



Acts of Violence against Children Outside the Investigation Process by Police Officers

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Abstract

Several procedural law violations were committed by police officers, which raised doubts about the integrity and transparency of the investigation process. Reports from legal aid organizations show signs of physical abuse that should be of primary concern in investigations. This appears to have been ignored in the authorities' official reports. This research aims to examine procedural law violations committed by police officers in cases of violence against children outside the investigation process. This research uses a normative juridical approach with an analysis of the Afif Maulana murder case as the main illustration. The results showed several severe violations of legal procedures that negatively impacted the transparency and accountability of the investigation. Violence committed by police officers against children also violates various national and international regulations regarding child protection. These violations significantly affect the child's psychological condition and cause deep trauma. This research emphasizes the importance of reforming the justice system and law enforcement in Indonesia to ensure better protection for children in conflict with the law.

Keywords: *Violence; children; investigation; police*

A. Introduction

The state is responsible for protecting, protecting, serving the community, and enforcing the law; this is stated in Article 30, paragraph (4) of the 1945 Constitution. In this case, the police act as an institution tasked with protecting the community from various criminal acts. The National Police of the Republic of Indonesia, known by the abbreviation Polri, is a state institution that has a crucial role in maintaining security and order in the country. The National Police is a state instrument tasked with ensuring social stability and protecting society from threats to security and public order.

The duties of the National Police, as outlined in the constitution, are further clarified and detailed in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. This law provides a clear legal framework for the National Police to perform its functions. The National Police not only plays a role as a law enforcer who handles violations and crimes but also as a protector of society who must always be ready to provide a sense of security and comfort to every citizen. The role of the National Police in protecting the community includes various preventive activities aimed at preventing crime and maintaining public order. The services provided by the National Police cover all aspects of community life, from administrative services and security assistance at public events to handling emergencies.

To enforce the law, the National Police acts as an institution with the authority to conduct inquiries and investigations into criminal acts. Investigation is a vital process in Indonesia's



criminal justice system involving various actions to uncover legal facts. According to Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), the investigation is a series of investigator's actions in terms and according to the methods regulated in this law to search for and collect evidence that will shed light on the crime. a Crime that occurred and to find the suspect (Article 1 Paragraph 2).¹

During the investigation process, investigators conduct various actions, such as examining witnesses, collecting evidence, and examining suspects. Once the case file is complete, it is submitted to the District Attorney's Office for prosecution. Investigators also have the authority to carry out other actions such as arrest, detention, and confiscation by the provisions of the Criminal Procedure Code. Investigators must make an official report regarding each action taken and submit the case files to the public prosecutor.

Based on the Big Indonesian Dictionary (KBBI), children are defined as second-generation descendants. In consideration of Law no. 23 of 2002 concerning Child Protection, it is stated that children are entrusted and a blessing from God Almighty, in whom there are values of honor and dignity as complete human beings. Furthermore, it was revealed that children are the seeds, potential, and successors of generations who carry out the ideals of the nation's struggle, who have an essential role as well as unique characteristics and traits that ensure the nation's and state's survival in the future. Therefore, so that every child in the future can bear these responsibilities, they need to be given the broadest possible opportunities to grow and develop optimally, both physically, mentally, and socially and have noble character. Protection efforts need to be made to achieve the welfare of children by ensuring the fulfillment of their rights and ensuring treatment without discrimination.²

According to Article 1, paragraph (1) of the Juvenile Criminal Justice System Law (UU SPPA), the juvenile criminal justice system covers the entire process of resolving cases of children in conflict with the law, from the investigation stage to the guidance stage after serving a criminal sentence. This system is designed to handle cases involving children as perpetrators with a different approach from the criminal justice system for adults, considering that children require special protection and a more rehabilitative approach.

These provisions are basic norms and procedures for implementing criminal procedural law. As a consequence of regulation, it is not uncommon to find irregularities at the

¹ Djamil, M. Nasir. *Anak Bukan Untuk Dihukum*. Jakarta: Sinar Grafika, 2013.

² Arief, Barda Nawawi. *Pendekatan Keilmuan dan Pendekatan Religius dalam rangka Optimalisasi dan Reformasi Penegakan Hukum (Pidana) di Indonesia*. Semarang: Badan Penerbit UNDIP, 2012.



implementation level. These deviations can even lead to arbitrariness by the authorities, which could lead to procedural violations. This was also found in various cases, including Afif Maulana. Afif Maulana, a 13-year-old junior high school student from Padang City, West Sumatra, was found dead under the Batang Kuranji River bridge on June 9, 2024. This tragic death became the public spotlight because of the alleged involvement of police officers. As a teenager who was known to be active in school activities and cheerful among his friends, Afif's sudden death shook his family and the Padang community. Initial reports from legal aid organizations indicate there were signs of physical violence before Afif fell from the bridge, adding to the complexity of the case. The victim's family and community took action, demanding justice and highlighting the importance of transparency and accountability in law enforcement. In the case of Afif Maulana's murder, there were several procedural law violations committed by the police, which raised doubts about the integrity and transparency of the investigation process.

The alleged physical violence before Afif's death raises serious questions regarding police procedures. Reports from legal aid organizations indicate signs of physical violence, which should be of primary concern in the investigation, but these appear to be ignored in the authorities' official reports. The involvement of police officers in Afif's death adds to the complexity of this case. This speculation and alleged involvement violates the principle of independence and neutrality of law enforcement, which should prioritize the principles of justice regardless of who the perpetrator is.

On the other hand, a lack of transparency in the investigation process is also in the spotlight. Victims' families and the community do not have adequate access to information on case developments, giving rise to suspicion and distrust of the ongoing legal process. Transparency is critical to upholding justice, and failure to provide accurate and open information violates the principle of accountability. Therefore, this article will discuss further the violations of procedural law that occurred in this case and their impact on law enforcement in Indonesia. With the title "Legal Review of Violence Against Children Outside the Investigation Process by Police Officers (Case Study of the Murder of Afif Maulana)."

B. Research Method

This research uses normative juridical research, namely legal research, that focuses on studying documents or library materials. Normative juridical research is carried out by examining applicable legal rules and legal doctrines that are relevant to the problems discussed in this research. The approach used in this research is statutory (statute approach)



and a case approach (case approach). A statutory approach examines various applicable legal provisions related to the authority and duties of the National Police, the investigation process, and child protection. A case approach was used to analyze the murder case of Afif Maulana, especially regarding procedural law violations committed by police officers.

The data collection technique used in this research is a literature study (library research). The data collected includes primary and secondary legal materials. Data analysis was carried out using qualitative descriptive analysis methods. The data that has been collected is analyzed to provide a clear picture of the violations of procedural law that occurred in the Afif Maulana murder case and their impact on law enforcement in Indonesia.

C. Results and Discussion

1. Violations of procedural law committed by police officers in the murder case of Afif Maulana

The death case of Afif Maulana, a 13-year-old junior high school student from Padang City, West Sumatra, became public attention after he was found dead under the Batang Kuranji River bridge on June 9, 2024. This tragic death sparked speculation about the involvement of the police in this case. According to initial reports from legal aid organizations, there were signs of physical violence on Afif's body before he fell from the bridge, which adds to the complexity of this case and demands attention to the transparency and accountability of the investigation process. The alleged involvement of police officers in Afif's death highlights several severe violations of child criminal justice procedural law in Indonesia. The process of arrest, detention, and investigation that does not comply with the procedures stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) reflects the system's failure to protect the rights of children in conflict with the law.

Violations of procedural law committed by police officers in this case affected the transparency and accountability of the investigation process in various ways. Non-compliance with standard investigative procedures may result in the collection of unauthorized evidence, which could ultimately damage the investigation's integrity. For example, if police officers conduct an interrogation or search without following the procedures stipulated in the Criminal Procedure Code (KUHAP), the evidence obtained may be considered invalid and cannot be used in court. Article 1 of the Criminal Procedure Code emphasizes the importance of legitimate and procedural investigations to ensure that the rights of suspects and victims are protected. Apart from that, Article 13 of the Regulation of



the Head of the National Police of the Republic of Indonesia Number 9 of 2008 (Article 13 Perkapolri 9/2008) which, in general terms, the police must respect human rights, the principle of legality and the principle of presumption of innocence, as well as provide security.³ In Afif Maulana's case, this non-compliance will likely occur and damage the investigation's integrity.

Non-compliance with legal investigation procedures can result in various negative implications; in this case, it can raise public suspicion about the honesty and integrity of law enforcement officers. The public will feel that police officers act arbitrarily and do not respect the law, which can reduce public trust in police institutions and the justice system. Public trust is vital to maintaining social order and ensuring all parties accept and respect laws.

There is evidence that, in principle, could be used as evidence in court, but the judge who examined and decided the case chose not to accept the evidence, which could cause difficulties in proving the case and might end up with the suspect being acquitted even though there is strong evidence that they are guilty. This can harm victims and victims' families who hope for justice. In Afif Maulana's case, if evidence of physical violence committed by police officers is obtained through illegal means, then that evidence may not be able to be used to prosecute the perpetrators of the violence, which ultimately harms efforts to uncover the truth and uphold justice.

On the other hand, this can provide space for police officers to abuse their power. When legal procedures are not followed, law enforcement officials may feel they can act outside the bounds of the law without consequences. This can create a culture of impunity where violations of the law by law enforcement officers are not dealt with firmly, which, in the end, can increase cases of violence and abuse of authority. This culture of impunity is hazardous because it can damage the basic principles of the rule of law and harm human rights. The use of violence and firearms is only used in the context of carrying out efforts such as to arrest people; if the person fights or flees, only then, if necessary, violence and firearms are used, and even then, they are only used if softer measures are no longer available.⁴

Violations of procedural law can hurt the psychological condition of children involved in the investigation process. Children are a vulnerable group and need special protection. Inappropriate procedures can cause deep trauma for children, which can affect their

³ Fathurahman Saleh and Bilal Sukarno, *Violence Against Journalists by Police Officers While Covering Demonstrations in Jakarta in 2019-2020*, *Jurnal Populika*, Vol. 9, No. 2, October 2021, p. 36.

⁴ Daniel Junwaldi MP Nainggolan, Sufirman Rahman and Askari Razak, *Reasons for the Use of Violence with Firearms by Police Members*, *Journal of Lex Theory (JLT)*, Vol. 3, No. 2, December 2022, p. 32.



emotional and social development. Children who experience violence or inhumane treatment by law enforcement officers may experience post-traumatic stress disorder (PTSD) and other psychological problems that can have long-term impacts. In Afif Maulana's case, the alleged physical violence he experienced before his death indicates a severe violation of children's rights guaranteed by law. Violence that results in physical damage is contrary to the law.⁵

Non-compliance with legal investigation procedures can also affect the diversion process. The diversion principle in the SPPA Law aims to divert the resolution of children's cases from the criminal justice process to a process outside of criminal justice to avoid the negative impact of the justice process on children. However, if law enforcement officials do not make maximum efforts to implement diversion or if existing provisions do not carry out the diversion process, then children in conflict with the law may not receive the protection they should. A diversion that is not implemented correctly can damage efforts to provide rehabilitation and social reintegration for children involved in legal problems.⁶

Procedural legal violations can raise public suspicion about the integrity and fairness of the justice system. In Afif Maulana's case, allegations that police officers were involved in his death without a transparent and accountable investigation could reduce public trust in the police and the legal system as a whole. If the public feels that the investigation was not carried out properly, they may doubt the results of the investigation and the court's decision. Article 5 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia emphasizes that in carrying out its duties, the police must prioritize the principles of legality, transparency, and accountability.

Violations of these principles injure the rights of the individuals involved and damage the law and order, which is the basis of the rule of law. Apart from that, violations of the procedural law on juvenile criminal justice in cases like this also show a failure to implement the principles of child protection, which are regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). Children in conflict with the law should receive special protection and be treated with total respect and humanity. When arrest, detention, and investigation procedures are not carried out by existing regulations, as indicated in the

⁵ Dames Lewansorna, Elsa Rina Maya Toule, Margie Sopacua, *Criminal Accountability of Police Officers Who Commit Violence Against Demonstrators*, *Tatohi Journal of Legal Studies*, Vol. 2, No. 1, March 2022, p. 81.

⁶ Gita Damaiyanti, Remon Nofrial, and Erniyanti, *Judicial Analysis of the Implementation of Diversion and Restorative Justice in the Juvenile Criminal Justice System at the Investigation Level to Achieve Child Protection*, *Scientific Journal of Law and Human Rights*, Vol. 2, No. 2, January, 2023, p. 45.



case of Afif Maulana, this not only violates children's human rights but also causes deep trauma and loss of life.

2. Legal and Ethical Implications of Acts of Violence by Police Officers Against Children Outside the Investigation Process from a Criminal Procedure Law Perspective

Analysis of Law

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) regulates that children in conflict with the law must receive optimal protection. The basic principles in the SPPA Law include respect for the dignity of children, the children's best interests, the child's right to be heard, and avoidance of acts of violence and degrading treatment.

Procedures for arresting and detaining children must be carried out carefully and per existing regulations. Article 32 of the SPPA Law states that arrests may only be carried out if certain conditions are met and must be accompanied by an arrest warrant. In addition, children must not be detained together with adults and must be placed in juvenile detention centers or other unique places.⁷

The legal and ethical implications of acts of violence by police officers against children outside the investigation process from a criminal procedural law perspective are very complex and require in-depth study. In the case of Afif Maulana, a 13-year-old junior high school student who was found dead under the Batang Kuranji River bridge in Padang City, West Sumatra, on June 9, 2024, allegations of police involvement emerged, which adds an ethical and legal dimension to this case. Initial reports from legal aid organizations indicated there were signs of physical violence before Afif fell from the bridge, leading to speculation about violent actions by police officers.

Legally, acts of violence by police officers against children outside the investigation process are contrary to various national and international regulations. Indonesia, as a legal state based on democratic principles and human rights, has adopted various legal instruments that protect children's rights, including in the criminal justice process. Law Number 35 of 2014 concerning Child Protection emphasizes that every child has the right to receive protection from torture, violence, and other inhumane treatment. Apart from that, the

⁷ Muhammad Djauhari Muhammad Syarif Hidayatullah, and Kadir Sulingo, *The Role of Investigators in Handling Cases of Children as Criminal Offenders (Case Study at the Gorontalo Regional Police's Ditreskrim)*. *Voice Justisia: Journal of Law and Justice*, Vol. 5, No. 2, June 2021, p. 23.



Convention on the Rights of the Child, which Indonesia has ratified through Presidential Decree Number 36 of 1990, also regulates that children must be protected from all forms of physical or mental violence.

Carrying out the mandate of statutory regulations in terms of maintaining security, protection, and service to the community is the main task of the police, which must be carried out professionally. Police professionalism is essential in dealing with the current situation. As a result of police unprofessionalism, it can threaten public security and order so that law enforcement, which aims to be fair to everyone, will be unequal if police officers carry out their interpretation of the duties and authority of the police as stated in the article 18 paragraph (1) of Law Number 2 of 2002.⁸

From the perspective of criminal procedural law, acts of violence by police officers against children not only violate criminal law but also damage the integrity of the investigation process. Indonesian criminal procedural law regulates that the investigation process must be carried out by upholding the suspect's rights, including the right not to be tortured and to be treated humanely. Article 52 of the Criminal Procedure Code emphasizes that suspects or defendants have the right to receive treatment that does not degrade human dignity. Acts of violence by police officers violate this principle and can result in the cancellation of the investigation process and the loss of evidence that is valid in the eyes of the law.

Analysis of Ethics

The ethical implications of acts of violence against children by police officers are also very significant. These actions not only violate children's human rights but also create deep psychological trauma. Children who are victims of violence tend to experience various psychological problems, such as excessive fear, post-traumatic stress disorder (PTSD), and social development disorders. From the perspective of professional ethics, police officers who should act as protectors of the community, including children, have abused their authority by committing violence. This creates public distrust of police institutions and damages the image and credibility of law enforcement officers.

The author tries to provide a rationalization that violations of procedural law can have a direct impact on the rights of victims and their families. In Afif's case, if investigation

⁸ Hanna Theresia Febiola Toha, Cornelis Djelfie Massie, Grace Yurico Bawole, *Responsibility of Police Personnel Who Act Repressively in Securing Anarchist Demonstrations, Unsrat Law Faculty Journal Lex Privatum*, Vol. 13, No. 2, March 2024, p. 55.



procedures are violated, the victim's family may not get the justice they hope for. The right to obtain accurate and transparent information about case developments is a fundamental right the law must guarantee. Non-compliance with investigative procedures can hinder victims' families' access to this information, which in turn can exacerbate their trauma and suffering. Law Number 39 of 1999 concerning Human Rights states that everyone has the right to fair and impartial legal protection, as indicated in Article 17 and Article 18.

Apart from the Criminal Procedure Code and the Police Law, Law Number 23 of 2002 concerning Child Protection, amended to become Law Number 35 of 2014, is also very relevant in this case. This law provides special protection for children and emphasizes that every child has the right to receive protection from violence, torture, and inhumane treatment. Article 13 of the Child Protection Law states that every child has the right to receive protection from abuse in political activities, involvement in armed conflict, involvement in social unrest, participation in events containing elements of violence, and involvement in war. In the context of Afif Maulana's case, if it is proven that police officers committed violence against him, then this is a severe violation of the Child Protection Law.

For victims of abuse, legal protection is needed, both preventive and repressive, where one of the legal protections is the responsibility of the perpetrator. The government also provides legal protection, both preventive and repressive legal protection.⁹ However, it is miserable that undesirable actions are still found, namely actions carried out by police officers, which cause controversy; many parties believe that the actions carried out by the police often violate human rights..¹⁰

Accountability is one of the basic principles in the justice system that ensures that law enforcement officials are responsible for their actions. When police officers violate legal procedures, they must be prepared to be accountable for their actions before the law and society. Article 13 of the Police Law emphasizes that the duties of the police include:

- Maintaining security and public order.
- Enforcing the law.
- Providing protection, guidance, and service to the community by upholding human rights.

⁹ Arnold Sotarduga Silangit, Laili Furqoni, and Fanny Tanuwijaya, *Legal Protection for Victims of Persecution Perpetrated by Police Personnel During Demonstrations*, *Interdisciplinary Journal on Law, Social Sciences and Humanities*, Vol. 3, No. 1, April 2022, p. 39.

¹⁰ Fifi Qurania, Ma'rif Hafidz and Sutiawati, *Legal Protection for Protesters as Victims of Repressive Actions Carried Out by Police Personnel*, *Qawanin Legal Science Journal*, Vol. 1, No. 1, April 2020, p. 78.



Violations of procedural law by police officers in the Afif Maulana case can also affect the accountability of police institutions.

The author also tries to show how crucial supervisory institutions and the public are in supervising the investigation process. Legal aid agencies, the media, and civil society organizations were essential in ensuring that these cases were handled transparently and fairly. They can pressure law enforcement officials to follow correct procedures and ensure that the rights of victims and their families are respected. Law Number 14 of 2008 concerning Openness of Public Information gives the public the right to access accurate and transparent information about cases of public concern.

The author reiterates that transparency in investigations is the key to building public trust in the justice system. This involves providing clear and accurate information to the public about case developments, including steps taken by law enforcement officials and the results of investigations. In Afif Maulana's case, transparency is needed to eliminate speculation and ensure that applicable laws and procedures carry out every investigation step. Article 6 of the Law on Openness of Public Information states that all public information must be accessible, except for the info excluded based on statutory provisions.

Accountability also means that if police officers discover a violation of procedural law, firm action must be taken to address the violation. This could involve imposing sanctions on individuals found guilty and systemic improvements to prevent similar violations in the future. Only in this way can the public trust in the police and justice system be restored. Articles 13 and 14 of the Police Law provide the legal basis for disciplinary and criminal action against police officers who violate the law and the professional code of ethics.

In a more precise context, the author highlights the need for reform in Indonesia's justice system and law enforcement. These reforms should include better training for law enforcement officials on human rights and proper legal procedures and improved internal and external oversight mechanisms to ensure accountability. Article 28D paragraph (1) of the 1945 Constitution also emphasizes that everyone has the right to recognition, guarantees, protection, fair legal certainty, and equal treatment before the law.

Table 1. Legal Provisions and Principles for Child Protection in the Criminal Justice System in Indonesia

Aspect	Legal Provisions	Detail
Basic Principles	Law Number 11 of 2012 (SPPA)	Respect for the dignity of children, best interests of children, right to be heard, non-violence



Arrest and Detention of Children	Article 32 of the SPPA Law	Arrest with conditions and warrant, separate detention from adults
Protection from Violence	Law Number 35 of 2014 concerning Child Protection	Children have the right to receive protection from torture, violence and inhumane treatment
Convention on the Rights of the Child	Presidential Decree Number 36 of 1990	Children must be protected from all forms of physical or mental violence
Rights in the Investigation Process	Article 52 of the Criminal Code	The suspect/defendant has the right to receive treatment that does not degrade human dignity
Human Rights	Law Number 39 of 1999	Everyone has the right to fair and impartial legal protection (Articles 17 and 18)
Openness of Public Information	Law Number 14 of 2008	The public has the right to access accurate and transparent information about public cases
Police Accountability	Article 13 of the Police Law	The police must maintain security, enforce the law, and protect the public by upholding human rights
Sanctions for Violations	Articles 13 and 14 of the Police Law	Disciplinary and criminal action for police officers who violate the law and code of ethics
Justice System Reform	Article 28D paragraph (1) of the 1945 Constitution	Everyone has the right to fair recognition, guarantees, protection, and legal certainty

D. Conclusion

In the case of Afif Maulana's murder, signs of physical violence were found before his death, which indicated violations of children's human rights. An investigation process that is not transparent and accountable worsens the situation, creating public distrust of police institutions and the justice system. Physical violence by police officers who are supposed to act as protectors of the community violates professional ethics and creates deep psychological trauma for the children who are victims.

The impact of this violation is vast, including the possibility of canceling the investigation process and losing valid evidence in the eyes of the law. This can be detrimental to efforts to uphold justice for victims and their families, as well as creating a culture of impunity where violations of the law by law enforcement officers are not dealt with firmly. Public confidence in the police and justice system has been shaken, threatening social stability and order.

The author emphasizes the need for reform in Indonesia's justice system and law enforcement. These reforms should include increased training for law enforcement officials on human rights, proper legal procedures, and improved oversight mechanisms to ensure accountability. Transparency in the investigation process must also be increased to rebuild public trust and ensure that the rights of victims and their families are respected.



This writing underlines the importance of applying fair and humane laws in handling cases involving children. The juvenile criminal justice system must be designed to protect the rights of children and ensure that they are treated with dignity and humanity. We can only achieve true justice and build a safer and more just society.

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