doi.org/10.1163/9789004253469_007.

⁴ Henry Dianto Pardamean Sinaga, "THE CRIMINAL LIABILITY OF CORPORATE TAXPAYER IN THE PERSPECTIVE OF TAX LAW REFORM IN INDONESIA," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 29, no. 3 (January 12, 2018): 542, <https://doi.org/10.22146/jmh.17638>.

⁵ Shella Gita Cahyani et al., "Code Mixing on News Accounts Catch Me Up! On Twitter in News Text Learning," 2023, 2024–39, https://doi.org/10.2991/978-2-38476-086-2_162.

⁶ Dian Kurnia Anggreta, Gumilar Rusliwa Somantri, and Semiarto Aji Purwanto, "Study of Student Community Movements Against the Development of a Geothermal Power Plant in Gunung Talang," *The Journal of Society and Media* 6, no. 1 (April 29, 2022): 62–83, <https://doi.org/10.26740/jsm.v6n1.p62-83>.



perpetrator of a crime. They have certain legal rights, and arrests must be carried out in accordance with applicable legal procedures.

The term Fugitive or DPO (People Wanted List) is not known in the sense of the Criminal Procedure Law as regulated in Law number 8 of 1981.¹ However, it is regulated in Article 17 paragraph 6 of the Republic of Indonesia Police Regulation Number 6 of 2019 concerning Management of Criminal Investigations which says: "Suspects who have been summoned for examination to investigate cases and whose whereabouts are not clear are recorded on the wanted list and a search letter is issued."² DPO (People Wanted List) is usually issued or issued by the authorities, namely the police or prosecutor's office. This person makes it difficult for law enforcement to investigate a criminal case.

After being arrested, someone who is included in the DPO will undergo the appropriate legal process. This process includes further investigation, prosecution, and trial. If during the investigation and court process sufficient evidence is not found to designate a person as a defendant, then his or her status may change. Parties previously included in the DPO can be declared not guilty and released. In the context of legal status in Indonesia, the People's Wanted List (DPO) has an important position in law enforcement in Indonesia. DPO is used to identify and search for suspects suspected of being involved in a crime. With a DPO, law enforcement can inform the public and ask for help in finding and arresting suspects.

DPO is an important investigative tool for the police and law enforcement agencies.³ Through DPO, authorities can collect information from the public that can assist in the investigation and arrest of suspects. In connection with the open publication of DPO by the police or other law enforcement agencies⁴, it creates openness and transparency in law enforcement efforts. Information provided to the public can help in involving the community in the law enforcement process. With the publication of the DPO, the public can play an active role in assisting law enforcement. The public can provide relevant information or report the suspect's whereabouts to the authorities. DPO also have a role in protecting the

¹ Syafruddin Siagian, Putri Rumondang Kalo, Edi Yunara, and Muhammad Hamdan, "Tinjauan Yuridis Tentang Larangan Pengajuan Praperadilan Oleh Orang Yang Berstatus Daftar Pencarian Orang (DPO)," *Iuris Studia: Jurnal Kajian Hukum* 2, no. 3 (September 30, 2021): 581–90, <https://doi.org/10.55357/is.v2i3.177>.

² Trianti and Herlina Sulaiman, "Proses Penyidikan Terhadap Pencabulan Terhadap Anak Yang Dilakukan Oleh Ayah Tiri," *Journal Law And Justice* 1, no. 1 (January 30, 2023): 35–44, <https://doi.org/10.59211/mjplj.v1i1.8>.

³ Rakhmat Dwi Hananta and Hari Bakti Mardikantoro, "Social Cognition in the Reconstruction of Corruption News Discourse on Private Television SCTV and INews TV," *Seloka* 8, no. 1 (2019): 10–18, <https://doi.org/https://doi.org/10.15294/seloka.v8i1.29168>.

⁴ Nadia Nuzhuli Rahmadani and Yana Indawati, "PENEGAKAN HUKUM TERHADAP PELAKU TINDAK PIDANA PENCURIAN KENDARAAN BERMOTOR (Studi Kasus Di Polres Gresik)," *INICIO LEGIS* 4, no. 2 (November 18, 2023): 141–57, <https://doi.org/10.21107/il.v4i2.21786>.



public from potential dangers that may be caused by suspects who are still free.¹ It is hoped that the arrest of suspects who are included in the DPO will minimize the risk of further crimes.

Even though DPO is used to search for and arrest suspects, it is important to remember that someone who is on DPO is still considered innocent until proven otherwise in court. Therefore, the human rights of suspects must be respected during the legal process. DPO often involves cooperation between various law enforcement agencies, such as the police, prosecutor's office and other related agencies.² This collaboration is necessary to ensure effectiveness in handling criminal cases involving wanted persons. People who become DPO are usually people who try to escape the law by trying to hide so that their whereabouts are not known by the police or prosecutors until the expiration of the criminal act.³ This is due to the expiration or passage of time, the public's memory of certain criminal acts has been lost, with the passage of time there is the possibility of the disappearance of evidence used to commit certain criminal acts, and also to provide legal certainty for the suspect (see Article 80 of the Criminal Code). What is the need for an integrated system in the process of finding back every person who evades legal obligations?

2 RESEARCH METHODS

This research adopts normative legal research methods. Normative legal research has its own essence in the rules of legal research. The essence of normative legal research is that its main focus is on existing legal norms.⁴ This research is in-depth in analyzing and interpreting legal norms contained in statutory regulations, court decisions and other legal sources. In this context, namely, integrated criminal law enforcement regarding prevention and deterrence, and the People Wanted List (DPO) in Indonesia. Normative legal research seeks to analyze and understand applicable

¹ Gita Karisma, "HUMAN SECURITY DI LAMPUNG: DILEMA PEMERINTAH DAERAH DALAM MENGHADAPI ANCAMAN TERHADAP KEAMANAN MANUSIA," *Inovasi Pembangunan: Jurnal Kelitbangan* 11, no. 02 (August 1, 2023): 159–74, <https://doi.org/10.35450/jip.v11i02.304>.

² Olivia Anggie Johar, Fahmi Fahmi, and Dani Marsadi, "PENERAPAN SANKSI TERHADAP ANAK PELAKU PENYALAHGUNAAN TINDAK PIDANA NARKOTIKA DI PENGADILAN NEGERI PEKANBARU," *Jurnal Gagasan Hukum* 2, no. 01 (June 30, 2020): 17–33, <https://doi.org/10.31849/jgh.v2i01.8232>.

³ Chandra Widi Wiguna, Joseph Dedy Irawan, and Mira Orisa, "PENERAPAN METODE CONVOLUTIONAL NEURAL NETWORK PADA APLIKASI DETEKSI WAJAH BURONAN BERBASIS WEB," *JATI (Jurnal Mahasiswa Teknik Informatika)* 6, no. 2 (January 18, 2023): 1051–58, <https://doi.org/10.36040/jati.v6i2.5438>.

⁴ Ikhsan Lubis et al., "Penetration of International Economic Law in the Development of the Cyber Notary Concept in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 1 (June 30, 2022): 125–38, <https://doi.org/10.30631/alrisalah.v22i1.868>.



positive law. Includes a study of existing legal rules and how they are applied in real contexts.

In collecting data, the author identified and collected legal sources relevant to the research topic. Legal sources can be in the form of legislation, court decisions, legal doctrine, and legal literature related to integrated criminal law enforcement regarding prevention and deterrence, and the People Wanted List (DPO) in Indonesia. Then, the author selected the most relevant and significant legal materials to answer the research questions. The author selects selection criteria based on relevance, credibility and applicability. In the process of legal analysis, the author identifies legal norms related to the research topic. Analysis of the content of legal norms, including their interpretation and application in specific contexts. Of course, in the ongoing analysis process, the author pays attention to legal developments and changes in legal norms over time.¹

Normative legal research tends to adopt a deductive approach. Research begins by formulating legal concepts or theories from existing legal norms, then applying them to certain situations or cases.² Normative legal research involves constructing strong legal arguments based on analysis of legal norms.³ Researchers must be able to form arguments that are consistent and in accordance with applicable legal norms. Normative legal research involves developing legal thinking, including formulating new legal concepts, explaining the meaning of legal norms, and identifying the implications or consequences of these legal norms. Normative legal research is often closely related to legal theory. The author tries to connect findings regarding integrated criminal law enforcement regarding prevention and deterrence, and the People Wanted List (DPO) in Indonesia with theoretical concepts existing in the world of law to provide a deeper understanding. The aim is to contribute to the development of legal science. This research not only seeks an understanding of existing legal norms, but also seeks to produce new knowledge or develop legal theories.

¹ Ikhsan Lubis et al., "Development of the Concept of Cyber Notary in Common Law and Civil Law Systems," *Law and Humanities Quarterly Reviews* 1, no. 4 (December 30, 2022): 30–39, <https://doi.org/10.31014/aior.1996.01.04.32>.

² Ikhsan Lubis, Taufik Siregar, and Duma Indah Sari Lubis, "The Principle of Tabellionis Officium Fideliter Exercebo Related To Cyber Notary," *Cognizance Journal of Multidisciplinary Studies* 3, no. 6 (June 30, 2023): 422–33, <https://doi.org/10.47760/cognizance.2023.v03i06.028>.

³ Devi Alincia and Tundjung Herning Sitabuana, "Urgency of Law Amendment as Foundation of The Implementation of Cyber Notary," *LAW REFORM* 17, no. 2 (September 30, 2021): 214–31, <https://ejournal.undip.ac.id/index.php/lawreform/article/view/41749>.



In developing a conceptual framework to organize ideas and research findings. The author determines the relationship between legal norms and these norms contribute to understanding the research topic. With a solid and basic writing framework, the author builds legal arguments based on research findings and analysis of legal norms. Of course, also by considering doctrinal views that support or oppose the arguments being built. Although normative legal research is conceptual and theoretical, its essence includes practical relevance. It is hoped that the findings of this research can contribute to solving legal problems in society or provide new views on certain legal issues. By understanding the nature of normative legal research in the principles of legal research, researchers can be more focused in conducting conceptual and theoretical legal studies.

3 RESULTS AND DISCUSSION

The Criminal Procedure Code does not clearly regulate the procedures for determining a DPO in enforcing criminal law, but DPO on wanted lists are often associated as part of the criminal legal process.¹ Because it is not clearly regulated in the Criminal Procedure Code, the emergence of a DPO is a result of the investigator issuing an investigation warrant, examining both witnesses and suspects as well as an arrest warrant and if the person has not yet been arrested, then the investigator will carry out a procedure for determining a Wanted Persons List (DPO).²

The mechanism for determining DPO is people listed on the wanted list, namely those who are entangled or involved as people suspected of participating in a crime case.³ When a criminal case is still ongoing, the Criminal Procedure Law applies, which is generally not clearly regulated in the Criminal Procedure Code. However, in the criminal law enforcement process, the existence of the DPO itself is often associated as part of the criminal procedural legal process or formal criminal law. Where the law

¹ Frengky Manurung et al., "DISPARITAS PUTUSAN HAKIM TERHADAP TINDAK PIDANA NARKOTIKA DI WILAYAH HUKUM PENGADILAN NEGERI RANTAUPRAPAT (STUDI KASUS PUTUSAN NO. 159/PID.SUS/2019/PN.RAP DAN PUTUSAN NO. 626/PID.SUS/2020/PN.RAP)," *Law Jurnal* 2, no. 1 (August 31, 2021): 62–80, <https://doi.org/10.46576/lj.v2i1.1451>.

² Arfin Bin Ibrahim Fasini and Agung Tri Safari, "ANALISIS PERANAN PETUGAS ADMINISTRASI PENYIDIKAN DALAM PENYIDIKAN TINDAK PIDANA KEPABEANAN DAN CUKAI," *Jurnal BPPK: Badan Pendidikan Dan Pelatihan Keuangan* 13, no. 1 (July 27, 2020): 96–108, <https://doi.org/10.48108/jurnalbppk.v13i1.489>.

³ Rahmat Hidayat, "KAJIAN BENTUK- BENTUK EKSPLOITASI SEKS KOMERSIAL ANAK DI LINGKUNGAN WISATA PROVINSI SULAWESI UTARA," *Sosiohumaniora* 17, no. 3 (April 2, 2015): 237, <https://doi.org/10.24198/sosiohumaniora.v17i3.8342>.



regulates procedures for punishing someone who violates criminal regulations. Apart from that, it is also stated in Law Number 2 of 2002 concerning the Police.¹ Determination of a DPO can be carried out with several actions from the investigator related to coercive measures. In coercive conditions, namely if the interests of society are disturbed, then according to their authority the authorities can carry out coercive measures which in reality can reduce a person's human rights. Procedure for Determining a DPO According to National Police Chief Regulation 14 of 2012 and Regulation of the Head of the Police Criminal Investigation Agency of the Republic of Indonesia No. 3 of 2014², the following are several procedures for issuing DPO:

- a. If the suspect is truly involved in a criminal act based on sufficient evidence as a suspect, then there is a risk of being charged with the alleged criminal act after being confirmed in the course of the case. We're investigating.
- b. In the event that the suspect is not found after coercive efforts have been made in the form of summoning and arresting and searching the suspect in accordance with applicable laws and regulations.
- c. The person who makes and signs the DPO is the supervisor/assistant examiner and/or examiner or assistant examiner known to the Head of Work Unit as the examiner.
- d. Once the DPO is issued, the inspector will:
 - 1) Disclose to the public through local public relations services.
 - 2) Send to other police departments and transfer information to rank and file for disclosure.
- e. The DPO must include and explain in detail:
 - 1). Full name of the police station that issued the DPO;
 - 2). Investigator's contact telephone number
 - 3). Police report number and date
 - 4). Applicant's name
 - 5). Brief description of the case
 - 6). Violation in connection with the offence;

¹ Slamet Tri Wahyudi, "PROBLEMATIKA PENERAPAN PIDANA MATI DALAM KONTEKS PENEGAKAN HUKUM DI INDONESIA," *Jurnal Hukum Dan Peradilan* 1, no. 2 (July 31, 2012): 207, <https://doi.org/10.25216/jhp.1.2.2012.207-234>.

² Ramadhanty Kharisma Mufti and Eko Wahyudi, "PENYIDIKAN TINDAK PIDANA PEMBUNUHAN BIASA DENGAN PELAKU YANG MELARIKAN DIRI," *Esensi Hukum* 3, no. 1 (December 14, 2021): 92–100, <https://doi.org/10.35586/esensihukum.v3i1.96>.



7). Characteristics/identity of the fugitive (attach a photo with complete and specific characteristics of the suspect being sought, including name, age, address, occupation, height, skin color, gender, nationality, hair, nose, fingerprints, etc.).

Police Regulation of the Republic of Indonesia Number 6 of 2019 concerning Management of Criminal Investigations which states: "Suspects who have been summoned for examination for case investigation and whose whereabouts are not clear are recorded on the wanted list and a search letter is issued."¹ DPO (People Wanted List) is usually issued or issued by the authorities, namely the police or prosecutor's office. This person makes it difficult for law enforcement to investigate a criminal case. UU no. 1 of 2006 concerning Mutual Assistance in Criminal Matters. Article 56 states "The provisions in this Law do not reduce the implementation of mutual cooperation in criminal matters which has been carried out through the International Criminal Police Organization-Interpol".

The International Criminal Police Organization (Interpol) will look for international DPOs who have requested assistance from the applicant country, whose members are 178 countries in the world whose headquarters are in France.² My experience when looking for perpetrators of criminal acts of fraud amounting to IDR. 17 billion who fled abroad. With the help of Mr. Kapoldasu Inspector General. Badrodin Haiti was advised to report to the Interpol section at National Police Headquarters in 2009, which at that time was led by Brigadier General Drs. Wayan Ardjana, shortly after we reported it and it was immediately distributed by Interpol to 172 countries at that time. Within 3x24 hours the whereabouts of the person being sought were identified and arrested and taken to Medan. This work was assisted by the Royal Malaysian Police and the Embassy of the Republic of Indonesia in Kuala Lumpur. Article 31 Regulation of the Head of the Police Criminal and Investigation Agency of the Republic of Indonesia Number. 14 of 2012.³

¹ Erdi Erdi, Surya Perdana, and Suprayitno Suprayitno, "Perlindungan Hukum Terhadap Notaris Dalam Melaksanakan Hak Dan Kewajiban Ingkar Notaris Pada Saat Penyidikan Kepolisian Negara Republik Indonesia," *DE LEGA LATA: Jurnal Ilmu Hukum* 5, no. 2 (July 20, 2020): 164–82, <https://doi.org/10.30596/dll.v5i2.4081>.

² A. I. Klimenko and A. A. Solukov, "The International Criminal Police Organization (Interpol): Issues of Legal Ideology," *Moscow Journal of International Law*, no. 1 (July 25, 2020): 79–89, <https://doi.org/10.24833/0869-0049-2020-1-79-89>.

³ Hardianto Djanggih, Hambali Thalib, and Ahmad Ramadhan, "The Corruption Investigation In The Regional Police of Riau Islands, Indonesia," *Rechtsidee* 4, no. 1 (December 4, 2017), <https://doi.org/10.21070/jihr.v4i1.988>.



1. A suspect who has been summoned for examination in the context of a case investigation more than 3 (three) times and whose whereabouts are found to be unclear, can be recorded on the People Wanted List (DPO) and a People Search Letter issued.

2. Officials authorized to sign the DPO:

a. Criminal Investigation:

1) Directors at the Police Criminal and Investigation Agency of the Republic of Indonesia;

2) Regional Police Criminal and Investigation Directors; and

3) Heads of Resort Police Crime and Investigation Units;

a. Head of Special Detachment 88 Police of the Republic of Indonesia;

b. Indonesian Air and Water Police:

1) Director of Water and Air Police of the Republic of Indonesia Police; And

2) Director of Regional Police Air and Water Police;

c. Traffic:

1) Head of the Indonesian Police Traffic Corps Division; And

2) Regional Police Traffic Director;

d. Police Chief.

3. In the event that the suspect and/or person being sought has been found or is no longer needed in the investigation, a Revocation of the DPO must be issued.

4. Officials authorized to issue DPO Revocation:

a. Investigation and Criminal functions:

1) Directors at the Police Criminal and Investigation Agency of the Republic of Indonesia;

2) Regional Police Criminal and Investigation Directors; and

3) Heads of Resort Police Crime and Investigation Units;

b. Head of Special Detachment 88 Police of the Republic of Indonesia;

c. Water and Air Police:

1) Director of Water and Air Police of the Republic of Indonesia Police; And

2) Director of Regional Police Air and Water Police;

d. Traffic function:

1) Head of the Traffic Corps Division of the Indonesian National Police; and

2) Regional Police Traffic Director;

e. Sector Police Chief



Steps for Publishing a People Wanted List (DPO)¹:

1. That the person being sought is truly believed to be involved as a criminal suspect based on sufficient evidence, and is threatened with the criminal articles for which he is accused, after it has been decided through the case title process for the case being investigated;
2. For the suspect who is suspected of having committed a criminal act, a summons has been issued and coercive measures have been taken in the form of arrest and search in accordance with applicable laws, but the suspect has not been found;
3. The person who makes and signs the DPO is the investigator or assistant investigator, known to the investigator/assistant investigator's superior and/or Kasatker as the investigator;
4. After the DPO is issued, the follow-up actions carried out by investigators are:
 - a) publicize it to the public through the Public Relations function in their area;
 - b) send it to other National Police Units and are obliged to forward the information to the ranks for publication.
5. The DPO must contain and explain in detail:
 - a. complete identity of the National Police Unit that issued the DPO;
 - b. Telephone number of the Investigator who can be contacted;
 - c. number and date of police report;
 - d. name of the reporter;
 - e. Brief description of the incident;
 - f. Article of the Criminal Act that was violated;
6. Characteristics/identity of the suspect being sought (included a photo with complete special characteristics of the person being sought, including: name, age, address, occupation, height, skin color, gender, nationality, hair, nose, fingerprints fingers and so on).

DPO at the Prosecution level and the Appeal, Cassation and Judicial Review (PK) stage.² At this stage someone has become a suspect or convict, and when they are summoned to trial or will be executed they then run away, and when they disappear

¹ M. Alfin Fatikh and Redi Panuju, "KOMUNIKASI ORGANISASI KEHUMASAN POLRES PASURUAN," *Jurnal Riset Komunikasi* 1, no. 1 (February 28, 2018): 22–34, <https://doi.org/10.24329/jurkom.v1i1.8>.

² Eddy Rifai, "Kajian Terhadap Putusan Batal Demi Hukum Tanpa Perintah Penahanan (Studi Putusan Mahkamah Konstitusi No. 69/PUU-X/2012)," *Jurnal Konstitusi* 10, no. 1 (May 20, 2016): 49–68, <https://doi.org/10.31078/jk1013>.



they then submit legal action when DPO status. What is the procedure at the prosecutor's office regarding the determination of a DPO, at the prosecutor level the DPO occurs in terms of; first, the Defendant did not appear at the trial, nor did he even provide information or a reason for his absence. Summons have also been served three times. Second, the convict has been found guilty by the court, but the prosecutor cannot execute him because the convict has run away.

Legal Problems and Gaps in Indonesia, in practice, even though there is SEMA Number 6 of 1988 which was signed by Ali Said, Chief Justice of the Supreme Court (then) which was then updated in 2012 through SEMA (Supreme Court Circular) No. 1 of 2012, but in several cases, not only did the Court accept submissions but and also the Supreme Court granted the PK's request by freeing the corruptor who had escaped and was convicted at the cassation level. Many corruption cases are hampered in their resolution during the execution stage because the convict has run away or is on the Wanted List (DPO).¹

This has often happened, for example the Judicial Review (PK) effort that was proposed by Sudjiono Timan and Lesmana Basuki. Sudjiono Timan, for example, submitted a PK through his wife as heir, when he was on the run on April 17 2012. Based on this request, the Supreme Court granted the request and freed Sudjiono Timan through decision Number 97/PK/Pid.Sus/2012. Sudjiono Timan was convicted of misusing bailout funds provided by the state, resulting in state losses amounting to IDR 369 billion. These losses appeared after PT. BPUI (PT. Bahana Pembinaan Usaha Indonesia), which is a state-owned company, purchased a number of debt securities issued by PT. KAFL (PT. Kredit Asia Finance Limited) which is used as a temporary placement medium for funds to then be channeled back to a number of parties. This purchase was not accompanied by the precautionary principle, which resulted in the state losing IDR 369 billion. Sudjiono Timan was sentenced at the cassation level after at the district court level, he was released from all charges because the case was considered a civil case, and not a criminal case. After the cassation decision was issued on December 3 2004, Sudjiono Timan fled and his whereabouts are unknown until now, so the Attorney General's Office cannot execute him.

¹ Lynda Asiana, "The Use of Information Technology in Searching Transnational Crime," in *Proceedings of the 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)* (Paris, France: Atlantis Press, 2020), <https://doi.org/10.2991/assehr.k.201209.265>.



However, during his escape, Sudjiono Timan, through his wife - who is considered his heir - submitted a Judicial Review (PK) which was granted by the Supreme Court through decision Number 97/PK/Pid.Sus/2012. The Supreme Court's acceptance and granting of the PK application sparked controversy because it was considered inconsistent with SEMA Number 1 of 2012. Apart from Sudjiono Timan, there were several other convicts who were also at large and continued to submit legal remedies which were later granted by the Supreme Court, one of whom was Lesmana Basuki. The case that ensnared Lesmana Basuki was the corruption he committed while serving as President Director of PT. Sejahtera Commercial Bank. Lesmana Basuki sold the case at a loss to the state amounting to IDR 209 billion, as a result of the sale of Commercial Paper and Medium Term Notes by PT. SBU with the responsibility of PT. Hutama Karya. For his actions, Basuki was sentenced to prison for 2 (two) years with compensation amounting to IDR 15.61 billion with a fine of IDR 200 million. However, Lesmana Basuki submitted a PK on his escape, and the Supreme Court granted it in 2007. Since then, Basuki has been released and his name has been removed from the Prosecutor's Office DPO.

3.1 Red Notice

A red notice is a request to law enforcement around the world to locate and temporarily arrest a person who is subject to extradition, surrender, or similar legal action.¹ In 2019, Interpol issued 13,377 Red Notices. The Supreme Court's decision on Article 265 paragraph (2) and paragraph (3) of the Criminal Procedure Code deserves attention from other law enforcement officials. "Criminals can flee to other countries to try to evade justice".² This sentence can be read when opening the Interpol International main page. If interpreted loosely, this sentence means that criminals always try to avoid the legal process by moving from country to country. To alert the police in many countries that a criminal is being sought, what is known to the public as a Red Notice is issued. Red Notice? This term comes from two words, 'red' which means the color red, and 'notice'. 'Notice' in Black's Law Dictionary, can be interpreted,

¹ Renwen Liu and Jun Liu, "International Cooperation in Tracking Down and Capturing Fugitive Officials," 2019, 183–202, https://doi.org/10.1007/978-981-32-9313-7_6.

² Muhammad Ridwanta Tarigan et al., "Tinjauan Yuridis Upaya Hukum Peninjauan Kembali Yang Diajukan Oleh Penuntut Umum Dalam Perkara Pidana," *Locus Journal of Academic Literature Review*, October 1, 2022, 308–21, <https://doi.org/10.56128/ljoalr.v1i6.82>.



among other things, as legal notification required by law or agreement, or imparted by operation of law as a result of some fact; definite legal cognizance, actual or constructive; of an existing right or title.

Interpol International defines a Red Notice as 'a request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action'.¹ Judging from its use, Red Notice 'alerts police worldwide about internationally wanted fugitives'. Red Notices are useful for alerting police in all countries that there is someone who is being sought by police in another country because that person is suspected of committing a crime under the legal system of the country that requested the Red Notice. The word 'Interpol' is mentioned, among other things, in Law no. 1 of 2006 concerning Mutual Assistance in Criminal Matters. Article 56 states "The provisions in this Law do not reduce the implementation of mutual cooperation in criminal matters which has been carried out through the International Criminal Police Organization-Interpol".

3.2 Cegah-Cegah dan Tangkal (Prevent and Deter)

Cekal, an acronym for: *Cegah dan Tangkal* "prevent and deter" or in full prevention and deterrence, is an operant of the Dutch terms *blokkering* which means closure and *signalering* which means paying attention to; observing; depict; describes the identification marks of something that aims to restrict someone from freely traveling to a place so that it is not difficult to find. Prevention is a temporary prohibition on people leaving Indonesian territory based on immigration reasons or other reasons determined by law.² Deterrence is a prohibition against foreigners from entering Indonesian territory based on Immigration reasons. Deterrence is the authority of the Ministry of Law and Human Rights, the Director General of Immigration, which is under the Minister and works at the request of investigators (National Police, Prosecutors, Corruption Eradication Committee) (Sihombing et al., 2019). The very popular Director General of Immigration that Indonesia once had was Inspector General. Ronny

¹ Serdar San, "Transnational Policing between National Political Regimes and Human Rights Norms: The Case of the Interpol Red Notice System," *Theoretical Criminology* 26, no. 4 (November 7, 2022): 601–19, <https://doi.org/10.1177/13624806221105280>.

² Alamsyah Bahari, "Between the Protection and Humanity: The Implementation of *Ultimum Remedium* Principle in Immigration Cases," *Indonesian Journal of Advocacy and Legal Services* 2, no. 2 (May 16, 2020): 123–98, <https://doi.org/10.15294/ijals.v2i2.38134>.



Sompie, however, was dismissed by the Minister of Law and Human Rights Yasona Laoly on January 28 2020 because of Harun Masiku.

3.3 Development of DPO in the United States

US Immigration and Customs Enforcement (ICE) today announced new guidance for all agencies regarding the use of Red Notices and Wanted Person Diffusion, as part of their commitment to comply with the requirements of the Interpol Constitution and the Data Processing Regulations.¹ ICE Directive 15006.1 codifies and strengthens the agency's best practices and supports broader U.S. Department of Homeland Security (DHS) efforts to combat transnational oppression by helping ensure Red Notices and Wanted Person Notices are issued for legitimate law enforcement purposes and comply with applicable regulations.

ICE officers make case-by-case decisions based on federal immigration law to determine whether someone is a removable citizen. In some cases, the interests of other law enforcement agencies either in the United States or abroad may be input into the analysis of whether an individual is a noncitizen, subject to removal under immigration law, or eligible for immigration relief or release from custody. In Indonesia, the Immigration Service only carries out orders in the form of a ban after receiving a special request from law enforcement.

The current situation is that the Indonesian government is being aggressive in upholding the supremacy of law based on Pancasila and the 1945 Constitution², which is realized through law enforcement agencies such as the National Police, Prosecutors and Corruption Eradication Commission as well as the Financial Transaction Reports and Analysis Center (PPATK), which is expected to be integrated like in the US. The Supreme Court of the Republic of Indonesia (MARI) has previously issued Supreme Court Circular Letter (SEMA) Number 1 of 2018 concerning the prohibition on DPO suspects from making pretrial applications. The Supreme Court's efforts to limit the suspect's right to submit pre-trial legal action really touches the conscience of justice

¹ Michael Levi and Mike Maguire, "Reducing and Preventing Organised Crime: An Evidence-Based Critique," *Crime, Law and Social Change* 41, no. 5 (June 2004): 397–469, <https://doi.org/10.1023/B:CRIS.0000039600.88691.af>.

² Ikhsan Lubis and Anju Nofarof Hasudungan, "Yamin's Sociocultural and Mythical Creation of Colonized Indonesia by the Dutch for 350 Years," *Malala* 10, no. 13 (November 17, 2022): 38–55, <https://doi.org/10.11606/issn.2446-5240.malala.2022.195498>.



of the Indonesian people because people who do not comply with the law do not have the right to take legal action.

The wisdom of the rule of law has not been harmed by SEMA Number 1 of 2018 which prohibits or limits the rights of suspects, but in order not to cause harm to law enforcement, regulations like this should become the substance of the law, not just SEMA. We realize that SEMA, which was born at this time, is only limited to filling a legal vacuum to cover existing regulatory deficiencies. The Criminal Procedure Code and all its derivatives must be revised and refer to today's law enforcement needs, because we are aware that procedural operational standards (SOP) relating to the handling of DPOs are not optimal because they are only in the National Police Chief's Regulations. I propose that we continue to utilize the regulations in force today with the support of several decisions which have permanent legal force (jurisprudence) by the Supreme Court of the Republic of Indonesia. For the process of returning suspects who have fled abroad, we have Law Number 1 of 2006 concerning mutual assistance for criminal law enforcement and there are also special agencies or institutions that work for this (Interpol) or the NCB-Interpol Indonesia Secretary. Specifically within the country, we must strengthen the Criminal Procedure Code and other regulations, including legal access for investigators who will carry out other legal actions.

The author is of the view that the party most responsible for finding fugitives (DPO) is the state in general through official institutions that are given authority for this (Indonesian State Police, Jaksa, Corruption Eradication Commission). So that DPO perpetrators must become enemies of the entire community. Furthermore, officials on duty at every level and institution must coordinate with the high leadership of the State, so that the head of State can make special instructions for the realization of just laws.

If the head of state gives instructions, all law enforcement officials will definitely feel protected juridically and politically. Because since the New Order era until the reform era, we have witnessed very heartbreaking law enforcement acrobatics, especially regarding the escape of suspects/defendants abroad. There was no less commotion when the defendant Adelinlis, Harun Masiku, Waziruddin, filled the list of DPOs in the country. We should be proud and at the same time grateful to all law enforcement officials who have succeeded in returning the DPO suspect to their homeland to take responsibility for all the suspicions and accusations leveled against him.

Some DPO cases may be related to legal obstacles, such as the inability to extradite a person from another country, or legal issues related to arrest and detention. Limited



human and financial resources can be a serious obstacle in the law enforcement process (Cavaliere et al., 2021). Police and law enforcement agencies may not have enough personnel or equipment to handle all DPO cases effectively. In some cases, third parties may be unwilling or difficult to cooperate with, such as citizens who do not want to provide information or countries of origin that refuse to cooperate with arrests (Shulha et al., 2022). Slow or overlapping legal processes between jurisdictions can be a serious obstacle in law enforcement in DPO cases. Uncertain or inaccurate information regarding the whereabouts or identity of the person being sought can make the arrest process difficult (Habbe et al., 2019). If a DPO case involves crossing national borders, legal differences between countries and a lack of international cooperation can make law enforcement difficult. The increased use of technology by criminals can be challenging for law enforcement agencies. Additionally, cybersecurity risks can complicate tracking and arrest efforts. To overcome these obstacles, close cooperation between various law enforcement agencies, updates in policies and regulations, and investments in training and technology can help increase the effectiveness of law enforcement in DPO cases.

Thus, the author believes that regulations are needed regarding integrated criminal law enforcement regarding prevention and deterrence, and the People Wanted List (DPO) in Indonesia. As a country of law, we are aware that without a written law there will always be obstacles in our law enforcement process, the recommendation is that we need complete and complete regulations so that the Criminal Procedure Code is immediately revised and the protection phrase for law enforcement officers with all their legal politics needs to be handed over to the institution in charge. For this reason, investigators, prosecutors and courts and correctional institutions. We must revise formal laws to address current needs, so that people who are in conflict with the law do not find it too easy to escape (DPO).

4 CONCLUSIONS

Several law enforcement agencies (police, prosecutors, Corruption Eradication Committee) often publish DPO lists, Red Notice lists, Block lists, but the information systems are not yet integrated, implementation and resolution of all actions are still partial or individual. To create efficiency and effectiveness in criminal law enforcement, it is necessary to have regulations that are able to integrate all information about DPOs



to create a common consensus in law enforcement in Indonesia. Hopefully all Indonesian citizens who are currently on PPO, *Cekal* (Prevent and Deter) will immediately take responsibility for legal matters with law enforcement so that the goals of the Indonesian State based on law are realized and carried out in accordance with government programs before being arrested first. So that Indonesia immediately forms one regulation so that the performance of each criminal law enforcer (National Police of the Republic of Indonesia, Prosecutors, Corruption Eradication Commission) can be integrated. Specifically dealing with the legal issues of DPO, *Cekal*, Red notice or an institution will be created to specifically handle people who have run away (DPO) both inside and outside the country.

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