

**LAW ENFORCEMENT AGAINST WILD LEVELS CONDUCTED BY  
COMMUNITY ORGANIZATIONS IN THE LEGAL REGION OF THE  
POLRES OF BULELENG**

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**Abstrak**

Penelitian ini bertujuan untuk mengetahui dan menganalisis penegakan hukum terhadap Pungutan Liar yang dilakukan oleh oknum organisasi masyarakat serta untuk mengetahui upaya penegak hukum dalam menanggulangi pungutan liar di Wilayah Hukum Polres Buleleng. Jenis penelitian yang digunakan yaitu penelitian hukum empiris. Penelitian ini menggunakan sifat penelitian yaitu deskriptif kualitatif dengan lokasi penelitian ini dilaksanakan di beberapa tempat yakni di Polres Buleleng, Kejaksaan Negeri Buleleng, Pengadilan Negeri Singaraja, Inspektorat Buleleng dan beberapa pertokoan di Buleleng. Teknik pengumpulan data yang dilakukan menggunakan studi dokumen, observasi dan wawancara. Hasil penelitian menunjukkan bahwa (1) aparat penegak hukum dalam menegakkan kasus Pungli yang dilakukan oleh Oknum Ormas sudah di tindak dengan baik dan tegas karena penegak hukum berani memproses dan sampai saat ini tidak ada lagi kegiatan Pungutan Liar di dalam masyarakat, (2) upaya penanggulangan yang sudah dilakukan oleh aparat penegak hukum adalah berupa tindakan Preventif, Pre-emptif dan Represif.

**Kata Kunci:** Penegakan Hukum, Saber Pungli, Tindak Pidana Pungli.

**Abstract**

*This study aimed to determine and analyze law enforcement against extortion carried out by community and to find out law enforcement efforts in tackling extortion in the Law Area of Buleleng Police Station. The type of this research was used is empirical legal research. This study used qualitative descriptive with the location of this study carried out in several places namely in the Buleleng Police Station, the Buleleng District Attorney, Singaraja District Court, Buleleng Inspectorate and several shops in Buleleng. Data collection techniques were carried out using document studies,*

*observations, and interviews. The results showed that (1) law enforcement apparatus in enforcing extortion cases carried out by community have been acted properly and decisively because law enforcers have the right to process and up to now there are no extortion in the community, (2) prevention efforts what has been done by law enforcement officers was in the form of preventive, Pre-emptive, and Repressive actions.*

**Keywords:** *Law Enforcement, Extortion, Criminal Offenses.*

## **Introduction**

The state of Indonesia is a state of law that highly upholds justice and recognizes the existence of human rights, even the word justice is contained in the second principle which states "just and civilized humanity" and also regarding human rights has been regulated in Law Number 39 of 1999 About Human Rights. Even though there are legal rules, there are some people who violate and deviate greatly from the ideals of the Indonesian state itself. The ideal of the Indonesian people is very simple, only to realize a country that is independent, united, sovereign, just and prosperous. The aspirations of the Indonesian people are packaged very well in the second paragraph of the Preamble to the 1945 Constitution. This is due to the many violations that have occurred in Indonesia that have resulted in obstacles to the ideals of the Indonesian people. The Indonesian nation is currently working on handling criminal cases. The development of crime, namely the process of developing criminalization or non-criminal decriminalization that has been in effect since the proclamation of independence in national jurisdiction (Sulistyani, 2016: 25).

A criminal act is an act that is intentional or unintentional, has occurred or is still in trial, which can harm other people in terms of body, life, property, honor, etc. and such action is punishable by imprisonment and imprisonment within a certain time. As for the efforts to overcome criminality, overcome criminality, there are ways to overcome and prevent criminals from being aware of and deterring their actions. With preventive efforts (prevention) and repressive efforts (overcoming) and providing protection or deterrent measures, according to the hopes of protection, the progress of a country's criminal law does not depend on where an offender has committed the crime, but on legal interests that have been targeted. the criminal act. And the State whose punishment is the target of a criminal act has the authority to punish the perpetrator of the crime (Lamintang, 1997: 107)

With the efforts in the process of enforcing the law, it turns out that there are still many obstacles faced by law enforcement officials in carrying out their application, especially in handling cases of illegal levies or more commonly referred to as extortion. Extortion is an act committed by a person or civil servant or state official by asking for payment of an amount of money that is not appropriate or not based on the regulations relating to the payment. Where the money from extortion is enjoyed alone or enjoyed by a group of individuals and the money is not deposited. Therefore, extortion can include or fulfill the elements in the articles on extortion, fraud and corruption. The factors that cause illegal levies are: (1) Misuse of a person's authority, position or authority can commit disciplinary violations by individuals who carry out illegal fees. (2) The mental factor, character or behavior of a person in acting and controlling himself in acting. (3) Economic factors, income which can be said to be insufficient to meet the necessities of life is not proportional to the duties / positions that are carried, which compels someone to commit extortion. (4) Cultural factors and organizational culture, the culture that is

formed in an institution that runs continuously against extortion and bribery can cause illegal fees to become commonplace. Limited human resources and weak supervisory control system by superiors.

Therefore, to eradicate extortion, the government has formed a Task Force to Clean Up Illegal Levies which was formed in accordance with the mandate of Presidential Regulation Number 87 of 2016 concerning the Task Force to Clean Up Illegal Levies. This regulation is a concrete action in the Eradication of Illegal Levies during the reign of President Joko Widodo in a coordination meeting with Governors from all over Indonesia at State Institutions, on Thursday, October 20 2016. Saber Pungli was formed to eradicate illegal levies that are troubling the community.

The criminal act of extortion is contained in Article 368 of the Criminal Code "Whoever with the intention of benefiting himself or another person against the law, forces another person by force or threat of violence to give something, which is wholly or partly the property of another person or to give debt or write off accounts receivable, threatened with extortion, with a maximum imprisonment of nine years. " And article 415 KUHP, Article 418 KUHP, article 423 KUHP.

Apart from being included in the Articles that are in the Criminal Code, elements of the criminal act of extortion are also contained in Law Number 31 of 1999 concerning Corruption, which adopted Article 415 of the Criminal Code, which was later amended by Law Number 20 of 2001 which contained in Article 8.

The phenomenon that occurs in society is that in the case of extortion, there are already rules that regulate every element of the action contained in extortion, but there are still problems that occur in the community. There is the implementation of extortion that continues even though there is already a Saber Pungli Task Force in handling the extortion case. And in the process of handling cases of extortion, the Saber Pungli Team still experiences many difficulties in handling these cases, especially if the perpetrator is on behalf of a Community Organization (Ormas). This is due to the difficulty in the investigation and investigation process in terms of asking for information from the public who are still afraid to give information.

In the extortion case described by Mr. Dewa Gede Agung Sidiartha S.H, the incident took place in the legal area of Buleleng, where the incident occurred on Wednesday, April 4, 2018 at a Mobile Counter located at Jln. A. Yani, this person with the intention of benefiting himself forces the Counter owner with threats of violence so that the Counter owner is afraid and depressed so that he gives money to the Person on the grounds of security which over the incident made the Counter owner object to. In this case, the perpetrator of this extortion crime is subject to article 368 paragraph (1) of the Criminal Code regarding the Crime of Extortion.

Due to a problem in the enforcement of extortion cases, the author writes about "LAW ENFORCEMENT ON ILLEGAL LEVIES DONE BY COMMUNITY ORGANIZATIONS IN THE LEGAL AREA OF THE BULELENG POLRES". Based on the background of the problem above, the authors formulate 2 problem formulations as follows:

1. How is the Law Enforcement Against Extortionists Who Called Ormas in the Legal Area of Buleleng Police?
2. What are the efforts of law enforcers in dealing with extortion in the legal area of the Buleleng Police?

## **Research methods**

The type of research used in this author's research is research in terms of empirical law. Empirical Legal Research is a study that refers to a reality that includes social realities as well as cultural and customary realities. Research on Law Enforcement Against Illegal Levies Conducted by Individual Organizations in the Legal Area of the Buleleng Police. The nature of the research is descriptive, using data and data sources, namely primary data and secondary data, namely using primary legal materials, secondary legal materials and tertiary legal materials. In order to collect primary data and secondary data, the authors use 3 (three) data collection techniques, namely document study techniques, interview techniques, and observation or observation techniques. The sampling technique used in this research is non probability sampling and purposive sampling.

## **Results and Discussion**

### **Law Enforcement Against Extortionists Who Are Using the Name of Ormas in the Legal Area of Buleleng Police**

The ideals in reforming law enforcement agencies have become a priority in President Jokowi's administration, which is explicitly stated in the fourth point of law enforcement that is free of corruption, dignified and reliable. By supporting the realization of this, the need to have law enforcement officials with professional integrity is one of the important pillars. The pros and cons of law enforcement officers are not determined by the existence of a very strict and sophisticated law, but it depends on the individual.

The authority of law enforcement officials in eradicating cases that are difficult to eliminate in society is very important. So that Mr. President Jokowi made a Presidential Regulation Number 87 of 2016 concerning the Task Force to Clean Up Illegal Levies, the formation of the Saber Extortion Task Force regulations with the aim that illegal activities that are still rife in society can be dealt with properly. Illegal levies are actions committed by a person or civil servant or state official by requesting payment of an amount that is not appropriate or not based on the regulations relating to the payment. This is often equated with extortion, fraud or corruption. In cases of illegal levies, there is no law that specifically regulates this extortion because extortion can be included in the elements of the articles contained in the Criminal Code and the Corruption Crime Law. Although it is not clearly regulated in the Criminal Code, however, illegal fees can be equated with criminal acts of fraud, extortion and corruption as regulated in the Criminal Code because the elements of the act are included in the following articles:

Article 368 of the Criminal Code

"Anyone who with the intention of illegally benefiting himself or another person, forces another person by force or threat of violence to give something, which is entirely or partially the property of another person or to give a debt or write off a debt, is threatened, because of extortion, with a maximum imprisonment of nine years. "

Elements:

- a. Forcing another person to give up goods that once or partially belong to that person or that of someone else, or create a debt or write off a debt
- b. With the intention of wanting to benefit yourself or others by fighting rights.

c. Forcing it by using violence or the threat of violence, "forcing" is the same as putting pressure on someone, so that person does something against his will, "against the rights" is against the law, has no right or is against the law (Soesilo, 1995: 256) .

The law enforcement apparatus itself has efforts to prosecute every crime including extortion. In enforcement, law enforcement officials act in accordance with existing laws. If there is a report or OTT, law enforcement officials will immediately follow up firmly and carry out a process of investigation, investigation, prosecution and up to the verdict stage. In violently eradicating extortion activities in the jurisdiction of the Buleleng Police, the Regent of Buleleng issued a Decree regarding the Saber Pungli Task Force in Buleleng Regency. In the Saber Extortion Task Force, related agencies include Buleleng Police, Buleleng District Attorney, Singaraja District Court and Buleleng Inspectorate. Each agency that is included in the Saber Pungli Task Force has their respective duties and authorities in acting to eradicate extortion in the community. The Saber Extortion Task Force is divided into 3 teams, namely: the Yustisi Team, the Enforcement Team, and the Prevention Team. In the Buleleng Prosecutor's Office there is a justice and prevention team, at the Buleleng Police there is an action and prevention team and at the Buleleng Inspectorate there is a prevention team.

Each team has an equally important duty in prosecuting the crime of extortion. With the formation of special teams that already have their respective powers and duties, law enforcement officers immediately take firm action against anyone who dares to commit extortion in Buleleng Regency. And in terms of serving the public regarding the extortion case, the Saber Pungli Task Force has directly provided a special call center for reporting if someone commits extortion in Buleleng Regency. The call center is held by the Buleleng Inspectorate agency. And if there is an Ormas Person who commits extortion even though it is not included in a special crime, that person can be tried in a general criminal act and falls under Article extortion, namely Article 368 of the Criminal Code. Because if the object and the subject are individuals, it can be included in the part of extortion, given the meaning of extortion itself.

Based on the results of interviews obtained by researchers with informants from the Buleleng Police, the Buleleng District Attorney, the Singaraja District Court and the Buleleng Inspectorate as well as a sample of cases where there have been cases of extortion committed by civil society organizations that the process of prosecution from law enforcement officials Extortion on behalf of one of the mass organizations in Buleleng. Even though it is said that there are still many difficulties in the field to uncover cases of extortion, especially if the persons acting on behalf of Ormas, indirectly the public will be anxious and afraid to give information because they feel their security is threatened. However, law enforcers are able to dig and throw these persons into bars, so it is hoped that it will have a deterrent effect on the perpetrators of extortion so as not to repeat the same actions.

Even though the Saber Pungli Task Force in Buleleng was only formed or only existed in 2018, its performance is quite evident because until now cases of extortion have decreased and have been handled quickly even though there are new cases coming back in 2020, based on the results of interviews with Mr. Gede Ngurah Omardani, SE, MM, as the Head of the Prevention Working Group in the Saber Pungli Task Force, Buleleng Regency. However, according to one of the informants, this matter still needs to be reviewed again so that extortion activities really do not happen again and do not harm the community, especially in Buleleng Regency. Because the duties of the Saber

Extortion Task Force are almost slightly different from those of the KPK, in which they both eradicate crimes engaged in embezzlement, gratification and bribery.

The researcher also conducted interviews with victims of extortion in the Buleleng area and the informant also provided information that law enforcement officers were very good at carrying out their duties because at the time one of the informants confided in one of the police friends because he did not dare to immediately report the incident and after he confessed the police immediately respond to this case and after about two days the perpetrator was immediately arrested and secured at the Buleleng Police. After about a week the case was brought to trial and the security of the witnesses was maintained without any threat from any party.

### **Law Enforcement Efforts in Tackling the Crime of Extortion**

Efforts that law enforcers can take in taking preventive measures against criminal extortion are by implementing existing legal measures, namely:

#### **1. Pre-Emptive Efforts**

Pre-Emptive are the efforts made by the police to prevent criminal acts. The efforts made in prevention of crime in a Pre-Emptive manner are to instill good values, norms so that these norms are internalized in a person. Even if there is an opportunity to commit a crime but there is no intention of doing it, there will be no crime.

#### **2. Preventive Measures**

Preventive is an effort to prevent crime from occurring because as we all know crime is a complex phenomenon that occurs around us and is very disturbing to society. Compared to repressive measures, preventive measures are much better because prior to the occurrence of crimes, these efforts are thought out so that they do not occur. Many efforts have been made to anticipate the occurrence of these crimes, one of which is to socialize a statutory regulation to the community that if someone commits a crime they will be threatened with criminal sanctions which can lead to imprisonment. Due to this understanding of the community, the community will feel acute about the sanctions that will ensnare if there is a violation of existing rules.

#### **Repressive Efforts**

Repressive action is commonly referred to as action or overcoming, in the sense that when the crime has occurred, efforts must be made so that after someone commits a crime they do not commit it again. Such things are usually done like how to think about healing the criminal. People who commit crimes will indirectly be imprisoned or put in a detention center, it is hoped that in the detention house they are guided as best as possible so that they do not commit crimes after committing these acts (Nugraha, 2017: 31) The repressive efforts are divided into two, namely:

##### **a. Persuasive Effort**

Persuasive action is a form of social control that is carried out by persuading or directing the community to comply with prevailing values and norms. This is done by means of socialization and direction.

##### **b. Coercive Efforts**

Coercive is a form of social control that is tough and firm. Actions taken to control social are by means of violence and giving strict sanctions.

By implementing these efforts, law enforcement officers can do this by directly going to the field to take preventive measures. But the preventive efforts that have been carried out are very general and the community feels that they are not absorbed by the main purpose of these efforts. So in carrying out this preventive effort, it is carried out intensely to remind the public that actions that violate the law can provide sanctions that can harm themselves. For example, committing a crime of extortion by extortion and harming other people, then the person who commits the extortion will be immediately followed up and punished according to the existing rules.

In order to avoid unwanted things, people need awareness to know the legal regulations that bind them, so that people know the causes and effects that occur if they take an action. Especially actions of extortion, this criminal act of extortion is increasingly happening especially if it is on behalf of one of the Ormas, this person feels that the community will remain silent and afraid to report it to the authorities. Even though the community itself can arrest the perpetrators of extortion if they see first hand what happened even without evidence, this is regulated in Article 111 of the Criminal Code. Article 111 paragraph (1) of the Criminal Code states that "In the event of being caught in the red has the right, while every person who has the authority in order, peace and public security is obliged to arrest the suspect to be submitted with or without evidence to the investigator or investigator". By knowing the existence of these rules, the community does not need to be afraid of arresting persons who often commit extortion.

If the enforcement apparatus is more intense, the people will understand better. The usual efforts are by approaching the community, such as going to the village to provide counseling or socialization regarding existing regulations. And countermeasures related to extortion cases in Buleleng Regency use a prevention system. This prevention system will change the old system which was thought to be less effective. If the party is carrying out an individual extortion, the system created is to provide a call center service so that the victim gets a fast response so that the extortion action can be stopped periodically.

Based on the results of interviews with researchers in this case regarding the preventive actions taken by law enforcement officials in the crime of extortion, each agency that joined the Saber Extortion Task Force participated in taking precautions because according to the informant, the formation of the Saber Extortion Task Force was not necessarily an error. make arrests, take action or in this case be caught red-handed (OTT). But the formation of the Saber Extortion Task Force to reduce the existence of extortion actions, by taking preventive measures, creating an effective prevention system so that it does not allow any loopholes for extortion.

Based on interviews of researchers with informants, the Saber Pungli Task Force has taken preventive measures in the form of conducting Sambang Patrols which are carried out by the police every day in areas prone to extortion, namely in markets, terminals and parking lots. In addition, the inspectorate together with the Police and the Prosecutor's Office often conduct socialization to villages, government agencies that are prone to extortion, gather community leaders and provide counseling on regulations.

These things are carried out in order to carry out their duties and responsibilities as law enforcers in the implementation of the prevention of extortion crimes. Because the criminal act of extortion is felt to be very unsettling to the community, causing losses and threatening peace in society. Therefore, law enforcers are very active in taking

precautions. And it is proven that until now in Buleleng Regency there is no extortion anymore, especially illegal payments in the name of certain organizations.

### **Conclusion**

Based on field research conducted by researchers, the following conclusions can be drawn: first, in terms of law enforcement carried out by law enforcement officials, it is sufficiently firm, straightforward and kind. Researchers can conclude this is because the community or victims of extortion say they are very satisfied with the handling of law enforcement officials in eradicating cases of extortion so that no more extortion occurs in the community. The speed of law enforcement officials in catching perpetrators and processing them quickly and makes people feel safe without any burden in running their business. And on the information from the informant that there are no more persons who go to the shops asking for a sum of money on the grounds of security money. And researchers can also conclude that the prevention process carried out by law enforcement officials is quite effective. Many efforts have been made to anticipate the occurrence of these crimes, one of which is to socialize a statutory regulation to the community that if someone commits a crime they will be threatened with criminal sanctions which can lead to imprisonment. The efforts made by the Saber Extortion Task Force in preventing extortion, namely: conducting socialization, conducting daily patrols and providing counseling to villages and providing call centers if there are people who see extortion, the community can directly contact the call center number.

### **Suggestion**

As for the suggestions given in this study, namely as law enforcement officers who are members of the Saber Extortion Task Force to optimize even more in taking action against individuals who often conduct extortion in the Legal Area of the Buleleng Police, then to the Saber Extortion Task Force in the Legal Area of Buleleng. in order to further optimize and update the prevention systems implemented so that extortion activities will no longer be gaps in action and respective agencies such as the Police, Attorney General's Office, Inspectorate, and the TNI to coordinate more with regards to the prevention system which can later be more developed so that the people who want to extortion cannot anymore.

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