

Transnational Crime; State Losses Due to Illegal Smuggling (Study on Illegal Importier In North Rupal Island – Indonesia)

by Kriminologi UIR

Submission date: 18-Dec-2023 12:36PM (UTC+0700)

Submission ID: 2239685600

File name: ICOGPA_Proceedings_Syahrul,_Tutrianto,_Sulaiman.pdf (2.05M)

Word count: 3404

Character count: 18070

Proceedings of the 2nd International Conference on Government and Public Affairs 2021 (ICOGPA2021),
6-7 April 2021, Universiti Utara Malaysia, Sintok, Kedah, MALAYSIA

Proceedings of the
2ND INTERNATIONAL CONFERENCE ON GOVERNMENT
AND PUBLIC AFFAIRS 2021 (ICOGPA2021)
'Coping with Challenges in Intergovernmental Relations Landscape'

6-7 APRIL 2021
UNIVERSITI UTARA MALAYSIA
SINTOK, KEDAH
MALAYSIA

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PROGRAM STUDI MAGISTER ILMU PEMERINTAHAN PASCASARJANA,
UNIVERSITAS ISLAM RIAU,
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**2021. Published by the School of Government,
Universiti Utara Malaysia
eISBN 978-967-16057-9-0**



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**Transnational Crime; State Losses Due to Illegal Smuggling
(Study on Illegal Importier In North Rupal Island
– Indonesia)**

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Abstract: Transnational crime is the kind of crime that is difficult to handle because it involves the juridical law from two countries that is involve in this crime. The form of crime that occurs is illegal importer. An illegal importer is very detrimental action for the state, it is dangerous when the goods that being imported illegally are something that can be harmful and endanger the state and even society. Therefore, this activity is classified as a transnational crime or cross border crime. The crime that is committed by illegal importers are one of the reason why the national development is grow slowly. By using a quantitative approach, the research are going to do deep interviews to a selected speakers. This study explained the factors of why illegal importers are selling the imported foods and drinks illegally, it can be explain by the factors of people, the geographical location that is very close to Malaysia, and it makes the people become accustomed by consuming illegal imported products until now. The perpetrators are trying to get and sell the illegal imported products to the people continuously, it also because the facilities that facilitate so the illegal imported products can be obtained and sold to the public. For example, it can be ordering through ABK ships that export fish to Malaysia. ABK ship is given the right by the State to shop in Malaysia about 50USD but for personal consumption, but utilized by the ABK and the sellers of illegal imported products to be sell it to public. Not only that, weak supervision from relevant agencies is also one of the factors that make illegal imported products still widely circulated in the community in Tanjung Medang village, North Rupal District.

Keywords: Illegal Importers, Rupert Utara, Society, Transnational Crime

1. INTRODUCTION

Indonesia is one of a country that has a lot of natural resources. The natural resources are used to fill the needs in the country and it also exported to fill the needs abroad. Imports entering Indonesia are a very likely matter to occur. There are large number of imported goods entering Indonesia, so it makes the government give restrictions on goods that can be imported. In reality, as we can see in the field, there are still many imported goods that are prohibited from entering the territory of Indonesia, such as foods, beverages or drinks, used clothes, electronics and others. In a situation like this, free trade becomes a negative impact because it creates crimes against illegal importers committed by business actors.

Business actors wish to expand the circulation of goods so that they conduct cross-border trade ties, however in the increasingly tighter free trade era, business actors take the most efficient route, and it called illegal imports, illegal imports are carry out in order to gain profits through fraudulent methods. Over time, regulations that control import activities in Indonesia began to appear, which causes supervision of the import process to become tighter and more difficult, and it is regulated by the Minister of Trade as outlined in Law No. 48 of 2015 concerning general provisions in the import sector, causing a large number of act of deviating from the applicable regulatory procedures.

Illegal importers are one of the crimes that arise due to strict requirements and regulations in importing. The actions of illegal importers iss not only violate the Law that has been regulated by the Minister of Trade, but also violate Law No. 17 of 2006 on Customs Article 102, which will be penalized for smuggling in the import field with a minimum imprisonment of 1 year or a maximum of 10 years in prison as well as a minimum fine of Rp.50.000.000.00,- (fifty million rupiah) and with a maximum of Rp.5.000.000.000.00 ,- (five billion rupiah)

Countermeasures of illegal importers is not successful entirely, and it can be see from the frequent smuggling of imported goods in some areas of Indonesia, one of them in Riau province, Bengkalis regency, precisely in Rupert North District, Tanjung Medang Village. Based on research observations, illegal imported food and beverage products were found sold by the perpetrators to the community in Tanjung Medang Village. Here is the list of illegal imported foods and beverages that researchers managed to find in the field:

1.1 The List of Illegal Imported Food and Beverages Table

Name of Goods	Factory	Selling Price
Milo	Malaysia	Rp.80.000/kg
Salty soy sauce	Malaysia	Rp.16.000,/btl
Tauco	Malaysia	Rp.15.000,/btl
Botan Sardene	Malaysia	Rp.22.000,-/big bottle
Dry Bread	Malaysia	Rp.8.000,-/pack
Cuka	Malaysia	Rp.8.000,-/btl
Hup- Seng Cake	Malaysia	Rp.17.000,-/bks
Turmeric powder	Malaysia	Rp.5.000,-/Bks
Sugar	Malaysia	Rp.13.000,/kg
Canned Rambutan	Malaysia	Rp.25.000,-/can 565g

Canned squids	Malaysia	Rp.60.000,-/can
Apollo chocolate	Malaysia	Rp.18.000,-/pack
Rambutan canned	Malaysia	Rp.25.000,-/can 565g

Source: Author Modifications,2020

The imported products were obtained through a fish exporting company ship to Malaysia in Tanjung Medang Village where the distance that required is only about 60-90 minutes when the weather is good. It is inversely proportional to the time it takes to get to Bengkalis district, Dumai city, and Pekanbaru city because it requires relatively longer time, considering the long distance traveled. Based on the data from the Table of Imported Foods and Beverages above, there are several cases of prosecution that were successfully secured by the Dumai Customs in North Rupert District. Here is the data of illegal imported food enforcement that the Customs managed to secure in a period of three years from 2016-2018 :

Table 1.2 Enforcement of Illegal Foods and Beverages Cases in North Rupert District 2016-2018

Year	Commodity	Amount	Detail
2016	-Foods and drinks	300	Soft Drink
	-Foods and drinks	2	Biscuit
	-Foods and drinks	2	Tin Water
	-Other goods	150	Black Rice
	-Other goods	3	Dry Tofu
	-Foods and drinks	15	Salty soy sauce
	-Foods and drinks	1	Canned food
2017	0	0	0
2018	0	0	0

Source: Author Modifications,2020

According to the data above from the Dumai Customs, we can see that many illegal food and drinks or beverages that have been successfully secured by customs in North Rupert, the perpetrators rack their brains so that they can still carry illegal products without having to be arrested by the customs authorities.

With the large number of food products that have been captured by customs and also the number of imported food and beverages that researchers encountered in the field compared to used clothes, electronics and others are common in the community of Tanjung Medang village, North Rupert district, Based on the problem and the phenomenon, the author is interested to do a research in the form of thesis or scientific work on "Criminology Analysis of Illegal Importers.

2. METHODOLOGY

In this research, researchers used qualitative methods. Straus and Corbin (2003) define a qualitative method, which is a type of research whose findings cannot be found through statistical or counting processes. The point is, this research is only understood by people who

have studied qualitative research, but this definition can also confuse people who are new to this method because the findings cannot be found and obtained through statistical and calculation procedures. (Afrizal: 2016: 12)

The location of this research is in Tanjung Medang Village, Rupa Utara District, Bengkalis Regency. The reason why the researchers are choosing these locations is due to the large number or prevalence of illegal imported food and beverage products being traded to the local community.

Data collection techniques that researchers use in this study are observation, interviews, and documentation (Rianto Adi: 2010: 71), so that after all the information and data are obtained, then the researcher will analyze the data qualitatively, so that the researcher can draw conclusions that are more accurate

3. THE STUDY: DESIGN AND RESULTS

a. Rational Choice Theory

Rational choice theory is a theory that focuses on actors. The perpetrators are always seen as a group that has a purpose which means that the perpetrators have the final goal or deadline for all the actions and actions they have done. They also have options that they consider. This rational approach is used by (Charke: 1997) in developing a situational crime prevention strategy. This approach assumes that crime is an attitude that is consciously carried out to fulfill the offender's needs such as money, status, sexual desire and self-actualization. In the process of fulfilling these needs, actors sometimes consider rationally and make decisions based on limitations, personal abilities, and availability of information related to targets. This view says that basically all humans have the same role, namely always thinking about the advantages and disadvantages of all their decisions. sourced from the information data obtained in order to get to the desired destination, including the perpetrators of crime based on the options available (Ritzer: 2012: 85).

The rational choice theory has several assumptions about individual preferences in taking action, including: (Deliarnov, 2005: 68)

1. Completeness, if there are 2 choices between a and b, then the individual will always be able to clearly state his choice of the three possibilities that might occur; a is preferred over b, b is preferred over a, a and b are both interesting. Individuals are assumed not to change their choices because they are doubtful about their choices. Individuals consciously understand their choices and can always clearly state the preferred choice of the two options. This assumption prevents the possibility that the individual states that a is preferred over b and b is preferred over a simultaneously.
2. Transitivity. If option a1 is preferred over a2 and option a2 is preferred over a3, then a1 is preferred over a3. This assumption explains that individuals are people who are consistent with their choices, so that the preferences expressed by individuals do not conflict with each other.
3. Continuity, if the individual states that a is preferred over b, then the situation that is close to a must also be preferred over b. In making decisions, individuals will calculate the pros and cons by always considering the costs and benefits of the decisions they make.

b. Neutralization Theory (Justification)

This theory says that human behavior is controlled by the thoughts that come from the actors themselves. Sykes and Matza said that the delinquent is a apologetic failure, who drifts in to deviant lifestyle through of justification” we call these justification of devuan behavior techniques of neutralization, and we believe these techniques make up crucial component of Sutherland “definitions forable to the violation of law.

The perpetrator of a crime is someone who fails to apologize for his actions, and then it is brought into a lifestyle that deviates from the norm. This process takes place very smoothly, so that it is used by the perpetrator as a justification for his behavior. Justification for a person's behavior involves any complex components as defined by the process of breaking the law by Sutherland. Then Sykes and Matza explained about 5 neutralization techniques that can be carried out by the actors, namely:

1. Denial of Responsibility, is the perpetrator thinks that he is a person who is helpless when facing pressures from society.
2. Denial of Injury, the perpetrators assume that the actions they do are not a mistake so that they do not cause great harm in socciety.
3. Denial of Victim, the perpetrators thinks that their actions are not a mistake, but the victim is the one who wrong and deserved to be harmed.
4. Condemnation of The Condemners, perpetrators offend others as well as oppress others for anyone who says their actions and deeds are wrong.
5. Appeal of Higher Loyalties, is assume that the perpetrator feels himself trapped between the wishes of the community and the provisions of the applicable law compared to the needs of the smaller group where the group they belong to.

From the explanation above, we can conclude that the neutralization theory explains deviant behavior or crimes committed by a person based on one's own thoughts and then driven by conditions from outside the individual, so that ultimately it causes the perpetrators to always look for reasons to justify their actions through the rationalization process (Hardianto, 2018).

c. Results

Illegal importer is a crime that is not mild because it is something that is detrimental and can endanger the State. The increase in crimes committed by illegal importers is one of the aspects that affects the obstruction of the development of national development. because one of the sources of national development comes from taxes on imported products that enter Indonesia legally.

This research begins by looking for data on illegal imported products circulating in the community. Furthermore, the researchers conducted unstructured interviews with related agencies such as Dumai Customs officers and Bengkalis Trade Service officers as well as buyers of illegal imported products as informants, and illegal importers as key informants in this study.

Based on the data of illegal imported food and beverage that the author managed to collect in the field described above, the authors found several factors that influence illegal importers to sell illegal imported products to the public, the authors study this in the academic realm

according to the Rational Choice theory approach and the Neutralization Theory. (Justification) includes:

Community Factors

The large demand from the community is the main factor for illegal importers to sell illegal food and drinks. Geographical location close to Malaysia which only takes about 60-90 minutes by sea is also one of the reasons actors sell imported products, so local people have been used to it for a long time consuming imported products, regardless of whether the imported products are legal or not, the public does not care about this, the most important thing is that they can still consume imported products, the selling price is not much different from local products and the quality of imported products is better than local products. pull yourself to the community,

Supporting Facilities

With the great demand from the public for the availability of illegal imported products, the perpetrators are looking for ways to import these imported products, without being suspected and subject to taxation by the customs, one of which is by ordering the imported products through a ship crew that exports fish to Malaysia. Ship crew has the right granted by the State to be able to shop in Malaysia for around USD 50, but only for personal consumption, not for sale, but instead for sale.

When the imported product arrives and has been checked by the customs authorities, then the actors sell the imported product to the public secretly considering that if the imported goods are brought by the ship, if they are traded, the customs area has been released, because they do not have a distribution permit and that is a an illegal act. That is done so that people can still consume Malaysian products. The perpetrators are aware that the action they are taking is wrong, but they feel the circumstances compel them to do it.

Weak Supervision

Not only supervising one area, the inadequate number of officers is one of the reasons that the supervision carried out on Rupa Island is not optimal. Not only that, the law is weak to take action when ship crews bring imported products from Malaysia to Tanjung Medang Village, because they exercise the rights given to them by the state so that Law No. 17 of 2006 on Customs Article 102 cannot be applied.

From the three factors above, according to the theory of Rational Choice, a person who commits a crime has previously considered rationally the choices they choose and considered the risks they will receive. It can be seen clearly that the actors who sell illegal imported products, they do this because of circumstances that make them have to violate existing legal provisions. So that the relationship between rational choice theory and neutralization theory are interrelated, in which the neutralization theory says that a person's thoughts are driven by factors originating from outside the perpetrator, so that ultimately the perpetrators always seek justification for their actions through the rationalization process.

The rationalization process in question is where the actors choose to sell imported products to the public because the actors feel trapped between the wishes of the community and the applicable legal provisions, so that when they get the opportunity to be able to obtain the imported product after going through consideration of the available options even though in an illegal way the most important thing is they can get to their destination.

4. CONCLUSION

After conducting research, based on the results of the analysis and discussion that the author has described, the authors conclude that the factors behind illegal importers selling illegal imported food and beverage products are:

- a. Community Factors. The geographical location close to Malaysia makes people accustomed to consuming imported products for a long time, and the difference in selling prices which is slightly cheaper but has a better quality. Quality compared to local products itself is one of the reasons why imported products are preferred.
- b. Supporting Facilities, with the facilities that facilitate the entry of these products in the village of Tanjung Medang, it is carried out by utilizing the rights granted by the State to fish exporting boat crews, whereby the crew can shop in Malaysia for around USD 50 with a note that it is only for consumption but the crew ships and the perpetrators take advantage of the right given by the state to bring goods from Malaysia safely and are not detained at Customs but are intended to be sold and bought to the public.
- c. Weak supervision, is one of the factors that makes actors dare to sell illegal imported products to the public, the distance and the number of areas that must be supervised are not focused on just one area and also the inadequate number of officers is one of the reasons that causes supervision to be less optimal.

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