

APPLICATION OF BASICS *DUE PROCESS OF LAW* IN THE INVESTIGATION OF PLANTATION CRIMES (CASE STUDY AT LANGKAT POLICE)

Mariono^{1*}, Muhammad Hizbullah²

^{1,2*} Faculty of Law, Universitas Muslim Nusantara (UMN) Al Washliyah, Indonesia,

Email: marionomariono7@gmail.com, muhammadhizbullah@umnaw.ac.id

This study examines legal issues involving criminal investigation, due process of law, plantation crime. It employs empirical juridical research and draws on interviews, statutory regulations, legal literature. The findings show that the applicable legal framework must be connected to the specific elements and facts of the case. Investigation or implementation also requires consistent documentary records, witness statements, relevant evidence, and procedural safeguards. The study highlights the need for accurate legal reasoning, coherent documentation, institutional coordination, and accountability. These findings support a more consistent application of Indonesian law concerning criminal investigation, due process of law.

Keywords: *Criminal Investigation; Due Process Of Law; Plantation Crime; Langkat Resort Police; Criminal Law*

1. Introduction

Jimly Asshiddiqie emphasized that the modern state of law requires the protection of individual rights in every stage of the criminal justice system as a manifestation of constitutionalism (Asshiddiqie, 2018).

The principle of due process of law has a constitutional basis in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which affirms that Indonesia is a state of law (Indrati, 2017).

Article 7 of the Criminal Code gives the authority to investigators to take legal action, but this authority is limited by the procedures and rights of the suspect (Sofyan, 2019).

Law Number 39 of 2014 concerning Plantations expressly regulates the prohibition of harvesting or collecting plantation products without rights as stipulated in Article 107 paragraph (1) letter d. This provision is a form of legal protection for the interests of plantation businesses as part of national economic development (HR, 2018).

The Minutes of Examination (BAP) of the witnesses and suspects show that the arrest was made on April 26, 2025 at around 17.00 WIB in the plantation area of PT (Case Document, 2025).

In April 2025, in the jurisdiction of the Langkat Police, there will be two police reports that are both related to criminal acts in the plantation sector, especially the taking of oil palm fruit without rights as qualified as a violation of Article 107 of Law Number 39 of 2014 concerning Plantations.

Meanwhile, the second case was recorded in LP/B/264/IV/2025/SPKT/POLRES LANGKAT/POLDA SUMUT dated April 24, 2025, with the scene of the case on Jalan Bamban Lingkungan II Setia, Peace Village, Stabat District.

This study focuses on three issues: the application of the principle of due process of law in the investigation stage of plantation crimes at the Langkat Police Station; The legal construction built by investigators in determining suspects for plantation crimes is associated with the principle of due process of law; Juridical and practical obstacles faced by investigators in applying the principle of due process of law in the investigation of plantation crimes.

2. Methodology

2.1. Research Methodology

The location of data collection in this study is at the Langkat Police, Jl. Proclamation No. 53, Kwala Bingai, Stabat, Langkat Regency, North Sumatra.

This combination of approaches allows for an analysis that focuses not only on written norms, but also on the implementation and construction of evidence in investigative practice (Sunggono, 2015; Arikunto, 2006).

Primary data in this study was obtained through direct interviews with investigators from the Langkat Resort Police who conducted an examination of the suspect in the case of plantation crimes as stipulated in Article 107 paragraph (1) letter d of Law Number 39 of 2014 concerning Plantations.

The primary legal materials used in this study include laws and regulations relevant to the Criminal Code (KUHP). Some of the main regulations that this research focuses on are:

The secondary legal materials used are obtained from various scientific sources that can support the analysis in this study, such as: Books, Scientific journals, legal doctrine

The tertiary legal materials used in this study include sources that provide further understanding of the legal terms used in police regulations, as well as sources that confirm the general understanding of police procedures.

The field study was conducted through direct interviews with Langkat Police investigators who handle plantation crime cases to obtain empirical data on investigative practices (Marzuki, 2005).

A qualitative approach is an approach that discusses ways of analyzing the data collected by means or analysis or interpretation of known laws, such as authentic interpretation, interpretation according to grammar (grammatical), interpretation based on legislative history, systematic interpretation, sociological interpretation, teleological interpretation, or functional interpretation (Hartono, 1994).

2.2. Theoretical Foundations

Investigation of plantation crimes is not only judged from the fulfillment of the elements of delicacy, but also from the legality and procedural justice applied.

In its development, this principle became a constitutional guarantee for the protection of individual rights from arbitrary state actions. This concept then influenced the modern criminal justice system, including Indonesia (Garner, 2014).

The implementation of the principle of due process of law in the Indonesian context is reflected in the provisions of the Criminal Code which guarantee the rights of suspects from the investigation stage (Muladi, 2015).

In the case of plantation crimes, the process of investigation, investigation, prosecution, and examination at trial must guarantee the rights of the suspect or defendant, such as the right to legal aid, the principle of presumption of innocence, and an objective and non-discriminatory examination (Indonesia, 2014).

The relevance of the principle of due process of law in this study lies in the importance of testing whether the investigation process of plantation crimes has met the standards of procedural justice.

Article 50 of the Criminal Code guarantees the right of suspects to be immediately examined by investigators and subsequently submitted to the public prosecutor.

Article 54 of the Criminal Code states that suspects have the right to receive legal assistance from legal counsel at every level of examination (Sunggono, 2015).

The examination of witnesses and suspects, the notification of the right to legal aid, and the arrest procedure are important indicators in assessing the implementation of the principle of due process of law.

In the state of law, criminal proceedings are not only aimed at finding the perpetrators of criminal acts, but also ensuring that the methods used by law enforcement officials still respect the rights of suspects or defendants (Asshiddiqie, 2018).

In the Indonesian legal system, the position of the principle of due process of law is closely related to the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which affirms that Indonesia is a state of law (Indonesia, 1945).

At the prosecution stage, the principle of due process of law requires that the public prosecutor prepare an indictment based on the results of a legitimate investigation and evidence that can be accounted for (Hamzah, 2016).

2.3. Legal Arrangements and Key Concepts

Article 1 number 2 of the Criminal Procedure Code states that an investigation is a series of actions by investigators to search and collect evidence to shed light on the crime and find the suspect.

From the perspective of criminal law, investigators must prove the fulfillment of the elements of criminal acts as stipulated in Law Number 39 of 2014 concerning Plantations, including elements of unlawful acts and the fault of the perpetrator (Adji, 2015).

The investigation of plantation crimes at the Langkat Police must be seen not only from the aspect of proving the elements of delicacy, but also in terms of the legality of the action and the protection of the rights of the suspect.

The act of arrest, examination, and determination of suspects must be based on sufficient preliminary evidence and lawful procedures.

Investigation is one of the important stages in the criminal justice system because it is at this stage that law enforcement officials begin to search and collect evidence to shed light on a criminal act and find the suspect (Harahap, 2016).

Law Number 39 of 2014 concerning Plantations is the material basis for determining whether an act can be qualified as a plantation crime (Supriadi, 2018).

The initial stage of the investigation usually begins with a police report or the discovery of an incident suspected of being a criminal act (Hamzah, 2017).

However, witness statements must still be tested with other evidence so that the investigation does not only rely on one version of events (Hiariej, 2019).

Article 184 paragraph (1) of the Criminal Procedure Code mentions five valid evidence, namely witness statements, expert statements, letters, instructions, and defendants' statements.

The public prosecutor may ask the investigator to complete evidence regarding the status of plantation land, the origin of plantation products, who has the right to the product, and whether or not there is permission from the authorities (Effendi, 2016).

If the examination of the suspect is carried out under pressure, without notification of rights, or without a valid procedure, then the results of the investigation may be questioned (Atmasasmita, 2016).

2.4. Parameters of Juridical Analysis

Article 1 number 11 of Law Number 39 of 2014 states that plantation products include all plantation crop products and their processing (Indonesia, 2014).

Investigators must ensure that every element regulated in Article 107 paragraph (1) letter d is fulfilled before determining a suspect.

Without clarity on the location and status of land, the criminal construction of plantations can become weak (Santoso, 2017).

Therefore, proving the elements of permits is an important part of the investigation (Tongat, 2018).

Thus, the analysis of the elements of the crime is the main basis in the investigation process (Moeljatno, 2018).

Investigations of plantation crimes must contain evidence of objective and subjective elements in a balanced manner.

Article 1 number 2 of the Criminal Procedure Code emphasizes that the investigation aims to find and collect evidence to shed light on the crime and find the suspect.

Article 54 of the Criminal Procedure Code guarantees the right of suspects to obtain legal assistance at every level of examination (Indonesia; Lubis, 2014).

This provision is strengthened by the Constitutional Court Decision Number 21/PUU-XII/2014 which emphasizes the need for at least two valid pieces of evidence in determining suspects (Indonesia; Manan, 2014).

Article 52 of the Criminal Procedure Code emphasizes that suspects have the right to provide information freely (Indonesia; Fuady, 2015).

The process of arrest, confiscation of plantation products, examination of witnesses, and determination of suspects must be tested based on the parameters of legality and procedural justice.

3. Research Results

3.1. Application of the Principle of Due Process of Law in the Investigation Stage of Plantation Crimes at the Langkat Police Station

The application of the principle of due process of law in the investigation stage of plantation crimes at the Langkat Police basically places the examination process not only as an activity to seek the confession of suspects, but as a legal mechanism to ensure that every action of the investigator is carried out based on legal, objective, and respectful procedures for the rights of the person being examined (Harahap, 2016).

In the case of plantation crimes at the Langkat Police, the application of due process of law can be seen from the examination of several witnesses before and/or at the same time as the examination of the suspect (Effendi, 2019).

The principle of due process of law in the investigation of plantation cases also requires that investigators do not only rely on the testimony of the plantation (Hiariej, 2019).

The application of due process of law must also be seen in the treatment of evidence (Sasangka, 2017).

In the eighth draft of the interview, the investigator can explain that every examination in this case is based on police reports and valid warrants.

The application of due process of law in plantation crime cases at the Langkat Police can ultimately be assessed from three main indicators (Rahardjo, 2016).

In the tenth draft of the interview results, the investigator can conclude that the application of due process of law in this case has been carried out through the notification of rights, examination of witnesses, examination of suspects, recording of evidence, re-reading of the BAP, and providing opportunities to the examined party to confirm or add information.

Thus, the application of the principle of due process of law in the investigation stage of plantation crimes at the Langkat Police has been formally seen through the examination stages outlined in the BAP.

3.2. Legal Construction Built by Investigators in Determining Suspects of Plantation Crimes Associated with the Principle of Due Process of Law

The legal construction built by investigators in determining suspects for plantation crimes must start from the identification of the criminal event, the subject of the perpetrator, the object of the plantation product, the status of land tenure, and whether or not there is a right or permit to take the plantation product (Marzuki, 2017).

The legal construction in this case is based on the alleged violation of Article 111 jo. Article 107 letter d of Law Number 39 of 2014 concerning Plantations (Indonesia, 2014).

In the draft results of the first interview in this section, the investigator can explain that the initial basis for the legal construction was obtained from the plantation party's report, the suspect's handover, the statement of security officers, and evidence in the form of 7 bunches of palm fruit.

An important element in the legal construction of this case is the element of "plantation products" (Faisal, 2020).

The next element is the element of "without permission" (Prasetyo, 2018).

In the sixth draft of the interview results, the investigator can explain that before determining or processing the suspect, the investigator considers the adequacy of the evidence.

The principle of due process of law requires that legal construction is not only in favor of the interests of the complainant (Tanya, 2017).

In the tenth draft of the interview results, the investigator can confirm that the determination of the suspect was carried out after an examination of witnesses, suspects, and evidence.

Thus, the legal construction built by investigators in determining suspects for plantation crimes is associated with the principle of due process of law consisting of several layers of evidence (Chazawi, 2019).

The application of the principle of due process of law in the legal construction of investigators ultimately demands a balance between the protection of the interests of the company as the holder of rights to plantation products and the protection of the rights of the suspect as a subject of law (Santoso, 2016).

3.3. Juridical and Practical Obstacles Faced by Investigators in Applying the Principles of Due Process of Law in the Investigation of Plantation Crimes

Juridical and practical obstacles in the application of the principle of due process of law in the investigation of plantation crimes arise because plantation cases are not only related to the act of taking crop products, but also related to the status of land, ownership of plantation products, the company's relationship with the surrounding community, and the suspect's understanding of his rights (Soekanto, 2019).

The first juridical obstacle is the interpretation of elements of plantation crimes, especially elements of illegally harvesting, harvesting, or taking plantation products (Arief, 2017).

In the first draft of the interview results in this section, the investigator can explain that the main obstacle in the case of plantation crimes is to ensure the fulfillment of the special elements in the Plantation Law.

The next juridical obstacle is the proof of the status of land or plantation area (Santoso, 2017).

The next obstacle is the relatively small value of loss. This is a challenge for investigators in balancing legal certainty and substantive justice (Tongat, 2018).

Administrative obstacles can also arise in the form of completeness of the case file. This can prolong the legal process (Prakoso, 2016).

Another practical obstacle is coordination with external parties. In proving plantation cases, investigators sometimes need information from companies, village governments, BPN, or other agencies (Sutedi, 2018).

Obstacles in the implementation of due process of law are also related to the balance between the interests of the victim and the rights of the suspect (Rawls, 2019).

In addition to technical obstacles, there are also obstacles to public understanding of plantation law (Friedman, 2018).

Thus, juridical and practical obstacles in the application of the principle of due process of law in the investigation of plantation crimes at the Langkat Police include obstacles in the

interpretation of criminal elements, proving the status of land, objectivity of witnesses from the plantation, the suspect's understanding of legal rights, time and personnel limitations, administrative completeness, and coordination with external parties.

4. Discussion

4.1. Analysis of the Application of Due Process of Law Principles in the Investigation Stage of Plantation Crimes at the Langkat Police Station

In the context of investigations, the principle of due process of law requires investigators to exercise their authority based on the criminal procedure law, not based on the pressure of the reporter, initial assumptions, or the desire to speed up the settlement of the case (Hamzah, 2017).

Based on the witness BAP, the examination of witnesses was carried out by first asking about the physical and spiritual health conditions, willingness to give information, reading and writing skills, and understanding of the reasons for the examination (Renggong, 2016).

The application of the principle of due process of law can also be seen from the examination of the suspect Nadio who in the BAP stated that he had been informed of his rights before the examination (Arief, 2018).

However, from the perspective of due process of law, the statement of the suspect who did not use legal counsel was not enough, only formally recorded in the BAP (Harahap, 2016).

In the fourth draft of the interview results, the investigator can explain that in the case of plantation crimes, the investigator not only looks at the act of taking oil palm fruits, but also checks whether the location of the incident is included in the legal plantation area.

The status of being caught is only the initial basis for legal action, while criminal offenses must still be proven through valid evidence and tested in the judicial process (Yesmil Anwar, 2019).

Administrative order is not just a formality, but part of the guarantee that every action of the investigator can be legally accounted for (Hamzah, 2017).

This is important because the position of the suspect in the examination is often unbalanced with that of law enforcement officials (Nasution, 2016).

4.2. Analysis of Legal Construction Constructed by Investigators in Determining Suspects of Plantation Crimes Associated with the Principle of Due Process of Law

In the BAP, witnesses from the plantation stated that the location of the incident was in the area of Division I OP 10 D of the PT Bahrany Plantation, Kwala Pesilam Village (Case document, 2025).

However, in the principle of due process of law, the confession should not be the only basis of proof, but must be supported by other evidence (Moeljatno, 2018).

In the draft results of the fifth interview, the investigator can state that the suspect's statement is only placed as one of the supporting elements.

The legal construction of the determination of suspects must be based on at least two valid pieces of evidence.

Therefore, when the object taken is plantation products and events occur in the plantation area, investigators can use plantation criminal provisions as a special legal basis, as long as the elements are met (Sudarto, 2018).

However, from the perspective of criminal law policy, the small value of losses can be considered in assessing the proportionality of case handling, including the possibility of a restorative justice approach if it meets the requirements (Muladi, 2016).

In the ninth draft of the interview results, the investigator can explain that the value of the loss is not the only basis in determining whether or not a criminal act exists.

Investigators must ensure that every criminal element is tested through legitimate evidence, not just based on reports or confessions (Bakhri, 2018).

Therefore, investigators need to build a legal construction that is not only legalistic, but also sensitive to the social context of the case (Ali, 2017).

4.3. Analysis of Juridical and Practical Obstacles Faced by Investigators in Applying the Principle of Due Process of Law in the Investigation of Plantation Crimes

In the second draft of the interview results, the investigator can state that proving the status of the plantation area is sometimes an obstacle because the investigator needs documents from the relevant company or agency.

However, because they are in a working relationship with the complainant, investigators must be careful not to use the information as the only basis of proof without adequate testing (Hiariej, 2016).

However, substantively, investigators still face obstacles in ensuring that the suspect truly understands his rights, especially if the suspect has low education or is not familiar with the legal process (Winarta, 2016).

Investigators must examine witnesses, suspects, evidence, and case administration in situations of a fairly high workload (Kunarto, 2016).

If investigators are not careful, cases rooted in ignorance or social conflict can be immediately punished without adequate analysis (Sumardjono, 2017).

In the ninth draft of the interview results, the investigator can explain that coordination with the company is usually easier because the company has an interest in reporting the case.

In the tenth draft of the interview results, the investigator can convey that the most dominant obstacle is to maintain a balance between the complainant's demands for the case to be processed immediately and the investigator's obligation to continue to examine the case objectively.

This condition makes investigators have to be more careful in examining cases so that the criminal process does not become a tool that pressures weak parties without objective evidence (Rahardjo, 2016).

Efforts to overcome these obstacles can be done by increasing the accuracy of investigators in examining elements of criminal acts, strengthening documentation of land status, ensuring that the notification of suspects' rights is carried out in real terms, and increasing coordination with prosecutors from the beginning of the investigation (Asshiddiqie, 2017).

5. Conclusion

The application of the principle of due process of law in the investigation stage of plantation crimes at the Langkat Police has in principle been carried out through investigation stages that rely on criminal procedural legal procedures, starting from the receipt of reports, examination of witnesses, examination of suspects, securing evidence, to the preparation of Examination Minutes. In the case of plantation crimes under review, investigators have examined witnesses, asked for information from suspects, and linked this information with evidence in the form of plantation products. The application of the principle of due process of law can be seen from the notification of the suspect's legal status, giving the suspect the opportunity to provide information, recording information in the BAP, and rereading the contents of the BAP before signing. However, the application is still more predominantly formal-administrative, because the protection of suspects' rights, especially the understanding of the right to legal aid and the position of suspects in the examination, still needs to be substantively strengthened.

The legal construction built by investigators in determining suspects for plantation crimes is carried out by connecting the suspect's actions, the object of plantation products, the status

of the plantation area, elements without permits, and the evidence found. Investigators built a legal construction based on allegations that the suspect had taken or collected plantation products in the form of oil palm fruit bunches without rights or without permission from the plantation. The construction was strengthened through witness statements, plantation statements, suspect statements, and evidence of plantation products. Associated with the principle of due process of law, the determination of suspects should not only be based on the plantation party's report or the suspect's confession, but must be supported by the adequacy of the evidence and the objective assessment of the investigator. Thus, the legal construction in this case shows that investigators are trying to build evidence gradually, although caution is still needed in verifying the status of land, ownership of plantation products, and elements without permission so that the determination of suspects does not violate a person's legal rights.

The juridical and practical obstacles faced by investigators in applying the principle of due process of law in the investigation of plantation crimes include several aspects. Juridical constraints are mainly related to proving elements of plantation crimes, such as the status of plantation areas, the legality of land tenure, the origin of plantation products, and proof of elements without permits. Meanwhile, practical obstacles are related to the limited understanding of the suspect of his rights, dependence on witnesses from the plantation, the relatively small value of losses, limited time and workload of investigators, and the need for coordination with the company, village government, or related agencies. These obstacles show that the application of due process of law in the investigation of plantation crimes requires the meticulousness of investigators so that the legal process not only meets formal procedures, but also ensures justice, objectivity, and protection of the rights of suspects.

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