



The Implications of Making the Behaviors of Foreign Tourists Containing Pornographic Elements Viral Against the Tourism Industry of Bali

Safira Widya Attidhira¹, Armansyah Armansyah²

^{1,2} Faculty of Law, Universitas Pancasila, Jakarta, Indonesia

5222221005@univpancasila.ac.id¹,
armansyah@univpancasila.ac.id²

Abstract. The Island of Bali as a main tourism destination in Indonesia have attracted international attention, with the increasing number of foreign tourists after the pandemic. Along with that, the behaviors of foreign tourists which can potentially breaking the law such as behaviors which are against the local decency norms have made some concerns among the local people and government officials. Because of the advancing information technology (IT), every event can be recorded and reported, as a consequence of utilizing IT, netizens recorded and made behaviors which contain pornographic elements viral on Social Media, which significantly affect the tourism industry of Bali. The role of netizens in helping the law enforcer against the indecent behaviors of foreign tourists and the implications of making the behaviors of foreign tourists containing pornographic elements viral on social media according to the ITE Law, are the problems put forward in this research. This research is using normative juridical approach in order to analyze relevant law and regulations, which is the ITE Law. The research data are analyzed qualitatively using analytical-descriptive approach by collecting data from various credible sources, including scientific journals and related legal documents. The result of the research shows that netizens have significant roles in supporting law enforcement against indecent behaviors of foreign tourists in Bali. Using social media, netizens can quickly spread information and related evidences against indecent behaviors, speeding up law enforcement processes. Making the behaviors of foreign tourists containing pornographic elements viral also negatively affect tourism industry in Bali, such as the decrease in tourists' visits and deteriorating image, including conviction to those who distributed, transmitted, and accessed Electronic Information and/or Electronic Document containing indecent contents. In order to solve this problem, a cooperation between the government, public society, and other related parties is truly needed, which includes immigration policy, reinforcement of supervision, counseling, and improving awareness of the importance of keeping positive image of tourism and also not immediately making events viral which can potentially break the ITE Law. In order to solve this

problem, it is necessary for a cooperation to exist between the government, public society, and other related parties, which includes steps such as enacting immigration policies, strengthening supervision, counseling, and improving awareness of how important it is to keep the positive image of tourism and also to not immediately make events viral which can potentially break the ITE Law.

Keywords: Viral, Pornography, Foreign Tourists, Tourism Industry

1 Introduction

The Island of Bali is situated between the Island of Java and the Island of Lombok. The capital of Bali is Denpasar which is situated on the southern part of the island. The majority of the inhabitants of the Island of Bali embrace the religion of Hinduism. On world stage, Bali is famous as tourism destination and the distinctiveness of its various arts and craftsmanship, especially for tourists from Japan and Australia. The diverse culture of Bali is comprised of traditional clothing (kampung cloth), architecture (Candi Bentar Gateway), traditional weapon (keris), traditional ceremonies (ngaben), dances (Barong Dance, Kecak Dance, and Legong Dance), religious tourism (Tanah Lot, Uluwatu Temple), maritime tourism (Kuta Beach, Nusa Dua, Dreamland) Deny (2021).

Bali is one of the renowned exotic tourism destinations in Indonesia, and even the world. The charm of Bali as a tourism destination seems endless. The island offers natural beauty, rich cultures, and the hospitality of local people which in turn attracts hundreds of thousands of tourists every year. According to a survey conducted by the Central Bureau of Statistics of the Province of Bali, in December 2022, the number of foreign tourists who directly visited the Province of Bali reached 377.276 visits BPS (2022).

The tourism industry of Bali is one of the most important economic sector in Indonesia which gives significant contribution to the economic growth of the country. But, during the past few years, a worrying phenomenon related to the behaviors of foreign tourists which making contents containing pornographic elements viral has been happening. For example, a foreign woman who was viral in social media after appearing in a traditional Balinese dance show in Ubud. The video showed the woman walked on stage without clothes and afterward was arrested by officials and secured by Pamong Praja Taskforce of Gianyar Henry (2013).

The phenomenon appeared along with the advancing information technology, which abled everyone to easily upload and share contents everywhere in the world using social media. Some tourists visiting Bali have been proven to do indecent acts, such as taping or photographing oneself or others in inappropriate situation, and afterward sharing the aforementioned material using social media platforms Henry (2023). Not only foreign tourists, local people also oftentimes publicize videos or photographs of foreign tourists containing pornographic elements. On one hand, netizens have role in supporting enforcement of anti-pornographic laws, but on the

other hand, making indecent acts of foreign tourists containing pornographic elements viral also negatively impacts the tourism industry of Bali, such as decrease in tourists' visits and deteriorating image, including conviction to those who distributed, transmitted, and accessed Electronic Information and/or Electronic Document containing indecent contents.

The implications of making the behaviors of foreign tourists which contains pornographic elements viral against the tourism industry of Bali are very harmful. First, it will severely affect the reputation Bali as a safe and family friendly tourist destination. Indecent acts done by some foreign tourists evoke negative impressions, and could potentially curb the desire of tourists to visit Bali. This can result in loss of tourists, and the national and local income, and also diminish the livelihood of local population who depend themselves on the growing tourism industry post Covid-19 pandemic.

Second, the social and cultural impact which harms eastern norms principles and religiousness which should be respected by everybody who visits Bali, but the indecent acts of foreign tourists which contains pornographic elements will degrade norms and values of Balinese culture. This is inversely proportional to the popularity and internationally acclaim of Bali in social media world, such as when one types "Bali" in Google, many people testify of its beauty. One testimony of "consensus" that the Island of Gods is "a piece of paradise" in Asia, even the world, when something negative is made viral, it will affect the local cultural values.

Third, the safety and privacy of tourists also become concern. This very peaceful and sacred place is disturbed by the viral acts of foreign tourists which contains pornographic elements which not only infringe on social norms and ethics, but can also harm the privacy and well-being of individuals involved. The tourists who become the object of illegal pornographic contents could experience psychological trauma and feel unsafe during their stay in Bali.

In order to preserve the sustainability of tourism industry in Bali, actions are needed against acts that could harm tourism potential of Bali. In this article, the author is interested to examine "the implications of making the behaviors of foreign tourists which contains pornographic elements viral against the tourism industry of Bali". This article will examine the core problem, especially the role of netizens in helping the law enforcement against indecent acts of foreign tourists and the implications of making contents containing pornographic elements viral on social media in accordance to Law No. 19 of 2016 regarding Changes upon Law No. 11 of 2008 regarding Electronical Information and Transaction (from here on mentioned as ITE Law) against tourism industry in Bali.

2 Purpose of Research

The purpose of this research is as follows:

1. To analyze the phenomenon of behaviors of foreign tourists which infringe on decency and the role of netizens is supporting enforcement of anti-pornography law

which can damage the image of tourism of Bali caused by the sharing of contents prohibited by ITE Law and Pornography Law;

2. To analyze the implications of making the behaviors of foreign tourists which contains pornographic elements viral on social media according to ITE Law and Pornography Law, including social, legal, and cultural impacts, and also to identify efforts to handle and prevent sharing of contents which are harmful to the tourism industry of Bali,

Achieving aforementioned purposes, this research is expected to be able to give deeper understanding about the role of netizens against indecent acts of foreign tourists, the implications of making the behaviors of foreign tourists which contains pornographic elements viral on social media, and concrete actions which are able to be taken to preserve the sustainability of tourism industry in Bali.

3 Methods of research

The approach used in this research is juridical normative approach. This approach aims to analyze relevant laws and regulations, especially ITE Law, in the context of making the behaviors of foreign tourists which contains pornographic elements viral in Bali. In the analysis, this research is using descriptive-analytical approach qualitatively. This approach is done by collecting data from various credible sources, such as scientific journal and related legal documents. Descriptive-analytical approach which is to describe and to analyze collected data in depth, so that it can provide comprehensive picture about the implications of making the behaviors of foreign tourists which contains pornographic elements viral against tourism industry in Bali.

Using qualitative approach, this research expects to give more in depth understanding about legal implication and social impact of making viral aforementioned behaviors. Furthermore, the use of credible sources such as scientific journals and legal documents also strengthens the validity and reliability of the results of the research.

4 Results

4.1 Behavioral Phenomenon of Foreign Tourists and Role of Netizens in Supporting Law Enforcement of Making Pornographic Elements Viral on Social Media

Recently the news of foreign tourists' behaviors has become a hot topic of conversations in social media in Indonesia. This of course, because the behaviors of said tourists has raised uneasiness and deemed harmful by local people. This issue came into spotlight and condemned by the public because it did not respect norms and cultural values of places visited. Among the behavioral phenomenon of foreign tourists is making pornographic elements viral on social media or publicizing by netizens.

a. Definition of Netizens

The term “netizens” originated from the amalgamation of the word “internet” and “citizens” which means “citizens of the internet”. Social forums related to freedom of expression and freedom of speech are formed by someone who is active in cyberspace or active in internet activities. The term "Citizen Journalism" refers to the production of news by internet users, in which the news produced by netizens has a quality that is not inferior to the news produced by the media, because netizens are present where events occur Febrian (2019).

Classification based on the level of activity of netizens in using social media has been introduced by Arianto. This classification includes several roles that amplify and disseminate messages or digital content. In a digital society, there are three main roles, namely buzzer, influencer, and follower. Buzzer is an account that actively disseminates, campaigns and promotes messages or digital content to other netizens with the aim of influencing and amplifying the message. Meanwhile, influencers are social media accounts that have a strong influence on their followers, so they can encourage and influence followers to act according to their wishes. Followers, on the other hand, are social media accounts that follow the behavior of influencer and buzzer-accounts. They are netizens who obey and follow the will of the influencers and buzzers that they follow Bambang (2021).

b. Definition of Social Media

Social media refers to online platforms that allow users to interact, share content, and engage in virtual social activities. Social media includes various types of platforms such as social networks (such as Facebook, Instagram, and Twitter), video sharing platforms (such as YouTube), blogs, discussion forums, etc.

Using social media, users can create personal profiles, connect with others, upload and share content such as photos, videos and writings, and participate in discussions and other social activities. Social media also allows users to follow and interact with content shared by other individuals, brands or organizations.

According to research conducted by Nasrullah ruli (2017), it was stated that social media is a media platform that is focused on the existence of users, which allows them to do activities and collaborate. As an online medium that facilitates relationships between users and creates social ties, social media becomes an active alternative in promoting interaction, collaboration, sharing and communication with the general public through virtual forms of social bonding. In the context of social media, the concept of socializing refers to recognition, communication, and cooperation. With the emergence of various social media platforms, there has been a very significant impact in the field of communication on the wider community Rahmanja (2021).

In the current era of social media, there has been a significant push for social change. Social media provides an opportunity for individuals to express their thoughts and opinions and share information with others. Awareness of this new power provides the understanding that conversations do not occur in a vacuum, but involve interaction with a highly responsive audience. This audience engages in conversation and shares their point of view. Currently, a person has the option to appear on social media, tell their side of the story, and demand what they deserve Wahyudi (2021).

c. Role of Netizens in Enforcing Foreign Tourists' Behaviors in Social Media

The role of netizens in law enforcement against the behavior of foreign tourists on social media includes their contribution in detecting, reporting and providing evidence regarding violations committed by foreign tourists on social media platforms. The role of these netizens includes:

i. Netizens have wide and active access on social media, so they can rapidly detect the behaviors of foreign tourists which damage tourism industry of Bali. They can watch and observe contents that violate law, such as dissemination of pornographic content or other indecent acts, which can harm the image of tourism of Bali.

The presence of netizens in law enforcement against the behavior of foreign tourists on social media also provides benefits in terms of early detection. Early detection of religious and national conflicts is required in order to prevent these conflicts from occurring. Through early detection, we can take prevention steps before conflicts really occur, so the negative effects from such conflicts can be reduced. By having wide and active access on social media, netizens have capabilities to rapidly detect behaviors of foreign tourists that are harmful to tourism industry of Bali. They actively watch and observe contents that violate law, such as dissemination of pornographic contents or other indecent acts that can negatively affect the image of tourism of Bali.

Through their role as social observers, netizens can quickly report violations to the authorities, including relevant agencies and law enforcement. Thus, the presence of netizens can become additional eyes and ears that assist in law enforcement efforts against indecent foreign tourists' behavior on social media.

Other than detecting harmful behaviors, netizens also have an important role in submitting relevant digital evidences of the violations. They can capture screenshots, save links, or save records of contents that violate laws as evidences which in turn can be used in legal proceedings. These evidences can assist the authorities in processing cases and taking actions against the perpetrators of the violation.

As stated by Bambang Rukminto, a police observer from Institute for Security and Strategic Studies (ISESS), criticizing the statement of Regional Police Chief of Bali Inspector General of Police Putu Jayan Danu Putra which threaten to arrest members of public who made viral a German expatriate who were naked during the show of Balinese dance in Saraswati Temple in Ubud, Gianyar Regency. According to Bambang, the statement of the Regional Police Chief of Bali is incorrect. The police should actually take strict action against the foreign national who perpetrated the violation, instead of threatening locals with ITE Law Era (2023).

With the active role of netizens in law enforcement against the behavior of foreign tourists on social media, the hope is to create a safer environment and maintain the integrity of tourism industry of Bali. The presence of netizens as social observers is an important factor in maintaining the image and reputation of Bali tourism and protecting the interests of the local community and tourists visiting Bali.

ii. Netizens have role in reporting violations they found to the authorities, such as the police or tourism authority. They can utilize reporting feature made available by social media platforms or directly report to the authorities to report behaviors of foreign tourists that violate laws. iii. Netizens have role in educating the public about the importance of law enforcement against the behavior of foreign tourists on social media. They can disseminate information about the negative impacts of said behaviors,

reinforce public awareness, and persuade the public to have an active role in combating aforementioned violations. iv. Netizens can collaborate with related parties, such as government, law enforcement officials, and tourism agencies, in order to increase the effectivity of law enforcement against the behaviors of foreign tourists on social media. This includes sharing of information, coordination of actions, and establishing a communication platform which allow better collaboration in dealing with cases involving netizens. With an active role in law enforcement, netizens can make a significant contribution in maintaining the integrity and image of the Bali tourism industry and encouraging the sustainability of the tourism sector by handling these detrimental actions.

4.2 Implications of Making The Behaviors of Foreign Tourists Which Contains Pornographic Elements Viral on Social Media

Virility of information has become unwritten condition for public complaints to be fully acknowledged by the authorities. The function of social media as a reliable real-time source of information is reinforced by internet. All of these resulted in a new social phenomenon, in which digital standing becomes an indicator of one's credibility. Thus, the opinion that "viral is the new law" becomes accepted because this phenomenon revives norms which represent netizens' will and sense of justice, and also has punishment feature involving participation, an advantage seldom found in the formal-institutional mechanism of law Auditya (2021).

Implications of making the behaviors of foreign tourists which contains pornographic elements viral against tourism industry in Bali related to the phenomenon of information virility and the power of social media as explained previously. When such behaviors become viral on social media, it can seriously impact tourism image and reputation of Bali. Rapid and wide dispersion of information negatively impacts perception of people, tourists, and related parties of the Balinese tourism purposes.

Information virility becomes means for the public to express their complaints regarding indecent tourists' behaviors. This bolster interested parties, like tourism authorities and law enforcement agencies, to respond to the complaints seriously and to promptly take appropriate actions. Social media could become an instrument of control, where exposure of viral bad behaviors could become a form of punishment for the perpetrators of violations of existing norms and values.

It should be noted that the use of social media as an instrument of control has its own weakness and challenges. For example, law might not be able to always prosecute perpetrators effectively due to power relations or limited legal formalities. Therefore, the use of virility of information as an instrument of punishment must not ignore justice and fair legal mechanisms. The implications of making the behaviors of foreign tourists which contains pornographic elements viral on social media are the consequences that arise as a result of the spread and exposure of this content. Some implications that may occur are:

1. Dissemination of pornographic content involving foreign tourists might tarnish the image of tourism industry of a region, i.e. the case of Bali mentioned above. This issue might reduce the interest and trust in tourists to visit said destination.

2. The loss of interest in tourists to visit Bali impacts in reduced number of tourists and income from tourism which in turn significantly impacts regional economy of a region. When the image of tourism industry are negatively affected. As a consequence, the revenue generated from the tourism sector drastically drops.

The drop in revenue from tourism directly impacts on various aspects of regional economy. One of which is the decline of employment in tourism sector. Because of the declining number of tourists, the demand for jobs in tourism industry will concurrently decline. This will impact job opportunities for locals who depend on tourism sector as their main source of income.

In addition, the decline in tourism revenue also affected businesses in the tourism sector, such as hotels, restaurants and transportation. With the declining number of tourists, these businesses face challenges in maintaining the continuity of their operations. Decreasing income causes difficulties in retaining employees and maintaining the quality of services offered to tourists.

All related sectors also feel the impact of the decrease in tourism revenue. The hotel industry is facing a decrease in occupancy, restaurants are experiencing a decrease in the number of customers, and the transportation sector is facing a decrease in demand for services. All of this has an impact on the balance of the local economy, where business actors in related sectors face big challenges in maintaining the continuity of their businesses.

4.3 Dissemination of pornographic contents through social media could violate Article 27 sub-section (1) of ITE Law which states, “each and every one

deliberately and without consent distributed and/or transmitted and/or made possible to access electronic information and/or electronic documents, which have indecent contents”. In addition, it violates Article 4 sub-section (1) Law no. 44 of 2008 Regarding Pornography (Pornography Law), which states that the act of producing, reproducing, disseminating, broadcasting, or providing pornographic contents which explicitly contain intercourse, including deviating intercourse, nudity or impression of nudity, and genitalia, is considered to violate laws Alexander (2020). The implications of sharing tourists’ behaviors containing pornographic elements on social media are that the act itself strictly violates applicable laws and can be prosecuted. In addition, the implications could damage the image and reputation of a region’s tourism, in this case Bali, because the shared pornographic contents mar tourism purposes of said region. Thus, it is important to take appropriate actions in order to handle and prevent pornographic tourists’ behaviors which violate laws by means of social media, either by law enforcement steps or socialization efforts and public awareness on negative effects caused by said behaviors.

Aside from violating Pornography Law, this also violates ITE Law Antonia (2021). The act of sharing indecent and illegal electronic information or documents without consent may have serious legal implications, that every individual who deliberately and without consent disseminates, transmits, or produces electronic information or

documents containing indecent acts can be sentenced with maximum 6 years of prison and/or fines up to Rp 1.000.000.000 (one billion rupiah).

Hence, it is very important to enforce law against sharing pornographic contents made by foreign tourists on social media. In addition to preserve tourism image of a region, it can also serve as stepping stones to keep the integrity and morality of local public society. Prevention efforts, early detection, and strict actions against such violations need to be taken to ensure the sustainability and progress of tourism industry and to maintain good relation between involved countries.

4.4 Dissemination of pornographic contents on social media has negative socio-cultural impacts.

The contents are in all probability violate norms and values of public society. As a consequence, the behaviors of society as a whole might also be affected and experienced changes. These impacts are not only temporary in nature, but can also have long terms impacts on culture and identity of a region. When pornographic contents widely spread, it can undermine social structure that have been built in society. Moral and ethics values that have become common foundation are corroded because of exposure against inappropriate and indecent contents. Changes in public behaviors caused by spread of such contents may threaten social harmony and raise conflicts between individuals or groups.

Negative impacts of the spread of pornographic contents are not limited to socio-cultural aspects, but can also affect the development of identity of a region. Culture and identity of a region are oftentimes tightly wound with norms, values, and traditions, held in high regard by both the local population and visiting tourists.

The spread of global culture will affect in changes from traditional masses into modern and postmodern society, also from religious into secular. Related to the topic of this article, the spread of porn media news will also have an impact in eroding the institution of marriage and familial sexual norms in society, as well as triggering occurrence of odd sexual behaviors in society Amansyah (2015).

Therefore, it is important to make prevention efforts and strict law enforcement against the spread of pornographic contents. Cooperation between the government, law enforcement institutions, and the public is required to protect social, cultural, and identity of a region from the negative effects of the spread of such obscene contents.

The government need to do effective socialization to the public in order to give understanding of the importance to report inappropriate findings. This can be done through reporting platform that can be easily accessed which enable the public to report illegal or indecent behaviors. The public has to realize that their role as informants is very important to maintain public safety and order. Without active participation from the public, police and government will face difficulties in detecting behaviors which need law enforcement during early stage.

It is important to prevent criminalizing members of public who reported suspicious incident or behaviors. Such action could cause cultural friction and aversion for the public to report. Therefore, the government need to ensure and give protection to

members of public who reports inappropriate acts, so that they feel safe and supported in actively participating to maintain public safety and order.

It is also required for the government to do evaluations on law enforcement acted by the police department. If the public feels that the police is doing its job poorly, it could raise public distrust in law enforcement institutions. Thus, introspection and improvement in law enforcement are needed to restore public trust that their reports are well followed up.

5 Conclusion

Proceeding from the explanations given above, the conclusions that can be drawn from this article are as follows:

1. The behaviors of tourists as a tip of an iceberg phenomenon is no longer categorized as mere indecent behaviors, but with publicizing contents containing pornographic contents, not only it hurts the tourism image of Bali, is also considered as a law infringement of criminal nature based on ITE Law and Pornography Law. On the other hand, the role of netizens as effective social observers in the framework of enforcing anti-pornography law through the use of social media. Netizens have the power to spread information, offer opinions, and gain support from the wider public, so that violations done by foreign tourists can be quickly exposed and known by authorities.

2. The implications of making foreign tourists' behaviors containing pornographic elements viral on social media can affect the sustainability of tourism industry, local economy, and also decrease in number of tourists. This can degrade cultural values and social norms, and violate ITE Law and Pornography law with the purpose of giving protection to the members of public and maintaining social order. Legal action is insufficient, the government need to give effective socialization to the public about the importance of reporting inappropriate things. This can be done through reporting platform that can be easily accessed, so that the public can report violations of law, without violating law themselves.

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