

EFFECTIVENESS OF THE LAW IN THE MINUTE CRIME OF PALM OIL THEFT IN THE JURISDICTION OF THE PASIR PENYU POLICE SECTOR

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Abstract

This study aims to analyze the effectiveness of the law in handling the minor crime of palm oil theft in the jurisdiction of the Pasir Penyau Police, identify obstacles faced by law enforcement officers in enforcing the law against this crime, and examine efforts made to improve the effectiveness of law enforcement. The research method used is sociological (empirical) legal research with a descriptive nature. Primary data was obtained through interviews with the Pasir Penyau Police Chief, investigators, Bhabinkamtibmas, plantation company officials, and the community, while secondary data was obtained through a literature study consisting of primary, secondary, and tertiary legal materials. Data analysis was conducted qualitatively by drawing conclusions deductively. The results of the study indicate that the effectiveness of the law in handling the minor crime of palm oil theft in the jurisdiction of the Pasir Penyau Police has not been running optimally. Law enforcement has been implemented in accordance with the provisions of the Criminal Code and the Criminal Procedure Code, but its effectiveness is still influenced by various factors, including low public legal awareness, the perpetrators' economic factors, the vast plantation areas that are difficult to monitor, limited police personnel, and the continued tendency to resolve cases through a familial approach. These obstacles have led to the recurrence of palm oil theft crimes. Efforts made by the Pasir Penyau Police include increasing patrols in plantation areas, coordinating with companies and village governments, providing legal counseling to the community, optimizing the function of Bhabinkamtibmas, and professional law enforcement against each perpetrator in accordance with statutory provisions.

Keywords: Legal Effectiveness, Minor Crimes, Palm Oil Theft

INTRODUCTION

Indonesia is a state of law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "The State of Indonesia is a state of law." The consequence of this provision is that all actions of state administrators and the public must comply with applicable law. In the context of criminal law, the state has an obligation to guarantee the implementation of just law enforcement, provide legal certainty, and realize the benefits of law for the community. These three objectives of law as stated by Gustav Radbruch (2006) must be implemented in a balanced manner so that the law does not only become a repressive instrument, but is also able to create a sense of social justice in the life of society.

These provisions serve as the primary legal basis for handling various theft cases, including theft of palm oil plantations, which frequently occurs in various palm oil-producing regions in Indonesia. Riau Province, with one of the largest palm oil plantations in Indonesia, is also not immune to this problem. The high economic value of fresh fruit bunches (FFB) of oil palm makes this commodity vulnerable to theft.

Indragiri Hulu Regency is home to extensive oil palm plantations, both owned by companies and the community. In the jurisdiction of the Pasir Penyau Police, cases of oil palm theft are still common. Perpetrators typically take relatively small amounts of oil palm fruit bunches, which, when calculated based on their economic value, often fall below a certain loss threshold. However, law enforcement against perpetrators of oil palm theft is not always effective due to differing perceptions regarding the categories of ordinary theft and petty theft.

The dynamics of Indonesian criminal law have undergone significant developments with the enactment of Law Number 1 of 2023 concerning the Criminal Code (New Criminal Code). The New Criminal Code represents a reform of national criminal law, replacing the Dutch colonial legacy. In the New Criminal Code, the approach to punishment is no longer solely oriented toward retribution but also emphasizes restorative, rehabilitative, and reintegrative aspects.

Article 51 of Law Number 1 of 2023 concerning the Criminal Code emphasizes that the objectives of criminal punishment include preventing criminal acts, socializing convicts, resolving conflicts arising from criminal acts, restoring balance, and fostering a sense of security in society. This provision demonstrates a paradigm shift from a retributive approach to a restorative justice approach.

One of the primary prerequisites for achieving these goals is the creation of legal certainty, public order, and the protection of citizens' rights, including the protection of property rights. As a state governed by the rule of law (*rechtsstaat*), the state is obligated to ensure that all violations of property rights are resolved through fair, effective, and legally certain legal mechanisms. Therefore, criminal law enforcement aims not only to impose penalties on perpetrators but also to protect victims and maintain social stability (Soekanto, 2019).

In the Indonesian criminal law system, protection of property rights is realized through regulations regarding criminal acts against assets, one of which is theft. Provisions regarding theft are currently regulated in Law Number 1 of 2023 concerning the Criminal Code, which stipulates that anyone who takes property that is wholly or partially owned by another person with the intention of unlawfully possessing it can be punished in accordance with applicable provisions. This regulation shows that the state provides legal protection against all forms of unlawful control of property without distinguishing the economic value of the goods taken, because essentially every such act is a violation of a person's property rights.

The development of the national economy, supported by the plantation sector, particularly oil palm plantations, has made a significant contribution to Indonesia's economic growth. The palm oil industry is a strategic sector capable of absorbing a large workforce,

increasing community income, and serving as a source of foreign exchange. In Riau Province, oil palm plantations even serve as the backbone of the community's economy, as the majority of the population relies on this sector for their livelihoods, whether as farmers, plantation laborers, or business actors related to the palm oil industry. This condition gives oil palm fruit a high economic value, making it a frequent target for theft (Ali, 2015).

The crime of palm oil theft has distinct characteristics compared to other theft crimes. The objects stolen are fresh fruit bunches and loose palm fruit, which have high market value and are easily marketed. Furthermore, the vastness of plantation areas, limited supervision, and the remoteness of plantations from residential areas make it relatively easy for perpetrators to carry out their actions without immediate detection by plantation owners or law enforcement. These conditions make palm oil theft a recurring crime and difficult to eradicate without effective law enforcement (Chazawi, 2003).

The phenomenon of palm oil theft occurs not only on plantations owned by large companies, but also affects many smallholder plantations, which serve as the primary source of family income. For smallholder farmers, the loss of a few bunches of palm fruit is not only a material loss but can also affect their ability to meet daily needs. Therefore, the crime of palm oil theft not only causes economic losses but also impacts the community's sense of security and undermines public confidence in the state's ability to provide legal protection (Arief, 2018).

On the other hand, the dynamics of law enforcement against palm oil theft have evolved following the issuance of Supreme Court Regulation No. 2 of 2012 concerning Adjustments to the Limits of Minor Crimes and the Amount of Fines in the Criminal Code. This regulation raises the threshold for losses in minor crimes, allowing theft cases with a certain amount of loss to be investigated through a speedy trial mechanism. The primary objective of this policy is to realize the principle of simple, expeditious, and low-cost justice and to reduce the burden on correctional institutions resulting from the detention of perpetrators of crimes with relatively small losses.

However, the implementation of Supreme Court Regulation No. 2 of 2012 in law enforcement practice often gives rise to differing interpretations, particularly in cases of palm oil theft. In practice, many people assume that palm oil theft with a loss value below a certain threshold is a minor offense, so that the perpetrator will not be detained or only face a minor criminal penalty. This perception ultimately gives rise to the belief that the law does not provide a sufficient deterrent effect on perpetrators. However, normatively, the Supreme Court Regulation only regulates the mechanism for examining cases and adjusting the threshold for minor crimes, not eliminating the illegal nature of theft or eliminating the authority of law enforcement officers to conduct investigations in accordance with statutory provisions (Sitinjak, 2021).

This issue demonstrates that legal effectiveness is not solely determined by the existence of legislation, but also by how the law is implemented by law enforcement officials, understood by the public, and achieved its intended goals. According to the theory of legal effectiveness, a legal rule is considered effective if it is consistently implemented, complied with by the public, and creates order and justice (Rahardjo, 2014). On the other hand, if a legal provision is unable to provide legal certainty or prevent the repetition of criminal acts, then the effectiveness of the law is questionable.

From the perspective of criminal law enforcement, the effectiveness of the law is also closely related to the success of the criminal justice system in carrying out its functions of prevention, prosecution and guidance for perpetrators of criminal acts (Atmasasmita, 2011). This success requires synergy between the police as investigators, the prosecutor's office as public prosecutor, the courts as adjudicating institutions, and correctional institutions as criminal enforcement agencies. If any of these subsystems is not functioning optimally, it will

be difficult to simultaneously achieve the goals of law enforcement, namely legal certainty, justice, and expediency.

The enactment of Law Number 1 of 2023 concerning the Criminal Code is part of the national criminal law reform aimed at realizing a criminal justice system that is more in line with the values of Pancasila, societal developments, and the needs of law enforcement in Indonesia. This reform not only emphasizes the criminal aspect but also prioritizes a balance between victim protection, perpetrator accountability, public interest, and the interests of the state. Therefore, every act of theft, including palm oil theft that results in relatively small losses, must still be considered a violation of the law and must be processed according to applicable regulations.

In addition to reforming substantive criminal law, the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code also brought changes to the criminal law enforcement mechanism in Indonesia. The new criminal procedure code emphasizes the importance of professional, transparent, and accountable investigations, respect for human rights, and ensuring a balance between protecting the rights of suspects and victims, and the interests of law enforcement. The police, as investigators, are required to carry out each stage of the investigation meticulously based on valid evidence so that the law enforcement process not only fulfills formal aspects but also results in decisions that reflect substantive justice.

Under these ideal conditions, handling the minor crime of palm oil theft should provide legal protection for plantation owners, create a deterrent effect for the community, and increase public trust in law enforcement. Law enforcement is not sufficient to merely resolve cases administratively; it must also reduce the number of thefts, provide legal certainty for victims, and encourage public legal awareness to respect the property rights of others.

However, the prevailing situation (*das sein*) indicates that palm oil theft remains a common crime in plantation areas, including within the jurisdiction of the Pasir Penyau Police. The high economic value of palm oil, the vastness of plantation areas, and limited oversight make this crime relatively easy to commit. In practice, perpetrators often exploit the remoteness of plantations and the lack of oversight to illegally harvest fresh palm oil fruit bunches.

On the other hand, effective law enforcement still faces various obstacles. Investigators often struggle to obtain sufficient evidence because crimes are committed in remote locations, with few witnesses, and limited supporting evidence. Perpetrators often flee or sell stolen goods quickly, complicating the investigation process. These conditions contribute to suboptimal case resolution and the failure to achieve the goals of law enforcement as envisioned by lawmakers.

In addition to law enforcement factors, there remains a lack of legal awareness among some communities, who view harvesting small amounts of oil palm fruit as an act that does not carry serious legal consequences. This perspective has the potential to increase the frequency of theft and reduce the effectiveness of the law as a means of social control. Yet, any act that meets the elements of a crime remains a violation of another person's property rights and can cause economic loss and disrupt the community's sense of security.

The existence of a difference between the conditions that should be realized according to Law Number 1 of 2023 concerning the Criminal Code and Law Number 20 of 2025 concerning the Criminal Procedure Code with empirical conditions in the jurisdiction of the Pasir Penyau Police Station shows a gap between *das sollen* and *das sein*. This gap is an important reason to study the effectiveness of the law in handling minor crimes of palm oil theft, so that it can be known whether the applicable legal provisions have been able to achieve the objectives of their formation or there are still obstacles that require improvement in law enforcement practices.

RESEARCH METHODS

This research is an empirical (sociological) legal study using a statutory and conceptual approach. The research was conducted at the Pasir Penyu Police Station, considering that various problems persist in the effectiveness of law enforcement against the minor crime of palm oil theft.

The data used include primary data obtained through observation and interviews, and secondary data obtained through literature review of laws and regulations, books, scientific journals, and relevant documents. Data collection techniques were carried out through observation, structured and semi-structured interviews, and literature review. All data obtained were analyzed qualitatively by grouping, interpreting, and connecting empirical data with legal provisions and relevant legal theories to produce conclusions regarding the effectiveness of the law in handling minor crimes of palm oil theft in the jurisdiction of the Pasir Penyu Police.

RESULT AND DISCUSSION

A. The Effectiveness of the Law in the Minor Crime of Palm Oil Theft in the Jurisdiction of the Pasir Penyu Police Station

Legal effectiveness is one of the main indicators in assessing the success or failure of a legal system in achieving the objectives set by the legislators. In the context of overcoming the minor crime of palm oil theft in the jurisdiction of the Pasir Penyu Police, legal effectiveness is not only measured by the number of perpetrators processed through the criminal justice mechanism, but also by the ability of the law to create order, provide legal certainty, guarantee a sense of justice for both victims and perpetrators, and prevent the recurrence of similar crimes. Therefore, discussions regarding legal effectiveness must be viewed comprehensively by considering aspects of legal substance (legal substance), legal structure (legal structure), legal culture (legal culture), and the socio-economic conditions of the community that underlie the occurrence of these crimes.

Based on research conducted within the jurisdiction of the Pasir Penyu Police, the minor crime of palm oil theft remains a relatively common occurrence. The objects stolen are generally fresh fruit bunches (FFB) of oil palms belonging to communities or plantation companies. The losses incurred are relatively small compared to other theft crimes in general, but the frequency of occurrences is high enough to cause unrest in the community. This situation indicates that although legal instruments are available, their implementation has not been fully effective in deterring perpetrators.

Normatively, the regulation of the crime of theft has undergone changes since the enactment of Law Number 1 of 2023 concerning the Criminal Code. Under this provision, theft remains classified as the act of taking another person's property with the intent to possess it unlawfully. However, for thefts involving relatively small losses, the Indonesian legal system provides a more proportional resolution through mechanisms for minor crimes and restorative justice approaches. This policy demonstrates a paradigm shift from solely punishing (retributive justice) to a resolution that prioritizes the restoration of social relations.

On the other hand, the provisions of Supreme Court Regulation No. 2 of 2012 concerning Adjustment of the Limits of Minor Crimes and the Amount of Fines provide guidelines for law enforcement officials in determining whether a theft case can be categorized as a minor crime. Although formally addressed to the judicial environment, in practice, these provisions also serve as a reference for police investigators and public prosecutors in determining case resolution mechanisms, thus creating uniformity in the application of the law.

In practice at the Pasir Penyu Police Station, the implementation of these provisions does not always run ideally. Interviews with investigators revealed cases of palm oil theft that

nominally qualify as minor crimes, but cannot be resolved through restorative justice mechanisms because the perpetrator is a repeat offender, there is no reconciliation between the victim and the perpetrator, or the victim refuses to resolve the case outside the judicial process. This situation demonstrates that the effectiveness of the law is influenced not only by legal norms but also by social factors developing within society.

When analyzed using the theory of legal effectiveness, a law is considered effective if the norms it establishes are voluntarily complied with by the public. This compliance is not solely driven by the threat of criminal penalties, but rather by the public's understanding that these norms reflect values of justice and provide benefits for the community. In the context of palm oil theft, legal compliance remains challenging because some people consider taking a few bunches of palm oil fruit to be a minor offense, especially when committed against plantation companies with extensive land holdings. This perception results in low public legal awareness, leading to repeated criminal acts (Ali, 2017).

In the National Criminal Code, the crime of theft is regulated in Article 476 which stipulates that any person who takes goods which are wholly or partly owned by another person with the intention of possessing them unlawfully shall be punished for theft with a maximum prison sentence of 5 (five) years or a maximum fine of category V.

This formulation demonstrates that the basic elements of the crime of theft retain the substance previously stipulated in Article 362 of the old Criminal Code, but have been adjusted to accommodate the new criminal punishment system, which recognizes the category of fines as stipulated in Book I of the National Criminal Code. This change is part of a reformed criminal punishment system that is more modern, flexible, and oriented towards proportional punishment (Hiariej, 2020).

Based on the formulation of Article 476 of the National Criminal Code, several elements must be met for an act to be classified as theft. First, the element of "every person." This element indicates that the subject of the crime of theft is every person, a subject of criminal law capable of being held accountable for their actions. Therefore, anyone, regardless of social status, position, or rank, can be held criminally responsible if they fulfill all the elements of the crime of theft.

The misdemeanor crime of palm oil theft is a form of crime against property that often occurs in plantation areas, including in Riau Province. This act essentially fulfills the elements of the crime of theft as stipulated in Law Number 1 of 2023 concerning the Criminal Code (KUHP), namely taking an item that is wholly or partially owned by another person with the intent to possess it unlawfully. The differences lie in the value of the stolen item, the nature of the act, and the mechanism for resolving the case, which can be categorized as a misdemeanor if it meets the criteria specified in the legislation. Therefore, the misdemeanor crime of palm oil theft is not only understood as an act that violates criminal law, but also as a social issue closely related to the economic conditions of the community, the relationship between the community and plantation companies, and the effectiveness of the law enforcement system.

From a criminal law perspective, the term theft contains the following basic elements: the act of taking an item, the item belonging to another person, and the intention to possess the item unlawfully. These three elements must be met for an act to be classified as theft. The provisions regarding theft are regulated in Article 479 of Law Number 1 of 2023 concerning the Criminal Code, which essentially maintains the basic elements of the crime of theft as recognized in the previous Criminal Code, despite systematic updates and adjustments to developments in national criminal law.

In plantation practices, theft is generally carried out on fresh oil palm fruit bunches (FFB) still on the trees or after harvest and being collected in temporary storage facilities. Palm oil is a highly valuable agricultural commodity, making it a frequent target for criminal

activity. Theft is not limited to the communities surrounding the plantations, but in some cases also involves plantation workers, harvest laborers, and even certain organized groups that repeatedly steal relatively small amounts. This situation results in significant losses for plantation owners or companies when accumulated over a period of time.

Normatively, not every theft of oil palm fruit must be processed as a regular crime. The Indonesian criminal justice system recognizes a category of minor crimes aimed at realizing the principles of simple, expeditious, and low-cost justice. Through Supreme Court Regulation Number 2 of 2012 concerning Adjustment of the Limits of Minor Crimes and the Amount of Fines, the Supreme Court adjusted the value of losses that can be categorized as minor crimes so that cases with relatively small losses can be examined through a speedy examination mechanism. This policy is a response to changes in economic values resulting from inflation and developments in societal conditions, making the nominal limits in the old Criminal Code no longer relevant.

However, determining a case as a misdemeanor is not solely based on the magnitude of the loss. Law enforcement officials also consider various other factors, such as the perpetrator's manner of committing the act, the presence or absence of aggravating factors, the perpetrator's status as a repeat offender, and the impact on the victim and public order. Therefore, a case of palm oil theft involving relatively small losses may not necessarily be entirely treated as a misdemeanor if certain circumstances are found indicating a higher level of culpability on the part of the perpetrator.

In law enforcement practice, the resolution of minor crimes such as palm oil theft is also influenced by restorative justice policies. Under Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, investigators are authorized to resolve certain cases through a peace mechanism between the victim and the perpetrator, provided that specified formal and material requirements are met. This approach aims to restore normalcy, restore social relations between the parties, and avoid the use of imprisonment for cases involving relatively minor offenses.

For palm oil theft, the application of restorative justice is relevant because most cases before the police involve relatively minor losses and are committed by first-time offenders. In such circumstances, amicable resolution, accompanied by compensation for the victim, is often seen as more beneficial than a lengthy judicial process. However, this mechanism cannot be applied indefinitely, as it must still consider the interests of the victim, the community, and the overall objectives of law enforcement.

From a criminological perspective, palm oil theft is not only influenced by weak supervision in plantation areas, but is also related to the socioeconomic conditions of the community. High unemployment rates, low levels of education, unequal land ownership, and rising prices of basic necessities are factors that drive some communities to commit theft. Furthermore, the vastness of palm oil plantations often makes it difficult for plantation owners and law enforcement officials to maintain adequate surveillance, thus providing opportunities for perpetrators to commit theft without being easily detected. These factors demonstrate that palm oil theft is a multidimensional problem that cannot be resolved through a repressive approach alone (Ali, 2023).

Within the jurisdiction of the Pasir Penyu Police, palm oil theft cases are generally committed against plantations owned by local communities and plantation companies in the Pasir Penyu District. Perpetrators typically exploit the plantations' remoteness from residential areas, minimal supervision, and predictable harvest times. A common *modus operandi* is harvesting palm fruit at night or when the plantation owner is away, then selling the stolen produce to collectors at below-market prices. This practice not only causes material losses to plantation owners but also creates a sense of insecurity and has the potential to disrupt social stability within the community.

When viewed from the legal perspective, handling the minor crime of palm oil theft must be able to realize three basic legal values, namely legal certainty, justice, and benefit (Hiariej, 2021). Legal certainty requires that every perpetrator be prosecuted according to applicable laws and regulations. Justice requires a balance between protecting the rights of victims and those of perpetrators. Meanwhile, expediency demands that case resolution not only focuses on punishment but also fosters order, prevents recurrence of crimes, and restores social relations within the community (Suseno, 2022). Therefore, the effectiveness of law enforcement against the minor crime of palm oil theft is largely determined by the ability of law enforcement officers to integrate these three values proportionally.

The research also shows that the primary motive for perpetrators of palm oil theft is largely economic. Rising prices of basic necessities, limited employment opportunities, and unstable incomes have led some to resort to shortcuts by stealing other people's palm oil. This situation demonstrates that law enforcement alone will not be able to eradicate crime unless accompanied by government policies that improve public welfare.

Legal effectiveness is a measure of the success of a statutory regulation in achieving the objectives set by the legislators (Prasetyo, 2022). In the context of criminal law enforcement, effectiveness is measured not only by the number of cases processed and resulting in court decisions, but also by the ability of law enforcement officers to ensure legal certainty, justice, and public benefit. This is crucial in handling the minor crime of palm oil theft, a form of conventional crime that still frequently occurs within the jurisdiction of the Pasir Penyu Police. The characteristics of this crime differ from ordinary theft because the stolen objects are plantation products with high economic value and are a source of livelihood for the people of Indragiri Hulu Regency.

Following the enactment of Law Number 1 of 2023 concerning the Criminal Code and Law Number 20 of 2025 concerning the Criminal Procedure Code, the paradigm for resolving criminal cases has undergone a fundamental shift. The criminal justice system is no longer solely oriented toward punishment (retributive justice), but has begun to prioritize restorative justice as part of the objectives of law enforcement. The new Criminal Procedure Code also incorporates restorative justice mechanisms, strengthened protection of the rights of suspects and victims, and renewed coordination between law enforcement agencies.

In practice, theft of fresh oil palm fruit bunches within the jurisdiction of the Pasir Penyu Police Station is mostly carried out by local residents or plantation workers, with relatively small amounts of fruit being stolen. While legally, this act still meets the elements of the crime of theft, if the losses incurred are relatively small and meet the requirements stipulated by law, a restorative justice approach can be used to resolve the matter, so that not all cases have to end in criminal charges.

According to the theory of criminal acts, an act can only be punished if it meets all the elements stipulated by law (*nullum crimen sine lege, nulla poena sine lege*). Therefore, the effectiveness of the law against palm oil theft must begin with proof that the perpetrator has committed an act that meets the formulation of a crime as stipulated in the National Criminal Code.

In Indonesian criminal law doctrine, a crime consists of objective and subjective elements. Objective elements include the act, the object of the offense, legal consequences, and the causal relationship between the act and the resulting consequences. Subjective elements, meanwhile, include intent (*dolus*) or negligence (*culpa*), the capacity to take responsibility, and the perpetrator's fault (Ali, 2021).

When linked to palm oil theft, the objective element is evident in the unauthorized taking of fresh fruit bunches from plantation companies or plantation owners. Meanwhile, the subjective element is reflected in the intention to illegally possess the palm oil for economic gain.

Normatively, these elements align with the definition of the crime of theft in the National Criminal Code, which stipulates that anyone who takes another person's property with the intent to unlawfully appropriate it is subject to criminal penalties. This provision provides legal protection for property rights, a civil right guaranteed by the state (Hamzah, 2023).

According to Adami Chazawi (2020), the essence of the crime of theft does not lie in the value of the goods taken, but rather in the act of taking without right goods that are in the possession of another person. Therefore, even though the number of palm oil fruit bunches stolen is relatively small, the act still fulfills the elements of a criminal act as long as all the elements of the crime are proven.

Based on the theory of criminal offenses, the effectiveness of law enforcement at the Pasir Penyau Police can be assessed by the investigators' ability to prove all elements of the crime through valid evidence. The more comprehensive the evidence provided by investigators, the greater the legal certainty that can be achieved. Conversely, if the evidence encounters obstacles, such as the lack of witnesses or difficulty in determining the value of losses, the law enforcement process becomes less effective.

According to the theory of legal effectiveness put forward by Soerjono Soekanto (2019), the success of a law is influenced by five main factors, namely the legal factor itself, law enforcement officers, facilities and infrastructure, society, and culture.

The first factor is legal substance. In handling palm oil theft, the legal substance has been updated through the enactment of the National Criminal Code and the National Criminal Procedure Code, which provide a more comprehensive legal basis for resolving criminal cases, including restorative justice mechanisms. These updates provide investigators with the opportunity to choose more proportionate solutions for cases involving small losses without compromising legal certainty.

The second factor is law enforcement. Pasir Penyau Police investigators play a central role in determining the effectiveness of law enforcement. Investigators' professionalism is evident in their ability to receive public reports, process crime scenes, gather evidence, question witnesses and suspects, and determine the appropriate legal resolution.

The third factor is facilities and infrastructure. The effectiveness of an investigation is greatly influenced by the availability of operational vehicles, information technology equipment, forensic laboratories (if necessary), communication networks, and the investigation budget. Limited facilities can slow down the case resolution process, especially if the oil palm plantation is located far from the sub-district center.

The fourth factor is society. The level of legal awareness among communities surrounding plantations remains a challenge. Many people consider harvesting a few bunches of oil palm fruit not a crime because the quantity is small or because it's done to meet economic needs. This view indicates that the community's legal culture does not fully support law enforcement.

The fifth factor is culture. The social conditions of rural communities with close kinship ties often encourage dispute resolution through deliberation. While this culture supports the implementation of restorative justice, it can also reduce the deterrent effect if settlements are conducted without considering the legal protection of plantation owners.

Based on these five factors, the effectiveness of the law against the minor crime of palm oil theft in the jurisdiction of the Pasir Penyau Police does not only depend on the quality of the laws and regulations, but is also influenced by the readiness of the apparatus, support facilities, the level of legal awareness of the community, and the developing legal culture.

According to Barda Nawawi Arief's (2023) theory of criminal law enforcement, criminal law enforcement is a process encompassing formulation policies, application policies, and execution policies. These three stages must be carried out in an integrated

manner to achieve the objectives of punishment.

In the formulation stage, the state has provided legal instruments in the form of the National Criminal Code, the National Criminal Procedure Code, and various implementing regulations concerning restorative justice as a basis for resolving minor crimes. These regulatory updates demonstrate a more modern criminal policy oriented toward balancing the interests of victims, perpetrators, and society.

At the application stage, the Pasir Penyu Police, as investigators, have the authority to conduct inquiries, make arrests if they meet the requirements, examine witnesses, confiscate evidence, and determine the form of case resolution based on the applicable provisions of the Criminal Procedure Code. The exercise of this authority must be carried out professionally, objectively, and with respect for human rights.

Next, at the execution stage, if the case is referred to the court and a final and binding decision is obtained, the criminal penalty will be carried out by the competent authority. However, for cases that meet the requirements for restorative justice, resolution can be carried out without imposing a prison sentence, prioritizing the goal of restoring social relations over retribution.

Through the perspective of criminal law enforcement theory, the effectiveness of the law in handling the minor crime of palm oil theft in the jurisdiction of the Pasir Penyu Police can be assessed from the ability of all components of the criminal justice system to carry out their functions in an integrated manner (Mulyadi, 2021). If coordination between investigators, prosecutors, the courts, and the public is effective, the legal objectives of certainty, justice, and benefit can be achieved in a balanced manner. Conversely, weak coordination, limited resources, and low public legal awareness will hinder effective law enforcement against the minor crime of palm oil theft.

In addition to economic factors, low levels of education also impact the effectiveness of the law. Some perpetrators have limited legal understanding, making them unaware that the theft of a few bunches of oil palm fruit is still a crime that can be prosecuted (Sambas & Andriasari, 2022). Low levels of education also contribute to a lack of public legal awareness regarding protecting others' property rights. Therefore, preventive measures in the form of legal education for the public are crucial in increasing the effectiveness of the law.

However, this approach is not always successful. In some cases, victims still want the case to be processed through criminal channels because they believe the perpetrator has committed repeated thefts. Victims also believe that amicable resolutions do not have a deterrent effect, potentially increasing the perpetrator's potential to repeat their actions. This phenomenon demonstrates the differing perceptions of the goals of law enforcement between victims, perpetrators, and law enforcement officials.

From a law enforcement perspective, the effectiveness of the law is also influenced by the ability of the police to conduct inquiries and investigations (Effendi, 2020). The Pasir Penyu Police Station jurisdiction encompasses a vast oil palm plantation, making it difficult to monitor the entire area. The limited number of personnel compared to the area often makes it difficult for police to patrol effectively. This situation is exploited by perpetrators to commit theft at specific times, particularly at night or when there is relatively little activity on the plantations.

Based on the above description, it can be understood that the effectiveness of the law in handling the minor crime of palm oil theft in the jurisdiction of the Pasir Penyu Police cannot be assessed solely from the aspect of law enforcement. This effectiveness is the result of the interaction between the quality of laws and regulations, the professionalism of law enforcement officers, the level of public legal awareness, socioeconomic conditions, and the support of law enforcement facilities and infrastructure. Therefore, the success of overcoming the minor crime of palm oil theft requires an integral approach through both penal and non-

penal policies so that the legal objectives of certainty, justice, and benefit can be realized in a balanced manner.

B. Obstacles to the Effectiveness of the Law in the Minor Crime of Palm Oil Theft in the Jurisdiction of the Pasir Penyu Police Station

Obstacles to legal effectiveness are factors that prevent established legal provisions from being implemented optimally, thus the objectives of law enforcement, namely creating legal certainty, justice, and benefit, have not been fully achieved. In handling the minor crime of palm oil theft in the jurisdiction of the Pasir Penyu Police, various obstacles not only originate from the aspect of law enforcement, but are also influenced by social, economic conditions, the legal culture of the community, and limited supporting facilities and infrastructure. Thus, legal effectiveness must be understood as the result of the interaction between legal substance, legal structure, legal culture, and other interrelated external factors.

Based on the results of field research, obstacles to the effectiveness of the law against the minor crime of palm oil theft can be grouped into several main factors, namely limited police personnel, the vastness of plantation areas, low public legal awareness, the perpetrators' economic factors, difficulties in providing evidence, and weak supervision of palm oil harvests. These obstacles mean that the prevention and enforcement processes have not been able to provide a maximum deterrent effect, resulting in the recurrence of theft.

Theoretically, these obstacles align with Soerjono Soekanto's theory of legal effectiveness, which states that the success of law enforcement is influenced by five factors: the law itself, law enforcement officials, facilities and infrastructure, society, and culture. If any of these factors is not functioning properly, legal effectiveness will decline (Soekanto, 2019).

1. Low Public Legal Awareness

The first obstacle is the low level of public legal awareness regarding the importance of respecting the property rights of others. Research shows that some people still consider taking a few bunches of oil palm fruit to be a minor offense, especially when it occurs on large company plantations. This perception leads some perpetrators to feel less guilty about theft, believing the losses incurred are not significant.

Low legal awareness is also evident in the reluctance of some people to report crimes to the police. Some victims choose to resolve cases amicably without going through legal channels, while those who witness theft are often unwilling to testify. This situation hampers the investigation and prosecution process, thus hindering optimal law enforcement.

According to Soerjono Soekanto's theory of legal effectiveness, society is one of the factors determining the success or failure of law enforcement. Even well-formulated laws will be ineffective if the public lacks the awareness to comply with legal norms. Therefore, increasing legal awareness through legal counseling, community development, and collaboration with village governments is a crucial step in enhancing the effectiveness of laws against minor crimes such as palm oil theft.

2. Limitations of Law Enforcement Officers and the Wide Area of Supervision

The second obstacle is the limited number of police personnel, which is disproportionate to the size of the Pasir Penyu Police Station's jurisdiction, which is dominated by oil palm plantations. The vastness of the plantations means that comprehensive patrols cannot be conducted at all times, resulting in many locations not being optimally monitored.

In addition to limited personnel, the vast geographical area and relatively difficult access to the plantations also present challenges for police. Public reports are often received only after the perpetrator has fled or the stolen goods have been sold to another party.

Consequently, the process of solving the case is further complicated by the lack of evidence and witnesses with direct knowledge of the theft.

From the perspective of Lawrence M. Friedman's legal system theory, this situation indicates a legal structure obstacle, namely the suboptimal resources available to law enforcement officials to carry out their law enforcement functions. Although investigators have worked in accordance with applicable legal provisions, limited human resources and supporting facilities continue to impact the effectiveness of criminal investigations.

3. Economic Factors and the Ease of Selling Stolen Goods

The third obstacle is economic factors, which remain the primary cause of minor crimes such as palm oil theft. Interviews with perpetrators revealed that most thefts are committed due to low incomes, difficulty finding permanent employment, and increasing daily living costs. These conditions encourage some people to take shortcuts by stealing other people's palm oil fruit.

On the other hand, theft continues to recur because stolen goods are relatively easy to market to collectors. In practice, some buyers still fail to thoroughly check the origin of the oil palm fruit sold by the public. This ease of selling stolen goods increases the opportunity for crime, as perpetrators believe they can quickly cash in on their proceeds.

According to the author's analysis, these obstacles demonstrate that law enforcement cannot rely solely on a repressive approach through criminalization. A preventative approach is needed, including improving community welfare, monitoring palm oil harvest storage areas, and collaboration between the police, local governments, plantation companies, and the community to prevent theft. This will make the law more effective because the factors that cause crime can be minimized.

C. Efforts to Overcome Obstacles to Legal Effectiveness in the Minor Crime of Palm Oil Theft in the Pasir Penyu Police Jurisdiction

Efforts to overcome obstacles to the effectiveness of the law against minor crimes of palm oil theft in the jurisdiction of the Pasir Penyu Police are an important part of realizing effective, just law enforcement that provides benefits to the community. The effectiveness of the law depends not only on the existence of laws and regulations, but also on the capabilities of law enforcement officers, the level of public legal awareness, and the support of all stakeholders in preventing criminal acts. Therefore, efforts must be preventive, preemptive, and repressive in an integrated manner in accordance with the functions of the Indonesian National Police as stipulated in Law Number 2 of 2002 concerning the Indonesian National Police.

Based on the research results, there are three main efforts that need to be made to overcome obstacles in the effectiveness of the law against minor crimes of palm oil theft in the jurisdiction of the Pasir Penyu Police.

1. Increasing Legal Awareness and Public Participation

The first step is to increase public legal awareness through ongoing legal education. This legal education should be conducted by the Pasir Penyu Police in collaboration with sub-district and village governments, community leaders, traditional leaders, and oil palm plantation companies. The education materials should not only explain the prohibition on theft but also provide an understanding of the legal consequences, criminal sanctions, and the importance of collectively maintaining environmental security.

In addition to legal education, community participation needs to be increased through the establishment of a community policing system that involves the community as partners with the police. The public is expected to be more active in providing information about suspicious activity, willing to testify if they witness criminal acts, and play a role in

maintaining the security of plantations in their respective areas. With increased legal awareness and community participation, the opportunity for theft can be minimized, thereby increasing the effectiveness of the law.

2. Improving Supervision and Capacity of Law Enforcement Officers

The second effort is to increase the effectiveness of surveillance by optimizing police patrols, particularly in plantation areas prone to theft. Given the limited number of personnel, the Pasir Penyu Police need to implement a patrol pattern based on crime mapping to ensure that available personnel can be deployed more effectively.

Furthermore, improved coordination between the police, plantation companies, village governments, and company security forces is needed to monitor plantation areas. The use of technology such as closed-circuit television (CCTV), drones to patrol hard-to-reach areas, and digital reporting systems can also support the prevention and disclosure of crime. These efforts will strengthen the police's preventive function, ensuring that it focuses not only on taking action after a crime has occurred but also on preventing crime in the first place.

3. Addressing Economic Factors through a Restorative Approach and Community Empowerment

The third effort is to address economic factors as the dominant cause of palm oil theft. Research shows that most perpetrators commit theft due to economic necessity and limited employment opportunities. Therefore, resolving cases cannot be done solely through criminal prosecution; it must also be balanced with a restorative justice approach for cases that meet the requirements stipulated in Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice.

In addition, local governments and plantation companies need to expand employment opportunities for local communities through community development programs, skills training, and the development of productive businesses. These programs are expected to improve community well-being and thereby reduce the incentive to commit theft. Furthermore, oversight of oil palm fruit collectors needs to be tightened to prevent them from receiving harvests derived from criminal activity. By disrupting the marketing channels for stolen goods, perpetrators' opportunities for profiting from crime will be reduced, thereby achieving law enforcement objectives more effectively.

According to the author's analysis, these three efforts reflect an integral concept of law enforcement, emphasizing not only repressive aspects through criminal prosecution but also preventive and preemptive measures. This approach aligns with Soerjono Soekanto's (2019) theory of legal effectiveness, which emphasizes that the success of law enforcement is influenced by the quality of law enforcement officers, the community, facilities and infrastructure, and legal culture. In addition, this approach is also in accordance with Lawrence M. Friedman's (2018) legal system theory which requires a balance between legal substance, legal structure, and legal culture in the implementation of the legal system.

Thus, the effectiveness of the law against minor crimes such as palm oil theft in the Pasir Penyu Police jurisdiction can only be achieved through synergy between the police, local government, plantation companies, village governments, community leaders, and the community as a whole. This collaboration is expected to reduce theft rates, increase public compliance with the law, and ensure law enforcement that provides legal certainty, justice, and benefits for all parties.

CONCLUSIONS

The effectiveness of the law in handling minor crimes such as palm oil theft within the jurisdiction of the Pasir Penyu Police is still not optimal. This is evident in the

implementation of investigative and criminal investigations by the Pasir Penyu Police. In practice, the Pasir Penyu Police not only take action against perpetrators but also prioritize resolving cases through a restorative justice approach for cases that meet the requirements. However, the law has not been fully effective because palm oil theft continues to occur repeatedly.

Obstacles to the Effectiveness of the Law on Minor Crimes of Palm Oil Theft in the Pasir Penyu Police Sector's Jurisdiction consist of three main factors. First, low public legal awareness, which is reflected in the continued perception that theft of small amounts of palm oil fruit is not a serious act and low public participation in providing information to the police. Second, limited police personnel and the vastness of the plantation area, so that supervision and patrols cannot be carried out optimally in all areas prone to theft. Third, economic factors of the community, namely limited employment opportunities and low income levels that encourage some people to commit theft as a way to meet their living needs, plus the ease of selling stolen goods to collectors. These three obstacles are interrelated and cause the objectives of law enforcement, namely legal certainty, justice, and benefit, cannot be optimally realized.

Efforts to Overcome Obstacles to Legal Effectiveness in Minor Crimes of Palm Oil Theft in the Pasir Penyu Police Sector Jurisdiction are carried out through three main steps, namely increasing public legal awareness, optimizing supervision and coordination of law enforcement officers, and addressing community economic factors through preventive and restorative approaches. Increasing legal awareness is carried out through legal counseling, community development, and strengthening the role of community leaders and village governments. Optimizing supervision is carried out through increasing patrols in vulnerable areas, coordination with plantation companies, village governments, and communities, and improving plantation security systems. Meanwhile, to overcome economic factors, local government support is needed through community empowerment programs, providing employment opportunities, and implementing restorative justice for cases that meet the requirements according to applicable legal provisions. With the synergy between the police, local governments, plantation companies, and the community, the effectiveness of the law in handling minor crimes of palm oil theft in the Pasir Penyu Police Sector jurisdiction is expected to increase so as to be able to provide legal certainty, justice, and benefits for the entire community.

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