

INTISARI

PENEGAKAN HUKUM TERHADAP PELANGGARAN JASA TITIP BARANG IMPOR MELALUI PENERAPAN KETENTUAN TINDAK PIDANA PENYELUNDUPAN

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Penelitian ini bertujuan menganalisis penegakan hukum terhadap pelanggaran jasa titip barang impor melalui penerapan ketentuan tindak pidana penyelundupan dalam Undang-Undang Kepabeanan, sekaligus merumuskan model penegakan hukum yang tepat untuk diterapkan ke depan.

Penelitian ini merupakan penelitian hukum normatif-empiris dengan sifat deskriptif. Data primer diperoleh dari wawancara dengan pejabat Bea dan Cukai, pelaku jasa titip barang impor, pengguna jasa, akademisi, dan praktisi hukum. Data sekunder berasal dari peraturan perundang-undangan, putusan pengadilan, literatur, dan penelitian terdahulu. Analisis dilakukan secara kualitatif dengan metode induktif.

Hasil penelitian menunjukkan dua kesimpulan. Pertama, penegakan hukum jastip mengalami hambatan pada tiga aspek menurut Lawrence M. Friedman: Substansi hukum belum memadai karena tidak adanya regulasi khusus jastip sehingga batas antara pelanggaran administratif dan tindak pidana penyelundupan tidak jelas, dan Pasal 102 UU Kepabeanan jarang diterapkan; Struktur hukum belum optimal akibat lemahnya koordinasi antarlembaga, orientasi penindakan yang lebih mengutamakan denda administratif, serta keterbatasan sarana, SDM, dan teknologi; Budaya hukum masyarakat dan aparat masih permisif, pengetahuan kepabeanan rendah, dan penyelesaian kasus banyak dilakukan secara administratif. Kondisi ini menjadikan penegakan hukum tidak efektif dan tidak konsisten. Kedua, penegakan hukum ke depan memerlukan pembaruan menyeluruh: pembentukan regulasi khusus jastip yang mengatur definisi, klasifikasi, nilai batas barang, kewajiban pajak, mekanisme pelaporan, dan pertanggungjawaban pelaku; penguatan struktur hukum melalui modernisasi pengawasan, peningkatan integritas dan kapasitas aparat, serta SOP nasional penindakan jastip; serta penguatan budaya hukum melalui edukasi publik, literasi kepabeanan, dan konsistensi penegakan hukum oleh aparat.

Kata kunci: Jasa titip barang impor, Tindak pidana penyelundupan, Kepabeanan, Penegakan hukum, Sistem hukum.

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LAW ENFORCEMENT AGAINST VIOLATIONS OF IMPORT PERSONAL SHOPPER SERVICES THROUGH THE APPLICATION OF SMUGGLING OFFENSE PROVISIONS

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ABSTRACT

This study aims to analyze law enforcement against violations of personal shopper services for imported goods through the application of smuggling crime provisions under the Customs Law, as well as to formulate an appropriate law enforcement model to be implemented in the future.

This research employs a normative empirical legal research method with a descriptive approach. Primary data were obtained through interviews with Customs and Excise officials, personal shopper service providers, service users, academics, and legal practitioners. Secondary data were derived from laws and regulations, court decisions, legal literature, and previous studies. The data were analyzed qualitatively using an inductive method.

The findings of this study lead to two main conclusions. First, law enforcement against personal shopper services faces obstacles in three aspects as proposed by Lawrence M. Friedman. In terms of legal substance, existing regulations are inadequate due to the absence of specific rules governing personal shopper services, resulting in an unclear boundary between administrative violations and the criminal offense of smuggling, and the rare application of Article 102 of the Customs Law. Regarding the legal structure, law enforcement has not been optimal due to weak inter-agency coordination, an enforcement orientation that prioritizes administrative fines, and limitations in facilities, human resources, and technology. In terms of legal culture, both the public and law enforcement officials tend to be permissive, have limited knowledge of customs regulations, and frequently resolve cases through administrative measures. These conditions render law enforcement ineffective and inconsistent. Second, future law enforcement requires comprehensive reform, including the establishment of specific regulations on personal shopper services that govern definitions, classifications, value thresholds for goods, tax obligations, reporting mechanisms, and liability of service providers; the strengthening of the legal structure through modernization of supervision, enhancement of the integrity and capacity of law enforcement officers, and the implementation of national standard operating procedures for handling personal shopper service violations; and the reinforcement of legal culture through public education, customs literacy, and consistent law enforcement practices.

Keywords: Law enforcement, Import personal-shopping services, Customs, Smuggling offense, Customs Authority.

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