



# Supervision of Investigators of the Indonesian National Police over Investigative Processes Conducted by Civil Servant Investigators (PPNS) at the Food and Drug Supervisory Agency (BPOM) Kendari

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## ABSTRACT

*This study examines the supervision of Indonesian National Police investigators over Civil Servant Investigators (PPNS) at the Food and Drug Supervisory Agency (BPOM) in Kendari within the integrated criminal justice system. This research uses a qualitative method with interviews, document analysis, and descriptive interpretation of supervisory practices between police investigators and PPNS. The findings show that supervision is implemented through guidance, case discussions, review of investigation progress, joint inspections, file coordination with prosecutors, and performance evaluation. Key obstacles include limited human resource quality, insufficient legal education among assistant investigators, lack of institutional understanding, and inadequate budgeting support. The study concludes that effective supervision requires stronger coordination, capacity building, certification programs, and equal recognition of PPNS within the criminal justice system to ensure accountability and legal certainty. This study provides implications for improving inter-agency coordination, strengthening investigative professionalism, and enhancing regulatory enforcement effectiveness in the supervision of food and drug-related criminal investigations in Indonesia. Future research is recommended to explore comparative supervisory models across different sectoral investigative agencies and to evaluate policy reforms that strengthen PPNS institutional capacity. It also supports legal certainty, accountability, and effective implementation of integrated criminal justice system policies in Indonesia within investigative institutions framework context approach.*

**Keywords:** *BPOM Kendari Investigative System, Civil Servant Investigators (PPNS), Criminal Investigation Authority, Interagency Law Enforcement Oversight, Police Investigative Supervision*

## I. INTRODUCTION

In human interaction, there exists a behavioral guideline known as norms or norms system. These norms constitute a form of social order manifested in a set of rules, both written and unwritten, that emerge within human relationships. These norms aim to create order and harmony in social life; therefore, they function as behavioral guidance that must be obeyed.

Fundamentally, the existence of law within society is urgent. Consequently, legal awareness becomes an essential requirement for society. Legal awareness is characterized by several indicators, namely: knowledge of law, understanding of legal norms, attitudes toward legal norms, and legal behavior. If society desires to live in harmony, peace, prosperity, and order, the primary requirement is compliance with legal norms, alongside other supporting attitudes.

Gustav Radbruch (1961:12) distinguishes “norms” into two types: natural norms, which describe what will certainly occur, and moral norms, which describe what may or may not occur. Written norms can be found in statutory regulations such as the 1945 Constitution of the Republic of Indonesia, the Indonesian Criminal Code, and other legal instruments. Aspects of life are generally divided into two categories: private life and interpersonal life. In social interaction, there are guiding principles or norms. Norms in interpersonal life include etiquette norms (decency), which aim to ensure pleasant social coexistence, and legal norms, which are directed toward maintaining public order and peace.

These norms serve as guidance in fulfilling human needs. To meet these needs, individuals must also work and

make efforts. Human needs vary, ranging from primary, secondary, to tertiary needs, including clothing, food, and shelter. However, another equally important need is health, as physical and mental well-being is essential for all human activities. The right to health is guaranteed under Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that every person has the right to live in physical and spiritual prosperity, to have a place to live, to enjoy a good and healthy environment, and to receive health services.

Health is defined as a condition of complete physical, mental, spiritual, and social well-being that enables individuals to live productive lives socially and economically. Meanwhile, health resources include all forms of funding, manpower, medical supplies, pharmaceutical products, medical devices, and health service facilities, as well as technology utilized in health efforts conducted by the government, regional governments, and/or society.

Regarding health needs, society must remain vigilant against various products related to health, such as food, medicines, and cosmetics circulating in the market that may contain harmful chemical substances. Legal provisions regulating criminal acts related to the circulation of traditional medicines containing hazardous chemicals are stipulated in Articles 98, 106, 196, and 197 of Law No. 36 of 2009 concerning Health.

Article 98 paragraph (2) states that any person without expertise and authority is prohibited from producing, storing, processing, promoting, and distributing pharmaceutical products and medicinal substances. Paragraph (3) further stipulates that the procurement, storage, processing, promotion, and distribution of pharmaceutical preparations and medical devices must comply with quality standards set by government regulations. Article 106 paragraph (1) states that pharmaceutical preparations and medical devices may only be distributed after obtaining marketing authorization. Article 196 provides that any person who intentionally produces or distributes pharmaceutical products and/or medical devices that do not meet safety, efficacy, or quality standards may be punished with a maximum imprisonment of 10 years and a maximum fine of IDR 1,000,000,000. Article 197 stipulates that any person who intentionally produces or distributes pharmaceutical products and/or medical devices without marketing authorization may be punished with a maximum imprisonment of 15 years and a maximum fine of IDR 1,500,000,000.

Based on these provisions, pharmaceutical products include medicines, traditional medicines, and cosmetics. Traditional medicine refers to materials or mixtures derived from plants, animals, minerals, galenic preparations, or combinations of these materials that have been traditionally used for treatment and are applied according to applicable social norms. Traditional medicines are widely circulated in society. However, under current conditions, it is difficult for consumers to determine the composition of such products and whether they meet health standards. Therefore, the existence of an institution responsible for supervising drug circulation is essential to prevent the distribution of unsafe traditional medicines that may endanger public health. The authorized institution responsible for supervising the circulation of medicines is the National Agency of Drug and Food Control (BPOM). In the city of Palembang, this authority is carried out by the Center for Drug and Food Control (BBPOM).

Related to the circulation of traditional medicines, in the city of Kendari, dozens of traditional and prescription medicines deemed unfit for distribution have been destroyed. These products included items that had received public warnings, unlicensed products, and those containing harmful chemical substances (BKO).

## II. LITERATURE REVIEW

### 2.1 General Overview of Supervision

#### 2.1.1 Definition of Supervision

Supervision can be defined as a process to ensure that organizational and managerial objectives are achieved. It relates to the methods used to ensure that activities are carried out in accordance with established plans. This definition shows a close relationship between planning and supervision.

Control or supervision is a functional management activity that must be carried out by every leader of all organizational units toward the implementation of work or employees performing their respective duties. Thus, supervision by leaders, especially inherent supervision (built-in control), is a managerial activity intended to prevent deviations in work implementation. Whether deviations or errors occur during work depends on the level of employee competence and skills. Employees who consistently receive guidance and direction from superiors tend to make fewer mistakes or deviations compared to those who do not receive such guidance. The concept of supervision varies among scholars, as illustrated below:

1. According to Sondang P. Siagian, supervision is the process of observing all organizational activities to ensure that all work being carried out is in accordance with predetermined plans.
2. Robert J. Mockler defines management control as a systematic effort to establish performance standards aligned with planning objectives, design an information feedback system, compare actual activities with predetermined standards, and determine and measure deviations while taking corrective actions necessary to ensure that all organizational resources are used effectively and efficiently in achieving organizational goals.
3. According to Fahmi, as cited by Erlis Milta Rin Sondole et al., supervision is generally defined as a way for an organization to achieve effective and efficient performance and to support the realization of its vision and mission.
4. McFarland defines control as: "Control is the process by which an executive gets the performance of his subordinates to correspond as closely as possible to chosen plans, orders, objectives, or policies." This means supervision is a process in which leaders ensure that the results of subordinates' work align with established plans, objectives, and policies.

Supervision is guided by several key elements:

- a. Established planning
- b. Work instructions or orders
- c. Organizational objectives
- d. Previously determined policies

From the above definitions, supervision can be concluded as a process of ensuring that activities are directed toward achieving planned objectives and taking corrective actions when deviations occur.

#### 2.1.2 Types of Supervision

1. Internal control (within the organization)
2. External control (from outside the organization)
3. Preventive supervision
4. Repressive supervision
5. Supervision methods:
  - a. Direct supervision
  - b. Indirect supervision
  - c. Formal supervision
  - d. Informal supervision
  - e. Administrative supervision

### 2.2 Overview of the Police Institution

#### 2.2.1 Definition of Police

The term "Indonesian National Police Institution" must be distinguished from "Indonesian National Police," because the former refers to the institution while the latter refers to its function. The National Police of the Republic of Indonesia (Polri) carries out the policing function of the state, but the policing function itself is not always performed exclusively by the police institution (Bambang Purnomo, 1988:25).

Law No. 2 of 2002 Article 1 paragraph (1) concerning the Indonesian National Police states that policing includes all matters related to the functions and institutional structure of the police in accordance with applicable laws and regulations. Thus, policing covers all aspects related to police duties, authorities, and institutional structures.

#### 2.2.2 Duties of the Police

Based on Article 13 of Law No. 2 of 2002, the main duties of the Indonesian National Police are:

- a. Maintaining public security and order
- b. Enforcing the law
- c. Providing protection, guidance, and public service

Furthermore, Article 14 explains additional duties, including:

- a. Regulating, guarding, escorting, and patrolling community and government activities
- b. Ensuring security, order, and traffic flow
- c. Developing public awareness and legal compliance
- d. Participating in national legal development

e. Maintaining public order and security

### 2.2.3 Authority of the Police

Article 15 paragraph (1) of Law No. 2 of 2002 states that police authority includes:

- a. Receiving reports and complaints
- b. Assisting in resolving community disputes that may disturb public order
- c. Preventing and controlling social diseases
- d. Monitoring ideologies that may threaten national unity
- e. Issuing police regulations within administrative authority

## 2.3 General Overview of Criminal Acts

### 2.3.1 Definition of Criminal Acts

In criminal law, the term “criminal act” is commonly known as *strafbaar feit*, a Dutch term. Indonesian Criminal Code does not explicitly define *strafbaar feit*. The term is also synonymous with “delict,” derived from Latin *delictum*. In the Indonesian Dictionary (KBBI), a delict is an act punishable by law because it violates criminal provisions.

Simons defines a criminal act as an unlawful act committed intentionally by a person who is capable of responsibility and is punishable under law. Jonkers defines it as a criminal event that is unlawful (*wederrechtelijk*) and involves intent or negligence that can be held accountable.

G.A. Van Hamel defines a criminal act as a human act that is unlawful, formulated in law, punishable, and committed with fault. Moeljatno defines it as an act prohibited by law and threatened with criminal sanctions for those who violate it. From these definitions, a criminal act can be understood as a legally prohibited action that carries criminal sanctions for violators.

### 2.3.2 Elements of Criminal Acts

According to Simons, the elements include:

- a. An act by a person (positive or negative)
- b. Unlawful nature
- c. Threat of punishment
- d. Fault and accountability

According to Moeljatno:

- a. Human act
- b. Prohibited and punishable by law
- c. Unlawful act
- d. Performed by a responsible person
- e. Attributable fault

According to E.Y. Kanter and S.R. Sianturi:

- a. Legal subject
- b. Fault element
- c. Unlawful nature
- d. Act prohibited by law with criminal threat
- e. Time, place, and circumstances

## 2.4 Overview of Investigation and Investigators

### 2.4.1 Definition of Investigation

According to the Indonesian Dictionary (KBBI), investigation derives from “to investigate,” meaning a series of actions by investigators regulated by law to search for and collect evidence of a criminal act.

Based on Article 1 point 2 of Law No. 8 of 1981 concerning Criminal Procedure Law, investigation is a series of actions taken by investigators in accordance with legal procedures to find and collect evidence that clarifies a criminal act and identifies the suspect.

According to Andi Hamzah, investigation is the initial process in criminal proceedings that involves comprehensive inquiry and examination within the criminal justice system. It includes collection of evidence, crime scene examination, suspect interrogation, and temporary detention when necessary.

Djisman Samosir views investigation as law enforcement activity that restricts individual rights to achieve balance between individual and public interests. De Pinto defines investigation as the initial examination conducted by law enforcement after receiving information about a criminal violation. Thus, investigation is the stage following inquiry (*preliminary investigation*), aimed at collecting evidence and identifying perpetrators of criminal acts. Evidence under Article 184 of Law No. 8 of 1981 includes:

- a. Witness testimony
- b. Expert testimony
- c. Documents
- d. Indications
- e. Defendant testimony

### 2.4.2 Definition of Investigators

In the process of conducting investigations, Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) provides clear legal limitations. These provisions state that investigators consist of Indonesian National

Police officers and certain civil servant officials who are granted special authority by law to conduct investigations. Article 6 paragraph (1) and Article 1 point 1 of Law Number 8 of 1981 stipulate that investigators are:

- a) officers of the Indonesian National Police; and
- b) certain civil servant officials who are granted special authority by law.

Furthermore, Article 1 point 1 of the same law defines investigators as officers of the Indonesian National Police or certain civil servant officials who are specially authorized by law to carry out investigative functions. The author concludes that these legal limitations on state institutions in conducting investigations are intended to prevent overlapping authority among government agencies. In this way, investigative functions can operate effectively, remain accountable, and be carried out in accordance with the competencies of each institution, namely the police and authorized civil servant investigators.

## 2.5 General Overview of Civil Servant Investigators (PPNS)

### 2.5.1 Definition of Civil Servant Investigators (PPNS)

The criminal justice system in Indonesia consists of several components, namely the police, prosecution service, courts, correctional institutions, and advocates. The police institution plays a central role in conducting both preliminary investigations and full investigations of criminal acts.

In relation to the Indonesian criminal justice system, M. Yahya Harahap states that the criminal justice system regulated under KUHAP is an integrated criminal justice system built upon the principle of functional differentiation among law enforcement agencies according to the stages of authority granted by law (M. Yahya Harahap, 2000: 90).

However, KUHAP also recognizes another investigative authority, namely Civil Servant Investigators (Penyidik Pegawai Negeri Sipil/PPNS). The existence of PPNS introduces additional complexity within the investigation stage and influences the implementation of the integrated criminal justice system. As Muladi explains, integration in the criminal justice system includes structural, substantive, and cultural synchronization (Muladi, 1995: 1–2).

Structural synchronization refers to harmony in the relationship among law enforcement institutions. Substantive synchronization refers to consistency between legal norms both vertically and horizontally. Cultural synchronization refers to shared values, attitudes, and legal philosophy that guide the operation of the criminal justice system as a whole.

The existence of PPNS within the criminal justice system is explicitly recognized in Article 1 paragraph (1) KUHAP, which states that investigators are Indonesian National Police officers or certain civil servant officials who are granted special authority by law to conduct investigations.

In addition, Article 1 point 11 of Law Number 2 of 2002 concerning the Indonesian National Police affirms that certain civil servant officials, based on statutory regulations, may be appointed as investigators with authority to investigate criminal acts within the scope of their respective legal frameworks. Similar provisions are found in various sectoral laws, such as Article 89 of Law Number 15 of 2001 concerning Trademarks, which grants PPNS authority within the Directorate General of Intellectual Property to investigate intellectual property crimes.

Thus, PPNS functions as investigators alongside police investigators and plays an important role in criminal law enforcement. However, their authority is limited to specific areas regulated by their respective laws. From an institutional perspective, PPNS is not subordinate to the police institution but forms part of the integrated criminal justice system. Indonesia recognizes five main components of law enforcement institutions: the Police (Law No. 2 of 2002), the Prosecutor's Office (Law No. 16 of 2004), the Judiciary (Law No. 49 of 2009), Correctional Institutions (Law No. 12 of 1995), and Advocates (Law No. 18 of 2003).

KUHAP regulates coordination between PPNS and police investigators to prevent overlapping authority, including:

- a. PPNS operates under coordination and supervision of the police investigator as stated in Article 6 paragraph (1) letter b KUHAP.
- b. The police provide guidance and investigative assistance to PPNS (Article 107 KUHAP).
- c. PPNS must report ongoing investigations to the police if sufficient evidence is found (Article 107 paragraph 2 KUHAP).
- d. Completed investigation files must be submitted to the public prosecutor through the police (Article 107 paragraph 3 KUHAP).
- e. Termination of investigation must be reported to both police and prosecutor (Article 109 paragraph 3 KUHAP).

According to P.A.F. Lamintang, these provisions emphasize the need for caution in conducting investigations, including ensuring that suspects are truly involved in criminal acts, that cases are supported by sufficient preliminary evidence, and that evidence and witnesses can be obtained reliably (Lamintang, 1984: 33).

Therefore, PPNS must coordinate closely with police investigators to ensure synchronization in investigative processes. Police institutions play a guiding and supervisory role to ensure consistency in criminal justice implementation. PPNS can be established in various government agencies such as Customs and Excise, Immigration, Forestry, the Directorate General of Intellectual Property, and the National Agency of Drug and Food Control (BPOM).

### 2.5.2 Investigation and Inquiry Process by PPNS

The investigation process generally begins with a report or suspicion of a criminal act. It includes:

- a. Receipt of a report or indication of a criminal offense.
- b. Issuance of a notification of commencement of investigation (SPDP).

c. Execution of investigative actions in accordance with legal authority to collect evidence and identify suspects.

The purpose of investigation is to search for and determine whether an event constitutes a criminal act and whether it can be escalated to the investigation stage. To achieve this, investigators may conduct crime scene processing, observation, interviews, surveillance, undercover operations, tracing, document analysis, and other lawful investigative measures targeting persons, objects, locations, events, and activities.

Investigation procedures may begin either before or after a criminal report is submitted. Once a suspected criminal event is identified, an official investigation warrant is issued, which becomes the legal basis for further investigative actions.

Reports of criminal acts may be classified into two types:

1. Ordinary report: a notification submitted by an individual based on rights or legal obligations regarding an alleged criminal act that has occurred, is occurring, or may occur.
2. Police report: a written report prepared by police officers regarding a notification of a criminal event.

A complaint is defined as a notification accompanied by a request from an interested party to authorized officials to take legal action against a person who has committed a complaint-based offense causing harm to the complainant.

In Indonesia, the concept of termination of prosecution for public interest is not explicitly regulated in detail. However, in principle, such termination is based on policy considerations where prosecution may harm public, governmental, or individual interests. This differs from procedural termination based on insufficient evidence, non-criminal acts, or extinguishment of prosecution rights. According to Van Bemmelen, there are three reasons for not prosecuting a case (Hamzah, 2000: 156):

1. State interest (Staatsbelang)
2. Public interest (Maatschappelijk belang)
3. Individual interest (particular belang)

### III. RESEARCH METHODS

#### 3.1 Research Location

This research will be conducted at the Office of the Food and Drug Supervisory Agency (BPOM) in Kendari. This location was selected because it provides the researcher with easier access to obtain the required data for completing the undergraduate thesis as part of the requirements for earning a Bachelor of Law degree.

#### 3.2 Types and Sources of Data

##### a. Types of Data

In this study, there are two types of data, namely:

1. Primary Data, which refers to data obtained directly from the field.
2. Secondary Data, which refers to data obtained from library materials and documentary sources.

##### b. Sources of Data

The sources of data in this study consist of:

1. Primary Data, obtained directly from field research activities.
2. Secondary Data, obtained from literature studies, including books, journals, regulations, and other relevant academic sources supporting the research topic.

#### 3.3 Data Collection Techniques

The data collection techniques used in this study include:

1. Document study
2. Interviews

#### 3.4 Data Analysis

The primary and secondary data obtained in this study are analyzed using a qualitative method. This qualitative analysis focuses on interpreting thoughts, meanings, and perspectives of individuals regarding the phenomena that become the focus of the research.

#### 3.5 Research Timeline

This research will be conducted after the research proposal has been presented in a seminar and approved by the examiners for further implementation. The research is planned to last for approximately three (3) months, with the following stages: the first month for observation activities, the second month for data collection, and the third month for thesis completion and final writing.

### IV. RESEARCH RESULTS AND DISCUSSION

#### 4.1 Research Findings

Based on interviews conducted with Riyanto, Head of BPOM Kendari, it was stated that the quality of human resources must be given serious attention. For Investigators (PPNS), Police Investigators, and assistant investigators, they should ideally come from a Bachelor of Law (LL.B) background so that they possess adequate legal knowledge, insight, competence, and intellectual capacity in the field of law. In practice, however, many case files are handled by assistant investigators who are non-law graduates. This condition often becomes an obstacle in case handling and creates difficulties in coordination between the Public Prosecutor (JPU) and assistant investigators.

Furthermore, the Head of BPOM Kendari explained that for PPNS with a legal education background,

investigative skills can be developed and refined within their respective institutions. However, PPNS officers must receive specialized training to overcome limitations that have already been embedded in their institutional practices. The most important aspect is to build and strengthen the mental attitude and self-confidence of PPNS officers, ensuring that they recognize themselves as investigators who possess full authority under the applicable laws within their respective agencies. It is also necessary to instill the perception that PPNS holds an equal position with Police Investigators, rather than being subordinated under them. Moreover, it is essential to establish a work rhythm for PPNS that is comparable to the performance standards of Police Investigators, so that PPNS does not fall back into previous ineffective working patterns.

#### 4.2 Discussion

Several key considerations for improving coordination and supervision in the enforcement of specific criminal acts by PPNS and the Indonesian National Police (POLRI) include the following:

- a. Advances in science and technology have not only brought positive impacts for human civilization but also negative consequences that are highly detrimental. Various criminal acts that utilize technological sophistication demonstrate that technology can be misused by irresponsible individuals to harm society.
- b. Criminal acts in the fields of public health, forestry, and consumer protection are increasingly prevalent in society and may pose serious threats to human life. Therefore, minimizing such offenses requires a collective movement involving all components of society, both at central and regional levels.
- c. This collective movement should not rely solely on litigation approaches but must also include non-litigation strategies, particularly those focused on raising public awareness regarding the dangers of unlawful and deviant acts.
- d. To ensure effective coordination in law enforcement within forestry, health, consumer protection, and other sectors, strong, open, and transparent cooperation is required among ministries and institutions, both horizontally and vertically.
- e. Comprehensive coordination is essential to avoid overlapping policies in the handling of criminal investigations conducted by PPNS and the Police, in accordance with applicable laws and regulations.

From the above discussion, several recommendations are proposed regarding the position of Civil Servant Investigators (PPNS), Police Investigators, and Public Prosecutors to ensure consistent law enforcement and to achieve a justice system that is inexpensive, fast, and simple, while remaining effective.

## V. CONCLUSIONS AND RECOMMENDATIONS

### 5.1 Conclusion

The conclusions of this research are as follows:

1. Supervision of Police Investigators over PPNS investigations at BPOM Kendari includes:
  - a. Attending and providing guidance during case discussions conducted by PPNS;
  - b. Requesting and reviewing investigative progress reports from PPNS;
  - c. Examining case files resulting from investigations together with PPNS and forwarding them to the Public Prosecutor (JPU);
  - d. Conducting joint supervisory inspections of PPNS units upon request from the PPNS institutional leadership;
  - e. Recording data on the number, institutions, and jurisdiction of PPNS assignments, case handling, and investigative assistance; and
  - f. Conducting evaluation (analysis and assessment) of PPNS investigative performance.
2. Obstacles in the supervision of PPNS investigations at BPOM Kendari include:
  - a. Leaders of ministries or institutions overseeing PPNS still lack understanding of the function and authority of PPNS, resulting in improper placement or replacement of PPNS officers with non-qualified civil servants;
  - b. Some heads of PPNS units do not fully understand their duties and responsibilities;
  - c. PPNS positions are often treated as secondary duties and are not supported by adequate budgeting.

### 5.2 Recommendations

The researcher provides the following recommendations:

1. Stronger coordination should be established between PPNS investigators at BPOM Kendari and the Directorate of Special Criminal Investigation (Ditreskrimsus) of the Southeast Sulawesi Regional Police in order to enhance the competence of PPNS officers.
2. In handling criminal cases, investigators should be required to undergo formal education and obtain specialized certification in investigative procedures and criminal law enforcement.

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