Control of drug trafficking in plantation state-owned enterprise area to achieve a sustainable development

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Abstract. Corporate sustainable development emphasizes on increasing economic profits without creating environmental and social damages. This study explores the control of drug trafficking in the plantation Badan Usaha Milik Negara (BUMN) or state-owned enterprise (SOE) area to achieve an increasing company profit. The control shall not sacrifice the future generation but can still realize sustainable development. To improve the quality of life and create a conducive environment for plantation SOE, the CSR programs are to support the establishment of a harmonious relationship between the SOE and the surrounding communities by upholding values, norms, and culture. This study applied a normative juridical method. The findings suggest that drug trafficking has now involved the young generation living around the plantation SOE estates. Children, adolescents, and adults in the estates have been exposed to drug trafficking. Moreover, they committed criminal activities such as stealing fresh fruit bunches to buy narcotics. Drug trafficking is one of the inhibiting factors for sustainable development in plantation SOE. In conclusion, the control of drug trafficking to achieve sustainable development can be done with appropriate CSR funding allocation. The fund should be effectively allocated to the drug prevention programs, the counselling to local communities, and the law enforcement.

1. Introduction
Circulation of narcotics has now spread to various parts of human life [1]. This condition can threaten the loss of a generation of a nation ranging from children, adolescents, to adults, from the lower classes to officials, artists, politicians, and even law enforcement officers. Narcotics trafficking is increasing, with the growing relationship between narcotics crimes and other crimes such as people and weapons smuggling, terrorists, and others [2]. Circulation of narcotics has entered the community living in plantation settlement areas. Local people are involved in this illegal business. Generally, they tend to buy narcotics for consumption so that in turn will damage the order of the community in the local environment.

The young generation becomes lazy at school, lazy to work, have no motivation, and even engage in other crimes such as stealing oil palm fruit to buy narcotics. The young generation have basic human rights However, protection of children's rights is not too much thought in general [3]. The protection efforts themselves are violated by the state and various places in the country, adults, even their own parents handling narcotics circulation in the SOE of Plantation through the realization of CSR (Corporate Social Responsibility) funds [4]. In the context of sustainable development in the business world, the way to emphasize the increase in corporate economic profits, without sacrificing environmental and social damage [5]. Expectations from the allocation of CSR funds can minimize the
circulation of narcotics and theft of oil palm fruit so that it will increase the economic benefits of state-owned plantation companies.

RI Law No. 40/2007 on Limited Liability Companies (UUPT) requires companies to allocate CSR funds for environmental and social improvement in their surroundings. To improve environmental and social quality that is beneficial to SOE, the Buse of CSR is needed to support the establishment of harmonious, balanced, and appropriate relationships with the environment, values, norms, and culture of the local community. This study discusses how the handling of narcotics circulation in the SOE plantation environment to meet the needs of increasing the company's economic benefits without the need for future generations to realize sustainable development. This study is very interesting because in connection with the increasing circulation of narcotics in the SOE plantation environment which is closely related to the theft of oil palm fruits to buy narcotics which has the potential to threaten the Plantation SOE themselves.

2. Methods

This type of research method is normative juridical. Analyzing primary legal materials such as RI Law No.19 / 2003 Concerning State-Owned Enterprises (UU-SOE), RI Law No.40/2007 About Limited Liability Companies (UU-PT), and Government Regulation (PP) RI No.47 / 2012 Concerning Limited Corporate Social and Environmental Responsibility (PP-TJSL). This primary legal material will discuss the application of the concept of CSR in SOE plantations to prevent the circulation of narcotics and theft of oil palm fruit.

3. Results and discussion

3.1. Results

3.1.1. SOE plantation. SOE is one of the national economic actors in the Republic of Indonesia (RI) based on the principle of democracy [6]. The role of SOE is in the operation of the national economy to realize the welfare of the people [7]. The total number of SOE in Indonesia is currently 115. There are SOE that are engaged in mining, plantations, shipping, insurance, expeditions, weaponry, housing, steel, food, chemicals and medicines, fertilizer, tourism, telecommunications, hospitality, printing, cement, port, transportation, property, banking, airlines, mutual funds, paper, and others [8].

SOE engaged in oil palm, tea, rubber, sugar cane, etc. are called SOE estates or also called PTPN (Nusantara Plantation Limited Company). There are 14 SOE engaged in the plantation sector (PTPN I to PTPN XIV). Since 2014, in the context of company restructuring, all Plantation SOEs starting from PTPN I to XIV are currently under the leadership of PTPN III as the holding company [9]. SOE Plantation, as one of the state companies, is a financial contributor in creating people's welfare apart from tax, non - tax revenue, and other state businesses. Thus, Plantations must be free from narcotics circulation and theft of oil palm fruits to prevent economic losses for the plantation, the state, and stakeholders [10].

SOE in Indonesia varies according to its purpose and function. There are even SOEs that have both duties and functions, namely as PSO and profit-oriented, such as PT. PLN (State Electricity Company), etc. SOE Plantation almost all have pure duties and functions as profit-oriented but do not rule out the possibility based on Article 66 paragraph (1) of RI Law No.19 / 2003 Concerning SOE, Government of Indonesia can give special assignments to SOE to carry out PSO functions while still paying attention to profits.

3.1.2. Circulation of narcotics in SOE plantation. RI Law No. 35/2009 concerning Narcotics is the legal basis for the National Police and BNN (National Narcotics Agency) to conduct prevention and eradication of narcotics distribution. Article 1, number 6 determines the circulation of narcotics. Where the activities carried out without rights or against the law are determined to constitute narcotics crime. Circulation of narcotics in plantations can threaten the sustainability of companies, surrounding
communities. Local people are involved in narcotics distribution and theft of oil palm fruit. Circulation of narcotics that was captured by the National Police in the plantation environment is closely related to palm theft.

Police arrested Bamban Suprapto (age 34) as a suspect in the case of methamphetamine arrested in Afdeling VIII, Block 97, Kebun Gunung Bayu PTPN IV, Bosar Maligas District, Simalungun Regency. Where the suspect violated Article 112 paragraph (1) junto Article 114 paragraph (1) of RI Law No.35 / 2009. The police also arrested Suyanto (age 48) for selling methamphetamine at the location of the Bridgestone Dolok Ulu Gardens, PTPN IV Gardens, Tapian Dolok District, Simalungun Regency. Where the suspect violated Article 112 paragraph (1) junto Article 114 paragraph (1) of RI Law No.35 / 2009. The police arrested Roby Setiawan (age 22) and Faijar (age 30) for the illicit trafficking of narcotic types of methamphetamine. The arrest of the perpetrators precisely in Afdeling E Block 4 Nagori Bah Biak, location of PTPN IV, Sidamanik District, Simalungun Regency. The suspect violated Article 112 paragraph (1) junto Article 114 paragraph (1) of RI Law No.35 / 2009.

Police arrested Herianto (age 33), Nazli Manurung (age 27), and Andi Rahmad Khalik Rambe (19 years) related to illicit drug trafficking in the form of methamphetamine in the PTPN IV Afdeling Plantation Area Tinjowan Nagori Pulo Pitu Marihat Ujung Padang District, Simalungun Regency. The suspects violate Article 112 paragraph (1) junto Article 114 paragraph (1) junto Article 132 paragraph (1) junto Article 127 paragraph (1) letter a Law RI No.35 / 2009 junto Article 55 paragraph (1) KUH-Criminal. The police also arrested and appointed Wira Krisna Nugraha (age 23) for illegally selling methamphetamine narcotics in Huta Setia Tawar Timur, Nagori Maligas Bayu, Huta Bayu Raja District, Simalungun Regency which is still within the PTPN-IV area. The suspect violated Article 112 paragraph (1) junto Article 114 paragraph (1) junto Article 127 paragraph (1) letter an of RI Law No.35 / 2009.

All locations of the arrest of the suspect are in the PTPN IV environment as one of the state-owned plantation companies. From the results of the police investigation, the arrested suspects also confessed to having stolen palm oil to buy narcotics. They generally do not have permanent jobs, some are married and some are not married. This condition can harm young people, children, adolescents, and the community in the environment. Narcotics trafficking in SOE plantations is one of the obstacles to sustainable development. The environmental and social conditions of the company must be ensured balanced. This crime has the potential to harm social life, the local environment, and can be detrimental to SOE assets.

3.1.3. Palm oil theft in SOE plantation. Theft of oil palm fruit in the state-owned plantation company, such as in Afdeling I, Afdeling II, Afdeling IV, and Afdeling V of PTPN IV's estate, it was found that the theft of palm oil fruit reached 5 tons. Simalungun and secured 13 tons of stolen oil palm fruit, PTPN IV's loss, in this case, reached Rp.15 billion. From these two theft incidents, PTPN IV experienced a decrease in the production of 18 tons. The police found five packages of narcotic types of methamphetamine from PTPN I's palm fruit thieves while being arrested in Indra Makmu District, East Aceh. Three oil palm fruit thieves totaling 6 TBS (Oil Palm Fruit Bunches) were arrested by the Police at PTPN I's Afdeling VI Old Plantation Block 59 owned by PTPN I, two of the perpetrators were still students. As a result of this theft, the realization of PTPN I palm oil in 2018 it only reached 86.80%, which is below the 2017 RKAP (Work Plan and Budget) target of 104.47% in 2017.

The police arrested 3 tonnes of PTPN II's oil thief, precisely at Kwalawi Sawit's estate, Batang Serangan Subdistrict, Langkat Regency. Four unemployed people were arrested the police also stole 8 tonnes of PTPN II's palm oil [11]. TBS was also arrested by the police in Afdeling II Block 2 PTPN II Kebun Melati, Pegajahan District, Serdang Bedagai District. Police arrested PTPN II's 10 TBS thief in the Tanjung Jati estate, afdeling X Blok K, Binjai. PTPN II's 7 TBS thief was arrested by Police in Percut Sei Tuan [12]. PTPN II's palm oil production has decreased due to theft. PTPN II's palm production realization in 2015 was below the 2014 RKAP of 141,940 tons (23.71%). The police secured a truck on the border between Afdeling I and V Kebun Seimeranti, Torgamba District, South
Labuhanbatu Regency because of 4 tons of palm oil that had been stolen by the perpetrators from the PTPN III estate [13]. Palm thieves totaling 6 people, were arrested by the Police in Afdeling I Block 961 Betung Village IX, kijing Bay Village III, Lais Subdistrict, Muba Regency, Palembang, for stealing as many as 89 TBS owned by PTPN VII, estimated to weigh 18,000 kilograms.

Theft is a crime. Chapter XXII Article 362 to Article 367 of the Criminal Code determines that theft is someone who takes an item, wholly or partly owned by another person to be owned illegally. The threat of imprisonment ranges from 5 to 12 years. If the theft results in the death of another person, then the perpetrator is threatened with a 15-year prison sentence and can even be sentenced to the death penalty or a sufficiently long criminal sanction. The theft of oil palm fruits belonging to SOE plantations can result in losses for the company. The National Police and the National Narcotics Agency in handling narcotics illicit trafficking in state-owned plantation companies must be responsive to criminal factors such as social conditions, economic conditions, unemployment, surveillance, and the relationship between local communities and companies. So it can be taken to tackle the illicit trafficking of narcotics that leads to the theft of oil palm fruit.

3.2. Discussion
CSR in Article 74 of the Law-PT called TJSL (Social and Environmental Responsibility) is a corporate obligation, not just awareness. CSR is regulated more technically in PP RI No.47 / 2012 Concerning Social and Environmental Responsibility of Limited Liability Companies (PP-TJSL). CSR is mandatory for companies that carry out business activities in the fields and related to Natural Resources (SDA), budgeted and calculated as costs and pay attention to propriety and fairness. If companies engaged in natural resources do not carry out CSR obligations, they will be subject to sanctions by statutory regulations. The legislation does not prevent companies whose activities are not engaged in and related to natural resources to carry out CSR. According to PP-TJSL for companies that are not engaged in the field and related to natural resources can also do CSR, but are alternative. The obligation to implement CSR for the company is to maintain a balance between the local community and the company. SOE Plantation businesses are related to natural resources so, they are required to carry out CSR especially for the local community. CSR can provide benefits for companies such as, increasing the positive reputation of the surrounding community towards the company. But CSR is generally considered not as an obligation, but as a business commitment, tends to be placed on corporate ethics/morals [14,15].

CSR is not the same as philanthropy which requires the expenditure of a portion of funds without regard to the profit and ability of the company for available funds. CSR is an obligation [16,17]. This was confirmed in the Law-PT, stipulating it as an obligation. SOE must balance their objectives with the conditions of the local community and the environment through the optimization of CSR funds for sustainable development. In addition to profit goals, the local community must also be able to benefit from the presence of SOE, so that local people no longer commit oil palm fruit theft to buy narcotics, and even help protect the company. The cause of the theft of oil palm fruit is due to economic factors, the number of unemployment, lack of supervision, and loosening of relations between the local community and the company. In addition to continuing to take strict action against the perpetrators, CSR can overcome these factors by empowering the local community, socialization to schools, and community counseling.

The duties of the National Police according to RI Law No.2 / 2002 concerning the National Police, include actions to prevent, eradicate crime, including theft, and illicit trafficking of narcotics. The task of BNN according to RI Law No.35 / 2009 concerning Narcotics is more specifically to tackle narcotics. Efforts to prevent and eradicate these two crimes can be carried out by SOE Plantation, collaborating with the National Police, BNN, and stakeholders through optimizing CSR obligations. CSR funds can be used to promote the prevention of narcotics hazards to the survival of the young generation and the local community. The National Police and BNN have a role as leading sectors in this socialization effort to prevent the theft of oil palm fruits through increasing public awareness of the dangers of narcotics. A society with several potential must be used as a deterrent to a crime against
criminogenic factors which are an integral part of the overall criminal law policy in tackling crime [18]. In addition to repressive actions, preemptive and preventive efforts must be optimized to prevent the theft of oil palm fruit by taking into account the turbulent social factors such as the circulation of narcotics and the economic conditions of the local community. Fostering public awareness as prevention can take into potential crime. These conditions must be a concern for SOE Plantation to run optimally.

4. Conclusions
The handling of narcotics distribution in SOE plantations to meet the needs of increasing the company's economic benefits without sacrificing the fulfillment of the needs of future generations is required through the optimization of CSR funds to realize sustainable development. Preventive and repressive can be done thoroughly. Through CSR funds by empowering the community and socializing about the dangers of narcotics to schools, and counseling the surrounding communities can minimize narcotics circulation. Ineffective repressive efforts can reduce the illicit trafficking of narcotics in SOE Plantation, so that prevention is effective, SOE Plantation is obliged to allocate CSR funds by collaborating with the National Police, BNN and stakeholders to empower communities, socialize the dangers of narcotics to schools, public outreach around, besides continuing to take repressive actions.

References
[1] Prasetya M N and Deovanka S R 2018 Regional government policy in preventing illegal drug trade case study: North Sumatera Islamic World and Politics 2(1) pp 189–204
[2] Parthiana I W 2010 Refugee and Extradition: Could a Refugee Be Extradited Indonesian Journal of International Law 7(4) pp 670–94
[3] Firdaus A 2018 The criminal responsibility on the under age children exploitation in Indonesia Advances in Social Science, Education and Humanities Research 192 pp 79–82
[4] Philip K and Nancy L 2005 Corporate Social Responsibility: Doing the Best for Your Company and Your Cause (New Jersey: John Wiley and Sons)
[5] Yusuf W 2007 Membedah Konsep dan Aplikasi CSR [Dissecting CSR Concepts and Applications] (Gresik: Fascho Publishing)
[6] UU RI No.19/2003 [RI Law No.19/2003] tentang Badan Usaha Milik Negara [Regarding State-Owned Enterprise] Pasal 1 Ayat 1 [Article 1 Number 1]
[7] Badan Pusat Statistik Indonesia [Statistics Indonesia] 2017 Jumlah Statistik BUMN [Total SOE Statistics] Aailable from: https://bps.go.id/publication/2018/11/29/0cddee14606c4bf7cc44455e/statistik-keuangan-badan-usaha-milik-negara-dan-badan-usaha-milik-daerah-2017.htm
[8] Ansari M I 2017 Penugasan pemerintah pada badan usaha milik negara sektor ketenagalistrikian dalam perspektif hukum korporasi [Assignment of the Government to State Owned Enterprises in the Electricity Sector in the Perspective of Corporate Law] PJIH (Padjajaran Jurnal Ilmu Hukum) 4(3) pp 551–6
[9] Qurbani I D, Sumarno T and Cassy R W 2020 Regional economic development strategy: increasing local generated domestic revenue of the regional-owned enterprises in the oil and gas sector Brawijaya Law Journal 7(1) pp 70–81
[10] UU RI No. 19/2003 [RI Law No.19/2003] tentang Badan Usaha Milik Negara [Regarding State-Owned Enterprise] Pasal 66 Ayat 1 [Article 66 Number 1]
[11] PTPN II 2018 Annual Report 2018 PT. Perkebunan Nusantara II pp 1–204 [Medan: PT. Perkebunan Nusantara II] Aailable from: https://ptpn2.com/?page_id=86
[12] Beria L and Aunnul F 2008 CSR dan Pelestarian Lingkungan, Mengelola Dampak Positif dan Negatif [CSR and Environmental Preservation, Managing Positive and Negative Impacts] (Jakarta: Indonesia Business Linsk) p 83
[13] Erni R E 2007 Etika Bisnis [Business Ethics] (Bandung: CV Alfabet)
[14] Gunawan W and Yeremia A P 2008 Risiko Hukum dan Bisnis Perusahaan Tanpa CSR, Seri Pemahaman Perseroan Terbatas [Legal and Business Risks of Companies Without CSR, Limited Liability Company Understanding Series] (Jakarta: PT. Percetakan Penebar Swadaya)

[15] Andrini L 2016 Mandatory corporate social responsibility in Indonesia. Mimbar Hukum 28(3) pp 512–25

[16] Barda N A 2002 Kebijakan Hukum Pidana [Interest of Criminal Law Policies] (Bandung: Citra Aditya Bakti)

[17] Subarsyah 2017 Law Enforcement against criminal acts in politics in Indonesia connected with positive law Journal of Politics and Law 10(3) 51–68

[18] Mulyadi M 2008 Pendekatan Integral Penal Policy dan Non Penal Policy dalam Penanggulangan Kejahatan Kekerasan [Integral Approach to Penal Policy and Non-Penal Policy in Combating Violent Crimes] (Medan: Pustaka Bangsa Press)

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