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## HANDLING OF ILLEGAL LEVIES BY THE TASK FORCE TO CLEAN UP ILLEGAL LEVIES IN INDONESIA (REVIEWED FROM THE ASPECTS OF PLANNED BEHAVIOUR AND TECHNOLOGY)

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### **Abstract:**

Illegal levies such as ingrained in people's daily activities, and not infrequently, illegal levies are considered something that is commonly done in Indonesia. This study discusses the handling of unlawful levies carried out by the Illegal Levy Clean Up Task Force, including effectiveness and obstacles, as well as handling solutions with a planned behavior and technology approach. This research uses a qualitative research approach, where the data collection used is an interview, observation, and documentation methods which are then analyzed with interactive model data analysis techniques. The results of this study show that illegal levies continue to occur in the community due to the non-optimal enforcement caused by several obstacles such as the condition of the Illegal Levy Clean Up Task Force, which is not law enforcement, the lack of derivative rules, the establishment of an ineffective illegal levy eradication unit, the occurrence of multiple positions, and low community participation. The handling of illegal levies in terms of planned behavior aspects is carried out through socialization, rules, and an ecosystem of control functions that close space for illegal levy activities. Other things that need to be done to deal with illegal levies are establishing a whistleblowing system, strengthening witness protection, the obligation to form derivative rules, and handling illegal levies in a multilevel manner. In addition, technological aspects can also support the implementation of effective handling of illegal levies. The Illegal Levy Clean Up Task Force can establish a prevention system to accelerate coordination, mapping, and evaluation in eradicating illegal levies.

### **Keywords:**

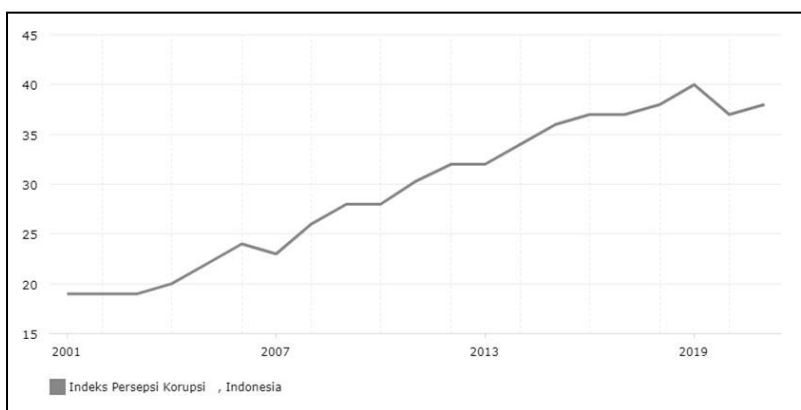
Illegal Levies, Illegal Levy Clean Up Task Force, Planned Behavior, Technology

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## INTRODUCTION

Transparency International issued a Corruption Perceptions Index (GPA) in 2021. Indonesia's GPA was recorded to increase by 1 point to 38 from a scale of 0-100 in 2021. Indonesia's GPA touched its highest score of 40 in 2019. Then in 2020 went 3 points less to 37 in 2020<sup>1</sup>. A score of 0 indicates that the country is very corrupt, while a score of 100 indicates that the government is clean from corruption. Despite the increase from 2020, this figure is still far from achieving an Indonesia that is clean of corruption<sup>2</sup>.

**Figure 1. Indonesia Corruption Perceptions Index in 2021**



Source: katadata.co.id

Corruption is a deadly threat beyond drugs and terrorist acts. Corruption has devastated this country in the economic sphere and all aspects of people's lives. Poverty, unemployment, and other social problems occur because the gluttony of corruptors devours the country's finances. To combat corruption, many countries have carried out substantial reforms to their legal framework in recent years, as well as an increase in law enforcement actions<sup>3</sup>.

Talking about corruption is also related to the habit that often occurs in Indonesian society, namely illegal levies. A Wild Levy is the imposition of a fee in a place where no payment should be charged or levied. Illegal levies are one of the unlawful acts regulated in Law Number 31 of 1999 Jo. Law Number 22 of 2001 concerning the Eradication of Corruption Crimes. It can be said that illegal levies are an act of corruption and are extraordinary crimes that must be eradicated<sup>4</sup>.

The government has established the Task Force for The Clean Sweep of Illegal Levies (Satgas Saber Pungli) through Presidential Regulation Number 87 of 2016 (Presidential Regulation 87/2016) to eradicate illegal levies that threaten the lives of the Indonesian people. Since its establishment from 2016 to May 31, 2021, the Illegal Levy Clean Up Task Force has received 37,746 community reports or complaints from all over the country. The Illegal Levy Clean Up Task Force has also

conducted 60,403 hand-catching operations (OTT) by securing evidence of money worth 325 billion of the 58,680 suspects arrested.

In addition to enforcement, the existing Illegal Levy Clean Up Task Force up to the district/city level, namely the Illegal Levy Eradication Unit (UPP), has also carried out socialization of 2,204,218 activities and 48,561 intelligence operations<sup>5</sup>. When referring to the type or field reported by the community to have carried out illegal levies, it can be described as follows<sup>6</sup>:

**Table 1. Types of Problems Society Reports**

Number	Types of Reported Issues	Percentage
1	Community Service	50 %
2	Education	20 %
3	Law	8 %
4	Personnel Licensing, Procurement of Goods & Services	2 %

The figures above show that illegal levies still stand in the community even though a Illegal Levy Clean Up Task Force has been formed. Illegal levies such as ingrained in people's daily activities, and not infrequently, illegal levies are considered something that is commonly done<sup>7</sup>. The practice of illegal levies must be eliminated to the root, but it cannot rely solely on the government alone in its eradication. The community must participate actively in eradicating illegal levies. This is important because illegal levies still exist because of the habits of people who tend to be apathetic and understand the practice of illegal levies.

Indonesians are often found to understand illegal levies under the pretext of "pity" or "to be made easier." Even worrying is that many people consciously and deliberately give money as compensation for service implementers to deliver fast and accessible services<sup>8</sup>. This practice cannot be justified; this kind of Indonesian custom causes illegal levies to continue and mushroom in the joints of public services. In addition, the Illegal Levy Clean Up Task Force has one of the authorities to collect data and information from ministries/agencies and other parties related to using information technology<sup>9</sup>. The use of technology in cracking down on illegal levies in Indonesia has also not been carried out optimally. The use of technology in the enforcement of illegal levies can accelerate evaluation, mapping, and decision-making.

The handling of illegal levies carried out by Illegal Levy Clean Up Task Force is discussed in this paper, based on the above background and by reviewing the planned behaviors and technology aspects. The discussion in this paper includes a review of the formation of the Illegal Levy Clean Up Task Force, the effectiveness, and obstacles to handle illegal levies, and the efforts to eradicate illegal levies with planned behaviour and technology approach.

## LITERATURE REVIEW

Icek Ajzen, in the Theory of Planned Behavior, pays attention to three main elements: attitudes, subjective norms, and behavioral control. Ajzen suggests that attitudes towards behavior are determined by beliefs about the consequences of behavior or briefly called behavioral assumptions. Subjective norms are an individual's perception of the expectations of influential people in their lives (significant others) regarding whether or not certain behaviors are carried out. Perceived behavioral control, or behavioral control, is an individual's perception of the ease or difficulty of realizing a specific behavior<sup>10</sup>. Regarding the technological aspect, Jacques Ellul defines technology as a whole of methods that rationally lead and are efficient in any human activity<sup>11</sup>.

Gary J. Anglin argues that technology is the application of behavioral and natural sciences and other knowledge systematically and systemically to solve problems<sup>12</sup>. Thus, technology can be said to be a design or design through a process or stage that has added value to produce a product and has efficiency characteristics in every human activity. Technology can be said to be science transformed into products, processes, services, and functional structures.

## RESEARCH METHODS

This research uses a qualitative research approach to understand the phenomenon of what the research subject experiences, such as behavior, perception, motivation, action, and so on, holistically and by describing in the form of words and language in a particular context that is natural and by utilizing various natural methods<sup>13</sup>. The primary data sources in qualitative research are words and actions; the rest are additional data such as documents and others.

The data in this study is obtained from informants, documents, places and events. The data collection method used in this study was done by conducting interview, observation, and documentation methods. Afterwards, the collected data are analyzed using interactive model data analysis techniques, which are analytical methods used for process of analyzing data obtained in the field and moving reciprocally and continuously during the research. The technique used in its implementation is to combine interactively and circularly between data collection, condensation, data display, and lastly drawing/verification.

## RESULTS AND DISCUSSIONS

### 1. Formation and Function of the Illegal Levy Clean Up Task Force

The President of the Republic of Indonesia issued a Presidential Regulation Number 87 of 2016, followed by the Decree of the Coordinating Minister for Political, Legal, and Security Affairs Number 78 of 2016 concerning establishing the Illegal Levy Clean Up Sweep Task Force. The provision appoints the Coordinating Minister for Political, Legal, and Security

Affairs to control and be responsible for the activities carried out by the Illegal Levy Clean Up Sweep Task Force, which is done by a combination of members of nine Ministries and Institutions, namely:

- (1) The Coordinating Minister for Political, Legal, and Security Affairs of the Republic of Indonesia;
- (2) The National Police of the Republic of Indonesia;
- (3) The Attorney General's Office of the Republic of Indonesia;
- (4) The Ministry of Home Affairs of the Republic of Indonesia;
- (5) The Ministry of Law and Human Rights of the Republic of Indonesia;
- (6) Financial Transaction reporting and Analysis Center (PPATK);
- (7) The Ministry of Home Affairs of the Republic of Indonesia;
- (8) The State Intelligence Agency;
- (9) Military Police of Indonesian National Army.

The activities of the Illegal Levy Clean Up Sweep Task Force have the aim of:

- (1) the implementation of illegal levies carried out by the state apparatus in providing services to the community
- (2) the establishment of a change in the mindset of the state apparatus in community service with the principle of zero illegal levies but still prioritizing excellent services; and
- (3) the establishment and creation of a firm attitude and awareness of the public rejecting all forms of illegal levies and complying with applicable rules.

In addition, the activities of the Illegal Levy Clean Up Sweep Task Force also have targets, including:

- (1) public services
- (2) exports and imports
- (3) law enforcement
- (4) licensing
- (5) staffing
- (6) education
- (7) procurement of goods and services
- (8) other illegal levy activities that are troubling the community

The Illegal Levy Clean Up Sweep Task Force has the task of effectively and efficiently eradicating levies by optimizing the use of personnel, work units, and infrastructures in ministries and/or agencies and local governments. In carrying out its duties, the Illegal Levy Clean Up Sweep Task Force carries out intelligence, preventions, enforcements, and judicial functions. In carrying out its

duties and procedures, the Illegal Levy Clean Up Sweep Task Force has the authority to: (1) establish a system of prevention and eradication of levies, (2) collect data and information from ministries and/or agencies and other parties related to using information technology, (3) coordinate, plan, and execute anti-illegal levy eradication operation, (4) perform hand captures operations, (5) provide recommendations to the heads of ministries and/or agencies and heads of local governments to sanction perpetrators of illegal levies by the provisions of laws and regulations, (6) provide recommendations for the establishment and implementation of the duties of the Illegal Levies Clean Up Unit in each public service provider agency to the head of ministries and/or agencies and head of local governments, (7) evaluate illegal levy eradication activities.

Ministries and/or agencies and local governments carry out the eradication of illegal levies in their respective work environments. In eradicating illegal levies, ministries and/or agencies and local governments formed anti-illegal levy eradication unit, that are located in internal supervisory units or other work units in their respective work environments and based on the recommendations of the Illegal Levy Clean Up Sweep Task Force.

The illegal levy eradication unit located in each ministry and/or agencies and local government in carrying out their duties coordinates with the Illegal Levy Clean Up Sweep Task Force. The Controller or Person in Charge of the the Illegal Levy Clean Up Sweep Task Force reports the implementation of the responsibilities of the Illegal Levy Clean Up Sweep Task Force to the President of the Republic of Indonesia at least 1 (one) time every 3 (three) months or at any time if necessary. The Chief Executive, Deputy Chief Executive, and working Group report the results of the implementation of duties to the Controller/Person in Charge of the Illegal Levy Clean Up Sweep Task Force in a tiered manner.

Further provisions regarding the organizational structure, duties, and work procedures of expert groups, working groups, and secretariats are regulated by the Coordinating Minister for Political, Legal, and Security Affairs.

## **2. Infectivity and Obstacles of the Illegal Levy Clean Up Task Force in Indonesia**

Efforts to prevent the practice of illegal levies in their implementation have not been optimally carried out and often face obstacles. This obstacle is then essential to evaluate the performance of the eradication of illegal levies in the future, considering that illegal levies have the potential to damage the nation. Some of the obstacles faced by the Illegal Levy Clean Up Task Force in carrying out its duties include:

First is the condition of the Illegal Levy Clean Up Task Force, which is not law enforcement. In Indonesia, the legal institutions that carry out law enforcement are the Police, prosecutors, judicial bodies, and advocates. Outside these institutions, there are still some, including the Directorate General of

Customs, the Directorate General of Taxes, and the Directorate General of Immigration<sup>14</sup>.

Although the Police and Prosecutor's Office are members of the Illegal Levy Clean Up Task Force, this authority cannot be used directly in the institution of the Illegal Levy Clean Up Task Force. The eradication of illegal levies by the Illegal Levy Clean Up Task Force must pass the procedure as it exists within the Illegal Levy Clean Up Task Force. In addition, the enforcement requires a coordination process between institutions that are members of the Illegal Levy Clean Up Task Force.

Second is the lack of derivative rules of follow up rules from the above-mentioned Presidential Regulation Number 87 of 2016. Since the beginning of the Illegal Levy Clean Up Task Force formation, various opinion that are pro and also contra to the formation, because its foundation is not based on adequate laws, and criteria of what actions fall into the category of illegal levies are also uncertain, because they are not regulated in the law. It is a different case compared to the formation of KPK that is formed through Law Number 30 of 2002, in which the basis is mentioned, namely Law Number 31 of 1999 concerning the Eradication of Corruption Crimes,, In addition, there is also the probability of overlapping authority with the Ombudsman, which is one of the authorized institutions to supervise public services in Indonesia.

The third is establishing an anti-illegal levy unit for ministries or agencies and local governments that are less effective. Article 8 of Presidential Regulation Number 87 of 2016 stipulates that ministries and/or agencies and local governments eradicate illegal levies in their work environments. In eliminating illegal levies, ministries and/or agencies and local governments formed an anti-illegal levy eradication unit. But in fact, the implementation of the establishment of the anti-illegal levy eradication unit has not been carried out much, and there is no consequence of not having it established.

Fourth is appointing officials of the Illegal Levy Clean Up Task Force who already have position in their original institutions, thus giving rise in multiple places. The Illegal Levy Clean Up Task Force is a combination of members of nine ministries and agencies. Officials who received the mandate to serve in the Illegal Levy Clean Up Task Force still carry out their duties in their home agencies. Of course, the officials will tend to prioritize their responsibilities of the original agencies, because it included in their key performance indicators. This led to the ineffectiveness of the work carried out by the Illegal Levy Clean Up Task Force. Another obstacle to multiple positions is the emergence of the sectoral ego. In case of any illegal levy found in the institution from which the official originates, then the tendency not to follow up on the report is also great.

Fifth, low community participation in preventing illegal levies. The lack of community involvement in eradicating illegal levies is due to culture of illegal levies, which is considered chronic and common. In addition to that, there is also a lack of protection for people who report or are asked to be witness, which

causes people's tendency not to speak out about the practice of illegal levy that occur. The approach of handling illegal levies from the aspect of planned behavior and technology aims to close the holes of rudimentary regulatory products in eradicating illegal levies, so that existing loop-holes or holes can not be used as an opportunity for certain individuals to carry out illegal levy activities,

### 3. Solutions to Eradicate Illegal Levies with a Planned Behaviour Approach

The act of illegal levies carried out by public servants, and specific individuals are already very concerning. Illegal levies are carried out under various pretexts or without pretext<sup>15</sup>. Some public service processes carried out with and without illegal levies will be differently processed. The condition of this illegal levy has almost occurred in all regions of the country, which indicates that there is still low morality and shame, so what is cornering is an attitude of gluttony and an opportunity for corruption<sup>16</sup>. The illegal levy activities that mushroomed in Indonesia must be addressed starting from their roots.

This paper considers the need for a planned behavior approach to eradicate illegal levies. This can be done through socialization efforts and dissemination of information and an environment that does not give breath to the practice of illegal levies. The planned behavior approach can also be through applying rules and ecosystems and control functions that do not provide space for illegal levy actors. Thus, it is necessary to create conditions so that the culture of illegal levies is not fertile again and can be minimized as much as possible so that illegal levy activities do not smear the implementation of public services in any field.

The Illegal Levy Clean Up Task Force consists of a working group on intelligence, prevention, enforcement, and judiciary. The prevention working group has disseminated activities and information about illegal levies. The prevention working group has activities for socialization, counseling, training, and organizing other actions to prevent the practice of illegal levies. The function of socialization is to form a character capable of creating individuals who are individuals who correspond to their deeds with behaviors and norms.

The author has obtained socialization data that has been carried out by the Illegal Levy Clean Up Task Force in the field of education in various agencies and communities in the range of April to May 2019 as follows<sup>17</sup>:

**Table 2. Socialization Data of the Illegal Levy Clean Up Task Force for Education**

April	Mei	Jumlah
16	22	38

The socialization activities that have been carried out will be partial if implemented by public servants and the public's awareness not to get used to



illegal levies. Some other solution to be able to prevent and support the eradication of illegal levy practices that exist in public and community services are as follows:

First, established a whistleblowing system. The whistleblowing system is a mechanism used by agencies in handling cases that store ethically<sup>18</sup>. The benefits of installing the whistleblowing system include:

- (1) providing a way of conveying essential and critical information for illegal levy enforcement to be able to deal with it safely immediately;
- (2) providing an early warning mechanism;
- (3) providing an opportunity to deal with the issues of violation internally first before it expands into a matter of a public nature;
- (4) create conditions of reluctance to commit violations (supervision by all parties).

It is hoped that with the establishment of whistleblowing systems, any allegations of illegal levies in an agencies can be revealed and followed up properly by the Illegal Levy Clean Up Task Force and the Illegal Levy Eradication Unit in agencies.

Second, strengthen witness protection. Punishing the practice of illegal levies is currently a new spirit in eradicating corruption crimes carried out by the Illegal Levy Clean Up Task Force. Of course, this must be supported by solid and good evidence of the illegal levy event. The evidentiary process needs to be carried out by collecting evidence in this case, witnesses or whistleblower witnesses who are often the key to the success of the many disclosures made by law enforcement.

Generally, witness testimony is a crucial and central evidence tool in criminal cases, at least with other devices that are still vital; the proof is always needed with witness testimony evidence<sup>18</sup>. Witness, in this case, include whistleblower of the crime, who then gives information about what he knows, experiences, hears, and sees himself. Community involvement in eradicating levies is also essential because the subjects affected by the levies are mostly the community.

However, people's reluctance to report is often caused by the lack of legal protection for the community. Therefore, it is necessary to provide a solid legal instrument for the complainants not to become dilemma if the complainant cannot prove their beliefs.

Third, it requires ministries or agencies and local governments to make further rules for the implementation of the eradication of illegal levies. As previously explained, the formation of the Illegal Levy Clean Up Sweep Task Force in Presidential Regulation Number 87 of 2016 is not based on legislation, so it has weaknesses in the aspect of the bill.

Therefore, it is necessary to establish a law that explicitly regulates the criminal act of levies and their implementers so that in their implementation, later derivative legislation can be formed, which becomes in the eradication of levies. This also means that each ministry or agency and local government must make derivative rules to eradicate illegal levies, including the obligation to

establish the Illegal Levy Eradication Unit in it agencies.

Fourth, implement the eradication of illegal levies in a multilevel manner. Implementation needs to be carried out in a multilevel manner to eradicate illegal levies effectively. Multilevel implementation is necessary because each institution has a different level of organization from other networks. Implementation can be started from the formation of policies that allow effective eradication of illegal levies with the following guidelines: (1) allocate personnel without being accompanied by duplicate duties (concurrent positions); (2) terminate the intervention of superiors from the parent agency; and (3) provide resources, especially the budget in the implementation of the eradication of illegal levies, which is also one of the determining factors for the successful implementation of the eradication of illegal levies.

The government, in this case, needs to support the eradication of illegal levies by supporting the availability of an operational budget in implementing Presidential Regulation Number 87 of 2016. Henceforth at the implementation stage, agencies or institutions can form organizations or units that are more operational faced with their duties and functions so that they do not have to be the same as the format or organizational form of the Clean Sweep Task Force from the center. It is necessary to have a classification of organizations, both at the central and regional levels.

#### **4. Solutions to Eradicate Illegal Levies with a Technological Approach**

The eradication of illegal levies also requires other support, including technology. Technology is used to process data, including processing, obtaining, compiling, storing, and manipulating data in various ways to produce quality information, namely relevant, accurate, and timely information used for personal, business, and governmental purposes, strategic lead for decision making<sup>18</sup>. The use of technology in the eradication of illegal levies is intended for the following:

(1) accurate service, administration, and reporting; (2) transparency and accountability; (3) evidence-based planning and budgeting; (4) facilitate monitoring and evaluation of results.

Using information technology based on actual data on the occurrence of illegal levy activities can have a deterrent effect on illegal levy actors and create public information transparency on every problem in government administration. The application of technology in handling illegal levies also aims to prevent people from meeting with people, especially service providers and service recipients. To create an effective eradication of illegal levies, at least according to the author, improvements are needed in the field of technology, including:

First, establish prevention, reporting, and enforcement system that facilitates coordination. Technology is needed that can create a plan to reduce the length of the enforcement process against illegal levy activities, namely a system that is connected between intelligence, prevention, enforcement, and judicial functions so that it can cut in-person meetings and can speed up the process of

cracking down on illegal levy practices that occur.

Second, establish an information technology system to accelerate mapping and the eradication of illegal levies. This kind of technology is needed so that the work units formed by the Illegal Levy Clean Up Task Force, both central and regional, can identify areas, problems, and various weaknesses that occur in efforts to eradicate illegal levies according to their fields of work. This kind of technology can also facilitate community involvement in delivering information or other steps to prevent illegal levies.

Third, establish a system to conduct evaluations effectively. Evaluation of the eradication of illegal levies, which is coordinated directly by the Coordinating Minister for Political, Legal, and Security Affairs with each member of the Illegal Levy Clean Up Task Force and each Illegal Levy Eradication Unit formed by agencies or local governments, is expected to be carried out effectively with the role of information technology. It is hoped that with the technology, every evaluation between agencies and the central and regional levels can be carried out effectively and not take a long time.

## CONCLUSION

The Illegal Levy Clean Up Task Force was formed to deal with the eradication of illegal levies that are rampant in Indonesia. Efforts to prevent the practice of illegal levies by the Illegal Levy Clean Up Task Force in its implementation have not been optimally carried out because they face several obstacles. The obstacles faced include: (1) the condition of the Illegal Levy Clean Up Task Force, which is not law enforcement; (2) the lack of derivative or follow-up rules from Presidential Regulation No. 87 of 2016; (3) the implementation of the establishment of an anti-illegal levy unit for less effective ministries or agencies and local governments; (4) the appointment of officials of the Illegal Levy Clean Up Task Force who have held positions in their original institutions to give rise to multiple positions; and (5) low community participation in preventing illegal levies.

The eradication of illegal levies in terms of planned behavior is carried out through socialization efforts and dissemination of information and the environment that does not give breath to the practice of illegal levies. Additional solutions to prevent the eradication of illegal levy practices in public and community services include: (1) establish a whistleblowing system; (2) strengthen witness protection; (3) require ministries or agencies and local governments to make further rules; (4) implement the eradication of illegal levies in a multilevel manner.

In addition, the eradication of illegal levies can also be supported by a technological approach, namely by forming an effective system, including: (1) prevention, reporting, and enforcement systems that facilitate coordination; (2) establishing an information technology system to accelerate mapping; and (3) establish a system for effectively conducting evaluations.

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