



## PROCEDURAL DEVIATIONS AND STATE LOSSES IN THE ABUSE OF AUTHORITY IN THE 2015 SUGAR IMPORT POLICY

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### Abstract

The sugar import policy issued by the Minister of Trade in 2015 generated significant controversy because it was deemed to contradict existing legal provisions, was carried out without proper inter-ministerial coordination, and posed a potential risk of state financial loss. Although government data indicated a national sugar surplus, import permits were still granted to private entities. This situation raised suspicions of abuse of authority and prompted judicial review through court proceedings. This study aims to examine the legal framework governing sugar importation within the national regulatory system and to analyze the application of the concept of abuse of authority in the Minister of Trade's discretionary policy, as assessed in Decision Number 34/Pid.Sus-TPK/2025/PN Jkt.Pst. The research employs a normative juridical method using statutory and conceptual approaches. Primary legal materials include laws related to trade, food, customs, sugar import regulations, and the relevant court decision. The data were gathered through library research, while analysis was conducted through normative interpretation, legal reasoning, and examination of factual findings contained in the judgment. The research demonstrates that although the regulatory structure governing sugar imports is comprehensive, its implementation in this case deviated from established procedures. The Minister of Trade issued a permit for the importation of 105,000 tons of raw crystal sugar without conducting the required inter-ministerial coordination meeting or technical verification. The court found that the policy constituted an abuse of office for the benefit of specific parties, resulting in state losses estimated at approximately Rp400 billion. In its considerations, the panel of judges concluded that the actions fulfilled the elements of abuse of authority and violated principles of good governance. The study concludes that discretionary power cannot be exercised arbitrarily, as it must meet cumulative requirements set out in the Administrative Governance Act. The 2015 sugar import policy is proven to be inconsistent with applicable legal standards and contains elements of abuse of authority. The study suggests several implications, including strengthening oversight mechanisms, standardizing technical verification procedures, integrating cross-ministerial data systems, and enforcing strict sanctions to prevent corruption in strategic trade policies.

**Keywords:** Sugar Import, Abuse of Authority, Ministerial Discretion

### Abstrak

Kebijakan impor gula yang diterbitkan oleh Menteri Perdagangan pada tahun 2015 menyebabkan perdebatan karena dianggap bertentangan dengan hukum yang berlaku, dilakukan tanpa adanya koordinasi antar kementerian, dan berpotensi merugikan negara. Walaupun data dari pemerintah menunjukkan adanya surplus gula, izin impor masih



diberikan kepada pihak swasta. Hal ini menimbulkan kecurigaan terkait penyalahgunaan kekuasaan dan mendorong upaya pengujian hukum melalui jalur pengadilan. Penelitian ini bertujuan untuk menganalisis regulasi hukum tentang impor gula sesuai dengan kerangka hukum nasional serta meneliti penerapan konsep penyalahgunaan kekuasaan dalam kebijakan diskresi Menteri Perdagangan berdasarkan penilaian dalam Putusan Nomor 34/Pid. Sus-TPK/2025/PN Jkt. Pst. Metode yang digunakan dalam penelitian ini adalah yuridis normatif dengan pendekatan legislasi dan konseptual. Bahan hukum primer meliputi undang-undang terkait perdagangan, pangan, kepabeanan, ketentuan impor gula, serta putusan pengadilan. Pengumpulan bahan dilakukan melalui studi pustaka, dengan analisis dilakukan melalui interpretasi norma, argumen hukum, dan pembacaan fakta dari putusan tersebut. Penelitian menunjukkan bahwa pematuran impor gula sudah tersusun dengan baik, namun implementasinya tidak sesuai prosedur. Menteri Perdagangan mengeluarkan izin untuk impor gula kristal mentah sebanyak 105.000 ton tanpa adanya rapat koordinasi dan verifikasi teknis yang seharusnya dilakukan. Para hakim menilai bahwa terdapat penyalahgunaan jabatan untuk kepentingan tertentu yang mengakibatkan kerugian negara sekitar Rp400 miliar. Dalam pertimbangannya, hakim menyatakan bahwa tindakan tersebut memenuhi kriteria penyalahgunaan kekuasaan dan melanggar prinsip-prinsip pemerintahan yang baik. Penelitian ini menyimpulkan bahwa diskresi tidak bisa digunakan sembarangan karena harus memenuhi syarat kumulatif dalam UU Administrasi Pemerintahan. Kebijakan impor yang diambil pada tahun 2015 terbukti tidak sesuai dengan ketentuan hukum dan menunjukkan adanya unsur penyalahgunaan kekuasaan. Implikasi yang diajukan mencakup perlunya penguatan sistem pengawasan, standarisasi prosedur verifikasi teknis, integrasi data antar-kementerian, serta penerapan sanksi yang tegas untuk mencegah korupsi dalam kebijakan perdagangan yang strategis.

**Kata Kunci :** Impor Gula, Penyalahgunaan Wewenang, Diskresi Menteri

## I. INTRODUCTION

The sugar import policy established by the Minister of Trade in 2015 raised significant governance issues because it demonstrated a mismatch between administrative decisions and the actual conditions reflected in national stock data. Despite the commodity balance report showing a sugar surplus that year, the government still issued permits to import 105,000 tons of raw crystal sugar. This action not only contradicted the results of inter-ministerial coordination meetings—essentially a control tool to ensure policy alignment—but also ignored the technical verification mechanisms required by various sectoral regulations. This disregard for procedures demonstrates a violation of the general principles of good governance (AUPB), particularly the principles of prudence, accountability, and accuracy, which should underpin public decision-making. Furthermore, the findings of the court ruling demonstrate that this policy has systemic impacts that cannot be dismissed as mere administrative effects. The resulting distortions in domestic market prices have created an imbalance in the national sugar supply chain, stifling the competitiveness of local production,

particularly for sugarcane farmers and sugar mills that rely on price stability. Furthermore, this decision also has the potential to cause fiscal losses due to quota manipulation and market price differences, demonstrating weaknesses in regulatory oversight of strategic goods imports. These impacts make this case a clear example of the risk of ministerial abuse of authority when making decisions without being based on objective data, coordination between institutions, or considering the public interest. Therefore, this case is crucial for a more in-depth evaluation of the effectiveness of institutional oversight mechanisms in preventing the negative impacts of discretionary authority in public administration.

Normatively, the core problem in the 2015 sugar import incident lies in the incompatibility between administrative measures and the laws governing sugar trade in Indonesia. Regulations in the fields of Trade, Food, and Customs, as well as technical provisions in ministerial regulations, should create a multi-layered oversight system aimed at ensuring that imports only occur when domestic supply is insufficient and after valid technical verification. Therefore, the initial question that must be answered is how these norms are designed to limit the minister's freedom of action and remain within the bounds of accountability. The literature on administrative law emphasizes that discretionary authority is not absolute, but rather that it can be exercised only under certain circumstances and remains bound by the general principles of good governance. In this regard, deviations from procedures are important indicators of violations of the principles of prudence, legal certainty, and accountability. The second issue concerns the boundary between administrative errors and criminal acts of corruption, particularly regarding the element of abuse of authority. When authority is used to make decisions inconsistent with national stock data and without going through inter-ministerial coordination mechanisms, questions arise as to whether the action constitutes merely administrative negligence or meets the criteria for abuse of authority that causes losses to the state. Recent research indicates that abuse of authority can be considered a crime if there is a deliberate abuse of discretion, a conflict of interest, or a decision that objectively benefits a particular party (see Prakoso, 2022 in the Journal of Legal Integration). Therefore, an assessment of the Minister of Trade's actions must consider both procedural aspects and the intent and impact.

The formulation of the research question, namely whether the sugar import policy implemented in 2015 was in line with the applicable domestic legal framework and whether

there were elements of abuse of authority that qualify for criminal penalties, methodologically directs this study to an analysis that bridges two legal fields: administrative law and criminal law on corruption. An interdisciplinary approach is crucial because conceptually there is a fine line between ordinary administrative errors (policy errors) and deliberate deviance from procedures, which can cause losses to the state, and therefore can be considered abuse of authority. In modern administrative law literature, it is emphasized that procedural violations do not automatically become criminal offenses, unless there is an element of intent, a deviation from the purpose of exercising authority, or evidence that the official deliberately ignored procedures for personal gain. Within this framework, research by Maulana (2023) shows that courts tend to pay attention to the presence or absence of "administrative intent" as an early sign of abuse of authority that can lead to criminal penalties, while Puteri and Hardiyanto (2024) emphasize the importance of evaluating the causal relationship between official actions and state losses as a condition for limiting the criminalization of public officials. This scientific explanation emphasizes the importance of research that not only assesses the extent to which sugar import policies comply with official regulations but also explores the legal construction of abuse of authority that arises in strategic trade policies. Using a normative juridical approach, this research seeks to present a comprehensive analysis of the limits of discretion, the scope of public officials' responsibilities, and a clear distinction between administrative policy errors and criminal acts of corruption.

## **II. THEORITICAL STUDIES**

The authority held by public officials in the context of administrative law can only be exercised based on existing attribution, delegation, or mandate, and the use of discretion must be in line with the principles of legality and the AUPB such as thoroughness, legal certainty, and accountability. Violations of procedures such as ignoring technical verification or lack of coordination between agencies can be considered signs of abuse of authority, as defined in the Law on State Administration, namely actions that exceed the limits of authority, mix authority, or act arbitrarily. If the abuse of discretion benefits certain parties and causes losses to the state, such actions can be categorized as a criminal act of corruption based on the theory of criminal responsibility for public officials. This theoretical framework is used as a

reference to evaluate the legality and potential criminalization of the sugar import policy in 2015.

### **III. RESEARCH METHODS**

This study applies a normative juridical approach to analyze the sugar import policy issued by the Minister of Trade in 2015 and its relationship to the alleged abuse of power stipulated in Decision Number 34/Pid.Sus-TPK/2025/PN Jkt.Pst. This approach focuses on legislation, principles of good governance, and administrative and criminal law norms as the primary basis for the analysis. The objects studied include the sugar import policy, the import permit issuance process, and the legal facts contained in the court decision. The selection of these objects was based on the importance of the case and its strategic value in understanding the boundary between discretionary policy and abuse of power. Data collection was conducted through a literature review of primary and secondary legal sources. The primary legal sources include the Trade Law, the Corruption Law, the State Administration Law, the Minister of Trade Regulation concerning sugar imports, and the court decision that is the focus of the study. Meanwhile, secondary legal sources consist of scientific literature, journals, previous research, and relevant administrative and criminal law doctrines on corruption.

Researchers also analyzed trial documents covering the chronology of import permit issuance, ministerial considerations, the results of inter-ministerial coordination meetings, the amount of imports issued, and state losses calculated by the state auditor, to ensure that the analysis was based not only on norms but also on concrete facts in the case. The data were analyzed using a normative qualitative analysis approach, namely interpreting legal regulations, assessing the appropriateness of officials' actions, and linking norms to the facts in the case. The analysis was carried out through several steps: assessing the basis of the Minister of Trade's authority, checking whether import procedures were in accordance with applicable provisions, auditing the use of discretion in accordance with Articles 22–24 of the State Administration Law, and assessing whether the actions met the elements of abuse of power and state losses under Articles 2 and 3 of the Corruption Eradication Law. The results of this analysis were then systematically compiled to answer the research questions, while also mapping the boundaries between administrative errors, procedural violations, and actions that meet the elements of criminal corruption.

#### IV. RESEARCH RESULTS

The research findings indicate that the sugar import policy issued by the Minister of Trade in 2015 not only faced administrative problems but also demonstrated abuse of authority that had a far-reaching impact on market dynamics, the stability of the domestic sugar industry, and governance practices that should emphasize accountability. The court ruling revealed that import permits were issued without utilizing an inter-ministerial coordination mechanism, which is a crucial requirement before strategic policies are implemented through concrete administrative steps. This lack of coordination indicates a breakdown in the chain of oversight and inspection, which should involve the Ministry of Agriculture, the Coordinating Ministry for Economic Affairs, and other technical institutions responsible for establishing commodity balances. Furthermore, the permit issuance process, which was not based on verification of the national commodity balance, further strengthens the suspicion that the policy was implemented haphazardly and without valid data. Commodity balances are a crucial tool in food policy because they determine the true need for imports, estimates of domestic production, and potential surpluses or shortages, which directly affect prices for both consumers and producers.

By neglecting this crucial step, the 2015 sugar import policy suffered from procedural flaws and also opened up significant opportunities for systematic abuse of authority. The impact of this situation began to become apparent when real-world data revealed an anomaly between the amount of sugar produced from imported raw materials and the total sugar actually distributed to the market. Of the more than one million tons of sugar produced, only approximately 1,082,249 tons were recorded as reaching the official distribution network. This significant discrepancy strongly indicates hoarding or diversion of distribution to unofficial channels, which could benefit certain parties. This discrepancy is not only a technical issue in the supply system but also a sign of distribution irregularities, possibly perpetrated intentionally by actors profiting from the created scarcity or price fixing.

From a macroeconomic perspective, uncontrolled policies such as these increase pressure on price stability in the domestic market. Fluctuating prices due to the influx of large quantities of imported sugar, which is not clearly distributed, further pressures sugarcane farmers due to high production costs and unequal incomes. The national sugar industry sector also loses its competitiveness because it must compete with imported products that are not

properly managed by the authorities. The accumulation of these consequences ultimately weakened market structures and reduced confidence in the public policymaking process. Overall, the research findings indicate that the sugar import policy implemented in 2015 not only reflected a lack of administrative rigor, but also served as a concrete example of how abuse of power in the decision-making process can lead to financial losses, market confusion, and undermine the foundations of good governance. In terms of administrative and criminal law enforcement, this case provides an important illustration that any violation of existing procedures is not just a minor mistake, but can have far-reaching consequences for agriculture, the food industry, and the well-being of society as a whole.

The judge's assessment in Decision Number 34/Pid. Sus-TPK/2025/PN Jkt. Pst further strengthens the assumption that this procedural deviation was not simply an administrative error. The panel of judges found that the Minister of Trade's actions met the requirements for abuse of authority as stated in Article 17 paragraph (2) letter a of the State Administration Law, namely the use of power beyond permitted limits and contrary to the intent of the granting of the power itself. Furthermore, this deviation becomes a criminal act when it is proven that the policy caused state losses and provided benefits to certain parties, in accordance with the elements of Article 3 of the Corruption Law. The state losses in this case not only consisted of the actual loss of potential import duties, but also through a decrease in local sugar prices of up to 25%, which had a direct impact on local business actors and sugarcane farmers who struggled to compete with the uncontrolled influx of imported sugar that was not based on national needs. The judge's analysis, which included an examination of customs documents, distribution channels, and the rationale for import needs, showed that the policy lacked an objective basis, but rather resembled a manipulative action that ignored the verification and oversight obligations necessary for the legality of administrative actions. According to the theoretical framework presented by several researchers, the sugar import sector is one of the areas most vulnerable to external interference, primarily due to its significant economic value and the opaque nature of the market. Their research emphasizes the oligopoly nature of the sugar industry, where a small number of powerful market players can influence policy through political lobbying and the development of networks of interests. In such situations, inter-ministerial cooperation is a crucial oversight tool to prevent decisions influenced by particular interests. However, this mechanism, which should serve as a

safeguard, was not implemented in the 2015 sugar import case. The lack of coordination with relevant ministries indicates that the decision-making process was conducted without adhering to the principles of checks and balances, allowing for unilateral decisions favoring particular interests. Studies by several experts support this view by revealing that discrepancies in data between various agencies are a major cause of problems in food import policy. When data on production, consumption demand, and projected national reserves are inconsistent, import decisions often do not reflect the reality on the ground. This is evident in the case studied, where conflicting information from the Ministry of Agriculture and the Ministry of Trade was still used as the basis for decision-making.

From a governance theory perspective, this situation reflects a lack of integration of information systems across agencies and a weak ability to evaluate policies based on data. The continued use of inconsistent data as the basis for decisions indicates that the policymaking process is not focused on the public interest, but rather on the interests of certain parties who benefit from the false justification for import needs. From a good governance theory perspective, policy implementation in this situation clearly contradicts the principles of transparency, accountability, inter-agency cooperation, and efficiency in the management of public resources. Good governance requires that any policy related to a vital commodity like sugar be created and implemented based on accountable data, through an open process, and with the involvement of relevant institutions. When these aspects are neglected, policies not only become administratively flawed but also lose their moral and political legitimacy. Therefore, the results of this study not only reinforce existing theories in the literature but also demonstrate how deviations in practice can provide concrete evidence of weaknesses in institutional structures and governance in the food sector.

Thus, the findings of this study have significant academic significance. First, it clearly demonstrates how discretion, defined in the context of administrative law as the discretion granted to public officials, can serve as a vehicle for policy distortion if not controlled by adequate data, procedures, and oversight. Second, it reveals that Indonesia's sugar import management remains weak in terms of data integration and cross-agency coordination, creating opportunities for policy corruption that is often difficult to detect because it disguises itself as an administrative decision. Third, it emphasizes that state losses resulting from erroneous policies are not always visible in the form of direct losses from the government

budget; losses can also manifest as market distortions, declines in domestic commodity prices, or damage to the industrial ecosystem, and these types of losses are often unforeseen within the policy oversight system.

Overall, this analysis and discussion demonstrate that the 2015 sugar import incident was more than just a procedural error; it was a clear example of how weak administrative management and a lack of oversight can lead to corruption that significantly harms the state. This research contributes academically by strengthening understanding of the links between public policy, rights abuse, and corruption, and by emphasizing the importance of fundamental reforms in import licensing procedures to ensure they are data-driven, transparent, and free from political interference. Furthermore, the research reveals that law enforcement must go beyond monitoring the behavior of individual officials and also address policy structures that are vulnerable to abuse.

## **V. CONCLUSION**

This study reveals that the sugar import policy issued by the Minister of Trade in 2015 did not meet the basic principles of good governance, thus violating the limits of his authority and meeting the requirements for abuse of authority as stipulated in the State Administration Law. A review of the legal facts in decision 34/Pid. Sus-TPK/2025/PN. Jkt. Pst confirms that this action was not only administratively incorrect but also resulted in losses for the state and affected the domestic sugar industry ecosystem. Therefore, the issue of the legitimacy of the Minister of Trade's actions and their relationship to elements of corruption can be clearly explained by the finding that the sugar import decision contradicted existing regulations and had legal consequences in the form of criminal penalties. Theoretically, this study strengthens the understanding of the link between abuse of authority and corruption, especially when administrative decisions directly impact state financial losses. While providing a detailed analysis of procedural errors and their legal impacts, this study has limitations because it focuses only on a single case and relies on legal documents and court decisions without including empirical data from the field or interviews with relevant parties. Therefore, future research needs to broaden its scope by comparing several similar cases or conducting a more in-depth study of the inter-ministerial import oversight mechanisms, so as to improve understanding of patterns of abuse of authority in strategic trade policies.

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