

JURIDICAL ANALYSIS OF THE CRIME OF PERSECUTION OF WOMEN BASED ON ARTICLE 466 OF THE CRIMINAL CODE (CASE STUDY AT BATU BARA POLICE)

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This study examines the criminal act of persecution against women under Article 466 of the Criminal Code through a case handled by the Batu Bara Police, using normative legal research with an empirical juridical approach based on interviews, examination minutes (BAP), statutory regulations, legal literature and official documents. The findings indicate that the elements of the offense must be linked to the specific case facts and supported by consistent records, witness statements, relevant evidence and procedural safeguards. Accurate legal reasoning, coherent documentation, institutional coordination and accountability are essential to the consistent application of the relevant Indonesian criminal-law provisions

Keywords: *Assault; Batu Bara Resort Police; Law Enforcement; Criminal Law*

1. Introduction

Persecution entails an unlawful physical attack causing pain, injury, or health impairment, and may also leave trauma and fear. Criminal law protects victims against both the act and its consequences (Moeljatno, 2008). Women may face additional vulnerability because of relationships with perpetrators, social conditions and unequal power, so legal protection must consider bodily integrity, dignity and security (Rahayu, 2020).

Article 466 of the Criminal Code provides the material legal basis for assessing whether the perpetrator's conduct amounts to persecution and causes pain or injury (Indonesia). Patriarchal norms, unequal power relations, low education and family pressure may cause violence to be treated as private, making victims reluctant to report because of shame or fear (Dakhi, 2026). Limited legal awareness, insufficient knowledge of victims' rights and weak access to protection services also impede reporting and enforcement, despite domestic-violence and women-and-children protection regulations (Dakhi, 2026).

Persecution against women concerns legally protected interests in bodily integrity, personal safety and honor. Criminal law does more than authorize sanctions against perpetrators, because women and other members of society are entitled to security and protection from violence. A juridical analysis is therefore necessary to establish how offense elements are proved and how legal rules are applied to the particular case (Rahardjo, 2006).

Batu Bara Police data show fluctuating persecution cases during 2021–2025: three in 2021, five in 2022 and three in 2023. The number rose to six in 2024, the highest figure in the period, before declining to four in 2025. These reported cases show that persecution continued to occur each year and warrant consistent prevention, enforcement and victim protection.

This problem is illustrated in the case handled by the Batu Bara Police. Based on the Minutes of the victim's examination, this case began with an alleged criminal act of persecution that occurred on Tuesday, May 13, 2025 at around 23.30 WIB in Gang Saudara, Hamlet I, Bogak Village, Tanjung Tiram District, Batu Bara Regency. The victim named Siti Aminah

explained that she experienced persecution carried out by a man named MHD Rudi and she stated that the victim in the case was herself (Dakhi, 2026).

According to Siti Aminah, she went to Nur Kamala's stall to buy cigarettes when MHD Rudi arrived angrily and threw a garbage-filled barrel toward Nur Kamala without hitting her. When Siti Aminah stood near him, MHD Rudi allegedly struck her temple once with his hand. The victim's account therefore describes an alleged physical attack rather than a verbal dispute alone (Dakhi, 2026).

The first research question concerns the forms of persecution against women in the Batu Bara Police jurisdiction. The second examines the investigation process used in handling these cases. The third addresses perpetrators' criminal liability based on the investigation findings.

2. Methodology

2.1. Research Methodology

The location of data collection in this study is at the Batu Bara Resort Police, which is located at Jalan Perintis Kemerdekaan, Lima Puluh, Batu Bara Regency, North Sumatra. This normative legal study uses an empirical juridical approach to examine legislation and legal literature alongside investigation practice at the Batu Bara Police. This comparison assesses the application of Article 466, the construction of evidence and the determination of criminal liability (Marzuki, 2005; Scott, 2015; Arikunto, 2006).

Primary data comprise interviews with Batu Bara Police investigators and relevant case documents, including police reports and victim, witness and suspect examination minutes. They inform the chronology, use of Article 466, construction of evidence, investigative obstacles and assessment of responsibility. Secondary data comprise primary, secondary and tertiary legal materials.

Primary legal materials encompass the Criminal Code, criminal procedure legislation and relevant regulations. Secondary legal materials consist of books, scientific journals and legal doctrine. Tertiary materials include legal and Indonesian dictionaries, encyclopedias and related reference publications.

2.2. Landasan Theoretis

A criminal act is conduct prohibited by law that can attract punishment once its legally prescribed elements are established. Here, the alleged conduct is a physical attack on a woman assessed under Article 466 of the Criminal Code. The analysis therefore begins with the statutory elements rather than the mere existence of an allegation.

The elements examined in this study include a physical attack on another person, the unlawful character of the act and fault on the part of the accused. The existence of a criminal sanction under Article 466 and the accused person's capacity for responsibility must also be considered. These requirements provide the legal framework for distinguishing the reported conduct from an allegation that has not been sufficiently proved.

Formal offenses emphasize prohibited conduct, whereas material offenses emphasize harmful consequences. In persecution cases, pain, injury and health impairment are central to proof (Hamzah, 2012). Criminal responsibility requires a causal link between the accused's actions and the victim's pain or injury; the consequences must be attributable to the alleged attack (Chazawi, 2002).

Article 466 of the Criminal Code governs ordinary persecution and conduct resulting in serious injury or death (Indonesia). The Criminal Procedure Code governs investigation, examination of witnesses and suspects, collection of evidence and other procedures through which an allegation is proved (Indonesia, 1981). Where injuries are alleged, a *visum et repertum*

may provide documentary or expert evidence of their nature, linking substantive criminal law with procedural rules of proof (Indonesia).

Constitutional guarantees of personal protection, dignity and security underpin legal protection for female victims; applying Article 466 must account for these interests. The relevant elements are the attack on the victim, intentional conduct, pain or injury, unlawfulness and a causal relationship between conduct and suffering. This study examines ordinary persecution under Article 466, particularly the reported single blow to the female victim's temple documented in the police examination record.

2.3. Legal Arrangements and Key Concepts

Persecution of women means an unlawful attack on the body causing pain, injury or health impairment; the victim's social and psychological vulnerability warrants attention (Rahayu, 2020). Physical injury may be accompanied by fear, trauma and psychological distress, implicating the victim's dignity and security (Wahid, 2011). Women's equal standing before the law requires such violence to be addressed as a legal matter, not dismissed as an exclusively personal dispute (Rahardjo, 2006).

Assault can also involve pulling, pushing or throwing objects where those actions cause bodily harm; the legal assessment focuses on the act and its consequences (Chazawi, 2002). The offense may occur in domestic or public settings; the location alone does not displace the requirement to prove the relevant criminal elements. The reported Batu Bara case concerns one blow to the victim's temple, followed by lacerations and disruption of daily activities according to the case account.

Perpetrator anger and personal conflict may contribute to an assault, but the trigger does not independently determine whether a criminal offense is established. Fair proof requires testing the victim's account against supporting material such as witness statements, *visum et repertum* and the reported person's testimony. Protection and enforcement also seek to deter repetition while securing the individual victim's rights (Rahardjo, 2006).

The factors examined in the study include the perpetrator's emotional response and the personal conflict preceding the event. The victim's vulnerability, environmental influence and weak self-control also form part of the explanation presented in the manuscript. These contextual factors help describe the incident but do not replace the statutory and evidentiary requirements for establishing the offense.

2.4. Parameter Analysis Yuridis

Investigation consists of legally regulated measures to collect evidence, clarify the alleged offense and identify a suspect; it creates the evidentiary foundation for prosecution (Indonesia). For persecution, investigators must establish the incident, alleged perpetrator, victim's condition, consequences and correspondence with the offense's elements through lawful evidence (Marzuki, 2005). Police authority to investigate derives from legislation governing the Indonesian National Police and must be exercised alongside criminal procedural requirements (Indonesia, 2002).

Investigation is a decisive stage for the evidentiary process. Evidence that is not collected correctly during this stage may obstruct the subsequent handling of the case. Consequently, the quality of investigative work directly affects the basis on which the criminal justice process proceeds.

Procedural safeguards govern witness and suspect examination, evidence collection, seizure and the preparation of official minutes; observance of those procedures affects evidentiary validity (Indonesia). Examination minutes (BAP) record investigative actions and inform the public prosecutor's assessment of case-file completeness (Harahap, 2016). Relevant

powers encompass receiving reports, examining victims, witnesses and suspects, gathering evidence and assembling case files to test Article 466's elements.

Investigators may confiscate objects connected with the alleged persecution as part of their legally regulated powers. This becomes relevant when a particular instrument was used or another object is linked to the incident. Such material must be collected through the applicable procedure and assessed as part of the evidentiary construction (Indonesia).

3. Research Results

3.1. Forms of Persecution of Women that Occur in the Jurisdiction of the Batu Bara Police

Persecution of women is a form of criminal act that not only causes physical consequences, but also has an impact on the psychological condition of the victim. In the context of criminal law, abuse is understood as an act of attacking the body or health of another person that can cause pain, injury, or disruption to the victim's activities. Based on Article 466 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code, persecution is threatened with imprisonment for a maximum of 2 years and 6 months or a maximum fine of category III (Indonesia).

Reported forms at Batu Bara Police include hitting, slapping, kicking and other physical acts causing pain. They may arise from spontaneous quarrels or recurring power imbalances (Soesilo, 1995). In an interview on May 29, 2026, Investigator Ade Sundoko Masry, S.H., linked reported cases to personal conflicts in families, friendships, romantic relationships and the wider community (Dakhi, 2026).

Incidents may occur at home, on roads, at workplaces, at business premises or in other settings where victim and perpetrator meet. Where violence is treated as private, victims may not readily recognize or report it as a criminal offense (Soekanto, 2014). The described forms range from pain without evident injury to minor or more serious injuries requiring medical attention; each requires lawful proof.

Persecution of women in the Batu Bara Police jurisdiction must be understood as both a legal and a social problem. Enforcement addresses the criminal conduct, while public education addresses community attitudes that normalize physical violence. These functions should accompany each other so that abuse against women is not treated as an ordinary social occurrence (Wahid, 2011).

In the case handled by the Batu Bara Police, the form of persecution needs to be seen from the relationship between the perpetrator's actions and the consequences experienced by the victim. If the victim suffers injuries to certain parts of the body after the physical act of the perpetrator, the investigator must relate the chronology, witness statements, and the results of medical examinations so that the form of persecution can be objectively ascertained (Dakhi, 2026). Pain, lacerations, bruising and interference with daily activities are relevant physical consequences that must be established, rather than inferred solely from a dispute (Chazawi, 2002).

3.2. Investigation Process of Criminal Acts of Persecution of Women at the Batu Bara Police Station

Investigation starts with a victim's, family's or other informant's report; investigators assess whether the reported facts disclose a suspected criminal act (Indonesia, 1981). Based on the results of an interview with Ade Sundoko Masry, S.H. on May 29, 2026, the initial process carried out by investigators was to receive reports, record the identity of the victim, dig up the chronology of the incident, and direct the victim to conduct a visum examination if there were injuries (Dakhi, 2026). The visum et repertum documents the nature and location of physical injuries and supplies medical support for the allegation.

Ary Leonardi Tarigan explained that after the victim was directed to the visum, investigators then examined witnesses who knew about the incident. Witnesses can come from the victim's family, neighbors, people who were at the scene, or other parties who saw the victim's condition directly after the incident (Dakhi, 2026). Witness accounts must be compared with the victim's account and medical evidence; one unsupported witness statement is insufficient under the evidentiary framework described in the study (Indonesia, 1981).

Investigators subsequently summon the reported person to obtain an account of events and preserve the opportunity to respond (Indonesia, 1981). Whether the reported party admits, denies or explains the act, the statement must be checked against the other evidence (Mulyadi, 2012). Investigators must also consider whether the relationship and setting call for domestic-violence provisions instead of, or in addition to, the general persecution provision (Gosita, 2004).

Victims may be afraid to continue legal proceedings because of threats from the perpetrator, family pressure or social stigma. These obstacles require investigators to conduct examinations in a humane manner. Investigators must fulfill their formal duties while providing conditions in which victims can give information without intimidation (Gosita, 2004).

After receiving the report, investigators should examine the victim with attention to the psychological effects of the incident. Victims may feel fearful or distressed and may struggle to recount the chronology in a coherent manner. Clear, non-accusatory questioning must therefore be combined with the need to obtain information relevant to lawful proof.

The interviews describe the following sequence: report, victim examination, evidence collection, witness and reported-person examinations, suspect determination and transfer of the case file (Dakhi, 2026). Each step must test the prohibited act, the consequences, the alleged perpetrator's fault and the causal connection between the act and injury. The initial report should accurately record the complainant, time, place, reported violence and potential witnesses because those particulars guide subsequent investigation (Indonesia, 1981).

A visum can establish whether injury exists, its location and character, and its possible connection with the reported event (Indonesia, 1981). Avoiding repetitive or victim-blaming questioning helps prevent additional harm and maintain confidence in the investigation (Irianto, 2006). Effective investigation depends on prompt reporting, accessible witnesses, a timely visum, consistent accounts and a sufficiently documented evidentiary record.

3.3. Criminal Responsibility of Perpetrators of Persecution of Women Based on the Results of the Investigation at the Batu Bara Police Station

Criminal liability requires proof that a legally accountable person committed an offense satisfying Article 466; a victim's report by itself does not establish guilt (Moeljatno, 2008). Ade Sundoko Masry, S.H., identified the perpetrator's conduct, the victim's injury or pain and causation as the decisive questions when considering liability (Dakhi, 2026). Fault must also be established, and investigators assess intent from the alleged conscious physical attack rather than assuming responsibility from injury alone (Lamintang, 1997).

Ary Leonardi Tarigan explained that investigators assessed the criminal liability of the perpetrator by looking at the victim's statement, witnesses, visum, and perpetrator's statement. If the evidence is in accordance with each other, then the investigator can conclude that the perpetrator deserves to be held criminally responsible (Dakhi, 2026). The accused must be identifiable, capable of criminal responsibility and not covered by a legally recognized ground eliminating responsibility (Saleh, 1983).

The act element requires proof of a bodily attack producing pain or injury, evaluated according to objective offense elements (Prasetyo, 2018). Pain, bodily injury or health impairment must be evidenced by the victim's account and relevant medical documentation.

Causation requires showing that the injury resulted from the alleged perpetrator's conduct rather than an unrelated event (Hiariej, 2016).

Where investigation yields sufficient evidence, the police may proceed with the case and submit it to the public prosecutor (Dakhi, 2026). The victim's statement is the starting point but should be corroborated and tested for consistency with the other evidence (Fuady, 2012). Although Article 466 does not distinguish victims by sex, the particular vulnerability arising from close relations or physical power differences remains relevant to victim protection (Irianto, 2006).

The process must provide victims an opportunity to be heard while assessing allegations objectively and securing legal certainty (Arief, 2016). Liability thus depends on a responsible legal subject, a prohibited act, culpability, harmful consequences and causation. Each component must be supported by investigation findings before the matter is referred to the public prosecutor on a sufficient evidentiary basis.

4. Discussion

4.1. Analysis of the Form of Persecution of Women that Occurred in the Jurisdiction of the Batu Bara Police

Ary Leonardi Tarigan reported that victims generally describe pain or show injury marks, after which investigators request a medical examination to strengthen evidence (Dakhi, 2026). Female victims must be treated as rights holders entitled to protection and recovery, rather than viewing the case exclusively through punishment of perpetrators. Sex is not a distinct element of Article 466, but gendered vulnerability is pertinent to criminological interpretation and protective measures (Fakih, 2013).

For the victim, reporting persecution can require recounting an incident associated with pain and fear. The examination process should therefore acknowledge the difficulty of providing a detailed account of the event. A humane approach by investigators is relevant to obtaining information while respecting the victim's position in the legal process.

The interviews associated many incidents with personal conflicts and direct hitting, underscoring the need to examine the specific act rather than infer offense elements from the relationship alone (Dakhi, 2026). Investigators should distinguish reported pain from medically substantiated injury, since the consequences bear on evidentiary assessment and the legal qualification of the act (Indonesia). Personal disputes, anger or provocation do not automatically excuse a physical attack; the alleged conduct and its consequences must be examined against the criminal elements (Moeljatno, 2008).

Consistency among witness accounts, the victim's statement and visum results strengthens the factual reconstruction of the alleged assault (Indonesia, 1981). The form of persecution should be assessed through the act, the severity and effects of injury, the victim's circumstances and the available evidence. Injury severity alone does not establish all elements of the offense.

4.2. Analysis of the Investigation Process of Criminal Acts of Persecution of Women at the Batu Bara Police Station

Crime-scene examination, when necessary, clarifies the location, chronology and potential physical evidence (Hartono, 2012). Relevant material may include clothing, objects used in the attack, surveillance footage and wound photographs (Sasangka, 2003). Ade Sundoko Masry, S.H., identified late reporting as an obstacle because wounds may fade before medical examination, requiring investigators to seek other corroborating evidence (Dakhi, 2026).

Reporting delays may also affect witnesses' memories, evidence availability and the condition of the scene (Muhammad, 2007). Where the parties fall within a household

relationship, investigators must consider the Domestic Violence Elimination Law; otherwise the general Criminal Code provision may apply (Gosita, 2004). Investigation must establish material truth through legally obtained evidence, not merely identify a suspect (Harahap, 2016).

In a persecution investigation, proof must establish the accused person's physical acts and their connection with the victim's pain or injury. Speculation about the incident cannot replace the examination of witness accounts, medical findings and other available material. The assessment must instead rest on evidence capable of supporting the alleged elements of the offense.

Investigators must protect victims while respecting the reported person's presumption of innocence and applying impartial procedures. Before naming a suspect, investigators should evaluate whether victim, witness, medical and reported-person statements together sufficiently support every alleged element (Indonesia, 1981). At the final investigative stage, a coherent case file must document the chronology, evidence, alleged criminal provision and perpetrator's role so that prosecutors can assess its completeness and proceed with the case (Kuffal, 2010).

4.3. Analysis of Criminal Responsibility of Perpetrators of Violence Against Women Based on the Results of the Investigation at the Batu Bara Police Station

An objectively established act of bodily violence causing pain or injury is a key element of persecution (Prasetyo, 2018). When sufficient evidence establishes Article 466's elements, the case may proceed to prosecution and judicial examination under the relevant penal provision (Indonesia). Ade Sundoko Masry, S.H., emphasized that investigators should assess the offense elements objectively rather than presume guilt simply because the complainant is a victim (Dakhi, 2026).

Culpability requires assessing whether the perpetrator consciously and intentionally committed the physical act; the injury alone does not substitute for proof of intent (Huda, 2006). Pain and injuries must be linked to the alleged conduct through victim testimony and medical evidence; the source also refers to medical findings when considering consequences (Indonesia). Criminal accountability operates alongside protection of women victims and recognition of their entitlement to justice (Arief, 2016).

The element of fault is central to criminal liability in persecution cases. In the analysis of intentional violence, investigators consider whether the person deliberately attacked the victim's body. A conscious beating can provide evidence of a willingness to undertake the prohibited physical act, subject to the remaining requirements of criminal responsibility (Ali, 2011).

Enforcement serves a preventive purpose by affirming that physical aggression is not an acceptable way to resolve disputes (Arief, 2010). The criminal process therefore communicates a legal prohibition against such conduct. This preventive function complements the protection of victims addressed in the liability assessment.

5. Conclusion

The form of persecution of women that occurs in the jurisdiction of the Batu Bara Police is generally in the form of physical violence carried out directly by the perpetrator against female victims. These forms of persecution include beatings, slapping, kicking, pushing, and other physical actions that cause the victim to experience pain, bruises, swelling, abrasions, or injuries that require medical examination. Persecution of women in the jurisdiction of the Batu Bara Police often occurs due to personal conflicts, quarrels, jealousy, grudges, family problems, and disputes in the social environment of the community.

Based on interviews with investigators, female victims are often in a vulnerable position because not all immediately dare to report after experiencing persecution. This reluctance is influenced by fear, relationship pressure from the perpetrator, shame and attempts to settle the

matter within the family. Accordingly, persecution of women in the Batu Bara Police jurisdiction is both an unlawful physical act and a social problem requiring victim protection.

The investigation process at the Batu Bara Police begins with reports or complaints, an initial victim examination, and the recording of the incident's chronology. Investigators then collect evidence, examine witnesses, request visum et repertum, examine the reported person and determine a suspect if sufficient evidence is available before preparing and transferring the case file to the public prosecutor. The visum et repertum plays an important role in establishing the injuries or pain experienced by the victim.

Victim and witness statements, physical evidence, photographs of injuries and the reported person's account are also important to building the evidentiary record. Interviews with investigators and assistant investigators identify obstacles including late reports, fading injuries, difficulty finding witnesses, victims' fear of proceeding and pressure to settle peacefully. Investigations therefore require care, objectivity and humane treatment to protect victims without disregarding the reported person's rights.

Criminal liability for perpetrators of persecution against women at the Batu Bara Police is assessed under Article 466 of the Criminal Code. Its assessment requires an accountable legal subject, an act of persecution, consequences in the form of pain or injury, a causal link between the act and its consequences, and fault on the perpetrator's part. Liability can be established when the investigation supports that the conduct was intentional, unlawful and caused consequences for the victim's body or health.

Investigators assess not only the victim's report but also its consistency with witness testimony, visum et repertum, other evidence and the reported person's statement. When the evidence is sufficient, the reported person may be named a suspect and the case file transferred to the public prosecutor. Thus, criminal liability rests on investigation findings that establish the act, fault, consequences and causal relationship between the perpetrator's conduct and the victim's suffering.

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