

THE THEFT CASE AT PANAI HILIR POLICE SECTOR VIEWED JURIDICALLY IN RELATION TO ARTICLE 364 OF THE CRIMINAL CODE AND SUPREME COURT REGULATION NO. 2 OF 2012

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Abstract

Police Sector from a juridical perspective based on Article 364 of the Indonesian Criminal Code (KUHP) and Supreme Court Regulation Number 2 of 2012 concerning the Adjustment of the Threshold for Minor Offenses and the Amount of Fines in the Criminal Code. The results of the study indicate that the implementation of Supreme Court Regulation Number 2 of 2012 in handling minor theft cases involving zinc at the Panai Hilir Police Sector has not been effective. This ineffectiveness is due to the limited understanding of law enforcement officers, the absence of explicit authority granted to investigators under the Regulation, the lack of technical guidelines at the police level, and a legal culture that remains formalistic. In addition, the provisions of Supreme Court Regulation Number 2 of 2012 normatively regulate the thresholds for minor offenses and the applicable mechanisms.

Keywords: *The Criminal Offense of Zinc Theft; Evidentiary System; Court Judgmen*

1.INTRODUCTION

In practice, Supreme Court Regulation (PERMA) No. 2 of 2012 has become an important reference for law enforcement officers to resolve minor criminal cases quickly and simply, particularly through the mechanism of expedited examination as stipulated in the Criminal Procedure Code (KUHAP). However, its effectiveness still faces several challenges, especially when dealing with specific cases related to the socio-economic context of the community, such as zinc theft.

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Zinc theft can generally be defined as the act of unlawfully taking another person's zinc, whether in the form of roofing sheets, fences, or leftover demolition materials, with the intention of possessing or reselling it. Although its economic value is sometimes not significant, this act still fulfills the elements of theft as regulated in the Criminal Code (KUHP). If the value of the stolen item does not exceed a certain threshold, the act is categorized as minor theft under Article 364 of the KUHP.

Crimes that still frequently occur in the Panai Hilir Police Sector (Polsek Panai Hilir) are theft offenses, particularly minor theft in the form of zinc. Zinc theft, whether roofing sheets, fences, or leftover demolition materials, is aimed to be possessed or resold. Generally, it has a relatively small economic value. Nevertheless, zinc theft is often processed criminally using Article 362 of the KUHP, which threatens the perpetrator with a maximum prison sentence of five years. This raises issues of substantive justice, especially when the value of the stolen goods is only tens of thousands of rupiahs, yet the offender is still prosecuted as in major criminal cases. From the background outlined above, the author intends to conduct research with the title: "Zinc Theft Cases in the Panai Hilir Police Sector Viewed Juridically Against Article 364 of the KUHP and Supreme Court Regulation (PERMA) No. 2 of 2012."

2. METHODOLOGY

This research was conducted at the Panai Hilir Police Sector, Labuhanbatu Regency, using a normative-empirical legal research method to study the handling of minor crimes in the form of zinc theft. The normative approach is used to analyze the provisions of PERMA No. 2 of 2012, the KUHP, and the KUHAP, while the empirical approach is carried out through interviews with judges at Stabat District Court and investigators at the Panai Hilir Police Sector. The data sources consist of primary and secondary data, including primary, secondary, and tertiary legal materials, which were collected through interviews, documentation, and literature studies. The obtained data were analyzed qualitatively using various legal interpretation methods to understand the application of legal norms in the practical handling of minor theft cases.

3. RESULTS/CASE STUDY/EXPERIMENT/APPLICATION FUNCTIONALITY

Supreme Court Regulation No. 2 of 2012 was issued in response to the misalignment of loss values in the KUHP with the socio-economic conditions of society. This PERMA

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adjusts the threshold of losses for minor criminal acts to make it more relevant to current situations. With this PERMA, it is expected that cases involving small losses are no longer processed at length. The main objective of PERMA is to create efficiency and justice in the criminal justice system. However, its effectiveness heavily depends on the practice of law enforcement officers.

PERMA No. 2 of 2012 is normatively intended as a guideline for judges in examining and deciding minor criminal cases. In addition, PERMA also regulates the mechanism of expedited examination. Through this regulation, minor criminal cases are expected to be resolved simply and quickly. Normatively, PERMA does not explicitly regulate investigator authority. Nevertheless, its existence still affects the criminal justice system overall.

In the Panai Hilir area, zinc theft is one of the common forms of theft. Zinc is a building material with relatively low economic value but is highly needed by the community. Zinc theft often occurs due to economic factors and daily livelihood needs. Juridically, zinc theft with small loss values can be categorized as minor theft. Therefore, zinc theft cases are relevant to be analyzed within the framework of PERMA No. 2 of 2012.

Based on interviews with investigators at the Panai Hilir Police Sector, handling of zinc theft cases is conducted through the investigative procedures as regulated in KUHAP. Investigators receive police reports, examine witnesses, and interrogate suspects. This process is carried out even though the losses incurred are relatively small. Investigators stated that cases are still processed because there is no legal basis to halt the investigation. This shows that case handling is conducted formally.

In practice, Panai Hilir Police Sector investigators are aware of PERMA No. 2 of 2012. However, investigators believe that this PERMA is more relevant to be applied at the court level. Therefore, PERMA is not used as the main basis during the investigation process. Investigators instead refer to KUHAP and KUHP provisions. This view affects the suboptimal implementation of PERMA at the investigation stage.

One of the main factors causing the ineffective implementation of PERMA No. 2 of 2012 is the lack of understanding by law enforcement officers regarding the substance and purpose of the regulation. Not all investigators, public prosecutors, or judges share the same perception regarding the thresholds for minor crimes and their resolution mechanisms, leading to differences in application in the field.

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Another factor is the difference in interpretation regarding the value of losses in minor theft cases. The assessment of the stolen items' value is often not carried out objectively and proportionally, so cases that should be classified as minor theft are processed as ordinary theft.

Furthermore, the absence of detailed technical guidelines in applying PERMA No. 2 of 2012 also poses a challenge. PERMA is normative and provides considerable discretion to law enforcement officers, so in practice, it often results in inconsistent application across regions and between law enforcement agencies.

In PERMA No. 2 of 2012, the threshold for minor criminal acts has undergone significant adjustment. This adjustment aims to ensure that minor cases are not treated the same as cases causing large losses. With these thresholds, judges have clear guidelines in classifying cases. This is important to maintain proportionality in sentencing. Therefore, the regulation of loss value thresholds is the core of PERMA.

In addition to regulating the loss thresholds, PERMA No. 2 of 2012 also regulates the mechanism of expedited examination. The expedited examination aims to speed up the resolution of minor criminal cases. This mechanism allows cases to be examined simply without prolonged procedures. The main objective of this regulation is efficiency and justice. Thus, expedited examination becomes an important instrument in handling minor crimes.

Based on interviews with judges, PERMA No. 2 of 2012 is intended as a guideline for judges in examining minor criminal cases. Judges stated that PERMA provides certainty in classifying cases. In addition, PERMA assists judges in applying the expedited examination mechanism. With PERMA, judges can avoid lengthy trial processes, which aligns with the principle of simple, fast, and low-cost justice.

Judges also explained that expedited examination can only be applied if the case meets certain criteria, including the type of criminal act and the value of losses incurred. If the criteria are not met, expedited examination cannot be applied. Therefore, case classification becomes a very important stage. PERMA provides the legal basis for such classification.

Normatively, PERMA No. 2 of 2012 does not alter the core provisions of the KUHP. PERMA only adjusts the thresholds for losses and fines. Thus, PERMA complements and adjusts, rather than replaces, the KUHP. This is important to maintain consistency in the criminal law system. PERMA must still be read in conjunction with the KUHP.

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4. DISCUSSION

The implementation of PERMA No. 2 of 2012 in handling zinc theft cases within the jurisdiction of the Panai Hilir Police Sector places zinc theft with small loss value as part of minor criminal acts under Article 364 of the KUHP. Normatively, the expedited examination mechanism is designed to realize a simple, fast, and low-cost judiciary, while opening room for proportional sentencing and restorative justice. PERMA No. 2 of 2012 was introduced to adjust the loss value thresholds for minor criminal acts according to socio-economic developments so that minor cases are not processed excessively.

However, research findings show that in practice at the Panai Hilir Police Sector, zinc theft cases are still handled through formal investigative procedures as stipulated in KUHAP, even though the losses are relatively small. Investigators are aware of PERMA No. 2 of 2012 but view it as more relevant for application at the court level and note that it does not grant explicit authority to investigators. The absence of internal technical guidelines, limited understanding of officers, and a formalistic legal culture have prevented PERMA from being the main basis during investigations, creating a gap between norm and practice.

The ineffectiveness in implementing PERMA No. 2 of 2012 impacts the length of case handling and potentially reduces public trust and sense of justice. The study indicates that optimizing PERMA requires increasing law enforcement officers' understanding, drafting clear technical guidelines, and fostering synergy among investigators, public prosecutors, and judges. Consistent application of PERMA is expected to achieve more efficient, proportional, and fair enforcement in minor theft cases such as zinc theft.

This section examines factors causing the ineffective implementation of PERMA No. 2 of 2012 in minor theft cases in Panai Hilir. The ineffectiveness is not solely due to normative weaknesses but is influenced by implementation factors, especially concerning law enforcement officers, authority, resources, legal structure, and legal culture. Although normatively PERMA aims to realize proportional and just law enforcement, in practice many minor theft cases are still processed through formal mechanisms without optimal reference to PERMA provisions.

The main obstacle is the limited understanding of law enforcement officers, especially investigators, regarding the substance and purpose of PERMA No. 2 of 2012. Investigators are aware of PERMA but view it as a guideline for judges at the court level rather than an operational basis for investigation. Furthermore, the absence of explicit authority for

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investigators in PERMA, lack of internal technical guidelines, insufficient training, and weak inter-agency coordination prevent PERMA from being the main reference. A formalistic legal culture and concerns about administrative oversight also lead investigators to choose procedural pathways considered safer.

Other influencing factors include public and victim pressure, limited supporting facilities, undocumented non-formal settlements, and the suboptimal integration of PERMA with restorative justice approaches. These factors are interrelated and reinforce the gap between norm and practice. Therefore, a comprehensive approach is needed through improving officers' understanding, drafting technical guidelines, strengthening inter-agency coordination, and changing legal culture so that the implementation of PERMA No. 2 of 2012 can be more effective and achieve proportional, efficient, and fair resolution of minor theft cases.

This section discusses legal provisions in PERMA No. 2 of 2012, issued to adjust minor crime thresholds and fines in the KUHP in line with socio-economic developments. PERMA sets new loss value limits for minor crimes and regulates the expedited examination mechanism as a means to resolve minor cases simply, quickly, and at low cost. Normatively, PERMA complements the KUHP, particularly Article 364, without changing its core provisions, providing judges with more proportional guidelines in classifying and handling minor criminal cases.

Based on judges' statements, PERMA No. 2 of 2012 serves as a judicial guideline in examining and deciding minor criminal cases, including applying expedited examination, which can only be used if the crime type and loss value criteria are met. This mechanism allows case resolution within a short trial sequence, supporting the principles of simple, fast, and low-cost justice while providing legal certainty for all parties, including victims. However, PERMA does not regulate investigator authority, so its application heavily depends on case readiness at the trial stage.

Conceptually, PERMA No. 2 of 2012 reflects a criminal law reform effort responsive to social dynamics, emphasizing proportional and humane justice in handling minor cases. Although PERMA provisions provide an ideal framework for resolving minor theft cases such as zinc theft, implementation still faces challenges in coordination and readiness of the criminal justice system. Therefore, comprehensive understanding and inter-agency synergy are key for effective and consistent application of PERMA in judicial practice.

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5. CONCLUSION

Based on the research results and discussion, it can be concluded that the implementation of PERMA No. 2 of 2012 in handling minor theft cases, specifically zinc theft, within the jurisdiction of the Panai Hilir Police Sector has not been effective. This is evident from the investigative practice, which still follows formal mechanisms as stipulated in KUHAP, even though the case losses are small. Investigators at the Panai Hilir Police Sector have not used PERMA as the main consideration in handling zinc theft cases. PERMA is understood more as a guideline for judges at the court level. Consequently, PERMA's goal to simplify minor criminal case handling has not been optimally achieved.

Factors causing the ineffective implementation of PERMA No. 2 of 2012 in zinc theft cases at the Panai Hilir Police Sector include limited understanding of its substance by law enforcement officers, the absence of explicit authority for investigators within PERMA, and the lack of internal technical guidelines at the police level. In addition, the formalistic legal culture and cautiousness of investigators regarding internal oversight hinder PERMA's application. Community factors and the structure of the criminal justice system also contribute to this ineffectiveness. Thus, the issue is multidimensional and cannot be viewed partially.

PERMA No. 2 of 2012 normatively clearly regulates thresholds for minor crimes and the expedited examination mechanism. These regulations aim to align minor crime loss values with socio-economic developments and provide guidance for judges in applying expedited examinations to realize the principles of simple, fast, and low-cost justice. However, the application of these provisions heavily depends on the readiness and synergy of law enforcement officers. In the context of zinc theft cases at the Panai Hilir Police Sector, PERMA provisions have not been fully implemented because cases do not reach the court examination stage.

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