

The Legal Nature of The Police Code of Ethics in Preventing Abuse of Authority in Indonesia

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ABSTRACT

The police institution plays a central role in law enforcement and public order maintenance in a constitutional state. However, the concentration of discretionary power within policing functions creates a persistent risk of abuse of authority. This study examines the legal nature of the Indonesian Police Code of Ethics as an internal normative mechanism intended to prevent abuses of power by police officers. Using a normative legal research approach combined with conceptual and doctrinal analysis, this article argues that the Police Code of Ethics in Indonesia functions primarily as a moral-institutional framework rather than an autonomous legal control system. The absence of clear normative boundaries between ethical violations, disciplinary misconduct, and criminal liability has resulted in legal ambiguity and selective enforcement. This condition undermines legal certainty, equality before the law, and public trust in law enforcement institutions. The article concludes that the Police Code of Ethics requires structural reinforcement, normative harmonization, and procedural integration with criminal justice mechanisms to ensure accountability and the rule of law.

Keywords: Police Ethics, Abuse of Authority, Legal Nature, Law Enforcement, Indonesia

INTRODUCTION

Normatively, within modern legal systems, law functions as an instrument to create justice, legal certainty, and social utility for society. This function encompasses various aspects of life that continuously evolve in line with social, economic, and political dynamics.

However, empirical realities demonstrate that the implementation of law frequently encounters numerous challenges that hinder the achievement of these ideal objectives. One of the most persistent problems is the gap between written legal norms (law in books) and their actual implementation in practice (law in action). This gap is often influenced by factors such as inconsistent law enforcement, weaknesses within the judicial system, and the interference of political or economic interests in legal processes. Such conditions have a detrimental impact on public trust in the prevailing legal system.

In principle, the Indonesian National Police (Polri), as a subsystem of government, have responsively sought to contribute to the realization of clean and good governance in carrying out their core duties, namely maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community, as well as within the internal structure of Polri itself. These efforts align with the Grand Strategy of Polri, which emphasizes the development of public trust.

The complexity of policing challenges in the contemporary era has, on the one hand, generated significant benefits for Polri, reflected in notable progress in institutional capacity building, personnel development, and operational performance. On the other hand, it must be candidly acknowledged that the execution of Polri's core functions has also produced negative consequences in the form of behavioral deviations by police personnel. These deviations include abuses of power or authority, morally and legally reprehensible service practices such as discrimination, law enforcement driven by personal interests, excessive discrimination, obstruction of service, arrogance, sluggishness, discourtesy, inhumane conduct, and other negative behaviors. At one point, a statement by a non-governmental organization even characterized Polri as the most corrupt institution in Indonesia. Regardless of the accuracy of such a claim, it at least reinforces public perceptions that internal deviations do occur within the police institution.

Such behavioral deviations constitute violations of police disciplinary regulations as stipulated in Government Regulation of the Republic of Indonesia Number 2 of 2003 concerning the Discipline of Members of the Indonesian National Police. Nevertheless, the enforcement of these disciplinary regulations has thus far fallen short of expectations and has not optimally produced positive behavioral change among police personnel. This deficiency is attributable both to weaknesses in the enforcement process and to the outcomes of disciplinary law enforcement itself. Among the persistent issues are divergent interpretations regarding the application of disciplinary provisions to police officers who commit violations, despite the existence of clear regulatory frameworks, including Government Regulation Number 2 of 2003, the implementing procedures under the Chief of Police Decree Number Kep/43/IX/2004 dated 30 September 2004 on the Settlement of Disciplinary Violations, and the Chief of Police Decree Number Kep/97/XII/2003 dated 31 December 2003 concerning the Organization and Working Procedures of the Professional and Security Division.

Efforts to enforce discipline and the Police Code of Ethics are therefore indispensable to ensure the proper execution of assigned duties and to achieve police professionalism, in accordance with Regulation of the Indonesian National Police Number 7 of 2022 concerning the Professional Code of Ethics and the Police Code of Ethics Commission. It is inconceivable for law enforcement to function effectively if law enforcement officers themselves lack discipline and professionalism. Such deficiencies inevitably undermine the effectiveness of law enforcement and the investigation of crimes within society.

Preliminary observations regarding disciplinary enforcement, ethical regulation, and legal action against police officers who commit criminal acts reveal confusion and overlap in the application of legal bases. Specifically, ambiguity arises between the enforcement of Government Regulation Number 2 of 2003 on Police Discipline and Regulation of the Indonesian National Police Number 7 of 2022 on the Police Code of Ethics. For example, there are cases in which police officers commit acts of criminal assault—clearly constituting criminal offenses—yet, in practice, such conduct is addressed solely through disciplinary measures rather than criminal prosecution. Numerous similar cases further illustrate this normative overlap.

The weakening of discipline and professionalism among police personnel has increasingly become a subject of public concern. Frequent media reports on indisciplinary conduct—such as misuse of firearms, police involvement in criminal activities, arbitrary actions, and other forms of misconduct—underscore public anxiety regarding the execution of Polri's fundamental duties: maintaining public security and order, upholding the rule of law, providing protection, guidance, and services to the community, and fostering social harmony while upholding human rights.

Given these conditions, it is imperative to adopt appropriate strategies to ensure that disciplinary law enforcement can operate in a conducive and effective manner, free from significant obstacles, and capable of functioning as a mechanism for control, prevention of deviant behavior, and the cultivation of disciplined conduct among police personnel, ultimately in support of clean and accountable governance.

As is widely recognized, every state possesses laws and regulations, and Indonesia is no exception. Indonesia is a state governed by law, with legal rules that are coercive in nature and binding upon all individuals within its jurisdiction, including foreign nationals. Law enforcement is the process through which legal norms are realized and function effectively as guidelines for conduct in social and state relations. From a broad perspective, law enforcement involves all subjects who comply with or act based on prevailing legal norms. Anyone who acts or refrains from acting in accordance with legal rules is, in effect, enforcing the law. In a narrower sense, law enforcement refers specifically to the actions of designated law enforcement authorities to ensure that legal rules operate as intended. Where necessary, such authorities may exercise coercive power to uphold the law. As the frontline institution of law enforcement, the police bear substantial responsibility for harmonizing their duties and authority.

The Indonesian National Police, as an apparatus of the state and a component of government bureaucracy, perform essential governmental functions, particularly in maintaining public security and order through protection, guidance, public service, and law enforcement. The police constitute a pivotal institution in supporting the realization of just law enforcement and occupy the frontline position in the legal system. In exercising their

authority, the Indonesian National Police are bound by professional ethics designed to ensure that policing functions are carried out with professionalism, credibility, and ethical integrity. Professional ethics serve to shape police officers into law enforcement officials who are not only competent but also morally accountable. Accordingly, police professionals, in addition to possessing technical expertise, are required to conduct themselves in accordance with binding ethical standards, enabling them to independently and ethically meet the legal service needs of the community.

Universally, the core functions of policing include combating crime (fighting crime), maintaining public order (maintaining law and order), and protecting citizens from harm (protecting people). Consequently, the police are commonly characterized as law enforcement agencies, order-maintenance bodies, peacekeeping officials, and public servants. The law grants police officers the authority to use force when absolutely necessary for the purpose of public protection and order. However, such authority is exercised in a limited and controlled manner, unlike the total use of force characteristic of military institutions. For this reason, professional police ethics are expected to prevent officers from engaging in actions driven by emotion, sectarian sentiment, religious extremism, or other divisive motivations.

RESEARCH METHOD

This study employs normative legal research, focusing on statutory analysis, legal doctrine, and conceptual interpretation. Primary legal materials include national legislation regulating policing, disciplinary rules, and ethical standards governing police conduct. Secondary materials consist of legal doctrines, academic literature, and prior scholarly works addressing police accountability and professional ethics.

The research adopts a conceptual and philosophical approach, examining the Police Code of Ethics through theories of legal function, authority, justice, and legal certainty. The analysis emphasizes coherence between ethical norms and criminal law principles rather than measuring compliance or outcomes empirically.

RESULT AND DISCUSSION

The Essence of the Police Code of Ethics in Preventing Abuse of Authority by Law Enforcement Officers

In its essence, the Police Code of Ethics functions as an institutional mechanism for shaping and controlling professional conduct through a principled approach rooted in morality, integrity, accountability, and professional discipline. It is not merely a collection of written norms that officers are expected to memorize and recite, but an internal professional framework intended to cultivate an ethical orientation in the daily exercise of police power. Within this perspective, the Code of Ethics serves as a normative compass that directs law enforcement conduct toward lawful, proportional, and socially legitimate outcomes, especially in contexts where police discretion is inevitably exercised. The existence of discretion—while necessary in policing—creates an inherent risk: authority may drift into arbitrariness or personal interest if ethical boundaries are weak, unclear, or poorly internalized. Therefore, the Code of Ethics operates as a preventive architecture intended to ensure that police authority remains tethered to public interest, legal standards, and the moral legitimacy of the profession.

Normatively, the Code of Ethics is designed to ensure that every police action remains within an ethical and legal corridor. This corridor is not only legal in the sense of compliance with statutes and regulations, but also ethical in the sense of maintaining human dignity, institutional honor, and public trust. In this model, ethical governance is positioned as a form of professional self-regulation that complements external legal accountability. The Code of Ethics thus plays a dual role: first, as a moral standard that defines what it means to be a legitimate law enforcement officer, and second, as a practical instrument for preventing the misuse of authority before it becomes an overt violation. By structuring expected conduct, articulating boundaries, and providing consequences for ethical breaches, the Code of Ethics aims to prevent authority from being exercised in a manner that is discriminatory, abusive, corruptive, or procedurally arbitrary.

A central premise of the Code of Ethics is that police authority is not a private entitlement but a public mandate. Authority in law enforcement carries a fiduciary character: it is entrusted to officers for the protection of society, not for the pursuit of personal gain, group advantage, or institutional impunity. Consequently, the Code of Ethics seeks to embed a culture in which police officers understand that the legitimacy of their authority depends on ethical restraint, transparency, and accountability. In practical terms, this means that officers must be able to justify their actions not only administratively—through compliance with orders and procedures—but also ethically, through reference to proportionality, fairness, reasonableness, and human rights considerations. In other words,

ethical accountability is expected to function as a “second layer” of legitimacy: even when an action is procedurally permissible, it should still be ethically defensible.

In operational reality, the preventive function of the Code of Ethics becomes most visible in the management of discretionary power. Discretion is the space where officers must decide how to act when the law does not prescribe a single mechanical response. It includes decisions about whether to arrest, whether to use force, how to allocate attention and resources, how to respond to community complaints, how to handle vulnerable groups, and how to treat suspects, victims, and witnesses. These are not purely technical decisions; they are moral decisions that carry legal consequences. The Code of Ethics, when properly internalized, becomes an internal “self-control mechanism” that prevents officers from using discretion as a tool for arbitrariness, intimidation, discrimination, or private benefit. In this sense, ethical rules function as a professional braking system: they slow down the impulse to act impulsively, coercively, or opportunistically, and instead encourage reflective decision-making aligned with the public role of policing.

The Code of Ethics is further structured through an integrated ethical framework that can be understood through four major dimensions that together shape the totality of police ethical identity. First, state-oriented ethics anchors police behavior in loyalty to constitutional values, national integrity, and the foundational principles of the state. This dimension is crucial because abuse of authority often begins when officers treat their power as personal rather than constitutional. State ethics affirms that police power is derived from law and must be exercised for the protection of the constitutional order, not as a means of domination. Second, institutional ethics shapes internal organizational conduct: obedience to lawful commands, commitment to institutional standards, and professional conduct within the hierarchy. This dimension aims to prevent internal corruption, patronage, and “informal power” dynamics that can normalize misconduct under the cover of institutional loyalty. Third, societal ethics governs police interaction with the public, emphasizing respect for human dignity, equality before the law, non-discrimination, service orientation, and responsiveness. This dimension is particularly central to preventing abuse of authority because many forms of abuse occur in public-facing encounters: refusing to accept reports, humiliating complainants, discriminating against certain communities, demanding informal payments, or treating victims and suspects without dignity. Fourth, personal ethics regulates the officer’s character and moral integrity—honesty, self-discipline, responsibility, and internal consistency between the officer’s private life and professional identity. This dimension is critical because authority abuse often reflects deeper personal integrity failures: a willingness to lie, manipulate, exploit, or act without remorse.

These four dimensions form a comprehensive ethical framework that links institutional governance to individual morality. The framework suggests that preventing abuse of authority is not only a matter of punishing wrongdoing after it happens but also a matter of constructing an ethical professional identity that makes abuse less likely to occur. Under this approach, ethical compliance is treated as an imperative professional condition rather than an optional moral aspiration. Officers are not positioned as free agents who may selectively follow ethical norms; instead, the ethical framework binds them as a consequence of professional membership. The Code of Ethics becomes part of the officer’s professional legitimacy: an officer who rejects ethical constraints undermines the very basis of public trust that makes policing possible.

Field-based perspectives commonly reinforce this conceptual structure. Police personnel tend to describe the Code of Ethics as a standard for moral judgment and a guideline for navigating dilemmas between authority and ethical limits. Such descriptions reflect the view that the Code of Ethics is not simply punitive, but preventive: it is intended to direct officers’ decisions before misconduct crystallizes into violations. A consistent theme in such perspectives is that ethical norms become meaningful only when internalized through daily practice—through routine coaching, supervisory control, and leadership example—rather than taught as abstract doctrine. Internalization refers to a process by which ethical values become embedded in habit, reflex, and institutional culture. When internalization is weak, ethics becomes ceremonial; officers may be familiar with ethical language but fail to apply it when pressure, conflict, or personal interest arises. When internalization is strong, ethical restraint becomes automatic, and abuse of authority becomes institutionally and psychologically harder to justify.

The preventive function of ethics is also strengthened by the presence of internal monitoring and enforcement mechanisms. Ethical governance is not meant to rely purely on the conscience of individual officers; it must be supported by institutional oversight that detects misconduct early, investigates allegations professionally, and imposes consequences consistently. Where internal oversight is routine, predictable, and fair, it can produce deterrence and shape behavioral expectations across the organization. In such contexts, officers become more cautious in exercising authority because the ethical consequences are perceived as real and enforceable. Conversely, where oversight is selective, inconsistent, or influenced by informal power relations, ethics becomes vulnerable to manipulation and loses its preventive effect.

At the same time, there are structural and cultural factors that may weaken the preventive capacity of the Code of Ethics. High workloads and operational pressure can lead officers to treat ethical considerations as secondary to efficiency, speed, or immediate outcomes. Uneven understanding of authority boundaries can result in

unintentional violations, especially among officers who receive limited ethical coaching or lack clear procedural guidance. Moreover, organizational culture that overemphasizes seniority may create informal norms that contradict formal ethical standards, such as tolerating aggressive behavior, normalizing shortcuts, or discouraging reporting of misconduct to protect internal solidarity. These constraints demonstrate that ethical prevention is not only a matter of rules, but a matter of institutional design and cultural transformation.

In practice, the Code of Ethics also functions as a framework for identifying prohibited conduct in public service and operational policing. Ethical prohibitions typically include behavior that undermines public trust and violates professional dignity: exploiting citizens for personal gain, acting arbitrarily, refusing service or obstructing access to justice, discriminating in public service, spreading misinformation, humiliating vulnerable persons, or using authority as a tool of intimidation. Such prohibitions illustrate the ethical logic that policing must remain service-based rather than domination-based. The public experience of policing—how citizens are treated when reporting crimes, requesting help, or seeking legal protection—becomes a major indicator of whether ethics is functioning as intended. When citizens experience hostility, rejection, or humiliation, ethical governance is perceived as failing, regardless of how sophisticated the ethical rules may look on paper.

The institutional significance of the Code of Ethics lies not only in the handling of individual cases but also in the creation of organizational credibility. A policing institution cannot maintain legitimacy through rhetoric alone; it must demonstrate that internal norms are enforced with integrity and that ethical breaches are treated seriously. When sanctions are applied consistently, ethics becomes a real governance tool. When sanctions are selective or symbolic, ethics risks turning into an instrument of institutional image management rather than true accountability. Therefore, the essence of the Code of Ethics as a preventive instrument depends on the coherence between ethical norms, internal enforcement, and the broader legal accountability system. Ethics must not be positioned as a substitute for criminal responsibility when misconduct also meets the elements of criminal offenses. Instead, ethical mechanisms should function as a complementary pathway that strengthens accountability and accelerates institutional correction, while external legal processes secure justice and equality before the law.

Ultimately, the Police Code of Ethics in preventing abuse of authority should be understood as an integrated governance structure aimed at maintaining the legitimacy of police power through four key pillars: constitutional loyalty, institutional professionalism, societal service orientation, and personal integrity. When these pillars are internalized, supervised, and enforced consistently, the ethical framework becomes a living system that restrains abuse structurally and culturally. When these pillars remain merely textual and ceremonial, the Code of Ethics risks being reduced to a symbolic instrument, unable to prevent misconduct from recurring. In that sense, the true essence of the Police Code of Ethics does not lie in its written formulation, but in its ability to become a “living ethics” embedded in the organization—guiding decisions, restraining discretion, and ensuring that police authority remains accountable to law, morality, and the public interest.

CONCLUSION

In essence, the Police Code of Ethics in preventing the abuse of authority by law enforcement officers constitutes a structured and science-based approach aimed at upholding normative order and professional truth. Grounded in Regulation of the Indonesian National Police Number 7 of 2022 concerning the Professional Code of Ethics and the Police Code of Ethics Commission, the ethical framework has functioned as a binding professional standard for police personnel in their capacity as law enforcement officers. Through the effective operation of this ethical framework, violations related to the misuse of authority can be restrained, particularly those associated with the four core dimensions of police ethics: state ethics, institutional ethics, societal ethics, and personal ethics. Consequently, every police officer is normatively and professionally obligated to submit to and comply with the Police Code of Ethics as an inherent consequence of membership in the policing profession.

Nevertheless, despite the existence of a strong normative foundation, the internalization of professional ethical values among police personnel requires continuous strengthening. Ethical norms will not function optimally if they remain merely formal rules detached from everyday professional practice. Therefore, the reinforcement of ethical internalization should be pursued through structured and sustainable ethics education, the use of case studies and role-play simulations addressing ethical dilemmas, and the integration of ethical assessment into career development and performance evaluation processes. These measures are essential to ensure that police officers not only understand ethical principles cognitively but also internalize and embody state ethics, institutional ethics, societal ethics, and personal ethics as integral components of professional integrity.

In parallel, the effectiveness of ethical prevention depends heavily on the optimization of the role and function of the Police Code of Ethics Commission (KKEP) and the Professional and Security Division (Bidpropam). To enhance the preventive capacity of the ethical system, several strategic steps are required, including the improvement of human resource quality among ethics investigators, intensive training on the conceptual and

procedural distinctions between disciplinary violations and ethical breaches, and the strengthening of institutional independence in ethical examinations to avoid the influence of collegial reluctance or internal solidarity. Within this framework, Propam should be positioned not merely as a punitive body, but as the frontline institution for integrity enforcement—serving simultaneously as an enforcement mechanism and as a preventive control institution aimed at systematically minimizing ethical violations within the police organization.

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