



## Criminal Liability for Theft in Oil Palm Plantations (Study of Decision No27/Pid.C/2023/PN.Psp)

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### ABSTRACT

Palm fruit theft often occurs due to weak law enforcement, especially when the value of the loss is below Rp2.5 million so that it is only subject to Article 364 of the Criminal Code as a minor crime. This study uses a normative juridical method with an analytical descriptive approach through the study of laws and regulations and court decisions. Palm oil theft is regulated in Article 362 of the Criminal Code and Article 107 letter d of Law Number 39 of 2014 with a maximum penalty of four years in prison or a fine of Rp4 billion. Article 63 paragraph (2) and Article 64 paragraph (1) of the Criminal Code regulate the application of special rules and continued acts. Decision Number 27/Pid.C/2023/PN.Psp proves that the defendant stole 11 sacks of palm oil weighing ±330 kg, with the penalty imposed based on consideration of aggravating and mitigating matters.

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## **INTRODUCTION**

In the reality of social life, the conditions that occur actually show that there are still many individuals and groups who commit criminal acts. This is triggered by human desires that tend to be unlimited and weak ability to adjust behavior to the provisions and ethics that apply in the community. Not a few members of society justify various ways to fulfill the desire to live with luxury that exceeds the limits of reasonableness. One of the crimes whose prevalence is quite high in our social environment is the acquisition of plantation crops carried out through unlawful means, especially oil palm agricultural products in the form of FFB (Fresh Fruit Bunches), including harvesting, collecting, and receiving the plantation products without legal rights.

Crime against the practice of harvesting plantation products without rights is a common form of crime that often causes social uproar, especially for farmers and oil palm plantation business actors (Tarigan et al., 2024). The high number of criminal acts in the form of illegal harvesting, harvesting, and confiscation of oil palm plantation products is generally influenced by weak law enforcement that is not strong enough to deter perpetrators. This condition is caused by the number of cases that have a loss value of less than Rp2,500,000.00 (two million five hundred thousand rupiah), so it is qualified as a minor offense. As a result, the perpetrator is only faced with the provisions of Article 364 of the Criminal Code which regulates the threat of a maximum prison sentence of three months or a maximum fine of Rp2,500,000.00. This situation has raised concerns for farmers and plantation entrepreneurs, so they are required to increase supervision of their oil palm plantations. However, these security efforts are often ineffective, the fact that theft can occur at any time, both day and night, adds complexity to security efforts.

Plantation activities have been known in the economic life of the Indonesian people before European influence introduced the modern plantation system. At that time, the plantation business generally functioned as a complementary or side activity to the main agricultural business. Conceptually, plantations include plant management activities on growing media that are in harmony with their ecosystem, involving post-harvest processes and marketing strategies. The success of this system depends on the application of technology and efficient management to achieve social economic goals (Evizal, 2014).

The establishment of Law Number 18 of 2004 concerning Plantations is aimed at achieving the welfare and prosperity of the people in a fair and sustainable manner. Therefore, the continuity of the plantation business needs to be guaranteed and the strengthening of its functions and strategic roles must be carried out. The plantation system, as one of the ways in natural resource management, must be implemented in a planned, transparent, integrated manner, and has professionalism and commitment to responsibility. The law also regulates the subject of plantation business stakeholders, which includes planters and/or plantation companies. Smallholders are defined as individual Indonesian citizens who run plantation businesses on a certain scale that have not reached the business scale limit that requires plantation business licensing (Mangkunegara, 2025).

A certain scale refers to the size of the plantation business which is assessed based on the area, type of crops, technology applied, as well as the number of workers, capital parameters and factory capacity that requires the acquisition of business legality. Along with the community's need for more optimal plantation management and oriented towards increasing business added value, regulatory changes were made through Law Number 39 of 2014 concerning Plantations as a replacement for Law Number 18 of 2004 concerning Plantations.

As an effort to realize one of the implementation targets of the Government of the Republic of Indonesia, which is to focus on improving the welfare of the community as a whole, by trying to manage and develop the potential of natural resources in Indonesia to the maximum. (Tarigan et al., 2024). This step is in line with the mandate of Article 33 paragraph (3) of the 1945 Constitution, which states that all natural resources, including earth and water, are managed by the state in order to ensure the maximum welfare of the people. In this context, the plantation sector plays an important role in accordance with Article 3 of the Law on Plantations, which affirms that the management of plantation businesses aims to improve the welfare and prosperity of the people, increase the country's foreign exchange receipts, and create jobs and business opportunities. The plantation sector is also intended to increase production and productivity, quality, added value, and competitiveness; meet the consumption needs and raw materials of domestic industry; protecting business actors and the community; and managing plantation resources efficiently, responsibly, and sustainably, including maximizing the utilization of the services produced.

However, in practice, the welfare benefits of the plantation sector have not been fully felt by all levels of society. This condition is one of the main triggers behind the outbreak of theft crime in plantation areas. The increase in oil palm theft cases is also influenced by the expansion of oil palm plantation land in the hands of the community and individuals. The occurrence of these criminal acts is related to various social problems and social situations, such as the occurrence of an economic crisis. Economic factors are the main cause of theft, especially from the perpetrator's point of view. Based on the economic theory of crime, criminal behavior is understood as the result of the rational choice of an individual who seeks to meet his or her needs. When faced with a variety of alternative actions, individuals tend to choose the option that is considered the most capable of providing benefits to satisfy their life needs.

In the reality of social life, there are still many individuals and groups who carry out criminal acts. This is mainly influenced by the unlimited human desire and weak self-control to continue behaving in accordance with applicable social norms. There is a tendency for the community to legalize various methods in order to meet the expectations of a luxurious life, which has implications for the emergence of plantation criminal offenses. This can be seen in the practice of harvesting and cultivating Fresh Fruit Bunches (FFB) illegally which is common today.

The crime of harvesting, collecting, and confiscating plantation products is an illegal violation of the law is now rampant and is a major source of concern in the social environment, especially for farmers and plantation entrepreneurs. In the context of the oil palm plantation business, efforts to prevent the occurrence of criminal acts require strengthening synergy between the central authorities and local governments in exercising their authority, especially in the aspects of coaching and supervision. This is important because plantation business activities have a great impact on environmental sustainability, especially when criminal acts occur as regulated in Law Number 39 of 2014 concerning Plantations. The high frequency of criminal acts such as the illegal harvesting, taking, and sale of oil palm plantation products is generally due to weak law enforcement that has not been able to create a deterrent effect for violators.

Regulations on law enforcement for individuals who illegally harvest or harvest agricultural products are clearly regulated in Law Number 39 of 2014 concerning Plantations. In Article 55 letter d, it is expressly stated that every individual is prohibited from harvesting and/or taking plantation products illegally, which is accompanied by the threat of punishment in accordance with Article 107 letter d, namely imprisonment for a maximum of four years or a fine of up to Rp4,000,000,000.00 (four billion rupiah). In addition, for anyone involved in the seizure of plantation products obtained through unlawful means such as theft or robbery, Article 78 of the same law prohibits this action, with the threat of punishment specified in Article 111 which reads a maximum prison sentence of seven years or a fine of up to Rp7,000,000,000.00 (seven billion rupiah). These provisions are the normative basis for evaluating criminal liability related to theft in the oil palm plantation sector, as applied in Decision No. 27/Pid.C/2023/PN.Psp.

Based on these provisions, it can be understood that the legal regulation regarding the prohibition of illegal harvesting, harvesting, and harvesting of plantation products has provided a clear juridical basis for the implementation of law enforcement in the plantation sector. Therefore, the study of the application of these articles in Decision No. 27/Pid.C/2023/PN.Psp is important to understand how the application of criminal liability for theft in oil palm plantations is carried out in real terms following existing legal and regulatory provisions.

## **THEORETICAL REVIEW**

### ***The Basic Concept of Criminal Acts in Criminal Law***

In the study of criminal law, the term criminal act or strafbaar feit refers to actions that are prohibited by law and can be subject to criminal sanctions. According to Moeljatno, criminal acts are actions that are contrary to the provisions of the law and are threatened with punishment for anyone who violates them. This emphasizes that an act can only be considered a criminal offense if it meets conditions such as unlawful acts, the existence of mistakes from the perpetrators, and the existence of criminal threats that are clearly regulated in the law.

On the other hand, Simons defines criminal acts as an act that is threatened by criminal law, has an unlawful nature, is committed by mistake, and is carried out by individuals who are capable of being responsible. From this definition, we can draw the conclusion that the main elements of criminal acts include the element of act, the element of wrongdoing, the element of unlawfulness, and the element of criminal responsibility.

The concept of criminal acts is the basis for understanding the systematics of criminal acts which also include minor crimes as a component of the criminal law order.

### *Definition and Characteristics of Petty Crimes*

Petty crime (tipiring) is a term used to refer to a type of crime with a low level of seriousness, both in terms of impact, loss, and criminal threat. In Indonesian criminal law, misdemeanor offenses refer to offenses that are threatened with imprisonment of not more than three months or a certain fine.

Normatively, regulations regarding misdemeanor offenses can be found in the Criminal Code (KUHP), especially in Article 364 (petty theft), Article 373 (petty embezzlement), Article 379 (petty fraud), Article 384 (petty fraud), and several other articles that explicitly mention the classification of minor offenses based on the value of loss or criminal threat.

The main characteristics of misdemeanors include:

1. The criminal threat is relatively low.
2. The losses incurred are small or limited.
3. The social impact is not very serious.
4. The handling process tends to be simpler than ordinary criminal acts.

With these characteristics, misdemeanor offenses occupy a special position in the criminal justice system, because they are not always appropriate if they are resolved with a repressive and formal criminal mechanism.

### *Typology of Misdemeanor Crimes in the Criminal Code*

In the Criminal Code, there are several categories of criminal acts that are classified as minor acts, including:

1. Petty theft (Article 364 of the Criminal Code)  
Theft committed against goods with a fairly low value and without any incriminating factors.
2. Petty embezzlement (Article 373 of the Criminal Code)  
The act of embezzlement of goods that have a certain value, but are considered insignificant.
3. Minor fraud (Article 379 of the Criminal Code)  
Fraud that results in losses that are not not large.
4. Light destruction (Article 407 paragraph (1) of the Criminal Code)  
Destruction of goods that bring losses with low value.
5. Minor persecution (Article 352 of the Criminal Code)  
Persecution that does not cause serious injury or serious illness.

The classification shows that the measure of "lightweight" is not only seen from the type of act, but also from the consequences caused and the value of the losses that arise.

### ***Perspectives on Criminal Theory on Petty Crimes***

In criminal law theory, the purpose of punishment is an important aspect in determining how a criminal act should be handled. There are several criminal theories that are relevant to analyzing misdemeanors, including:

1. Absolute (retributive) theory  
This theory sees crime as a retribution for the mistakes of the perpetrator. In the context of misdemeanors, the retributive approach is often considered disproportionate, because the impact of the act is relatively small.
2. Relative (utilitarian) theory  
This theory emphasizes the function of prevention, both general and specific prevention. In tipping, punishment aims more at the effect of deterrence and education, not solely retaliation.
3. Combined (integrative) theory  
Combines elements of retaliation and social goals, such as the recovery and reintegration of the perpetrator into society. This approach is most relevant for misdemeanors.

Based on these theories, it can be concluded that the handling of minor crimes should prioritize aspects of utility, proportionality, and restorative justice rather than a repressive approach.

### ***Petty Crimes in the Perspective of Restorative Justice***

The development of modern criminal law states that there is a paradigm shift from retaliation-oriented justice to restorative justice. The restorative justice approach focuses more on reconciliation measures involving perpetrators, victims, and the social environment, prioritizing relationship improvement rather than just imposing sanctions.

In the context of misdemeanors, the restorative justice approach is particularly relevant because:

1. The casualty losses are relatively small and recoverable.
2. Perpetrators are generally not serious criminals.
3. The formal judicial process often requires time and costs that are not proportional to the lightness or severity of the case.

Restorative justice allows for settlement through penal mediation, peace, compensation, or social work, so that it reflects a sense of substantive justice rather than procedural justice alone.

### ***Criminal Law Policy on Misdemeanor Crimes***

From the perspective of criminal policy, misdemeanor offenses are a strategic space to implement non-penal policies. Penal policies tend to focus on criminalization, while non-penal policies emphasize prevention through social, economic, and cultural approaches.

The handling of minor criminal acts in a penal manner often poses problems such as:

1. Overcrowding in correctional institutions.
2. Stigmatization of the perpetrator.
3. Failure to achieve rehabilitation goals.

Therefore, modern criminal law policies encourage the use of alternative sanctions such as proportionate fines, social work, community development, or out-of-court settlements.

### ***The Relevance of Petty Crimes in the Criminal Justice System***

In the criminal justice system, misdemeanor offenses have an important role as an indicator of the effectiveness of criminal law. If minor crimes are still processed with the same mechanism as serious crimes, there will be an imbalance between the goals of criminal law and social reality.

Therefore, the handling of minor crimes should be oriented to the following principles:

1. Proportionality, between actions and sanctions.
2. Efficiency, in the use of legal resources.
3. Justice is substantive, not just procedural.
4. Humanism, by paying attention to the humanitarian aspect of the perpetrator and the victim.

Therefore, the understanding of minor crimes must go beyond the formal legal aspect. It is part of a criminal policy strategy to realize a justice system that is not only effective, but also able to restore the social impact caused

## **METHODOLOGY**

This research applies a normative juridical approach, which is a research method that focuses on analyzing the alignment between the applicable law and legal norms and principles, and assessing whether an action is in accordance with the provisions of the law. Data collection is carried out through a literature study method that includes laws and regulations, court decisions, and various literature sources such as books, journals, and scientific articles related to law. All legal sources, both primary, secondary, and tertiary, are analyzed using a qualitative approach with a structured, logical, and orderly presentation, and then concluded with deductive methods to answer specific legal problems.

## **RESEARCH RESULTS AND DISCUSSION**

### ***Legal Regulations on Criminal Acts of Theft in Oil Palm Plantations Based on Law Number 39 of 2014 concerning Plantations***

Criminal law, like other branches of law, has the main purpose of ensuring compliance with legal norms in order to realize order, harmony, and legal certainty in social life. However, the special characteristic of criminal law lies in the application of sanctions in the form of suffering or punishment for any violation of the provisions that have been set (Lamintang, 2022). In general, the crime of theft is regulated in the Second Book Chapter XXII Article 362 to Article 367 of the Criminal Code (KUHP). The provisions regarding ordinary theft are listed in Article 362 of the Criminal Code which states that any person who takes an item, either in whole or in part, owned by another person with the intention of illegally taking possession of the item, can be sentenced to a maximum of five years in prison or a maximum fine of Rp900.00 (nine hundred rupiah).

The application of criminal law is carried out if there is a violation of legal norms. Indonesia as a state of law as affirmed in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia in 1945, Based on the principle of legality in the Criminal Code, an act can only be punished if the rule of law has been established in advance. The change in regulations from Law No. 18 of 2004 to Law No. 39 of 2014 reflects the government's efforts to update plantation policies to make them more relevant and beneficial to the wider community. This is important considering the rampant theft of Fresh Fruit Bunches (FFB) in the plantation environment because of its great economic attractiveness. To protect business continuity and prevent company losses, strict legal steps are needed to tackle these criminal acts comprehensively.

Article 1 number 1 of Law Number 39 of 2014 concerning Plantations explains that plantations include all resource management activities related to plantation crops. The drafting of this law is motivated by the belief that the land, water, and natural resources contained within the territory of the Unitary State of the Republic of Indonesia are a gift from God Almighty that needs to be managed and utilized as much as possible for the prosperity and welfare of the community, in accordance with the mandate stated in the 1945 Constitution of the Republic of Indonesia. Law Number 39 of 2014 concerning Plantations includes 19 (nineteen) chapters and 118 articles, which also regulate the provisions of actions categorized as crimes in the plantation sector. This regulation regarding criminal punishment is specifically covered in Chapter XVII concerning Criminal Provisions, namely Articles 103 to 113, which are the basis for the enforcement of sanctions against various types of crimes in the plantation sector.

The implementation of applicable regulations is a fundamental element in the law enforcement system to anticipate criminality and provide sanctions for perpetrators who are proven guilty through legitimate judicial mechanisms. The specific provisions regarding the crime of theft of agricultural products have been explicitly regulated in Law Number 39 of 2014 concerning Plantations,

Based on Article 107, illegal actions such as possession of plantation land without a permit, use of customary land for plantation business, felling crops, and taking garden products illegally, are violations of the law. The perpetrator can be sentenced to prison with a maximum duration of four years or an administrative fine of up to IDR 4,000,000,000.00 (four billion rupiah). This prohibition provision is also explained in Article 55 which states that every individual is not allowed to carry out illegal plantation activities, cut crops on plantation land, take crops from crops, and/or collect crops from plantations. The content of Article 55 letter d is compatible with the provisions of Article 362 of the Criminal Code regarding the crime of theft, with the threat of equivalent punishment as stipulated in Article 107 of the Plantation Law. Even so, the element of "everyone illegally" is not applied to customary law communities as long as they meet the conditions affirmed in the Constitutional Court Decision Number 138/PUU-XIII/2015 and Decision Number 31/PUU-V/2007.

According to Article 63 paragraph (2) of the Criminal Code, if a criminal act is regulated in provisions that are general and also special, then what must be applied is a special provision. Furthermore, Article 64 paragraph (1) of the Criminal Code stipulates that criminal acts that are committed repeatedly and have a close relationship with each other can be qualified as continuing acts, so that they are subject to one of the heaviest criminal threats. This provision is often applied in cases of theft of oil palm plantation products that are carried out repeatedly (Prodjodikoro, 1989). Therefore, in the event that the subject of the law commits the theft of oil palm products repeatedly but has never received a legal verdict before, the series of acts is seen as a unit of criminal acts in the imposition of sanctions. On the other hand, if a person has been convicted of a crime and then returns to commit another crime after serving his sentence, this situation can be categorized as recidivism, which results in criminal aggravation to exceed the maximum criminal threat.

### ***Criminal Liability for Perpetrators of Criminal Acts who Commit Theft in Oil Palm Plantations (No. 27/Pid.C/2023/PN.Psp)***

In the perspective of criminal law, the concept of liability is known by various terms used in legal literature. In the Dutch legal system the term *toerekenbaarheid* is known, In English literature, this concept is known as criminal responsibility or criminal liability Roeslan Saleh calls it 'criminal responsibility', while Moeljatno refers to it as 'responsibility in criminal law'. These differences in terminology reflect the variation in pronunciation by legal experts, but they have substantially the same meaning, because in general other criminal law experts also use the term "criminal liability" to describe the concept (Simamora & Hertini, 2015).

According to Romli Atmasasmita (2000), criminal liability is related to the ability and right to privacy or personal rights to determine the choice of committing or not committing an act, which is an essential element in the occurrence of criminal acts. The concept of criminal liability includes three main elements, namely the existence of acts that are prohibited by law, the existence of freedom of will to act or not to act, and the existence of the perpetrator's awareness of the consequences of the acts he committed. The discussion of criminal responsibility cannot be separated from the understanding of the criminal act itself. Criminal acts essentially refer to the prohibition of a certain act, while criminal responsibility is related to the evaluation of whether the perpetrator can and deserves to be held accountable for the act (Zulyadi & Lubis, 2023). Chairul Huda (2015) states that criminal responsibility is actually a tool created by criminal law as a reaction to violations of mutual agreement to reject actions that are considered contrary to the law.

A concrete picture of the application of criminal liability in the case of theft of oil palm plantation products can be seen in Decision Number 27/Pid.C/2023/PN.Psp. Based on the sequence of events, on Friday, March 31, 2023 at around 22.30 WIB, the Defendants took oil palm fruits belonging to PT. SKL in the initial way the Defendants monitored the conditions around the plantation, after the conditions were quiet (no people) then the Defendants took the rolls that were in plastic burlap sacks or at the TPH (Yield Collection Place) collected by employees of PT. Prior SKL, then the Defendants took the rolls that were in the plastic burlap sack and placed them in the section / bottom of the trunk of the Dumptruck car belonging to Isnan Siregar's parents, when when the rolls were to be taken out of the area of division V of PT. SKL precisely in front of the Garuda Block E 22 / 23 Division IV post The Defendants were immediately stopped and secured by security officers who were guarding the Garuda Block E 22 / 23 Division IV post, then the Defendants along with evidence were taken to the Batangtoru Police Station to be handed over and processed in accordance with the applicable law;

The panel of judges in their decision emphasized that the element of 'every individual' in accordance with Article 107 letter d of Law Number 39 of 2014 concerning Plantations has been fulfilled, because the defendant is a legal entity that can be held accountable. Furthermore, the element of 'harvesting and/or collecting plantation products illegally' was also admitted to be proven based on the testimony of witnesses, confessions from the defendant, and evidence given during the trial process. The means used by the defendant, such as the Dumptruck car, are considered as a tool to commit a criminal act, so that part of the evidence is returned to the rightful owner, while the Dumptruck car is taken to be secured as evidence and returned to its owner.

The panel of judges considered the aggravating circumstances as the basis for determining the verdict, namely the losses suffered by PT. SKL (PT Samukti Karya Lestari) and the Defendant's actions disturbed the community, as well as mitigating matters, including the defendants being polite during the trial process, and the defendants regretting their actions and the defendants frankly and uncomplicated at the trial. Based on these considerations, the judge stated that based on the above legal facts, the Court concluded that the Defendants were proven guilty of committing a criminal act in accordance with what was described by the Investigator, namely violating Article 364 of the Criminal Code and therefore the Defendants must be sentenced to a crime commensurate with their actions.

Analysis of the decision shows that the court has consistently applied the provisions of Article 107 letter d of Law Number 39 of 2014 in assessing the crime of theft of plantation products. Furthermore, Article 63 paragraph (2) of the Criminal Code emphasizes that in the event that a criminal act is regulated in both general and special provisions, special provisions must take precedence. In case No. 27/Pid.C/2023/PN.Psp, Defendant I I.S.S and Defendant II R.A.H were legally and convincingly proven to have taken 11 (eleven) sacks of oil palm fruit belonging to PT S.K.L. without permission weighing approximately 330 kg (three hundred and thirty kilograms), so as to meet the elements of Article 107 letter d of Law Number 39 of 2014 concerning Plantations. Based on the testimony of witnesses, evidence, and facts revealed at the trial, the judge decided that the oil palm was returned to PT S.K.L., while 1 (one) unit of Mitsubishi Canter brand dump truck with yellow police number BK 9315 EM was returned to the defendants.

In his deliberations, the judge paid attention to the aggravating matters, namely the losses suffered by PT SKL (PT Samukti Karya Lestari) and the actions of the defendants that caused unrest in the community. The mitigating factors include the defendants being polite during the trial, admitting and regretting their actions, and giving honest and uncomplicated information. Taking this into account, the defendants were sentenced to 1 (one) month in prison each. However, the sentence does not need to be served unless in the future there is a judge's decision stating that the convicts committed other crimes before the probation period ends, which is for 3 (three) months. In addition, the defendants are also required to pay court costs.

This decision emphasizes the importance of legal certainty in order to protect plantation business assets while providing a deterrent effect for perpetrators. The approach used by the panel of judges reflects a balance between protecting corporate interests and respecting the rights of defendants to be cooperative during the trial process.

## **CONCLUSIONS AND RECOMMENDATIONS**

Based on the results of the study and legal analysis of the Decision of the Padangsidempuan District Court with number 27/Pid. C/2023/PN. Psp, it can be stated that the judges have applied the criminal law in an accurate, thorough, and consistent way in evaluating the actions of the defendants. The elements of the criminal act stated in Article 107 letter d of Law Number 39 of 2014 concerning Plantations, especially the element of "every person" and the element of "illegally harvesting and/or taking plantation products", have been legally and convincingly proven through legally valid evidence, which includes witness testimony, statements from the defendant, and evidence presented at the trial.

In addition, the judges also apply the principle of *lex specialis derogate legi generali* as stated in Article 63 paragraph (2) of the Criminal Code, by giving priority to more specific criminal provisions in the Plantation Law compared to the general provisions in the Criminal Code. The application of the principle shows that judges not only follow a normative approach, but also pay attention to the systematics of regulations and the hierarchy of legal norms when determining the basis for punishment.

The criminal verdict in the form of imprisonment for 1 (one) month with a probation period of 3 (three) months reflects that the judge has considered proportionately the level of the perpetrator's offense, the impact of the act, and the purpose of the sentence. Consideration of incriminating matters, such as the material losses suffered by PT Samukti Karya Lestari and the potential for public unrest, as well as mitigating matters, such as the defendants' cooperative attitude, remorse, and frankness, show that the verdict has integrated juridical, sociological, and philosophical aspects in the imposition of the penalty.

Thus, this decision can be seen as reflecting the modern criminal law paradigm that is not solely oriented towards retributive justice, but also prioritizes the principles of proportional justice, legal utility, and rehabilitative and preventive approaches that are in line with the characteristics of minor crimes.

Based on these conclusions, the following suggestions can be proposed:

1. For Law Enforcement Officers

Law enforcement officials, especially investigators, public prosecutors, and judges, need to continue to improve understanding and consistency in implementing special criminal law provisions in the plantation sector. This is important to avoid errors in the selection of the legal basis, as well as to ensure the realization of legal certainty and uniformity of legal application (legal consistency) in judicial practice.

2. For the Judiciary

Judicial institutions are expected to further optimize the application of the principle of proportionality and the restorative justice approach in cases of misdemeanors, especially those related to theft of plantation products. Criminalization should not always be manifested in the form of imprisonment, but can be directed to alternative sanctions such as probation, social work, or the obligation to compensate that better reflects substantive justice.

3. For Plantation Companies

Plantation companies need to improve the security and supervision system for plantation assets through structured preventive measures, such as the use of surveillance technology, increasing the role of security units, and strengthening social relations with the surrounding community. This preventive and participatory approach is important to minimize the occurrence of criminal acts while reducing the potential for social conflict.

4. For Lawmakers (Legislators)

Lawmakers need to consider evaluating and updating the criminal provisions in the Plantation Law, especially related to the grouping and imposition of sanctions for minor crimes. The reformulation of criminal policy that prioritizes alternatives other than prison sentences should be considered as part of the direction of the national criminal law policy that prioritizes the principle of limited decriminalization and a restorative justice approach.

### **ADVANCED RESEARCH**

This study provides a normative description of the application of criminal law to minor crimes in the plantation sector, especially related to theft of plantation products based on Law Number 39 of 2014. However, this research still has limitations, especially because it is normative juridical based on the analysis of the provisions of laws and regulations and court decisions, so that it is not fully able to describe the empirical reality of the application of criminal law in practice.

Therefore, further research is important to complement the findings of this research, particularly through an empirical or socio-legal approach. Further research can be directed to examine the effectiveness of the application of probationary punishment and restorative justice approaches in cases of minor crimes in the plantation sector. The study not only looks at the verdict from a juridical aspect, but also assesses its impact on the behavior of the perpetrator, the victim's recovery rate, and the public's perception of justice produced by the criminal justice system.

More specifically, further research can explore several important aspects, including: first, the extent to which probation crimes really provide a deterrent effect for perpetrators of minor crimes, or is it only symbolic without a significant effect on reducing crime rates. Second, how the victims and the plantation companies respond to the settlement of cases through non-imprisonment mechanisms, especially in the context of satisfaction with the recovery of losses and a sense of substantive justice.

In addition, follow-up research can also examine the consistency of the application of restorative justice by law enforcement officials, including the stages of investigation, prosecution, and examination of cases in court. This is important because in practice, the application of restorative justice is often still caustic and depends on the discretion of the authorities, so it has the potential to cause inconsistency in the application of the law and legal uncertainty.

From the perspective of criminal law policy, further research is also relevant to examine the need for the reformulation of criminal sanctions in the Plantation Law. Empirical research can provide a stronger argumentative basis for lawmakers in formulating limited decriminalization policies or strengthening alternative sanctions for minor crimes. Thus, criminal law is no longer solely oriented towards imprisonment, but rather emphasizes social recovery, law enforcement efficiency, and proportionate protection of the interests of society.

In other words, advanced research plays a strategic role as a bridge between normative studies and social reality. Through an interdisciplinary approach that combines the perspectives of law, criminology, and legal sociology, further research is expected to be able to contribute more comprehensively to the development of criminal law theory as well as the basis for the formulation of criminal law policies that are more responsive, humane, and just in handling minor crimes in the plantation sector.

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