



Legal Review of Restrictions on the Import of Chinese Shipped Goods in E-Commerce Trading in Indonesia

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ABSTRACT

In accordance with Minister of Finance regulation No.141/PMK. April 2020, 2020 concerning monitoring the import and export of prohibited and/or restricted goods (bans and restrictions) in the field of online trading which occurs when the Company owner sends a shipment of imported goods to be purchased by consumers or directly from factories abroad. Online business people cannot just set up their business without knowing the regulations related to Lartas regarding prohibited goods and restrictions on imports into Indonesia. The role of legal awareness in society, which is a very objective legal goal, is to ensure legal certainty for society as an economic subject. The focus of this research is to find out the legal review of business actors regarding regulations related to Lartas, as well as knowing the regulations related to Lartas (prohibitions and restrictions) on the import of goods transported.

INTRODUCTION

E-commerce is an online business activity using digital technology and the internet. E-Commerce is a business carried out by someone who provides trusted services to people who want to buy products but cannot immediately get to their destination due to some reason. E-Commerce's goal is to help someone get the product they want without having to come directly to the product location. Entrusted goods can be abroad or outside the province. Business actors can make a profit by paying a fee for each item. Usually, an E-Commerce business supplier will supply goods from abroad for the needs of the custodial services business he manages. Goods ordered by consumers will then be sent via PJT (Consignment Services Company), for example PJT can use PT. Pos Indonesia, DHL, TNT, etc. Goods sent via PJT (Consignment Services Company) will then undergo a Lartas (Prohibitions and Restrictions) inspection of the goods sent. Prohibitions and restrictions or what are often abbreviated as Lartas are often found in discussions relating to international trade, both imports and exports. Some goods are prohibited and restricted in cross-border trade (import and export). These goods must have an import or export permit. To simplify terminology, goods that require this license are often referred to as "Lartas-compliant". E-Commerce suppliers also need to pay attention to regulations related to Lartas regulations (Prohibitions and Restrictions) when importing goods into the country. Provisions related to Lartas are regulated in Ministry of Finance Regulation no. 141/PMK. April 2020 concerning Supervision of Import and Export of Prohibited and/or Restricted Goods. The reason for implementing Lartas is to protect the Indonesian state from the entry of illegal dangerous goods and protect various national interests so that they remain stable and safe. With this regulation, goods entering and leaving Indonesia will be controlled clearly and strictly by DJBC (General Department of Customs) officers. In connection with the above regulations, regulations related to Lartas regulate the import of goods sent by actors in the online shopping services sector with the aim of achieving legal protection and certainty. By implementing the regulations stipulated in the law with the aim of regulating society and of course the community must implement and obey the law. E-commerce players who shop online cannot just set up their business without knowing the regulations related to Lartas (prohibitions and restrictions) that regulate deliveries that will be made via online e-commerce play.

LITERATURE REVIEW

Regarding E-Commerce online shopping activities at the time of implementation, the provider of online e-commerce shopping activities must always comply with and comply with regulations related to Lartas (prohibitions and restrictions) in carrying out the Export and Import of goods sent. Legal awareness in economic subjects must be instilled from an early age so that economic subjects become more law-abiding. The role of legal awareness in society, which is the main goal of law, is to ensure legal certainty and protect society as economic actors.

METHODOLOGY

This type of research is normative legal research because this research uses a type of legal research with normative legal methods, namely doctrinal legal research which refers to legal norms. This research is descriptive in nature. Descriptive means that the research aims to get a complete and clear picture of the problem being discussed.

RESULT AND DISCUSSION

The legal basis for implementing these prohibitions and restrictions is Article 53 of Law Number 17 of 2006 and Minister of Finance Regulation (PMK) Number 2.141/PMK. April 2020 concerning Supervision of Import and Export of Prohibited Goods and/or Restrictions. Prohibitions and restrictions or commonly called Lartas are goods that are prohibited and/or restricted from being imported or exported. Lartas are issued by the relevant technical authority, namely the Ministry or non-ministerial government agency at the central level which determines Lartas regulations in the import or export sector and submits these regulations to the Minister of Finance. Identification of goods in Lartas is regulated in the relevant Ministry regulations by referring to the HS Code relating to the classification of goods. How to check Lartas is very easy, including by visiting the website www.isnw.go.id and entering the HS code of the item in the HS box, you will know whether the item belongs to Lartas or not. In fact, through this website we can also find out the regulations or permits that regulate the elements required for goods that are vulnerable to traffic jams. To enforce and supervise the Lartas Regulations, the Ministry of Finance, in this case as the organizer of the Customs Law, appointed DJBC as the official who has the authority to intercept goods that fall into the Lartas category that do not or have not received a permit. What is allowed? from the relevant technical agencies. These Lartas regulations also apply to all types of imported goods, whether sent via PJT or POS, as well as passenger baggage carried by foreign/extra-territorial Indonesian airlines. These limited prohibitions are intended to preserve the safety of public publications, protect human health, protect the environment, and protect commerce.

Following Article 1 Paragraph 10 PMK Number 199 /PMK.010/2019 concerning Customs Regulations, Special Consumption Tax, and Tax on Imports of Consigned and Consigned Goods. Consignment goods are goods sent via postal companies according to the provisions of postal laws and regulations. Usually, E-Commerce suppliers supply goods from abroad for the agency services business they manage. The goods ordered by consumers will then be sent via PJT (Consignment Services Company). In Indonesia, there are several PJTs (Trust Service Companies) that can be used to import goods from abroad. An example of a PJT that can be used is PT. Pos Indonesia, DHL, TNT, etc. Article 3 states that the appointed postal operator can carry out customs affairs after obtaining approval from the Director General. PJT (Warehouse Services Company) is an approved postal operator, which has been approved for special services in the customs sector and is obliged to submit corporate

guarantees centrally to the Director General after approval of the laws and regulations governing guarantees. In the context of customs, the E-Commerce service provider after making a purchase on e-commerce and completing the payment process on the purchase page, the E-Commerce service provider will receive a receipt for the goods he ordered in line. The receipt can then be used to track ordered goods. Tracking is an activity that aims to track the location of goods sent and find out their progress. Usually, delivery services have websites and applications that can be used to find out the location of goods by entering the receipt number in the space provided. E-Commerceer's ordered goods will be processed by the seller for delivery. The importer who sends goods ordered by consumers will then prepare a customs notification. A customs notification is a person's statement to fulfill customs obligations in the form and conditions determined by customs law. Importers are required to submit customs notifications to customs and excise officials. The sender will issue an invoice as proof of purchase. An invoice is a document issued by a Seller as proof of purchase of goods or services. Invoices must be made based on goods sold or received by consumers. The existence of an invoice is proof of a transaction which is very important for both parties involved in the sale. An invoice is one of the supporting documents used by customs authorities and excise tax authorities to determine import taxes and tax rates. Shipments entering the customs area will be subject to selective customs supervision based on risk management by customs officers. This is explained in Article 18 PMK Number 199 /PMK.010/2019 concerning Customs Provisions, Special Consumption, Taxes on Imported Shipments, and Customs Inspections on Imported Shipments. Customs inspection includes document searches and physical inspection of goods. Customs inspections are carried out selectively based on risk management analysis.

Document checks are carried out to determine the completeness of the notified records. The postal officer will enter the data into the postal system which is integrated with the customs system. In the form of a description of the goods, KTP number, HS code, price, quantity of goods according to the notification data attached and packaging of goods. After the goods information is entered into the system, the goods will be X-rayed by Customs and Tax Department officers to carry out a physical check of the goods. This is to determine the conformity of the packaging contents with the written notification on the goods packaging. If an X-ray image is found according to the notification, the goods will be moved to the green lane and import duties will be determined on the import. However, if it does not match, the item will be placed on the red line. Redline means that the Directorate General of Customs and Excise is holding the goods because they do not comply with existing documents and are prohibited from entering Indonesia. If the goods sent are reported, the E-Commerce service provider will have difficulty retrieving the goods. This is often referred to as being "influenced by Lartas".

Lartas goods (prohibited and restricted) are goods which are prohibited or restricted from entering/exiting/into the territory of the Republic of Indonesia without permission from the authorized official. Prohibitions against

this provision will give rise to legal action in accordance with the provisions of statutory regulations or regulations of authorized agencies relating to prohibited or restricted goods. 37 These regulations contain information that goods belonging to Lartas are goods that are prohibited or restricted from being released or entering the customs area or export. and import. The reason for deploying Lartas is to protect various national interests so that they are stable and safe. For prohibited and restricted goods which are usually called Lartas, DJBC (General Department of Customs and Excise) supervises the import of prohibited and restricted goods. In Article 53 Paragraph 1 of Law no. Article 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs³⁸ explains that according to international customs practice, control of the circulation of goods entering and leaving the customs area is carried out by customs officials. Therefore, in order for the implementation and control of prohibitions and restrictions to be effective and coordinated, the relevant technical agencies must submit to the Minister the relevant regulations stipulated by the DJBC (General Department of Customs and Excise). special consumption tax). Regulations related to Lartas are delegated to the relevant ministries and institutions, so that Customs and Excise implements many legal regulations assigned to them by the relevant technical agencies. The technical body in question is a ministerial or non-ministerial government agency at the central level which has the authority to establish Lartas regulations in the field of imports and exports and submit these regulations to the Minister of Finance. These technical agencies include the Ministry of Health, Ministry of Forestry, Ministry of Maritime Affairs and Fisheries, Bank Indonesia, and the Agricultural Quarantine Agency. Food and Drug Supervisory Agency (BPOM), Ministry of Environment Regulations regarding identified goods are divided into several categories in Minister of Trade Regulation Number 20 of 2021 concerning Import Policies and Regulations. It is explained that the group of imported goods is divided into 3 parts, including:

1. Goods that are prohibited from being imported into Indonesia. There are certain types of goods that are completely prohibited from being imported and are not allowed to enter Indonesian territory, this is due to the negative impact of importing these goods. Types of goods that are prohibited from entering Indonesia include used clothes, sugar beets, Hom Mali rice with a decay rate of >5%, carisoprodol, and medical devices containing mercury (thermometers, measuring machines, dental amalgam containing mercury) Tools. (hedge shears, axes, sickles, hoes), BPO (halogenated and hydrocarbon derivatives), B3 waste (halogenated waste, metallic acid liquids, hydraulic fluids), hazardous and toxic materials (B3) (wood preservatives containing fungicides, industrial chemicals containing one or more of the following substances: polychlorinated biphenyl, aldrin, toxaphene, klordane, dieldrin, endrin, heplachlor).
2. Imports of goods into Indonesia are restricted and permits must be obtained before importing. This import restriction is carried out because if imported goods are not limited then domestic economic conditions

will become unstable. So, strategic steps are needed as an effort to protect the domestic market from invasion of imported goods. Because, if there are no restrictions on imported goods, it is very likely that the value of imports will be higher and kill the domestic economy. Goods that are restricted from importing into Indonesia include rice, sugar, ready-made clothing (clothes, t-shirts, shirts, trousers, hats, peci, dresses, blouses, baby clothes, sportswear, swimwear), other clothing accessories (such as gloves, belts). waistbands, scarves, hairnets, etc.), printing machines (color multifunction machines, color photocopiers, and color printer machines), cooling system-based goods (refrigerator, air conditioning), subsidized fertilizers, lubricants, ceramics, flat glass, certain products.

3. Import-free goods, for Free import goods into Indonesia include all types of goods which are not included in the types of goods whose import is prohibited or restricted above. Checking Lartas goods (Prohibitions and Restrictions) can be accessed via the official INSW website, namely <http://eservice.insw.go.id/>, by

Enter the HS code in the search column then information related to Lartas will appear. Article 5 paragraph 3 PMK 141/PMK.04/2020 concerning Supervision of the Import and Export of Prohibited and/or Restricted Goods, states that research on compliance with the provisions of regulations prohibiting and/or restricting Import or Export as intended in paragraph (2) is carried out by SINSW and /or SKP, and/or Customs and Excise Officials who handle research on prohibition and/or restriction documents.

CONCLUSIONS AND RECOMMENDATIONS

Regulations related to Lartas are delegated to the relevant ministries and institutions, so that Customs and Excise implements many legal regulations assigned to them by the relevant technical agencies. PMK 141/PMK.04/2020 concerning Supervision of the Import and Export of Prohibited and/or Restricted Goods, clearly states that importers must comply with statutory regulations in the import sector. Based on this article, E-Commerce business actors as importers must comply with all regulations governing the import of goods to be sent. Including one of the rules related to this Lartas. The reason for implementing Lartas is to protect national security, protect intellectual property rights, protect the health and safety of humans, animals, plants and the environment.

FURTHER RESEARCH

This research still has limitations so further research needs to be done on this topic “Legal Review of Restrictions on the Import of Chinese Shipped Goods in E-Commerce Trading in Indonesia”.

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