

Law Enforcement of Corruption in the Provision of Crude Palm Oil Export Facilities by Companies in Medan

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Abstrak

Tujuan dari penelitian ini adalah untuk mengetahui dan menganalisis penegakan hukum terhadap tindak pidana korupsi dalam pemberian fasilitas ekspor minyak kelapa sawit mentah dan turunannya atau bahan baku minyak goreng yang dilakukan oleh perusahaan-perusahaan di Medan. Berfokus pada periode sejak tahun 1983, ketika Indonesia memprioritaskan ekspor sebagai katalisator pertumbuhan ekonomi, penelitian ini menginvestigasi dampak dari dinamika ekspor, termasuk dominasi minyak sawit di pasar global, terhadap lanskap ekonomi negara. Selain itu, artikel ini juga membahas kasus-kasus korupsi yang baru-baru ini terjadi terkait dengan fasilitas ekspor minyak sawit mentah, yang menyoroti kompleksitas pemberantasan korupsi dalam konteks perdagangan internasional. Dari hasil persidangan di Pengadilan Tindak Pidana Korupsi pada Pengadilan Negeri Jakarta Pusat, lima terdakwa dijatuhi hukuman atas dugaan korupsi dalam pemberian fasilitas ekspor minyak kelapa sawit mentah dan turunannya pada Januari 2021 hingga Maret 2022. Para terdakwa dinyatakan terbukti bersalah melanggar Pasal 3 Undang-Undang Republik Indonesia Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi sebagaimana telah diubah dengan Undang-Undang Republik Indonesia Nomor 20 Tahun 2001 tentang Perubahan atas Undang-Undang Republik Indonesia Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi juncto Pasal 55 ayat (1) ke-1 KUHP sebagaimana didakwakan dalam dakwaan subsidair.

Kata kunci: Penegakan Hukum Tindak Pidana Korupsi, Ekspor Minyak Kelapa Sawit.

Abstract

The purpose of this study is to determine and analyze the law enforcement of corruption in the provision of export facilities for crude palm oil and its derivatives or cooking oil raw materials committed by companies in Medan. Focusing on the period since 1983, when Indonesia prioritized exports as a catalyst for economic growth, this research investigates the impact of export dynamics, including the dominance of palm oil in the global market, on the country's economic landscape. In addition, the article also discusses recent corruption cases related to crude palm oil export facilities, highlighting the complexity of combating corruption in the context of international trade. As a result of the trial at the Corruption Court at the Central Jakarta District Court, the five defendants were sentenced for alleged corruption in the provision of export facilities for crude palm oil and its derivatives from January 2021 to March 2022. The defendants were found guilty of violating Article 3 of Indonesian Law No. 31/1999 on the Eradication of Corruption as amended by Indonesian Law No. 20/2001 on the Amendment to Indonesian Law No. 31/1999 on the Eradication

of Corruption, Article 55 paragraph (1) to 1 of the Criminal Code as charged in the subsidiary charges.

Keywords: Corruption Law Enforcement, Crude Palm Oil Exports.

Introduction

Each country has natural wealth or natural resources that differ from one another, therefore the need for commodities that are not available between one country and another. With these commodities, there will be trade or exchange of commodities between one country and another (Arman, 2019). Export prioritization for Indonesia has been encouraged since 1983. Since then, exports have become a concern in spurring economic growth along with the changing industrialization strategy-from an emphasis on import substitution industries to export promotion industries (A. M. Marpaung & Purba, 2017). Domestic consumers buying imported goods or foreign consumers buying domestic goods became very common. Competition is very sharp between various products. In addition to price, the quality or quality of goods is a determining factor for the competitiveness of a product (Hesti & Sudrajat, 2021).

In Indonesia, materials that are often exported consist of two types: oil and gas (oil and natural gas) and non-oil and gas. Materials belonging to the oil and gas group include gasoline, kerosene, gas, and diesel. Meanwhile, non-oil and gas materials can be in the form of non-oil and gas mining products, industrial products, marine products, agricultural products, and plantation products. Usually, the exported materials will have a higher price abroad than at home.

Palm fruit is an important part of the oil palm plant that is processed into semi-finished oil, namely Crude Palm Oil and finished oil, namely Palm Oil. Palm oil is one of the most consumed and produced oils in the world. Palm oil is used as a source of biofuel and biodiesel. World oil production is dominated by Indonesia and Malaysia. Indonesia is currently the world's largest producer and exporter of palm oil. Compared to other countries in the world's top five exporting countries, Indonesia is in the top position and competes closely with Malaysia. This shows that the palm oil industry has great potential as Indonesia's leading export commodity.

By looking at the applicable laws and regulations, the act of transporting commodities from one country to another is known as exporting (Rori, 2020). A

country usually conducts export activities if it produces a large amount of goods and the domestic demand for goods has been met. As a result, more commodities are sent to other countries for export. Indonesia actively participates in global trade activities. Palm oil is one of the country's main exports, according to the Indonesian Ministry of Trade (Dwipayana et al., 2023). The palm oil industry in Indonesia tends to increase every year. This growth can be seen from the amount of production, exports and the size of the palm oil plantation area (Priastuti & Gaol, 2017). Global demand and ever-increasing profits encourage oil palm cultivation to be significantly increased by both smallholders and large entrepreneurs in Indonesia (Saefulloh et al., 2021). Various crimes that occur in Indonesia, both those committed by individuals and corporations within the borders of a state and those committed across the borders of other countries are increasing (Priastuti & Gaol, 2017). One of the crimes committed is corruption.

One example of a corruption case is the provision of export facilities for crude palm oil and its derivatives or cooking oil raw materials carried out by three companies in Medan. the provision of export facilities for crude palm oil and its derivatives or cooking oil raw materials (Wardhana & Sularto, 2022). Seizures and searches were carried out, based on the Investigation Order of the Deputy Attorney General for Special Crimes Number: PRINT-1334/F.2/Fd.1/07/2023 dated July 5, 2023. The three companies were searched and seized, on Thursday, July 6, 2023, at the Office of PT Wilmar Nabati Indonesia or Wilmar Group, located at Building B & G Tower 9th Floor, Jalan Putri Hijau Number 10, Medan City (E. Erlina & Doddy, 2021).

Meanwhile, the State suffered a financial loss of Rp6.47 trillion as a result of this case. In addition, the actions of the convicted persons have also caused a significant impact, namely the occurrence of cheapness and scarcity of cooking oil so that there was a decline in the community, especially for the commodity of cooking oil. As a result, in order to maintain the purchasing power of the community towards the commodity of cooking oil (L. Marpaung & Ulfayanti, 2022).

Based on the description of the background above, the author is interested in conducting research with the title "Law Enforcement of Corruption in the Provision

of Crude Palm Oil (CPO) Export Facilities and Its Derivatives or Cooking Oil Raw Materials Conducted by Companies in Medan" (Amin et al., 2022).

Literature Review

Export

Export is the process of legally transporting goods or commodities from one country to another, generally in the process of trade. The export process is generally the act of removing goods or commodities from the country in order to enter it into another country (Rahayu & Sugianto, 2020). Large exports of goods generally require the intervention of customs in both the sending and receiving countries. Exports are an important part of international trade. The prioritization of exports for Indonesia has been encouraged since 1983. Since then, exports have become a concern in spurring economic growth as the industrialization strategy has changed from an emphasis on import substitution industries to export promotion industries (Chairunisa & Imam Haryanto, 2020). Domestic consumers buying imported goods or foreign consumers buying domestic goods became commonplace. Competition is very sharp between various products. In addition to price, the quality of goods determines the competitiveness of a product (Lestari & Hasan, 2022).

Some of the objectives of export activities are to open new markets abroad, to obtain profits in the form of foreign exchange, and to obtain high selling prices (Putra, 2022). Export activities provide many benefits for the countries involved and their people. The benefits of export activities include increasing foreign exchange, expanding the market for local products, expanding employment, and enhancing cooperative relations between trading countries (Ristiyani et al., 2022).

Crude Palm Oil

Crude palm oil, better known as Crude Palm Oil, is one of Indonesia's main commodities. This commodity is also known to play an important role in the food, energy and cosmetic industries worldwide (Marefa, 2021). This oil is obtained through an extraction process from the flesh of the oil palm fruit *Elaeis guineensis* (Aprina, 2014). The extraction process is carried out by separating the pulp from the seeds, then the separated seeds will be processed to produce oil. Crude Palm Oil has a variety of uses in various sectors. It is used in the food and beverage industry, such as margarine, cooking oil, and processed food products. In addition, Crude Palm Oil

is also used in the production of biodiesel as an alternative environmentally friendly fuel (Rizki, 2021).

Crude Palm Oil has a wide range of uses in various sectors. It is used in the food and beverage industry, such as margarine, cooking oil, and processed food products (Rizki, 2021). In addition, Crude Palm Oil is also used in the production of biodiesel as an environmentally friendly fuel alternative. In the cosmetics industry, it is used in the manufacture of soaps, lotions, and other skincare products (Rizki, 2021). The chemical industry also utilizes Crude Palm Oil as a raw material in the production of various products, including detergents. On the other hand, Palm Kernel Oil is also used for various derivative products such as cosmetics, chemical products, and industry, but its use is not as massive as Crude Palm Oil (Syarif & Kombi, 2022). It can be seen that Crude Palm Oil can produce various types of derivative products for various sectors, namely cooking oil and margarine, processed food products, cosmetic products, and biofuels.

Crime

A criminal offense or strafbaarfeit is an act for which the perpetrator should be punished. Criminal offenses are formulated in laws, including the Criminal Code. Strafbaarfeit or criminal offense consists of three words, namely Straf itself is translated as criminal and law, Baar is translated as can or may, and Feit is an act, action, event, and offense (Laia, 2022).

There are various causes or drivers for a person to commit a criminal offense, including in this case to commit the crime of corruption. There are several causes of corruption, namely the lack of salaries or income of civil servants compared to their increasing needs, the cultural background of Indonesia which is the source or cause of widespread corruption, and poor management and ineffective and inefficient control (Santiago, 2017). According to (Alam, 2017) the lack of salaries and income of civil servants is indeed the most prominent factor in the prevalence and spread of corruption in Indonesia.

Legal basis of Corruption Crime

The regulation of corruption as a special crime in Indonesia has undergone several changes in the law, namely Government Regulation in Lieu of Law Number 24 of 1960 concerning Investigation, Prosecution and Examination of Corruption, Law Number 3 of 1971 concerning Eradication of Corruption, Law Number 31 of 1999 concerning Eradication of Corruption, and Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption (B. Erlina & Dahlan, 2022).

With the enactment of Law No. 31/1999 on the Eradication of the Crime of Corruption, Law No. 31/1999 on the Eradication of the Crime of Corruption is declared invalid. This is contained in the Closing Provisions in Article 44 of Law No. 31/1999 on the Eradication of the Crime of Corruption. Amendments to the Anti-Corruption Law were made again in 2001 with Law Number 20 Year 2001. Basically, Law Number 20 Year 2001 is an amendment or addition to several provisions in Law Number 31 Year 1999 that are considered incomplete (Sapitri et al., 2021).

Research Methods

The normative juridical approach is an approach that is carried out based on the main legal material by examining theories, concepts, legal principles and legislation related to this research. This approach is also known as the literature approach, namely by studying books, laws and regulations and other documents related to this research.

Results and Discussion

Law enforcement is the process of making efforts to uphold or function of legal norms in reality as a guide to behavior in traffic or legal relations in the life of society and the state (Moho, 2019). In a broad sense, law enforcement also includes the values of justice contained in the sound of formal rules and the values of justice that live in society. However, in a narrow sense, law enforcement concerns only the enforcement of formal and written regulations (Laily, 2022).

The main task of law enforcement is to realize justice, therefore with law enforcement the law becomes a reality. Without law enforcement, the law is nothing but a gutless textual formulation, commonly referred to as dead law. The concept of

total law enforcement demands that all values behind legal norms be enforced without exception. The full concept requires the need to limit the total concept with a formal law in order to protect individual interests.

The case of corruption in the provision of export facilities for Crude Palm Oil and its derivatives from January 2021 to March 2022 has entered a new phase. Now, 3 palm oil companies have been named as corporate suspects related to this case. Head of the Legal Information Center (Kapuspenkum) of the Attorney General's Office (Kejagung) Ketut Sumedana said that this case has been tried at the Corruption Court at the Central Jakarta District Court and has been legally binding (inkracht) at the Cassation level. The five defendants have been sentenced to imprisonment in the range of 5-8 years. The state suffered financial losses of Rp6.47 trillion as a result of this case (Ratna & Widyaningsih, 2021). The actions of the convicts also had a significant impact, namely the occurrence of expensive and scarce cooking oil. As a result, to maintain the purchasing power of the community towards the commodity of cooking oil, the state was forced to disburse funds to the community in the form of direct cash assistance amounting to Rp6.19 trillion (Agung, 2021).

In a trial at the Corruption Court at the Central Jakarta District Court, Wednesday (January 4, 2023 at 13:00 to 16:00 WIB), the five defendants were subjected to a verdict or a defendant's action in the case of alleged corruption in the provision of export facilities for crude palm oil and its derivatives from January 2021 to March 2022. The defendants were found guilty of violating Article 3 of Indonesian Law No. 31/1999 on the Eradication of Corruption as amended by Indonesian Law No. 20/2001 on the Amendment to Indonesian Law No. 31/1999 on the Eradication of Corruption jo. Article 55 paragraph (1) to 1 of the Criminal Code as the subsidiary charge. On May 12, 2023, the Supreme Court handed down heavier sentences against the defendants, namely:

1. Defendant Indrasari Wisnu Wardhana sentenced to 8 years imprisonment plus a fine of Rp300 million in lieu of 6 months imprisonment.
2. Defendant Weibinanto Halimdjati alias Lin Che Wei sentenced to 7 years imprisonment and a fine of Rp250 million in lieu of 6 months imprisonment.

3. Defendant Dr. Master Parulian Tumanggor sentenced to 6 years in prison and a fine of Rp200 million in lieu of 6 months in prison.
4. Defendant Pierre Togar Sitanggang sentenced to 6 years in prison and fined Rp200 million in lieu of 6 months in prison.
5. Defendant Stanley Ma sentenced to 5 years in prison and a fine of Rp200 million in lieu of 6 months imprisonment.

Now, the AGO has named three defendants as corporate suspects in the cooking oil corruption case. The panel of judges stated that it was the corporation, where the convicts worked, that obtained the illegal profits. Therefore, the corporation must be responsible for recovering state losses due to its criminal acts. Then take law enforcement steps by conducting corporate investigations. From the results of the investigation, there were 3 corporations named as suspects, namely Wilmar Group, Permata Hijau Group, and Musim Mas Group. Evidently, the case that has been inkraht (legally binding) is the action of these three corporations. Therefore, today we also named these three corporations as suspects.

Corruption by Need is one of the main factors why civil servants commit corruption. However, basically every corruption can be categorized as something systemic and planned. The existence of opportunity, willingness, and ability further shows that corruptive behavior is an act done with awareness. Corruption is essentially a crime that affects humanity, which is systematic, and very destructive. The spontaneity that occurs when committing corruption is only at the level of the desire to do so, but in its efforts, it is done systematically and planned.

When a civil servant is detained by investigators based on available evidence, then for the sake of justice he/she must be temporarily released from his/her position until the court decision has permanent legal force. While temporarily released from his/her position, starting from the following month, he/she is only entitled to 50% of the last basic salary if there are convincing indications that he/she has committed the offense charged against him/her, and vice versa if there are no clear indications that he/she has committed the offense, then he/she is only entitled to 75% of the last basic salary.

Regarding office crimes committed by Civil Servants, based on Law Number 5 of 2014 concerning State Civil Apparatus, regulated in the provisions of Article 87

paragraph (4) letter b, namely: “Pegawai Negeri Sipil diberhentikan tidak dengan hormat karena dihukum penjara atau kurungan berdasarkan putusan pengadilan yang telah mempunyai kekuatan hukum yang tetap karena melakukan tindak pidana kejahatan jabatan atau tindak pidana kejahatan yang ada hubungannya dengan jabatan dan/atau pidana umum”. The provisions of Article 87 paragraph (4) letter b of Law Number 5 of 2014 are further strengthened by Government Regulation Number 32 of 1979 article 9 letter a concerning Dismissal of Civil Servants which is the implementing regulation of Law Number 5 of 2014 which in Article 139 states that all implementing regulations of Law Number 8 of 1974 jo Number 43 of 1999 are still valid as long as they do not conflict and have not been replaced by this law. Article 9 letter a of Government Regulation Number 32 of 1979 states: “Pegawai Negeri Sipil diberhentikan tidak dengan hormat sebagai Pegawai Negeri Sipil apabila di pidana penjara atau kurungan berdasarkan keputusan pengadilan yang telah mempunyai kekuatan hukum yang tetap karena melakukan suatu tindak pidana kejahatan jabatan atau tindak pidana kejahatan yang ada hubungannya dengan jabatan”.

The Government Regulation is an implementing regulation of Law Number 5 Year 2014 that must be in place no later than 2 (two) years after the State Civil Apparatus Law was enacted on January 15, 2014. Article 250 letter b of the Draft Government Regulation on Civil Servant Management states that Civil Servants are dishonorably discharged if: “dipidana dengan pidana penjara atau kurungan berdasarkan putusan pengadilan yang telah memiliki kekuatan hukum tetap karena melakukan tindak pidana kejahatan jabatan atau tindak pidana kejahatan yang ada hubungannya dengan Jabatan dan/atau pidana umum”.

Based on the provisions of Article 87 paragraph (4) of Law Number 5 of 2014 and Article 9 letter a of Government Regulation Number 32 of 1979, if a Civil Servant is sentenced to imprisonment or confinement based on a court decision that has permanent legal force for committing an official crime, the Civil Servant concerned shall be dishonorably dismissed for having abused the trust given to him. This dismissal is effective at the end of the month in which the court decision on the case has definite force as stipulated in Article 8 of Government Regulation Number 4 of 1966.

Based on the explanation above, the factors occur based on the causes of crime (corruption). That the perpetrators of corruption occur because of the destruction of social order as a loss of standards and values. Moral decadence causes corruptors to feel that corruption is commonplace because many have done it. Criminal behavior is driven by a weak conscience that is unable to withstand the strong urges of lust. The lust for wealth, riches and luxury, even if it is obtained through unlawful means. The radical theory, on the other hand, argues that capitalism is the cause of criminality. Tracing the causes of the current reality, we find answers such as low salaries, due to the instant corruption process, meaning that once dredged, you can immediately get a lot without waiting for the low salary. It can also be caused by the very low quality of our nation's human resources, especially in law enforcement.

Conclusion

Law enforcement of corruption in the provision of crude palm oil (CPO) export facilities and its derivatives or cooking oil raw materials carried out by companies in Medan. In the trial at the Corruption Court at the Central Jakarta District Court, the five defendants were subject to a verdict or defendant's actions in the case of alleged corruption in the provision of export facilities for crude palm oil and its derivatives from January 2021 to March 2022. The defendants were found guilty of violating Article 3 of Law No. 31/1999 on the Eradication of the Crime of Corruption as amended by Law No. 20/2001 on the Amendment to Law No. 31/1999 on the Eradication of the Crime of Corruption, Article 55 paragraph (1) to 1 of the Criminal Code as charged in the subsidiary charges. Crimes committed intentionally and planned must be punished more severely, as is the case with corruption cases, even though it is clear that corruption is a planned crime, even starting from the time planning and budgeting are prepared, administrative and financial engineering is carried out, of course with the ability to think and common sense, and even supported by policies or regulations to make it seem legal, and corruption cannot be done alone.

Suggestions

1. A strong will and desire (political will) from government institutions such as the legislature, executive, and judiciary is needed to prevent corruption. Government and KPK policies that have been regulated and formulated as strategies to prevent and eradicate corruption will be useless and futile if these efforts are not accompanied by the intention and strong will of the State Administrators. Therefore, a strong political will will be very valuable in fighting corruption in realizing a government free from corruption.
2. Consistency of law enforcement agencies and state officials in handling the prevention of corruption that occurs in the implementation of government services. Because if these efforts are only short-term oriented, it is feared that the symptoms of corruption can grow.

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