

**Tersedia di online:** <http://ejournal.unitomo.ac.id/index.php/hukum>

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

**Law Enforcement Against Police Officers Who Commit Illegal Levies in East Kalimantan Regional Police Jurisdiction**

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**ABSTRACT**

*This research examines criminal law enforcement mechanisms against police officers who commit illegal levies within the East Kalimantan Regional Police jurisdiction. Using a juridical sociological methodology with a descriptive analytical approach, the study investigates the legal framework governing police misconduct and identifies systemic obstacles impeding effective enforcement. The research reveals that criminal law enforcement operates through a dual-track system combining criminal prosecution under the Criminal Code and Anti-Corruption Law with internal disciplinary proceedings. Two paradigmatic cases demonstrate contrasting prosecution approaches: Officer E's systematic extortion involving multiple victims prosecuted under Articles 368, 423 KUHP, and Article 12(e) of the Anti-Corruption Law, and Officer JB's more ambiguous illegal levy collection requiring nuanced legal interpretation of coercion elements. The study identifies critical obstacles, including inadequate internal oversight mechanisms, a pervasive institutional culture prioritizing corporate solidarity over legal accountability, economic pressures motivating illegal conduct, victim reluctance to report misconduct due to power imbalances and fear of retaliation, and distinctive evidentiary challenges arising from the clandestine nature of illegal levy transactions. The research concludes that effective criminal law enforcement requires comprehensive institutional reforms addressing surveillance capabilities, witness protection mechanisms, organizational culture transformation, and enhanced evidentiary protocols to ensure police accountability and maintain public trust in law enforcement institutions.*

**Keywords:** *Corruption, Illegal Levies, Police Accountability*

**Tersedia di online:** <http://ejournal.unitomo.ac.id/index.php/hukum>

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

## 1. INTRODUCTION

The conceptual framework of law enforcement represents a fundamental struggle to establish legal standards as behavioral guidelines within societal and state interactions. From the perspective of legal subjects, law enforcement is defined as an effort by specific law enforcement apparatus to guarantee and ensure the upholding of law, with permission to use coercive force when necessary (Arief, 2008). This enforcement mechanism extends beyond institutional boundaries, encompassing all legal subjects within every legal relationship. However, the practical implementation of law enforcement principles faces significant challenges when the very guardians of justice become perpetrators of criminal conduct.

Criminal law enforcement against police officers who engage in illegal levies presents a paradoxical scenario where those entrusted with maintaining order violate the legal framework they are sworn to protect. The practice of illegal levies, known in Indonesian legal terminology as "pungutan liar" or "pungli," constitutes a form of extortion that undermines the foundational principles of legal certainty, justice, and public service integrity (Rahardjo, 2011). Law enforcement apparatus plays a crucial role as regulators in implementing legal rules (sollen), so they can be applied in social life, where laws can be assessed to what extent the application of these rules is effective (Irianto & Rini, 2014).

The institutional separation of the Indonesian National Police (Polri) from the Indonesian Armed Forces (TNI) marked a significant transformation in the criminal law enforcement framework applicable to police personnel (Suyono, 2014). Previously subject to military disciplinary law and military criminal law in military courts, police officers now fall under the jurisdiction of general courts following Government Regulation No. 3 of 2003 concerning Technical Implementation of General Court Proceedings for Police Members. This jurisdictional shift necessitates a comprehensive

**Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>**

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

examination of how criminal law enforcement mechanisms address misconduct within police institutions.

Within the Indonesian legal framework, illegal levies committed by police officers can be prosecuted under multiple legal provisions. Article 368 of the Criminal Code (KUHP) addresses extortion with threats, stipulating imprisonment of up to nine months for those who, with the intent to benefit themselves or others unlawfully, force someone through violence or threats to surrender something. More specifically, Article 423 of the KUHP targets abuse of authority by civil servants, providing for imprisonment of up to six years for public officials who unlawfully abuse their power to force others to surrender something or make payments for personal benefit.

The enhanced legal framework under Law No. 20 of 2001 on Corruption Eradication provides more severe sanctions for corrupt practices by state officials. Article 12 letter e specifically addresses public officials who unlawfully force others to provide something or make payments for personal gain, with penalties ranging from four to twenty years imprisonment and fines between 200 million to 1 billion rupiah. This legislative evolution reflects Indonesia's commitment to combating corruption within state institutions, particularly law enforcement agencies.

The East Kalimantan Regional Police jurisdiction presents a compelling case study for examining criminal law enforcement against police officers engaged in illegal levies. The region's strategic position as a major transportation and economic hub creates numerous opportunities for corrupt practices, particularly along transportation routes where traffic enforcement intersects with commercial activities. The Division of Profession and Security (Propam) within the East Kalimantan Regional Police has documented multiple cases of illegal levy practices, ranging from roadside extortion of truck drivers to systematic collection schemes targeting public transportation operators.

Recent empirical evidence from the East Kalimantan Regional Police reveals systematic patterns of illegal levy collection by police officers, particularly targeting

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

commercial vehicle operators and public transportation drivers. These practices not only violate criminal law provisions but also undermine public trust in law enforcement institutions and impede legitimate economic activities. The modus operandi typically involves officers using their authority to conduct administrative checks as a pretext for demanding unofficial payments, creating a culture of extortion that contradicts the professional ethics expected of law enforcement personnel.

The criminal law enforcement response to these violations operates through dual mechanisms: criminal prosecution under the KUHP and Anti-Corruption Law, and internal disciplinary proceedings under Government Regulation No. 2 of 2003 concerning Disciplinary Regulations for Police Members. This parallel system creates complex legal scenarios where officers may face both criminal sanctions and administrative penalties, raising questions about the effectiveness and proportionality of punishment mechanisms.

Previous scholarly investigations have examined various aspects of illegal levy enforcement within police institutions. Taimenas analyzed law enforcement against Indonesian National Police members who commit illegal levy crimes, focusing on preventive, preemptive, and repressive strategies employed by police institutions (Taimenas, 2018). Litolily and Supusepa investigated law enforcement challenges in illegal levy cases within motor vehicle licensing processes, identifying significant obstacles in evidence gathering and legal proceedings (Litolily & Supusepa, 2024).

However, these studies have not comprehensively addressed the specific criminal law enforcement mechanisms and their effectiveness in addressing illegal levy practices within regional police jurisdictions. The gap in the literature particularly concerns the interplay between criminal law provisions and internal disciplinary measures in deterring and punishing illegal levy practices among police officers. This research addresses two fundamental questions that are critical for understanding criminal law enforcement effectiveness against police misconduct. First, how does the criminal law enforcement process operate when addressing illegal levy practices by police officers in the East

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**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

Kalimantan Regional Police jurisdiction? Second, what obstacles impede effective criminal law enforcement in these cases, and how do these challenges affect the overall integrity of the justice system?

The significance of this investigation extends beyond academic inquiry to encompass practical implications for police reform, public administration, and criminal justice policy. Understanding the mechanisms and obstacles in criminal law enforcement against police officers engaged in illegal levies is essential for developing effective deterrent strategies and maintaining public confidence in law enforcement institutions. The research contributes to broader discussions on police accountability, corruption prevention, and the rule of law in democratic societies.

## **2. RESEARCH METHOD**

This research employs a juridical sociological methodology, recognizing law as a social institution that operates within empirical realities while maintaining its normative foundations (Soerjono Soekanto and Sri Mamudji, 2015). The juridical sociological approach enables a comprehensive examination of criminal law enforcement mechanisms by analyzing both legal provisions and their practical implementation within institutional contexts. This methodological framework aligns with Soerjono Soekanto's conceptualization of juridical sociological research, which emphasizes obtaining empirical legal knowledge through direct engagement with research objects (Soerjono Soekanto and Sri Mamudji, 2015).

The research design adopts a descriptive analytical approach, systematically documenting and analyzing criminal law enforcement processes against police officers who commit illegal levies. Descriptive methodology proves essential for capturing the complexity of law enforcement mechanisms, enabling detailed examination of procedural stages, institutional responses, and systemic challenges that characterize illegal levy cases within police institutions (Surakhmad, 1999). This approach facilitates thorough

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**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

documentation of enforcement patterns while providing the analytical depth necessary for understanding systemic deficiencies and institutional responses.

The research focuses specifically on the East Kalimantan Regional Police (Polda Kaltim) jurisdiction, selected based on documented cases of illegal levy practices and the institution's role as a regional law enforcement hub. East Kalimantan's strategic position as a major economic corridor creates unique conditions for examining illegal levy practices, particularly given the region's extensive transportation networks and commercial activities that provide opportunities for police misconduct. The temporal scope encompasses documented illegal levy cases processed through criminal law enforcement mechanisms between 2020 and 2024, providing sufficient data depth for comprehensive analysis.

The selection of East Kalimantan Regional Police as the primary research locus reflects several strategic considerations. First, the region's documented history of illegal levy cases provides substantial empirical material for analysis. Second, the institutional structure of Polda Kaltim, particularly its Division of Profession and Security (Propam), offers a complete framework for examining both detection and prosecution mechanisms. Third, the regional context provides insights into how geographic, economic, and institutional factors influence criminal law enforcement effectiveness against police misconduct.

The research employs a dual-source data collection strategy, combining primary empirical data with comprehensive secondary legal materials. Primary data collection focuses on obtaining firsthand information from key institutional actors involved in criminal law enforcement processes against police officers. This approach ensures authentic insights into practical enforcement mechanisms while capturing institutional perspectives on challenges and effectiveness measures (Amiruddin & Asikin, 2012).

Primary data collection centers on structured interviews with officials from the Division of Profession and Security (Propam) of East Kalimantan Regional Police.

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

Interview subjects include senior investigators responsible for illegal levy cases, disciplinary hearing officers, and administrative personnel involved in case processing. The selection of interview subjects follows a purposive sampling methodology, targeting individuals with direct experience in handling illegal levy cases and a comprehensive understanding of institutional enforcement mechanisms.

Secondary data encompasses three categories of legal materials essential for comprehensive criminal law analysis. Primary legal materials include constitutional provisions, statutory law, government regulations, and judicial decisions that establish the legal framework for prosecuting illegal levy cases. Key primary sources include the Indonesian Criminal Code (KUHP), Law No. 20 of 2001 on Corruption Eradication, Government Regulation No. 2 of 2003 on Police Disciplinary Regulations, and relevant Supreme Court decisions addressing police misconduct cases.

Secondary legal materials consist of scholarly works, legal commentaries, research studies, and professional publications that provide analytical perspectives on criminal law enforcement against police officers. These materials include academic theses, peer-reviewed journal articles, legal textbooks, and institutional reports that examine illegal levy practices and law enforcement responses. Tertiary legal materials encompass legal dictionaries, encyclopedias, and reference works that provide definitional clarity and conceptual frameworks for legal analysis (Amiruddin & Asikin, 2012).

Document analysis constitutes the primary technique for processing secondary legal materials, involving systematic examination of legal texts, case files, institutional reports, and academic publications relevant to criminal law enforcement against police officers who commit illegal levies. Document analysis follows established protocols for legal research, ensuring comprehensive coverage of relevant legal provisions while maintaining analytical rigor in source evaluation (Soerjono Soekanto and Sri Mamudji, 2015).

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

The document analysis process begins with a comprehensive mapping of legal provisions applicable to illegal levy cases, followed by a detailed examination of case precedents and institutional policies governing police misconduct. This systematic approach enables the identification of enforcement patterns, legal interpretations, and institutional responses that characterize criminal law implementation in police misconduct cases. Interview methodology employs semi-structured formats that combine predetermined questions with flexible follow-up inquiries based on respondent expertise and case-specific knowledge. Semi-structured interviews prove particularly effective for exploring complex institutional processes while allowing respondents to provide detailed insights based on their professional experience (Surakhmad, 1999). Interview protocols focus on enforcement procedures, case processing mechanisms, institutional challenges, and effectiveness assessments from practitioner perspectives.

Interview procedures follow established protocols for qualitative research, ensuring ethical compliance while maximizing data quality. All interviews are conducted with informed consent, maintaining confidentiality where requested, while ensuring transparency in research purposes and data utilization. Interview recordings and transcriptions undergo systematic analysis to identify key themes, enforcement patterns, and institutional perspectives on criminal law effectiveness.

Data analysis employs a qualitative methodology appropriate for examining complex legal and institutional phenomena that characterize criminal law enforcement cases. Qualitative analysis enables a comprehensive examination of enforcement mechanisms while capturing nuanced aspects of institutional behavior, legal interpretation, and systemic challenges that quantitative methods might overlook (Surakhmad, 1999).

The analytical process follows systematic protocols for legal research, combining doctrinal legal analysis with empirical examination of enforcement practices. Legal doctrinal analysis examines statutory provisions, regulatory frameworks, and case

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**E-ISSN: 2580-9113**

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**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

precedents to establish theoretical foundations for criminal law enforcement. Empirical analysis focuses on the practical implementation of legal provisions, institutional responses to illegal levy cases, and effectiveness measures observed in actual enforcement scenarios.

Data triangulation enhances analytical validity by cross-referencing information obtained from multiple sources, including interview data, documentary evidence, and institutional records. Triangulation protocols ensure that findings reflect a comprehensive understanding of enforcement mechanisms while maintaining analytical objectivity. The integration of multiple data sources provides robust empirical foundations for conclusions regarding criminal law enforcement effectiveness and institutional challenges. The analytical framework incorporates systematic coding procedures that identify key themes, patterns, and relationships within the collected data. Coding protocols focus on enforcement procedures, institutional responses, legal outcomes, and systemic challenges that emerge from empirical examination. This systematic approach ensures comprehensive coverage of relevant phenomena while maintaining analytical rigor throughout the research process.

### **3. DISCUSSION**

#### **Criminal Law Enforcement Against Police Officers Who Commit Illegal Levies**

The criminal law enforcement framework against police officers who engage in illegal levy practices operates within a sophisticated legal architecture that encompasses both general criminal provisions and specialized anti-corruption legislation, creating a comprehensive accountability mechanism designed to address the unique challenges posed by law enforcement misconduct (Rahardjo, 2011). This dual-track approach transcends mere procedural compliance, reflecting Indonesia's fundamental constitutional commitment to maintaining institutional integrity within law enforcement agencies while ensuring that public officials are held to substantially higher standards of conduct than

**Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>**

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & Keadilan**

ordinary citizens. The application of criminal law to police misconduct cases operationalizes the foundational principle that no individual, regardless of institutional position, official rank, or professional authority, stands above the law's supremacy.

The conceptual foundation underlying criminal law enforcement against police officers who commit illegal levies draws upon Hans Kelsen's hierarchical legal theory, which establishes that legal validity flows from higher to lower norms within a coherent system (*Kitab Undang-Undang Hukum Pidana* [Criminal Code], art 368). Within this framework, constitutional provisions establishing equality before the law serve as the grundnorm that validates statutory criminal provisions applicable to police officers. Article 27(1) of the 1945 Constitution explicitly mandates that all citizens possess equal standing before the law and government, creating an unambiguous constitutional foundation for subjecting law enforcement officers to the same criminal liability as other citizens when they violate legal prohibitions (*Kitab Undang-Undang Hukum Pidana* [Criminal Code], art 423).

The legal foundation for prosecuting illegal levy cases rests upon a carefully constructed trilogy of statutory provisions that address progressively more severe forms of corrupt behavior by public officials. Article 368 of the Indonesian Criminal Code establishes the general framework for extortion offenses, defining criminal liability for individuals who employ force or threats to compel others to surrender property, make payments, or perform services against their will (Law No. 20 of 2001 on Amendment of Law No. 31 of 1999 on Corruption Eradication, art 12(e)). This provision operates as the foundational criminal law mechanism for addressing coercive behavior, regardless of the perpetrator's official status, thereby ensuring that basic extortion principles apply uniformly across all societal actors.

Article 423 of the Criminal Code represents a more specialized provision that specifically addresses abuse of authority by civil servants, recognizing that public officials possess special governmental powers that create enhanced criminal

**Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>**

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

responsibility when those powers are misused for personal benefit (East Kalimantan Regional Police, 2023d). This statutory provision acknowledges that public office creates fiduciary relationships with citizens that generate heightened duties of loyalty, honesty, and service that distinguish public servants from private actors. The criminal liability established by Article 423 operates independently of general extortion provisions, recognizing that abuse of official authority constitutes a qualitatively different form of criminal conduct that merits separate legal treatment.

The Anti-Corruption Law's Article 12(e) provides the most comprehensive and severe sanctions for corrupt practices by state officials, reflecting legislative recognition that systematic corruption within state institutions poses fundamental threats to democratic governance, rule of law, and public trust in governmental institutions (East Kalimantan Regional Police, 2023d). This provision establishes enhanced criminal penalties that far exceed those available under general criminal law, demonstrating legislative intent to create powerful deterrent effects specifically targeted at public sector corruption. The severity of sanctions under anti-corruption legislation reflects empirical understanding that corruption by state officials generates multiplicative social harms that extend far beyond immediate victims to encompass broader societal interests in governmental integrity.

The institutional separation of the Indonesian National Police (Polri) from the Indonesian Armed Forces (TNI) fundamentally transformed the criminal law framework applicable to police misconduct cases, creating new procedural requirements and substantive legal standards that reflect civilian rather than military justice principles (Law No. 20 of 2001 on Amendment of Law No. 31 of 1999 on Corruption Eradication, art 11). Before this separation, police officers fell under military disciplinary law and faced prosecution in military courts, which operated under different evidentiary standards, procedural requirements, and substantive legal provisions than civilian criminal courts.

The jurisdictional transition to civilian courts reflects broader democratization efforts that sought to align police accountability mechanisms with civilian governance principles.

Government Regulation No. 3 of 2003 concerning Technical Implementation of General Court Proceedings for Police Members established the procedural framework for prosecuting police officers in civilian courts, requiring that all criminal proceedings against police personnel follow standard Criminal Procedure Code (KUHP) requirements rather than specialized military procedures (East Kalimantan Regional Police, 2023b). This regulatory framework ensures that police officers receive neither preferential treatment nor discriminatory handling in criminal proceedings, maintaining procedural equality while recognizing that police misconduct may require specialized investigative techniques and evidentiary considerations.

The jurisdictional transformation created complex dual accountability mechanisms whereby police officers remain subject to both criminal prosecution under general law and internal disciplinary proceedings under specialized police regulations (East Kalimantan Regional Police, 2023b). Government Regulation No. 2 of 2003 concerning Disciplinary Regulations for Police Members establishes parallel administrative sanctions that operate independently of criminal penalties, creating the possibility that officers who commit illegal levies may face both imprisonment and dismissal from service. This dual-track system reflects recognition that police misconduct violates both criminal law and professional standards, requiring comprehensive responses that address both dimensions of accountability.

The criminal law analysis of illegal levy practices requires careful examination of specific elements that distinguish these offenses from ordinary theft, fraud, or other property crimes. Illegal levies committed by police officers typically involve the exploitation of official authority to create artificial compliance requirements that generate opportunities for unauthorized fee collection. The criminal law must therefore address

both the abuse of governmental power and the resulting property deprivation experienced by victims.

Article 368 of the Criminal Code requires proof of several distinct elements for successful prosecution: (1) the defendant's intent to benefit themselves or others unlawfully; (2) the use of force or threats of force; (3) compelling another person to surrender something, create a debt, or eliminate a debt; and (4) the actual occurrence of such surrender, debt creation, or debt elimination. In police illegal levy cases, the "force or threats" element often manifests through implied rather than express coercion, as victims understand that non-compliance with unofficial payment demands may result in legitimate sanctions, extended processing delays, or other adverse official actions.

The jurisprudential interpretation of "force or threats" in the context of police misconduct has evolved to recognize that official authority itself can constitute a form of coercive power that satisfies criminal law requirements without requiring explicit verbal threats or physical intimidation (Government Regulation No. 2 of 2003 on Disciplinary Regulations for Indonesian National Police Members). Courts have increasingly recognized that the inherent power imbalance between police officers and citizens creates coercive contexts where requests for unofficial payments carry implicit threats of adverse consequences for non-compliance.

Article 423 of the Criminal Code establishes distinct elements specifically applicable to public officials: (1) the defendant must be a civil servant or public official; (2) acting with intent to benefit themselves or others unlawfully; (3) abusing their official authority; and (4) compelling others to surrender something, make payments, accept payment deductions, or perform personal services (East Kalimantan High Court, n.d.). The "abuse of authority" element requires demonstration that the official exceeded their legitimate governmental powers or used those powers for unauthorized purposes, creating a higher burden of proof than general extortion charges but also enabling more severe penalties.

**Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>**

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

The Anti-Corruption Law's Article 12(e) incorporates all elements from Article 423 while adding enhanced procedural protections and substantive requirements designed to ensure that corruption prosecutions meet the highest evidentiary standards (East Kalimantan High Court, n.d.). The integration of corruption charges in illegal levy cases requires prosecutors to demonstrate not only individual criminal conduct but also broader patterns of behavior that threaten institutional integrity and public trust.

The East Kalimantan Regional Police jurisdiction provides compelling empirical evidence of criminal law enforcement mechanisms through two paradigmatic cases that illustrate contrasting dimensions of illegal levy prosecution. Officer E's case exemplifies systematic extortion involving multiple victims over extended temporal periods, characterized by methodical exploitation of official authority for sustained financial gain. Officer JB's case represents more opportunistic illegal levy collection employing less overtly coercive enforcement tactics, involving what appeared to be semi-consensual transactions that nonetheless violated legal prohibitions against unofficial fee collection. These contrasting cases provide invaluable empirical foundations for understanding how prosecutorial discretion, evidentiary requirements, and judicial interpretation operate in practice when criminal law provisions intersect with police misconduct.

Officer E's criminal conduct demonstrated systematic roadside extortion targeting commercial vehicle operators, particularly truck drivers transporting goods through major transportation corridors connecting East Kalimantan's industrial zones with regional distribution centers (East Kalimantan Regional Police Propam Operations, n.d.). The evidentiary record established a meticulously documented pattern of behavior where Officer E utilized his official position to initiate pretextual vehicle stops under the guise of routine administrative inspections, subsequently demanding unofficial payments to avoid fabricated regulatory violations or engineered bureaucratic delays that would impose substantial economic costs on commercial operators.

**Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>**

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

The systematic nature of Officer E's criminal enterprise became apparent through comprehensive victim testimony that revealed a consistent modus operandi across multiple incidents spanning approximately eighteen months (*Kitab Undang-Undang Hukum Pidana* [Criminal Code], art 368). Victims reported that Officer E typically operated at strategic locations along heavily trafficked commercial routes during peak transportation periods, maximizing both the number of potential targets and the economic pressure on drivers to comply with payment demands rather than risk significant delivery delays. The documentary evidence indicated that Officer E had developed sophisticated knowledge of commercial transportation economics, enabling him to calibrate payment demands at levels that victims perceived as less costly than official penalties or extended delays.

Surveillance evidence obtained through coordinated investigative operations revealed the systematic nature of Officer E's extortion activities, including video recordings demonstrating consistent patterns of vehicle stops, extended negotiations with drivers, and ultimate payment collection (*Kitab Undang-Undang Hukum Pidana* [Criminal Code], art 368). The recorded evidence proved particularly significant in establishing criminal intent and systematicity, as it documented Officer E's behavior during periods when he was unaware of surveillance, thereby eliminating potential claims that his conduct represented isolated incidents or responses to specific provocations.

The prosecution of Officer E proceeded under multiple criminal provisions, reflecting prosecutorial assessment that his conduct satisfied elements of several distinct criminal offenses warranting cumulative rather than alternative charges. Charges under Article 368 of the Criminal Code addressed the fundamental extortion elements, particularly Officer E's systematic use of implied threats regarding administrative sanctions to compel payments from unwilling victims (*Kitab Undang-Undang Hukum Pidana* [Criminal Code], art 423). The prosecution successfully demonstrated that Officer E's official position enabled him to create credible threats of adverse consequences that

satisfied criminal law requirements for coercive extortion without requiring explicit verbal threats or physical intimidation.

Article 423 charges focused specifically on the abuse of official authority, demonstrating how Officer E systematically exploited his position as a law enforcement officer to create artificial opportunities for illegal financial gain that would have been impossible absent his governmental authority (Law No. 20 of 2001 on Amendment of Law No. 31 of 1999 on Corruption Eradication, art 12(e)). The prosecution established that Officer E's conduct involved deliberate misrepresentation of regulatory requirements, creation of fictional compliance obligations, and threatened imposition of unauthorized penalties designed to coerce payment of unofficial fees. This evidence supported judicial findings that Officer E had fundamentally perverted his official duties by transforming legitimate regulatory enforcement into a personal enrichment scheme.

The most serious charges under Article 12(e) of the Anti-Corruption Law reflected prosecutorial determination that Officer E's conduct constituted systematic corruption requiring the enhanced penalties available under specialized anti-corruption legislation. (East Kalimantan Regional Police, 2023c). The prosecution presented evidence that Officer E's illegal levy activities generated substantial financial returns over extended periods, demonstrating the kind of systematic abuse of public office that anti-corruption legislation was specifically designed to address through enhanced criminal sanctions.

Officer JB's case presented fundamentally different prosecutorial challenges, involving less systematic illegal levy collection that frequently appeared consensual rather than overtly coercive, creating complex evidentiary problems regarding the distinction between voluntary gratification and criminal extortion (East Kalimantan Regional Police, 2023c). The documented evidence indicated that Officer JB typically solicited "security fees" or "protection contributions" from public transportation operators, presenting these payments as voluntary contributions for enhanced security

**Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>**

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

services rather than mandatory extortion subject to adverse consequences for non-compliance.

The empirical evidence revealed that Officer JB's approach involved creating relationships with regular transportation operators that blurred the boundaries between legitimate service provision and illegal fee collection (East Kalimantan Regional Police Propam Division, 2024b). Unlike Officer E's confrontational extortion tactics, Officer JB cultivated ongoing relationships with transportation operators by providing actual security services, information sharing, and administrative assistance that created perceived value for payment recipients. This approach complicated prosecutorial efforts to establish criminal coercion, as many payment recipients genuinely believed they were purchasing legitimate services rather than submitting to extortionate demands.

The investigative challenges in Officer JB's case highlighted critical evidentiary problems that frequently arise in illegal levy prosecutions involving ambiguous consent elements (East Kalimantan Regional Police Legal Division, 2023). Prosecutors faced the complex task of demonstrating that payments were compelled by official authority rather than genuinely voluntary, requiring a detailed analysis of the relationships between Officer JB and payment providers to establish elements of coercion or official abuse. The evidence ultimately supported prosecutorial conclusions that Officer JB's official position created inherent coercive pressure that vitiated any apparent consent from payment providers.

The criminal proceedings against Officer JB demonstrated how prosecutorial discretion operates in cases involving ambiguous coercion elements and potential consent defenses (East Kalimantan Regional Police Propam Division, 2024a). While Officer JB clearly violated professional ethics and statutory prohibitions against accepting unofficial payments, proving criminal extortion required establishing that recipients felt genuinely compelled to pay due to fear of adverse official consequences rather than genuine appreciation for services provided. The prosecutorial strategy ultimately focused on

**Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>**

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**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

demonstrating that Officer JB's official authority created inherent coercive contexts that made genuine consent impossible, regardless of the recipients' subjective perceptions.

The divergent prosecutorial approaches in these cases illuminate critical strategic considerations that influence charging decisions and litigation outcomes in police illegal levy cases. Officer E's case enabled prosecutors to pursue the most serious available charges due to clear evidence of systematic extortion involving unambiguous coercion and victim harm. Officer JB's case required more nuanced prosecutorial analysis focusing on the inherent coercive effects of official authority, even in apparently consensual transactions (East Kalimantan Regional Police Propam Division, 2024a).

The evidentiary distinctions between these cases proved decisive in determining both prosecutorial charging strategies and ultimate judicial outcomes. Officer E's systematic approach generated extensive documentary evidence, multiple victim testimonies, and surveillance recordings that created overwhelming proof of criminal conduct across multiple statutory provisions. Officer JB's more subtle approach produced more ambiguous evidence that required complex legal arguments regarding the inherently coercive nature of official authority in citizen interactions (State Court of Samarinda, 2023). Judicial interpretation of criminal elements in both cases reflected evolving jurisprudential understanding of how official authority creates coercive contexts that satisfy criminal law requirements even without explicit threats or intimidation (State Court of Samarinda, 2023). The courts' analysis demonstrated a sophisticated understanding of power dynamics in police-citizen interactions and recognition that official position itself constitutes a form of coercive authority that can satisfy criminal law elements for extortion and abuse of authority charges.

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**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

## **Obstacles in Criminal Law Enforcement Against Police Officers Who Commit Illegal Levies**

The criminal law enforcement framework against police officers who engage in illegal levy practices confronts fundamental structural obstacles rooted in systemic deficiencies within internal oversight mechanisms that compromise the detection, investigation, and prosecution of misconduct cases (East Kalimantan Regional Police Propam, 2024). These deficiencies manifest through inadequate surveillance systems, insufficient investigative resources, and institutional cultures that prioritize organizational protection over legal accountability. The intersection of these factors creates enabling environments where illegal levy practices can persist undetected for extended periods, undermining the deterrent effects that criminal law enforcement mechanisms are designed to achieve.

Internal oversight mechanisms within the East Kalimantan Regional Police demonstrate critical weaknesses in real-time monitoring capabilities that allow systematic illegal levy practices to develop and persist without institutional detection (East Kalimantan Regional Police Propam, 2024). The Division of Profession and Security (Propam), despite its mandate to maintain professional standards and investigate misconduct, operates with limited technological infrastructure for continuous surveillance of field operations. The absence of comprehensive closed-circuit television (CCTV) systems at strategic enforcement locations, minimal deployment of body-worn cameras for frontline officers, and inadequate digital monitoring of financial transactions create substantial gaps in oversight capabilities that corrupt officers can exploit systematically.

The investigative capacity limitations within Propam units further compound oversight deficiencies by restricting the institutional ability to conduct thorough investigations of suspected illegal levy practices (East Kalimantan Regional Police, 2023a). Personnel shortages within oversight units, combined with inadequate funding

**Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>**

**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

for investigative operations, create situations where suspected misconduct cannot be properly investigated due to resource constraints rather than evidentiary limitations. These capacity constraints are particularly problematic in geographically dispersed jurisdictions like East Kalimantan, where oversight units must monitor extensive territorial areas with limited personnel and transportation resources.

The institutional response mechanisms to misconduct allegations reveal additional systemic weaknesses that impede effective criminal law enforcement. Administrative procedures for handling misconduct complaints often prioritize internal resolution over criminal prosecution, creating institutional incentives to minimize rather than thoroughly investigate potential criminal violations (East Kalimantan Regional Police Propam Division, 2024b). This institutional bias toward internal discipline rather than criminal accountability reflects organizational cultures that view police misconduct as primarily disciplinary rather than criminal matters, despite legal frameworks that clearly establish criminal liability for illegal levy practices.

The pervasive influence of institutional culture within police organizations creates substantial obstacles to criminal law enforcement by fostering corporate solidarity mechanisms that discourage reporting of misconduct and impede cooperation with criminal investigations (Suyono, 2014). These cultural dynamics operate through informal social networks that prioritize loyalty to colleagues over adherence to legal obligations, creating parallel systems of institutional governance that can supersede formal legal requirements. The strength of these cultural bonds often proves more influential in shaping individual behavior than formal legal sanctions, creating fundamental challenges for criminal law enforcement effectiveness.

Corporate solidarity within police institutions manifests through unwritten codes of conduct that explicitly discourage reporting of colleague misconduct, regardless of its severity or criminal implications (Suyono, 2014). Officers who observe illegal levy practices by colleagues face significant social and professional pressure to remain silent,

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

as reporting such conduct is perceived as betrayal of institutional loyalty rather than fulfillment of legal obligations. This cultural dynamic creates environments where criminal conduct can persist with the tacit knowledge and passive cooperation of multiple institutional actors who choose organizational loyalty over legal compliance.

The hierarchical structure of police organizations amplifies corporate solidarity effects by creating institutional incentives for supervisors to minimize or conceal subordinate misconduct rather than ensure proper criminal prosecution (Interview with Former Police Officer (Anonymous), 2024). Senior officers often perceive misconduct by subordinates as a reflection of their own leadership effectiveness, creating personal incentives to resolve such matters through internal discipline rather than criminal proceedings. This hierarchical protection dynamic enables systematic illegal levy practices to persist when supervisors prioritize their own career advancement over legal accountability requirements.

The informal resolution mechanisms that emerge from corporate solidarity cultures represent perhaps the most significant obstacle to criminal law enforcement in police illegal levy cases (East Kalimantan Regional Police Internal Affairs Division, 2024). These mechanisms operate through unofficial disciplinary processes that impose administrative sanctions without involving formal legal proceedings, effectively insulating criminal conduct from proper judicial scrutiny. Officers who engage in illegal levy practices often receive informal warnings, transfers to different units, or temporary suspensions that are presented as sufficient responses to criminal conduct, despite the legal requirement for formal criminal prosecution.

The economic pressures affecting police officers create fundamental motivational structures that generate incentives for illegal levy practices while simultaneously complicating criminal law enforcement efforts through the creation of sympathetic contexts that can influence prosecutorial and judicial decision-making (East Kalimantan Regional Police, 2024). These economic factors operate at multiple levels, from

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

individual financial pressures to broader institutional resource constraints that create environments where illegal levy practices appear rational or even necessary for maintaining adequate living standards.

Individual economic pressures represent the most frequently cited justification for illegal levy practices, with officers claiming that official salaries and benefits prove inadequate for maintaining reasonable living standards in contemporary Indonesian economic conditions (East Kalimantan Regional Police, 2024). While police compensation has increased significantly in recent years, many officers continue to experience financial stress due to family obligations, educational expenses for children, housing costs, and other economic pressures that create perceived justification for supplemental income generation through illegal means. These economic pressures create sympathetic narratives that can complicate criminal prosecution by generating public and judicial sympathy for defendants who claim economic necessity as motivation for criminal conduct.

The institutional response to economic pressures often exacerbates rather than resolves the underlying problems that motivate illegal levy practices. Administrative policies that emphasize performance metrics and operational targets without corresponding increases in compensation or resources create institutional pressures that indirectly encourage corrupt practices (East Kalimantan Regional Police, 2023e). Officers who face requirements to generate specific numbers of citations, arrests, or case clearances without adequate resources to achieve these targets through legitimate means may resort to illegal levy collection as a mechanism for supplementing both personal income and operational funding.

Systematic economic pressures within police institutions create informal taxation systems whereby officers at various hierarchical levels expect to receive portions of illegal levy proceeds from subordinates (Interview with Anonymous Source, 2024). These informal systems transform individual criminal conduct into institutional practices

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

that become deeply embedded in organizational cultures and operational procedures. The systematic nature of these economic arrangements makes criminal law enforcement particularly challenging because prosecution of individual officers may reveal broader institutional complicity that creates incentives for organizational protection rather than legal accountability.

The effectiveness of criminal law enforcement against police officers who commit illegal levies depends critically upon victim cooperation and participation in legal proceedings, yet multiple structural factors discourage victims from reporting misconduct or cooperating with criminal investigations (East Kalimantan Legal Aid Foundation, 2024). These obstacles operate through power imbalances between police officers and citizens, inadequate protection mechanisms for reporting parties, and institutional responses that often prioritize organizational protection over victim rights and legal accountability.

Power imbalances between police officers and potential victims create fundamental barriers to reporting illegal levy practices because citizens reasonably fear retaliation for challenging police authority (East Kalimantan Legal Aid Foundation, 2024). Victims of illegal levies often depend upon continued police services for their economic activities, particularly in transportation and commercial sectors where regulatory compliance requires ongoing interaction with law enforcement agencies. The prospect of retaliatory harassment, increased scrutiny, or administrative obstacles creates powerful disincentives for reporting illegal levy practices, even when victims possess clear evidence of criminal conduct.

The inadequate protection mechanisms available for citizens who report police misconduct represent critical gaps in the criminal law enforcement framework that enable illegal levy practices to persist without accountability (East Kalimantan Regional Police, 2023f). Existing witness protection programs provide minimal coverage for police misconduct cases, particularly those involving relatively minor financial crimes like

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

illegal levies. The absence of reliable protection mechanisms means that victims who report illegal levy practices face genuine risks of retaliation without corresponding institutional support, creating rational incentives for silence rather than cooperation with criminal investigations.

Institutional responses to victim complaints often discourage rather than encourage reporting by demonstrating organizational priorities that favor police officers over complaining citizens (Interview with Civil Society Representative, 2024). Victims who report illegal levy practices frequently encounter bureaucratic obstacles, skeptical reception from investigating officers, and procedural requirements that place substantial burdens on complainants while providing minimal assurance that their complaints will be seriously investigated. These institutional responses communicate clear messages that victim complaints are unwelcome and unlikely to generate meaningful accountability, thereby discouraging future reporting of similar misconduct.

The criminal law enforcement of illegal levy cases faces distinctive evidentiary challenges that arise from the clandestine nature of corrupt transactions and the informal settings in which they typically occur (East Kalimantan High Prosecutor's Office, 2024). Unlike many criminal cases that generate physical evidence, documentary records, or multiple independent witnesses, illegal levy practices often involve direct cash transactions between officers and victims in locations that lack surveillance systems or independent observers. These evidentiary limitations create substantial obstacles for prosecutors who must meet criminal law burden of proof requirements while working with limited and often circumstantial evidence.

The transactional nature of illegal levy practices creates particular challenges for establishing criminal intent and systematicity that are required for successful prosecution under enhanced penalty provisions (East Kalimantan High Prosecutor's Office, 2024). Individual illegal levy transactions may appear isolated or ambiguous when viewed separately, making it difficult to establish patterns of criminal conduct that warrant

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & KEADILAN**

serious criminal sanctions. Prosecutors must often rely on victim testimony and circumstantial evidence to demonstrate systematic illegal levy practices, creating evidentiary challenges that can undermine prosecution effectiveness even when clear criminal violations have occurred.

Digital evidence limitations present additional obstacles to criminal law enforcement because illegal levy practices typically involve cash transactions that generate minimal digital footprints (East Kalimantan Regional Police Digital Forensics Unit, 2024). Unlike corruption cases involving bank transfers, formal contracts, or documented agreements, illegal levy practices rarely generate electronic records that can provide objective evidence of criminal conduct. The absence of digital evidence places greater reliance on witness testimony and surveillance evidence, both of which present their own limitations in terms of availability, reliability, and legal admissibility.

The burden of proof requirements under Indonesian criminal law create additional challenges for prosecuting illegal levy cases because prosecutors must establish criminal elements beyond a reasonable doubt while working with evidence that is often inherently ambiguous (Indonesian Supreme Court, 2023). The informal nature of illegal levy transactions, combined with potential consent issues and the inherent credibility advantages that police officers may enjoy in judicial proceedings, creates prosecutorial challenges that can result in case dismissals or acquittals even when substantial evidence of criminal conduct exists.

#### **4. CONCLUSION**

Criminal law enforcement against police officers who engage in illegal levy practices operates through a dual-track system that combines criminal prosecution under the Criminal Code and the Anti-Corruption Law with internal disciplinary proceedings. The legal foundations include Article 368 of the Criminal Code concerning extortion, Article 423 of the Criminal Code regarding abuse of authority by public officials, and

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**E-ISSN: 2580-9113**

**P-ISSN: 2581-2033**

**LEX JOURNAL: KAJIAN HUKUM & Keadilan**

Article 12(e) of Law No. 20 of 2001 on Corruption Eradication with more severe criminal penalties. The institutional separation of the Indonesian National Police (Polri) from the Indonesian Armed Forces (TNI) has shifted jurisdictional authority from military courts to general courts, reflecting principles of civilian accountability in law enforcement.

Several significant obstacles impede criminal law enforcement against illegal levy practices by police officers. Structural obstacles include weaknesses in internal oversight mechanisms, limited surveillance systems, insufficient investigative resources, and inadequate technological infrastructure within the Division of Profession and Security (Propam). Cultural obstacles encompass strong corporate solidarity that prioritizes institutional loyalty over legal accountability, creating informal codes of silence that inhibit reporting of violations by fellow officers. Economic obstacles involve financial pressures experienced by police officers that create motivations for engaging in illegal levies, exacerbated by internal informal economic systems involving hierarchical distribution of illegal levy proceeds. Victim participation obstacles arise from power imbalances between police and citizens, the absence of adequate witness protection mechanisms, and fears of retaliation that discourage victims from reporting illegal levy practices. Evidentiary obstacles emerge from the clandestine nature of illegal levy transactions, conducted in cash without digital traces, and often appearing ambiguous or semi-consensual, creating significant challenges in meeting criminal burden of proof standards.

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