

RESPONSIBILITY AGAINST CRIMINAL OFFENDERS OF DISTRIBUTING AGRICULTURAL CULTIVATION MEANS (FERTILIZER) WITHOUT A PERMIT CIRCULATION IN KALIANDA, SOUTH LAMPUNG

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Abstract

This research investigates the factors behind the illegal distribution of agricultural fertilizers without a permit in Kalianda, South Lampung, as highlighted in Decision Number: 98/Pid.Sus/2022/PN.Kla. The study employs a normative and empirical approach, utilizing both library and field study techniques for data collection. Data analysis involves identification, classification, systematization, and descriptive qualitative methods. The findings reveal that the illegal activity stems from both internal and external factors. Internal factors include economic motivations and individual characteristics, while external factors encompass tax non-compliance, difficulties in obtaining Fertilizer Production Business Permits, inadequate awareness of relevant laws and regulations, and weak law enforcement. The research also examines the legal accountability of the perpetrators, as stipulated in Article 122 in conjunction with Article 73 of Law Number 22 of 2019 concerning Agricultural and Sustainable Cultivation Systems. The offenders were convicted of distributing unregistered or unlabeled fertilizer and received a sentence of eight months' imprisonment and a fine of Rp. 3,000,000, substitutable by three months' imprisonment if unpaid. This study underscores the complexities surrounding agricultural fertilizer distribution and the need for more robust legal and regulatory frameworks.

Keywords: Accountability, Criminal Act, Fertilizer Circulation, Agricultural Cultivation Facilities, Distribution Permit.

1. Introduction

The Indonesian government has recently introduced a subsidised fertiliser programme with the aim of reducing the financial strain on farmers and ensuring that fertilisers remain affordable for the wider population. This initiative is a component of the government's broader endeavours to bolster agriculture, a vital industry that plays a pivotal role in the nation's economy and food security (Hedley & Tabor, 1989; Sundari & Halim, 2020; Wildayana & Armanto, 2019).

Subsidies, as a kind of governmental support, aim to lower societal expenses by partially covering the costs of necessary commodities or services. Within the realm of agricultural cultivation, these subsidies are crucial for guaranteeing the implementation of sustainable farming methods and the maintenance of food production. The Ministerial Regulation of Trade Number: 15/M-DAG/PER/4/2013 provides a comprehensive explanation of the legislative and administrative framework governing the acquisition and distribution of subsidised fertilisers. This rule requires a linear distribution network,

spanning from manufacturers to authorised vendors and eventually to individual farmers or farming collectives (Adiraputra & Supyandi, 2021; Halid et al., 2018; Hisyam, 2017) Indonesia has several prominent fertiliser producers, such as PT. Pupuk Sriwidjaya Palembang, PT. Petrokimia Gresik, PT. Pupuk Kalimantan Timur, PT. Pupuk Kujang, and PT. Pupuk Iskandar Muda. PT. Pupuk Indonesia (Persero) acts as the parent company for these producers. The producers are accountable for manufacturing both inorganic and organic fertilisers, which are then distributed through authorised distributors and merchants. The choice of these distributors and retailers is determined by particular criteria and regulations, which include the requirement of permissions and distribution networks, as stated in the Sales and Purchase Agreement (SPJB) (Halid et al., 2018; Sudjono, 2011; Tenriawaru et al., 2021).

Although the subsidised fertiliser programme is a notable government endeavour, there are apprehensions regarding the distribution of unregistered and unlabeled fertilisers in the market. The prominence of this matter arose with the incident involving Sisu Bin Syukur in Kalianda, South Lampung. In May 2021, Syukur, employed as a vehicle driver, engaged in the unauthorised selling of non-subsidized fertilisers manufactured by CV. Sinar Jaya Gresik, without possessing the necessary distribution permit. The South Lampung Police discovered this occurrence while conducting a normal patrol, which subsequently prompted additional investigations and judicial proceedings (Halid et al., 2018; Riska et al., 2020).

After examining the matter, the Kalianda District Court determined that Syukur is responsible for distributing agricultural cultivation facilities without obtaining the necessary authorization. This action is considered a violation of Article 122 in conjunction with Article 73 of Law Number 22 of 2019, which pertains to Agricultural and Sustainable Cultivation Systems. The individual received a verdict of eight months of incarceration and a fine of IDR 3,000,000. Failure to pay the fine will result in an additional three months of imprisonment (Hakim et al., 2020; Halid et al., 2018; Sembiring et al., 2021; Smith et al., 2024).

Prior research has thoroughly examined the significance of governmental subsidies in the agricultural sector, with a specific emphasis on their economic implications and their contribution to improving agricultural efficiency. Nevertheless, there is a conspicuous deficiency in studies concerning the difficulties encountered when implementing subsidy programmes, specifically in relation to adhering to legal requirements and distributing agricultural inputs. This paper tries to fill this vacuum by investigating the intricacies involved in the legal distribution of subsidized fertilizers in Indonesia, utilising the case of Sisu Bin Syukur as a focus point. The research digs into the intricacy of the subsidy distribution chain, the obstacles faced in maintaining regulatory compliance, and the ramifications of such challenges on the effectiveness of the subsidy program (Adiraputra & Supyandi, 2021; Dalimunthe et al., 2021; Enakesda & Jainah, 2024; Surono et al., 2021).

Moreover, this study adds to the wider discussion on the implementation of agricultural policies, providing valuable insights on the enforcement of rules and the accountability measures in place for infractions. The report offers a comprehensive analysis of the Syukur case, shedding light on the complex relationship between agricultural policies, legal frameworks, and on-the-ground situations in Indonesia. Comprehending this is vital for policymakers, stakeholders in the agricultural sector, and legal practitioners in order to shape agricultural subsidy programmes that are more successful and can be enforced (Halid et al., 2018; Jainah & Sulaiman, 2024; Quintamy et al., 2020; Rusdiyanto et al., 2024; Rusli, Ompu Jainah, et al., 2019; Zakiah & Fauzan, 2018).

Based on the description in the background, the problems raised in this research are:

1. What are the factors that caused the perpetrator to commit the criminal act of distributing agricultural cultivation facilities (fertilizer) without a distribution permit in Kalianda, South Lampung based on Decision Number: 98/Pid.Sus/2022/PN.Kla?
2. What is the accountability for perpetrators of the criminal act of distributing agricultural cultivation facilities (fertilizer) without a distribution permit in Kalianda, South Lampung based on Decision Number: 98/Pid.Sus/2022/PN.Kla?

2. Research Method

This study utilises a qualitative methodology for data analysis, with a focus on systematically organising and deeply interpreting the gathered material. The procedure commences by meticulously organising data based on their various classifications, guaranteeing a well-structured framework for research.

Data Description and Analysis: The essence of this methodology is centred around the comprehensive examination and interpretation of the data. It requires a comprehensive comprehension of each dataset within its factual context as acquired via field research. The data is thoroughly analysed and presented in a clear and organised manner, enabling a detailed examination of the underlying themes and patterns (Liamputtong, 2009; Rusli, Jainah, et al., 2019; Rusli & Ompu Jainah, 2024).

Analysis and Logical Inference: After completing the descriptive analysis, the study moves on to the interpretative phase. The emphasis lies in deriving inferences from the scrutinised data. This deductive approach entails making logical deductions and correlations from the thorough descriptions, so connecting the empirical data with the research objectives. The interpretations are intended to offer precise, evidence-supported responses to the research inquiries, thus tackling the fundamental issues identified at the beginning of the study.

3. Discussion

The criminal act of distributing agricultural cultivation facilities (fertilizer) without a distribution permit, as observed in Kalianda, South Lampung, presents a multifaceted legal and social challenge. This paper explores the internal and external factors contributing

to this issue, emphasizing the economic motivations, individual behaviors, and systemic regulatory challenges that culminate in such criminal activities.

Internal Factors Driving the Crime

- Economic necessity is a significant driver behind the illegal distribution of fertilizers. As noted by AKP Hendra Saputra, Head of the Criminal Investigation Unit at the South Lampung Police, financial incentives and economic pressures often push individuals and entities into this illicit trade. The desire for financial gain, coupled with economic vulnerabilities, makes the fertilizer market susceptible to illegal activities.
- Personal behaviors and choices also play a critical role. The dichotomy between positive and negative personality traits influences individual decisions to engage in illegal fertilizer distribution. Those swayed by adverse developments in the market or personal circumstances are more likely to partake in such activities.

External Factors Contributing to the Crime

- **Non-Compliance with Tax Obligations:** As stated by Eko Supramurbada, a Public Prosecutor, the avoidance of tax obligations significantly contributes to the rise in these criminal acts. The attempt to evade production and transport taxes, levies, and other governmental charges is a common motivator for engaging in the unauthorized distribution of fertilizers.
- **Difficulty in Obtaining Fertilizer Production Business Permits:** The complex and time-consuming process of acquiring legal permits deters many from following the legal route, as indicated by judicial observations. This bottleneck creates an environment where illegal distribution becomes an appealing alternative.
- **Minimal Socialization of Laws and Regulations:** The lack of effective communication and education regarding fertilizer production regulations, as observed by Ryzza Dharma, a Judge, leads to a gap in public understanding. Insufficient outreach and socialization efforts by relevant agencies contribute to unintentional non-compliance and deliberate evasion of the law.
- **Weak Law Enforcement:** Weak supervision and law enforcement in the fertilizer sector provide opportunities for illegal activities. This situation is exacerbated by a low number of prosecutions and a general sense of impunity among those distributing fertilizers without proper authorization.

Theoretical Framework: Social Approach to Crime Causation

The discussion aligns with J.E. Sahetapy's social approach to understanding crime causation. This approach encompasses social values, cultural aspects, and structural factors within society. These elements interplay dynamically, shaping individuals' actions and societal norms.

Economic and Sociological Perspectives in Crime

The research identifies economic hardship and the desire to circumvent established obligations as primary motivators for criminal acts. Additionally, the sociological aspects, including taxation burdens and the complexities of legal compliance, play a significant role. The challenge lies in balancing the need for regulation with the economic realities faced by individuals and entities in the fertilizer production business.

Social Control and Institutional Weaknesses

The difficulty in obtaining permits and inadequate legal education reflect weaknesses in societal institutions. These factors, along with lenient law enforcement, contribute to the prevalence of unauthorized fertilizer distribution. Addressing these issues requires a multifaceted approach involving stronger institutional frameworks and more effective social control mechanisms.

Legal Accountability and Criminal Responsibility

The legal framework, as illustrated in Decision Number: 98/Pid.Sus/2022/PN.Kla, outlines the accountability mechanisms for those engaging in the unauthorized distribution of fertilizers. The principle of legality and the concept of guilt are central to understanding criminal responsibility. The case of Sisu Bin Syukur, as adjudicated by the Kalianda District Court, serves as a precedent for interpreting and enforcing these legal principles.

The Process of Legal Adjudication

The judicial process, from investigation to sentencing, follows a structured approach that considers juridical, philosophical, and sociological aspects. This process ensures that defendants are judged not only on legal grounds but also in consideration of their social background and the broader impact of their actions on society.

The criminal act of distributing agricultural cultivation facilities (fertilizer) without a distribution permit in Kalianda, South Lampung, is influenced by a complex interplay of internal and external factors. Economic motivations, individual behaviors, regulatory challenges, and weak law enforcement contribute to this illegal activity. The legal system, through its mechanisms of accountability and adjudication, addresses these issues by considering a range of factors, from the individual's intent and circumstances to the broader social impact. This case study highlights the need for a comprehensive approach to tackle the illegal fertilizer distribution, encompassing economic, social, and legal dimensions.

Conclusion

The unlawful conduct of distributing agricultural cultivation facilities (fertiliser) without a distribution permission arises from a combination of internal and external circumstances.

Internally, economic incentives and individual actions are of paramount importance. Externally, the crime is exacerbated by non-adherence to tax responsibilities, difficulties in acquiring Fertiliser Production Business Permits, inadequate dissemination of legal and regulatory information, and ineffective law enforcement. The judicial system efficiently ensures that criminals are held responsible. In this particular instance, the defendant has been deemed legally and convincingly culpable for the dissemination of unregistered or unlabeled fertiliser, so contravening Article 122 in conjunction with Article 73 of Law Number 22 of 2019, which pertains to Agricultural and Sustainable Cultivation Systems. The penalty consisted of an eight-month incarceration and a Rp. 3,000,000 (three million rupiah) fine, which might be replaced by a further three months of jail if the fine was not paid (Mulkan & Aprita, 2022; Wardah et al., 2022).

Individuals should practice heightened attention when acquiring fertilisers. This entails confirming the registration status of the products in order to prevent becoming a target of deceptive sales tactics (Mulkan & Aprita, 2022; Wardah et al., 2022).

Legal Factors: When judges are deciding on instances involving the unlawful distribution of fertiliser, it is essential for them to take into account the wider consequences of the defendant's activities on the victims, specifically the farmers. The decision-making process should encompass not just the defendant's personal mitigating and aggravating considerations, but also consider the broader societal consequences of the crime, in order to ensure justice for all parties affected (Irawan & Susanto, 2020; Jumadi & Indrajaya, 2022).

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