



Hot Oil Money in Chilly Puncak: The Impact of Foreign Tourists' Presence to Local Peoples' Rights in Puncak, Bogor

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Abstract. The arrival of foreign tourists from several Arab countries has been influencing the socio-legal condition of the society living in Puncak, Bogor, West Java. Such presence of foreign tourists, on one side, means financial income for the country, but the other is their presence could affect local peoples' rights. One of the rights disturbed is the right to be protected when they consume something. In Puncak, along with the presence of foreign tourists from Arab countries, there is also the spreading of consumed things from Arab countries traded by several traders. The spreading of those things affects negatively to local peoples as consumers who live in Puncak. This study would explain the tension between the fulfillment of economic rights and consumer rights as one form of human rights that must be protected. This study uses socio-legal research method and based on primary and secondary data. Interview and observation are conducted by researchers in Puncak to collect the data for this study.

Keywords: Consumer Rights, Government Control, Human Rights.

1 Introduction

The arrival of foreign tourists from Arab countries in Indonesia increases significantly. According to the Central Agency of Statistics (Badan Pusat Statistik), in 2019, compared with 2018 data, there was a 37.95% increase in the arrival of foreign tourists from Arab countries in Indonesia. So it means that in 2019 there were 36,500 tourists from Arab countries who already visited Indonesia [5]. Surely that condition brings several advantages for Indonesia, such as economic income, because tourists from Arab countries, especially from Saudi Arabia, spend their money two times more than other foreign tourists [2].

One of the favorite places visited by foreign tourists, especially those who come from several Arab countries, is the Puncak area, Bogor, West Java [11]. In fact, their visit to Puncak not only affects the economic aspect positively, but also affects other aspects related to the local people who live in Puncak, such as marriage relationship, communication, women and children protection, and even consumer rights [14]. As many Arab tourists visit Puncak, the demand for daily consumable things which is usually consumed by them also rises, and to fulfill such demand, many sellers provide and

sale daily consumptive things come from Arab. Those kinds of things could be recognized easily, among others, from its appearances which show trade mark or information written in Arabic letters. It could be understood why Arab tourists as consumers will buy such kinds of things, this is because they will make preference in buying something based on their previous experience in the place they come from [12].

From the perspective of law of the consumer rights protection, as stated in Article 4 of the Law Number 8 Year 1999 on Consumer Protection, as consumer, people have rights, among others, to be guaranteed their safety when consuming something and also to be guaranteed to receive true, clear and correct information regarding that consumed thing. As the problem, the spreading of things from Arab could affect to local peoples as consumers who lives in Puncak. That is because people who consume those daily consumptive things come from Arab not only limited to Arab tourists, but also local peoples who do not understand Arabic language, so when they consume it, they do not know exactly what it is. Whether those things are health or safe enough to be consumed by them are totally unclear, and surely this condition is contrary to the protection of consumer rights stated in Article 4 of the Law Number 8 Year 1999.

2 Methodology

As regards to the above-mentioned explanation, this study would discuss the tension between the fulfillment of economic rights and consumer rights as one form of human rights that must be protected. This study uses socio-legal research method and based on primary and secondary data. Interview and observation are conducted by researchers in Puncak, especially at Tugu Village, to collect the data for this study.

3 Result and Discussion

3.1 Consumer Rights as Human Rights

Consumer, according to Article 1 number 2 of the Law Number 8 Year 1999 on Consumer Protection (the Consumer Protection Act), is every person using goods and/or services available in society, whether for the benefit of themselves, their family, other people, or other living creatures and not for trading. From such definition, so in the context of the Law Number 8 Year 1999, concept of the consumer referred only to subject who use or consume something, and not to trade it.

In the context of production, transaction and consumption activities, there are two main actors who always interacts each other, namely consumer and business actor. Business actor is the party who always deals with consumer when consumer makes transaction to fulfill his or her needs. From a legal perspective, if a business actor commits an action that harms the consumer, then he or she must be responsible for the loss suffered by the consumer. This is expressly regulated in Article 7, Article 19, Article 24 and Article 25 of the Consumer Protection Act.

The relationship that exists between consumer and business actor is not always in good condition. In practice, consumer is often harmed by business actor through im-

proper sales methods, such as incorrect, unclear and dishonest product information, products received by consumer contain defects, or the traded products do not meet required quality standards.

The presence of the Consumer Protection Act aims to ensure the fulfillment of the rights and obligations of consumer and business actor in a balanced manner. This is intended so that no party is harmed, both consumer and business actor. Actually, regulation of the rights and obligations of consumer and business actor through the Consumer Protection Act is a form of government intervention to protect its citizens through laws and regulations, and at the same time as a form of implementing Indonesia as a welfare state. Constitutionally, this is based on the Constitution of the Republic of Indonesia 1945 which contains the idea of a modern welfare state [3].

In line with the explanation above, in his study, Zulham also stated that actually consumer protection is part of the protection of human rights. According to him, the scope of the concept of human rights is not only in the context of the relationship between the peoples and the state, but more broadly, human rights can also cover relations between persons, including the relationship between consumer and business actor [17].

Abdul Halim Barkatullah's study also revealed that consumer rights contained in the Consumer Protection Act are the elaboration of articles that are characterized by a welfare state as stipulated in Article 27 paragraph (2) and Article 33 of the Constitution of the Republic of Indonesia 1945. The importance of these consumer rights led to the idea that consumer rights are part of the "fourth generation of human rights" which must be protected and developed continuously [4].

Based on Article 4 of the Consumer Protection Act, consumer has rights that must be protected, among others: the right to security and safety in consuming goods and/or services; the right to get correct, clear and honest information regarding the condition of goods and/or services; the right to have their opinions and complaints heard about the goods and/or services used; the right to obtain advocacy and protection in resolving consumer disputes; the right to obtain consumer education; and the right to receive compensation if the goods and/or services received are not in accordance with the agreement or not as they should be.

In the international context, The International Organization of Consumer Union (IOCU) also added several rights that are basic consumer rights, namely the right to get consumer education, the right to compensation, and the right to a good and healthy environment. With this international recognition, consumer rights have a stronger position as part of human rights.

3.2 The Arrival of Foreign Tourists in Puncak and Its Impact

The presence of foreign tourists, mostly from the Middle East, who come to the Puncak area, Bogor, has had several impacts on the community, especially at Tugu Village. The positive impact of the presence of Middle Eastern tourists can be felt in the economic field, where residents of Tugu Village can earn additional income.

The economic growth in Tugu Village due to the arrival of Middle Eastern tourists has been anticipated by the village government (perangkat pemerintah desa) and vil-

lage communities. They prepare themselves to be "good receptionists" for tourists from the Middle East. For this reason, the village government facilitates training for women to become "khadamah" or servants who serve Middle Eastern tourists while they are on vacation in Puncak. For the men, the village government organizes training to become drivers for tourists. The khadamah or servants and drivers are also trained to speak Arabic and several ethics in Arab culture when interacting with Middle Eastern tourists [6].

As well as being able to create jobs, the presence of Middle Eastern tourists has also caused shops to be more crowded to visit and the tourists buy their goods. Likewise with taxibike (ojek) drivers, their services are also widely used by foreign tourists to take them visit from one place to another [7].

On the one hand, with the need for khadamah or servants and drivers to be used by Middle Eastern tourists, it is clear that this will open up jobs for the residents of Tugu Village. But unfortunately, on the other hand, the need for khadamah or servants also has a negative impact, namely the existence of a stigma that Tugu Village is a place for doing "the temporary or contract marriage." Of course, this has caused a negative stigma for women at Tugu Village because they are considered to have practiced covert prostitution under the guise of contract marriages with foreign tourists [8].

From the consumer protection standpoint, the presence of Middle Eastern tourists also has an impact on the increasing number of goods, such as food and beverages, originating from abroad. On these imported food and beverage products, ironically, there is no product information printed in Indonesian language. All products are actually only accompanied by product descriptions in foreign languages. From the law perspective, the circulation of imported products that do not give product information in Indonesian language clearly violates the provisions of Article 37 paragraph (1) of the Law Number 24 Year 2009 on Flags, Languages and National Emblems, and the National Anthem, and also Article 8 paragraph (1) point J of the Consumer Protection Act. The two provisions regulate the obligation for traded goods in Indonesia to state their product information in the Indonesian language.

3.3 The Local Peoples' Attitudes as Consumers

The attitude of the peoples of Tugu Village, Puncak, as consumers regarding the presence of Middle Eastern tourists, is generally accepting, both towards foreigners and also the circulation of many imported goods. The peoples of Tugu Village accept foreign tourists because of the positive impact of the economic or income aspects they can get.

With the circulation of imported products that do not have product information in Indonesian, on the one hand, the public as consumers can get several benefits because they are provided with many choices of products for consumption. But on the other hand, this can actually be detrimental to society as consumers because they cannot know for sure about the ingredients or how to consume these goods properly. Things like this certainly have the potential to pose a danger to consumers' safety and health, especially if these items are food, beverage or cosmetic products.

From the results of the research by distributing questionnaires to 34 residents of Tugu Village, Puncak, as respondents regarding whether they prefer to buy products that use Arabic or Indonesian in its product information, then 100% or 34 of the respondents who are Tugu Village residents totally prefer to buy products that use Indonesian [16]. From this it can be concluded that although there are many imported products with foreign languages in its product information, especially Arabic, among the peoples of Tugu Village, they still choose domestic products that use Indonesian on their product labels. The reason is because domestic goods or products are cheaper than imported products.

In addition to relatively cheaper prices, domestic products are also in greater demand because, especially for food products, the residents of Tugu Village as consumers feel more comfortable with the taste of food produced in Indonesia. Actually the residents of Tugu Village as consumers are also pleased if supervision or restrictions are placed on the circulation of imported products. This restriction is considered important because the people of Tugu Village as consumers feel more comfortable and safe when consuming goods produced domestically in Indonesia, in which the goods clearly contain information such as about their contents, how to use them or information about their expiration date, and all of such information are in Indonesian. Contrary to that, as for imported goods, these things are rather difficult for local peoples to find and understand properly.

However, in fact, the circulation of imported goods in Puncak, including at Tugu Village, is still abundant and seems difficult to be controlled or confined. These difficulties are due to: firstly, many foreign tourists, especially from the Middle East, still visit the Puncak area as their tourist destination. Because of the large number of foreign tourists, then the local peoples also like to provide and sell daily necessities for foreign tourists, which are imported products. When local peoples sell such kind of products they will get more money.

Secondly, based on the researchers' interviews with village officer, it is also found that no serious efforts had been made by the authorities to monitor and make restriction for the circulation of imported goods in the Puncak area, including at Tugu Village [9]. So, how supervision or control should be carried out by the government? In relation to the circulation of imported goods in the Puncak area, from the perspective of law, the party who has authority to supervise this matter is the regency government (pemerintah kabupaten), especially through its trade office (dinas perdagangan) [10]. However, the problem is that not all trade offices are willing to carry out the supervisory function of the circulation of imported goods from abroad. Even sometimes the trade office in the regency actually still considers the function of supervising the circulation of imported goods to be the authority of the provincial government.

Actually, if viewed in a more comprehensive perspective, related to the issue of supervision over the circulation of imported goods, such supervision can be conducted by several government parties at once. Synergy can be carried out at least by several parties from the local government, both at the provincial and regency/municipality levels, through several of their offices [13]. In addition, the synergy can also be expanded to involve the health office (dinas kesehatan) and the Food and

Drug Supervisory Authority (Badan Pengawas Obat dan Makanan (BPOM)) at the regional level, especially for goods in the form of food and medicines [1].

In fact, if the goods in the form of foods are also distributed around the school, it is possible that the education office (dinas pendidikan) should also be involved. The involvement of the education office like this was revealed through a study by Siti Qorrothu Aini. In her study, Siti Qorrothu Aini emphasized the importance of cooperation between the health office and the education office in overseeing the circulation of snack foods around schools, which could have the potential to harm the health of school children who consume them [15].

4 Conclusion

The visit of foreign tourists, especially those who come from the Middle East, is a dilemma for the peoples of Tugu Village in Puncak, Bogor. On the one hand, the visit of foreign tourists opens up many business opportunities for villagers, but on the other hand, the presence of foreign tourists also has negative impacts. One of these negative impacts is the circulation of many imported goods in the public market, in which these goods do not contain product descriptions in Indonesian. Goods that do not contain information in Indonesian have the potential to endanger the safety and health of the public as consumers. The government, both at the regency/city and provincial levels, has not responded optimally to the large circulation of imported goods yet.

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