



Investigating Corruption in the Sale of Subsidized Fertilizers: A Case Study in Karo Regency and Its Implications for the Group's Definitive Need Plan

Deni Randa Sitepu  
Universitas Sumatera Utara, Indonesia

Mahmul Siregar
Universitas Sumatera Utara, Indonesia

Abdul Aziz Alsar
Universitas Sumatera Utara, Indonesia

 denirandasitepu03@gmail.com

Abstract

This study examines the issue of subsidized fertilizer misuse in Indonesia, particularly in Karo Regency. It focuses on the distribution mechanism, the application of corruption elements, and the legal protection available to disadvantaged farmers. Using a descriptive empirical legal research method, the study reveals that the distribution of subsidized fertilizers is governed by Minister of Agriculture Regulation No. 10/2022 and Minister of Trade Regulation No. 04/2023. However, sales by retail kiosks to unauthorized parties are classified as criminal acts of corruption under Law No. 31/1999 in

conjunction with Law No. 20/2001. Legal protection for disadvantaged farmers includes the right to report cases, file civil lawsuits, and access legal assistance from the government. The study concludes that despite the strict regulations surrounding the distribution mechanism, irregularities persist. As such, there is a need for system improvements and stricter law enforcement to ensure that subsidies reach their intended recipients and to safeguard farmers' rights.

Keywords

Criminal Act of Corruption, Subsidized Fertilizers, Definitive Plan for Group Needs

Introduction

Corruption in Indonesia is a deeply entrenched and acute problem, often described as a “social disease.”¹ It is emphasized that corruption always starts and develops in the public sector, with clear evidence showing that public officials, through their power, can pressure or extort individuals seeking justice or those in need of government services.² Consequently, the fight against corruption can no longer be approached in a conventional manner; extraordinary measures are required.³ Public condemnation of corruption, from a juridical perspective, is manifested in legal formulations as a form of criminal act that must be addressed in a special way, with heavy penalties.⁴

Corruption can afflict any bureaucracy, whether in developing or advanced societies.⁵ It has plagued the nation for a long time and has permeated nearly every aspect of public life. As such, corruption is categorized as an extraordinary crime (extraordinary crime), not only related to state administrators, power, and policy but also the private

¹ Juniadi Soewartojo, *Korupsi, Pola Kegiatan dan Penindakannya serta Peran Pengawasan Dalam Penanggulangannya*, (Jakarta: Balai Pustaka, 2014), hlm. 4.

² Agus Surono dan Maslihati Nur Hidayati, *Pendidikan Budaya Anti Korupsi*, (Jakarta: UAI Press, 2018), hlm. 1

³ Evi Hartanti, *Tindak Pidana Korupsi*, Edisi Ketiga, (Jakarta: Sinar Harapan Offset, 2015), hlm. 69.

⁴ Elwi Danil, *Korupsi (Konsep, Tindak Pidana, dan Pemberantasannya)*, (Jakarta: Raja Grafindo Persada, 2017), hlm. 1

⁵ Mochtar Lubis, *Etika Pegawai Negeri*, (Jakarta: Yayasan Obor, 2018), hlm. 47

sector. Therefore, a variety of measures both preventive and repressive must be employed to combat it.⁶

The abuse of subsidized fertilizers is a serious issue in many countries, including Indonesia. Subsidized fertilizers are provided by the government to support agriculture and assist farmers in need. However, corruption and misuse of this policy often occur, with certain individuals or groups receiving subsidized fertilizers despite not being entitled to them. Retail kiosks play a crucial role in distributing these fertilizers to eligible farmers in accordance with the Group's Definitive Needs Plan. However, some kiosks may engage in corrupt practices, selling subsidized fertilizers to ineligible parties, thus depriving deserving farmers of the benefits of the subsidy program. Additionally, the act of kiosks selling subsidized fertilizers above the highest retail price constitutes an unlawful act of self-enrichment that can harm the state's finances or economy.

Law Enforcement Officers (LEOs), who are granted full authority by law to enforce anti-corruption measures, must be stricter and more decisive in taking action against individuals or "fertilizer mafia" involved in the misappropriation of subsidized fertilizers. The "fertilizer mafia" poses a disaster for farmers who are meant to benefit from the state-subsidized fertilizers, but whose access is diverted by certain unscrupulous actors. As a result, farmers' production may decline or, in some cases, even lead to crop failure.

Many farmers rely on subsidized fertilizers because they cannot afford the higher-priced non-subsidized alternatives. Perpetrators or "fertilizer mafia" can be prosecuted under Article 3 in conjunction with Article 18 of Law No. 20/2001, which amends Law No. 31/1999 on the Eradication of Corruption, in conjunction with Article 55, Paragraph (1) of the Indonesian Penal Code. Furthermore, they can also be charged under Articles 3, 4, 5, 6, or 10 of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes, in conjunction with Articles 55 and 56 of the Penal Code.

Got it! Here's the revised version with "RDKK" changed to "Group's Definitive Needs Plan":

⁶ Marwan Effendy, *Korupsi Dan Pencegahannya*, (Jakarta: Timpani Publishing, 2014), hlm. 71

This juridical study on corruption crimes in the sale of subsidized fertilizers aims to analyze the legal aspects involved in the misuse of subsidized fertilizers, including legal violations, legal consequences, and the measures that can be taken to prevent and address corruption in the distribution of subsidized fertilizers. With this background, the study seeks to contribute to understanding and addressing the issues of corruption related to subsidized fertilizers, as well as provide legal recommendations to improve and strengthen oversight and law enforcement in the distribution of subsidized fertilizers in accordance with the Group's Definitive Needs Plan.

This research addresses several key issues, namely: 1) How is the distribution mechanism of subsidized fertilizers to farmers regulated under the prevailing laws and regulations? 2) How is the application of corruption elements against retail kiosks that sell subsidized fertilizers to ineligible parties in violation of the Group's Definitive Needs Plan? 3) What legal protection is available for farmers who are harmed by corruption crimes related to the sale of subsidized fertilizers to unauthorized parties in Karo Regency?

Methods

This study uses a normative juridical research method supported by empirical data. The research type is descriptive, aiming to formulate solutions to identified problems. The approach used is both statutory and case law approaches. The data sources consist of primary data obtained through interviews with relevant informants and secondary data in the form of primary, secondary, and tertiary legal materials. Data collection techniques include literature study and field study. Data analysis is conducted qualitatively, by selecting relevant principles, norms, doctrines, and articles, as well as drawing conclusions inductively from specific cases to general models, concepts, or principles.

Result, Discussion and Analysis

The Mechanism for Distributing Subsidized Fertilizers to Farmers Based on Indonesian Legislation

The primary regulation governing the mechanism for distributing subsidized fertilizers to farmers is the Minister of Trade Regulation No. 4 of 2023 on the Procurement and Distribution of Subsidized Fertilizers for the Agricultural Sector. This regulation aims to ensure the availability and affordability of subsidized fertilizers for farmers, supporting national food security. From a legal certainty perspective, this regulation is sufficiently clear and detailed in governing the distribution mechanism for subsidized fertilizers. As Gustav Radbruch noted, legal certainty is one of the primary goals of law, alongside justice and utility.⁷

This regulation stipulates that PT Pupuk Indonesia (Persero) is tasked by the government to procure and distribute subsidized fertilizers. The distribution mechanism is structured in stages: from producers to distributors, then to retailers, and ultimately to farmers as the final consumers. This approach aligns with Lon L. Fuller's principle of legal certainty, where one of the conditions for achieving legal certainty is having clear and unambiguous rules.⁸ However, in practice, there are several issues in the field that may undermine legal certainty in the distribution of subsidized fertilizers. These issues include potential abuses such as smuggling and diversion of distribution channels, which result in fertilizers not reaching farmers in a timely manner and in the correct quantity. Additionally, the quality of fertilizers not meeting standards is also a concern. These conditions contradict Radbruch's principle, where law should be enforced consistently and not arbitrarily altered.

To ensure legal certainty, this regulation also provides for strict supervision and law enforcement. Oversight is carried out in stages by the Fertilizer and Pesticide Supervision Commission (KP3) at the central, provincial, and district/city levels. This oversight covers aspects such as the type, quantity, price, location, timing, and quality of subsidized fertilizers. However, the effectiveness of this oversight and law enforcement still needs to be evaluated and improved to ensure that

⁷ Gunawan Nachrawi dan I Gusti Agung Ngurah Agung, *Teori Hukum*, (Bandung: CV Cendekia Press, 2020), hlm. 54

⁸ Peter Mahmud Marzuki, *Teori hukum*, (Jakarta: Prenada Media, 2020), hlm. 75.

the regulations are implemented consistently in the field. As Sudikno Mertokusumo has stated, legal certainty contains two meanings: the existence of rules that are general and apply universally, and the legal security for individuals against the authority of the government.⁹

Coordination and synergy among relevant institutions are also essential in achieving legal certainty. The regulation indicates that the distribution of subsidized fertilizers involves multiple ministries and agencies, such as the Ministry of Agriculture, the Ministry of Trade, the Ministry of Home Affairs, and local governments. Therefore, effective coordination is required to avoid overlap or conflict in the implementation of regulations. This aligns with Lon L. Fuller's view that one of the conditions for achieving legal certainty is consistency in the application of the law.

In efforts to achieve legal certainty, it is necessary to strengthen the capacity and quality of human resources involved in the distribution of subsidized fertilizers. Training and certification for distribution officers, supervisors, and law enforcement officers can help improve professionalism and integrity in carrying out their duties. This will create a more conducive environment for achieving legal certainty in the distribution of subsidized fertilizers. Furthermore, there needs to be an effort to increase transparency and accountability in the subsidized fertilizer distribution process. One way to achieve this is by utilizing information and communication technology to build an integrated information system that is accessible to the public. This system could provide up-to-date data and information on stock, allocation, and distribution of subsidized fertilizers across Indonesia.

With high transparency, the potential for diversion and misuse in the distribution of subsidized fertilizers can be minimized. Furthermore, efforts should be made to increase participation and empower the community, particularly farmers, in the distribution process. Farmers can be involved in the planning and oversight of subsidized fertilizer distribution in their respective areas. This involvement will foster a sense of ownership and responsibility among farmers regarding the subsidized fertilizer distribution program and help prevent any

⁹ Sudikno Mertokusumo, *Mengenal Hukum Suatu Pengantar*, (Yogyakarta: Liberty, 2014), hlm. 171.

irregularities. Therefore, to ensure legal certainty in the mechanism for distributing subsidized fertilizers to farmers, consistent efforts are needed from the government to improve regulations, enhance oversight and law enforcement, and strengthen coordination and synergy among relevant institutions.

Existing regulations should be periodically evaluated and refined to remain relevant and effective in addressing developments and dynamics in the field. Additionally, active participation from all stakeholders, including farmers, is crucial to ensuring legal certainty in the distribution of subsidized fertilizers. Farmers must be proactive in monitoring and reporting any irregularities that occur in the field, while businesses must comply with the rules and carry out distribution honestly and transparently.

With consistent efforts and synergy from all parties, legal certainty in the distribution of subsidized fertilizers to farmers can be realized. This will serve as a strong foundation for sustainable agricultural development and improved farmers' welfare in Indonesia. Legal certainty will not only ensure the availability and affordability of fertilizers for farmers but also create a more conducive investment and business climate in the agricultural sector. Ultimately, legal certainty in the distribution of subsidized fertilizers will contribute to achieving national food security and improving the welfare of the public.

Application of Corruption Crime Elements to Retailers Selling Subsidized Fertilizer to Unauthorized Parties According to Definitive Plan for Group Needs

The sale of subsidized fertilizers to unauthorized parties is a recurring issue in regions such as Karo District and other areas in Indonesia. Subsidized fertilizer is a government program designed to support farmers by providing access to affordable fertilizer. However, in practice, there are often cases of abuse of this program by certain individuals.

The typical modus operandi involves retailers or authorized fertilizer distribution kiosks selling subsidized fertilizers to parties who are not eligible to receive them, such as large plantation companies, commercial agricultural entrepreneurs, or even the general public who are not involved in agriculture. This behavior violates the regulations

and provisions set by the government regarding the distribution of subsidized fertilizers.

The primary motive for selling subsidized fertilizers to unauthorized parties is the substantial financial gain. Retailers can sell the subsidized fertilizer at a much higher price to unauthorized parties compared to the highest retail price set for farmers. This price difference results in significant profits for both the retailer and the unauthorized buyer. The consequences of this practice are not only harmful to the state in terms of misuse of subsidy funds, but it can also disrupt the availability of subsidized fertilizers to eligible farmers, thus affecting agricultural productivity and national food security.

Several parties are involved in the illegal sale of subsidized fertilizers, both directly and indirectly. First, the retailer or authorized fertilizer distributor is the primary actor who abuses their authority by selling the fertilizer to unauthorized individuals for financial gain. Second, unauthorized parties such as large plantation companies, commercial agricultural entrepreneurs, or the general public take advantage of the illegal sale to obtain subsidized fertilizer at a lower price than the market price. In some cases, there are indications of involvement from government employees or officials, either directly or indirectly. They may fail to carry out their supervisory duties properly or may be complicit in the practice for personal gain. Lastly, distributors or agents involved in the supply chain may also be complicit if they do not follow the proper procedures, allowing subsidized fertilizers to leak into the hands of unauthorized individuals.

In cases of selling subsidized fertilizers to unauthorized parties, there is substantial evidence or indications of unlawful actions, self-enrichment, benefiting certain parties, and abuse of power. First, the sale of subsidized fertilizers to unauthorized parties is an action that violates government regulations, making it legally unlawful. Second, a major motive is the significant financial gain for the retailer who sells the fertilizers at much higher prices, thus enriching themselves illegally. Not only do the retailers profit, but unauthorized buyers also benefit from the practice by acquiring fertilizers at a lower price than the market rate. Lastly, the retailer abuses their authority by distributing subsidized fertilizers intended for eligible farmers to unauthorized parties for

personal gain. Additional evidence may include sales records, financial reports, testimonies, and findings from investigations by the authorities.

The practice of selling subsidized fertilizers to unauthorized parties results in significant financial losses for the state. The budget allocated by the government for fertilizer subsidies is misused, leading to waste. The subsidy, which should benefit eligible farmers to support agricultural productivity, is instead abused by unauthorized parties. This leads to a leakage of funds and a waste of national financial resources. Additionally, the state incurs additional costs to address this issue, including investigation expenses, legal action, and efforts to improve the subsidized fertilizer distribution system to ensure proper targeting.

From an economic standpoint, this practice disrupts national food security. If subsidized fertilizers are not available to eligible farmers, agricultural productivity is likely to decline, negatively affecting food supply. Furthermore, when unauthorized parties such as large plantation companies or commercial agricultural entrepreneurs gain access to subsidized fertilizers, they benefit unfairly, disrupting healthy competition in the agricultural sector. These large-scale businesses will gain disproportionate benefits compared to small and medium farmers who are supposed to be the primary beneficiaries of the subsidized fertilizer program.

Based on Article 3 of the Indonesian Law No. 20 of 2001 on Amendments to Law No. 31 of 1999 on the Eradication of Corruption, three elements of corruption must be met. In the case of selling subsidized fertilizers to unauthorized parties in Karo District and other regions in Indonesia, there is strong evidence to show that all of these elements are fulfilled.

This case is a form of abuse of authority and trust granted to certain parties in the subsidized fertilizer program for personal gain, resulting in significant losses for the state and disrupting the national economy, especially in the agricultural sector and food security. The application of corruption crime elements in this case is as follows, according to Article 3 of Law No. 20 of 2001 on Amendments to Law No. 31 of 1999 on the Eradication of Corruption:

The Element of "Any Person" The "any person" element in corruption refers to the legal subjects who can be held criminally accountable. This includes not only individuals but also corporations.

This element is crucial in proving a corruption crime, as it determines who can be made a suspect. In this case, various parties are involved in the illegal sale of subsidized fertilizers. First, the retailer or official distributor of subsidized fertilizers is the primary actor who violates their responsibility by selling fertilizers to unauthorized individuals. This is a significant violation of the trust given to them as distributors of subsidized fertilizers. Second, unauthorized parties such as large plantation companies, commercial agricultural entrepreneurs, or even the general public are involved by exploiting the retailer's illegal sale to acquire subsidized fertilizers at lower prices.

In some cases, there are indications of government officials being involved, either directly or indirectly. Those who should oversee and control the distribution of subsidized fertilizers fail to carry out their duties or even actively participate in the illegal sale for personal gain. Lastly, distributors or agents in the supply chain may also be involved if they do not follow proper procedures, allowing subsidized fertilizers to leak to unauthorized parties.

The Type of Act Committed

a. Against the Law

The "against the law" element in corruption encompasses actions that violate applicable laws and regulations, both in formal and material terms.¹⁰ In this context, the sale of subsidized fertilizers to unauthorized parties is a clear violation of the legal provisions set by the government, making it a breach of law.¹¹

b. Enriching Oneself

The "enriching oneself" element refers to acts that result in an increase in the perpetrator's wealth or assets. One of the main motives for selling subsidized fertilizers to unauthorized parties is the large financial gain for the involved parties, particularly the retailer. By selling subsidized fertilizers at higher prices, they unjustly enrich themselves.

¹⁰ Andi Hamzah, *Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasional*, (Jakarta: Raja Grafindo Persada, 2015), hlm. 100

¹¹ Adami Chazawi, *Hukum Pidana Korupsi di Indonesia (Edisi Revisi)*, (Jakarta: Rajawali Pers, 2016), hlm. 72

- c. Benefiting Oneself or Others/Corporations
The "benefiting oneself or others/corporations" element encompasses any form of economic benefit obtained, either directly or indirectly, by the perpetrator or associated parties. This includes the benefits gained by unauthorized buyers, such as large companies or individuals who obtain subsidized fertilizers at significantly lower prices, giving them a financial advantage.
- d. Abuse of Power/Opportunity/Resources
The retailer abuses their power and trust as an authorized distributor of subsidized fertilizers by selling them to unauthorized individuals for personal financial gain. Similarly, government employees or officials may abuse their authority by facilitating or turning a blind eye to the illegal sale.

The Harm Caused by the Act

- 1) State Finance
The practice of selling subsidized fertilizers to unauthorized parties leads to significant financial losses for the state. The government's allocated budget for fertilizer subsidies is misused, and the subsidy, which should benefit eligible farmers, is diverted. This results in leakage of the state budget and financial wastage.
- 2) National Economy
The practice disrupts the national economy, particularly in terms of agricultural productivity and food security. If subsidized fertilizers are unavailable to eligible farmers, agricultural output declines, which affects domestic food supply. Additionally, the practice undermines fair competition within the agricultural sector and creates an unfair advantage for large corporations.

Based on these elements, the case of selling subsidized fertilizers to unauthorized parties in Karo District and other regions in Indonesia meets all three elements of a corruption crime as outlined in Article 3 of Law No. 20 of 2001. This case is a clear abuse of authority and trust, leading to significant harm to the state's finances and the national economy.

Corruption crimes can take various forms, such as bribery, embezzlement, and abuse of power. Based on its scale, this corruption falls under "Petty Corruption," where mid- and lower-level public officials abuse their positions for personal or collective gain. The crime interacts with the community and is facilitated through basic public services like agricultural cooperatives, which are meant to provide subsidized fertilizers to farmers.

The return of state financial losses by the suspect does not absolve them of criminal punishment, as stipulated in Article 4 of Law No. 31 of 1999 concerning the Eradication of Corruption, as amended by Law No. 20 of 2001: "The return of state financial losses or national economic losses does not exempt the perpetrator from criminal punishment as referred to in Articles 2 and 3."

Legal Protection for Farmers Harmed by Corruption Crimes in the Sale of Subsidized Fertilizers to Unauthorized Parties According to the Definitive Plan for Group Needs in Karo Regency

The issue of corruption in the distribution of subsidized fertilizers to unauthorized parties, contrary to the Definitive Plan for Group Needs in Karo Regency, is a very serious matter that requires comprehensive handling. This criminal act not only harms state finances but also has a direct impact on the welfare of farmers and agricultural productivity in the region.

As one of the areas with a significant agricultural sector, Karo Regency heavily depends on the availability of subsidized fertilizers to support farming activities and increase harvest yields. However, when deviations occur in the distribution of subsidized fertilizers, farmers are the most disadvantaged. They are forced to bear higher production costs by purchasing fertilizers at non-subsidized prices or, in some cases, may not receive sufficient fertilizer supplies. This situation inevitably leads to decreased agricultural productivity, lower farmer incomes, and ultimately threatens food security in the region.

Strong and effective legal protection for farmers who are victims of these corruption crimes is essential. This legal protection encompasses several key aspects, including criminal law enforcement against the perpetrators, claims for compensation, the provision of

financial assistance, and the establishment of improved monitoring and distribution systems.

1. Criminal Law Enforcement Against Perpetrators of Corruption in Subsidized Fertilizer Sales Must Be Strict and Consistent.

The Police and Prosecutor's Office in Karo Regency must play an active role in investigating and uncovering corruption cases related to subsidized fertilizer distribution. The investigation and examination process must be conducted professionally and transparently, gathering strong and convincing evidence. If proven guilty, the perpetrators must face legal consequences and be sentenced in accordance with Law No. 31 of 1999 on the Eradication of Corruption Crimes.

This firm and consistent law enforcement not only serves as a deterrent to the perpetrators but also affirms the government's commitment to protecting farmers' interests and maintaining the sustainability of the agricultural sector. Additionally, a transparent and accountable law enforcement process can help increase public trust in the judicial system and the fight against corruption.

2. Farmers Harmed by Corruption Crimes Have the Right to File Claims for Compensation Against the Perpetrators Through Civil Courts.

The legal basis for such claims is Article 1365 of the Civil Code concerning unlawful acts. In this process, Legal Aid Institutions in Karo Regency can play an important role in providing assistance and advocacy to the farmers. The Legal Aid Institutions can help farmers prepare supporting documents, such as evidence of the losses they have incurred, data on subsidized fertilizer distribution, and other relevant information. Additionally, they can assist in drafting a strong and convincing compensation claim and accompany the farmers throughout the trial process.

Such claims for compensation are important to restore the economic losses suffered by the farmers due to these corruption crimes. If the compensation claim is accepted, the farmers can receive financial compensation, which can help them recover their condition and continue their agricultural activities.

3. The Local Government of Karo Regency, through the Agriculture/Food Security Office, Can Play a Role in

Providing Compensation or Benefits to the Harmed Farmers.

This compensation can be based on Government Regulations, Regional Regulations, or specific policies related to the protection of farmers. Providing compensation is crucial to alleviate the economic burden faced by farmers due to the corruption crimes, especially for those who cannot or face difficulties in filing a civil compensation claim. When providing compensation, the Agriculture/Food Security Office of Karo Regency must establish clear and transparent criteria and mechanisms. This ensures that compensation reaches the farmers who are truly victims and directly impacted by the corruption in subsidized fertilizer sales.

The Agriculture/Food Security Office also plays a role in improving the monitoring and distribution system of subsidized fertilizers. One of the causes of corruption is a weak monitoring and distribution system. Therefore, improvements in monitoring, transparency, and accountability in the distribution process are essential.

4. Farmers' Organizations and Groups in Karo Regency Play a Critical Role in Advocating for the Rights of Farmers Who Are Victims of Corruption.

Farmers' organizations can serve as a platform for farmers to voice their aspirations and demands, as well as to oversee the law enforcement process and compensation to ensure that everything runs according to the applicable regulations. These organizations can advocate to the local government, police, prosecutor's office, and other related institutions to ensure that the corruption case concerning subsidized fertilizer sales is handled seriously and that harmed farmers receive adequate legal protection.

They can also assist in gathering information and evidence related to the case and encourage active participation from farmers in the monitoring of subsidized fertilizer distribution.

5. To Ensure Effective and Comprehensive Legal Protection, Close Coordination Between Various Relevant Institutions and Agencies in Karo Regency Is Needed

The Police, Prosecutor's Office, Court, Agriculture/Food Security Office, Legal Aid Institutions, and farmers' organizations must collaborate and work together to address this case.

Good coordination can be achieved by forming a special task force that involves representatives from each of the relevant institutions/agencies. This task force can coordinate efforts in law enforcement, handling compensation claims, providing compensation, and improving the monitoring and distribution system for subsidized fertilizers. Through tight coordination, each institution/agency can share relevant information and data and optimize their roles and functions effectively in providing legal protection for farmers. Additionally, coordination can help identify and resolve obstacles or issues that may arise in the legal protection process.

In terms of criminal law enforcement, legal protection efforts in Karo Regency include investigation and examination by the police of corruption crimes in subsidized fertilizer sales. If sufficient evidence is found, the case is referred to the Prosecutor's Office for further legal processing. The Prosecutor's Office plays a role in prosecuting the suspects in court, aiming to ensure that the perpetrators are sentenced according to the applicable laws.

The principle of proportionality should be applied, considering the severity of the criminal threat and the wrongdoings of the defendant.

Besides criminal law enforcement, harmed farmers can also file compensation claims against the perpetrators through civil channels. In this case, the Legal Aid Institutions in Karo Regency play a vital role in assisting and advocating for farmers. These institutions help farmers prepare supporting documents, draft compensation claims, and accompany them throughout the trial. If the compensation claim is granted, farmers can receive financial compensation to cover their losses caused by the corruption crime.

The local government of Karo Regency, through the Agriculture/Food Security Office, can also provide compensation or benefits to farmers harmed by the corruption. This compensation is based on Government Regulations, Regional Regulations, or special policies related to the protection of farmers in Karo Regency. Providing compensation is crucial in easing the economic burden on farmers, especially for those who are unable to file civil compensation claims.

When providing compensation, the Agriculture/Food Security Office must establish clear and transparent criteria and mechanisms.

This ensures that compensation reaches the farmers who are genuinely affected by the corruption. The compensation process should also be closely monitored to prevent deviations or misuse.

Effectiveness of Law Enforcement for Perpetrators of Corruption in Subsidized Fertilizer Sales in Karo Regency Relies on Several Key Factors.

First, the quality of the police investigation and examination. If conducted professionally, gathering strong and convincing evidence, it will strengthen the prosecution process and court trial. Second, the integrity and capability of the Public Prosecutor in carrying out prosecution and presenting strong charges in court. Third, the independence and quality of judges in making fair decisions based on the existing legal facts.

However, there are several obstacles that can hinder the effectiveness of law enforcement in corruption cases related to subsidized fertilizer sales in Karo Regency.

One major obstacle is the lack of competent and integrity-driven human resources at the Police, Prosecutor's Office, and courts. This shortage can lead to slow and suboptimal case handling. Another challenge is the coordination and synergy issues among law enforcement agencies, where overlapping authority or sectoral egos may hinder the law enforcement process. Moreover, potential interventions from certain parties with vested interests in the case may threaten the independence and objectivity of the law enforcement process.

Cultural factors may also pose a barrier in enforcing the law in corruption cases. The view that corruption is a common issue or the lack of public awareness in reporting corruption cases can complicate the uncovering and legal enforcement process.

Despite these challenges, law enforcement efforts must continue consistently and sustainably. The Karo Regency local government needs to enhance human resources and budgets to support effective law enforcement. Additionally, improving coordination and synergy among law enforcement agencies is key. Active community involvement and farmers' organizations in monitoring and reporting corruption cases is also crucial in supporting better law enforcement efforts.

Strong and effective legal protection for farmers harmed by corruption in subsidized fertilizer sales in Karo Regency is extremely

important. This protection aims not only to provide justice for farmers as victims but also to ensure the sustainability and productivity of the agricultural sector in the region. With adequate legal protection, farmers' rights can be guaranteed, allowing them to continue their agricultural activities safely and prosperously. Ultimately, this will contribute to food security and the overall economy of the region.

Conclusion

The distribution of subsidized fertilizers is regulated by government regulations involving producers, distributors, and official retailers, with oversight from local authorities. The sale of subsidized fertilizers to unauthorized parties can be categorized as a criminal act of corruption, which harms both the state and farmers. To address this issue, it is recommended that the government revise and strengthen regulations related to subsidized fertilizer distribution, including enhancing oversight and sanctions. Law enforcement agencies are expected to improve their professionalism in handling cases of deviations, while farmers and farmer organizations are encouraged to actively participate in monitoring fertilizer distribution and reporting any irregularities. These measures aim to ensure that subsidized fertilizers reach the rightful farmers and prevent future corruption-related crimes.

References

- Adji, Indriyanto Seno. *Korupsi dan Penegakan Hukum*. Jakarta: Diadit Media, 2009.
- Atmasasmita, Romli. *Sekitar Masalah Korupsi: Aspek Nasional dan Aspek Internasional*. Bandung: Mandar Maju, 2004.
- Chazawi, Adami. *Hukum Pidana Korupsi di Indonesia (Edisi Revisi)*. Jakarta: Rajawali Pers, 2016.
- Danil, Elwi. *Korupsi (Konsep, Tindak Pidana, dan Pemberantasannya)*. Jakarta: Raja Grafindo Persada, 2017.
- Effendy, Marwan. *Korupsi Dan Pencegabannya*. Jakarta: Timpani Publishing, 2014.
- Hamzah, Andi. *Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasional*. Jakarta: Raja Grafindo Persada, 2015.

- Harapah, Zulkarnain W., Gomgom T. P Siregar, dan Syawal Amry Siregar. "Analisis Yuridis Tentang Pemanfaatan Kepolisian Dalam Penegakan Hukum Terhadap Tindak Pidana Korupsi (Studi Pada Kepolisian Daerah Sumatera Utara)". *Jurnal Retentum*, FH Darma Agung, Volume 3, No. (1), 2022.
- Hartanti, Evi. *Tindak Pidana Korupsi*, Edisi Ketiga. Jakarta: Sinar Harapan Offset, 2015.
- Indrianti, Etty. *Pola Dan Akar Korupsi: Menghancurkan Lingkaran Setan Dosa Publik*. Jakarta: PT Gramedia Pustaka Utama, 2014.
- Lubis, Mochtar. *Etika Pegawai Negeri*. Jakarta: Yayasan Obor, 2018.
- Marzuki, Peter Mahmud. *Teori hukum*. Jakarta: Prenada Media, 2020.
- Mertokusumo, Sudikno. *Mengenal Hukum Suatu Pengantar*. Yogyakarta: Liberty, 2014.
- Nachrawi, Gunawan dan I Gusti Agung Ngurah Agung. *Teori Hukum*. Bandung: CV Cendekia Press, 2020.
- Penjelasan Umum Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi.
- Setiawan, Hendi. "Penerapan Asas Proporsionalitas Dalam Penjatuhan Pidana Terhadap Pelaku Peredaran Narkotika (Analisis Putusan Nomor: 669/Pid.Sus/2018/PN.Btm)". *Iuris Studia*, Volume 2, Nomor 2, Juni 2021.
- Soewartojo, Juniadi. *Korupsi, Pola Kegiatan dan Penindakannya serta Peran Pengawasan Dalam Penanggulangannya*. Jakarta: Balai Pustaka, 2014.
- Surono, Agus dan Maslihati Nur Hidayati. *Pendidikan Budaya Anti Korupsi*. Jakarta: UAI Press, 2018.
- Taufiq, Muchamad. *Aspek Hukum Dalam Bisnis*. Bantul: Azyan Mitra Media, 2019.
- Togatorop, Melsanna, dkk. "Pelaksanaan Pengadaan Dan Penyaluran Pupuk Bersubsidi Kepada Petani Padi Di Kecamatan Sekarbela Tahun Anggaran 2021 Menurut Permendag Nomor 15/M-DAG/PER/4/2013". *Jurnal Ilmiah Universitas Mataram*.