

Criminal Law Enforcement Against Fuel Oil Theft in the Port Area of PT Pelindo Sibolga Branch

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Abstract

Ports, as vital national infrastructure, play a strategic role in Indonesia's logistics and energy distribution systems. However, increased economic activity at ports has also triggered criminal acts, including fuel theft, which impacts energy stability and national security. This study aims to analyze criminal law enforcement against fuel theft in the Port area of PT Pelindo Sibolga Branch and identify factors influencing its effectiveness. The method used is normative legal research with a statutory, conceptual, and case-based approach. Data collection techniques were conducted through a literature review of primary, secondary, and tertiary legal materials. The results show that although regulations such as the Criminal Code, Law No. 22 of 2001 concerning Oil and Gas, and Law No. 17 of 2008 concerning Shipping provide a sufficient legal basis, implementation of law enforcement in the field still faces obstacles such as a weak oversight system, limited coordination between officials, and low integrity and human resource capacity. This research contributes to the development of normative studies in the economic criminal law and port security sectors, emphasizing the importance of institutional synergy and the use of surveillance technology to prevent fuel theft at ports. The study's conclusions confirm that the effectiveness of criminal law enforcement is highly dependent on the quality of institutions and an integrated surveillance system. A digital-based and collaborative reformulation of law enforcement strategies is needed to strengthen the protection of national vital assets.

Keywords: *Fuel Theft, Law Enforcement, Sibolga Port*

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Introduction

Ports are one of the strategic infrastructures that have an important role in supporting national economic growth, especially in the distribution system of goods, services, and energy [1]. In the context of an archipelagic country like Indonesia, the existence of a port not only serves as a gateway for domestic and international trade, but also becomes the main node in ensuring the smooth running of the national logistics chain [2]. Port activities that are growing along with the increase in trade flows and energy distribution make the port area a national vital object that requires an optimal security and supervision system. The existence of a safe and orderly port is an important factor in maintaining economic stability, national security, and the sustainability of energy distribution for the community and the industrial sector [3].

One form of energy distribution that has high strategic value in the port area is Fuel Oil (BBM). Fuel Oil is a vital commodity that plays a major role in supporting transportation activities, industry, and daily needs of the community. The high economic value of Fuel Oil makes this commodity vulnerable to various criminal acts, one of which is theft [4]. In practice, fuel theft is not only carried out conventionally, but also develops through various more complex modus operandi, such as distribution manipulation, misuse of transportation documents, reduction of distribution volume, to the involvement of internal individuals who have access to energy distribution facilities [5]. This condition shows that the crime of stealing Fuel Oil is not only a crime against property, but also has the potential to disrupt national energy stability and maritime sector security [6].

The problem of fuel theft in port areas is a serious issue because its impact not only causes economic losses for the state and port management companies, but can also hinder the energy distribution system and reduce the level of trust in port governance [7]. In addition, the practice of fuel theft often involves an organized network that takes advantage of weak interagency surveillance and coordination systems. This situation shows that the crime of fuel theft has interrelated legal, economic, and security dimensions. Therefore, its handling requires a comprehensive law enforcement approach, both through the application of criminal sanctions and the strengthening of the supervision and security system in the port area [8].

From a criminal law perspective, the theft of Fuel Oil can be qualified as a criminal act of theft as regulated in the Criminal Code (KUHP), especially Article 362 of the Criminal Code regarding theft. However, because the stolen object is a strategic commodity related to the energy sector and national distribution, the law enforcement is also related to the provisions of Law Number 22 of 2001 concerning Oil and Gas and Law Number 17 of 2008 concerning Shipping [9]. The existence of these regulations shows that the state has provided a sufficient legal basis to deal with criminal acts in the port and energy distribution sectors. However, in its implementation, various obstacles are still found, such as weak internal supervision, limited security facilities, low coordination between law enforcement officials, and suboptimal technology-based surveillance system [10].

Criminal law enforcement is basically the state's effort to realize legal certainty, justice, and legal benefits for the community. According to Soerjono Soekanto, the effectiveness of law enforcement is influenced by several factors, namely legal factors, law enforcement officials, facilities and facilities, society, and legal culture. In the context of the theft of Fuel Oil at the port, the five factors are very closely related [18]. Weak supervision and low integrity of the apparatus can open up opportunities for criminal acts, while low public legal awareness can also affect the effectiveness of law enforcement itself. Therefore, efforts to eradicate fuel theft cannot only rely on a repressive approach through criminalization, but must also be accompanied by preventive measures in the form of strengthening the surveillance system, improving institutional coordination, and utilizing security technology [11].

The Port of PT Pelindo Sibolga Branch is one of the important ports in the North Sumatra region which has quite high logistics and energy distribution activities. The high mobility of the distribution of goods and fuel oil in the port area makes the port area vulnerable to various criminal acts, including the theft of fuel oil. Geographical conditions, the intensity of loading

and unloading activities, and the involvement of many parties in the distribution process are factors that can increase the potential for crime. Therefore, an effective and integrated law enforcement system is needed to prevent and overcome the crime of theft of Fuel Oil in the port area [17].

Research on law enforcement against fuel theft in port areas is important to be carried out because there are still limited studies that specifically discuss the effectiveness of criminal law enforcement against these criminal acts, especially at the Port of PT Pelindo Sibolga Branch. Most of the previous research has mostly discussed fuel theft from the perspective of economic losses or energy distribution, while studies on law enforcement aspects and obstacles to their implementation are still relatively limited. Thus, this research is expected to make an academic contribution to the development of criminal law studies on the economy and port security, as well as a consideration for law enforcement officials and port managers in formulating strategies for preventing and countering the crime of fuel theft more effectively [16]. This study focuses on the analysis of criminal law enforcement against fuel oil theft in the Port area of PT Pelindo Sibolga Branch and the factors that affect the effectiveness of its implementation. This research is important to find out the extent of the implementation of applicable legal provisions in handling the crime of fuel theft, as well as identify various obstacles and solutions that can be applied in strengthening the security system and law enforcement in the port area

Based on this background, this research is directed to formulate legal problems that will be studied further in the formulation of the following research problems:

1. How is the enforcement of criminal law against the theft of Fuel Oil in the port area of PT Pelindo Sibolga Branch?
2. What are the factors that affect the effectiveness of law enforcement in preventing and overcoming the theft of Fuel Oil at ports?

Literature Review

1. Law Enforcement

Law enforcement is the process of applying legal norms to maintain order, justice, and legal certainty in society. In the context of the crime of theft of Fuel Oil at ports, criminal law enforcement is an important instrument to protect state assets and ensure the security of national energy distribution. According to Satjipto Rahardjo, law enforcement is not only interpreted as the formal application of rules, but also as an effort to realize the value of justice and usefulness in social life. The enforcement of criminal law against the theft of Fuel Oil must be based on the principle of legality as stipulated in Article 1 paragraph (1) of the Criminal Code, so that every criminal action can only be processed based on the applicable legal rules. In addition, the effectiveness of law enforcement is also influenced by the integrity of the apparatus, coordination between agencies, and the quality of supervision in the port environment. Therefore, good law enforcement must be carried out professionally, transparently, and oriented towards the protection of the public interest and national security [11][12].

2. Fuel Oil Management Rules

The management of fuel oil in Indonesia is regulated in Law Number 22 of 2001 concerning Oil and Gas which emphasizes that oil and gas are strategic resources controlled by the state and are used as much as possible for the prosperity of the people. From a criminal law perspective, fuel theft is a form of violation of state resource management that can harm the national economy and disrupt the stability of energy distribution. According to research by Riyandani Rahmadiyah Lioty et al., illegal tapping practices and misuse of fuel distribution in Indonesia often occur due to weak supervision and limited energy distribution control systems. Therefore, the regulation of Fuel Oil management not only functions as the basis for energy administration, but also as a preventive instrument in preventing criminal acts in the oil and gas sector. Effective supervision of the distribution of Fuel Oil is necessary to maintain transparency, accountability, and security of the national energy supply [14].

3. Sea Transportation Rules

Regulations regarding shipping and port security in Indonesia are regulated in Law Number 17 of 2008 concerning Shipping. This law emphasizes that ports are vital objects that must be maintained for security and safety to support the smooth running of national logistics and trade activities. In practice, the theft of Fuel Oil in the port area can disrupt shipping operations, cause economic losses, and threaten public safety. According to Henry Aspan, good governance in the management of strategic sectors requires a strong supervisory system, effective institutional coordination, and consistent application of rules. Therefore, strengthening the port security system through surveillance technology and improving coordination between agencies is an important step in preventing criminal acts in the port area [13].

4. Fuel Oil (BBM) Theft

Fuel oil theft is a criminal offense that not only causes material losses, but also has an impact on economic stability, energy security, and social order. In Indonesian criminal law, theft is regulated in Article 362 of the Criminal Code which states that anyone who takes someone else's property illegally can be punished. According to Wahyu Widodo, fuel theft has special characteristics because it is related to the country's strategic resources and often involves organized networks. In addition, Andi Hamzah explained that economic crimes such as fuel theft require more serious legal handling because their impact can affect the public interest at large. Therefore, law enforcement against fuel theft must be carried out strictly through the application of proportionate criminal sanctions, strengthening supervision, and technology-based prevention efforts and the integrity of law enforcement officials [15].

Research Methodology

1. Research Approach

This research uses a normative legal approach that focuses on the study of norms, principles, and laws and regulations related to the enforcement of criminal law against the theft of Fuel Oil (BBM) in the Port area of PT Pelindo Sibolga Branch. The normative legal approach was chosen because this study aims to analyze the suitability between the applicable legal provisions and the implementation of law enforcement in the field. Through a statute approach, the research examines various relevant regulations, such as the Criminal Code (KUHP), Law Number 22 of 2001 concerning Oil and Gas, and Law Number 17 of 2008 concerning Shipping. In addition, this study also uses a conceptual approach to understand the theories of law enforcement, justice, and protection of state assets based on the views of legal experts. The case approach is also used to analyze the phenomenon of fuel theft at ports and the obstacles faced by law enforcement officials in practice. With this approach, the research is expected to be able to provide a comprehensive analysis of the effectiveness of criminal law enforcement against the crime of theft of Fuel Oil at the port.

2. Types and Sources of Legal Substances

The types of legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are the main sources of law that are binding and have authority in the Indonesian legal system, such as the 1945 Constitution of the Republic of Indonesia, the Criminal Code (KUHP), Law Number 22 of 2001 concerning Oil and Gas, and Law Number 17 of 2008 concerning Shipping. Secondary legal materials are used to support and explain primary legal materials, which include law books, scientific journals, articles, research results, and expert opinions related to criminal law, port security, and energy management. Meanwhile, tertiary legal materials in the form of legal dictionaries, encyclopedias, and legal indexes are used as support to clarify legal terms and concepts used in research. The three types of legal materials complement each other to produce an in-depth and systematic study of criminal law enforcement against the theft of Fuel Oil in the port area.

3. Legal Material Collection Techniques

The technique of collecting legal materials in this research is carried out through library research, which is by collecting, reading, and studying various legal sources that are relevant to the object of research. The process of collecting legal materials is carried out systematically by tracing laws and regulations, legal literature books, scientific journals, academic articles, and official documents related to the crime of fuel theft and port management. This research also utilizes various scientific references to strengthen the analysis of law enforcement theory, criminal law principles, and port security systems. All legal materials obtained are then classified based on their relevance and level of legal force to facilitate the analysis process. This technique was chosen because it is able to provide a deep understanding of the applicable legal norms and its application in law enforcement practices against the theft of Fuel Oil at ports.

4. Legal Materials Analysis Techniques

The legal material analysis technique in this study uses a qualitative analysis method with a descriptive-analytical approach. The analysis is carried out by interpreting and examining various legal provisions related to the crime of stealing Fuel Oil in the port area, then connecting it with legal theories and facts that develop in law enforcement practice. The analysis stage begins with the identification and inventory of relevant primary, secondary, and tertiary legal materials. Furthermore, the researcher conducts a legal interpretation of the norms contained in laws and regulations to understand their purpose, purpose, and application in the case of fuel oil theft. An argumentative approach is also used to assess the effectiveness of criminal law enforcement as well as identify factors that affect its success. With this analysis technique, the research is expected to be able to produce a comprehensive understanding of the application of criminal law to fuel theft as well as provide recommendations in an effort to improve the effectiveness of the law enforcement system in the port environment.

Results

1. Criminal Law Enforcement against Fuel Oil Theft at the Port of PT Pelindo Sibolga Branch

Legal issues related to the theft of Fuel Oil (BBM) at ports are a very complex problem, considering its impact which not only affects economic aspects, but also touches social, legal, and public safety aspects. In analyzing this issue, it is important to consider the normative construction in the Indonesian legal system, especially as it relates to port and energy management. This normative construction includes the basic principles of criminal law contained in the regulations governing port and energy management, as well as the laws that govern theft, justice, protection of state wealth, and public safety. All of these principles must be applied holistically in dealing with the problem of theft Fuel Oil at the port, given that this theft not only involves individual perpetrators but also threatens the integrity and efficiency of the national logistics system that depends on smooth distribution Fuel Oil [20].

Theft Fuel Oil at the port must be seen as an unlawful act and must be handled seriously, both in terms of criminal law and from the perspective of state protection and public interest. In this case, we can refer to the Criminal Code (KUHP) to understand the legal basis and law enforcement mechanism against theft Fuel Oil. Article 362 of the Criminal Code, which regulates theft, defines theft as the act of taking property belonging to another person with the intention of unlawfully possessing it. Theft Fuel Oil What happens in the port area, as part of the country's vital infrastructure, is clearly a criminal act that should not be left unchecked, as its impact is not only limited to financial losses, but also threatens the stability of energy supply and the sustainability of the national economy [19].

The principle of legality, which is regulated in Article 1 paragraph (1) of the Criminal Code, states that "no act can be punished except based on the force of existing legal provisions," which is a basic principle in the enforcement of criminal law in Indonesia. This shows that every criminal act, including the theft of Fuel Oil, must refer to pre-established regulations, both in national legislation and other technical regulations that regulate energy and port

management. The application of this principle of legality is important to ensure that any law enforcement action has a clear basis and does not violate the principles of applicable law.

However, in practice, law enforcement against the theft of Fuel Oil at ports is often hampered by several factors. One of them is the limitation of supervision in the port area. The port is an area that is very prone to criminal acts, considering the many activities that occur, whether it is related to loading and unloading goods, distributing Fuel Oil, or other operational activities. The lack of adequate surveillance infrastructure, such as surveillance cameras (CCTV), effective monitoring systems, and a lack of trained surveillance personnel, are one of the factors that make it easier for thieves to carry out their actions without being detected. In addition, there is often disharmony in coordination between responsible agencies, such as police officers, port managers, and other related parties, which causes the supervision and law enforcement process to not run optimally.

In addition to technical factors, corrupt practices are also a serious obstacle in law enforcement against theft Fuel Oil. Corruption that occurs in ports can create loopholes for the perpetrators of theft to escape the legal process. This corruption can involve officials or officials who are supposed to be tasked with supervising and enforcing the law, but instead provide protection to the perpetrators of theft or even involvement in these illegal activities [21]. Therefore, the eradication of corruption in the port sector is very important to ensure that law enforcement against theft Fuel Oil can run effectively.

For this reason, law enforcement against the theft of Fuel Oil at ports must be balanced with more systematic prevention efforts and involve various parties. This prevention does not only rely on formal law enforcement, but also involves a broader approach, such as increased surveillance at ports, increased coordination between agencies, and empowering the public to participate in monitoring and reporting criminal acts that occur around them. Effective law enforcement must be able to create a deterrent effect for perpetrators and provide a sense of security for the community and the business world.

The principle of justice must also be upheld in law enforcement against the theft of Fuel Oil. Justice not only means giving the perpetrator a commensurate punishment, but also ensuring that the punishment has a deterrent effect and can improve the perpetrator's behavior. In this case, it is important to apply the principle of proportionality in the provision of criminal sanctions. The sanctions given must be adjusted to the impact caused by the criminal act, both in terms of economic and social losses. Sanctions that are too light can reduce the deterrent effect, while excessive sanctions can create injustice. Therefore, a balanced approach in the provision of sanctions is the key in creating justice in law enforcement.

Thus, the problem of fuel theft at ports does not only involve legal issues, but also involves many other aspects, such as the supervision system, coordination between agencies, corruption, and social justice. Effective law enforcement against these crimes must involve a comprehensive approach, which does not only rely on criminal sanctions, but also involves prevention efforts involving multiple parties and creating a better surveillance system at the port.

2. Factors Affecting the Effectiveness of Law Enforcement

The problems that occur are related to the effectiveness of law enforcement against the theft of Fuel Oil (BBM) at ports are indeed very complex and are influenced by various interrelated factors. Effective law enforcement requires an integration of legal theories, policies, and implementation in the field that are able to answer these problems. In more detail, some of the problems that affect the effectiveness of law enforcement include limited human resources (HR), lack of supervision, and social and cultural factors in the port environment.

a) Limited Capacity of Human Resources (HR)

Effective law enforcement requires the existence of officers who are not only trained but also have an adequate number. Success in handling Fuel Oil theft cases is highly dependent on the expertise, training, and experience of the officers involved in the investigation and

prosecution process. If law enforcement officials do not have adequate skills, they will have difficulty in detecting and handling Fuel Oil theft cases which tend to have a complex and organized modus operandi. In this case, officials at the port, both from the police, port management, and other related agencies, need to continuously receive training and development in order to be able to detect and prevent these illegal acts more effectively.

In addition, the limited number of officers is also an obstacle. With the high activity at the port involving various types of goods and people coming in and out, it has become more difficult to supervise all activities. On the other hand, if there are not enough law enforcement officials to carry out intensive supervision of activities at the port, criminal acts such as fuel theft can easily occur. Therefore, an increase in the number of trained personnel and a clear distribution of duties are urgently needed to strengthen the effectiveness of law enforcement.

b) Lack of Supervision and Control at the Port

Another factor that is an obstacle in law enforcement is the lack of supervision and control over activities at the port. Based on existing regulations, port managers have the obligation to maintain security and order and supervise high-risk activities, such as the distribution of Fuel Oil. However, in practice, supervision of the distribution of Fuel Oil at ports is often not optimal. This is due to various reasons, ranging from limited supervision infrastructure to poorly coordinated supervision between various parties involved in the port, such as the police, port managers, and other related agencies.

This weak supervision provides an opportunity for perpetrators to carry out acts of stealth of Fuel Oil secretly or even in an organized manner. In ports, the movement of Fuel Oil from one ship to another or into storage tanks often does not receive enough strict supervision, making it easier for irresponsible parties to commit theft. Therefore, it is important to make improvements in the existing supervision system, both in terms of technology and coordination between various parties. For example, the implementation of digital monitoring systems or the use of advanced technology such as surveillance cameras and sensors to track the movement of Fuel Oil will be very helpful in preventing theft.

c) Social and Cultural Factors

Social and cultural factors also have a significant role in influencing the effectiveness of law enforcement at ports. In some cases, theft of Fuel Oil at ports is carried out by people who have direct access to port facilities, such as port workers, operators, or officers on duty in areas related to the distribution of Fuel Oil. This shows a deeper problem, namely disobedience or dishonesty among port workers who may consider such actions to be natural or not too detrimental.

In this context, it is crucial to make changes in the work culture and raise legal awareness among port workers. One of the steps that can be taken is through professional ethics training and instilling integrity values in everyone involved in port operations. In addition, there is also a need for a reward system for those who demonstrate integrity and stricter internal supervision of activities at the port. Legal counseling targeting port workers as well as prevention campaigns that voice the importance of ethics and responsibility in daily work will go a long way in creating a cleaner and crime-free work environment.

d) Strengthening Applicable Legal Theories and Principles

Deterrence theory can be applied more consistently in the Indonesian criminal justice system. This theory teaches that the threat of strict and consistent punishment can reduce or even prevent criminal acts. Therefore, courts and law enforcement officials must be able to enforce sanctions that are appropriate and proportionate to the crimes committed. The principle of justice must be upheld, and this will create the expected deterrent effect.

Overall, the application of criminal sanctions that are in accordance with the level of errors and losses caused by fuel theft will send a clear message to the public that this criminal act cannot be left alone. The principle of proportionality, which demands a balance between

actions and punishments, is also important to be applied so that the sanctions imposed can create maximum preventive effects.

By paying attention to these various factors, law enforcement against the theft of Fuel Oil at ports can be carried out more effectively. The government, law enforcement officials, and port managers need to work together to create a strict supervision system, increase the capacity of Human Resources, and change the work culture in the port environment so that the crime of fuel theft can be better prevented.

Conclusion

Based on the description of the discussion that has been described, several things can be concluded, namely:

1. Theft of Fuel Oil (BBM) at ports is a serious crime that not only causes economic losses, but also threatens the stability of energy distribution, public safety, and the integrity of the national logistics system. The handling must be based on the principles of criminal law, especially the provisions of Article 362 of the Criminal Code regarding theft and the principle of legality in Article 1 paragraph (1) of the Criminal Code, so that every law enforcement action has a clear and legally valid basis. However, the effectiveness of law enforcement still faces various obstacles, such as weak surveillance systems at ports, lack of coordination between agencies, and corrupt practices that can protect perpetrators of criminal acts. Therefore, countering fuel theft is not enough only through the provision of criminal sanctions, but also requires systematic preventive measures through increased supervision, strengthening coordination of related institutions, eradicating corruption, and community participation. In addition, the application of the principles of justice and proportionality in the provision of sanctions is important so that punishment not only provides a deterrent effect, but also creates a sense of justice and protection for the interests of the state and society.
2. The effectiveness of law enforcement against the theft of Fuel Oil (BBM) at ports is influenced by various interrelated factors, especially limited human resources (HR), weak supervision, social factors and work culture, and the application of legal principles and theories that are not optimal. The limited number and quality of law enforcement officers cause the supervision and handling of fuel theft cases to not run optimally, while the weak control system at the port opens up opportunities for organized crimes. In addition, the work culture that lacks integrity and low legal awareness in the port environment also increases the risk of fuel theft. Comprehensive steps are needed through increasing the capacity and number of apparatus, strengthening technology-based supervision systems, increasing coordination between agencies, and establishing a work culture with integrity through ethics education and legal counseling. In addition, the application of deterrence theory, the principle of justice, and the principle of proportionality in the provision of criminal sanctions must be carried out consistently in order to create a deterrent effect and prevent the recurrence of the crime of theft of Fuel Oil at the port. With synergy between the government, law enforcement officials, and port managers, law enforcement can be carried out more effectively and sustainably.

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