

LEGAL STUDY ON IMPROVING THE HUMAN RESOURCES OF THE POLICE IN REGARDING CRIMINAL CASES THROUGH RESTORATIVE JUSTICE

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Abstract. *The paradigm shift in law enforcement in Indonesia from a retributive approach to a restorative approach demands the readiness of the Indonesian National Police's human resources (HR) as the primary actors interacting directly with the community in the early stages of the criminal justice process. The implementation of restorative justice is projected not only as an alternative mechanism for resolving cases, but as a new paradigm for law enforcement that emphasizes victim recovery, perpetrator responsibility, and social reconciliation. This study aims to analyze the implementation of restorative justice at the operational level of the Indonesian National Police at the Kuningan Police Resort and identify the necessary HR competencies and strategies for improving their quality. The method used is a socio-legal approach with data collection techniques through in-depth interviews, observation, and document studies (Soekanto, 1983). The results of the study indicate that although the Kuningan Police have implemented restorative justice in accordance with the legal framework such as Police Regulation No. 8 of 2021, its implementation still faces obstacles in the form of a lack of substantive understanding among members, a lack of uniform mediation skills, limited supporting facilities, and a strong retributive orientation towards case resolution within the police work culture. The research findings also reveal that the success of restorative justice implementation is largely determined by the competence of investigators in empathetic communication, negotiation, conflict mapping, socio-cultural understanding, and moral integrity in maintaining the neutrality of the process. Therefore, strengthening Polri human resources is necessary through ongoing penal mediation training, integration of restorative justice principles into the Polri education curriculum, the establishment of an RJ facilitation unit at the Polres level, and strengthening internal oversight mechanisms to prevent deviations in case resolution practices. This study confirms that improving the quality of Polri human resources is a fundamental prerequisite for the realization of humanistic, effective, and substantively just law enforcement through a restorative justice approach.*

Keywords: Indonesian National Police Human Resources, Restorative Justice, Law Enforcement, Penal Mediation, Kuningan Police.

I. INTRODUCTION

The development of the criminal justice system in Indonesia over the past two decades demonstrates a paradigm shift from a retributive approach that emphasizes punishment to a restorative approach that emphasizes recovery, balancing interests, and active participation of all parties. This shift is a response to long-standing criticism of law enforcement, which is considered incapable of delivering substantive justice to society, especially in cases with low social impact or close personal relationships between perpetrators and victims. The conventional criminal justice system has been deemed too focused on formal, bureaucratic, and hierarchical processes, often neglecting the psychological needs of victims and the potential for social restoration (Muladi & Arief, 1992; Sulastriyono, 2018).

In this context, the Indonesian National Police (Polri) holds a strategic position as the primary actor interacting with citizens in every criminal case handling process. As the organizers of the investigative and inquiry function, Polri members play a central role in determining whether a case will proceed to the prosecution stage or can be resolved through restorative justice mechanisms. This is where the quality of Polri's human resources (HR) becomes a key variable in determining the effectiveness of humane and proportional case resolution. Polri HR is not only required to understand positive legal regulations, but also master communication skills, conflict management, empathy, professional ethics, and an understanding of the socio-cultural aspects of the communities in which they serve (Mangkunegara, 2013; Rivai & Sagala, 2014).

Restorative justice has gained strong legal legitimacy through various regulations, such as the Juvenile Criminal Justice System Law (UU SPPA), Prosecutor's Office Regulation Number 15 of 2020, Supreme Court Regulation Number 1 of 2024, and Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. These various instruments provide ample scope for the National Police (Polri) to dismiss certain cases by considering the interests of the victim, the perpetrator's condition, and the surrounding social dynamics. However, implementation in the field still presents challenges, particularly related to the perception of restorative justice by the authorities, the unequal mediation capacity, and the dominant institutional culture, which focuses on retributive principles and the achievement of formal case resolution targets. (Prayitno, 2018).

This situation is evident in the jurisdiction of the Kuningan Police, which socio-culturally has a tradition of deliberation and conflict resolution based on local wisdom. However, the implementation of restorative justice has not been fully optimized. Some investigators have implemented penal mediation mechanisms with some success, but others still understand restorative justice merely as a "peace" or shortcut to halt the legal process, rather than as a comprehensive recovery paradigm. Most of the identified obstacles relate to human resource competency, ranging from a lack of formal training, limited normative understanding, to limited interpersonal communication skills and dialogue facilitation between conflicting parties (Zehr & Gohar, 2003; Sutopo, 2019).

Furthermore, there are structural challenges, such as administrative pressures on case resolution, inconsistent technical guidelines, limited mediation infrastructure, and the absence of a dedicated restorative justice unit. Yet, various studies show that the success of restorative justice is largely determined by the capacity of the authorities as neutral mediators who are able to balance interests, ensure the parties' willingness, and craft agreements that truly provide reparation for victims.

The gap between regulatory ideals and field practice demonstrates the urgent need for a scientific study of how the quality and competence of Polri human resources influence the

implementation of restorative justice, particularly at the Polres level. This research is crucial because few studies have explored the role of Polri human resources in depth from a socio-legal perspective at the operational level. Many previous studies have emphasized regulatory aspects or the theoretical concept of RJ, but have not addressed the competency needs of investigators, the challenges of day-to-day implementation, and strategies for systematically improving human resources within the Polri (Widodo, 2016; Sulastriyono, 2018).

Based on this background, this research aims to:

1. Analyze the implementation of restorative justice at the Kuningan Police Resort;
2. Identify the competencies of the Indonesian National Police (Polri) human resources needed to implement RJ effectively; and
3. Formulate strategies to strengthen Indonesian National Police human resources to support more humane, participatory, and substantively just criminal resolution.

Thus, this research is expected to provide theoretical contributions to the development of restorative justice studies in Indonesia and offer practical recommendations to improve the capacity of Polri human resources in facing the dynamics of modern law enforcement.

II. RESEARCH METHODS

Research methods are a fundamental aspect of any scientific research because they provide the theoretical foundation, operational direction, and epistemological framework that enable the research to proceed systematically. In this study, which focuses on improving the quality of Indonesian National Police human resources in the implementation of restorative justice at the Kuningan Police, the research method was designed not only to collect data but also to understand the structure of meaning contained in this legal practice. This study does not aim to measure phenomena quantitatively, but rather to capture the depth of the process, social dynamics, and experiences of perpetrators in implementing restorative justice. Therefore, the research method is structured with a qualitative, interpretive, and socio-legal approach, in accordance with the complex and nuanced nature of the study object (Creswell & Poth, 2018).

1. Philosophical Foundation of Research

Before detailing the methodological techniques and procedures, it is important to outline the philosophical foundations underlying this research. The three main pillars of the philosophy of science—ontology, epistemology, and axiology—are used to formulate the conceptual basis for this research.

2. Ontology: A View of Research Reality

The reality examined in this study is not an objective reality that stands outside of interpretation, but rather a reality constructed by investigators, victims, perpetrators, and the police organizational structure. Restorative justice is not simply a legal procedure that can be understood through normative texts, but rather a social practice born from the intersection of legal norms, cultural values, psychological dynamics, and power structures. The implementation of RJ by National Police investigators represents a form of reality that is: (Garfinkel, 1967; Sulastriyono, 2018).

- 1) Relational, because it's influenced by the relationship between the perpetrator, victim, and investigator.
- 2) Dynamic, because it can change depending on the context of the case.
- 3) Interpretive, because investigators have the freedom to interpret within their discretion.
- 4) Situational, because it's highly dependent on the social context of the Kuningan community.

Thus, research reality is multiple realities, and therefore must be captured through an approach that explores meaning, not just surface facts.

3. Epistemology: How to Acquire Knowledge

The epistemological approach used is interpretive qualitative, which views knowledge as the result of the researcher's interaction with the object of study. Knowledge is not passively discovered but constructed through a process of dialogue, observation, reflection, and interpretation. Qualitative research provides researchers with the opportunity to explore the subjects' experiences, understand the internal logic of their actions, and interpret the meaning of legal actions.

In a socio-legal context, knowledge is acquired through integration (Creswell & Poth, 2018; Schwandt, 1994).

- 1) Legal texts (rules, SOPs, instructions, Perpol, and Perma), and
- 2) Legal practice (how investigators interpret and apply them).

Thus, the epistemology of research is dual: normative and empirical.

4. Axiology: Values in Research

The axiological aspect emphasizes that researchers are not value-free. Therefore, reflexivity is a crucial component of the research process. Researchers must continuously assess:

- 1) How personal bias influences interpretation
- 2) How the researcher's position influences informants
- 3) How power relations within the Indonesian National Police (Polri) influence data depth
- 4) How the researcher's ethical and moral values play a role in the analysis

Therefore, researchers use reflexive journals, namely reflective notes every time an interview or observation takes place, to map the biases that arise and control them..

5. Research Paradigm: Social Constructivism

This research uses a social constructivism paradigm, the view that legal reality is constructed through social interaction, human experience, and dialogue between actors. In this paradigm, investigators' actions are understood not merely as technical actions but as meaningful actions.

The constructivist paradigm allows research to capture questions such as:

- 1) How do investigators define justice?
- 2) How do they understand their role in resolving cases through RJ?
- 3) How do they balance written regulations with the needs of victims?
- 4) How do differences in experience lead to differences in practice?

This paradigm provides space for research to view RJ holistically.

6. Research Approach: Qualitative and Socio-Legal

This research combines two main approaches:

- 1) Qualitative Approach

The qualitative approach was chosen because:

- The RJ phenomenon is contextual and multi-layered.
- RJ practice involves emotions, dialogue, and negotiation.
- Investigator competence cannot be measured numerically, but through body language, speech, and empathy.
- The goal of research is to understand the process, not to measure the outcome.

Qualitative data allows researchers to explore experiences, emotions, and social dynamics that are unlikely to emerge in quantitative data.

2) Socio-Legal Approach

The socio-legal approach is used to bridge between:

- Legal norms (law on the books)
- Legal practice (law in action)

Socio-legal views law as:

- Social practices
- Objects of negotiation
- Products of investigators' interpretations
- Results of the internal power structure of the Indonesian National Police
- Products of community culture

This approach is very relevant for studying:

- Investigator Discretion
- Dynamics of Penal Mediation
- Transformation of RJ Rules in Practice
- The Relationship Between Norms, Organizational Culture, and Officer Behavior

7. Research Location and Socio-Legal Context

The research was conducted at the Kuningan Police Department, West Java. The socio-legal context of this region is unique, as Kuningan Regency still prioritizes deliberation. Many community conflicts are resolved informally.

Reasons for selecting location:

- Intermediate-level RJ case volume
- Investigators are diverse in age, education, and experience
- Vigorous deliberative culture
- Stable legal environment free from local political interference
- Representative for district-level police in Indonesia

The social context of Kuningan also facilitates the implementation of RJ, as the community is accustomed to customary mediation, family deliberations, and village peace.

8. Research Subjects and Informant Selection

Informants were selected using purposive sampling and snowball sampling techniques.

1) Purposive sampling was chosen because:

- The selected investigator must have experience handling RJ.
- The victim and perpetrator interviewed must have experienced RJ.
- The informant must understand the internal dynamics of the police department.
- The community leaders involved must be experienced.

2) Snowball sampling is used because:

- Some investigators can only be interviewed after being recommended.
- Victims of certain cases are reluctant to provide information without an introduction.
- Some mediation processes are sensitive.

3) Informants consist of:

- Senior Investigator
- Assistant Investigator
- Head of Criminal Investigation Unit
- Head of Women and Child Protection Unit
- Human Resources Division
- Community Development Officer
- Victim
- Perpetrator
- Community Leader

9. Data source

Data obtained from:

- In-depth interviews
- Observations
- Case documents
- Internal SOPs
- Police Regulation 8/2021
- Major Regulation 1/2024
- Police meeting notes
- HR performance reports

The data sources are primary and secondary, and are analyzed triangulatingly.

10. Data collection technique

1) In-depth Interview

Interviews are conducted by:

- Semi-structured
- Open-ended
- In-depth
- Multiple session interviews

Researchers use exploratory interviews to explore:

- Investigators' understanding of RJ
- Experience with mediation
- Investigators' inner conflict when choosing RJ or the regular process
- Structural pressures they face
- Experiences of victims and perpetrators

The interview focused on stories of experiences, not formal SOP answers.

Researchers also pay attention to paralinguistic cues such as:

- Tone of voice
- Emotional flow
- Facial expression
- Informant's doubt or confidence

Because in RJ, emotional information is often more meaningful than verbal information.

2) In-depth Observation

Observations are carried out both in:

- Non-participatory (observing)
- Semi-participatory (present in mediation without intervening)

Researchers observed:

- Conditions of the mediation room
- Perpetrator-victim interactions
- Investigator communication techniques
- Language style
- Subtle use of power
- Investigator strategies for managing conflict

Observations took place over several weeks to strengthen the researchers' sensitivity to emerging patterns.

3) Documentation Study

Documents are reviewed with a focus on:

- Administrative legitimacy
- Case resolution patterns
- Police Standard Operating Procedures
- Comparison between documents and field reality

The analysis is carried out critically to see the gap between written rules and actual practice.

11. Data Analysis Techniques

Data analysis is carried out in layers:

- 1) Initial coding → identifying rough themes
- 2) Focused coding → identifying categories
- 3) Axial coding → identifying relationships between categories
- 4) Thematic analysis → formulating patterns
- 5) Hermeneutical interpretation → interpreting meaning in context
- 6) Theoretical integration → connecting findings with the theories of Zehr, Braithwaite, and Soekanto

The analysis is cyclical, not linear.

12. Data Validity and Validity

To maintain data validity, the following strategies are used:

- Method triangulation
- Source triangulation
- Theory triangulation
- Member checking
- Audit trail
- Prolonged engagement
- Persistent observation
- Researcher reflexivity

Validity is carried out strictly to ensure that the findings can be accounted for.

13. Research Ethics

Research ethics are maintained through:

- Voluntary consent
- Identity confidentiality
- Protection of child victims
- Non-interference with legal proceedings
- Official institutional permission

- Destruction of sensitive data after the study

Researchers also maintain cultural sensitivity when interacting with officials and the community.

This research method was formulated to capture the phenomenon of restorative justice implementation in depth, not only at the normative level, but also in the social reality of practice. Using a qualitative socio-legal approach, this study can explain how human factors, organizational structure, and emotional dynamics play a role in the success of RJ at the Kuningan Police.

III. RESULTS AND DISCUSSION

The results of this study describe the empirical conditions of restorative justice (RJ) implementation at the Kuningan Police Department, highlighting how the quality of human resources (HR) investigators determines the method of resolving cases through restorative mechanisms. The analysis was conducted based on field findings in the form of interviews, direct observation of the mediation process, observations of investigator interactions with the community, and document review.

1. Field Findings on RJ Practices at Kuningan Police Station

Implementation Variations: Formal, Semi-Formal, and Informal

Field research found three main patterns of RJ practices at the Kuningan Police.

1) Formal Model (In accordance with Police Regulation 8/2021)

Conducted by certain investigators who have attended RJ training.

Characteristics:

- There's a pre-assessment,
- Invitation to formal mediation,
- Presentation of the chronology by the investigator,
- Two-way dialogue between the victim and the perpetrator,
- A memorandum of understanding is prepared.

A senior investigator said:

"For me, there must be stages. It can't be a straight-forward settlement. I first assess the nature of the case and the victim's readiness. If they're not ready, I'll postpone it."

This model only occurs in about a quarter of the cases observed.

2) Semi-Formal Model (Dominant)

This is the most common model.

Typically, after the initial examination, investigators engage both parties in dialogue. Not all steps are recorded in detail. Investigators combine procedures with intuition.

An assistant investigator said:

"Not everything needs to be done in full. What's important is that the victim and perpetrator meet, talk, clarify, and then make peace."

3) Informal (Spontaneous) Model

Occurs in mild cases.

Sample case:

A teenager stole his neighbor's sandals. Investigators immediately invited both parties, held a discussion in the hallway of the unit, and then reached a settlement without any formalities.

One victim said:

"Okay, kids. Let's not drag this out."

This informal model speeds up resolution, but risks violating RJ principles such as voluntariness and documentation.

2. Quality of Investigator Human Resources: Empirical Findings from the Field

1) Investigators' Knowledge of RJ Varies Widely

When researchers asked what restorative justice was, investigators' answers varied:

- Some explained in detail, even mentioning the principle of victim involvement.
- Others simply said, "RJ is peaceful."
- Others admitted they had never read Perpol 8/2021.

One of the investigators said:

"I honestly haven't read the entire police regulation. But in practice, we're used to deliberation."

This shows that the implementation of RJ is driven more by work culture and experience than by written regulations.

2) Communication and Mediation Competence: The Most Prominent Empirical Factors

Research has found that investigators' ability to communicate is more important in determining RJ success than legal knowledge.

a. Communicative investigator → mediation process runs smoothly

Real example:

In cases of minor assault, investigators open the dialogue with the sentence:

"Father, mother, let's sit down together first. We'll find the best way so that this problem is resolved without anyone getting hurt."

The victim appeared to open up, the perpetrator admitted his guilt, and peace ensued.

b. Less empathetic investigator → tense mediation

In another observation, the investigator opened the conversation with a firm tone:

"This gentleman was wrong. It's obvious. So you should just apologize."

The victim felt the investigator was taking sides, while the perpetrator became defensive. Mediation failed, and the case proceeded to an investigation.

3) Investigator Integrity: A Real Impact on the Process

There are two types of investigators found:

a. Ethical Type

- Maintain neutrality
- Do not pressure either party
- Refuse excessive compensation
- Facilitate fair dialogue

One victim said:

"I felt like I was being accompanied, not told to make peace. I was invited to speak first."

b. Instrumental Type

- Focus on quick resolution
- Sometimes unconsciously pushing victims to make peace
- Using power relations

One victim said:

"I was told to quickly apologize so that things could be resolved quickly."

This finding confirms that integrity is a crucial factor.

3. Mediation Dynamics Based on Direct Observation

Researchers observed several mediation processes. The results revealed the following dynamic patterns:

1) Opening Phase: Setting the Tone of Mediation

Investigators who:

- Smile,
- Speak softly,
- Explain the purpose of mediation clearly,
- Create a conducive atmosphere.

Meanwhile investigators who:

- Get straight to the point,
- Use legalese,
- Speak stiffly,
- Create awkwardness—victims tend to be passive.

2) Victim Complaint Submission Phase

This is where the most striking differences are found.

The victim spoke more if the investigator gave him space with the sentence:

"You can tell me what you feel."

On the other hand, in other cases, the victim simply said:

"I'll just go along, sir."

Because from the start the investigator spoke dominantly.

3) Perpetrator Response Phase

Investigators with mediation skills can make perpetrators:

- Admit your mistakes,
- Show empathy,
- Promise to improve.

However, in some cases, the perpetrator just "goes with the flow" without full awareness.

Observations show the perpetrator said:

"If I have to apologize, I'll just apologize, sir. The important thing is that it's over."

This is an example of RJ which is procedural compliance, not internal realization.

4. Empirical Barriers in RJ Implementation

1) Structural Barriers: Pressure to Settle Cases

Some investigators have openly said:

"If the case is mild, we are advised to undergo RJ so that it can be resolved quickly."

This causes:

- The mediation process was conducted too quickly.
- Not all stages of mediation were optimal.
- There was potential for insincerity from the perpetrator.

This proves that police performance indicators also influence the quality of RJ.

2) Cultural Barriers: Social Pressure on Victims

Some victims admitted to accepting the settlement because:

- Family pressure,
- Fear of being stigmatized,
- Feeling uneasy about the perpetrator being a neighbor.

Example of victim statement:

"I would be embarrassed if this problem became big, so I just accepted it peacefully."

This shows that RJ sometimes develops into forced harmony.

3) Competency Barriers: Lack of Mediation Training

Some investigators said:

"We've never had formal RJ training. We've only been with our seniors."

The absence of formal training leads to:

- There is wide variation in the quality of mediation.
- The process is highly dependent on the individual investigator.
- There are no uniform standards.

5. Empirical Discussion Based on Theory

1) Field Findings Compared with Zehr's Theory

Zehr emphasized:

- Recovery,
- Voluntary participation,
- Honesty,
- Open dialogue.

Empirically:

- Some cases meet these criteria,
- others are not purely voluntary,
- there are social and institutional interventions.

2) Findings vs Reintegrative Shaming (Braithwaite)

Some investigators have managed to constructively shame perpetrators:

"I was wrong, I am ashamed, I promise not to do it again."

However, there are investigators who humiliate the perpetrator so harshly that the perpetrator feels pressured.

In Braithwaite's theory, this is called disintegrative shaming.

3) Soekanto's Findings and Law Enforcement

Soekanto menyebutkan 5 faktor penegakan hukum, yaitu:

- Law,
- Law enforcement,
- Facilities,
- Society,
- Culture.

Empirically, all these factors are very relevant in the implementation of RJ at the Kuningan Police.

6. Empirical Synthesis: Investigator Human Resources as a Dominant Factor

From the overall empirical findings, it is clear that:

- 1) RJ works well when investigators are competent, empathetic, communicative, and neutral.
- 2) RJ fails or is not genuine when investigators are poorly trained or work under administrative pressure.

In other words:

Restorative justice is largely determined by the people who practice it, not by legal documents.

Investigator human resources are the most determining variable.

IV. CONCLUSION

Research on improving the quality of Indonesian National Police (Polri) human resources in implementing restorative justice (RJ) at the Kuningan Police Resort shows that the success of RJ implementation is highly dependent on the capacity of individual investigators, institutional support, and the social context of the community. Although the National Police (Polri) has an adequate legal basis through Police Regulation No. 8 of 2021 and several internal guidelines, implementation at the Polres level remains suboptimal and tends to vary.

Empirically, it was found that the practice of RJ at the Kuningan Police Department operates in three distinct patterns: formal, semi-formal, and informal, each reflecting the investigator's level of understanding and competence. Investigators with strong communication skills, empathy, mediation skills, and theoretical understanding are able to implement RJ substantively and in accordance with principles, with a positive impact on victim recovery and perpetrator awareness. Conversely, investigators with minimal training and experience tend to implement RJ merely as a "quick peace" administration, thus underachieving the values of recovery, voluntariness, and authentic dialogue.

Structural barriers such as limited technical standard operating procedures (SOPs), pressure to resolve cases, lack of training, and a lack of adequate mediation facilities also impact the quality of practice. Cultural barriers also play a significant role, particularly social pressure on victims to reconcile. This finding aligns with Soekanto's theory that law enforcement and cultural factors are the most dominant variables in law enforcement.

Overall, the findings demonstrate that improving the quality of human resources among investigators is a key prerequisite for the success of RJ. This improvement encompasses not only technical legal aspects but also interpersonal skills, integrity, social sensitivity, and an understanding of restorative justice values. Without strengthened human resource capacity and strong institutional support, RJ has the potential to become a mere administrative procedure, losing its essence as a humanistic and substantively just recovery mechanism.

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