

## The Crime of Importing Goods Prohibited Under Trade Law

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**Abstract:** *This research focused on the restriction of specific commodities from being brought into Indonesia and the implementation of regulations aimed at tackling the illegal activity of importing these prohibited products. Analyses are conducted on secondary sources of information, including statutes, books, and periodicals, in accordance with a juridical-normative research approach and conceptual approach. The research demonstrates that the limitation on importing specific commodities into Indonesia is intended to safeguard the interests of the nation and state. The forbidden goods encompass items that have the potential to disrupt military and security, pose risks to human health, cause harm to the environment, disrupt industry, trade, and finance, and damage cultural products. The Minister of Trade Regulation No. 18 of 2021, along with the Regulation of the Minister of Trade No. 40 of 2022, clearly states the precise commodities that are prohibited. Law enforcement against importing prohibited items uses administrative and criminal penalties. The imposition of import duties and the confiscation of merchandise are examples of administrative sanctions. Criminal sanctions are governed by articles 110 and 112 of Law No. 7 of 2014, which establish the provisions for cumulative criminal sanctions and penalties. Furthermore, these enforcement measures may be harmonized with customs regulation. In general, this research provides insight into the legal mechanisms implemented to enforce the prohibitions on specific imported products in Indonesia, as well as the underlying justifications for such restrictions, to safeguard national interests.*

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### Introduction

Import can be interpreted as buying goods from abroad in accordance with government regulations paid for by using foreign exchange. One of the main points regulated in trade law is regarding the inclusion of goods from outside into the country of Indonesia (import) and the release of goods from inside to outside the country of Indonesia (export).

All products are permissible for export or import under the Trade Law, with the exception of those that are restricted, prohibited, or otherwise

specified by law. Prohibitions and restrictions by law are formulated with certain considerations, either for reasons of improving the country's economy, reasons of national defense and security, or reasons of environmental protection. Therefore, this Law also stipulates provisions regarding the prohibition of importing certain goods which will be further regulated in a Ministerial Regulation. Law No. 7/2014 on Trade stipulates that every importer is obliged to import goods in a new condition. This is certainly related to taxation and import duty considerations.

The trade of prohibited imported goods as stipulated in the Regulation of the Minister of Trade, legally speaking, may not necessarily be categorized as a criminal act of smuggling, especially if the entry of the goods in question is carried out through customs channels, which formally appear legitimate because they are accompanied by certain administrative requirements. However, the entry of prohibited imported goods in fact many enter through smuggling channels, especially through unofficial channels or rat lines.

The goods in question are both new and used. The article by Azizan Fatah, et.al on the prohibition of imported used clothing, for example, mentions health and economic reasons.(Fatah et al., 2023) Against this problem, as an example, criminal law enforcement against the entry of used clothing in Pare-Pare, South Sulawesi, which still lacks coordination among law enforcement officials, especially those carried out by Customs and Excise officials and the police.(Khatimah et al., 2017, p. 50) Law enforcement is the systematic and diligent application of abstract legal principles into practical legal measures, with the aim of upholding societal conduct in everyday life. Law enforcement is a crucial component of the legal system that aims to actualize the principles of justice, legal certainty, and social welfare. The state ensures the community's security and order by employing criminal law enforcement, which involves using coercive measures. Law enforcement is conducted through three distinct branches: administrative law enforcement, criminal law enforcement, and civil law enforcement..(Agusti et al., 2019, p. 9) Based on this, in general it can be stated that the provisions regarding the prohibition of imports of used goods still have many violations, and the criminal law enforcement is still not optimal. This paper will examine criminal law enforcement against violations of the prohibition of imports of used goods.

Based on the problems that have been formulated, the following problems are formulated: Why are certain goods as referred to Minister of Trade Regulation No. 18 of 2021 prohibited from being imported? and How is law enforcement against the crime of importing prohibited goods?

### **Research Method**

This investigation pertains to normative legal research, which focuses on the examination of the procedures involved in identifying or developing legal rules, principles, and law enforcement in order to address pertinent legal concerns. The two approaches utilized are the statutory approach and the conceptual approach. Sources of data comprise secondary data, which comprises tertiary legal journals, primary legal materials in the form of statutes and regulations, and secondary legal materials in that of curricula.

Information is acquired through library research. Analysis is carried out qualitatively, and conclusions are drawn descriptively-qualitatively, namely by analyzing, describing and explaining the legal materials obtained systematically and in detail in accordance with the research topic, then interpreting systematically and authentically.

## Discussion and Results

Import refers to the act of purchasing items from foreign countries in compliance with governmental standards and utilizing foreign currency for payment.. In the implementation of imports there are various intermediaries, sales representatives, agents, buyers, sellers and distributors who are in charge of delivering merchandise to the domestic market. Importers are mostly marketing professionals working exclusively for the domestic market, on a contractual basis. Often the only aspect of international trade is reflected in trade contracts alone.(Purnamawati & Fatmawati, 2013, p. 27)

Prohibited imported goods regulated in Article 2 of the Regulation of the Minister of Trade of the Republic of Indonesia Number 18 of 2021 are:

- a. Import Prohibited Goods in the form of sugar of certain types;
- b. Import Prohibited Goods in the form of rice with certain types;
- c. Import Prohibited Goods in the form of ozone layer depleting substances;
- d. Import Prohibited Goods in the form of used bags, used sacks, and used clothing;
- e. Import Prohibited Goods in the form of refrigeration system-based goods that use Chlorofluorocarbon (CFC) and Hydrochlorofluorocarbon 22 (HCFC-22) both empty and filled;
- f. Import Prohibited Goods in the form of certain medicinal and food ingredients;
- g. Import Prohibited Goods in the form of hazardous and toxic materials (B3);
- h. Import Prohibited Goods in the form of hazardous and toxic waste (B3 waste), and registered non-hazardous and toxic waste (non-B3 waste);
- i. Import Prohibited Goods in the form of hand tools (finished form); and
- j. Import Prohibited Goods in the form of medical devices containing mercury, as listed in Appendix II which is an integral part of the Ministerial Regulation.

Based on the provisions of Articles 2 and 3 of Law No. 7/2014 on Trade, it is stated, among others, that trade activities are aimed at prioritizing national interests, business health, healthy and fair, increasing consumer protection. This is in accordance with the theory of justice in international trade. When examined from Rawls' theory of justice, it can be illustrated that international trade law can be applied through negotiations and agreements that must avoid elements of manipulation, domination, and pressure on

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inferior groups, which is then called the reciprocity criterion. However, the application of Rawls' theory of justice also creates internal tensions between utilitarian and libertarian theories of justice in international trade. First, that international trade should be constructed for the protection of the *moral equality* of all individuals who are subject to rules for the benefit and advantage of all parties. Second, justice in the liberal view requires international trade laws to be applied equally to all countries. Third, that liberal justice requires international society not to sacrifice human rights and ensure effective protection of human rights for *welfare gains*. Justice is an ideal of all the interests of international trade law. In relation to Radbruch's theory of justice, the issues raised above are in line with legal justice, legal certainty, and legal expediency.

The theory put forward by John Rawls and Gustav Radbruch is in accordance with the purpose of law itself, namely justice, where everyone can carry out economic activities as long as they do not harm others. International justice ought to be the primary and noble objective of the legal norms that regulate international trade, so that it can eventually serve as a tool for sustainable welfare development while avoiding the neglect and exploitation of developing country's underdevelopment and constraints..(Suherman, 2008, p. 266)

In the field of law, justice is generally seen as the ultimate goal (*end*) that must be achieved in legal relations between individuals and individuals, individuals with the government and sovereign state institutions, and individuals with other communities. The objective of attaining justice originates from the notion of justice as an outcome or determination derived from the application or execution of legal principles and standards. This concept is represented by the deity of justice, the sword, the scales, and the blindfold in order to guarantee an unbiased and dispassionate evaluation. This notion is also known as procedural justice. In line with this, the notion of justice as a *principle*, which is a general proposition stated in general terms without regard to the specific ways of its implementation, is applied to a series of actions to be the right guide for that action.(Sukinto, 2015, p. 49)

Article 50 of Law No. 7/2014 on Trade outlines the legal framework for exporting and importing goods, with the government having the power to prohibit imports or exports in the national interest. This includes protecting national security, public interest, intellectual property rights, and the health and safety of humans, animals, fish, plants, and the environment. Article 51 paragraphs (2) and (3) outline the prohibition of imports of prohibited goods, which are stipulated by Ministerial Regulation. Article 52 paragraphs (2) through (6) outline the restrictions on imports, which are also stipulated by Ministerial Regulation. Exporters and importers who fail to comply with these restrictions may face administrative sanctions, as stipulated in laws and regulations. The imposition of administrative sanctions is regulated by Ministerial Regulation, with provisions regarding the imposition of sanctions being regulated by the Ministry. This comprehensive approach to trade and regulation ensures compliance with the law and promotes a healthy trade environment.

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Prohibited and/or restricted goods are subject to restrictions on their entry and exit into and from the customs area. The following goods are subject to prohibitions and restrictions, namely goods that can:(Anjarwi, 2021, pp. 29-30)

1. disrupt the defense, security and public order (hankamtibmas);
2. damaging to human health;
3. damaging the environment;
4. disrupt industry, trade and finance;
5. destroying cultural products.

Pratjihno argues that in relation to imports and exports, it is necessary to know "whether there are any restrictions or prohibitions at all on the import or export of the goods planned to be imported or exported." According to Pratjihno, these restrictions may concern:(Pratjihno, 1985, p. 151)

- a. goods (e.g. commercial cars in a built-up state may not be imported, gold may not be exported);
- b. country of activity (e.g. prohibited from exporting to South Africa);
- c. the entity carrying out the activity (e.g. rice may only be imported by BULOG);
- d. price (benchmark price determined).

The provision of imported goods must be applied in accordance with the laws and regulations that have been regulated, namely in order to protect national interests or public interests, protect consumers or business actors, and protect environmental health and safety. Goods to be imported must obtain a license from an authorized institution. The limitation of imported goods should contain requirements on the mechanism and technicality of imported goods, especially imported goods in a new condition with the aim that the imported goods are safe and useful when entering the Indonesian customs territory.

As stipulated in paragraph (1) of Article 54 of the Trade Law, the government may impose limitations on the importation of the goods mentioned for the following reasons: a. to foster the growth, advancement, and safeguard specific domestic industries; and/or b. to preserve the balance of payments and/or trade balance. From the provisions of Article 54 paragraph (1) of the Trade Law, it can be seen that the restrictions imposed by the Government are motivated by considerations to protect the domestic industry and maintain the balance of payments/trade balance. If it is related to Pratjihno's opinion above, then the import restrictions imposed by the government focus on the issue of goods (disrupting the domestic industry) and prices (related to maintaining the balance of payments/trade balance)In the implementation of supervision, if the Customs and Excise finds prohibited and restricted goods (*larangan dan pembatasan* or *lartas*) that are properly notified, but have not met the requirements of the *lartas* provisions, then the import / export goods will be canceled, re-exported, or destroyed under the

supervision of the customs apparatus. Meanwhile, if the party finds goods with the restricted category but is not notified or notified incorrectly, then the goods will be declared as goods under the control of the state. (Anjarwi, 2021, p. 31)

In the implementation of supervision, if the Customs and Excise finds prohibited and restricted goods (*lartas*) that are properly notified, but have not met the requirements of the *lartas* provisions, then the import / export goods will be canceled, re-exported, or destroyed under the supervision of the customs apparatus. Meanwhile, if there are parties who find goods with the category of *lartas*, but not notified or notified correctly, then the goods will be declared as goods controlled by the state. (Anjarwi, 2021, p. 31)

The regulations pertaining to *Lartas* align with the role of the Directorate General of Customs as a *Commodity Protector*, which oversees the movement of goods to safeguard the welfare of the public by preventing the entry of products that pose a threat to national security, cause harm to public health, or fail to meet established standards. Increased public awareness of goods that have a negative impact on life encourages the government to focus on customs policies, especially regarding import and export goods subject to prohibitions or restrictions (*Lartas*). (Pratjihno, 1985, p. 29)

Law No. 17/2006 on Customs stipulates that the Directorate General of Customs and Excise is authorized to supervise the traffic of goods entering or leaving the customs area, as well as to determine the collection of import duties or export duties. Import activities are activities to enter goods into customs areas, and therefore duties are imposed as state levies on imported goods. The provisions of Article 2 and Article 3 of the Customs Law determine that goods entering the customs area must be treated as imported goods, and the imported goods are liable to duty, and the goods are subject to customs inspection. In relation to certain goods that are prohibited from importation into the customs area, according to the provisions of Article 4A of the Customs Law, the Minister of Trade must notify the Minister of Finance of the determination of such goods. Based on the provisions stipulated in the Customs Law and the laws and regulations governing the importation of certain goods, it can be seen that coordination between the Ministry of Trade and the Ministry of Finance is required. This is to ensure the creation of solid and firm law enforcement from the government, both by involving supervision and administrative and criminal actions.

In addition to these reasons, in the opinion of the researcher, the prohibition and restriction is also due to the reason that it will disrupt the domestic industry. This can occur due to the surge in imported goods against similar domestically produced goods or goods that directly compete. The reason or background of this prohibition and restriction is an administrative reason, so that the legal relationship (*rechtsbetrekkingen*) is legally regulated by state administrative law. Legal relationships (*rechtsbetrekking*) are relationships that occur in society that are qualified by law, namely the

relationship of rights and obligations for each party that does it. (Panjaitan, 2021, p. 86) According to Astri Warsih Anjarwi, (Anjarwi, 2021, p. 75) customs management in the field of imports begins with the transportation of goods by means of transportation. After the arrival of the means of transportation, there will be unloading and stockpiling of imported goods while waiting for customs obligations to be fulfilled.

### **Law Enforcement Against the Crime of Importing Prohibited Goods**

A crime refers to an action that is forbidden by legal norms or laws. Violating these standards results in the imposition of penalties, which are specific consequences for the offenders. (Wahyuni, 2017, pp. 36-37) Importing prohibited goods as described in Regulation of the Minister of Trade Number 18 of 2021 is a criminal offense punishable through the Trade Law. So it can be concluded that the act of importing prohibited goods into the territory of the Republic of Indonesia is an act of violating the provisions of the Trade Law.

The crime of importing prohibited goods is an illegal act that occurs in the field of international trade which has a negative impact on the state and society. The provisions regarding *Lartas* are in accordance with the function of the *Directorate General of Customs* as a *government's institution* which functions as a supervisor of goods traffic, in order to protect the interests of the community through the prevention of the entry of goods that endanger state security, goods that damage public health, and goods that does not meet standards. Increased public awareness of goods that have a negative impact on life together, encourages the government to focus on customs policies, especially regarding imported and exported goods subject to prohibitions or restrictions (*Lartas*). Related to this research issue, it can be seen that the Trade Law regulates several prohibited acts, to whom the formulation of norms or rules of law applies, and the threat of criminal sanctions.

The provision of Article 109 of Law Number 7 Year 2014 states that If a producer or importer engages in the trade of goods that are related to security, safety, health, and the environment but are not registered with the Minister as specified in Article 32 paragraph (1) letter (a), they will be subject to a maximum fine of Rp5,000,000,000.00 (five billion rupiahs) and/or imprisonment for a period of one year. This provision specifically applies to people who trade unregistered goods that endanger safety, health, and the environment.

In the context of trade regulations, the offense of importing prohibited goods is governed by Article 110 of the Law on the State of Trade. This section stipulates that *any business actor engaged in the trade of goods and services that are identified as prohibited for trade in accordance with Article 36 shall face a penalty of not less than five years in prison and/or a monetary fine of five billion rupiahs*. Those who engage in the trade of products that are prohibited from importation are subject to this provision. Furthermore, the provision of Article 112 paragraph (2) explain the criminal sanctions against importers who import prohibited goods, which formulates that *Importers who import goods designated as prohibited goods for import as referred to in*

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*Article 51 paragraph (2) shall be punished with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).* This provision applies to the person who imports the prohibited goods (importer).

Supposedly, the provisions of criminal sanctions are applied as the ultimate weapon (*ultimum remedium*), and sanctions contained in state administrative law are applied as an initial action (*premium remedium*) of a law enforcement, as regulated in the Customs Law. Thus there is a difference in the formulation of sanctions in the Customs Law, which prioritizes administrative sanctions, with the Trade Law which prioritizes criminal sanctions, even though both are both rules of legal norms located in the field of state administrative law.

Law enforcement is the practical implementation of principles such as justice, legal clarity, and social benefit.(Shant, 2010, p. 32) which essentially talks about enforcing ideas and abstract concepts in legal norms through a certain system concretely, and the process of realizing these ideas into a legal reality.(Rahardjo, 2010, p. 12) The law enforcement system may be categorized into three main systems, civil law enforcement, administrative law enforcement, and criminal law enforcement.

According to Barda Nawawi Arief, law enforcement is the comprehensive sequence of endeavors aimed at coordinating or preserving the delicate balance between the rights and responsibilities of individuals in the general public, in accordance with the principles of human dignity and accountability and in accordance with their respective roles, in a just and impartial fashion, in adherence to the rule of law and regulations that exemplify Pancasila and the Constitution of the Republic of Indonesia of 1945. The law enforcement executives are responsible for ensuring the creation of law, justice, peace, and legal certainty in accordance with the 1945 Constitution of the Republic of Indonesia.(Arief, 2009, p. 36)

The implementation of good law enforcement is supported by the criminal justice system that is used and run. The Criminal Justice System according to Romli Atmasasmita can be seen from various approaches, among others:(Atmasasmita, 2010, pp. 16-18)

- a. The normative approach that considers the four apparatuses, police, prosecutors, courts, and correctional institutions, to be institutions responsible for implementing the relevant laws and regulations. In this view, the four apparatuses are considered to be essential components of the law enforcement system in their own right.;
- b. An administrative perspective that regards the four law enforcement apparatuses as a functional management organization with vertical and horizontal relationships in accordance with the organization's organizational structure. The utilized system is an administrative system.;
- c. The social perspective regards the four law enforcement authorities as an essential component of a social system, wherein the entire society has the responsibility for the effectiveness or ineffectiveness of these



officials in fulfilling their responsibilities. The utilized system is the social system.

Unlike Romli Atmasasmita, Barda Nawawi asserts that the criminal justice system is largely indistinguishable from the criminal law enforcement apparatus. In essence, the law enforcement system is a structure that grants authority or power to carry out legal enforcement. The phrase "judicial power" can also refer to the power or authority to enforce this law. Consequently, the criminal justice system, also known as the criminal law enforcement system, is essentially similar to the judicial authority structure within the domain of criminal law..(Arief, 2011, p. 11) Meanwhile, the nature of law enforcement is not merely the duty of law enforcement officials, but the duty of everyone, although in relation to public law it is the government that remains responsible.(Agusti et al., 2019, p. 10) This is where the community needs to be involved as a form of participation in accordance with the principles of equality, participation, independence, and sustainability.(Panjaitan, 2022, p. 168)

As an example, it can be stated that despite the existence of Law Number 7 of 2014 governing trade and the existence of articles regulating criminal sanctions against the import of goods prohibited by Regulation of the Minister of Trade Number 18 of 2021, violations still occur. Against the provisions of the prohibition of imports of used clothing as stated in the provisions of Article 2 letter (d) of the Regulation of the Minister of Trade Number 18 of 2021, it still takes place, as we see the rampant trade in used clothing in Palembang City.

Law enforcement policy is an effort taken by the government or an authority to ensure the achievement of a sense of justice and order in society by using several tools or tools of state power in the form of laws, to law enforcers and the community. Law enforcement experiences obstacles if there is no harmony between the norms and values that exist in society. The law that must be enforced is essentially not the norm of the rule itself, but the values of justice contained therein.

Law No. 17/2006, which is an amendment to Law No. 10/1995 on Customs, stipulates that the Directorate General of Customs and Taxes will supervise the traffic of goods entering and leaving the customs area.

The Directorate General of Customs and Excise of South Sumatra often conducts patrols around the South Sumatra region to tackle individuals who carry out illegal imports. Patrols are very helpful in eradicating illegal imports in South Sumatra. South Sumatra Customs and Excise also mentioned that it is not only used clothing that is often smuggled, but drugs and even illegal migrant worker shipments are often found in these water patrols.

The application of administrative sanctions is essentially an obligation that can burden those affected. So the application must meet transparent criteria so that uncertainty can be prevented in determining administrative sanctions. The purpose of administrative sanctions itself is to restore the

rights of the state and also ensure that the rules that have been regulated in the statutory provisions are obeyed. It is crucial to note that administrative penalties in the form of fines can only be applied for offenses that are explicitly controlled under the Law, namely Law Number 17 of 2006 which amends Law Number 10 of 1995 regarding Customs. According to Government Regulation Number 28 of 2008 on the Imposition of Administrative Sanctions in the Form of Fines in the Customs Sector, specifically article 2, paragraph (1), which has been amended by Government Regulation Number 39 of 2019, it is specified that *finis represent administrative sanctions exclusively for violations specified by the law.*

Unclear statutory provisions can lead to legal uncertainty, so if in customs there are still rules that create a "gray area," then it becomes a flaw to be used as a "loophole" that can be used as an opportunity to commit violations and crimes in the field of customs.

Criminal law enforcement against the entry of imported goods that are prohibited based on laws and regulations in the investigation is carried out by PPNS (Civil Servant Investigators) at the Directorate General of Customs who are given special authority to investigate customs crimes. The authority of PPNS in general is also regulated in the Criminal Procedure Code (KUHAP).

According to the researchers, the entry of goods prohibited under the law is mostly done through smuggling, by entering through transit ports or rat lines, so that import duty is free and prohibited goods can enter Indonesia.

At the Directorate General of Customs there are civil servants appointed as PPNS investigators (Civil Servant Investigators) who are given special authority to investigate criminal acts in the field of customs. The authority of the investigation is very broad, covering everything that needs to be done for the smoothness of the investigation in the field of customs. For these criminal offenses, PPNS notifies and submits or coordinates with police investigators. The results of the investigation are directly submitted to the public prosecutor (the Prosecutor's Office).

Although the offense is related to a criminal offense, but in the interest of state revenue, at the request of the Minister, the Attorney General may stop the investigation of criminal offenses in the Customs Sector. The termination of criminal investigation in the field of customs is only carried out after the person concerned has paid the Import Duty that is not or underpaid, plus an administrative sanction in the form of a fine of the amount of Import Duty that is not or underpaid. This shows the character of state administrative law in the enforcement of the Trade Law.

Law enforcers such as the police also have an important role in enforcing the law, not only being a role model for the community but the police must protect the community. The police also take part in eradicating the smuggling of prohibited imported goods such as used clothing. Recently the police destroyed hundreds of batches of used clothing in Palembang City. The sanctions received by the perpetrators were only administrative sanctions. The police also stated that the Directorate General of Customs and

Excise Tax has full responsibility. So there has been no strict criminal action in handling criminal acts of prohibited imported goods.

The lack of coordination in the eradication of smuggling of restricted goods by law enforcers and the public is very much felt, so that the eradication of criminal acts of entry of prohibited imported goods into Indonesian territory, either through trade or islands or smuggling, is increasingly widespread. Thus, it is very difficult to ensnare the perpetrators with criminal penalties. In addition, there is no strong evidence to ensnare the collectors and ships that commit smuggling crimes, making it difficult to enforce criminal law on this issue.

Criminal sanctions imposed for smuggling offenses are cumulative in nature, whereby imprisonment is the initial sanction applied, followed by fines in a cumulative fashion. This kind of criminal punishment formulation and application demonstrates that those who commit smuggling offenses face harsh double criminal penalties, which include fines in addition to substantial jail term. However, it is extremely detrimental to the state if the sanction cannot be paid using the subsidiary of Article 30 of the Criminal Code. Smuggling is classified as a criminal offense that jeopardizes state financial revenues, disrupts the stability of the economy, breaches critical economic joints, and diminishes the capacity of state funds to fund national development with regard to public welfare.

Other prohibited imported goods as stated in the Regulation of the Minister of Trade Number 18 of 2021 are certain types of sugar. Although it is prohibited to import sugar, the entry of imported sugar into the territory of the Republic of Indonesia is still ongoing. One of the cases of imported sugar smuggling is from the Sabang Free Zone to the Ulee Lheue Port in Banda Aceh. Smuggling is done by falsifying documents. The case of imported sugar smuggling can be subject to criminal sanctions as described in Trade Law Number 7 of 2014.

Furthermore, Articles 102, 102 A, and 102 B of the Customs Law provide the legal consequences for engaging in the illegal importation of sugar, specifically addressing the act of smuggling. Engaging in smuggling activities within the import sector can lead to a minimum jail sentence of one year and a maximum prison sentence of ten years, accompanied by penalties ranging from at least Rp.50,000,000.00 (fifty million rupiah) to Rp.5,000,000,000.00 (five billion rupiah). Smuggling offenses in the export sector can lead to a minimum jail sentence of one year and a maximum prison sentence of 10 years. Additionally, offenders may face penalties ranging from at least Rp.50,000,000.00 (fifty million rupiah) to Rp.5,000,000,000.00 (five billion rupiah). Engaging in smuggling activities that cause disruption to the State economy can lead to a minimum jail sentence of five years and a maximum sentence of 20 years, along with penalties ranging from Rp.5,000,000,000.00 (five billion rupiah) to Rp.100,000,000,000.00 (one hundred billion rupiah). Smuggling crime is a criminal offense that has an influence on aspects of community life, social, economic, political, and cultural life. The eradication of smuggling crimes must be carried out as early as possible, so as not to have an impact on other crimes and offenses that will occur in the future.

Efforts that can be made to prevent smuggling are mainly carried out with preventive efforts, namely preventing the occurrence of smuggling crimes by carrying out certain actions, such as joint patrols routinely in collaboration with the police and the TNI, building and increasing monitoring posts on smuggling-prone routes, involving local governments, conducting socialization and education to the community, and building an early detection system for smuggling.

### Conclusion

Certain imported goods are subject to prohibitions and restrictions upon entry into the Republic of Indonesia in order to safeguard the nation's and state's interests, including defense, security, and public order, public health, the environment, domestic industries, trade and financial equilibrium, and cultural integrity. Such bans and restrictions are coordinated by the Ministry of Trade, with supervision carried out by the Directorate General of Customs and Excise of the Ministry of Finance. Violations of the prohibition of imports of certain goods may be subject to administrative sanctions, in the form of confiscation of administrative fines, confiscation, payment of import duties, revocation of business licenses, and so on. In addition, criminal sanctions may also be imposed. The formulation of administrative sanctions is contained in the Customs Law, while criminal sanctions are formulated in the Trade Law. Criminal law enforcement against violations of the prohibition is carried out in coordination by Civil Servant Investigators (PPNS) of the Ministry of Trade, the Directorate General of Customs and Excise, and the Police, based on the provisions of the Criminal Code (KUHP). PPNS is considered to have a better understanding of the substance of the violated laws and regulations, while police investigators are considered to be more skilled in terms of investigation techniques. Criminal law enforcement against the prohibition of importing certain goods is not exposed to the public, and there is no accurate information and data on this matter. Therefore, it is necessary to conduct further research on this legal issue, both studies on the formulation of legal norms regarding the division of PPNS coordinative authority contained in the Customs Law and the Trade Law, the formulation of sanctions, as well as the synchronization of legal norms with other related laws and regulations, such as port, airport, and others.

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