

Juridical Analysis of Extortion that Occurred in the Umbul Ngrancah Tourism Village, Udanwuh Village, Semarang Regency

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Abstract

Illegal Levies or also known as extortion is an act of extortion that is prohibited in criminal law. This action is practically carried out in the form of a request for additional fees beyond the mandatory fees that have been specifically determined by a statutory regulation. This study aims to analyze the mechanism of law enforcement carried out against perpetrators of Extortion in the Umbul Ngrancah Tourism area, Udanwuh Village. This research uses a type of empirical juridical research. Extortion itself is often carried out by government officials or employees. The term extortion has become a trend again with Presidential Decree No. 87 concerning the 2016 Extortion Task Force, the Cyber Extortion Task Force was formed.

Abstrak

Pungutan liar atau yang disebut juga dengan pungli, adalah tindakan pemerasan yang dilarang dalam hukum pidana. Tindakan ini secara praktis dilakukan dalam bentuk permintaan atas biaya tambahan berada diluar administrasi wajib yang telah ditentukan secara spesifik oleh suatu peraturan perundang-undangan. Penelitian ini bertujuan untuk menganalisis tentang mekanisme penegakan hukum yang dilakukan terhadap pelaku tindak pidana pungutan liar yang ada dalam kawasan Wisata Umbul Ngrancah Desa Udanwuh. Penelitian ini menggunakan jenis penelitian yuridis empiris. Pemerasan sendiri sering dilakukan oleh pejabat atau pegawai pemerintah. Istilah pungutan liar kembali menjadi *trend* dengan adanya Keppres No. 87 tentang Satgas Pungutan Liar Tahun 2016 dibentuk Satgas Cyber Pungli, Pemerintah Dewan Negara dan Pemerintah Kabupaten atau Kota Semarang berupaya menumpas kejahatan pungli yang sering kali mengganggu kenyamanan warga maupun pengunjung wisata

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1. INTRODUCTION

Illegal levies also known as extortion is acts of extortion that are prohibited in criminal law (Lijan, 2006). This action is practically carried out in the form of a request for additional costs outside of the mandatory administration that has been specifically determined by a statutory regulation. However, it is important to understand that these additional costs are illegal and are carried out only to meet the personal needs of the person concerned. So that it can definitively be considered a simple form of a criminal act of corruption. The criminal act of Extortion, which is carried out freely and without ever receiving firm action, is of course very burdensome for many people in this case.

The Umbul Ngrancah tourist attraction, Udanwuh Village, which is one of the tourist destinations under the auspices of the Village-Owned Enterprise (BUMDes), of course must have a wise management mechanism. The large number of criminal acts of Extortion that occur freely in this tourist spot indicates that Village-Owned Enterprises (BUMDes) are not managed in a healthy manner and appear to not have a strict regulatory mechanism. Based on these problems, this research was carried out. This research seeks to clarify village involvement in the management of Village-Owned Enterprises (BUMDes) and law enforcement mechanisms for perpetrators of criminal acts of Extortion.

Central Java Province has various negative records regarding the widespread criminal acts of Extortion that occur at tourist attractions. As happened on the Candiroto-Dieng alternative tourist route, which occurred in 2018 (Muzaki, 2023). Apart from occurring on the Candiroto-Dieng alternative tourist route, several incidents related to criminal acts of Extortion at tourist attractions in the Central Java region also occurred in several other places. General records for the Central Java Province region produced data confirming that there had been 1,011 Arrest Operations (OTT) for criminal acts of Extortion that occurred in 2019 (Jawa Pos, 2023). With this phenomenon, the managers of the Udanuwuh Tourism Village must of course anticipate so that this incident does not happen again.

2. FORMULATION OF THE PROBLEM

- a. How are the Extortion regulated in the Umbul Ngrancah Tourism Village, Udanwuh Village, Semarang Regency?
- b. What are the obstacles in enforcing the law against Extortion that occur in the Umbul Ngrancah Tourism Village, Udanwuh Village, Semarang Regency?

3. RESEARCH METHODS

The methodology or type of research used was empirical juridical. Empirical legal research is a research method that no longer conceptualizes law philosophically-morally as *ius constituendum* norms or law as what ought to be nor in a positivist way as *ius constitutum* norms or law as what it is in the books, but rather empirically as observed in the realm of experience or which is simply understood as a norm that exists only with formal legitimacy (Wignjosoebroto, 2013). Salim HS and Nurbani state that empirical legal research is also understood as empirical legal research, empirical *juridisch onderzoek*, and/or empirical *juritische recherche* (Salim and Nurbani. 2014). Although etymologically understood in different terms,

4. Results and Discussion

- a. Regulation of Extortion that occur in the Umbul Ngrancah tourist village, Udanwuh village, Semarang district

The articles of criminal law that can be imposed on perpetrators of Extortion (extortion) based on the Criminal Code (KUHP) are as follows:

- 1) Article 368 of the Criminal Code, "Anyone who with the intention of benefiting himself or another person unlawfully, namely forcing another person by force or threat of violence to give an item, wholly or partly belonging to another person or to give a debt or write off a receivable, is threatened with, for extortion, with a maximum prison sentence of nine years."
- 2) Article 415 of the Criminal Code, refers to officials or other people, who are carrying out permanent or temporary state duties, who deliberately embezzle money or securities held by them because of their position, or deliberately allow money or securities to be stolen. handed over by another person who is taken or embezzled, or helps another person to do so, is punishable by a maximum imprisonment of seven years.
- 3) Article 418 of the Criminal Code explains that a public official accepts a gift or promise, even though he knows or has reason to suspect that the gift or promise was made because of the power or authority inherent in his position or in the opinion of the giver of the gift or promise. promises related to anyone who does not agree with his position will be punished by a maximum imprisonment of six months, one month's imprisonment or a maximum fine of four thousand five hundred rupiah (Rp. 4,500,-).
- 4) Article 423 of the Criminal Code, punishes officials who for certain purposes obtain unlawful benefits for themselves or other people by using their power to force other people to surrender, pay, reduce payments or work for themselves, to a maximum imprisonment of 6 (six) years.

The Indonesian government's efforts to overcome the problem of Extortion (*Pungli*) circulating increasingly widespread among Indonesian society, the Indonesian government issued Government Regulation Number 87 of 2016 concerning the Task Force to Clean up Extortion (Cyber Team) to control the crime rate of Extortion in Indonesia which has become the culture of society. Cyber Duties according to Article 2 of Law no. 87 of 2016 is to carry out the eradication of Extortion effectively and efficiently by optimizing the use of personnel, work units and infrastructure both in ministries/institutions and regional governments. Meanwhile, Article 4 explains the authority of the Cyber Extortion task force as follows:

- 1) Building a system for preventing and eradicating Extortion;
- 2) Collect data and information from ministries/agencies and other related parties using information technology;
- 3) Coordinate, plan and carry out operations to eradicate Extortion;
- 4) Carrying out sting operations;
- 5) Provide recommendations to heads of ministries/institutions as well as heads of regional governments to impose sanctions on perpetrators of extortion in accordance with statutory provisions;
- 6) Provide recommendations for the establishment and implementation of the duties of a Cyber Extortion unit in each public service providing agency to the heads of ministries/agencies and heads of regional governments; And
- 7) Carrying out evaluations of activities to eradicate Extortion.

Apart from ratifying Law no. 87 of 2016, the government is also carrying out efforts to take legal action against Extortion (extortion), especially those that occur in the Umbul Ngrancah Tourism Village, Undawuh Village, Semarang Regency in the following ways:

- 1) Efforts to prevent extortion need to become a habit of using e-money payments.

E-money or Electronic Money is a payment system using electronic money or made non-cash (cashless). Simply put, electronic money acts as a means of payment that replaces cash. This card can be used at any time for free because there is no time limit. Cards can also be used up to a balance of 0. Some of the functions of electronic money are: Paying tolls; Pay for parking and TPE payments with the e-money logo; Buy tickets for KRL Commuter Line, Transjakarta Bus, Transjogja, Batik Solo Trans, Railink Kualanamu, MRT and LRT; Pay transaction fees at Pertamina gas stations with the e-money logo; Pay bills at mini markets, amusement parks and restaurants with the e-money logo.

This non-cash payment method is expected to reduce criminal acts of Extortion (extortion) which often occur in the tourist village of Umbul Ngrancah, Udanwuh Village, Semarang Regency.

- 2) Carry out routine supervision

At a higher level, giving bribes does not directly harm the state, but in the long term this practice damages the integrity and mentality of government agencies that provide services. Poor service in government agencies which leads to the practice of paying bribes is an indication of a weak control environment in these government agencies, because managers do not care about creating a tone at the top that conveys a personal attitude towards "service" the public is well informed, a strict code of ethics is not followed and the role and work of internal auditors in government agencies is not effective. This also results in a negative culture, namely extortion at any level, in Indonesian society.

Based on data from the Cyber Team, it was found that the most cases of extortion occurred in the parking sector. Even though the local government has spoken about increasing revenue in the parking sector, many of these activities apparently violate state regulations which make parking spaces haphazard and are claimed unilaterally by parking attendants so that it becomes an act of Extortion.

To control and eradicate this criminal act of extortion, the government carries out routine monitoring missions in the Umbul Ngrancah Tourism Village, Undawuh Village,

Semarang Regency. Supervision is carried out not only by the government, namely the village head and all civil servants within it, but also the participation of the community and visitors is very important to take action against cases of Extortion (extortion) that occur in the tourist village.

3) Patrol regularly.

The Cyber Team (Clean Sweep of Extortion) is a team formed by the Indonesian government to prevent and eradicate criminal acts of illegal levies (extortion) that occur in Indonesia. As discussed above, according to Law no. No. 87 of 2016, the Cyber Team is tasked with carrying out the eradication of Extortion effectively and efficiently by optimizing the use of human resources, work units and infrastructure both in ministries/agencies and in municipalities. Apart from that, the formation of the Cyber Team in Semarang Regency has also been regulated in:

- a) Central Java Governor Regulation No. 700.1/8 of 2016 concerning the Establishment of a Task Force to Clean Up Extortion in Central Java Province.
- b) Decree of the Mayor of Semarang Number 700/11 of 2017 concerning the Establishment of a Task Force for Clean Sweeping of Extortion in the City of Semarang was amended by Decree of the Mayor of Semarang Number 700/8 of 2020 concerning the Second Amendment to Decree of the Mayor of Semarang Number 700/76 of 2018 concerning the Establishment of a Task Force for Clean Sweeping Extortion in the City of Semarang.
- c) IMENDAGRI No. 180/3935/SJ concerning Supervision of Extortion in the Administration of Regional Government.
- d) Circular Letter of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia No. 5 of 2016 concerning Eradication of the Practice of Illegal Levies (Extortion) in the Implementation of Duties and Functions of Government Agencies.

Based on these regulations, a Cyber Team (Task Force to Clean Up Extortion) was formed to eradicate cases of extortion that often occur in Semarang Regency (Cyber Extortion Team, 2023). This cannot be separated from the illegal extortion activities seen in the Umbul Ngrancah Tourism Village, Udanwuh Village, Semarang Regency, as a tourist location that should be enjoyed by people who come to visit. The administration of the Umbul Ngrancah Tourism village must be clear and comply with applicable legal regulations regarding tourism objects so that it can avoid the practice of extortion which results in losses and decreased visitor trust in the tourist attractions offered at Umbul Ngrancah Tourism, Udanwuh Village.

Eradicating extortion itself cannot be done unilaterally. There needs to be integration between society and the government to achieve optimal results in eradicating the crime of Extortion so that it does not spread to society and becomes a problem for changing culture. Prevention of extortion can also be started by ensuring that you do not make or request payments that are unofficial and have no legal basis. It is important for society/criminals themselves to realize that all society's activities are regulated by law which can have a deterrent effect on the extortionists themselves.

b. Barriers to law enforcement against Extortion in the Umbul Ngrancah tourist village, Udanwuh village, Semarang district

The obstacles felt by the Cyber Task Force in Semarang Regency related to law enforcement efforts in eradicating illegal levies (extortion) in the Umbul Ngrancah Tourism village, Udanwuh Village are divided into two types, namely internal obstacles and external obstacles.

1) Internal barriers

Internal Barriers are obstacles that arise from the Cyber Extortion Task Force whose aim is to prevent the practice of extortion in the education sector which results in suboptimal efforts. These internal obstacles include:

- a) Limited funds
To prevent the practice of extortion in industry certainly requires quite a lot of money, such as the costs of carrying out inspections, surveillance and actual operations of the Cyber Extortion Task Force in the Umbul Ngrancah Tourism village.
- b) There are no facilities and infrastructure yet
This must be the case by improving the performance of the Cyber Extortion Task Force which is supported by the availability of offices, operational equipment, especially vehicles and others. However, in the field, it seems that there are still many deficiencies in the facilities and infrastructure of the Cyber Task Force so that this becomes an obstacle that cannot be anticipated.
- c) Insufficient human resources.
Human Resources (HR) are a fundamental requirement for the operational performance of the Cyber Task Force in Semarang Regency. Indeed, the Cyber Task Force has been structured structurally by the Semarang Regency Regional Government, but what happens in the field is that the Cyber Task Force often experiences a shortage of units in its efforts to carry out clean sweep operations of extortion that occurs around Semarang Regency. As a result, the efforts made are less than optimal so that there is still a gap for the perpetrators to continue to act so that this is detrimental and disturbing to the community.

2) External barriers

External obstacles are obstacles outside the Cyber Extortion Task Force that do not support and can even hinder efforts to prevent Extortion in Semarang Regency, namely the lack of a Cyber Extortion Task Force that can provide outreach to social services, education services, village communities in Semarang Regency, etc.

- a) Economic factors
As we know, human needs (demand) are much higher than their ability to fulfill these needs. The human nature that tends to never be satisfied and does not feel enough is the trigger for criminal crime cases, one of which is extortion which occurred in the Umbul Ngrancah Tourism area, Udanwuh Village, Semarang Regency. Therefore, the perpetrator looks for a way out to fulfill his needs by committing criminal acts of Extortion to obtain rewards that are easier to obtain. These illegal levies (extortion) do not have a significant impact, or there is no visible impact in the form of losses for the state, however, in the implementation of the crime of Extortion, it can affect a person or individual, so a Cyber Task Force is needed to eradicate this criminal act of Extortion.
- b) Community factors.
The lack of enthusiasm from the community in establishing the Cyber Extortion Task Force in Semarang Regency also has a negative impact on optimizing Cyber Extortion operations so that the community cannot participate in cleaning up extortion.
- c) Cultural factors
Illegal levies (extortion) are closely related to typical local communities which tend to develop when people do not have the concern or courage to report extortion to the authorities. For example, in the social life of the people in Semarang Regency, people are generally indifferent and often experience extortion for various reasons and aspects. Today's society tends to be individual and egocentric so that it ignores events around it, even those that it experiences itself. The public's experience regarding extortion should be sufficient evidence that a criminal violation has occurred that can be investigated and punished criminally.
- d) Relevant Institutions/Institutions.
Public service institutions should be a forum where implementers carry out their duties in accordance with legal regulations and assist task forces and law enforcement officers in carrying out their duties. However, the facts on the ground show that there

is an attitude of incompetence so that the institutions and apparatus are not able to cooperate optimally in eradicating cases that occur in the community. Lack of commitment from public service implementers, lack of integrity and professionalism of public service implementers and even corrupt behavior by public service implementers.

This of course has a negative impact on the Cyber Task Force which has been formed by the government which is tasked with eradicating extortion in the social environment so that deeper coordination and cooperation between relevant authorities and institutions carrying out public service duties is needed.

In the realm of the Umbul Ngrancah Tourism Village, Udanwuh Village, of course cooperation is needed with village officials and the Cyber task force itself so that it can create a conducive environment for both the community and visitors to the Umbul Ngrancah Tourism Village.

e) It is very difficult to prove extortion in the field.

Proving the crime of Extortion requires very difficult and extensive information, unless the Extortion are carried out through Hand Arrest Operations (OTT); It is also easier if the Extortion are proven at the time the crime was committed or immediately or soon after the crime was committed. Proving is difficult because the crime of Extortion (extortion) is a hidden crime with a small amount that does not have an impact on state losses. However, extortion is still a criminal offense that can be punished in accordance with applicable laws and regulations. This includes extortion in the Umbul Ngrancah Tourism Village, which, although not visible, is apparently quite detrimental to the community, especially visitors who come to this tourist location.

Without real legal action such as administrative sanctions, fines or criminal penalties, extortion perpetrators will not have a deterrent effect and cases like this will continue to occur in Indonesian society, including what happened in the Umbul Ngrancah Tourism Village, Udanwuh Village, Semarang Regency. This occurs due to a lack of transparency in the justice system for perpetrators of cases of illegal levies (extortion) that occur in the community so that this becomes increasingly detrimental to society. Therefore, the government through the Cyber Task Force together with the community must rebuild a culture of reporting crimes and not ignoring the crimes they experience, as well as working together to eradicate criminal acts of Extortion so as to create a conducive, safe and comfortable environment for everyone.

5. CONCLUSION

Illegal Extortion (Extortion) is a crime that can be punished because it is a violation of the law. Extortion that occurs in the Umbul Ngrancah Tourism Village, Udanwuh Village is an act of extortion/illegal payments in the form of commissions that cannot or will not be collected. Extortion itself is often carried out by government officials or employees. The term Extortion has become a trend again with Presidential Decree no. 87 concerning the Illegal Extortion Task Force. In 2016, the Cyber Extortion Task Force was formed, the State Council Government and the Semarang Regency or City Government attempted to eradicate the crime of extortion which often disturbs the comfort of residents and tourist visitors.

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