



The Application of Perma Number 2 of 2012 Against Perpetrators of Minor Crimes In Deli Serdang Police Station

Bobby Pranata Tambunan*, H. Abdul Razak Nasution, Mhd. Azhali Siregar

Universitas Pembangunan Panca Budi

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*Correspondence: Bobby Pranata

Tambunan

Email: bobbyp.tambunan15@gmail.com

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Abstract: Supreme Court Regulation (Perma) Number 2 of 2012 concerning Adjustment of the Limitation of Minor Crimes and the Amount of Fines in the Criminal Code is a legal instrument that aims to simplify the process of handling minor crimes (tipiring) and reduce the burden on the judiciary. This Perma stipulates that cases with losses of less than IDR 2.5 million can be categorized as minor crimes, which allows for faster and more efficient resolution. This study aims to analyze the implementation of Perma Number 2 of 2012 against perpetrators of minor crimes at the Deli Serdang Police, including its effectiveness in investigative practices, obstacles faced by police officers, and its impact on the criminal justice system. The research approach used is empirical juridical, with data collection methods through interviews, observations, and analysis of cases handled by the Deli Serdang Police. The results of the study indicate that the implementation of Perma Number 2 of 2012 at the Deli Serdang Police provides benefits in accelerating the resolution of minor crimes, such as minor theft, minor assault, and other minor crimes. The implementation of this regulation allows cases to be resolved through a speedy trial mechanism, reducing the detention time for perpetrators, and optimizing the principle of simple, fast, and low-cost justice. However, there are a number of obstacles in implementation, including the lack of understanding of the community and law enforcement officers regarding the limits of the value of losses, the lack of synchronization between this regulation and the Criminal Code, and limited infrastructure in organizing speedy trials. The implementation of Perma Number 2 of 2012 at the Deli Serdang Police has had a positive impact on the efficiency of resolving minor crimes, but still requires optimization through wider socialization, increased coordination between law enforcers, and improvement of regulations to overcome obstacles in its implementation.

Keywords: Regulation Number 2 of 2012, Minor Criminal Offenses, Deli Serdang Police

Introduction

The Republic of Indonesia is a country of law, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The rule of law itself was born as an idea or to pursue human rights interests (Ekatjahjana, 2015). The realization of a rule of law requires legal means, through laws and regulations to regulate balance and justice in all areas of community life, not to set aside jurisprudence. In the journey of this nation for more than half a century, current law enforcement practices are still based on retributive philosophy and explanation, so that they only focus on output in terms of quantity, namely how many cases are processed against perpetrators who can be imprisoned by law

enforcement officers. The criminal justice system is considered successful if law enforcement officers are able to bring perpetrators of crimes to court to receive punishment.

The criminal justice system in Indonesia faces various challenges, one of which is the high number of cases that must be resolved by law enforcement officers, including minor criminal cases (*tipiring*). Before the issuance of Supreme Court Regulation (Perma) Number 2 of 2012, the provisions regarding minor criminal cases in the Criminal Code The Criminal Code (KUHP) is still limited and less effective in supporting the principles of fast, simple and low-cost justice.

Perma Number 2 of 2012 is here as a solution to adjust the limit of the value of losses in minor criminal cases, namely by increasing the nominal limit from the previous Rp 250 thousand to Rp 2.5 million. With this change, many cases that were previously processed through the regular court mechanism can be handled more quickly, including through the fast trial mechanism. At the Deli Serdang Police, this Perma is applied to various minor criminal cases, such as minor theft, minor assault, and other minor crimes.

However, in its implementation, there are still various obstacles, such as the lack of understanding of the community and law enforcement officers about this regulation, the lack of synchronization with the Criminal Code, and limitations in the implementation of fast trials. Therefore, this study is important to evaluate how the implementation of Perma Number 2 of 2012 at Polresta Deli Serdang, including its effectiveness in reducing the burden of justice and the obstacles that arise in its implementation.

The law enforcement paradigm based on retributive philosophy not only feels unfair but can disrupt the sense of peace and justice of society. The idea that criminal cases can only be handled through the courts and the theory of punishment (*retributive*) has turned out to cause many problems and negative impacts. Therefore, a change in approach is needed, where the handling of criminal cases outside the courts is based on the principle of restorative *justice*.

The criminal justice system (SPP) in resolving criminal cases currently tends to only pay attention to the rights of the perpetrators, but the rights of the victims receive less attention, so that criminal law seems to provide more protection for the rights of the perpetrators (Suarna, 2012). So restorative justice can be a solution in resolving criminal problems. This aims to seek criminal law reform.

When talking about the legality of restorative justice, this concept can be found related to minor crimes, namely in the Joint Memorandum of Understanding (Nokesber) of the Chief Justice, Minister of Law and Human Rights, Attorney General and Chief of Police of the Republic of Indonesia concerning the Implementation of the Application of Adjustments to the Limits of Criminal Offenses and the Amount of Fines, Speedy Examination Procedures, and the Application of Restorative Justice. This Joint Memorandum of Understanding (Nokesber) is an implementation of the Supreme Court Regulation (PERMA) Number 2 of 2012 concerning Adjustments to the Limits of Minor Criminal Offenses and the Amount of Fines in the Criminal Code (Syamsuddin, 2024).

PERMA and the Chief of Police Regulation regulate cases that are considered minor crimes and strive for restorative justice for minor crimes to be resolved at the police level. Therefore, minor criminal cases should be handled with restorative justice. However, on the other hand, law enforcement officers instead choose the path of litigation with

imprisonment to resolve it. Ironically, the concept of restorative justice has been agreed upon by law enforcement officers, but in reality it has not been implemented optimally.

Methodology

Types of research

This type of research is normative legal research, namely by using a statutory regulatory approach. The focus of normative legal research, in accordance with the unique character of legal science, lies in the legal review or legal study of positive law, which includes three layers of legal science, consisting of legal dogmatics review, namely the review carried out on identification in positive law, especially statutes. While at the level of legal theory, a review is carried out on theories that can be used (Juszczak, 2019). The type of research in this study is normative legal research that critically and comprehensively examines the legal enforcement of traffic violations.

Problem Approach

The problem approach used in this study is the statutory regulatory approach. The statutory regulatory approach *is used* because what will be studied is the legal rules related to this study. This approach is carried out by examining all laws and regulations related to police discretion through penal mediation. This approach requires understanding the hierarchy and principles of laws and regulations.

Source of Legal Material

Primary legal materials consist of laws and government regulations, court decisions that have permanent legal force, other related regulations such as the Criminal Code, Criminal Procedure Code. Secondary legal materials are materials that provide explanations regarding primary legal materials such as research, proceedings related to research. Tertiary legal materials are materials that provide instructions or explanations for primary legal materials and secondary materials such as dictionaries, encyclopedias (wikipedia) and tables related to the object of research.

Result and Discussion

Implementation of Perma Number 2 of 2012 Against Minor Crime Offenders at Deli Serdang Police

Based on Law Number 12 of 2011 concerning the Formation of Legislation, it is stated in the explanation of Article 7 paragraph (2) that in this provision, what is meant by "hierarchy" is the hierarchy of each type of Legislation based on the principle that lower Legislation may not conflict with higher Legislation. This Regulation was issued as a form of adjustment to the limits on the value of losses in minor crimes and the amount of fines as regulated in the Criminal Code (KUHP). Before this Regulation, the limits on the value of losses in the articles of the Criminal Code that regulate minor crimes were still very low, namely IDR 250 based on Staatsblad 1932 Number 415. With the issuance of Regulation Number 2 of 2012, the limit on the value of losses in minor crimes was increased to IDR 2,500,000. This aims to:

- Reducing the burden on the judiciary by speeding up the legal process for perpetrators of minor crimes.
- Providing more proportional justice for perpetrators who commit crimes with small losses.
- Enables the application of restorative justice *in* resolving minor criminal cases.

Legal Basis for the Implementation of Perma Number 2 of 2012 Several articles in the Criminal Code relating to minor crimes include:

- a. Article 364 of the Criminal Code (Minor theft)
- b. Article 373 of the Criminal Code (Minor embezzlement)
- c. Article 379 of the Criminal Code (Minor Fraud)
- d. Article 482 of the Criminal Code (Light receiving)

In Perma Number 2 of 2012, it is stated that minor criminal cases must be resolved using a fast examination mechanism in accordance with Articles 205 to 210 of the Criminal Procedure Code. Implementation at Polresta Deli Serdang At the police level, including Polresta Deli Serdang, the implementation of this Perma still faces several challenges and dynamics. Some of the main points in its implementation are:

Mechanism for Handling Minor Crimes

1. Case Screening Upon receiving a report, the police will assess whether the case falls into the category of minor crimes based on the value of the loss below Rp2,500,000. If it meets the criteria, the case will be directed to be resolved through a speedy examination.
2. Quick Examination Cases will be handled without going through a long investigation process and will be resolved in a shorter time in court. The perpetrator can be subject to a fine or light imprisonment.
3. Implementation of Restorative Justice In some cases, the police try to reconcile the perpetrator and victim with a restorative justice approach. If both parties agree to reconcile and the perpetrator is willing to compensate, then the case can be stopped through the restorative justice mechanism.

Efforts to Increase the Effectiveness of the Implementation of Perma Number 2 of 2012 at the Deli Serdang Police Department In order for the implementation of this Perma to be more effective, several concrete steps are needed, including:

- a. Increased Socialization and Training Providing special training to police officers on procedures for resolving minor crimes. Socialization to the community so that they understand their rights and obligations in the legal process for minor crimes.
- b. Strengthening the Implementation of Restorative Justice Encourage police officers to use restorative justice mechanisms more often in resolving cases. Facilitate dialogue between perpetrators and victims so that they can reach a fairer agreement for both parties.
- c. Monitoring and Evaluation Monitoring minor criminal cases to ensure that the rapid examination mechanism is implemented properly. Avoiding the practice of abuse of authority, such as excessive criminalization of perpetrators.

The implementation of Perma Number 2 of 2012 at Polresta Deli Serdang is a step forward in the criminal justice system in Indonesia. However, in practice it still faces various challenges, especially in the understanding of police officers, pressure from the community, and the limitations of the application of restorative justice. With the increase socialization, training, and strengthening of restorative justice mechanisms, it is hoped that the implementation of this Perma can run more effectively and in accordance with the principles of justice and legal efficiency (Woźniakowska, 2023).

Obstacles faced by Deli Serdang Police in implementing Perma Number 2 of 2012 against perpetrators of minor crimes

Supreme Court Regulation (Perma) Number 2 of 2012 was issued to adjust the value limit for losses from minor criminal **acts**, and ensure that resolution is carried out through **rapid inspection** in accordance with Article 205–210 of the Criminal Procedure Code. However, although this regulation aims to accelerate the judicial process and reduce the burden on law enforcement, its implementation in the field still faces many obstacles, especially at the police level, including at the Deli Serdang Police. The following are some of the main obstacles faced by the police in implementing this Perma:

- a. Lack of Socialization and Understanding of Law Enforcement Officers, The lack of understanding of police officers regarding the contents and procedures in Perma No. 2 of 2012 has caused inconsistencies in the application of this regulation. Most police officers still use the old approach, where every minor crime is still processed through a long investigation mechanism, even though it should be sufficient to use a quick examination mechanism. The lack of training for police personnel has caused many cases of minor crimes to still be processed as serious crimes.
- b. Pressure from the Community and the Reporter. Many victims reject a quick resolution or restorative justice approach, because they want to see the perpetrator receive a heavier sentence. Pressure from the community often makes the police feel uncomfortable in using the mechanism of Perma Number 2 of 2012, because they are worried about being considered indecisive in handling the case. Some victims have high emotions, so they demand the perpetrator be punished as severely as possible even though the value of the loss is below Rp 2,500,000.
- c. The Implementation of Restorative Justice is Not Optimal. Although restorative justice is a recommended approach in resolving minor crimes, in practice it is still rarely implemented by the police. Many law enforcement officers still believe that the criminal process must continue without considering alternative peaceful resolutions between the perpetrator and the victim. The lack of effective mediation between the perpetrator and the victim makes the restorative justice approach difficult to implement.
- d. Technical Constraints in Rapid Examination. Lack of infrastructure and human resources at the Deli Serdang Police Department means that not all cases can be processed using the rapid examination mechanism as regulated in Perma Number 2 of 2012. The long bureaucratic process in implementing rapid examination often hinders the effectiveness of implementing this rule. In some cases, the rapid examination trial schedule is not always available, so that minor criminal cases still have to wait for the trial queue in court.

- e. Lack of Coordination with the Courts and the Prosecutor's Office. The implementation of this Perma requires good coordination between the police, the prosecutor's office, and the courts. However, in practice, there is still often a communication gap between these three institutions. Sometimes, prosecutors or judges still ask for complete case files, so the police still have to conduct an investigation even though the case is categorized as a minor crime.
- f. Abuse of Authority In some cases, there are officers who continue to abuse their authority by using minor criminal cases as an opportunity to gain personal gain through extortion or extortion. Lack of supervision has resulted in police officers still handling minor criminal acts with an excessive criminalization approach towards the perpetrators.
- g. Not All Offenders Meet the Requirements for a Quick Examination. In some cases, even though the value of the loss has met the limit of under Rp2,500,000, the perpetrators of minor crimes have previous criminal records, so they are still processed using the regular mechanism. If the perpetrator repeats the crime more than once, the police often do not apply a quick examination and continue the case through a full investigation mechanism.

To overcome the obstacles mentioned above, several steps can be taken to make the implementation of Perma Number 2 of 2012 at the Deli Serdang Police more effective:

- a. Improving Socialization and Training for Police Officers. The police need to hold special training on the implementation of Perma Number 2 of 2012 for all personnel at Polresta Deli Serdang. Internal socialization must be carried out to ensure that every member of the police understands the rules and mechanisms of rapid inspection.
- b. Building Public and Reporter Understanding. The public needs to be educated about the objectives and benefits of Perma Number 2 of 2012, so that they understand that not all cases must be resolved through a long legal process. Police can engage in more active mediation to help victims and perpetrators reach a fairer agreement.
- c. Optimizing Restorative Justice. The police need to work with community leaders, religious leaders, and legal aid institutions to help mediate minor criminal cases. The police must be more proactive in encouraging peaceful resolution through mediation, especially in cases that can be resolved through restorative justice mechanisms.
- d. Improved Coordination with the Courts and the Prosecutor's Office. Building a better communication system between the Deli Serdang Police, the Prosecutor's Office State, and District Court, so that the rapid examination mechanism can run more smoothly. The police must receive full support from the prosecutor's office and the courts so that there are no obstacles in implementing this Perma.
- e. Periodic Supervision and Evaluation. Implementation of strict supervision of police officers handling minor crimes to prevent abuse of authority. Periodic evaluation to ensure that Perma Number 2 of 2012 is truly implemented in accordance with legal provisions.

The implementation of Perma Number 2 of 2012 at the Deli Serdang Police Department faces various obstacles, ranging from a lack of understanding from officers, pressure from the community, less than optimal implementation of restorative justice, to problems of coordination between law enforcement agencies. To overcome these obstacles, there needs to be wider socialization, police training, public education, optimization of restorative justice, and increased coordination between legal institutions (Yuan, 2020). With these steps, it is hoped that the implementation of this Perma can run more effectively and in accordance with the principles of fast, cheap, and simple justice.

Conclusion

The implementation of Supreme Court Regulation (Perma) Number 2 of 2012 against perpetrators of minor crimes at the Deli Serdang Police Headquarters aims to accelerate the legal process through a rapid examination mechanism, as well as provide more proportional justice by considering the *restorative justice approach*. However, in practice, the implementation of this Perma still faces various obstacles, including the lack of understanding of the police, which causes many minor crimes to still be processed with a full investigation mechanism. Pressure from the community and victims, who want a more severe legal process for the perpetrators even though the case is categorized as minor. The less than optimal implementation of restorative justice, due to the lack of mediation facilities and the lack of awareness of the benefits of peaceful resolution (O'Malley, 2022). In order for the implementation of this Perma to be more effective, further socialization and training for police officers, increased public education, optimization of the restorative justice approach, and strengthening of coordination between the police, prosecutors, and courts are needed. With these steps, it is hoped that the implementation of Perma Number 2 of 2012 at the Deli Serdang Police can run more optimally, so that the criminal justice system can be more efficient, fair, and not burden law enforcement officers with minor cases that should be resolved more quickly and simply.

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