

# The Roles of Atambua Customs and Challenges in Dealing with Garment Smuggling in Indonesia-Timor Leste Border Area

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## **The Roles of Atambua Customs and Challenges in Dealing with Garment Smuggling in Indonesia-Timor Leste Border Area**

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### **Abstract**

Border areas are often the center of crime and tend to be dominated by issues of transnational crimes, including garment smuggling, mainly used clothes. This study aims to examine the strategy of the Indonesian government in dealing with garment smuggling at the border area between East Nusa Tenggara (NTT) and Timor Leste. The Directorate General of Customs and Excise (DJBC) accordingly exercises its essential role in supervising goods in and out of the border area between Indonesia and other countries. This article discloses that although Atambua Customs and Excise agency has conducted preventive and repressive approaches mainly by carrying out operations, patrols, and surveillance activities at the border area, the used clothes smuggling remains problematic due to officials' practices of bribery and residents' permissive actions. The authors use the concepts of transnational crime, garment smuggling, and border security using a qualitative method with a case study model. Primary data is collected from interviews with the Atambua Customs and Excise agency, and secondary data is collected from documents, books, and websites.

**Keywords:** Garment smuggling; customs; border area; Indonesia; Timor Leste

### **Introduction**

Borders between countries are part of the territorial markers of one country to another. The border areas of a country are usually determined by historical, political, national, and international legal processes, including that of Indonesia and Timor Leste. Interestingly, Timor Leste was once part of Indonesia. However, when East Timor became a province of Indonesia from 1976-1999, the issue of West Timor and East Timor became irrelevant due to the construction of various public facilities around the border areas, such as intercity terminals, traditional markets, schools, and health centers by the Indonesian government. These facilities made the people of West and East Timor free to move without caring about the borderline (Wuryandari, 2009).

However, when Timor Leste declared independence in 2002, the two governments started border negotiations. Since then, various problems, such as illegal economic activities, including garment smuggling, and crimes, have occurred at the border area. Garment smuggling, mainly used clothes, causes losses to the Indonesian domestic economy. The price of imported goods which is relatively cheaper than domestic goods attracts buyers significantly. As a result, domestic garments cannot compete, which leads to bankruptcy. Referring to data from the Central Statistics Agency (BPS), the volume and value of used clothes imports to Indonesia increased yearly and peaked in 2019. In that year, used clothes imports reached 392 tons with a value of US\$ 6.08 million. However, the case declined during the pandemic (Saputra, 2022).

This article examines the role of the Indonesian government through the Customs and Excise agency and its effectiveness in tackling garment smuggling at the Indonesia-Timor Leste border. To deal with the smuggling in border areas, the Indonesian government oversees domestic illegal goods and operations related to the collection of import duties. Import duties are government levies based on customs law, which are imposed on imported goods by Law No. 10 of 1995 and 17 of 2006 regarding customs charged imported goods (Berata, 2014: 13). According to the law, The Indonesian Customs and Excise agency has a central role in eradicating infringements at the border areas.

In addition to observing, inspecting, and imposing penalties on executors, the Customs and Excise agency also has the authority to control goods coming in and out of the border areas. To exercise its community protection function, the Customs and Excise agency of Bali, West Nusa Tenggara (NTB), and East Nusa

Tenggara (NTT) have formed the Alfundega Maritime Patrol Unit, which routinely conducts sea patrols using a Customs and Excise patrol boat in Atambua. This is to prevent the entry of prohibited goods, specifically in border areas between Bali, NTB, NTT, and Timor Leste. Untung Basuki, the Head of the Bali, NTB, NTT Customs, and Excise agency, stated that their first action in July 2019 caught 1,661 sacks of clothing with an estimated Rp. 700 million. Their second inspection in August 2019 revealed 1,200 bags of used clothes worth Rp. 600 million (Kementerian Keuangan DJBC, 2019).

The authors focus this research on the province of East Nusa Tenggara, mainly Belu, Malacca, and TTU regencies. These are the main routes for garment smugglers from Timor Leste to Indonesia. To explain in detail, this article will be divided into five sections starting with a literature review, research method, concepts and theories, the discussion of garment smuggling in the border area between East Indonesia Timur and Timor Leste, and ends with a conclusion.

### Literature Review

This study used various literature to understand the Indonesian government's strategy through Customs and Excise agency and its effectiveness in handling garment smuggling at the Indonesia-Timor Leste border. Fauzi, Ikhsan, and Triristina (2021) explain the history of imported used garments and the policies of the Indonesian government in dealing with such cases. Factors influencing the weaknesses of implementing government policy include lack of supervision and inadequate technology to conduct surveillance in areas prone to smuggling. Although their article has performed the weakness of Indonesian Customs in tackling used clothing smuggling, they need to specifically discuss Customs and Excise agency in the border areas between Indonesia and Timor Leste.

Yaneski, Susiatiningsih, and Dir (2018) discuss the standardization of Laws and Regulations No. 7 of 2014 in preventing garment smuggling from 2014 to 2016. Similarly, Ria Ariesti Br Sitepu (2018) analyzes the used clothes smuggling from Malaysia to Indonesia utilizing the theory of international cooperation, institutional liberalism, and the ASEAN norms and principles. This article discloses the three weaknesses that hinder Indonesia-Malaysia cooperation in countering smuggling cases. First, Indonesia and Malaysia have no common interest in importing used clothes. Second, cooperation between Indonesia and Malaysia regarding used clothes smuggling has yet to achieve mutual benefits. Third, ASEAN principles and norms impede Indonesia's cooperation with Malaysia in tackling used clothes smuggling (Sitepu, 2018). These two articles have explained how the government deals with smuggling used clothes, both on the national laws basis and regional organization principles. However, these studies have yet to discuss specifically the role of the Customs and Excise agency in dealing with similar cases.

Nahak and Widhiyoga (2021) discuss the role of the Indonesian and Timor Leste government and security forces in tackling the smuggling of fuel oil, which occurs every year. The article used an independent borderland approach to explain how both countries deal with smuggling cases. In this approach, residents in the border area are involved in mutually beneficial economic activities. They stated that local people smuggle fuel oil illegally through the "rat route" to Timor Leste (Nahak and Widhiyoga, 2021: 36). P.

Similarly, Yusrina (2015) discusses the role of Indonesian security forces in dealing with people smuggled while they use Indonesia as a migrant transit area from the Middle East to Australia. She concludes that the increasing number of migrants from the Middle East to Australia via Indonesia indicates the Indonesian vulnerability to smuggling practices, both people and goods. As an immigration transit, Indonesia provides convenient facilities for migrants to enter Indonesian territory by land, sea, and air. This article also proves that Indonesia needs more solid and official supervision due to the limited number of security officers. The above articles focus on the role of security officers, especially in border areas, which are perceived to be lacking so that they cannot deal with smuggling cases, both fuel, and human smuggling. However, these articles need to specifically explain the problems Customs and Excise agencies face, especially in Atambua, in dealing with used clothes smuggling, which officials and the local community often commit.

### Methods

This article uses a qualitative methodology in a case study model to deeply explore the case and achieve this research's objectives. Qualitative methods allow the researchers to include descriptive data in observing social events and situations. According to Bogdan and Taylor, as quoted by Moleong (2007: 4), "a qualitative method is a research procedure that produces descriptive data in written or spoken words from people and observable behavior."

Further, as this research chose a case study model of qualitative research, Frey et al. (1992: 2) explain that the case study approach offers the possibility of applying general principles to specific situations or examples, called cases. Examples are presented based on the central theme, often expressed in questions. By answering questions, case study analysts identify and discuss issues relevant to the cases they analyze. Researchers also examine the problems according to relevant theory and develop realistic and practical strategies, demonstrating a combination of insight, knowledge, and creativity in developing the ability to cope with problematic situations identified in cases.

This article uses two sorts of data, namely primary and secondary data (Sugiarto, Hendratono, and Sudibyo, 2015: 142). First, the authors collected preliminary data through interviews with the Customs and Excise officer. At the same time, secondary data was obtained through literature and news that are used to explain the Customs and Excise strategies and their effectiveness in tackling garment smuggling in border areas. The authors then analyze primary and secondary data using a triangulation process to check and synchronize collected data and organize them systematically.

### Conceptual Frameworks

The authors use the concepts of transnational crime and border security to explain the smuggling case in the border area, particularly in Indonesia and Timor Leste border area. Crime is a source of threat to certain actors according to the type and level of crime. Crimes that in their operations crosses national boundaries are called transnational crimes (Yani, Monratama, and Mahyudin, 2017: 90). Such crime is well-planned and organized. According to Giraldo and Trinkunas (2007: 350), transnational crime is a criminal activity that is widespread and violates the laws of two or more countries. From this definition, it is clear that crimes are initial concerns at a national level and, in the last decades, have developed at the international level in terms of organization, equipment, methods, funding, and places of occurrence.

In the era of globalization, transnational crimes such as terrorism, smuggling, and other illegal activities perform the expansion of security issues and become a threat to every country. Such a crime refers to the behavior of a person or group of people against the law that impacts more than one country and involves actors, victims, methods, means, or infrastructure beyond the territorial boundary of a nation. This study discusses transnational crimes in the sense of garment smuggling, mainly used clothes, in the border areas.

Smuggling is importing, exporting, and transporting goods to islands without complying with applicable laws and regulations or without completing customs procedures as required by law (Chibro, 1992: 5). Avoiding the obligation to pay for imported goods or illegally importing goods certainly harms a country's economy as such goods can be sold at a lower price than similar domestic products. Therefore, garment smuggling, including used t-shirts, blouses, skirts, pants, jackets, and hoodies, is a serious crime that threatens local garment industries and national income. In addition, such activities disrupt and infringe on Indonesian laws governing customs, causing economic harm. Therefore, it is necessary to take protective and repressive measures to overcome garment smuggling at the border areas.

The Indonesian government perceives that the border area is strategic in realizing territorial integrity, which has potential threats. Therefore, optimally securing the border area provides maximum benefit for increasing the welfare and security of the Indonesian people, particularly those who live in the border areas. According to the Indonesian Ministerial of Defense Regulation No. 13 of 2014 concerning Border Area Security Policy, security is all efforts, work, and actions carried out continuously to maintain security from all threats or disturbances that endanger the border area. Article 2 of the regulation explains that border area security includes: a) maintaining sovereignty and territorial integrity, b) preventing law infringements at the border areas, c) preventing smuggling and theft of natural resources, and d) carrying out the empowerment of defense areas on the border.

Border management and security are vital for maintaining a country's territorial sovereignty and integrity. Such management is also essential for dealing with transnational security challenges in the globalization era. Therefore, border security is related to national security and needs urgent attention to control smuggling and prevent irregular entry to the country (Akinyemi, 2013). The government shall accordingly formulate security management in the border area. Such management is the government policy, strategy, and action to reduce various threats in border areas. At the operational level, the security and safety management concept cover multiple national and regional agencies. Therefore, handling border security indicates a country's seriousness in managing its border areas.

Key government agencies become the stakeholders of border management and security (Okumu, 2011). Some have direct links with security issues, such as military and police agencies. Some agencies are indirectly involved in security issues but are closely related to the military and police. Within the concentric scope of security management at the border, several agencies are indirectly involved, including the Immigration, Customs, and Excise Agency, the Ministry of Foreign Affairs, and the Ministry of Home Affairs. The involvement of these agencies is optional administratively and technically, such as preventing from importing goods that have the potential to harm the state, and due to their authority and job desk in border areas. The authority of immigration and customs is relatively large, considering that the border area is an immigration jurisdiction that uncontested. Based on common practice, matters related to the traffic of goods and people are under the jurisdiction of the Immigration Service as a first-hand institution. With the increasing rate of smuggling of people (human trafficking) and goods today, immigration and customs officers, directly or indirectly, are an essential element in border management (Wuryandari, 2009). In this article, the authors analyze the border security approach through the Customs and Excise agency, which has an essential role in border management, overseeing the entry and exit of goods and smuggling activities in the border zone.

## Results and Discussion

### *The issue of garment smuggling at the Indonesia-Timor Leste border*

In the era of globalization, states' relations are marked by rapid economic and information technology development that has made it easier for some countries to share common borders. Nevertheless, national borders are still seen as a manifestation of political sovereignty. Bearing this in mind, the issue of a country's land, sea, and air borders become essential. One of the main problems in border areas is that, generally, such sites be classified as underdeveloped due to distance and isolation.

The history of consuming used clothes in Indonesia dates back to the colonial period in the 19th century when the clothing or garment industry was still limited due to a lack of factories, minimal production capacity, and the inability to provide clothing for the entire community. Therefore, the community welcomed the arrival of used clothes, and this behavior became a habit. In 1990 the distribution of used clothes increased from coastal areas to other areas, called "imported clothing." However, there is a prohibition regulated in the Regulation of the Minister of Trade of the Republic of Indonesia Number 51/M DAG/PER/7/2015 clause (2), stating that "Used clothes are prohibited from being imported into the territory of the Unitary State of the Republic of Indonesia" (Kementerian Perdagangan 2015).

Used clothes smuggling was common in the Indonesia-Timor Leste border area, mainly when Timor Leste was part of Indonesia. However, when Timor Leste became an independent state in 2002, smuggling in the border area became an issue, resulting in illegal economic activities, including garment smuggling. Indonesia considers the used clothes a commodity that adversely damages the domestic garment industry. Therefore, the Indonesian government has urged the public to refrain from shopping for used imported clothes. However, there are clear benefits for low-income people to buy good-quality imported clothes at low prices.

The following table performs the garment smuggling cases caught by Atambua Customs in 2015-2022.

**Table 1: Cases of Used Clothes Smuggling in Atambua, 2015-2022**

No	Date	Location	Commodity Code	Amount	Packaging	Details
1	09/03/2022	Desa Silawan	Ball-press	1	Box	Used clothes
2	20/12/2021	Pos Lintas Batas Negara (PLBN) Motaain	Ball-press	7	Bag	Used clothes
3	29/11/2021	PLBN Motaain	Ball-press	2	Bag	Used clothes
4	06/09/2021	PLBN Motaain	Ball-press	1	Box	Used clothes and used bags
5	13/05/2021	Pantai Motaain	Ball-press	4	Bag	Used clothes
6	24/12/2020	Napan	Ball-press	2	Bag	Used clothes
7	31/10/2020	Pantai Motaain	Ball-press	5	Bag	Used clothes
8	12/09/2020	Pantai Motaain	Ball-press	3	Bag	Used clothes

9	02/09/2020	Napan	Ball-press	3	Bag	-
10	11/07/2020	Pantai Motaain	Ball-press	4	Bag	Used clothes
11	20/06/2020	Pantai Motaain	Ball-press	3	Bag	Used clothes
12	07/03/2020	Napan, TTU	Textile products & accessories	1	Bag	Used clothes
13	24/11/2019	PLBN Motaain	Ball-press (including used clothing)	2	Carton	Textile products in used condition
14	23/11/2019	PLBN Motaain	Ball-press (including used clothing)	2	Bag	Textile products in used condition
15	02/11/2019	PPBC Napan	Ball-press	1	Bag	Used clothes
16	01/11/2019	PPBC Napan	Ball-press	2	Bag	Used clothes
17	01/09/2019	PPBC Napan	Ball-press	244	Bag	Used clothes
18	27/08/2019	Pantai Motadikin	Ball-press	190	Bag	Used clothes
19	05/07/2019	PLBN Motaain	Ball-press	3	Bag	Used clothes
20	10/05/2019	Pantai Selowai	Ball-press	177	Bag	Used clothes
21	27/12/2018	PLBN Motaain	Ball-press	1	Bale	Used clothes
22	15/12/2018	PLBN Motaain	Ball-press	2	Bale	Used clothes
23	09/12/2018	PLBN Motaain	Ball-press	1	Bag	Used clothes
24	08/12/2018	PLBN Motaain	Ball-press	1	Bag	Used clothes
25	06/12/2018	Sekitar PPBC Napan	Ball-press	2	Bag	Used clothes
26	01/12/2018	Sekitar PPBC Napan	Ball-press	1	Bale	Used clothes
27	24/05/2018	PLBN Motaain	Ball-press	2	Bag	Used clothes
28	23/03/2018	PLBN Motaain	Ball-press	3	Bag	Mixed used clothes
29	11/02/2018	PLBN Motamasin	Ball-press	18	Pieces	Used tires and used clothes
30	11/12/2017	PLBN Motaain	Ball-press	3	Package	Used clothes
31	07/12/2017	PLBN Motaain	Ball-press	23	Pieces	Used bags
32	30/09/2017	PLBN Motaain	Ball-press	1	Bag	Used clothes
33	17/08/2017	KBPBC Motaain	Ball-press	1	Package	Used clothes
34	11/08/2017	KBPBC Motaain	Ball-press	2	Bag	Used clothes
35	04/07/2017	PLBN Motaain	Ball-press	1	Bag	Used clothes
36	03/06/2017	PLBN Motaain	Ball-press	1	Carton	Used clothes
37	02/06/2017	PLBN Motaain	Ball-press	1	Carton	Used clothes
38	24/05/2017	KBPBC Motaain	Ball-press	4	Pieces	Used bed cover
39	24/05/2017	KBPBC Motaain	Ball-press	1	Bale	Used clothes
40	20/02/2017	KBPBC Motaain	Ball-press	1	Bag	Used clothes

41	15/02/2017	KBPBC Motaain	Ball-press	1	Package	Ninety-one pcs used hats
42	12/02/2017	KBPBC Motaain	Ball-press	1	Carton	Used clothes
43	04/02/2017	KBPBC Motaain	Ball-press	1	Bag	Used clothes
44	14/01/2017	KBPBC Motaain	Ball-press	1	Bale	Used clothes
45	09/01/2017	KBPBC Motaain	Ball-press	1	Bag	Used clothes
46	05/01/2017	KBPBC Motaain	Ball-press	1	Carton	Used clothes
47	30/12/2016	KBPBC Motaain	Ball-press	1	Carton	Used clothes
48	24/12/2016	KBPBC Motaain	Ball-press	1	Package	Used clothes
49	2016/12/23	Motaain	Ball-press	1	Bag	Used clothes
50	07/10/2016	KBPBC Motaain	Ball-press	1	Box	Used clothes
51	05/10/2016	KBPBC Motaain	Ball-press	1	Bag	Used clothes
52	08/09/2016	KBPBC Motaain	Ball-press	1	Bag	Used clothes
53	07/09/2016	KBPBC Motaain	Ball-press	1	Bag	Used clothes
54	13/08/2016	KBPBC Motaain	Ball-press	2	Bag	Used clothes
55	12/08/2016	KBPBC Motaain	Ball-press	2	Bag	Used clothes
56	20/06/2016	KBPBC Motaain	Ball-press	4	Bag	Used clothes
57	17/06/2016	KBPBC Motaain	Ball-press	5	Package	Used clothes
58	07/12/2015	PLBN Motaain	Ball-press	2	Bag	Used clothes
59	13/05/2015	KBPBC Motaain	Ball-press	5	Colly	Used clothes

Source: Office of Supervision and Service of Customs and Excise Type Middle Customs B Atambua, (2022)

The garment smuggling has seriously disrupted domestic investment due to reduced interest in local products, making them difficult to compete with illegally imported products. In addition, the used clothes smuggling causes a decrease in production, which makes producers and investors lose their invested capital and causes other problems related to the rupiah exchange rate. Therefore, the rise of illegal garment products at relatively low prices is a challenge for the Indonesian government and garment exporters in Indonesia.

The following figure is a graphical image showing Indonesia's decline in garment exports. The picture shows a decline in garment exports from 2014 to 2019. In 2014 garment exports in Indonesia reached 575 thousand tons. However, they declined to 539 thousand tons in 2015, 550 thousand tons in 2016, 525 thousand tons in 2017, 512 thousand tons in 2018, and 475 thousand tons in 2019. This loss occurs due to the garment smuggling that occurs every year. The Indonesian government revealed two cases regarding the smuggling of textiles and textile production, which caused the state to suffer losses of up to 1.7 trillion rupiahs (Christy, 2021).



**Figure 1: Indonesia's Garment Export Rate Decreasing in 2014-2019**

Source: Christy, *Tempo.co* (2021)

Not only cause considerable losses to domestic and imported garments, illegal garment businesses often bribe Customs officials to pass illegal goods. It is reported that there are bribery cases involving Customs and Excise officials when they collaborate with garment smugglers (Medistiara, 2022). As a result, the state lost due to garment smuggling reaching Rp. 1,646,216,880,000 from 2018 to 2020. Nine textile product factories were bankrupt as they lost competitiveness with illegal foreign products spread across Indonesia (Admin1, 2021).

### *Indonesia's strategy for tackling garment smuggling*

According to the Indonesian Ministerial of Defense Regulation no. 13 of 2014 concerning Border Area Security Policy Article 5, in preventing smuggling and theft of natural resources, the Indonesian government conducts: (1) cooperation and coordination with ministries/agencies through the placement of Indonesian military (TNI) personnel at cross-border posts and cross border checkpoints; (2) intelligence information development systems with ministries/agencies; and (3) ground security patrols, maritime security in national jurisdiction areas and aerial reconnaissance.

The Customs and Excise agency has the task of guarding, supervising, and controlling the security of the border area for the entry and exit of goods from other countries and within the country. To carry out the assigned tasks, Customs and Excise have four main functions (Kementerian Keuangan DJBC, 2019):

1. As a trade facilitator that provides facilitation to reduce high costs to create a more profitable trading environment, Customs, and Excise agencies must be able to stipulate and recognize customs laws and regulations to provide services and monitoring that are faster, better, cheaper, and more effective.
2. As an industrial assistant, helps domestic industries support the movement, progress, and development of local industries. Customs and Excise agencies must protect local industries and gain a competitive advantage from intense global markets.
3. As a revenue collector, optimizes government revenue from import duties and excise by setting import and export tariffs on imported and exported goods and collecting goods tax on certain goods. Furthermore, to encourage the development of domestic industry and fulfill the supporting functions of the customs, Customs and Excise agencies provide various facilities and conveniences.
4. As a community protector to protect the community from prohibited products that endanger health, safety, or morals. Customs and Excise agencies protect the interests of the general public by preventing the entry of imported goods that are detrimental to public health and national security.

About the garment industry, the Indonesian garment industry contributes to absorbing lots of workforce and adding value to the national Gross Domestic Product. The garment industry started in the mid-1970s when local textile producers could supply more textiles to be processed into garments. Therefore, along with food, housing, and household furnishings, Indonesia's clothing consumption shows a positive trend as one of the basic human needs.



Description	Total Labor Force in Large and Medium Industries by Sub Sector [ISIC 2009] (Person)		
	2017	2018	2019
Confection	856.636	763.314	797.947

Table

## 2: Number of Workers in Large and Medium Industrial Workers by Sub-Sector in 2017-2019

Source: Central Bureau of Statistics (BPS) 2019

From the table above, we can see that the industrial sector can absorb a large number of workers, and the garment industry is a consideration in developing investment in the future. The garment industry absorbed 856,636 workers in 2017, 763,314 in 2018, and 797,947 in 2019 (BPS, 2022). Considering that Indonesia has a population of 250 million people, the garment industry has become a strategic industry in the Indonesian economy. The garment industry is also part of Indonesia's third-largest manufacturing industry, absorbing many workers.

Therefore, the Ministry of Industry protects the local garment industry from illegally imported products. Not only are local clothing products of high quality, but they also outperform imported products from other countries. Several clothing manufacturers have distinctive characteristics and high artistic value. Not to mention, various domestic manufacturers have refined products and brands that are well-known internationally. The strategic value of the garment industry is reflected in its role in investment, which can also be seen in Indonesia's contribution to exports. The Central Bureau of Statistics (BPS) also records yearly exports of clothing made from textiles. The following table shows the number of textile exports and main export destinations for clothing from 2012 to 2020.

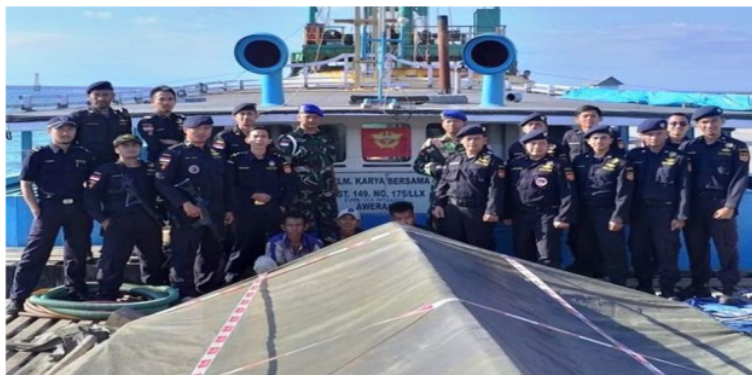
Negara tujuan	2012	2013	2014	2015	2016	2017	2018	2019	2020
Berat bersih : 000 Ton									
Amerika Serikat	194,3	189,0	181,6	191,7	179,6	176,3	173,3	164,6	136,2
Jepang	19,7	27,0	27,4	30,7	30,1	31,5	33,7	31,1	26,8
Jerman	16,3	15,9	17,3	15,0	15,6	19,3	21,1	13,2	11,1
Korea Selatan	14,6	17,2	17,9	18,6	18,5	15,0	14,1	20,0	18,1
Inggris	11,4	9,8	9,1	7,6	7,3	6,5	7,0	5,2	4,6
Australia	2,8	3,5	3,8	5,2	6,7	6,4	6,1	5,6	6,0
Tiongkok	2,7	4,7	5,6	6,9	7,3	8,3	9,7	7,8	10,0
Belgia	5,4	4,7	5,9	5,8	6,4	5,5	5,1	3,4	3,7
Kanada	5,5	6,4	6,9	6,4	6,9	6,7	6,9	6,4	5,1
Uni Emirat Arab	12,2	11,2	12,8	11,5	13,8	6,1	4,9	4,5	3,3
Lainnya	81,4	74,3	87,2	79,2	78,3	82,6	75,3	73,4	65,2
<b>Jumlah</b>	<b>366,3</b>	<b>363,7</b>	<b>375,5</b>	<b>378,6</b>	<b>370,5</b>	<b>364,2</b>	<b>357,2</b>	<b>335,2</b>	<b>290,1</b>
Nilai FOB : 000 000 US\$									
Amerika Serikat	3.202,6	3.201,1	3.112,7	3.234,0	3.098,9	3.455,5	3.775,1	3.712,7	2.944,8
Jepang	369,6	489,8	522,2	582,7	574,8	674,8	740,4	698,7	606,0
Jerman	434,9	423,2	449,4	386,4	389,9	372,5	381,6	383,6	314,7
Korea Selatan	183,9	232,7	236,3	262,2	256,2	304,7	346,0	345,9	300,2
Inggris	273,1	234,2	230,6	187,3	173,6	171,2	168,6	146,5	124,4
Australia	85,2	104,4	112,6	139,9	162,1	165,7	180,3	173,9	168,6
Tiongkok	62,3	100,2	117,9	156,8	161,3	223,8	264,3	219,2	172,3
Belgia	148,7	134,8	160,5	146,1	160,1	145,8	146,5	106,1	121,9
Kanada	125,5	134,3	147,1	140,5	145,8	162,1	178,7	172,2	135,1
Uni Emirat Arab	173,3	157,2	200,6	165,5	129,9	92,1	79,0	66,8	51,5
Lainnya	1.047,3	1.005,0	966,1	1.009,5	977,2	979,5	1.062,0	1.046,6	917,0
<b>Jumlah</b>	<b>6.106,4</b>	<b>6.216,9</b>	<b>6.256,0</b>	<b>6.410,9</b>	<b>6.229,8</b>	<b>6.747,7</b>	<b>7.322,5</b>	<b>7.072,2</b>	<b>5.856,5</b>
Catatan:									
Diolah dari dokumen kepabeanan Ditjen Bea dan Cukai (PEB dan PIB)									
Dikutip dari Publikasi Statistik Indonesia									

Figure 2: Number of Textile Exports (Convection) by Main Destination Countries in 2012-2020

Source: Central Bureau of Statistics (BPS), 2021

2

The Directorate General of Customs and Excise (DJBC) or the Indonesian Customs Agency has essential roles in formulating, implementing, and supervising policies, law enforcement, facilitating and optimizing state revenue in customs and excise by regulations (Kementerian Keuangan DJBC, 2011). In addition, customs and Excise agencies also carry out their primary duties, namely: protecting the public from dangerous imported goods, protecting specific domestic industries from unfair competition with similar industries from abroad, eradicating smuggling, fulfilling tasks assigned to them from other agencies related to traffic outside the country's borders levying import duties and tax<sup>30</sup> to benefit the country's finances. The following is a picture of a special marine operation carrying out the duties and functions of the Directorate of Enforcement and Investigation of the Sub-Directorate of Marine Patrol, which is responsible for law enforcement on the sea related to the prevention of customs and excise infringements.



**Figure 3: Special Marine Operations using Patrol Boat BC 8004**

Source: Media Indonesia 2019

Customs and Excise agencies conduct preventive and repressive approaches to deal with the entry of illegal goods, such as garment smuggling. Customs and Excise agencies outreach the society and other government agencies related to customs and excise-related businesses for a preventive approach. Customs and Excise in Bogor, for instance, organize an outreach program in Sukabumi involving the Mayor of Sukabumi, inviting a resource person from Bogor Customs and Excise to explain the meaning of Excise and its nature. The program appealed to the public to remain vigilant of smuggling activities (Kementerian Keuangan Bea Cukai Bogor, 2021).

Customs and Excise also invite the society to report smuggling activities to Customs and Excise. For this reason, a socio-cultural approach is taken. Dwijo Muryono, the Head of the Eastern Sumatra Customs Regional Office, explained that the socio-cultural approach is an alternative strategy to increase public awareness, mobilize community participation to engage in social monitoring practices, and make supervision more effective (Kementerian Keuangan DJBC, 2021). Dwijo said the method of implementing the sociocultural approach strategy was carried out in a fundraising campaign. This activity aims to create favorable conditions for the fundraising parties carried out nationally or internationally and tackle threats and obstacles posed by opposition to policies pursued by the fundraising parties (Kementerian Keuangan DJBC 2021).

As for the repressive approach, Customs and Excise agencies also coordinate with other agencies to optimize functions and synergies between work units according to PMK regulation No. 188/PMK.01/2016. This includes sea patrol activities with other Law Enforcement Officials (APH).<sup>13</sup> In addition, a memorandum of understanding (MoU) was signed between Customs and Excise agencies, the National Narcotics Agency (BNN), the Directorate General of Marine and Fisheries Resources Supervision (PSDKP), the Directorate General of Sea Transportation, and others. In its implementation, MoU carries out sea surveillance missions with the PURNAMA mission code.

An integrated sea patrol with an independent system committed by the Customs and other agencies in a task force that has maritime surveillance functions simultaneously. Such Integrated Maritime Patrol Customs and Excise are Jaring Sriwijaya (JS) and Jaring Wallacea (JW). In addition to sea patrols, land patrols are also carried out periodically or at any time to prevent violations, including investigations and determinations of

1

alleged violations by Customs. Land patrols are also carried out in customs areas, including sea/airports, customs offices, national borders, factories, warehouses, excise retailers, or duty-free.

### ***The success story of the Atambua Customs Policy***

The above data shows that the Indonesia-Timor Leste border area in the NTT, particularly in Belu, Malaka, and TTU regencies, has significantly used clothes smuggling cases. Therefore, investigations are essential, especially for Custom<sup>5</sup> officers, in preventing and eradicating illegal smuggling and identifying various breaches, especially at the Office of Supervision and Service of Customs and Excise - Middle Type Custom B (KPPBC TMP B) Atambua. In this case, Atambua Customs and Excise plays several vital roles in law enforcement related to smuggling, including;

1. Intelligence. The intelligence unit supervises the import of used clothes illegally in the border area for early detection.
2. Investigator. The investigation unit supervises and monitors the Customs area, which also resolves through research, investigation, handling of goods resulting from prosecution and evidence, issuance of recommendations for the imposition of administrative sanctions, and other activities related to dealing with customs and excise matters.
3. Prosecution. The Enforcement unit supervises and monitors the Customs area, carrying out its duties and functions in the implementation of administrative and physical efforts, including patrols, stopping goods, inspecting goods, preventing goods, and other actions in the context of monitoring customs and excise.

In an interview with the author, one official at KPPBC TMP B Atambua, Bayu (Interview in 2022) said, "From data on prosecutions that have occurred every year, we can say that the Atambua Customs and Excise policy in the border area has the expected impact. For example, in 2019, the Atambua Customs Office prevented the smuggling of nearly 1,200 sacks of used clothes, the perpetrators were processed to court, and the used clothes were then destroyed." Further, the results of the implementation of this policy have also become material for publication and socialization, which continue to be echoed to the broader community to raise public awareness regarding garment smuggling, especially the used clothes."



**Graph 1: Atambua Customs Success in Overcoming Garment Smuggling 2015-2022**

Source: Office of Supervision and Service of Customs and Excise Type Middle Customs B Atambua (2022), processed by authors

The graph above shows that handling used clothes smuggling carried out by KPPBC TMP B Atambua brings positive impacts. In 2015, there were two cases of garment smuggling that Atambua Customs successfully handled in May and December. In 2016 the Atambua Customs successfully handled 11 smuggling cases; two cases in June, August, September, and October, and there were three cases in December. In 2017 the Atambua Customs successfully handled 17 cases, three cases in January, four cases in February, two cases in May and June, one in July, two cases in August, one in September, and two in December. In 2018 there was a decrease in the number of garment smuggling handled by Atambua Customs with nine cases. There was one case in February, another case in March and May, and six cases in December.

In 2019 there were still nine smuggling cases that Atambua Customs successfully handled. There was one case in May, July, August, and September, and five cases in November. In 2020 there was a decrease in garment smuggling, reaching seven cases. There was one case in March, June, and July; there were two cases in September and one in October and December. In 2021 there was a decrease in garment smuggling, with four cases that Atambua Customs successfully handled. There was only one case in May, September,

November, and December. In 2022, only one case was found in March. The following is a picture of one of the actions taken by Customs in thwarting smuggling at Selewai Beach, district Belu, NTT.



**Figure 4: The Failed Smuggling of 177 Sacks of Used Clothes in May 2019 in Belu District**

Source: Nasional Tempo 2019

The picture above describes how Atambua Customs and Excise managed to thwart the smuggling in the waters of Selewai Beach, Belu Regency, East Nusa Tenggara, on May 10, 2019, amounting to 177 sacks of used clothes. Customs enforcement is a form of controlling incoming goods that violate the law governing goods entering Indonesia. Such regulation also carries out the Community Protector function of Customs. The case started when there was information regarding smuggling goods in the form of used clothes around the Gurita Bay area. After receiving the information, Atambua Customs officers immediately conducted ground patrols by loading the used cargo into a light truck unit and a pickup truck for processing and further inspection.

#### ***Challenges in overcoming garment smuggling in the border area***

Although data shows a decline in smuggling cases in Atambua, garment smuggling remains happened. Four factors are causing smuggled goods to pass the inspection of security forces in border areas. The primary and first problem is the practice of bribery, which is carried out by several unscrupulous officials who are less responsible for committing their duties as protectors of domestic goods. There were some bribery cases involving Customs officials, such as the bribery by a garment company in Tanjung Emas Port in 2016 worth Rp. 2 billion. As a result, three Customs and Excise officials have become suspects - the Head of the Semarang Customs and Excise Supervision and Service Office, Imam Prayitno, the Head of the Semarang KPPBC Enforcement and Investigation Section, and a team of Civil Servants Investigators (PPNS), M. Rizal Pahlevi, and the Head of the Intelligence Section of the Central Java Customs and Excise Regional Office, Handoko. The modus operandi for Imam Prayitno and M. Rizal Pahlevi was to secure import activities, arrange documents and release imported goods belonging to PT Hyup Seung Garment Indonesia (HGI) from bonded zones. Meanwhile, Handoko received cash from PT HGI to be distributed to Prayitno and Rizal Pahlevi. The three officials abused their authority causing losses to the state, and accordingly were charged with the Corruption Crime Act (Tipikor) (Prihartanto, 2022).

Four other Customs and Excise officials were involved in the bribery case of Rp. 1.6 trillion in textile and garment imports. They were the Head of Customs and Excise Facility Services (PFPC), Mohammad Mukhlas, the Head of Customs and Excise Section II for PFPC I; Kamaruddin Siregar, the Head of Customs and Excise Section III for PFPC I; Dedi Aldrian, the Head Customs and Excise Section III for PFPC II, Hariyono Adi Wibowo, and the businessman who bribed, Irianto. Cooperation was carried out by these four Customs and Excise officials and Irianto as a defendant for importing textiles beyond the amount specified in the Textile and Textile Product Import Agreement (PI-TPT). Before imported textiles entered Batam Free Trade Zone, Irianto changed and reduced the quantity listed in the packing list document by 25-30% (Admin1 2021). The two examples show unscrupulous Customs officials who misuse their authority to commit illegal actions.

Secondly, many unofficial "rat paths" exist in the border area. The governments of Indonesia and Timor Leste have agreed on 907 land borders or around 97 percent of the total 268.8 km length of the land borderline. There are around 38 Pokja Pamnas posts along the borders of Indonesia and Timor Leste (Nahak and Widhiyoga, 2021:43). However, only three official posts operate in the province of NTT, namely: (1) the

Motaain-Belu District Cross Border Post that is located in Belu district, NTT, with a land area of 8.8 hectares and a building area of 5,149 m<sup>2</sup>, (2) Motamasin-Malacca District Border Crossing Post, which is directly adjacent to Timor Leste and is located in Kobalima District, Malacca Regency. The total building area is expected to reach 3,077.88m<sup>2</sup> on 11.29 hectares and (3) Wini-North Central Timor District Border Crossing Post, located in North Insana District, North Central Timor Regency. PLBN Wini was built on an area of 4.42 ha (Sagita, 2020: 67). Despite these three legally integrated borders, many “rat routes” lead to the entry of illegal goods and a lack of security at every border crossing. According to TNI intelligence data, as explained by the Head of the Atambua Immigration Office, Anggiat Napitupulu, the total tracking data for “rat paths” reaches 42 on each border route and along 148.7 km” (Tfn/Mok 2014).

Thirdly, the poverty in the border area of NTT-Timor Leste. When it is compared to borders in other regions, development at the border area in NTT is relatively slower. This area is far from the center of power, so it receives less attention. The residents experience low economic, socio-cultural, and poor infrastructural development. The fact that this area is located in less fertile areas is one of the reasons they are isolated from other cities. Agriculture is the primary source of local people’s income. However, the raw materials are limited and influenced by the climate. Given the low average annual rainfall in the region, it is not surprising that most of the population lives in deprivation. Such poverty triggers illegal activities to occur in the area as it allows them to buy cheap garments and even to be permissive to used clothes smuggling and gain profits from such activities.

Lastly, the need for more public understanding of border communities regarding illegal economic activities such as smuggling. Profits generated through smuggling make people silent about the crimes they commit. Apart from being tax-free, smuggled goods will be charged at a low price with good quality. Therefore, public awareness is crucial in following up on garment smuggling in the Indonesia-Timor Leste border area. With this awareness, the community might coordinate or provide information regarding crimes committed through the “rat routes.” These four issues reveal that as long as these current problems are not thoroughly resolved, smuggling in border areas, including the Indonesia-Timor Leste, remains problematic.

## Conclusions

Garment smuggling is a problem the Indonesian government is concerned about, particularly at the Indonesia-Timor Leste border. Smuggling actions are detrimental to the national economy. The Indonesian government has published regulations prohibiting the import of used clothes and delegating tasks among related institutions. In dealing with smuggling issues, Customs and Excise agency has a vital role in monitoring and executing at the border area. They secure guidelines regarding the entry and exit of goods in the customs area and the collection of import taxes and other government fees based on applicable laws and regulations by committing their functions as trade facilitators, industrial assistants, community protectors, and revenue collectors.

The garment industry plays a vital role in Indonesian economic development and absorbs labor, investment, and trade. Therefore, by eradicating the entry of illegal goods, such as garment smuggling, the Customs and Excise agency participates in protecting the domestic garment industry. For this reason, they execute garment smuggling in border areas through preventive and repressive approaches. Atambua Customs and Excise agency accordingly made various actions to stop garment smuggling and has performed positive impacts; there has been a decrease in cases of garment smuggling every year since 2015.

However, there are challenges faced by Atambua Customs and Excise in eradicating smuggling in the border area, as bribery remains practiced by the officials and private sectors, the unofficial channels that make it easier for perpetrators to commit smuggling, the poverty and poor condition in border areas, and the lack of public understanding on smuggling. Therefore, Atambua Customs and Excise should increase preventive actions internally and externally. Internally, they need to cultivate characters and take firm action against the officials to avoid all kinds of bribery that open up opportunities for smuggling. Externally, Customs and Excise should educate and build public awareness among residents to stop their permissive attitude towards smuggling and have the courage to report all forms of smuggling, including used clothes.

### Ethics approval and consent to participate

- The paper currently needs to be considered for publication elsewhere.
- This material is the authors' original work, which has yet to be previously published elsewhere.
- No intentional or unintentional plagiarism has occurred in the present manuscript, and all original references have been read, studied, and cited.
- No human participants nor animals are included in this study.

### List of abbreviations

- BNN: National Narcotics Agency
- BPS: Central Bureau of Statistics
- BC: Directorate General of Customs and Excise
- NTB: West Nusa Tenggara
- NTT: East Nusa Tenggara
- PFPC: Customs and Excise Facility Services
- PPNS: Civil Servants Investigators
- PSDKP: Directorate General of Marine and Fisheries Resources Supervision
- TNI: Indonesian National Military

### Data Availability

All sources used are properly disclosed (correct citation). Literally copying of text is indicated as such by using quotation marks and giving proper references.

### Conflicts of Interest

- No conflicts of interest to disclose.

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- All authors have been personally and actively involved in substantial work leading to the paper and will take public responsibility for its content.

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