

Investigation of the Economic Criminal Action of Subsidized Fertilizer Abuse in the Solok Resort Police's Criminal Reserve Unit

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ABSTRACT

The abuse of subsidized fertilizer that occurred in Solok Regency is not an official retailer appointed by the Government to sell the subsidized fertilizer. The act of the perpetrator violates the provisions as referred to in Article 1 of Perpu No. 21 of 1959 concerning Aggravating the Threat of Punishment Against Economic Crimes in conjunction with Article 1 and Article 6 of the Emergency Law of the Republic of Indonesia Number 7 of 1955 concerning Investigation, Prosecution and Judiciary of Economic Crimes in conjunction with Article 4 and Article 8 of Perpu Number. 8 of 1962 concerning Trade in Goods Under Supervision in conjunction with Article 2 of Presidential Regulation of the Republic of Indonesia Number 15 of 2011 concerning Amendments to Presidential Regulation of the Republic of Indonesia Number 77 of 2005 concerning Stipulation of Subsidized Fertilizer as Goods Under Supervision in conjunction with Article 106 of Law Number 7 of 2014 About Trade. The defendant was found legally and convincingly guilty of committing the offense in this instance "selling subsidized fertilizer without a permit" so that he was sentenced to imprisonment for 3 (three) months and 15 (fifteen) days with the provision that the crime does not need to be served, except in the future. There is another order in the judge's decision that the convict has been guilty of committing a crime before the probationary period of 1 (one) year ends. The abuse of subsidized fertilizer can be qualified as an economic crime. "Any conduct that violates rules and regulations in the economic and financial spheres and has criminal repercussions", according to B. Mardjono Reksodiputro.

Keywords: Crime, Rules, Subsidized Fertilizer.

1. INTRODUCTION

The Republic of Indonesia's 1945 Constitution (UUD 1945) is the highest written legal basis and the fundamental framework for organizing governmental authority and growth. Therefore, in running the Government, the law and the state's goals must be based on the provisions as regulated in state institutions.

One of the things that the government must accomplish and actualize, as prescribed by the constitution, is to promote the welfare of the people in order to achieve growth with integrity, as stated in Article 34 paragraph (2) of the 1945 Constitution, which states: "The state shall develop a social security system for all people and empowering the weak and incapable by human dignity".

In order to carry out Article 34 paragraph (2) of the 1945 Constitution's mission, the Government has sought various work programs by facilitating various facilities

and infrastructure in various fields, one of which is agriculture. The government's attempts to facilitate or improve the agricultural sector, particularly in terms of national food security, must follow six (six) principles: type, quantity, price, location, time, and quality. As a result, the government has implemented a fertilizer subsidy scheme for the community.

The Regulation of the Minister of Trade of the Republic of Indonesia Number: 15/M-DAG/PER/4/2013 concerning the Procurement and Distribution of Subsidized Fertilizers for the Agricultural Sector regulates the distribution and procurement regulations, as well as the definition of subsidized fertilizer. The following is the definition of subsidized fertilizer as stated in Article 1 point 1 of the Minister of Trade of the Republic of Indonesia's Regulation:

Urea fertilizer, SP 36 fertilizer, ZA fertilizer, NPK fertilizer, and other types of subsidized fertilizers

determined by the minister who oversees government affairs in the agricultural sector are examples of goods under supervision whose procurement and distribution receive subsidies from the government for the needs of farmer groups and/or farmers in the agricultural sector.

The goal of controlling the purchase and distribution of subsidized fertilizers is to ensure that fertilizer is available at a reasonable cost. In addition to Minister of Trade of the Republic of Indonesia Regulation No. 15/M-DAG/PER/4/2013, the Government also issued Minister of Agriculture of the Republic of Indonesia Regulation No. 60/Permentan/SR.130/12/2015 on Determination of the Highest Retail Price Requirement (HET) Subsidized Fertilizer for the Agriculture Sector. With this ministerial regulation, the Government expects the distribution and use of subsidized fertilizers by the target. Therefore, commitment and support for escort and supervision from various parties, especially the Regional Government, is highly expected.

The amount, quality, allocation, area, Highest Retail Price (HET), and distribution method are all supervised in the delivery of subsidized fertilizers. Regulation of the Minister of Trade of the Republic of Indonesia Number: 15/M-DAG/PER/4/2013 about the Purchase and Distribution of Subsidized Fertilizers for the Agricultural Sector specifies the following processes for the procurement and distribution of subsidized fertilizers:

Producers carry out the procurement of subsidized fertilizers up to Line III (the location of fertilizer distributors in the Regency determined by the producer) in the area they are responsible for.

1. Producers sell subsidized fertilizers to wholesalers through Line III warehouses.
2. Farmers buy subsidized fertilizers from distributors in Line IV (retail warehouse sites selected by distributors).
3. The merchant is responsible for controlling the warehouse in Line III in the region under his authority.

Based on the background of thought above, the problems to be studied can be formulated as follows:

1. How is the investigation of the economic crime of misuse of subsidized fertilizer conducted in the Criminal Investigation Unit (Satreskrim) of the Solok Resort Police?
2. What obstacles are faced in investigating the economic crime of misuse of subsidized fertilizer at the Solok Police Criminal Investigation Unit?

Thus, this study aims to find out and analyze the investigation into the economic crime of misuse of subsidized fertilizer in the Criminal Investigation Unit (Satreskrim) of the Solok Resort Police and to analyze the obstacles faced in investigating the economic crime

of misuse of subsidized fertilizer in the Criminal Investigation Unit (Satreskrim) of the Solok Resort Police.

2. INVESTIGATION OF THE ECONOMIC CRIMINAL ACTION OF SUBSIDIED FERTILIZER ABUSE IN THE SOLOK RESORT POLICE'S CRIMINAL RESERVE UNIT

The distribution of subsidized fertilizers must be carried out on a legal basis, applicable terms, and procedures and in stages starting from producers, distributors, retailers, to farmers. Article 1 of Law Number 7 of 1955 concerning Investigation, Prosecution, and Economic Criminal Justice defines hoarding subsidized fertilizers as an economic crime (UUTPE). As stated in Article 2 paragraph (1) of Presidential Regulation of the Republic of Indonesia Number 77 of 2005 concerning Stipulation of Subsidized Fertilizers as Goods Under Supervision, as an implementation of Law Number 8 Prp of 1962 About Control Items, the government classifies subsidized fertilizers as goods under government supervision.

The abuse of subsidized fertilizer can be qualified as an economic crime. "Any conduct that violates rules and regulations in the economic and financial spheres and has criminal repercussions," according to B. Mardjono Reksodiputro.

Abusing subsidized fertilizer is a criminal act that not only violates the law, but also violates the community's socio-economic rights, requiring law enforcement officers who are members of the criminal justice system, such as the Police, Prosecutors, and Courts, to enforce the law against the crime.

Law Number 2 of 2002 concerning the Indonesian National Police (Polri) and Law Number 8 of 1981 concerning the Criminal Procedure Code, hereinafter referred to as the Criminal Procedure Code, give the State Police of the Republic of Indonesia the authority to conduct criminal investigations as part of the criminal justice system.

Based on the provisions of Article 1 point 2 of the Criminal Procedure Code, it is stated that an investigation is: "a series of actions by investigators in terms of and according to the method regulated by law to seek and collect evidence with which evidence makes clear the crime that occurred and to find the suspect." Meanwhile, what an investigator means is regulated in Article 1 point 1 of the Criminal Procedure Code, which states that: "Investigators are officers of the Indonesian National Police who are authorized by law to conduct investigations."

Economic crimes in the form of misuse of subsidized fertilizers carried out by trading in Government-subsidized fertilizers without a valid permit also occur in the jurisdiction of the Solok Resort Police (Polres Solok).

They are handled by the Criminal Investigation Unit (Satreskrim) by conducting investigations into alleged criminal acts of trafficking subsidized fertilizers. Government without a valid permit.

The chronology of the misuse of subsidized fertilizers that occurred in Solok Regency begins with the arrest of the perpetrator by officers on Thursday, August 4, 2016, at around 11.30 WIB at Jorong Bawah Duku Nagari Koto Baru, Kubung District, Solok Regency, with the owner, Sister Elvia Kasmita Call Evi by selling subsidized fertilizers of the types Urea, NPK Phonska, Sp 36 and ZA to other people while the perpetrators are not official retailers appointed by the Government to sell the subsidized fertilizers. The act of the perpetrator violates the provisions as referred to in Article 1 of Perpu No. 21 of 1959 concerning Aggravating the Threat of Punishment Against Economic Crimes in conjunction with Article 1 and Article 6 of the Emergency Law of the Republic of Indonesia Number 7 of 1955 concerning Investigation, Prosecution and Judiciary of Economic Crimes in conjunction with Article 4 and Article 8 of Perpu Number. 8 of 1962 concerning Trade in Goods Under Supervision in conjunction with Article 2 of Presidential Regulation of the Republic of Indonesia Number 15 of 2011 concerning Amendments to Presidential Regulation of the Republic of Indonesia Number 77 of 2005 concerning Stipulation of Subsidized Fertilizer as Goods Under Supervision in conjunction with Article 106 of Law Number 7 of 2014 About Trade. Against this case, the defendant Elvia Kasmita PgI Evi has been legally and convincingly proven guilty of committing the crime of "selling subsidized fertilizer without a permit" so that he is sentenced to imprisonment for 3 (three) months and 15 (fifteen) days with the provision that the crime is not necessary. Be served, unless in the future there is another order in the judge's decision, that the convict before the probationary period of 1 (one) year ends has been guilty of committing a crime.

The rules (codes of laws) and regulations that make up the legal system are referred to as the legal system (regulations). However, it encompasses a wide range of topics, such as the structures, institutions, and processes (procedures) that fill them, as well as the law that exists in society (living law) and legal culture. (legal frameworks).

The legal structure includes executive, legislative and judicial bodies and related institutions, such as the Prosecutor's Office, Police, Courts, and others. While the substance.

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