

A JURIDICAL ANALYSIS OF CRIMINAL LAW ENFORCEMENT AGAINST INDIVIDUAL MEMBERS OF THE INDONESIAN NATIONAL POLICE WHO COMMIT GENERAL CRIMINAL OFFENCES WITHIN THE NORTH SUMATRA REGIONAL POLICE

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Received: 05/09/2026 | Revised : 12/09/2026 | Accepted: 30/09/2026 | Published 28/10/2026

Abstract

Police officers who themselves engage in ordinary crimes create a distinctive problem for the justice system, since the people tasked with upholding the law turn into offenders. In the North Sumatra Regional Police area, a number of recent fraud incidents implicating POLRI officers have drawn public scrutiny and prompted doubts about whether every person is truly treated alike under the law. The purpose of this article is to examine which criminal law rules govern POLRI officers accused of ordinary crimes and how those rules are put into practice in North Sumatra. Methodologically, the article combines doctrinal legal analysis with supporting empirical material, drawing on legislation, legal concepts, and actual cases; the sources were gathered from written materials and interpreted qualitatively. The analysis shows that, by virtue of Article 29 of Law Number 2 of 2002, officers accused of ordinary crimes fall under the authority of the ordinary judiciary. Parallel to prosecution, they may face internal discipline and ethics sanctions, which add to rather than substitute for criminal punishment. Nevertheless, several barriers persist in practice, namely institutional solidarity, opaque internal inquiries, and weak cooperation between criminal investigators and Propam. For these reasons, the article argues for more robust outside supervision, greater openness, and an explicit statement that internal penalties never remove criminal responsibility, so that confidence in the police can be restored.

Keywords: Criminal Law Enforcement, Individual POLRI Members, Equality Before The Law, Professional Code Of Ethics, North Sumatra Regional Police

INTRODUCTION

As a nation founded on legal supremacy, Indonesia is bound to treat all persons alike before the law, a guarantee written into Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution. Law Number 2 of 2002 entrusts Polri with keeping society safe and orderly, upholding legal rules, and serving and protecting citizens. Because officers are the part of the justice apparatus that people meet most often, their behaviour becomes the most tangible picture of the legal order; citizens form their opinion of the law less from statutory text than from how the officers around them act (Parasian et al., 2026). The police are, moreover, the entry point that decides whether a suspected offence will ever reach a courtroom (Hutabarat, 2021).

Given this pivotal role, it is deeply troubling when officers themselves take part in ordinary crimes. Such cases, usually blamed on a few “bad apples,” expose a contradiction: the very people given power to uphold legal rules end up breaking them. The damage is not confined to the particular incident; each news story about an officer engaged in deception, violence, or misappropriation of funds weakens confidence in the entire police force, although such confidence is indispensable for policing to work (Prabowo, 2022). Research on Indonesian justice shows that when citizens stop trusting the police, society pays a heavy price: people grow hesitant to lodge reports or give evidence and, in the worst cases, may take the law into their own hands (Parasian et al., 2026).

Normatively, the rules are fairly straightforward. Under Article 29 paragraph (1) of Law Number 2 of 2002, police officers are explicitly placed within the competence of the ordinary courts. Officers accused of ordinary crimes must therefore be handled through the identical substantive and procedural rules that bind every other citizen, namely the KUHP and the KUHAP. Alongside prosecution, officers are also answerable to internal regimes: discipline under Government Regulation Number 2 of 2003, and professional ethics, now set out in Police Regulation Number 7 of 2022 on the Professional Code of Ethics and its Commission. The heaviest administrative consequence is dismissal without honour, which rests on Government Regulation Number 1 of 2003. As a result, one offence by an officer

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can set in motion two tracks at once, a court case and an internal process, which in legal theory supplement one another instead of replacing each other.

Reality, however, does not always match the clarity of the written rules. Over the last two years in North Sumatra, several ordinary crimes, especially fraud, committed by active or former officers have caught the public eye. A recurring scheme concerns recruitment into the police force: offenders assure families that a candidate can be admitted via an alleged “special channel” if they pay sums reaching hundreds of millions of rupiah. The table below sets out several such incidents, confirmed by news coverage and official police announcements.

Tabel 1. Examples of Fraud Cases Involving Serving or Former Members of the Indonesian National Police within the Jurisdiction of the North Sumatra Regional Police, 2024–2025

No.	Year	Perpetrator (Initials/Status)	Case and Modus Operandi	Financial Loss	Follow-up Action
1	2024	Second Police Inspector RSS (serving officer)	Suspected deception and misappropriation targeting another officer, carried out by pretending to be able to arrange the victim’s entry into an officer education programme; recorded in Police Report No. STTLP/B/1430/X/2024/SPKT/Polda Sumut.	Approximately IDR 850 million	Report under investigation
2	2024–2025	Police Chief Brigadier AB (member of the North Sumatra Regional Police Mobile Brigade Corps)	Suspected deception and misappropriation targeting a father or mother of a candidate in the 2024 Polri NCO intake, who was assured of acceptance via an alleged special-quota route.	Approximately IDR 600 million	Named a suspect in 2025; subject to an internal investigation by the Professional and Security Division (Propam)
3	2025	P (former Polri member, dishonourably discharged in 2023), together with his wife	A recruitment scam for Polri NCO candidates run through a Medan-based coaching centre, in which the victim was told the candidate could pass via a special route. The accused were indicted under Article 378 jo. Article 372 KUHP.	Approximately IDR 1.4 billion	Three suspects arrested in June 2025

Source: Compiled and processed from media reports and official statements issued by the North Sumatra Regional Police (DetikSumut, 2025; Mistar.id, 2024; Tempo, 2025).

Table 1 exposes a sharp divide between *das Sollen* and *das Sein*. In principle (*das Sollen*), those who best know the law ought to obey it most faithfully, and whenever they breach it they should be dealt with quickly, openly, and exactly as any civilian would be. In fact (*das Sein*), breaches keep happening, and the way they are handled draws repeated criticism for slowness, secretive ethics hearings, and uneven penalties from one case to another. Researchers attribute this divide partly to structural weaknesses such as poor supervision and scarce public information (Gusdania & Vederchia, 2026), and partly to culture, notably institutional loyalty that produces conflicts of interest whenever an organisation has to examine its own members (Prasetyo, 2022). The honesty of enforcers, meant to protect the justice system, has turned into its weakest point (Sesunan, 2025). Ethics codes intended to secure accountability have likewise failed to deter wrongdoing (Ulfah et al., 2026), and internal discipline often trails behind public attention (Saragih, 2021).

Earlier scholarship leaves an unexplored area. Most prior work on criminal justice in the police setting concentrates on how officers exercise power toward civilians, for instance the use of restorative justice for theft at a sector station (Emri et al., 2025) or police powers in criminal matters in general (Siregar, 2023). By contrast, little

attention has been paid to prosecuting officers themselves, or to how court cases interact with internal discipline and ethics hearings, and even less work looks at North Sumatra using current cases. How an organisation treats wrongdoing by its own members is the real measure of whether all are equal under the law; if the response falls short, the slogan that nobody stands above the law becomes empty words.

Against this backdrop, the article poses two questions. The first asks how Indonesian law structures the criminal responsibility of individual officers accused of ordinary crimes. The second asks how such responsibility is actually enforced within the North Sumatra Regional Police and which factors determine whether that enforcement succeeds.

LITERATURE REVIEW

Enforcing criminal law is a core task of any law-based state, and it demands that rules be applied uniformly no matter who the offender is. Soekanto names five elements that shape how well laws are enforced: the legal rules, the enforcers, the supporting means, the community, and the prevailing legal culture (Soekanto, 2020). Taken together, these linked elements offer a useful lens for explaining why prosecuting officers for ordinary crimes often stalls even though the rules are already in place.

In conceptual terms, officers bear criminal responsibility because Article 27 paragraph (1) of the 1945 Constitution requires that all persons receive the same legal treatment. According to Moeljatno, a person is criminally responsible when a forbidden act has been committed, the actor is at fault, and no excuse applies, and none of these conditions is tied to rank or office (Moeljatno, 2015). An officer who deceives, misappropriates, or commits another ordinary crime thus meets the same test as a civilian; in fact, holding a public office may justify a heavier penalty when the crime exploits the trust placed in that office (Faizan et al., 2025).

1. Past research on policing and justice falls broadly into two groups. One group looks at how officers deal with offences by civilians, such as resolving aggravated theft through restorative justice at a sector station (Emri et al., 2025) and the wider powers of the police in criminal proceedings (Siregar, 2023). The other group studies how enforcers are held to account internally, covering structural and cultural barriers (Gusdania & Vederchia, 2026) and the importance of personal integrity for a functioning justice system (Sesunan, 2025).
2. Regarding deception by or involving enforcers, Rahmayanti (2025) studies how the law is applied to online scammers and finds that success hinges mainly on consistent enforcers and unambiguous rules. This matters here, because the recruitment scams in North Sumatra follow the same logic: offenders take advantage of victims' confidence and of gaps in supervision. Yudhistira et al. (2025) likewise study the criminal rules on scams aimed at civil service applicants and carried out by state employees, and observe that overlapping criminal and administrative tracks often prevent such cases from being fully resolved.
3. Scholars have also explored professional ethics and oversight of institutions. Ulfah et al. (2026) show that ethics codes have so far failed to prevent wrongdoing, and Prasetyo (2022) points to conflict of interest as the root reason internal enforcement is weak whenever an organisation must examine its own members. That institutional loyalty connects with Saragih's (2021) observation that internal discipline tends to lag behind court proceedings. On supervision, Syahputra and Rahmayanti (2025) investigate how resort-level police apply restorative justice to child abuse cases and report that success depends heavily on the commanders involved and their dedication to protecting victims, a useful benchmark for considering where restorative justice should stop when the accused is an officer.

From this survey, two unaddressed gaps emerge. To begin with, very few works focus on prosecuting officers who commit ordinary crimes while also exploring how court cases relate to internal discipline and ethics hearings. In addition, almost no research centres on North Sumatra with cases from 2024–2025 as evidence. The present article responds to both by assessing the governing rules and how they operate on the ground, hoping to add to the academic literature and to offer workable suggestions for fairer enforcement inside Polri.

METHOD

The article adopts a doctrinal approach reinforced by field-based material. Its main focus is on legal rules, specifically those determining the criminal, disciplinary, and ethical accountability of officers accused of ordinary crimes. Marzuki describes legal inquiry as the search for rules, principles, and doctrines capable of answering a given legal problem (Marzuki, 2021). Incidents from the North Sumatra Regional Police area serve as illustrations of how the rules function in reality, not as material for statistical testing.

Three lines of analysis are used together. The legislative line reviews the 1945 Constitution, Law Number 2 of 2002, KUHAP, Law Number 1 of 2023, and the regulations specific to Polri, i.e., Government Regulation Number 2 of 2003, Government Regulation Number 1 of 2003, and Police Regulation Number 7 of 2022. The conceptual

line relies on theories of enforcement, the criminal justice process, responsibility, supervision, and accountability to build a consistent argument (Marzuki, 2021). The case line, understood loosely, studies actual fraud incidents involving active and former officers in North Sumatra during the last two years, as listed in Table 1, to see how the rules have been applied.

Sources are sorted into three groups. The primary group consists of the legislation listed above together with the KUHP as the governing substantive law. The secondary group covers books, domestic and foreign journal articles, and earlier research on enforcement against public officials, ethics, and police accountability. The tertiary group includes law dictionaries, press coverage, and police announcements, used sparingly to confirm case facts (DetikSumut, 2025; Mistar.id, 2024; Tempo, 2025).

Sources were obtained from written documents, then listed, grouped by research question, and read critically. Soekanto and Mamudji note that doctrinal inquiry relies on secondary sources, so the care taken in choosing those sources largely decides how sound the results are (Soekanto & Mamudji, 2015). For the factual side, a simple cross-check was performed by matching reputable news reports against police announcements so that the case information could be relied upon.

Analysis was qualitative, both descriptive-analytical and prescriptive. It involved organising the sources, reading the rules textually and in their systemic context, testing them against theory and case facts, and reasoning deductively from general propositions toward concrete answers (Marzuki, 2021). The results are set out in two sections that mirror the research questions, followed by conclusions and suggestions that give direct answers instead of simply summarising the discussion.

RESULTS AND DISCUSSION

Legal Rules on Criminal Responsibility of Individual Polri Officers Committing Ordinary Crimes under Indonesian Law

The relevant rules can be pictured as three tiers operating side by side. Tier one is ordinary criminal law. Through Article 29 paragraph (1) of Law Number 2 of 2002, officers answer to the ordinary judiciary, so those who deceive, misappropriate, assault, or commit similar offences are tried under the KUHP (and later the new national code) and the KUHAP, without any separate procedure. This rule confirms that Polri has been a civilian body since Reformasi and gives concrete effect to the equal-treatment guarantee of Article 27 paragraph (1) of the 1945 Constitution. Whatever procedural differences remain are purely practical matters of coordination, such as Propam accompanying criminal investigators when officers are questioned for security reasons, and these must never turn into special privileges.

Tier two concerns discipline. Government Regulation Number 2 of 2003 sets the rules of conduct for officers, the hearing procedure, and penalties from a written warning up to confinement in a special facility. Tier three concerns ethics. Police Regulation Number 7 of 2022 regulates the ethics code and its Commission, which may impose ethical and administrative measures, dismissal without honour among them, in line with the personnel rules of Government Regulation Number 1 of 2003. Notably, Police Regulation Number 7 of 2022 treats a final court conviction as a basis for opening an ethics case, which shows that the two tracks are meant to follow and strengthen one another, not to stand in for each other.

These three tiers are often confused with one another. Doctrinally, every tier guards its own interest: prosecution safeguards victims and the community, discipline safeguards the organisation's internal order, and ethics safeguards the dignity of the profession. Since the interests differ, a penalty in one tier does not cancel responsibility in another. The *ne bis in idem* rule is irrelevant to the pairing of ethics and criminal penalties, as they are not two criminal trials for one offence (Saragih, 2021). The consequence is plain: removing an officer from the force can never fully answer for a scam worth hundreds of millions of rupiah, and the victim still has a right to a criminal trial and to compensation. Halting a prosecution simply because the offender was fired therefore deviates from the governing rules (Siregar, 2023).

The current rules also leave room for out-of-court settlement, which needs careful handling. Under Polri's restorative justice policy, an inquiry into some offences may be halted once the parties reconcile and the victim is compensated. Research has recorded its use for ordinary crimes at local stations in North Sumatra (Emri et al., 2025), and the idea fits the new national penal policy that sees punishment as a last resort (Siregar & Lubis, 2025). Yet when the accused wears a uniform, closer examination is needed. The unequal power between a victim and an officer means an apparent agreement could hide intimidation. Settlement involving officers should therefore meet tighter conditions, such as consent from the victim that is truly voluntary and informed, and openness toward outside supervisory bodies (Hidayat, 2023).

At sentencing, being a police officer ought to count against the accused. Proportionality demands that the penalty reflect both how grave the crime is and how blameworthy the offender is. An officer who exploits the confidence that comes with public office is more to blame than a civilian who does the same thing (Faizan et al., 2025). Indonesian courts have usually reflected this through aggravating factors, but outcomes vary, as research on unequal sentences in similar cases shows (Siswanto et al., 2025). Sentencing guidelines should secure uniformity so that people do not come to see the uniform as a route to a lighter punishment.

In answer to the first question, then, Indonesian law already offers a fairly complete and clear set of rules for officers accused of ordinary crimes. Its foundation is Article 29 of Law Number 2 of 2002, which places officers before the ordinary courts, reinforced by disciplinary and ethical regimes running alongside. What remains problematic is not a lack of rules but from the overlaps among the tracks, especially aligning criminal and ethics processes, defining how far restorative justice may go, and preventing internal procedures from shielding officers against prosecution.

Enforcement of Criminal Law Against Individual Polri Officers in North Sumatra and the Factors Shaping Its Success

Table 1 offers tangible material for evaluating practice. In the recruitment scam run through a supposed coaching centre, North Sumatra police moved fairly quickly: three people, one of them an officer dismissed earlier, were detained and charged under Article 378 jo. Article 372 KUHP, and senior officers publicly urged other victims to report (DetikSumut, 2025; Tempo, 2025). In the matter of Brigadier AB, both tracks ran simultaneously, with the officer declared a suspect by investigators and examined by Propam internally (Mistar.id, 2024). These examples suggest the two-track design required by law does operate at the organisational level. Its operation is, however, inconsistent: in the complaint lodged by another officer over losses of several hundred million rupiah, hardly any updates reached the public, and such silence easily breeds suspicion of favouritism (Mistar.id, 2024).

Viewed through Soekanto's five elements, the rules themselves are not the main problem, as the necessary instruments already exist (Soekanto, 2020). The first key barrier lies with the enforcing institution. Officers are investigated by their own organisation, so impartiality relies largely on individual investigators' honesty and on the resolve of commanders. When commanders are committed, as in the highly publicised recruitment scam, cases move fast and openly; once media interest fades, progress may slow as well. Reliance on public pressure shows the mechanism is not yet working steadily on its own (Gusdania & Vederchia, 2026). The second barrier is legal culture. Institutional loyalty binds investigators and the officers they examine together, producing real moral conflicts for both investigators and ethics commission members (Prasetyo, 2022). A workplace culture that accepts settling colleagues' crimes "in a family way" is the hardest obstacle to remove, even when the rules are sound (Friedman, 1975).

The clearest and most measurable shortfall concerns openness and accountability. Ethics hearings take place privately and their results are seldom released in an organised way, so the public learns only about cases that have already gone viral. Accountability, though, obliges the police to show how they handle offending members, at minimum by regularly releasing figures on how many officers were prosecuted, how many faced ethics hearings, and what the results were (Wibowo, 2024). Without accessible figures, claims of strict enforcement cannot be checked by outsiders and rumours flourish (Putra, 2024). Kompolnas and the Ombudsman, meanwhile, cannot scrutinise internal processes closely because their access to case files is restricted (Hidayat, 2023). The difficulty, therefore, is not that supervisory bodies are missing but that they cannot genuinely reach the information.

Victims' circumstances deserve attention too. In recruitment scams, those harmed are usually parents of would-be recruits, who are caught in a bind: reporting means challenging the offender's own organisation and also revealing that the family tried to buy a place through a so-called "special channel." This position implies that many similar crimes probably go unreported. Experience at local stations indicates that whether victims come forward depends greatly on how much they trust the process (Emri et al., 2025). Reporting channels that truly shield complainants, including from retaliatory charges, are therefore essential rather than optional (Ulfah et al., 2026).

The analysis points to several reforms. *First*, the North Sumatra Regional Police should make its enforcement record open by regularly releasing the number and kinds of criminal and ethics cases concerning its officers, consistent with present-day expectations of organisational accountability (Wibowo, 2024; Putra, 2024). *Second*, impartiality in investigating officers should be protected through layered supervision by other units and by bringing in outside supervisory bodies early when losses are large or public interest is high (Hidayat, 2023). *Third*, the boundary between the criminal and ethics tracks must be made explicit: a prosecution must continue even after an internal penalty, and restorative justice for accused officers should be allowed only under strict victim-protective

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conditions (Emri et al., 2025; Siregar & Lubis, 2025). *Fourth*, prevention should be reinforced through ongoing ethics training and leaders who set an example, since a workplace culture that simply does not tolerate wrongdoing is the cheapest safeguard (Rahman, 2020; Saragih, 2021). With these steps, handling officers' crimes would no longer rely on whether a case goes viral but would function steadily as an established system (Sesunan, 2025).

CONCLUSION

Indonesian law grounds the criminal responsibility of individual officers accused of ordinary crimes in Article 29 paragraph (1) of Law Number 2 of 2002, placing them before the ordinary courts. They are thus tried under the KUHP and KUHAP just like any civilian. Discipline under Government Regulation Number 2 of 2003 and ethics under Police Regulation Number 7 of 2022 run alongside and add to the criminal process. Internal penalties, dismissal without honour included, leave criminal responsibility intact, and an offender's position as an enforcer should weigh toward a heavier sentence.

Second, in North Sumatra the two-track system has in fact been used, as the 2024–2025 fraud cases show. Its results, however, are inconsistent because of several factors: organisational conflicts of interest when colleagues are investigated, a culture of institutional loyalty, a lack of openness marked by private ethics hearings and missing public data, and the weak position of victims. Consequently, how quickly and firmly cases are handled still hinges largely on how much public attention each one receives.

Two suggestions follow. At the organisational level, Polri ought to issue an explicit policy stating that internal processes can never take the place of prosecution, together with rules that limit restorative justice for accused officers through strict conditions such as the victim's voluntary and informed agreement, and wider access for outside supervisory bodies to such cases. At the operational level, the North Sumatra Regional Police ought to publish regular figures on criminal and ethics cases concerning its officers, have investigations of officers supervised by other units, create reporting channels that genuinely protect those who report, and provide ongoing ethics training so that prevention works effectively from inside the organisation.

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