OPTIMIZATION OF MALUKU'S DIRECTORATE GENERAL OF CUSTOMS AND EXCISE SUPERVISION FUNCTION IN THE ARCHIPELAGIC REGIONS FOR EXCITED GOODS CIRCULATION

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Abstract

The Directorate General of Customs and Excise is an institution engaged in customs and excise. Meanwhile, as the technical implementer at the district/city level, the Customs Supervision, and Service Office has the task of carrying out the formulation and implementation of policies in the field of supervision, law enforcement, service, and optimization of state revenues in the customs and excise sector following the provisions of laws and regulations. The general goal of this research is to determine the extent to which the Ternate Office of the Directorate General of Customs and Excise implements the supervisory function in supervising the circulation of excisable goods and other contraband goods in the North Maluku community, while the specific goal of the study is to determine the efforts optimization carried out by the Ternate Office of the Directorate General of Customs and Excise. Furthermore, studies revealed that the Ternate Office of the Directorate General of Customs and Excise continues to improve its performance to optimize the internal control function of excisable goods as measured by Key Performance Indicators and collaboration between institutions such as the Operational Facility Base, the Indonesian Navy, the Indonesian Amy, the Indonesian Air, and Water Police, the National Narcotics Agency or Badan Narkotika Nasional (BNN), the Ministry of Tr, and the Ministry of Tr. The most noticeable obstacle is the number of personnel and facilities considering the vast area being monitored, the strategic area of the North Maluku waters, and community and cultural factors.

Keywords: Supervision, Taxable goods, Archipelagic Region.

A. Introduction

Customs is a global institution that almost all countries in the world have. In international forums, customs institutions use the designation Customs Administration whose scope of duties includes customs only. The customs agency after Indonesia's independence has undergone several name changes. Today, the institution is called the Directorate General of Customs and
Excise of the Republic of Indonesia.\textsuperscript{1} Supervision serves to keep all ranks running on the correct rails.\textsuperscript{2} The Directorate General of Customs and Excise is a government agency in customs and excise whose position is at the forefront of The Unitary State of the Republic of Indonesia.\textsuperscript{3} Supervision of the traffic of goods entering or leaving the customs area is under the minister’s policies and based on the prevailing laws and regulations.\textsuperscript{4}

Meanwhile, as the technical implementer at the district/city level is the Customs Supervision and Service Office, which has the task of formulating and implementing policies in the customs and excise sector’s supervision, law enforcement, service, and optimization of state revenues. This execution is under the provisions of laws and regulations. Here are the Customs Supervision and Service Office’s duties:

1. Formulation of policies in the field of law enforcement, service and supervision, optimization of state revenues in customs and excise;
2. Implementation of policies in the field of supervision, law enforcement, services, and optimization of state revenues in customs and excise;
3. Formulation of norms, standards, procedures, and criteria in the field of supervision, law enforcement, services, and optimization of state revenues in the field of customs and excise;
4. Providing technical guidance and supervision in the field of supervision, law enforcement, service, and optimization of state revenues in the field of customs and excise;
5. Implementation of monitoring, evaluation, and reporting in the field of supervision, law enforcement, service, and optimization of state revenues in the field of customs and excise;
6. Administration of the Directorate General of Customs and Excise; and
7. Implementation of other functions assigned by the Minister of Finance.

In addition, the Directorate General of Customs and Excise's primary duties as (1) an apparatus for monitoring the traffic of goods in the context of protecting the interests of the community through efforts to prevent the entry of goods that endanger state security, (2) prevention of goods that damage health and disturb the public and (3) protection of the public against the entry of goods that do not meet standards and as a trade facilitator through various strategic efforts, that aims to improve the smooth flow of goods and trade, suppress the high-cost economy, create a conducive trade climate and prevent illegal trade.

The circulation of goods in the community, especially with the widespread circulation of smuggled goods, such as textile products, electronic goods, narcotics, psychotropic substances, tobacco products, and other goods, must receive legal protection. According to Law Number 11 of 1995 as amended and added to Article 2 of Law Number 39 of 2007 concerning excise, it is mandated that goods subject to excise duty are certain goods that have specific characteristics:

a. Consumption management
b. Circulation monitored
c. The utilization will cause harm to society and the environment.

Often smuggled items are used clothes, narcotics, and electronic goods. The existence of these goods seems to interfere with people's lives. For instance, in the City of Ternate, imported clothing or known among the Ternate people as "cakar-bongkar" clothes. For Ternate people with middle to lower economies, it is considered very helpful because it is felt that imported used clothes are cheap, their quality is (relatively) good, and easy to obtain.

\textsuperscript{1} Sutedi Adrian. 2012. \textit{Aspek Hukum Kepabeanan}, Sinar Grafika. Jakarta. Pg. 84
\textsuperscript{2} \textit{Ibid}, pg. 58.
\textsuperscript{4} \url{https://bcternate.beacukai.go.id/tugas-pokok-dan-fungsi/}
People, in general, do not understand the existence of these imported used clothes that can arrive in Ternate. Many only know that the goods come from Southeast Sulawesi Province, without knowing the process of entry into Indonesia. Moreover, they are unaware of how these items have accumulated so much, and the sterilization process is still unknown. This means there is an uncertainty if the imported used clothes are free from bacteria, germs, and viruses, especially during the current Covid 19 pandemic. These items do not rule out the possibility of being exposed to the Coronavirus. Other goods circulating in Ternate are goods/materials that contain narcotics or psychotropic substances. Of course, their misuse causes brain damage and, in the end, can destroy a person's future and, more generally, the future of our country.

According to Soerjono Soekanto, the measure of effectiveness in the first element is that existing regulations regarding certain areas of life are quite systematic. The province of North Maluku, which has archipelagic characteristics and is directly adjacent to other countries or the high seas, is vulnerable as an entry point to circulate these goods. Therefore, the role of the Directorate General of Customs and Excise is needed in supervising these goods. Based on the background above, the author intends to conduct research titled “Optimization the Directorate General of Customs and Excise of Maluku’s Supervision function towards Excitable Goods’ Circulation in the Archipelagic Regions." Based on the background, the research identifies problems as follows: (1) Optimizing the Type C Customs Intermediate Supervision and Service Directorate General of Customs and Excises' supervising role towards taxable goods circulation in an archipelagic region. (2) Enforcement of challenges, obstacles, and efforts by the Type C Customs Intermediate Supervision and Service Directorate General of Customs and Excises.

The research's location will focus on the Type C Customs Intermediate Supervision and Service Directorate General of Customs and Excise to obtain necessary data and information. To answer the problems that have been formulated in this study, the researcher will use the type of socio-juridical research with the type of qualitative research. Research with the socio-juridical type is used to identify the form of supervision carried out by Ternate’s Type C Customs Intermediate Supervision and Service on excisable goods circulating in Ternate. The nature of this research is descriptive, which aims to test whether there is a causal relationship between the various problem variables studied. At the same time, the approach in this study is to use a conceptual approach and statute approach. In this study, the types and sources of data needed are primary data or main data and secondary data. Primary data is data obtained from several interviews in the field. Both interviews were conducted with parties who became the main source of obtaining research information. Secondary data is supporting data related to primary legal materials, such as legislation, books, theses, journals, opinions of legal scholars, research results, and other legal works. The data collection technique that the writer uses in this research is through literature study, field study, and documentation study.

B. Discussion
1. Optimizing the Type C Customs Intermediate Supervision and Service Directorate General of Customs and Excises’ supervising Role towards Taxable Good’s Circulation in an Archipelagic Region
Type C Customs Intermediate Supervision and Service Office the Directorate General of Customs and Excises is an institution in charge of supervising the circulation of excisable goods such as alcohol and all its derivatives and tobacco and all its processed forms. The supervisory function has improved in line with the development of information technology, especially in areas with archipelagic characteristics, for example, in North Maluku, which geographically is

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an archipelagic province directly adjacent to the Pacific Ocean and the territory of the Philippines.

Various efforts made by the Ternate Customs and Excise Office in carrying out its supervisory function continue to be improved. These efforts include goods circulating in the community and those about to enter/leave the North Maluku region, including the use of applications that can monitor shipping crossing the North Maluku area. Supervision of excisable goods circulating in the community begins with outreach to traders, cafes, restaurants, and expedition entrepreneurs so that they always pay attention to which goods are subject to excise to check the validity of the excise. Furthermore, this trader is given an understanding of the prohibition of selling/circulating goods subject to excise without a valid excise. According to the Head of the Investigation Section of Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs and Excises, cigarette traders carried the socialization because fake cigarette excise taxes were not at their designation; there were even cigarettes without excise. Supervision towards excisable goods’ entry and exit from and to the North Maluku region is carried out by outreach to shipping expedition entrepreneurs such as JNE, JNT, or other expeditions. The reason for smuggling these goods is that they are easy to enter and leave through online sales by utilizing online stores such as Shopee, Tokopedia, and others. The mode of delivery of illegal excisable goods in the form of these goods:

a. No excise stamps;
b. Using fake excise stamps;
c. Using used excise stamps;
d. Using excise stamps that are not intended for use;
e. Using the false excise stamps.

The Head of the Investigation Section of Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs and Excises, adds that entering these goods is available both international and national. This process usually uses online store and delivery services such as JNE, JNT, and others. The process of entering goods from abroad (imports) also enters through company ships in North Maluku such as Indonesia Weda Bay Industrial Park (IWIP), Weda Bay Nickel, and other companies with sea transportation facilities that transport mining products and carry other goods in and out of Indonesia. With ships entering and leaving the company's territory, either from abroad or domestically, there is the potential for smuggling of goods carried by the crew or passengers of the ship entering Indonesia. The Ternate Customs and Excise Office always supervise incoming ships, especially from abroad, and if they find violations, they will continue with the legal process.

Optimizing supervision of excisable goods circulating in North Maluku has also experienced developments for the goods themselves, such as supervising the circulation of vape (electric cigarettes) where the liquid used is a derivative product of tobacco. Many people don't understand that this product is excisable goods because it includes tobacco and its processed products, except that vape liquid comes from processed fruits.

Optimization of supervision by the Ternate Customs and Excise Office is enhanced in the form of surveillance at sea by cooperating with the Indonesian navy, Indonesian army, Indonesian Air and Water Police, North Maluku’s Regional Police, and National Narcotics Agency, Ministry of Trade, and base of operations in Sorong, West Papua. Berbagai upaya dilakukan demi peningkatan pengawasan yang dilakukan baik secara kemampuan personil maupun peningkatan bentuk kerjasama baik dalam negeri maupun dengan negara lain seperti dengan Australia dan Rusia dalam peningkatan kemampuan dan koordinasi dalam bentuk pelatihan-pelatihan pengawasan di laut terutama dalam pengawasan terhadap kapal-kapal yang melintas, singgah maupun dengan tujuan Maluku Utara, dan penggunaan teknologi informasi yang dapat mendeteksi kapal-kapal yang berada di perairan Maluku Utara.
The Ternate Customs and Excise Office executes its supervisory duties with support from the Operations Facility Base from Sorong, West Papua, which has the task of being a coordinator for the Maluku, North Maluku, and Papua and West Papua regions. Facilities and infrastructure such as supervisory ships provide technical guidance related to surveillance at sea. Meanwhile, onshore supervision cooperation, the Ternate Customs, and Excise Office cooperates with the police and socialization and law enforcement against goods circulating in the community. The Head of Sub-section of Enforcement and Operational Facilities at the Head of the Investigation Section of Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs and Excises, explains that law enforcement is applied in the expedition/delivery service providers that receive shipments of illegal excisable goods. This is due to the rise of online sales, so the Ternate Customs and Excise Office must be prepared to monitor the movement of goods traded in the online market.

Law enforcement against alcohol and all its derivatives is also carried out in cafes, discotheques, hotels, and other traders who sell alcoholic beverages. Usually, these items do not have excise stamps or fake excise stamps, or excise taxes that are not intended for use. Ternate cooperates with the North Maluku province ministry of trade and the police in law enforcement related to sales permits from the Customs and Excise Office. Suppose during the supervision it is found that alcoholic beverages that do not have excise stamps, fake excise stamps, or are not intended for use. In that case, the Ternate Customs and Excise Office will immediately act to confiscate/confiscate. The case will be forwarded to the legal domain, while the unlicensed ones are handed over to the Ministry of Trade because the Ternate Customs and Excise Office is not authorized for sales permits. The Ternate Customs and Excise Office in improving services and supervision works based on the Main Performance Indicators or Indikator Kinerja Utama (IKU) to ensure that the results obtained are in line with expectations, while the indicators include:

1. Prosecution;
2. Supervision;

Efforts to improve performance at the Ternate Customs and Excise Office were also carried out by bringing in management consultants to assess how far the performance of the Ternate Customs and Excise Office on the service and supervision functions. With a measurable KPI, it is hoped that the service and supervision function of the Ternate Customs and Excise Office can be optimized. The Ternate Customs and Excise Office's organizational structure and its main duties and functions suggest downsizing if it is found that there are sub-organizations that are less important in their existence. Therefore, in the Interview with the Functional Officer of Customs and Excise Inspector Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs can run optimally at their duties and functions.

Regarding the import of used clothes, the Ternate Customs and Excise Office has the authority to directly supervise the entry of used clothes because the used clothes are imported from Malaysia or Singapore or other countries with import ports in Southeast Sulawesi, South Sulawesi, Nusa West Southeast or East Nusa Tenggara, then distributed via national shipping, so that the more competent authority is the ministry of trade. Still, regarding that, the goods are illegally imported goods. If caught during the operation, illegally imported goods will continue with the legal process and the coordinating ministry of trade, while the supervision of goods circulating in the community, especially those that have been traded in the market, is more fully the responsibility of the ministry of trade.

2. Enforcement of Challenges, Obstacle, and Efforts by the Type C Customs Intermediate Supervision and Service Directorate General of Customs and Excises
Implementing the Supervision and Service function by Type C Customs Intermediate Supervision and Service Directorate General of Customs and Excises cannot be separated from the existence of obstacles and obstacles, which makes the Supervision and Service function less effective. This ineffectiveness can be measured by indicators of legal effectiveness as expressed by Soejono Soekanto. The effectiveness of the law, according to Soerjono Soekanto, is determined by 5 (five) factors, namely: 6

1. The law factor itself (regulation);
2. The law enforcement factor parties formulate or implement the law.
3. Facility factor that supports law enforcement.
4. Society factor is the environment where the law is applied.
5. Cultural factor as the art of work based on the human initiative in social life

Regarding legal factors, legal products that cover the performance of the Type C Customs Intermediate Supervision and Service Directorate General of Customs and Excises are deemed to have been fulfilled both from the law to technical implementing regulations at the central and regional levels. The second factor is the law enforcement factor, defined as the ability of law enforcement personnel, in this case, law enforcement officers at the Ternate Customs and Excise Office, to carry out their duties. According to the Head of the Investigation Section of Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs and Excises, the number of personnel (investigators) available is 9 (nine) qualified people. These people have attended education and training in customs and excise both nationally and internationally. If viewed from the quality, it may still be said to be sufficient. However, if viewed from the number of personnel, this is still considered inadequate considering the vast surveillance area. North Maluku is an archipelagic province that is the northernmost and is directly adjacent to other countries and the Pacific Ocean.

The vast area with archipelagic characteristics and is an international shipping lane area requires the Ternate Customs and Excise Office to continue to improve itself in the form of supervision by constantly monitoring the passage of ships passing through the waters of North Maluku. Thus, law enforcers must be able to both in quality and quantity. According to the Head of the Investigation Section of Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs and Excises, the shortage of personnel has received backup or support from Sorong’s base of operations. However, it is hoped that there will be an increase in personnel.

According to Functional Officer of Customs and Excise Inspector Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs, the Ternate Customs and Excise Office has 1 (one) patrol boat, patrol car, communication equipment, satellite telephone, firearms, and other supporting facilities. These facilities are considered not enough but with the support from other institutions such as the Navy/Army, Air and Water Police, and especially Sorong’s base of operation, the limitation of facilities and infrastructure can be resolved. However, this situation cannot be maintained continuously considering the strategic location of the North Maluku waters requires facilities and infrastructure that do not always depend on assistance from other agencies. In the years to come, seaports and airports in North Maluku can turn into ports or international airports carrying out the export-import process. In the years to come, seaports and airports in North Maluku can turn into ports or international airports carrying out the export-import process. This is indeed the case, then the Ternate Customs and Excise Office must prepare itself, especially in terms of its facilities and

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infrastructure readiness. The community factor is the fourth factor of the indicators of the work effectiveness of the Ternate Customs and Excise Office. People in North Maluku, in general, are people who do not understand this excise duty, which goods may be subject to excise duty or other forms of counterfeit excise and not for their intended purpose.

Goods subject to excise duty contain tobacco and other processed goods such as cigarettes. The people of North Maluku generally consume branded cigarettes, such as products from HM Sampoerna, Gudang Garam, and others which tend to have excise stamps but do not know whether the excise stamps are fake or deliberately sent to the false designation. The public in general only sees the presence or absence of excise stamps and does not understand the meaning of the excise stamps. Meanwhile, non-taxed cigarettes are very rarely circulated in North Maluku. For goods that contain alcohol, such as alcoholic beverages, there is a culture in some North Maluku people who drink alcoholic beverages produced by the people (traditionally) known as Cap Tikus. This type of liquor is traditionally produced by fermenting the Nira/Enau tree water. Of course, it is an illegal product that does not have an excise stamp on its sale in its production. This is a challenge from the Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs, in supervising traditional alcoholic beverage products.

This public misunderstanding about excise makes the law less effective in working in the community. It is hoped Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs, can provide massive and measurable socialization. This socialization should explain the importance of using excisable goods, the benefits of paying excise, and reporting violations. The following is data on the results of supervision and action carried out by Type C Customs Intermediate Supervision and Service Office the Directorate General of Customs during 2019-2021

<table>
<thead>
<tr>
<th>Table 1</th>
<th>2019-2021 Result Data Monitor and Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>year</td>
<td>Type of Violation</td>
</tr>
<tr>
<td>2019</td>
<td>TP and BCEA excise</td>
</tr>
<tr>
<td>2020</td>
<td>TP and BCEA excise</td>
</tr>
<tr>
<td>2021</td>
<td>TP Excise</td>
</tr>
</tbody>
</table>

Source: Data processed from Type C Customs Intermediate Supervision and Service Office the Directorate General of Customs and Excises

Keterangan :
TP = Tobacco Products
BCEA = Beverages Containing Ethyl Alcohol

<p>| Table 2 | Location of Violations and State Losses in 2019-2021 |</p>
<table>
<thead>
<tr>
<th>Year</th>
<th>Type of Violation</th>
<th>Location of Enforcement</th>
<th>Total State Losses</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>TP and BCEA excise</td>
<td>Sula and Taliabu, Weda Islands</td>
<td>Rp. 15,214,960,-</td>
<td>Legal proceedings</td>
</tr>
<tr>
<td>2020</td>
<td>TP and BCEA excise</td>
<td>Sula and Taliabu, Weda Islands</td>
<td>Rp. 16,112,000,-</td>
<td>Legal proceedings</td>
</tr>
<tr>
<td>2021</td>
<td>TP Excise</td>
<td>Sula, Taliabu, and Obi Islands, Makian Waters, dan Laiwui Village</td>
<td>Rp. 12,091,320,-</td>
<td>Legal proceedings</td>
</tr>
</tbody>
</table>

Source: Data processed from Type C Customs Intermediate Supervision and Service Office the Directorate General of Customs and Excises

Based on the table above, it can be seen that violations occurred in areas that allow transportation between countries. Companies ships in North Maluku such as Indonesia Weda Bay Industrial Park (IWIP), Weda Bay Nekel, and other companies can enter and leave the country of Indonesia from abroad when viewed from the value of state losses are still relatively small. Still, if left unchecked, many goods may be smuggled into this area. The weakness lies in the violations that occurred. The law enforcement process is still lacking; of the 49 violations that occurred since 2019-2021, the Ternate Customs and Excise Office through Functional Officer of Customs and Excise Inspector Type C Customs Intermediate Supervision and Service Office the Directorate General of Customs. The officer has just confiscated these goods, and law enforcement has not continued to the investigation stage. Since 2020, PT Weda Bay Industrial Park (IWIP) has cooperated with the Type C Customs Intermediate Supervision and Service Office, the Directorate General of Customs and Excise, with the Customs Zone's inauguration within the Weda Bay Industrial Estate. The custom will facilitate the supervision carried out by the Directorate General of Customs and Excise on the traffic of imported (incoming) and exported (outgoing) goods within the Industrial Estate either through seaports or airports..

C. Conclusion
Based on the description of supervision function’s optimizing by the Type C Customs Intermediate Supervision and Service Office the Directorate General of Customs and Excises, the conclusions are as follow:

1. The supervisory function carried out so far has improved in line with the development of information technology and continues to be required to improve services and supervision of the circulation of excisable goods by optimizing cooperation between other law enforcement agencies such as the navy, the army, air and water police, national narcotics agency, the Ministry of Trade, Base of Operation in Sorong, West Papua, and other institutions. The cooperation model is carried out by performing joint operations. Performance improvement is measured by Key Performance Indicators or Indikator Kerjasama Umum (IKU).

2. Challenges and obstacles in implementing service and supervisory functions are reflected in 5 (five) factors that affect the effectiveness of the law, namely:
   a. The legal factor is currently, the laws and regulations that have become the implementation essential towards supervisory function are adequate and synergistic with each other (mutatis-mutandis);
b. The condition of law enforcement, especially in terms of quantity, is still felt to be lacking considering the archipelago's vast area is monitored and the existing legal process not being completed;

c. Facilities or facilities owned are still less supportive of performance;

d. Lack of public understanding of the form of fake excise duty and not its designation and the benefits of imposing excise, which is still minimal

The public's lack of concern for excisable goods circulating even though they are known to be smuggled goods or goods subject to excise duty is still low.

REFERENCES
