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# Society's Legal Conflicts Due to Accelerated Socio-cultural Interactions between Foreign Tourists and the BOPUNCUR Community

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Bogor, Puncak, and Cianjur (BOPUNCUR) are the main destinations for Middle Eastern tourists. There is a uniqueness in the depth of interaction between tourists with locals such as the development of culture, religion, values, business collaboration, and social activities undertaken by tourists. This received an enthusiastic response from the local community, leading to the acceleration of social relationships that are the object of community service in this article. This paper aims to advocate for the local communities as tourism destinations in order to maintain local knowledge and the religious nature of Sundanese society, especially BOPUNCUR, in order to avoid negative influences due to the mixing of cultures or social interaction that is likely to harm the local community, particularly young generation. This research also aims to contribute a boost to the national tourism program in order to have a direct impact on economic growth, welfare, and foreign exchange. The methods used in the public service are the socio-legal empirical, i.e. a qualitative approach based on field data, and observations. The depth of each interaction is associated with a legal culture of Indonesia, local knowledge, and religious approaches as factors into a blade analysis of the results. Interviews were collected randomly. It was found that some factors that are *conditio sine qua non*, which led to the acceleration of culture among others, the indigenous communities in BOPUNCUR; namely permissiveness, avoidance of conflicts, scepticism, and transactional culture of the local community that the positive and negative impact of the legal culture. The limitation of study



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encompasses all aspects of legal approaches with educational perspectives in the area of Bogor, Puncak, and Cianjur (BOPUNCUR).

**Key words:** *Legal Culture, Local Wisdom, Social Interaction, BOPUNCUR, Tourism.*

## Introduction

Bogor, Puncak, and Cianjur (BOPUNCUR) is a mountainous tourist area that is included in the area located in the West Java Province of Indonesia. It is the main destination in for Middle Eastern tourists. There is a uniqueness to the interaction involved between tourists and local residents, such as cultural development, religion, value system, cooperation, and social activities carried out by tourists and being welcomed by the community. The result of social relations formed from the community with specific laws from the BOPUNCUR community with participants from the Eastern part are the research subjects. There are several characteristics of BOPUNCUR community, such as:

1. Friendly: a friendly and accustomed community to get along with Arab tribes for a long time, especially since the presence of the habaib (habibs) in the BOPUNCUR area so that Middle Eastern tourists can easily interact;
2. Secure: most of the community is Muslim, which guarantees food and religious life;
3. Comfort: beautiful nature, cool air, mountains, lush green scenery, natural entertainment venues, complete facilities, easy transportation access;
4. Affordable: relatively inexpensive, with a standard cost that is affordable compared to the cost of living in the origin countries;
5. Convenience and ease: all needs are easily obtained, and the community is very welcoming.

Indonesia on the other hand, is a country with a large variety of nature and humans. In diversity, Indonesian people have characteristics inherent in their national and state life. The customs, arts, kinship, language, and physical form of the ethnic groups in Indonesia are indeed different, but in addition to the differences the tribes also have similarities. This includes law, land ownership, fellowship, and social life which family based. Ethnic groups scattered across Indonesia are the nation's heritage. Ethnic distribution is influenced by geographical factors, sea trade, and the arrival of colonizers in Indonesia (Chong, 2012). Ethnic differences from another in an area can be seen from the following characteristics: Avoidance of Conflicts, Permissiveness, Transactional, Pragmatism, Low-educated, Attention-seeker, Laziness, and Hedonistic.

The arrival of Arab tourists has a multiplier effect for the BOPUNCUR community. Arab tourists are not just traveling, but have mixed with other activities and give rise to pros and cons both positively such as: social, business and religious activities; and negativity, such as the



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term marriage contract, the spread of understanding, and prostitution. The stay duration of Arab tourists is about 10 days and above, but 1 month stay in average. Thus, a negative perception has been determined by the government and the local community, occasionally conducting control operations, but hampered by environmental problems, the local community, and even officials (Muradi, 2015).

From this phenomenon, the writer comes with several questions, mainly what legal conflicts occur in the BOPUNCUR area? And how to build communication to overcome conflicts of interest between people from different districts?

### Literature Review

The literature review starts with the development of conflicts theories. The focus was mainly on the choice of law problem-solving, jurisdiction and recognition, and enforcement of foreign judgments (YNTEMA, 1934). The development of conflict theories started in the age of the Roman Republic. In the Roman Republic, after the archaic recuperates for processes between Romans and foreigners but subsequently for cases in general which required a speedy decision, especially in suits concerning property and de statu (Gowing, 2005). Then, The Statutory Intent, in Northern Italy and Southern France, the then scholars in the 11<sup>th</sup> - 13<sup>th</sup> century preferred to tackle the problem of choice of law in a conceptualist, rather than a teleological, fashion (Goldstein, Abraham S., and Martin Marcus, 1977). The Party Autonomy, during the 16th century, the most important development in the statutory doctrine was introduced by the great French jurist, Du Moulin in a modified manner (Kalensky, 1971). The Location of Legal Relation, was the death-blow to the surviving schools of statutists appears to have been dealt with by Wächter, a German jurist, writing in the 1840's (Michaels, 2016). Then, The Vested-Rights, was propounded by A.V Dicey in England and by J.H Beale, the reporter of the American Law Institute's First Restatement of the Conflict of Laws, in the U.S. Their formulation was essentially similar (Michaels, 2006). The Transition to "Modern" developments of the Choice of Law Theories, Lex fori approach, and governmental-interest or simply 'interest analysis' theory, which both reflect attitudes similar to those of the European statutists of the 14th-16th, resulting from the dissatisfaction with the fixed and thus mechanical (but predictable and certain) rules are recorded in American conflicts law as marking a "revolution" (Ehrenzweig, 1965). *Lex fori* and Governmental Interest Approaches, (law of the forum or local law) theory contends that the basic law is the law of the forum, and that foreign law should be used only to fill "gaps" in that law. This theory does not deny the application of foreign law in "appropriate" cases (Egnal, 1981).

The Theory of legal Conflict, in this paper, focussed on the Vested Rights theory of Joseph Beale. The first Restatement of Conflicts (Beale, 1935), Learned Hand's "Local law" theory and the conflicts decisions of Justice Harlan Fiske Stone (Mason, 1952), Timberlane's



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Balancing Approach is based on the “most significant relationship” test of the Restatement (Second) of Conflicts (Binkowski, 1981). And The Value-Oriented Approaches; The quest for a better alternative to the ‘rigid’ traditional choice of law rules has continued. Some scholars are known for their essentially common character approaches in trying to identify “goals and objectives” that help the government in devising new rules. Such methods, however, are criticized as “result-selective” which are contrary to the intended objectives of traditional conflicts law, those are decisional harmony or uniformity of result, predictability, and certainty.

In addition to these theories, the fact also related to the theory of *Contradictio in terminis*, which is a condition that applies equally to a particular moment, but at the same time has a conflict between one and others (Jacobs, 2003). Increased tourist visits are the government's target to get foreign exchange and public welfare. Increasing the number of stays is important to encourage community economic activities. The acceleration of community interaction with tourists is one of the methods of tourism promotion. Intense cultural mixing can lead to weakening of values, national norms, and positive legal deviations.

### **Methodology**

The methodology of Community Services is conducted with a non-doctrinal, or Socio-Legal Empirical approach. This is achieved by qualitative research based on field data and the results of in-depth observations of each interaction associated with the Indonesian nation's legal culture, local wisdom, and religious approaches as factors that became the empirical analysis, with randomly collected interview results.

### **Result and Discussion**

Findings of this research based on *conditio in terminis* showed that the development of Middle Eastern tourists has a huge influence on the attitude of BOPUNCUR people's behaviour, with both positive and negative influences. This condition becomes conflicting; a so called *condition in terminis*. Religious leaders have tried to prevent the spread of negative impacts by providing counselling and guidance to the community. However, some communities that enjoy the benefits actually protect deviations committed by these tourists.

The increase in Middle Eastern tourist visits has positively invited workers from outside, the negative is the arrival of commercial sex workers (PSK) who violate religious local culture. However, people neglect this. Business development does not follow the laws and regulations concerning foreign investment, where investors use nominees, dummy or strawman, which constitutes legal smuggling and is detrimental to the state, investors and the public. However, there has been neglect from all parties involved, both the community and officials. As a result of mixed marriages with *jus sanguinis* citizens, there are problems with children. If a divorce



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occurs, the status of the child before the age of 18 is always a dispute, which is detrimental to the child.

Out all of the activities in BOPUNCUR, there were some Effects of Legal Cultural Assimilation between Middle Eastern Tourists and local residents, which can be divided into two part, both are:

Positive factors:

1. Procurement of water well,
2. Construction of the mosque,
3. Repair of public facilities
4. Business (growth economy of Public local)
5. Marriage
6. Dakwah and Islamic Propaganda, Waqf & ZIS

Negative factors:

1. Prostitution
2. mut'ah (Temporary Marriage)
3. Misrepresent/Trespassing/disobey then becomes a trend for local community
4. Mixed parent impact becomes illegitimate and victim child (stateless)
5. Smuggling law in business (Nominee, dummy and strawman)

Meanwhile, law enforcement as the government response has shown which has not been done comprehensively, but tends to neglect it. In addition, the regional government especially, takes advantage of the results of taxes or levies imposed on the public and tourists. Immigration or police raids have not been planned, because the use of tourist visa permits has been misused with other activities. Even if an inspection is done occasionally, it will always be faced with a community that seems to protect it. In fact, the oversight of foreigners is a must, immigration authorities can work together with the Regional Government of Kabupaten Bogor and Cianjur, the police, and the ministry of labour to curb foreign workers.

As a public reaction instead, it's applied the theory of *contradictio in terminis*, which make religious leaders and informal leaders have difficulty dealing with community groups who benefit from the tourists. With avoidance toward conflict, the negative influence is increasing time to time in many places in the BOPUNCUR region, and both tourists enjoy the negative traditions and those brought from their home countries. Many tourists behave deviant, especially those who do not bring family. Some people do neglect this issue. The role of religious leaders and informal leaders is needed by continuing to provide counselling and



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religious guidance to the local community and not to fall from the practice of deviations due to cultural assimilation.

It can be concluded as the alternative solutions that West Java government should take the initiative in mapping the tourist area which consists of more than one regency and city. BOPUNCUR area involves Bogor Regency, Sukabumi Regency, Cianjur Regency, Bogor City and Sukabumi City. The number of conflicts of interest overcoming the problematic effects of Middle Eastern tourist visits will develop into legal smuggling in the fields of business, tourism, and will even lead to agriculture and will adversely affect the investment climate in the Western Parahyangan Region (BOPUNCUR). Seeing the complexity of the problem, the West Java government must be present in forming an integrated tourism area, which involves two cities and three kabupaten with the name BoMinJur tourism area (Bogor Sukabumi Cianjur) with a regional tourism management agency BOMINJUR which is managed by the West Java tourism management agency.

### **Conclusion**

The development of tourism in BOPUNCUR has caused many conflicts of interest and can lead to community conflicts, because there is no coordination between intersecting regions and as a result the community does not get a positive influence on economic and social development. It is necessary to establish a tourism coordinating body at the provincial level to rearrange the concept of integrated, structured and measurable tourism, by developing the Bogor, Sukabumi and Cianjur tourism areas (BOMINJUR).

As a recommendation, there is an urgent need to publish a regional regulation (PERDA) on the BOPUNCUR/ BOMINJUR integrated areas from the Governor of West Java needs to be put in order to the community life and tourism activities that are more comprehensive and can protect local people due to interactions with tourists. It needs also an integrated team involving local government, immigration, police, labour department, and tourism department to bring order to the BOPUNCUR area by maintaining economic growth. Finally, there is a need for joint activities by community leaders, religious leaders, and informal leaders to create a model of legal assistance, if necessary involve academicians to develop an integrated program for the maintenance of a conducive life atmosphere between the community and tourists.

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around BOPUNCUR, Public figures, religious leaders, and all of the people of Bogor, Puncak and Cianjur.





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