



Dilemma of law enforcement against the risk of legal error in forced confessions

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ABSTRACT

The goals of criminal law enforcement are the prevention of crime and the upkeep of justice via an open and equitable judicial system. On the other hand, mistakes in identifying criminals are a common consequence of the criminal justice system's use of coerced confessions. Not only does this occurrence undermine public confidence in the justice system, but it also breaches human rights. Victims of coerced confessions have tragic consequences; in the Sengkon and Karta instances, for instance, the individuals were convicted of crimes in which they had no role. The case highlights systemic issues with how law enforcement investigates, uses evidence, and is overseen. In order to chart the connection between coerced confessions and mistake in persona, this research employs a normative legal strategy with a descriptive-analytical methodology. Furthermore, the research evaluates the efficacy of current legislation and suggests ways to avoid future problems by using a juridical-evaluative method. Legal sources used for this study range from main sources like the Criminal Procedure Code and the Convention Against Torture to secondary sources like literature reviews and case law. The study's findings suggest that outdated regulations, outdated forensic technology, a lack of public legal education, and a lack of external control mechanisms are all necessary for the legal system to improve in order to eradicate coerced confessions. By using these measures, the public's faith in the criminal justice system may be enhanced while the likelihood of individual errors is reduced. In order to help victims of wrongfully arrested recover their dignity, the research also suggests using a restorative justice strategy.

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1. Introduction

The body of legislation known as criminal law establishes rules and regulations on the imposition of criminal penalties for conduct that is deemed harmful to the public interest (Lahmado et al., 2024). Criminal law is a social control mechanism that seeks to prevent people from acting in a way that goes against societal standards and to keep people's interests balanced with those of society at large. Every infraction must be dealt with in accordance with the principles of justice in the criminal law system, wherein the offender is tried according to

legitimate evidence and given fair treatment throughout the court process (Pakaja et al., 2024). Thus, criminal law has a dual purpose: punishing lawbreakers and preventing future offenses via deterrence.

Forced confessions remain a significant challenge in criminal justice, often leading to wrongful convictions and undermining human rights. To address this, new forensic technologies like neuroimaging, biometric analysis, and forensic linguistics offer objective alternatives to traditional confession-based evidence by detecting stress or corroborating statements with data. Additionally, supervision models, such as mandatory video recordings of interrogations and oversight by independent bodies, enhance transparency and accountability, deterring coercive practices. These innovations can reduce legal errors and align justice systems with human rights standards, fostering greater trust in legal processes.

Implementing community-wide legal standards is the goal of criminal law enforcement (Huruji et al., 2024). To do this, several branches of law enforcement, including police, prosecutors, courts, and prisons, adhere to established protocols. But the police department isn't perfect all the time. A number of factors, including public opinion, resource constraints, and the honesty of law enforcement, may undermine the efficacy of the judicial system (Arief et al., 2023). The goal of criminal procedural legislation is to safeguard human rights, particularly the right to fair treatment of suspects or defendants, and law enforcement agencies must adhere to these principles.

On the other hand, mistakes do happen in the real world of law enforcement. Mistakes in identifying a criminal's identity, known as "error in persona," may have devastating consequences. This could happen for a number of reasons, including insufficient evidence, unprofessionalism on the part of law enforcement, or even the desire to end the case quickly. The use of coerced confessions to get information from suspects is a fundamental flaw in the persona error model (Rs et al., 2023). Confessions gained under duress do not carry any weight in court, yet this tactic is often used in practice. Every criminal justice system should be based on the notion of due process of law, and this goes against that.

The potential for mistake in coerced confessions undermines faith in the criminal justice system and causes harm to innocent people. The public loses faith in the judicial system and its institutions when an innocent person is wrongfully convicted because of coerced confessions. Because the inquiry is now focusing on the wrong place, this mistake can lead to the real offender's release. Therefore, the fundamental goal of criminal law—the maintenance of justice—is imperilled when law enforcement depends on coerced confessions, which is a violation of both human rights and the rule of law.

Sengkon and Karta, an incident that happened in Indonesia in 1974, is a case that is often mentioned in discussions about mistake in identity. The detrimental effects of coerced confessions on the criminal justice system are shown by this case. Police in Bekasi Regency coerced two farmers, Sengkon and Karta, into confessing to murder and robbery by using physical force and threats of assault. Even though there was no additional evidence to back up the claims, the authorities ensnared the two using the confessions as the primary evidence throughout the inquiry. The outcome was a 12-year jail term for Sengkon and a 7-year prison term for Karta (Pura & Faridah, 2021).

The absence of sufficient evidence gathering beyond admissions became apparent as the primary issue in this case. It seems like the police were so intent on getting the case closed as a whole that they forgot about the importance of due process. Furthermore, there were irregularities in the inquiry procedure due to societal pressure to quickly identify the criminals. Confessions being the primary form of evidence highlights the inadequacy of the judicial system at that era, particularly in safeguarding the fundamental rights of suspects to be handled equitably.

It wasn't until Sengkon and Karta served out their sentences for a while that the injustice they endured became apparent. Additional court actions involving attorneys and other parties uncovered more proof indicating the true offender was someone entirely unconnected to them. This demonstrates systemic flaws in the investigation and trial processes of law enforcement and further establishes that both individuals were victims of mistake in persona. Both were eventually freed after a lengthy procedure, but they were never able to completely recover from the stress and losses they endured.

References to the Sengkon and Karta cases abound in criminal law literature, particularly that which deals with coerced confessions. Case studies like this highlight the necessity for changes to the criminal justice system, such as making police personnel more professional, creating new ways to prove cases using evidence based on technology, and outlawing the use of force during investigations. Furthermore, this case emphasizes the need of having outside oversight of law enforcement in order to forestall court process anomalies.

The matter merits more investigation since such mistakes might have far-reaching consequences. The public's faith in the justice system is diminished when persons are wrongfully convicted due to error in identity. To better safeguard human rights within the criminal justice system, it is necessary to do thorough study to determine the reasons for these mistakes and provide remedies. So, to make sure that justice is still the foundation of law enforcement, studies into incidents like Sengkon and Karta are crucial. Taking the aforementioned into consideration, the research question formulates as follows: (1) How might the use of coerced confessions in criminal law enforcement lead to bias and undermine the concept of justice? and (2) How can the Indonesian criminal justice system avoid the fallacy of "persona" caused by coerced confessions?

2. Method

This paper analyzes the criminal justice system's handling of coerced confessions and the effects of this practice on inaccuracy in persona via the lens of normative legal research. In order to address the above concerns, this research draws on primary legal sources including applicable statutes and regulations, case law, and legal theory (Amiruddin & Asikin, 2012).⁶

This research uses a descriptive-analytical technique to solve the initial articulation of the issue, which is how compelled confession might breach the concept of fairness and produce mistake in judgment. This method seeks to trace the connection between coerced confession and mistake in persona by drawing attention to the violation of human rights and the concept of due process of law. In order to provide an empirical picture of how these behaviors affect judicial justice, this research will examine real-life case examples like the Sengkon and Karta cases.

This research employs a juridical-evaluative method to address the second formulation of the issue, which pertains to the measures that may be implemented to avoid the possibility of mistake in persona resulting from coerced confessions. This method seeks to find flaws in Indonesia's criminal justice system by analyzing the efficacy of current legislation, such as the Criminal Procedure Code's protection of suspect rights. Also, to come up with more practical suggestions, this research compares Indonesian law enforcement with other nations' judicial systems that have reduced dependence on coerced confessions using a scientific evidence-based approach. This research aspires to provide theoretical and practical contributions to strengthening the criminal justice system in Indonesia, with a focus on protecting human rights and upholding justice principles, via using these two methodologies.

Legal data, such as laws and case law, is processed through structured methods combining traditional analysis and computational tools. Techniques like natural language processing (NLP) and machine learning extract key terms, identify patterns, and predict outcomes based on historical rulings. Metadata such as case details and jurisdictions are organized for efficient access, while visual tools highlight trends and inconsistencies. These methods streamline legal

research and enhance decision-making, with experts validating results to ensure alignment with legal standards.

3. Analysis and Results

3.1. The Practice of Forced Confessions in the Criminal Law Enforcement Process to Achieve Legal Justice

A central element in the evolution of legal philosophy throughout human history is the conception of justice. Ancient Greek thinkers like Plato and Aristotle were the first to consider this concept (Yudhanegara et al., 2024). Justice, according to Plato's definition in *The Republic*, is personal and societal peace. Plato argues that justice is achieved when everyone fulfills their responsibilities in accordance with their social status (Muhtar et al., 2023). Justice, in his perspective, exists when all parts of society complement one another and do not interfere with one another's duties. On a personal level, justice is a reflection of harmony among the logical, emotional, and instinctual parts of a person's psyche. In order to build a perfect society, this theory stresses fairness as a fundamental moral norm (Kim et al., 2020).

Following in Plato's footsteps, Aristotle provided a more tangible definition of justice and developed the concept further. Aristotle divides justice into two broad types in the *Nicomachean Ethics*: distributive and retributive. When people's contributions or needs are taken into account, resources, rights, and responsibilities are distributed fairly (Harahap et al., 2023). In contrast, retributive justice is based on the idea that one should receive consequences for their conduct in a proportional manner. Just treatment of all people, according to Aristotle, requires taking into account their unique circumstances, a concept he called "proportional equality."

Theological ideas, particularly those advanced by Thomas Aquinas, had a significant impact on medieval understandings of justice. Aquinas established a connection between justice and natural law, which he saw as an expression of God's will. According to him, being just is a moral quality that helps people follow God's rules and reason (McCluskey & Miner, 2010). Justice, he said, must be founded on transcendental moral principles, and it must represent a balance between personal rights and societal interests. According to this line of reasoning, God's connection with humanity, civilization, and society depends on justice.

As the modern period progressed, rational and secular thought came to dominate conceptions of justice. The founding fathers of social contract theory – Thomas Hobbes, John Locke, and Jean-Jacques Rousseau – contributed much to our understanding of justice as it pertains to the interaction between citizens and their government (EA Zulfa, 2012). Justice, according to Locke and others, is the safeguarding of inalienable human rights such the right to life, liberty, and property. According to Locke, the only way for the state to provide justice is to protect these rights by open and equitable legislation. When it comes to justice, however, Rousseau proposed the idea of the "general will," in which everyone pitches in to protect the common good (Sommerville & Collins, 2008).

A *Theory of Justice*, written by John Rawls in the twentieth century, brought the concept of justice into the spotlight. Rawls proposed the idea of "justice as fairness," a philosophy that prioritizes economic equity and social justice. Two primary concepts of justice were put out by Rawls in his theory. Every person has an inherent and inalienable right to freedom of expression, religion, and assembly, according to the fundamental principle (Huda, 2011). Second, economic and social disparities can only be tolerated if they disproportionately help the poor and powerless. Rawls stresses the need of establishing initial circumstances of justice by means of a "veil of ignorance," whereby judgments on social norms are made without understanding people's social positions, leading to the production of laws that are really equitable (Forst, 2012).

To determine whether the justice system is reflective of society's ideals, these ideas provide a crucial foundation in the area of criminal law enforcement. The use of coerced confessions in

criminal law proceedings runs counter to the ideals of justice as outlined by Rawls, Aquinas, Plato, and Aristotle. When put into reality, compelled confessions undermine both distributive and retributive justice, which infringe upon fundamental human rights. One key component of a fair judicial system is the concept of due process of law, which is violated when confessions are gained via torture or intimidation (Abqa et al., 2023).

The use of coerced confessions in the Sengkon and Karta case exemplifies how Indonesia's criminal justice system disregards the concept of justice. This case exemplifies how, when not handled with care and professionalism, the judicial system—meant to safeguard justice—becomes a weapon that sows injustice. Examining the sequence of events that transpired with Sengkon and Karta, beginning with the inquiry and ending with the court ruling that erroneously convicted them, is crucial for comprehending the consequences of coerced confessions in this setting (Waskito, 2018). We may analyze the errors in persona and their effects on Indonesia's criminal justice system by focusing on the case's chronological elements.

Sulaiman and Siti Haya, a married couple from Bojongsari Village, Bekasi, were robbed and killed on November 20, 1974. Physical assault was the cause of the victims' severe injuries, and they were both discovered dead. Sulaiman had a fractured wrist among his significant injuries; Siti Haya sustained bruises in 12 places; and Sulaiman had bruising in 15 places. Two impoverished villagers, Sengkon and Karta, were apprehended by the police after the event as the primary suspects. Their alleged crimes included the heist and the murder of Sulaiman and Siti Haya. Serious physical abuse was inflicted on Sengkon and Karta during their questioning, leading them to falsely confess to an act. Despite their denials, they signed an examination report that included a fake confession as a result of the pressure and abuse they endured.

The Bekasi District Court found Sengkon and Karta guilty of the murder and robbery charges in 1977. The judge handed down a 12-year jail term to Sengkon and a 7-year prison term to Karta. The West Java High Court subsequently affirmed this decision. Sengkon contracted TB while incarcerated in the Cipinang Penitentiary as a result of the unsanitary environment and psychological strain he endured. In 1980, while still incarcerated, Sengkon and Karta crossed paths with another prisoner, Gunel, who was really Sengkon's nephew. After three of his pals were killed and Sulaiman and Siti Haya were robbed, Gunel admitted that he was the true killer. The truth that Sengkon and Karta were wrongfully condemned was exposed by their confession.

Based on this fresh evidence, Gunel was handed a 12-year jail term in October 1980. The conviction against Sengkon and Karta had permanent legal power, therefore their release was delayed even when the true culprit was exposed. The good news is that Albert Hasibuan, a lawyer, battled for their destiny by submitting a PK to the Supreme Court. The PK method was used to free Sengkon and Karta in January 1981 by then-Supreme Court Chief Justice Oemar Seno Adji. Sengkon and Karta had a hard time getting back on their feet after their discharge. Living circumstances were terrible for Sengkon and his family as his health deteriorated owing to disease and they lost everything in the court procedure. Additionally, they took legal action by suing the court for Rp100 million in damages after the unfair ruling, but the Supreme Court ultimately dismissed their case due to technical legal reasons.

Regarding the application of judicial review (PK) to court rulings with permanent legal effect, the Sengkon and Karta case marked a watershed moment in Indonesia's criminal justice system. Not only does this case show how dangerous coerced confession methods may be for sentencing mistakes, but it also emphasizes the significance of preserving human rights and using the concept of justice in the process of law enforcement (Andrisman, 2018).

In particular, the use of coerced confessions as primary evidence in the Sengkon and Karta trials exposes serious flaws in Indonesia's criminal justice system. Tragically, this episode demonstrates how the concepts of justice, public faith in the judicial system, and the accuracy of crime scene identification may be severely compromised when suspects are coerced into making false confessions. There has to be systemic change across the criminal justice system,

beginning with investigative practices, continuing with safeguards for suspects' rights, and ending with systems to ensure that law enforcement officials are not unduly compromised in order to forestall the repetition of such incidents.

The elimination of coerced confessions via enhanced safeguards for human rights during investigations has to be the primary goal of any reform of the criminal justice system. Indonesia has accepted many international legal instruments, including the Convention Against Torture, and it is imperative that they be rigorously implemented within the country's legal framework. To make this enforcement a reality, the Criminal Procedure Code (KUHAP) has to be updated to include provisions that prohibit the use of force or intimidation by investigating authorities, and those who break these rules should face severe penalties. Furthermore, police personnel need extensive training to enhance their knowledge of suspect rights and the significance of applying the idea of due process of law throughout the investigation.

Additionally, it is crucial to replace dependence on suspect confessions with current forensic technology as the main instrument for evidence. DNA testing, fingerprint analysis, and digital reconstruction are all examples of evidence-based methods that may help find criminals in a more objective and accurate way. The government should put money into buying cutting-edge forensic equipment and making sure that all cops are taught to use it properly. The criminal justice system may then depend less on easily manipulated confessions and more on reliable scientific evidence.

Third, in order to stop police officers from abusing their position of power, there has to be more external control. Independent audits of cases that may contain human rights breaches should be given more power to institutions like the National Police Commission (Kopolnas) and the Prosecutor's Commission. Furthermore, victims may effectively seek justice via the creation of a specialized section to address public complaints about alleged torture or assault in the court system. Transparency in law enforcement is ensured by this monitoring, which also acts as a control tool and an accountability system.

Fourth, as an exceptional measure to rectify mistakes in court rulings, reforming the legal system should also include enhancing the Judicial Review (PK) process. It is clear from the Sengkon and Karta examples that PK is a useful tool for fixing persona mistakes, but the process needs some work to make it easier to include fresh information. It is imperative that the Supreme Court establish more transparent protocols on the prerequisites and constraints of PK filings, such as expediting the examination procedure and guaranteeing equitable opportunity for all relevant parties to provide fresh evidence.

Fifthly, there has to be a substantial uptick in legal education to make the general population more knowledgeable of their rights. Victims like Sengkon and Karta often lack the information and means necessary to challenge an unjust court system. Thus, it is imperative that colleges, NGOs, and the government collaborate to ensure that low-income people, in particular, have easy access to legal aid services. The chances of seeing and stopping injustice will improve if more people are educated about the law.

In conclusion, the criminal justice system needs to foster a restorative justice culture that prioritizes mending broken relationships and compensating those who have suffered a miscarriage of justice rather than merely punishing offenders. In the case of Sengkon and Karta, this entails establishing appropriate channels of redress to restore the dignity of victims of illegal arrest and provide sufficient compensation to those affected. These actions are critical for making amends for wrongs done in the past and for showing that the judicial system values human rights and justice. A more fair and open criminal justice system in Indonesia is possible with the regular implementation of these measures. The Sengkon and Karta instances highlight the need to change the legal system so that justice is still the cornerstone of law enforcement and the significance of safeguarding individual rights in all judicial proceedings.

3.2. Preventive Steps in Error in Persona Due to Forced Confessions in the Criminal Justice System in Indonesia

The criminal justice system has many major difficulties, one of which is error in persona, which breaches the concept of justice. This is often the result of police officials coercing suspects into confessing during an inquiry or questioning. In this setting, the use of coercion, threats, or physical force to coerce a confession is unfair and violates human rights. Furthermore, mistake in persona undermines the legitimacy of the judicial system as the real offender might evade justice while innocent individuals are punished (Daily, 2020).

Fundamental to the contemporary criminal justice system are the guarantees of human rights and the right to a fair trial. It is Indonesia's duty to guarantee that all individuals are treated equitably in the legal system, as the country has accepted several international human rights agreements, including the Convention Against Torture (CAT). Nevertheless, in many investigations, coercion of confessions is still a common tactic, particularly when there is political or societal pressure to find a quick solution (Suwito et al., 2023).

In order to tackle this problem, we need preventative measures that take into consideration all the necessary factors, such as new regulations, more training for police, and better systems of oversight and responsibility. Another important part of prevention is changing the attitude away from using suspicious confessions as proof and toward using scientific evidence, which is more accurate and impartial. Additional measures to guarantee the protection of individual rights include expanding access to legal assistance and educating the public about the law.

Protecting people from being victims of erroneous arrest is only one goal of attempts to reduce error in persona; another is maintaining the public's faith in the criminal justice system. By establishing a just and open system, Indonesia may make sure that the purpose of law enforcement isn't merely to punish criminals, but to defend justice as the fundamental principle of the judicial system.

One of the basic flaws in the criminal justice system that might harm substantive justice is the error in persona or mistake in identifying the offender (Anggara, 2013). This usually happens when there is an over-reliance on confessions that were gained via illicit techniques, such as manipulation, psychological coercion, or physical torture. Under these circumstances, confessions serve as a means for law enforcement to satisfy their immediate demands for investigational outcomes rather than as indicators of actual truth. Serious repercussions include the unfair sentencing of innocent people to prison terms for crimes they did not commit and the possible immunity of the real offenders. In addition to being an affront to individual rights, this runs counter to the goals of criminal law, which are to provide social safety and the realization of justice.

The purpose of due process of law in contemporary legal systems is to guarantee that all judicial proceedings are open, honest, and followed by the letter of the law. It is Indonesia's responsibility to guarantee that all individuals, including suspects, are handled in compliance with these standards, since the country has accepted many international agreements, notably the Convention Against Torture (CAT). Having said that, the standards of the law are not always met by the field's practices. Particularly in high-profile instances, law enforcement authorities may feel institutional, societal, or political pressure to find a rapid resolution. Under such duress, the investigators may resort to unethical tactics, such as coerced confessions, in order to move forward more quickly (Krisnalita & Wigrhalia, 2020).

The first step in preventing mistaken identity due to coerced confessions is to revise the rules that regulate the safeguarding of suspects' rights. There should be stronger language prohibiting the use of violence during investigations under Law No. 8 of 1981, which is the Criminal Procedure Code (KUHP). A rigorous system for monitoring questioning methods should also be included in the rule, such as the need to record all questionable exams on camera

so that proof of a procedural violation may be presented. There would be less room for intimidation or torture since police personnel will be more cautious under this watch.

Capacity development of law enforcement officials is an important component in reducing mistake in persona, alongside regulation change. All members of the legal system, including detectives, prosecutors, and judges, should undergo training that emphasizes the use of professional and ethical questioning tactics. Digital reconstruction, DNA analysis, and fingerprinting are all examples of current forensic technologies that should be a part of this training since they may provide more objective proof than a suspect's confession. Reducing the likelihood of police mistakes, this evidence-based method reduces the weight of a suspect's confession.

It is also necessary to improve systems for outside observers to keep an eye on police enforcement. Cases suspected of including procedural irregularities should be subject to audits by independent agencies like the National Police Commission (Kompolnas) or the Prosecutor's Commission. Furthermore, these institutions need to take public allegations of torture or violence throughout the legal process very seriously, and there has to be clear punishment for personnel who are found to have broken the law. Both the prevention of infractions and the overall accountability of law enforcement agencies are enhanced by this supervision.

Raising the availability of legal assistance is another critical step. Forced confessions disproportionately affect members of low-income communities, where many of the victims are unaware of their rights. They may have a fighting chance with the help of pro bono lawyers or legal assistance organizations. From the very beginning of an inquiry, the government and civil society groups must work together to guarantee that all suspects have access to competent legal counsel (Arafat, 2020).

Lastly, the criminal justice system must undergo a cultural transformation that places a premium on restorative justice rather than punishment alone. By taking this tack, we may ensure that criminals are treated fairly while also rehabilitating those who have fallen victim to injustice. Restoring public faith in the justice system requires, in instances like Sengkon and Karta, giving victims of unlawful arrest sufficient compensation and clearing their reputations (Dewantary, 2016).

A more just and reliable criminal justice system may be established in Indonesia by regularly following these measures. Ensuring accuracy in identity is crucial for safeguarding individual rights and upholding the overall validity of the judicial system. Without treating every person according to the relevant moral and legal standards, the concept of justice would remain unfulfilled.

4. Conclusion

The reliance on coerced confessions poses a significant threat to the integrity of Indonesia's criminal justice system, as it violates human rights, undermines public trust, and punishes the innocent while allowing real criminals to escape justice. Cases like Sengkon and Karta highlight institutional flaws requiring immediate reforms, including enhanced oversight, updated regulations, forensic technology, and improved public legal literacy. A restorative justice approach, balancing punishment and reconciliation, can help restore victims' rights and strengthen public faith in the system. Future efforts should focus on adapting the justice system to societal and technological changes, studying successful international practices, and integrating evidence-based technological solutions to minimize judicial errors and ensure a more responsive and equitable justice system in Indonesia.

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