

## **Legal Protection for Victims of Criminal Acts of Theft with Aggravation Based on Pancasila Justice (Case Study of Decision Number 160/Pid.B/2024/PN Sda)**

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**Abstract.** *This study aims to analyze the legal protection afforded to victims of the criminal act of aggravated theft from the perspective of Pancasila justice, using Case Decision Number 160/Pid.B/2024/PN Sda as the focal point. The research addresses two main questions, how is legal protection for victims of aggravated theft conceptualized within the framework of Pancasila justice? and what are the obstacles and potential solutions in implementing such protection. The research adopts a normative juridical approach by examining statutory regulations, legal doctrines, and relevant court decisions as primary and secondary legal sources. The values of Pancasila particularly the second and fifth principles serve as the philosophical foundation to assess the extent to which the current criminal justice system reflects substantive justice for victims. The findings indicate that the legal protection provided to victims of aggravated theft remains largely formalistic and does not fully embody the substantive justice envisioned by Pancasila. Victims are often treated merely as complainants or witnesses, rather than as parties entitled to the restoration of their rights. Challenges identified include limited regulatory frameworks addressing victims' rights comprehensively, the lack of justice-oriented perspectives in judicial processes, and minimal implementation of restorative justice measures.*

**Keywords:** *Aggravated Theft; Court Decision; Pancasila Justice; Legal Protection; Victim.*

### **1. Introduction**

The Unitary State of the Republic of Indonesia, as a developing country, continues to carry out development in various fields with the main objective of ensuring the physical and spiritual welfare of all its people. The welfare of society in general is reflected in an adequate level of economy and harmonious security conditions. This can be achieved when society behaves in harmony with the interests and norms that apply in community life. But lately, the monetary crisis has had a significant impact on Indonesian society. The impact is not only seen in the economic sector, but also has an impact on the moral aspect of society. This is marked

by the increasing crime rate and unemployment. The increase in poverty levels has a significant impact on social security. People with low welfare levels tend to be less concerned with existing standards or regulations.

In an effort to meet the needs of life, some people may be encouraged to use various methods, including those that have the potential to violate the law. One form of crime that often occurs in society in situations like this is theft. This phenomenon reflects the complexity of the socio-economic problems faced by society, where economic pressures can drive some people to commit crimes in order to meet their needs. This situation shows a comprehensive approach in overcoming socio-economic problems, not only focusing on economic recovery, but also on strengthening the morals and the PANCASILA guarantee system of society. Based on the current social situation, it is likely that people are looking for shortcuts by stealing. Mass and electronic media show how often various types of theft crimes are motivated by the inadequacy of basic needs. Along with the development of theft crimes, other forms of theft have also emerged, one of which is theft with violence. The main causes of violent theft include economic factors, low levels of education, increasing poverty, low legal knowledge, and weak family and social relationships. The crime of theft is regulated in the Criminal Code (KUHP) in Chapter XXII, Articles 362 to Article 367.

Violent theft is becoming more common and is often committed by more than one perpetrator. This shows that difficult socio-economic conditions can drive individuals to commit crimes in order to meet their living needs. Therefore, it is important for the community and law enforcement to work together to combat the crime of theft and create a safer and more prosperous environment. Article 362 regulates the definition of theft, Article 363 regulates the types of theft and aggravated theft, Article 364 regulates the minor crime of theft, Article 365 regulates the crime of theft with violence, Article 367 stipulates the crime of theft in the household or family.<sup>1</sup> Theft is the act of illegally and unlawfully taking an object, whether material or immaterial, that belongs to another person. The punishment for theft is regulated in Article 362 of the Criminal Code as follows:

"Anyone who takes something, which wholly or partly belongs to another person, with the intention of possessing it unlawfully, is liable for theft, with a maximum prison sentence of five years or a maximum fine of sixty rupiah."<sup>2</sup>

The article mentions the word "anyone," which means that anyone who commits a crime and the provisions stipulated by law can be subject to sanctions. The word "taking" is interpreted as the act of taking part or all of another person's property with the intention of unlawfully controlling the property. Along with the development of the times, these elements have undergone many interpretations. This interpretation reflects social dynamics and changes in legal understanding, thus expanding the scope of application of existing provisions. Initially, the term "taking" was interpreted as moving an item from its original place to another place. This means that the item is under the control of the person who took it, so that the item is no

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<sup>1</sup>Supriyono, Criminology Study of Crime of Fencing the Stolen Goods, Jurnal Daulat Hukum, Volume 3 Issue 1, March 2020.

<sup>2</sup>R. Soesilo, Principles of Criminal Law, General Regulations and Special Offences, Bogor, Politeia, 1998, p. 120

longer in the possession of the rightful owner. Thus, the sentence stating the act of "taking" implies that the item is no longer in the possession of the rightful owner. This process begins when someone tries to release an item from its owner, and the act is considered complete when the item has been moved from its original place. It can be concluded that taking means taking from the place where the item was originally located or taking an item from the possession of another person.<sup>3</sup>

Thus, aggravated theft refers to the act of theft committed in a certain condition or manner that makes it more serious, so that the legal threat imposed is also higher. This shows the importance of understanding the context and characteristics of the crime of theft in the Indonesian criminal law system.<sup>4</sup> One of the crimes of aggravated theft that will be discussed in this study is a case that occurred in Sidoarjo Regency, precisely on Saturday, January 27, 2024 at around 02.00 WIB or at least at another time in 2024, taking place in the "NDOWER" Chicken Noodle Stall on KH Street. Sulaiman Rt.01 Rw.02 Gemurung Village, Gedangan District, Sidoarjo Regency, or at least in another place that is still included in the jurisdiction of the Sidoarjo District Court. Which was carried out by the defendant SUTRISNO alias BREWOK. The defendant has taken something that is wholly or partly owned by another person, with the intention of possessing the item unlawfully, which in order to enter the place of committing the crime or to reach the item taken, was done by damaging, cutting or climbing, or by using a fake key, fake order or fake official clothing, which act was committed by the defendant. For this act, the defendant was then taken to the Gemurung Village Office and then handed over to the Gedangan Police for further processing. The defendant's actions as regulated and threatened with criminal penalties in Article 363 paragraph (1) 5 of the Criminal Code. That as a result of the defendant's actions, witness Ahmad Wahyudi suffered a loss of Rp. 450,000.00 (four hundred and fifty thousand rupiah).

## 2. Research Methods

The approach method used in this study is the normative legal approach. The normative legal approach is a legal research conducted by examining library materials or secondary data. Normative legal research is a legal research that places law as a normative system. The normative system in question is regarding the principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings).<sup>5</sup>

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<sup>3</sup>PAF Lamintang., *Special Offenses, Crimes Against Property*, First Edition, Bandung, Sinar Baru, 1989, p. 11.

<sup>4</sup>Hermien Hediati Koeswadji, *Property Crimes, Principles, Special Issues and Problems*, First Edition, Sinar Wijaya, Surabaya. 1984.

<sup>5</sup> Judicial. 2015. *Pancasila Justice in the Indonesian Legal System*. Jakarta: Rajawali Pers, p. 45.

### 3. Results and Discussion

#### 3.1. Legal Protection for Victims of Criminal Acts of Theft with Aggravating Effects Based on Pancasila Justice

1. Analysis of the Decision of Criminal Case Number 160/Pid.B/2024/PN Sda)

That the defendant SUTRISNO alias BREWOK on Saturday, January 27, 2024 at around 02.00 WIB or at least at another time in 2024, located in the "NDOWER" Chicken Noodle Stall on KH. Sulaiman Street Rt.01 Rw.02 Gemurung Village, Gedangan District, Sidoarjo Regency, or at least in another place that is still included in the jurisdiction of the Sidoarjo District Court, which has the authority to examine and try this case, has taken something that is wholly or partly owned by another person, with the intention of possessing the item unlawfully, which to enter: the place of committing the crime or to get to the item taken, is done by damaging, cutting or climbing, or by using a fake key, fake orders or fake official clothes, which act is carried out by the defendant in the following manner:<sup>6</sup>

At the time and place as mentioned above, it started when the defendant was passing in front of the shop riding a black Honda Scoopy motorcycle with No. Pol: A-2718-TJ belonging to witness Dadang Syahputra which was borrowed by the defendant, then the defendant stopped and parked the motorcycle next to the back of the shop or under a mango tree, then the defendant entered the "NDOWER" chicken noodle shop belonging to witness Achmad Wahyudi by prying or damaging the hinge of the padlock on the back side door of the shop using a piece of iron, then the defendant took the following items:

- a. 1 (one) 3 (three) kg LPG gas cylinder and
- b. cash totaling around Rp. 150,000 (one hundred and fifty thousand rupiah) which was in 3 (three) donation boxes made of glass,

Then the defendant came out of the warehouse and brought the 3 (three) kg LPG gas cylinder to the porch of the witness Mohammad Akhsanul Kholiqin's house, then ran towards the back garden of the resident's house and threw away the money from the charity box that the defendant took which was stored in a black plastic bag, then the defendant went out towards the front of the house by turning around, when he arrived at the front the defendant was reprimanded by the witness. Mohammad Akhsanul Kholiqin with the dialogue:

MAK: "I'll report, bro"

Defendant: "I'm looking for a bird",

MAK: "Why is the stall door open?"

Defendant: "I don't know."

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<sup>6</sup> Arif Gosita, the problem of crime victims. Akademika Pressindo. Jakarta, 1993.

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Then witness Mohammad Akhsanul Kholiqin told the defendant not to go anywhere, then the defendant went into the stall with the intention of pretending to check the contents of the stall, not long after witness Mohammad Akhsanul Kholiqin together with witness Achmad Wahyudi came where the defendant was at that time in the stall, then witness Achmad Wahyudi asked the defendant

AW: "What's going on in my shop?"

Defendant: "I checked the shop and they said it had been broken into."

Then there was a verbal debate between the defendant and witness Achmad Wahyudi, then witness Achmad Wahyudi and witness Mohammad Akhsanul Kholigin took the defendant to the Gemurung Village Hall Office and then handed over to the Gedangan Police for further processing. In this decision, the case files and other relevant letters;

After hearing the statements of the witnesses and the defendant and considering the evidence presented at the trial. After hearing the reading of the criminal charges filed by the Public Prosecutor which are in essence as follows:

- c. Declaring the defendant Sutrisno alias Brewok guilty of committing the crime of "aggravated theft" as regulated in Article 363 paragraph (1), 5 of the Criminal Code;
- d. Sentencing the defendant SUTRISNO alias BREWOK to a prison sentence of 10 (ten) months minus the time the defendant was detained with the order that the defendant remain detained;
- e. Stating evidence in the form of:
  - 1) 1 (one) 3 Kg LPG gas cylinder.
  - 2) 3 (three) charity boxes made of glass
  - 3) 1 (one) set of door hinges and padlocks with keys.

Returned to the victim Achmad Wahyudi

- 4) 1 (one) unit Honda Scoopy motorbike, black, license plate number: A-2718-J. Returned to witness Dadang Syahputra
- f. Determine that the defendant is burdened with paying court costs of Rp. 3,000, - (three thousand rupiah).

## 2. Condition of the Victim in the Analysis of Case Decision Number 160/Pid.B/2024/PN Sda

In the theft case committed by the defendant Sutrisno alias Brewok, the victim was Achmad Wahyudi, the owner of the "NDOWER" Chicken Noodle stall. The losses he experienced were:

- a. The loss of 1 3 kg LPG gas cylinder;
- b. Cash ± Rp. 150,000.00 from three damaged charity boxes;
- c. Damage to shop property, such as door hinges and locks.

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The actions of the defendant Sutrisno alias Brewok who committed theft by prying open the back door of the victim's shop is a form of unlawful act which is classified as aggravated theft. The defendant's modus operandi of damaging the door's padlock hinges to enter the shop secretly shows that there were elements of planning and evil intent (*mens rea*) in the crime. This act fulfills the elements as regulated in Article 363 paragraph (1) 5 of the Criminal Code, which states that theft is categorized as aggravated if it is carried out by damaging, climbing, or using a fake key to enter the place of crime.

The act of theft by damaging the back door not only harms the victim materially in the form of loss of goods and money, but also disrupts the right to security and legal ownership. The victim not only experiences economic losses due to the loss of LPG gas cylinders and money in the donation box, but also experiences moral losses due to the violation of his privacy and business property. As a result of this action, the sense of peace and public trust in environmental security are also disturbed. In addition, the method used by the defendant also reflects bad faith to avoid detection or resistance from the shop owner or local residents, which exacerbates the aggravating elements in this case. In the context of criminal law, actions like this deserve a stricter legal assessment because the perpetrator has used hidden methods and violence against objects to gain personal gain by violating the rights of others.

Thus, based on the characteristics of the crime and the method of its implementation, the defendant's actions clearly fulfill the elements in Article 363 paragraph (1) 5 of the Criminal Code and have had serious consequences for the victim in the form of disturbances to security, peace and property rights protected by law.<sup>7</sup>

### 3. Analysis of Legal Protection Based on Pancasila Justice

The legal protection for victims of aggravated theft should not only focus on punishing the perpetrator, but also include restoring the victim's rights. The Second Principle of Pancasila, namely Just and Civilized Humanity, emphasizes the importance of respecting human dignity, including victims of crime. In this case, the victim not only suffered material losses due to the loss of the gas cylinder and the money from the charity box, but also suffered psychologically due to the violation of private space and the disruption of their sense of security. However, the court's decision did not provide compensation or restitution to the victim, even though normatively the state is obliged to guarantee the victim's rights to justice and restoration as regulated in various laws and regulations and human rights principles.

The principle of just and civilized humanity requires that the criminal justice system is not merely repressive towards the perpetrator, but also proactive in restoring the condition of the victim. The victim must be viewed as a legal subject who has equal standing and rights to obtain justice, including protection from the subsequent impacts of the crime such as trauma, social loss, and loss of trust in the legal system. By not providing restitution or other recovery efforts, the state has not fully fulfilled the mandate of the Second Principle of Pancasila, which places humanity as the basis for enforcing the law.

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<sup>7</sup> Amiruddin, Zainal Asikin, *Introduction to Legal Research Methods*, Rajawali Press, Jakarta, 2016.



Meanwhile, the Fifth Principle of Pancasila, namely Social Justice for All Indonesian People, contains the meaning that justice is not only aimed at the perpetrator through the principle of proportionality of punishment, but must also be felt by the victim in real terms. In this case, although the victim's loss in nominal terms may be relatively small, namely around Rp150,000 and a gas cylinder, the moral and social values that were injured were quite large, especially because the stolen goods included a charity box which is a symbol of public trust and good intentions. The state should be present to provide guarantees of social justice, one of which is by facilitating restitution or other forms of compensation to the victim, as a form of social responsibility for the rights of citizens who have been violated.

Unfortunately, in the court ruling against the defendant Sutrisno alias Brewok, the state only resolved the criminal aspect by sentencing the perpetrator to 10 months in prison and returning the evidence without considering the victim's immaterial losses. There is no formal mechanism offered in the verdict to comprehensively restore the victim's condition. This shows that social justice as referred to in the Fifth Principle has not been fully realized in criminal justice practices. The state is still trapped in the paradigm of retributive justice without integrating the principle of restorative justice based on Pancasila values, especially in restoring social balance and harmony.<sup>8</sup>

Thus, legal protection for victims in aggravated theft cases does not fully reflect the values of Pancasila justice. A reformulation of criminal law policies is needed that emphasizes the aspect of victim recovery, including the provision of restitution, psychological assistance, and guarantees of a sense of security after the incident, so that the values of humanity and social justice do not just become slogans, but are realized in legal decisions that support substantive justice.

#### 4. Evaluation of Victim Protection in Decisions

Decision Number 160/Pid.B/2024/PN Sda which sentenced the defendant Sutrisno alias Brewok to 10 months in prison has indeed resolved the formal legal aspects related to the perpetrator's criminal liability. However, when evaluated from the perspective of protecting the victim, this decision still shows quite significant weaknesses. One indication is the absence of a restitution order from the court to the victim, even though the victim suffered losses both materially and immaterially. Not only did he lose goods and money, the victim also faced psychological impacts due to the shop break-in, which of course caused a sense of insecurity and potential trauma, especially because the incident occurred at night and in a way that damaged property.<sup>9</sup>

In addition, the verdict also does not accommodate non-economic losses experienced by the victim, such as damage to the stall facilities or disruption to daily business activities. This reflects that the aspect of victim recovery is not a primary concern in the imposition of criminal sentences. In fact, in the context of restorative justice, the victim should be

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<sup>8</sup> Moeljatno, Principles of Criminal Law, Jakarta: PT. Bina Aksara, 1987.

<sup>9</sup> Mahmutarom HR, Reconstruction of the Concept of Justice, Diponegoro University Publishing Agency, Semarang, 2010.

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positioned as a party entitled to receive comprehensive recovery, both in terms of emotional, social, and economic.

The minimal involvement of victims in the legal process is also an important note in this evaluation. There is no mechanism that allows victims to voice their feelings, provide victim impact statements, or even actively participate in the case resolution process. In fact, the theory of restorative justice emphasizes the importance of victim participation, namely the meaningful involvement of victims in all stages of case handling in order to achieve a fair and balanced resolution. In other words, the justice system still operates with a traditional pattern that emphasizes the perpetrator, while the position and interests of the victim are marginalized.

This condition shows that protection for victims in this case has not fully met the principles of substantive justice as desired by the values of Pancasila. Therefore, it is important to have reform in the criminal justice system in Indonesia, especially by adopting a real restorative justice approach, so that justice is not only felt by the perpetrator through legal certainty, but also by the victim through fair and dignified recovery.<sup>10</sup>

### **3.2. Obstacles and Solutions in Providing Legal Protection for Victims of Criminal Acts of Theft with Aggravating Sentences Based on Pancasila Justice**

The Sidoarjo District Court Decision Number 160/Pid.B/2024/PN Sda sentenced the defendant Sutrisno alias Brewok to 10 months in prison who was proven to have committed aggravated theft by prying open the back door of the "NDOWER" chicken noodle stall. However, from this decision, several significant obstacles can be identified in legal protection for victims, both from normative and practical aspects. The following is the author's description of the points of the decision:<sup>11</sup>

#### **a. No Order of Restitution or Compensation in the Decision**

The verdict only ordered the return of evidence in the form of LPG gas cylinders, glass donation boxes, padlock door hinges, and the motorbike used by the defendant to their owners. However, there are no provisions governing compensation for the victim's losses, either material losses in the form of lost money or immaterial losses such as trauma and insecurity due to the defendant's actions. This shows that the legal system in this verdict still does not provide complete protection to the victim as per the principle of Pancasila justice which prioritizes just and civilized humanity in the Second Principle and social justice in the Fifth Principle.<sup>12</sup>

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<sup>10</sup> Phillipus M. Hadjon, Legal Protection for the Indonesian People, PT. Bina Ilmu, Surabaya: 1987.

<sup>11</sup> Satjipto Rahardjo, Legal Studies, PT. Citra Aditya Bakti, Bandung, 2000.

<sup>12</sup> Soerjono Soekanto, Introduction to Legal Research, UI Press, Jakarta, 1984.



**b. Lack of Recognition of Victims' Rights to Restitution**

The victim is only positioned as a party that suffers material losses, without any comprehensive recovery efforts. The verdict does not mention the psychological or social recovery process of the victim, let alone the involvement of the victim in the trial process. This reflects the obstacles in the application of the principle of restorative justice that positions the victim as a legal subject who has the right to be heard and restored. The verdict that only focuses on imprisonment for the defendant and the return of evidence reflects the orientation of the justice system that is still centered on the perpetrator, not the victim.

**c. Limitations of Victim Participation in the Judicial Process**

In the description of the verdict, the author did not find any mechanism that provides space for victims to convey the impact of the crime they experienced directly to the judge. This shows the lack of victim participation in the legal process, so that the needs and interests of victims are less accommodated. Whereas according to Pancasila justice, every citizen has the right to proportional protection and justice, including victims of crime.

**d. Administrative and Institutional Constraints**

The ongoing legal process through the return of evidence and the conviction of the defendant without further regulation on victim protection shows institutional constraints. Victim protection institutions, such as the Witness and Victim Protection Agency (LPSK), do not appear to be involved or provide support in this case. This is an obstacle because there is no integrated mechanism that accommodates victims' rights in their entirety.<sup>13</sup>

**3.3. Solutions in Providing Legal Protection for Victims of Criminal Acts of Theft with Aggravation Based on Pancasila Justice**

The results of the analysis of the decision that the author raised, there are obstacles found in the decision, so, the author formulated a number of solutions that can strengthen legal protection for victims of aggravated theft. This solution must be based on the principles of Pancasila Justice, especially the Second Principle "Just and Civilized Humanity" and the Fifth Principle "Social Justice for All Indonesian People" with:

**a. Strengthening Restitution Mechanisms in Court Decisions**

The verdict should contain an explicit order for the defendant to fully compensate the victim's material losses, not just return the evidence. This is important so that the victim gets proper economic recovery and social justice can be realized. The court needs to apply the principle

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<sup>13</sup> Abdul Kholiq Nur and Gunarto, Concept of Criminal Law on Corruption of Corporate Criminal Liability System Based on Justice Value, Journal of Daulat Hukum, Volume 4 Issue 1, March 2021.

of restorative justice that prioritizes the recovery of the victim as a legal subject, not just focusing on criminal penalties for the perpetrator.<sup>14</sup>

b. Providing Space for Victims to Actively Participate in the Judicial Process

Victims need to have the right to convey the psychological, social, and economic impacts of the crime directly to the panel of judges. Thus, the judge can consider all aspects of the victim's losses in deciding the case. Victim participation also increases the sense of justice and recovery, and strengthens the value of humanity in the legal process.

c. Involvement of the Witness and Victim Protection Agency (LPSK) and Legal Assistance

LPSK needs to be empowered optimally to provide protection and legal assistance to victims, starting from the reporting process to the trial. This assistance is important to ensure that victims' rights are fulfilled and provide a sense of security during the legal process.

d. Integration Between Criminal Process And Victim Recovery

The criminal justice system needs to integrate aspects of punishing perpetrators with comprehensive victim recovery. For example, combining criminal penalties with the obligation to pay compensation or provide social rehabilitation services for victims. This approach is in line with the principles of social justice and fair humanity, so that victims are not only passive objects but receive proper attention.

e. Strengthening Regulations and Victim Protection Policies

There needs to be a revision and strengthening of regulations that clearly regulate the protection of victims of criminal acts, including restitution and compensation mechanisms. This policy must also be supported by training for law enforcement officers to be more sensitive and responsive to the needs of victims.<sup>15</sup>

#### 4. Conclusion

In this study, the author examines the legal protection of victims of aggravated theft that occurred at Warung Mie Ayam "NDOWER" Sidoarjo Regency, with the defendant Sutrisno alias Brewok. This case is a real example of how the criminal law system in practice handles victim protection, especially from the perspective of Pancasila justice. Through the analysis of decision Number 160 / Pid.B / 2024 / PN Sda, the author assesses the extent to which the principles of social justice and just and civilized humanity can be applied in providing legal protection to victims. Legal Protection for Victims of Criminal Acts of Theft with Aggravating

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<sup>14</sup> Supriyono, Criminology Study of Crime of Fencing the Stolen Goods, Jurnal Daulat Hukum, Volume 3 Issue 1, March 2020.

<sup>15</sup> Suri Indriani, Hadi Rianto, Analysis of PANCASILA Justice Values for All Indonesian People to Develop Justice Attitudes in the Peace Center Village, Parindu District, Sanggau Regency, Journal of Civic Education, Volume 3, Number 2, December 2019.

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Effects Based on Pancasila Justice. In the case of aggravated theft committed by the defendant Sutrisno alias Brewok at the "NDOWER" Chicken Noodle Stall in Gemurung Village, Sidoarjo Regency, the victim, namely the owner of the stall, Achmad Wahyudi, suffered material losses in the form of a 3 kg LPG gas cylinder and money in a charity box worth around Rp. 150,000. In addition to the material losses, the victim also experienced psychological security and peace disturbances due to the act of destroying the hinges of the back door padlock of the stall. Legal protection for victims in the context of Pancasila Justice should not only include criminalizing the perpetrator, but also fulfilling the victim's rights to receive compensation and recovery. The principle of the Second Principle, "Just and Civilized Humanity," requires the state to provide comprehensive protection to victims, including efforts to restore the psychological and social impacts of criminal acts. However, in decision Number 160/Pid.B/2024/PN Sda, the victim only received the return of evidence, while the loss in the form of money from the charity box thrown away by the defendant was not compensated, and there was no recovery for the victim's trauma. This shows the imperfection of humanitarian-based legal protection. Furthermore, based on the Fifth Principle, "Social Justice for All Indonesian People," victims have the right to receive proportional justice, namely in addition to punishment for the perpetrators, the fulfillment of the victims' rights fairly. Although the value of the victim's material losses is not too great, moral and symbolic aspects such as the loss of the charity box should be an important concern for the state. Unfortunately, the court's decision focuses more on the criminal aspect without providing a social justice solution for the victims, for example restitution of losses caused by the defendant's actions.

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