

RESTORATIVE JUSTICE AS AN EFFORT TO RESTORE VICTIMS' RIGHTS

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ABSTRACT

The mechanism for resolving cases based on restorative justice is based on deliberation and consensus where the parties are asked to compromise to reach an agreement. Each individual is asked to give in and put the interests of society above personal interests in order to maintain harmony together. The concept of deliberation has proven to be more effective in resolving disputes in society amidst the failure of the role of the state and the courts in providing a sense of justice. The main objective of restorative justice is to empower victims where perpetrators are encouraged to pay attention to the victim's recovery to their original state, whether the victim's material, emotional and social needs are met. This is done because the success of restorative justice is measured by the extent of the losses that have been restored by the perpetrator to the victim, not by the severity of the sentence imposed by the judge on the perpetrator. Restorative justice from a victimology perspective can be applied in resolving criminal cases in Indonesia in order to reduce or restore the suffering of crime victims, which can be realized by providing compensation and restitution.

Keywords: Justice; Restorative, Recovery; Rights; Victims.

A. Introduction

The victim is part of a crime, besides that the victim also has a role in the

occurrence of a crime. The regulation of victim protection in the criminal process in Indonesia shows that the regulation of criminal law for victims of crime has not shown a clear pattern. Since the emergence of modern criminal law, the existence of victims of crime has been ignored and therefore their rights are not protected. The attention to victims of crime has encouraged the emergence of a new discipline, namely Victimology, which focuses on scientific studies of victims of crime. According to Dignan, there are 6 (six) factors that influence the birth of Victimology and public attention to victims of crime:¹

- a. Contribution of Margery Fry, a thinker of 1940s penal reform, that the interests of crime victims must be considered;
- b. Mass media that publicizes the suffering of crime victims;
- c. Increasing recognition of vulnerable groups, in the 1960s;
- d. There are interesting cases internationally and domestically that show the suffering of victims;
- e. Increasing knowledge about crime victims through victim surveys;
- f. Recognition of criminology experts.

The criminal punishment system regulated in the Criminal Code basically still maintains the retributive paradigm, namely providing appropriate retribution for crimes committed by the perpetrator and still focusing on prosecuting the perpetrator, not paying attention to the restoration of losses and suffering of victims lost due to crime. The retributive paradigm aims to provide a deterrent effect for the perpetrator not to repeat the crime again and prevent society from committing crimes. The use of the retributive paradigm has not been able to restore the losses and suffering experienced by the victim. Although the perpetrator has been found guilty and sentenced, the victim's condition cannot return to normal. With this weakness, the idea emerged of a punishment system that is oriented towards the recovery of victims and the suffering of victims, called restorative justice.

¹ Dignan dalam T. Newburn, Criminology, Portland Willan Publishing, Pepinsky, 2007, hlm.11

Resolving crimes through restorative justice can accommodate the interests of the parties, including victims because victims are involved in determining sanctions for the perpetrator. Restorative justice returns the conflict to the most affected parties, victims, perpetrators, and society and prioritizes their interests. With law enforcement through restorative justice, it is hoped that the losses and suffering experienced by victims and their families can be restored and the burden of guilt of the criminals can be reduced because they have received forgiveness from the victim or their family. Restorative justice is a form of a new approach model in resolving criminal cases. This restorative justice approach model has actually been used in several countries with a focus on the approach to the perpetrators, victims and the community in the process of resolving legal cases that occur between them. Although this approach model is still widely debated in theory by experts, in reality it continues to grow and exist and influence legal policies and practices in many countries. The problems that occur in Indonesian society are a social phenomenon that has always existed since the beginning of human life because humans are social beings who have desires or interests that are not uniform between one human and another. The increasing complexity and increasingly fierce competition in community life tend to increase or at least have the potential to cause various problems. The emergence of many cases or disputes in society if not handled properly will certainly disrupt the balance in society, especially if these problems are related to a criminal act.

In general, the resolution of this problem or dispute can be taken in two ways, namely by using the litigation path and the non-litigation path. Basically, these two paths aim to create justice for society in general, and justice for the parties in particular. The use of one of the litigation or non-litigation case resolution paths will be greatly determined by the concept and purpose of the case resolution that the parties want to achieve and no less importantly is the good faith of the parties to resolve the case. Nowadays, when a crime occurs, people tend to use the court path which conceptually will create justice but in reality this is not easy to achieve. This is because

the results that will be achieved from the case resolution process through the court path are win-lose solutions, where there will be a winning party and a losing party. With this reality, the resolution of a case through the traditional court path generally often creates an unpleasant feeling in the mind of the losing party, so that they try to seek justice at the further court level.

The mechanism for resolving cases based on restorative justice is based on deliberation and consensus where the parties are asked to compromise to reach an agreement. Every individual is asked to give in and put the interests of society above personal interests in order to maintain harmony together. The concept of deliberation has proven to be more effective in resolving disputes in society amidst the failure of the role of the state and the courts in providing a sense of justice. The settlement of criminal cases with the approach or concept of restorative justice emphasizes more on the direct participation of both the perpetrator, victim and community in the case resolution process. In addition, the concept of restorative justice emphasizes the values of balance, harmony, harmony, peace, tranquility, equality, brotherhood, and family in society rather than punishment or imprisonment. Efforts to resolve cases carried out in this way not only resolve the problems that arise but more deeply than that, the concept of resolving cases using the restorative justice approach is felt to provide a greater sense of justice for the community.

The principles of restorative justice can simply be interpreted as a model for resolving cases outside the court or often referred to as out of court settlement which pays more attention to justice, goals and desires of the parties with the concept of victim awareness work. In the normative framework as well as from the theoretical framework, the principle of resolving criminal cases outside the court or out of court settlement is often questioned, but in reality there are also several practices of resolving criminal cases outside the criminal justice system. The restorative justice approach that upholds the values of balance, harmony, harmony, peace, tranquility, equality, brotherhood, and family is certainly in line and in accordance with the values

contained in Pancasila. Thus, the restorative justice approach is essentially in accordance with the spirit of the Indonesian nation which prioritizes the values of kinship, community, family, mutual cooperation, tolerance, forgiveness, and prioritizing attitudes that prioritize common interests.²

B. Research Methods

A research cannot be said to be research if it does not have a research method.³ Research methods are one of the factors of a problem that will be discussed.⁴ The study was carried out using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from the results of research, studies and reviews of several papers which are then summarized into a work of scientific.

C. Analysis And Discussion

1. The Function of Restorative Justice as an Effort to Restore Victims

Restorative justice is a new form of approach model in resolving criminal cases. This restorative justice approach model has actually been used in several countries with a focus on the approach to the perpetrator, victim and community in the process of resolving legal cases that occur between them. Although this approach model is still widely debated in theory by experts, in reality it continues to grow and exist and influence legal policies and practices in many countries. Restorative justice is an approach to justice that focuses on the needs of victims, perpetrators, and the community involved, rather than satisfying abstract legal principles or punishing the perpetrator. Victims take an active role in the process, while perpetrators are encouraged to take responsibility for their actions, to correct things that harm them, done by apologizing, returning stolen money, or community service. a concept of

² Henny Saida Flora, "Keadilan Restoratif Sebagai Alternatif Dalam Penyelesaian Tindak Pidana Dan Pengaruhnya Dalam Sistem Peradilan Pidana Di Indonesia", *Jurnal UBELAJ*, Volume 3 Number 2, October 2018.

³ Ismail Koto, "Perlindungan Hukum Terhadap Korban Tindak Pidana Terorisme", *Proceeding Seminar Nasional Kewirausahaan*, 2.1, (2021): 1052-1059.

⁴ Ida Hanifah, Ismail Koto, "Problema Hukum Seputar Tunjangan Hari Raya Di Masa Pandemi COVID-19", *Jurnal Yuridis* 8.1, (2021): 23-42.

thought that responds to the development of the criminal justice system by emphasizing the need for involvement of victims and communities who feel marginalized by the mechanisms that work in the current criminal justice system. The main goal of restorative justice is to empower victims, where perpetrators are encouraged to pay attention to recovery. Restorative justice prioritizes the fulfillment of the victim's material, emotional, and social needs. The success of restorative justice is measured by how much loss the perpetrator has recovered, not by how severe the sentence imposed by the judge. The point is, as much as possible the perpetrator is removed from the criminal process and from prison. Restorative justice not only provides an alternative to prosecution and imprisonment, but also demands responsibility from the perpetrator. Criminal acts in restorative justice are interpreted as violations of the law and the state, moreover, what the perpetrator faces are the victims and their communities, not the government. This is in line with Tom Cavanagh's statement that restorative justice is "a systematic response to deviant acts that emphasizes the restoration of losses experienced by victims and/or society as a result of criminal acts."

Criminal justice is directed towards a settlement through deliberation, which is basically the soul of the Indonesian nation, to resolve problems in a family way to reach consensus. This is because restorative justice is positive values and practices that exist in society that are in line with the enforcement of human rights. The restorative justice approach in handling criminal acts also aims to prevent the perpetrators from the criminal process which is sometimes felt to not be able to reflect the values of justice. In efforts to enforce criminal law, it should not only be the consequences of the crime that are the focus of attention, but one important thing that should not be ignored is the factor that causes someone to commit a crime. The goal of the criminal justice process according to the restorative justice perspective is to demand accountability for the perpetrators of their actions and their consequences, namely how to restore the suffering of the person whose rights have been violated (the victim) as in the position before the violation was committed or the loss occurred, both in material and

immaterial aspects. One form of restorative justice function as an effort to restore victims in positive law in Indonesia has been applied in handling narcotics crimes as regulated in Article 54 of Law Number 35 of 2009 concerning Narcotics, which states that Narcotics Addicts and victims of Narcotics abuse are required to undergo medical rehabilitation and social rehabilitation. From the provisions above, it is known that the implementation of rehabilitation is carried out not only for narcotics addicts, but also for narcotics abusers and victims of narcotics abuse. This action is one of the preventive measures to eradicate narcotics abuse and illicit trafficking carried out by the government with the aim of providing recovery from the impact of dependence by providing comprehensive care and treatment. With rehabilitation, it is hoped that it can prevent relapse of narcotics abusers.

2. Keadilan Restoratif dalam Perspektif Viktimologi

The victimology perspective in studying victims provides an orientation for the welfare of society, the development of community humanity, in its efforts to make members of society not become victims in the broad sense. The study of victims in victimology provides an idea of the field of exploration in victimology, namely:

- a. The social context in which victimization occurs. Social context refers to cultural values, traditions and structures that influence differences, positions, status of individuals or groups such as social pressure, conflict, stigma, and structural imbalances between the goals and means of the social system, opportunities to take other paths to use illegal means and for differential associations ..., and ways of resolving conflicts.
- b. The social consequences of victimization that can have a negative impact on certain individuals, groups, the wider community, and humanity in general, both medically, psychiatrically, criminologically and socially. This involves certain problems of collective behavior, in a process that is difficult to understand because society or those in power in society are sensitive enough to determine bad influences as problems in society. In other words, strong

influences may exist and persist for a long time, without or not yet being seen and published as problematic.

In the process of resolving cases, the principle of restorative justice can be implemented in the form of penal mediation or in some terms also called "mediation in criminal cases", or "mediation in penalmatters". The settlement of criminal cases in the form of penal mediation is considered and felt to be very significant in the law enforcement process even though at that time it could be said that it still deviated from the procedures of the applicable legal system. Therefore, the settlement of criminal cases with the principle of restorative justice, namely in the form of penal mediation, should be included or strictly regulated in the applicable legal system. In addition, it is necessary to realize that the settlement of criminal cases with the principle of restorative justice, namely in the form of penal mediation, cannot be separated from the ideals of law and legal principles that are based on the philosophical foundation of law, namely justice and legal principles in the process of resolving cases that refer to written legal sources and unwritten legal sources. Therefore, the application of the concept of resolving criminal cases peacefully or known as penal mediation must be applied and implemented with reference to the values of justice, legal certainty, and utility while still considering the philosophical, juridical, and sociological foundations. However, the application of the concept of resolving criminal cases with a restorative justice approach implemented by resolving cases through peaceful channels or known as penal mediation in reality has not been implemented in an integrated and comprehensive manner.

This is because not a few law enforcement officers have not realized the importance of resolving cases through peaceful channels or penal mediation and have not understood the concept and implementation of resolving criminal cases with a restorative justice approach because both concepts (the concept of restorative justice and the concept of penal mediation) are relatively new in criminal law enforcement. In the concept of resolving criminal cases with a restorative justice approach implemented

by resolving cases through peaceful channels or known as penal mediation, it is considered to have several advantages. These advantages, for example, can prevent someone from entering a correctional institution, avoid stigmatization of convicts, save state costs, restore losses to victims and society, maintain social relations, achieve the objectives of punishment (deterrent and preventive effects) and so on.

The implementation of criminal case resolution with restorative justice between victims and perpetrators is carried out in the following ways:

- a. Organize a meeting inviting the victim, perpetrator and their supporting family
- b. Give all parties the opportunity to tell how the crime occurred and propose a solution or action plan
- c. After the perpetrator and his/her family have listened to the opinions of other parties, give them the opportunity to propose a final solution that can be agreed upon by all parties present.
- d. Monitor the implementation of the proposal, especially regarding compensation for the victim.

The concept or approach of restorative justice must be implemented in an integrated manner between the police, prosecutors, judges, correctional institutions, judicial commissions and advocates. In addition, the implementation of the concept or approach of restorative justice must be applied in the structural, substantial and cultural aspects of the integrated criminal justice system in Indonesia. This is important considering that if one of these components does not implement the concept or approach of restorative justice, then restorative decisions cannot be implemented. For example, the police and prosecutors have adopted the concept of restorative justice but the judges still adhere to a legalistic mindset, in cases like this the judge will issue a very normative decision so that the correctional institution cannot apply the concept of restorative justice.

Therefore, the approach or concept of restorative justice must be implemented in an integrated manner between one component and another. Conversely, if one

component does not implement the approach or concept of restorative justice, then the approach or concept of restorative justice itself will not be realized properly. The position of the victim in handling a criminal act is not advantageous, because the victim in the criminal justice system only functions as an extra, not as the main actor or only as a witness (victim). In reality, victims of a crime are temporarily considered by society as victims of natural disasters, especially violent crimes, so that the victim experiences physical injury, even to death. Who replaces the material losses suffered by the victim? For example, medical expenses, or if the victim dies, how much loss is suffered by the victim's family, if calculated materially? For example, if calculated the cost of living from birth to death and/or added if the victim already has an income.

Looking at the description above, the position of the victim in a crime can be said to be not easy to solve from a legal perspective. The problem of the interests of the victim has long received little attention, but the object of attention is still more focused on how to punish the perpetrator of the crime, and this is still attached to the phenomenon of mere revenge. In the history of Hammurabi's law, his attention was more focused on the problem of the penological aspect of criminal law, namely how the perpetrator of the crime can be punished according to the crime that has been proven to have been committed, as a result, problems regarding the victim are overlooked. In Hammurabi's law, the relationship between the victim and the perpetrator and his family is very dominant in the process of implementing revenge punishment. The implementation of Hammurabi's law then faces obstacles when the perpetrator or his family has a high position and has the power to defend themselves, then revenge does not work or even turns into resistance by the perpetrator against the victim. Here the position of the victim does not receive the legal protection and justice that it should, so an alternative solution is sought with restitution if it is private or compensation if it is public.⁵

⁵ Bambang Poernomo, *Hukum dan Viktimologi*, Program Pascasarjana Ilmu Hukum Pidana Universitas Padjadjaran Bandung, 2001/2002.

The development and benefits of victimology are in line with the order of community life, where victimology can be formulated as a study that examines the problems of victims, those who cause victims, and the consequences of causing victims, which are human problems as social realities. What is meant here by victims and those who cause victims can be individuals, a group, private corporations and the government.⁶ Viewed from the perspective of Human Rights (HAM), the issue of the interests of victims of criminal acts is part of the issue of human rights in general. Universal principles as contained in The Universal Declaration of Human Rights (December 10, 1948) and The International Covenant on Civil and Political Rights (December 16, 1966) recognize that all people are equal before the law and have the right to equal legal protection without any discrimination or attitude. Every act of violation of human rights guaranteed by the provisions of national laws and regulations.⁷

In Article 9 paragraph (5) of the Covenant above, the principle of compensation is outlined, which states that "anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation." The above formulations are then supported by the United Nations Convention Against Transnational Organized Crime (2002), which in Article 25 provides the principle that States should take appropriate steps in the form of means of providing assistance and protection to victims of violations covered by the convention.⁸

The various principles outlined above have values that can support the victimological aspect, especially as they can function as a strong foundation for the formulation of future laws for the interests of victims of criminal acts in the formulation of regulatory arrangements for each country regarding the rights of victims of acts of unlawful treatment. Developments in national law were initially not very responsive to

⁶ Siswanto Sunarso, 2015, *Viktimologi dalam sistem Peradilan Pidana*, Jakarta; Sinar Grafika, hlm. 61

⁷ Soeparman, *Kepentingan Korban Tindak Pidana Dilihat Dari Sudut Viktimologi*, *Varia Peradilan*, *Majalah Hukum Tahun Ke XXII No. 260 Juli 2007*, hlm. 51.

⁸ *Ibid.*,

the interests of victims. However, with various international congresses discussing the issue of victims, it seems that attention to victims of criminal acts has begun to be raised. As is known, there have been at least 3 (three) international meetings on the same theme, namely: The Congress in Geneva discussed "new forms and dimensions of crime"; The Congress in Caracas in 1980 followed up on crime and the abuse of power, offenses and offenders beyond the reach of law; then later the congress in Milan 1985 which discussed the victim of crime, which it connects the new dimensions of criminality and crime prevention in the context of development, convention and non conventional crime, illegal abuse of economic and public power.⁸ The three international congresses paid quite a lot of attention to the victim aspect related to new developments in the form of criminal acts and legal development, which is thought to be related to the Declaration on Justice and Assistance for Victims. In connection with the declaration, the State is expected to carry out various responsibilities to think about compensation such as among others making compensation programs for victims such as insurance programs.⁹

In the above view, the attention still refers to the perpetrator of the crime, and the rights of the victim have not been fully realized, even though the state provides compensation to the victim, while the rights of the perpetrator are still dominant (the perpetrator who is unable to replace the victim's material losses for the crime committed by the perpetrator). Looking at the scope of Indonesian legal history, various books of Laws can be found. One of them is from the Majapahit era, namely the so-called "Religious Legislation". In this Law there is a basic criminal offense in the form of compensation or "panglisyawa" or "patukusyawa". The legislation from Majapahit, if examined, it appears that there is a relationship between the perpetrator and the victim, as in some examples below:¹⁰

⁹ Arif Gosita, 1986, *Viktimologi dan KUHP*, Jakarta: Akademika Presindo, hlm. 14

¹⁰ Sudarto, *Hukum Dan Hukum Pidana*, Alumni, Bandung, 1986, hlm. 183-184,

- a. Article 56: If a thief begs to live, then he must redeem his release in the amount of eight ropes, pay a fine of four laksa to the ruling king, pay the loss (panglisyawa) to the person who was stolen by returning everything he took twice as much.
- b. Article 242: Whoever rides a cart, horse or any vehicle, if he violates or tramples a person to death, he himself or his driver will be subject to a fine of two laksa by the ruling king, plus eight ropes of compensation (pamidara) to the owner of the person who has been violated. , or to the dead person's relatives.
- c. Article 19: Whoever kills an innocent woman must pay the woman in question double and be subject to compensation (patukusyawa) four times.

In the above law, victims who experience suffering or pain, caused by the actions of the perpetrator, are relieved by the law by being given the possibility of compensation. If we look at the definition of "victim" as stated in the law, then the definition is very broad and it causes difficulties in providing compensation. It is necessary to limit who in a criminal case is called a "victim" or the person who is harmed. According to the opinion of Indonesian criminal law experts, the determination of the person who is harmed is based on the principles of civil law and the loss is caused by the actions of a person who is called the "maker" (dader) of a criminal act by criminal law. So in the matter of compensation in criminal law, it must be seen in relation to the "three in a row": Crime (criminal act) - maker - victim. It must also be noted that the loss is material and immaterial. Compensation for material losses does not cause problems, not so with immaterial losses, which are in the form of hardship, anxiety, shame and so on. This loss must be replaced in the form of money. In civil law this is common, there is known what is called condolence money.

The dimension of compensation for the victim's suffering is associated with the restitution system, which in the sense of victimology is related to the repair or restoration of physical, moral, property and rights losses of the victim caused by the

crime. The main character of this restitution indicates the responsibility of the maker for the demand for criminal restitutive action in a criminal case, which in the sense of victimology is related to the repair or restoration of physical, moral, property and rights losses caused by the crime. Different from compensation, that compensation is requested on the basis of a request, and if granted must be paid by the community or the state, while restitution is demanded by the victim to be decided by the court and if the demand is accepted, must be paid by the perpetrator of the crime. Because the essence of such differences has not yet been realized in reality, there is often no difference between the two payments, because the most important thing is that attention to the victim comes first, then follows the form of payment for the victim's losses.

Victimology is a study or scientific knowledge that studies the problem of criminal victimization as a human problem that is a social reality. Victimology is part of criminology, which has the same object of study, namely criminal acts or criminal victimization (criminal victimization) and everything that results from it, can be victimogenic or criminogenic. Victimology also studies the extent to which the implementation of regulations on victim rights has been carried out. Talking about victimology certainly has 3 (three) main objectives which include explaining various aspects of the victim's problem, explaining the causes of victimization and creating a system to reduce the suffering of victims. Departing from this, in accordance with the theme of legal protection for victims of crime, there is a new paradigm in the criminal law system that is currently being adopted by the legal system in Indonesia, restorative justice certainly has an important function as an effort to restore victims. As for the concept found in relation to the discussion of restorative justice in the perspective of victimology as explained above, it can be stated that as a new system to reduce the suffering of victims in the process of handling a crime in Indonesia, namely the application of compensation and restitution as a form of victim recovery for the suffering they have experienced. Thus, it is very relevant to have restorative justice that

is oriented towards the recovery of victims of crime considering the position of victims who are considered weak in the judicial process in Indonesia.

C.Conclusion

The main objective of restorative justice is to empower victims where perpetrators are encouraged to pay attention to the victim's recovery to their original state, whether the victim's material, emotional and social needs are met. This is done because the success of restorative justice is measured by how much loss has been restored by the perpetrator to the victim, not by how severe the punishment imposed by the judge on the perpetrator. Restorative justice from a victimology perspective can be applied in resolving criminal cases in Indonesia to reduce or restore the suffering of crime victims, namely by providing compensation and restitution.

References

- Dignan dalam T. Newburn, *Criminology*, Portland Willan Publishing, Pepinsky, 2007, hlm.11
- Henny Saida Flora, “Keadilan Restoratif Sebagai Alternatif Dalam Penyelesaian Tindak Pidana Dan Pengaruhnya Dalam Sistem Peradilan Pidana Di Indonesia”, *Jurnal UBELAJ*, Volume 3 Number 2, October 2018.
- Ismail Koto, “Perlindungan Hukum Terhadap Korban Tindak Pidana Terorisme”, *Proceeding Seminar Nasional Kewirausahaan*, 2.1, (2021): 1052-1059.
- Ida Hanifah, Ismail Koto, “Problema Hukum Seputar Tunjangan Hari Raya Di Masa Pandemi COVID-19”, *Jurnal Yuridis* 8.1, (2021): 23-42.
- Bambang Poernomo, *Hukum dan Viktimologi*, Program Pascasarjana Ilmu Hukum Pidana Universitas Padjadjaran Bandung, 2001/2002.
- Siswanto Sunarso, 2015, *Viktimologi dalam sistem Peradilan Pidana*, Jakarta; Sinar Grafika, hlm. 61
- Soeparman, *Kepentingan Korban Tindak Pidana Dilihat Dari Sudut Viktimologi*, *Varia Peradilan*, *Majalah Hukum Tahun Ke XXII* No. 260 Juli 2007, hlm. 51.
- Arif Gosita, 1986, *Viktimologi dan KUHP*, Jakarta: Akademika Presindo, hlm. 14
- Sudarto, *Hukum Dan Hukum Pidana*, Alumni, Bandung, 1986, hlm. 183-184,