

Implementation of The Formation of A Clean Sweep Task Force Against Extortion in Riau Province: Siyasah Perspective

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Abstract

This study examines the formation and implementation of the Clean Sweeping Task Force for Illegal Levies in Rokan Hulu Regency from the perspective of Fiqh Siyasah. It addresses two main questions: the implementation of the task force in Rokan Hulu and its alignment with fiqh siyasah principles. The study aims to evaluate both the task force's actions and its alignment with Islamic political thought. Using empirical juridical research, the study combines field and library research methods, collecting data through interviews, observations, and document analysis. The findings show that the task force has the authority to build systems for preventing and eradicating illegal levies, collect data, coordinate, plan, and implement operations, and conduct sting operations, with the Governor of Riau as the primary leader. From a fiqh siyasah perspective, illegal levies are seen as immoral, as they involve unlawfully taking others' property, making the money obtained haram. This practice promotes injustice and contributes to bribery, corruption, nepotism, and a corrupt judicial system, which undermines public trust and fosters dishonorable practices.

Keyword: Clean Sweep Task Force, Illegal Polls, Political Jurisprudence

Abstrak

Penelitian ini mengkaji pembentukan dan pelaksanaan Satuan Tugas Sapu Bersih Pungutan Liar (Satgas Saber Pungli) di Kabupaten Rokan Hulu dalam perspektif Fiqh Siyasah. Penelitian ini membahas dua permasalahan utama, yaitu pelaksanaan tugas Satgas Saber Pungli di Kabupaten Rokan Hulu dan kesesuaiannya dengan prinsip-prinsip fiqh siyasah. Penelitian ini bertujuan untuk mengevaluasi tindakan Satgas Saber Pungli serta kesesuaiannya dengan pemikiran politik Islam. Penelitian menggunakan metode yuridis empiris dengan memadukan penelitian lapangan dan penelitian kepustakaan. Data dikumpulkan melalui wawancara, observasi, dan analisis dokumen. Hasil penelitian menunjukkan bahwa Satgas Saber Pungli memiliki kewenangan untuk membangun sistem pencegahan dan pemberantasan pungutan liar, melakukan pendataan, koordinasi, perencanaan dan pelaksanaan operasi, serta melakukan operasi tangkap tangan (OTT), dengan Gubernur Riau sebagai pimpinan utama. Dalam perspektif fiqh siyasah, pungutan liar dipandang sebagai perbuatan tercela karena mengandung tindakan mengambil harta orang lain secara tidak sah, sehingga uang yang diperoleh dari praktik tersebut menjadi haram. Praktik pungutan liar juga mendorong terjadinya ketidakadilan serta dapat berkontribusi terhadap praktik suap, korupsi, kolusi, dan nepotisme serta rusaknya sistem peradilan, yang pada akhirnya melemahkan kepercayaan masyarakat dan mendorong berkembangnya perilaku tercela.

Kata Kunci: Satuan Tugas Sapu Bersih Pungutan Liar, Pungutan Liar, Fiqh Siyasah.

Introduction

The Republic of Indonesia is a unitary state in the form of a republic, with the aim of realizing a just, prosperous, and prosperous society in the life of society, nation and state.(Soekarnoputri, 2021). In order to realize a prosperous society, there are still many government officials who must be dealt with firmly, in order to form a prosperous and prosperous society.(Putra, 2021). Because there are still many of these officials who create defects in the government system, both regional and central governments, such as the rampant extortion everywhere and even the power of position that becomes a shield for these officials to do arbitrary things that harm society. Extortion is an act carried out by a person, employee or government official by requesting payment of an inappropriate amount of money or not based on existing payment requirements. The extortion activity itself is also often equated with extortion, fraud or corruption. (Rahmatina Putri et al., 2024).

According to the author, extortion is an act carried out to enrich oneself by asking for payment from the community that is not in accordance with applicable regulations. Levies carried out for personal interests to be able to satisfy one's life which are carried out illegally in the sense of violating the regulations that have been set in order to facilitate matters and to be able to fulfill the interests of the party paying the levy. (Singh, 2022). So that to carry out the practice of extortion involves two or more parties, both service users and officers who are carried out through direct contact to carry out transactions carried out by transfer or openly using money transactions which generally extortion occurs in the field when providing services that are carried out briefly. (Hamerton, 2020).

One of the biggest sources of problems that often occur due to extortion lies in the supervision and accountability of development implementation and the regulation of the rights and obligations of state institutions in matters of organizing individual and community interests. (Rahman et al., 2022). So in this case the regulation regarding extortion has been regulated in 2016 with the issuance of Presidential Regulation No. 87 of 2016 concerning the Task Force to Sweep Out Illegal Extortion (Satgas Saber Pungli). With the issuance of Presidential Regulation No. 87 of 2016, it is hoped that it can eradicate extortion cases that often occur in society, especially aimed at state officials in serving the community well.

That is why the Riau Provincial Government formed the Clean Sweep Task Force for Illegal Levies to eradicate extortion in Riau Province and also other districts/cities in providing services to the community with the aim of providing a deterrent effect and strict sanctions to perpetrators of illegal levies and also as a real step from the suboptimal function and duties of the internal supervisory institutions in each government agency in supervising the work of government officials. In accordance with Presidential Regulation No. 87 of 2016 concerning the Clean Sweep Task Force for Illegal Levies (Satgas Saber Pungli) carries out the eradication of illegal levies effectively and efficiently by optimizing the use of personnel, work units, and infrastructure, both in ministries/institutions and local governments.

Article 2 of Presidential Regulation No. 87 of 2016 concerning the Saber Pungli Task Force explains that "The Saber Pungli Task Force has the task of eradicating illegal levies effectively and efficiently by optimizing the use of

personnel, work units, and infrastructure, both in ministries/institutions and regional governments." Where the contents of the Riau Governor's Decree No. KPTS 1072/11/2016 concerning the Establishment of the Clean Sweep Task Force for Illegal Levies (Satgas Saber Pungli) in Riau Province, the author takes the second point, the contents of which are: Second, The task force as referred to in the first dictum has the following duties and authorities. There are task that carrying out the eradication of extortion effectively and efficiently by optimizing the use of personnel, facilities and infrastructure, and work units in Riau Province, and also authority, building a system for preventing and eradicating illegal levies, coordinate, plan and implement extortion operations, conduct a sting operation, provide recommendations to the Governor to impose sanctions on perpetrators of extortion in accordance with the provisions of laws and regulations, provide recommendations for the formation and implementation of the duties of the Saber Pungli unit in every public service provider agency, carry out evaluation of activities to prevent and eradicate illegal levies, prepare reports on the progress of the extortion task force (saber pungli) periodically (quarterly) or at any time if necessary.

The observation sees the rampant cases of extortion in making KTP and Family Cards through the civil registry office and also through the sub-district office, for example, such as the recording that occurred in Rokan Hulu Regency which was carried out by irresponsible individuals, the mode of extortion carried out by these individuals was to ask for a certain amount of budget for financing in making KTP and Family Cards of Rp. 100,000/person. Based on Law Number 24 of 2013 concerning amendments to Law Number 23 of 2006 concerning Population Administration, it is emphasized that making population documents is free of charge, meaning there is no charge whatsoever. Article 79A reads, "the administration and issuance of population documents are free of charge." According to the law, population documents are official documents issued by the implementing agency, in this case the Population and Civil Registration Service (Disdukcapil), which have legal force as authentic evidence resulting from population registration and civil registration services.

Before there were regulations and laws governing extortion, Islamic law explained that extortion or pungli is one of the behaviors that oppress others. The injustice of extortion as explained in the Qur'an, Surah QS Al-Baqarah 2:188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِيَأْكُلُوا مِنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

"Do not consume your property among yourselves by wrongful means, nor bring it to the judges with the intention that you may consume some of other people's property sinfully, while you know".

Scholar Ibn Kathir explained that this verse shows that a judge's decision does not change the nature of a problem. So something that is essentially haram cannot be changed to be halal, and something that is essentially halal cannot be made haram. Whereas that is common, if that is the nature of the case, then that is the law. If the judge decides according to the nature of the case, if the judge is

honest then for him is his reward and if he cheats then for him is his sin. Therefore, Allah SWT says: (And do not some of you eat up the property of others among you by falsehood and (do not) bring (the matter of) the property to the judge, so that you may eat up some), namely a group of people (from other people's property by (doing) sin, even though you know) namely you know the falsehood that you claim and spread in your words. The following is evidence that shows that extortion is a major sin:

إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَيَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ أُولَٰئِكَ لَهُمْ عَذَابٌ أَلِيمٌ

"Verily the only excuse (to blame) is for those who oppress people and transgress the bounds in the land without right (just cause). They will have a very painful punishment".

The argument has provided a picture that the practice of extortion has become a focus of attention in Islamic law. The act of extortion is also considered as an act of injustice and is considered a sin. This is because the practice of extortion harms other people (society) and the State. The implementation of a law becomes a reference for how the law can be implemented, no matter how difficult and complicated the obstacles are, considering that the purpose of the law is to create justice and order in the midst of society. Based on the description of the background above, the author wishes to research and discuss in detail regarding illegal levies carried out by irresponsible individuals, especially in Rokan Hulu Regency which are detrimental to the local community. Therefore, the author is interested in conducting research related to: "IMPLEMENTATION OF THE FORMATION OF A CLEAN SWEEP TASK FORCE FOR EXTORTION IN ROKAN HULU REGENCY FROM THE PERSPECTIVE OF FIQIH SIYASAH".

The type of research used is field research with a qualitative approach, qualitative descriptive analysis. By using qualitative research methods, it is expected that the research conducted can produce data on the problem of illegal levy violations that occur in Rokan Hulu Regency. The author is interested in researching the Pungli violations that occurred in the Rokan Hulu Regency area. The primary data used in this study were interviews with the local government and the community of Rokan Hulu Regency in the research area that the author will conduct and Secondary data is data that provides guidance and explanations to primary data consisting of references, literature books, research papers related to this research. Also includes laws or regional regulations related to research problems.

Data Collection Techniques Observation in this research observation and interview. Observation is a direct survey to the research location conducted to collect initial data and facts in formulating the problem to be studied. This survey aims to find out the problem, especially those related to the problem that the author wants to study. Whereas Interviews are direct questions and answers with respondents about the problems in this study using interview guidelines. Author's interviews with the respondents in order to provide data related to this study.

Data analysis of research has been collected from both library research and field research is then analyzed qualitatively, namely: data analysis method by

grouping and selecting data obtained from research according to its quality and truth, then connected with theories from library studies so that answers to the problems in this study are obtained. This data analysis uses an inductive way of thinking, namely concluding research results from specific things to then draw general conclusions.

Implementation of the Formation of the Clean Sweep Task Force for Illegal Levies in Rokan Hulu Regency

In this case, the target of the Rokan Hulu Regency government is the community who cannot remain silent and allow illegal levies to run rampant in the area, so that extortion has become commonplace for the community, this is what the Rokan Hulu Regency government is worried about. Public services according to Law Number 25 of 2009 Article 1 are "activities or series of activities in order to fulfill service needs in accordance with laws and regulations for every citizen and resident for goods, services and/or administrative services provided by public service providers".

Each Institution and Regional Government forms an Illegal Levy Eradication Unit (UPPL) based on the recommendation of the Illegal Levy Eradication Unit. The duties of the 2016 Riau Governor's Illegal Levy Eradication Team according to Attachment to Decree 1072/XI/2017 are as follows:

1. Responsible Person: Governor of Riau, Riau Police Chief, Riau High Prosecutor's Office, Commander of Military District 031 Wirabima, Head of Riau High Court.
2. Task Force Implementers: Riau Police Inspectorate, Riau Provincial Secretary, Riau Provincial Inspector, Riau Attorney General's Office Assistant Supervisor.
3. General and financial fields:
4. Head of the Riau Province Regional Asset Finance Agency.
5. Head of Finance of Riau Regional Police
6. Head of the General Bureau of the Riau Provincial Secretariat
7. Head of Operations Division of Riau Police Operations Division
8. Head of financing of Riau Province BPKAD
9. Head of the Renmin Sub-Division of the Riau Regional Police Inspectorate

The task of the Prevention/Socialization Unit Working Group (Pokja) is to carry out preventive efforts through socialization, counseling, training, and other activities in order to prevent the occurrence of illegal levies. So with this task from the data obtained that from October 2016 to November 2017, the Socialization of Presidential Regulation Number 87 of 2016 concerning the Clean Sweeping Unit of Illegal Levies has been carried out 2 (two) times on Wednesday, December 21, 2016 and Thursday, November 26, 2017, then made a Socialization Standing Banner with a total of 310 (three hundred and ten) times which were distributed/installed on public service implementers, and finally from the task carried out by the Prevention Unit Working Group is to make 400 (four hundred) socialization stickers which were installed on public service implementers.

Measuring the effectiveness of the law requires several supporting aspects that support every law enforcement activity. According to Soerjono Soekanto, the theory of legal effectiveness is that the effectiveness of a law is determined by the legal factor itself (law), the law enforcement factor, namely the parties who form

or implement the law, the facility or facility factor that supports law enforcement, the community factor, namely the environment where the law applies or is implemented, the cultural factor, namely as a result of work, creativity, and feeling based on human will in social life.

Based on the description, the task of the Clean Sweep Team for Illegal Levies provides real results that are quite effective because from the cases obtained, some of them have achieved success up to the verdict of the Court.(Putro et al., 2021). The results or benefits of the saber pungli task force in rokan hulu are that the community who understands gives a positive response because there are no more illegal levies. If necessary, the role of the Saber Pungli team must be increased so that those responsible or those implementing regional finances in the community really carry it out well and the Saber Pungli team also expects the participation of the community, namely by reporting to the authorized agency. (Wardana et al., 2022).

The Saber Pungli Task Force in Rokan Hulu in eradicating illegal levies and the formation of the Saber Pungli Task Force in each government agency is in the fairly effective category. The Saber Pungli Task Force Team has carried out its duties by conducting socialization to the State Civil Apparatus and also to the community regarding the existence of the Saber Pungli Task Force team and government agencies are required to be able to form a Levies Eradication Unit (UPP) in each agency in order to eradicate, clean up, and eliminate illegal levies during the course of public services carried out by the State Civil Apparatus to the local community. Therefore, it is proven that some government agencies in Rokan Hulu have formed Levies Eradication Units in each agency.

However, the implementation of the Saber Pungli Task Force team in Rokan Hulu is that in carrying out its duties, the Saber Pungli Task Force team has conducted socialization to the State Civil Apparatus in implementing the formation of the Levies Eradication Unit (UPP) in each agency will be able to eliminate extortion in public services, but the Saber Pungli Task Force team itself only provides recommendations but does not provide confirmation to the head of the government agency or the State Civil Apparatus to form the Levies Eradication Unit (UPP) in each agency. (Arleta, 2019). Therefore, there are still many government agencies that have not formed the Levies Eradication Unit (UPP) in each agency. Then, another thing that causes the Saber Pungli Task Force team to not be optimal in carrying out its duties is because of poor communication between the Saber Pungli Task Force team and the Levies Eradication Unit (UPP) of government agencies, so that there is no exchange of information between the two parties. (Sulasno & Setiono, 2023).

The researcher conducted an interview with Mr. Budiman, who is a member of the Saber Pungli Task Force team in Rokan Hulu that to be able to eradicate illegal levies in Indonesia, it must be based on Presidential Regulation No. 87 of 2016, in Rokan Hulu, it is necessary to support public policy by forming the Saber Pungli Task Force by following the decisions contained in the Presidential Regulation. Because the Saber Pungli Task Force also conducts socialization to the entire community regarding the Saber Pungli Task Force, so the team does not only socialize to the community but is also mandatory for all districts/cities to form a Saber Pungli Task Force team in each region with the person in charge and

contribution of each region.(Irham & Haq, 2024). The interview continued with Mr. Anto, a member of the Rokan Hulu Saber Pungli Task Force team that every government agency must also form a Saber Pungli Task Force team at each work place by appointing who will be the head of the Saber Pungli Task Force in each government agency, it can be directly each agency head or a member who is considered capable of being responsible for the implementation of public services so that there is no more extortion in each government agency.

Based on the interview above, the Rokan Hulu Saber Pungli Task Force team has carried out its mandate by forming the Saber Pungli Task Force team in accordance with Presidential Regulation No. 87 of 2016 concerning the Clean Sweep Task Force for Illegal Levies. However, the Saber Pungli Task Force itself must still act more firmly against government agencies that have not formed the Saber Pungli Task Force's Levies Eradication Unit (UPP) in government agencies. The next interview with the Saber Pungli Task Force team members with Mr. Dedi Setiawan explained that The Saber Pungli Task Force Team in Rokan Hulu has worked optimally in providing public services to the local community by increasing supervision of each government institution by forming a Saber Pungli Task Force team in each agency and the sanctions received will later be returned to the authorities in accordance with the applicable laws.

The results of the researcher's interview with Mr. Riski, a member of the Rokan Hulu Saber Pungli Task Force team, explained that in public services, supervision is carried out by the Extortion Eradication Unit from each government agency, also with the Saber Pungli Task Force team from the district or city usually also involved in carrying out this supervision but it is not carried out consecutively every time or we can say it is usually done once a month in carrying out supervision if it is seen to be suspicious of the agency carrying out extortion. Then if extortion is found in a government agency, the public can also report extortion and or individuals who are not responsible in carrying out their duties can be given sanctions according to the laws that regulate it.

Based on the description, the Saber Pungli Task Force team itself must carry out sanctions in accordance with the laws that regulate it, but the Saber Pungli Task Force team also resolves it amicably. (Jupri et al., 2022). That from the explanation above, it is still said that it has not been optimal in carrying out its duties, because the supervision carried out and the imposition of sanctions have not been implemented optimally related to the eradication of extortion. The formation of the Saber Pungli Task Force has been said to have gone quite well because with the existence of the Extortion Eradication Unit, irresponsible individuals in public services have been held accountable for the mistakes they have made. However, the resolution related to extortion is still resolved amicably, this must be resolved legally so that no one can extort money from the community when carrying out this public service.

A Review of Political Jurisprudence on Wild Polling

Syamsul Haq al-Azim Abadi in his statement stated that giving with the intention that the deviation and abuse of the recipient can be changed for the better, should not be done in matters of justice and government (al-quḍāh wa al-wulāh) because even without being given a bribe or gift, defending and upholding justice is the duty of the judge and government. Therefore, it is not appropriate if

in doing justice one has to give a bribe. Before there were regulations and laws governing extortion, in Islamic law it was explained that the act of extortion or pungli was one of the behaviors that oppressed others. The injustice of carrying out extortion as explained in the Qur'an, Surah QS Al-Baqarah 2:188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

"Do not unjustly appropriate your property from one another, nor present it to the judges with the intent of unlawfully seizing the property of others, while being fully aware of your actions."

Scholar Ibn Kathir elucidated that this verse illustrates that a judge's ruling does not alter the fundamental nature of an issue. Thus, that which is inherently haram cannot be rendered halal, and that which is intrinsically halal cannot be deemed haram. When the essence of a matter is established in this manner, it becomes the law. If the judge rules in accordance with the essence of the case, he is rewarded for his integrity; conversely, if he acts dishonestly, he bears the sin. The following serves as evidence demonstrating that extortion constitutes a significant transgression:

إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَيَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ أُولَٰئِكَ لَهُمْ عَذَابٌ أَلِيمٌ

"Indeed, the sole justification for blame lies with those who oppress others and exceed the limits in the land without just cause. They shall face a severe punishment."

The argument presents a perspective that the practice of extortion has garnered significant attention within Islamic law. Extortion is regarded as an act of injustice and is deemed sinful. (Irham & Haq, 2024). This is due to the fact that extortion adversely affects individuals, society, and the State. Al-Syaukani asserted that among the evidence demonstrating the prohibition of risywah is the interpretation provided by Hasan (al-Basri) and Sa'id bin Jubair, as narrated by Ibn Ruslan. Risywah is a practice that has existed and endured since ancient times. Throughout the ages, the tenets of Islam concerning risywah have remained unchanged. All parties involved will incur the curse of Allah SWT. This principle is elucidated in the following hadith of the Prophet Muhammad SAW:

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَعْنَةُ اللَّهِ عَلَى الرَّاشِي وَالْمُرْتَشِي

"Abdullah bin 'Amr reported that the Messenger of God, may God bless him and grant him peace, stated, 'The curse of Allah SWT is upon both the giver and the receiver of bribes.' (HR Ahmad).

The phrase (Akkālūna li alsahiti) found in the Qur'an, Surah al-Māidah (5) verse 42, is interpreted by both parties as risywah. (Budiono, 2021). Drawing on the principles established by al-Syaukani, Syamsul Anwar contextualizes this line

of thought within the Indonesian context. He argues that in the contemporary era, such interpretations will further exacerbate corruption. Even when the giver intends to secure their legitimate rights, this practice undermines the public service system, ultimately degrading the quality of service provided. The author asserts that permitting the giving or receiving of bribes to secure entitlements that ought to be granted, or to combat or eliminate wrongdoing (despite widespread acceptance), would render society increasingly susceptible to the pervasive issues of bribery, collusion, corruption, and nepotism, ultimately nurturing the emergence of a disreputable judicial mafia.

Conclusion

Based on the findings of the research and the discussions conducted, the following conclusions may be drawn that the establishment of the Clean Sweep Task Force for Illegal Levies in Rokan Hulu Regency has been formalized through the Decree of the Governor of Riau No. KPTS 1072/11/2016, which pertains to the formation of the Clean Sweep Task Force for Illegal Levies (Satgas Saber Pungli) in Riau Province and Illegal levies, as noted in the Fiqh Siyasah Review, are referred to as Risywah. Risywah is unequivocally prohibited as it contravenes Islamic teachings. Illegal levies represent a reprehensible act, specifically the appropriation of another individual's property.

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