



Reconstruction of Law Enforcement Regulations on Motor Vehicle Document Forgery Based on Justice Values

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ABSTRACT

Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia implies that the police must play a role in investigating the crime of forging motor vehicle documents. This study aims to evaluate and identify that current law enforcement regulations are not based on the value of justice, to highlight weaknesses within these regulations, and to reconstruct them to ensure fairness. The research applies Yudi Latif's theory of *Pancasila* justice, welfare state theory, Lawrence M. Friedman's legal system theory, and Satjipto Rahardjo's progressive legal theory, using a constructivist paradigm, socio-legal research approach, descriptive analysis, and qualitative data from primary and secondary legal materials collected through field and literature studies. Findings indicate that existing regulations, particularly Articles 259(2), 261, and 262 of Law No. 22 of 2009 on *Lalu Lintas dan Angkutan Jalan* (Road Traffic and Transportation), lack clarity regarding investigative authority between the Criminal Investigation Unit (*Reskrim*) and the *KORLANTAS* Unit, especially concerning the forgery of *STNK* and *BPKB* documents. Weaknesses include unclear investigative authority, limited numbers of competent officers, inadequate professionalism among *POLRI* investigators, insufficient facilities, and low public awareness in reporting document forgery. The study proposes reconstructing Article 259(2) to explicitly assign investigative roles to *KORLANTAS*, revising Article 261 to clarify coordination authority, and adding a new provision under Article 262 to define the authority of *KORLANTAS* assistant investigators in overseeing investigations and reporting systems.

Keywords : Reconstruction, Law Enforcement, Counterfeiting

INTRODUCTION

Forgery, as a criminal offense, is explicitly regulated under the Indonesian Penal Code (*KUHP*), particularly in Chapter XII of Book II. Article 263 paragraph (1) of the *KUHP* addresses document forgery—defined as making or altering a written document to gain unlawful advantage, which undermines the authenticity and evidentiary value of legal documents in various matters (Jaiswal et al., 2022; Karimov, 2024; Malau, 2023; Moeljatno, 2021; Sriwidodo, 2020; Wan Ismail et al., 2019). This crime remains prevalent in society and often leads to significant legal consequences due to the fundamental role of documents as authentic evidence.

For motor vehicles, the *Surat Tanda Nomor Kendaraan (STNK)* and the *Buku Pemilik Kendaraan Bermotor (BPKB)* are vital for proving ownership and legality (Afita, 2021; Basri & Hermansyah, 2017; Fajri et al., 2021; Hanum, 2023; Haris et al., 2019). The legal basis for

regulating these documents is provided in Article 65 of Law Number 22 of 2009 on *Lalu Lintas dan Angkutan Jalan* (Road Traffic and Transportation), which establishes the necessity of registering new vehicles, issuing identification, and providing owners with the *BPKB*, *STNK*, and license plates by an official institution (Hadi & Malagano, 2021; Nomor, 22 C.E.; Rahawarin, 2017; Silaban & Pase, 2021; Yudi, 2019).

Despite these frameworks, bureaucratic complications frequently discourage compliance with proper procedures, creating opportunities for irresponsible individuals to produce counterfeit documents for personal gain. Document forgery cases—such as those in Surabaya Baru Village (Central Lampung), where individuals forged *STNK* using regular computer equipment, or in Jakarta, where sophisticated technology enabled fake *STNK* production and alteration—demonstrate gaps in supervision and law enforcement.

Traffic police predominantly focus on verifying drivers' documents and managing road safety. Their on-road inspections may be scheduled ("raids") or incidental, triggered by observed violations or criminal investigations. However, their investigative authority usually stops at confirming traffic offenses, not delving into document authenticity or underlying crimes. This limited role, as explained by officers like Kasat Lantas Arif Harsono SIK, means they often lack the mandate to thoroughly investigate forgery cases beyond initial detection.

Recent studies have underscored both the strengths and weaknesses of current enforcement. Darwys and Wahyuningsih (2025) found that agencies like the Batang Police process document forgery cases in compliance with Article 263 of the *KUHP*, but they did not critically address systemic flaws or propose justice-oriented reforms. Meanwhile, Irawan (2025) noted advances such as layered verification, barcode/QR code integration, and administrative improvements in regions like Polda Metro Jaya, highlighting the role of technology but also identifying persisting regulatory weaknesses and the need for legal reconstruction.

The primary objectives of this research are thus to examine the origins of these regulatory and enforcement weaknesses, identify flaws, and provide recommendations for improvement—ultimately contributing to legal scholarship and offering practical solutions for government, society, and researchers.

As evidenced, strengthening law enforcement against vehicle document forgery in Indonesia requires a multifaceted approach: refining regulations, enhancing inter-agency coordination, leveraging technology, and fostering public awareness to restore the integrity and authority of the law.

RESEARCH METHOD

The research approach used in this study was socio-legal research. This approach did not focus solely on legal texts but also explored the broader context, covering the entire process from lawmaking to law implementation. It aimed to comprehensively understand legal issues by examining not only legal norms and doctrines but also their relevance and effectiveness in practice. Thus, the research provided a holistic view of both legal norms and their application in society.

The research specification employed was descriptive-analytical, intended to provide a clear, systematic, and comprehensive description of facts or conditions related to the issues studied. The term “descriptive” was used broadly, involving interpretation, evaluation, and general understanding to ensure the facts presented had proper meaning. Through this specification, the data collected were analyzed in depth to draw conclusions aligned with the research objectives.

Data sources comprised primary and secondary data. Primary data was obtained through field research via interviews with key informants directly related to the issue. Secondary data came from library research, reviewing literature and documents. Legal materials included (1) primary legal sources such as the 1945 Constitution, the Indonesian Penal Code (*KUHP*), Law No. 1 of 2023 on the Penal Code, Law No. 8 of 1981 on Criminal Procedure, Law No. 2 of 2002 on the Indonesian National Police, Law No. 6 of 2023 on Job Creation, and Law No. 22 of 2009 on Road Traffic and Transportation; (2) secondary legal materials such as books, journals, and experts’ opinions; and (3) tertiary legal materials such as dictionaries and encyclopedias supporting the research.

Data collection consisted of two main methods: field study and library study. Field study was conducted through semi-structured and unstructured interviews to obtain in-depth information. Semi-structured interviews used an interview guide, while unstructured interviews followed a more open, natural conversational flow. Library study involved analyzing books, journals, newspapers, tables, legal regulations, and other relevant documents.

The data analysis technique was qualitative analysis. The data were systematically organized to provide a comprehensive understanding of the issues. Results were presented descriptively to depict relationships between data fully. Using this qualitative approach, the researcher interpreted findings based on both legal contexts and empirical observations.

The originality of this research lies in its specific focus on the “Reconstruction of Law Enforcement Regulations on Forged Vehicle Documents Based on the Value of Justice.” A thorough review of online and major Indonesian library resources found no equivalent in-depth study on this topic. Therefore, the research is expected to contribute new insights to legal studies, particularly regarding law enforcement regulations related to motor vehicle document forgery.

RESULTS AND DISCUSSION

This research examines the reconstruction of law enforcement regulations for motor vehicle document forgery crimes based on justice values, employing a socio-legal research methodology with a constructivism paradigm. The study utilizes qualitative descriptive analysis to investigate current regulatory weaknesses and propose reconstructed legal frameworks that embody justice principles.

Research Profile and Study Variables

The study focuses on three primary variables: (1) current law enforcement regulations for motor vehicle document forgery, specifically examining Articles 259(2), 261, and 262 of Law No. 22 of 2009 concerning Road Traffic and Transportation; (2) existing weaknesses in the regulatory

framework encompassing substance, structure, and legal culture dimensions; and (3) reconstructed regulations based on justice values that clarify investigative authority and coordination mechanisms.

The research population comprises legal practitioners, law enforcement officials, and regulatory documents related to motor vehicle document forgery cases. Primary data sources include interviews with traffic police officials, while secondary data encompasses legal materials from primary sources (legislation, court decisions), secondary sources (academic literature, journals), and tertiary sources (legal dictionaries, encyclopedias).

Current Regulatory Framework Analysis

Legal Substance Findings

The investigation reveals significant ambiguities in the current regulatory framework governing motor vehicle document forgery investigations. Article 259(2) of Law No. 22/2009 fails to provide clear delineation regarding investigative authority distribution between different police units. This ambiguity creates interpretative confusion regarding whether investigations should be conducted by the Criminal Investigation Unit (Satreskrim) or the Traffic Corps (KORLANTAS) unit.

The research identifies that current regulations do not specify competency requirements for investigators handling motor vehicle document forgery cases. This oversight results in cases being assigned to investigators lacking specialized knowledge about authentic versus counterfeit vehicle registration certificates (STNK) and vehicle ownership documents (BPKB). The lack of clarity in Article 261 regarding coordination mechanisms between different investigative units further compounds these issues.

Interview data with Traffic Police Chief Arif Harsono revealed that traffic police investigators' authority is primarily limited to determining traffic violations rather than conducting comprehensive criminal investigations. This limitation restricts their effectiveness in handling complex document forgery cases that require specialized technical knowledge and investigative expertise.

Structural Weaknesses Assessment

Human Resource Deficiencies

The study reveals critical shortcomings in law enforcement capacity for handling motor vehicle document forgery cases. Quantitative analysis indicates insufficient numbers of competent investigators with specialized expertise in vehicle document authentication. Many investigators assigned to these cases lack adequate training in distinguishing authentic documents from sophisticated forgeries.

Professional competency gaps are particularly evident in the Criminal Investigation Unit, where investigators often lack specific knowledge about STNK and BPKB forgery techniques. This deficiency results in prolonged investigation periods and reduced case resolution rates. The

research suggests that investigators from KORLANTAS units would be more suitable for these cases due to their specialized expertise in traffic-related documentation.

Infrastructure and Resource Limitations

The investigation identifies inadequate facilities and equipment for conducting thorough document authentication. Many police units lack specialized tools for detecting sophisticated forgeries, relying primarily on visual inspection methods that prove insufficient against advanced counterfeiting techniques. Operational costs for investigations are not adequately regulated, leading to extended investigation timelines and resource allocation inefficiencies.

The study documents instances of operational security breaches prior to raids or arrests, attributed to information leaks from either corrupt officials or community members assisting suspects. These breaches significantly impair investigation effectiveness and allow criminal networks to evade law enforcement activities.

Cultural and Social Factors

Community Awareness and Participation

Research findings indicate limited public understanding of the legal framework surrounding motor vehicle document forgery crimes. Community members often lack knowledge about the critical role of witnesses and victims in case resolution processes. This knowledge gap significantly hampers investigators' ability to gather essential evidence and testimonies.

Public awareness campaigns regarding document authentication procedures remain inadequate, resulting in community members' inability to distinguish between authentic and counterfeit vehicle documents. This limitation allows fraudulent documents to circulate more freely within communities, perpetuating criminal activities.

Socioeconomic Influences

The study reveals correlations between educational background, economic status, and legal awareness regarding proper vehicle registration procedures at SAMSAT offices. Communities with lower educational attainment and economic status demonstrate reduced compliance with official registration procedures, inadvertently creating market demand for counterfeit documents.

Limited community cooperation in providing information about suspected document forgery activities in their neighborhoods further constrains law enforcement effectiveness. This reluctance stems partly from fear of retaliation and partly from insufficient understanding of civic responsibilities in crime prevention.

Comparative Legal Analysis

International Best Practices

The research includes comparative analysis with legal systems in England and Singapore, revealing significant differences in investigative procedures and regulatory frameworks. English criminal law's classification system distinguishes between summary offenses, indictable offenses,

and either-way offenses, providing clearer jurisdictional guidelines than Indonesia's current framework.

Singapore's Criminal Procedure Code 2010 demonstrates more streamlined coordination mechanisms between investigating agencies, with clearer authority delineation and procedural guidelines. The common law system's emphasis on case precedent provides additional guidance for handling complex document forgery cases.

Jurisdictional Clarity Comparisons

International comparisons highlight the importance of clear jurisdictional boundaries and specialized investigative units. Countries with well-defined agency responsibilities demonstrate higher case resolution rates and more effective prevention strategies for document forgery crimes.

Discussion

Research on the reconstruction of law enforcement regulations for the crime of forgery of motor vehicle documents based on the value of justice is motivated by the increasing cases of falsification of motor vehicle documents, such as Vehicle Number Certificates (STNK) and Motor Vehicle Owner's Books (BPKB), which have the potential to harm society, the state, and threaten law order. STNK and BPKB are vital documents that show the legality of motor vehicle ownership. The authenticity of the document is the basis for various legal interests, including proof of ownership, insurance management, and vehicle buying and selling. Therefore, falsification of vehicle documents is not only an ordinary criminal problem, but also damages public trust in state institutions, especially the Police and related institutions such as SAMSAT.

Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law) has not been able to provide clarity on the authority of investigation between the Criminal Investigation Unit (Reskrim) and the Traffic Corps Unit (KORLANTAS) in handling the crime of falsifying vehicle documents. This ambiguity often leads to overlap in investigations, slowing down the legal process and reducing justice for victims. The results of the study show that the key articles, namely Articles 259, 261, and 262 of the LLAJ Law, need to be reconstructed to be in line with the needs of law enforcement based on the value of justice.

This research is important because it not only discusses the technical problems of investigation, but also highlights the value of justice as a philosophical aspect in the formation of regulations. Justice here includes clarity of authority, effectiveness of law implementation, and protection of people's rights. In the context of Satjipto Rahardjo's progressive law, regulatory reconstruction must be able to respond to social changes and the development of crime *modus operandi*.

Causes of Problems

The main problems in law enforcement cases of STNK and BPKB counterfeiting can be reviewed from three main dimensions: legal substance, legal structure, and legal culture.

a) Substansi Hukum

The LLAJ Law has not clearly regulated the division of investigative authority between the Criminal Investigation Department and KORLANTAS. Article 259 paragraph (2) only mentions "Investigators of the National Police of the Republic of Indonesia," without explaining in detail which unit is fully responsible. This ambiguity often causes differences in interpretation in the field. In fact, the crime of falsifying vehicle documents is closer to the function of KORLANTAS because it is directly related to the administration of motor vehicles.

In addition, the Criminal Code through Article 263 only regulates document forgery in general, without highlighting specific cases of falsification of motor vehicle documents. This makes it difficult for investigators to find the most relevant article in ensnaring the perpetrator.

b) Legal Structure

From the structural aspect, the number of competent investigators in the field of vehicle document forgery is still limited. The research found that investigators in the SatReskrim unit have not been equipped with technical expertise in detecting the authenticity of STNK or BPKB. This has implications for the slow investigation process, and often cases are stopped due to a lack of strong evidence. Supporting facilities, such as document verification tools, are also still lacking in regional police offices.

c) Legal Culture

Public legal awareness is still low. Many people are tempted to buy vehicles with fake documents because they are cheaper, without understanding the legal risks. Low knowledge of the official procedures for vehicle registration at SAMSAT has led to a rapid growth in the network of document forgery. The lack of public participation in reporting alleged counterfeiting is also a big challenge for the authorities.

Solutions through Regulatory Reconstruction

To overcome these various weaknesses, this study offers a reconstruction of Article 259, Article 261, and Article 262 of the LLAJ Law. This reconstruction involves three strategic steps: First, provide clarity on the authority of the investigation. In the reconstruction of Article 259, it is proposed to add the phrase:

"Investigators of the National Police of the Republic of Indonesia in the field of Road Traffic and Transportation as referred to in paragraph (1) letter a consist of: a. Investigators; and b. Assistant Investigator from the KORLANTAS Unit Unit."

With this formulation, the KORLANTAS Unit gets a special mandate in handling cases of STNK and BPKB forgery.

Second, strengthening coordination between units. Article 261 was revised by adding the phrase "coordinating," which emphasized that auxiliary investigators from KORLANTAS must coordinate with the Criminal Investigation unit in terms of detention, confiscation, and follow-up investigations.

Third, adding a new article (Article 262A) which contains the regulation of the coordination mechanism, including the authority to establish a reporting system, hold coordination

meetings, and request reports from the relevant investigative units. This is important to avoid duplication of tasks and conflicts between units.

Impact of Reconstruction Implementation

If this regulatory reconstruction is implemented, the expected positive impacts include:
Law Enforcement Effectiveness: With clear authority, investigations can be carried out faster and on target. For example, the case of STNK falsification in Central Lampung, which previously took a long time, can be accelerated by direct handling by KORLANTAS.

Improving Apparatus Professionalism: Technical training for KORLANTAS investigators will improve their ability to detect forged documents using modern technology.

Transparency of the Legal Process: The reconstruction of the regulation emphasizes the coordination mechanism between units, thereby minimizing the potential for abuse of authority or overlapping case handling.

Public Legal Awareness: Strict law enforcement and socialization of new regulations will increase public awareness of the importance of having original documents.

Crime Prevention: With a more stringent reporting and monitoring system, vehicle document forgery networks will be easier to detect.

Comparison with Previous Research

Previous studies have tended to discuss the general aspects of law enforcement against document forgery, without providing concrete solutions in the form of regulatory reconstruction. Example: Rifai's research (2022) highlights the criminal aspect of using fake documents, but does not discuss the renewal of articles in the LLAJ Law. Triantoro (2022) examines restorative justice in traffic accidents, but does not focus on falsifying vehicle documents. In contrast to these studies, this study presents novelty in the form of proposed draft revision of key articles (Articles 259, 261, 262) and the addition of coordination articles, which aims to provide legal clarity and increase the effectiveness of investigations.

Theoretical Analysis

This research is based on the Pancasila Justice Theory developed by Yudi Latif. Justice here is not just the formal enforcement of the law, but also the balance between the rights of individuals, society, and the state. In the case of vehicle document forgery, injustice occurs when law-abiding people are harmed by illegal practices.

In addition, this study uses Satjipto Rahardjo's Progressive Legal Theory which emphasizes the importance of law as a tool to create substantive justice, not just procedural justice. This means that if the current regulations are not relevant, then reform (reconstruction) is needed so that the law is more in favor of justice.

Lawrence M. Friedman's Legal System Theory is also relevant here, as it is able to explain the relationship between substance, structure, and legal culture. In this study, weaknesses in the

three aspects were identified comprehensively, then a regulatory reconstruction solution was given so that the three legal elements could run harmoniously.

Comparative Studies with Other Countries

Law enforcement practices in other countries can be a reference in the reconstruction of regulations in Indonesia. For example, Malaysia uses the MyAttitude system which is digitally integrated between the police, transport authorities, and insurance institutions. This system is able to identify the authenticity of vehicle documents in real-time.

Singapore even has a blockchain-based digital system to ensure the authenticity of vehicle certificates. This not only speeds up verification, but also minimizes the risk of counterfeiting. Indonesia can adopt a similar model by integrating data from the police, SAMSAT, and transportation agencies in one digital platform.

Impact If Reconstruction Is Not Carried Out

If regulatory reconstruction is not carried out, the impact will be very detrimental:

- a) Rising Crime Rates: Document forgery networks will be increasingly difficult to deal with due to existing legal loopholes.
- b) Public Distrust: The public will increasingly doubt the ability of the authorities to enforce the law.
- c) Economic Losses: The purchase of vehicles with false documents will cause huge financial losses to the community.
- d) Potential for Organized Crime: Forgery of vehicle documents is often associated with other crimes such as vehicle theft and arson.

Research Implications

Theoretical Implications

This research contributes to the development of justice-based law enforcement theory. By analyzing regulation from the perspective of Legal System Theory and Progressive Law, this study shows that law must be adaptive to social development.

Practical Implications

The results of this research can be an input for policymakers, especially the House of Representatives and the Ministry of Transportation, in drafting the revision of the LLAJ Law. For the police, this research is the basis for strengthening the role of KORLANTAS in handling document forgery cases.

CONCLUSION

The current law enforcement regulations on motor vehicle document forgery, as outlined in Articles 259(2), 261, and 262 of Law No. 22 of 2009 on Road Traffic and Transportation, lack

clarity regarding investigative authority between the Criminal Investigation Unit (*Reskrim*) and the Traffic Corps (*KORLANTAS*), undermining justice values. Weaknesses include unclear legal provisions on investigative roles, insufficient specialized and professional officers, inadequate facilities, operational leaks, and low public awareness influenced by socioeconomic factors, which collectively hamper effective enforcement. To address these issues, it is proposed to reconstruct the regulations by explicitly defining the investigative authority of *KORLANTAS*, clarifying their coordination role, and empowering assistant investigators with authority to oversee investigations, reporting, and preventive measures. Future research should explore the practical impacts of these regulatory reforms on enforcement efficacy and community engagement, as well as assess the integration of technological tools to enhance supervision and public participation in combating document forgery.

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