

Crimines and Corruption Culture Related to Tourism Business Investment

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ABSTRACT

It is an indisputable fact that Indonesia is a rich country. However, there is rampant poverty that prevails due to the widespread culture of corruption in this country. Especially in Tourism Investment, while the State of Indonesia is a State of Law (*rechtsstaat*); a classic question arises why there are still poor citizens even though its tourism is excellent: there are seas, mountains, lakes, etcetera. Waterfalls but not well developed because of money. The incoming levies are only corrupted or for personal enrichment, ranging from airport transportation that charges very high prices and vehicle rentals beyond reasonable limits. If visiting tourist destinations, the entrance fee is not transparent, especially tourism objects managed privately or not by the government, parking attendants who charge high fees, expensive food up to souvenir shops that force to buy goods. Hotel/accommodate rates that raise high prices on certain days are almost no resident's hospitality unless we want to spend much money for them. It is a pity that the beauty of nature and Indonesian culture is partly corrupt in tourism investment in Indonesia. Indonesia has tremendous potential to be developed into a good tourism business, and it appears that there is a corruption crime in the tourism sector. Corruption is the biggest challenge to the Pancasila ideology and Indonesian independence. How it is not so, the culture of corruption has existed since Indonesia was under Dutch colonial rule, so it is challenging to eradicate this habit. Closely, almost every year, there are always examples raised in various media. *Corruption* is an act that violates criminal law in Indonesia. A group of people or individuals usually commits corruption in the form of abuse of power, opportunities, and/or means to enrich themselves and their groups. Either directly or indirectly. Acts that violate the law can be categorized as corruption among them: giving/receiving bribes, offering gratuities to employees/authorities, embezzlement or abuse of power, extortion by officials and employees Reputation and brand image are highly relevant for the tourism sector; particularly when it comes to health and safety. The proliferation of the internet and social media has created a new reality for companies who have a vested interest in containing the publicity of crime and corruption incidents. The line between reputation management and unethical/corruption practice is relatively thin. Arguably, the “age of transparency” has arrived, and victims and non-profit organizations now have the means to expose malignant practices and exercise pressure on tourism companies. Nevertheless, there is another side to the coin. The availability of online published statistical data and information on tourism-related crime rates has been criticized as limited and somewhat inaccurate (i.e., biased) due to methodological and legal classification/definition issues. Combined with victims' comparatively limited online presence, this may lead to the web's underrepresentation of “yellow tourism phenomena”. In this respect, the financial leverage and digital expertise of tourism/cruise corporations have been characterized as the source of an imbalance of “online visibility” power and “platform bias”.

Keywords: *Crime and corruption, Tourism destinations, Reputation, Age of Transparency.*

1. CULTURAL ASPECTS OF CRIMINAL AND CORRUPTION RELATED TO THE TOURISM BUSINESS INVESTMENT

Corruption is undoubtedly a form of crime. This evil has an impact on public distrust, whether carried out by

officials, public and private. Corruption harms various joints life, not only the economy but also politics and social impact public. Corruption has become a common enemy and globally has been It is agreed that corruption is a serious problem that threatens and community security, democratic institutions and values ethics and

justice and threatens sustainable development and supremacy law. Preventing and eradicating corruption are all countries' responsibilities and pillars of governments, private and community organizations.

The global agreement to fight corruption is contained in a Convention United Nations on the Eradication of Corruption, otherwise known as the United Nations Convention Against Corruption (UNCAC), 2003. Indonesia has ratified this convention through Law no. 7/2006 and has implemented it through various national legislation and policies and various efforts to prevent and eradicate corruption.

The definition of corruption can be found in various perspectives, both through the meaning of the word "literally, the opinions of various experts, and based on setting it up. Internationally there is no single definition that is the only reference in the whole world about what is meant by corruption. Even UNCAC, as an agreed international convention on corruption eradication and becomes a reference for almost all countries not specifically defining what is meant by corruption, but describes the forms of action which can be sanctioned as a criminal act of corruption. Judging from the origin of the word, corruption comes from the Latin "corruption" or "corruptus" from the verb "corrumpere", which means decay, depravity, dishonesty, bribery, immorality, and deviation from chastity. This word later came down in several languages in Europe, in English and French known as "corruption" and in Dutch "korruptie" and so on in Indonesian as "corruption". In the Great Dictionary of Languages In Indonesia, the definition of corruption is contained as "deviation or embezzlement." (state or company money, etcetera. for personal gain or other people.)"[1].

In the perspective of distinguishing the types of corruption based on the size of the funds, modus operandi, as well as the level of public officials involved, there are two types of corruption:[2]

1. Grand Corruption, namely corruption committed by officials high-level public sector, concerns public policy and major decisions in various fields, including the economic sector or called corruption because of greed (by greed). The modus operandi is generally collusion between economic power, political power, and public policymakers. Wrong One form is state capture, where the influencer seems to be able to control public policy.
2. Petty Corruption, namely corruption committed by employees government to support the needs of daily life, due to income inadequate or known as corruption out of necessity (survival corruption /by need).

Based on Chapter III UNCAC (Article 15 to Article 25), there are several types of acts that must be regulated

as acts of corruption are prohibited and can be subject to sanctions, namely:

1. Bribery of national public officials is a bribe to national public officials.
2. Bribery of foreign public officials and officers of the public international organization constitutes bribery of foreign officials and officials from public international organizations.
3. A public official's embezzlement, misappropriation, or other diversions of property is a transfer of wealth otherwise by a public official.
4. Trading in influence is the influence of obtaining administrative/public authority to obtain an undue advantage.
5. The public official's abuse of function or position to obtain inappropriate for himself or another person or any other entity.
6. Illicit enrichment is an act of illegally enriching by public officials who cannot be reasonably explained concerning legitimate income.
7. Bribery in the private sector is bribery in the private sector.
8. Embezzlement of property in the private sector is embezzlement wealth in the private sector.
9. Laundering of crime proceeds is the laundering of crime in the form of conversion or transfer of wealth or concealment or disguise the origin of wealth.
10. Concealment is concealment or continuously holding back wealth that comes from crime.
11. Obstruction of justice is an act that hinders the process of the court.

Tourism in Indonesia's national development program is one of the sectors of economic development. From tourism, it is hoped that foreign exchange can be obtained, both in the direct expenditure of tourists and from investors, both foreign and domestic.

The corruption that is still rampant in Indonesia, besides involving those who serve in government agencies, also impacts investment in tourism businesses in Indonesia. It also involves people who hold positions in the tourism business or other private businesses that still cover the world of tourism in Indonesia. Concern for the prevention of the Corruption Eradication Commission, making the tourism sector in Indonesia one of the focus areas of work in supporting efforts to combat corruption in the tourism sector, the Indonesian government in collaboration with the Directorate of Education and public services plays a role in encouraging:

1. Build a good trip tourism agency in order to avoid nepotism.
2. The establishment of regulations to strengthen efforts to prevent corruption in the tourism business.

3. Realizing collaborative actions for prevention and eradication in the tourism sector
4. Provide very severe criminal witnesses for any officeholder who commits corruption in the tourism world so that there are deterrent effects for perpetrators of corruption in tourism investment in Indonesia.

A clear legal basis is made to be snared with severe criminal articles based on the law of criminal acts of corruption both under national and international law. The world of tourism in Indonesia is avoided from nepotism and corruption practices.

- To encourage the participation of employees within the ministry of tourism in Indonesia to prevent and eradicate corruption and abuse of authority by officials within the ministry of tourism for the services provided, it is necessary to handle public/internal complaints.
- Whereas an internal complaint (whistleblowing system) that is appropriately managed and correctly can prevent irregularities in the implementation of good tourism to create a tourism world that is clean and free from corruption and nepotism.
 - 1) Based on Law No. 28 of 1999 concerning the administration of a pristine and free state of collusion, corruption, and nepotism (State Institution of the Republic of Indonesia Number 3852).
 - 2) Based on Law Number 31 of 1999 concerning the eradication of criminal acts of corruption (State Institution of the Republic of Indonesia of 1999 Number 140)
 - 3) Regulation of the Minister of Tourism and Creative Economy Number PM. 07/ TTK001 /MPEK /2012 concerning the organization and working procedures of the ministry of tourism and the creative economy.
 - 4) Regulation of the Minister of Tourism and Creative Economic Number 4 of 2014 concerning guidelines for settlement state losses within the tourism and creative economy ministry.
 - 5) Regulation of the Minister of Tourism concerning procedures for handling complaints of tourism corruption within the ministry of tourism.
- In the Ministerial Regulation, what is meant by internal complaints (whistleblowing) are officials/employees within the ministry of tourism who have information/access and complain of acts that are indicated as irregularities.
- The ministry of tourism and creative economy/tourism and the creative economy agency has never stopped inviting the public and officials in the tourism sector to avoid corruption, maintain integrity in their work, and avoid corruption. Ministries and institutions within our Ministry of Tourism and Creative Economy must also minimize opportunities for

corruption, improve the quality of services to the community, and be assisted by good collaboration between the Corruption Eradication Commission and the Ministry of Tourism.

- To prevent corruption in the tourism sector must include the collaboration of supervision and accountability between the owner of the tourism agency and the Government Internal Supervisory Apparatus (APIP). For example, electronic performance reporting is made with the E-Performance application and simplification of the organizational structure and public information services managed by The Information and Document Management Officer (PPID) implements structured bureaucratic reforms to reduce the scope for corruption. It would also be nice for officials who hold positions in the tourism ministry to submit their respective State Administration Wealth Reports (LHKPN) to the Corruption Eradication Commission (KPK) to minimize the scope for corruption. The legal basis for corruption in the tourism sector, Law no. 32 of 1999 concerning eradicating criminal acts of corruption in conjunction with Article 55 paragraph (1) of the 1st Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code, additional.

The strategy to prevent corruption eradication in the tourism business is to legally prevent and combat corruption by applying severe sanctions to anyone who unlawfully commits acts of enriching themselves or others that can harm the economy. Legally, corruption is an act that is not commendable, contrary to the importance and function of Pancasila as the way of life of the Indonesian people. Besides that, acts of corruption also injure the noble values of Pancasila as the basis of the Indonesian state. In the era of globalization that is developing today, corruption is like a culture in society. Therefore, the Indonesian government seeks to take steps to prevent corruption. Especially in the tourism business sector, due to the many market opportunities that can be corrupted in the tourism business, corruption prevention is currently entering and targeting the Indonesian state not experiencing a decline in several aspects and fields due to the impact of corruption. The Efforts made by the government in eradicating corruption consist of prevention efforts, enforcement efforts, and educational efforts.

1. Efforts to prevent the occurrence of corruption is by taking preventive measures. This effort is intended to choose a solid fortress to avoid acts that reflect corruption in everyday life. Additionally, prevention efforts are carried out by the government based on the fundamental values of Pancasila so that it does not conflict with its prevention the values of Pancasila itself.
2. An appeal to the public also needs to be made. So those efforts to eradicate corruption in the tourism business can be avoided by conducting counseling in the community that opens tourism

businesses and emphasizing the latent dangers of corruption in the Indonesian state, emphasizing who the Indonesian people are.

3. Other efforts in eradicating corruption in the tourism business sector, the government can work together to control tourism agents, the regulation of people's welfare by the government is not only physical welfare but also physically and mentally. The hope is through efforts to improve the welfare of the living community to create a civil society that is free from acts of corruption in everyday life.
4. The efforts of the Indonesian government to take action since the KPK was established in 2002 have produced results that can be called the maximum results in the tourism business. Likewise, the judiciary's role is needed in upholding justice in Indonesia, especially those related to corruption. Of course, the implementation of the judicial process is carried out by the mechanisms of the justice system in Indonesia, and based on applicable laws and regulations, the government, through the Corruption Eradication Commission, against the perpetrators of the crime of corruption in question. In order to provide a deterrent effect to the perpetrators and indirectly provide shock therapy to people who commit or have corrupt intentions, whether in government or daily life.

The Cause of the Culture of Corruptions

1. *Light penalties for corruption perpetrators*
In Article 2 and Article 3 of the Anti-Corruption Law, corruption crime can be subject to a maximum sentence of up to 20 years in prison or life. Meanwhile, as stated in Article 5 and Article 11, criminal acts of corruption are subject to a maximum sentence of only five years in prison. The average sentence is only one year and seven months in prison for corrupt defendants charged with Article 5 or Article 11 of the Anti-Corruption Law. It was also very unsatisfactory to the public. Very far from the theory of providing a maximum deterrent effect.
2. *Ineffective supervision*
The low quality of human resources responsible for supervising the occurrence of corruption and lack of professionalism in carrying out their duties make the supervision ineffective.
3. *The wrong state administration system*
4. *Law enforcement is not going well*
Let alone eradicating corruption, even preventing new corruption, law enforcers stumble. The proof is that so many new corruption cases keep popping up on a scale just getting more significant. Currently, law enforcement agencies in Indonesia have failed in their solve corruption cases. There are still many perpetrators of corruption come from the ranks of government, local government, DPR, DPRD, to law

enforcement officers. Eradicating corruption as an extraordinary crime must be carried out in extraordinary ways, typical too. There should be no intervention against law enforcement agencies in eradicating corruption. Interventions like this will create a sense of injustice. Let the law work with its mechanism and way of finding justice.

5. *Deep-rooted community culture*
Corruption behavior in Indonesia has historically become a problematic habit (culture). To be eradicated, because of the many problems in various aspects that support corruption occurs. The complexity of this corruption does not seem to be a priority problem that must be resolved together. However, instead, corruption is used as a tool for the authorities who can provide opportunities and opportunities for himself and his group (party). The culture of corruption will mirror personality in a dilapidated nation and make this country poor because of the country's wealth stolen for the benefit of a few people regardless that his actions will make millions of people miserable.
6. *The absence of an exemplary leader.*

The position of the leader in a formal or informal institution has an influence significant to his subordinates. Suppose the leader cannot set a good example in front of subordinates, for example, corruption. In that case, their subordinates will likely take the same opportunities as their superiors.

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3. HOW TO ERADICATE CORRUPTIONS

- a. Giving severe punishment to corruptors will have a deterrent effect. This can also be a lesson for all people not to do the same thing.
- b. So, a leader with integrity as a leader should be an excellent example for each member. If all the leaders of a country, government, company, or business do not commit a criminal act of corruption, the world of tourism will progress.
- c. Take advantage of technology in telecommunications systems and technology. Even with technology such as the internet, anyone can do business. The prevention is both of the global levels that can be adjusted to the scale and scope of the community itself.
- d. Establishing the proper steps when making decisions and strategies, of course, there must be an evaluation that can later become a benchmark in the community regarding the steps taken and anticipating by working together with all parties.

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