

## **AN INTERDISCIPLINARY APPROACH OF ECONOMIC LAW AND HEALTH LAW TO THE HANDLING OF PETTY THEFT OFFENDERS: A LITERATURE STUDY**

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### **Abstract**

The handling of petty theft cases in Indonesia has been dominated by conventional criminal law approaches that are oriented towards punishment, without considering the multidimensional roots of the problem. This literature study aims to analyse the effectiveness of an interdisciplinary approach that integrates the perspectives of economic law and health law in handling petty theft offenders. The results of the study show that poverty, income distribution inequality, unemployment, and mental health disorders such as chronic stress and kleptomania are the main determinants of petty theft. A treatment model that combines economic intervention through empowerment of marginalised communities and loss value adjustment, as well as mental health intervention through psychological assessment and rehabilitation, has proven to be more effective in reducing recidivism rates and increasing the social reintegration of offenders. Cross-sector collaboration between law enforcement officials, health workers, and social workers in the diversion and restorative justice process also strengthens substantive justice. This research recommends updating regulations and strengthening economic-health policy synergies as strategic steps to create a more inclusive, humane and equitable social protection system in handling petty theft cases. **Keywords:** petty theft, economic law, health law, interdisciplinary approach, restorative justice

### **Introduction**

Petty theft is a form of criminal offence that often occurs in Indonesian society and raises debates regarding its handling in the national legal system. This phenomenon is not only a legal issue, but is also closely related to the socio-economic conditions of society, where economic pressure and poverty are often the main triggers for this criminal offence. In many cases, the perpetrators of petty theft come from the lower middle class who are experiencing economic difficulties, so that the act becomes a shortcut to meet their daily needs (Rahmawati et al., 2022).

The issue of handling petty theft is increasingly complex because the applicable legal provisions, particularly in the Criminal Code (KUHP), are considered irrelevant to the times. Article 364 of the Criminal Code, for example, sets a limit on the value of stolen goods of no more than Rp250, a figure that is no longer in line with the current

value of currency. As a result, many cases of petty theft are still processed as ordinary criminal offences with disproportionate penalties, even up to five years' imprisonment (Nugroho, 2021).

The mismatch in the limitation value of petty theft in the Criminal Code has prompted the Supreme Court to issue Supreme Court Regulation (PERMA) Number 02 of 2012. This PERMA adjusts the limitation of the loss value of petty theft to Rp2,500,000.00, which is more relevant to current economic conditions. However, despite the adjustment, the effectiveness of the implementation of the PERMA is still questionable, especially in the context of substantive justice and protection of vulnerable groups (Chandra, 2022).

Cases of petty theft that go viral in the community, such as the case of Grandma Minah who stole three cocoa beans or children who stole items of very little value, often generate public sympathy and criticism of the criminal justice system which is considered inhumane. Rigid law enforcement that does not consider the socio-economic background of the perpetrator is considered to provide less restorative justice and tends to exacerbate the social condition of the perpetrator (Setiawan, 2020).

From an economic law perspective, petty theft cannot be separated from the problems of income distribution inequality, high unemployment, and inflation that suppresses people's purchasing power. The state's inability to provide social security and fair economic access contributes to the high rate of petty crime, including petty theft. Therefore, it is not enough to deal with this case only with conventional criminal law approaches, but it needs integration with economic policies that favour vulnerable groups (Müller & Schmidt, 2022).

Meanwhile, from a health law perspective, many petty theft offenders have untreated mental health problems, severe stress, or even addictions. These health factors are often overlooked in the criminal justice process, leaving offenders without the necessary interventions to prevent recidivism. Handling that only focuses on punishment without rehabilitation has the potential to worsen the psychological condition of the offender (Rahman, 2022).

An interdisciplinary approach between economic law and health law is important to provide a more comprehensive and humane solution. By understanding the root of the problem of petty theft as a multidimensional issue, handling policies can be directed at rehabilitation efforts, economic empowerment, and restoration of offender health, not merely punishment (Williams & Garcia, 2022). In addition, the criminal justice system in Indonesia tends to be retributive in nature, where criminals are processed and punished without considering the main causal factors of their actions. This leads to overcapacity in correctional institutions and does not solve the social problems that underlie minor offences. Therefore, the application of restorative justice and diversion becomes very relevant for petty theft cases (Lee, 2022).

The implementation of the interdisciplinary approach also faces various challenges, such as limited resources, resistance from law enforcement officials, and lack of coordination between relevant institutions in the economic, social and health sectors. However, with a more adaptive regulatory framework and cross-sector synergy, it is hoped that the handling of petty theft can be more effective and equitable (Suharto, 2021).

This study aims to analyse the handling of petty theft offenders through an interdisciplinary approach of economic law and health law, with a focus on literature studies and applicable regulations in Indonesia. This study is expected to contribute to the development of a handling policy model that is more holistic and responsive to community needs.

### **Research Methods**

The research method used in this study is a literature study with an interdisciplinary approach, which examines and analyses various legal sources, doctrines, and research results related to the handling of petty theft offenders from the perspective of economic law and health law, by combining normative approaches (analysis of legal regulations and doctrines) and conceptual (analysis of relevant economic and health theories), so as to produce a comprehensive and evidence-based policy synthesis for more effective and equitable handling recommendations (Booth, 2020); (Paré & Kitsiou, 2020).

### **Results and Discussion**

#### **Economic and health implications of petty theft cases**

The economic and health implications of petty theft are intertwined to form a complex cycle of causality. Economically, the pressures of structural poverty are a major driver of this criminality, with 90% of offenders admitting to stealing due to an inability to meet basic needs such as food and hospital costs (Brown, 2020).

Poverty has a significant positive influence on petty theft rates in society. Individuals or groups living in economic deprivation tend to experience pressure to fulfil the basic needs of life, such as food, shelter and education. When access to economic resources is limited, some people see petty theft as a shortcut to survival. Research in various regions shows that the higher the level of poverty, the higher the rate of petty theft, because the urgency of necessity often trumps moral considerations and legal risks (Oliveira & Santos, 2022).

Meanwhile, inequality in income distribution worsens the access of the poor to adequate economic resources. This inequality is reflected in the large gap between the rich and the poor, making it increasingly difficult for vulnerable groups to obtain adequate employment opportunities, education and social services. As a result, they are trapped in a cycle of poverty that is difficult to break, and this condition encourages

some individuals to commit petty theft in an effort to fulfil their daily needs. Thus, economic inequality not only widens social disparities, but also increases the risk of petty theft in the community (Nadzifah Faiqotul Hikmah, 2022).

From a macroeconomic perspective, open unemployment and low education levels create a marginalised group that is vulnerable to criminality. When a person does not have a steady job and adequate skills, opportunities to earn income legally are very limited. This condition is exacerbated by the lack of access to quality job training and education, making it difficult for them to compete in the labour market (Fonna, 2022). As a result, continuous economic pressure without a clear solution encourages some individuals to seek shortcuts through criminal acts as a means of survival. This phenomenon shows that unemployment and low education are not only social problems, but also contribute significantly to the increasing crime rate in society. The legal system that still uses the colonial inherited loss value parameter (Article 364 of the Criminal Code) fails to adjust to contemporary economic realities, causing the handling of cases valued below IDR 2.5 million to often be disproportionate (European Parliament, 2020).

Mental health emerges as a critical factor that is often overlooked. Kleptomania, an impulse control disorder characterised by compulsive stealing urges, is recorded in 20% of theft cases without economic motives. In these cases, perpetrators usually feel unable to resist the urge to steal, even though they are aware of the legal and social consequences of their actions. This condition shows that not all petty theft offences are driven by economic needs, but there are psychological aspects that require special medical treatment and rehabilitation, so that a legal approach that is only retributive is less effective in preventing recidivism in this group (Yusuf, 2024).

Drug and alcohol addiction exacerbates the situation, with 30% of perpetrators in Jambi admitting to using addictive substances as an escape from economic pressure. The interaction between economic deprivation and mental illness creates a vicious cycle - poverty triggers psychological disorders that then reduce economic productivity. Ironically, the conventional criminal justice system exacerbates this condition through mass sentencing that ignores the need for rehabilitation. The economic impact of the retributive approach is evident in the prison budget burden which reaches Rp5.8 million/prisoner/month, while the effectiveness of recidivism prevention is only 12% (Wulandari, 2023).

The integration of mental health services in the diversion process needs to be strengthened through training of law enforcement officers for early identification of psychological disorders. This training is important because the success of diversion depends not only on legal mechanisms, but also on the ability of officers to understand the mental and emotional state of the offender, so as to provide appropriate psychosocial interventions and support restorative justice-based rehabilitation (Pramono, 2021). With adequate training, law enforcement officials can create a more

empathetic atmosphere, avoid negative stigma, and ensure that children or offenders with psychological disorders receive proper protection and mental health services during the case settlement process, so that the risk of recidivism can be reduced and social reintegration runs more optimally (Dewi, 2023).

From a public policy perspective, synergy between the Ministry of Health and the Ministry of Social Affairs is needed to create effective and sustainable community-based prevention programmes. This collaboration can be realised through the integration of basic health services, mental health checks, and community education and empowerment at the village or community level, as has been done in various free health check initiatives and integrated service centres for vulnerable groups (Fitriani, 2024). With cross-sector cooperation, prevention programmes do not only focus on medical aspects, but also include social protection, welfare improvement, and strengthening community capacity to detect and deal with problems early. This approach is believed to strengthen social resilience and public health, while reducing crime and other social problems more comprehensively (Tan & Widodo, 2024).

Interdisciplinary solutions are needed to break this economic-health causality. A "productive diversion" model combining symbolic restitution, job training, and cognitive-behavioural therapy has been shown to be 3 times more effective than conventional fines. This approach not only saves the state budget IDR 1.2 trillion/year, but also increases economic productivity through more dignified reintegration of offenders (Kurniawan, 2022).

The theoretical implications of these findings encourage the reconstruction of the concept of criminal liability to include parameters of mental health and economic vulnerability. The cost-benefit analysis shows that every IDR 1 billion invested in interdisciplinary prevention programmes saves IDR 4.7 billion in economic losses from repeat theft. This strategic move not only addresses legal needs, but also creates a more inclusive and sustainable social protection system.

### **Weaknesses of the Conventional Criminal Law System in Resolving Petty Theft Cases**

The weaknesses of the conventional criminal law system in solving petty theft cases can be analysed through various perspectives of legal theory and criminology. Normatively, this system still strongly emphasises the retributive paradigm, namely punishment as a form of retaliation for the actions of the perpetrator, without considering aspects of recovery for victims and perpetrators. Classical retributive theory views crime as an offence against the state, so the main focus is on providing appropriate sanctions, not on restoring social relations or the welfare of victims and offenders (Smith & Lee, 2021).

The retributive paradigm in the conventional criminal system ignores the socio-economic context behind the crime of petty theft. In fact, modern theories such as Emile Durkheim's social integration theory emphasise the importance of seeing crime

as a social symptom that is closely related to the condition of society. Thus, an approach that only focuses on punishment is unable to address the root causes of petty offences, such as poverty, unemployment, or social inequality (Kim, 2021).

Edwin H. Sutherland's Differential Association Theory also criticises the conventional penal system that tends to generalise criminals without looking at the social learning process behind it. According to this theory, criminal behaviour is learned through interaction with groups that support lawlessness. Criminal systems that only punish without social reintegration efforts actually increase the chances of offenders to re-offend because they are increasingly isolated from positive environments (Handayani, 2021). In addition, the conventional criminal law system in Indonesia still uses loss value parameters that are no longer economically relevant, such as the provisions of Article 364 of the Criminal Code which sets a very low limit on the value of stolen goods. This has caused many cases of petty theft to be criminally prosecuted to court, even though the value of the loss is very small and not worth the cost of the legal process incurred (Hidayat, 2020).

John Rawls' theory of distributive justice highlights the importance of substantive justice in the legal system, which is justice that considers the conditions and needs of individuals proportionally. The conventional penal system often fails to provide substantive justice because it treats all offenders to the same standard, without considering the economic background, age, or mental state of the offender (Sari, 2024).

Another critique comes from restorative justice theory, which emphasises the importance of restoring the relationship between the offender, victim and society. Conventional criminal systems that emphasise punishment tend to ignore the victim's need for redress as well as the offender's right to make amends through reconciliation or compensation mechanisms. Restorative justice offers a more participatory approach, but its implementation is still very limited in legal practice in Indonesia (Johnson, 2022).

From the perspective of labelling theory, the conventional penal system has the potential to stigmatise petty theft offenders as "criminals" for life, even though the offences committed are very minor. This stigma actually increases the likelihood of offenders to re-commit crimes because they are difficult to be accepted back in society after serving their sentence (Zhang & Lee, 2023).

Deterrence theory also shows the weakness of the conventional criminal system in petty theft cases. Heavy penalties are not always effective in deterring minor crimes, especially if the offender is driven by economic necessity or social pressure. This suggests that the deterrent effect expected from the conventional criminal system is not always achieved in minor cases (Hassan, 2023).

The conventional criminal system also does not provide sufficient space for community participation in case resolution. In fact, legal participation theory emphasises the importance of community involvement in the law enforcement process to create a more equitable and sustainable sense of justice. Reliance on law

enforcement officials and formal processes in the courts actually prolongs case resolution and increases the burden on judicial institutions (Putra, 2023) .

From the perspective of utilitarianism theory, the conventional criminal system is considered inefficient because the cost of handling petty theft cases is often greater than the value of the harm caused. State resources that could have been allocated to prevention or rehabilitation programmes are instead spent on long and complicated legal processes (Kevin William Rengky ., 2021)

Modern theories of punishment emphasise the importance of rehabilitation and social reintegration of offenders. Conventional criminal systems that are only oriented towards deterrence and retaliation fail to fulfil this goal, so that petty theft offenders often return to crime after being released from correctional institutions (Rahmawati et al., 2022) .

Finally, the conventional criminal law system is also less adaptive to the development of the concept of restorative justice which is regulated in various new regulations, such as Perma No. 2/2012 and the Law on Juvenile Justice System. The implementation of this concept still faces structural and cultural barriers, including the lack of understanding of legal officials and the community about the importance of peaceful resolution and restoration (Nugroho, 2021) .

Overall, the weakness of the conventional criminal law system in solving petty theft cases lies in its inability to provide holistic and recovery-orientated justice, both for victims, perpetrators, and society. Approaches that are too formal, retributive, and not contextualised actually increase the risk of recidivism and increase the burden on the criminal justice system, so a paradigm shift is needed through the application of legal theories and criminology that are more progressive and humanist.

### **Interdisciplinary Handling Model in Petty Theft Cases**

The interdisciplinary model of handling petty theft cases combines legal, economic and health approaches to create sustainable solutions. Firstly, the legal framework needs to be reformed by adopting loss value parameters adjusted to inflation and contemporary economic realities, as proposed in PERMA No.2/2012. Second, economic interventions based on empowering marginalised communities through skills training programmes and access to micro-capital have been shown to reduce crime pressure by 45% in urban areas (Chandra, 2022) .

The mental health aspect becomes the third pillar through the integration of psychological services in the diversion process. Training on early identification of impulse control disorders such as kleptomania for law enforcement officers enables targeted interventions. Fourth, restorative justice mechanisms involving victims, perpetrators, and the community - as implemented in Mandau Police and Semarang District Attorney's Office - have shown effectiveness with peace rates reaching 80% in cases valued below IDR 2.5 million (Setiawan, 2020) .

Institutional collaboration between the Ministry of Law and Human Rights, Ministry of Health and Ministry of Social Affairs is needed to develop an integrated protocol. A model in Pontianak that combines vocational guidance, cognitive therapy and social assistance has reduced recidivism by 67%. Sixth, a behaviouristic economic approach using incentives and disincentives - as theorised by Gary Becker - is applied through a "productive diversion" scheme where offenders are required to attend training programmes as an alternative to fines (Müller & Schmidt, 2022).

Technology-based electronic monitoring systems are a solution to budget efficiency, cutting prison costs from Rp5.8 million/month/person to Rp1.2 million for community rehabilitation programmes. Eighth, revitalising the role of BAPAS through the integration of social workers, psychologists, and field economists creates a comprehensive multidisciplinary assessment mechanism (Rahman, 2022).

Implementation constraints such as resistance from law enforcement were overcome through intensive training on cost-benefit analysis of interdisciplinary interventions. Data in Central Java showed an increase in the use of diversion from 12% to 38% after 2,500 officers were trained. Tenth, synergies with traditional institutions and community leaders - such as the mediation practices in Bulakamba - strengthen the legitimacy of local wisdom-based restorative processes (Williams & Garcia, 2022).

Regular evaluations using economic (increased offender income), health (stress scores) and legal (recidivism rates) indicators are key to sustainability. A study in Surabaya showed that every Rp1 billion investment in prevention programmes saved Rp4.7 billion in economic losses. Finally, the adoption of this model in the new Draft Criminal Code by incorporating economic vulnerability and mental health parameters will strengthen the normative basis for humane and equitable treatment (Lee, 2022).

Thus, the integration of these three pillars creates a virtuous cycle: health rehabilitation increases economic productivity, economic empowerment reduces criminal pressure, and restorative legal approaches restore social harmony - a new paradigm that addresses the root causes of petty theft holistically.

## **Conclusion**

The interdisciplinary approach of economic law and health law in handling petty theft offenders offers a holistic solution that addresses the root of the problem substantively. Firstly, the integration of economic aspects through empowerment of marginalised communities and adjustment of loss value parameters (as in PERMA No. 2/2012) has proven to be more effective in preventing criminality than conventional punishment. This approach not only improves offenders' economic access, but also reduces the burden on the state budget due to prison costs, which reach Rp5.8 million/inmate/month. Second, mental health interventions through early identification of psychological disorders and integrated rehabilitation programmes are key to breaking the cycle of recidivism. Collaboration between law enforcement officials, social



workers, and health workers in the diversion process strengthens restorative justice while ensuring dignified social reintegration. Third, this model emphasises that the reform of the criminal law system must be accompanied by economic-health policy synergies. Amendments to the Criminal Code to include parameters of economic vulnerability and mental health, as well as strengthening community-based prevention programmes by the Ministry of Health-Ministry of Social Affairs, are strategic steps to realise substantive justice. Thus, an interdisciplinary approach not only answers legal needs, but also creates a sustainable and equitable social protection system.

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