

# Legal Study On The Perpetrators Of Extortion (Pungli) In The Aek Sijorni Tourist Spot In The Perspective Of Law No. 31 Of 1999 Jo. Law No. 20 Of 2001 Concerning The Eradication Of Criminal Acts Of Corruption

Baginda Pane<sup>1\*</sup>, Zainal Abidin Pakpahan<sup>2</sup>, Toni<sup>3</sup>

<sup>1,2,3</sup>Universitas Labuhanbatu, Sumatera Utara, Indonesia

\*Corresponding Author:

Email: [Bagindapane450@gmail.com](mailto:Bagindapane450@gmail.com)

---

## Abstract.

*The purpose of this study is to discuss extortion. Extortion is an abbreviation of illegal levies, which is the act of asking for something without a clear and official legal basis. Extortion is a form of extraordinary crime and is categorized as a criminal act of corruption regulated by law. Extortion often occurs due to abuse of office authority by an individual or group of individuals from a particular agency. Extortion activities often disturb the community. It even becomes a threat because the perpetrators often use threats or physical violence to achieve their goals. The type of research used is normative research, with an approach method through legislation. Results of the discussion: Extortion is an unlawful act that has been regulated in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption concerning the eradication of criminal acts of corruption. Criminal sanctions for perpetrators of extortion are imposed under Article 368 of the Criminal Code which states that: "Anyone who, with the intention of unlawfully benefiting themselves or others, forces someone with violence or the threat of violence to give something, all or part of which belongs to that person or another person, or to create debt or eliminate receivables, is threatened with extortion, with a maximum imprisonment of nine years." 2. Government efforts to eradicate extortion: Limiting excessive procedures; Transparent in terms of requirements, time, and service costs for the community; Providing a complaint channel for the community if extortion occurs; Placing Satpol PP officers at every tourist location; Taking firm action against perpetrators of extortion.*

**Keywords:** Legal Study; Extortion and Tourist Attractions.

---

## I. INTRODUCTION

Illegal Levies (hereinafter referred to as Pungli) are common in almost all regions in Indonesia. The perpetrators are diverse, ranging from ordinary people to individuals from related government agencies. The purpose of extortion is none other than to collect money from the results of extortion for the benefit of individuals or groups. Actually, this extortion could have been overcome if law enforcement was really carried out against the perpetrators. However, due to the weak law enforcement here, what happens is that more and more extortion arises and spreads like mushrooms ready to prey on its victims. The community as victims certainly feels uneasy about this. Because this is a very disturbing behavior and harms many people. Moreover, the victims sometimes do not discriminate, ranging from ordinary people to the upper class.

Extortion can occur in government offices, even extortion in various electronic media such as television we often hear and see happening on the highway, even many occur in tourist attractions, vehicle parking lots and so on. Various media have reported the existence of extortion, even spreading to social media uploaded directly by the community or its victims. Of course, this must be a concern for the government to monitor every tourist spot that is always vulnerable to extortion. Not only the government, the firmness of law enforcement such as the police is highly expected by the community in eradicating extortion which is increasingly disturbing its existence. The above explanation is the background for the author to research extortion. Because the existence of extortion is very worrying and very disturbing for the community. In this writing, the author formulates criminal sanctions against extortion perpetrators and government efforts to eradicate/overcome extortion in tourist attractions.

## II. METHODS

The type of research used is normative research, with an approach method through legislation. The type of normative research is legal research that examines the internal aspects of positive law, such as legal principles, legal rules, and legal concepts. This type of normative research is also known as library or doctrinal research.

## III. RESULT AND DISCUSSION

Pungli is an abbreviation of illegal levies, which is the act of asking for something without a clear and official legal basis. Pungli is a form of extraordinary crime and corruption regulated by law. Pungli often occurs due to abuse of office authority by an individual or group of individuals from a particular agency. Pungli can have an impact on the loss of public trust in the government or regional officials, as well as a sense of love for the country and concern for the community. Of course, the existence of pungli is already at a worrying stage because every region in Indonesia often experiences pungli. The targets are certainly not only tourist attractions, on trips such as those that occur between public bus drivers, or cargo buses, and private cars carried out by the community/certain groups, or from certain police officers, transportation officers and others, at payment places such as vehicle taxes, and other state administration. This has become an open secret, and it seems that the government and law enforcement officers are turning a blind eye to this incident. The extortion behavior that occurs is like a normal thing that happens around them, so this is very concerning because it is very disturbing and detrimental to the community of course. In some discussions, there are those who question the differences between extortion, bribery and gratification. Where in the spelling it is definitely different, in the definition there is also definitely a difference. Here we will know about the definition of extortion, bribery and gratification.

Extortion, as explained previously, is the act of asking for something without a clear and official legal basis. And usually accompanied by threats and violence to the victim if they do not give up what the perpetrator asks for. Meanwhile, for bribes, in the Big Indonesian Dictionary, bribes are defined as gifts in the form of money or bribes to civil servants. According to Qordhawi: "A bribe is something given to someone who has power or any position to make his case successful by defeating his opponent according to what is desired or giving him an opportunity (such as a tender) or eliminating his enemy."<sup>1</sup> Furthermore, according to Wiyono: "bribery is an act of giving a certain amount of money or goods or a special agreement to someone who has authority or is trusted, for example: officials, and persuading them to change their authority for the benefit of the person who gives the money or goods or other agreements as compensation for something they want to cover other demands that are still lacking."<sup>2</sup> In the case of bribery, it usually involves three elements, namely the bribe giver, the bribe recipient and the goods or value that is handed over. However, it is possible that bribery also involves a fourth party, namely a broker or intermediary between the bribe giver and the bribe recipient. While gratification is a gift in a broad sense, namely including the giving of money, goods, discounts, commissions, interest-free loans, travel tickets, accommodation facilities, tours, free medical treatment, and other facilities. The gratification is received both domestically and abroad and is carried out using electronic means or without electronic means.<sup>3</sup> As for gratification in the form of money, the Big Indonesian Dictionary defines it as gift money to employees outside of the predetermined salary.<sup>4</sup> So it is clearly explained here about the definition of the 3 things, namely extortion, bribery and gratification.

Extortion is different from bribery and gratification, we can see this as follows:

- Bribery is when a service user actively offers a reward to a service officer. This means that an offer is made to get something desired according to the wishes of the service user. Bribery occurs when a service user actively offers a reward to a service officer with the intention of achieving his/her goals more quickly, even though it violates established procedures.

- Gratification is more towards the service user giving something to the service provider without any offer or transaction, but there is an interest that is beneficial to the service user. Or it can be said here as a gift for having done something that is in the interest of the service user.
- While extortion falls into the category of extortion, it occurs when service officers actively offer services or ask for compensation from service users with the intention of helping to accelerate the achievement of the service user's goals, even though it violates procedures. And this is not desired by the victim because there is an indication of coercive action to give something at an unreasonable level by the perpetrator.

In the case of bribery and extortion/extortion, there is a keyword, namely the existence of a transaction or deal between the two parties before the case occurs, while in the case of gratification there is none. Gratuities are more often intended so that the service officer can be touched, so that in the future it can facilitate the goals of the service user, but this is not expressed at the time the provision occurs. This term can be called the "planting of goodwill" of the service user to the service provider.

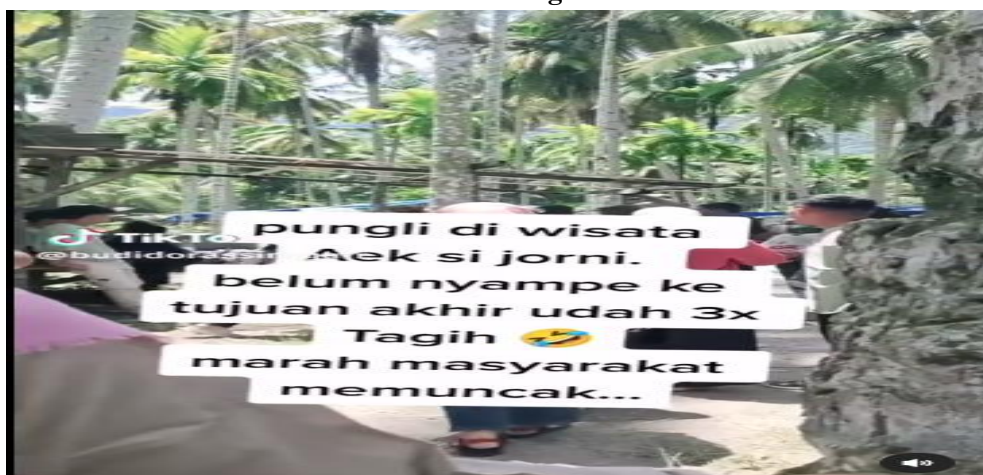
**Fig 1.**



Source: Merdeka.com

According to Merdeka.com sources in North Sumatra, extortion occurred in the Aek Sijorni Baths tourist area, Sayur Matinggi District, South Tapanuli. In a video uploaded by the TikTok account @budidorassiergarr, visitors to the Aek Sijorni tourist attraction were seen protesting because there were several illegal levies in the area. And the extortion that occurred repeatedly was still in the same tourist spot, namely Aek Sijorni. Feeling unhappy about this, one of the other visitors was also seen getting angry and shouting at the individuals who were suspected of carrying out extortion.

**Fig 2.**



Source: Instagram.com/medantau.id ©2023 Merdeka.com



Furthermore, from the description of the upload on the instagram account medantau.id, it is suspected that the perpetrators of extortion asked visitors to the Aek Sijorni Baths tourist attraction to pay 3 posts at once before reaching the intended tourist location. Of course, visitors feel disturbed by this, who should have wanted to enjoy a pleasant holiday at the Aek Sijorni tourist attraction so that it becomes unpleasant. Due to this incident, visitors asked for clarification from the relevant parties regarding the incident. However, in the end, they did not get a clear response from the service officers of the tourist attraction in question.

**Fig 3.**



Source: GOSUMUT.COM

There was an incident related to illegal levies at the Aek Sijorni tourist attraction, that the community considered that officers deliberately allowed the occurrence (extortion) around the Aek Sijorni tourist location. This is based on journalists' monitoring on Saturday, May 7, 2022, officers from various agencies passed by the Aek Sijorni tourist location, as if they turned a blind eye to the illegal levies that occurred in front of them, so it can be concluded that the officers actually knew about this incident, but did not take firm action against the perpetrators of extortion at the tourist attraction. Some of the illegal levies that occurred were when tourists entered the pedestrian bridge, entered the tourist area and parking fees, all of which exceeded the official rates that had been determined.

The imposition of extortion includes:

- Parking rates are 20 to 50 thousand rupiah
- At the entrance to the Tambun (flyover), officers charge Rp. 4 thousand per person.
- After that, less than 100 meters, there was another charge of IDR 2 thousand per person.
- after entering the bathing area Rp. 3 thousand per person.
- The imposition of a 20 thousand tariff for four wheels according to sources is an agreement between residents and the Transportation Agency. Parking officers here have discussed with the Transportation Agency before Eid according to Batubara, from the Sayur Matinggi District Office to reporters on Thursday, May 5, 2022. Basically, according to the South Tapanuli Regency Regulation No. 16 of 2010 concerning Regional Taxes, the parking fee for minibuses or private cars is only 2 thousand rupiah for the first 2 hours, and an additional thousand rupiah for the following hours. So, in its regulation, the levies currently known in tourist attractions are official levies known as retribution, not real extortion (pungli). However, in the facts found in the field, the Regional Regulation which should apply to the interests of tourist attractions for the community has been misused by several perpetrators and individuals from certain agencies to take advantage of this tourism activity. Isn't it only right that if a beach managed by the government imposes extortion on the community as its tourist visitors, then the perpetrators who are Civil Servants/PNS who work at the tourist spot must receive strict sanctions for their actions. So that with these sanctions it can provide a deterrent effect for the perpetrators not to repeat it in the future.
- Regulations on the Implementation of Aek Sijorni Tourist Attractions
- Extortion is not only unpleasant, but also violates the rules related to the implementation of tourist attractions. Where each region has certainly regulated the Regional Regulation on the implementation of tourist attractions. The Aek Sijorni tourist attraction has been regulated in the

Regional Regulation of South Tapanuli Regency Number 10 of 2006 concerning Recreation and Sports Place Retributions. And for the rules relating to regional levies, they have also been regulated in the Regional Regulation of South Tapanuli Regency Number 2 of 2020 concerning Amendments to the Regional Regulation of South Tapanuli Regency Number 17 of 2010 concerning Regional Retributions.

- Retribution is a Regional Levy. As payment for services or granting of certain permits that are specifically provided and/or given by the Regional Government for the benefit of individuals or bodies. This is in accordance with the rights and obligations of the regional government which is given the authority to determine policies for an area that is under its authority. As stated in Article 1 number (8) that Authority is the Right and obligation to determine or take policies in the framework of organizing Government. So that taking policies in organizing regional government has become the right and obligation of the regional government.

Levies that are not based on the rules set by the local government are considered extortion. Official levies apply according to local government policy, and this is clearly stated in the levy as a levy for organizing tourist attractions. Entrance fees to tourist attractions may not be charged more than the standard that has been ratified in the regional regulation, because that is an act of extortion. Thus, levies outside of what has been set through regional regulations are a violation for which the perpetrators can be subject to criminal penalties.

### 1. Criminal sanctions against extortionists

Extortion is often accompanied by threats and violence, so that perpetrators of extortion can be charged with Article 368 paragraph (1). Criminal Code (“KUHP”), which reads:

*"Anyone who, with the intention of unlawfully benefiting himself or another person, forces someone by violence or threat of violence to give something, which in whole or in part belongs to that person or another person, or to make a debt or cancel a debt, is threatened with extortion, with a maximum prison sentence of nine years."*

R. Soesilo explains this article in his book, Complete Article by Article Criminal Code Commentary and names the act in Article 368 paragraph (1) of the Criminal Code as extortion with violence, where the extortionist:

1. Forcing others;
2. To give goods which are wholly or partly owned by the person himself or by another person, or to make a debt or write off a receivable;
3. With the intention of benefiting oneself or others by violating rights;
4. Forcing him by using violence or threats of violence.

In order to be able to ensnare the perpetrators of extortion with Article 368 paragraph (1) of the Criminal Code, the act must meet the elements above. For that, it is necessary to review whether the perpetrators of extortion by the community around the tourist area do it with violence or threats of violence or not. So it must be fulfilled with the criminal elements. In addition, extortion in tourist areas is a criminal act of corruption that can be threatened with imprisonment of up to nine years, this includes:

- That, extortion is an unlawful act that has been regulated in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption.
- Article 368 of the Criminal Code states that anyone who forces another person to give something, pay, or receive payment with deductions can be threatened with imprisonment of up to nine years.
- Extortion is an extraordinary crime (extra ordinary crime) that must be eradicated.

### 2. Government efforts to eradicate extortion in tourist attractions:

There are several efforts made by the government to eradicate/overcome extortion, including:

- Limiting excessive procedures;  
Excessive procedures will confuse the public in carrying out administration in government, such as paying vehicle taxes, processing official documents in certain agencies, paying PBB and so on. Thus providing opportunities for extortionists or individuals from the relevant agencies to carry out extortion activities.

- Transparent in terms of requirements, time and costs of services for the community;  
There needs to be a transparent attitude in organizing activities in every agency that is directly related to the community, in terms of time requirements and service costs, so that the community already knows what to do, so as not to provide opportunities for extortionists to carry out their actions.
- Provide a complaint channel for the public in the event of extortion;  
The need for a complaint system provided by the organizer to make it easier for the public to make and submit complaint reports related to perpetrators or certain individuals who commit extortion. So that extortion can be overcome and eradicated.
- Placement of Satpol PP officers at every tourist location  
Tourist attractions are usually supervised by Satpol PP (members of the Civil Service Police), who are also authorized to carry out investigative actions against members of the public, apparatus, or legal entities suspected of violating Regional Regulations (“Perda”) and/or regional head regulations. Satpol PP is part of the regional apparatus authorized to enforce Perda and organize public order and public safety as regulated in Article 1 number 8 Government Regulation Number 6 of 2010 concerning Civil Service Police Units. Therefore, visitors can report suspected violations of local regulations in the form of extortion in tourist areas to Satpol PP.
- Taking firm action against perpetrators of extortion.  
This can be done by imposing criminal sanctions on perpetrators or extortionists so that they no longer repeat their actions. Law enforcement through criminalization must be carried out at least this method can provide a deterrent effect for extortionists, because reprimands alone are not enough to overcome extortion in society.

Some tips for dealing with extortion in tourist areas can be done in the following ways:

1. Convey objections to the local community regarding the extortion activities. And immediately report the incident to the tourist site officers.
2. If unsuccessful, visitors can report the extortion to the relevant agency related to the organization of tourist attractions, so that it can be followed up immediately. And the agency can take a stance/policy related to the organization of the tourist attraction.

#### IV. CONCLUSION

1. Extortion in tourist attractions is a criminal act of corruption that can be punished with imprisonment of up to nine years, including: That, Extortion is an unlawful act that has been regulated in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption concerning the eradication of criminal acts of corruption. Criminal sanctions for perpetrators of extortion are subject to Article 368 of the Criminal Code which states that: "Anyone who with the intention of benefiting themselves or others unlawfully, forces someone with violence or the threat of violence to give something, all or part of which belongs to that person or another person, or to create debt or eliminate receivables, is threatened because of extortion, with a maximum imprisonment of nine years."
2. Government efforts to eradicate extortion: Limiting excessive procedures; Being transparent in terms of requirements, time, and service costs for the community; Providing a complaint channel for the community if extortion occurs; Placing Satpol PP officers at every tourist location; Taking firm action against perpetrators of extortion.

#### REFERENCES

- [1] Criminal Code;
- [2] Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption concerning the eradication of criminal acts of corruption
- [3] Government Regulation Number 6 of 2010 concerning Civil Service Police Units.
- [4] Adam Chazawi, 2010, Crimes Against Life, (Jakarta: Rajawali Pers, Fifth Edition).

- [5] Soerjono Soekanto and Sri Mamuji, 2013, Normative Legal Research: A Brief Review. Jakarta: Raja Grafindo Persada.
- [6] Dennys William et al., 2023, Legal Accountability for Perpetrators of Electricity Theft in Balikpapan City, *Lex Suprema Journal*, August 21.
- [7] Erwin Harahap, D., Astuti Kuswardani, R. ., HS Siregar, T. ., & Darwis, M. . (2024). Nira Production In Terms Of Slope Level In South Tapanuli District. *International Journal of Science and Environment (IJSE)*, 4(4), 112–116.<https://doi.org/10.51601/ijse.v4i4.115>
- [8] Fitra Syawa Harahap, Arman, I. ., Harahap, N. ., Ahmad Syawaluddin, F. ., & Fitra Yana, R. . (2022). Provision of Chicken Manure and Urea Fertilizer on the Chemical Characteristics of Ultisol Soil in Bilah Barat District. *International Journal of Science and Environment (IJSE)*, 2(3), 98–103.<https://doi.org/10.51601/ijse.v2i3.34>
- [9] Tari Honda, J., M. Yelwa, J. ., Ulteino, AN ., Abudllahi, S. ., A. S, U. ., Anchau, HG ., & Michael Kalu, K. . (2023). Optimization Of Biosorption Conditions For Crude Oil Spills Using Acetylated And Unacetylated Biosorbents Derived From Cissus Populnea Leaves Stem And Roots. *International Journal of Science and Environment (IJSE)*, 3(2), 51–65.<https://doi.org/10.51601/ijse.v3i2.67>
- [10] Sinambela, M. ., Simangunsong, S., & Harahap, A. . (2023). Conditions Of Phytoplankton Community Structure In Lake Toba Ajibata, Toba Samosir Regency. *International Journal of Science and Environment (IJSE)*, 3(2), 66–70.<https://doi.org/10.51601/ijse.v3i2.68>
- [11] Rosenta Purba, I., & Harahap, A. . (2022). Plankton Diversity In The Labuhanbatu Bilar River. *International Journal of Science and Environment (IJSE)*, 2(2), 63–68.<https://doi.org/10.51601/ijse.v2i2.27>
- [12] Utandi Harahap, S. ., Syawal Harahap, F., Walida, H. ., & Rizal, K. . (2024). Study of Soil Physical Properties of Oil Palm Plants (*Elaeis Guinensis* Jacq) in the Labuhanbatu University Practice Area in Rantau Selatan District. *International Journal of Science and Environment (IJSE)*, 4(3), 91–96.<https://doi.org/10.51601/ijse.v2i3.49>
- [13] Peter Mahmud Marzuki, 2007, Legal Research. Jakarta: Kencana Prenada Group.
- [14] Ilyasa, Raden Muhammad Arvy. 2022. “Legal and Victimology Studies in Cases of Sexual Violence Against Children in Indonesia.” *Indonesian Law Student Writers Association Law Journal* 2 (1): 25–42. <https://doi.org/10.15294/ipmhi.v2i1.53748>
- [15] Bambang Waluyo, 2000, Criminal Code, (Jakarta: PT. Bulan Bintang)
- [16] Hastuti, D. 2009, Islamic Law Perspective on Autopsy (Case Study at Dr. Sardjito General Hospital, Yogyakarta). Yogyakarta: Faculty of Sharia, Sunan Kalijaga State Islamic University (UIN), p. 3
- [17] Regional Regulation of South Tapanuli Regency Number 10 of 2006 concerning Recreation and Sports Area Retribution.
- [18] Regional Regulation of South Tapanuli Regency Number 2 of 2020 concerning Amendments to Regional Regulation of South Tapanuli Regency Number 17 of 2010 concerning Regional Retribution.
- [19] Qordhawi, 1997, Criminal Law Response: Inclusion and Combination of Criminal Acts, Armico, Bandung.
- [20] R. Soesilo. 1991. Criminal Code (KUHP) and its Complete Commentaries Article by Article. Politeia: Bogor.
- [21] R. Wiyono, 2008, Discussion of the Law on the Eradication of Criminal Acts of Corruption, Sinar Grafika, Jakarta
- [22] Phoenix Library Team, 2007, Big Indonesian Dictionary, West Jakarta.
- [23] Yasmirah Saragih, 2017, “Problematics of Gratification in the Corruption Crime Evidence System (Analysis of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes”, *Jurnal Hukum*, Vol 5 No. 5 October, p. 79.