



RELIGIOUS MODERATION ON THE POLICE DISCRETION TO FACE THE STREET CRIMES

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ABSTRACT

This research aims to optimize the application of police discretion by internalizing the concept of religious moderation in dealing with street crimes by police officers. The emergence of street crimes with various criminal acts, such as theft and bribery, has greatly disturbed the public, so a new formulation is needed to fix this condition. Furthermore, the internalization of the fair and balanced principle of religious moderation in police discretion can optimize the performance of police officers in carrying out their duties, including the application of discretion carefully and under legal regulations. This research is a qualitative research which is described descriptively. The data collection technique used was interviews. The results showed that the concept of religious moderation gave positive results in the application of police discretion. The positive results are: 1) Religious moderation has succeeded in being present as controllers and supervisors from within (internally) of the individual policeman in every discretionary action against the motorcycle gang members; 2) The concept of religious moderation helps police officers understand Islam and the importance of being moderate towards followers of other religions; 3) Increase community satisfaction with the performance of the police institution.

Keywords: Police discretion; religious moderation; Street crimes

1. INTRODUCTION

The emergence of motorcycle gangs with various criminal acts is alarming for the Indonesian people (Candra, 2019). Motorcycle gangs are a group of people who have a hobby of motorbikes, which make motorbike riding together, both for convoy and touring purposes on motorbikes, which are identical to theft accompanied by persecution or violence (Klement, 2019). Then the fact that motorcycle gang members are dominated by teenagers and children still in middle school, such as junior high and high school, where according to the law, these children are categorized as minors

makes it a more severe problem (Jogja, 2020). In line with that, motorcycle gangs have been considered a threat to public security and order.

Initially, motorcycle gangs in Indonesia were influenced by foreign motorbike riders, such as Germany with the Bandidos motorcycle gang and America with the Hells Angels and Mongols motorcycle gangs (Yan. H, 2015). However, motorcycle clubs in Indonesia also like to commit crimes that tend to disrupt people's lives, which are called motorcycle gangs (Tempo.co, 2012). Subsequently, motorcycle gangs emerged in various regions in Indonesia, such as the Y-Gen motorcycle gang in Bandung and GBR and M2R in Jakarta (Tempo.co, 2012), and the Mappakoe motorcycle gang in Makassar (Timur. T, 2014) which reportedly committed many crimes.

Furthermore, the role of protecting, creating security and public order is the role of the State Police of the Republic of Indonesia (Sudarto. E, 2015). To make this happen, the police have been given the authority to exercise discretion which can be used to combat motorbike gang crime (Schulenberg. J. L, 2015). However, the fact shows that there are still many police officers who do not use discretion or make mistakes in its application in the field, considering that discretion is the authority for police officers to act or not act according to their judgment to maintain security and public order (Boivin, R., & Cordeau, G, 2011). An example is a report by the *KONTRAS* institution in 2019, which stated that the police often abuse discretion in their application in the field and tend to commit violence (Nathaniel, F, 2019). In addition, *KONTRAS* also stated that 634 cases of violence occurred from June 2018 to May 2019, carried out by the police, where happened under the pretext of discretion (Prabowo, H, 2019).

The large amount of violence caused by police actions does not match the discretionary objectives given to the police. Police officers fail to make decisions quickly and accurately in the field where the reality on the ground is often different from the theory (Myhill, A., & Johnson, K., 2015). The condition of motorcycle gang members, mostly children, and adolescents, must receive different treatment without committing violence (Bostic et al., 2014). On the other hand, the treatment of police officers who are too lenient towards motorcycle gang members who have committed theft with violence is also considered unfair.

In line with the objectives, religious moderation is a concept offered by the Indonesian government since 2018 through the Ministry of Religion (Agama, 2019). This concept is one of the

strategies to strengthen the religious character of every Indonesian citizen to avoid committing crimes, especially during the Covid-19 pandemic (Syatar A. et al., 2020). Furthermore, the Ministry of Religion and the police institution have agreed to make religious moderation the foundation of national life (Ops. B, 2018). Police officers who are also human beings, are very prone to making mistakes, including exercising discretion. The concept of religious moderation, which is essential to the principle of fairness and balance, is expected to be a supplement for police officers in carrying out their duties and prevent the radicalism (Arifinsyah et al., 2020). A fair and balanced attitude supports the police institution in building character to protect and protect the community without expecting anything in return.

The handling of criminal acts committed by motorcycle gangs needs to implicate carefully. This is because most motorcycle gang members are in the category of children where children can be said to be both the perpetrator and the victim in a crime (Beckley et al., 2018). Therefore, this study aims to assist the police institution in finding a new formula for dealing with motorbike gang crime with the help of the concept of religious moderation in the application of discretion by police officers, so that members of motorcycle gangs who are identical to violent can get a deterrent effect without experiencing violence.

2. METHODS

This research note will focus on the influence of religious moderation on the discretion of police officers in Makassar City as an area where the number of crimes committed by motorcycle gangs has decreased. This research is empirical research with the presentation of data managed qualitatively by taking primary data sources (Marshall, 2018). Data collection techniques are documentation and interviews. The documentation was carried out on the trend of crimes committed by motorcycle gangs from 2017-2019 at the Makassar City Police. Furthermore, interviews were conducted with police officers in the police's legal area in Makassar City as a sample using purposive sampling (Marshall, 2018). Also, the interview technique used is an open interview form then described descriptively in the research results section (Neuman, 2002).

3. RESULTS AND DISCUSSION

The research data was extracted from the police data in Makassar City, which consists of 15 sub-districts. Data on the number of thefts with violence or robbery is primary data obtained

directly from the Makassar Police Office of the Big City Police (Polrestabes), which cannot be published without permission, thus demanding that researchers take data directly in the field. Researchers took data on the number of violent theft crimes from 2017-2019, where religious moderation was introduced.

The following is data on violent theft in Makassar City:

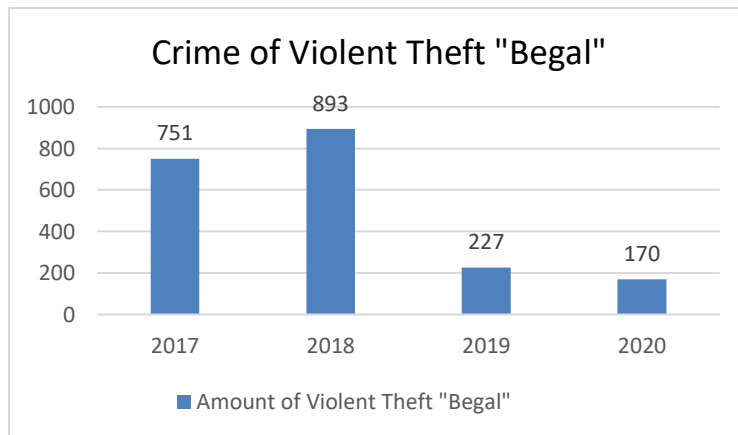


Figure 1. Data on the number of thefts with violence "Begal" in Makassar City from 2017 to 2020.

Source: Primary data managed by researchers

The results above show that the number of violent theft crimes, commonly called 'begal', was quite large in 2017 and 2018. The increase from 2017 to 2018 was 142 cases or 18.9%. However, a strong downward trend occurred in 2019 and 2020, where the first decline occurred in 2019 of 74.5%, then continued to fall to 170 cases or decreased by 25.1%.

Another thing that has been obtained is that the criminal act of theft with violence, usually committed by motorcycle gangs in Makassar City, has decreased from 2018 to 2020. If it is related to the concept of religious moderation, which is starting to be aggressively socialized by the Indonesian government, it is interesting to do research. Therefore, the research team looked for the effect of religious moderation by police officers in handling violent theft cases committed by motorcycle gangs.

Researchers conducted interviews with police officers to obtain primary data related to the effect of religious moderation on the implementation of police pressure when dealing with

motorcycle gang crimes. Researchers have interviewed 80 police officers as respondents who served in the legal area of Makassar City who came from each sub-district sector police office by asking in-depth about the effect of religious moderation in police application discretion.

Essential points in the interviews conducted were finding out the knowledge and perceptions of police officers about religious moderation, how to implement religious moderation in handling crimes committed by motorcycle gangs, and the benefits of religious moderation for police officers. Based on the interview results, the researcher obtained the influence of religious moderation in police discretion, which can be categorized into several essential points. These points are as follows.

Religious Moderation as a Tool for Self-Control of Police Officers

Based on the interview results, 80% of respondents, or 64, admitted that religious moderation positively impacts each police officer's self-control in taking action against motorcycle gangs. It is also because religious moderation can be applied to all police officers of any religion, such as Islam, Christianity, Hinduism, and others, making it easier for police officers to work together and understand each other. Besides, the police's discretion is an action that is entirely given to the individual policeman to take action. However, it must be based on humane principles. The previous discussion has explained what and how discretion is carried out, but the community has yet to feel the benefits virtually. Therefore, the researcher combines the principle of religious moderation in the implementation or application of the police. It follows the conditions of Indonesia's multicultural State but is still united with the One Godhead. The basic principle of religious moderation is Fair and Balanced, which is very relevant to police discretion principles.

The first principle is fairness. In the Big Indonesian Dictionary, the word "fair" means 1) impartial/impartial; 2) side with the truth; and 3) should/should not be arbitrary (Agama, 2019). In religious moderation, this fair principle always balances two things: the balance between reason and revelation, between physical and spiritual, between rights and obligations, between individual interests and communal benefit, necessity, and voluntarism between religious texts *ijtihad*. Religious figures, between ideals and reality, and the balance between the past and the future. Justice in religious moderation is the same as the spirit of justice possessed by western legal experts who also say so, such as John Rawls, who explains that justice is a state of balance between effort and results obtained (Faiz, 2009). The real relevance that we can see is the understanding of police members

towards this principle of justice. If it does not go well in their daily lives, including with their relationship to God and humans, then the individual tends to be unable to act reasonably.

The second principle is balance. The focus of balance describes the perspective, attitude, and commitment always to take the side of justice, humanity, and equality. The tendency to be balanced does not mean disagreements. Those with a balanced attitude are assertive but not harsh because they always side with justice. It is just that their siding does not take others' rights to a loss. Balance can be considered a form of perspective to do something sufficiently, neither excessive nor less, neither conservative nor illiberal. Mohammad Hashim Kamali explained that the principle of balance (balance) and fairness (justice) in the concept of moderation (*wasathiyah*) mean that in religion, a person must not be extreme in his views but must always seek common ground. For Kamali, *wasathiyah* is a vital aspect of Islam that his followers often forget, even though *wasathiyah* is the essence of Islamic teachings. Moderation is not only taught by Islam but also by other religions. Furthermore, moderation is a virtue that encourages the creation of social harmony and balance in personal, family, and community life to broader human relations (Agama, 2019).

These two values, fair and balanced, will be more easily formed if a person has three main characteristics: wisdom, purity, and courage. In other words, being moderate in religion, always choosing the middle way, will be easier to realize if someone has an adequate breadth of religious knowledge so that they can act wisely, resist temptation so they can be sincere without being burdened, and not selfish with their interpretation of the truth. Hence, they dare to admit others' truth and convey their views based on knowledge.

In another formula, it can be said that there are three conditions for the fulfillment of moderate attitudes in religion: having extensive knowledge, being able to control emotions not to exceed limits, and always being careful. If simplified, the formulation of these three religious moderation requirements can be expressed in three words: knowledgeable, virtuous, and cautious. If it is further elaborated, we can identify several other characteristics that must be possessed as a prerequisite for religious moderation: the need to have comprehensive knowledge regarding worship rituals. Extensive knowledge of the law of practicing worship in religion will make it easier for people to choose alternatives if they need it. Of course, the principle is not to take lightly or "ease" a religious ritual practice. This method merely prioritizes the direction of ease in religion as far as its

implementation is possible. This condition is quite difficult because the assumption is that people must understand religious texts comprehensively and contextually.

Religious moderation is the content of values and practices that are most suitable for realizing Indonesia's earth's benefit. A moderate, fair, and balanced mental attitude is the key to managing our diversity. In serving the nation and state's development, every Indonesian citizen has equal rights and obligations to develop a peaceful and reassuring life together. If we can make this happen, then every citizen can become a fully Indonesian human being and a human being who practices religion completely. Fulfilling the above criteria, a religious adherent will quickly have an open nature, especially in addressing diversity and differences. Moreover, this is one of the essences of religious moderation. For a pluralistic and multicultural society like Indonesia, the perspective of religious moderation is critical. Each can dialogue on the diversity of religions, beliefs, philosophy of life, science, and various local traditions and customs.

Increase Police Officers' Understanding of the Importance of Moderation

The interviews' results showed a positive effect of religious moderation, where 95% of respondents expressed more positive opinions and feelings about applying police discretion, particularly in maintaining and realizing moderate community life. Meanwhile, 5% of respondents said that religious moderation usually impacts police discretion. Some of the indicators obtained in this study are as follows:

Studying Religion Well

Every religion teaches us to do good and help our fellow human beings. Learning again and deepening understanding of religion are positive things that increase a person's faith level, including the police. As a religious community exercising police discretion, the police must distinguish between right and wrong, for example, in terrorism. Terrorism is a serious crime that is difficult to handle. The various modes used with religious attributes can gradually create a negative stigma in society towards other groups whose appearance is external, such as terrorists or terrorists.

In this regard, members of the police must refrain from taking decisions or actions that are hasty. For example, if they see community members with physical characteristics such as terrorists,

the police cannot immediately arrest them. It must still be provided with sufficient evidence. When a policeman arrests without evidence, the police officer can be sanctioned.

Increase Intensity with Community

The police have divided its members' duties and responsibilities, including the traffic police, an investigator, a general criminal investigation unit, and a particular criminal investigation unit. In everyday life, the police who often take to the field are traffic police because they are responsible for maintaining traffic flow. The next question is, where are the other police officers with so many numbers?

Compared to developed countries, such as Japan, where the police ratio to the people is 1:520, which means that every police officer is tasked with guarding 520 civilians, then the balance is very different from Indonesia, which is 1:1700 (Bostic et al., 2014) and Wahyuni, A. (2005). That is, every police officer is responsible for 1,700 civilians. We can imagine how vast and dense Indonesia's population is, but this is not an obstacle in providing protection, security, and public order.

Seeing this fact, the researcher recommends that every member of the police must go to the field, namely the community. The purpose is so that every individual in the police has the same experience and understanding of society's natural conditions.

Be Impartial

A member of the police must be neutral in carrying out their duties, regardless of the executive's role, who is part of the government. This apathetic attitude will give birth to a philosophy of impartiality or impartiality.

We can see an example when we compare police investigators' actions in handling significant and minor criminal cases. Investigators for major criminal issues, such as corruption and money laundering, tend to be lenient or soft in their actions, not quick to respond, closed, and slow in resolving cases. Meanwhile, the perpetrators will be dealt with firmly with firm sanctions in petty criminal cases such as theft in the market. We can see a comparison of the application of unfair, discriminatory, and inequitable discretion, which ultimately states that it is the discretion of the police for the sake of the case process.

The above comparison will not occur if each police member is fair and balanced in exercising discretion. Discretion can provide forgiveness and forgiveness. On the contrary, it can also offer weight depending on conditions in the field. Therefore, a member of the police must have an impartial attitude.

Be Balanced

A balanced attitude means the action must consider the balance between the nature of the activity or target used and the disturbance size or the severity of the object that must be acted upon. An example is an action against the theft perpetrator with a bad score, such as Lombok seeds' theft by a Minah grandmother in Banyumas Regency who was convicted and served a prison sentence of 1-month prison for stealing three cocoa pods (Ridlo, 2019). In this case, the discretion of police personnel can be exercised to promote fast problem-solving using the principle of restorative justice (Gumz, 2009). This principle puts forward the recovery of losses incurred at the value of the crime object so that members of the police with a balanced attitude who see the value of the cacao object should not need to continue the grandmother's process's criminal case.

It is different if the object of the crime is committed by a large motorcycle gang, even to the point of claiming casualties. Even though it was carried out by perpetrators whose criteria were minors, members of the police must still act firmly. This attitude can be seen if the police do not commit violence against the perpetrators' motorcycle gang but rather give a religious or spiritual approach, calling the perpetrator's parents and continuing the criminal case if diversion does not reach an agreement (Lange, 2011).

This balanced attitude is not only done at work but also in socializing in everyday life. The balance in the life around us will be carried into daily tasks so that everything will run smoothly and according to plan.

Be Independent

Independence is a form of independence and free from any intervention. The concept of fairness and balance in religious moderation needs to be added with an independent attitude. Discretion is an action that requires a good understanding of theory and the field. However, as a vertical agency with a command system, the police means that it is strictly a hierarchical system.

An order from a superior must be done because not carrying out a superior's ruling is a severe violation of the police institution. The dynamics in the field, sometimes failing to follow the theory or the superiors' orders, require a police officer to take careful action. Herein lies the independence that must be considered. According to the author, discretion that is not following a superior's orders can be done as long as the decision is accountable and has a firm legal basis.

An example is a student demonstration. The police are always deployed to maintain security and curb demonstrations by students. As long as the rally goes well, everything goes as it should. However, it was different when the march was anarchist and damaged public facilities. In that situation, a police officer must keep the demonstration process orderly without committing violence and even injuring the demonstrators as ordered by their superiors.

Increasing Public Satisfaction

A survey on public satisfaction with the Police's performance shows a negative trend throughout 2019. Based on the Indonesian Survey Circle (LSI) Denny JA survey, public confidence in the Police in 2019 was 72.1%. During the 2018 LSI survey results, the public trust figure reached 87%. Likewise, the Kompas Research and Development (R & D) survey in 2019 gave the National Police a score of 58.7 in performance appraisal (Alamsyah, 2019).

The survey results show public dissatisfaction with the Police's performance. Many factors cause this, ranging from public doubts when the Police handle a case, police officers' presence using drugs, and the frequent victims of civilians when a demonstration occurs.

Religious moderation can be a solution to public discontent. A police officer with a good understanding of religion and experiences and understanding between the Police and the community's mindset will help the Police and the community understand each other. When a conflict occurs in the field, the Police can quickly respond and take discretionary action according to community expectations. If something unexpected happens, it will be easy for the community to understand and forgive the Police because they know the Police's situation.

Public dissatisfaction with the police institution was also caused by cases involving police officers as perpetrators of crimes, but the investigation process seemed slow and covered. An example is pouring hard water on a Corruption Eradication Commission (KPK) official, Novel

Baswedan. The case is still ongoing and has placed members of the Police as suspects. A series of other issues have made elements in the police institution become a boomerang for the Police, which continues to undermine the Police's reputation.

The interviews showed that 85% of respondents said that religious moderation provides benefits in bringing police officers closer to the community. Police officers feel closer and understand what the community wants, so disputes, misunderstandings, and crimes also decrease. Therefore, religious moderation must be an obligation for every police apparatus, not only for the individual police officers but also for the community's benefit. In carrying out the role of maintaining security and public order, the Police must be able to guide and guide their citizens based on religion because basically all religions teach goodness. Having a spiritual part or clergy in the Police is very necessary for the spiritual aspect and all police officers.

4. CONCLUSION

Religious moderation has played an essential role in the downward trend in the number of violent theft crimes in Makassar City over the past two years. This fact is caused by religious moderation, which positively impacts police officers in exercising police discretion, especially in dealing with violent thefts committed by motorcycle gangs. Religious moderation concept has been proven to improve the police officer's quality both in terms of knowledge and implementation in the field; starting from that, religious moderation has succeeded in being present as controllers and supervisors from within (internally) of the individual policeman in every discretionary action against the motorcycle gang members. Next, religious moderation helps police officers understand Islam and the importance of being moderate towards followers of other religions. Lastly, increasing community satisfaction with the performance of the police institution. Therefore, religious moderation should be used as a program to develop human resources in the police institution to make it even better.

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