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MAPPING AND PREVENTION OF ILLEGAL INCOME IN ACEH

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Abstract
This article concerns mapping and preventing unlawful levies, particularly in Aceh Province. Illegal levies, sometimes known as extortion, can be defined as levies imposed by unscrupulous officials for their own personal gain or in violation of the law. In accordance with Article 12 of Law No. 31 of 1999, as amended by Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption, and Article 268 of the Criminal Code (KUHP), criminal threats against extortion perpetrators are regulated. This research seeks to identify criminal hotspots by mapping illegal levies in Aceh, collecting data on extortion tactics that are still prevalent in Aceh, and identifying challenges and efforts in executing the sabre extortion function and preventing illegal levies from occuring. According to the research findings, illegal charges are prevalent in public service locations, tourist attractions, educational institutions, and market hubs. This is due to the formation of a sabre extortion task force team in each district/city area. However, in carrying out sabre extortion, the task force team faces obstacles, such as the community's reluctance to report illegal levies, and the community's support for the practise of extortion. By developing the extortion task squads in each district/city and disseminating extortion practises through lectures and the placement of extortion-free banners in areas prone to extortion, preventative efforts are taken to reduce illegal levies.

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1. INTRODUCTION

Illegal levies or ordinary extortions are levies imposed by and for the personal interests of unscrupulous officials to achieve certain interests, both individual and communal, against state funds or members of the public who are collected illegally (does not meet formal or material requirements) and in violation of the law. (Satjipto Rahardjo, 1993:15) In essence, extortion is a result of interactions between officials and the community that are motivated by diverse personal interests. (Soedjono, Dirdjosisworo.1983:15) Extortion refers to all unofficial or illegal levies, and in practise it is typically accompanied by acts of violence and threats against those in a vulnerable position due to their interests. This makes extortion practises more likely to result in acts of extortion, which are prohibited or criminal acts under criminal law.

Although there is no mention of extortion or extortion crimes in the Criminal Code (KUHP), extortion is a criminal act. The formulation of corruption in Article 12 letter e of Law No. 20 of 2001 derives from Article 423 of the Criminal Code, which is cited in Article 1 paragraph (1) letter c of Law

No. 3 of 1971, and Article 12 of Law No.31 of 1999 as a criminal act of corruption, which was then reformulated in Law No.20 of 1999 2001.

Table 1 shows Legal Basis for the Offences as follows:

No.	Laws	Kinds	Penal Threats
1	Act No. 11 of 1980 concerning the Crime of Bribery	Acceptance of Corruption	3 years in prison or a fine of up to Rp. 15,000,000,-
2	Criminal Code (Article 368) Extortion 9 Years in Prison	Criminal Code (Article 368) Extortion 9 Years in Prison	Criminal Code (Article 368) Extortion 9 Years in Prison
3	ACT No. 20 of 2001 concerning amendments to Law 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Article 5 paragraph (1)) Giving/promising to civil servants or state officials Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of at least IDR . 50,000,000, - and a maximum of Rp. 250,000,000,-	ACT No. 20 of 2001 concerning amendments to Law 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Article 5 paragraph (1)) Giving/promising to civil servants or state officials Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of at least IDR . 50,000,000, - and a maximum of Rp. 250,000,000,-	ACT No. 20 of 2001 concerning amendments to Law 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Article 5 paragraph (1)) Giving/promising to civil servants or state officials Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of at least IDR . 50,000,000, - and a maximum of Rp. 250,000,000,-
4	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption (Article 5 paragraph (2)) of Law No. 20 of 2001 concerning Amendment to Law 31 of 1999 concerning the Eradication of Corruption (Article 5 paragraph (2)) Minimum imprisonment of 1 year, maximum of 5 years and/or a minimum fine of Rp. 50,000,000, - and a	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption (Article 5 paragraph (2)) of Law No. 20 of 2001 concerning Amendment to Law 31 of 1999 concerning the Eradication of Corruption (Article 5 paragraph (2)) Minimum imprisonment of 1 year, maximum of 5 years and/or a minimum fine of Rp. 50,000,000, -	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption (Article 5 paragraph (2)) of Law No. 20 of 2001 concerning Amendment to Law 31 of 1999 concerning the Eradication of Corruption (Article 5 paragraph (2)) Minimum imprisonment of 1 year, maximum of 5 years

	maximum of Rp. 250,000,000,-	and a maximum of Rp. 250,000,000,-	and/or a minimum fine of Rp. 50,000,000, - and a maximum of Rp. 250,000,000,-
5	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption Crimes (Article 11) Civil Servants or State Administrators receive gifts/promises when they are found to be due to power/authority Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of up to a little Rp. 50,000,000, - and a maximum of Rp. 250,000,000,-	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption Crimes (Article 11) Civil Servants or State Administrators receive gifts/promises when they are found to be due to power/authority Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of up to a little Rp. 50,000,000, - and a maximum of Rp. 250,000,000,-	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption Crimes (Article 11) Civil Servants or State Administrators receive gifts/promises when they are found to be due to power/authority Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of up to a little Rp. 50,000,000, - and a maximum of Rp. 250,000,000,-
6	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption Crimes (Article) 12B) Civil Servants or State Officials Recipient of gratuities Criminal life imprisonment / minimum 4 years and a maximum of 20 years fine of at least Rp. 200,000,000, - maximum Rp. 1,000,000,000,-	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption Crimes (Article) 12B) Civil Servants or State Officials Recipient of gratuities Criminal life imprisonment / minimum 4 years and a maximum of 20 years fine of at least Rp. 200,000,000, - maximum Rp. 1,000,000,000,-	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption Crimes (Article) 12B) Civil Servants or State Officials Recipient of gratuities Criminal life imprisonment / minimum 4 years and a maximum of 20 years fine of at least Rp. 200,000,000, - maximum Rp. 1,000,000,000,-
7	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption Crimes (Article 12E) Civil	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of Corruption	ACT No. 20 of 2001 concerning Amendments to Law 31 of 1999 concerning the Eradication of

	Servants or State Administrators with the intention of benefiting themselves Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of at least Rp. 50,000,000, - and a maximum of Rp. 250,000,000,-	Crimes (Article 12E) Civil Servants or State Administrators with the intention of benefiting themselves Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of at least Rp. 50,000,000, - and a maximum of Rp. 250,000,000,-	Corruption Crimes (Article 12E) Civil Servants or State Administrators with the intention of benefiting themselves Criminal imprisonment for a minimum of 1 year, a maximum of 5 years and/or a fine of at least Rp. 50,000,000, - and a maximum of Rp. 250,000,000,-
8	ACT No. 20 of 2001 concerning amendments to Law 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Article 12E) Giving gifts/promises to civil servants or state administrators because of power/authority Criminal imprisonment for a maximum of 3 years and a fine of up to Rp. 150,000,000,-	ACT No. 20 of 2001 concerning amendments to Law 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Article 12E) Giving gifts/promises to civil servants or state administrators because of power/authority Criminal imprisonment for a maximum of 3 years and a fine of up to Rp. 150,000,000,-	ACT No. 20 of 2001 concerning amendments to Law 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Article 12E) Giving gifts/promises to civil servants or state administrators because of power/authority Criminal imprisonment for a maximum of 3 years and a fine of up to Rp. 150,000,000,-
9	PP No. 53 of 2010 concerning Discipline of Civil Servants Disgraceful Acts • Dismissal with respect • Dismissal with respect	PP No. 53 of 2010 concerning Discipline of Civil Servants Disgraceful Acts • Dismissal with respect • Dismissal with respect	PP No. 53 of 2010 concerning Discipline of Civil Servants Disgraceful Acts • Dismissal with respect • Dismissal with respect

Everyone, including state and private officials, can commit extortion when there are factors that encourage and provide opportunities for the practise, such as complex bureaucracy, the collection of funds that are not protected by laws or regulations, systems that are not "open management," unchecked authority, and the desire to enrich themselves. Illegal levies are increasingly recognised by society as a criminal offence. Extortion is a result of the high level of service uncertainty caused by lengthy and tiresome service procedures, which is the reason why an increasing number of individuals give up while dealing with corrupt public services. This is one of the elements that has led to increased tolerance for extortion in the administration of public services. (BPKP. 2002:6)

In addition to the characteristics listed above, there are numerous other causes of extortion. Two types of causative variables can be identified: internal causes and external influences. (Dila Qoriah, 2020:16-17)

Internal factors consist of:

1. Socio-economic conditions

Abusiveness of power and authority

3. The low salaries of state officials

4. Poverty and avarice 5. The culture of remembrance

6. Prizes and rewards

7. Apathy / unwillingness to learn

Among the external elements that contribute to extortion are:

1. organisational mechanism weaknesses
2. Inconsistent legal enforcement
3. Weak oversight
4. Permissive/ all-permissive culture

Presidential Regulation Number 87 of 2016 was issued in 2016 regarding the Complete Unit for Clean-up of Illegal Fees. This was accompanied by Circular Letter Number 5 of 2016 from the Minister for Administrative Reform of the Bureaucratic Reform regarding the Eradication of Illegal Extortion Practices (Pungli) in the Execution of Duties and Functions by Government Agencies. A rule is created to defend the interests of individuals and society, according to the theory of law development. With the issuance of Presidential Regulation Number 87 of 2016, it is hoped that cases of extortion that frequently occur in society, particularly those aimed at state officials who serve the community well, will be eradicated.

Many extortion techniques, such as paying Rp 2,000.- to park a two-wheeled car on the side of a public road, have grown socially acceptable in Indonesian cities. In accordance with the Regional Regulation of Pangkalpinang City No. 16 of 2011 about Public Service Charges, the parking cost for public roadside parking services for two-wheeled vehicles is IDR 1,000 per car. Now, however, because parking attendants are accustomed to charging a price of Rp 2,000, - the community also charges a cost of Rp 2,000. In fact, it is not uncommon for customers to pay Rp 2,000 without receiving change from the parking attendant.

Considering the propensity of people to accept extortion, the elimination of extortion is unsuccessful. On the one hand, the government, through the Special Enforcement for Illegal Income Extortion Task Force, is making active attempts to eradicate extortion, but on the other hand, the community (service users) is one of the root causes of the ingrained behaviour of extortion in public services. Obviously, this is extremely contradicting. It is time for this tendency of supporting extortion to end so that the roots of extortion can be destroyed. In the province of Aceh, Indonesia, similar conditions occur frequently. The practise of extortion has become commonplace, yet the Indonesian Positive Law makes it quite plain that it is illegal and a crime. Thus, it is deemed crucial to understand the causes of unlawful levies, the measures that law enforcement officials can take, and, most significantly, to map locations where illicit levies are prevalent.

Based on the above context, the issues addressed in this paper are:

1. How accurate is the mapping (criminal territory) of illegal levies in Aceh?
2. What is the function of the task force on unlawful levies in Aceh, and what are the barriers to preventing illegal levies?
3. What government strategy exists to prohibit unlawful levies in Aceh?

2. RESEARCH METHODS

Based on the issues raised, this study employs empirical legal research techniques. Empirical juridical legal research is the study of the implementation of normative legal provisions (codification, legislation) on any specific legal event that occurs in society. Empirical legal research, also known as sociological legal research or field research, is commonly referred to as empirical legal research. Empirical legal research is based on primary/fundamental data, i.e., data obtained directly from the community as the first source via field research, specifically by conducting interviews. This study will provide an overview of the mapping (Crime Area) and efforts to prevent (Preventive) extortion in Aceh.

This research was conducted in the city of Banda Aceh, the district of Central Aceh, the city of Lhokseumawe, and the district of West Aceh, with the target districts/cities representing all regions in Aceh Province. Additionally, regional and social factors influence the practise of extortion.

1. Crime Area Mapping

In the area of office crimes, illegal payment are included. In the formulation of corruption in Article 12 letter e of Law Number. 20 of 2001 originates from Article 423 of the Criminal Code, which is referenced in Article 12 of ACT Number 31 of 1999 as a criminal act of corruption, which was then reformulated in Law Number 20 of 2001 (Criminal Act of Corruption), explaining the definition of illegal levies. In essence, extortion is an interaction between officers and the community that is motivated by diverse personal interests.

This study focuses on four Aceh districts/cities: Banda Aceh City, Lhokseumawe City, Central Aceh District, and West Aceh District. On the basis of research conducted in four district/city areas, it is possible to map (Crime Area) areas where extortion is prevalent (illegal levies) as follows:

1. Tourist Attraction Locations
2. Government Agencies (Public Services)

3. Market Center
4. The Fish Auction Site
5. College

Illegal levy activities that occur in extortion-prone zones or Crime Areas include the following:

1. Making a Rekom Letter 2. Cutting Village Funds

3.extortion

4. Punishment 5. Development Project 6. Extortion of Village Chiefs

7. Management of public servants

8. Abuse of Sand Transportation Drivers

8. Expulsion from School

10. Extortion Against Market Traders

11. Raskin Cuts

12. Extortion Against Fish Merchants

3. ANALYSIS AND DISCUSSION

3.1. The Role of the Task Force on Illegal Levies and Obstacles in Preventing Illegal Fees from Occurring in Aceh

Considering that the practise of extortion has damaged the foundations of social, national, and state life, extortion must be eradicated in a way that is firm, integrated, effective, efficient, and capable of creating a deterrent effect in order to be eliminated. Mr. Joko Widodo, the President of the Republic of Indonesia, issued Presidential Regulation of the Republic of Indonesia No. 87 of 2016 regarding the Task Force for Cleaning Up Illegal Levies. The Task Force for Cleaning Illegal Levies, also known as the Special Enforcement for Illegal Income Extortion Task Force, was established by this Presidential Regulation. The Special Enforcement for Illegal Income Extortion Task Force mentioned in paragraph one is subordinate to and accountable to the President. Article 2 The Special Enforcement for Illegal Income Extortion Task Force is tasked with eradicating illegal levies effectively and efficiently by optimising the use of personnel, work units, and infrastructure facilities in ministries/agencies as well as local governments.

a. Task force roles

The mission of the Special Enforcement for Illegal Income Extortion Task Force is to eradicate unlawful levies effectively and efficiently by maximising the use of employees, work units, and infrastructure in ministries/agencies and local governments. To assist sabre extortion actions, the following working group was formed:

1) Secretary

i. Coordinate, plan, and carry out activities to eradicate extortion by holding coordination meetings, preparing software and hardware for readiness to carry out activities, mapping extortion practises prevalent in the District. West Aceh, and determining the target of enforcement based on the modus operandi and network anatomy of extortionists;

ii. Carry out an evaluation of activities to eradicate illegal levies by holding a coordination meeting to evaluate the results of the activities.

2) Intelligence

a) Collecting data and information from government agencies and other parties associated with public services and mapping areas susceptible to extortion in each agency;

b) Developing a system for preventing and eradicating illegal levies.

3) Enforcement officers

a) Coordinate, plan, and execute operations to eradicate illegal levies; Conduct hand-catching operations by arresting extortionists while committing or after committing extortion,

b) and imposing severe sanctions in accordance with applicable legal procedures.

4) Prevention Staffs

a) Building a system for preventing and eradicating illegal levies by using IT, fostering an anti-extortion culture, simplifying service bureaucracy, and providing rewards and punishments;

b) Conducting outreach to the general public regarding the eradication of illegal levies;

c) placing appeal banners in places of public service.

5) Trial Staffs

a) Recommend to heads of government agencies that administrative punishments be imposed against extortionists in accordance with applicable laws and regulations;

b) Track the investigation and prosecution procedure conducted by investigators and public prosecutors..

b. Obstacles in Enforcing the Crime in Aceh

1) The Accountability and Integrity of the apparatus is one of the primary variables influencing extortion. Value or accountability is a concept related to external standards that determine the correctness of a public bureaucracy's action. Because of this, accountability is also known as objective responsibility, because a bureaucracy is said to be accountable if it is deemed to be good by service users/society and can be held accountable for all sorts of actions to those in authority from whom they derive their authority. Everyone, from the official apparatus to the level of civil society, is responsible for preventing illegitimate taxes. This will encourage a reduction in the practise of extortion in all places where it is possible to perform it.

There are several additional causes of extortion, including:

1) the abuse of authority

2) Extortioners who abuse a person's position or authority can commit disciplinary violations.

3) Mental aspects.

4) The nature or conduct of an individual in acting and managing oneself.

5) Economic variables

6) A person is more likely to engage in extortion when their income is insufficient to meet their basic necessities and their duties/positions are not commensurate with them.

7) Cultural considerations & organisational culture.

8) Continuously operating institutions foster a society in which extortion and bribes become prevalent.

9) Insufficient personnel resources.

10) Weak control and supervision mechanisms by superiors/bosses should be tolerated because they are a link in the chain.

The prevention of illegal levies in Aceh faces obstacles or obstacles that contribute to their occurrence. The following are obstacles to preventing illegal levies:

1) Lack of honesty in the government apparatus

2) Government officials' lack of accountability

3) The community is less receptive to extortion

4. The community begins to endorse the practice of extortion.

3.2. Dispute Governments's Policy in Enforcing the Crime in Aceh

In accordance with Presidential Regulation Number 87 of 2016 concerning the Task Force for Cleaning Up Illegal Levies, the Decree of the Coordinating Minister for Politics, Law, and Security of the Republic of Indonesia Number 78 of 2016 concerning the Working Group and Secretariat of the Task Force for Cleaning Up Illegal Levies based on the above regulations, it is deemed necessary to establish an Illegal Levies Eradication Unit in order for the Governor of each province to be able to carry out his responsibilities

Special Enforcement for Illegal Income Extortion Task Force is a government initiative to abolish unlawful levies in Aceh. The Special Enforcement for Illegal Income Extortion Task Force is dispersed in each district/city in an effort to abolish the prevention of this unlawful levy activity. The Special Enforcement for Illegal Income Extortion Task Force conducts the following activities at the district/city level in Aceh in order to prevent the practise of extortion:

a) The Socialization of Unlawful Fees

b) Eradication Coordination Meeting

c) Installation of banners/leaflets

d) Sticker production

e) and application

f) This effort is designed to prevent unauthorised levies in Aceh.

4. CONCLUSION

Based on the results of the study, it can be concluded that crime areas in the form of illegal levies occur in public service places, tourist attractions, education, and market centers. Data regarding the practice of extortion in Aceh has decreased every year, this is due to the formation of a Special Enforcement for Illegal Income extortion task force team in each district/city area, but in carrying out Special Enforcement for Illegal Income extortion the task force team experiences obstacles such as people who are afraid to report when an activity is indicated illegal fees exist. Another obstacle lies in the community itself which is also a supporting factor for the practice of extortion. Preventive measures taken to eradicate illegal levies are by forming a Special Enforcement for Illegal Income extortion task force team in each district/city and by socializing illegal levies practices such as seminars and placing extortion-free banners in places that are prone to extortion practices.

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