

Implementation of Supreme Court Regulation Number 02 of 2012 Concerning Adjustments to the Limits of Miscellaneous Crimes

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Abstract

Supreme Court Regulation Number 02 of 2012 Concerning Adjustments to the Limits of Minor Crimes and the Amount of Fines in the Criminal Code has changed the limits in minor criminal cases which were originally limited to a minimum of IDR 250,- (two hundred and fifty rupiah) to IDR 2,500,000,- (two million five hundred thousand rupiah) and also regulates the nominal amount of money for the application of Criminal Fines, where the nominal amount is multiplied to 10,000 (ten thousand) times. The adjustment according to Supreme Court Regulation Number 02 of 2012 concerning Adjustment of the Limits of Minor Crimes and the Amount of Fines in the Criminal Code has three main contents, namely: adjustment of the limits of minor crimes themselves, adjustment of the threat of criminal fines in the Criminal Code, and the consequences for the procedural law applied to the case. The feeling of injustice in applying sanctions that do not match the monetary values in the Criminal Code has led to cases such as those that occurred in the case of minor theft under Article 362 of the Criminal Code which is threatened with a sentence of 5 years in prison. Supreme Court Regulation Number 02 of 2012 Concerning Adjustment of Limits for Minor Crimes and the Amount of Fines in the Criminal Code has become a dilemma for investigators because they cannot detain suspects and cannot continue the legal process to the court level considering that the value of the goods taken by the perpetrator is below Rp. 2,500,000 (two million five hundred thousand rupiah).

Keywords: Supreme Court Regulation Number 02 of 2012, Minor Theft

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Introduction

At present, cases particularly minor criminal offenses are no longer unfamiliar to most Indonesian people, both from lower–middle and upper–middle social classes. The prevalence of such legal cases is influenced by various factors, one of which is economic pressure and poverty.

The handling of minor theft cases, for example the theft of a police officer's flip-flops in Palu City, the case of Grandmother Minah who stole cocoa beans, or Rasminah who stole six plates, has drawn public attention. The large number of minor criminal cases processed in court has raised concerns and triggered negative public responses toward the Indonesian judicial system, which is perceived as failing to adequately reflect a sense of justice in society.

The increasing number of theft cases involving goods of small value that are brought before the courts has attracted significant public scrutiny. Generally, the public considers it highly unjust that such cases are threatened with a maximum penalty of five (5) years of imprisonment as stipulated in Article 362 of the Indonesian Criminal Code, as such punishment is not proportional to the value of the stolen goods.

Judges have the authority to deviate from outdated written legal provisions that are no longer capable of fulfilling society's sense of justice, provided that their legal considerations are clearly and sharply articulated while taking into account various aspects of legal life.

Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code has revised the limitation for minor criminal offenses, which was previously set at a minimum of IDR 250 (two hundred and fifty rupiah) to IDR 2,500,000 (two million five hundred thousand rupiah). This regulation also governs the nominal amount of fines, whereby the amount is multiplied by 10,000 (ten thousand) times, except for Article 303 paragraphs (1) and (2), and Article 303 bis paragraphs (1) and (2) of the Criminal Code.

With the enactment of this Supreme Court Regulation, the criminal law system is expected to adapt to the values of justice prevailing in society. This regulation represents an initial and significant effort to reform the Criminal Code, which is no longer relevant in the present era, and it is expected that this regulation will also serve as a guideline for the Police and the Public Prosecutor's Office in handling minor criminal cases related to offenses against property.

Minor criminal offenses are criminal acts that are light in nature and do not pose serious danger. Such offenses are generally related to property. Crimes against property constitute an attack on a person's legal interest in the property of another. Minor property crimes, or what may be referred to as minor criminal offenses, are regulated in Book II of the Criminal Code, namely Article 364 (minor theft), Article 373 (minor embezzlement), Article 379 (minor fraud), Article 384 (minor fraud by a seller), Article 407 (minor damage to property), and Article 482 (minor receiving of stolen goods).

Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code has amended the limitation for minor criminal cases, which was previously set at a minimum of IDR 250 (two hundred and fifty rupiah) to IDR 2,500,000 (two million five hundred thousand rupiah).

The threshold of IDR 250 (two hundred and fifty rupiah) was established based on the economic conditions of the 1960s, which, when converted to the economic conditions of the 2000s as they exist today, is clearly no longer relevant. This is reflected in Article 1 of Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code, which stipulates that the phrase "two hundred and fifty rupiah" in Articles 364, 373, 379, 384, 407, and 482 of the Criminal Code shall be read as IDR 2,500,000 (two million five hundred thousand rupiah).

Meanwhile, Article 2 of Supreme Court Regulation Number 02 of 2012 explains that in receiving the delegation of cases of theft, fraud, embezzlement, and receiving stolen goods from the Public Prosecutor, the Chief Judge of the District Court is obliged to consider the value of the goods or money that constitute the object of the case and to take into account Article 1 of Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code.

If the value of the goods or money does not exceed IDR 2,500,000 (two million five hundred thousand rupiah), the Chief Judge of the District Court shall immediately appoint a single judge to examine, adjudicate, and decide the case using the Summary Procedure as regulated in Articles 205–210 of the Criminal Procedure Code. If the defendant was previously subjected to detention, the Chief Judge of the District Court shall not order detention or an extension of detention.

For criminal offenses stipulated in Article 1 of Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code, the examination process shall be conducted using the Summary Procedure as regulated in Articles 205 to 210 of the Criminal Procedure Code. This means that perpetrators of criminal offenses referred to in Article 1 of Supreme Court Regulation Number 02 of 2012 shall not be subjected to detention.

Writing Methodology

This writing employs an **empirical juridical approach**, in which the author explicitly analyzes the implementation of laws related to **Anti–Money Laundering**. The type of writing used is **comparative**, namely a form of writing that seeks to compare one legal system with another.

This study is conducted using an empirical juridical approach, namely by examining legal regulations concerning the implementation of protection, prevention, and law enforcement related to the adjustment of the threshold for minor criminal offenses.

In carrying out this study, **data collection techniques** in the form of **library research** are employed. Library research is conducted to collect secondary data and tertiary legal materials derived from primary legal sources, namely binding legal materials such as **Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses**, the **Criminal Code (KUHP)**, as well as secondary legal materials that provide explanations of primary legal materials, including the results of legal research, newspapers, magazines, and internet sources related to the enforcement of minor criminal offenses.

Discussion

The adjustment regulated under **Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code** contains three main aspects, namely: the adjustment of the threshold for minor criminal offenses itself, the adjustment of criminal fine sanctions in the Criminal Code, and the consequences for the procedural law applied to such cases.

1. Adjustment of the Threshold for Minor Criminal Offenses

Article 1 of Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code stipulates that “the words ‘two hundred and fifty rupiah’ in Articles 364, 373, 379, 384, and 482 of the Criminal Code shall be read as IDR 2,500,000 (two million five hundred thousand rupiah).” Consequently, the loss threshold for criminal offenses regulated in the aforementioned articles is increased to IDR 2,500,000 (two million five hundred thousand rupiah).

This adjustment is determined based on a comparison of the price of pure gold between 1960 and 2012, which shows an increase of approximately 10,077 times. Accordingly, the threshold for minor criminal offenses as regulated in Supreme Court Regulation Number 02 of 2012 is adjusted to approximately 10,000 times the original value.

Such a method of value adjustment is commonly used in civil court practice, where civil disputes originating in earlier periods are brought before the court at a time when the value of property involved is no longer comparable if calculated using the original value at the time the legal event occurred. Therefore, judges recalculate the value of such property by comparing the price of gold at the time the legal event occurred with the price of gold at the time the case is examined and decided in court.

2. Adjustment of Criminal Fine Sanctions in the Criminal Code

It must be carefully noted that the adjustment of the maximum criminal fine sanctions in the Criminal Code pursuant to Supreme Court Regulation Number 02 of 2012 does not apply solely to minor criminal offenses, but applies to all provisions in the Criminal Code that contain criminal fine sanctions, **except for Article 303 paragraphs (1) and (2) and Article 303 bis paragraphs (1) and (2) of the Criminal Code.**

Article 3 of Supreme Court Regulation Number 02 of 2012 stipulates that “each maximum amount of criminal fines threatened in the Criminal Code, except for Articles 303 paragraphs (1) and (2) and Article 303 bis paragraphs (1) and (2), shall be multiplied by 10,000 (ten thousand) times.”

However, it should be noted that in the published text of Supreme Court Regulation Number 02 of 2012, subsequent changes appear in versions bearing the same number and date. As a result, versions of the regulation available on the official websites of the Supreme Court state that the fine amounts are multiplied by **1,000 (one thousand) times.**

Consequently, for example, Article 364 of the Criminal Code, which previously stipulated a maximum fine of IDR 900 (nine hundred rupiah), is adjusted to a maximum fine of IDR 900,000 (nine hundred thousand rupiah).

In the author’s opinion, such an adjustment is inappropriate, as it results in a situation where theft involving goods valued at no more than IDR 2,500,000 (two million five hundred thousand rupiah) is punishable by a maximum of three months’ imprisonment or a maximum fine of IDR 900,000 (nine hundred thousand rupiah). This means that the maximum fine is lower than the value of the stolen goods.

This condition is inconsistent with the **utilitarian theory of proportionality in sentencing**, which requires that criminal sanctions be proportionate to the offense. Therefore, the author argues that it would be more appropriate for the adjustment of criminal fines to remain multiplied by 10,000 times, so that the fine sanction under Article 364 of the Criminal Code remains proportional to the adjusted value threshold of the stolen goods, namely a maximum fine of IDR 9,000,000 (nine million rupiah).

The Supreme Court’s consideration in adjusting fine amounts is reflected in the final paragraph of the explanation to Supreme Court Regulation Number 02 of 2012, which states that the adjustment is intended “to restore the effectiveness of criminal fines and to reduce the burden on correctional institutions, many of which currently exceed their capacity and have created new problems.”

In practice, criminal fines are rarely imposed for violations of the Criminal Code due to the outdated monetary values stipulated therein, which cause fine sanctions to be perceived as too low. This raises further questions regarding whether criminal fines are appropriate or aligned with the objectives of punishment for minor theft offenses.

3. Consequences of the Adjusted Threshold for Minor Criminal Offenses on Procedural Law

The adjustment of the threshold for minor criminal offenses and the corresponding fine sanctions has implications for the procedural law applicable to theft cases that meet the criteria

for minor theft under Supreme Court Regulation Number 02 of 2012. These consequences include the following:

a. Trial Procedure

The adjustment of the threshold for minor criminal offenses affects the procedural law applied to cases falling within the adjusted threshold. Specifically, theft cases involving goods valued at IDR 250 or up to IDR 2,500,000, which were previously examined under ordinary trial procedures, are now classified as minor theft cases examined under **summary procedures for minor criminal offenses**, conducted by a **single judge** rather than a panel of judges. This is regulated under Article 2 paragraph (1) of Supreme Court Regulation Number 02 of 2012, which stipulates that in receiving the transfer of cases of theft, fraud, embezzlement, and receiving stolen goods from the Public Prosecutor, the Chief Judge of the District Court must consider the value of the goods or money constituting the object of the case.

Based on the procedural law applied to each case, cases of theft, fraud, embezzlement, and receiving stolen goods transferred by the Public Prosecutor to the District Court may be examined either under ordinary trial procedures or summary procedures.

According to district court case administration, both ordinary and summary cases are received by the criminal registry and forwarded to the Chief Judge of the District Court for the appointment of a judge or panel of judges. The difference lies in the fact that ordinary criminal cases are registered immediately upon receipt, while summary criminal cases are registered only after the judge commences the examination of the case.

Meanwhile, minor criminal offense cases examined under **summary procedures** are submitted to the court by investigators acting on behalf of the Public Prosecutor, in accordance with procedural law.

With the enactment of Supreme Court Regulation Number 02 of 2012, there should ideally be a specific mechanism for theft, fraud, and embezzlement cases submitted to the court. Before registering such cases, the court registry should first submit them to the Chief Judge of the District Court to determine whether the case qualifies for summary procedures, ordinary procedures, or brief procedures. **b. Detention**

Because the criminal sanction for minor theft under Article 364 of the Criminal Code is a maximum of three months' imprisonment or a fine, the defendant in such cases may no longer be subjected to detention, as the objective requirements for detention under Article 21 paragraph (4) of the Criminal Procedure Code are not met.

This is regulated in Article 2 paragraph (3) of Supreme Court Regulation Number 02 of 2012, which stipulates that "if the defendant was previously subjected to detention, the Chief Judge of the District Court shall not order detention or an extension of detention."

It should be noted that once a case is transferred to the District Court, the authority to order detention lies with the judge, not with the Chief Judge of the District Court. The Chief Judge of the District Court is only authorized to order extensions of detention in specific circumstances, as regulated under Articles 25 paragraph (2), 26 paragraph (2), and 29 of the Criminal Procedure Code.

Therefore, once the Chief Judge of the District Court determines that a theft case qualifies as a minor theft offense, the Chief Judge appoints a single judge to examine the case under summary procedures, and the appointed judge does not order detention of the defendant. The phrase "the Chief Judge of the District Court shall not order an extension of detention" may be interpreted to mean that if investigators or the Public Prosecutor submit a request for an extension of detention under Article 29 of the Criminal Procedure Code, and the Chief Judge determines that the case qualifies as a minor criminal offense pursuant to Supreme Court Regulation Number 02 of 2012, such request shall be denied. **c. Legal Remedies**

As with other minor criminal offense cases examined under summary procedures, decisions in minor theft cases are, in principle, **not subject to appeal**. This is consistent with

Article 67 of the Criminal Procedure Code, which provides that “the defendant or the Public Prosecutor has the right to file an appeal against a decision of the court of first instance, except for acquittals, dismissals of charges due to improper application of law, and court decisions rendered under summary procedures.”

This principle is subject to an exception under Article 205 paragraph (3) of the Criminal Procedure Code, which provides that “the court adjudicates with a single judge at the first and final instance, except where a sentence involving deprivation of liberty is imposed, in which case an appeal may be filed.”

The opportunity to file a cassation appeal is provided under Article 244 of the Criminal Procedure Code, which states that “against criminal case decisions rendered at the final instance by courts other than the Supreme Court, the defendant or the Public Prosecutor may submit a request for cassation review to the Supreme Court, except against acquittals.”

However, this provision is limited by Article 45A paragraphs (1) and (2) of the Supreme Court Law, which stipulates that cases excluded from cassation review include pretrial decisions, criminal cases punishable by a maximum of one (1) year of imprisonment and/or a fine, and administrative cases involving decisions of regional officials whose effect is limited to the relevant region.

Minor criminal offenses adjusted under Supreme Court Regulation Number 02 of 2012 carry a maximum sentence of less than one year of imprisonment (at most three months) and/or a fine. Therefore, pursuant to Article 45A of the Supreme Court Law, such cases including those resulting in deprivation of liberty are not eligible for cassation.

This is also stated in the explanation to Supreme Court Regulation Number 02 of 2012, which clarifies that such cases are not subject to cassation because the threatened punishment is less than one year of imprisonment.

Regarding judicial review (extraordinary legal remedy) of decisions with permanent legal force, the Criminal Procedure Code provides that, except for acquittals or dismissals of charges, a convicted person or their heirs may file a request for judicial review with the Supreme Court.

Unlike cassation, the Supreme Court Law does not limit the types of cases eligible for judicial review. Accordingly, all final decisions in minor criminal offense cases may also be subject to this extraordinary legal remedy.

The limitation on cassation aims to reduce the caseload of the Supreme Court, which should ideally only handle certain categories of cases. Judicial review, however, remains available because even cases considered “minor” may, in certain circumstances, have significant implications for law and justice.

For minor criminal offense cases decided in the absence of the defendant (*verstek*), Article 214 of the Criminal Procedure Code applies. This provision stipulates that the legal remedy against a *verstek* decision is an objection (*verzet*) filed with the court that rendered the decision, which may only be submitted in cases involving deprivation of liberty. If, after the *verzet* proceeding, the defendant is still sentenced, the defendant may then file an appeal.

The adjustment of the threshold for minor criminal offenses under Supreme Court Regulation Number 02 of 2012 has increased the threshold from IDR 250 (two hundred and fifty rupiah) to IDR 2,500,000 (two million five hundred thousand rupiah), reflecting the fact that the former threshold was based on economic conditions of the 1960s and is no longer relevant under current economic conditions.

Article 2 of Supreme Court Regulation Number 02 of 2012 further provides that in receiving the transfer of cases of theft, fraud, embezzlement, and receiving stolen goods from the Public Prosecutor, the Chief Judge of the District Court must consider the value of the goods or money constituting the object of the case. If the value does not exceed IDR 2,500,000 (two million five hundred thousand rupiah), the Chief Judge shall immediately appoint a single judge

to examine, adjudicate, and decide the case using summary procedures in accordance with the Criminal Procedure Code.

If the defendant was previously subjected to detention, the Chief Judge shall not order detention or an extension of detention. Under Supreme Court Regulation Number 02 of 2012, the examination of such cases is conducted through summary procedures, and the perpetrators are not subjected to detention.

Under the Criminal Code, fines constitute one of the principal criminal sanctions as regulated in Article 10 and may be viewed as an alternative to deprivation of liberty. For crimes, the maximum fines range from IDR 900 to IDR 150,000, with the maximum fine of IDR 150,000 appearing in only two provisions, namely Articles 251 and 403 of the Criminal Code.

For violations, the maximum fines range from IDR 225 to IDR 75,000, with the highest amounts appearing only in two types of violations, namely those regulated in Articles 568 and 569 of the Criminal Code.

Outside the Criminal Code, Indonesian criminal law also derives from various statutes containing provisions on criminal fines. Many of these statutes stipulate fine sanctions amounting to millions or even billions of rupiah.

Author's Findings

According to the author, there are several reasons why the crime of money laundering must be eradicated thoroughly and without discrimination by Indonesia, as follows:

1. The existence of rapid social changes, which necessitate the accompaniment and adaptation of such changes through legal regulations that also include criminal sanctions.
2. Modern life is increasingly complex; therefore, in addition to long-standing unified criminal law regulations such as the Criminal Code, temporary criminal regulations are also required.
3. Many legal regulations in the fields of civil law, constitutional law, and administrative law need to be linked with criminal sanctions in order to ensure compliance and effective supervision.

Author's Analysis

It must be acknowledged that the Criminal Code currently used as a guideline and parameter for determining the criteria of minor offenses against property has been in force for more than 60 years. At that time, the threshold for minor criminal offenses was adapted into Indonesian law at IDR 250 (two hundred and fifty rupiah), when the price of oil was approximately USD 1.8 per barrel and the world gold price was USD 35 per ounce. In comparison, current conditions show that oil prices reach around USD 100 per barrel and gold prices have exceeded USD 1,700 per ounce.

Therefore, the legal breakthrough undertaken by the Supreme Court in handling minor criminal offenses by increasing the threshold from IDR 250 (two hundred and fifty rupiah) to IDR 2,500,000 (two million five hundred thousand rupiah) is appropriate. Adjudicating property crimes involving very small losses under ordinary criminal procedures significantly undermines the public's sense of justice.

The adjustment of the threshold for minor criminal offenses had previously been carried out through Government Regulation in Lieu of Law Number 16 of 1960 concerning Several Amendments to the Criminal Code, which was later enacted into law by Law Number 1 of 1961 on the Enactment of All Emergency Laws and Government Regulations in Lieu of Law into Laws. This legislation amended provisions relating to minor criminal offenses.

After 1960, there had been no further regulation adjusting the threshold for minor criminal offenses, apart from that single instance. The Supreme Court understands the rationale behind the Public Prosecutor's practice of charging defendants under ordinary criminal offenses for

crimes against property, because the Criminal Code still regulates minor offenses involving goods or money valued at less than IDR 250 (two hundred and fifty rupiah). Such a value is clearly no longer relevant to contemporary life, as it is almost impossible to find goods valued below IDR 250, rendering the provisions on minor criminal offenses ineffective.

Legal provisions concerning the amount of fines constitute one of the factors necessitating the adjustment of criminal fines in the Criminal Code. The current fine sanctions stipulated in the Criminal Code are generally relatively light, and criminal fines have ceased to function as either a primary or alternative form of punishment.

Amendments to the Criminal Code to adjust the amount of fines and their currency had previously been carried out only once, in 1960, through Government Regulation in Lieu of Law Number 18 of 1960 concerning Amendments to the Amount of Criminal Fines in the Criminal Code and other criminal provisions enacted prior to 17 August 1945.

This Government Regulation in Lieu of Law was later enacted into law and stipulated that every fine amount contained in the Criminal Code was multiplied by fifteen times. Previously, the general minimum fine stipulated in the Criminal Code was 25 cents. Compared to the currency value at that time, such sanctions had become excessively light, necessitating an increase in their amount. Therefore, Government Regulation in Lieu of Law Number 18 of 1960 was enacted.

The effectiveness of criminal fines in criminal courts has significantly declined. According to previous studies, the effectiveness of criminal fines remains far from achieving the objectives of punishment. Due to the depreciation of currency value, courts rarely impose fines because they are perceived as ineffective.

The imposition of fines for criminal offenses is further hindered by the fact that the maximum fine sanctions are no longer aligned with the prevailing currency value. The maximum fines range from IDR 900 to IDR 150,000, except for fines regulated under special criminal laws. The failure to adjust monetary values in the Criminal Code not only renders fines ineffective as an alternative sanction but also results in imprisonment becoming the sole punishment imposed by courts (apart from probationary sentences).

The implication of this condition is an increase in the number of inmates in correctional institutions, which ultimately burdens the state budget. On the other hand, many offenders would be more appropriately and beneficially sanctioned with fines rather than imprisonment, such as in cases of defamation, minor offenses, juvenile crimes, or offenses committed by individuals with no prior criminal record.

The Supreme Court appears to fully recognize that the implementation of Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code would not be effective without coordination with other law enforcement agencies. Therefore, on 17 October 2012, the Chief Justice of the Supreme Court held coordination meetings with the Minister of Law and Human Rights, the Attorney General, and the Chief of the National Police, resulting in a joint memorandum of understanding containing several key points.

The objective of the memorandum of understanding emphasizes fulfilling the public's sense of justice in resolving minor criminal offenses, enhancing the effectiveness of criminal fines, and addressing the issue of overcrowding in correctional institutions and detention centers in order to realize justice with a human rights dimension.

These points reaffirm the principles stated in the General Explanation of Supreme Court Regulation Number 02 of 2012. Accordingly, law enforcement policies concerning minor criminal offenses should take these considerations into account.

Two specific matters are regulated in the memorandum of understanding. First, it agrees on the settlement of minor criminal offense cases through **restorative justice**, as regulated in Article 4 of the memorandum, provided that reconciliation has occurred between the

perpetrator, the victim, their families, and relevant community leaders, with or without compensation. Such restorative justice settlements may be carried out by police investigators or judges.

Second, the memorandum addresses the application of **summary trial procedures** for minor criminal offenses, whereby investigators submit minor criminal offense cases to the court under summary procedures on behalf of the public prosecutor by operation of law.

Article 1 of the memorandum defines minor criminal offenses as offenses regulated under Articles 364, 373, 379, 384, 407, and 482 of the Criminal Code, punishable by a maximum of three months' imprisonment or a fine multiplied by 10,000 times. Through systematic interpretation, it is evident that the minor criminal offenses referred to in the memorandum are those whose thresholds have been adjusted under Supreme Court Regulation Number 02 of 2012. Accordingly, theft involving losses of up to IDR 2,500,000 (two million five hundred thousand rupiah) qualifies as minor theft, and such cases are submitted by investigators to the court under minor offense procedures.

Although one of the objectives of the memorandum is to enhance the effectiveness of criminal fines and address prison overcrowding, it still provides room for the imposition of imprisonment. This discretion is left to judges based on the facts of each case. Imprisonment may still be imposed under certain circumstances, for example, where the stolen item, despite its low value, constitutes the victim's only valuable possession. In such cases, the offender may justifiably be sentenced to imprisonment, with the consequence that, as a minor offense, the maximum imprisonment imposed may not exceed three months.

Conclusion

Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code has changed the threshold for minor criminal offense cases from IDR 250 (two hundred and fifty rupiah) to IDR 2,500,000 (two million five hundred thousand rupiah) and also regulates the monetary amounts applicable to criminal fines by multiplying them by 10,000 times.

One implication of this situation is the increase in the number of inmates in correctional institutions, which ultimately burdens the state budget. On the other hand, many offenders would be more appropriately and effectively sanctioned with fines rather than imprisonment.

Supreme Court Regulation Number 02 of 2012 has also created a dilemma for investigators, as they are unable to detain suspects or proceed with cases to the court level when the value of the stolen goods is below IDR 2,500,000 (two million five hundred thousand rupiah).

Recommendations

Since Supreme Court Regulation Number 02 of 2012 cannot amend statutory law directly, it is recommended that, in order to bridge societal changes and developments with existing positive law, the Supreme Court engage in law-making through judicial interpretation reflected in its decisions, which may subsequently form jurisprudence.

To ensure that Supreme Court Regulation Number 02 of 2012 complies with the principles of good legislation, its position within the hierarchy of laws and regulations should be clearly regulated, along with procedures for planning, drafting, discussion, enactment, and promulgation.

Training programs should be conducted for police officers to enhance their understanding of their functions and duties and to improve public service delivery, particularly in understanding the substance of Supreme Court Regulation Number 02 of 2012 concerning the Adjustment of the Threshold for Minor Criminal Offenses and the Amount of Fines in the Criminal Code.

References

- [1] Anton Tabah, 2007, *Viewing with the Inner Eye: The Indonesian Police*, Jakarta: PT Gramedia Pustaka Utama.
- [2] Alfons Maria, 2010, *The Implementation of Geographical Indication Protection for Local Community Products from the Perspective of Intellectual Property Rights*, Summary of Doctoral Dissertation, Brawijaya University, Malang.
- [3] Binsar Gultom, 2012, *A Judge's Critical Perspective on Law Enforcement in Indonesia*, Jakarta: PT Gramedia Pustaka Utama.
- [4] Dwilaksana Chrysnanda, 2003, *Community Policing in Creating Security and Public Order*, in *Indonesian Policing Anthology*, Jakarta.
- [5] David H. Bayley, 1998, *Police for the Future*, translated by Kunarto and Nur Khobibah, M. Arief Dimiyati, Jakarta: Cipta Manunggal.
- [6] Eddy O.S. Hiarij, 2005, *Principles of Criminal Law*, Yogyakarta: Cahaya Atma Pustaka.
- [7] E. A. Pamungkas, 2010, *Misguided Justice: Uncovering Legal Fallacies in Indonesia*, Yogyakarta: Navilla Idea.
- [8] Geme Maria Theresia, 2012, *Legal Protection for Indigenous Law Communities in the Management of the Watu Ata Nature Reserve, Ngada Regency, East Nusa Tenggara Province*, Doctoral Dissertation, Faculty of Law, Brawijaya University, Malang.
- [9] Hadjon, Philipus M., 2006, *Legal Protection for the Indonesian People*, Surabaya: PT Bina Ilmu.
- [10] Hanry Panggabean Pandapotan, 2005, *The Regulatory Function of the Supreme Court (1966–2003)*, Yogyakarta: Liberty.
- [11] Hartono, Sunaryati, 2001, *Legal Policy Toward a Unified National Legal System*, Bandung: Alumni.
- [12] J.E. Jonkers, 1987, *Handbook of Criminal Law of the Dutch East Indies*, Jakarta: PT Bina Aksara.
- [13] Kamil Ahmad and M. Fauzan, 2008, *Law of Jurisprudence*, Jakarta: Kencana.
- [14] Lili Rasjidi and I.B. Wyasa Putra, 2003, *Law as a System*, Bandung: Remaja Rosdakarya.
- [15] Moeljatno, 2001, *Principles of Criminal Law*, Jakarta: PT Bina Aksara.
- [16] Nawawi Arief Barda, 2000, *Several Aspects of Law Enforcement and Legal Development Policy*, Bandung: PT Citra Aditya Bakti.
- [17] Raharjo, Satjipto, 2000, *Legal Science*, Bandung: PT Citra Aditya Bakti. , 2007, *Building a Civilian Police Force: Legal, Social, and Community Perspectives*, Jakarta: Kompas Book Publisher.
- [18] Rahardi, Pudi, 2007, *Police Law: Professionalism and Reform of the Indonesian National Police*, Surabaya: Laksbang Mediatama.
- [19] R. Subekti, 2001, *The Authority of the Supreme Court of the Republic of Indonesia*, Bandung: Alumni.
- [20] Reksodiputro, Mardjono, 1997, *Anthology of Issues in the Criminal Justice System, Fifth Collection of Essays*, UI Institute of Criminology, Jakarta.
- [21] Salim HS and Erlies Septiana Nurbani, 2013, *Application of Legal Theory in Thesis and Dissertation Research*, Jakarta: PT RajaGrafindo Persada.
- [22] Sidharta, B. Arief, 2000, *Law and Logic*, Bandung: Alumni.
- [23] Soedarto, 2003, *Criminal Law I*, Faculty of Law, Diponegoro University, Semarang.
- [24] Solar Alvian, 2012, *The Nature and Procedure of Examining Minor Criminal Offenses*, Journal, Faculty of Law, Sam Ratulangi University, Manado.
- [25] Sudarto, 2001, *Paper on Criminal Law Reform in Indonesia*, Semarang: BPHN Symposium.

- [26] Suparni, Niniek, 2007, The Existence of Fines in the Criminal System and Sentencing, Jakarta: Sinar Grafika.
- [27] Suparlan, Parsudi, 2008, Police Science, Jakarta: YPKIK.
- [28] Purnomo, Bambang, 2003, Principles of Criminal Law, Jakarta: Ghalia Indonesia.