

Research Horizon

Vol. 3, no. 2, (2023), 98-107

Website: <https://journal.lifescifi.com/index.php/RH/index>

Implementation of Restorative Justice in Settlement of Hate Speech Cases through Social Media in the ITE Law

Mujianto Mujianto¹*, Hotma P.Sibuea¹, and Syahrir Kuba¹

¹ Universitas Bhayangkara
Jakarta Raya, Jakarta, Indonesia

* Corresponding author:
mujianto.ubharajaya@gmail.com

Received : 4 Feb, 2023

Revised : 21 Mar, 2023

Accepted : 10 Apr, 2023

Abstract

The purpose of this research is to provide a comprehensive description of the research object, to clearly outline the state and condition of the object in order to gain a profound understanding of the situation/events and to discover patterns of relationships among situations/events, thus revealing the interconnection of data variables resulting from this study. The objective of this research is to gain an overview and understanding of how restorative justice is implemented in resolving cases of hate speech occurring in digital spaces or social media, where such criminal offenses are regulated by Law Number 11 of 2008 concerning Information and Electronic Transactions. The results highlight the implementation of restorative justice in resolving hate speech on social media, based on Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 on Information and Electronic Transactions, and analyze the challenges faced by the Police Institution in handling hate speech criminal cases on social media. The theoretical findings of this research are expected to serve as a source of information, enhance knowledge, and contribute to the field of criminal law, especially regarding the implementation of restorative justice in resolving hate speech cases conducted on social media.

Keywords

Restorative justice, Information Technology and Electronic Law, Social media, Hate speech, Indonesia

1. Introduction

The negative impacts of the rapid development of information technology were quickly addressed by the Indonesian government through the enactment of Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law). This law was the first to regulate the implementation of information and communication technology in Indonesia. The law aims to address and criminalize negative or inappropriate behavior in the virtual space. During its implementation, the ITE Law has experienced distortions in the application of criminalization principles. It supports the achievement of national goals, and criminalized actions result in losses or victims (subsociability). Additionally, the law adheres to the principles of cost and benefit, enforceability, utilizing criminal law as a last resort (*ultimum remedium*), subsidiarity rather than premium *remedium*, and avoiding ambiguous or general formulations (precision principle). Actions subject to criminalization must be clearly described in criminal law provisions (clearness principle) (Indriasari & Armando, 2023).

Distortions of the principles of criminalization mainly occur in relation to the negligence of law enforcement agencies in observing the principle of subsidiarity. This means that criminal law should be used as the last resort (*ultimum remedium*) in combating crimes using penal instruments, rather than being the primary tool (*primum remedium*) to address criminal issues. The principle of *ultimum remedium*, as stated by Sudikno Mertokusumo (Sudikno, 2006), is one of the principles in Indonesian criminal law, which emphasizes that criminal law should be the final effort in law enforcement and that there should be other alternative solutions before applying criminal law provisions.

Instead of emphasizing the principle of subsidiarity, there is a tendency to adopt the principle of premium *remedium*, as if criminalization or criminal law is the only option and the application of criminal law is seen as the sole means to enforce the law (Perwira et al, 2023). There seem to be no other alternatives as a basis or foundation for upholding the law, and no other sanction options can be imposed on the subjects of the law. It gives the impression that criminalization is the main gateway to due process of law. This signal is reflected in the law enforcement carried out by law enforcement agencies (investigators, public prosecutors, and judges at all levels) regarding the articles in the ITE Law that often lead to multiple interpretations. This signal is also constructed from strong criticisms from various circles and segments of society, resulting in these articles being known as flexible or rubber articles.

Based on data from Safenet recorded from the enactment of Law Number 11 of 2008 until the end of 2020, there were at least 339 cases, with the majority of perpetrators being charged under Article 27 Paragraph 3, which states: "Any person who intentionally and without right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents containing defamation and/or slander" is threatened by Article 45 of the ITE Law, which states: "(1) Any person who fulfills the elements as referred to in Article 27 Paragraph (1), Paragraph (2), Paragraph (3), or Paragraph (4) shall be punished by imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp1,000,000,000.00 (one billion rupiah) and Article 28 Paragraph 2, which states: "Any person who intentionally and without right disseminates information aimed at creating hatred or hostility towards individuals and/or specific groups in society based on ethnicity, religion, race, and intergroup relations (SARA)." is threatened by Article 45 Paragraph 2: "Any person who fulfills the elements as referred to in Article 28 Paragraph (1) or Paragraph

(2) shall be punished by imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp1,000,000,000.00 (one billion rupiah)," which is combined with general clauses in the Criminal Code

President Joko Widodo, in a limited meeting on Monday (February 15, 2021), stated that he could ask the People's Consultative Assembly (DPR) to revise the Information and Electronic Transactions Law (ITE Law) if its implementation is deemed unfair. According to President Joko Widodo, the articles in the ITE Law or Law Number 11 of 2008 could be the root of legal problems, especially those vague provisions that can be interpreted differently and easily misused. He said, "Especially removing the flexible or rubber articles that can be interpreted arbitrarily," as quoted from *AntaraneWS* on Tuesday (February 16, 2021) (Riyanto, 2021). Similarly, the Chairman of the People's Consultative Assembly (MPR), Bambang Soesatyo, also believes that the ITE Law should be revised because it leads to multiple interpretations. "The substance of its articles needs to be reviewed because it leads to multiple interpretations," he said in an online discussion organized by the Brain Society Center on Thursday (May 6) (CNN Indonesia, 2021). The existence of these multiple interpretations has resulted in citizens filing reports against each other, citing data from Safenet, which indicates that there were 324 cases related to the ITE Law until 2020, with 172 cases of them involving social media posts. Therefore, it is necessary to revise the law promptly. He believes that the revision of the ITE Law is needed to demonstrate public decency, combat fake news, pornography content, and hate speech. "The revision of the ITE Law is expected to build and ensure the guarantee of freedom of expression in the digital space while still upholding the rights and obligations in the eyes of citizens and the law" (CNN Indonesia, 2021).

The Chairman of the People's Consultative Assembly (MPR) also appreciates the circular from the Indonesian National Police (Kapolri) regarding the ITE Law, but it is considered insufficient to address the underlying issues. This is because the circular only regulates the implementation, while the main problem with the ITE Law lies in the vague provisions. "The guidance issued by the Police is indeed very much needed in the short term. However, in the long run, what is needed is a revision of the ITE Law. Regarding the matter above, this study is interested in conducting research on the implementation of restorative justice for resolving hate speech cases that occur through social media, as regulated by Law Number 11 of 2008 concerning ITE. The law enforcement process of the ITE Law has not been based on the principles of subsidiarity/ultimum remedium, guided by restorative justice regulations issued by the government through ministries and agencies. Based on this, the research aims to investigate the implementation of restorative justice in resolving hate speech cases through social media within the information and electronic transactions law (CNN Indonesia, 2021).

The problem in this research is to what extent law enforcement authorities in Indonesia adhere to the principles of subsidiarity or ultimum remedium in due process of law through the implementation of restorative justice as the main option. The focus of the research is on how law enforcement authorities, in this case, investigators and public prosecutors, can implement restorative justice in cases regulated by Law Number 11 of 2008 concerning Information and Electronic Transactions, especially those related to hate speech crimes, by adhering to circulars, regulations, and other forms of regulations applicable within their institutions. Based on the background described above, the research problem in this study is about the implementation of

restorative justice in resolving hate speech on social media based on Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 on Information and Electronic Transactions, and what obstacles are faced by the Police Institution in resolving hate speech criminal cases on social media.

2. Research Methods

The data analysis method used is qualitative analysis, which involves observing the facts present in the field practices related to the research object and then comparing them with data obtained from literature studies. Through this process, the researcher can understand and analyze the enforcement of criminal law through restorative justice in resolving hate speech cases as a model of criminal law reform. The research approach used in this study is a normative approach, which examines the fundamental principles of criminal law and related legislation by comparing the enforcement of criminal law according to positive criminal law that is synchronized with the enforcement of criminal law oriented towards restorative justice.

3. Results and Discussion

3.1 Hate Speech and Law Enforcement

The current criminal law policy, in resolving criminal cases, is conducted through the judiciary system (litigation) that emphasizes legislation, and criminal cases cannot be resolved through reconciliation (Harmanto et al, 2022). The implementation of law enforcement based on the positivist/legalism stream originating from the West apparently does not provide a sense of substantive justice for seekers of justice. In an effort to provide a sense of substantive justice for seekers of justice, this research will examine, explore, and analyze whether the concept of restorative justice has the potential to be implemented in cases of Hate Speech.

In the Circular Letter of the Indonesian National Police (Kapolri) number SE/6/X/2015 dated October 8, 2015, regarding the Handling of Hate Speech, the implementation of progressive law is reflected, as envisioned by Prof. Satjipto Rahardjo, that law is created for humans, not humans for the law (Rahardjo, 2007). Based on this idea, the current legal studies have reached an ecology that fundamentally revolves around anthropocentrism, a philosophy centered on humans, acknowledging their ability to create, feel, communicate, produce works, and have free will, all within the limits permitted by the Creator. Thus, the law should not act independently without learning from the environment. The perspective of humans as Khalifah fil ardh (vicegerent on earth) serves as the foundation that God highly honors His creation with dignity and respect. Therefore, human-made laws should not reduce the dignity and respect to what is merely stated in the legislation (Rustamaji, 2017). The circular sets out in point 3 letters a) and 5) letters b) and c) about several preventive measures that members of the Indonesian National Police (Polri) should adhere to when encountering or receiving reports of Hate Speech. These measures include prioritizing the functions of community and public relations (bimmas and polmas) to provide education or socialization to the public regarding hate speech and its negative impacts. It also emphasizes the use of community and public relations (bimmas) to establish constructive cooperation with community figures, youth leaders, and academics to optimize repressive actions against hate speech..

Furthermore, in letter d) of the same circular, if any potential actions leading to hate speech are found, every member of the Indonesian National Police (Polri) is obligated to take the following actions: (1) monitor and detect the emergence of conflict seeds in society as early as possible; (2) approach the parties suspected of engaging in hate speech; (3) facilitate a meeting between the parties suspected of engaging in hate speech and the victims of hate speech; (4) seek peaceful solutions between the disputing parties; and (5) provide an understanding of the potential impacts that may arise from hate speech in society.

Moreover, this Circular Letter is reaffirmed with Circular Letter Number SE/2/II/2021 dated February 19, 2021, regarding Ethical Cultural Awareness to Realize a Clean, Healthy, and Productive Digital Space in Indonesia. Through this circular, the Indonesian National Police (Polri) requests all its members to commit to enforcing the law in a way that provides a sense of justice to the public in the implementation of the ITE Law. There are 11 points that must be adhered to by Polri members in handling cases related to the ITE Law, which prioritize preemptive and preventive efforts, prioritize the mediation process between parties, and adhere to the principles of *ultimum remedium* and subsidiarity.

Furthermore, previously in 2012, the Indonesian National Police (Polri) through the Head of the Criminal Investigation Agency (Kabareskrim) issued a Telegram Letter No. STR/583/VIII/2012 dated August 8, 2012, regarding the Application of Restorative Justice. This telegram letter served as the basis for investigators in resolving criminal cases with restorative justice principles. Subsequently, there was another development with the issuance of Circular Letter of the Chief of the Indonesian National Police (Kapolri) No. 8/VII/2018 dated July 27, 2018, regarding the Application of Restorative Justice in the Resolution of Criminal Cases.

This Circular Letter from the Chief of the Indonesian National Police (Kapolri) regarding restorative justice serves as the legal basis and guidelines for investigators and detectives of the Indonesian National Police (Polri) in conducting investigations, including ensuring legal protection and supervision and control, in the implementation of restorative justice principles in the concept of criminal investigation (Satriadi, 2022). This is to achieve public interests and a sense of justice in society, thus ensuring consistency in understanding and applying restorative justice within the Polri environment.

However, both legal bases issued by the Indonesian National Police (Polri) above only refer to Article 76 paragraph (1) of the Criminal Code (KUHP) concerning *ne bis in idem*; Article 7 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Justice System related to diversion efforts; Article 15 paragraph (2) of Law Number 42 of 1999 concerning Fiduciary Guarantee related to the executive power of fiduciary certificates; and Article 51 paragraph (7) of Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua related to exempting criminal perpetrators from criminal charges according to applicable criminal law. In both legal bases issued by Polri regarding restorative justice, it is not explicitly stated that these legal bases can also be applied to cases involving provisions in Law Number 11 of 2008 concerning ITE.

The guideline for resolving criminal cases through restorative justice has also been issued within the Attorney General's Office. The Attorney General's Corps, through the Regulation of the Attorney General of the Republic of Indonesia number 15 of 2020 concerning the Discontinuation of Prosecution Based on Restorative Justice, although not explicitly and

specifically mentioning its application to Law Number 11 of 2008 concerning ITE, is very open to being applied for restorative justice processes. This is evident in considering the conditions as stipulated in Chapter III regarding Conditions, especially found in Article 4 paragraph (2) letter g, which requires the existence of reconciliation between the victim and the suspect.

In response to the increasing criticism of the implementation of the ITE Law, which has resulted in many victims due to vague provisions, the government has also taken action by issuing a Joint Decree of the Minister of Communication and Information Technology of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the Chief of the Indonesian National Police Number 229 of 2021, Number 154 of 2021, and Number KB/2/VI/2021 concerning the Guidelines for the Implementation of Specific Articles in Law Number 11 of 2008 concerning ITE as amended by Law Number 19 of 2016 on June 23, 2021. Additionally, the Coordinating Ministry for Political, Legal, and Security Affairs has also sent a letter to the Honorable Chief Justice of the Supreme Court Number B- 96/HK.00.00/07/2021 dated July 14, 2021, stating that the joint decree is intended to be used as a guideline for investigators and public prosecutors in enforcing the law related to the ITE Law, in order to avoid multiple interpretations in its implementation. The joint decree (SKB) between the Minister of Communication and Information Technology of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the Chief of the Indonesian National Police in mid-2021 presents a significant opportunity for the implementation of restorative justice in the process of ITE Law cases.

3.2 Hate Speech Punishment and Restorative Justice

The general theory of criminalization examines the implementation of restorative justice in resolving criminal cases of hate speech on social media. Theological Theory and Combined Theory, as integrative perspectives in the purpose of criminalization, argue that criminalization has plural goals, combining Utilitarian and Retributivist views. Utilitarian perspective states that the purpose of criminalization should lead to proven beneficial consequences, while the Retributivist perspective believes that justice can be achieved when the purposes of Theological Theory are carried out using the principles of justice as a measure (Muladi, 2002).

Several theories related to the purpose of criminalization. According to the theory of Absolut / Retribution, punishment is imposed solely because a person has committed a crime or offense. Immanuel Kant views punishment as a "Categorical Imperative," meaning a person should be punished by the judge because they have committed a crime, and punishment reflects a demand for justice. This absolute demand for justice is evident in Immanuel Kant's book "Philosophy of Law," where he states that punishment is never carried out solely as a means to promote other goods, either for the offender or for society, but must be imposed in all cases because the individual has committed a crime (Muladi & Nawawi, 2003). Regarding the theory of retribution, Andi Hamzah also gives an opinion that the theory of retribution states that punishment does not aim for practical purposes, such as reforming the criminal. The crime itself contains elements that warrant punishment. Punishment is absolute because a crime has been committed. There is no need to consider the benefits of imposing punishment. This means that the theory of retribution does not consider how to rehabilitate the criminal, even though the criminal has the right to be rehabilitated and become a useful human being in accordance with their dignity and worth (Samosir, 2010).

Furthermore, the Relative theory views punishment as something that can be used to achieve benefits, both related to the offender and the outside world, for example, by isolating and reforming criminals or preventing potential criminals, which would make the world a better place. The justification for the existence of punishment according to this theory lies in its purpose. Punishment is imposed not quia peccatum est (because a person has made a mistake) but ne peccetur (so that a person does not commit a crime again), thus it is clear that this goal theory aims to create order in society (Muladi & Nawawi, 2003).

Regarding the purpose of punishment for crime prevention, it is commonly distinguished into two terms, namely:

- a) Special Prevention or Specific Prevention is the idea that criminal influence is directed towards the offender, where special prevention emphasizes the purpose of punishment so that the offender does not repeat their actions. Punishment functions to educate and rehabilitate the offender to become a good and useful member of society, in accordance with their dignity and worth.
- b) General Prevention or General Deterrence is the concept that punishment aims to maintain social order by deterring criminal behavior. The criminal influence is directed towards the general public with the intention of instilling fear. In other words, the crime prevention sought through punishment is to influence the behavior of the general public to refrain from committing criminal acts.

Lastly, the Integrated Theory is a combination of relative theories. According to the integrated theory, the purpose of punishment is always to respond to the offender's wrongdoing and to protect society by maintaining order, with the condition that the severity of the punishment should not exceed fair retribution. Essentially, punishment always protects society and responds to unlawful acts. Punishment also encompasses other aspects, such as promoting harmony and serving as an educational process to reintegrate individuals into society. Therefore, it is indeed essential that the purpose of punishment is to promote the welfare of the state and society in accordance with ethical norms and human dignity, as mandated by Pancasila.

3.3 Progressive Law as the Key to Implementing the Idea of restorative justice

The emergence of the idea of restorative justice is fundamentally based on dissatisfaction with the use of positivist perspectives in law enforcement, as it is often perceived to fail in achieving justice (Karjoko et al, 2021). While it is acknowledged that positivist-based law is beneficial in ensuring legal certainty, its rigid nature has the potential to disregard the community where the law operates. Based on this concern, Satjipto Rahardjo proposed the idea of progressive law. The underlying assumption he put forward is that progressive law adheres to the principle that law is for humans, not the other way around. In this regard, law is not for itself, but for something broader and greater, namely for the values of humanity, justice, welfare, and the happiness of mankind. The Theory of Progressive Law introduced by Professor Satjipto Rahardjo views law as being for humans, not humans for the law. "Law is not only a structure of rules, but also a structure of ideas, culture, and aspirations."

Therefore, legal thinking needs to return to its philosophical foundation, which is law for humans. With this philosophy, humans become the determiner and point of orientation for the

law. The law's duty is to serve, bring happiness, and serve the interests of humans, not the other way around. This concept implies that the law is dynamic and adapts to the developments of time or prevailing social conditions.

Based on the above legal thinking, according to Emis, restorative justice is an approach to justice based on the philosophy and values of responsibility, openness, trust, hope, healing, and inclusiveness (Emis, 2017). It has an impact on decision-making in the criminal justice system and legal practitioners worldwide, promising positive outcomes in the future, such as a justice system to address conflicts arising from crime, accountable and justifiable laws, and restorative justice achieved by focusing on the harm caused by the crime, shared concerns, and commitment to involve both the perpetrator and the victim. It encourages the perpetrator to take responsibility and provides opportunities for dialogue between the perpetrator and the victim, involving the impacted community in the restorative process, promoting cooperation, and reintegration. Therefore, restorative justice can be described as an effort to resolve criminal cases that involve the perpetrator, victim, the families of the perpetrator/victim, and other relevant parties collectively seeking a fair resolution by emphasizing restoration to the original state rather than retaliation..

Muladi defines restorative justice as a theory that emphasizes the restoration of the damage caused by criminal actions (Muladi et al, 2021). This restoration of harm will be achieved through a cooperative process involving all parties with a vested interest. This definition of restorative justice by Muladi essentially shares similarities with the definition formulated by Prison Fellowship International, which is as follows: Restorative justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished when the parties themselves meet cooperatively to decide how to do this. This can lead to the transformation of people, relationships, and communities.

Based on the above definition of restorative justice, it can be observed that restorative justice is a theory of justice that emphasizes the restoration of the damage caused by criminal acts. The solution is considered best achieved by bringing together the involved parties cooperatively to decide how to address the issue. According to Howard Zehr, "restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible" (Ali, 2012). Restorative justice is a process that involves, as much as possible, those who have a stake in the legal violation to heal and put everything as right as possible. Based on this theory of progressive law, this study seeks to map, examine, and analyze the extent to which restorative justice mechanisms manifest the principles of subsidiarity or *ultimum remedium* as stated in:

- 1) The Circular of the Indonesian National Police number SE/6/X/2015 dated October 8, 2015, regarding Handling Hate Speech; Circular of the Indonesian National Police number SE/2/II/2021 dated February 19, 2021, concerning Ethical Cultural Awareness to Realize a Clean, Healthy, and Productive Digital Space in Indonesia.
- 2) Telegram of the Head of the Criminal Investigation Agency (Kabareskrim) of the Indonesian National Police, number STR/583/VIII/2012 dated August 8, 2012, concerning the Implementation of Restorative Justice; Circular of the Indonesian National Police

number 8/VII/2018 dated July 27, 2018, concerning the Implementation of Restorative Justice in Criminal Case Resolution.

- 3) And the Regulation of the Indonesian Prosecutor's Office (Perja) number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice.
- 4) As well as the Joint Decree of the Minister of Communication and Information Technology, the Attorney General of the Republic of Indonesia, and the Chief of the Indonesian National Police, number 229 of 2021, number 154 of 2021, and number KB/2/VI/2021 concerning Guidelines for the Implementation of Specific Articles in Law number.

The Law number 11 of 2008 concerning ITE, as amended by Law number 19 of 2016 concerning Amendments to Law number 11 of 2008 concerning ITE on June 23, 2021, can be implemented for the resolution or handling of Hate speech cases that occur in the digital space.

4. Conclusion

The study highlights the potential of restorative justice as an alternative approach to resolving hate speech cases on social media under the Indonesian National Police (Polri). The current criminal law policy, based on the positivist/legalism stream, has been criticized for its focus on legislation, often lacking substantive justice. In contrast, restorative justice emphasizes repairing the harm caused by criminal behavior through cooperation among all stakeholders, prioritizing restoration and reconciliation over retribution. The Circular Letters and joint decree issued by Polri and other relevant authorities showcase a progressive shift towards implementing restorative justice principles. By prioritizing preventive measures, mediation, and adherence to principles such as *ultimum remedium* and subsidiarity, restorative justice could offer a more just and human-centric resolution to hate speech cases, promoting a cleaner, healthier, and more productive digital space in Indonesia.

References

- Ali, A. (2012). *Asas-Asas Hukum Pembuktian Perdata*, Available: <http://library.stik-ptik.ac.id/detail?id=50285&lokasi=lokal>.
- CNN Indonesia. (2021). *Ketua MPR Nilai UU ITE Harus direvisi sebab Multitafsir*, Available: <https://www.cnnindonesia.com/nasional/20210506161222-32-639539/ketua-mpr-nilai-uu-ite-harus-direvisi-sebab-multitafsir>
- Ernis, Y. (2017). *Diversi Dan Keadilan Restoratif Dalam Penyelesaian Perkara Tindak Pidana Anak Di Indonesia (Diversion And Restorative Justice In Case Settlement Of Juvenile Justice System In Indonesia)*. *Jurnal Ilmiah Kebijakan Hukum*, 10(2), 163-174.
- Harmanto, T., Abrianto, B. O., & Nugraha, X. (2022). *Penal Mediation By Police Institution In Handling Hate Speech Through Electronic Media: A Legal Efforts To Resolve With A Restorative Justice Approach*. *International Journal of Artificial Intelligence Research*, 6(1.2).

- Indriasari, D. T., & Armando, A. (2023). The Governance of Information Technology and Deliberative Democracy: Study of The Law on Information and Electronic Transactions (ITE). *Eduvest-Journal of Universal Studies*, 3(5), 895-912.
- Karjoko, L., Handayani, I. G. A. K. R., Jaelani, A. K., Barkhuizen, J., & Hayat, M. J. (2021). The Urgency of Restorative Justice on Medical Dispute Resolution in Indonesia. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 16(2), 362-392.
- Muladi, A & Nawawi, B. (2003). *Teori-Teori dan Kebijakan Pidana*, Bandung: Alumni.
- Muladi, A. (2002). *Lembaga Pidana Bersyarat*, Bandung: Alumni.
- Muladi, S. H., Diah Sulistyani, R. S., & SH, C. (2021). *Kompleksitas Perkembangan Tindak Pidana dan Kebijakan Kriminal*. Penerbit Alumni.
- Perwira, I., Mulyana, A. N., & Suminar, R. A. (2023). Criminalization of Public Bodies in Administrative Criminal Law in Indonesia. *Central European Management Journal*, 31(2), 924-931.
- Rahardjo, S. (2007). *Membangun polisi sipil: Perspektif hukum, sosial, dan kemasyarakatan*. Gramedia Pustaka Utama.
- Riyanto, G. P. (2021). 9 "Pasal Karet" dalam UU ITE yang Perlu Direvisi Menurut Pengamat. Available: <https://tekno.kompas.com/read/2021/02/16/12020197/9-pasal-karet-dalam-uu-ite-yang-perlu-direvisi-menurut-pengamat?page=all>.
- Rustamaji, M. (2017). *Pilar-pilar hukum progresif: menyelami pemikiran Satjipto Rahardjo*. Yogyakarta: Thafa Media.
- Samosir, C. D. (2010). *Fungsi Pidana Penjara Dalam Sistem Pemidanaan di Indonesia*, Bandung: Binda Cipta.
- Satriadi, S. (2022). Restorative Justice the Limitations of Authority of Police and Prosecutors in the Criminal Justice System. *Al-Bayyinah*, 6(1), 11-21.
- Sudikno, M. (2006). *Penemuan Hukum Sebuah Pengantar*. Yogyakarta: Liberty.
- Wiranata, I. G. (2006). *Membedah Hukum Progresif*. Jakarta: Kompas Media Nusantara.