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## THE ROLE OF THE POLICE IN HANDLING PERPETRATORS OF PHYSICAL AND MENTAL VIOLENCE AGAINST CHILDREN (CASE STUDY IN THE JURISDICTION OF BULELENG POLICE STATION)

I B Khrisna Brahmanda P<sup>1</sup>, I Nengah Suastika<sup>2</sup>, Made Sugi Hartono<sup>3</sup>

Faculty of Law and Social Sciences, Ganesha University of Education, [Email:gusbram84@undiksha.ac.id](mailto:gusbram84@undiksha.ac.id)

Faculty of Law and Social Sciences, Ganesha University of Education, [Email:nengah.suastika@undiksha.ac.id](mailto:nengah.suastika@undiksha.ac.id)

Faculty of Law and Social Sciences, Ganesha University of Education, [Email:sugi.hartono@undiksha.ac.id](mailto:sugi.hartono@undiksha.ac.id)

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Corresponding Author: I B Khrisna Brahmanda,  
email: [gusbram84@undiksha.ac.id](mailto:gusbram84@undiksha.ac.id)

### Abstract

This study aims to (1) examine and analyze related to the role of the Buleleng Police in handling acts of violence against children in Buleleng Regency and (2) countermeasures carried out by the Buleleng Police in handling acts of violence against children in Buleleng Regency. In this study, the type of research used is empirical legal research using descriptive research characteristics. The data and data sources used are primary data and secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The data collection techniques used were document study techniques, observation techniques, and interview techniques. The sampling technique used is a non-probability sampling technique and the determination of the subject uses a purposive sampling technique. Furthermore, the data obtained was processed and analyzed qualitatively. The results of the study indicate that (1) the role of the police in this study is the Women and Children Service Unit, the Criminal Investigation Unit of the Buleleng District Police in an effort to resolve crimes of domestic violence through penal mediation, namely to provide services, protection to women and children who are victims of acts of domestic violence crimes with empathetic professionals and law enforcement against women and children as perpetrators of crimes (2) the countermeasures carried out by the Buleleng Resort Police in dealing with criminal acts of sexual violence against children in Buleleng Regency through penal means through repressive efforts and non-penal means include: pre-emptive and preventive efforts.

### Introduction

Developing countries such as Indonesia are countries that rely on the belief that state power must be exercised on the basis of fair and good law, but in Indonesia physical and mental violence

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against children is still often carried out by irresponsible individuals. Physical and mental violence against children is a very complex issue. Physical and mental violence against children is certainly detrimental to the children themselves, but it will also harm many other parties such as schools, parents, and the surrounding environment. The impact on themselves is physical harm, reduced morality in themselves, and loss of feelings of sensitivity, tolerance, tolerance, and mutual respect. The impact on their environment is the damage to the facilities around them, the disruption of the learning process at school for children and the most dangerous is to cause fatalities when the violence occurs (Eleanora and Putri, 2019: 27).

One of the forms of mistreatment that exists is violence. Violence felt by women and children can be a traumatizing event that if not handled healthily will become a psychological trauma disorder. However, on the other hand, if handled healthily and effectively, psychological trauma can be healed and will also open up opportunities for the growth of individual abilities to reduce and overcome the adverse effects of this. Therefore, it is important for victims of violence to receive legal, medical and psychological assistance.

In Buleleng district, it still happens frequently based on the following data table:

*Table.1.1 Data on the number of crimes of physical and mental violence against children*

No.	Year	Number of Cases
1	2017	6
2	2018	17
3	2019	6
4	2020	4
5	2021	3
6	2022	5

*Source: Buleleng Police*

The urgency in this research is about the role of the police, especially at Buleleng Police Station in dealing with the problem of physical and mental violence against children committed by their own

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parents, where in handling it there are obstacles, namely the child does not have the ability to report this crime of violence to the local police, which in this study refers to the Buleleng Police Station.

## Research Methods

*Legal research* is to find the truth of coherence, namely whether the rules of law are in accordance with legal norms and whether the norms in the form of orders or prohibitions are in accordance with legal principles. The type or research method used in this research is empirical legal research method. Empirical legal research is research that refers to legal actions or events that occur in the field (Ishaq, 2017: 20). Empirical legal research is a study that departs from the gap between *das solen* and *das sein*, namely the gap between legal theory and reality or reality in the field and is a study that discusses how the law operates in society (Ali, 2016: 10).

The data sources used in this empirical legal research are primary and secondary data, which are as follows:

Primary data in this research comes from field research conducted in Buleleng Regency, especially Buleleng District Police. Secondary data is data obtained through sources from the study of literature in the form of literature, scientific papers, laws and regulations, documentation from various agencies and data that has been documented in legal sources that have to do with the problem under study.

## Results and Discussion

### The Role of Buleleng Resort Police in Handling Perpetrators of Physical and Mental Violence Against Children in Buleleng Regency

Based on an interview with Mrs. Nyoman Remiasih, S.H. as BANIT IV (PPA Unit) Sat Reserse Polres Buleleng, it was found that the role of the police in trying to resolve criminal acts of violence through penal mediation is to provide a place for mediation facilities, communication between the Complainant and the Reported, while for the settlement decision is left to both parties, both the Complainant and the Reported, the officer only takes action in the form of:

- a. Listen to reports from the reporter and the reported party.
- b. Give appropriate advice.

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c. There is no compulsion to provide a decision/settlement to the Complainant/Reportee.

Penal mediation is different from general mediation, the mediator in penal mediation is more likely to be passive, and prioritizes comfort and maintaining the feelings of the victim or perpetrator. The main target of penal mediation is dialogue between the victim and the perpetrator, providing a direct, for the decision will be left entirely to the victim and the perpetrator. safe and comfortable conditions for victims and perpetrators to discuss.

The role of the PPA Unit of Buleleng Police is to provide services in the form of protection for women and children who are victims of crime/violence and law enforcement against the perpetrators, in carrying out its duties the PPA Unit of Buleleng Police organizes:

- a. Receiving reports/complaints about criminal acts of violence, the handling of cases served is based on *locus delictie* (the place where the case occurred, namely the case that occurred within the jurisdiction of the Buleleng District Police).
- b. Make a Police Report.
- c. Refer/send the victim to the nearest Integrated Service Center (PPT) or Hospital.
- d. Provide assurance to the reporter, that there will be a follow-up to the report/complaint.
- e. Channeling victims to Legal Aid Institutions (LBH) or Safe Houses, if necessary.
- f. Provide counseling.
- g. Inform the reporter of the development of the investigation.
- h. Conducting case investigations, including requests for *Visum et Repertum*.
- i. Guarantee the confidentiality of the information obtained.
- j. Ensure the security and safety of both the reporter and the victim.
- k. Organize coordination/collaboration with cross-functional/agency, related parties.
- l. Make periodic activity reports in accordance with procedures/hierarchy.

If a case has been revoked by the complainant, then the police will stop the case, this is because there has been an agreement from the deliberation between the complainant and the reported party that the problem will be resolved by reconciliation. If at any time there is another problem reported with the same reporter, the reporter must re-register and be re-recorded by the officer.

The role of the Buleleng District Police is as follows. Based on a report from the victim, the PPA Unit of the Criminal Investigation Unit of Buleleng Police took action:

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## 1. Investigation.

The first action taken by the PPA Unit after receiving a report from the victim is to conduct an investigation. Investigations are carried out by police officers in the PPA Unit. The implementation of the investigation is as follows:

### a. Sufficient preliminary evidence

Sufficient preliminary evidence here is the existence of a police report that there has been a criminal act of violence committed by the suspect against the victim, as well as testimony from witnesses.

### b. Investigation Plan

At this stage the officer will make an investigation plan for the crime of violence that occurred, including the steps to be taken, as well as the tactics and techniques used in the investigation.

## 2. A Police Report is issued, the contents of which include:

a) Identity of the person reporting;

b) Reported events;

c) How it happened;

d) Date reported;

e) Crime

f) Brief description of the incident

g) Signature of the reporter and designated officer.

## 3. Prepare Minutes of Examination.

a) Minutes of Victim Examination

b) Minutes of Witness Examination

c) Minutes of Suspect Investigation

## 4. *Visum et Repertum*.

## 5. Penal Mediation

After the post-mortem; examination of the victim, witnesses, and suspect has been carried out, then this is where the penal mediation stage appears by the police officer, the steps taken by the officer are:

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- a) Provide a place for the Complainant/victim and the Reported Party or called (RPK) to communicate, discuss the problems experienced by both parties.
- b) Listen to the will or desire of both the Complainant and the Reported Party.
- c) After penal mediation by the PPA Unit of the Buleleng Police Criminal Investigation Unit, if both parties, both the Complainant and the Reporting Party, make a decision that the Victim / Reporting Party revokes the report, because both parties have resolved kinship, the Victim / Reporting Party revokes the report by submitting a Request for Revocation of Report to the police. By the police, the case was terminated because it had been revoked by the Complainant and ended with a consensus decision and reconciliation.

Penal mediation was first recognized in the terminology of positive law in Indonesia since the issuance of the National Police Chief Letter No. Pol: B/3022/XII/2009/SDEOPS dated December 14, 2009 on Case Handling through *Alternative Dispute Resolution* (ADR) although it is partial in nature. In essence, the principles of penal mediation referred to in this Chief of Police Letter emphasize that the settlement of criminal cases using ADR must be agreed upon by the litigants, but if there is no agreement, it will be resolved in accordance with applicable legal procedures in a professional and proportional manner. This is at least the understanding of penal mediation that is currently known in Indonesia.

## **Obstacles in handling perpetrators of physical and mental violence against children**

As a unit that often has direct contact with the community, the police must always be able to place themselves as a figure close to the community but also be firm and authoritative. In carrying out the task of preventing and overcoming physical and mental violence, the police also face several obstacles. The obstacles experienced in handling criminal acts of physical and mental violence against children principally lie in the child or individual and in broadcasts on several mass media also often show soap operas of underage school children who are already dating, from that broadcast a child can recognize the name dating so that it can lead the child to commit physical and mental violence. This is also revealed from several cases, social media and the child's environment which is also one where children can be tricked with all the tricks and usually the perpetrators are also from among children who are still minors carried out by their friends so that they easily serve what is requested

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from the perpetrators, both from text conversations, pictures, videos and telephone conversations, coupled with many parents who allow their children to use communication devices.

Another obstacle experienced by the police in efforts to prevent and overcome physical and mental violence against children, lies in the lack of early education from parents, which is the most important point in shaping the child's personality. In addition, the police are also constrained when the perpetrator finds out that he has been reported by the victim and flees from his place of residence. The police also have other obstacles including lack of information about perpetrators of physical and mental violence because usually the information provided by relatives of the perpetrators and victims is very different. The community also still feels strange about the words physical and mental violence or those related to sexuality, which is something that is still strongly held by the community so that efforts to reveal cases of sexual crimes against children are difficult to detect.

## **Countermeasures Conducted by the Buleleng Resort Police in Handling Perpetrators of Physical and Mental Violence Against Children**

The crime of physical and mental violence against children not only harms themselves but also harms the wider community. Physical and mental violence against children is a problem that arises and develops and has its own impact, so it is necessary to overcome the crime of physical and mental violence against children. Countermeasures against crime are an effort made so that it can suppress or prevent crime. As a law enforcement officer, the police certainly have a duty to maintain security, public order, service, protection and protection for the community.

In this regard, physical and mental violence against children is one of the crimes that violates the provisions of the law and must be handled quickly. An appropriate action is needed in order to be able to provide a deterrent effect and understanding for the perpetrator regarding the impact and consequences of the actions committed so that the perpetrator does not commit the act again. Countermeasures can be interpreted as an effort that can be taken by every person or a government or private institution that has a goal in order to seek security, control, and welfare of life in accordance with existing human rights. The crime prevention policy can be carried out through two channels, namely the penal and non-penal channels. The penal path is carried out after the crime occurs and the



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non-penal path is carried out with the aim of preventing the crime from occurring by making efforts that are pre-emptif and preventive (Moh, 2022: 45).

In terms of overcoming criminal acts of physical and mental violence against children in Buleleng Regency, based on the results of interviews obtained with informants from the Buleleng Police Criminal Investigation Unit. It can be explained that the countermeasures taken to overcome criminal acts of physical and mental violence against children in Buleleng Regency include non-punitive efforts and penal efforts (Harahap, 2020: 56).

## 1. Non-punitive countermeasures

Non-penal efforts are carried out to prevent criminal acts of violence from occurring. This effort is a countermeasure that focuses more on prevention or pre-emptif and also preventive efforts, which are carried out before the occurrence or prevention of a criminal offense. Crime prevention policies through non-punitive channels are more of a preventive measure for the occurrence of a crime (Wulandari, 2020: 45). Therefore, the main target is to deal with the causes of crime that center on problems or social conditions that can directly or indirectly lead to crime. Thus, seen from the crime prevention policy, these non-penal efforts have a strategic position and play a key role that must be intensified. The non-penal and penal crime prevention efforts to overcome the crime of physical and mental violence against children in Buleleng Regency are as follows (Aditya, 2021: 50):

### 1) Pre-emptive measures

Pre-emptive efforts are the earliest efforts made before an offense occurs in the form of instilling values and norms. The efforts made by the Buleleng Resort Police in tackling criminal acts of physical and mental violence against children in Buleleng Regency are by providing counseling related to criminal acts and also counseling about violence that attacks many children so that people can understand the dangers of committing criminal acts and their impact on society together with other institutions or agencies (Sirait, 2017: 40).

### 2) Preventive measures

Preventive efforts are a follow-up to pre-emptive efforts which emphasize more on efforts to eliminate opportunities to commit a crime. Efforts made to prevent criminal acts of physical and mental violence against children in Buleleng Regency from happening again are the Buleleng Resort Police always establishing good relations with the community and related institutions in an effort to create closeness



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between the police and the community so that people are not afraid to report to the police if they are victims of criminal acts of physical and mental violence against children (Manik, 2023: 70).

## 2. Penal countermeasures

Legal efforts through penal channels are also commonly referred to as efforts made through criminal law channels. This effort is a countermeasure that focuses more on repressive efforts, namely an effort made after a crime occurs by enforcing the law and imposing penalties for crimes that have been committed. Penal policy is usually repressive, but also contains preventive elements because there are threats and imposition of punishment in which it is hoped that there will be prevention or *deterrence* efforts (*deterrenteffect*). In addition, in crime prevention, penal policy will still be needed because criminal law is considered as one of the means of social policy to channel "public dislike or social disdain/hatred which at the same time is also expected to be a means of social protection (*social defense*). Therefore, it is often said that penal *policy* is an integral part of *social defense policy* (Arief, 2007: 182).

Law enforcement is carried out in order to keep the law as a norm that regulates human life for the realization of order, security, and peace of society in living their lives. Criminal law enforcement must be based on legislation, so it is certain that in law enforcement mistakes occur (Sutarsan, 2021: 46).

The repressive crime prevention efforts to overcome violent crimes in Buleleng Regency are as follows (Afrizan, 2023: 35):

- a. Buleleng District Police in handling each case must be carried out by following the applicable legal rules, namely Law Number 35 of 2014 concerning Child Protection and also the process of punishment obtained by the perpetrator through the trial process in court or outside the trial if committed by a child.
- b. If Polres Buleleng receives a report of a crime of violence in Buleleng Regency, Polres Buleleng will conduct an investigation and investigation. Investigations and investigations are carried out in accordance with applicable legal provisions. Where the legal provisions in question are Law Number 6 of 2019 concerning Criminal Investigation.
- c. Provide protection to witnesses and victims from criminal acts of physical and mental violence against children.

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- d. Buleleng Police also provides psychology to assist children and also to de-traumatize children who are victims of violence.
- e. Buleleng Police handles every case optimally by not being selective. Slash and burn is being selective in handling cases.
- f. If there is a case of public attention, Buleleng Police handles the case professionally and proportionally. Public attention cases are cases that invite a lot of public attention such as viral cases.

Preventive action can be carried out with two objects of the crime prevention or control system by eliminating the factors that cause crime. The development of studies on the causes of crime that require the development of theories and field research and moralistic systems through lighting and dissemination among the public to strengthen the morals and mentality of a person in order to avoid evil intentions. Responsive action is an action taken after a social deviation that aims to restore social life that is disrupted due to social deviation by imposing sanctions in accordance with the offense. The prevention efforts carried out by the police in Buleleng Regency in handling cases of violence through pre-emptif action are socialization and counseling throughout the community and schools in Buleleng Regency by involving several government agencies as an effort to prevent violence which is carried out every turn of the new school year. Then the police also conduct training and seminars related to criminal acts of physical and mental violence, training and seminars are routinely held. The efforts to overcome physical and mental violence against children carried out by the Buleleng Resort Police, namely (Rizky, 2022: 87):

1. Improve the administration and supervision system to prevent irregularities.
2. Increase police personnel to further improve preventive and responsive actions.
3. Increase the moral toughness and professionalism of law enforcement officers. However, the effectiveness of crime prevention is only possible through the participation of the public in a conscious and orderly manner.

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## Conclusion and Recommendations

Based on the explanation of the material above, it can be concluded that:

1. The role of the police in this case is the Women and Children Service Unit of the Criminal Investigation Unit of the Buleleng Regency Police in an effort to resolve criminal acts of violence through penal mediation is to provide services, protection to women and children who are victims of criminal acts of violence with empathetic professionals and law enforcement against women and children as perpetrators of crime, providing protection to women and children who are victims and / or witnesses with empathy. In its implementation, the police provide a place for mediation, communication, and discussion between the Reporter or Victim and the Reporting Party or Perpetrators, while the decision to resolve is left back to both parties, both the Reporter and the Reporting Party according to the wishes of both parties, the officer only takes action in the form of:
  - a) Listen to the will of the complainant and the reported party.
  - b) Give appropriate advice.
2. Efforts to overcome criminal acts of physical and mental violence against children in Buleleng Regency carried out by Polres Buleleng are pre-emptif (non-penal) efforts by providing legal understanding to the community and conducting a good cooperative relationship with the community and institutions in the community, especially Buleleng Regency. While the preventive efforts (non penal) carried out by Buleleng Police by establishing good relations with the community and conducting various kinds of supervision. As well as repressive efforts (penal) carried out by Polres Buleleng, namely by conducting investigations or investigations in accordance with applicable legal provisions, carrying out all kinds of actions according to procedures, not handling cases in a selective manner, and handling cases of public attention professionally and proportionally.

The suggestions that can be given in this study are as follows:

1. Families should increase parental supervision of behavior and social environment and develop norms and values that develop in society and provide good direction to children.

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2. Buleleng Police should further optimize guidance to the community and supervision of community activities, as well as maximize the facilities owned by the police so that case handling can be maximized and carry out prevention by synergizing with related institutions to educate the public about physical and mental violence against children. In addition, Buleleng Police should also uphold fair justice for both victims and perpetrators of cases of physical and mental violence against children.
3. The government should create a legal basis for the settlement of cases of violence through penal mediation. The application of penal mediation as an alternative to the settlement of criminal cases outside the court, should be more appreciated by the Government and used as a reform in the criminal justice system in Indonesia because considering the many advantages possessed by penal mediation in resolving criminal cases, on the one hand it also creates satisfaction for victims and perpetrators if an amicable agreement is reached and there is no need to continue to court.

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