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**Law Enforcement For Clothes Smuggling
Formally *illegal***

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Abstract

The crime of smuggling is very common in Indonesia, it's just that in imposing criminal sanctions, its implementation only focuses on imprisonment, because the concept of "state compensation" is not explicitly regulated in the sentence structure of the Customs Law, namely every time a government smuggling crime occurs, it is always dangerous. . This research uses a descriptive method through a normative approach (legal research), namely a problematic approach that is carried out through a study of various legal aspects related to applicable laws and regulations. The results of the study show that Indonesia's legal regulations regarding smuggling are Law no. 17 of 2006. A form of illegal used clothing crime related to customs in the territory of the Republic of Indonesia occurs on the coast outside the port area, using both traditional and modern equipment and usually without official documents. Trafficking in persons or legal entities is punishable by cumulative criminal penalties, namely imprisonment and fines. This sanction appears in Articles 102A and 102B of the Customs Law No 17 of 2006.

Keywords: Law Enforcement, Smuggling, Used Clothing.

PRELIMINARY

Indonesia is a country whose geographical location consists of a land area of about 17,000 islands located between the Indian Ocean and the Pacific Ocean.

Indonesia is referred to as an archipelagic country whose seas are directly adjacent to neighboring countries, therefore the movement of goods transported by sea must be controlled within the customs area to avoid smuggling through transportation between countries. Given the expansion of the Indonesian customs territory in accordance with the territory of the Republic of Indonesia, it is impossible for the government to deploy all customs and excise officials at the border for the entire customs territory of the Republic of Indonesia. Indonesia controls the import and export of goods related to export and import operations. Such conditions provide an opportunity for smugglers to carry out import and export activities without paying import duties and taxes as well as export duties to Customs and Excise.

Smuggling is basically a criminal act related to export-import activities where the perpetrators carry out or try to export/enter goods to or from Indonesian customs areas without regard to the provisions of Customs Law No. 10 of 1995. The influence of the development of the strategic environment, as well as the influence of actors' driving aspects, political aspects, and police aspects have contributed to the increase in smuggling, import and export smuggling. The increase in smuggling, especially import smuggling, has had various impacts, especially the weakening of the competitiveness of domestic production in the market, which in turn has had an impact

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on improving the national economy. Considering these contributing factors, this smuggling problem must be overcome through prosecution and law enforcement that increases the use of domestic products. The increase in smuggling is one of the obstacles that can hinder national development. The increase in smuggling crimes is estimated to be influenced by many factors, among others. the vast territory of the archipelago and securing many entry and exit points, the abundance of natural resources needed by other countries' industries as raw materials, the condition of the domestic industry that cannot compete with imported production, the ability and legal will. law enforcement agencies, as well as the low participation of citizens in cooperating with state agencies and other causal factors in causal relationships.

One form of smuggling crime in Indonesia is the smuggling of used clothes or commonly referred to as "paku". "Claw" is short for "Cap Sack". People use this term to refer to used clothes, or clothes that are marketed at low prices, much cheaper than normal retail prices, and of relatively good quality. Usually this type of clothing is imported illegally from various countries in large quantities. Perhaps this is where the "foot" or "bag stamp" comes into play. Many shipments of used clothing also come from foreign aid which is misused by importers because they want to make big profits by selling these used clothes. In fact, Article 3 of the General Import Regulations of the Minister of Industry and Trade in his Opinion Letter No. 229/MPP/Kep/7/1997 states that "imported goods, except for commercial vessels and fishing vessels,

must be in similar terms. -new conditions". unhealthy and causing harm to the country.

Therefore, it is clear that the arrival of these used goods in Indonesia did not go through the procedures mentioned in the general import policy, so it is a violation of the law of economic life, namely a violation that is better known. as smuggled goods. Based on the background above, this problem is formulated

1. What are the legal regulations for smuggling in Indonesia?
2. What types of illegal used clothing crimes exist in the Republic of Indonesia?
3. What is the legal process for illegally smuggling used clothes?

RESEARCH METHODS

This research is descriptive-analytic in nature, meaning that this research is a research that describes, investigates, explains and analyzes the problem of the crime of smuggling used clothes in the context of laws and regulations, which is then analyzed. This research is a scientific activity based on certain methods, systematics, and ideas, which aims to investigate a certain law by analyzing it.

Analysis of legal aspects and their relation to the criminal act of smuggling as well as the application and fulfillment of these provisions and examination of the application of the crime of used clothing.

Based on the object of positive law research, the normative legal approach is discussed in this study. As normative legal research, this research is also carried out by using both the law written in the book (the law as written in the book) and the law decided by judges through the judicial process (rights of a judge



through the judicial process), or what is often called educational research. Regarding the type of research used, namely. normative jurisprudence, legal approaches are followed to obtain qualitative results, which are carried out with the help of literature research, ie. reading, researching and analyzing literature/books. , laws and regulations and other sources.

According to SoerjonoSoekanto and Sri Mamudji, data analysis is the process of sorting data sets, organizing them into patterns, categories and basic descriptive units. The secondary data obtained was systematized, processed and researched and analyzed through descriptive methods with a qualitative approach.

According to SoerjonoSoekanto and Sri Mamudji, qualitative data analysis is work done by working with data, organizing data, sorting it into manageable units, synthesizing, searching for and finding patterns, and looking for what can be communicated to others. So that it can describe the results of this study thoroughly and systematically. Therefore, this analytical work is expected to produce conclusions that are in accordance with the problems and research objectives.

RESEARCH RESULTS AND DISCUSSION

The Law on Economic Crimes (UU Drt. No. 7 of 1955) and Presidential Decree No. 4 of 1985 does not define smuggling. Likewise Law No. 17 of 2006 of the Republic of Indonesia concerning amendments to the Customs Law 10 of 1995 also does not regulate criminal acts of smuggling.

The criminal act of smuggling is as dangerous as the criminal act of corruption in

the sense that it both endangers the country's economy which in turn hinders development and also becomes an obstacle to the prosperity and welfare of the people. Economic crimes in general and smuggling crimes in particular in terms of development are obstacles and can even destroy people's economic growth, because smuggling can not only reduce government revenues, but also kill domestic industry and ultimately damage the people's status. national economy and stability. Criminal smuggling not only reduces government revenue from duties and other taxes related to the import and export of goods, but can also have a devastating impact on a country's economy and society. This is reflected in the influx of smuggled goods which makes domestic products uncompetitive both in terms of quality and price.

Large volumes of cheaper smuggled goods crowd out markets for goods from domestic industry and reduce incentives to increase domestic production. The decline in domestic production has resulted in the cessation of employment, and the cessation of employment has made it difficult to expand employment opportunities, so that development programs in the social and other welfare sectors have experienced obstacles.

The entry of smugglers can cause bottlenecks or obstacles in the development of domestic industry, cause the production of textile factories and other factories to stop, and in the end these factories are unable to repay bank loans received, which in turn will affect development in various countries. sector slows down. The result is smuggling, where contraband is transported on the high



seas from foreign ships to local ships between islands. Halfway from foreign ships to local ships or inter-island ships or vice versa. Free inter-island transportation because it does not use Goods Loading Goods (PMB/PPN) will increase. Therefore it is not an exaggeration if some people think that INPRES number 4 of 1985 needs to be revised or at least consider replacing the Shipping Declaration.

The increase in smuggling is one of the obstacles that can hinder national development. The increase in used clothing imports is expected, among other things.

the vast territory of the archipelago and the many entry and exit points that must be secured, the state of the domestic industry which cannot compete with imported products, the ability and willingness of law enforcement officials and the low level of participation. citizens when working with government officials and other factors that have a causal relationship.

Smuggling has a negative influence or impact on the country's development, starting from its impact on national income, development of domestic industry, employment opportunities and national stability. Even though importing used clothing has many negative impacts on many aspects of the survival of the nation and state, importing used clothing also has a positive impact on society.

Apart from disrupting the TPT industry, which can increase unemployment, the import of second-hand clothes can be a means of transmitting various disease viruses to the wearer of these clothes in the future. Importing used clothing can damage the image of the nation and state of

Indonesia in the eyes of the international community, because it becomes a kind of used clothing disposal site.

Another consequence is the creation of an image that Indonesia seems to be a very poor country because it can only buy used goods from abroad and no longer new goods. A bad image that is very detrimental to Indonesia and can cause reluctance to invest among investors. How are investors interested in investing when Indonesia is a poor country?

The increase in used clothing has recently become a concern because it has accelerated the bankruptcy of domestic manufacturers. What is certain, when the TPT trade is completely freed, imports of used clothing will increase. The TPT sector as a labor-intensive sector must be credited in order to be able to reduce the unemployment rate. It is known that the booming trade of used clothes in the market at very low prices threatens the survival of small and medium traders who sell new clothes made from local products. And it has a negative impact on the national economy because it disrupts the productivity of the domestic Textile and Textile Industry (TPT), which is a labor-intensive company. The TPT industry is facing cuts which are feared to reduce wages and lay off workers (HK).

The textile and apparel industry plays an important role in absorbing labor. The Textile and Textile Product Industry (TPT) is an industry whose role cannot be ignored. Therefore, the import of used clothing is very detrimental to factories and the textile industry, when factories and industries cannot develop or even stop producing, in other words they stop working because they



are not competitive, foreign goods are smuggled in with other goods. flooding the market, these workers experience termination of employment which in turn increases unemployment in Indonesia.

Based on experience and common knowledge, our society strives for a decent society that gives priority to goods produced abroad, regardless of whether these goods are imported into Indonesia illegally or legally. In addition, the quality and price of imported used goods are better and cheaper than domestic products.

The negative impact on used clothing imports in Indonesia that has been described above is undeniable. On the other hand, used clothing imports also have a positive impact, especially on the lower and middle class.

Importing used clothing makes perfect sense for mid-sized businesses, both as retailers and as consumers. Because goods or clothing from abroad can be offered to less fortunate people at very reasonable prices and the quality of the used clothing is quite good and still usable, many Indonesian people trade and use these used clothing. abroad The import of used clothing also has a positive impact on the economy of the poor and creates new jobs, which currently employ around 50,000 people in North Sumatra. If the import of old clothes is immediately stopped, the livelihoods of the traders will be lost. Most traders in North Sumatra are small traders who do not have alternative businesses.

Importing used clothes is a promising business. Relatively cheap prices with good quality ensure that these used clothes are well received in the market.

Because there are many fans. And the profits from the sale of imported used goods are quite large and profitable. If we look at the wholesalers, we can conclude that the profits they earn are much higher, moreover the retailers also benefit. Therefore, there is a huge demand for importing these used clothes.

Used clothing smuggling has both positive and negative consequences or impacts. The negative impact of used clothing imports on the country's development can be seen from its impact on national income, domestic industrial development, employment opportunities and national stability. Even though importing used clothing has many negative impacts on many aspects of the survival of the nation and state, importing used clothing also has a positive impact on society.

Smuggling is determined by political factors and government economic policies that can encourage or hinder smuggling. The community must be protected from the actions of businessmen who seek as much profit/profit as possible without regard to the interests of the community, without considering the government's efforts to improve people's welfare. Entrepreneurs who only seek maximum profit have fallen into unlawful acts in the sense that they have committed acts that are contrary to compliance/feasibility. Considering the factors that have contributed to the increase in smuggling, precautions should be taken:

1. Efforts to reduce the motivation of the perpetrators (preventive side).

Any attempt or attempt for an effective social order over the long term must be based on a valid theory of human



behavior. So, before formulating ways to prevent trafficking, it is necessary to know what factors are the causes of crime, in addition to the characteristics mentioned above. Due to these factors, only measures to combat the smuggling of such persons should be taken. Preventive action is any act or action that prevents a crime from occurring. Or in other words, all crime prevention, and those efforts are needed before an action is taken.

To eradicate smuggling crimes, it is necessary to form an integrated team within the police bureaucracy consisting of experts from various disciplines such as psychologists, anthropologists, criminologists, sociologists, criminal forensics, and also community leaders. This is due to the many factors that contribute to the crime of smuggling, covering several different aspects.

Preventing or eradicating trafficking is not only the role and responsibility of the police, but also the role and responsibility of the community, because there are more than one party involved in this crime, namely the community as the victim and the police, security forces and others. Both functionally and conceptually, anti-trafficking efforts are:

a. Do advocacy work for the people whose lives depend heavily on trade. This activity is carried out by way of coordination of functions.

b. Extensive and effective socialization efforts to increase public awareness of the impact of trafficking in persons. c. Improving the quality and quantity of domestic products with comparative advantage.

namely Let's improve people's welfare, public space and border infrastructure so that we don't depend on smuggling.

2. repressive measures

This repressive effort is every effort, political effort and action taken after a crime has occurred or has occurred to ensure that the crime does not recur.

Repressive actions are carried out in the framework of law enforcement with sanctions that function optimally, namely legal, social and psychological sanctions for both the perpetrator and those who help him, namely:

a) Legal sanctions are sanctions regulated in substantive criminal law.

b) Social sanctions, namely social sanctions against people who commit disgraceful acts in the form of social exclusion and the like. c. Spiritual punishment, namely guilt towards oneself and God Almighty because of its relationship with the Creator.

Legal sanctions imposed through the legal process must be supported by social and moral sanctions to achieve the objectives of policing more effectively. These repressive efforts include imposing punishments that are truly in accordance with the violations, which can generate persuasion or awareness not to commit further violations.

To apply this method of enforcement, to combat contraband that has occurred and to try to prevent it from happening again, requires very effective and constant surveillance. Combating smuggling and people involved in smuggling requires sufficient investigative knowledge as well as



sincerity, courage and serious persistence on the part of the relevant authorities and those involved. .

In their prosecution duties, judges must choose a form of decision-making that prioritizes considerations of interests rather than mere legal considerations. In this case the judge must really consider his decision, both from a psychological and legal perspective, in accordance with the interests of the accused, society and the state.

There are two ways to conquer or defeat the crime of smuggling, namely criminal efforts and non-criminal efforts.

1. Punishment Court

Efforts to tackle the crime of trafficking in persons through criminal (legal) sanctions or criminal means is one of the oldest methods, as old as human civilization itself, even today criminal political means are used and protected. The use of punitive measures (sanctions/criminal law) in regulating society (through legislation) is an important part of political action. The use of criminal means or criminal law in Indonesian criminal policy as a means of overcoming crimes or criminal acts related to the destruction/destruction of oil palm plantations is very appropriate today. Because the use of punitive measures aims to further suppress the crime as a whole or the efforts/policies that were made after or during the crime. This aims to prevent the recurrence of crimes or at least reduce the quality and quantity. To eradicate smuggling, government agencies, in this case the police and their staff, always carry out a series of preventive and repressive measures. The repressive action taken by the police as an investigative apparatus is an attempt to intervene in illegal

and irresponsible smuggling activities and law enforcement. The prosecution of investigators refers to the procedures for Law Number 8 of 1981 concerning Criminal Procedure Code (KUHP) and the provisions of the Criminal Code which regulate criminal acts of smuggling.

According to the elements or subsystems of the criminal justice system which includes elements of the police, prosecutors, courts and correctional institutions, the functioning of the criminal justice system can be interpreted as the operation of each of these elements. their operational capacity to combat and/or address trafficking in persons. Based on this understanding, the work of the criminal justice system begins when information is received about allegations of having committed a crime.

Pay attention to the use of criminal means of the criminal justice system, which is formulated as follows:

a) In resolving criminal cases, the public believes that justice is upheld and the perpetrators are punished. b. Make sure that those who have committed crimes do not repeat their crimes. It turns out that although some of these goals were achieved, success did not bring satisfaction. It is acknowledged that there are many cases of vandalism/damage to oil palm plantations that have been resolved by judicial institutions through the work of the criminal justice system making various decisions, but many of these decisions have not reached the community. sure that justice has been served.

The damage and poor and fragile moral structure of the perpetrators of the



criminal system, marked by the existence of the judicial mafia, the discovery of various forms of bribery, conspiracies and the presence of controversial court decisions in various cases. from smuggling crimes. For this reason, moral law enforcement reform is needed in the criminal justice system itself. Because no matter how good the institutional structure and rule of law are that support the criminal justice system, when the people running it have poor morals, it is difficult to expect good results.

2. Non-punitive action

Reasonable efforts to control or eradicate human trafficking, of course, not only use criminal law (criminal law), but can also use non-criminal legal means. These non-punitive measures can cover a wide range of areas in different social policy areas. The main purpose of this non-punitive action is to improve certain social conditions, but indirectly has a crime prevention effect. From the point of view of criminal politics, all non-punitive activities actually have a very strategic central position, which must be expanded.

CONCLUSION

Indonesian legal regulations regarding smuggling are regulated by Law no. 17 of 2006 concerning Customs, Decree of the Minister of Industry and Trade No. 229/MPP/Kep/7/1997 which requires imported goods to be like new, and the Decree of the Minister of Industry, Industry and Trade No. 642/MPP/Kep/ 9/2002 Amendment I No. 230/MPP/Kep/7/1997 states that importers are not allowed to import new and used waste products into Indonesia.

In the Unitary State of the Republic of Indonesia, illegal ex-clothing crimes are committed on beaches outside the port area, using both traditional and modern means, and usually enter without official documents.

Punishments such as imprisonment and fines must be imposed by law enforcement against individuals or entities found guilty of trading in used clothing. This sanction is included in Articles 102A and 102B of the Customs Law No 17 of 2006

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