

LAW ENFORCEMENT AGAINST PALM OIL THEFT**Sumber Horas Minggu^{1*}, M. Yusuf DM², Rudi Pardede³**Lancang Kuning University, Pekanbaru, Indonesia^{1,2,3}
sumber@gmail.com^{1*}, yusuf@gmail.com², rudi@gmail.com³**Abstract**

Local governments and law enforcement agencies must promote legal education, improve the economic conditions of nearby communities, and strengthen security systems in areas vulnerable to theft. In this way, law enforcement can be more balanced: ensuring legal certainty, providing protection to victims, and acknowledging the humanitarian aspects concerning offenders who steal out of economic necessity. The aim of this study is to analyze Law Enforcement Against the Criminal Act of Palm Oil Theft in the Jurisdiction of the Bengkalis Police, to examine the obstacles to enforcement, and to identify efforts to overcome these obstacles. The method used in this research is sociological legal research. Based on the research findings, law enforcement against palm oil theft in the Bengkalis jurisdiction has not been effectively implemented. This is evidenced by the increasing frequency of palm oil theft cases within short time intervals. Although the police have taken various repressive measures, these crimes continue to recur and even tend to escalate. The public has become aware of how to circumvent legal repercussions, particularly regarding the threshold of financial loss stipulated in Supreme Court Regulation (Perma) Number 2 of 2012, which states that theft causing losses below Rp2,500,000 can be classified as a minor offense (*tindak pidana ringan*, or *tipiring*). Many offenders intentionally limit the amount of fresh fruit bunches (FFB) stolen to keep the value below this threshold. This tactic is deliberately used to avoid full criminal prosecution or harsher penalties. Obstacles in enforcing the law against palm oil theft in the Bengkalis region include: A lack of deterrent effect due to lenient penalties, Difficulty in proving the crime and calculating actual losses, Manipulation of stolen goods' value by offenders, Socio-economic challenges faced by the surrounding communities.

Keywords : Theft, Criminal Act, Palm Oil

INTRODUCTION

Law enforcement against criminal acts of palm oil theft in the legal jurisdiction of Bengkalis Regency is a complex process involving several important aspects of the Indonesian legal system. Palm oil is a commodity with high economic value in Indonesia, and the theft of this crop is often a serious concern because it directly impacts the economic sustainability of farmers and plantation companies.

One of the existing laws in Indonesia is criminal law, which regulates and implements the lives of citizens to maintain public order. The discussion of criminal law in all its aspects (unlawful nature, fault, and punishment) will always be interesting due to its special nature and function. Muladi states that criminal law "cuts its own flesh and blood" and has a dual function: a rational primary function (as part of criminal politics) and a secondary function as a means of regulating social control, whether carried out spontaneously or enacted by the state with its apparatus (Muladi, 2000). The essence of guaranteeing the protection of citizens' rights lies precisely at the adjudication stage. This is because it is at the court stage that the defendant (and their defender) can stand as equals facing the public prosecutor (Lestijono, 2005). This argument indicates that the court must fully guarantee the rights of both parties, both the public prosecutor as the accuser and the defendant in defending themselves (Dwiatmodjo, 2012).

Moeljatno states that criminal law is a part of the entire body of law applicable in a country, which establishes the basic principles and rules for:

1. Determining which acts are prohibited and subject to threats or specific criminal penalties for those who violate these prohibitions.
2. Determining when and under what circumstances those who have violated these prohibitions can be subjected to or imposed with the threatened penalties.
3. Determining how the penalty can be enforced if a person is suspected of having violated the prohibition (Moeljatno, 2002).

Related to acts that are prohibited and accompanied by threats or sanctions in the form of certain criminal penalties for anyone who violates them, these are then referred to as criminal acts or offenses. This means any act that harms society, i.e., is contrary to or hinders the realization of good and fair social order (Moeljatno, 2002).

The most common criminal act in society is theft, which is a formal offense, meaning it becomes an offense simply by the act of taking an item or object, even if the thief is caught red-handed and the stolen item or object is not lost or gone (Maramis, 2016). Valuable items, motor vehicles, and household contents are the most frequently stolen items. Theft, of course, causes material losses in the form of lost property for the owner, as well as immaterial losses that result in trauma, such as stress due to the owner's property being taken by the perpetrator (Hakim and Kamelo, 2013).

Palm oil theft is regulated in the Indonesian Criminal Code (KUHP), specifically in Article 362, which governs general theft. Bengkalis Polres will apply this article to handle cases of palm oil theft, including conducting investigations and arrests of perpetrators. The general regulation concerning the definition of theft is found in Article 362 of the KUHP: "Whoever takes any item, wholly or partly belonging to another person, with the intent to unlawfully possess the item, shall be reprimanded for robbery with a maximum imprisonment of 5 years or a maximum fine of sixty rupiahs." It can be said that theft is an intentional act of taking another person's property, either entirely or to a certain extent, where the goods are determined to be unlawfully claimed. In the context of Article 362 of the KUHP above, the components of theft include:

1. The act of taking. The main element of this theft is taking goods, which means bringing the goods under one's influence so that the goods taken are no longer owned by the original owner. This aligns with Lamintang's view, expressed in Dutch as follows: *Wegnemen is een gedraging waaraan men het goed in zijn feitelijke heerschappij brengt,*

met de bedoeling dat men ten opzichte van dat goed verder koestert. (taking is an act of bringing an item under one's actual control or custody, with little regard for the existence of the item) (Lamintang, 2011).

2. What is taken must be "an item." As regulated in the KUHP, robbery is referred to as a type of offense against individual property. This implies that the object of theft is a "product." Regarding the object of robbery, specifically: "Anything that is important to a person's property that can be taken by another person, can be the object of a criminal act of theft."
3. The item must be "wholly or partly belonging to another person." Essentially, the perpetrator will give an impression of something that truly belongs to another person. For example: Person A buys palm oil, which is then taken by Person B. This palm oil is entirely owned by Person A, so Person B has no right of ownership over the palm oil taken.
4. The taking is done with the "intent to possess" the item "unlawfully" (against rights). The element of possession is the immediate purpose of the act of taking, because if the perpetrator takes an item without the intention of possessing it, it cannot be disputed based on Article 362 of the KUHP, but may depend on different regulations.

This Supreme Court Regulation (PERMA), the value of Rp. 250.00 (two hundred fifty rupiah) has been adjusted to the current condition to become Rp. 2,500,000.00 (two million five hundred thousand rupiah). Therefore, every case related to goods valued at no more than Rp. 2,500,000.00 (two million five hundred thousand rupiah) is handled as a minor criminal offense and examined through a fast-track procedure as stipulated in Articles 205-210 of the Criminal Procedure Code (KUHAP). However, law enforcement agencies or prosecutors are not obliged to follow this Supreme Court Regulation (PERMA) and in carrying out their duties, they still refer to the KUHP and KUHAP. This, of course, will affect the smooth running of the system. This disruption not only affects the efficiency, effectiveness, and productivity of the judiciary, but also poses "a threat of failure in running a good judicial system," such as hampered processes arising from back-and-forth investigation results between investigators and prosecutors, rejection of indictments by judges due to perceived errors in formulating the indictment, and so on.

Palm oil theft is one of the most common forms of property crime in the jurisdiction of Bengkalis Polres. Bengkalis Regency, as one of the palm oil producing regions in Riau Province, faces serious challenges in securing plantation assets, both company-owned and community-owned. In this regard, the role of law enforcement officials is very important in providing legal certainty and justice for victims, both individuals and corporations.

In the process of handling palm oil theft cases in Bengkalis, not all cases end up in court. Based on data from local law enforcement, a number of cases are resolved through a Restorative Justice (RJ) approach, especially if the perpetrator is a local resident with an economic motive and the evidence is of small value. Throughout 2023 until mid-2024, there were about 15 palm oil theft cases resolved through RJ at the police and prosecutor levels, considering restorative justice to maintain local community social relations and minimize overcapacity in correctional facilities.

Meanwhile, there are also palm oil theft cases that proceed to the court stage, especially if the perpetrator is a recidivist or an organized network. The modus operandi of palm oil thieves in Bengkalis varies considerably. Generally, perpetrators act at night or in the early hours of the morning when supervision is minimal. Some use traditional tools like a *dodos* (palm oil harvesting tool) and transport the palm oil with carts, motorcycles, or pick-up trucks. In other cases, perpetrators work in groups, with tasks divided among harvesters, transporters, and lookouts. It's not uncommon for perpetrators to be workers from the palm oil company itself, exploiting their access and information in the field.

In the legal context, enforcement against palm oil theft refers to the Criminal Code (KUHP), particularly Articles 362, 363, and 364 of the KUHP. Article 362 regulates ordinary theft, while Article 363 regulates aggravated theft (e.g., committed at night, by more than one person, or by damaging fences or padlocks), and Article 364 regulates minor theft (with the value of goods below a certain threshold). In the jurisdiction of Bengkalis Polres, most palm oil theft cases that proceed to court are qualified under Article 363 of the KUHP, as they meet elements of aggravation, such as being committed jointly at night.

With the enactment of Law Number 1 of 2023 concerning the new Criminal Code (KUHP), there are several fundamental differences in the regulation of criminal acts of theft. The new KUHP introduces a more humanity-oriented, restorative justice, and perpetrator rehabilitation approach. One important change is the more detailed regulation of theft committed out of basic necessity, which can be a reason for the elimination of punishment or a justifying reason, as stipulated in Article 603 of the new KUHP. In addition, the new KUHP provides greater room for out-of-court settlements if they meet the principles of restorative justice.

Law enforcement against palm oil theft in Bengkalis is expected not only to focus on punitive aspects but also on prevention and community development, especially for those living around plantations. Local governments, along with law enforcement officials, need to encourage legal education efforts, improve the economy of communities around the plantations, and strengthen security systems in areas prone to theft. Thus, law enforcement can run balanced: ensuring legal certainty, providing protection to victims, and considering the humanitarian aspect for perpetrators who steal due to urgent need.

Amidst the rampant criminal acts of palm oil theft in the jurisdiction of Bengkalis Polres, a social phenomenon has emerged in the form of a misunderstanding among the public regarding the damage value threshold that can lead to the perpetrator's detention. This relates to provisions in criminal law, where theft with a value below Rp2,500,000 is often categorized as minor theft (as stipulated in Article 364 of the old KUHP), and in many cases, perpetrators are not detained but only subjected to a light legal process or even resolved peacefully. From this understanding, an "unwritten rule" has developed in society that as long as the value of the stolen goods is below Rp2,500,000, the perpetrator will not be detained or severely punished. This understanding is certainly misleading and has serious implications for security, especially for palm oil plantation companies operating in Bengkalis.

In practice, there's a new *modus operandi* used by perpetrators: stealing small amounts of palm oil repeatedly. For example, perpetrators might only take palm oil worth Rp500,000 daily, so if caught, the loss value remains below the threshold for severe penalties. However, when totaled over a week or a month, company losses can reach millions to tens of millions of rupiah. This behavior is a form of "systematic and planned theft" that exploits legal loopholes related to nominal value in criminal handling. Juridically, however, if theft is committed repeatedly with the same intent, the act can be charged with aggravation based on Article 363 of the KUHP or layered articles in the new KUHP (Law No. 1 of 2023) which contains provisions on continuing acts (*voortgezette handeling*), or even be subject to aggravated *mens rea* if proven to be part of a systematic plan. If the perpetrator is proven to steal repeatedly with the deliberate *modus* of keeping the value below the threshold, they can be subject to cumulative punishment or viewed as a series of criminal acts indicating continuous malicious intent. Thus, law enforcement in the jurisdiction of Bengkalis Polres must be able to differentiate between theft due to urgent necessity and theft performed with a manipulative *modus* against the law. Law enforcement officials should not be fixated solely on nominal figures, but must also consider the frequency, intent, and social impact of such theft.

The *modus* evolving in society is becoming more sophisticated. One tactic is to manipulate the amount of stolen palm oil so that its value does not exceed Rp2,500,000, a

threshold often used as a reference in legal decisions related to minor theft. By stealing only a small amount but frequently, perpetrators hope to evade serious legal consequences or even avoid detention altogether. This tactic stems from a misunderstanding of the criminal provisions in Article 364 of the KUHP concerning minor theft. More ironically, in some incidents, local communities collectively resist security guards and BKO (Operational Assistance) Police officers, especially if the perpetrator has already exited the company's plantation area. This attitude indicates a latent conflict between companies and surrounding communities, where some community members feel entitled to the palm oil around their villages. Furthermore, security guards on duty alone are often targets of violence or intimidation, making law enforcement in the field very vulnerable and high-risk.

In such conditions, the Restorative Justice (RJ) approach becomes one option taken by law enforcement officials, especially for small thefts committed by new perpetrators or for urgent economic reasons. RJ is considered more humane and efficient, it doesn't burden prisons and gives perpetrators room for self-improvement. However, this approach must be carefully implemented so that it is not misused as a justification for repeated, organized theft. The use of RJ provisions in minor theft cases is based on Supreme Court Regulation (PERMA) No. 2 of 2012 concerning the Adjustment of Minor Criminal Offense Limits and Fine Amounts in the KUHP. This PERMA is very relevant to discuss because it provides guidelines for judges and law enforcement officials to differentiate between cases that deserve full criminal processing and those that can be resolved through alternative restorative justice. However, this loophole is often exploited by perpetrators and even surrounding communities to normalize small-scale theft and perpetuate the practice of illegal palm oil collection.

In the context of positive law, palm oil theft can be subject to several articles in the KUHP, including:

1. Article 362 KUHP: ordinary theft.
2. Article 363 KUHP: aggravated theft (e.g., committed at night, by more than one person, or with violence).
3. Article 364 KUHP: minor theft if the value of the stolen goods is below the threshold (now often referring to Rp2,500,000 based on PERMA).
4. Meanwhile, in the new KUHP, Law No. 1 of 2023, theft is regulated more comprehensively in Articles 603 to 608, with an emphasis on aggravation and providing room for considering the perpetrator's circumstances.

The new KUHP also brings a more assertive approach to humanity and restorative justice. One of the most important provisions is that theft committed out of compulsion or basic necessity (e.g., for food) can be considered a justifying reason or a reason for the elimination of punishment. However, for palm oil theft cases in Bengkalis, the pattern that occurs is no longer based on necessity, but rather a collective and systematic modus, so the approach of leniency must be considered very strictly.

Normatively, the law has provided a clear basis regarding the prohibition of palm oil theft. The *das sollen* (what ought to be) includes legal provisions stipulating that theft is a criminal act punishable by imprisonment or a fine according to Article 362 of the Criminal Code (KUHP).

However, the *das sein* (what is) shows a different reality. Despite existing legal regulations, palm oil theft continues to occur in the region. Another contributing factor is Supreme Court Regulation (PERMA) Number 2 of 2012 concerning the Adjustment of Minor Criminal Offense Limits and Fine Amounts in the KUHP, which provides guidance to law enforcement officials in assessing and deciding criminal cases. This PERMA focuses on applying proportionate punishments in accordance with the criminal acts committed. In the context of palm oil theft, even though perpetrators are involved in criminal acts that harm plantations, the hesitation in enforcing the law sometimes leads to punishments that do not provide a significant deterrent

effect. In this case, existing regulations are not yet sufficient to effectively curb this legal problem, so there is a gap between what is regulated by law and what actually happens in practice.

RESEARCH METHODS

This research is a sociological legal study that examines the topic mentioned above. The author is interested in discussing this in a thesis titled "Law Enforcement Against Palm Oil Theft in the Jurisdiction of Bengkalis Polres." Sociological legal research aims to understand how law operates within society. Therefore, it's hoped that the researcher can uncover the effectiveness of legal implementation in society and identify unwritten laws that apply within the community.

RESULT AND DISCUSSION

A. Law Enforcement Against Palm Oil Theft in the Jurisdiction of Bengkalis Polres

Law enforcement against criminal acts of palm oil theft in the jurisdiction of Bengkalis Regency is a complex issue, as it involves not only formal legal aspects but is also influenced by social, economic, and cultural factors of the local community. This research aims to uncover the patterns of law enforcement in palm oil theft cases, including the obstacles faced by law enforcement officials, and how positive law and non-litigation approaches are applied in the field.

In a number of cases successfully collected from Bengkalis Polres and reports from plantation security officers, it was found that palm oil theft perpetrators have diverse but systematic *modi operandi*. One common pattern is that perpetrators operate in groups and take advantage of vulnerable times, such as night or dawn, when security surveillance is relatively weak. The perpetrators usually use simple tools like *egrek* (a long-handled harvesting tool), machetes, and carts to harvest and transport the stolen palm oil. In some cases, perpetrators use clandestine paths or forest boundaries to enter and exit the plantation discreetly. Some even disguise themselves as plantation laborers to avoid suspicion. After successfully obtaining fresh fruit bunches (FFB), the stolen palm oil is sold to local collectors or palm oil mills (PKS) that are not very strict in tracing the origin of the goods.

Another interesting *modus* is the effort by perpetrators or local communities to manipulate the quantity of FFB stolen so that the loss incurred by the company does not reach the minimum threshold that would allow the perpetrator to be criminally prosecuted under procedural law. This indicates a limited but strategic understanding of the criminal justice system, where perpetrators only steal small amounts periodically to avoid heavy charges, but cumulatively still cause significant losses to the company.

In some cases, the community shows solidarity with the perpetrators of theft, especially if the perpetrators are local residents who are considered to be stealing for daily necessities. This collective attitude is evident when company security officers or BKO Police members try to apprehend perpetrators who have successfully exited the plantation area. Instead of assisting law enforcement, local communities often block and obstruct the arrest process, claiming that the palm oil belongs to customary land or that the perpetrator is only taking their "share for living." Furthermore, under certain conditions, the community also resists security officers, especially if only one officer is on duty, making the officer's position vulnerable and leading to a risk of physical conflict in the field.

This phenomenon indicates a tension between law enforcement and perceptions of justice within the community. On the one hand, palm oil theft is a criminal act that harms companies and impacts investment and regional economic stability. On the other hand, rigid law enforcement against poor citizens who steal for survival is seen as a form of structural injustice. Therefore, in some cases, law enforcement officials at Bengkalis Polres try to prioritize the Restorative Justice approach, which is the resolution of cases outside of court

through mediation between the perpetrator and the victim. In the context of palm oil theft, Restorative Justice is applied if the perpetrator is willing to return the stolen goods, openly apologize, and there is a willingness from the company or victim to forgive and not proceed with legal prosecution.

The application of Restorative Justice refers to Supreme Court Regulation (Perma) Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Child Criminal Justice System and Perma Number 2 of 2012 concerning the Adjustment of Minor Criminal Offense Limits and Fine Amounts in the KUHP. Although initially intended for child cases and minor criminal offenses, the spirit contained in these Permas has become a moral foundation for law enforcement officials to use discretion in cases with low loss values, including palm oil theft where the value is not large. In some cases, investigative officers cooperate with customary leaders or village heads to mediate both parties and reach a peaceful agreement, while still recording and monitoring the perpetrator to prevent repeat offenses.

However, it should be noted that the use of Restorative Justice is not always successful. In conditions where theft is committed repeatedly, in an organized manner, or with violence against officers, the RJ approach is no longer used, and law enforcement is carried out strictly in accordance with applicable criminal provisions. In this case, law enforcement officials refer to Article 362 of the KUHP which regulates the criminal act of theft with a maximum imprisonment of five years. In addition, Article 363 of the KUHP can be applied if the theft is committed jointly, with aggravating factors such as entering the scene by damaging or using violence. If the perpetrator carries a sharp weapon or threatens officers, this aggravating article will increase the severity of the sentence.

From the sectoral regulatory side, companies that suffer losses due to palm oil theft often refer to Law Number 39 of 2014 concerning Plantations, specifically Article 55 letter e, which states that no person is unlawfully allowed to harvest and/or collect plantation products. This indicates that the state also protects plantation business actors as part of national economic development. Law enforcement against palm oil theft is important in creating legal certainty for investors and maintaining a conducive business climate.

The criminal act of palm oil theft is a complex and recurring problem in the jurisdiction of Bengkalis Polres. The conflict between the community, plantation companies, and law enforcement officials creates its own dynamics that demand firm and fair law enforcement, yet still oriented towards long-term solutions. Insights from several parties directly involved in the law enforcement process provide a real picture of the challenges and approaches applied in the field.

Based on the author's observations in the field, the Law Enforcement Against Palm Oil Theft in the Jurisdiction of Bengkalis Polres has not been running as it should. This is evident from the increasing number of palm oil theft cases occurring in a relatively short period. Although police officers have made various repressive efforts, this criminal act continues to recur, and even tends to increase. The community has understood how to avoid legal traps, especially regarding the limit of loss value regulated in Supreme Court Regulation (Perma) Number 2 of 2012. In this Perma, it is stated that criminal acts of theft causing losses below Rp2,500,000 can be categorized as minor criminal offenses (*tipiring*). Many palm oil theft perpetrators manipulate the amount of fresh fruit bunches (FFB) taken, so that their value remains below the threshold for severe penalties. This strategy is consciously used by perpetrators to avoid full criminal prosecution or heavy punishment.

There is social solidarity within the community that actually hinders the law enforcement process. In some cases, local residents tend to protect perpetrators, and even resist security officers or police, especially if the perpetrator successfully carries the stolen goods out of the company's plantation area. This indicates a weak deterrent effect and low public trust in the ongoing legal process.

According to the author's opinion, Law Enforcement Against Palm Oil Theft in the Jurisdiction of Bengkalis Polres is carried out by police officers actively and responsively. The author notes that the police have made several preventive efforts, such as routine patrols in plantation areas and cooperation with companies in supervision. However, on the other hand, the author also found that most perpetrators come from areas around the plantation who have economic backgrounds and minimal legal education. In some observed cases, the author found that local communities view palm oil as an "alternative source of livelihood" due to the limited other job opportunities in the area. This situation is exacerbated by the unresolved agrarian conflicts between the community and the company. This makes some residents feel they have a "moral right" to the land or palm oil they take, even though legally it is categorized as theft.

In addition, the author notes that the effectiveness of law enforcement is often not accompanied by post-sentencing rehabilitation efforts. Former perpetrators who have served their sentences do not receive support for reintegration into society, making them vulnerable to repeating similar actions due to no change in their economic conditions.

The research results indicate that Law Enforcement Against Palm Oil Theft in the Jurisdiction of Bengkalis Polres faces structural and cultural challenges. On the one hand, law enforcement officials must carry out their duties in accordance with laws and regulations to prosecute criminals. On the other hand, a humanist approach and alternative dispute resolution through Restorative Justice need to be considered, especially to maintain social relations in the community and prevent horizontal conflicts. Therefore, law enforcement in this context should be proportional, fair, and consider local values that live within the community.

B. Obstacles in Law Enforcement Against Palm Oil Theft in the Jurisdiction of Bengkalis Polres

Law enforcement against criminal acts of palm oil theft in Bengkalis Regency cannot be separated from various obstacles, whether juridical, sociological, or technical operational. Although normatively, palm oil theft has been categorized as a criminal act that can be processed through the provisions of Articles 362 and 363 of the Criminal Code (KUHP), and is supported by sectoral regulations such as Law Number 39 of 2014 concerning Plantations, in practice, law enforcement officials face quite complex challenges. These obstacles are not merely technical, but also reflect a gap between the applicable law and the social reality of the community.

One of the main obstacles faced is the limited human resources and police infrastructure, especially in rural areas or plantation borders prone to theft. Many police posts are far from plantation locations, so when theft occurs, the response time of officials is slow. On the other hand, internal company security officers often do not have adequate legal authority, making it difficult for them to take firm action when confronting perpetrators armed with sharp weapons or resisting arrest. This is exacerbated by conditions where security officers are only one or two people in the field, while perpetrators can be in groups and are more physically prepared.

Other obstacles come from the community itself. In many cases, there is community resistance to the law enforcement process. Most palm oil theft perpetrators come from villages around the plantation area. The community views that large companies have taken their land without fair compensation, so stealing palm oil is considered a form of "claiming back rights" or even an "attempt to survive." This view creates a kind of moral justification for theft, and ultimately leads to social solidarity towards the perpetrators, even during the arrest process. It is not uncommon for officers attempting to apprehend perpetrators to be blocked by a mob, or for perpetrators to be hidden by residents.

This situation shows that there is a crisis of trust between the community and law enforcement officials, as well as companies. Many citizens feel that the law only sides with capital owners, while the common people are merely objects of enforcement. It is in this context

that repressive approaches actually create resistance and strengthen horizontal conflict. This is where the most tangible sociological obstacle lies: the law is not seen as an instrument of common justice, but rather as a tool of power.

In addition, legal obstacles also arise from the aspect of evidence. In many palm oil theft cases, the evidence found is often already mixed with legal harvest products, or has been sold to third parties such as collectors. This makes it difficult for investigators to prove that the palm oil secured actually came from theft, especially if the perpetrator was not caught red-handed. Furthermore, if the loss caused by the theft does not reach a certain limit, the case can be qualified as a minor criminal offense (*tipiring*), thus limiting the legal process and often ending only with administrative fines or guidance.

Based on the author's observations in the field, the Obstacles in Law Enforcement Against Criminal Acts of Palm Oil Theft in the Jurisdiction of Bengkalis Polres are the lack of deterrent effect due to weak penalties for perpetrators, the difficulty of the proving and loss calculation process, the community outsmarting the value of stolen goods, and the economic and social factors of the surrounding community.

The community manipulates the value of stolen goods so that it does not reach the threshold determined by Supreme Court Regulation Number 2 of 2012, which is Rp2,500,000. By stealing in small quantities, perpetrators are only subject to minor criminal penalties (*tipiring*) and are not detained, thus not creating a deterrent effect. There is a lack of community cooperation with officials, especially in terms of reporting or testifying. Many residents are reluctant to get involved due to social relationships with the perpetrators or fear of conflict.

Limited supervision in plantations, especially at night, becomes a loophole easily exploited by perpetrators. The use of security technology is still very minimal, both by companies and by assigned officials. The economic and social factors of the surrounding community, who are generally poor and have minimal legal education, also contribute to palm oil theft, but at the same time complicate the law enforcement process as it has the potential to foster solidarity towards perpetrators.

The use of the Restorative Justice approach as an alternative solution does not always go smoothly either. Although in some cases this approach can be a solution to prevent wider conflicts, not all parties are willing to reconcile. Companies often consider that forgiving perpetrators will create a bad precedent and reduce the deterrent effect. On the other hand, perpetrators who have received Restorative Justice sometimes do not change, and even repeat their actions because they feel they were not punished firmly. This creates a dilemma for officials: strict law enforcement can cause social upheaval, while being too lenient can weaken the authority of the law.

Another aspect that also becomes an obstacle is the limitation of criminal procedural law in prosecuting palm oil theft perpetrators in large groups. In practice, perpetrators often operate in structured networks, involving collectors, couriers, and sometimes even individuals within the company itself. However, the legal process at the investigation and judicial levels more often only reaches the field perpetrators, while the intellectual actors behind the theft are difficult to touch due to minimal evidence and witnesses. This causes law enforcement to be partial and not address the root of the problem.

In handling palm oil theft cases, cooperation between police, prosecutors, courts, and support from companies is needed. However, in reality, such coordination is often not optimal. For example, when companies are reluctant to report cases for fear of tarnishing their reputation, or when investigative officers do not receive logistical support to conduct investigations in difficult-to-reach areas. Not to mention if there are conflicting interests between community leaders, village officials, and plasma plantation owners who are indirectly involved.

Another form of obstacle is regulation. Currently, there are no specific provisions that technically regulate the mechanism for handling the theft of plantation commodities such as palm oil. The Plantation Law does regulate prohibitions and criminal sanctions against disturbances to plantation businesses, but these provisions are still general and require broad interpretation. It is not uncommon for officials to be confused in choosing the appropriate article, especially if the criminal act is committed in the context of land disputes or uncertified areas. This situation causes law enforcement to be casuistic, depending on the understanding and courage of the officials in the field.

With these various obstacles, Law Enforcement Against Criminal Acts of Palm Oil Theft in the Jurisdiction of Bengkalis Polres requires comprehensive improvement. Strengthening the capacity of law enforcement officials, increasing community participation in maintaining plantation security, and a legal approach that is not only repressive but also offers solutions are needed. The development of digital reporting systems, integrated patrols between police and companies, and legal education for the community could be long-term solutions. Moreover, it is important to encourage the presence of specific regulations on securing plantation products so that officials have a stronger legal basis and are not hesitant to act.

C. Efforts to Overcome Obstacles in Law Enforcement Against Palm Oil Theft in the Jurisdiction of Bengkalis Polres

Law Enforcement Against Criminal Acts of Palm Oil Theft in the Jurisdiction of Bengkalis Polres faces various structural, cultural, and juridical obstacles as previously explained. However, these challenges do not mean they cannot be overcome. Various parties, ranging from law enforcement officials, local government, plantation companies, to the community, have an important role in formulating and implementing appropriate strategies to address this problem. Efforts to overcome these obstacles must be comprehensive, involving a responsive legal approach, increased institutional capacity, and strengthening the community's role in creating a conducive legal climate.

The first step, and the main focus, is strengthening the synergy between law enforcement officials and companies. In many cases, palm oil theft is successfully identified or even foiled due to prompt reports from company security. Therefore, a more structured coordination is needed between internal plantation security officers and police, especially in surveillance, joint patrols, and intelligence information processing. Some companies in Bengkalis have started to build digital monitoring systems based on CCTV and drones to monitor suspicious movements in plantation areas. However, this system will be more effective if supported by a rapid response from legal officials.

In addition, increasing human resources and supporting facilities at the sub-district police (Polsek) or district police (Polres) level is also a strategic solution. Adequate personnel, availability of operational vehicles, and specialized training related to handling plantation cases will improve the quality of response to criminal acts of palm oil theft. Officials also need to be equipped with mediation techniques, field investigation skills, and an understanding of plantation law, which often forms the basis of land or ownership conflicts. Local governments can support this through budgeting from the regional budget (APBD) or security partnership cooperation mechanisms between the police and private parties.

Another effort that has also been made is strengthening the role of community leaders and village governments in mediation and conflict resolution. Given that many theft perpetrators come from communities around the plantations, a cultural approach becomes very important. Customary leaders, religious figures, and village heads can be involved in the prevention process by providing legal understanding to the community. Socialization about the legal consequences of theft, community rights to land, and legal channels to voice objections to companies, must be intensified.

A more humanist legal approach through Restorative Justice is also one of the strategic efforts in overcoming obstacles. Restorative Justice allows for the resolution of cases through dialogue, apologies, and restitution of losses, without going through a lengthy formal criminal process. In the jurisdiction of Bengkalis Polres, the implementation of Restorative Justice has been carried out in several palm oil theft cases of small value and committed by non-repeat offenders. In this context, perpetrators are usually asked to return the stolen goods, make a statement not to repeat the act, and undergo guidance from community leaders. The application of RJ refers to the National Police Chief's Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. This mechanism is considered effective in preventing over-criminalization and maintaining social relations in the community from being fractured by legal processes.

However, to support the effectiveness of RJ, standardization of implementation and tiered supervision are needed to prevent misuse. Supervision from the Prosecutor's Office, Polres investigators, and the role of the Ombudsman or Witness and Victim Protection Agency (LPSK) in ensuring RJ is carried out fairly and without pressure is essential. In addition, companies need to be given the understanding that forgiving perpetrators does not mean weakening their position as victims, but rather becoming part of a more peaceful and sustainable resolution.

In order to understand more deeply the strategies and concrete steps of officials in overcoming obstacles to law enforcement against criminal acts of palm oil theft, the researcher conducted direct interviews with parties actively involved in the field, especially from the police environment. The opinions and views of Bengkalis Polres officials provide a clear picture of the approaches used by law enforcement officials in handling this problem.

Based on the author's observations in the field, the Efforts to Overcome Obstacles in Law Enforcement Against Criminal Acts of Palm Oil Theft in the Jurisdiction of Bengkalis Polres are that law enforcement needs to be consistent in applying criminal articles, for example, Article 362 of the KUHP, so that perpetrators do not feel the law can be manipulated or bargained. The police and investigators collaborate with plantation experts or independent auditors to accurately and objectively calculate losses in the Investigation Report (BAP). Law enforcement needs to continue to consider the element of malicious intent (*mens rea*) and not just the nominal value, so that perpetrators do not escape simply by manipulating the amount stolen. Moral and legal guidance is needed so that the community understands that theft remains illegal even for economic reasons.

In the context of Law Enforcement Against Criminal Acts of Palm Oil Theft in the Jurisdiction of Bengkalis Polres, various obstacles cause the legal process to not run effectively. Some frequently arising obstacles include the weak deterrent effect due to low penalties, difficulties in the process of proving and calculating losses, manipulation of the value of stolen goods by perpetrators, and the economic and social background of the community that encourages theft. Therefore, soluble steps are needed that not only emphasize repressive aspects but also preventive and social aspects.

One thing that needs attention is the consistency of law enforcement officials in applying criminal rules. When law enforcement officials are not firm and inconsistent in enforcing Article 362 of the KUHP which regulates criminal acts of theft, a perception will arise in the community that the law can be negotiated or manipulated. This condition creates room for tolerance towards theft, especially if the perpetrator feels that the sanctions to be received are light or can even be avoided. Consistency in law enforcement will send a strong message that the state does not tolerate criminal acts, no matter how small. In addition, firm law enforcement will also build public trust in law enforcement officials, and increase the sense of justice for the aggrieved parties, in this case, companies or palm oil plantation owners.

In the process of law enforcement, difficulties are often found in proving the amount of loss due to palm oil theft. This is exacerbated by the limited human resources and available evidence. Therefore, cooperation is needed between the police and investigators with plantation experts or independent auditors who have the capacity to accurately and objectively calculate losses. This collaboration is important to ensure that the loss calculation contained in the Investigation Report (BAP) is not speculative or arbitrary. The validity of such calculations also greatly determines the continuation of the legal process at the trial stage. When the evidence presented is strong and convincing, the judge can impose a verdict commensurate with the level of the perpetrator's fault.

In addition to the aspects of proof and loss calculation, law enforcement must also consider the element of malicious intent or *mens rea* in assessing a criminal act. So far, many palm oil theft perpetrators deliberately manipulate the value of the stolen goods to remain below the limit stipulated in the Supreme Court Regulation (Perma) regarding minor criminal offenses. In this way, perpetrators hope to only receive light sanctions, or even be acquitted after a mediation or restorative justice process. However, the essence of a crime lies not only in the material value stolen, but also in the malicious intent underlying the act. Therefore, law enforcement officials must thoroughly examine the perpetrator's context and motive. If it is known that the perpetrator consciously and planned the theft, then the element of *mens rea* has been fulfilled and criminal sanctions must still be imposed, even if the value of the stolen goods is considered small.

However, in viewing the issue of palm oil theft, it is not enough to only place the community as criminal perpetrators who must be punished. A deeper understanding of the social and economic background of communities around plantations is needed. In many cases, palm oil theft is committed due to economic limitations, unemployment, and limited access to productive resources. Communities living around large plantations often feel marginalized from the natural wealth in their own region. This feeling of social injustice then pushes them to commit theft as a form of resistance or simply survival. Therefore, legal solutions must be accompanied by social and moral approaches.

Local governments, community leaders, and religious institutions need to be involved in providing moral and legal guidance to the community. Through legal outreach forums, religious sermons, and community empowerment programs, citizens can be given the understanding that stealing remains an illegal act, whatever the reason. This legal awareness is important to build early so that the community does not seek justification for criminal acts committed. In addition, plantation companies also have a social responsibility to further involve local communities in their economic activities, either through partnership programs, job training, or fair profit sharing. Active community involvement in the economic wheels is expected to reduce the number of thefts and create a harmonious relationship between the company and surrounding residents.

Successful law enforcement is not only characterized by the number of perpetrators punished, but by a real reduction in crime rates. Therefore, the legal approach taken must be holistic and sustainable. Repressive efforts such as arrests and convictions must be accompanied by preventive and educational efforts that address the root of the problem. On the other hand, law enforcement officials must also be equipped with an adequate understanding of the social conditions of the community and have integrity in carrying out their duties.

With a comprehensive approach, Law Enforcement Against Criminal Acts of Palm Oil Theft in the Jurisdiction of Bengkalis Polres is expected not only to create a deterrent effect but also to foster a sense of justice, legal certainty, and legal protection for all parties. The law should not merely be a tool of power, but rather a means to build a civilized society that is obedient, just, and prosperous.

To overcome the evidentiary obstacles that often hinder the investigation process, law enforcement officials can develop forensic cooperation with third parties such as agricultural experts, laboratories, or expert investigators who can identify the characteristics of stolen palm oil through physical analysis or origin of harvest location. In addition, digital reporting systems with photos and GPS points can also be used as additional evidence when bringing cases to court. In some cases, investigators have also used vehicle tracks, financial transactions, and testimonies from collectors to thoroughly dismantle palm oil theft networks.

On the regulatory side, the need for the establishment of specific regional regulations (Perda) governing the protection of plantation assets and mechanisms for handling conflicts between the community and companies is a long-term solution. This Perda can serve as a legal basis for officials to act more firmly, while also providing formal mediation space involving local government. Specific regulations will clarify the boundaries of authority between institutions and minimize legal interpretation loopholes in the field.

Legal education for the community and economic empowerment programs are also an integral part of the solution. Many palm oil theft perpetrators do so due to economic hardship or because they have no alternative source of income. Therefore, job training programs, community involvement in plasma plantation management, and providing access to micro-credit or MSMEs are effective preventive strategies. If the community has stable livelihoods and a sense of justice is fulfilled, the potential for theft will significantly decrease.

The success of efforts to overcome obstacles in Law Enforcement Against Criminal Acts of Palm Oil Theft in the Jurisdiction of Bengkalis Polres depends on the sustained commitment of all parties. Law is not just about punishment, but also about building trust and a sense of justice in society. Therefore, multi-sector collaboration, transparency in every legal process, and protection of the rights of all parties, both victims and perpetrators, are important foundations in creating an effective and dignified law enforcement system.

CONCLUSIONS

Law enforcement against palm oil theft in the jurisdiction of Bengkalis Polres is not functioning as it should. This is evident from the increasing number of palm oil theft cases occurring in a relatively short period. Although police have undertaken various repressive efforts, this criminal activity continues to recur and even tends to increase. The community has learned ways to evade legal entanglement, particularly regarding the loss value limit regulated in Supreme Court Regulation (Perma) Number 2 of 2012. This Perma states that acts of theft causing losses below Rp2,500,000 can be categorized as minor criminal offenses (*tipiring*). Many palm oil theft perpetrators manipulate the quantity of fresh fruit bunches (FFB) taken to keep their value below the threshold for severe criminal penalties. Perpetrators consciously use this strategy to avoid full criminal prosecution or heavy sentences.

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