

THE ROLE OF THE POLICE IN ERADICATING ILLEGAL LEVIES IN THE ISSUANCE OF DRIVER'S LICENSES IN THE JURISDICTION OF THE MEDAN POLICE

By

Andi Muhammad Arif Pulungan¹, Mustamam², Cut Nurita³

^{1,2,3} Universitas Islam Sumatera Utara

Email: Mr_pulungan@ymail.com¹, tamambar@fh.uisu.ac.id², cutnurita123@gmail.com³

ABSTRACT

Illegal levies are criminal acts regulated in various legal provisions, especially related to corruption and extortion. Based on the results of the study, it is known that law enforcement against illegal levy perpetrators in the issuance of Driver's Licenses in the jurisdiction of the Medan Police involves various efforts, ranging from prevention to enforcement. Preventive efforts such as the inclusion of anti-pungli pledges, strict supervision, and the development of a code of ethics are very important. In addition, strict action against the perpetrators of fraud, including police members, is also needed. The public can also play a role in reporting pungli through the application. Obstacles to overcoming illegal levies in the issuance of driver's licenses in the jurisdiction of the Medan Police are the lack of public awareness, difficult proof, and lack of public participation in reporting pungli. Efforts to counter it include prevention through education and socialization, strengthening the role of the Saber Pungli Task Force, and strict law enforcement.

Keywords: Roles, Illegal Collections, Driver's License.

PERANAN KEPOLISIAN MEMBERANTAS PUNGUTAN LIAR DALAM PENERBITAN SURAT IZIN MENGEMUDI DI WILAYAH HUKUM POLRESTABES MEDAN

ABSTRAK

Pungutan liar (pungli) merupakan tindak pidana yang diatur dalam berbagai ketentuan hukum, terutama terkait dengan korupsi dan pemerasan. Berdasarkan hasil penelitian diketahui bahwa penegakan hukum terhadap pelaku pungutan liar dalam penerbitan Surat Izin Mengemudi di wilayah hukum Polrestabes Medan melibatkan berbagai upaya, mulai dari pencegahan hingga penindakan. Upaya preventif seperti penyertaan ikrar anti pungli, pengawasan ketat, dan pembinaan kode etik sangat penting. Selain itu, penindakan yang tegas terhadap pelaku pungli, termasuk anggota polisi, juga diperlukan. Masyarakat juga dapat berperan dalam melaporkan pungli melalui aplikasi. Hambatan penanggulangan tindak pidana pungutan liar dalam pelayanan penerbitan SIM di wilayah hukum Polrestabes Medan adalah kurangnya kesadaran masyarakat, pembuktian yang sulit, dan kurangnya

partisipasi masyarakat dalam melaporkan pungli. Upaya penanggulangannya meliputi pencegahan melalui pendidikan dan sosialisasi, penguatan peran Satgas Saber Pungli, dan penegakan hukum yang tegas.

Kata Kunci: Peranan, Pungutan Liar, Surat Izin Mengemudi.

INTRODUCTION

The police is a leading structure and directly touches the layers of society. The National Police of the Republic of Indonesia is one of the state tools that has the main task in terms of maintaining the security and order of the State. The problem of police image or the image of the police by the public cannot be ignored at all. A public institution like the National Police that wants to be able to work effectively, needs legitimacy from the community where it works, in other words, the National Police needs to build and maintain an image in society. This image has become more urgent since the Indonesian nation entered the era of reform that overturned almost all pre-reform government policies and measures. Changes due to reforms have an impact on the National Police and as a result, the police must reorganize police policies in Indonesia so that they do not become an obstacle to the reform process. The development of the image of the National Police should be carried out in the direction of reform politics. The Indonesian police can no longer act authoritarian and are of the view that the police know best, deciding for themselves what to do. This includes the characteristics of the authoritarian police syndrome.

Recently, the National Police has continued to test its image due to being hit by various cases such as bribery, corruption, human rights, and various other criminal cases. Cases continue to emerge like there is no end, not yet completed one case, new cases appear. Problems often arise in government services to the community that reflect public dissatisfaction with government public services, including expensive, rigid and convoluted services, attitudes and actions of the apparatus, services that like to demand rewards, lack of friendliness, arrogance, slow and service facilities. One of the worst crimes among several other crimes that often occurs is pungli or illegal levies, which are acts committed by a person or a Civil Servant or State Official by asking for payment of an inappropriate or inappropriate amount of money based on the regulations related to the payment. "This is often equated with acts of extortion,

fraud or corruption". The high level of service uncertainty as a result of long and tiring service procedures is the cause of the increasing number of people who give up when dealing with corrupt public services. This is one of the factors that cause people to tend to be more tolerant of the practice of illegal levies in the implementation of public services.

Illegal levies are acts that are called acts of pungli are actually a social phenomenon that has existed in Indonesia, since Indonesia was still in the colonial period and even long before that. However, the naming of the act as an act of pungli. Illegal levies fall under the category of office crimes, where in the concept of office crime it is described that an official, for the benefit of himself or others, abuses his power to force a person to give something, to pay or receive payment with deductions, or to do something for himself. Illegal levies (pungli) are a type of violation of the law that is categorized as corruption. However, the practice of plural pungli occurs in the bureaucracy in Indonesia due to weak supervision and supervision among government agencies. Although a number of internal and external supervisory institutions have been formed, the culture of pungli among the bureaucracy has not decreased, let alone eliminated. In general, illegal levies are carried out by low-class public service officers. The motive is to increase income because the official salary of bureaucrats is still relatively low. The existence of opportunities, weak supervision and low bureaucratic ethics are factors that drive the flourishing of corrupt behavior through illegal levies.

The formulation of corruption in Article 12 letter e of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption comes from Article 423 of the Criminal Code which is referred to in Article 12 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption as a criminal act of corruption, which was then reformulated in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption explains that the definition of illegal levy is an act committed by a public servant or organizer who with the intention of benefiting himself or others unlawfully, or by abusing his power to force a person to give something, pay, or receive payment with deductions, or to do something for himself themselves.

RESEARCH METHODS



This research is descriptive analytical, the meaning is that this research is a research that describes, examines, explains and analyzes law enforcement problems against perpetrators of illegal levies in the issuance of Driver's Licenses which are linked to laws and regulations which are then analyzed. This research is a scientific activity based on certain methods, systematics and thinking that aims to study a certain law by analyzing it.

Analysis of legal aspects both in terms of the provisions of applicable regulations regarding law enforcement against perpetrators of illegal levies in the issuance of Driver's Licenses and researching and examining the application and implementation of these regulations in relation to law enforcement against illegal levies in the issuance of Driver's *Licenses*.

RESULTS OF RESEARCH AND DISCUSSION

Illegal levy is an act committed by a person or a Civil Servant or State Official by requesting payment of a sum of money that is not appropriate or not based on the regulations related to the payment. This is often equated with extortion. Based on the records of the United Nations Document on Efforts to Eradicate Corruption, an illegal levy is an unofficial levy, demand, receipt of any payment, gift or other benefit, directly or indirectly, by a public official or elected representative of a country from a private or public company including a transnational corporation or individual from another country associated with the intention to perform or not perform a task that is relating to an international commercial transaction.

The high level of service uncertainty as a result of long and tiring service procedures is the cause of the increasing number of people who give up when dealing with corrupt public services. This is one of the factors that cause people to tend to be more tolerant of the practice of illegal levies in the implementation of public services. The collective actions of the community were initially more due to compulsion, namely as a form of their response to the complexity, coercion and uncertainty of public services. The development of the service user community is actually that many feel relieved when doing so, or even expect it because they think it can speed up their affairs, and do not consider it as a negative practice that is detrimental means that our society has participated in instituting the practice of illegal levies.

Laws that specifically regulate illegal levy activities in Indonesia do not actually exist, but the provisions in several articles in Law No. 2 of 2002 concerning the National Police of the

Republic of Indonesia and Government Regulation No. 3 of 2003 regulate the sanctions that can be given to police personnel who carry out illegal levies and added several articles from the Criminal Code which also regulate the sanctions that can be given to perpetrators illegal levies if they lead to criminal acts, which of course will be given according to the acts committed.

Presidential Instruction No. 9 of 1977 concerning Control Operations is one of the efforts to eradicate illegal levies with the task of cleaning illegal levies, controlling stealth money, and regulating local government officials and departments. To facilitate and make the implementation of this regulation more effective, it is assigned to the Minister of State for State Apparatus Regulation, to coordinate its implementation and Pangkopkamtib to assist Departments/Institutions in its implementation operationally. The eradication of illegal levies was led by the Commander of the Security and Order Operations Command (Pangkopkamtib), Admiral Sudomo. The position of Pangkopkamtib during the New Order period was a *super body institution* in the fields of politics, law and security. The military, and all law enforcement institutions under the control of Pangkopkamtib. Illegal levies on the weighbridge are used as a symbol of the eradication of illegal levies. Because of the "habit" in the weighbridge, it has been going on for decades. Likewise, licensing institutions are also accused of being a nest of illegal levies.

The priority of the Orderly Operation enforcement is "illegal levies" in all its forms. Especially illegal levies that concern the interests of the wider community, such as illegal levies on the weighbridge, illegal levies by law enforcement in all agencies (judges, prosecutors, police), per-caluan creta fire/aircraft/ships, illegal levies on the management of Building Permits (IMB) and so on. Based on the Presidential Instruction of the Republic of Indonesia Number 9 of 1977 concerning Orderly Operations aimed at eliminating practices carried out by individuals in the Government apparatus that are not based on regulations such as illegal levies in various forms and to improve and improve the efficiency and results of the Government apparatus, it is necessary to have comprehensive and continuous control measures in the body of the Government apparatus.

Operation Orderly was formed for the cleaning of illegal levies on the streets, the control of stealth money in ports, both unofficial and official levies, but not legal legal. However, in

1977 the objectives of the regulation were expanded, moving from the streets to the departmental and regional apparatus. The formation of Operation Orderly is also an acknowledgement that there are still many disorderly in government administration, thus creating illegal levies. The existence of Orderly Operations on the other hand also presents hope to the public who know that the uncleanness of the state apparatus has reached the point of causing despair.

Cutting the cost of illegal levies also aims to ease the burden on employers, and divert these costs to the benefit of workers. The government does not need to pursue populist policies that seem to defend but are actually detrimental to workers in the long run. The success or failure of this Orderly Operation also depends on the state apparatus. There is an impression that the boss tends to protect his subordinates. One thing or another is because illegal levies do occur from top to bottom. In fact, it is not impossible to be a network of cooperation from top to bottom. Illegal levies or levies are a type of violation of the law, however, the practice of illegal levies often occurs in the bureaucracy in Indonesia due to weak supervision and supervision among government agencies. Although a number of internal and external supervisory institutions have been formed, the culture of illegal levies among the bureaucracy has not decreased, let alone eliminated. In general, illegal levies are carried out by public service officers. The motive is to increase income because the official salary of bureaucrats is still relatively low. If high-level bureaucracy can commit corruption to increase its income, then low-level bureaucracy is through illegal levies. The existence of opportunities, weak supervision and low ethics of bureaucrats are factors that drive the flourishing of corrupt behavior through illegal levies.

The position of the community in the public service process is very vulnerable to becoming victims of illegal levies due to low bargaining power. The community is forced to hand over an additional amount of money due to the absence of an effective supervisory institution to force bureaucrats who often carry out illegal levies. The community also contributes to the flourishing of illegal levy practices by getting used to giving money without being able to be critical in refusing to pay outside the official fee.

1. Grouping of types of illegal levies:
2. Types of criminal offenses include:

3. Corruption of state money
4. Avoid taxes and customs;
5. Extortion;
6. Bribery.
7. Pungli types of crimes that are difficult to prove, including:
8. Commission in the provision of bank credit;
9. Project tender commission;
10. Service rewards, in the granting of permits, promotions, use of SKO and so on;
11. Collection of employee salaries;
12. Levy on travel money;
13. Collection by interception posts.

The enforcement of the practice of pungli was actually carried out in 1977 through Presidential Instruction Number 9 of 1977 concerning Orderly Operations with the task of cleaning up illegal levies, controlling stealth money, and regulating local government officials and departments. To facilitate and make the implementation of this regulation more effective, the Minister of State for State Apparatus Regulation is assigned to coordinate its implementation and the Chief of Staff of the Security and Order Restoration Operations Command (Kaskopkamtib) to assist departments/institutions in its implementation operationally if necessary. This orderly operation is carried out to eliminate the practices of levy carried out by government officials that are not based on regulations such as pungli in various forms, as well as to increase the power and results of government apparatus.

The government in 2004 issued Presidential Instruction Number 5 of 2004 concerning the Acceleration of Corruption Eradication. There are 12 instructions to bureaucratic leaders, including instructions to improve the quality of public services, both in the form of services and licensing through transparency and standardization of services which include requirements, target completion times, and fees that must be paid by the public to get these services in accordance with laws and regulations and abolish pungli. In 2011, the President again issued Presidential Instruction No. 17 of 2011 concerning Corruption Prevention and Eradication Action in 2012. Several things have begun to be implemented to support the policy, such as the implementation of a transparent system in police and prosecutor's

institutions and a *whistle blower and justice collaborator system*. The first step of the legal reform policy package instructs 3 (three) important things, namely:

Structuring regulations to produce quality legal regulations. This is not without reason, considering that our country's constitution has stated that Indonesia is a country of law. The rules made should be able to protect, facilitate, and provide justice for the people and not overlap with other regulations. Optimize supervision and law enforcement. The supervision and enforcement of the law in question also includes optimizing the eradication of pungli practices in various state institutions. Legal reform is needed to help improve Indonesia's competitiveness, one of which is the internal improvement of law enforcement agencies. The need for awareness and compliance with the law among the community. For this reason, the aspect of legal culture must be a priority in legal reform.

CONCLUSION

Legal arrangements Publication Driver's License in Indonesia is based on several laws and regulations, the most important of which are Law Number 22 of 2009 concerning Road Traffic and Transportation. In addition, there is also a Regulation of the National Police Chief Perati Number 5 of 2021 about the Issuance and Marking of a valid driver's license regulate in more detail the procedures for issuance, requirements, and marking of driver's licenses and Regulation of the National Police Chief Number 2 of 2023 The is an update of the previous Perkap and regulates the latest requirements in the issuance of driver's licenses, including the obligation to have National Health Insurance (JKN) and certification from an accredited driving school. Perpetrators of illegal levies (pungli) in the issuance of Driver's Licenses (SIM) can be subject to criminal liability based on the Law on the Eradication of Corruption and the Criminal Code (KUHP), as well as disciplinary liability based on internal regulations of the National Police, because pungli is a criminal act of corruption and abuse of authority. Threats of punishment vary, ranging from imprisonment to fines, depending on the type and degree of offense committed.

The role of the police in eradicating illegal levies in the issuance of driving licenses in the Medan Police area is the lack of public awareness, difficult proof, and lack of public participation in reporting pungli. Efforts to counter it include prevention through education

and socialization, strengthening the role of the Saber Pungli Task Force, and strict law enforcement. The efforts made are to strengthen anti-pungli attitudes, foster anti-pungli attitudes through the inclusion of anti-pungli attitudes/pledges in community service centers, build an anti-pungli culture: creating an anti-pungli culture in the community by encouraging active participation in reporting pungli.

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