

CHAPTER I

INTRODUCTION

A. Background of Research

Throughout history, we acknowledge the spread of criminality involving the organizations of criminals. One of the best examples of the existence of organized crime is Mafia or Mob. Both terms are used for identifying the Italian organized crime in the United States of America, especially in New York. In fact, there are five organizations operating organized crimes in New York namely the Bonanno, Colombo, Gambino, Genovese, and Lucchese families. Each of them has their own territory. Led by Charles Luciano, Tommaso Galiano, Joseph Profaci, Salvatore Maranzano, and Vincent Mangano they dominated all territories in New York in the early 20th century and possessed the authorities and power in other states such as South Florida, Connecticut, Las Vegas, and Massachusetts. They conducted illegal activities or doing underground crimes for almost decades.¹

Besides in the United State of America, the phenomena of organized crime are also found in Asia, including Japan. Organized crime in Japan is known as Yakuza. The name of Yakuza is originated from the traditional Japanese card game Oicho-kabu, ya-ku-sa or 8-9-3. The sum of this combination is 20 which have no value in that game. This actively demonstrates that that Yakuza is a group of powerless people which

¹ Macmillan, 2005, *The Five Families*, New York, St. Martin's Press, p. 145.

organize themselves to be more powerful.² Yakuza are known as one of the biggest organized crimes in the world besides other big names like Mafia, El-Chapo, Cartel, and many other names that existed. There are four clans or families that are still active in the underworld business in Japan, including Yamaguchi-gumi, Sumiyoshi-kai, Inagawa-kai, and Aizu Kotetsu-kai. The yakuza are notorious for their strict codes of conduct, their organized fiefdom nature, and several ritual practices such as yubitsume. According to the National Police Agency, it had 20,400 active members and around 19,000 associated members in 2007. And it is by far the largest membership of the groups, and approximately encompasses 45% of the 86,300 yakuza in the Japanese underworld. And Leading members of the Yamaguchi-gumi number 102 people in total. The Yamaguchi-gumi is among other gangsters, make a billion dollars a year from illegal activities such as gambling, prostitution, extortion, arm trafficking, drug trafficking, and others.

This type of organized crime is really different from organized crime in the United States in which in the United States their activity is underground, and to run their business. They didn't have building that named his organized crime, but they cover it with some legal stuff like restaurant, night club, or some legal company that there had, Yakuza they are not covered their identity of the yakuza, they could have a building that can name his organized crime, for doing his business, because in japan

² Britannica Academic, S V, *Yakuza*, <https://academic.eb.com/levels/collegiate/article/yakuza/77739>, Accessed 3 March 2020, 02:23 PM.

the membership of Yakuza is not illegal, even they stand in front of the public or on the side of the street to protect their business territory.

From that organized crime which already mentions from above, we can conclude that they had some similarities, in form of the hierarchy, the business or the crime that both of them conducted, which means all of organized crime in this world had the same form, crime, and others. This makes some question whether in Indonesia there is an organized crime? because until right now our government still covered the existence of organized crime, and also many organized crime practices happened in Indonesia, most of them involving the legal officer, politician, and related businessman that focused on operating illegal activities.

If we can look at the criminal activities that happened in Indonesia, there are some similarities in criminal activities that are usually conducted by some various organized crime such as one of the transnational crimes that always happened, or criminal action that identically with organized crimes activities.

However, whether organized crimes such as mafia exist in Indonesia is clear. It is because in Indonesia there are some crimes that are strongly similar such as prostitution place that is really opened in a public place. It is understood that Indonesia culture are against anything related to the prostitution, gambling, and many other activities which are forbidden by religion, and this place is opened in public places and the government did not take any action to exterminate this kind of rackets. Thus, it is clear that in Local Regulation Number 18 of year 1954 about Prohibition of Prostitution

in public places, it is stated that having prostitution business in public places are prohibited.³ Not only one racket, but many crimes that happened in all of the region of Indonesia.

If we look at our constitution there are some regulations that we can use to eradicate organized crime, for example Law number 5 of 2009 about the United Nations Convention Against Transnational Organized Crime. Indonesia adopted from the United Nations convention act to deal with organized crimes and other transnational crime. In fact, the government ever made some groups to investigate the mafia because of the pressure from the politics, and also because in his era there are so many illegal practices that involved many legal officers. However, it didn't last long, it just only lasted for 2 years, and the investigation was officially disbanded, these groups are called The Organized Crime Eradication Task Force (Satuan Tugas Pemberantasan Mafia Hukum).

Because Indonesia has different culture with the Italian American in term of Mafia Practices, it has its own version according to the Law number 5 of 2009. It is stated that" Organized Crime means structured groups consisting of three or more people, formed within a period of time and regulated with the aim of carrying out one more serious or violating follow-up or more in accordance with this agreement, to

³ Regional Regulation Number 18 of year 1954 about Prohibition of Prostitution Business in Public Places.

obtain, directly or indirectly, financial or other material benefits”⁴. Based on this definition, even though he is a legal officers and forming groups consist of three or more people to conduct illegal activities such as corruption and others that’s called as Organized Crimes, one famous Organized Crimes Practice in Indonesia prosecutor Urip Tri Gunawan received bribes from Artalyta Suryani who was allegedly working as an agent of Sjamsul Nursalim and Kemas Yahya Rahman at that time served as Deputy Attorney General for Special Crimes (Jampidsus) all names above were involved and worked together to make the trial run easier or alleviate the punishment given to Sjamsul Nur Salim.

The behavior of actors in the ranks of the attorney general's office has met the requirements of being called mafia. They undermined state funds from within by being directly involved in making agreements through illegal mechanisms with parties who are currently facing problems (BLBI debtors), which were processed by making looks based on the legitimacy with the applicable law but obviously not. To be precise, there is a manipulation in solving the problem of misuse of state money for the purpose of mutual benefit between the two parties. That is one of the examples of Organized Crime Practice that Happened in Indonesia, and there are still many Mafia Practices happening until right now.⁵

⁴ Law Number 5 of year 2009 about United Nations Convention against Transnational Organized Crime Article 2.

⁵ Laode Ida, 2010, *Negara Mafia*, Yogyakarta, Galangpress, p. 125.

B. Research Problems

1. How dangerous is organized crimes in Indonesia?
2. What strategies are applied for eradicating organized crimes in Indonesia?

C. Research Objectives

1. To find out the dangerous of organized crime in Indonesia.
2. To find out the strategies that applied for eradicating organized crime in Indonesia.

D. Research Benefits

1. Theoretical Benefit

They can understand all of the aspects related to the research that are discussed in terms of important aspects, regulation, and the history of this material. In addition, the researcher got knowledge from the research and understand any kind of the regulation related to research, as well as understand the comparison between our regulation and other countries' regulation, and other countries' approach to resolve the problems. Finally, all of the information, regulation, and many other things that are related to the research can be concluded and found ways to give a solution to resolve this kind of problems.

2. Practical Benefit

The results of this research are expected to provide benefits to the wider community about organized crime in Indonesia, because in Indonesia itself the

organized crime is still undetected, and many people still did not understand anything that is related to organized crime, in term of rackets, forms, how they operate, and many things.