

Reconstruction of Regulations on the Role and Duties of the Police in Law Enforcement by the Task Force for Eradicating Illegal Levies in Indonesia



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ABSTRACT: Illegal levies occur not only in the bureaucratic environment, in the executive, judiciary, and legislative institutions, but also in the private sector, the business world and other community institutions. The purpose of this study is to analyze the Regulation of the role and duties of the police in enforcing the Task Force for Eradicating Illegal Levies law in Indonesia, to find its weaknesses and to reconstruct the Regulation of the role and duties of the police in enforcing the Task Force for Eradicating Illegal Levies law based on the value of justice. The research method uses the socio-legal research approach method, and the type of research is descriptive. Types and sources of data use secondary materials in the form of primary, secondary, and tertiary legal materials. Data collection methods use literature and qualitative analysis methods. The results of the study that the Regulation of the role and duties of the police in enforcing the law on Task Force for Eradicating Illegal Levies in Indonesia is not based on the value of justice is that the current practice of Extortion has damaged the joints of national and state life and caused unrest in community life; The weaknesses of the Regulation of the role and duties of the police in enforcing the law on Task Force for Eradicating Illegal Levies currently consist of weaknesses in the legal substance aspect, weaknesses in the legal structure aspect and deficiencies in the legal culture aspect. The weakness of the legal substance aspect is that there is no clear legal umbrella that specifically regulates Extortion, so this is what causes Extortion to continue to be rampant. The weakness of the legal structure aspect is that the synergy between law enforcement officers is still not optimal. Given the Government's efforts, the Task Force for Eradicating Illegal Levies task force and other law enforcement officers are very much needed in overcoming Extortion through the law enforcement process. The weakness of the legal culture aspect is that the community often allows it, even reluctant, to get involved in eradicating Extortion that is already angry. Reconstruction of Police Role and Duties Regulation in Enforcing Task Force for Eradicating Illegal Levies Law Based on Justice Values consists of value reconstruction and norm reconstruction. The value reconstruction to be achieved in this study is that the Regulation of the role and duties of the police in enforcing Task Force for Eradicating Illegal Levies law, which was previously not based on justice, is now based on justice values. Reconstruction of Police Role and Duties Regulation Norm in Enforcing Task Force for Eradicating Illegal Levies Law Based on Justice Values in Law Number 2 of 2002 concerning the Republic of Indonesia Police Article 13 letter a and Presidential Regulation of the Republic of Indonesia Number 87 of 2016 concerning the Clean Sweep Task Force for Illegal Levies Article 2.

KEYWORDS: Reconstruction, Regulation, Law Enforcement, Task Force for Eradicating Illegal Levies

I. INTRODUCTION

Illegal levies are acts carried out by a person or civil servant or state official requesting payment of an amount of money that is not by or not based on the regulations relating to the payment. This is often equated with Extortion, fraud or corruption. The presence of illegal levies (abbreviated as pungli) in the current era cannot be separated from a form of past historical culture that is full of darkness. Illegal levies have also become something that is understood in society. This is because it is to speed up the bureaucratic process in the current era. It is not uncommon for people to also enter the system by cultivating illegal levies. Illegal levies also almost always occur in the community. This illegal levie is a type of serious criminal act due to the demands of conditions and situations that were supportive at that time [1].

The practice of bribery in Indonesia in 2021 recorded 20 cases that the police had handled. The data was obtained from Robinopsnal Bareskrim Polri. Almost every month, the police take action against bribery practices that involve both the general public and state apparatus. The Ombudsman of the Republic of Indonesia noted that maladministration practices in the form of illegal levies (pungli) in the public service sector still occurred a lot in 2021. There were 16,000 complaints of alleged malpractice

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in the public service environment. The figure increased significantly from the previous year which almost reached 14,000 complaints. Among the 16,000 complaints, 11% of them were in the category of extortion reports [2].

Based on a survey conducted by Transparency International Indonesia (TII), it was recorded that in 2022 and 2023 Indonesia did not experience a significant increase in the ranking of corruption-free countries. In 2022, Indonesia was in the range of 34 points, as well as in 2023. This range of points is included in the "High Corruption" classification. Based on a survey conducted by Transparency International Indonesia (TII), the level of bribery in Indonesia reached 3rd place among 17 countries in Asia. The results of the 2020 GCB survey in Indonesia found that 30% of 10 respondents admitted to having paid bribes in the past year when accessing public services. The prevalence of bribery practices in Indonesia is the 3rd highest among the 17 Asian countries surveyed, and has not decreased significantly from the results of the 2017 GCB which reached 32%. The rampant practice of bribery carried out by the public reflects two things. On the first side, it shows that there is a failure of the public service delivery system which still provides loopholes for petty corruption practices. The system and management of government employees who carry out public service functions still perpetuate bribery practices. On the other hand, public permissiveness towards bribery practices in public services remains high. Access to services using bribes is considered normal. In this category, the survey also asked about the motivations of the public who bribe. The reasons for paying bribes were as a sign of gratitude (33%), indeed being asked to pay unofficial fees (25%), and being offered to pay bribes for a faster process (21%).

Public services in the police (41%) ranked first in public bribery experiences. This percentage is above the Population and Civil Registration Service (Dukcapil) (31%), Schools (22%), PLN/PDAM (13%), and Hospitals/Health Centers (10%). Meanwhile, the results for the courts were not available this year due to the small number of respondents. The experience of bribery in the police is in contrast to previous findings where the Police institution was considered no more corrupt than the legislative and executive institutions.

The strengthening of the symptoms of public permissiveness is also marked by more than 90% of respondents who admitted that they had never reported the bribery practices they experienced, either because they did not know where to report it or because they thought that bribery (or other concepts understood by respondents) was something normal in order to access a public service. This figure shows how damaged the mentality of the majority of people who took part in weakening the integrity of employees in the public service sector is.

This has caused public trust in state institutions to decline. Data from the percentage taken from the Integrity Assessment Survey (SPI) shows that the level of public trust in the Indonesian National Police became 66.49% in 2022. This is caused by two factors, namely internal and external factors.

The problem of Extortion does not only occur and is found in the bureaucratic environment, both in the executive, judiciary, and legislative institutions but has spread to the general environment of society such as in the private sector, the business world and other community-formed institutions. In terms of eradicating Extortion, it is not only limited to being a legal problem. Eradicating Extortion has many dimensions that must be studied in relation to each other. Each dimension also has problems in overcoming Extortion. As with the social dimension with the culture of Extortion that has occurred since ancient times. Then the economic dimension with the increasing needs of society, many individuals want to increase their economic income by carrying out Extortion. And also the social dimension, namely if someone does not carry out or participate in extortion activities, then that person can be called by society as a person who has no ethics. Ethics in this case occurs because extortion activities are carried out too often so that they become a form of common behavior in the community [3].

In general, the practice of Extortion is subject to Article 368 of the Criminal Code with a maximum sentence of nine months. If the perpetrator is a civil servant, he will be subject to Article 423 of the Criminal Code with a maximum sentence of six years. One of the Government's policies in terms of enforcing the law on extortion practices is to form the "Task Force for Eradicating Illegal Levies" Team (Clean Sweep of Extortion). The formation of this team is to carry out reforms in the legal field. This team will try to optimize the investigation and prosecution of extortion practices that will be revealed. Task Force for Eradicating Illegal Levies consists of the National Police as the "leading sector", the Attorney General's Office, and the Ministry of State Apparatus Empowerment and Bureaucratic Reform.

Task Force for Eradicating Illegal Levies will monitor the public service sector from Aceh to Papua. The service sectors monitored include making ID cards, SKCK, STNK, SIM, BPKB, permits for loading and unloading goods at ports and a number of permits in various other ministries. In addition to taking action, the Task Force for Eradicating Illegal Levies team will also review whether there are any regulations that support Extortion [4].

According to Article 3 of Presidential Regulation Number 87 of 2016, the Task Force for Eradicating Illegal Levies Task Force has the task of eradicating illegal levies effectively and efficiently by optimizing the use of personnel, work units, and infrastructure, both in ministries/institutions and local governments. In carrying out its duties, the Task Force for Eradicating Illegal Levies Task Force carries out intelligence, prevention, enforcement, and justice functions. The Controller/Person in Charge of the Task Force for Eradicating Illegal Levies Task Force can appoint expert groups and working groups as needed. "The expert groups as referred to come from academics, community leaders, and other elements who have expertise in the field of eradicating illegal levies," reads

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Article 6 paragraph (2) of Presidential Regulation Number 87 of 2016. Meanwhile, the Working Group as referred to, in accordance with Article 8 paragraph (5) states that its membership consists of elements of ministries/institutions. "The illegal levies eradication unit in each ministry/institution and local government, in carrying out its duties, coordinates with the Task Force for Eradicating Illegal Levies Task Force." The phrase considering Presidential Decree 87 of 2016 explains that: (a) that the practice of Extortion has damaged the foundations of community, national and state life, so that it is necessary to make an eradication effort that is firm, integrated, effective, efficient and capable of creating a deterrent effect; (b) that in the effort to eradicate Extortion, it is necessary to form a clean sweep task force for Extortion; and (c) that based on the considerations as referred to in letters a and b, it is necessary to stipulate a Presidential Regulation concerning the Clean Sweep Task Force for Extortion. Article 1 paragraph (1) of Presidential Decree 87 of 2016 also states that with this Presidential Regulation, a Clean Sweep Task Force for Extortion is formed, hereinafter referred to as the Task Force for Eradicating Illegal Levies Task Force.

Article 2 explains that the Task Force for Eradicating Illegal Levies Task Force has the task of carrying out the eradication of Extortion effectively and efficiently by optimizing the use of personnel, work units and infrastructure, both in ministries/institutions and regional governments. The problem of extortion practices against public services is also in the investigation and inquiry process starting from mistaken arrests, releasing suspects without basis, handling cases incorrectly according to the rules, giving bribes, providing facilities as a form of intervention that can interfere with the independence of the ongoing legal process [5].

This Presidential Regulation also emphasizes that the community can play a role in eradicating Extortion, both directly and indirectly through electronic or non-electronic media, in the form of providing information, complaints, reporting, and/or other forms in accordance with the provisions of laws and regulations. All costs required for the implementation of the Task Force for Eradicating Illegal Levies Task Force's duties, according to this Presidential Regulation, are borne by the State Budget through the Coordinating Ministry for Political, Legal and Security Affairs' Budget.

Preventive and repressive non-justiciary police duties are carried out by all members of the police. Each member of the police automatically has general police authority. Justiciary police duties are carried out by every member of the police who because of their position is given special police authority in the field of investigation.

Perspective, according to Rahmat, is also called an approach. There are two characteristics of perspective, namely those that are limiting and selective. Based on that perspective, a person observes, interprets and provides stimuli from the reality encountered and ignores other stimuli, then behaves based on his understanding through that perspective. Meanwhile, according to the Big Indonesian Dictionary (KBBI), what is meant by Extortion is a point of view or perspective. Meanwhile, criminal law according to W.L.G Lemaire that criminal law consists of norms that contain obligations and prohibitions that (by the legislators) have been associated with a sanction in the form of punishment, namely a special suffering. Thus it can also be said that criminal law is a system of norms that determine which actions (doing something and not doing something where there is a requirement to do something) and under what circumstances can be imposed for these actions. In overcoming the crime of Extortion, it must be done comprehensively, which includes "legal substance, legal structure, and legal culture". Although the law is an important aspect that will determine the operation of the criminal justice system, the existence of the law alone will not be a "sufficient condition". Even though it is a "necessary condition", the existence of "political will", the behavior of law enforcement officers, consistency in the application of the law, and legal culture are "determining factors".

The structural and substantive approach will not succeed if it is not followed by a cultural and ethical approach from law enforcers themselves which are often contaminated by extortion practices. The problem of Extortion in Indonesia is still a complicated matter, this is an agenda for the Government and society to jointly combat and eradicate it. The perpetrators of Extortion are generally only arrested and then released, not at all bringing benefits to its eradication. This idea is a material idea that can only be used as a policy maker for both the central and regional levels, so that with full hope about the conditions in society so that comfort, safety, orderliness, and transparency can be achieved. All of this is certainly inseparable from the role of the community in participating to help the police enforce the law and to uncover the naughty actions of officials who abuse or take advantage of the situation that occurs in society. That the hope for all of this is something that is often and familiar to the public's ears [6].

Based on the description of the background above, it is interesting for researchers to take the title: "Reconstruction of the Regulation of the Role and Duties of the Police in Enforcing the Task Force for Eradicating Illegal Levies Law Based on the Value of Justice".

II. OBJECTIVES

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Based on the background above, the problems in this study are formulated as follows:

1. To analyze the Regulation of the role and duties of the police in enforcing the Task Force for Eradicating Illegal Levies law which is not yet based on the value of justice.

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2. To find weaknesses in the Regulation of the role and duties of the police in enforcing the Task Force for Eradicating Illegal Levies law at this time
3. Conducting a reconstruction of the Regulation of the role and duties of the police in enforcing the Task Force for Eradicating Illegal Levies law based on the value of justice.

III. METHODS

In this study, the author uses the constructivism paradigm, a paradigm that views legal science as only dealing with laws and regulations. Law as something that must be applied, and tends not to question the value of justice and its usefulness for society. Legal studies and their enforcement only revolve around what is right and what is not right, what is wrong and what is not wrong and other forms that are more prescriptive.

The type of research used in completing this dissertation is the descriptive analytical legal research method, namely research conducted by examining library materials (secondary data) or library legal research, then described in the analysis and discussion. The research approach used in this study is socio-legal research. In principle, socio-legal studies are legal studies, which use a social science methodology approach in a broad sense. Socio-legal studies are an alternative approach that tests doctrinal studies of law.

The types of data used are primary and secondary data. To obtain primary data, researchers refer to data or facts and legal cases obtained directly through field research, including statements from respondents related to the research object and practices that can be seen and related to the research object. This secondary data is useful as a theoretical basis for analyzing the main problems in this study.

IV. RESULTS

1. Regulation of the Role and Duties of the Police in Enforcing the Task Force for Eradicating Illegal Levies Law is Not Yet Based on Justice Values

Public services can be defined as a series of activities carried out by the political bureaucracy to meet the needs of all citizens who require various types of services, ranging from social and political affairs, in the form of making Birth Certificates, Identity Cards (KTP), Land Certificates, then economic and business aspects, such as business or investment permits, building permits, or carrying out business activities for certain reasons and purposes, to various other types of public services. Extortion that often occurs in Government Institutions/Agencies in principle involves individuals and the community, which creates a social culture that is maintained so that it becomes a natural thing. This greatly tarnishes the Institutions/Agencies that provide services to the community.

The problem of public services is very complex so that the community in need and the organizers of public services tend to perpetuate these extortions. The reality is that the practice of Extortion has currently damaged the joints of community life and caused losses to the community in need. The act of Extortion, hereinafter referred to as *pungli*, is a form of behavior or action that economically, or psychologically, attacks or harms the community, and hurts the feelings in the life together felt by the community. In practice, this act of Extortion is generally carried out by civil servants or officers who are outside their authority without having official permission to ask for money from interested parties and usually the act is carried out secretly. Extortion is an illegal act and can be classified as a criminal act. In the Criminal Code (KUHP) there is not a single mention of the crime of Extortion or the crime of Extortion, however it can be implicitly found in the formulation of corruption, namely in Article 12 letter e of the Republic of Indonesia Law Number 20 of 2001 originating from Article 423 of the Criminal Code which is referred to in Article 1 paragraph (1) letter c of the Republic of Indonesia Law Number 3 of 1971, and Article 12 of the Republic of Indonesia Law Number 31 of 1999 as a crime of corruption, which was then reformulated in the Republic of Indonesia Law Number 20 of 2001. The practice of Extortion has currently damaged the foundations of national and state life and caused unrest in the lives of the community [7].

Factors causing ineffective handling of extortion crimes are:

- a. Legislation factors, where there are no regulations specifically regulating Extortion and the unclear meaning of words in the law which will result in confusion in interpretation and application so that it is equated with elements of Extortion, bribery and corruption.
- b. Law enforcement factors, where there is weak coordination between law enforcers and related agencies, namely the BPN as state administrators.
- c. Community factors, namely the reluctance to play an active role in law enforcement, especially against Extortion, either as reporters or witnesses. The community tends to consider Extortion as a normal thing.
- d. Cultural factors greatly influence the effectiveness of handling extortion crimes, the community considers Extortion as a gift or a token of gratitude, which then such thinking has become a culture in the lives of people in Indonesia.

Regarding indications of unlawful acts, without taking into account the escalation of the act, it will continue to be rolled out into the realm of law enforcement which is only the jurisdiction of law enforcers. All unlawful acts only lead to criminalization or Punishment without looking at the essence. Eradication must be carried out in an integrated manner, carried out in a moralistic manner (mental and moral development of humans), and an abolitionist manner (a way to overcome symptoms), as a Preventive

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measure. Conducting investigations, inquiries, prosecutions and at the same time trying them, as Repressive measures based on the provisions of the relevant laws, and the perpetrators are subject to criminal sanctions.

Criminal sanctions are intended to determine whether a perpetrator can be held accountable or not. Criminal responsibility leads to the person who commits a crime. A person will not be punished if there is no mistake. This is in accordance with the principle in criminal law which states *Geen Staf Zonder Schuld* (not punished if there is no mistake). This principle is not found in 108 written laws of Indonesia, but in the unwritten laws of Indonesia it currently applies. The Criminal Code (KUHP) does not provide a formulation of criminal acts, so this problem is widely studied from a knowledge perspective. Law enforcers are role models in society, who should have certain abilities in accordance with the aspirations of society.

They must be able to communicate and gain understanding from the target group, in addition to being able to carry out or carry out roles that are acceptable to them. The enforcement of the law on Task Force for Eradicating Illegal Levies is not yet based on the value of justice, namely that the current practice of Extortion has damaged the joints of national and state life and caused unrest in the lives of society. In practice, there are several factors that inhibit why most extortion perpetrators do not have their cases brought to the criminal justice process (court) and on average only Moralistic methods (Mental and Moral Development of Humans) and Abolitionistic methods (Methods of Overcoming Symptoms) are carried out for their actions. The inhibiting factors are legal factors, apparatus factors, facility factors, society and the size of the budget factor [8].

2. Weaknesses of the Regulation of the Role and Duties of the Police in Enforcing the Current Task Force for Eradicating Illegal Levies Law

a. Weaknesses of the Legal Substance Aspect

Extortion is legally an act that is included in the category of crimes of office, where in the concept of crimes of office it is explained that officials, in order to benefit themselves or others, abuse their power to force someone to give something, to pay or receive payment with a discount, or to do something for themselves. The formulation of corruption in Article 12 letter e of Law Number 20 of 2001 concerning the Eradication of Corruption is actually derived from the formulation of Article 423 of the Criminal Code (KUHP) referred to in Article 12 of Law Number 31 of 1999 as a criminal act of corruption, which was then reformulated in Law Number 20 of 2001 concerning corruption, explaining the definition of Extortion is an act committed by civil servants or organizers who intend to benefit themselves or others unlawfully, or by abusing their power to force someone to give something, pay, or receive payment with deductions, or to do something for themselves. A person who commits corruption can be punished with a minimum prison sentence of 4 years and a maximum of 20 years. Perpetrators of Extortion can be charged with corruption, the perpetrators are very likely to be charged with Law Number 20 of 2001 concerning the Eradication of Corruption. In this case, if the Extortion is carried out by a Civil Servant, the person concerned will be charged with Article 423 of the Criminal Code with a maximum sentence of 6 years [9].

The practice of Extortion usually occurs in government agencies providing services whose procedures are not transparent, complicated, and there is no certainty about the length of time for completion. Instead of making improvements in the services provided, the practice of Extortion ultimately becomes the standard of timely service. Extortion does not cause direct state losses, but if this practice is carried out in the long term, it will damage the integrity and mentality of employees of government agencies providing public services. For employees of these government agencies, it is their obligation to provide excellent service to the community, without having to accept additional money from service applicants. In addition, the practice of Extortion also violates the rights of other citizens to receive fair treatment for public services. Extortion is indeed not an easy thing to resolve if it has become part of the culture in society. The nominal transaction in Extortion is usually relatively small so that legal action against it is felt to be very wasteful and burdensome to state finances. Although the nominal value of illegal extortion transactions is relatively small, if the intensity of extortion transactions occurs frequently, then the cumulative amount of Extortion will be large.

The Government has taken various measures to eradicate extortion practices, including issuing policies related to cutting procedures, transparency in terms of requirements, time, and service costs, and providing complaint channels for the public. However, it seems that these various efforts have not been able to overcome the rampant practice of Extortion. Seeing the increasingly severe practice of Extortion, the Government has formed a special unit to eradicate the practice of Extortion. Based on Presidential Regulation Number 87 of 2016 as a legal umbrella, a special team was formed to eradicate Extortion called the Task Force for Eradicating Illegal Levies Task Force (Illegal Extortion Sweep Task Force). The Task Force for Eradicating Illegal Levies Task Force is part of the Government's policy to implement legal reforms. The Task Force for Eradicating Illegal Levies Task Force consists of the National Police, the Attorney General's Office and the Ministry of Empowerment of State Apparatus and Bureaucratic Reform. According to Presidential Regulation Number 87 of 2016, the Task Force for Eradicating Illegal Levies Task Force has the task of eradicating illegal levies effectively and efficiently by optimizing the use of personnel, work units, and infrastructure, both in ministries/institutions and local governments [10].

Regardless of these problems, the Task Force for Eradicating Illegal Levies Task Force is expected to carry out its functions, duties and authorities professionally and can be legally accounted for so that public trust and opinion towards government institutions can increase. In addition, the practice of Extortion in public services will also be minimized little by little. In terms of

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eradicating Extortion, the Task Force for Eradicating Illegal Levies Task Force often faces many obstacles. For example, civil servants who commit criminal acts of Extortion can be subject to criminal sanctions, only problems arise in proving it. The prosecutor as the Public Prosecutor will have difficulty that the actions taken by the civil servant are detrimental to state finances. This is because basically Extortion is an excess levy, so that the state's rights have been fully fulfilled so that the excess value of the levy is a loss to the community. Article 1 paragraph (2) of Presidential Regulation Number 87 of 2016 states that the Task Force for Eradicating Illegal Levies Task Force is positioned under and responsible to the President, with such a position indicating the strong legitimacy of this Task Force.

In the Constitution of the Unitary State of the Republic of Indonesia, it is clearly stated that the President of the Republic of Indonesia holds the power of Government according to the Basic Law. Thus, the position of the Task Force for Eradicating Illegal Levies Task Force which is directly under and responsible to the President places this task force as if it were equal to a state ministry. According to Presidential Decree 87 of 2016, the Task Force for Eradicating Illegal Levies Task Force has the task of eradicating illegal levies effectively and efficiently by optimizing the use of personnel, work units, and infrastructure, both in ministries/institutions and local governments. In carrying out its main tasks and functions, the Task Force for Eradicating Illegal Levies Task Force Team can appoint expert groups and working groups as needed. Based on Presidential Decree 87 of 2016 Article 6 paragraph (2), "The expert group as referred to comes from academic elements, community leaders, and other elements who have expertise in the field of eradicating illegal levies." Meanwhile, the Working Group as referred to, its membership consists of elements of ministries/institutions. Presidential Decree 87 of 2016 also emphasizes that ministries/institutions and regional governments carry out the eradication of Extortion in their respective work environments, and form extortion eradication units in internal supervisory units or other work units in their respective work environments. "The extortion eradication units in each ministry/institution and regional government, in carrying out their duties, coordinate with the Task Force for Eradicating Illegal Levies Task Force," is the provision of Article 8 paragraph (5) of Presidential Decree 87 of 2016 [11].

The weakness in terms of legal substance is that there is no clear legal umbrella that specifically regulates Extortion, so this is what causes Extortion to still be rampant.

b. Weaknesses in the Legal Structure Aspect

Prevention and deterrent activities with the aim of preventing violations of regulations and not deviating from existing norms, but in fact in the field there are still many who violate the regulations that are currently in force.

The need for strict law enforcement in handling a problem, law enforcement is a process carried out to uphold the law or the functioning of legal norms in real terms as a guideline for behavior in legal relations in community and state life. With the efforts in the process of enforcing the law, it turns out that there are still many obstacles experienced by law enforcement officers in implementing it, especially in handling cases of Extortion or more often referred to as Pungli. Extortion is an act carried out by a person or civil servant or state official by requesting payment of an amount of money that is not in accordance with or not based on the regulations relating to the payment. Where the money from the Extortion is enjoyed alone or enjoyed by a group of individuals and the money is not deposited. Therefore, the act of Extortion can include or fulfill the elements in the articles on Extortion, fraud, and corruption.

Extortion is a form of crime, in its existence it is felt to be very disturbing, besides that it also disrupts order and peace in society, trying as much as possible to overcome the crime of Extortion. Crime is a social phenomenon that is always faced by every society in this world. Crime in the form of Extortion is felt to be very disturbing, besides that it also disrupts order and tranquility in society, trying as much as possible to overcome this crime. The policy of overcoming crime is carried out by using "penal" means (criminal law), so the criminal law policy, especially at the judicial policy stage, must pay attention to and lead to achieving the objectives of the social policy in the form of "social welfare" and "social defense". The weakness of the legal structure aspect is that the synergy between law enforcement officers is still not optimal. Given the Government's efforts, the Task Force for Eradicating Illegal Levies task force and other law enforcement officers are very much needed in overcoming Extortion through the law enforcement process [12].

c. Weaknesses of the Legal Culture Aspect

One thing that must be a concern for all elements of society is that in fact Extortion that occurs in society is due to the process of neglect, both socially and politically. Politically, Extortion thrives because of the behavior of the Government and its officials. Even what a group of people do in collecting Extortion is because it is legitimate by the behavior of the authorities. Moreover, the extortion collectors generally wear clothes as if they were official clothes. Extortion is actually a process of society's duplication of elite behavior. This means that a group of people imitate the practices carried out by government elites. This is an action that still makes sense. The reason is, there are many levies in the name of the Government but the accountability is unclear. In the social dimension, the symptoms of Extortion seem to have become formalized social rules. Understanding of the practices of Extortion, begging, and thuggery is mixed up. People find it increasingly difficult to distinguish between retribution, Extortion, begging, and thugs. With this condition, Extortion becomes a kind of organized crime that appears in the form of beggars, thugs. So, seeing this phenomenon, there must be strict law enforcement, especially against acts of Extortion [13].

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Support for community participation to play an active role in eradicating Extortion can facilitate the performance of the Task Force for Eradicating Illegal Levies Task Force to realize professional and quality public services. In addition, the Task Force for Eradicating Illegal Levies Task Force continues to routinely socialize to the community regarding the eradication of Extortion so that the community dares to reject Extortion and is willing to report to the authorities if they find out about extortion practices that occur in the community. Increasing the effectiveness of the Task Force for Eradicating Illegal Levies Task Force team's performance in efforts to eradicate Extortion still has several weaknesses, including the legality of the products produced, Standard Operating Procedures and harmonious coordination with Law Enforcement Officers. Coordination between the central Government and regional governments in terms of eradicating Extortion is highly recommended because it is not enough to just wait for follow-up from the central Government. This extortion practice has become a habit that has been rooted in the Government since long ago so that it is difficult to eliminate if there is no supervision from the center to the regions, but in this case internal supervision from the regions also plays an important role. The problem of extortion practices is very complex, it can occur at any level in public services. It is known that extortion practices are more common in regional governments so that the central Government cannot supervise the entire Regional Apparatus Organization. All Regional Government Organizations must participate and play an active role in eradicating extortion practices in order to create quality public services that are free from extortion practices.

In community life, this form of crime is known as thugs. According to Irene Svinarky in the Cahaya Keadilan Journal, sometimes the community itself also plays a role in carrying out extortion activities, this is because the requirements of the procedures in institutions and other related bodies are not followed as they are when they are taking care of their affairs, the community also wants. If the community is blamed, they like to give reasons: the institution deliberately makes it long because we also work, we have to earn money so we don't have time to queue, besides not being able to come when taking care of something because the procedures are difficult in the administration and many other reasons that make the community finally take shortcuts. If the Extortion is made or carried out with violence or threats of violence, the perpetrator can be charged and said to be Extortion as regulated in Article 368 of the Criminal Code, while if the Extortion is carried out by civil servants who are not in accordance with the provisions, they can be charged with Article 432 of the Criminal Code, namely officials who abuse their power [14].

The weakness of the legal culture aspect is that society often allows it, even reluctant to get involved in eradicating Extortion that is already angry. This causes Extortion to grow, and requires community participation in preventing it.

3. Reconstruction of the Regulation of the Role and Duties of the Police in Enforcing the Task Force for Eradicating Illegal Levies Law Based on the Value of Justice

a. Review of the Enforcement of Task Force for Eradicating Illegal Levies in Foreign Countries

1) United States

The term money laundering first appeared in 1920 in the United States. At that time, the mafia in the United States obtained money from crimes such as Extortion, prostitution, gambling, and the sale of illegal alcoholic beverages and narcotics trafficking. These mafias then buy legitimate and official companies as one of their strategies by combining the illicit money from the crime with money obtained legally from business activities to cover up the source of their funds so that it appears to come from a legitimate source. The United States (US) has an anti-corruption law aimed at private companies that practice bribery to obtain projects. In fact, the law provides strict sanctions not only for individuals, large fines to revoking a company's operating license. Meanwhile in Indonesia, the absence of legal regulations governing this has resulted in no deterrent effect for many companies practicing bribery to obtain projects. Even in America, companies that cooperate in preventing bribery will actually receive incentives from the Government.

He added that the legal rules do not only apply to bribery practices in the United States but also apply outside the United States, in countries where international companies operate. All American international companies operating abroad can be charged with the anti-corruption law. The provisions of the crime of bribery in the United States are based on the definition of giving something of value to foreign officials, political parties, party leaders and anyone with the intention of the person concerned obtaining improper benefits or obtaining and maintaining a business. In America, bribery and gratification are distinguished as objects of prohibited acts. The difference is that in gratification what is prohibited is that the giver of the gratification has the intention that the gift is an award/sign of gratitude for an official action that has been carried out by an official/state administrator, while in bribery the giver has the intention that the gift can influence an official action that will be carried out. So it is clear that the difference between bribery and gratification is in the aspect of time that Bribes are given before the achievement is carried out while gratification is given after the achievement is carried out.

In fact, it turns out that the major role of superpowers such as the United States through donor institutions such as the International Monetary Fund, the World Bank and multinational companies, increasingly ensnares developing countries, such as Indonesia, in the quagmire and trap of extraordinary large foreign debt and rampant corruption. Most of the debt was corrupted by the Indonesian rulers. This was done in hegemony over economic development in Indonesia. In handling bribery cases in the international world, there is the Foreign Corrupt Practices Act or FCPA issued by the United States. FCPA is the provision most often used to ensnare perpetrators of bribery. FCPA itself has two provisions related to anti-bribery and accounting. "The purpose of the FCPA is to

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address the problem of transnational corruption, namely bribery by US individuals or companies against public officials in other countries, with the aim of obtaining or retaining business.

2) Singapore

Singapore is known for its fast and efficient justice system in handling corruption cases. This efficient court process may contribute to the high rate of prosecution and strict punishment. On the other hand, Indonesia faces challenges in the effectiveness of corruption law enforcement which can be influenced by various factors, including the complexity of the legal apparatus and the time-consuming court process. In Singapore, the regulations governing corruption-related crimes have been divided into two main regulations, namely the Prevention of Corruption Act which formulates special crimes in business circles, including bribery between private parties, and the crime of bribery of civil servants taken from the Singapore Criminal Code. This is adjusted to Singapore's background as a country that is very oriented towards business and trade. In the Prevention of Corruption Act, there are two striking articles, namely Article 5 and Article 6, which threaten a maximum sentence of 5 years in prison, with the possibility of increasing the sentence to 7 years. If the crime of corruption or bribery is related to a contract between the private sector and the Government or public institution, then the threat of punishment is increased according to Section 5 and Section 6 of the Prevention of Corruption Act to a maximum fine of \$100,000 or imprisonment of up to 7 years, which applies cumulatively. Sections 10 to 12 of the Prevention of Corruption Act regulate bribery in the context of tendering for work, services, supply of materials or goods, including contracts with the Government, departments or public bodies.

Acts Prohibited by the Singapore Corruption Act Corruption in Singapore is regulated by The Prevention Of Corruption Act (PCA) (Cap 241, 1993 Rev Ed) which was revised in 1993. The Prevention of Corruption Act (PCA) in Singapore provides a very broad definition of the word "Corruption". The definition of corruption is explained in The Prevention of Corruption Act as gratification or bribery, which is defined in Section 2. While the types or forms of criminal acts of corruption in The Prevention of Corruption Act (Chapter 241) Singapore are regulated in Part III, namely Offences and Penalties Punishment for Corruption or the section on Violations and Punishments for corruption. Specifically, the forms of criminal acts of corruption in The Prevention of Corruption Act (Chapter 241) Singapore are regulated in Articles 5 to 14.

3) Malaysia

In Malaysia, corruption is called *Rasuah*. The word *Rasuah* comes from the Arabic word "al-risywah". *Rasuh* according to Dewan's dictionary (1992) is a gift for pounding the ribs (bribing, bribing). However, this *rasuah* does not have a specific purpose in the Malaysian Constitution. 5 In the country's rapid development to become a developed country from an economic perspective, Malaysia cannot be separated from the threat and problems of corruption, abuse of power and misuse which causes a drain on state funds. 6 In the case of corruption itself, Malaysia and Indonesia each have independent institutions to handle this extraordinary criminal act. In Indonesia, this institution is the KPK "Corruption Eradication Commission" while in Malaysia it is called the SPRM "Malaysian Corruption Prevention Commission". Initially this institution was formed because existing law enforcement agencies were unable to carry out their functions in eradicating corruption.

As a relatively new special institution, the Corruption Eradication Committee really needs to study the journey of special institutions abroad, one of which is the Malaysian corruption eradication institution, namely SPRM, because it turns out that the system of duties and authority of this country's anti-corruption institution is capable of creating a fairly effective eradication of corruption, as can be seen In the IPK (Corruption Perception Index) which is followed by 180 countries, Malaysia is ranked 51st with a score of 53, while Indonesia is ranked 85th with a score of 40.

In the Malaysian Corruption Prevention Act of 2009 (Deed 694) there are 3 (three) types of criminal acts of bribery, including: 1. Section 16 regarding errors in accepting bribes; 2. Section 17 regarding errors in accepting bribes by agents; 3. Section 21 regarding bribery of civil servants; 4. Section 22 regarding bribery of foreign civil servants; 5. Section 23 regarding mistakes in using answers or positions as bribes.

In the Malaysian Criminal Code which uses the Malaysian Corruption Prevention Commission Act 2009 (Act 694), there are 5 sections that regulate the crime of bribery, namely sections 16 (a), (b), 17 (a), (b), 21,22 and 23. In this article there are 7 (seven) articles that use a cumulative formulation system, namely 6 paragraph (1) letter a, Article 6 paragraph (1) letter b, Article 6 paragraph (2), Article 12 letter a, Article 12 letter b. , Article 12 letter c, and Article 12 letter d as well as 5 (five) articles using the cumulative alternative formulation system, namely Article 5 paragraph (1) letter a, Article 5 paragraph (1) letter b, Article 5 paragraph (2), Article 11, Article 13. The Cumulative Formulation System is a system that has special characteristics, namely the existence of a criminal threat with the editorial conjunction "and" such as "prison sentence and fine", while the Cumulative Formulation System cumulative formulation - alternative, namely a system where the criminal threat is given in Section 1 which regulates prohibited acts, and the threat of criminal sanctions is regulated in a different section, namely Section 24. In the 2009 SPRM Act (Act 694), the formulation system used for the threat of criminal acts of bribery using a cumulative formulation system, namely using the conjunction "and" such as imprisonment and fines.

Malaysia has its own way of dealing with the problem of bribery which has the same goal, namely to eradicate bribery in order to achieve a clean country without corruption. 1. In the formulation of the crime Corruption (bribery) according to Indonesian

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Criminal Law, namely Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption and Malaysian Criminal Law, namely the Malaysian Corruption Prevention Commission Act 2009 (Act 694), has similarities which include the subject law on perpetrators of bribery crimes, elements in the article, forms of bribery, and the penalties threatened. While the differences include the number of articles that regulate the crime of bribery, the formulation of criminal threats used, and the system of formulating criminal threats.

The types of criminal penalties in the crime of corruption (bribery) according to the Malaysian Criminal Law, namely the Malaysian Corruption Prevention Commission Act 2009 (Act 694) have similarities that includes the form of criminal acts and types of criminal acts. While the differences include the pattern of criminal formulation, the pattern of criminal threats, and the amount of criminal threats and Indonesia and Malaysia have their respective advantages and disadvantages in eradicating the crime of bribery. The 2009 SPRM Act (Act 694) uses the pattern cumulative formulation using the conjunction "and" for imprisonment and fines, which means that both types of punishment must be carried out by the defendant if the judge has decided to impose a sentence. In the 2009 SPRM Act (Act 694) it can be seen that this Regulation uses The general minimum pattern of imprisonment is 1 (one) day to 20 (twenty) years and a fine of 5 (five) times the sentence.

b. Urgency of Reconstruction of Regulation of the Role and Duties of the Police in Enforcing the Law on Task Force for Eradicating Illegal Levies Based on the Value of Justice

Anyone can commit Extortion, including state and private officials, where there are factors that encourage and provide opportunities for the practice of Extortion, including complicated bureaucracy, fundraising that is not protected by law or regulations, a system that is not "open management", uncontrolled authority and motivation for personal interests to enrich themselves. One of the biggest sources of problems that often occur in the practice of Extortion lies in the supervision and accountability of the implementation of development and the Regulation of the rights and obligations of state institutions in matters of organizing individual interests and community interests.

Justice is generally interpreted as an act or treatment that is fair. While fair is not biased, not taking sides and siding with what is right. Justice according to philosophical studies is when two principles are met, namely: first, not harming someone and second, treating each human being according to their rights. If these two can be met, then it is said to be fair. In justice there must be comparable certainty, where if combined from the combined results it will become justice. In practice, the meaning of modern justice in handling legal problems is still debatable. Many parties feel and consider that the court institution has been unfair because it is too full of procedures, formalistic, rigid, and slow in making decisions on a case. It seems that this factor cannot be separated from the judge's perspective on the law which is very rigid and normative-procedural in concretizing the law. Ideally, judges must be able to become living interpreters who are able to capture the spirit of justice in society and are not bound by the normative-procedural rigidity contained in a law and are no longer merely *la bouche de la loi* (mouthpiece of the law). According to Article 3 of Presidential Regulation Number 87 of 2016, the Task Force for Eradicating Illegal Levies Task Force has the task of eradicating Extortion effectively and efficiently by optimizing the use of personnel, work units, and infrastructure, both in ministries/institutions and local governments. In carrying out its duties, the Task Force for Eradicating Illegal Levies Task Force carries out intelligence, prevention, enforcement, and justice functions [15].

The Controller/Person in Charge of the Task Force for Eradicating Illegal Levies Task Force can appoint expert groups and working groups as needed. "The expert groups as referred to come from academics, community leaders, and other elements who have expertise in the field of eradicating illegal levies," reads Article 6 paragraph (2) of Presidential Regulation Number 87 of 2016. Meanwhile, the Working Group as referred to, in accordance with Article 8 paragraph (5) that its membership consists of elements of ministries/institutions. "The illegal levies eradication unit in each ministry/institution and regional government, in carrying out its duties, coordinates with the Task Force for Eradicating Illegal Levies Task Force". This Presidential Regulation also emphasizes that the community can play a role in eradicating illegal levies, both directly and indirectly through electronic or non-electronic media, in the form of providing information, complaints, reporting, and/or other forms in accordance with the provisions of laws and regulations. All costs required for the implementation of the Task Force for Eradicating Illegal Levies Task Force's duties, according to this Presidential Regulation, are charged to the State Revenue and Expenditure Budget through the Coordinating Ministry for Political, Legal and Security Affairs' Expenditure Budget.

Extortion is legally an act that falls into the category of crimes of office, where in the concept of crimes of office it is explained that officials, in order to benefit themselves or others, abuse their power to force someone to give something, to pay or receive payment with deductions, or to do something for themselves. The formulation of corruption in Article 12 letter e of Law Number 20 of 2001 concerning the Eradication of Corruption is actually derived from the formulation of Article 423 of the Criminal Code (KUHP) referred to in Article 12 of Law Number 31 of 1999 as a criminal act of corruption, which was then reformulated in Law Number 20 of 2001 concerning corruption, explaining that the definition of Extortion is an act committed by civil servants or administrators who intend to benefit themselves or others unlawfully, or by abusing their power to force someone to give something, pay, or receive payment with deductions, or to do something for themselves. A person who commits corruption can be punished with a minimum prison sentence of 4 years and a maximum of 20 years. Extortionists can be charged with corruption, the

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perpetrators are very likely to be charged with Law Number 20 of 2001 concerning the Eradication of Corruption. In this case, if the Extortion is carried out by a Civil Servant, the person concerned is charged with Article 423 of the Criminal Code with a maximum sentence of 6 years [16].

CONCLUSIONS

1. Regulation of the role and duties of the police in enforcing the law on Task Force for Eradicating Illegal Levies is not based on the value of justice, namely that the current practice of Extortion has damaged the foundations of national and state life and caused unrest in the lives of the community. In practice, there are several factors that inhibit why most extortion perpetrators' cases do not reach the criminal justice process (court) and on average only carry out Moralistic methods (Mental and Moral Development of Humans), and Abolitionistic methods (Methods of Dealing with Symptoms) for their actions. The inhibiting factors are Legal factors, apparatus factors, facility factors, society and the size of the budget factor.
2. The weaknesses of the Regulation of the role and duties of the police in enforcing the law on Task Force for Eradicating Illegal Levies currently consist of weaknesses in the legal substance aspect, weaknesses in the legal structure aspect and weaknesses in the legal culture aspect. The weakness of the legal substance aspect is that there is no clear legal umbrella that specifically regulates Extortion, so this is what causes Extortion to continue to be rampant. The weakness of the legal structure aspect is that the synergy between law enforcement officers is still not optimal. Given the Government's efforts, the Task Force for Eradicating Illegal Levies task force and other law enforcement officers are very much needed in overcoming illegal levies through the law enforcement process. The weakness of the legal culture aspect is that the community often allows it, even reluctant to get involved in eradicating illegal levies that are already angry. This causes the growth of illegal levies, and requires community participation in preventing it.
3. Reconstruction of regulations on the role and duties of the police in enforcing the Task Force for Eradicating Illegal Levies law based on the value of justice, namely the reconstruction of Law Number 2 of 2002 concerning the Republic of Indonesia Police, in Article 13 letter a by adding a sentence at the end including preventing and eradicating illegal levies, so that Article 13 reads: "The main task of the Republic of Indonesia National Police is to maintain public security and order, including preventing and eradicating illegal levies; enforcing the law; and providing protection, care, and services to the community.
4. Reconstruction of Presidential Regulation of the Republic of Indonesia Number 87 of 2016 Concerning the Task Force to Eradicating Illegal Levies Article 2 to become "The Task Force for Eradicating Illegal Levies Task Force has the task of eradicating illegal levies effectively and efficiently by optimizing the use of personnel, work units, and infrastructure, both in ministries/institutions and regional governments based on the values of justice in all levels of society and all government/private agencies".

SUGGESTIONS

1. The Government should optimize the synergy between the cyber pungli task force and other law enforcers in law enforcement efforts to overcome Extortion.
2. The active role of the community is needed to participate in preventing Extortion.

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