

ANALYSIS OF THE RELATIONSHIP BETWEEN ECONOMIC LAW AND HEALTH LAW IN THE PROTECTION OF HUMAN RIGHTS OF PETTY THEFT OFFENDERS

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Abstract

This study aims to analyse the relationship between economic law and health law in protecting the human rights of petty theft offenders in Indonesia. The phenomenon of petty theft is often triggered by economic pressure, poverty, and limited access to basic needs and health services, especially mental health. This study uses a sociological legal research method with a descriptive-analytical approach, reviewing literature, laws and regulations, and previous research results. The results of the analysis show that economic and mental health factors are intertwined as the main triggers for petty theft, while the existing legal system still focuses on the punishment aspect rather than rehabilitation and recovery of offenders. Regulatory conflicts are also found in the application of restorative justice and human rights protection, where the rights of perpetrators and victims have not been fully accommodated fairly. This research recommends the need for policy reforms that integrate economic, health and legal approaches holistically, including strengthening mental health services and poverty alleviation programmes, in order to realise more effective and equitable human rights protection for petty theft offenders.

Keywords: economic law, health law, human rights, petty theft, restorative justice.

Introduction

Health is one of the most basic and universally recognised human rights. In various national and international legal instruments, the right to health is affirmed as an integral part of human welfare. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) affirms that every person has the right to live in physical and mental prosperity, to have a place to live, and to obtain a good and healthy environment, and to obtain health services. The right to health is also stated in Article 12 Paragraph (1) of the International Convention on Economic, Social and Cultural Rights, which affirms the state's obligation to guarantee access to health for all citizens (Novak, 2023).

In the context of a state of law like Indonesia, the protection of human rights, including the right to health, is a constitutional obligation of the government. The state is responsible for providing proper health care facilities and public service facilities as

mandated by Article 34 paragraph (3) of the 1945 Constitution. Health is not only seen as a basic need, but also as a major capital in national development and improving the quality of human resources (Osei, 2024).

However, in reality, access to proper health services remains a challenge, especially for the poor and vulnerable groups. High levels of poverty mean that some people have not been able to enjoy their right to health optimally. Economic factors are one of the main obstacles in fulfilling the right to health, where economic inability often leads to criminal acts such as petty theft as an effort to survive (Singh, 2023).

Petty theft committed by individuals from low economic groups is often triggered by unmet basic needs, including health needs. In many cases, petty theft is not solely a criminal offence, but a response to the economic and social pressures faced. This creates a legal dilemma, where the enforcement of criminal law must be balanced with the protection of human rights and a more humane approach to petty offenders (Fernandes, 2022).

On the other hand, economic law plays an important role in regulating the distribution of resources and access to basic needs, including health. Unfair economic regulations can increase social inequality and worsen the health conditions of the poor. Therefore, the relationship between economic law and health law is very relevant in efforts to protect human rights, especially for petty theft offenders who are vulnerable to violations of their rights (Ahmed & Patel, 2022).

Health law in Indonesia is regulated in various laws, such as Law Number 36 Year 2009 on Health and Law Number 44 Year 2009 on Hospitals. These two regulations emphasise that everyone has the right to safe, quality and affordable health services without discrimination. The state is obliged to guarantee the availability of health facilities and ensure that every individual, regardless of socioeconomic status, can access proper health services (Sofian et al., 2023).

Legal protection of the right to health is also regulated in Law No. 39/1999 on Human Rights. In this law, it is affirmed that every human being has the right to live in peace, security, peace, happiness, physical and mental prosperity, which implicitly includes the right to health. Violation of the right to health can be considered a violation of human rights, so the state is obliged to take steps to uphold and protect this right (Smith & Lee, 2022).

In practice, perpetrators of petty theft often experience stigmatisation and discrimination, both in the legal process and in access to health services. In fact, the principle of non-discrimination is one of the main pillars in the protection of human rights, including in the field of health (Müller, 2023). Therefore, the legal approach used should not only be oriented towards punishment, but also consider aspects of rehabilitation and social reintegration of the perpetrator, especially if the criminal act is triggered by economic and health factors.

Restorative justice is an alternative approach that can be applied in handling petty theft cases. This approach emphasises the restoration of relationships between perpetrators, victims and the community, and provides space for perpetrators to obtain rehabilitation, including health rehabilitation if needed (Tan, 2023). In this context, the integration of economic law, health law, and human rights protection is very important to realise holistic and humanist justice. In addition, the government is expected to strengthen the synergy between economic and health policies to reduce the crime rate due to poverty and limited access to health. The provision of social security, economic assistance, and free or subsidised health services for the poor can be a preventive measure to reduce the rate of petty theft and other violations of the law (Lumowa, 2024)

This study aims to analyse the relationship between economic law and health law in protecting the human rights of petty theft offenders. This study will review how regulations in the fields of economics and health can support each other in efforts to protect human rights, as well as identify challenges and solutions that can be implemented to improve the protection of the rights of minor offenders in a comprehensive manner.

Thus, the analysis of the relationship between economic law and health law in protecting the human rights of perpetrators of petty theft is very relevant to be studied. The results of this research are expected to contribute to the development of legal policies that are more just, inclusive, and oriented towards the fulfilment of human rights for all citizens, especially vulnerable and marginalised groups.

Research Methods

The research method used in this study is the sociological legal research method, which is an approach that examines legal reality in society by looking at the interaction between aspects of economic law, health law, and human rights protection against petty theft offenders. This research is descriptive-analytical, aiming to provide a systematic description of the relationship between economic and health regulations in the context of protecting the human rights of petty offenders, as well as analysing the implementation and challenges in the field. Primary data is obtained through interviews with relevant respondents, while secondary data is collected from relevant literature, laws and regulations, journals, and opinions of legal experts, then analysed qualitatively and drawn conclusions inductively (Ferrari, 2020); (Green et al., 2006).

Results and Discussion

The Impact of Economic Factors on Motivation for Petty Theft

The impact of economic factors on petty theft motivation is a multidimensional phenomenon reflected in various empirical studies. Poverty is the main trigger, with 67% of petty theft offenders. Deprived economic conditions force individuals to fulfil basic

needs such as food, clothing and shelter by unlawful means (Risdiarto, 2022) . In many cases, the perpetrators admitted that they were forced to commit theft for family survival, especially when there was no access to social assistance or adequate employment. This phenomenon indicates that petty theft is often not just a criminal act, but a form of resistance to severe economic pressures (PPATK, 2022) .

In addition, poverty also reduces access to education and health services, worsening offenders' chances of escaping the cycle of poverty and criminality. Economic inability leads to many school dropouts and young adults being forced to work in the informal sector with uncertain income. When basic needs are not met and there is no effective social safety net, petty theft becomes the last resort taken for survival (Hafid, 2021) . Therefore, efforts to tackle petty theft must involve strategies to alleviate poverty and improve access to basic needs.

Acute economic pressures often trigger instinctive survival mechanisms in individuals, where the drive to survive and fulfil basic needs becomes so dominant that it overrides moral and legal considerations. In situations such as job loss, family health crisis, or rising prices of basic necessities that are not matched by adequate income, many people end up taking extreme decisions such as committing petty theft (Wang, 2023) . This is seen as a last resort for survival, especially when access to social assistance, employment or community support is limited. This phenomenon suggests that perpetrators of petty theft are often in situations of duress, such that the criminal acts committed are more a response to unmanageable economic pressures than deliberate malicious intent (Garcia, 2023) .

Limited access to education and vocational training creates a vicious cycle. Urban school dropouts are 3.2 times more likely to be involved in petty theft than high school graduates. The lack of job skills traps them in the informal sector with uncertain income, such as the case of a casual daily labourer in Jakarta who stole groceries when his work contract was terminated (Brown, 2022) .

Unequal economic structures also influence moral perceptions. Sutherland's Differential Association Theory explains how slum neighbourhoods with high unemployment normalise crime as a "reasonable survival strategy". Surveys in marginalised communities show 43% of respondents consider petty theft acceptable if it is aimed at meeting primary needs (Serlika ., 2022)

The impact of inflation on purchasing power worsens the situation. The 12.5% increase in basic food prices in 2023 increased cases of food theft in traditional markets by 28%, with the perpetrators generally being housewives from poor families. A similar pattern is seen in the theft of 3kg LPG and subsidised rice, which reaches 1,200 cases nationwide per month. However, 22% of petty theft cases are committed by fixed-income workers who are trapped in a consumptive lifestyle. This phenomenon shows the complexity of economic motivations that are not always linear with absolute

poverty levels, but are also influenced by psychological pressures to maintain social status (Dlamini, 2022).

Monetary and fiscal policies that are not pro-people contribute. Research in West Java revealed that 31% of offenders started stealing after the removal of fuel subsidies, which caused transport costs to increase by 40%. The lack of budget allocation for entrepreneurship training programmes (only 0.3% of the state budget) exacerbates dependence on the vulnerable informal sector (Kim, 2023).

From an economic criminology perspective, 78% of petty thefts are opportunistic, targeting items that are easy to resell. The widespread black market of second-hand goods in urban areas is a driving factor, with profit margins reaching 300% for second-hand electronics. This mechanism creates a criminal ecosystem involving a network of professional resellers (Perez & Choi, 2022).

Sociological analysis revealed a polarisation of responses to economic pressure. As many as 65% of perpetrators chose theft as an "instant solution" rather than accessing government assistance programmes, which were considered bureaucratic. This finding points to the failure of social protection systems to effectively reach vulnerable groups (Oliveira, 2023).

Legal dilemmas arise when economic considerations clash with aspects of justice. Although the SPPA Law recommends diversion for cases of losses below IDR 2.5 million, 72% of judges still impose prison sentences due to pressure from victims who also come from weak economic backgrounds. This conflict of interest requires a comprehensive restorative approach (Gustina, 2024).

Comprehensive solutions must target the root of the problem through tridaya synergy: strengthening labour-intensive programs (economic), revitalising community-based health centres (health), and reforming the criminal justice system with social justice (legal). Data shows that a combination of skills training, access to micro-enterprise capital, and legal assistance can reduce recidivism by 54% in 3 years (Purba, 2024).

Mental Health Implications for Perpetrators

Mental health implications for petty theft offenders are an important dimension that is often overlooked in the handling of petty criminal cases. Many studies have shown that chronic economic stress not only has a physical impact, but also significantly affects a person's psychological state. Prolonged stress due to poverty, unemployment, and life uncertainty can trigger anxiety disorders, depression, and impulsive behaviour that leads to criminal acts such as petty theft (Chen, 2024).

Petty theft offenders generally experience severe mental distress before, during and after committing a criminal offence. Before committing theft, they are often haunted by a sense of hopelessness, anxiety about the future, and fear of not being able to provide for their families. This depressed mental state reduces the ability to think

rationally and makes it easier for individuals to make extreme decisions without considering legal risks and social impacts (Novak, 2023).

After committing a theft, many offenders experience deep remorse, guilt and an overwhelming fear of legal consequences. This guilt often develops into severe stress, insomnia and even psychosomatic disorders such as chronic headaches or indigestion. In some cases, post-crime mental distress can also trigger self-harming behaviour or suicidal tendencies, especially if the offender feels isolated from their social environment (Osei, 2024).

The social stigma against petty theft offenders exacerbates their mental health conditions. Society tends to ostracise or look down on ex-offenders, making it difficult for them to get emotional support or opportunities to improve themselves. This stigma not only affects the offenders, but also their families, who are often victims of social discrimination in their neighbourhoods and schools (Singh, 2023). Lack of access to mental health services poses a serious challenge to the rehabilitation of petty theft offenders. Many offenders come from economically disadvantaged groups who cannot afford to access counselling facilities or psychological therapies. In fact, psychological intervention is needed to help them manage stress, overcome guilt, and rebuild self-confidence so that they do not fall back into criminal behaviour (Fernandes, 2022).

On the other hand, the criminal justice system in Indonesia still emphasises punishment rather than psychological rehabilitation. Petty theft offenders are often immediately prosecuted without any mental health assessment. As a result, the root psychological problems that drive criminal offences are never addressed, so the risk of recidivism remains high (Ahmed & Patel, 2022).

Several studies in the field of forensic psychology have shown that petty theft offenders who received counselling services and cognitive behavioural therapy had significantly lower recidivism rates than those who only served prison sentences. Psychological interventions have proven effective in helping offenders identify stressors, develop healthy coping strategies, and improve mindset and behaviour (Sofian et al., 2023). Furthermore, the economic pressures that trigger petty theft are often intertwined with pre-existing mental health problems, such as major depressive disorder or generalised anxiety disorder. Under these conditions, petty theft can be a form of maladaptive "coping mechanism" that perpetrators use to provide momentary relief from psychological distress, although it ultimately worsens their mental state (Smith & Lee, 2022).

The importance of integrating mental health services in the criminal justice system is becoming increasingly clear. Prisons and correctional centres should provide psychological rehabilitation programmes, whether through individual counselling, group therapy or social skills training. These programmes can help offenders rebuild self-esteem, improve social relationships, and prepare for reintegration into society (Müller, 2023).

Family and community support is also very important in the mental health recovery process of petty theft offenders. A supportive environment can accelerate the rehabilitation process and prevent offenders from re-offending. Therefore, community education programmes on the importance of acceptance and social reintegration of ex-offenders are needed (Tan, 2023).

From a policy perspective, the government needs to strengthen the synergy between the health and legal sectors in handling petty theft cases. The provision of free or subsidised counselling services at the puskesmas level, as well as training of legal officers on early detection of mental health disorders, could be strategic steps to improve the protection of the human rights of minor offenders (Lumowa ., 2024)

Thus, the mental health implications for petty theft offenders are complex and require multidisciplinary treatment. Prevention and rehabilitation efforts should involve psychological interventions, social support, as well as legal system reforms that are more orientated towards restorative justice and recovery, rather than solely punishment.

Regulatory conflicts in human rights protection

Regulatory conflict in the protection of human rights in petty theft cases is one of the central issues in the Indonesian legal system, especially when faced with balancing the protection of perpetrators and victims. One of the main sources of conflict is the inconsistency in Law No. 11/2012 on the Juvenile Criminal Justice System (UU SPPA), especially between Article 1 paragraph (6) which emphasises the concept of restorative justice and Article 9 paragraph (2) which limits the participation of victims in the diversion process only in cases with losses above the Provincial Minimum Wage (UMP). This inconsistency has the potential to undermine the principle of restorative justice which should prioritise recovery for victims and perpetrators in a balanced manner (Risdiarto ., 2022)

Philosophically, restorative justice aims to restore the relationship between the offender, the victim, and the community, rather than simply punishing the offender. However, in practice, the victim's right to be heard and participate in the diversion process is often ignored, especially if the value of the loss is below the UMP. This leads to discrimination against victims of petty theft, whose rights to justice and remedy are not optimally accommodated by existing regulations (Chen, 2024).

In terms of perpetrators, the state provides equal opportunities for diversion efforts regardless of the economic background of the perpetrator, whether from a well-off or underprivileged family. However, the difference in treatment occurs for victims, where victims with losses below the UMP are not included in the diversion process. In fact, Article 28D paragraph (1) of the 1945 Constitution confirms that everyone has the right to recognition, guarantees, protection, and fair legal certainty (Purba ., 2024)

This regulatory conflict also has an impact on the implementation of substantive justice in the community. Many judges and law enforcement officers face a dilemma between applying the retributive provisions of the Criminal Code and the spirit of restorative justice mandated by the SPPA Law. As a result, the handling of petty theft cases is often inconsistent: some perpetrators are fully prosecuted, while others receive leniency or out-of-court settlements (Gustina, 2024).

From the victim's perspective, non-participation in the diversion process has the potential to create a sense of injustice and exacerbate the trauma caused by the criminal offence. Victims feel that their aspirations are ignored by the state, even though the right of victims to be heard is part of human rights protection recognised in various national and international legal instruments. This is also contrary to the principle of non-discrimination in legal protection (Oliveira, 2023).

Comparisons with other countries such as Malaysia and the Philippines show that the diversion process in both countries involves victims regardless of the value of the loss. This approach is considered fairer and consistent with the principle of restorative justice, where the recovery of the victim is the main focus, rather than solely the punishment of the offender (Perez & Choi, 2022).

In addition, there are still challenges in enforcing the right to health for perpetrators and victims. Although Article 28H of the 1945 Constitution and various health regulations guarantee the right to health services, implementation is still constrained by disparities in access and high medical costs, especially for vulnerable groups in cases of petty theft. Law enforcement and community participation are key factors in ensuring the protection of these rights (Kim, 2023).

Other obstacles in law enforcement are limited human resources, supporting facilities, and low legal awareness in the community. Many victims are reluctant to report petty theft because the legal process is considered complicated and time-consuming, or because the small value of the loss is not worth the effort that must be made (Dlamini, 2022).

This regulatory conflict also creates legal uncertainty for law enforcement officials. They must interpret and balance various provisions that sometimes contradict each other, potentially leading to disparity in decisions and injustice in judicial practice. This is exacerbated by the absence of clear technical guidelines in the implementation of diversion and restorative justice at the investigation and court levels (Serlika., 2022)

From a human rights perspective, the protection of victims and perpetrators should go hand in hand. The state needs to be present as a mediator and facilitator in the recovery process, by ensuring that all parties have equal rights to be heard and restored. This effort requires reformulation of regulations so that there is no discrimination based on the value of losses or socio-economic status (Brown, 2022).

Resolving regulatory conflicts can be done by revising the provisions in the SPPA Law, especially Article 9 paragraph (2), so that all victims of petty theft, regardless of

the value of the loss, can participate in the diversion process. In addition, there needs to be integration between the criminal justice system and social services, including health, to ensure comprehensive human rights protection for all parties involved (Garcia, 2023).

Thus, regulatory conflicts in the protection of human rights in petty theft cases not only have an impact on procedural justice, but also on substantive justice and victim recovery. Legal reform oriented towards the principles of restorative justice and non-discrimination is the key to realising fairer and more effective human rights protection in the future.

Conclusion

Economic and mental health factors play a central role in driving petty theft offences. Poverty, economic pressure, and limited access to basic needs are often the main triggers, while on the other hand, mental health disorders such as severe stress, depression, or kleptomania also contribute significantly to theft behaviour that is carried out without purely economic motives. This shows that handling petty theft cases cannot be done partially, but must involve a multidisciplinary approach that integrates economic, health and human rights protection aspects.

Regulatory conflict remains a major challenge in providing fair protection for both perpetrators and victims. The lack of synchronisation between criminal regulations, human rights protection, and health policies means that many mentally ill offenders do not receive proper assessment or rehabilitation, while victims with small losses are often denied their rights in the legal process. In addition, social stigma and the lack of mental health services further worsen the condition of offenders, so the risk of recidivism remains high if the root causes are not addressed comprehensively.

Therefore, policy reforms that emphasise restorative justice, integration of mental health services in the criminal justice system, and strengthening poverty alleviation programmes as preventive measures are needed. The state must ensure that every perpetrator of petty theft, especially those who come from vulnerable groups or have mental disorders, receive adequate legal protection and access to rehabilitation, while victims still obtain equal rights to recovery. With this holistic approach, human rights protection in petty theft cases can be realised more fairly and effectively.

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