

## THE ROLE OF THE POLICE IN PREVENTING CORRUPTION CRIMES IN INDONESIA

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### Abstract

This article aims to find out the role of the police in preventing criminal acts of corruption in Sumatra and what the police's efforts are in handling criminal acts of corruption in the North Sumatra region. This writing is motivated by problems in the area of the North Sumatra regional police institution in the police position and wants to know more about the police in dealing with the problem of criminal acts. The research method used is the Normative Juridical method with a descriptive analysis approach. The results of this research are that the police's authority to prevent criminal acts of corruption is regulated in Law no. 2 of 2002 as stated in their duties and responsibilities in maintaining security and order, enforcing the law, providing protection, guidance and service to the community even when handling extraordinary criminal cases. Meanwhile, in carrying out investigations, the police and the Corruption Eradication Committee (KPK) also carry out investigations into complaints and further systematic handling is carried out by looking at operational procedural standards.

**Keywords:** *Role of the Police, Corruption Crimes*

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### 1. INTRODUCTION

From the New Order era until now, we have become increasingly confused about where the flow of this nation's life has been taken by our government system and all kinds of problems and the occurrence of criminal acts, the crime rate of which has increased without minimizing it by making a resolution or providing a solution to the problem so that the public evaluates the rules or regulations. The policy system of the Indonesian government is not commensurate with the conditions and situations experienced by the community and freedom from crime is not guaranteed, one of which is the problem currently faced by officials, namely corruption. Corruption remains rampant and corruption is even carried out openly in public. If in the New Order era the problem of corruption was carried out by only a select few people who wanted to do this, such as the executive leadership, it is not surprising that this has happened to this day which involves more and more of every authorized official in Indonesia, especially every state institution, be it the executive, legislative and judicial.

A very glaring weakness in the process of achieving good governance so far is the high level of corruption that occurs. Corruption can be said to be rampant, especially among the bureaucracy in public agencies or government institutions, both departments and non-departments. Corruption usually occurs accompanied by acts of collusion and nepotism. Then in Indonesia it is known as corruption, collusion and nepotism (KKN).

Warning of the crime of corruption which has the impact of huge losses on the people, the emergence of various laws and regulations and institutions appointed to handle corruption cases, the institutions in question are the National Police, Corruption Eradication Commission and the Prosecutor's Office. Among these three institutions, POLRI is the institution with the most experience in investigating various criminal cases.

The function and role of the police in investigating criminal acts of corruption in Indonesian jurisdiction and placing the police as one of the "pillars of integrity" in the anti-corruption movement in Indonesia.

Theoretically, the occurrence of corruption is influenced by demand factors and supply factors. From the demand side, this is possible because:

1. Regulations and authorizations that enable corruption,
2. Certain characteristics of the tax system,
3. There is a provision for goods and services below market prices.

Meanwhile, from the supply side, this is possible because

1. Bureaucratic traditions that tend to corruption,
2. Low salaries among the bureaucracy,
3. Control over inadequate institutions,
4. Transparency of regulations and laws.

Eradicating corruption so that efforts to realize good governance can be achieved more quickly requires support and efforts from various parties. An effective accountability system needs to be created. Policy makers should focus their efforts on achieving the following goals:

1. Holders of key positions in executive institutions and public services must strengthen public institutions,
2. Politicians and civil servants must be collectively responsible for implementing the government's duties and commitments,
3. Politicians and bureaucrats in general must be more responsive to the needs of private and state-owned companies,
4. All citizens, the private sector, the media and civil society must be educated and empowered to increase public sector accountability.

The role of the National Police as investigators in the criminal justice system for criminal acts of corruption is essentially a functionalization of criminal law, meaning that functionalization plays an important role in law enforcement. Barda Nawawi Arief stated that functionalization of criminal law can function, operate or work and be realized in real terms. The functionalization of criminal law is identical to the operationalization or concretization of criminal law, which is essentially the same as law enforcement. Functionalization of criminal law can be interpreted as an effort to make criminal law function, operate or work and be realized in real terms. The functionalization of criminal law is identical to the operationalization or concretization of criminal law, which is essentially the same as law enforcement. This functionalization consists of three policy stages, namely the formulative policy stage as a stage in the formulation of criminal law by the law makers. the applicative policy stage is the stage of implementing criminal law by law enforcers, the administrative policy stage, which is the implementation stage by legal execution officials.

One thing that is understood from the description above is the very urgent position of the National Police investigator in uncovering a criminal act, including corruption. However, due to the limited level of police human resources and the need for evidence in disclosing criminal acts of corruption, in this regard, National Police Investigators also need other institutions that have competence in carrying out investigative audit tasks. This fact contributes to the fact that cooperation between the Police and other institutions is very important, especially in finding the truth about something that is thought to indicate a loss to state finances or that a criminal act of corruption has occurred.

Investigation of Corruption Crimes where there are several institutions which, based on statutory regulations, have duties and authority in investigations, namely the

State Police of the Republic of Indonesia (POLRI) based on Article 14 paragraph (1) letter g of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia, the Prosecutor's Office based on the provisions of Article 30 paragraph (1) letter a of Law Number 16 of 2004 concerning the Prosecutor's Office and the Corruption Eradication Commission (KPK) based on the provisions of Article 6 letter c of Law No. 30 of 2002 concerning the Corruption Eradication Commission.

Before the formation of the Corruption Eradication Committee, the POLRI had the authority to handle and make laws or regulations related to criminal acts and carry out investigations into both general crimes and special crimes. Since the creation of the KPK institution, all authority to make legislation and all government policy regulations has been transferred from the POLRI government agency to the KPK institution. The formation of the Corruption Eradication Commission (KPK) specifically to eradicate corruption is considering that government institutions that handle Corruption Crime cases do not yet function effectively and efficiently. In eradicating Corruption Crimes, it often creates problems in handling corruption cases.

## **2. FORMULATION OF THE PROBLEM**

1. What is the Role of the Police in Investigating Corruption Crimes in Indonesia?
2. What are the obstacles to the police in preventing corruption in Indonesia?

## **3. RESEARCH METHODS**

The research methodology used in this research uses normative juridical legal research, where normative research speaks about the discovery of a truth based on scientific logic from the normative side. The aims and objectives of research that focuses on finding truth conferences are whether legal rules are in accordance with legal norms and whether legal norms which contain obligations and sanctions are in accordance with legal principles, whether a person's actions are in accordance with legal norms or legal principles.

Normative legal research refers to the concept of law as a rule with its doctrinal-nomological method which starts from doctrinal rules. Meanwhile, the juridical person analyzes a problem using a legal principles approach and refers to the legal norms contained in the laws and regulations that are aimed at the research problem being studied.

## **4. DISCUSSION**

### **1. The Role of the Police in Preventing Corruption Crimes in Indonesia**

Before we get into the essence of the research studied, it would be better for us to know the meaning of corruption and the basis of corruption, to make it easier for us to understand the research. The word corruption comes from the English word corrupt which is taken from com which means together and rumpere which means broken or broken. Corruption is a disgraceful act that reflects the badness of an official and harms other parties and is not justified. In fact, corruption does not have to be understood as irregularities within the state and government, corruption can also occur widely involving actors outside government officials. In resolving the problem of criminal acts of corruption, this cannot be separated from the definition of criminal acts of corruption which has been regulated in Law no. 31 of 1999 which states that every person who is categorized as violating the law, commits acts of enrichment, benefits himself or another person or a corporation, abuses the authority or opportunities or facilities available to him because of his position or position which can harm state finances or the state economy.

In Law no. 31 of 1999 in conjunction with Law no. 20 of 2001 concerning the eradication of criminal acts of corruption also explains in detail the grouping of criminal acts of corruption which includes seven categories, namely:

1. Acts against the law and abuse of authority that result in losses to state finances/state economy (Article 2 and Article 3)
2. Bribery (Article 5 paragraph (1) letters a and b, Article 5 paragraph (2), Article 6 paragraph (1) letters a and b, Article 6 paragraph (2), Article 11, Article 12 letters a, b, c and d, as well as Article 13)
3. Embezzlement in office (Article 8, Article 9 and Article 10 letters a, b and c)
4. Extortion (Article 12 letters e, g and f)
5. Fraudulent acts (Article 7 paragraph (1) letters a, b, c and d, Article 12 letter h)
6. Conflict of interest in procurement (Article 12 letter i)
7. Gratuities (Article 12 B in conjunction with Article 12 C)

With a perspective on the role of the police in preventing criminal acts of corruption, they have the authority to complete their functions and duties which can be reviewed and can be seen from the basis in Law no. 2 of 2002 concerning the State Police of the Republic of Indonesia, which states that all matters relating to police functions and institutions are in accordance with statutory regulations, the police have a function as one of the functions of state government in the field of maintaining security and public order, law enforcement, protection, protection, and service to the community.

The police have the following main duties as regulated in the Police Law:

1. Maintain security and public order
2. Enforce the law
3. Providing protection, protection and service to the community.

In terms of enforcing the law, the meaning of enforcing the law means that the police have the right and authority to act as investigators, as regulated in the Criminal Procedure Code (KUHAP) article 1 paragraph 1 that what is meant by investigator is an official of the state police of the Republic of Indonesia. or certain civil servant officials who are given special authority to resolve criminal acts or criminal offenses for further investigation. Apart from the Criminal Procedure Code as the basis for the police in carrying out investigations and it is reaffirmed in other legal bases, namely Presidential Instruction no. 5 of 2004, in which the eighth point in the presidential instruction states that it provides maximum support for efforts to suppress corruption carried out by the police of the Republic of Indonesia, K The Prosecutor's Office of the Republic of Indonesia and the Corruption Eradication Commission by speeding up the provision of information relating to criminal corruption cases and speeding up the granting of permits to examine witnesses/suspects. Thus the police have the right and authority to handle various corruption cases.

Regulations on the role of the police in investigating criminal acts of corruption are found in various laws and regulations including: 1) Law No. 8 of 1981 concerning the Criminal Procedure Code, which explains that Investigators are Officials of the State Police of the Republic of Indonesia, and 2) Law No. 31 of 1999 concerning Corruption Crimes as amended by Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 Article 26 states that investigations into criminal acts of corruption are carried out based on the provisions of the Criminal Procedure Code. This Law gives the widest possible authority to POLRI Investigators to carry out investigations into Corruption Crimes which are described in this Law in detail and contain criminal provisions, namely determining special minimum criminal penalties,

higher fines and special criminal penalties which constitute eradication. criminal acts of corruption. And Article 26 of Law no. 31 of 1999 explains: Investigation, prosecution and examination at court hearings regarding criminal acts of corruption are carried out based on the applicable Criminal Procedure Law and are otherwise determined in this law where the investigator's authority in this article includes the authority to conduct wiretapping. In accordance with the provisions of Article 5 and Article 7 in conjunction with Article 108 of the Criminal Procedure Code, the National Police in handling cases accepts complaints or reports. Reports are submitted or addressed to:

1. Investigator
2. Investigator
3. Assistant Investigator.

The Authority of the Police in Investigating Crimes of Corruption in Indonesia Previously, it was explained that in carrying out investigations into criminal acts, the police must first receive complaints of offenses that are aware of the occurrence of a general crime or a specific crime and have strong evidence that the crime actually occurred. Likewise with criminal acts of corruption (tipikor) in government agencies and other agencies.

The Criminal Procedure Code (KUHAP) states that the task of an investigator is to carry out an investigation, which is a series of investigative actions to search for and discover an incident that is suspected of being a criminal act in order to determine whether or not an investigation can be carried out.

If we refer to the provisions of the Criminal Procedure Code, it can be seen that investigations into a criminal act can only be carried out by POLRI investigators and certain Civil Servant Investigators. In principle, the POLRI has the authority mandated by law to carry out investigations into all criminal acts, both criminal acts regulated in the Criminal Code and Special criminal acts outside the Criminal Code include the investigation of Corruption as a Special Crime.

However, based on Article 43 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001, the Indonesian Government in order to realize the supremacy of law and lay a strong business policy foundation in the effort to combat Corruption Crimes by establishing a special body called the Corruption Eradication Commission (KPK), this commission was formed with the consideration that government institutions that handle criminal corruption issues have not yet functioned effectively and efficiently in eradicating criminal corruption, while criminal corruption in Indonesia is already widespread, its development continues to increase from year to year. in terms of the number of cases that occur and the amount of state financial losses and also in terms of the quality of the criminal acts committed, they are increasingly systematic, therefore Corruption Crimes are no longer classified as ordinary criminal acts but have been classified as extraordinary criminal acts.

Until now, the problem of criminal acts of corruption has not subsided, in fact it is still a major problem in Indonesia and is still troubling its people. All kinds of problem solvers have been regulated in such a way in specific legislation, but government institutions that handle cases of criminal acts of corruption have not yet functioned effectively and efficiently in eradicating criminal acts of corruption, the parties who hold power, namely the police and prosecutors, even judges who should eradicating corruption is actually the front party involved in criminal acts of corruption.

## **2. Police Obstacles in Preventing Corruption Crimes in Indonesia**

Efforts to eradicate corruption are not easy. Even though various efforts have been made to eradicate corruption, there are still several obstacles in eradicating

corruption. Hand-catching operations (OTT) are often carried out by the police, the demands and decisions handed down by law enforcers are also quite harsh, but corruption is still carried out. There is even an opinion that states that those who suffer from OTT are people who are "unlucky or unlucky". Obstacles in eradicating corruption can be classified as follows:

- a. Structural Obstacles, namely obstacles originating from state and government administration practices that prevent the handling of criminal acts of corruption from proceeding as they should. Included in this group are: sectoral and institutional egoism which leads to applying for as much funding as possible for sectors and agencies without paying attention to overall national needs and trying to cover up irregularities in the sectors and agencies concerned; the supervisory function has not functioned effectively; weak coordination between supervisory authorities and law enforcement officers; as well as a weak internal control system which has a positive correlation with various irregularities and inefficiencies in the management of state assets and low quality of public services.
- b. Cultural Barriers, namely barriers that originate from negative habits that develop in society. Those included in this group include: the existence of a "reticent" and tolerant attitude among government officials which can hinder the handling of criminal acts of corruption; lack of openness by agency leaders so that they often appear tolerant and protective of perpetrators of corruption, executive, legislative and judicial interference in handling criminal acts of corruption, low commitment to dealing with corruption firmly and thoroughly, as well as the permissive attitude (indifferent) of the majority of society towards efforts to eradicate corruption .
- c. Instrumental Barriers, namely barriers that originate from the lack of supporting instruments in the form of statutory regulations which prevent the handling of criminal acts of corruption from proceeding as they should. Those included in this group include: there are still overlapping laws and regulations, giving rise to corrupt actions in the form of misappropriation of funds within government agencies; there is no "single identification number" or identification that is valid for all community needs (driver's license, tax, bank, etc.) which is able to reduce opportunities for misuse by every member of the community; weak law enforcement dealing with corruption; and the difficulty of proving criminal acts of corruption.
- d. Management Obstacles, namely obstacles originating from ignoring or not implementing good management principles (high commitment carried out fairly, transparently and accountably) which makes the handling of criminal acts of corruption not run as it should. Those included in this group include: lack of commitment by management (Government) in following up on monitoring results; weak coordination both between supervisory officers and between supervisory officers and law enforcement officers; lack of information technology support in government administration; non-independence of the supervisory organization; the lack of professionalism of most of the supervisory apparatus; lack of support for monitoring systems and procedures in handling corruption, as well as inadequate personnel systems including recruitment systems, low "formal salaries" for civil servants, performance appraisals and rewards and punishments.

### 3. CLOSING

1. The role of the police in preventing criminal acts of corruption has the authority to complete its functions and duties which can be reviewed and can be seen from the basis in Law no. 2 of 2002 concerning the State Police of the Republic of Indonesia, which states that all matters relating to police functions and institutions are in accordance with statutory regulations, the police have a function as one of the functions of state government in the field of maintaining security and public order, law enforcement, protection, protection, and service to the community. At this time, the police's authority in organizing investigations into special criminal acts of corruption has divided its authority to the Corruption Eradication Commission (KPK) for reasons of complementarity or covering deficiencies in the investigation of special criminal acts, so the KPK was formed which is the Indonesian government institution that handles criminal matters. corruption, such as the POLRI, will not function effectively and efficiently in eradicating corruption if the Corruption Eradication Commission (KPK) institution is not involved. And other people who are related to criminal acts of corruption committed by law enforcement officials or state administrators, the authority to investigate criminal acts of corruption that do not receive public attention and/or the authority to investigate criminal acts of corruption involving state losses is less than IDR 1,000,000,000 .00 (one billion rupiah), and POLRI also has the authority to carry out investigations into Corruption Crimes provided that the Corruption Eradication Committee (KPK) delegates the corruption case to POLRI investigators.
2. Obstacles in eradicating corruption can be classified as follows:
  - a) Structural Obstacles, namely obstacles originating from state and government administration practices that prevent the handling of criminal acts of corruption from proceeding as they should. Included in this group are: sectoral and institutional egoism which leads to applying for as much funding as possible for sectors and agencies without paying attention to overall national needs and trying to cover up irregularities in the sectors and agencies concerned; the supervisory function has not functioned effectively; weak coordination between supervisory authorities and law enforcement officers; as well as a weak internal control system which has a positive correlation with various irregularities and inefficiencies in the management of state assets and low quality of public services.
  - b) Cultural Barriers, namely barriers that originate from negative habits that develop in society. Those included in this group include: the existence of a "reticent" and tolerant attitude among government officials which can hinder the handling of criminal acts of corruption; lack of openness by agency leaders so that they often appear tolerant and protective of perpetrators of corruption, executive, legislative and judicial interference in handling criminal acts of corruption, low commitment to dealing with corruption firmly and thoroughly, as well as the permissive attitude (indifferent) of the majority of society towards efforts to eradicate corruption .
  - c) Instrumental Barriers, namely barriers that originate from the lack of supporting instruments in the form of statutory regulations which prevent the handling of criminal acts of corruption from proceeding as they should. Those included in this group include: there are still overlapping laws and regulations, giving rise to corrupt actions in the form of misappropriation of funds within government agencies; there is no "single identification number" or identification that is valid for all community needs (driver's license, tax, bank, etc.) which is able to reduce opportunities for misuse by every member

of the community; weak law enforcement dealing with corruption; and the difficulty of proving criminal acts of corruption.

- d) Management Obstacles, namely obstacles originating from ignoring or not implementing good management principles (high commitment carried out fairly, transparently and accountably) which makes the handling of criminal acts of corruption not run as it should. Those included in this group include: lack of commitment by management (Government) in following up on monitoring results; weak coordination both between supervisory officers and between supervisory officers and law enforcement officers; lack of information technology support in government administration; non-independence of the supervisory organization; the lack of professionalism of most of the supervisory apparatus; lack of support for monitoring systems and procedures in handling corruption, as well as inadequate personnel systems including recruitment systems, low "formal salaries" for civil servants, performance assessments and rewards and punishment.

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