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TANJUNG BINTANG REGENCY OF  
LAMPUNG SELATAN  
(Study of Decision Number 313 / Pid.B / 2018 / Pn. Kla)**

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**Abstract**

Criminal acts can encourage other people to commit crimes, because many parties involved in criminal acts such as receiving, buying or accommodating goods from the crime of theft. The problem in research is what is the factor that causes the perpetrators to commit criminal acts of rubber gum extraction at PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau village, Tanjung Bintang Subdistrict, South Lampung Regency, how to apply criminal sanctions against perpetrators of criminal acts of rubber latex in PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau village, Tanjung Bintang Subdistrict, South Lampung Regency, based on Decision Number 313 / Pid.B / 2018 / Pn.Kla and How is the crime prevention effort for perpetrators of criminal acts of rubber latex in PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau village, Tanjung Bintang District, South Lampung Regency. The judge should give criminal sanctions to the defendant to consider juridical factors as stipulated in the law. It is expected that the related law Enforcement officers will be more professional in carrying out their duties in upholding the law against perpetrators of fraud in office, and the public has legal awareness to report immediately if there is a similar crime.

**Keywords: Implementation, Criminal Sanctions, Criminal Offense**

**I. INTRODUCTION**

Indonesia is one of the developing countries in the world that carries out development in all fields. The efforts carried out by this country include economic development, improvement of the public system, the development of science and technology and no less important is the development in the

field of law from year to year in accordance with the development and needs of the community.

Lack of legal awareness in the community causes distrust between members of the community itself and distrust with law enforcement officials and the government. Especially with the difficult economic conditions of the country of Indonesia now, resulting in the emergence of criminal cases that occur in communities that are motivated by the necessities of life that are urgent.

One form of criminal offense against people's assets that is very difficult to carry out investigation in its actions is criminal offense. The form of this crime is actually a lot that often occurs in the community, but because of the neatness of the perpetrator in cover-up and because of a lack of concern from the surrounding community, this crime is often only seen as normal or natural and not a form of crime. Criminal charges are criminal acts that are closely related to criminal acts against other people's assets. This criminal offense is regulated in the XXX title, Book II in Article 480 of the Criminal Code. Whereas according to Article 482 of the Criminal Code, it is stated that the treaty is "The act described in Article 480 of the Criminal Code, is threatened because of light imprisonment, imprisonment for a maximum of three months or a maximum fine of sixty rupiah, if the crime obtained is one of the crimes described in Article 364, 373 and 379. <sup>1</sup> Based on the explanation of Article 480 of the Criminal Law Act that what is called an accession or commonly referred to as helping in foreign languages is only an action mentioned in Article 480 paragraph (1) of the Criminal Code. An important element of this article is: the defendant must know or should be able to think, that the item is from what crime (theft, embezzlement, fraud, extortion or others), but it is enough if he deserves to think (think, suspect), that the item is "dark" is not a "bright" item. To prove this element is indeed difficult, but in practice it can usually be seen from the condition or method of buying the item, for example, purchased at a lower price, bought at night in hiding which according to the size of the place is indeed suspicious. From the Explanation of Article 480 of the Criminal Code it can be seen that the criminal offense stipulated in Article 480 of the Criminal Code is a formal crime, so that the presence or absence of the other party being harmed is not a decisive element.

Conditions that occur every day and experienced by the community, for

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<sup>1</sup>R. Soesilo, *The Criminal Code (KUHP) And Its Comments Complete Article for Article*. Politeia. Jakarta, 1991, p.25.

example, mugging, stabbing, theft, robbery, mistreatment, rape, murder, teenage brawl, or better known as "street crime" or "street crime" become challenges for the law enforcement process. Crime will not disappear by itself, on the contrary crime cases are increasingly common and the most dominant is the type of crime against property, especially those included are criminal acts of detention. "That property crime will appear to be increasing in developing countries. This increase is in line with economic development and growth".<sup>2</sup>

Every country is no exception even the most developed countries, will certainly face the problem of crime that threatens and disrupts the peace and welfare of its population. This shows that crime not only thrives in poor and developing countries, but also in developed countries. Along with the development of crime as outlined above, the law occupies an important position to overcome this crime problem.<sup>3</sup>

Legal instruments are needed to resolve conflicts or crimes that exist in society. One of the efforts to prevent and control the crime is to use criminal law with sanctions in the form of criminal acts. Crime can be interpreted criminologically and juridically. Criminal acts in the criminological sense are human actions that tarnish the basic norms of society. This is intended as an element of action that violates the rules that live and develop in the community.<sup>4</sup>

The problems are what are the factors that cause the perpetrators to commit criminal acts of rubber gum extraction at PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau village, Tanjung Bintang District, South Lampung Regency? And how is the application of criminal sanctions against perpetrators of criminal acts of rubber gum extraction in PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau village, Tanjung Bintang Subdistrict, South Lampung Regency based on Decision Number 313 / Pid.B / 2018 / Pn.Kla?

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<sup>2</sup> Soerjono Soerkanto. *Legal Research Methods*. Rineka Cipta, Jakarta, 2005, p.2.

<sup>3</sup> Bernadetta. 2018. *Basic Considerations of Judges in Making Criminal Sanctions Against Old Iron Traders Who Commit Criminal Crime (Study in Kepanjen District Court)*, <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/164>, Journal of Legal Research Universitas Brawijaya Malang, accessed on October 8, 2018

<sup>4</sup> Muladi dan Barda Nawawi Arif, *Teori-Teori dan Kebijakan Pidana*, Alumni, Bandung, 1992, p.128.

The method of approach used in this paper is the normative juridical and empirical approach. This normative juridical approach is carried out by studying the norms or rules of law, principles of accountability for criminal acts of rubber latex in PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau village, Tanjung Bintang District, South Lampung Regency and other regulations and literature relating to criminal justice. The empirical approach is carried out through direct research on the object of research by means of observation and interviews.

## **II. DISCUSSION**

### **1. Regency Application of Criminal Sanctions Against Perpetrators of Crime in Rubber Gum Resettlement at PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau Village, Tanjung Bintang District, South Lampung Regency, based on Decision Number 313 / Pid.B / 2018 / Pn.Kla.**

This criminal offense is regulated in Article 480 of the Criminal Based on Decision Number 313 / Pid.B / 2018 / Pn. Kla, the defendant Pujo Suwedi Bin Rusdi has been proven legally and convincingly guilty of committing a criminal offense. Sentenced the defendant Pujo Suwedi Bin Rusdi because of that he was sentenced to imprisonment for 7 (seven) months. Determine the period of arrest and detention that has been carried out by the accused to be deducted entirely from the sentence handed down. Determine the Defendant to remain detained. Determining evidence (in the form of 1 (one) white plastic sack which contains rubber sap weighing approximately 60 (sixty) kilograms returned to PT. Perkebunan Nusantara VII Kedaton Business Unit through witness Zunaidi Alias Junaidi Bin Khairono. Allow the Defendant to pay a court fee of Rp. 2,000.00 (two thousand rupiahs). The interview with Muhalidi as the South Lampung Regional Police Investigator stated that the imposition as often used by people to refer to the types of crimes contained in book II of Chapter XXIV of the Criminal Code is one of the crimes stipulated in the Criminal Code.

This criminal offense is regulated in Article 480 of the Criminal Code, where one of the elements of detention that is often proven by the Public Prosecutor in daily trial practice is the culpa element, which means that the perpetrator of the detention can be considered worthy of being able to presume his origin goods of crime and can rarely be proven that the host knows well (the origin

of the goods).<sup>5</sup> Criminal acts of incarceration and theft have a very close relationship with other criminal acts, namely criminal offenses in terms of handling. This can be seen from the modus operandi that sells the loot to someone called a litter. Provisions as a regulation are regulated in Article 480 of the Criminal Code. Criminal acts of incarceration or criminal offenses are crimes that are closely related to criminal acts against other people assets. The criminal offense is regulated in the XXX title, Book II in Article 480 of the Criminal Code : "Threatened by imprisonment for a maximum of four years or a fine of at most nine hundred rupiahs:

1. Whoever buys, rents, exchanges, receives a mortgage, receives a gift, or withdraws, sells, rents, exchanges, pawns, transports, stores or hides something, which is known or appropriate. It must be assumed that it was obtained from criminal prosecution.
2. Anyone who draws profit from the product of something, which he knows or deserves to be suspected of obtaining from crime"

With regard to the provisions of Article 480 of the Criminal Code above, there is a formulation in paragraph (1) which has the following elements:

1. Objective elements
  - a. Group actions 1 (one), namely: Buying, renting, exchanging, receiving pawning, receiving gifts or groups of 2 (two). To profit from selling, renting, exchanging, pawning, lifting, storing, and hiding.
  - b. The object is an object.
  - c. What is obtained from an event?
2. Subjective elements
  - a. What he knows.
  - b. It should be suspected that the object was obtained from a crime.

Based on the above formula, there are differences between the two elements, namely in the second element, the action is driven by a motive to gain profit, and this motive must be proven. Whereas the first form does not require any motives. Criminal liability in foreign languages is referred to as *toereken-baarheid*, criminal responsibility, criminal liability, criminal liability here is intended to determine whether a person can be accountable for criminal or not for the action he committed. Van Hammel in S.R Sianturi who said, people who can be responsible must meet at least 3 (three) conditions, namely:

1. Can realize (understand) the meaning of his actions in the

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<sup>5</sup> R. Susilo, *Kitab Undang-undang Hukum Pidana (KUHP) Serta Komentar komentarnya*, Politea, Bogor, 2008, p. 258.



realm of evil

2. Can realize that its actions are seen as inappropriate in community relations
3. Able to determine his intentions or intentions towards this action.<sup>6</sup>

The interview with Nurhayati as the Prosecutor at the Kalianda District Attorney stated that in the 2012 Criminal Code draft, Article 27 states that criminal liability is in the continuation of objective reproach in criminal acts based on the applicable law, objectively to the maker who fulfills the law requirements. invite to be punished for reparation. The results of the interview with Dodik Setyo Wijayanto as the Prosecutor of the Kalianda District Prosecutor's Office stated that the actual capacity of responsibility was not specifically confirmed by Article 44 of the Criminal Code. Only found a few views of scholars.

Based on the description above, it can be analyzed that the application of criminal sanctions against perpetrators of criminal acts of rubber latex in PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau Village, Tanjung Bintang Subdistrict, South Lampung Regency, based on Decision Number 313 / Pid.B / 2018 / Pn.Kla, was sentenced to convict Pujo Suwedi Bin Rusdi because of the imprisonment of 7 (seven) months . Determine the period of arrest and detention that has been carried out by the accused to be deducted entirely from the sentence handed down. Determine the Defendant to remain detained. Determining evidence (in the form of 1 (one) white plastic sack which contains rubber sap weighing approximately 60 (sixty) kilograms returned to PT. Perkebunan Nusantara VII Kedaton Business Unit through witness Zunaidi Alias Junaidi Bin Khairono. Allow the Defendant to pay a court fee of Rp. 2.000.000,-(two thousand rupiahs).

## **2. Crime Prevention Measures for Actors of Crime in Rubber Gum Extraction at PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau Village, Tanjung Bintang District, South Lampung Regency**

Policies to overcome the problems of crime above are carried out by holding laws and regulations outside the Criminal Code both in the form of Criminal Law and Administrative Law with criminal sanctions, so that in formulating the term crime is known as the term general criminal offense specifically, and certain criminal acts. In accordance with the provisions of Law Number

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<sup>6</sup> S.R Sianturi, *Asas-asas Hukum Pidana Indonesia dan Penerapannya, Cet IV*, Alumni Ahaem-Peteheam, Jakarta, 1996, p. 258.

8 of 1981 concerning the Criminal Procedure Code (KUHAP) the handling of each crime is carried out by investigators who are different from the laws of their criminal procedure. The interview with Dodik Setyo Wijayanto as the Prosecutor at the Kalianda District Prosecutor's Office stated that criminal acts of detention in theft crimes were carried out in groups or syndicates. Conducting crimes in groups or syndicates is the modus operandi most often used by criminals. The syndicate also involves the middleman or the buyer who used to collect goods resulting from crime. In selling to a receiver, the perpetrators usually sell the item at a price that is much cheaper than the actual price. The interview with Nurhayati as the Attorney General's Office in Kalianda stated that to fulfill the feeling of justice, the formulation of criminal sanctions should be made by someone potentially increasing the intensity of criminal offenses arranged and formulated specifically, which of course the formulation of criminal sanctions is not the same as criminal sanctions committed against people / personal. The interview with Dodik Setyo Wijayanto as the Prosecutor of the Kalianda District Attorney stated that it could be simply distinguished, that the crime prevention efforts through the "reasoning" channel focused more on the "repressive" nature after the crime occurred, while the "non Penal" focuses more on the "preventive" nature (prevention/deterrence/control) before the crime occurs.

The last few decades have developed ideas of non-criminal acts, meaning that not all criminal acts according to criminal law are imposed on criminal offenses, a series of opinions and some research findings that convictions do not have benefits or goals, punishment does not make it better. That is why the need for non-public facilities is intensified and made effective, besides some of these reasons, it is also still doubtful or the question of the effectiveness of the means of reasoning in achieving criminal political objectives. Considering that the efforts to combat crime through the "non-reasoning" pathway are more of a preventive measure for the occurrence of crime, the main goal is to deal with factors that are conducive to the occurrence of crime. These conducive factors, among others, center on problems or social conditions that can directly or indirectly cause or grow the fertility of evil. Thus, viewed from a criminal and macro political perspective, nonpenal efforts occupy a key and strategic position of the overall criminal political effort. Some social problems and conditions that can be conducive factors for the emergence of crime are clearly problems that cannot be solved solely by "reasoning". This is where the limitations of the "reasoning" line and therefore, must be supported by "nonpenal" lines. One of the "nonpenal" pathways to overcome

social problems as stated above is through the path of "social policy" (social policy). Which is in the G.P scheme. Hoefnagels above is also included in the path of "prevention without punishment". Social policy is basically a policy or rational efforts to achieve people's welfare. So, it is identical with national development policies or planning which covers a wide range of aspects from development. One aspect of social policy that should deserve attention is the cultivation of social mental health issues, both individually as members of the community and family health / welfare (including welfare issues for children and adolescents), as well as the general public at large. The cultivation of the problem of "mental health", "national mental health" and "child welfare" was also expressed in the Hoefnagels scheme above as one of the pathways "prevention (of crime) without punishment" ("nonpenal path"). Fostering and cultivating people's mental health does not mean merely spiritual / mental health, but also the health of the culture and values of the outlook of society. This means the cultivation of public health or a healthy social environment (as one of the nonpenal efforts in criminal political strategies), not only must be oriented to the religious approach but also oriented to the approach of national cultural identity. In terms of nonpenal efforts this means that it needs to be explored, developed and utilized by all potential support and participation of the community in an effort to orient and develop the "extra legal system" or "informal and traditional system" that exists in the community.

The most strategic nonpenal efforts are all efforts to make the community a healthy (materially and immaterially) social and environmental environment of criminogenic factors. This means that the community with all its potential must be used as a deterrent factor for crimes or "anticriminogen" factors which are an integral part of overall criminal politics. In addition to nonpenal efforts, it can be achieved by nourishing the community through social policy and by multiplying the various potentials within the community itself, it can also be explored from various other sources that also have potential preventive effects. Other sources, for example, are the press / mass media, the use of technological advancements (known as "techno-prevention") and the use of potential preventive effects of law enforcement officials. Regarding this last one, Prof. Sudarto once stated, that police patrol activities carried out continuously include nonpenal efforts that have a preventive effect on potential criminals (lawbreakers). In connection with this, raids / operations carried out by the police in certain places and activities oriented to community service or educative communicative activities with the community can also be nonpenal efforts that need to be made effective.

Legal actions are said to be "effective" when the behavior moves towards the desired, when the subject complies or obeys, many legal actions are not "effective" in this sense. People ignore or violate the provisions. The sanctions are divided into two parts, rewards and punishments, namely positive and negative sanctions. The idea is that people who are subject to the law will choose one and avoid the others. Lawmakers assume that sanctions labeled "punishment" are painful and "rewards" are fun, so the consequences of the desired behavior will follow automatically. The forms of punishment that are common in criminal law are fines and confinement. Physical punishment or other physical punishment, in the past, is often used in law.

In Indonesia, the function of law in development is as a means of renewing society. This assumes that the existence of order in development, is something that is considered important and very necessary. Nonpenal effort is a framework for the development of future national law (*ius constituendum*). Prevention of crime must be able to look at the social reality of society, the law as commander must be able to create a social order through social policy. Guidance in the legal field must be able to direct and accommodate legal needs in accordance with the people's legal awareness that developed towards modernization according to the level of development progress in all fields so that law and certainty can be achieved as infrastructure that must be directed towards increasing national unity, as well as functioning facilities to support the development of modernization and development as a whole legal development in essence includes legal development and legal renewal. Legal development means efforts to further perfect existing laws, so that they are in accordance with the development of society.

Law is a facilitation of interaction between humans which aims to achieve regularity of social life so that the legal principles to be applied must have a framework of philosophy, cultural values and social basis that lives in society. Satjipto Rahardjo said that the law was embedded into and rooted in its society. Every time the law and the way of law are released from the context of the society, we will be faced with a non-substantive method of law. The law reflects the people, so it is not easy to force people to rule according to ways that are not rooted in the values and habits that exist in that society. There is always an attraction between the law that applies and applies to the community. The law is not institute which is sterile from one completed scheme. Law does not exist in the abstract world but also in the reality of society. The reason for doing this is to solve the problem of rubber

gum extraction at PT. Perkebunan Nusantara VII Kedaton Unit, Sabah Balau Village, Tanjung Bintang District, South Lampung Regency through court. Optimization of non-reasoning lines is in line with the nation's ideals and state goals, as stated in the Opening of the 1945 Constitution of the Republic of Indonesia which contains the Pancasila. All forms of development must depart from Pancasila values, because in essence Pancasila is a milestone in the convergence of various ideas and thoughts on the basis of the state philosophy that was discussed in depth by the founding fathers of the country. Pancasila became a noble agreement which was later determined as the basis of the country's ideology. In this case, the non-reasoning effort in preventing criminal acts is one aspect of the ideals of Pancasila, Pancasila becomes a rational basis for assumptions about the law that will be built as well as an orientation that shows where the nation and state must be built. Non-reasoning can be done by holding mediation and legal settlement through deliberation and consensus in resolving existing problems.

### **III. CONCLUSION**

1. Application of criminal sanctions against perpetrators of criminal acts of rubber gum extraction at PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau Village, Tanjung Bintang Subdistrict, South Lampung Regency, based on Decision Number 313 / Pid.B / 2018 / Pn.Kla, was sentenced to convict Pujo Suwedi Bin Rusdi because of the imprisonment of 7 (seven) months . Determine the period of arrest and detention that has been carried out by the accused to be deducted entirely from the sentence handed down. Determine the Defendant to remain detained. Determining evidence (in the form of 1 (one) white plastic sack which contains rubber sap weighing approximately 60 (sixty) kilograms returned to PT. Perkebunan Nusantara VII Kedaton Business Unit through witness Zunaidi Alias Junaidi Bin Khairono. Allow the Defendant to pay a court fee of Rp. 2,000.00 (two thousand rupiahs).
2. Crime prevention efforts for perpetrators of criminal acts of rubber gum extraction at PT. Perkebunan Nusantara VII Unit Kedaton, Sabah Balau Village, Tanjung Bintang Subdistrict, South Lampung Regency, is carried out through reasoning and non-reasoning efforts in accordance with Decision Number 313 / Pid.B / 2018 / Pn.Kla.

## REFERENCES

### Book

- Muladi. 1985. *Lembaga Pidana Bersyarat*. Alumni. Bandung.
- Soedarto, 1981. *Kapita Selekta Hukum Pidana*. Alumni. Bandung.
- R. Soesilo. 1991. *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*. Politeia. Jakarta.
- Soerjono Soerkanto. 2005. *Metode Penelitian Hukum*. Rineka Cipta. Jakarta.
- Tongat. 2004. *Pengantar Hukum Pidana*. UMM Press. Malang.
- Soejono D. 1973. *Doktrin-doktrin krimonologi*. Alumni. Bandung.
- Romli atmasasmita. 1992. *Teori dan Kapita Selekta Kriminologi*. Tarsito. Bandung.
- Soedjono D. 1976. *Penanggulangan Kejahatan (Crime Prevention)*. Alumni. Bandung.
- R. Soesilo. 2008. *Kitab Undang-Undang Hukum Pidana*. Politeia. Bogor.
- S.R Sianturi. 1996. *Asas-asas Hukum Pidana Indonesia dan Penerapannya*. Alumni Ahaem-Peteheam. Jakarta.
- Soedarto, 1981. *Kapita Selekta Hukum Pidana*. Alumni. Bandung.
- Soedjono D. 1976. *Penanggulangan Kejahatan (Crime Prevention)*. Alumni. Bandung.

### World Wide Web

- Bernadetta. 2018. *Dasar Pertimbangan Hakim Dalam Menjatuhkan Sanksi Pidana Terhadap Pedagang Besi Tua yang Melakukan Tindak Pidana Penadahan (Studi Di Pengadilan Negeri Kepanjen)*, <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/164>, Jurnal Penelitian Hukum Universitas Brawijaya Malang, diakses Tanggal 8 Oktober 2018.

### Laws

- Undang-Undang Dasar 1945 Amandemen Ke IV  
Kitab Undang-Undang Hukum Pidana (KUHP)