Cartel Practices in Relation to Rice Supply Chains

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ABSTRACT
This study discusses cartel practices in the rice supply chain with a focus on the implications of the Indonesian Farmer Shop (TTI) program. The complex rice supply chain has affected the price of consumer rice and farmers' grain. This study uses a qualitative approach with a normative juridical method and organized crime theory. The results of the study show that although the TTI program has a clear basis, cartel practices emerge due to the domination of actors in rice marketing and laxity in implementing policies. The TTI program creates shorter supply chains, but cartel practices still exist. This research reveals that cartel practices arise from the implementation of the TTI program which is controlled by certain parties with strong control. Obstacles in bookkeeping and supply management also influenced the emergence of cartels. Cartel practices arise not because of regulations, but because of their implementation which tends to be abused by cartel actors.

Introduction
Cartel according to the Big Indonesian Dictionary is agreement bunch company with meaning control price commodity certain. He can too said as cooperation between group working independent market producers. The same. One each other for increase profit and dominate the market. The usual cartel is association in field the same business and is alliance of competitors. Most countries assume cartel as anti-competitive behavior because behavior cartel covers determination price until drop in output. The usual cartel arise in condition oligopoly. Where there is a little seller with type homogeneous product. With exists cartel they can arrange price product with method limit availability goods on the market or dividing sales territories.

Temporary That as we are you know rice is material tree main in fulfill need food majority Indonesian people namely rice. Be it the rich or the poor, the majority still make rice as material tree main. For food everyday this can seen from results Survey Social National Economy 2012 consumption per capita average rice during a week is 1.673 kg, rice sticky rice 0.003 kg, and flour rice 0.005 kg. Not only in Indonesia, but in other Asian regions rice is also a staple material. Eat main in fulfill need food society this give description that rice is the main commodity in field food because position as source food major in Indonesia. Condition This cause often rice become most vulnerable commodity
exploited by a handful of people for getting profit for himself alonePersons who do exploitation this is called as cartel rice

Existence cartel rice no something story conspiracy only the truth will existence intersection siur The existence of a rice cartel is a real thing, at least in Indonesia. There are many cases of rice cartel which always occur from year to year and some of them have been successfully revealed. For example, in the latest case, according to news published in TEMPO digital media, around February 2023 the Food Task Force of the Banten Regional Police arrested seven suspects in a case of allegedly interfering and repacking Bulog rice. The arrest was in the aftermath of a report by the Managing Director of Perum Bulog Budi Waseso regarding the alleged existence of the rice mafia which caused the high price of rice. The mode they use is for the 50-kilogram Bulog rice to be repackaged into several sizes, ranging from 5 kilograms to 25 kilograms. Price of rice Bulog is priced at IDR 8,300 per kilogram, then for sale with an average of around Rp. 11,800 per kilogram.

such case only one example from proof of course there are practices cartel rice Practices such a cartel happened almost at each line chain supply rice practice (Sahay & Mohan, 2003). This A little Lots has bother chain supply rice As has been We know Chain supply built by a number mutual entity interact through pattern typical interaction in accordance with structure that is formed Entities the each other interact To use reach objective together For fulfill need consumer end According to Zhou and Benton quoted by (Mahbubi, 2013, 2015), a chain supply is system integrated from upstream until downstream Whole component system chain supply must looked at as One unit which is not inseparable One each other. Inequality in one component can disrupt the supply chain system as a whole (Tama, Yuniarti, Eunike, Azlia, & Hamdala, 2019). Problems that occur as written above raises question:
1. How definition cartel right rice?
2. How cartel rice the work?
3. How does the practice of the rice cartel affect the rice supply chain?

This research was conducted using a descriptive qualitative method. Qualitative research methods are ways to compile data or information that has been collected by researchers with the final results in written form. Research method qualitative formulated in written form eg formula shape problem associative descriptive and comparative Temporary That Study descriptive is something method descriptive research characteristics population or moderate phenomenon researched So that focus main method study This is explain object his research So that answer What incident or What phenomenon that occurs Research results Of course just will describe object study form incident nor phenomenon the with details.

Research Methods

Study This use approach method juridical normative and with method study literature as well studies document With thereby analyzed object with characteristic approach qualitative is method research that refers to the norms existing laws in regulation legislation

Results and Discussions

A. Definition of Cartel and Its Characteristics

Tri Anggraini said that in a competitive market structure, where there are a large
number of business actors doing business in the market, and there are no barriers for business actors to enter the market, it makes every business actor in the market unable to control prices. According to their wishes, they only accept prices determined by the market and will try to produce optimally in order to achieve an efficient level of production. However, on the other hand, in an oligopoly structured market, where there are only a few business actors, the possibility for business actors to work together to determine product prices and the amount of production of each business actor is greater. Therefore, usually cartel practices can grow and develop in markets with an oligopoly structure, where it is easier to unite and control a large part of the market share. (AM Tri Anggraini, page 141)

Cartel practice is one of the strategies implemented among business actors to be able to influence prices by regulating the amount of their production. They assume that if their production in the market is reduced while the demand for their product in the market remains constant, the price will rise to a higher level. And conversely, if their products are abundant in the market, of course it will have an impact on decreasing the price of their products in the market. Therefore, business actors trying to form horizontal cooperation (pools) to determine this cooperation are not always successful, because members often try to cheat for their own benefit. (Andi Fahmi Lubis, p. 106)

Furthermore, what is meant by horizontal agreements according to Anggraini is defined as when competitors in certain business fields are involved in agreements (agreements) that affect trade in certain areas. An agreement that is restrictive horizontally is interpreted broadly as an agreement that is restrictive and coordinated, including agreements that directly or indirectly fix prices or other conditions, such as agreements that establish control over production and distribution, allocation (sharing) of quotas or territories or exchange of information/data regarding markets, and agreements establishing cooperation in organized sales and purchases, or creating barriers to market entry. (Anna Maria Tri Anggraini, p. 30)

The term cartel is found in several languages such as "cartel" in English and cartel in Dutch. “Cartel” is also called “syndicate” which is an agreement (in writing) between several producing companies and others of the same kind to regulate and control various matters, such as prices, marketing areas and so on, with the aim of suppressing competition and or business competition in different markets. involved, and make a profit. Meanwhile according to Law no. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition (UU 5/1999), a cartel is a business actor that enters into an agreement with a competing business actor, which intends to influence prices by regulating the production and or marketing of goods and or services, which may result in monopolistic practices and or unfair business competition.

It is different with Munir Fuady who defines a cartel as an association based on a contract between companies that have the same interests, which is designed to prevent sharp competition, and to allocate markets and to promote the exchange of knowledge resulting from certain research, exchanging patents and standardizing certain products. (Munir Fuady, Anti-Monopoly Law: Welcoming the Era of Fair Competition, pp. 63-64) Another definition of a cartel according to Ningrum Natasya Sirait in her book "Overview of Business Competition Provisions", cartel is the cooperation of a number of competing companies to coordinate their activities so that they can control the amount of production and the price of a good and or service to obtain a profit above a reasonable profit level. (Ningrum Natasya Sirait, Summary of Business Competition Provisions, p. 38.)

So basically a cartel can be said, the agreement of a group of companies with the
intention of controlling the price of certain commodities to gain monopoly profits, or a form of collusion and conspiracy between a group of suppliers which aims to prevent competition among themselves in whole or in part. Based on the definitions of a cartel above, it can be observed that a cartel is an agreement between business actors to regulate the production of the goods or services they produce which aims to regulate prices, in this case to increase prices, which prevents competition among members. Business actors so that business actors gain profits above the reasonable profits that should be obtained by them and have an impact on losses experienced by consumers.

The occurrence of cartel practices is motivated by quite fierce competition in the market. To avoid this fatal competition, cartel members agree to determine prices together, regulate production and even jointly determine discounts, promotions and terms of sale. Usually the price set by the cartel is higher than the price that occurs in the market if there is no cartel. In a false sense, the existence of a cartel seems to protect inefficient companies, which can be destroyed if they do not enter into a cartel. unhealthy with the cartel, if the company is not included in the cartel. A cartel has the following characteristics:

1. There is a conspiracy among several business actors.
2. Involve senior executives from the companies involved. These senior executives are usually the ones who attend meetings and make decisions.
3. Usually by using associations to cover their activities.
4. Doing price fixing or pricing. In order for price fixing to be effective, it is followed by consumer allocation or area division or production allocation. Usually the cartel will determine production reductions.
5. There are threats or sanctions for members who violate the agreement. If there are no sanctions for violators, then a cartel is vulnerable to fraud to gain greater profits than other cartel members.
6. There is distribution of information to all members of the cartel. Even if it is possible to carry out an audit using production and sales report data for a certain period. The auditor will make production and sales reports for each cartel member and then share the audit results with all cartel members.
7. There is a compensation mechanism for cartel members whose production is greater or exceeds the quota for those whose production is small or those who are asked to stop their business activities. This compensation system will of course be successful if business actors will get greater profits compared to when they compete. This will ensure member compliance with cartel decisions.

B. Conditions for Establishment and Effectiveness of a Cartel

Thus, there are several requirements for establishing a cartel. First, all major producers in one industry become members. This is so that there is certainty that the cartel is really strong. Second, all members obey to do what is decided together. Third, the number of requests for their products continues to increase. If demand falls, the cartel is less effective, because it becomes more difficult to maintain the prevailing price level. Fourth, it is difficult for newcomers to enter. Cartels use various means to coordinate their activities, such as through production regulation, horizontal price fixing, bidding collusion, territorial division, non-territorial sharing of consumers, and distribution of market food. However, we also need to realize that an effective cartel is not easy to achieve. However, there is a tendency for business actors to always try to maximize the profits of their respective companies.
Performance Evaluation of Business Continuity Plan In Dealing With Threats And Risks In Cilegon Companies Use ISO 22301:2019 & NIST SP 800-30 R1 Frameworks
Case Study: PT. X

To fulfill these conditions, cartel actors usually enter into agreements or collusion between the perpetrators. KPPU states that there are two forms of collusion in cartels namely:

a. Implicit collusion, where members communicate their agreement directly which can be made with the existence of agreement documents, data regarding joint audits, cartel management, written policies, sales data and other data.

b. Secret collusion, where cartel members do not communicate directly, meetings are also held in secret. Usually, industry associations are used as media, so that meetings of cartel members are camouflaged with legal meetings, such as association meetings. This second form of collusion is very difficult for law enforcement to detect. However, experience from various countries proves that at least 30% of cartels involve associations (Talib, Rahman, & Qureshi, 2011).

As mentioned above, an effective cartel is not easy to achieve because there is a tendency for business actors to always try to maximize the profits of their respective companies. Therefore there are several variables that must be met to achieve the effectiveness of the cartel, namely:

a. Small number of business actors. The more business actors in the market, the more difficult it is for a cartel to form. Cartels will be easy to form and run more effectively if the number of business actors is small or the market is concentrated.

b. Products in the market are homogeneous. Because the product is homogeneous, it is easier to reach agreement on price.

c. The elasticity of demand for goods. The demand for these products does not fluctuate. If demand fluctuates very much, it will be difficult to reach an agreement regarding both production quantities and prices.

d. Prevention of entry of new business actors into the market

e. The actions of cartel members are easy to observe. As already explained, that in a cartel there is a tendency for its members to commit fraud. If the number of business actors is not too many, it is easy to supervise.

f. Adjustments to market changes can be made immediately. Cartel requires commitment from its members to carry out cartel agreements according to demand and supply in the market. The cartel will be more effective if it can quickly respond to market conditions and conclude new cartel agreements if necessary.

g. Great investment. If an industry requires a large investment to enter its market, then not many business actors will enter the market. Therefore, cartels between business actors will be easier to do.

In addition, there are conditions that must be met by the cartel members involved in order for the cartel to function effectively, namely:

a. Cartel members must agree to reduce the production of goods and then increase their prices or divide up territory. An effective cartel agreement can result in the cartel acting as a monopolist who can increase and/or decrease production and or prices without fear of reduced market share and profits.

b. Because cartels are vulnerable to fraud by cartel members to sell more than agreed or to sell cheaper than the price set by the cartel, monitoring or a punishment mechanism is needed for cartel members who commit fraud.

c. Because cartels are in principle violating the law, it is necessary to take steps to encourage cartel members to work in secret in order to prevent the business competition supervisory authorities from disclosing or finding out about the cartel.

d. In order to maintain the continuity of the cartel, cartel members will try to prevent
the entry of new business actors who are interested in enjoying the cartel prices.

**C. Cartel Forms**

Cartel agreements do not only have one pattern that is used by the perpetrators to gain above normal profits. There are various types of agreements in cartel agreements. The general forms of cartels are price fixing agreements, bid-rigging market agreements, and territorial allocation agreements.

Viewed from the existence factor, the existence of a cartel can be seen from two reasons, namely: (Nugraha, Zubaedah, & Apriani, 2022)

1. Caused by the policies of business actors in the market to become holders in a competition. This means that if you fight alone you will be eliminated or in a sense lose, then allying is an effective strategy to become a winner.

2. Caused by government policies, with reasons to protect certain business sectors, or provide price certainty that benefits consumers. In this context the state intervenes in determining prices (price fixing), the state will also ultimately determine the business actors involved in it. Here the cartel should be part of the economic policy. In fact the state becomes an actor in the creation of unfair business competition. In contrast to cartels to win competition, cartels by the government aim to protect or protect (against business actors close to government power or foreign business actors managing natural resources). Although the impacts are relatively the same, the identification and control over the impacts are different.

In addition, other types of cartels in business competition law can be further distinguished into several types, including:

1. Cartel Conditions for this cartel are manifested in terms of sellers' terms which are the same as the conditions for delivery of goods and payment. This cartel limits competition in terms of providing services to consumers beyond what was agreed upon, and cartel members are free in other areas.

2. Price Cartel In this cartel, price competition between cartel members is eliminated, because cartel members cannot sell below a predetermined price except for a minimum price, a certain price is also agreed upon for cartel members. In the business world, several price cartels are found, for example, in the shipping business, price cartels are called conferences. A slight obstacle in a price cartel is in terms of determining the size of the minimum selling price.

3. Cartel Calculation This cartel is distinguished between open and closed calculation schemes. For those who are open to a cartel, they only agree that the selling price must consist of what elements. For those that are closed, it is agreed upon the amount of money that may be included as elements of the calculation. Calculation cartels with closed calculation schemes have the same effect as price cartels. For those that are open, the prices of various cartel members can vary, so there is still competition in price.

4. Production and Sales Cartel Here, cartel members are only allowed to produce or sell certain quantities in a certain period. Determination of the amount for each (quota) can be in various ways. The quota can be expressed in a certain number of units, but it can also be in the form of a certain % (percent) of total production and sales.

**D. Cartel Practices in the Rice Commodity Market**

As previously mentioned, as is the definition of a cartel, cartel activities have
several descriptions of how they are implemented, which are basically coordinated to support their activities with maximum profit. Such as taking advantage of regulatory loopholes for production, setting a standard purchase price on the whole, collusion in tenders, selecting programs in certain areas, even dividing the appropriate share for the market. However, what the government is facing is not just criminal matters, because basically cartels are selling and buying back to the market or parties called economic actors. Where every economic actor will try as much as possible to get profit (KARTEL, 2011).

Cartels are the same as monopolies that have a dominant position and power to determine market prices, cartels here also discuss market forms which refer to cooperation between similar companies by determining price decisions that have been made together (Aminudin, 2014). The cartel's role is to minimize price wars or compete on price, because several companies have collaborated. However, the impact of this cooperation or cartel can result in unfair business competition and also impact on consumer losses. Decision making regarding prices depends on price agreements that have been determined jointly by the related companies, and the policy taken is to maximize profits, therefore the problem becomes a monopoly problem.

According to the KPPU chairman, Syarkawi Rauf, the rice cartel in Indonesia could happen because the Indonesian rice industry has a long distribution chain, namely farmers selling to collectors, collectors are sold to millers, and millers are sold to traders. It doesn't stop there, from traders, rice is still sold to agents, from agents it is sold to retailers, Only then does the rice reach the final consumer or end user (Green, Zelbst, Meacham, & Bhadauria, 2012). In certain conditions, cartel practices can occur precisely because of the presence of a regulation (cartel by regulations) which is intended by the government to solve problems. This assumption is explained that it is not the rules that cause cartels but in carrying out the cartel. This means that it is not the rules or regulations that accommodate cartels, but the implementation of these regulations that are often distorted by cartel actors (Dionesius & Hadi, 2019).

The emergence of ministerial regulation number 1 of 2018 concerning provisions for the export and import of rice can also be an opening for cartels to emerge. Medium rice imports that can be carried out apart from Bulog lead to a weakening of rice import controls. Bulog, which is currently the sole agency for importing medium rice and has the authority to control rice prices, should be able to become an effective agency to prevent cartels from forming. Bulog's failure to prevent cartels is due to a lack of oversight within Bulog's internal body so that internal problems within Bulog and external problems related to relations with other parties such as rice distributors can occur.

Or in another case that occurred around 2015, Indonesia was shocked by the issue of plastic rice, the issue of plastic rice was suspected of being an act of a cartel. Due to the fact, based on the results of laboratory tests, the National Police, BPOM, Ministry of Agriculture, and LIPI stated that they did not find any plastic content in the rice which was suspected of containing the plastic. The anxiety that occurs in the community regarding the issue of plastic rice can create public opinion such as a lack of supply of rice so that rice producers have to mix other food ingredients such as plastic to cover the shortage of rice stocks. So that the issue of plastic rice which turned into an issue of shortage of domestic rice stocks made the government to consider or decide on rice imports.

In addition, the issue of plastic rice can occur due to some individuals who
E. Cartel Practices and their relation to the Rice Supply Chain

Heizer and Rander (2004) define supply chain as product management activities, which then send these products to consumers through the supply chain. The supply chain consists of various parties involved directly or indirectly in fulfilling consumer demands (Chopra, 2004). The various parties involved include producers, suppliers, transporters, warehouses, retailers, consumers, and so on. Supply chain management is a business process that is carried out repeatedly in providing products (goods and/or services) from suppliers to consumers. In general, there are two main functions of supply chain management. The first function relates to material, storage, production, and transportation costs. Supply chain management is able to transform raw materials into finished products. The second function is related to market survey costs and product design costs. The second function is market mediation, namely ensuring that the offers offered by the supply chain can reflect consumer perceptions (Aryani, 2019). Siagian (2005) explains that there are several supply chain management strategies that are good for increasing product value at a low cost, namely the postponement strategy, dropship strategy and various other strategies (Green et al., 2012).

The rice supply chain from producers to consumers is described as distribution or trade which describes the distribution chain of a good from producers to consumers (BPS 2013). The rice supply chain has an important role, because apart from being a link between producers and consumers, it can also provide value added to the culprit. A good distribution chain is able to move goods from producers to consumers at the lowest possible cost and is able to provide a fair distribution of added value for all business actors. Through an efficient grain and rice supply chain system, all consumers can obtain rice in sufficient quantities and quality at all times, at affordable prices. Variations in the ability to produce paddy or rice between regions and between seasons require accuracy in managing the distribution system and supply chain, so that rice is available all the time in all regions. The supply chain pattern for grain and rice commodities from producers involves various marketing institutions, both through the mechanism of absorption of grain by Bulog and through the mechanism of the general commercial market (Wiyahya, 2011).

The rice supply chain (and unhulled rice as a pre-product of rice) is a system that facilitates the distribution of grain/rice products and services from producers to consumers. Thus supply chain management includes the integration of raw material procurement activities (grain) and services, processing of dry milled grain (GKG) goods into semi-finished goods (broken rice/PK rice and glossy rice/ingredients), further processing into final products (rice premium, medium rice) as well as delivery to consumers. The length of the process chain from unhusked rice to rice and the supply chain from farmers to millers, then through various trade actors to consumers, means that the main harvest that takes place in production centers does not have an immediate impact...
on rice supply in market centers.

The long rice supply chain is felt by the government and is suspected to be one of the causes of high rice prices at the consumer level and low grain prices at the farmer level, coupled with the many cartel practices that occur along the supply chain (Nugraha et al., 2022). In the KPPU’s findings reported by TEMPO, the fact is that in each distribution chain there is a margin, the price at the end user is definitely higher. KPPU said that at the level of wholesalers and millers, the market is relatively concentrated only on a few big players (Dionesius & Hadi, 2019). This is what makes the margin in the middle to be higher. This ultimately causes the gap between prices at the farm level and prices at the consumer level to become larger. For example, if there is a price gap of more than IDR 3,500, those in the middle will enjoy it in the form of a profit margin. The gap can be caused by a long distribution chain or because the profit margin is too high by the people in the middle.

The chaotic and inefficient rice supply chain, as mentioned above, has forced the government to make a new breakthrough by launching the Indonesian Farmer Shop (TTI). The supply chain pattern for rice to TTI is farmers - combined farmer groups (Gapoktan) - TTI. The selling price of rice from Gapoktan to TTI is then controlled through the Highest Retail Price provision. That way this system will create a shorter and more efficient supply chain.

However, the TTI program cannot be separated from rice cartel practices. The domination of actors in rice marketing is reflected in rice marketing activities by the TTI program, cartels can arise due to laxity in implementing policies, so that certain parties take advantage of these opportunities. TTI program planning basically has a clear basis with appropriate objectives, but in practice it is only controlled by one party and with old implementation so that on the one hand this party is controlled by "old people" in policy, but on the other hand these parties have strong control of the program is the beginning of the cartel can happen. Even though it is required to have bookkeeping at the end of the program year as a form of responsibility that does not depart from the general provisions, the game in it against excess supply and government demands cannot be ignored.

This happens because under certain conditions, cartel practices can occur precisely because of the presence of a regulation (cartel by regulations) which is intended by the government to solve problems, which in this case is the policy made by TTI. This assumption is explained that it is not the rules that cause cartels but in carrying out the cartel. This means that it is not the rules or regulations that accommodate cartels, but the implementation of these regulations that are often distorted by cartel actors.

Conclusion
From the discussion above we can interesting conclusion as following: Cartel as understanding in Law 5/1999 is perpetrator effort that makes agreement with perpetrator business its competitors that is to say For influence price by arranged production and or marketing something goods and or services which can resulted happening practice monopoly and or competition business No healthy Deep context study This is practice target cartel For dominate the commodity market rice The cartel's role is to minimize price wars or compete on price, because several companies have collaborated. However, the impact of this cooperation or cartel can result in unfair business competition and also impact on consumer losses.
Rice cartels in Indonesia can occur because the Indonesian rice industry has a long distribution chain, namely farmers selling to collectors, collectors selling to millers, and from milling selling to traders. It doesn't stop there, from traders, rice is still sold to agents, from agents it is sold to retailers, only then does rice finally reach the final consumer or end user. The practice of the rice cartel includes but is not limited to massive hoarding of rice, spreading hoax news related to rice such as news on plastic rice whose aim is to benefit the perpetrators of the cartel practice. In certain conditions, cartel practices can occur precisely because of the presence of a regulation (cartel by regulations) which is intended by the government to solve problems. This assumption is explained that it is not the rules that cause cartels but in carrying out the cartel. This means that it is not the rules or regulations that accommodate cartels, but the implementation of these regulations that are often distorted by cartel actors.

The rice supply chain (and unhulled rice as a pre-product of rice) as a system that facilitates the distribution of grain/rice products and services from producers to consumers has a very long path. The supply chain includes the activities of procuring raw materials (grain) and services, processing of dry milled unhulled (GKG) goods into semi-finished goods (broken brown rice/PK rice and glazed rice/ingredients), further processing into final products (premium rice, medium rice) as well as delivery to consumers. The length of the supply chain flow causes many cartel practices to occur along the supply chain.

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