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The Theft of Fresh Oil Palm Fruit Bunches under Plantation Criminal Law Petty Crime, Punishment, and Restorative Justice Issues

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ABSTRACT

The theft of fresh oil palm fruit bunches is a recurring legal problem in plantation areas and poses a dilemma for criminal law enforcement. This act may overlap with petty theft because the value of the loss is often relatively small, yet it also has a special dimension, as fresh fruit bunches are plantation products protected under Law No. 39 of 2014 on Plantations. This article analyzes the construction of law enforcement against the theft of fresh fruit bunches at the intersection of petty crime, plantation criminal law, punishment, and restorative justice. This study employs a normative juridical method, or doctrinal legal research, supported by document-based socio-legal reading, using statutory, conceptual, and case approaches. The legal materials and documents analyzed include legislation, law enforcement regulations, journal articles, court publications, and relevant media reports. The findings show that the theft of fresh fruit bunches cannot be assessed solely on the basis of the nominal value of the loss. Supreme Court Regulation No. 2 of 2012 raised the threshold for petty crimes under the old Criminal Code regime; however, following the enactment of Law No. 1 of 2023, the definition of petty theft changed. Moreover, a small loss does not necessarily indicate a minor impact, as theft of fresh fruit bunches may occur repeatedly, accumulate, and disrupt the economic security of plantation areas. This article argues that punishment remains necessary for theft that is repeated, organized, involves receivers of stolen goods, or causes economic unrest. In contrast, restorative justice may be used selectively for minor and incidental cases that allow recovery of the victim's

losses. The main contribution of this article is a differentiated model of law enforcement for fresh fruit bunch theft, distinguishing incidental petty theft, subsistence theft, repeated theft, and organized theft. This model aims to maintain a balance among legal certainty, proportionate punishment, victim recovery, and protection of plantation products.

Keywords: *Fresh Fruit Bunch Theft; Petty Crime; Plantation Criminal Law; Proportional Punishment; Restorative Justice*

INTRODUCTION

The theft of fresh oil palm fruit bunches is a recurring legal problem in plantation areas and creates a dilemma in criminal law enforcement. In social practice and local news reports, this act is often referred to as “oil palm ninja,” a popular term for the unlawful taking of fresh fruit bunches from farmers, companies, or plantation managers. This term is not a formal legal category, but it refers to conduct related to the protection of plantation products, business certainty, farmers’ economic security, and social order in plantation areas. The actuality of this problem can be seen in several recent cases, including the oil palm theft case in Sarolangun in 2026 and the “oil palm ninja” case at the Pulau Punjung District Court in 2025, which involved 203 bunches or 846 kilograms of fresh fruit bunches, with losses amounting to approximately IDR 2,697,000.00 (Pengadilan Negeri Pulau Punjung, 2025; Tribratanews Jambi, 2026).

Normatively, the theft of fresh oil palm fruit bunches lies at the intersection of general and special criminal law in the plantation sector. Under the old Criminal Code regime, ordinary theft was regulated by Article 362, while petty theft was regulated by Article 364. Supreme Court Regulation Number 2 of 2012 later adjusted the value threshold in several provisions on petty crimes, including Article 364 of the Criminal Code, from IDR 250.00 to IDR 2,500,000.00. This adjustment is important because many cases of fresh fruit bunch theft involve nominally small losses, thereby potentially allowing them to be processed as petty crimes. However, since the enactment of Law Number 1 of 2023 concerning the Criminal Code on 2 January 2026, the analysis of petty theft must be placed within the context of the transition from the old Criminal Code to the National Criminal Code. Thus, Supreme Court Regulation Number 2 of 2012 remains relevant for understanding petty crime practices in cases before and approaching the transition to the National Criminal Code, but the future construction of law enforcement must take into account changes in the national criminal law regime (Mahkamah Agung Republik Indonesia, 2012; Republik Indonesia, 2023).

In addition to the theft regime under the Criminal Code, fresh fruit bunch theft also has a sectoral legal basis under Law Number 39 of 2014 concerning Plantations. Article 55 letter d of the Plantation Law prohibits any person from unlawfully harvesting and/or collecting plantation products, while Article 107 letter d provides criminal sanctions for violations of that prohibition. This norm shows that plantation products, including fresh oil palm fruit bunches, receive special legal protection because they are related to production, business sustainability, security in plantation areas, and the economic interests of plantation communities. Several legal studies have also shown that Article 107 letter d of the Plantation Law has been used in analyses of criminal liability for unlawfully harvesting or collecting plantation products (Habeahan, 2025; Ismanto, 2022; Republik Indonesia, 2014; Syahyunan et al., 2022; Tarigan et al., 2020).

Legal problems arise because fresh fruit bunch theft cannot always be determined solely by the loss amount. Nominally, fresh fruit bunch theft may fall below or around the threshold for petty cases. Sociologically, however, fresh fruit bunch theft may recur, involve multiple offenders, be carried out

using vehicles, and create additional security costs, thereby causing unrest among farmers and plantation companies. Thus, the value of the loss is not the only measure for determining the seriousness of the act. If all low-value fresh fruit bunch thefts are treated as petty crimes, the law may lose its deterrent effect against repeated theft. Conversely, if all fresh fruit bunch thefts are processed repressively under special plantation criminal provisions, the law may become disproportionate toward small-scale offenders, incidental offenders, or cases in which the victim's losses can still be restored. This problem also shows that law enforcement cannot be understood only as the formal application of statutory provisions. Rahayu et al. (2020) emphasize that law enforcement is closely related to legal culture, institutional conduct, and public legal awareness. In the context of fresh fruit bunch theft, this perspective is important because the legal response must consider not only the nominal value of the stolen goods, but also the social meaning of repeated theft, the victim's sense of security, and the need to maintain order in plantation communities.

This dilemma has become increasingly important because restorative justice is now part of criminal case-handling policy in Indonesia. At the prosecution stage, Prosecutor's Office Regulation Number 15 of 2020 regulates the termination of prosecution based on restorative justice. At the police stage, National Police Regulation Number 8 of 2021 governs the handling of criminal offenses through restorative justice. At the court stage, Supreme Court Regulation Number 1 of 2024 provides guidelines for the adjudication of criminal cases based on restorative justice. Supreme Court Regulation Number 1 of 2024 affirms that the objectives of restorative justice are to restore victims, restore the relationship among the defendant, the victim, and/or the community, encourage the defendant's accountability, and avoid unnecessary deprivation of liberty. However, the same regulation also affirms that the application of restorative justice is not intended to eliminate criminal liability (Kejaksaan Republik Indonesia, 2020; Kepolisian Negara Republik Indonesia, 2021; Mahkamah Agung Republik Indonesia, 2024).

In the context of fresh fruit bunch theft, restorative justice may serve as a relevant settlement instrument, but it must not be applied automatically. Court practice shows that a restorative approach has been used in oil palm theft cases. The Pulau Punjung District Court in 2025, for example, applied a restorative justice approach in an "oil palm ninja" case involving the theft of 846 kilograms of fresh fruit bunches. In that case, reconciliation between the victim and the defendant became an important basis for considering settlement, but criminal liability was still maintained. Similar practice can also be seen in news reports on a fresh fruit bunch theft case at the Sungailiat District Court, which was linked to the application of Supreme Court Regulation Number 1 of 2024. This practice shows that restorative justice is not identical to automatic release, but may serve as a basis for formulating a more proportional criminal response (Dandapala, 2025; Haisawit, 2026; Pengadilan Negeri Pulau Punjung, 2025).

Previous studies have addressed several aspects of this issue. Studies on Supreme Court Regulation Number 2 of 2012 generally focus on its legal position and the implications of adjusting the value threshold for petty crimes. Studies on the Plantation Law mostly examine the application of Article 107, letter d, to the unlawful harvesting or collecting of plantation products. Meanwhile, studies on restorative justice mostly discuss the regulation and implementation of Prosecutor's Office Regulation Number 15 of 2020, National Police Regulation Number 8 of 2021, or Supreme Court Regulation Number 1 of 2024 in the general handling of criminal cases. Thus, existing studies still tend to be separated across the issues of petty crime, special plantation criminal law, punishment, and restorative justice (Ballu, 2018; Habeahan, 2025; Ismanto, 2022; Kristanto, 2022; Syahyunan et al., 2022; Widiatmika et al., 2023).

The main gap in this article is the lack of a clear legal framework that distinguishes between low-value, incidental fresh fruit bunch theft, theft driven by subsistence economic pressure, repeated theft,

and organized theft. This lack of clarity may produce two forms of injustice. First, low-value but repeated theft may too easily be treated as petty crime or resolved restoratively, thereby failing to provide effective protection for victims. Second, small and incidental theft that allows the restoration of losses may be processed too repressively, making it inconsistent with the principles of proportionality, utility, and the direction of modern punishment. Therefore, the central issue in this article is not merely whether fresh fruit bunch theft should be punished or resolved restoratively, but how to build a law enforcement construction capable of distinguishing the character of the act, the value of the loss, patterns of repetition, socio-economic impact, and the possibility of restoration.

Based on this gap, this article aims to analyze the construction of law enforcement against the theft of fresh oil palm fruit bunches at the intersection of petty crime, plantation criminal law, punishment, and restorative justice. This article argues that law enforcement against fresh fruit bunch theft must be carried out in a differentiated and proportional manner. Small and incidental cases may be directed toward petty crime mechanisms or restorative mechanisms; repeated, disturbing, or organized theft still requires a punitive response, while restorative justice is only appropriate when there is an acknowledgment of wrongdoing, restoration of the victim's losses, the victim's consent, and a guarantee that the act will not be repeated. With this construction, plantation criminal law functions not only to maintain legal certainty but also to ensure substantive justice and social utility.

RESEARCH METHOD

This study uses a normative juridical method, or doctrinal legal research, supported by document-based socio-legal reading. This combination is appropriate because the study does not merely identify statutory provisions, but also reads legal norms in relation to case practice, public documents, and the social context of plantation areas. In legal research, normative analysis may be used to examine legal principles and statutory norms, while socio-legal reading helps explain how legal norms operate within social realities (Rahayu, 2020). This method was chosen because the main focus of the study is to analyze the norms, principles, concepts, and construction of law enforcement against the theft of fresh oil palm fruit bunches at the intersection of petty crime, plantation criminal law, punishment, and restorative justice. Doctrinal legal research is used to identify, interpret, systematize, and construct legal arguments concerning a particular legal issue (Hutchinson & Duncan, 2012; Marzuki, 2017). Meanwhile, document-based socio-legal reading is used sparingly to understand the context in which legal norms are applied in case practice and public documents, without turning this study into empirical field research (Irianto & Shidarta, 2009; McConville & Chui, 2007).

This study employs three approaches. First, the statutory approach is used to examine legal norms governing theft, petty crimes, plantation crimes, and restorative justice, particularly Law Number 39 of 2014 concerning Plantations, Law Number 1 of 2023 concerning the Criminal Code, Supreme Court Regulation Number 2 of 2012, Prosecutor's Office Regulation Number 15 of 2020, National Police Regulation Number 8 of 2021, and Supreme Court Regulation Number 1 of 2024. Second, the conceptual approach is used to explain the concepts of petty crime, plantation criminal law, proportionality in punishment, victim protection, restorative justice, and a differentiated model of law enforcement. Third, the case approach is used to examine the settlement practices of fresh fruit bunch theft cases, particularly oil palm theft cases processed under plantation criminal law, low-value cases that intersect with petty crime, and cases resolved through restorative justice approaches at the police and court levels.

The materials used in this study consist of primary legal materials, secondary legal materials, and supporting non-legal materials. Primary legal materials include legislation and law enforcement regulations directly related to fresh fruit bunch theft, petty crime, plantation criminal law, punishment,

and restorative justice. Secondary legal materials include journal articles, books, and research findings on the application of Article 107, letter d, of the Plantation Law; the handling of petty crimes; proportionality in punishment; receiving stolen plantation products; and restorative justice. Supporting non-legal materials, such as official court publications, public documents, and media reports, are used selectively to demonstrate the actuality and social context of fresh fruit bunch theft in plantation areas. Media reports are not treated as normative sources, but only as empirical illustrations for understanding case patterns, the value of losses, modes of operation, and case settlement practices.

The materials were collected through library research and legal document searches. Legislation was traced through official databases of laws and regulations. Journal articles were searched through journal portals, Garuda, Google Scholar, and official journal publisher websites. Case practices were traced through official court publications, court-decision-based journal articles, and news reports that could be verified based on time, location, case object, value of loss, legal basis, and relevance to the issues of petty crime, punishment, or restorative justice. The selection of materials was based on three criteria: direct relevance to fresh fruit bunch theft or plantation criminal law, source authority, and connection to the construction of differentiated law enforcement.

The legal materials were analyzed qualitatively and prescriptively. The first stage identifies the norms governing fresh fruit bunch theft under general criminal law and special plantation criminal law. The second stage interprets the relationship among petty theft, the prohibition on unlawfully harvesting or collecting plantation products, punishment, and restorative justice. The third stage evaluates the application of legal responses in accordance with the principles of legal certainty, proportionality, victim protection, loss restoration, and prevention of repetition. The fourth stage formulates a differentiated model of law enforcement against fresh fruit bunch theft, distinguishing between incidental petty theft, subsistence theft, repeated theft, and organized theft. Prescriptive analysis is used because legal research does not merely explain the validity of norms, but also constructs arguments on how the law ought to be applied to the issue under study (Hutchinson & Duncan, 2012; Marzuki, 2017).

The validity of the analysis is maintained through cross-validation among primary legal materials, secondary legal materials, and supporting documents. Statutory provisions are examined in relation to doctrines, journal articles, case settlement practices, and relevant public documents. Media reports are used only when they provide clear information on time, place, the case object, the value of the loss, and their relevance to fresh fruit bunch theft. With these limitations, this study remains within the framework of normative legal research while remaining sensitive to the social context of legal application in fresh fruit bunch theft cases.

RESULTS AND DISCUSSION

1. Fresh Fruit Bunch Theft as a Criminal Offense in Plantation Criminal Law

The review of primary legal materials shows that the theft of fresh oil palm fruit bunches lies at the intersection of general and special criminal law in the plantation sector. Under general criminal law, the act of unlawfully taking another person's property may be linked to the theft provisions in the Criminal Code. However, when the object taken is fresh oil palm fruit bunches, the act is not only related to the victim's property rights, but also to the protection of plantation products. Law Number 39 of 2014 concerning Plantations prohibits any person from unlawfully harvesting and/or collecting plantation products, as stipulated in Article 55, letter d. This prohibition is reinforced by Article 107 letter d, which provides criminal sanctions for the unlawful harvesting and/or collecting of plantation

products. Thus, fresh oil palm fruit bunches can be classified as “plantation products” and receive sectoral legal protection under plantation criminal law (Republik Indonesia, 2014). The sectoral protection of plantation products should therefore be understood as part of the broader purpose of legal institutions. Rahayu et al. (2019) argue that legal institutions embody legal purposes by connecting norms, authority, procedures, and social expectations. In this context, the Plantation Law does not merely criminalize the unlawful harvesting or collection of plantation products, but also expresses the legal purpose of protecting production security, business certainty, and the economic interests of plantation communities.

The review of previous studies strengthens this finding. Ismanto et al. (2022) show that Article 107 letter d of the Plantation Law was used in oil palm theft cases within PT Perkebunan Nusantara IV through Decision Number 158/Pid.B/2020/PN.Sim, Decision Number 303/Pid.B/2020/PN.Sim, and Decision Number 324/Pid.B/2020/PN.Sim. That article concludes that the application of Article 107, letter d, at the PTPN IV Gunung Bayu Plantation Unit and the Mayang Plantation Unit can help minimize oil palm theft within the company. This finding shows that the Plantation Law functions not only as an administrative instrument in plantation governance, but also as a sectoral criminal basis for protecting plantation products from unlawful taking (Ismanto et al., 2022).

A similar finding is also evident in the study by Syahyunan et al. (2022). That article discusses the application of Law Number 39 of 2014 to perpetrators of oil palm theft and positions Article 107, letter d, as a basis for assessing the criminal liability of offenders. Accordingly, previous studies show that oil palm theft is not only discussed in terms of general theft norms, but also in terms of special criminal norms in the plantation sector. This reinforces the position that fresh fruit bunch theft must be understood as an act that infringes property rights while also disturbing legal protection for plantation products (Syahyunan et al., 2022).

The review of Siregar et al. (2021) shows that the problem of plantation product theft may develop beyond the act of unlawfully harvesting or collecting. That article discusses law enforcement actions against perpetrators who unlawfully harvest, collect, and receive stolen plantation products at oil palm plantation companies within the jurisdiction of the Langkat Police Resort. This finding is important because it distinguishes two layers of conduct: unlawfully harvesting or collecting plantation products, which relates to Article 107 letter d, and receiving stolen plantation products, which relates to Article 111 of the Plantation Law. Thus, in certain practices, fresh fruit bunch theft may develop from direct taking in plantations into a chain of conduct involving transportation, receipt, or receiving stolen plantation products (Siregar et al., 2021).

The review of court documents and case reports shows that fresh fruit bunch theft is an actual issue in law enforcement practice. In 2025, the Pulau Punjung District Court applied restorative justice in an oil palm theft case involving the defendant, Muhammad Yusuf bin Norsal, as recorded in case register Number 57/Pid.B/2025/PN Plj. The publication shows how oil palm theft cases are resolved through a restorative approach in court. Data concerning the object of 846 kilograms of fresh fruit bunches and losses of approximately IDR 2,697,000.00 came from Haisawit’s report, which cited MARINews of the Supreme Court. In Sarolangun, police news reports in 2026 also showed an oil palm theft case in Ladang Panjang. These sources are not used as the main normative basis, but as illustrations that fresh fruit bunch theft is a recurring problem in social practice and law enforcement in plantation areas (Haisawit, 2025; Pengadilan Negeri Pulau Punjung, 2025; Tribratanews Jambi, 2026).

Based on these findings, fresh fruit bunch theft should be analyzed under plantation criminal law. Conceptually, this can be explained through the special character of the protected object. Fresh fruit bunches are not merely movable goods with economic value, but also plantation products connected

to the harvest cycle, plantation productivity, farmers' income, business security, and the distribution chain of oil palm commodities. Therefore, determining the seriousness of fresh fruit bunch theft cannot be based solely on the nominal value of the loss. Law enforcement officials also need to consider the object's status as a plantation product, the location of the act, the method of taking, patterns of repetition, the involvement of other parties, the possibility of receiving stolen goods, and its impact on victims and the economic security of plantation areas.

This analysis is consistent with Ismanto et al. (2022), who position Article 107 letter d of the Plantation Law as an instrument for reducing oil palm theft within plantation companies. It is also consistent with Syahyunan et al. (2022), who show the relevance of the Plantation Law in the criminal liability of oil palm theft offenders. Meanwhile, Siregar et al. (2021) broaden the understanding that the problem of plantation product theft concerns not only perpetrators who unlawfully harvest or collect plantation products, but also parties who receive them. By linking these three studies, this article emphasizes that fresh fruit bunch theft is more complex than ordinary theft because it occurs within the ecosystem of plantation criminal law.

However, positioning fresh fruit bunch theft as a criminal offense under plantation criminal law does not mean that all cases must be processed harshly through special criminal provisions. The review instead shows the need to distinguish between small and incidental fresh fruit bunch theft and theft that is repeated, systematic, or involves networks of receivers of stolen goods. In low-value, non-repeated cases where loss restoration is possible, settlement through petty crime mechanisms or restorative justice may be considered. Conversely, when theft is committed repeatedly, involves vehicles, involves receivers of stolen goods, or creates economic unrest, the use of plantation criminal law instruments becomes more relevant to protect victims and prevent repetition.

Fresh fruit bunch theft has two legal dimensions. First, it is an act of taking the victim's property, which may be linked to general criminal law. Second, it violates the special protection of plantation products as regulated under Law Number 39 of 2014. These two dimensions provide the basis for the following discussion on the problem of petty crime in low-value fresh fruit bunch theft. If fresh fruit bunch theft is assessed solely based on the loss value, the sectoral dimension and the socio-economic impact on plantation areas may be overlooked. Conversely, if all fresh fruit bunch theft is treated as a special criminal offense without regard to value, motive, repetition, or restoration, law enforcement may lose proportionality.

2. The Problems of Petty Crime in Low-Value Fresh Fruit Bunch Theft

The review of legal materials shows that the problems of petty theft of fresh oil palm fruit bunches arise from the tension between the relatively small value of the loss and the character of fresh fruit bunches as plantation products that receive sectoral legal protection. Under the old Criminal Code regime, petty theft was regulated by Article 364. Through Supreme Court Regulation Number 2 of 2012, the Supreme Court adjusted the value threshold in several provisions on petty crimes, including Articles 364, 373, 379, 384, 407, and 482 of the old Criminal Code, from IDR 250.00 to IDR 2,500,000.00. This adjustment was intended to update the value threshold for petty cases, which had become inconsistent with socio-economic developments and criminal justice practice (Mahkamah Agung Republik Indonesia, 2012).

The review of previous studies shows that Supreme Court Regulation Number 2 of 2012 is understood as an instrument to improve the handling of minor cases and to avoid the use of excessively severe criminal mechanisms for low-value cases. Ballu (2018) explains that Supreme Court Regulation Number 2 of 2012 is important to the criminal justice system because it adjusts the value threshold

for petty crimes that are no longer relevant. Karsono (2023) also positions the regulation as an instrument for making fines more effective in petty theft cases. Thus, normatively, petty crime has a corrective function: preventing minor cases from being handled excessively, accelerating judicial proceedings, and maintaining proportionality in punishment (Ballu, 2018; Karsono, 2023).

However, the findings of this study also show that applying petty crime provisions to fresh fruit bunch theft cannot be done mechanically, based only on the value of the goods. In the plantation context, low-value fresh fruit bunch theft may have broader impacts if it is repeated, involves transportation, or involves receivers of stolen goods. The value of the loss per incident may be low, but cumulative losses, security costs, disruption to harvesting, and unrest among farmers or companies may become more significant. Therefore, low-value fresh fruit bunch theft needs to be distinguished between incidental acts that can be remedied and repeated acts that use the petty crime threshold as a loophole to avoid a firmer criminal response.

The review of case reports strengthens the existence of this problem in practice. Reports on oil palm theft in East Kotawaringin stated that the evidence of oil palm fruit secured throughout 2025 reached 223,180 kilograms, with a value of approximately IDR 668.99 million, up from 115,816 kilograms, valued at approximately IDR 317.44 million, in 2024. The same reports also stated that the number of suspects decreased from 200 people in 2024 to 166 people in 2025. These data cannot be treated as national statistics, but they may be used as empirical illustrations that the problem of petty crime in fresh fruit bunch theft arises in law enforcement practice in plantation areas (Elaeis, 2025; Sawit Setara, 2025).

Another important normative finding is the change in the national criminal law regime. Law Number 1 of 2023 concerning the Criminal Code came into force on 2 January 2026. Under the National Criminal Code, petty theft is regulated in Article 478, with a value threshold for stolen goods of not more than IDR 500,000.00, and the sanction is a fine of at most category II. This change shows that the petty crime threshold under the National Criminal Code differs from the construction of Supreme Court Regulation Number 2 of 2012, which was based on the old Criminal Code. Therefore, the discussion of petty crime in fresh fruit bunch theft must be placed within the context of legal transition: Supreme Court Regulation Number 2 of 2012 remains relevant for understanding petty crime practice before and approaching the enactment of the National Criminal Code, but future analysis must take into account the new threshold under Article 478 of Law Number 1 of 2023 (Republik Indonesia, 2023).

To clarify the change in the construction of petty crime, a comparison of the relevant norms is presented in Table 1.

Table 1. Comparison of Value Thresholds for Petty Theft under the Old Criminal Code, Supreme Court Regulation Number 2 of 2012, and the National Criminal Code

Legal Instrument	Regulatory Basis	Value Threshold for Petty Theft	Implications for Fresh Fruit Bunch Theft
Old Criminal Code	Article 364 of the Criminal Code	IDR 250.00	No longer relevant to the development of modern economic values.
Supreme Court Regulation	Adjustment of Articles 364, 373, 379, 384,	IDR 2,500,000.00	Low-value fresh fruit bunch theft may be processed as petty crime, provided it meets the elements of petty theft

Number 2 of 2012	407, and 482 of the old Criminal Code		and is not accompanied by aggravating circumstances.
Law Number 1 of 2023	Article 478 of the National Criminal Code	Not more than IDR 500,000.00	The scope of petty theft is narrower than under Supreme Court Regulation Number 2 of 2012.

Table 1 shows that the problem of petty crime in fresh fruit bunch theft is not only related to the value of the loss, but also to changes in the legal basis. Under the Supreme Court Regulation Number 2 of 2012, theft of fresh fruit bunches valued at below IDR 2,500,000.00 may be processed as a petty case. However, under the National Criminal Code, the threshold for petty theft is set at no more than IDR 500,000.00. This difference is important because many fresh fruit bunch theft cases fall within a range of values that may be socially considered small, but their legal qualification may differ depending on the applicable regime.

Based on these findings, the problems of petty crime in fresh fruit bunch theft can be analyzed through the principle of proportionality. Petty crime mechanisms are needed to prevent excessive punishment for minor cases, but they must not be applied automatically to all low-value fresh fruit bunch theft. In the plantation context, small value does not always mean small impact. Repeated theft, theft involving vehicles, or theft connected to receivers of stolen goods may create cumulative losses and social unrest that are not reflected in the value of the goods in a single incident. Therefore, determining whether fresh fruit bunch theft should be treated as a petty crime must consider the value of the loss, frequency, mode of operation, impact on the victim, and possibility of restoration.

This analysis is consistent with Ballu (2018) and Karsono (2023), who view Supreme Court Regulation Number 2 of 2012 as an instrument of proportionality in minor cases. However, this article expands the discussion by placing petty crime within the context of plantation criminal law. While Ballu and Karsono emphasize the position of the Supreme Court Regulation in the criminal justice system and the effectiveness of fines, this article shows that fresh fruit bunch theft has a sectoral character that cannot be assessed solely from the nominal value of the loss. Thus, petty crime must be linked to the protection of plantation products, as also emphasized in the studies of Ismanto et al. (2022), Syahyunan et al. (2022), and Siregar et al. (2021) regarding the application of the Plantation Law to the theft or unlawful control of plantation products.

Petty crime in fresh fruit bunch theft has both a function and a risk. On the one hand, petty crime serves as an important instrument to prevent an excessive criminal response to minor cases. On the other hand, it may become a loophole if applied mechanically to repeated, systematic, or disturbing cases of fresh fruit bunch theft. Therefore, law enforcement against low-value fresh fruit bunch theft must be carried out in a differentiated manner, considering the value of the loss, the frequency of the act, the mode of operation, the impact on the victim, and the possibility of loss restoration.

3. Punishment and the Principle of Proportionality in Fresh Fruit Bunch Theft

The review of legal materials shows that punishment for the theft of fresh oil palm fruit bunches has an important function in protecting plantation products. Law Number 39 of 2014 concerning Plantations classifies the act of unlawfully harvesting and/or collecting plantation products as a prohibited act under Article 55 letter d and provides criminal sanctions under Article 107 letter d. These provisions show that plantation criminal law functions not only to punish offenders, but also to protect plantation products, maintain business certainty, and prevent the repetition of acts that may disturb economic security in plantation areas (Republik Indonesia, 2014).

The review of previous studies shows that the criminal provisions in the Plantation Law have served as a basis for oil palm theft cases. Ismanto et al. (2022) examined the application of Article 107 letter d of the Plantation Law in oil palm theft cases at PT Perkebunan Nusantara IV through Decision Number 158/Pid.B/2020/PN.Sim, Decision Number 303/Pid.B/2020/PN.Sim, and Decision Number 324/Pid.B/2020/PN.Sim. The study shows that the application of Article 107, letter d, was found capable of minimizing oil palm fruit theft within plantation companies. This finding demonstrates that punishment remains relevant as an instrument for protecting plantation products, especially when theft occurs in the context of plantation business and has the potential to disrupt production security (Ismanto et al., 2022).

A similar finding appears in the study by Syahyunan et al. (2022), which discusses the application of Law Number 39 of 2014 to perpetrators of oil palm theft. The study affirms that Article 107, letter d, may serve as a basis for determining the criminal liability of offenders who unlawfully harvest or collect plantation products. Thus, fresh fruit bunch theft has a broader legal protection dimension than merely the theft of property belonging to a victim. The act is also related to the protection of plantation products as part of production activities and the economic interests of plantation communities (Syahyunan et al., 2022).

The review by Siregar et al. (2021) shows that the problem of plantation product theft may become more complex when it involves not only perpetrators who unlawfully harvest or collect plantation products, but also parties who receive them. That article distinguishes between the act of unlawfully harvesting and/or collecting plantation products, which relates to Article 107 letter d of the Plantation Law, and the act of receiving stolen plantation products, which relates to Article 111 of the Plantation Law. This finding is important because it shows that punishment for fresh fruit bunch theft must account for the structure of the act. Individual and incidental theft cannot be treated in the same way as theft involving transportation, receipt, receiving stolen goods, or distribution networks for stolen products (Siregar et al., 2021).

Based on these findings, the principle of proportionality becomes an important framework for determining the criminal response to fresh fruit bunch theft. In the context of punishment, proportionality requires a balance among the seriousness of the act, the offender's culpability, the impact on the victim, and the type of sanction imposed. Ali (2018) emphasizes that proportionality in the formulation of criminal sanctions concerns the correspondence between the seriousness of the offense and the severity of the sanction. Thus, punishment must not be so lenient that it loses its deterrent effect, but it also must not be so severe that it becomes disproportionate to the character of the act and the offender's degree of culpability.

A proportional criminal response is also necessary to maintain the social legitimacy of law enforcement. As Rahayu et al. (2020) suggest, the effectiveness of law enforcement depends not only on formal legal norms, but also on the interaction between legal institutions and society. Therefore, punishment for fresh fruit bunch theft must be firm enough to protect victims and plantation products, but also measured enough to avoid excessive criminalization of small, incidental, and recoverable cases.

In the context of fresh fruit bunch theft, the principle of proportionality is important because the cases that arise may vary considerably. There may be low-value incidental theft, theft driven by economic pressure, repeated theft, and theft involving vehicles, division of roles, or receivers of stolen goods. If all fresh fruit bunch thefts are punished uniformly, the law risks ignoring differences in the seriousness of the acts. Conversely, if all low-value thefts are treated too lightly, the law may lose its protective function for farmers, companies, and the economic security of plantation areas.

Proportional punishment must distinguish between minor theft that can be remedied and theft that shows a higher degree of seriousness. Minor theft that is not repeated, is committed without violence, does not involve receivers of stolen goods, is accompanied by an acknowledgment of wrongdoing, and allows restoration of losses does not always require imprisonment. In such cases, petty crime mechanisms or restorative justice may be considered, provided that the legal requirements are fulfilled. Conversely, theft committed repeatedly, using vehicles, involving several offenders, connected to receivers of stolen goods, or creating economic unrest requires a firmer criminal response.

This analysis shows that the nominal value of the loss cannot be the sole measure for determining the severity of the criminal response. The value of the loss remains important, especially in distinguishing minor cases from more serious cases. However, in the plantation sector, low-value theft may result in cumulative losses if repeated. In addition, theft of fresh fruit bunches may disrupt the harvest cycle, increase security costs, and create insecurity among farmers and companies. Therefore, proportionality assessment must include the value of the loss, the frequency of the act, the mode of operation, the involvement of other parties, the impact on the victim, and the possibility of restoring the loss.

This finding is consistent with Ismanto et al. (2022) and Syahyunan et al. (2022), who emphasize the importance of applying the Plantation Law to protect plantation products and prevent oil palm theft. It is also consistent with Siregar et al. (2021), who show that law enforcement becomes more complex when plantation product theft is connected to receiving stolen goods. However, this article extends previous studies by placing punishment within the framework of proportionality. This means that plantation criminal provisions are indeed important as instruments of protection and prevention, but their application must be differentiated according to the character of the act, rather than applied automatically to all fresh fruit bunch theft cases.

Punishment for fresh fruit bunch theft remains necessary, but it must be applied proportionally. Firm punishment is required for repeated, organized theft, theft involving receivers of stolen goods, or theft that creates economic unrest. However, imprisonment is not always the most appropriate response to small, incidental, non-repeated thefts where the victim's loss can be restored. The principle of proportionality provides the basis for balancing punishment, petty crime mechanisms, and restorative justice within law enforcement in response to fresh fruit bunch theft.

4. Restorative Justice as a Selective Mechanism in Fresh Fruit Bunch Theft Cases

The review of legal materials shows that restorative justice has obtained a normative basis at several stages of the criminal justice process in Indonesia. At the police stage, National Police Regulation Number 8 of 2021 governs the handling of criminal offenses through restorative justice. At the prosecution stage, Prosecutor's Office Regulation Number 15 of 2020 regulates the termination of prosecution based on restorative justice. At the court stage, Supreme Court Regulation Number 1 of 2024 provides guidelines for judges in adjudicating criminal cases based on restorative justice. These three instruments show that restorative justice is no longer understood merely as an informal reconciliation practice, but has become part of criminal case-handling policy with a legal basis at the stages of investigation, prosecution, and court examination (Kejaksaan Republik Indonesia, 2020; Kepolisian Negara Republik Indonesia, 2021; Mahkamah Agung Republik Indonesia, 2024).

The review of Supreme Court Regulation Number 1 of 2024 shows that restorative justice in the criminal justice process is not identical to ordinary reconciliation. The regulation affirms that the purpose of adjudicating criminal cases based on restorative justice is to restore victims of crime,

restore relationships among the defendant, the victim, and/or the community, encourage the defendant's accountability, and prevent any person, especially children, from unnecessary deprivation of liberty. This regulation also affirms that the application of restorative justice principles is not intended to eliminate criminal liability. Thus, restorative justice must be understood as a settlement mechanism that continues to maintain offender responsibility, victim interests, and the accountability of the legal process (Mahkamah Agung Republik Indonesia, 2024).

A review of previous studies shows that restorative justice plays an important role in reforming Indonesia's criminal justice system. Kristanto (2022) argues that Prosecutor's Office Regulation Number 15 of 2020 can be read as an instrument for terminating prosecution, oriented toward the restoration and protection of human rights. However, the application of restorative justice still requires caution to ensure it does not deviate from the objectives of punishment or harm victims. Widiatmika (2023) also shows that the implementation of National Police Regulation Number 8 of 2021 in police practice has not been fully optimal, so the application of restorative justice requires standards, supervision, and consistency so that it does not become merely an administrative settlement (Kristanto, 2022; Widiatmika, 2023).

In the context of fresh fruit bunch theft, the document review shows that restorative justice has been used at both the police and court levels. At the police stage, the Peranap Sector Police of the Indragiri Hulu Police Resort facilitated the resolution of a case of theft of fresh fruit bunches through restorative justice. The case involved the theft of 15 oil palm bunches weighing approximately 150 kilograms, with losses of around IDR 354,000. News reports stated that the offender admitted the act, apologized to the victim, the victim accepted the apology, and the offender promised not to repeat the act. The case was then resolved through a reconciliation meeting attended by the complainant, the reported party, village officials, the offender's family, and company security personnel (Katakabar, 2025).

At the court stage, the Pulau Punjung District Court in 2025 applied a restorative justice approach in an oil palm theft case involving the defendant Muhammad Yusuf bin Norsal, as recorded in case register Number 57/Pid.B/2025/PN Plj. The official court publication stated that the panel of judges considered the case to meet the principles of restorative justice because there was an acknowledgment of wrongdoing, the victim's willingness to forgive, and no potential for further conflict. A Haisawit report citing MARINews of the Supreme Court added that the case involved the theft of 846 kilograms of fresh fruit bunches, resulting in approximately IDR 2,697,000 in losses. This case shows that restorative justice may be used in cases of fresh fruit bunch theft when relationships are restored, wrongdoing is acknowledged, and the victim is willing to reconcile (Haisawit, 2025; Pengadilan Negeri Pulau Punjung, 2025).

These practical findings show that restorative justice in cases of fresh fruit bunch theft does not always entail the elimination of legal proceedings without consequences. In the Pulau Punjung District Court case, the restorative approach was used in the court process to consider restoration and social relations among the offender, the victim, and the community. Indeed, Dandapala reported that although reconciliation occurred, the panel of judges still imposed a four-month prison sentence as a form of proportional and educative legal accountability. This is consistent with Supreme Court Regulation Number 1 of 2024, which positions the defendant's accountability as part of the objectives of restorative justice, not as something that disappears once reconciliation occurs (Dandapala, 2025; Mahkamah Agung Republik Indonesia, 2024).

Based on these findings, the application of restorative justice in fresh fruit bunch theft must be selective. Selectivity is necessary because fresh fruit bunch theft has varied characteristics. On the one hand, there may be low-value, incidental, non-repeated theft committed without violence, allowing for the restoration of losses. In such circumstances, restorative justice may serve as a

proportional response because it emphasizes victim restoration, offender responsibility, and prevention of repetition. On the other hand, there may be repeated theft of fresh fruit bunches, using vehicles, involving several persons, connected to receivers of stolen goods, or causing economic unrest. For the latter category, restorative justice is not an appropriate main mechanism because it risks weakening the preventive function of criminal law and creating the impression of permissiveness toward plantation product theft.

This analysis is consistent with Kristanto (2022), who emphasizes that restorative justice under Prosecutor's Office Regulation Number 15 of 2020 must be placed within the framework of restoration and rights protection, not merely the termination of cases. This analysis is also consistent with Widiatmika (2023), who argues for evaluating the implementation of National Police Regulation Number 8 of 2021 to ensure that restorative mechanisms are not applied as a mere formality. However, this article extends the discussion by placing restorative justice in the context of plantation criminal law. In fresh fruit bunch theft cases, restorative justice cannot be based solely on reconciliation; it must also take into account the nature of the object as a plantation product, the value of the loss, repetition, the impact on the victim, and the possible existence of networks of recipients of stolen goods.

Restorative justice may be used in cases of fresh fruit bunch theft, but only as a selective mechanism. Its application is worth considering when the theft is low-value, non-repeated, the offender acknowledges wrongdoing, the victim is willing to reconcile, the loss is restored, and there is a guarantee that the act will not be repeated. Conversely, restorative justice must be limited or set aside when fresh fruit bunch theft is committed repeatedly, systematically, involves receivers of stolen goods, or creates economic unrest. With this construction, restorative justice can serve as an instrument of proportionality in plantation criminal law, rather than a loophole for impunity.

5. A Differentiated Model of Law Enforcement against Fresh Fruit Bunch Theft

The review of legal norms, prior studies, and case law indicates that theft of fresh oil palm fruit bunches cannot be addressed with a single approach. The findings in the previous subsections show that fresh fruit bunch theft lies at the intersection of general criminal law, plantation criminal law, petty crime, punishment, and restorative justice. Law Number 39 of 2014 concerning Plantations provides a sectoral basis for the protection of plantation products, including through the prohibition on unlawfully harvesting and/or collecting them. Meanwhile, Supreme Court Regulation Number 2 of 2012 and Law Number 1 of 2023 indicate that petty theft has a specific value threshold. On the other hand, National Police Regulation Number 8 of 2021, Prosecutor's Office Regulation Number 15 of 2020, and Supreme Court Regulation Number 1 of 2024 open space for settlement based on restorative justice, while still placing victim restoration, offender accountability, and process accountability as important requirements (Kejaksaan Republik Indonesia, 2020; Kepolisian Negara Republik Indonesia, 2021; Mahkamah Agung Republik Indonesia, 2024; Republik Indonesia, 2014, 2023).

The findings show that the main issue in law enforcement against fresh fruit bunch theft is not merely determining whether the act falls under ordinary theft, petty theft, or a plantation crime. The more fundamental issue is how to characterize the act so that the legal response is neither too lenient nor too repressive. Fresh fruit bunch theft may manifest as small, incidental theft, theft driven by subsistence economic pressure, repeated theft, theft involving vehicles, division of roles, receivers of stolen goods, or distribution patterns for stolen products. This variation shows that law enforcement cannot rely solely on the nominal value of the loss. However, it must also consider the frequency,

mode of operation, offender-victim relationship, impact on the victim, possibility of restoration, and involvement of other parties.

Based on these findings, this article proposes a differentiated model of law enforcement against fresh fruit bunch theft. This differentiated model is necessary because legality should not operate only as formal authority to punish. Rahayu et al. (2026) show that legality may create governance problems when formal regulatory authority is not accompanied by clear accountability and context-sensitive institutional practice. In fresh fruit bunch theft cases, this means that the Plantation Law, petty crime mechanisms, punishment, and restorative justice must be applied through a proportional framework that distinguishes incidental, subsistence, repeated, and organized theft. This model is not intended to replace the authority of law enforcement officials, but to serve as an analytical framework for assessing the proportionality of legal responses. The model is built on four principles. First, proportionality, namely a balance between the seriousness of the act, the offender's degree of culpability, the victim's losses, and the form of legal response. Second, protection of plantation products, because fresh fruit bunches are part of plantation products that receive sectoral legal protection. Third, victim restoration, so that the case settlement is not oriented solely toward punishment, but also toward compensation for losses and restoration of social relations. Fourth, prevention of repetition, so that petty crime mechanisms and restorative justice do not become loopholes for theft committed repeatedly or systematically.

The differentiated model is summarized in Table 2.

Table 2. Differentiated Model of Law Enforcement against Fresh Fruit Bunch Theft

Case Category	Main Characteristics	Assessment Indicators	Direction of Proportional Legal Response
Small incidental theft	Low value of loss, non-repeated, no violence, offender acknowledges wrongdoing.	Small value of goods; no history of repetition; the victim is willing to reconcile; loss can be restored	Petty crime mechanism or selective restorative justice, provided that legal requirements are fulfilled.
Subsistence theft	Committed due to economic pressure, low value, does not involve a network, and loss can be restored	Basic-needs motive; no receiver of stolen goods; offender is cooperative; there is acknowledgment and apology	Restorative justice may be considered with loss restoration, a statement of non-repetition, and social supervision.
Repeated theft	The value per incident may be small, but the act is repeated and causes unrest for the victims	High frequency; victim suffers cumulative losses; there is a pattern of repetition; previous reconciliation was ineffective	Proportional punishment; restorative justice is limited and not used automatically
Organized theft	Involves vehicles, division of roles, receivers of stolen goods, or transportation networks for stolen products	More than one offender; means of transport; receivers of stolen goods; distribution patterns; broader economic impact	Firm punishment under the Criminal Code and/or the Plantation Law; restorative justice is not appropriate as the main mechanism

Table 2 shows that the legal response to fresh fruit bunch theft should be based on the character of the act, not merely on the value of the loss. In small, incidental theft, petty crime mechanisms or restorative justice may be considered, as the social risk is relatively low and the victim's loss can still be restored. However, the application of restorative justice must still comply with the requirements of positive law, especially acknowledgment of wrongdoing, victim consent, restoration of losses, and

a guarantee that the act will not be repeated. Thus, restorative justice must not be understood as automatic release.

In subsistence theft, restorative justice may be a proportional option if the act is committed due to economic pressure, does not involve a network, the offender is cooperative, and the victim is willing to reconcile. However, economic motive must not be treated as a justification. It is only a factor to be considered in determining the form of legal response. Thus, a restorative approach must still be accompanied by restoration of losses, offender responsibility, and mechanisms to prevent repetition.

In repeated theft, the use of petty crime mechanisms or restorative justice must be limited. Although the value of loss in each incident may be small, repetition indicates a higher degree of seriousness. Repeated theft may lead to cumulative losses, increased victim unrest, and additional security costs. In this category, proportional punishment is more relevant to maintaining the preventive function of criminal law. Restorative justice may be considered only in a very limited sense if there is comprehensive restoration, real behavioral change, and a strong guarantee that the act will not be repeated.

In organized theft, firm punishment is more appropriate. Theft involving vehicles, division of roles, receivers of stolen goods, or transportation networks cannot be treated as an ordinary minor case. Siregar et al. (2021) show that unlawfully harvesting or collecting plantation products may be related to receiving stolen plantation products, so law enforcement needs to examine the chain of conduct, not merely the act of taking fruit in the plantation. In this category, restorative justice is not an appropriate primary mechanism because it may weaken the law's protective function for victims and create space for impunity for networks involved in plantation product theft.

This differentiated model is consistent with Ismanto et al. (2022) and Syahyunan et al. (2022), who emphasize the importance of using the Plantation Law to protect plantation products from unlawful taking. However, this article extends those findings by adding the dimensions of proportionality, petty crime, and restorative justice. While previous studies have focused more on punishment under the Plantation Law, this model shows that punishment should be applied in a graduated manner, depending on the nature of the case. Thus, plantation criminal law does not merely operate as a repressive instrument but also as a basis for formulating just, effective, and contextual legal responses.

This model is also consistent with Supreme Court Regulation Number 1 of 2024, which affirms that restorative justice aims to restore victims, restore social relations, encourage the defendant's accountability, and avoid unnecessary deprivation of liberty. However, the regulation also affirms that restorative justice is not intended to eliminate criminal liability. Therefore, in cases of fresh fruit bunch theft, restorative justice must be used as a selective instrument for cases that meet the requirements for restoration, not as a shortcut for all low-value cases (Mahkamah Agung Republik Indonesia, 2024).

Law enforcement against fresh fruit bunch theft needs to be carried out in a differentiated manner. Petty crime mechanisms are relevant for small, incidental theft; restorative justice is relevant for cases that allow restoration and do not show a pattern of repetition; proportional punishment is necessary for repeated theft; and firm punishment is necessary for organized theft or theft involving receivers of stolen goods. This construction prevents law enforcement from falling into two extremes: too easily reducing all fresh fruit bunch theft to petty cases, or being too repressive toward all offenders without considering value, motive, restoration, and degree of culpability.

CONCLUSION

This study shows that the theft of fresh oil palm fruit bunches cannot be understood merely as ordinary theft measured only by the value of the loss. Fresh fruit bunches are part of plantation products that have direct economic value for farmers, companies, and the plantation production chain. Therefore, fresh fruit bunch theft lies at the intersection between general criminal law and special plantation criminal law. Law Number 39 of 2014 concerning Plantations provides a sectoral basis for the protection of plantation products by prohibiting the unlawful harvesting and/or collection of such products. Thus, fresh fruit bunch theft not only infringes the victim's property rights but may also disrupt production security, business certainty, and economic security in plantation areas.

The main problem in law enforcement against fresh fruit bunch theft lies in the tension between petty crime, punishment, and restorative justice. Low-value fresh fruit bunch theft may indeed intersect with the construction of petty crime, especially in practices previously influenced by Supreme Court Regulation Number 2 of 2012. However, after the enactment of Law Number 1 of 2023 concerning the Criminal Code, the construction of petty theft has changed, so law enforcement can no longer rely solely on the value threshold under the old Criminal Code regime. In addition, a small loss amount does not always indicate a minor impact, because fresh fruit bunch theft may recur, accumulate, increase security costs, and cause unrest among farmers and plantation business actors.

This study also affirms that punishment remains necessary in cases of fresh fruit bunch theft, especially when theft is repeated, systematic, organized, involves receivers of stolen goods, or creates economic unrest. However, punishment must be placed within the principle of proportionality. Imprisonment is not always the most appropriate response to small, incidental, non-repeated theft where the offender acknowledges wrongdoing, the victim is willing to reconcile, and the loss can be restored. In this context, restorative justice may be used as a selective mechanism, rather than as a means of eliminating criminal liability or as an automatic settlement for all low-value fresh fruit bunch theft cases.

The main contribution of this study is the formulation of a differentiated model of law enforcement against fresh fruit bunch theft. This model distinguishes four categories of cases. First, small, incidental theft may be directed toward mechanisms for petty crime or selective restorative justice, provided that the legal requirements are met. Second, subsistence theft may be addressed through restorative justice, with the restoration of losses, acknowledgment of wrongdoing, and a guarantee of non-repetition. Third, repeated theft requires proportional punishment with restrictions on the use of restorative justice. Fourth, organized theft or theft involving receivers of stolen goods requires firm punishment under the Criminal Code and/or the Plantation Law. This model prevents law enforcement from falling into two extremes: too easily reducing fresh fruit bunch theft to a petty case, or being too repressive toward all offenders without considering the value of the loss, motive, repetition, restoration, and degree of culpability.

This study has several limitations. First, it uses a normative juridical method supported by document-based socio-legal reading, and therefore does not conduct direct interviews with investigators, prosecutors, judges, farmers, plantation companies, offenders, or victims. Second, the case data used are derived from regulations, journal articles, official court publications, and verifiable media reports, and thus do not yet reflect the full range of handling practices for fresh fruit bunch theft in Indonesia. Third, media reports in this study are used only as empirical illustrations, not as the main basis for drawing legal conclusions. Fourth, this study has not conducted a systematic comparison across plantation regions, such as Sumatra, Kalimantan, Sulawesi, and Bangka Belitung.

Future research should adopt a stronger empirical or socio-legal approach, using interviews with law enforcement officials, farmers, plantation companies, victims, and offenders. Subsequent studies should also conduct a more systematic analysis of court decisions to examine patterns in the use of the Criminal Code, the Plantation Law, petty crime mechanisms, and restorative justice in fresh fruit bunch theft cases. In addition, comparative research across plantation regions is important to determine whether fresh fruit bunch theft is more often processed as petty crime, as a plantation crime, or resolved through restorative justice. Future research may also test the effectiveness of the differentiated model proposed in this article as a practical framework for law enforcement officials in handling fresh fruit bunch theft proportionally, fairly, and contextually.

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