

The Influence of Investigator Organization and Investigation Deadlines on the Success of Investigating Illegal Logging Offenses

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Abstract

This research discusses the influence of the organization of investigators and the time limits for investigations on the success of investigations into illegal logging crimes in Indonesia. With the increasing exploitation of forests causing environmental damage, the effectiveness of investigations becomes crucial. This study finds that the overlap of authority between Civil Servant Investigators (PPNS) in Forestry and Police Investigators hinders the legal process, while time limits for investigations that do not align with the complexity of cases exacerbate the situation. To enhance the success of law enforcement, it is recommended to optimize the authority of PPNS and adjust the time limits for investigations according to the level of difficulty of the cases. This study suggests the need to optimize the authority of PPNS as well as improve investigation procedures and adjust the time limit according to the characteristics of the cases handled. With these steps, it is hoped that law enforcement against illegal logging can run more effectively, fairly, and provide legal certainty for the community.

Keywords: Investigation, Illegal Logging, Optimization Of Authority

INTRODUCTION

Indonesia is recognized globally for its vast forest areas, which are known to be a source of oxygen for life. Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia regulates and emphasizes that the land, water, and natural resources contained therein are controlled by the state and utilized for the greatest prosperity of the people. Thus, Indonesia's forests, as natural resources, are controlled by the state, and the forest products are utilized to improve the welfare of the people. (Bagir Manan, 1995).

However, along with the development of the times, the increasing demand for forest resources has led to massive exploitation that triggers damage, such as land burning and illegal logging. This phenomenon has spread from production forests to conservation forests and protected forests, exacerbating forest ecosystem degradation. The losses to the state due to this damage include the loss of high-value forest product potential, resulting in the disruption of Forest Resource Provision and Reforestation Funds based on Commission IV of the House of Representatives, 2008. (D. Kleinschmit et al, 2016).

Therefore, in the legal handling of this criminal act, it must be prioritized over other cases. In line with this, Article 10 of the Law of the Republic of Indonesia Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction (hereinafter referred to as the P3H Law) states that forest destruction cases must be prioritized over other cases to be submitted to the court for prompt resolution. The character of criminal case decisions is the material truth believed by the judge based on valid evidence, and therefore the minimum threshold of evidence that can be submitted is regulated without a maximum limit, allowing the judge to consider other evidence until that conviction is reached. (Mohammad Hamidi Masykur, 2014).

In the case of illegal logging in Indonesia, there are other investigators besides the Police Investigator who also have special authority in conducting investigations in illegal logging cases known as Forestry Civil Servant Investigators. The problem is that in the crime of illegal logging, there is an overlap of authority between the Forestry PPNS and the National Police Investigator

in conducting investigations, which at the same time causes the PPNS to not be optimal in conducting investigations. As a result of in-depth and thorough investigations, PPNS often faces the problem of pre-trial lawsuits from suspects, who often file such lawsuits (Directorate General of Environmental and Forestry Law Enforcement, 2022).

This is based on Article 6 paragraph (2) of the Code of Criminal Procedure which regulates that Civil Servant Investigators are under the coordination and supervision of the police investigators. In line with this, Law of the Republic of Indonesia Number 18 of 2013 on the Prevention and Eradication of Forest Destruction in Article 29 also regulates that, in addition to police investigators, there are other investigators granted special authority as referred to in the Criminal Procedure Code to conduct investigations. The implications of these two articles are further evident in the regulation of Article 39 which imposes a time limit on the Forest Civil Servant Investigators, which then stipulates that, "The investigator must complete and submit the case file to the public prosecutor no later than sixty days from the start of the investigation and may be extended for a maximum of thirty days."

Based on previous research, utilizing empirical legal research methods has indicated that there are several factors affecting the investigations conducted by the Forestry Civil Servant Investigators (PPNS Kehutanan). The first factor is that the Forestry PPNS operates under police coordination, in which this form of coordination involves the PPNS submitting the case files resulting from the Police investigation before they are handed over to the Public Prosecutor. Secondly, despite the existence of coordination regulations, the investigations carried out by the Forestry PPNS and the Police Investigators proceed independently (Lukas Rosihol Limbong, 2022) .

In the results of another study, the challenges faced by investigators during the investigation are the perpetrators fleeing from the crime scene. The difficult terrain traversed by officers to reach the location of the perpetrators is one of the factors that cause the offenders to escape, and they usually have representatives to monitor the arrival of officers, so that when the sound of vehicles entering the area is heard, they quickly inform the others. Furthermore, it is challenging to present witnesses in the investigation process (Ario Putra Astriyadi, 2023). Due to the existing time constraints and the various challenges encountered thus far, the investigation process could not be carried out, ultimately resulting in the illegal logging crime being unprosecuted.

Based on the background that has been outlined, it is necessary to optimize by strengthening the authority of the Forestry PPNS in investigations. Legal certainty must be guaranteed to prevent maladministration and procedural defects that could hinder law enforcement. Furthermore, in an integrated criminal justice system, synergy among law enforcement parties needs to be enhanced so that investigations, prosecutions, and trials proceed coherently and comprehensively, thus maximizing efforts to combat illegal logging. Through this research, the researcher will examine the policy formulation of the authority of the Forestry PPNS in investigating illegal logging crimes.

RESEARCH METHODS

The research method applied in this study is normative juridical, which relies on primary and secondary legal materials. Normative legal research is an examination of legislation, jurisprudence, contracts, and the legal values that exist within society (Peter Mahmud Marzuki, 2014). For primary legal materials, this research utilizes relevant legislation, particularly the Law on Forest Destruction Prevention (Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, State Gazette of the Republic of Indonesia 2013 Number 130

and Supplement to the State Gazette of the Republic of Indonesia Number 5432) or UU P3H. Meanwhile, secondary legal materials serve as the main data for this research, which includes bibliographic sources such as the Academic Manuscript of UU P3H, journal articles, and related books. There are also various technical regulations that will be used alongside the laws as primary legal materials such as . Regulation of the Chief of the Indonesian National Police Number 6 of 2010 concerning Investigation Management by Civil Servant Investigators and Regulation of the Chief of the Indonesian National Police Number 20 of 2010 concerning Coordination, Supervision, and Guidance of Investigations for Civil Servant Investigators. The collected data is then organized and categorized systematically to provide a clear overview. Furthermore, this research will explore the Academic Manuscript in order to understand the ratio legis or the underlying rationale behind the establishment of Law No. P3H, particularly concerning the position of PPNS which remains under the coordination of the Police Investigators. With this approach, it is hoped that a deeper understanding of the structure and authority of PPNS in the context of law enforcement can be achieved.

The nature of normative legal research generally consists of exploratory and descriptive research. The main focus of the author is to assess the compatibility and effectiveness of the applicable legal rules with the principles of an integrated criminal justice system. In this research discussion, the author explores normatively specifically on the Article that has hindered the success of the investigation process (Soerjono Soekanto, 2016). The author chose the normative legal research method because the author intends to examine the research from a normative perspective, which has previously been studied using empirical methods. Previous normative legal research was last conducted in 2008, at which time there was no Law of the Republic of Indonesia Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, thus the previous researchers were focused on Law Number 41 of 1999 concerning Forestry (Indriyani, 2008). Next, the research methodology in this study is the Statute Approach, which involves examining all laws and regulations (Irwansyah, 2021). In addition, a futuristic approach is employed as a result of the reformulation of articles in the form of future regulations. From previous empirical research, the author finds that the obstacles faced by investigators in the field during investigations can essentially be addressed by granting authorities to the Forest Investigators through the reformulation of articles, specifically in Law of the Republic of Indonesia Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, as well as in implementing regulations as a technical aspect of the investigation so that after the reformulation of articles, the success of the investigation can be achieved.

RESULT AND DISCUSSION

According to the provisions of the law, the Special Forestry Police also has the right to carry out police functions and actions, although this authority is limited to violations related to forestry (Hermanus Ridholof, 2016). Law enforcement is the process of realizing legal desires, which are the thoughts of the law makers in regulations, where the formulation stage in criminal law policy becomes strategic as it formulates legislative policy as a legal basis for subsequent stages, thus the process of formulating legislation is essentially law enforcement in abstracto (Abdul Madjid, 2022). This process not only involves the drafting of norms but also ensures that these norms can be effectively applied in society. Therefore, the success of law enforcement greatly depends on the synergy between good regulations and consistent implementation by law enforcers. This will create public trust in the legal system and enhance compliance with the applicable laws.

Facing challenges in maintaining professionalism and the obligation to respect human rights in law enforcement, particularly in the process of evidence gathering through witness testimonies, it is necessary to undertake legal innovations that support this process by incorporating new provisions and ideas (Bambang Sugiri et al, 2021). Therefore, it is very important to reformulate the authority of PPNS so that it can operate within a clearly defined framework when conducting investigations. With better organization of authority and investigation procedures, it is hoped that all legal processes can be carried out fairly and in accordance with applicable legal principles, thereby reducing public doubts about the legitimacy of legal actions and increasing public trust in the law enforcement system.

Development of Rulings Regarding Illegal Logging Cases in Indonesia

The following are the rulings that have permanent legal force regarding illegal logging cases that occur in Indonesian forests from year to year issued by the Supreme Court:

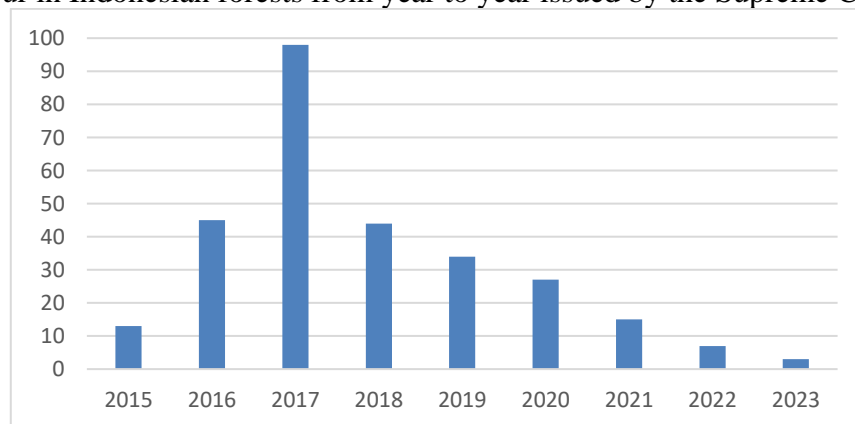


Diagram 1. Judgment of the Court Regarding the Illegal Logging Case Source: Supreme Court of the Republic of Indonesia

The table above indicates that there has been a decrease in cases of illegal logging that are currently in the trial examination stage in court. Meanwhile, Article 10 of the UUP3H prioritizes illegal logging cases to be tried in court before other criminal cases. The parameters above demonstrate that the principles of swift, simple, and low-cost justice have not yet been implemented maximally. The principles of swift, simple, and low-cost justice have long been recognized, even within the HIR, where this principle is implicitly reflected in the word "immediate" in the Criminal Code, indicating that the criminal justice system is a fast judicial system (Andi Hamzah, 2008). The urgency of this principle is related to the handling of defendants to ensure they are not subjected to prolonged examinations and receive procedural certainty as well as low litigation costs, while the principle of impartiality (fair trial) needs to be applied as a consequence of the rule of law to protect, safeguard, and provide justice for all members of society (Lucky Endrawati et al, 2015). One of the main issues that often arises in the investigation of illegal logging crimes is the lack of clarity in the division of duties between Forestry Civil Servant Investigators and Police Investigators, which ultimately leads to overlapping authorities in the investigation. In fact, one of the objectives of legal certainty in a rule of law state is to serve as a limitation and to provide clear standards by law regarding the state's power over the actions of the state towards the people (Ricaldo Gosalbo Bono, 2010).

The legal basis of Article 29 of the UUP3H stipulates that the case files resulting from investigations by Forestry PPNS must first be submitted to the Police Investigators before being handed over to the prosecutor's office. This process often delays investigations due to lengthy bureaucratic procedures and ambiguity in the division of tasks between the two parties. Moreover, at this stage, in reaction to the determination of suspects, suspects often file pre-trial lawsuits to challenge the legality of their designation as suspects. Pre-trial or preliminary examination is a stage in the judicial process conducted before the hearing on the substance of

the case, where the focus is on examining the procedures of investigation and prosecution without discussing the main material of the case (Darwin et al, 2019). It is important to remember that the purpose of the investigation is to achieve clarity that allows for prosecution, thus fundamentally, the investigation and prosecution should be viewed as a single cohesive unit (Andre Putra Utiahman, 2019).

The organization of investigator personnel in the investigation of illegal logging crimes.

There are criteria for criminal cases that are subsequently mentioned in the procedures for organizing the personnel of civil servant investigators as stated in Article 15 paragraph (1) of (The Regulation of the Chief of the Indonesian National Police Number 6 of 2010) concerning the Management of Investigations by Civil Servant Investigators, which reads as follows:

- a. In simple cases, it can be carried out by 2 (two) PPNS;
- b. In moderate cases, it can be carried out by 3 (three) PPNS;
- c. In difficult cases, it can be carried out by 4 (four) PPNS; and
- d. In very difficult cases, it is carried out by a team consisting of at least 5 (five) PPNS.

The independence taken by the PPNS in the investigation is perceived as an abuse of authority, as stated in the pretrial decision. The existence of this assessment highlights the need for supervision and compliance with clear legal procedures so that every step in the investigation process can be carried out correctly and does not violate the rights of the suspect. The pre-prosecution process begins with the submission of the Notice of Commencement of Investigation (SPDP) from the investigator to the public prosecutor immediately after the investigation begins. This SPDP is important because without this information, the public prosecutor cannot follow the developments of the investigation or coordinate effectively with the investigator (Wiby Eka Santoso, 2021).

The organization of personnel arrangements results in the PPNS lacking the ability to independently analyze the potential they possess in carrying out investigative authority. The shortage of personnel, both from the forest police and the Forestry PPNS, amidst the high number of cases that arise, especially when they occur simultaneously, causes the Forestry PPNS to feel overwhelmed in carrying out their investigative duties. Consequently, the results of the investigations are often deemed inadequate when entering the prosecution stage, thus it is important to note that investigations and prosecutions should be viewed as a cohesive unit to achieve clarity that supports prosecution (Andre Putra Utiahman, 2019). Essentially, the most important information in an investigation is the identity of the perpetrator of the crime to determine the suspect based on the evidence, where the investigator must report the results to the public prosecutor and submit the file upon completion, and if the public prosecutor deems the results insufficient, the file may be returned to the investigator with instructions for completion, who must then conduct additional investigations in accordance with those directives (Liberty Keni, 2021).

Pre-trial is a stage of the judicial process that occurs before the hearing on the substance of the case, where the focus is on the examination of the investigation and prosecution procedures without discussing the main substance of the case (Darwin, 2019). For cases deemed easy to moderate, the total time of 90 days allocated to Forestry Investigators to complete the investigation is usually achievable, allowing the case files to be ready for submission to the public prosecutor. However, this situation differs for forest destruction cases that have a high or very high level of difficulty. In such cases, Forestry Investigators often cannot meet the 90-day deadline as stipulated in the UUP3H, due to the complexity of the cases that require more time and the limited number of available personnel. With numerous cases undergoing simultaneous investigations, if the investigation is not completed within the specified period, the process must be halted. As a result, the case files cannot be finalized, and the criminal acts of forest destruction are not processed in court, allowing the perpetrators to evade legal consequences. It is important

to recognize that the purpose of the investigation is to determine the feasibility of prosecution, thus the investigation and prosecution should be viewed as a cohesive unit. Juridically-normatively, from the perspective of the Criminal Procedure Code, the success of the prosecution process heavily relies on adequate investigative results; conversely, failures in prosecution are often caused by inadequate investigative outcomes, which typically occur due to incomplete or poorly conducted investigations (Winly A. Wangol, 2016).

Organizing the granting of time limits for investigations in the investigation of illegal logging crimes.

Essentially, the criminal justice system is established as a system aimed at controlling crime in society, by integrating various elements such as prevention, law enforcement, rehabilitation, and protection of victims, while ensuring that every individual involved in the legal process receives equal justice, simultaneously considering the social, cultural, and economic dynamics that influence criminal behavior and its mitigation efforts (Nursyamsudin, 2022). In addition to the organization of PPNS, police investigators have a categorization of case handling that has different investigation periods as stipulated in Article 31 paragraph (2) of the Regulation of the Chief of the National Police of the Republic of Indonesia (Perkap) Number 12 of 2009 concerning the Supervision and Control of the Handling of Criminal Cases within the National Police of the Republic of Indonesia which regulates the deadline for case settlement as follows:

- a. 120 days for the investigation of very difficult cases;
- b. 90 days for the investigation of difficult cases;
- c. 60 days for the investigation of moderate cases; or
- d. 30 days for the investigation of easy cases.

Then, in addition to being given different time frames for case categorization, Article 32 letter a also grants authority to the police investigators to obtain an extension of time regulated as follows:

"In the event that the investigation time limit as referred to in Article 31 paragraph (1) has not been completed by the investigating party, they may submit a request for an extension of the investigation time to the official who issued the order through the Supervising Investigator." The limited time for investigations compels the Civil Servant Investigators to act hastily in determining the suspect's status, a situation exacerbated by the fact that the authority of the Civil Servant Investigators operates under the coordination of the Police Investigators. The response from suspects who feel dissatisfied with such determinations often leads to the submission of pretrial motions, which creates significant legal uncertainty. This uncertainty not only disrupts the ongoing legal processes but also raises doubts among the public regarding the legitimacy of the legal actions taken by law enforcement officials. The issues in law enforcement encompass the gap between normative and sociological law, the legal behavior of society that does not align with reality, as well as differences in law implementation, where the main problem in developing countries, including Indonesia, lies in the quality of law enforcement officials and is influenced by factors within the legal system and the legal awareness of society, thus effective and just law enforcement becomes a main pillar in creating a fair and stable society, although Indonesia still faces significant challenges in efforts to enhance law enforcement (Hijriani et al, 2023).

The provision of time, taking into account the level of difficulty of cases such as this, is not granted to Forestry Investigators, thus remaining in accordance with the guidelines in Article 39 of the UUP3H, where the time frame for all categories is equated. In fact, in the Background of the Academic Manuscript of the Draft Law on Illegal Logging, which is governed by the UUP3H, it is stated that the UUP3H is designed to provide legal certainty for efforts to prevent illegal logging, as illegal logging cannot only be addressed through law enforcement but must also involve preventive measures. Law enforcement officials, as investigators, must truly

understand the legal interests related to environmental destruction issues, so that their actions can be more effective in protecting natural resources (Hartono, 2010). It is essential to understand that cooperation between the government, law enforcement, and the community is crucial to ensure effective law enforcement, with a good understanding of the law, strict supervision, and consistent enforcement to control illegal logging and protect forest conservation (Wayah Aji Kurniawan, 2023)

CONCLUSION

The conclusion of this research indicates that the organization of investigators and the deadlines for investigations have a significant impact on the success of investigations into illegal logging in Indonesia. The overlapping authority between Forestry Civil Servant Investigators (PPNS) and the National Police Investigators has resulted in obstacles to the effective execution of investigative duties, as well as creating legal uncertainties that negatively affect law enforcement. Therefore, it is necessary to optimize the authority of PPNS by restructuring and clarifying the investigation procedures, as well as providing investigation deadlines that correspond to the complexity of the cases. With these measures, it is hoped that the investigation process can proceed more efficiently and fairly, thus maximizing efforts to combat illegal logging and providing legal certainty for the community. In this research, better collaboration between Forestry PPNS and Polri Investigators can enhance the quality of investigations and expedite legal processes. Furthermore, training and strengthening human resource capacity in handling environmental cases need to be conducted to minimize procedural errors that often occur. By establishing a better communication system and clarifying task divisions, it is hoped that public trust in the legal system will be created, as well as reducing the potential for legal manipulation by certain parties. Therefore, improvements in the organizational structure of investigators and legal procedures are essential to ensure that law enforcement not only operates according to regulations but is also effective and responsive to the dynamics present in the field.

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