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Law Enforcement against the Criminal Action of Little Theft

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Abstract.
This study aims to identify and describe law enforcement against minor theft crimes based on Perma No. 2 of 2012. This study uses a normative juridical approach, which is descriptive and analytical in nature. The data used is secondary data obtained through library research, which is then analyzed qualitatively. The result of this research is that law enforcement against minor theft crimes based on Perma No.2 of 2012 is carried out by judges by imposing fines from the general minimum limit to the specific maximum that has been adjusted, depending on the judge's discretion to consider the ability of the defendant and the economic conditions of the local community. There is an adjustment in the amount of the fine, then the problem of the value of the criminal penalty which is felt to be too low will be resolved, and the punishable fines that are threatened will be more in accordance with the development of the community. Imposing a fine for the perpetrator of minor theft will be more beneficial, both for the perpetrator, the community and the state itself, while for the victim, they will also receive justice.
Keywords: Law Enforcement; Crime; Minor Theft; Supreme Court Rule.

1. Introduction

The Republic of Indonesia is a state based on law. This is as stated in the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. As a constitutional state, the Indonesian state must protect the rights of its citizens from harmful actions through the applied positive law, this is criminal law. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia is also a juridical basis for ensuring the fulfillment of legal certainty, in order to achieve the ideals of a rule of law state.

As a rule of law, actions taken by both the government and citizens must be based on law. So, obeying the law is an obligation for the creation of security and order.[1] The laws that are violated must be enforced.

Through this law enforcement, law becomes a reality. Law enforcement is the pillar (main pillar) that strengthens the fundamentals that support the welfare of society, in various aspects of life. According to Soerjono Soekanto, the essence and process of (good) law enforcement is the harmonious application of rules and regulations, which are then manifested in behavior. This pattern of behavior is not limited to members of the community, but also includes the "pattern setting group"

[1] Jawade Hafidz Arsyad and Dian Karisma. (2018). *Sentralisasi Birokrasi Pengadaan Barang & Jasa Pemerintah*, Cetakan Pertama, Jakarta: Sinar Grafika, p. 23.

which can be interpreted as a law enforcer in a narrow sense.[2] The function of law enforcement is expected to prevent people (from committing criminal acts).[3] The law that is enforced is criminal law. The essence of criminal law is an imposition of suffering or grief or other unpleasant consequences.[4]

D. Schaffmeister stated that criminal law is a law that protects the interests of the public or society which must comply with the rule of law concept. Here the source of state authority is to protect the public interest.[5]

Any actions or actions that are allegedly having a bad impact on society and detrimental to society, must be addressed because these actions are considered illegal, so they must be given strict sanctions against the perpetrators.

Criminal acts or criminal acts are actions that are against the law. These actions are also detrimental to society, in the sense that they contradict or obstruct the implementation of the order in which society is considered good and fair. This is where the state plays a role in protecting society and overcoming criminal acts by upholding criminal law.[6]

The forms of criminal acts and crimes have been regulated in the Criminal Code (KUHP). In addition to ordinary crimes, the Criminal Code also recognizes minor crimes or what is abbreviated as *tipiring*. Minor offenses are criminal acts that are light or harmless in nature, these crimes are not only in the form of offenses that include minor crimes as stated in Book II of the Criminal Code, namely light animal abuse, light maltreatment, light humiliation, light theft, light embezzlement, fraud, light damaging, and light bracing. Pursuant to Article 205 paragraph (1) of the Criminal Procedure Code, minor criminal offenses are cases punishable by imprisonment or imprisonment of up to three months and / or a maximum fine of seven thousand and five hundred rupiahs.

At present, many cases of minor criminal acts, such as minor theft, are subject to criminal sanctions with the threat of severe penalties, while in cases of crimes that harm state finances, such as corruption, are only sentenced to a few years, not to mention getting a period of deduction prisoner.

As is the case in recent years, judicial institutions in Indonesia have received a lot of attention from the public, especially the press in terms of handling cases of minor criminal acts such as theft, which are economically relatively small, the loss value is relatively small.[7]

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[2] Siti Malikhatun Badriyah. (2010). *Penemuan Hukum Dalam Konteks Pencarian Ke-adilan*, Cetakan Pertama. Semarang: Badan Penerbit Universitas Diponegoro, p. 38.

[3] Dany Andhika Karya Gita, Amin Purnawan, and Djauhari, March 2018, *Kewenangan Kepolisian Dalam Menangani Tindak Pidana Pertambangan (Ilegal Mining) Menurut Undang-Undang Nomor 4 Tahun 2009 (Studi Di Kepolisian Negara Indonesia)*, Jurnal Daulat Hukum, Vol. 1. No. 1, Faculty of Law UNISSULA Semarang, p. 28.

[4] Sri Endah Wahyuningsih. (2013). *Prinsip-Prinsip Individualisasi Pidana Dalam Hukum Pidana Islam dan Pembaharuan Hukum Pidana Indonesia*, Cetakan Kedua, Semarang: Badan Penerbit Universitas Diponegoro, p. 80.

[5] Teguh Prasetyo and Abdul Halim Barkatullah. (2005). *Politik Hukum Pidana, Kajian Kebijakan Kriminalisasi dan Dekriminalisasi*, Cetakan Kedua, Yogyakarta: Pustaka Pelajar, p. 115.

[6] *Ibid.*, p. 115-116.

[7] Dwi Hananta. (2017). *Menggapai Tujuan Pemidanaan Dalam Perkara Pencurian Ringan*, Cetakan Pertama, Mandar Maju, Bandung, p. 1.

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Press exposure to these cases also provokes public opinion as well as observers who criticize them as law enforcement that is against the sense of justice of society, for example, is the opinion of EA Pamungkas which says, "It is inevitable, theft is theft, how much little value was stolen. The problem that arises then is that legal issues from time to time only run in place, as if the sword of the goddess of justice was only aimed at the poor.[8]

The aforementioned conditions give stigma to law enforcers, that law enforcement in Indonesia does not consistently apply the principle of equality before the law. In the original position of the Indonesian people, if all parties agree to view it unfairly, if an act is tried in court on the basis of a statutory regulation that has been lagging behind development, where with a change in the value of money, that person is exposed to a higher threat even though it should be. the act is considered a minor criminal act.

The issue of imposing a crime is not just a matter of the severity of the crime, but also whether the punishment is effective or not, and whether the punishment is in accordance with the social, cultural and structural values that live and develop in society.

The number of theft cases with a small value of goods that are tried in court is getting enough public attention. The people generally consider that it is very unfair if these cases are threatened with a penalty of 5 (five) years as stipulated in Article 362 of the Criminal Code because they are not worth the value of the items stolen. Of course, the criminal sanctions for theft of a motorized vehicle must be different from the theft of gas cylinders, because the value of goods is very different.

The Supreme Court of the Republic of Indonesia seeks to respond to this problem by issuing Regulation of the Supreme Court of the Republic of Indonesia (*Perma*) Number 2 of 2012 concerning Adjustment of Limits for Minor Crimes and the Amount of Fines in the Criminal Code. *Perma* Number 2 of 2012 aims to address the inconsistencies in the limitations of minor criminal offenses and the amount of fines in the Criminal Code with existing developments. The purpose of this study is to determine and examine law enforcement against minor theft crimes based on *Perma* No.2 of 2012.

2. Research Methods

The type of research used in the writing of this legal journal is normative juridical. This research is descriptive analysis, because the researcher wishes to describe or explain the subject and object of the research, which then analyzes and finally draws conclusions from the results of the study.[9]The data used in this research is secondary data. Secondary data is data obtained from library materials through library research, and this data is also obtained from agencies / institutions

[8] E.A. Pamungkas. (2010). *Peradilan Sesat, Membongkar Kesesatan Hukum di Indonesia*, Navilla Idea, Yogyakarta. p. 4.
[9] Mukti Fajar ND and Yulianto Achmad. (2010). *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta, p. 183.

related to the purpose of this research.[10]According to the data that has been obtained during the research by reading library books, then it is analyzed. The analysis used in this research is qualitative data analysis.

3. Results and Discussion

Legal life in Indonesia still causes public concern and disappointment. The law is unable to bring justice to all. Law enforcement is like a kitchen knife, sharp downward blunt upward. The law is repressive when dealing with the poor. On the other hand, against wealthy people (the haves) the law is protective and partial. A partial law will not be able to bring about justice in society. The principle of law that everyone is equal before the law (equality before the law) has been changed by society to become "but not before law enforcers".

Concrete law enforcement is the application of positive law in practice as it should be obeyed. Therefore, giving justice in a case means deciding the law in concreto in maintaining and guaranteeing the adherence of material law by using the procedural method stipulated by formal law.[11] Thus, the sanctions imposed must be able to provide justice and provide benefits not only to the perpetrators of criminal acts, but also to society in general.

The number of minor criminal cases that have been processed and sentenced to criminal sanctions as usual crimes have begun to disturb and injure the values of justice in society. Criminal sanctions emphasize the element of retaliation (reward / in kind). This is a deliberate suffering inflicted on an offender.[12] Laws that should be able to provide certainty, benefit and justice are weapons that can injure the community.

Law enforcement and justice in a fair or just legal process is the enforcement guaranteed by the 1945 Constitution of the Republic of Indonesia which provides protection and benefits for every citizen in the context of upholding the supremacy of the constitution as the basic law of the state. Therefore, the series of principles of a fair and complete legal process, good and perfect, the 1945 Constitution of the Republic of Indonesia and the laws and regulations do not mean much to any citizen or society, if not properly enforced or implemented and fair, and will create a bad image for Indonesia as a democratic rule of law (*rechtstaat en democratische*).[13]

The ultimate goal of law is to achieve social welfare and justice. Humans are required to be fair on every side of their life, individually or socially, because justice in addition to the basic necessities of human life in dealing with other human, can also give birth to goodness among humans and their environment.

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[10] Soeratno and Lincolin Arsyad. (2003). *Metodologi Penelitian Untuk Ekonomi Dan Bisnis*, UPP AMP YKPN, Yogyakarta. p. 173.

[11] Bhakti Satriya Perdana Sugiyanto and Gunarto, March 2018, *Peran Satlantas Polres Rembang Dalam Menanggulangi Tingginya Kecelakaan Akibat Parkir Liar (Studi Kasus di Kabupaten Rembang)*, Jurnal Daulat Hukum, Vol. 1. No. 1. Faculty of law UNISSULA Semarang, p. 142.

[12] I Dewa Putu Gede Anom Danujaya, March 2018, *Formulasi Model Sistem Pemidanaan Anak Di Indonesia*, Jurnal Daulat Hukum, Vol. 1 No. 1. Faculty of law UNISSULA Semarang. p. 108.

[13] Abdul Latif, 2014, *Hukum Administrasi Dalam Praktik Tindak Pidana Korupsi*, Cetakan Kesatu, Edisi Pertama, Kencana Prenada Media, Jakarta. p. 162 and 163.

Justice will give birth to peace, so the purpose of law in the context of social life is to create social justice.

The community expects benefits in implementing or enforcing the law. Law is for humans, so the implementation of the law or law enforcement must provide benefits or benefits to the community, lest because the law is implemented or enforced, there will be unrest in the community.

Benefit is the most important thing in a legal goal, regarding the discussion of legal objectives, first it is known whether what is meant by its own purpose and those who have goals are only humans but law is not a human goal, law is only one of the tools to achieve goals in society and the state. The purpose of law can be seen in its function as a function of protecting human interests, law has goals to be achieved.[14]

Legal utility is a principle that accompanies the principles of justice and legal certainty. In implementing the principle of legal certainty and the principle of justice, the principle of benefit should be considered. For example, in applying the death penalty to a person who has committed murder, he can consider the benefits of imposing a sentence on the defendant himself and the community. If the death penalty is considered more beneficial for society, that is the death penalty imposed.[15]

As a rule of law, Indonesia is required to create justice in the life of its people. Justice and benefits must be felt by every member of society in the application of law in Indonesia, one of which is the imposition of a verdict by a judge in court, which is a place for justice seekers to get justice.

In line with Didi Nazmi Yunas, the meaning of the concept of a rule of law is a state based on law and justice for its citizens. In the sense that all powers and actions of the state apparatus or the ruler are solely based on law or in other words regulated by law. This will reflect justice for the social life of its citizens.[16]

Basically, the purpose of punishment is a benchmark in punishment, to assess whether a conviction is in accordance with the purpose of the punishment itself. In the utilitarian view, what is seen is the situation or condition that the punishment is intended to produce, and the imposition of the punishment must be seen from the point of view of its purpose, benefit, or use for improvement and prevention. So, on the one hand, punishment is intended to improve the attitude or behavior of the convicted person so that one day he will not repeat the same act. On the other hand, condemnation is meant to prevent others from committing similar acts.[17]

Bentham argued about "pleasure and pain", that the merits of the law must be measured from the pros and cons of the consequences of the application of the law. A provision of a law can only be considered good if the consequences resulting from its application are goodness, maximum happiness, and less suffering. On the

[14] Said Sampara dkk. (2011). *Pengantar Ilmu Hukum*, Yogyakarta: Total Media, p. 40.
[15] Zaenuddin Ali. (2017). *Hukum Islam*, Bandung: Sinar Grafika, p. 46.
[16] Rika Marlina, March 2018, *Pembagian Kekuasaan Dalam Penyelenggaraan Peme-rintahan Di Indonesia*, Jurnal Daulat Hukum, Vol. 1. No. 1. Faculty of law UNISSULA Semarang, p. 171.
[17] A.R. Suhariyono. (2012). *Pembaruan Pidana Denda Di Indonesia : Pidana Denda Sebagai Sanksi Alternatif*, Cetakan Pertama, Papas Sinar Sinanti, p. 34.

other hand, legal provisions are considered bad if their implementation results in unfair consequences, losses, and only increases suffering.[18]

Basically, the sanctions imposed must provide the best way out of the existing problems,[19]as in the case of minor theft crimes. Given the light nature of the crime of minor theft, the purpose of the punishment is the purpose of the punishment for minor theft, namely to prevent all kinds of crimes as much as possible, and to act at the least cost. Whatever the crime, prevention is carried out at the least possible cost.[20]

The obstacle in determining and implementing the limit for minor theft and the amount of fines is the problem of the gap in economic conditions between one region and another in Indonesia. Certain values that are considered very valuable in one area, in other areas can be considered of little value.

As for the amount of fines that are adjusted to *Perma* No.2 of 2012, it does not matter, because the judge can impose fines from the general minimum limit to a specific maximum that has been adjusted, depending on the judge's discretion to consider the ability of the defendant and the economic conditions of the local community. The thing that becomes the problem is the determination of the limits for minor crimes. The problem of limiting minor crimes is also related to the issue of justice from the perspective of the victim. For a region with a low economic level, of course the value of money and goods becomes so valuable, that what is for a region with a relatively high economy is not very valuable, for victims with a low economic level it can be very valuable.

This can be bridged by widening the limits of the criminal threat while still qualifying the crime as minor theft. Regarding the limit of IDR 2,500,000.00 stipulated in *Perma* Number 2 of 2012, the Supreme Court's consideration of using a gold price comparison is acceptable, because it is a method that has certainty in the calculation and is rationally used to compare price differences over time.[21]

The ratio is in fact the change / increase in the value of money in each region varies according to the level of economic growth, therefore with the widening of the criminal limit, judges adjudicating theft cases in regions with low economic levels, can still consider the size harm to the victim's subjective self or the magnitude of the impact resulting from the offender's actions on the victim and the environment in which the law is violated.[22]

Suhariyono argued that the regulation and imposition of the existing fines did not yet have a reasonable and adequate place in the framework of the purpose of punishment, especially for crimes that were punishable by short-term imprisonment and criminal acts that were motivated or related to property or assets. In order to make the criminal penalties function functional, there are 2 (two) things, namely:[23]

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[18] *Ibid*., p. 74.
[19] Rendy Surya Aditama , Umar Ma'ruf, dan Munsharif Abdul Chalim, March 2018*, Kebijakan Hukum Pidana Terhadap Anak Sebagai Pelaku Kejahatan Psikotropika Di Ke-polisian Resor Magelang*, Jurnal Daulat Hukum Vol. 1. No. 1. Faculty of law UNISSULA Semarang, p. 119.
[20] Dwi Hananta, *op.cit.*, p. 133.
[21] *Ibid.*, p. 129-130.
[22] *Ibid*.
[23] Suhariyono, op.cit., P. 379.

- In the view of some scholars as well as the regulation and application in several countries, fines can replace corporal punishment, especially short corporate punishment (short-term imprisonment), because short corporate punishment in its application has weaknesses and drawbacks;
- Criminal fines will reduce the stigmatization of the perpetrator because the perpetrator is not deprived of his family environment or social life, while maintaining general prevention of the purpose of punishment and paying attention to the purpose of balancing the individual and the loss of society (social damages).

Jan Remmelink is of the opinion that another advantage of fines is that, in general, the convict will not lose his job, and fines can be easily enforced (if necessary by way of installments). From these fines also emerge the work power of general prevention, and the state does not suffer losses from the imposition of fines.[24]

In line with this opinion, Niniek Suparni stated that the criminal penalty itself is felt to have not fulfilled the purpose of punishment due to several factors, one of which is that the value of the criminal penalty is too low, so that it is not in accordance with the harmony between the purpose of punishment and the sense of justice in society..[25]

With the adjustment of the amount of fines in the Criminal Code (the maximum penalty of fine in the Criminal Code x 1,000) based on *Perma* No.2 of 2012, the problem of the value of the criminal penalty that is felt to be too low will be resolved, and the penalties threatened will be more in line with the development of society.

A fine will reduce the stigmatization of the perpetrator because the perpetrator is not deprived of his family or social life. Niniek Suparni also argues that one of the weaknesses of the deprivation of liberty, especially imprisonment / imprisonment in the short term will hinder efforts to develop the convict, besides that it will only provide opportunities for the convicted prisoner while in the State Detention Center or Penitentiary to learn from professional criminals, so that after serving the crime it became even more evil,[26] not to mention the costs that must be incurred by the state if the perpetrators of minor theft must be sentenced to imprisonment, which must be borne by the community itself.

Based on this, the imposition of fines against the perpetrators of minor theft will be more beneficial, both for the perpetrators, the community and the state itself, while for the victims they also still get justice, because the criminal fines imposed on the perpetrators (should be) be proportionally higher than the losses suffered by victims, in accordance with the utilitarian principle of proportionality

[24] Jan Remmelink. (2003). *Hukum Pidana, Komentar Atas Pasal-pasal Terpenting Dari KUHP Belanda dan Padanannya Dalam KUHP Indonesia (Inleiding tot de Studie van het Nederlande Strafrecht)*, diterjemahkan oleh Tristam Pascal Moeliono, Jakarta: Gramedia Pustaka Utama, p. 485.
[25] Niniek Suparni. (2007). *Eksistensi Pidana Denda Dalam Sistem Pidana dan Pemidanaan*, Edisi Kesatu, Cetakan Pertama, Jakarta: Sinar Grafika. p. 88.
[26] *Ibid.*, p. 87.

between punishment and criminal acts, that "the punishment must be great enough to outweigh the profit that the offender might get from the offence".[27]

According to Niniek Suparni, the shift in punishment that features fines replacing the position of criminal freedom, is oriented towards the consideration of increasing welfare and financial capacity of all these groups of society. In general, the crime of theft is caused to meet the necessities of life, which means that the level of welfare of the Indonesian people is still less than adequate. The thing that becomes a problem is how a thief who takes money or goods because he does not have money, is then sentenced to pay a fine.[28]It is the same with the opinion which states that the perpetrators of light theft are generally people who are in fact incapable of committing criminal acts because of the motive for fulfilling economic needs, so that fines are not appropriately applied to the perpetrators of minor theft crimes.

Can be compared with The Revised Penal Code of Philippines, which contains separate provisions related to fines for minor thefts. Article 309 point 8 states, that: "Theft of goods whose value is not more than 5 pesos, and the perpetrator commits it because of hunger, poverty, or difficulty in fulfilling the necessities of life or that of his family, shall be punished by criminal arresto menor within the minimum limit or a maximum fine a lot of 50 pesos, the lowest possible penalty in the theft articles in The Revised Penal Code of Philippines.[29]

Jan Remmelink stated that in considering the criminal penalty imposed, the judge is obliged to consider the financial capacity of the defendant, but financial capability here should not be understood in a narrow technical or financial context. The purpose of this principle is as a benchmark for maintaining material balance in the imposition of light-weight criminal sanctions.[30] With these considerations, the criminal verdict handed down by the judge will be more just and beneficial.

The first condition in order for a conviction to be effective is that it can be carried out. In order to carry out a fine sentence, it is necessary to have arrangements that provide convenience, such as the possibility of paying fines by installments and payment of fines by taking from the wealth or income of the convicted person, and if this is also not possible, then the last resort is to carry out a substitute punishment which is always imposed on a subsidized basis as a substitute for a fine.[31]

The regulation regarding the implementation of fines by installments / installments has also been applied in the Netherlands, namely that if a sentence (thus the provisions of Article 24a Sr.) is imposed one or more fines up to the amount of at least 500 guilders, then the judge has the authority to determine in The verdict was that the convict was allowed to pay the fine in installments. Each installment must be worth at least 100 guilders. The judge will simultaneously determine the period of the second and subsequent installments.[32]

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[27] Dwi Hananta, op.cit., p. 133.
[28] Niniek Suparni, op.cit., p. 48-49.
[29] Dwi Hananta, op.cit., p. 134.
[30] Jan Remmelink, op.cit., p. 488-489.
[31] Dwi Hananta, op.cit., p. 135.
[32] Jan Remmelink, op.cit., p. 389.

Regarding the implementation of this fine, Mardjono Reksodiputro has an opinion that there is a tendency for a convicted person to prefer to undergo a substitute sentence rather than pay a fine, so that he can still enjoy the results of his crime, therefore Mardjono suggests that for convicted persons who are able to pay a fine, then Such fines must be implemented first, cannot be immediately replaced by corporal punishment, even the judge can impose a fine sentence without being accompanied by a substitute criminal provision.[33]

In such case, it is necessary to have provisions governing the payment of a fine by means of taking from the wealth or income of the convicted person or what is known as confiscation of the convict's assets, so that the fine can be effective. In addition, the judge can also impose a fine without substitute punishment, as long as it can be ascertained that the convict's assets are sufficient to pay the fine. If this cannot be ascertained, of course it is feared that the decision that will be passed will not be implemented.[34]

Quoting Remmelink's opinion, which states that criminal cases which include crimes against assets which are punishable by criminal sanctions within a certain period of time, can be resolved by way of out of court settlement, namely by making payments, Mardjono Reksodi putro also argues that criminal cases with these characteristics are in the arrangement need not be threatened with imprisonment.[35]

By continuing to impose a fine with imprisonment, it is also possible in certain conditions in which the offender of the perpetrator results in a more serious situation for imprisonment. This particular condition, for example, is the result of the perpetrator stealing the salary of a worker, even though the amount is not more than IDR 2,500,000.00 but it results in the worker being unable to meet the needs of himself and his family, then imprisonment can still be imposed.[36]

Thus, it is more appropriate to impose a fine on minor theft, because it is a criminal act that is motivated or related to property or wealth, and fines can be easily carried out, do not result in stigmatization of the convict, nor do the convict lose his job or be deprived from their family environment or social life. If a short corporate sentence is imposed, there is a great potential for the convicted person to be in state detention or a penitentiary to learn from professional criminals, not to mention the costs incurred by the state in implementing corporate crimes. Based on this, the imposition of fines against the perpetrators of minor theft will be more beneficial, both for the perpetrators, the community and the state itself.[37]

Imposing the crime against the perpetrator of minor theft must also pay attention to certain factors casuistically. In addition to considering the ability of the perpetrator if he is sentenced to a fine, it must also be considered the magnitude of the impact of the perpetrator's actions on both the victim and the community, especially the community around the place where the crime occurred. In this case, corporal punishment still needs to be threatened alternatively with a

[33] Dwi Hananta, op.cit., p. 136.
[34] *Ibid*.
[35] *Ibid*., p. 136-137.
[36] *Ibid*.
[37] *Ibid*., p. 140-141.

fine, and such corporate punishment can be imposed, for example in theft, which, although the value is included in the limit of minor theft, is very valuable property belonging to the victim, even though the amount of the stolen property is included in the limitation of minor theft, the judge can proportionally impose corporate punishment.[38]

4. Closing

Law enforcement against minor theft crimes based on *Perma* Number 2 of 2012 is carried out by judges with impose fines from the general minimum to the specified maximum, depending on the judge's discretion to take into account the capabilities of the accused and the economic conditions of the local community. With the adjustment of the amount of fines based on *Perma* No.2 of 2012, the problem of the value of the penalty that is felt to be too low will be resolved, and the penalties imposed will be more in line with the development of society. Imposing fines to perpetrators of minor theft will be more beneficial, both for the perpetrators, the community and the state itself, while for the victims they will also receive justice. It is necessary to regulate the criminal act of minor theft which is committed in certain circumstances, by determining the lightest criminal threat against theft which is committed due to hunger, poverty, or difficulties in fulfilling the necessities of life or that of their family. In such cases, it should be excluded to be resolved by non-penal channels such as restorative justice.

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[38] *Ibid*.

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