

Criminal Aspect in the Community Organization Clash in Bali: A View on Investment Climate in Industry

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Abstract. Clashes in community organizations have become a source of legal problems. In developed countries, including Indonesia, many small-scale and large-scale industries suddenly became difficult to experience liquidity due to low tourist visits caused by clashes in community organizations (in this study is in the city of Denpasar, Bali). This study examined the factors that trigger the occurrence of clashes in community organizations causing crime and analyzed the arising impacts on tourism activities in the city of Denpasar. We designed this study with the empirical legal research design. We found that the main factors that cause clashes in community organizations are egosectoral, misunderstanding, competition for parking lot, and the desire to win the competition. In the tourism world, clashes in community organizations have caused the investment atmosphere not to be propitious. Hence, the legal provisions governing the community organizations require touching from the government to be strengthened immediately.

Keywords: Clash of community organization; criminal; investment, tourism

1. Introduction

Community organizations are an independent form of organization of society protected by the state law. The establishment of community organizations in Indonesia is regulated by the state based on Law Number 17 of 2013. In the provisions of the Act referred to, the purpose of establishing a community organization is explained: to help the government and society realize the noble ideals of the nation, namely, to make organized, fostered and prosper society both physically and spiritually. In other words, the existence of the organization has a function in supporting development in order to realize welfare and justice based on Pancasila for the community.

Ideally, the aim of establishing an organization is actually to help the community and government realize order, peace and order in society [1]. In tourism areas, a regular, peaceful and orderly community atmosphere is an absolute condition for the success and sustainability of the performance because tourism activities will run optimally in the accompaniment of a peaceful, orderly and clean environment [2]. Recently in Bali, the community both local communities and visitors, have often been troubled by elements of the community organizations who act in an intrinsic manner, not based on their prescribed vision and mission. The crime of extortion against small traders who lined the roadside and illegal levies dominated the clashes that were rife [3] [4] [5]. Ironically, in carrying out these arbitrary actions, the image of citizens is used as an excuse, such as illegal levies carried out in the

name of citizens regardless of the economic conditions of each of the people who are deprived of them in a subtle manner [6].

In this study, we highlight the discussion about the criminal aspects which are also carried out by groups of community organizations, organizations that should run on the legal journey that regulate, secure, and prosper society. This idea arose as a result of concern for the people who came from the lowest group but had to be the subject of extortion. Principally, an action or event is always accompanied by reasons and objectives, as well as crimes committed by a group of members of a community organization [7][8] [9]. It's just that the reasons and objectives contained in each activity of different people or groups are certainly never the same in nature. In addition, achieving the goals of an action will always be a pleasant moment for those stakeholders [10]. The unsettling action from groups of community organizers will certainly stop if the factors and objectives are recognized, and then fulfilled by the state, so that the oppression of the community does not occur continuously [11]. Based on this condition, we conducted this study to capture the factors that triggered clashes originating from community organizations to have an indication of a crime committed in the tourism world. We also examine the impact of these clashes on investment in the tourism sector. We conducted this study in the city of Denpasar, Bali - Indonesia.

Implicitly, this study provided a new strategy about increasing people's legal understanding and awareness about how important it is to maintain order and peace in community life together. In addition, in this study we also provide the community with the opportunity to be achieved by the government to create order and the environment by not based on community organizations.

This study is empirical legal research. The gap between the nature, function, vision and mission of the community organization and its implementation in daily life has encouraged this study. Hence, the actions in this study are designed with empirical legal research methods. Sources of data from this study are relevant literature, legislation that supports research, and data from the phenomenon of clashes carried out by members of community organizations in the city of Denpasar within recent years. In detail, this study was carried out at four offices: Tourism Office of Denpasar, National Unity of Community Protection Office (Kesbang Linmas) of Denpasar, Capital City Police Office of Denpasar (Poltabes), and Jurisdiction of Denpasar City Poltabes Office. We collected data by reviewing the laws and regulations governing community organizations and legal articles relating to them, reviewing scientific publication documents in the form of journals and other relevant reports, conducting interviews with each of the leaders in each designated office. With legal hermeneutic interpretation technique, we made sense of data based on text and context. In analytical techniques, what is needed is the meaning of what is seen in the text and from the results of observations in the field.

2. Results and Discussion

2.1 The Triggering Factors to the Clashes in Community Organization in the City of Denpasar

The existence of community organizations in the community has a very large role and contribution in the process of administering government, especially in the field of development in a community [12]. Based on data that can be obtained from various sources in this study, several trigger factors for the occurrence of clashes in community organizations,

especially in the jurisdiction of the city of Denpasar, were found. Clashes between inside community organizations are often made a serious problem, so that this has a negative impact on the condition of urban communities [7]. The city of Denpasar with all its urban conditions continues to carry a huge social burden and changes over time.

Clashes between community organizations in the city of Denpasar have touched various groups as mentioned earlier. These facts can be seen in the table as follows:

Table 1. Clashes between community organization.

Subject	Community Organization	Community Organization	Apparatus	Total
Community Organization	4	4	2	10

From these data, it was found that the number of clashes between community organizations that occurred throughout 2016 amounted to 8 cases.

Viewed from the motive of the incident, here are the trigger factors for the clash between community organizations in the city of Denpasar in 2016:

- a. *Offense of community organization.* History that remains in the social system of a particular society is one of the causes of clashes between community organizations in our society.
- b. *Alcohol.* Liquor is one of the motives that seems to often cause clashes between members of community organizations.
- c. *Revenge.* Another factor that triggered clashes between members of community organizations was revenge which then flowed from generation to generation among two groups of community organizations, and even more.
- d. *Conflict.* When small personal problems begin, help comes in the process of completion. However, with the lack of awareness of members of community organizations, small disputes, such as the construction of trenches in settlements that have to nudge a bit of land, can become seeds of a growing conflict.
- e. *Prosecution.* There are several reasons why acts of abuse or mobs occur in the community. As in the city of Denpasar, several officials of the KESBANG office (National Unity) stated that there were a number of accusations filed with the city government about the delay in handling certain cases.
- f. *Land grabbing.* The struggle for land is also one of the factors that led to clashes between members of community organizations.
- g. *Demonstration.* Demonstration are a form of social movement involving the masses, in this case the demonstrators are more than one person. The city of Denpasar is famous for its good title as a tourism city that provides jobs for everyone.

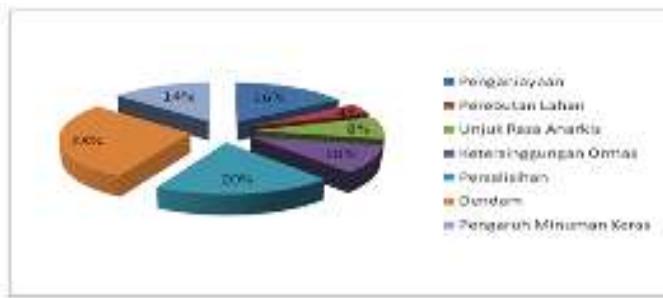


Fig. 1. The number of clashes between members of community.

The number of clashes between members of community organizations is directly proportional to the number of crimes in a region and the following are four major factors that affect it [13].

The very rapid social changes. This factor is an inferential conclusion of inductive thinking that is generated after interpreting a lot of data, starting from the population in a sub-district to the level of education that is owned by the community concerned, especially the people who live in the city of Denpasar.

The solid of population. As a metropolitan city, population numbers increase as the allure is polished every day through development. It is true that there will be a lot of money turnover in the city but not necessarily a city that gives everyone the opportunity to touch the spinning money.

The low socioeconomic status of the population. In helplessness to fulfill their needs, everyone will think of using any method. If the opportunity with the path that has been provided has been closed, someone will not hesitate to open the path to fulfill the needs of others.

Primitive conditions of the villages. As with other large cities, residential areas lined up on the banks of rivers or large canals tend to receive less attention.

The Role of Municipal Government in Handling Clashes between Community Organization Members

The Denpasar city government on its official website stated that clashes between community organizations were one of the biggest challenges in development. The discourse of community organization clashes has always attracted the attention of the city government.

In principle, a government has the duty to maintain harmony in the community and ensure community members are free from all internal contact with the community, including clashes with the forms described in the previous section [3]. External factors, such as a new culture of migration, can trigger the clash to occur[14]. In this study, there are two institutions within the scope of Denpasar city government that are related to social behavior which are considered to have not operated maximally effectively by the community and the government itself. The two institutions are the National Unity Office (KESBANG) and Social Service Office.

2.2 The Impact of Clashes in Community Organizations on Investment in Tourism Security

The current government does not remain silent in abolishing illegal levies, as stipulated by the state through several articles of the Act, as a legal basis governing illegal levies. The legal bases that govern the sector of liquidity measures are as follows. The legal basis is stated in the Act and the following article:

- a. Law Number 11 of 1980 concerning Bribery Crime, Article 3
- b. Criminal Code Article 368
- c. Law Number 20 Year 2001 concerning Amendment
- d. Law Number 20 Tahuri 2001 concerning Amendments to Law Number 31 Year 1999 concerning Eradication of Corruption, Article 5 Paragraph (2)
- e. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crime, Article 11
- f. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crime, Article 12B
- g. Law Number 20 Year 2001 Whereas Amendments to Law Number 31 Year 1999 concerning Eradication of Corruption Crime, Article 13

It can be concluded that, illegal levies are financing fees or levies in a place that should not be able to carry out financial levies. Therefore, acts of illegal levies can be interpreted as activities to collect fees or money forcibly by someone to another party and this is a practice of crime or criminal act [15]. Clashes between members of community organizations have often been a problem in the city of Denpasar, as revealed by Gusti Alit, one of the leaders of community organizations in Denpasar, in an interview with researchers. In essence, it was found that community organizations in the city of Denpasar have a very strategic role in creating safe conditions and if community organizations do not participate in efforts to create a safe and peaceful Denpasar city, those who experience losses are the organization itself.

Tourism Development in Denpasar City

Tourism in Bali is a source of community economic power that not only contributes to the development of other sectors in the province of Bali but also has a major influence on the development of Indonesia's national economy. Some aspects touched by the significant contribution of development and the development of tourism in Bali cover all fields. Here are the aspects that benefit greatly from tourism in Bali.

- a. *National Unity*. Tourism is able to give the public a sense of pride and love for the Unitary State of the Republic of Indonesia through tourism activities carried out by its residents throughout the country.
- b. *Poverty Alleviation*. Tourism development should provide an opportunity for all Indonesians to try and work.
- c. *Sustainable Development*. Even though tourism activities that offer natural beauty, rich culture and hospitality services, very little resources are used up to support this activity.
- d. *Culture Preservation*. Tourism development is able to make a real contribution in the cultural preservation efforts of a country or region which includes the protection, development and utilization of the culture of the country or region.
- e. *Fulfillment of Life Needs and Human Rights*. Tourism today has become a basic need for the life of modern society.
- f. *Economic and Industrial Improvement*. Good and sustainable tourism management should be able to provide an opportunity for economic growth in a tourism destination.
- g. *Technology Development*. With increasingly complex and high levels of competition in bringing tourists to a destination, the need for high technology, especially industrial technology, will encourage tourism destinations to develop the ability to apply their latest technology.

The tourism sector is currently the most reliable source of state revenue after state revenues from the oil and natural gas sector have declined [16]. In connection with this, efforts to increase the development of the tourism sector are urgently needed. As stated in the

Guidelines of State Policy (the Indonesian term is "GBHN") is stated to develop and utilize national tourism resources and potentials to be activities that are relied on to increase foreign exchange revenues, expand and evenly spread business opportunities and employment opportunities, especially for local communities, encourage regions, and recognize national culture.

The phenomenon of clashes between members of community organizations in the city of Denpasar is actually nothing new in the region. In the era of the sixties, such clashes had begun to emerge. Usually there are clans that sporadically disrupt the peace of society. One of the incidents of mass clashes between two members of the largest community organization in Bali was the clash that took place on Jalan Nuansa Indah, Denpasar, Sunday afternoon (1/22/2017). As a result, two people were rushed to Sanglah Hospital.

3. Conclusion

Factors that triggered clashes between community organization groups which involved the emergence of criminal acts were alcoholism, offense among mass organizations, revenge, dispute, egoism, competition for parking lots, demonstration, very rapid social change, densely populated population, status of society's socioeconomic population that is still low and tends to be lame, the primitive model of the village.

Acknowledgements. The authors express the greatest gratitude to the organizing committee of the International Conference on Social Sciences (ICOSS) of Universitas Warmadewa for the great contribution that has been granted to the launching of this scientific script at EAI Publisher. Hopefully the ideas found in the paper can be additional to the theoretical and practical knowledge for many parties.

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