ABSTRACT

At the beginning of 2012, the Supreme Court issued the Supreme Court Regulation Number 2 of 2012 on Adjustment of Limits on Criminal Acts and the amount of fines in the Criminal Code as a form of realization of its regulatory functions. This regimen deals with the provisions of minor criminal offenses and penalties in the Criminal Code which are no longer applicable at this time. Supreme Court Regulation Number 2 Year 2012 is in essence adjust the value of the rupiah is no longer in accordance with the times. Based on the general explanation of the Supreme Court Regulation that the Supreme Court Regulation was issued in order to reinstate the petty criminal clauses, to reduce the accumulation of cases in the Supreme Court and to reduce the overcapacity of prisons. With the enactment of the Supreme Court of Regulation., then the perpetrators of minor criminal offenses can not be subject to detention because they no longer meet the conditions of detention as provided in the Criminal Procedure Code. Thus the juridical grounds of detention fall by themselves so as to reduce the burden of the penitentiary that holds the number of prisoners.

Keywords: Mild Criminal Act, Regulation of the Supreme Court

Introduction

Since the reform era in recent years there has been anxiety and legal analysis of the rampant cases of theft of flip flops, a watermelon, mobile phone prime number, and the like that the perpetrator is punished as a criminal act of theft. Though the events were background because of forced and not intentional.

Flip-flops and watermelons stolen out of necessity. While the phone number obtained (not stolen) when the brawl occurred. However, because of applying Article 362 of the Criminal Code "anyone who takes an object, wholly or partly belongs to another person, with the intention of possessing it unlawfully, shall be liable for theft with a maximum imprisonment of five years or a fine of not more than nine hundred rupiah".

Article 363 paragraph (1) point (2) of the Criminal Code: "Theft in times of fire, explosion, flood, earthquake, or sea quake, volcanic eruption, shipwreck, stranded vessels, railroad accidents, insurrection riots or danger of war threatened with a maximum imprisonment of seven years ".

If based on the provisions of the criminal law, thieves flip-flops, watermelons, guava and the like will be punished. When examined on the other hand in relation to the case of watermelon theft, the party who has beside the friend of the perpetrator, has also give up watermelon eaten, but must be processed law. The officer did not release him on the grounds, forgiving not to eliminate criminal acts. thieving sandals filed by police officers, watermelon thieves caught by the people are still thieves who must be punished.

If the cases described above have to be processed by law, then there will be a dilemma against the law itself for the purposes of which the criminal law is enforced. The next selection there is no legal basis for cases that are committed or forced and unintentionally done is not processed by law. even if the law must be processed, actually how to keep rely on the sense of justice with fast legal process and cheap. Such cases are well mediated so that the legal order reaches its substance fulfills a sense of justice for both the perpetrator and the victim.1

Handboek Van Het Nederlandsch-Indische Strafrecht written in 1946, JE. Jonker stated that a minor criminal offense is a criminal law provision that applies only in the Dutch East Indies, as it is not found in the WVS equivalent in the Netherlands. Even before this crime was later regarded as a minor criminal offense, the crimes before 1918 were ruled as a violation of the Dutch East Indies WvS (KUHP).

The Criminal Code is a legislation of Dutch colonial legislation which is a positive law to date, which regulates a crime in general either classified as a minor crime or a serious crime, as well as the Criminal Procedure Code or formal criminal law that serves to enforce the law material punishment, of course many rules that are no longer appropriate with current development conditions in the era of globalization and technology so sophisticated. One of the things that is not appropriate is the value of money contained in the Criminal Code that is not in accordance with current conditions.

Sections 364, 373, 379, 384, 407 and 482 of the Indonesian Criminal Code clearly state that a case can be categorized as a minor crime if it concerns the value of money below Rp. 250.00, such a small value applies when the Criminal Code is applied in

Indonesia that is in the Dutch colonial era and changed in the 1960s, when compared with now value Rp. 250.00, obviously very small when used as a measure in a loss. The number of cases that are actually minor crimes but enacted as ordinary crimes and get a great response from the community because it is perceived to poke the values that live in the midst of society. Many of the theft cases tried in court are based on Article 362 of the Criminal Code, while the stolen goods are deemed unfavorable to the criminal penalty of maximum 5 years imprisonment. The reason if theft is based on Article 364 KUH about light theft which threatens maximum penalty 3 months in prison, of course the value of the goods should not exceed from Rp. 250.00. Therefore, changes to the Criminal Code become a hope of society to put forward the sense of justice and legal certainty.

On February 28, 2012 the Supreme Court issued Supreme Court Regulation No. 2 of 2012 on adjusting the limits of minor criminal offenses and the amount of fines in the Criminal Code. In the draft of Supreme Court Regulation No. 2 of 2012 Article 1 explained that the words of two hundred and fifty rupiah, in Articles 364, 373, 379, 384, 407, and 482 of the Criminal Code are read into Rp. 2,500.000 - or two million five hundred thousand rupiah. Then in Article 2 paragraph (2) and paragraph (3) explained, if the value of goods or money is worth no more than Rp. 2.5 million.

The issuance of Supreme Court Regulation Number 2 of 2012 on Mild Crimes against perpetrators of theft, fraud, embezzlement, with the amount of losses below Rp.2.5 million, is an attempt to accommodate such cases in legal restoration efforts. But the Supreme Court Regulation invites controversy from several parties. Association Advocat Indonesia (Peradi) even considered that the Supreme Court Regulation No. 2 of 2012 is a policy that is contrary to the law.

The Supreme Court issued Supreme Court Regulation No. 2 of 2012 on Adjustment of Limitations of Criminal Acts and the Amount of Penalties in the Criminal Code, essentially to settle the interpretation of the value of money in tipping cases. The regulation not only gives relief to Supreme Court justices at work but also makes theft with the value of evidence below Rp. 2.5 million suspects can not be arrested.

Supreme Court Chief Hatta Ali said light criminal cases remained in court, but the settlement was accelerated by a single judge. It is not like the public's assumption that this tipping case is not tried. The only different is the couture. Value Rp. 2.5 million down enough to be tried by a single judge and the settlement of the case is done quickly, no appeal and cassation is required.2

There is a misconception that with this Regulation a criminal offender with a loss value below Rp. 2.5 million are not punished, when in fact the meaning of this rule is not like that. The legal process is still running, only the perpetrators need not be arrested. This is often misunderstood because it is considered a thief under the value of Rp. 2.5 million were not punished. It's not like that because the offender just does not need to be arrested.3

Limitation of Rp. 250 for minor criminal losses as contained in the Criminal Code has been considered less precise considering the value of Rp. 250 is maintained since 1960 which of course now has different conditions. It is therefore not surprising that during this time many distressing cases such as boys who took sandals, grandmothers who took some cocoa should be detained during the legal process. To apply the Supreme Court Regulation No. 2 of 2002 is not only limited to the value of goods stolen also when and who the perpetrators.

Law Rules of Issuance of the Supreme Court Regulation (Perma) Number 2 of 2012

The Supreme Court has the function of regulation or regelende function or rule making power. This function is granted under Article 79 of Law Number 14 Year 1985 regarding the Supreme Court which affirms: “The Supreme Court may further regulate the matters necessary for the smooth conduct of the judiciary if there are matters which are not sufficiently regulated in this law”

Explanatory Memory Article 79 of the Supreme Court Law states that in the course of the judiciary there is a lack or legal vacuum in one respect, the Supreme Court has the authority to enact regulations as a complement to fill the void. Though glimpsed the Supreme Court is authorized to form legislation or legislative powers. However, such authority differs from the authority to formulate legislation by the legislature. The Supreme Court does not interfere and overrides the rights and obligations of the citizens in general and does not govern the nature, strength of the instruments of proof and the assessment or sharing of burden of proof.

There are two forms of this regulatory function, namely the Circular Letter of the Supreme Court (SEMA) and Supreme Court Regulations (PERMA). Two forms of this legal product must have a difference in terms of objectives of the establishment of:
1. The Circular Letter of the Supreme Court (SEMA) is a form of circulation from the Supreme Court leadership to all levels of the judiciary whose contents constitute guidance in the administration of a more administrative judiciary
2. Regulation of the Supreme Court (PERMA) is a form of regulation from the principle of the Supreme Court to all jurisdictions of certain contents constituting provisions of a legal nature of the law.4

The provisions concerning applicable law in Indonesia are set forth in Law No. 8 of 1981 on Criminal Procedure Law and is considered a masterpiece. However, the arrangements contained in these provisions have not been fully aligned with the rules on

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2 Bernard L Tanya, Yoan N Simanjuntak dan Markus Yagr, 2015, Teori Hukum, (Strategi Tertib Manusia Lintas Manusia Ruang dan Generasi), Genda Publishing, Yogyakarta, page 119
4 Zainal Arifin Hoesien, 2016, Kekuasaan Kehakian Indonesia, Setara Press, Malang, page. 162
offenses set forth separately in the Criminal Code (Penal Code). If the provisions of the Criminal Code that are still adapted from the Dutch East Indies regulations have not been adjusted, then automatically the regulations on the Criminal Procedure Code set out in the Criminal Procedure Code can not be applied optimally. Therefore there is often a legal vacuum in the prevailing procedural law practice. Thus the Aung Court through its regulatory functions is expected to fill the legal void.

On one hand this Perma is needed to fill the legal vacuum but on the other hand the authority to issue Perma which in practice serves as a law is contrary to the function of the DPR as a legislative body. These problems will in turn inhibit the role and

There are five roles contained in this Perma that is Perma as a filler of legal vacuum, Perma as a complement to the provisions of the law that is less clear about something regulating things related to procedural law, Perma as a means of law enforcement and Perma as a source of law for the legal community, in particular the judges in solving technical difficulties in the application of procedural law which is no longer appropriate to the present circumstances.

At the beginning of 2012, the Supreme Court issued the Supreme Court Regulation Number 2 of 2012 on Adjustment of Limits of Criminal Act or Number of Penalties in the Criminal Code as a form of the realization of its regulatory functions. This regiment deals with the provisions of minor criminal offenses and penalties in the Criminal Code which are no longer applicable at this time. As in the current Criminal Code is the result of adaptation of criminal regulations that apply in the Dutch East Indies. The enforcement of the Criminal Code is then ratified by Law No. 1 of 1946 on the Indonesian Penal Code. Value Object in lightweight criminal clauses in those days is only Rp. 25. In 1960, the government issued two government regulation in lieu of legislation governing the adjustment of the value of the object of the case and the penalty in the Criminal Code. Perpu Number 16 of 1960 on some changes in the Criminal Code changed the value of the object of the case in the light criminal act to Rp. 250. The light criminal offenses referred to are among others Article 364, 373, 379, 384, 407 paragraph (1) and 482 of the Criminal Code.

On February 27, 2012, the Supreme Court issued the Supreme Court ruling to reconcile the value of the object of the case in Articles 364, 373, 379, 384, 407 paragraph (1) and 482 of the Criminal Code in order to be effective again applied. Several things that later became the consideration of the issuance of Perma Number 2 Year 2012 are:
1. The value of money in the Criminal Code has not been adjusted since 1960
2. Mild crime can be handled proportionally
3. The change of the Criminal Code takes a long time
4. The value of money since 1960 has experienced a decline of approximately 10,000 times
5. The Perma does not mean to amend the Criminal Code.

Perma Number 2 Year 2012 is in essence adjust the value of the rupiah that is no longer appropriate with the times. This is backgrounded by:
1. The value of the rupiah in the Criminal Code has never been revised since 1960
2. The value of rupiah in the Criminal Code has an effect on:
   a. Fine amount
   b. Limitation of some offenses5

Based on the general explanation in the Perma, there are at least 3 reasons Perma is finally created and issued by the Supreme Court that is re-effective the lightweight criminal clauses, reduce the accumulation of cases in the Supreme Court, and reduce the overcapacity of prisons.

1. Re-enforcing Article of Light Criminal Act
   Article of the criminal offenses set forth in the Criminal Code. The articles in question are Article 302 paragraph (1) on minor maltreatment against animal, Article 352 paragraph (1) on minor maltreatment, Article 364 on light theft, Article 373 on minor embezzlement, Article 379 on minor fraud, Section 384 on fraud in the sale, Article 407 paragraph (1) concerning the destruction of goods, Article 482 concerning minor harassment, and Article 315 on minor insults. Of the nine forms of crime light six of them as suspended animation because it is hard to find the case lately. The criminal offenses referred to are Article 364 concerning minor theft, Article 373 on minor embezzlement, Article 379 on minor fraud, Section 384 concerning fraud in the sale, Article 407 paragraph (1) on the destruction of goods, and Article 482 on minor harvesting.

   The main reason for the difficult implementation of these petty criminal offenses is because of the value of the object of the case set forth in the articles. All articles contain the element value of goods that become the object of the case of Rp. 250 (two hundred and fifty rupiah). The value is certainly not suitable anymore because it is more difficult to find goods whose value is below Rp. 250 (two hundred and fifty rupiah), the value has been adjusted according to Government Regulation No. 16 of 1960 from the previous only worth Rp. 25 (twenty five rupiah)

   The petty crime clusters are tried to be revived through this PERMA to adjust the nilia of the goods. The Supreme Court is guided by the current gold price compared to the prevailing gold price in 1960.

To facilitate the calculation, the Supreme Court then uses the benchmark 10,000 (ten thousand) times. Based on the calculation, the value of goods stipulated in the light criminal act articles in question becomes Rp. 2,500,000 (two million five hundred thousand rupiah). The reason ultimately the Supreme Court uses the gold price benchmark is because no other calculation data is more clear than the calculation using the gold price calculation.

If it is not changed in relation to the value of money when the Criminal Code is made, what is the value of two hundred and fifty rupiahs to be used. Therefore, in the end PERMA aims to change the contents of the Criminal Code but to adjust the value of goods regulated in the Criminal Code with a comparison of the current gold price.

2. Reducing Stacking Cases in the Supreme Court
Judicial power is an independent power to administer justice to uphold law and justice. This is an affirmation given by the 1945 Constitution of Article 24 paragraph (1). The Judicial Power is administered by a Supreme Court and subordinate courts within the courts of general, religious courts, military courts, the administrative court of the state, and by a Constitutional Court. The provision is affirmed in Article 24 paragraph (2) of the 1945 Constitution after the third amendment. Under the aforementioned article the Supreme Court becomes the highest judicial institution. This is similar to what is stipulated in Article 2 of Law Number 14 Year 1985 namely "The Supreme Court is the highest state judiciary of all jurisdictions which in carrying out its duties regardless of government influence and other influences".

The Supreme Court under Article 31 Paragraph (1) of Law Number 14 Year 1985 as amended by Law Number 5 Year 2004 and the second amendment with Law Number 3 Year 2009 has the authority to examine and decide on the appeal petition, dispute over the authority to hear, and a request for a review of a decision which has permanent legal force. In addition, pursuant to Article 3 jo Article 10 of Law Number 22 Year 2010 on Grasi, the Supreme Court is also given the authority to give consideration to the petition for pardon. The administrative authority exercised by the Registrar is cassation, review, pardon and judicial review. While the authority to resolve the dispute over the authority to try and the fatwa petition, the administration is handled by the secretariat of the Supreme Court of the Republic of Indonesia.

3. Reducing Excess Correctivity Capacity
The final reason for the issuance of this Supreme Court Regulation which can be found in the general explanation is related to the overcapacity of prisons. So far the perpetrators of criminal acts whose actions are related to the value of goods below Rp. 2,500,000 (two million five hundred thousand rupiahs) were examined and tried under normal articles so that the examination was carried out on a regular basis. Whereas if this Perma can be applied then the suspect / defendant who commits a criminal act and related to the value of goods under Rp. 2,500,000 (two million five hundred thousand rupiah) can be checked with a quick event because his actions are included in the form of a minor criminal offense under Article 1 of this PERMA. The article is fully affirmed as follows: "The words of two hundred and fifty rupiah" in articles 364, 373, 379, 384, 407 and Article 482 of the Criminal Code are read into Rp. 2,500,000 (two million five hundred thousand rupiah).

With the enactment of this article to the perpetrators of criminal acts with the value of goods under Rp. 2,500,000 (two million five hundred thousand rupiahs) then the examination is done under Article 205 - 210 of the Criminal Code. It is also affirmed in Article 2 Paragraph (2) of this Regulation which asserts as follows:

"If the value of the goods or money is worth no more than 2,500,000 (two million five hundred rupiahs), the President of the Court shall immediately appoint, judge and adjudicate the case with the prompt review provided for in Article 205-210 of the Criminal Procedure Code."

With the enforcement of this PERMA, the perpetrator of a minor criminal offense can not be imprisoned because it no longer meets the conditions of detention.

No more detention of perpetrators is possible because the average maximum imprisonment penalty provided for in Article 364, 373, 379, 384, 407 and 482 KUH is only three months in jail. Thus the juridical grounds of detention fall by themselves so as to reduce the burden of the penitentiary that holds the number of prisoners.

Besides, it is related to the number of prisoners in Indonesia, PERMA is also hoping to make effective reinstatement of criminal alternative in addition to imprisonment, namely the fine penalty. In the lesser offenses of criminal offense other than stipulated on imprisonment also set fines penalties. To re-enable the criminal alternative. This PERMA regulates the penalty of a fine as provided for in Article 3 of this PERMA which affirms "Each maximum penalty imposed in the Criminal Code except for articles 303 paragraphs (1) and (2), 303 bis (1) and (2), is multiplied 1000 times "

Thus the judge who examines and decides cases has alternative options other than imprisonment, which is a fine of 1,000 times the maximum penalty threat imposed. This is of course expected to reduce the number of prisoners inmates who are involved in cases as regulated in Articles 364, 373, 379, 384, 407 and 482 of the Criminal Code.

The process of solving criminal offenses according to the Supreme Court Regulation No. 2 of 2012.
Supreme Court Regulation No. 2 of 2012 adjusts the value of goods in Articles 364, 373, 379, 384, 407 paragraph (1) and 482 of the Criminal Code to Rp. 2,500,000 (two million five hundred thousand rupiah), therefore the case that meets the elements of those articles and contains the value of goods not more than Rp. 2,500,000 (two million five hundred thousand rupiah) is handled by the procedure of settlement of minor crime as regulated in Article 205-210 Criminal Procedure Code.

Thus the case is handled through a speedy examination, with a single judge, procedure of delegation and examination of the case conducted by the investigator himself without interference by the prosecutor. Article 2 paragraph (1) PERMA stipulates that the
Chief Justice must pay attention to the value of goods or money that became the object of the case. In Article 2 paragraph (2) in the PERMA is stipulated that the case with the value of goods or money that became the object of the case not more than Rp. 2,500,000 (two million five hundred thousand rupiah) is checked with a quick inspection.

In criminal cases involved many parties. in the case of settlement of criminal cases are suspects or defendants, investigators, investigators, prosecutors, legal counsel, while judges are neutral parties or impartial parties. these parties are then incorporated in a system of line of sight called the accusatory inspection system. formerly used the system of inquisitors in which the defendant became the object of examination while the judge and prosecutor were on the same side. but on certain matters not all of these parties then face each other in the process of settling cases, such as minor criminal cases. the case of this criminal offense is subject to a quick review.

In addition, the chief judge does not specify the detention or extension of detention if the accused has been accused of previous detention. The handling of the case must have an effect on the integrated criminal justice system because the adjustment of the goods value in Articles 364, 373, 384, 407 paragraph (1) and 482 of the Criminal Code is governed by a Supreme Court Regulation having its own binding position and power as regulated in Law Number 12 Year 2011 on the Establishment of Legislation.

**Constraints in the Implementation of Supreme Court Regulation No. 2 of 2012.**

The obstacles in the implementation of Supreme Court Regulation Number 2 Year 2012 on Adjustment of Limit Criminal Act in Criminal Code are:

1. Constraints arising from legislation. Constraints caused by this rule are published in the form of Supreme Court Regulation, so as not to impact binding to other law enforcement agencies.

2. Constraints arising from the Law Enforcement Agencies namely the number of penalties in the Criminal Code which is considered not maximal, because a number of handling cases of minor crimes are still processed by ordinary examination procedures to appeal the Supreme Court. The impact is that the perpetrators of minor crimes still crowded the penitentiary.

Despite the memorandum of agreement between the Supreme Court and the police, the Attorney General and the Ministry of Law and Human Rights related to the implementation of PERMA No. 2 of 2012. One such understanding is to reduce the accumulation of the number of prisoners and state prisons which have always been overcapacity, in addition to the core of this joint memorandum of understanding is an alternative to restorative justice in solving these types of cases.

The agreed memorandum of understanding should be taken into account by law enforcement officers and may be taken into account in handling minor criminal cases. Whereas if it is categorized as a minor crime case then the trial process uses a quick examination by using a single judge, and the detention is not necessary for the defendant.

If there are concerns by the police and or prosecutor regarding the non-detention of the defendant then in formulating and agreeing the memorandum of agreement should be considered again and do not rush in making decisions. Therefore, on the memorandum of agreement agreed between the Supreme Court, the Attorney General's Office and the Ministry of Justice and Human Rights are immediately followed up by issuing technical guidance for each law enforcement (district court, prosecutor and police) on who is authorized to conduct the examination and immediately socialized so that it can be part of the operational standard of each law enforcement agency.

The emergence of this confusion is expected to be a correction to all parties to the handling of minor criminal cases contained in PERMA No. 2 of 2012 so that the provisions that have been agreed and then stated in PERMA No. 2 of 2012 is passive or can be said "Suri Death Regulation. Because based on the facts contained in the field shows that there is still a district court that handles minor criminal cases by using ordinary examination events that take a long time.

Whereas one of the purposes of the enactment of PERMA No. 2 of 2012 is to maximize the application of restorative justice or restorative justice. In addition, with the examination of the case using a quick examination event it can minimize the large costs used to manage prisoner in prisons or prisons.

**Legal Strength of Protection Against Light Criminal Actors After the enactment of Supreme Court Regulation No. 2 of 2012**

The position of the Supreme Court Regulation in the Indonesian legislation system even though PERMA is in the form of a regulation, it still can not adjust or modify the provisions contained in the Criminal Code. PERMA position under the Criminal Code, so that PERMA can not be implemented maximally because academically considered to be contradictory to the existing legal system.

The authority of the Supreme Court in making PERMA is regulated in 79 of Law Number 3 Year 2009 regarding the second Amendment to Law Number 14 Year 1985 namely "The Supreme Court may further regulate the matters necessary for the smooth conduct of the judiciary if there are matters which not sufficiently regulated in this law ",

From that matter that PERMA is only complementary from every deficiency or gap that exist in the law as well as executor of legislation on it, especially about justice. Thus the Supreme Court must have a strong reason to issue a regulation whose contents are contrary to the above legislation, including the limits of nominal value in determining the classification of minor criminal offenses.
Supreme Court Regulation No. 2 of 2012 is the basis for the courts in prosecuting crimes of minor offenses by means of a quick examination. The background of the birth of PERMA Number 2 Year 2012 can be seen in the general explanation provisions contained in the PERMA. The application of Supreme Court Regulation No. 2 of 2012 in light criminal offenses can be seen in several perspectives in terms of both victims and perpetrators.\(^6\)

The law must be able to balance the interests of both private interests, public interests and social interests so that public order can be achieved. It is clear that legal justice must always consider the interests involved in it. The assumption is interesting because the purpose of the law in general is to realize justice in society, so that for every human being, when, where and in any matter always want to be treated fairly because justice is a fundamental need.

Although substantially PERMA Number 2 Year 2012 on Adjustment of Limit Criminal Act and Number of Penalties in KUH has shown the spirit of achieving justice desired by all circles, but there are various things that become weakness related to the spirit, one of them is the legal product. According to Jimly, if reviewed by nature PERMA is one of the laws and regulations that are special because of the specificity of the power of the material that is only applied internally (internal regeling).\(^7\)

Explicitly stated in the consideration of PERMA No. 2 of 2012 that PERMA is not intended to change the Criminal Code, the Supreme Court only make adjustments to the value of money that is not very in accordance with current conditions. This is intended to facilitate law enforcers, especially judges, to provide justice for the cases on trial. But if you see in the grain of Article-Section then indirectly PERMA is changing the provisions in the Criminal Code and as if it will become Lex Specialis of the Criminal Code in other words regulate the provisions of material.\(^8\)

With the emergence of various issues related to the issuance of PERMA No. 2 of 2012 on Adjustment of Limit Criminal Act and the amount of fines in the Criminal Code it is concluded that the legal protection for the perpetrators of minor crime is not strong enough because the issuance of the law is only issued by the Supreme Court in the form of PERMA which is not binding to all parties except the judge.

In the implementation of law enforcement, especially the police as the first to deal directly with the victim and the perpetrator feels completely wrong, especially when the victim is a society with a small income as well. In this position, the police are difficult to decide the next step. Therefore investigators will attempt to find out the actual events in order to be concluded whether the action is included in the realm of minor crime as regulated by Perma Number 2 of 2012 or not using it.

In the law enforcement process all law enforcement officials should be involved in it without exception. Each party (law enforcement) must perform the obligations set forth in the legislation. However, various problems arise when there is no correspondence between each law enforcement.

When in a law enforcement is only seen from the size of the value of money, especially when the Supreme Court issued the Supreme Court Regulation No. 2 of 2012 on Adjustment of Limit Criminal Act and the amount of fines in the Criminal Code. It will only be partial, not comprehensive and holistic because of the first few things, the facts on the ground show that people have different levels of income, when there are many income differences in each region eg in the city and in the village. After the issuance of PERMA the Supreme Court declared that a new crime could be said Criminal when the number is below Rp. 2.500.000.00. this would implicate the public sense of justice, because PERMA only protects the perpetrator, but can not protect the victim himself. Secondly, the law is not an institution that is completed but something that is realized continuously, therefore when this PERMA issued something new can be said Criminal if the amount is below the range Rp.2.500.000, - but as we know that the value of money fluctuates, it will have implications on the judge's chaos in making decisions to determine the range of money values.

The rule of law in the era of globalization will be far outdated when compared with the previous era, then when the laws and regulations are outdated it must be changed. The experience of law enforcers in enforcing the law should be an issue for the legislature to fill the void of legislation in addition to creating new regulations and improving existing legislation.

**Conclusion**

1. The rule of law underlying the establishment of Supreme Court Regulation No. 2 of 2012 is Law Number 12 Year 2011 concerning the Establishment of Laws and Regulations No. 3 Year 2009 on the Second Amendment to Law Number 14 Year 1985 regarding the Supreme Court . This situation is augmented by the Supreme Court's efforts through its authority to re-enforce the petty criminal article, to reduce the accumulation of cases in the Supreme Court and to reduce the overcapacity of prisons.

2. The process of settlement of minor offenses after the issuance of Supreme Court Regulation No. 2 of 2012 is still not fully effective because it only binds the internal judges under the Supreme Court only, so that other law enforcement officers have no obligation to comply with such regulations, each law enforcement agency has done. Judicial power is


the last key to achieving justice directed by the Supreme Court because the Supreme Court has no authority to force other law enforcement to apply the PERMA.

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