
Organized Crime in the Corruption of Garuda Indonesia's Former Director (Analysis of the Jakarta District Court Decision)

Merina Puspita Sari

UIN Sunan Ampel Surabaya, Indonesia

Email: merinapuspita034@gmail.com

Akbar Raga Nata

UIN Sunan Ampel Surabaya, Indonesia

Email: akbarraganata56@gmail.com

Article Info

Article history:

Received 6 August 2023

Accepted 21 October 2023

Published 22 November 2023

Page: 124-132

Keyword:

Organized crime,
Corruption, Criminology

Corresponding Author:

Merina Puspita Sari

Abstract

This article delves into the complex world of organized crime and traces the historical roots of its development and impact on society. Focusing on corruption cases involving PT Garuda Indonesia and Rolls Royce the transnational dimensions of organized crime are examined. A criminological lens helps dissect the structural elements of organized crime to uncover networks of clients who seek to exploit legal loopholes. International legal mechanisms such as the UN Convention against Transnational Organized Crime aim to standardize responses to this widespread threat. Examining corruption within this framework highlights the global reach of organized crime and the need for collective action. Lastly as society grows the challenges of organized crime also increase. Global understanding combined with international cooperation guided by legal frameworks is essential to combat the complex and widespread nature of organized crime. This case study highlights the importance of criminology in identifying and combating the problem of organized crime in an interconnected world by underscoring the urgent need to address not only individual crimes but also their interconnectedness.

Copyright © 2023. The authors. IJLDR is licensed under a Creative Commons Attribution- NonCommercial 4.0 International License

Introduction

Along with the growth of periods in society, this frequently has a genuine and immediate impact on the conduct of that society (Harkrinowo Harkristuti, 2004). Finally, not only does it have a beneficial impact, but behavior growth and change frequently have a negative impact. The more individuals who are trained in science, the more probable it is that they will utilize this knowledge to deceive current institutions and rules. As a result, the law must be a dynamic product that responds to advances in the community's life. If the law is not sensitive to changes in people's lives, it will become a written product that individuals can easily ignore by employing science to uncover loopholes in the law itself (Satuan Tugas Pemberantasan Mafia Hukum, 2011). The implication of the existence of a society that is eventually able to identify loopholes in the law is the expanding diversity of sorts of crime that exist in society (Sudarto, 2006). In truth, these crimes have been

Editorial Office:

Editorial Office: IJLDR - Nursyam Centre, Lotus Regency [E8], Surabaya, East Java (60231), Indonesia.

E-mail: ijldr.nsc@gmail.com

restricted by legislative restrictions, but certain persons frequently exploit their expertise to conduct legal deviations for personal or group objectives. These individuals' actions not only damage other people, but they may also harm and jeopardize the country's security (Sudarto, 2006).

Organized crime, also known as organized crime, is a sort of crime done by a group of individuals or gangs in which one individual action is linked to a specific illegal objective (Light et al., 1994). Light, Keller, and Calhoun's description is further subdivided into two types: domestic organized crime and international organized crime (between nations). In the history of disclosure, organized crime has become a tough and complicated crime to investigate since there may be continuity with other crimes in one case. White collar crime, corporate crime, transnational crime, and international crime are all examples of crimes that may have a connection to organized crime. It can already be seen from the various types of crimes that can become crimes as a result of organized crime that organized crime is usually carried out by people who are competent in their fields and are able to organize every scenario that is carried out both before and after the crime is committed (Lilik Mulyadi, 2015).

The bribery case of the former Main Director of PT Garuda Indonesia with a British aircraft manufacturing business, Rolls Royce, is one example of transnational organized crime. This case eventually drew the defendants, Emirsyah Satar and Soetikno Soedardjo, into accusations that differed from those filed by the public prosecutor. This case has sparked widespread public concern since it has implicated the CEOs of PT Garuda Indonesia, PT Mugji Rekso Abadi, and Rolls-Royce PLC in procurement and aircraft engine wrongdoing. They were not only linked to corruption charges, but they were also accused with money laundering (Zunita Putri, 2022). Because the crime included numerous people from both within and outside the country, this case may be classified as transnational organized crime. Furthermore, they were linked between one instance and another with the common goal of conducting an illegal act (Teuku Fahmi, 2014).

The author will present an examination of organized crime, beginning with its history, evolution, and criminological viewpoint, as well as a discussion of instances from Decision No. 121/Pid.Sus-TPK/2019/PN Jkt. Pst and Decision No. 122/Pid.Sus-TPK/2019/PN Jkt. Pst. The author will present an outline of how, in the end, the two instances that are tied to one other are an illustration of organized crime, which involves both domestic and foreign legal concerns. The major purpose of the author's many arguments will be to establish that organized crime can also be examined via the science of criminology and how these criminals may carry out their deeds.

Research Methods

The author did research on library resources to have a thorough knowledge of the offense of "organized crime" in Decision Nos. 121/Pid.Sus-TPK/2019/PN Jkt. Pst. and

122/Pid.Sus-TPK/2019/PN Jkt. Pst. On the other hand, the nature of this study is descriptive, namely providing a written account of an actual problem utilizing normative legal research methodologies, namely research performed by reviewing library resources or secondary data.

Results and Discussion

History and Development of Organized Crime

Before delving into the history of organized crime, it is crucial to distinguish between the two forms of organized crime that can occur domestically, overseas, or between two or more nations (Pratama, 2020). Finally, this type of crime can occur not only within a country, but also between countries, because perpetrators frequently create loopholes for transnational crimes in the hope that these crimes will be difficult to uncover because they do not involve a single jurisdiction. Furthermore, the existence of legal dualism that happens when a crime is committed across borders is one of the reasons why organized crime continues to expand in many countries (Pratama, 2020).

Of fact, this has occurred in our nation since affirmative laws have been. Indeed, if organized crime is defined philosophically, it includes various forms of crimes, such as planned murder perpetrated by more than one person, corruption, unlawful gaming, the gathering of stolen items, loan sharks, and many more. These crimes are classified as organized crimes because they are done by several people playing different roles in order to achieve a goal by breaching the law. In reality, the Criminal Code ("KUHP") has accepted the term organized crime by including an item on participation in which participation is also included as part of the topic of organized crime. However, inclusion is not perfect to serve as a basis for validating organized crime because it must be carried out by several people who join to realize the offense committed at that time and completed at that time, whereas in organized crime, other people who are involved in it are frequently not included in the inclusion qualifications because it does not contribute to perfecting the crime but is included in the complex network structure that exists within it (Yulistyowati, 2017).

These crimes occurred not just on a national basis, but also on an international scale across time. Indeed, organized crime has existed since the twenty-first century, posing a danger to several critical sectors in numerous countries, including politics, the economics, and national security (Teuku Fahmi, 2014). Philip C. Jessup was the first to define transnational crime; he defined it as a crime that spans national borders, both in terms of the technique utilized, the impact of the crime, and the means used (Andika, 2019). With the advent of the internet, this crime has skyrocketed. Initially, there were various transnational crimes committed in the United States by syndicates of criminal organizations from Asia, the Balkans, the Middle East, and Russia. This move was successful in weakening democracy and market discipline in the United States, resulting in a drop in capital investments owing to the large number of crimes threatening national security, economic

progress, and political stability (Andika, 2019). Indeed, various observations may be derived from these events regarding potential for organized crime to join the economic sector, beginning with harmful business activities such as insider trading, price gouging, economic intimidation, corruption, pollution, and others. Second, through the underground economy, which can occur through illicit item trafficking or black market operations, resulting in state losses for unregistered economic activity. Third, there is legitimate business and money laundering, which is a black circle in which a firm is built via unlawful sources of money funding (Kristin Finklea, 2009).

Among these several possibilities, the United States eventually gives greater attention to creating laws connected to the likelihood of organized crime for profit and terrorism for ideological reasons. Essentially, organized crime and terrorism have distinct goals, but they have one link: money. This relationship begins when terrorist groups require financing, which is achieved by collaborating with organized crime so that both operate concurrently. Aside from that, the US is leery of other sorts of organized crime performed by these organized criminal organizations, such as debt collectors, contract murderers, bouncers, and other unlawful employment (Teuku Fahmi, 2014). Not only is organized crime viewed as a security issue, but there is also a link between organized crime and the politics of various nations. For instance, consider what occurred in Mexico in 2003, when these organized criminals joined the political arena with a two-way interaction that mutually impacted one another. Politicians utilize organized crime to get what they want, while organized crime employs politicians as criminal protection. This is, of course, due to a country's political system's inadequacy. If the link between politics and organized crime is permitted, the political circumstances will no longer be clean politics because there will be future political reciprocation between the politician and the individual involved in organized crime (Teuku Fahmi, 2014).

Other than what happened above, other transnational organized crime examples show that organized crime has spread and had multi-sectoral effects on the nations concerned. As a result, international legal mechanisms dealing with organized cross-border crime, known as the United Nations Convention Against Transnational Organized Crime ("Palermo Convention"), have been designed to limit the emergence of new possibilities for organized crime. This convention was created to offer regulations for the establishment of standards for each participant country's national legislation. Each country still has peculiarities when it comes to the rule of law, which makes it tough to investigate or punish organized crime (Kristin Finklea, 2009). At the Millennium General Assembly in Palermo, Italy, 120 UN member states collaborated on the creation of this treaty. Finally, this agreement was enacted in November 2000 and went into force after being accepted by 40 nations (United Nations agreement Against Transnational Organized Crime, 2003). With the existence of standardization addressing the problem of organized crime, the establishment of the convention became a guide for member nations regarding what measures they

should implement. In summary, this convention controls the requirements of its member nations to develop categories for all crimes perpetrated by organized crime organizations, which include acts of corruption, corporate crime, and the participation of other crimes as a criminal offense governed by laws and regulations. Furthermore, because organized crime is likely to be accompanied by money laundering activities, the state must be able to trace money laundering that happens as a result of these crimes. In addition to focusing on the perpetrators, the treaty requires each country to safeguard and ensure the rights of witnesses who testify against this group (Mansyur Semma, 2008).

Corruption as a Type of Transnational Organized Crime

Corruption has become an issue not only on a national but also on a worldwide scale. One cause for the high degree of corruption is a lack of rule of law and law enforcement in relation to corruption (Keintjem, 2016). The complexities of this corruption case are expanding over time. Corruption may now be committed across borders in a number of methods that were previously unregulated by law. Because corruption crimes can be committed using increasingly sophisticated and unlimited methods, national borders are no longer an issue because there are currently two international conventions that regulate corruption as a transnational crime, namely the United Nations Convention Against Corruption and the United Nations Convention Against Transnational Organized Crime (Keintjem, 2016). Article 8 of the United Nations Convention Against Transnational Organized Crime specifies that every country must take legislative steps to declare it a crime, particularly (United Nations Convention Against Transnational Organized Crime, 2003):

- a.) Promise or give an excessive advantage to a public official, either directly or indirectly, for the official himself or herself or another person or entity, such that the official acts or refrains from acting in his official responsibilities
- b.) A public official's solicitation or acceptance, directly or indirectly, of an unfair advantage for the official himself or another person or organization in exchange for the official to act or refrain from acting in the performance of his or her official obligations.

The article highlights that any activity aimed at offering something to a public official, whether to do or not do something, might be classified as a criminal. Aside from that, this item can be charged against foreign public officials or international civil workers, and the state party is required to analyze and assess it as a different type of criminal conduct of corruption (Arifin & Fatasya, 2019). Public officials in this context might also be viewed as suppliers of public services as defined by each country's domestic legislation. The establishment of this agreement highlights that corruption is a crime that must be combated collectively, taking into account the complexities of corruption and the wide-ranging damages caused by corruption, not just for the state but also for society (Arifin & Fatasya, 2019).

Former PT Garuda Indonesia Main Director Emirsyah Satar and PT Mugi Rekso Abadi Director Soetikno Soebardjo have been identified as defendants in the alleged corruption case involving the acquisition of CRJ 1000 and ATR 72-600 aircraft (Fachrur Rozie, 2019). Emirsyah Satar was found to have taken payments from Rolls Royce PLC in exchange for PT Garuda Indonesia's Airbus SAS aircraft acquisition. Soetikno Soedarjo provided the bribe money in the amount of IDR 46 billion. In addition to the alleged bribery case, Emirsyah was found to have conducted money laundering for the bribe money. The money laundering that occurred on its own was not a separate issue, but was intimately tied to the alleged misconduct. Emirsyah moved bribes to a variety of accounts in the names of other persons; he also fled the money abroad by purchasing assets.

Soetikno Soedarjo was found guilty of concealing USD 1,458,364.28 in cash by putting it in Soetikno's name in a Woodlake International account, paying for an apartment unit in Australia and Singapore, and settling debts at Bank UOB Indonesia. In its indictment, the panel of judges condemned Soetikno Soedarjo to six years in jail and a fine of IDR 1 billion, with a three-month suspension on May 8, 2020 (Fachrur Rozie, 2019).

The corruption case cost the state Rp. 8.8 trillion since the acquisition of the aircraft was allegedly illegal and benefited the lessor. In this case, Emirsyah and the team were found to have failed to conduct an evaluation and to have been opaque in determining the winner of the aircraft procurement in accordance with Presidential Regulation Number 70 of 2012 concerning the Second Amendment to Presidential Regulation Number 54 of 2010 concerning Government Procurement of Goods and Services, which was then updated with Presidential Regulation Number 4 of 2015 concerning Government Procurement of Goods and Services. (Putera Negara, 2017). It is also believed that the Rolls-Royce corporation did not adhere to the procurement guidelines that should have been followed. In this situation, the money for the project were first given by a third party, who would subsequently pay them to the lessor via PT Garuda Indonesia (Putera Negara, 2017). Not only did Indonesia examine the matter, but the British Government also interfered through the Serious Fraud Office (SFO) in this case. Bombardier has initiated an internal inquiry into the corporation, including the aircraft acquisition and leasing. This inquiry was launched when Emirsyah Satar and Hadinoto were accused with money laundering related to the Garuda aircraft acquisition process.

From this case, it may be argued that while committing a crime, anybody can take whatever method to ensure that the crime is not caught, as Soetikno and Emirsyah did by laundering the bribe money. Aside from that, it can be demonstrated in this case that bribery instances might be carried out by foreign corporations in order to win the tender. The British government did not sit mute in response to this issue; they also conducted an inquiry into suspected bribery incidents perpetrated by firms in their nation. As a result, both the Indonesian and English governments responded quickly and aggressively, owing to the fact that the losses occurred in more than one area.

Organized Crime from a Criminological Perspective

Organized crime, being a complicated kind of crime, makes it extremely difficult for law enforcement personnel to identify the perpetrators and participants. Often, the perpetrators of organized crime are eventually uncovered as a result of the testimony of a single jailed suspect. persons who become components in organized crime are not typical street criminals; they are persons with easy access, making the crimes they commit harder to discover. This is supported by National Advisory Committee findings, which state that perpetrators of organized crime include crooked businesses, members of their jobs, public officials, select work groups, and professional extortionists (Pratama, 2020).

This resulted in the emergence of four major types of organized crime: the classic criminal syndicate, which is a traditional organization that performs covert acts, has a distinct hierarchy, and frequently deals in illegal commodities. Furthermore, there are non-traditional syndicates that are still below conventional since they are smaller in terms of bulk and size. Furthermore, this gang is semi-organized, and they have short-term criminal goals with smaller members as well. Fourth, this organization has local, politically controlled organized crime; they are true partners in a political structure and authority. Their efforts may also have an impact on the political realm. The last kind is national, politically controlled organized crime, which operates on a national scale and may intervene in national politics (Harkrinowo Harkristuti, 2004).

It may be deduced from the many forms of organized crime that organized crime has an organized organization and can be a patrimonial or patron-client network. This suggests that organized crime has evolved into a societal phenomenon, with one of the contributing elements being a desire to exploit loopholes and profit in ways that violate the law. As a result, an in-depth and complete investigation is necessary when examining situations that are suggested to be carried out in an orderly way.

Conclusion

Along with the growth of the times in society, this frequently has a genuine and immediate impact on the conduct of that culture. If the law is not sensitive to changes in people's lives, it will become a written product that individuals can easily ignore by employing science to uncover loopholes in the law itself. Given the changes in society, one sort of crime that is on the rise is organized crime. Organized crime is a complex and hard crime to investigate since there may be continuity with other crimes in one instance. This crime can occur not just within a country, but also across nations, because criminals frequently create loopholes for transnational crimes in the assumption that these crimes will be difficult to find because they do not involve a single jurisdiction.

Organized crime is prevalent and has a wide-ranging influence on the countries involved. As a result, in order to limit the emergence of new possibilities for organized crime, international legal mechanisms governing organized cross-border crime, such as the United Nations Convention Against Transnational Organized Crime, have been devised. With the existence of standardization about the problem of organized crime, the establishment of the convention became a guide for member nations regarding what measures they should carry out. The bribing of PT Garuda Indonesia with a Rolls Royce is one illustration of the case. From this case, it may be argued that while committing a crime, anybody can take whatever method to ensure that the crime is not caught, as Soetikno and Emirsyah did by laundering the bribe money. The issues caused by organized crime eventually give rise to a new taxonomy of organized crime types in criminology. Organized crime has a consistent structure and might be a patrimonial or patron-client network. This suggests that organized crime has evolved into a societal phenomenon, with one of the contributing elements being a desire to exploit loopholes and profit in ways that violate the law.

BIBLIOGRAPHY

- Andika, S. R. (2019). Penegakan Hukum Terhadap Pelaku Tindak Pidana Lintas Negara Melalui Perjanjian Ekstradisi. *Era Hukum-*, 16(2), 322–348.
- Arifin, R., & Fatasya, A. D. (2019). Kajian Hukum Atas Pembunuhan Berencana Yang Disertai Penganiayaan Dan Mutilasi (Studi Atas Kasus-Kasus Mutilasi Kontroversi Di Indonesia). *Jurnal Ilmu Hukum: Fakultas Hukum Universitas Riau*, 8(1), 120–121.
- Fachrur Rozie. (2019). *KPK Selisik Aliran Suap Eks Dirut Garuda Indonesia Emirsyah Satar*. Liputan6.Com. [https://www.liputan6.com/news/read/4036171/kpk-selisik-aliran-suap-eks-dirut-garuda-indonesia-emirsyah-satar#:~:text=Dalam kasus ini%2C KPK menetapkan mantan Direktur Utama,pengadaan mesin dan pesawat di PT Garuda Indonesia](https://www.liputan6.com/news/read/4036171/kpk-selisik-aliran-suap-eks-dirut-garuda-indonesia-emirsyah-satar#:~:text=Dalam%20kasus%20ini%20KPK%20menetapkan%20mantan%20Direktur%20Utama,pengadaan%20mesin%20dan%20pesawat%20di%20PT%20Garuda%20Indonesia.).
- Harkrinowo Harkristuti. (2004). Transnasional Organized Crime: Dalam Perspektif Hukum Pidana dan Kriminologi. *Jurnal Hukum Internasional*, 1(2), 323.
- Keintjem, E. B. (2016). Tinjauan Yuridis Praktek Persekongkolan Yang Tidak Sehat Dalam Tender Proyek Menurut Undang-Undang Nomor 5 Tahun 1999. *Lex Administratum*, IV(4), 109.
- Kristin Finklea. (2009). Organized Crime in the United States: Trends and Issues for Congress. *CRS Report for Congress*, 9.
- Light, D. W., Keller, S., & Calhoun, C. J. (1994). *Sociology* (6th ed.). McGraw Hill.
- Lilik Mulyadi. (2015). *Perlindungan Hukum Terhadap Whistleblower dan Justice Collaborator dalam Upaya Penanggulangan Organized Crime*. PT. Alumni.
- Mansyur Semma. (2008). *Negara dan Korupsi; Pemikiran Mochtar Lubis Atas Negara, Manusia Indonesia, dan Perilaku Politik*. Yayasan Obor Indonesia.

- Pratama, A. R. (2020). Tinjauan Yuridis Terhadap Tindak Pidana Korupsi Pengadaan Pesawat Airbus Milik PT Garuda Indonesia Persero Tbk. *Proceedings 2nd National Conference on Law Studies & Call for Paper: Legal Development Towards a Digital Society Era*, 20, 697.
- Putera Negara. (2017). *Kronologi KPK Ungkap Kasus Suap Mantan Dirut Garuda Emirsyah Satar*. Okezone.Com. <https://nasional.okezone.com/read/2017/01/20/337/1596368/kronologi-kpk-ungkap-kasus-suap-mantan-dirut-garuda-emirsyah-satar>
- Satuan Tugas Pemberantasan Mafia Hukum. (2011). *Perlindungan Hukum Terhadap Pelaku yang Bekerjasama (Justice Collaborators)*. Satuan Tugas Pemberantasan Mafia Hukum.
- Sudarto. (2006). *Kapita Selekta Hukum Pidana*. PT Alumni.
- Teuku Fahmi. (2014). Kerentanan Indonesia Dari Ancaman Kejahatan Terorganisasi (Organized Crime) Pada Sektor-Sektor Ekonomi, Keamanan, Hingga Politik. *Jurnal Sosiologi*, 2(1), 48.
- United Nations Convention Against Transnational Organized Crime, 38 (2003).
- Yulistyowati. (2017). *Pertanggungjawaban Pidana Kelompok Terorganisasi Dalam Tindak Pidana Perdagangan Orang*. Jember.
- Zunita Putri. (2022). *Jejak Tersangka Emirsyah Satar dan Soetikno Soedarjo, Dulu KPK Kini Kejagung*. Detiknews.Com. <https://news.detik.com/berita/d-6149037/jejak-tersangka-emirsyah-satar-dan-soetikno-soedarjo-dulu-kpk-kini-kejagung>