

Legal Protection Provided By The Police To Truck Drivers As Victims Of Illegal Toll Collection

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ABSTRACT

Illegal levies against truck drivers have the potential to cause economic losses and threaten the sense of security and freedom in working. This study aims to analyze the legal qualifications of illegal levies against truck drivers and the legal protections available and should be provided by the police based on Indonesian positive laws. This study uses a normative juridical method that is descriptive-analytical with a legislative and conceptual approach. Primary, secondary, and tertiary legal materials are analyzed qualitatively. The research results show that the legal qualification of illegal levies must be determined based on the characteristics of the act and the fulfillment or non-fulfillment of the relevant criminal elements. The act is not always qualified as extortion, but can be related to other criminal acts in accordance with the applicable legal elements and provisions. Normatively, legal protection for truck drivers includes preventive measures, receipt of reports, investigation and inquiry, as well as access to victim protection and restitution in accordance with legal requirements. However, this research does not measure the implementation or effectiveness of such protection in the field. Therefore, the police need to strengthen victim-friendly reporting mechanisms, risk assessments for reporters, and referrals to obtain protection. The government and lawmakers also need to clarify the relationship between the term "illegal levies" and the relevant criminal qualifications to enhance legal certainty and protection for truck drivers.

Keywords: Legal Protection; Illegal Levies; Police Authority; Victim Protection; Criminal Code 2023; Restitution.

INTRODUCTION

Indonesia is a state of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Article 28D paragraph (1) guarantees fair legal certainty, while Article 28G paragraph (1) guarantees protection and a sense of security from threats of fear.¹ According to Philipus M. Hadjon, legal protection includes preventive and repressive efforts to protect the rights of legal subjects. Therefore, legal protection is not only related to the

¹ Indonesia Pemerintah Pusat, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 1 Ayat (3), Pasal 28D Ayat (1), Dan Pasal 28G Ayat (1)*, n.d.

enforcement against criminal offenders but also includes protection for the aggrieved parties, including truck drivers who become victims of illegal levies.²

Victim protection is an important part of the criminal justice system because it relates to the fulfillment of rights, a sense of security, legal certainty, and the recovery of losses. Budi Sastra Panjaitan explains the importance of balancing the interests of the perpetrator and the victim in the context of legal protection.³ In the practice of illegal levies, truck drivers are at risk of economic loss due to payments without legal basis, as well as facing pressure, intimidation, or fear when carrying out their work. These conditions indicate that the issue of illegal levies needs to be examined not only from the perspective of the perpetrator's accountability but also from the victim's position, the rights that need to be protected, and the available legal protection mechanisms.⁴

Legally, illegal levies are a descriptive term and do not automatically indicate a specific type of crime. The legal qualification must be determined based on the concrete act, the manner in which the act was carried out, and the fulfillment of the relevant criminal elements. If the act fulfills the elements of extortion, the applicable criminal provisions must consider the time of the act and the prevailing law. Article 482 of Law Number 1 of 2023 concerning the Criminal Code regulates the crime of extortion in the National Criminal Code, which will come into effect on January 2, 2026.⁵ Thus, a mere request or handover of money is not sufficient to conclude the existence of extortion without an analysis of the elements of the crime and relevant legal facts.

The issue can be seen in the incident of alleged extortion against truck drivers at the intersection of the Medan Industrial Area (KIM), Jalan Yos Sudarso, Medan City, in April 2025. In the incident, three people were apprehended by the Belawan Port Police after patrol officers discovered alleged extortion against truck drivers passing through the area.⁶ The police also

² Philipus M Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya...* (Bina Ilmu, 1987).

³ Budi Sastra Panjaitan, "Perlindungan Korban Dalam Kasus Pembunuhan Dan Penganiayaan Berdasarkan Hukum Islam Dan Hubungannya Dengan Restorative Justice," *Jurnal Bina Mulia Hukum* 7, no. 1 (2022): 1–16.

⁴ Marselinus Goa And Hudi Yusuf, "Praktik Pungutan Liar (Pungli) Di Lingkungan Masyarakat," *Media Hukum Indonesia (MHI)* 3, No. 3 (2025).

⁵ Dengan Rahmat Et Al., "Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," No. 1 (2023): 1–261.

⁶ Finta Rahyuni, "Pungli Sopir Truk, 3 Preman Di Medan Ditangkap-Positif Narkoba," Detiksumut, n.d.

stated the suspicion that the practice had been carried out repeatedly.⁷ This incident highlights the issue of protection for truck drivers when facing payment requests that lack legal basis. However, the arrest does not by itself prove the fulfillment of criminal elements or ensure that the victim's rights have been adequately protected.

A similar phenomenon was reported to have occurred in the South Binjai District in September 2026. The police apprehended four individuals suspected of extorting truck drivers on Gunung Sinabung Road. In the enforcement action, the officers also secured cash amounting to Rp109,000, which is suspected to be related to the practice, and stated that they would conduct further investigations into the roles of each party.⁸ The incidents in Medan and Binjai highlight the relevance of the issue of illegal levies on truck drivers from the perspective of law enforcement and victim protection. Both incidents are used as factual contexts based on news reports, not as a basis for empirically assessing the effectiveness of police actions.

From a policy perspective, the government once established the Task Force for Eradicating Illegal Levies through Presidential Regulation Number 87 of 2016. However, that regulation has been revoked by Presidential Regulation Number 49 of 2025, making it inappropriate to use as a legal basis that is still in effect.⁹ Meanwhile, Article 13 of Law Number 2 of 2002 on the Indonesian National Police establishes the main duties of the police, including maintaining public security and order, law enforcement, as well as protection, guidance, and service to the community.¹⁰ Article 14 paragraph (1) also regulates several police duties in the implementation of these functions. This provision serves as the basis for analyzing the police's authority in providing legal protection to truck drivers through preventive and repressive measures. Nevertheless, the general authority of the police needs to be linked with the rights of victims and the protection mechanisms regulated by legislation.

The legal framework for victim protection also needs to consider the developments in criminal procedural law and witness and victim protection. Law Number 20 of 2025 concerning the

⁷ Rahyuni.

⁸ Nisfu Fitri, "Empat Pria Diamankan Terkait Dugaan Pungli Sopir Truk Di Binjai," 2026, https://rri.co.id/medan/hukum/kriminalitas/2726474/empat-pria-diamankan-terkait-dugaan-pungli-sopir-truk-di-binjai?utm_source=chatgpt.com.

⁹ Indonesia Pemerintah Pusat, *PERATURAN PRESIDEN REPUBUK INDONESIA NOMOR 49 TAHUN 2025*, N.D.

¹⁰ Kepolisian Negara Indonesia, "Undang Undang Republik Indonesia Nomor 2 Tahun 2002," *Kepolisian Negara Republik Indonesia 1999* (2002): 1–33, <https://Peraturan.Go.Id/Common/Dokumen/Ln/2002/Uu2-2002.Pdf>.

Code of Criminal Procedure has been in effect since January 2, 2026, and regulates, among other things, the strengthening of victims' rights as well as restitution and compensation mechanisms. Furthermore, Law Number 3 of 2026 concerning the Protection of Witnesses and Victims has been in effect since May 20, 2026, and regulates victims' rights, protection mechanisms, restitution, and compensation.¹¹ Both laws are relevant for analyzing the framework of victim protection based on the current applicable law. Its application to specific events must still consider transitional provisions and the timing of the act.

The study on illegal levies needs to be placed in dialog with previous research that discusses the prevention of illegal levies, police authority, law enforcement against perpetrators, and victim protection. These studies need to be compared to identify the focus of the research, the main findings, and their respective limitations. Specifically, this research is directed at examining the position of truck drivers as victims and the relationship between police authority and the fulfillment of victims' rights. Thus, the research gap does not solely lie in the object of truck drivers but in the need to construct a normative analysis that connects police authority, preventive and repressive protection, and mechanisms for restoring victims' rights. The claim regarding the difference needs to be strengthened through a comparison with at least five relevant and verifiable previous studies.

Based on the description, the formulation of the research problem is how the legal protection for truck drivers who become victims of illegal levies is regulated and how police authority can be used to provide that protection based on legislation. This research uses a normative juridical method by examining relevant laws and legal doctrines. The events in Medan and Binjai are used as illustrations of the problem context based on news reports, not as a substitute for analysis of case documents or empirical data. This research aims to analyze the legal basis for victim protection, the limits of police authority, and to formulate a legal protection framework, both preventive and repressive, for truck drivers who are victims of illegal levies.

METHODS

This research uses a normative juridical method to examine the legal framework regarding legal protection for truck drivers as victims of illegal levies. The study focuses on the legal

¹¹ UUDNR Indonesia And UDNR Indonesia, *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 20 TAHUN 2025*, N.D.

qualification of extortion crimes, the position and rights of victims, the authority of the Indonesian National Police, and the legal obligations in providing preventive and repressive protection.¹²

This research is descriptive-analytical in nature, meaning it describes and analyzes legal provisions, principles, concepts, and doctrines related to illegal levies and victim protection. The research does not use interviews or field observations as the main data sources.¹³ Therefore, the research results explain the form of protection mandated by law, rather than empirically assessing the implementation of protection by the police. The event reported in the introduction is only used as a contextual illustration and must be supported by verifiable sources. The event is not positioned as a case study of a court ruling.

The approaches used include the statute approach and the conceptual approach. The statute approach is conducted by examining provisions regarding extortion crimes, police authority, criminal procedural law, as well as the rights and protection of victims. The conceptual approach is used to analyze the concept of legal protection, crime victims, and the position of victims in the criminal justice system.¹⁴ The case approach is not used because this research does not conduct a systematic analysis of court decisions.

The legal materials for the research consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 on the Criminal Code, Law Number 2 of 2002 on the Indonesian National Police, Law Number 20 of 2025 on the Criminal Procedure Code, Law Number 3 of 2026 on the Protection of Witnesses and Victims, and other relevant legislation. Presidential Regulation Number 87 of 2016 concerning the Task Force for Eradicating Illegal Levies is discussed only in terms of the historical development of the policy because it has been revoked by Presidential Regulation Number 49 of 2025. Secondary legal materials include legal books, scientific journal articles, research results, and expert opinions. Tertiary legal materials, such as legal dictionaries, encyclopedias, and other supporting sources, are used to clarify relevant legal terms.

The collection of legal materials is carried out through library research by identifying, inventorying, classifying, and reviewing legal sources related to the formulation of the

¹² Et.Al. Hehanussa, *Metode Penelitian Hukum*. (Bandung: Widina Bhakti Persada, 2023).

¹³ Soerjono Soekanto, "Penelitian Hukum Normatif: Suatu Tinjauan Singkat," 2007.

¹⁴ Soekanto.

problem. The legal materials were grouped into four themes, namely the legal qualification of illegal levies and extortion, the status of truck drivers as victims, the authority and duties of the police, and the forms of legal protection available under Indonesian positive law.

The analysis of legal materials is conducted qualitatively-prescriptively through the interpretation of statutory provisions and their connection with relevant legal principles, concepts, and doctrines.¹⁵ This analysis distinguishes the authority of the police from the legally required protective actions at each stage of the criminal justice process. The results of the analysis are formulated in the form of a legal protection construction presented through a table containing the stages of case handling, necessary police actions, legal basis, potential normative gaps, and improvement recommendations. This construction aims to formulate a protection model with a legal basis without making unsupported claims about police performance in practice.

RESULTS AND DISCUSSION

Forms of Extortion Against Truck Drivers as Victims of Extortion

The levies against truck drivers need to be analyzed based on the authority of the perpetrator, the method of obtaining payment, the purpose of the act, and the fulfillment of criminal elements. The term "illegal levies" or "pungli" essentially describes levies that lack a legal basis or are carried out beyond the scope of authority. The term is not a qualification of a criminal act that automatically determines the article that must be applied. The determination of criminal liability still requires an examination of the concrete act and the fulfillment of the elements of the offense based on the applicable laws and regulations.¹⁶

In the practice of goods transportation, illegal levies can occur in several forms, such as money demands by a group of people on the roadside, levies disguised as security fees in port or industrial areas, payment requests by officials abusing their authority, and levies claimed as parking or loading/unloading fees without a legitimate basis. Each of these forms has different legal characteristics. The status of the perpetrator, the basis of their authority, the method of

¹⁵ Soekanto.

¹⁶ Muhammad Rifqi Maulana Saom And Hadinda Safira, "Toleransi Masyarakat Terhadap Pungli: Antara Terpaksa Dan Terbiasa," *Ahlana: Jurnal Hukum Dan Hukum Keluarga Islam* 3, No. 2 (2026): 53–68.

requesting payment, and the presence or absence of coercion are important factors in determining the legal qualification.

1. Typology of Levies on Truck Drivers and Their Legal Qualification

Form of action	Characteristics of actions	Legal qualifications that need to be tested	The position of the truck driver
Collection by a group of people on the roadside	Asking for money from passing drivers without any authority. Payment accompanied by threats, violence, or physical intimidation that meets the elements of a crime	Article 482 of Law Number 1 of 2023 for actions since the enactment of the new Criminal Code; Article 368 of the old Criminal Code for actions before the enactment of the new Criminal Code, with due regard to transitional provisions.	Can be considered a victim if the elements of the crime and relevant losses are proven.
extortion disguised as security fees in port or industrial areas	Requesting payment to ensure security, access, or smooth travel without authorization or a valid basis for payment.	Extortion occurs when the elements of coercion with violence or threats of violence are met; other offenses can be considered based on the facts.	Can become a victim of economic loss, psychological pressure, or restrictions on work freedom.
Levy by civil servants or state organizers	Requesting payment by abusing power or forcing someone to give something in the	Article 12 letter e of the Law on the Eradication of Corruption Crimes, with due regard to the	Can become a victim of abuse of power or extortion by officials

	context of an official position.	applicable elements and provisions	
Parking fees, access, or loading and unloading	Requesting a fee claimed as a service charge, but lacking a valid basis or rate.	It needs to be examined whether it constitutes an administrative violation, an unlawful levy, fraud, coercion, or another criminal act.	Not automatically becoming a victim of extortion just because the payment has no legal basis.
Payment given out of fear or pressure	The driver handed over the money out of concern for his own safety, the vehicle, the cargo, or the smoothness of the journey.	It can indicate coercion if the elements of the offense are met; the factual circumstances and the form of the threat must be proven.	Payment does not in itself indicate free consent or eliminate the possibility of victim status.

The table is an analytical typology, not a statement that all forms of levies above always meet the elements of a specific criminal act. The determination of the article must be based on the facts and evidence of each incident. In cases involving officials, authority and abuse of power need to be examined specifically. Article 12 letter e of Law Number 31 of 1999 as amended by Law Number 20 of 2001 regulates the actions of civil servants or state officials who, with the intent to benefit themselves or others unlawfully or by abusing their power, force someone to give something, pay, receive payment with a discount, or do something for themselves.¹⁷

2. Elements of the Crime of Extortion and Its Limitations

Article 482 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code regulates extortion committed by any person with the intent to benefit themselves or others

¹⁷ Pemerintah Pusat Indonesia, “Undang-Undang (UU) Nomor 20 Tahun 2001 Tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi,” 2001.

unlawfully, by forcing someone through violence or threats of violence to provide goods, provide loans, make a loan acknowledgment, or cancel debts. The provision threatens the perpetrator with a prison sentence of up to nine years.¹⁸

The first element is the intention to benefit oneself or others unlawfully. This element relates to the perpetrator's intention to obtain an undeserved benefit. In the context of truck drivers, a request for money for personal benefit without any authority can be a relevant fact. However, the absence of a payment basis should not be directly considered as proof of all elements of extortion. The perpetrator's intent and the unlawful nature of the profit they seek to obtain must still be assessed based on evidence.

The second element is forcing someone with violence or the threat of violence. This element serves as an important boundary in distinguishing extortion under Article 482 from an unlawful collection that may not necessarily meet the elements of extortion. Violence can take the form of physical force, while the threat of violence needs to be assessed based on actions or circumstances that indicate a threat of using force against the victim or others. The explanation of Article 482 states that coercion in that provision is more physical or outward in nature, for example, through the use of sharp weapons or firearms.¹⁹

In a road situation, the act of blocking a truck needs to be analyzed carefully. Blocking a vehicle is not automatically considered violence or a threat of violence. If the blocking is accompanied by siege, beating, vehicle damage, threats of physical attack, or other actions that concretely demonstrate the use or threat of force, these facts can support the analysis of coercion elements. On the other hand, if someone only asks for money without violence or the threat of violence, the application of Article 482 cannot be based solely on the absence of a payment basis. Law enforcement needs to assess whether there are other relevant criminal elements.

The third element is the object that is requested or obtained. Article 482 includes the giving of goods that are partially or entirely owned by the victim or another person, the granting of a debt, the creation of a debt acknowledgment, or the cancelation of a debt. The money handed over by the driver as a result of coercion may be included as a relevant object. The

¹⁸ Presiden Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," *Direktorat Utama Pembinaan Dan Pengembangan Hukum Pemeriksaan Keuangan Negara Badan Pemeriksa Keuangan*, No. 16100 (2023): 1–345.

¹⁹ Presiden Republik Indonesia.

relationship between the act of coercion and the handing over of money needs to be proven through the testimony of the victim, witnesses, recordings, transaction evidence, or other legitimate evidence. The explanation of Article 482 also states that failed coercion does not automatically eliminate liability under the provisions.²⁰

Article 482 paragraph (2) states that the aggravating provisions in Article 479 paragraphs (2) to (4) also apply to extortion. The referred provisions encompass certain conditions, including actions carried out jointly and in collusion, resulting in serious injury or death, as well as other aggravating circumstances specifically mentioned in the article. Therefore, the involvement of several people in the extortion against the truck driver needs to be examined to determine each person's role and whether the aggravating circumstances required by law are met. The number of people detained in an incident alone is not enough to conclude that an aggravated penalty definitely applies.²¹

3. Differences in Legal Qualification Based on the Time of the Act

The determination of the extortion article must take into account the time the act occurred. Article 368 of the old Penal Code serves as a reference for actions that occurred while that provision was still in effect, whereas Article 482 of Law Number 1 of 2023 will be in effect from January 2, 2026. Transitional provisions and the principle of applying criminal law more favorably need to be examined if the case committed before that date is still ongoing after the new Criminal Code comes into effect.²²

The time difference is relevant in assessing the toll event against truck drivers that occurred before and after January 2, 2026. The incident reported to have occurred in April 2025 cannot be directly assessed by applying Article 482 as if the article had been in effect at the time the incident took place. For the incident in question, the initial analysis must refer to the law in effect at the time the act was committed, while still considering transitional provisions if the legal process occurs after the new Criminal Code comes into effect.

4. Application of the Analytical Framework to Reported Events

²⁰ Presiden Republik Indonesia.

²¹ Presiden Republik Indonesia.

²² Presiden Republik Indonesia.

The analytical framework needs to be applied carefully to the events mentioned in the introduction. News about the arrest or detention of someone only provides initial information and cannot replace the proof of criminal elements. Without investigation documents, an indictment letter, or a verifiable court decision, this research cannot state that the detained party has been proven to have committed extortion.²³

The incident in Belawan in April 2025 involved three individuals who were detained on suspicion of extorting truck drivers around the KIM intersection, Jalan Yos Sudarso, Medan.²⁴ To determine the legal qualification, it is necessary to trace the basis of the money request, the perpetrator's purpose in obtaining profit, the form of threats or violence that may have been used, the relationship between the pressure and the payment, as well as the development of the legal process. Based solely on news reports, the incident can be used as context for the alleged extortion, but it is not sufficient to conclude that the elements of the crime of extortion have been proven.

The incident in Binjai Selatan in September 2026 involved four people who were detained on suspicion of extorting a truck driver on Jalan Gunung Sinabung.²⁵ The news report also mentioned that cash amounting to Rp109,000 was also secured. Legal analysis of this incident needs to consider the role of each individual, how the money was obtained, the presence of violence or threats of violence, supporting evidence, and the progress of the legal process. Because the incident occurred after the enactment of Law Number 1 of 2023 concerning the Criminal Code, Article 482 can be considered as long as its elements are met. However, the act of securing and seizing money alone has not proven the wrongdoing of the detained parties.²⁶

The comparison shows that the number of people detained and the confiscation of money are not sufficient to determine the legal qualification. The investigation needs to focus on how the payment was obtained, whether there was violence or the threat of violence, and the relationship between the perpetrator's actions and the driver's losses. In the Belawan incident, the timing of the event is an additional consideration because the reported act

²³ R Arif Muljohadi And M SH, *HUKUM ACARA PIDANA* (PT. SAMUDRA SOLUSI PROFESIONAL, N.D.).

²⁴ Rahyuni, "Pungli Sopir Truk, 3 Preman Di Medan Ditangkap-Positif Narkoba."

²⁵ Fitri, "Empat Pria Diamankan Terkait Dugaan Pungli Sopir Truk Di Binjai."

²⁶ Presiden Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana."

occurred before the new Criminal Code came into effect. In the Binjai incident, Article 482 can be considered based on its effective date, but its elements must still be proven.

5. The Position of Truck Drivers as Victims and the Forms of Their Losses

Article 1 of Law Number 3 of 2026 on the Protection of Witnesses and Victims defines a victim as someone who suffers physical, mental, and/or economic loss due to a criminal act.²⁷ This definition provides a basis for assessing the status of truck drivers who experience extortion in an unlawful manner. The assessment of the victim's status is not only centered on the money handed over but also on the suffering and other impacts related to the crime.

Economic losses can include money given under duress, additional costs due to travel delays, or other losses that can be proven and have a causal relationship with the crime. Such losses need to be documented through payment receipts, travel records, witness statements, or other supporting documents. The possibility of recovery through restitution or other legal mechanisms must be assessed based on the applicable requirements and procedures; restitution cannot be considered automatically granted simply because someone claims to have suffered a loss.

The impact on the victim can also include fear, mental pressure, concern for personal and cargo safety, and disruption of the freedom to carry out their work. If the driver hands over money out of fear that their vehicle will be damaged or they will be attacked, that payment does not automatically indicate free consent. The situation needs to be examined as part of proving the alleged coercion and assessing the victim's need for protection.

Payments that appear voluntary must also be analyzed based on their context. Payments made out of habit or to avoid disturbance do not necessarily meet the elements of extortion if there is no violence or threat of violence as required by Article 482. However, the absence of those elements does not automatically make the payment lawful or preclude the possibility of applying other offenses. On the contrary, a driver who makes a payment should not be immediately considered to have committed bribery or gratification without assessing the legal basis, intent, context, and relevant elements of the offense. This

²⁷ Indonesia Pemerintah Pusat, *Undang-Undang (UU) Nomor 3 Tahun 2026 Tentang Pelindungan Saksi Dan Korban*, N.D.

distinction is necessary so that the handling of the case does not overlook the driver's position as a party who may be in a pressured situation.

Protection for truck drivers as victims thus needs to include the acceptance of reports, examinations that do not cause additional pressure, assessment of safety threats, provision of information regarding case developments, and access to available legal recovery mechanisms. Law Number 20 of 2025 on the Code of Criminal Procedure regulates the rights of reporters, complainants, witnesses, and victims to obtain protection at every stage of the investigation. Law Number 3 of 2026 on Witness and Victim Protection also serves as the basis for analyzing the rights and protection mechanisms for victims in accordance with applicable regulations.²⁸

Based on the description, the determination of the form of the levy and the position of the truck driver as a victim must be carried out through an assessment of the perpetrator's authority, the basis of payment, the purpose of the act, the method of coercion, the object requested, the timing of the act, and the resulting loss. This approach allows for the differentiation between levies without legal basis, extortion by individuals, and coercion by officials that may fulfill the elements of a corruption crime. An analysis oriented toward elements and concrete evidence also provides a more accurate basis for formulating legal protection for truck drivers.

Forms of Legal Protection Provided to Truck Drivers as Victims of Extortion

Legal protection for truck drivers who are victims of extortion can not only be understood as part of the general functions of the Indonesian National Police but also as a series of concrete actions to prevent further losses, facilitate access to justice, protect the safety of victims and reporters, and support the recovery of losses. The distinction between the general functions of the police and the specific rights of victims is important because Articles 2 and 4 of Law Number 2 of 2002 on the Indonesian National Police regulate the functions and objectives of the police, while Articles 13–16 regulate the main duties and relevant authorities of the police. These provisions include the maintenance of public security and order, law enforcement, the provision of protection and services, the receipt of reports and complaints, initial actions at the crime scene, as well as investigations and inquiries in accordance with the applicable

²⁸ Indonesia And Indonesia, *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 20 TAHUN 2025*.

procedural law.²⁹ Therefore, the form of legal protection in this study is analyzed based on legal grounds, its relevance to the needs of truck drivers, and normative limitations in its implementation.

1. Preventive Protection through Targeted Prevention and Patrol

Preventive protection aims to reduce the risk of extortion before further losses occur. In the context of truck drivers, this protection can be carried out through education on reporting mechanisms, providing information on steps to take when facing extortion demands, and police patrols directed at locations repeatedly reported as places where extortion occurs. The basis for this authority can be found in Article 14 paragraph (1) of Law Number 2 of 2002, which among other things regulates police activities such as patrols, maintaining public order, and community development to enhance legal awareness. Article 15 also grants the police the authority to take initial action at the crime scene and to gather information and evidence in accordance with applicable regulations.³⁰

Nevertheless, patrols and surveillance are essentially actions to maintain public security and order, the benefits of which are directed toward the community at large. These activities cannot automatically be categorized as individual legal protection for the victims. Its relevance to truck drivers becomes more apparent if its implementation is based on incident reports, identification of vulnerable locations, or requests for assistance from drivers facing threats or pressure. Thus, targeted patrols can be implemented as a preventive measure that supports victim protection, rather than as a substitute for reporting mechanisms, investigations, and safety protection after a suspected crime has occurred.

Another limitation is that the general authority to conduct patrols has not yet, by itself, formed a special protection mechanism for truck drivers who repeatedly face extortion. A more responsive approach needs to connect the receipt of reports, mapping the locations of recurring incidents, and the deployment of police personnel while maintaining the confidentiality of information in accordance with legal provisions. This approach can make preventive measures more relevant to the situation faced by potential victims.

2. Acceptance of Reports and Access to the Criminal Justice Process

²⁹ Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2014).

³⁰ Negara Indonesia, “Undang Undang Republik Indonesia Nomor 2 Tahun 2002.”

The acceptance of reports is one of the entry points for truck drivers to obtain legal protection. Article 15 paragraph (1) letter a of Law Number 2 of 2002 grants the police the authority to receive reports and/or complaints. The handling of alleged criminal acts must subsequently follow the applicable criminal procedure law, including Law Number 20 of 2025 concerning the Criminal Procedure Code, which will come into effect on January 2, 2026.³¹ The police need to assess the information received, determine whether the information indicates a suspected criminal act, and take procedural steps in accordance with legal provisions.

The distinction between a report and a complaint also needs to be considered. A report is a notification regarding the suspicion of a criminal act, whereas a complaint is a request from the entitled party to take legal action against an act that, according to the law, can only be processed based on a complaint. The crime of extortion as regulated in Article 482 of Law Number 1 of 2023 concerning the Criminal Code is generally not a complaint offense. Therefore, the handling of alleged extortion is fundamentally not dependent on the submission of a complaint as a special requirement, but rather must be based on an assessment of the reported act and the applicable procedural law.³²

However, the availability of a formal reporting mechanism does not always mean that truck drivers can access it without obstacles. Drivers may be reluctant to report incidents due to fear of retaliation, considering the nominal fee too small compared to the time required to make a report, needing to immediately continue their deliveries, or being accustomed to dealing with unofficial payments. These obstacles need to be considered as issues of access to justice, not stated as empirically proven findings in this normative research. Therefore, the reporting mechanism needs to be supported by easily accessible channels, clear information regarding the reporting procedures, and adequate follow-up for those reporting allegations of extortion.

Information regarding the progress of a case is also an important part of access to justice. Regulation of the Indonesian National Police Number 6 of 2019 concerning Criminal Investigation recognizes the Letter of Notification of Investigation Progress (SP2HP), which serves to provide information to the reporter or complainant regarding the progress of the investigation.³³ This mechanism can reduce uncertainty and help truck drivers know the

³¹ Indonesia And Indonesia, *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 20 TAHUN 2025*.

³² Presiden Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana."

³³ Kepala Kepolisian Negara Republik Indonesia, "Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 6 Tahun 2019 Tentang Penyidikan Tindak Pidana," *Kepolisian Negara Republik Indonesia*, 2019, H.12.

progress of the reports they are handling. Its implementation must still adhere to procedural requirements and the status of the case. The right to obtain information on the progress of the case cannot be interpreted as an unlimited right to obtain all investigative information.

3. Protection of Victims' Safety, Identity, and Security

Legal protection must also consider the safety of truck drivers who face threats or fear retaliation after a reported extortion. Articles 13 and 14 of Law Number 2 of 2002 serve as the general basis for the implementation of police protection and service functions, while criminal procedural law regulates police actions against alleged criminal acts and the steps that can be taken during the judicial process.³⁴ Based on concrete circumstances, relevant actions may include handling immediate threats, necessary actions at the crime scene, evidence documentation, and facilitating access to agencies authorized to provide special protection for witnesses and victims

The more specific legal basis is found in Law Number 3 of 2026 concerning the Protection of Witnesses and Victims, which comes into effect on May 20, 2026, and replaces Law Number 13 of 2006 as amended by Law Number 31 of 2014.³⁵ The law regulates the framework of protection and rights for witnesses, victims, reporters, informants, and other parties included within its provisions, including the role of the Witness and Victim Protection Agency (LPSK). Thus, a truck driver facing threats or intimidation can request an assessment of their protection needs and, if they meet the requirements, apply for or obtain facilitation to access protection through the mechanisms specified by law. The protection is not automatically granted in every extortion case because its eligibility and form depend on legal requirements and the circumstances of the parties involved.

Confidentiality of identity, temporary protection, and assistance in facing threats must also be discussed in accordance with the authority limits of the relevant institutions and the provisions of the legislation. These measures should not be described as an unconditional right that is always available in every case. On the contrary, the police need to identify potential risks, explain the available procedures, and facilitate access to the authorities responsible for determining and providing special protection.

³⁴ Negara Indonesia, "Undang Undang Republik Indonesia Nomor 2 Tahun 2002."

³⁵ Pemerintah Pusat, *Undang-Undang (UU) Nomor 3 Tahun 2026 Tentang Pelindungan Saksi Dan Korban*.

The framework shows a distinction between general protection by the police and special protection for witnesses or victims. Law Number 2 of 2002 establishes the general responsibilities of the police, while Law Number 3 of 2026 provides a more specific framework regarding the protected parties and the role of the LPSK. The coordination of these two mechanisms is important when truck drivers not only suffer financial losses but also face threats that could potentially hinder their involvement in the law enforcement process.

4. Investigation, Prosecution, and Law Enforcement against Perpetrators

If the information received indicates a suspected criminal act, legal protection can be realized through the criminal justice process. The terms investigation and inquiry must be distinguished. Investigation aims to determine whether an event suspected of being a criminal act can be followed up to the investigation stage, while the investigation is the process of searching for and collecting evidence to clarify the criminal act and identify the suspect in accordance with the applicable procedural law.³⁶ The police are required to apply procedures and evidentiary requirements based on Law Number 20 of 2025 and other relevant regulations.

The legal qualification of the alleged extortion must be determined based on facts, not just on the use of the descriptive term "illegal levy." For actions that occur after the enactment of Law Number 1 of 2023 concerning the Criminal Code on January 2, 2026, Article 482 can be considered if the alleged actions meet the elements specified in that article, including the relevant form of coercion and the intent to obtain unlawful benefits. For events that occur before that date, the applicable law needs to be determined by considering the time of the act and the relevant transitional provisions. A mere request for payment is not sufficient to prove the occurrence of extortion.³⁷

The handling of a case can also differ based on how an incident is known to the police. In cases that begin with a report, the victim or reporter provides information that is then assessed to determine whether there is an allegation of a criminal offense. Meanwhile, in cases that are directly observed by officers during patrols, the police can take initial action based on the observed circumstances and available evidence at the scene, while still adhering to legal requirements regarding such actions. The two incidents discussed in the introduction, namely the actions against individuals suspected of extorting truck drivers, highlight the importance of

³⁶ Indonesia And Indonesia, *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 20 TAHUN 2025*.

³⁷ Presiden Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana."

distinguishing police actions from the determination of criminal guilt. Arrest or detention does not in itself prove that the alleged crime has been committed.

These differences also affect the protection of the victims. The truck driver who reports the incident may need information about the case's progress, assistance in documenting evidence, or protective measures against retaliation. In incidents directly discovered by officers, the driver may not necessarily initiate legal proceedings through a formal report. Nevertheless, the authorities still need to identify and document relevant information regarding the victim and witnesses, explain the available procedures, and assess the need for further protection. Thus, victim protection is not only oriented toward the arrest of the alleged perpetrator but also toward meeting the needs of the victim during the legal process.

5. Facilitation of Loss Recovery and Access to Restitution

Legal protection should not stop at the investigation and prosecution of the party suspected of extortion. If the truck driver suffers a loss recognized by law, the possibility of loss recovery should also be considered. Law Number 3 of 2026 on Witness and Victim Protection provides a legal framework regarding the protection of victims and restitution, while Supreme Court Regulation Number 1 of 2022 regulates the procedures for applying for and granting restitution and compensation to crime victims.³⁸ Depending on the qualification of the crime and the applicable requirements, restitution can be a mechanism for claiming compensation arising from the crime.

Nevertheless, the availability of restitution must be carefully assessed. Not every payment in alleged extortion practices automatically meets the restitution requirements based on all applicable provisions. The type of loss, evidence regarding the amount of loss, the requirements of the entitled party, and the application procedure must be examined in the relevant case. The police can assist in documenting the losses and explaining or referring the victim to the relevant application mechanisms, but the determination of the application lies with the institution authorized by law.

That distinction is important because the nominal amount of money demanded from the truck driver may be relatively small, whereas the broader impact could include delivery delays, additional operational costs, or disruption of work. The impact can be considered when

³⁸ Pemerintah Pusat, *Undang-Undang (UU) Nomor 3 Tahun 2026 Tentang Pelindungan Saksi Dan Korban*.

assessing the consequences of an event, but its legal recognition and recovery must be based on evidence and applicable restitution provisions. Therefore, the normative framework needs to ensure that information regarding the possibility of loss recovery is accessible without promising compensation that may not be legally granted.

6. Inter-Agency Coordination and the Status of the Anti-Extortion Policy

Coordination between law enforcement agencies and other government institutions can support the prevention and handling of extortion reports. However, coordination mechanisms cannot be equated with individual legal protection for victims if they do not provide concrete benefits, such as accessible reporting channels, referrals to relevant authorities, follow-up on received information, or assistance in accessing available protection mechanisms.

Presidential Regulation Number 87 of 2016 concerning the Task Force for Eradicating Illegal Levies previously served as the basis for forming the coordination framework for eradicating illegal levies. However, this regulation has been revoked through Presidential Regulation Number 49 of 2025 concerning the Revocation of Presidential Regulation Number 87 of 2016 concerning the Task Force for Eradicating Illegal Levies.³⁹ Therefore, Presidential Regulation Number 87 of 2016 is no longer appropriate to be used as the legal basis still applicable for the activities of the Saber Pungli Task Force. The continuity of operations of the task force or specific programs in North Sumatra cannot be assumed without up-to-date official evidence.

The revocation of the regulation does not eliminate the police's authority derived from Law Number 2 of 2002. This situation actually requires a legal analysis to distinguish between the task force regulations that have been revoked and the police authority that remains in effect to receive reports, maintain public order, and conduct investigations into alleged criminal acts in accordance with applicable regulations. Every statement regarding the replacement coordination mechanism, active reporting channels, or specific programs in North Sumatra must be supported by up-to-date legal sources or official institutional sources.

7. Normative Evaluation and Recommendations for Strengthening Victim Protection

The previous description shows that the legal framework has provided a basis for prevention by the police, the acceptance of reports, the investigation of criminal acts, as well as access to

³⁹ "Peraturan Presiden Republik Indonesia Nomor 87 Tahun 2016 Tentang Satuan Tugas Sapu Bersih Pungutan Liar," no. 202 (2016).

special protection for witnesses and victims. Nevertheless, the existence of general police authority has not in itself formed an integrated handling mechanism oriented toward the needs of extortion victims among truck drivers. Several normative issues still need to be addressed.

First, the general duties of the police and the special protection mechanisms operate through different regulations and institutions. Without coordination and easily accessible information, victims may have difficulty knowing where to report, how to monitor the progress of their case, or the right time to request special protection. A clear referral mechanism between the police and LPSK can help address these potential gaps while adhering to the applicable requirements and procedures.

Second, the descriptive term "illegal levies" does not refer to a specific type of crime. The reported actions can include extortion by individuals, crimes involving public officials, or actions that do not meet the elements of specific criminal offenses. Therefore, the legal qualification must be based on the position of the perpetrator, the nature of the payment request, the methods used, the purpose of the act, and the elements in the relevant criminal provisions. Clearer public guidelines and consistent legal assessments can reduce the risk of misclassifying criminal acts or prematurely labeling every unofficial payment request as extortion.

Third, the potential barriers to reporting, such as fear of retaliation, the time required to make a report, and the assumption that small-scale extortion is a common occurrence, can hinder the entry of an incident into the criminal justice process. Because these obstacles have not been empirically measured in this normative research, they should be considered as issues that need to be addressed in the design of protection mechanisms, rather than as findings that have been proven to apply to all truck drivers. Easily accessible reporting information, adequate communication regarding case developments, and protection referrals based on risk assessment can enhance the responsiveness of the available legal framework.

Fourth, legal protection needs to include access to information regarding loss recovery. The restitution framework based on Law Number 3 of 2026 and Supreme Court Regulation Number 1 of 2022 can serve as a legal pathway if the specified requirements are met. However, victims need clear information regarding the requirements, evidence of loss, and the procedure for submitting restitution claims. The role of the police should be positioned as facilitators of access to available legal mechanisms, not as parties that guaranty restitution requests will be granted.

Thus, legal protection for truck drivers as victims of extortion needs to be understood as an interconnected process, including targeted prevention and response to identified risks, the acceptance and assessment of easily accessible reports, investigations and inquiries in accordance with procedural law, assessment of safety and special protection needs, provision of information regarding case developments, and facilitation of access to legal remedies available under the law. This approach does not stop at outlining the general functions of the police, but evaluates the application of existing provisions to the specific needs of truck drivers and identifies areas that require strengthening procedural coordination and victim-oriented guidelines.

CONCLUSION

This research concludes that illegal levies against truck drivers cannot automatically be classified as a crime solely because there is a request or payment of a sum of money without a valid legal basis. The legal qualification must be determined based on the circumstances of the act and whether the relevant elements of the crime are met or not. If the elements of extortion are met, Article 482 of Law Number 1 of 2023 concerning the Criminal Code can be applied. Legal protection for truck drivers normatively includes preventive measures, access to reporting mechanisms, investigation and prosecution in accordance with procedural law, as well as access to victim protection and restitution if the applicable requirements are met. However, the general authority of the police does not automatically guaranty the availability of effective protection tailored to the needs of each victim.

Based on these findings, there are several recommendations. First, the Indonesian National Police need to strengthen the standard operating procedures for assessing and handling reports of illegal levies, including criteria to distinguish extortion from other unlawful acts, providing easily accessible reporting channels for victims, giving information on case developments, assessing risks to the reporter, as well as referrals to the Witness and Victim Protection Agency (LPSK) and restitution mechanisms if they meet legal requirements. Second, the government and lawmakers need to clarify the relationship between the term "illegal levies" as a phenomenon and the qualification of criminal acts based on the Criminal Code and anti-corruption regulations, particularly in distinguishing actions carried out by individuals and public officials. Third, the coordination mechanism for eradicating illegal levies, including policies related to Saber Pungli, needs to be based on a clear legal foundation, inter-agency

authority distribution, accessible reporting channels, and follow-up procedures for victim reports. These measures are expected to strengthen legal certainty and ensure that protection is not only focused on taking action against the perpetrators but also on considering the safety, rights, and compensation for truck drivers as victims.

LIMITATION

This research has several limitations. First, the research uses a normative juridical approach based on legislation, legal doctrine, literature, and relevant legal materials. Therefore, this research does not empirically examine the experiences of truck drivers as victims, the frequency of illegal levies, or the implementation and effectiveness of the protection provided by the police in the field. Thus, the term legal protection in this study refers to the form of protection that should normatively be available based on Indonesian positive law, not to the conclusion that such protection has been effectively implemented in practice.

Second, this research focuses on the legal qualification of illegal levies that meet the elements of extortion crimes as well as preventive and repressive legal protection based on police functions. This research does not use a case approach to analyze court decisions related to illegal levies on truck drivers. As a result, the research has not been able to show how judges interpret the elements of extortion in specific cases or how court considerations affect legal protection for victims. This research also does not comprehensively discuss other crimes that may be related to extortion or the roles of all institutions outside the police and the mechanisms for eradicating extortion.

Third, the analysis of criminal provisions needs to consider the temporal aspect of the application of Law Number 1 of 2023 concerning the Criminal Code, which will come into effect on January 2, 2026. Provisions in the new Penal Code cannot be automatically applied to any acts that occurred before that date. The determination of the applicable law must consider the time of the act, the relevant transitional provisions, and the principle of the temporal application of criminal law. This research has not yet elaborated in depth on the variations in the application of criminal provisions based on the timing of each event because it does not use the analysis of specific case rulings.

Fourth, this research does not conduct an in-depth comparison with the legal protection systems for victims of illegal levies in other jurisdictions. Therefore, the construction of legal protection

formulated is primarily based on Indonesian positive law. These limitations open up opportunities for further research to combine normative studies with empirical research involving truck drivers, police officers, and related institutions to assess the implementation and effectiveness of legal protection for victims. Subsequent research can also use a case approach through court decision analysis and examine the application of criminal law based on the timing of the act, as well as compare it with other jurisdictions to enrich the development of the legal protection system for victims of illegal levies.

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