

Building A Deterrent Effect: An Integrated Strategy for Corruption Eradication Through Criminal Law, Criminology, and Victimology

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Abstrak: *Eradicating corruption in Indonesia requires a more effective and integrated strategy to create a deterrent effect for perpetrators. This article discusses criminal law, criminology, and victimology approaches in building a deterrent effect against criminal acts of corruption. The research method used is normative juridical, analyzing legislation, legal doctrine, and related data and literature. This study aims to formulate more effective anti-corruption policies through the application of severe sanctions, strengthened supervision, and recovery of state losses. The results of the study show that even though a criminal justice system is in place, its implementation still faces obstacles, such as weak oversight, low asset recovery rates, and a permissive culture. Criminological and victimological approaches provide new perspectives on preventing corruption and recovering state losses. Learning from Hong Kong's success in implementing an integrative strategy through the ICAC, Indonesia is expected to adopt more transparent and effective policies in combating corruption*

Keywords: *Deterrent Effect; Corruption Eradication; Integrative Strategy*

INTRODUCTION

The deterrent effect in the perspective of criminal law is a crucial factor in eradicating corruption, which is an extraordinary crime in Indonesia. Criminal sanctions such as imprisonment, fines, and asset recovery are considered capable of exerting psychological and social pressure on perpetrators, thereby preventing them from repeating their actions¹. However, the implementation of these sanctions still faces various obstacles. For example, additional penalties in the form of fines and asset recovery have only succeeded in recovering a small portion of the state's losses, namely around 2.6% of the total losses determined by the court². In addition, the application of fines is often not proportional to the amount of state losses, thus failing to provide the maximum deterrent effect.

The traditional criminal justice system in Indonesia tends to focus on corporal

punishment such as imprisonment or confinement, but pays less attention to strengthening legal instruments for the confiscation of the proceeds of corruption.³ On the other hand, the seizure and confiscation of assets derived from corruption are often hampered by complicated and lengthy evidence gathering processes. This gives perpetrators time to hide their assets through third parties or other schemes. Therefore, more stringent policies are needed, such as heavier corporal punishment, significant financial penalties, and a lifetime ban on holding public office for perpetrators. This measure is not only intended to create a deterrent effect, but also to restore public confidence in the criminal justice system in Indonesia.

The criminological approach provides an important perspective in preventing corruption by analyzing the underlying factors. Based on criminological theory, corruption often occurs

¹ Maulud, F. P., & Arifin, T. (2024). PENEGAKAN HUKUM KORUPSI DALAM PERSPEKTIF HR BUKHARI MUSLIM DAN PERSPEKTIF UU NO 31 TAHUN 1999. *Causa: Jurnal Hukum dan Kewarganegaraan*, 5(2), 11-20.

² Karo, R. P. K. (2020). Pidana uang pengganti terhadap korporasi dalam tindak pidana korupsi. *Jurnal Yudisial*, 13(2), 145-163.

³ Maulud, F. P., & Arifin, T. (2024). PENEGAKAN HUKUM KORUPSI DALAM PERSPEKTIF HR BUKHARI MUSLIM DAN PERSPEKTIF UU NO 31 TAHUN 1999. *Causa: Jurnal Hukum dan Kewarganegaraan*, 5(2), 11-20.

due to the existence of significant opportunities, weak supervision, and a permissive culture that is deeply rooted in the bureaucratic system.⁴ Opportunities arise from loopholes in regulations or a lack of transparency in the management of state finances, while weak oversight is caused by insufficient resources or collusion among supervisory officials. A permissive culture, on the other hand, creates tolerance for corruption, where such acts are considered a normal practice for achieving certain goals.⁵ These factors are interrelated and exacerbate the prevalence of corruption, especially in countries with suboptimal legal systems.

Criminological strategies to prevent corruption involve strengthening oversight systems and reducing incentives to commit crimes. Stricter oversight systems can be implemented by utilizing technology, such as e-government and e-procurement, which minimize direct interaction between business actors and public officials.⁶ In addition, reducing incentives for corruption can be achieved through improving the welfare of public officials, strict law enforcement, and the application of severe sanctions, both financial and social. The emphasis on this approach aims not only to minimize opportunities for corruption, but also to create a more transparent and accountable environment in the management of the state.

From a victimology perspective, corruption not only causes financial losses to the state but also creates significant social and psychological impacts on society as a collective victim. The state loses billions of rupiah every year, while the public suffers from poor public services, increasing social inequality, and a loss

of trust in government institutions. The psychological impact includes public frustration and apathy towards law enforcement, which appears unable to address the root causes of corruption. The victimology approach demands greater attention to recovering state losses and fulfilling the rights of the people that have been deprived through acts of corruption.⁷ Efforts such as seizing the assets of perpetrators to recover state losses must be prioritized, including through legal mechanisms that accelerate asset recovery without compromising the accuracy of evidence.⁸ In addition, measures to increase transparency and public participation in government oversight should be seen as an integral part of victim protection, ensuring that the state and society do not continue to be victims of these extraordinary crimes.

An integrative strategy for combating corruption combines criminal law, criminology, and victimology approaches to create more effective and comprehensive policies. The criminal law approach focuses on enforcing severe sanctions, such as imprisonment, heavy fines, and asset forfeiture, while criminology offers an in-depth analysis of contributing factors, such as weak oversight and a permissive culture. On the other hand, victimology prioritizes the recovery of state losses and the protection of public rights. A case study of Hong Kong demonstrates the success of this integrative strategy through the role of the Independent Commission Against Corruption (ICAC), which not only strictly enforces the law but also promotes transparency and anti-corruption education. As a result, Hong Kong is now known as the region with the second-lowest level of corruption in Asia.⁹ In

⁴ Tampubolon, P., Panggabean, M. L., & Tampubolon, M. (2024). KAJIAN KRIMINOLOGI KORUPSI DI SEKTOR PUBLIK DI INDONESIA. *Berajah Journal*, 4(2), 211-234.

⁵ Djelantik, S. (2008). Korupsi, kemiskinan dan masalah di negara berkembang. *Jurnal Administrasi Publik*, 5(1).

⁶ Adi, Y. (2018). Tantangan Reformasi Birokrasi berbasis E-Procurement di Indonesia. *Publikauma: Jurnal Administrasi Publik Universitas Medan Area*, 6(2), 9-18.

⁷ Wijaya, I. A., & Purwadi, H. (2018). Pemberian Restitusi Sebagai Perlindungan Hukum

Korban Tindak Pidana. *Jurnal Hukum Dan Pembangunan Ekonomi*, 6(2).

⁸ Tantimin, T. (2023). Penyitaan Hasil Korupsi Melalui Non-Conviction Based Asset Forfeiture sebagai Upaya Pengembalian Kerugian Negara. *Jurnal Pembangunan Hukum Indonesia*, 5(1), 85-102.

⁹ Lestari, Y. S. (2018). Korupsi: Suatu Kajian Analisis di Negara Maju dan Negara Berkembang. *Community: Pengawas Dinamika Sosial*, 3(2).

contrast, Indonesia still lags far behind, as seen from the decline in its Corruption Perception Index (CPI) from 38 to 34 in 2022, placing it 110th out of 180 countries. By adopting a similar approach tailored to local conditions, Indonesia has the opportunity to improve its performance in combating corruption.

RESEARCH METHOD

The research method used in this article is a normative juridical approach, which is research that focuses on the analysis of primary, secondary, and tertiary legal materials to answer legal issues related to the eradication of criminal acts of corruption. This study examines legislation, legal doctrine, and related literature, and integrates legal theories, such as theories of justice and punishment, to formulate effective strategies for creating a deterrent effect on perpetrators of corruption. In addition, this method is also supported by a conceptual approach that examines legal principles in the national and international contexts, as well as a historical approach to understand the development of anti-corruption policies in Indonesia.¹⁰ The data obtained was analyzed qualitatively by prioritizing the principles of fairness, certainty, and legal utility to provide comprehensive and applicable policy recommendations.

RESULT AND DISCUSSION

Interdisciplinary Analysis in Building Deterrent Effects: Perspectives from Criminal Law, Criminology, and Victimology

The criminal law approach in creating a deterrent effect on perpetrators of corruption is very important to ensure justice and provide a psychological impact on other perpetrators. Imprisonment, fines, and asset recovery have become the main pillars of Indonesia's criminal

law framework, as stipulated in Law Number 31 of 1999 concerning Eradication of Corruption Crimes. However, its effectiveness is questionable because data shows that only about 2.6% of state losses have been successfully recovered. According to Andi Hamzah (1993), the weak recovery of assets reflects the continuing gaps in the implementation of additional criminal penalties in Indonesia, which ultimately reduces the deterrent effect on perpetrators.¹¹

The criminological perspective offers an in-depth analysis of the underlying causes of corruption, such as weak oversight, a permissive culture, and regulatory loopholes. Transparency International notes that Indonesia's Corruption Perceptions Index (CPI) score fell from 38 to 34 in 2022, indicating that opportunities for corruption remain high due to weak internal and external controls. Edwin Sutherland, in his theory of differential association, states that crimes such as corruption are often influenced by a permissive social environment and norms.¹² This is relevant to Indonesia's bureaucratic culture, where corruption is often considered a normal part of achieving personal or institutional goals.

Victimology provides a new perspective in understanding the impact of corruption, by placing the state and society as collective victims. Data from the Attorney General's Office shows that throughout 2022, state losses due to corruption reached Rp144 trillion, a figure that reflects the deprivation of the social and economic rights of the people.¹³ According to Purwaning M. Yanuar (2007), corruption is a complex crime because it not only steals public funds but also damages the structure of public trust.¹⁴ Therefore, victimology emphasizes the

¹⁰ Disantara, F. P. (2024). Innovative Legal Approaches for Contemporary Challenges in Indonesia. *Indonesian Journal of Innovation Studies*, 25(4), 10-21070.

¹¹ Alex Chandra, dkk, *Hakim Berupa Pidana Tambahan Dalam Perkara Tindak Pidana Korupsi*, Yogyakarta: Zahir Publishing, 2020, h. 7

¹² Wibison, P. (2017). Penerapan Tindakan Diversi Dalam Proses Penyidikan Tindak Pidana Terhadap Tersangka Anak Di Polres Sukoharjo

(Studi Kasus An. Ricky Hernawan). *Advances in Police Science Research Journal*, 1(5), 1701-1760.

¹³ Detiknews, "Jaksa Agung Pamer Tangani Kasus Kasus Korupsi dan TPPU Rp 144 T di 2022" <https://news.detik.com/berita/d-6821559/jaksa-agung-pamer-tangani-kasus-kasus-korupsi-dan-tppu-rp-144-t-di-2022> diakses pada 08 Desember 2024

¹⁴ Lubis, N., Marlina, M., & Affan, I. (2021). UPAYA KEJAKSAAN DALAM

importance of asset recovery as a form of symbolic and material restoration for the community.

The integration of criminal law, criminology, and victimology enables a more holistic approach to combating corruption. However, this shows that the implementation of anti-corruption policies in Indonesia tends to be partial. For example, the main focus is still on imposing corporal punishment, while the dimensions of prevention based on criminological analysis and restoration of victims' rights are not yet a priority. This contrasts with Hong Kong's approach through the ICAC, which has successfully combined strict law enforcement, transparency, and anti-corruption education to create a clean environment.¹⁵

In addition, structural obstacles within the Indonesian legal system also reduce the effectiveness of corruption eradication efforts. Weak coordination between law enforcement agencies and lengthy legal processes give perpetrators time to hide the proceeds of their crimes. Lawrence Friedman, in his theory on legal systems, highlights that the effectiveness of law depends not only on regulations, but also on the legal structure and culture that supports it.¹⁶ In this context, the weak anti-corruption culture in Indonesia is a major challenge that must be overcome in order to create a real deterrent effect.

Overall, this analysis shows that an integrative strategy with an interdisciplinary approach is an urgent step to improve the effectiveness of corruption eradication in Indonesia. In addition to improving the implementation of criminal sanctions, systemic reforms are needed to strengthen oversight,

reduce permissive culture, and restore public trust through asset restitution and more transparent policies. By adopting best practices from other countries that have been successful, such as Hong Kong, Indonesia can create a more effective and equitable anti-corruption system.

Comparative Study: Implementation of Integrative Strategies in Indonesia and Other Countries

A case study on anti-corruption efforts in Hong Kong provides valuable lessons for Indonesia in implementing an integrative strategy that combines criminal law enforcement, transparency, and anti-corruption education. Since its establishment in 1974, the Independent Commission Against Corruption (ICAC) in Hong Kong has succeeded in significantly reducing corruption, making Hong Kong one of the countries with the lowest levels of corruption in Asia.¹⁷ The ICAC combines three main pillars in its anti-corruption strategy: prevention, law enforcement, and education. This approach has proven effective because it tackles corruption from various angles, not only focusing on punishment but also reducing loopholes and opportunities for corruption. As a result, Hong Kong has succeeded in creating a clean and transparent government climate, which is essential in maintaining the integrity of the public sector and attracting investment.

On the other hand, Indonesia faces major challenges in eradicating corruption, despite several steps having been taken to improve the criminal justice system. According to data released by Indonesian Corruption Watch (ICW), although the Corruption Eradication Commission (KPK) has taken a number of

MELAKUKAN PENYIDIKAN DAN PENYITAPAN TERHADAP HARTA HASIL KEJAHATAN PENCUCIAN UANG PADA TINDAK PIDANA KORUPSI. *Jurnal Ilmiah METADATA*, 3(2), 469-489.

¹⁵ Okparizan, O., & Andhika, L. R. (2020). Orientasi Kebijakan Pemberantasan Korupsi Negara Asia Menurut Ranking Corruption Perception Index. *Jurnal Borneo Administrator*, 16(3), 271-290.

¹⁶ Darnela, L. (2012). Filsafat Ilmu Sebagai Dasar dan Arah Pengembangan Sistem Hukum Di Indonesia. *Supremasi Hukum: Jurnal Kajian Ilmu Hukum*, 1(1).

¹⁷ Carolina, A. (2012). Sistem Anti Korupsi: Suatu Studi Komparatif Di Indonesia, Hongkong, Singapura Dan Thailand. *InFestasi*, 8(1), 107-121.

strategic steps, Indonesia still faces major problems related to the low implementation of criminal sanctions. In the 2022 ICW report, it was noted that Indonesia's Corruption Perception Index (CPI) score declined from 38 to 34, placing Indonesia 110th out of 180 countries.¹⁸ This decline shows that despite efforts to eradicate corruption, Indonesia's legal system still faces many obstacles, such as weak oversight, opaque policies, and poor coordination between law enforcement agencies.

One of the key elements of ICAC's success is its ability to implement transparency throughout the government system. ICAC encourages greater disclosure of information in the public sector, utilizing technology to increase openness in the management of the state budget and the procurement of goods and services. In Hong Kong, e-government and e-procurement systems have helped minimize direct interaction between public officials and private parties, reducing the potential for bribery and collusion. This is in stark contrast to Indonesia, where the procurement of goods and services in many public sectors is still prone to corrupt practices. The lack of transparency and insufficiently strict procedures in Indonesia open up huge loopholes for public officials to abuse their authority, as seen in several major corruption cases involving high-ranking state officials.¹⁹

In addition, ICAC also focuses on anti-corruption education as an integral part of its strategy. ICAC not only handles corruption cases, but also plays a role in educating the public and public officials about the dangers of corruption and the importance of integrity. Through education and training programs, ICAC has succeeded in building collective

awareness that corruption is an act that destroys the social and economic order.²⁰ In Indonesia, despite anti-corruption education efforts by the Corruption Eradication Commission (KPK) and a number of other institutions, these programs remain limited in scope and effectiveness. Reforms are needed in education and training curricula to place greater emphasis on the importance of ethics and morality in government and public life.

In terms of law enforcement, the ICAC has independent authority and sufficient power to investigate and prosecute perpetrators of corruption, including high-ranking officials. The ICAC effectively handles major cases, investigating government officials involved in criminal acts of corruption without fear of political interference. In contrast, in Indonesia, although the KPK has considerable authority, it often faces political challenges that limit its ability to act independently. For example, the revision of the KPK Law passed in 2019 reduced the KPK's authority in investigations and prosecutions, leading to a decline in the agency's effectiveness. In addition, strengthening coordination between law enforcement agencies in Indonesia remains a major task, given the overlapping authorities between the KPK, the police, and the attorney general's office.

Considering Hong Kong's experience, Indonesia should learn important lessons about institutional independence and the importance of coordination between law enforcement agencies in combating corruption. The Indonesian government needs to strengthen law enforcement agencies such as the KPK by giving them greater authority and ensuring protection for officials who dare to crack down on corrupt practices. In addition, reforming the

¹⁸ Kompas.com, "Indeks Korupsi Turun, Indonesia Mendekati Deretan Sepertiga Negara Korup Dunia"
<https://nasional.kompas.com/read/2023/02/01/20191521/indeks-korupsi-turun-indonesia-mendekati-deretan-sepertiga-negara-korup> diakses pada 08 Desember 2024

¹⁹ Aiman, R. (2024). Hukum dan Korupsi: Tantangan dan Solusi dalam Pemberantasan

Korupsi di Indonesia. *Peradaban Journal of Law and Society*, 3(1), 16-30.

²⁰ Arfa, A. M. (2023). Memerangi Korupsi Melalui Pendidikan Anti-Korupsi: Membentuk Integritas, Kesadaran, Dan Kemampuan Kritis Dalam Masyarakat. *Jendela Pengetahuan*, 16(2), 128-142.

oversight system to make it more stringent and implementing transparency in the public sector must be priorities in order to reduce opportunities for corruption. For example, Indonesia could expand the use of technology in its goods and services procurement system and introduce an online reporting system to facilitate oversight of government projects.

Overall, the integrative strategy in combating corruption implemented in Hong Kong shows that in order to achieve success in combating corruption, a country must adopt a comprehensive approach, combining strict law enforcement, high transparency, and continuous anti-corruption education. Indonesia needs to adjust its policies and practices by applying lessons learned from the ICAC, while ensuring that its domestic legal, cultural, and political systems support the creation of a clean and corruption-free climate. This requires a commitment from all parties to carry out comprehensive legal reforms in order to bring about significant changes in the eradication of corruption.

CONCLUSION

Eradicating corruption in Indonesia requires a more comprehensive strategy to create a real deterrent effect, combining criminal law enforcement, strengthened oversight, and transparency. Although imprisonment, fines, and asset recovery have been implemented, their effectiveness is still limited by weak implementation and a permissive culture. The criminological approach highlights the importance of reducing opportunities for corruption, while victimology emphasizes the recovery of state losses and the protection of people's rights. Learning from Hong Kong's success with the ICAC, Indonesia needs to strengthen law enforcement agencies such as the KPK, improve inter-agency coordination, and implement technology-based oversight system reforms. With this integrated approach, Indonesia can create a cleaner and more effective environment for combating corruption.

To strengthen the fight against corruption in Indonesia, it is recommended that the government and law enforcement agencies

increase synergy and strengthen the independence of the Corruption Eradication Commission (KPK) by granting it greater authority and protection for officials who take action against corruption. In addition, a more transparent monitoring system needs to be implemented through the use of technology, such as e-government and e-procurement, to minimize opportunities for corruption in the public sector. Reforms in anti-corruption education also need to be expanded to cover all levels of society and bureaucracy, as well as introducing a more efficient reporting system. By strengthening preventive measures, transparency, and strict sanctions, Indonesia can create an environment free from corruption and rebuild public trust in the legal system.

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<https://nasional.kompas.com/read/2023/02/01/20191521/indeks-korupsi-turun-indonesia-mendekati-deretan-sepertiga-negara-korup> diakses pada 08 Desember 2024
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