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DOI: https://doi.org/10.31933/unesrev.v5i4
Diterima: 19/06/2023, Diperbaiki: 22/07/2023, Diterbitkan: 23/07/2023

LAW ENFORCEMENT AGAINST THE CRIMINAL ACT OF ILEGALLY IMPORTING THRIFT CLOTHES IN INDONESIA

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ABSTRACT

The activity of illegally importing Thrift clothing in Indonesia seems to have become a pattern of life along with law enforcement actions that are less effective in overcoming criminal acts. This study aims to (1) find out the portrait of law enforcement against the criminal act of smuggling Thrift clothes in Indonesia; (2) to find out the factors causing the investigation into the alleged criminal act of smuggling Thrift clothing not to be carried out; and (3) knowing how to apply the law in law enforcement against the criminal act of smuggling Thrift clothes in Indonesia. This type of research is sociological legal research by exploring in depth the criminal act of importing thrift clothes illegally in Indonesia, especially in Indragiri Hilir district. The results of this study indicate that (1) law enforcement against the crime of smuggling Thrift clothing in Indonesia includes preventive and repressive measures; (2) the factors causing the investigation not to be carried out because the evidence was destroyed before entering the investigation stage; and (3) Law enforcement against the crime of clothing smuggling committed by Customs and Excise Civil Servant Investigators is not yet in accordance with statutory regulations.

***Keywords**: Law Enforcement, Thrift, Crime*

INTRODUCTION

The activity of illegally importing Thrift clothing in Indonesia seems to have become a way of life and even a source of life for people in several areas (Muiz, 2023), one of which is for the people of Indragiri Hilir district. Based on the information the author received from Agustinus, Head of the Enforcement and Investigation Section of the Customs and Excise Supervision and Service Office (KPPBC) Type Middle Customs C Tembilahan. According to him, the investigation into the smuggling of Thrift clothes conducted by Tembilahan Customs and Excise Civil Service

Investigators has now been stalled since the last 5 years. Not a single case was entered into the investigation process by the Tembilahan Customs and Excise Civil Servant Investigator because the goods from the arrests had been destroyed before the investigation was carried out.

This provides space for the big perpetrators of Thrift clothing smuggling because basically the actions taken by Customs and Excise are acts*repressive* less effective. However, large-scale trafficking and smuggling continues. Thus the role that should be carried out by Customs and Excise is not in accordance with the mandate given by the Law. In cases of smuggling, suspects in smuggling are threatened with criminal sanctions Article 102, Article 102 A, and Article 102 B of Law Number 17 of 2006 with threats imprisonment for a minimum of 1 (one) year and a maximum imprisonment of 10 (ten) years.

Based on the background mentioned above, the author wishes to research and discuss in more depth the exercise of authority by Civil Servant Investigators of Customs and Excise in the process of investigating the criminal act of smuggling Thrift clothing that occurred in Indonesia, especially in the Indragiri Hilir Regency. Thus, this study aims to (1) find out the portrait of law enforcement against the criminal act of smuggling Thrift clothes in Indragiri; (2) to find out the factors causing the investigation into the alleged crime of smuggling Thrift clothes in Indragiri Hilir Regency not to be carried out; and (3) knowing how to apply the law in law enforcement against the criminal act of smuggling Thrift clothing in Indragiri.

RESEARCH METHODS

This type of research is sociological legal research. Another term used for sociological legal research is empirical legal research or field research (Waluyo, 2008). Sociological legal research is research conducted by identifying the law and how the effectiveness of law enforcement applies in society (Soerjono, 1986). Or reviewing the situation through problems in the field associated with applicable legal aspects (Suggono, 2006). This research was conducted at the Tembilahan Customs and Excise Office. Due to the large number of cases of smuggling of used clothes that occurred in the Tembilahan Region and these cases were handled by investigators from the Tembilahan civil servant, customs and excise.

The primary data source used in this study is data obtained directly through interviews with respondents in the field regarding matters related to the problem to be studied (Daymon, 2007). While the secondary data sources used in this study are data obtained from laws, literature or data obtained through library research. Data collection techniques used in this study were interviews, literature review, and questionnaires. While the data analysis techniques used in this study are data presentation, data reduction, and drawing conclusions based on the perspective of Miles and Huberman (Huberman, 2002).

RESULTS AND DISCUSSION

Portrait of Law Enforcement Against the Crime of Thrift Clothing Smuggling in Indonesia

Thrift clothing imports have been prohibited from entering Indonesia since 1982 with the Decree of the Minister of Trade and Cooperatives Number 28/Kp/I/82 stipulating that*Thrift*

clothing ex are goods that cannot be imported or entered into Indonesia (Marpaung, 2008) due to the danger from the Thrift clothing itself and also the state losses incurred due to the smuggling.

The problem of smuggling Thrift clothing that occurs in the Legal Region of the Customs and Excise Supervision and Service Office (KPPBC) Type Middle Customs C Tembilahan is of concern because there are still many sales of imported Thrift clothing in the Indragiri Hilir Regency area.

The following data is sourced from the Enforcement and Investigation Section of the Customs and Excise Supervision and Service Office (KPPBC) Type Middle Customs C of Indragiri Hilir Regency as follows.

Table of Cases of Smuggling of Thrift Clothing in Indragiri Hilir District

Year	Number of Cases
2014	3
2015	2
Total Cases	5

From the data above, we can see the cases of smuggling of Thrift clothing that occurred in the Indragiri Hilir Regency area from 2014 to 2015 which were handled by the Customs and Excise Supervision and Service Office (KPPBC) Type Middle Customs C Tembilahan. Even though the number of cases handled has decreased, in fact sales of Thrift clothing in the Indragiri Hilir Regency have not decreased.

The author gives a questionnaire to the public about the sale of Thrift clothing in the downstream Indragiri district.

Table of Community Answers in Indragiri Hilir Regency About What Sales of Imported Thrift Clothing in Indragiri Hilir Regency Has Increased

Community Answers	Respondent	Percentage
Of	41	82%
No	9	18%
Amount	50 People from Indragiri Hilir Community	100%

From the answers above, it can be seen that the people of Indragiri Hilir district feel that sales of Thrift clothing in the Indragiri Hilir district have increased from previous years.

To overcome this, the Head of the Enforcement and Investigation Section of the Customs and Excise Supervision and Service Office (KPPBC) Type Middle Customs C Tembilahan, said that the important task of the Customs and Excise PPNS is to reduce the smuggling of imported Thrift clothing by carrying out law enforcement effectively.*preventive*and*repressive.*

Table Portrait of Law Enforcement by PPPNS Indragiri Customs and Excise

Law enforcement	Example
preventive	Observation Patrol
Repressive	Arrest Foreclosure

1. Preventive Law Enforcement

Law enforcement by*preventive*is an effort to prevent the occurrence of smuggling by eliminating the cause of its occurrence. This is the duty of the entire staff of the Directorate General of Customs and Excise. Legal enforcement*preventive*This is reflected in the efforts as stated in the functions of the Directorate of Enforcement and Investigation sections a, b, and c where the functions of implementing technical policies, guidance, control, guidance, and coordination are carried out in the context of preventing violations of laws and regulations.

Observation activities are one of the preventive measures taken by the Customs and Excise Supervision and Service Office (KPPBC) Type Middle Customs C Tembilahan against crimes in the field of Customs crimes such as smuggling. In this case the task was carried out by the intelligence team to find out information regarding the criminal act of smuggling Thrift clothes in Indragiri Hilir Regency.

Conducting patrols is one of the effective efforts to prevent the criminal act of smuggling imported Thrift clothing, in which Customs and Excise goes directly to the sea using patrol boats. By carrying out patrols like this, Customs and Excise can find out and immediately deal with suspicious ships entering and can immediately take action.

2. Repressive Law Enforcement

Enforcement*repressive*is an effort to overcome, take further action from the consequences of smuggling, where at this time with the issuance of Law Number 17 of 2006 amendments to Law Number 10 of 1995 Concerning Customs, this task has become the main task of the Directorate General of Customs and Excise apparatus in particular at the Directorate of Prevention and Investigation of Customs Crime. Civil Servant Investigators (PPNS) Customs and Excise act based on reports obtained from the intelligence section and the prevention section, to then be followed up at the investigative stage in the context of finding evidence and suspects.

Arrests are made for the purposes of investigation, investigators are authorized to arrest, as stipulated in Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995. Based on Article 17 of the Criminal Procedure Code that "an order for an arrest is made against a person who is strongly suspected of having committed an act of crime based on sufficient preliminary evidence. This article indicates that an arrest order cannot be carried out arbitrarily, but is directed at those who have committed a crime.

In the criminal act of smuggling in the Indragiri Hilir Regency area, if the perpetrator is caught in the act of smuggling imported Thrift clothing, the Customs and Excise investigator immediately arrests and confiscates the Thrift clothing.

Factors Causing the Investigation of the Alleged Criminal Act of Thrift Clothing Smuggling in Indragiri Hilir Regency Not Carrying Out

Civil Servants of Customs and Excise investigators stated that they did not have the authority to conduct an investigation into the crime case of smuggling of imported Thrift clothing. They destroyed the evidence before a court decision was made on the alleged crime of smuggling. So

that it has been almost 5 years since Tembilahan Civil Servants Investigators of Customs and Excise have not handled the smuggling case of imported Thrift clothes in the Indragiri Hilir Regency area and the Thrift clothes resulting from the prosecution have been destroyed.[1]

Even though it is very clear in Article 112 paragraph 1 of Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs states that investigators of Civil Servants of Customs and Excise have the authority to conduct investigations into customs cases.

This is what has caused the delay in the investigation process carried out by the Tembilahan Customs and Excise Civil Service Investigators in handling the crime case of Thrift clothing smuggling in the Indragiri Hilir Regency area.

Application of Laws in Law Enforcement Against the Crime of Thrift Clothing Smuggling

The case of smuggling of Thrift clothing in the Indragiri Hilir Regency area was handled by Tembilahan Customs and Excise PPNS, where the Customs and Excise PPNS was given authority based on Law Number 17 of 2006 concerning amendments to Law Number 10 of 1995 concerning Customs.

The authority of PPNS customs and excise is regulated in Article 112 paragraph (1), namely certain Civil Servants within the Directorate General of Customs and Excise are given special authority as investigators as referred to in Law Number 8 of 1981 concerning Criminal Procedure Code to conduct investigations customs crime.

However, not a single case of smuggling in the Indragiri Hilir Regency has entered the investigation process because the evidence was destroyed before the investigation was carried out so that none of the perpetrators of the crime of smuggling Thrift clothes were punished with criminal law.[2]

The perpetrators of this smuggling crime should be charged with criminal sanctions under Article 102, Article 102 A, and Article 102 B of Law Number 17 of 2006. The formulation of criminal sanctions based on this article basically applies criminal sanctions in the form of imprisonment and fines which are cumulative (combined) criminal sanctions, prioritizing the application of imprisonment first and then followed by cumulative fines. This formulation of the application of criminal sanctions shows that the perpetrators of the criminal act of smuggling are subject to quite severe double criminal sanctions, namely imprisonment on the one hand and at the same time witnesses being fined. However, if fines cannot be paid with the subsidiary Article 30 of the Criminal Code, it will be very detrimental to the state (Rumimper, 2014).

BSeveral forms of criminal sanctions that can be given to perpetrators of smuggling are not only individuals, but perpetrators of acts of transporting goods, customs service management

[1]Interview with*Mr. Dwi Suhartanto*, PLH Head of Customs and Excise Supervision and Service Office (KPPBC) Customs Middle Type C Tembilahan, Friday, April 8 2016, located at the Customs and Excise Supervision and Service Office (KPPBC) Customs Middle Type C Tembilahan City

[2] Interview with*Mr. Agustinus Rahmat Subagyo*, Head of Enforcement and Investigation Section of the Customs and Excise Supervision and Service Office (KPPBC) Customs Middle Type C Tembilahan, Friday, April 8 2016, located at the Customs and Excise Service Supervision and Service Office (KPPBC) Customs Middle Type C Tembilahan City

entrepreneurs (PPJK), and legal entities (companies, companies, groups, foundations, cooperatives).

However, this was not implemented in Indragiri Hilir Regency where none of the Thrift clothing smuggling cases were processed in accordance with applicable law, which resulted in more and more cases of smuggling occurring and more state losses caused by the crime of Thrift clothing smuggling. .

CONCLUSION

The actions taken by the Customs and Excise Civil Servant Investigator (KPPBC) Type Middle Customs C Tembilahan in eradicating Thrift clothing smuggling are in the form of preventive and repressive law enforcement. Preventive law enforcement can take the form of conducting surveillance and conducting patrols, while repressive law enforcement can take the form of arresting and confiscating the imported thrift clothing.

The factor that led to the investigation into the alleged criminal act of smuggling Thrift clothes in Indragiri Hilir Regency was evidence that had been destroyed before the investigation was carried out by the Tembilahan Customs and Excise Civil Servant Investigator. So that the perpetrators of smuggling cannot be punished according to criminal provisions.

Law enforcement against the criminal act of smuggling clothes committed by Civil Servant Investigators of Customs and Excise is not yet in accordance with statutory regulations because the goods from the arrests have been destroyed before the investigation is carried out. So that the perpetrators of crimes do not go through the court process and are not punished by criminal law. In the case of smuggling, suspects of smuggling are threatened with criminal sanctions in Article 102, Article 102 A, and Article 102 B of Law Number 17 of 2006 with a minimum imprisonment of 1 (one) year and a maximum imprisonment of 10 (ten) years.

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Kitab Undang-Undang Hukum Pidana (KUHP)

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