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LAW ENFORCEMENT OF CRIMINAL ACTS OF SMUGGLING ILLEGAL EXPORT-IMPORT GOODS IN INDONESIAN WATERS

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Abstract

The purpose of this study is to find out and analyze law enforcement in the field of customs, against the smuggling of illegal export-import goods in the territory of Indonesia. The research method used is a qualitative method using a legal approach and a conceptual approach. Data sources are primary data and secondary data. Based on the research findings, cases of smuggling illegal export-import goods are increasing every year, with various types of illegal goods. This is because it is influenced by several factors, one of which is the geographical factor of Indonesia which has many islands that are opportunities for smuggling illegal goods, in addition to geographical factors are also influenced by natural resources, industrial conditions, overproduction, and transportation. Smuggling of export-import goods is a criminal offense that has been regulated in various Indonesian laws and regulations. As for law enforcement efforts carried out, namely by taking preventive measures by monitoring and checking people or goods suspected of committing customs crimes, in addition to preventive efforts, repressive efforts are also carried out, namely law enforcement in the form of investigations, arrests, prosecutions, to prosecutions by imposing criminal penalties by the court.

Keywords: *Eradication, Criminal Smuggling, Illegal Export-Import*

INTRODUCTION

The issue of smuggling has always been in the spotlight in the eyes of the government, the public, and in particular the law enforcement officers of the police institutions and the Customs and Excise Agency. How not, that the criminal act of smuggling has a very close relationship with Indonesia's economic traffic. smuggling is an act that illegally imports goods in Indonesian juridical territory (Rashid, 2019).

The tendency in economic activities to pursue the greatest possible profit causes deviations in exports or imports in order to avoid customs levies and other levies. This is very possible, considering the geographical condition of the Indonesian state consisting of

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tens of thousands of islands consisting of large islands and small islands. Between these islands that stretch widely between one island and another or between islands in Indonesia and the island area of other countries.

The difference in proximity to foreign countries from the center of trade in the country, the striking price difference between the price of domestic goods and the price of goods abroad, the mentality of certain elements, infrastructure weaknesses and administrative weaknesses in the form of convoluted bureaucracy so as to provide opportunities to parties carrying out export-import activities against irregularities and violations. One of the forms of malfeasance and fraud cases is the crime of smuggling. Basically this conception of smuggling is based on the assumption that illegal cross-border trade occurs due to the low capacity of the state, and directly undermines the country's regulatory efforts (Thomas Stefanus Kaihatu, 2003).

Goods from neighboring countries are smuggled from official ports to rat ports. The "rat" port is an unofficial port that becomes a loophole for smugglers to smuggle illegal goods or to avoid excise duty. As in the Batam area which is close to neighboring Singapore and Malaysia, imported goods can easily enter Indonesian waters legally or illegally, even in the field many are looking for loopholes so that illegal imports can run smoothly. Although marine patrols are routinely carried out by security forces, there are still loopholes for smugglers to supply goods to the country's waters.

Indonesia already has rules for customscrimes, namely Law Number 17 of 2006 concerning Amendments to Law No. 10 of 1995 concerning Customs. The law was born as a form of implementing national development in the field of international trade. The customs law was established to provide legal certainty and ease of administration within the scope of customs, which provides space for law enforcement officials to supervise the movement of traffic of export-import activities in the territory of the country (Saputra et al., 2022).

The mode used to trick law enforcement in launching smuggling in Indonesian waters, such as the case that occurred in 2019 in Batam waters, namely the smuggling of luxury cars of the Nissan Skyline GTR 33 and 34 brands and De Tomaso Pantera JT-4, where the three cars were sent from Singapore and put into a container in a position not using wheels. In 2020 there was also a smuggling of luxury goods in the form of two motorbikes (*moge)* caught by the Barelang Police in the Malacca Legend.

The Directorate General of Customs and Excise explained that since 2019 at least the smuggling of illegally imported goods into Indonesian territory with a loss value of up to Rp. 4.772 trillion. In 2020 the number of state losses due to illegal smuggling reached Rp. 6.367 trillion. In the span of 2021, the General of Customs and Excise again said that the crackdown on perpetrators of smuggling reached 29,119 with total state losses reaching Rp. 24.25 trillion. Based on this data, it can be seen that the number of illegal goods smugglings continues to increase every year, this greatly affects state finances and the certainty of Indonesian law enforcement. so it is necessary to make extra efforts from law enforcement officials, both police officers and Customs and Excise agencies as PPNS investigators, this aims to overcome the criminal act of illegal smuggling in Indonesian waters (L. et al., 2004).

This study aims to find out and analyze law enforcement in the field of customs, where this research is focused on the criminal act of smuggling export-import goods in the territory of Indonesia. Because every year there are always cases of smuggling of illegal goods, both export and import, which have an impact on the Indonesian economy. In this study, it will be studied implicitly on the factors that cause the criminal act of smuggling, to efforts to eradicate cases of smuggling of illegal goods in Indonesia.

METHODS

This research method uses qualitative research where the author uses a reference to literature studies. This research uses normative legal research methods through a statutory approach and a conceptual approach. Collection of accurate data/information with primary data as support/support and secondary data from literature, the author uses several references from the internet that can be accounted for for their validity (Creswell, J. W., & Poth, 2007).

DISCUSSION

Legal Regulation of the Criminal Act of Smuggling of Illegal Goods

A crime that often occurs in the customs field is the crime of smuggling. The crime of smuggling in the customs sector is a criminal offense in the form of violation of the rule of law in the field of customs. The source of customs crime law is Law Number 10 of 1995

concerning Customs. The Customs Law entered into force on April 1, 1996, listed in Statute Book No. 75 of 1995 as amended by Law No. 17 of 2006 concerning Amendments to Law No. 10 of 1995 concerning Customs Law No. 17 of 2006 concerning Amendments to Law of the Republic of Indonesia Number 10 of 1995 concerning Customs (Statute Book of the Republic of Indonesia of 2006 No. 93, Supplement to the Statute Book of the Republic of Indonesia No. 4661). Has regulated criminal sanctions for smuggling as stipulated in Article 102, Article 102 A and Article 102 B of Law Number 17 of 2006, especially the criminal act of smuggling in the export sector, namely: Sanctions Imprisonment for a minimum of 1 (one) year and a maximum of ten years in prison. The fine is at least Rp50,000,000.00 (fifty million rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah). If the criminal act of smuggling that results in disruption of the country's economy, then it is threatened with a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years, and a fine of at least Rp. 5,000,000,000.00 (five billion rupiah) and Rp. 100,000,000,000.00 (one hundred billion) Legal Regulation for the Crime of Smuggling Illegal Goods Law No.10 of 1995 concerning Customs (Sudrajat, 2021).

Theregulation on criminal acts in the field of customs is to supervise the traffic of export-import trade, so that there are no crimes in cross-border trade such as smuggling either by air, sea, or land. The Customs Law is a legal umbrella for law enforcement officials in cracking down on perpetrators of export-import smuggling crimes that can harm the Indonesian economy.

The eradication of the crime of smuggling used clothing has been regulated in various laws and regulations governing customs. In today's customs practice, the handling of violations of customs provisions is more focused on physical settlements, namely in the form of payment of a certain amount of money to the State in the form of fines. In this case, it is the influence of the era of globalization that demands the speed and smooth flow of goods for the progress of national and international trade. Customs law basically adheres to the principle of calculating and depositing the import duty calculated by the importer *(Self assessment*). This system gives great confidence to users of customs services. However, this trust must be balanced with responsibility, honesty, and compliance in fulfilling the provisions of the applicable law, so that if users of customs services in the context of fulfilling customs obligations take actions that are not in accordance with the provisions

required by the customs law, sanctions will be imposed on those who violate it (Shavell, 1993).

Elements of Smuggling, Edwin H. Sutherland in his book *Principles of Criminology* mentions seven elements of crime that are interdependent and influence each other. An act will not be called a crime unless it contains all the seven elements, namely:

a. There must be certain tangible consequences or losses.
b. Such losses must be prohibited by law, must be clearly stated in the criminal law
c. There must be an act or attitude of allowing something to be intentional or reckless that gives rise to adverse consequences
d. There must be malicious intent (mens rea)
e. There must be a relationship of unity or conformity of the similarity of an incident relationship between evil intent and deed
f. There must be a causal relationship between a prohibited loss of the law and a deliberate act of one's own volition.
g. There must be a penalty established by the law."

Judging from the provisions of the elements of the above offenses, the criminal act of smuggling regulated in Article 102 and Article 102A of Law No. 17 of 2006 concerning Customs, then to declare a criminal act as an act of smuggling must meet the elements of: 1) Smuggled goods are export and import goods 2) Demolition of export and import goods is carried out without permission 3) Specifically for imported goods hidden without permission 4) Information about the quantity of export and import goods the wrong 5) Transporting imported export goods to the wrong destination 6) Done in an unlawful manner

The formulation of criminal sanctions for smuggling as stipulated in Article 102, Article 102 A, and Pasa 102 B of Law Number 17 of 2006 mentioned above basically applies criminal sanctions in the form of imprisonment and fines are cumulative (combined) criminal sanctions by prioritizing their application. from imprisonment first followed by cumulative fines to criminal sanctions.

The formulation of the application of criminal sanctions like this shows that the criminal smuggling of double criminal sanctions is quite severe, that is, imprisonment is applied sanctions on one side and at the same time witnesses are subject to criminal sanctions. However, if the fine cannot be paid by Article 30 of the Penal Code, it is very detrimental to the state. The philosophical basis for the application of criminal sanctions for smuggling is in the form of cumulative criminal sanctions, because trafficking is a form of "crime or offense that harms the interests of state revenue, damages the stability of the country's economy or depletes the country's economy, and harms the potential state revenue needed to finance national development in order to prosper the people". Therefore, it is necessary to provide alternative sanctions for the criminal act of smuggling so that the Customs Law is implemented and obeyed to increase the country's income and foreign exchange. Article 29 of the Tariff Law never applies, it is stated that even though it is in the investigation and prosecution stage the Minister of Finance can still request the termination of the investigation and prosecution of smuggling cases as long as the suspect/defendant carries out his legal obligations, that he is paying the duty to be paid by the suspect or defendant to the state. This kind of thing that is not formulated in the Customs Amendment Act applies (Garoupa, 1997).

1. Law No. 17 of 2006 concerning Customs. The provisions in Customs are contained in article 1 of Law NO.17 of 2006. This provision explains all terms in Customs.
2. According to the Decree of the Minister of Industry and Trade No. 229 / MPP / Kep / 7/1997 concerning General Provisions in the Field of Imports.

Decree of the Minister of Industry and Trade No. 229/MPP/Kep/7/1997 concerning General Provisions in the Field of Imports was ratified on July 4, 1997. In the Decree of the Minister of Industry and Trade, those obtained from carrying out textile import activities are companies that already have an Importer Introduction Number (API) and exemption of goods or companies that import goods.

3. Decree of the Minister of Industry and Trade Number: 642 / MPP / Kep / 9/2002 concerning Amendments to Appendix I of the Decree of the Minister of Industry Number: 230 / MPP / Kep / 7/1997 concerning the Regulated Import Procedures.

Decree of the Minister of Industry and Trade No.642/MPR/Kep/9/2002 dated September 23, 2002 concerning the Prohibition of Import of used clothing does not only

concern economic aspects. The policies taken also pay attention to health problems. With the enactment of this Decree, all other provisions contained in the Decree of the Minister of Industry and Trade Number 230 / MPP / Kep / 7/1997 are declared to remain in force. And Appendix 1 sequence number 16 of the Decree of the Minister of Industry and Trade Number 231 / MPP / Kep / 7/1997 concerning Waste Import Procedures was declared no longer valid.

4. Decree of the Minister of Industry and Trade Number 230/MPP/Kep/7/1997

It is stated that what is included in the category of description of used goods that can be imported is in the form of "new and used goods". If it is associated with the import of used clothing, the entry of used clothing into Indonesia according to this Ministerial Decree is legal and permitted by laws and regulations.

5. According to the Decree of the Minister of Industry and Trade No.732/MPP/Kep/10/2002 concerning Textile Import Trade

Preventing the circulation of illegal imported tekstill in the indonesian market that gives rise to it. Trade is unfair and results in losses to domestic production tekstill and in order to maintain a conducive business climate, the Government of Indonesia has imposed new tekstill import trade regulations.

6. Presidential Decree (Keppres) No. 73 of 1967

Article 1 paragraph (2) states that the criminal act of smuggling is a criminal act related to the expenditure of goods or money from Indonesia to abroad (export) or the entry of goods or money from abroad into Indonesia (imports). Andi Hamzah stated that the definition of smuggling is to enter or issue goods and money in secret contrary to the law without paying the duties required under the regulations.

7. Regulation of the Minister of Trade of the Republic of Indonesia Number 51/M-Dag/Per/7/2015 of 2015 concerning the Prohibition of Import of Used Clothing ("Permendag 51/2015")

There is indeed a ban on importing second-hand clothing. In the Regulation of the Minister of Trade of the Republic of Indonesia Number 51/M-Dag/Per/7/2015 of 2015 concerning the Prohibition of Import of Used Clothing ("Permendag 51/2015") it is stated that used clothing of imported origin has the potential to endanger human health so that it

is not safe to be used and used by the public. Based on these considerations and to protect the interests of consumers, it is necessary to have a ban on the import of used clothing.

Factors of Smuggling in Indonesia

The problem of smuggling has a very deep and complex substance. The formal aspects of procedural activities, especially those relating to the prevention and eradication of smuggling are relatively straightforward. The causes of deviations can be many, varied and have different degrees of depth. Each other depends on the existing "intervention" mode. Customs and Excise itself has many internal problems, including aspects of budget infrastructure, systems and procedures, *under invoices*, *misclassification,* mis-notifications, "intelligence" audits to the quality of human resources including leaders from each strata who have been concentrated with an atmosphere that is not conducive.

The crime of smuggling is caused by several factors including geographical factors, production markets and society. Geographically, Indonesia consists of thousands of islands, the location of Indonesia which is at the junction of two continents with a wide coastline with countries that are already developed in the industrial field, provides opportunities or opportunities, and even stimulates foreign entrepreneurs to commit unlawful acts by illegally inserting goods into the jurisdiction of the Unitary State of the Republic of Indonesia. Indonesia as a developing country wants to rely on its own industrial sector, but its industrial sector is still far from expected, while countries around Indonesia that are already advanced in their industrial fields such as Singapore, Malaysia, and others are experiencing difficulties in marketing. industrial products. Indonesia with a dense population, makes countries around Indonesia that are developed in the industrial sector have the opportunity or opportunity to market their industrial products to Indonesia by carrying out various marketing methods including illegal actions, such as by exporting goods from their country by providing incorrect information. data at the time of making documents for goods entering Indonesia or even through pure smuggling.

The crime of smuggling in Indonesia is influenced by several factors that have a causal relationship. These factors include:

1. Geographical Factors

The vast archipelago consisting of thousands of large and small islands namely Asia and Australia as well as two oceans with a wide coastline and which are very close to neighboring countries that are already developed both in the economic and industrial fields opens up opportunities or opportunities, or even stimulates entrepreneurs (local and foreign) to smuggle.

2. Industrial Conditions

Domestic It is undeniable that the condition of the domestic industry also affects the emergence of criminal acts of smuggling, because as is known, domestic industrial production in general is still in the development stage, so the results are still unreliable. The high cost of production makes the product less able to compete with foreign products. This situation is exacerbated by the high cost of transportation and the lack of transportation facilities, causing obstacles to distribution and marketing. The prices of Chinese-made goods are much cheaper than those of the same domestically produced goods, although labor costs in China are still much higher than those of domestic workers. So this is no less confusing for entrepreneurs and decision makers in our country. This situation illustrates that domestic production is still unable to compete with imported goods. With the price disparity between local products and imported products, it is possible for smugglers to take action.

3. Natural Resources

Indonesia's natural resource factors also affect the frequency of smuggling. This can be seen from the abundance of our natural wealth in the form of raw materials that other countries want to use as a source of export commodities for the country concerned. Indonesia's abundant natural and earth wealth, such as logs, rattan (akal), ebony, protected animals and others, all of which are needed by other countries.

4. Overproduction

In developed and well-established countries in the industrial sector and the economy there are times of overproduction, for example countries bordering our country such as Japan, Taiwan, South Korea, Hong Kong, Singapore and others where this country has difficulty in marketing its products. This situation by irresponsible businessmen is then used for the greatest profit and profit in an unauthorized or illegal way, namely trying to import their merchandise to other countries through smuggling.

5. Transportation

The problem of smuggling will also be determined by transportation factors. Certain regions in Indonesia in bringing in basic necessities of the community often experience delays, due to the uneven relationship between one island and another. Even like Nias Island, Simeulue (Sinabang), Singkel and others some time ago often depended on natural conditions (weather) if you want to bring daily necessities to the area because land connections from other areas are not yet available. As a result, people in these remote areas often illegally included their basic necessities (sometimes carried by large foreign vessels). he went to Indonesia.

6. Mentality

Indonesia, which is blessed with God with abundant natural wealth, a large population, can be proud and grateful for God's favor. However, if the one who controls and manages all these resources is dishonest, then it is not impossible that our country will continue to suffer as a poor country. Perpetrators or smugglers are generally not people or businessmen with small capital, but people with large capital. So, if the mentality of our officers in the face of persuasion and seduction of smugglers is not strong and decisive, it is certainly a soft meal for smugglers who have smart and cunning brains.

7. Common

In an effort to overcome the crime of smuggling, there is often a lack of participation from the community, even though the mass media has been quite aggressive in making reports about the eradication of smuggling crimes, perhaps this is because people feel lucky because they can buy goods exported from abroad from contraband. with low price and high quality. We can see this situation in the past when the snake market in Tanjung Priok was still crowded, where many clothes made in Japan and Taiwan were sold at prices far below the market. This is because people are hungry for quality goods while people's own purchasing power is still low. And also because of the increasing number of consumers of luxury goods in Indonesia due to technological advances and the tendency of certain people towards a prestige society.

Law Enforcement Against Illegal Export-Imported E Goods in Indonesian Territory

As for the law as a system of norms to effectively achieve the desired goal, then the success of law enforcement always requires the functioning of all components. There are three components in the legal system as stated by Lawrence Meir Friedman, that the law is a combination of components, namely structure (legal *structur*), substance (legal *substance*), and culture (*legal cultur*). The explanation of the three components is as follows:

First, the structural component is the institution created by the legal system with various functions in order to support the work of the system. This component is intended to see how the legal system provides services to the regular cultivation of legal materials.

Second, the substance component, namely as an output of the legal system in the form of laws and regulations, decisions used by both regulating and regulated parties.

Third, The cultural component consists of values and attitudes that influence the work of the law, or by Lawrence M.Friedman referred to as legal culture. This legal culture serves as a bridge that connects the rule of law with the legal behavior of all citizens of society.

Yesmil Anwar and Adang stated that law enforcement officials in enforcing the law must pay attention to those in the criminal law and those that apply universally. The principles in question are as follows:

First, the principle of legality. This means that the broader meaning is that everything must have its influence first in a piece of legislation. In addition, it is a consequence of the state that by law is also a guarantee for every individual, that law enforcement officers will act beyond what the law prescribes. This principle of legality in the Criminal Code is formulated in Article 1 paragraph (1) which reads as follows: "No act can be punished except for the rules of criminal force in the existing legislation, before the act is committed".

Second, the Principle of Usefulness and Worthiness. This principle arises with regard to the social approach in the criminal justice system. As is known, the social approach views the four law enforcement apparatuses as an inseparable part of the social system so that the community as a whole is responsible for the success or unsuccessful success of the four law enforcement officers in carrying out their functions. In relation to this, this

principle can be interpreted as the basis for the justification given by the community to law enforcement officials to carry out a legal action and must pay attention to how far the action is useful and useful and feasible for suspects and defendants in particular and society in general.

Third, the Principle of Subsidarity. One aspect of criminal law is to regulate, compared to other laws, that criminal law contains contradictory and dualistic properties. On the one hand, criminal law protects legal interests and human rights by formulating norms of prohibited acts, but on the other hand criminal law reduces legal interests and human rights by imposing criminal sanctions on violators of norms.

To eradicate the entry of illegal goods, it can be seen from two aspects, namely: the aspect of saving foreign exchange that is urgently needed in ongoing development and is needed both for the payment of goods that cannot be produced in Indonesia, as well as the payment of experts from abroad. On the other hand, it can protect the growth of emerging industries that are still unable to compete with foreign production, so it is expected to reduce unemployment which is currently a problem in increasing national income. In relation to the eradication of smuggling, the Directorate General of Customs and Excise is an institution that functions as a gateway for the flow of goods traffic in international trade, therefore the Directorate General of Customs and Excise is required to be able to exert the greatest positive influence. as much as possible and maximize the negative influence in Indonesian trade.

The law enforcement efforts carried out by Customs and Excise in eradicating the criminal act of smuggling illegal goods through two efforts, namely *preventive (*prevention) and *repressive* efforts. These two efforts are carried out based on the provisions that have been regulated in Law No. 17 of 2006 concerning Amendments to Law No. 10 of 1995 concerning Customs. Prevention efforts carried out by Customs officials as enforcers of PPNS law, namely by carefully checking imported goods sent from abroad to the territory of Indonesia, the purpose of which is that the goods sent do not violate the positive legal rules of the Indonesian state. In addition to checking every item and licensing document, customs also conduct intelligence operations and observations on the movement of goods that arrive in Indonesian waters. This intelligence operation is carried out by the Indonesian Police and PPNS officers from customs, actions carried out by these two

agencies cooperate by extracting information from several trustworthy parties or by utilizing issues that are developing in the community.

The Indonesian Police Institution and Customs PPNS Investigators monitor ports that are considered to be frequent berths for illegal imported goods such as the Batam port. These two institutions immediately went down to anticipate and check the imported goods entering the territory of Indonesia, this action was taken to ascertain whether imported goods shipped from abroad had met the permit and were registered with customs so that there were no allegations about the criminal act of smuggling imported goods. If there are goods that are suspected of illegal smuggling, the Police and PPNS Customs and Excise immediately act based on the provisions of Indonesian laws and regulations. In our opinion, this action is very effective because it will minimize the entry of illegal imported goods into Indonesian territory, because based on customs and excise data, almost every year there are always hundreds of cases of smuggling of illegal imported goods entering Indonesian territory which is certainly very detrimental to the Indonesian economy. Therefore, with strict supervision, the collectors will consider smuggling these imported goods more.

Meanwhile, law enforcement is carried out in a repressive way, namely by conducting law enforcement in general, namely by the stages of investigation, investigation, prosecution, and examination and termination in court. Repressive law enforcement aims to create legal certainty and minimize the smuggling of illegal goods into Indonesian territory which can clearly bring losses to the Indonesian economy. Investigations into customs cases are carried out by civil servant investigators (PPNS) at customs and excise. Customs and Excise PPNS officials are given the authority by law to conduct investigations up to the enforcement stage.

The authority of PPNS Customs and Excise in enforcing the law on illegal imported goods is regulated in Article 112 paragraph (2) of Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs. The authority of the Customs and Excise VATS is 1). received a report on the alleged criminal act of smuggling illegal imports. 2). call the party suspected of smuggling and witnesses who know of the criminal act of illegal smuggling and designate as a suspect to the perpetrator if there is sufficient evidence. 3). search and collect all information relating to the criminal act of illegal smuggling in the customs field, 4). carrying out the act of arrest and detention

of a person suspected of committing a criminal act of smuggling illegal imported goods. 5). Request information from a suspect who is suspected of committing a criminal act of smuggling. 6). photographing and recording through audiovisual media of persons and goods, or means of transport or anything that can be used as evidence of the criminal act of smuggling illegal imported goods. 7). Examining records and books required by the Act and as well as other bookkeeping. 8). Taking fingerprints of suspects, 9). Conducted a search of the suspect's body, clothing, and residence, 10). Confiscating objects that are suspected to be obtained from the proceeds of the criminal act of smuggling illegal goods and used as evidence for the existence of non-criminal smuggling of illegal goods. 11). Provide security signs and secure anything that can be used as evidenceof illegal smuggling. 12). Bringing in experts to provide information about criminal acts in the field of customs at trial. 13). Order to stop persons suspected of criminal acts of smuggling illegal goods, and ask for personal identification. 14). Stop the investigation. 15). Carry out other actions deemed necessary for the smooth investigation of criminal acts in the customs field (Rashid, 2019).

The authority of the Customs and Excise VATS granted by the Law has similarities with the authority contained in the Police, this is quite a concern because this can be a dualism of the authority of the two institutions and is feared to be an overlap of the authority of the two institutions and will have an impact on legal certainty in the enforcement of criminal acts in the customs sector. In addition to the dualism of authority, it is also possible that the throwing of authority is certainly very impactful on Indonesian law enforcement. This can be seen in an interview with PPNS Customs Bengkalis which states, that one of the obstacles in enforcing the law on customs crimes is the overlapping authority between Customs and Excise and the Indonesian National Police Institution, where the authority inherent in the Customs and Excise bada is also owned by the Indonesian Police Institution. Because the authority is equally inherent in the two institutions, it causes a lack of maximum in the eradication of criminal acts in the customs sector, because between the two institutions mutually attract authority, and often put forward egos that cause obstacles to law enforcement in Indonesia.

Customs authorities are aware that attempts at irregularities, fraud and smuggling occur in any part of the world, including our country. For this reason, in improving the effectiveness of supervision in order to optimize the prevention and enforcement of smuggling, clearer arrangements are needed in the implementation of customs. To

overcome this, there are three things that underlie duties and regulations, the first is discipline in carrying out supervisory duties and services to the community. Second, there is a strong legal basis for exercising authority in taking necessary actions, especially in fostering public trust in this institution. Third, anticipate changes in accordance with the demands of the world of international trade.

The application of criminal sanctions against perpetrators of smuggling has not been optimal, where cases of smuggling in the export-import sector still occur frequently and almost every year reach hundreds of cases. Although there is a decrease in cases every year, as explained above, this does not mean that the country is already in a safe zone in the enforcement of the smuggling law. The smuggling cases that still occur show that the sanctions regulated in the current laws and regulations have not had the effect and fear of the perpetrators. The Customs Law currently still regulates the minimum punishment for perpetrators, so that this is an opportunity for perpetrators to reduce the punishment of the perpetrator from criminal sanctions, coupled with legal defenses that do not rule out the possibility of becoming someone free from lawsuits. The regulation of the minimum penalty in the customs law, will be an obstacle in the eradication of the criminal act of smuggling to the roots. This is also a limitation of preventing trade smuggling in Indonesian jurisdiction (Chen et al., 2005).

CONCLUSION

Cases of smuggling of export-import goods are increasingly occurring every year which has had an impact on the Indonesian economy. This smuggling case has entered the territory through Indonesian waters such as Batam Port. Various illegal goods that enter Indonesia ranging from staples to other electronic goods. Losses from illegal smuggling reached trillions of rupiah. Regulations regarding the criminal act of smuggling imported goods have been regulated in Indonesian laws and regulations which are currently used as a legal basis in the eradication of criminal acts of smuggling illegal export-import goods. Regulations regarding customs crimes have regulated in such a way regarding the authority of law enforcement institutions in this case police officers and PPNS Customs and Excise. The increasingly occurring smuggling of imported goods is influenced by several factors, including geographical factors, industrial conditions, natural resources, excessive production, and smugglers who have large capital who easily persuade the public and law

enforcement officials. The law enforcement that has been carried out by the enforcement officers of the Police Institution and PPNS Customs and Excise is a preventive measure (prevention) in the form of checking and supervising goods or a person who is suspected of committing a criminal act of smuggling illegal imported goods. And repressive efforts are by enforcing the law as stipulated in the law, namely by investigating, prosecuting, and cracking down on a person who commits illegal smuggling of goods.

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