

Sex + Corruption = Sexortion

by Amalia Syauket

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SEX + CORRUPTION = SEXORTION

¹Amalia SYAUKET, ²Dwi Seno WIJANARKO

^{1,2}Faculty of Law, Bhayangkara University, Greater Jakarta, Indonesia

Corresponding author: Amalia SYAUKET

E-mail: amalia.syauket@dsn.uharajaya.ac.id

Abstract:

Transparency International includes sextortion or sexual extortion in the Global Corruption Barometer Asia. According to the data above, Indonesia ranks first in the country, with the number of cases of sextortion highest in Asia. The forms of corruption that most often adorn every government organization, which occur the most and are vulnerable to involving state officials, are extortion, gratification, and bribery. Other more surprising facts from GCB Asia 2020 research a new indicator, namely sextortion, and Indonesia ranks first in the highest sextortion cases in Asia. This term is still very common, which reveals that corruption is not just a matter of money. As for the problems that will be answered with a descriptive qualitative approach, first, in the perspective of criminal law, are the provisions governing sextortion adequate? Second, what can be done to prevent the prevalence of sextortion? This study found that first, the regulation of sextortion is adequate in Indonesian criminal law, which is identical and congruent with abuse of power. Secondly, prevention efforts are in the form of a moralistic system and community empowerment. Novelty: Integrate sextortion into the anti-corruption movement in the form of an anti-sexual harassment program to achieve wider awareness that sextortion is a form of corruption.

Keywords: Concept of Sextortion, Abuse of Power, Prevention of Sextortion.

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INTRODUCTION

Having power means having the ability to change the behavior or attitudes of others under what is desired by the holder of power. By holding power, the person in question automatically has influence, and this is what some people dream of getting power so that later he influences the power he has. In other words, he has the right to govern, the right to regulate or manage to the right to make crucial decisions. Because some people think that if these three rights can be obtained, then a person will be successful in running and having a career. This desire is what some people desire, although sometimes they realize that if they gain power if they are not careful, it will endanger themselves and even their families (Al Hafis & Yogya, 2017). There is an adage that says that power is close to corruption. Uncontrolled power will become more extensive, turning into a source of various deviations—the greater the power, the greater the possibility of corruption.

Wardani (2021) states corruption is often defined as the abuse of authority or position to obtain money or goods in exchange for power. So what if what is asked for is a sexual reward? Feigenblatt (2020) states that this type of corruption is called sexual extortion or "sextortion," it occurs when those entrusted with power use it to exploit those dependent on that power sexually. Sextortion takes many forms. It can be police officers asking for sex in exchange for not detaining a person. It can be teachers requesting sex from students to give them a good grade. In some cases, a judge makes a favorable ruling conditional on the provision of a sexual act or a procurement officer offering a contract in exchange for sex.

From the explanation, it appears that when officials abuse their power to demand money, it is widely acknowledged that they are engaging in corrupt behavior. However, when they use power to solicit sex, this is not always recognized as corruption, and accusations are rarely

processed. In short, although sextortion fully meets the definition of corruption as an "abuse of power" entrusted to personal gain, it has hitherto been excluded from the anti-corruption agenda.

Feigenblatt (2020) further explains sextortion occurs in many sectors, including education, the police, the courts, and the civil service. It can affect anyone, but it disproportionately targets people from marginalized and vulnerable groups.

METHODS

As a scientific product, the article writing Sex+Corruption=Sextortion uses research methods. The existence of research methods guarantees to produce reliable academic works by the problems studied. This research is normative legal research (Normative Law Research). To answer the problem in this study, the author uses two approaches, namely the statute approach and the conceptual approach. The statutory approach is made by examining all laws and regulations related to research problems. At the same time, the conceptual approach departs from the views and doctrines that develop in the science of law. Understanding these views and principles can be used to build and solve research problems (Marzuki, 2017).

RESULT AND DISCUSSION

Concept of Sextortion. Transparency International includes sextortion or sexual extortion in the Global Corruption Barometer Asia (2020). According to the data above, Indonesia ranks first in the country with the number of cases of sextortion highest in Asia. This survey involved 20,000 respondents in 17 Asian countries. At the same time, respondents from Indonesia amounted to 1,000 people. Compared to other countries, cases in Indonesia are at the top with 18% of respondents, meaning that Indonesian citizens claim to experience or see sextortion. Usually, this case occurs in the public service sector. That fact even beat India's position, where rape cases we often hear are very high, even leading to a significant protest movement there.

The term sextortion comes from the words sex and extortion. Sex is defined as sex /sexual, and Extort, an ion, is described as blackmail. If interpreted etymologically, sextortion or sextortion means sexual blackmail. According to Forsyth and Copes (2014), sextortion can be interpreted as the authority of someone who takes advantage of others by giving violence and harming others. De La Carna (2012), in his famous article on sextortion, mentions that sextortion is sexual exploitation with the abuse of power as a means of coercion for personal sexual gain. When an official with a particular position and authority asks for money in return for his authority, it is called a bribe. It accuses the official of committing a criminal act of corruption. So what if what is asked for is sex? The International Association of Women Judges (2008) agreed to use the term 'sextortion' to describe the abuse of authority where sex becomes a currency for bribes carried out by coercion by those in power (Suryosumpeno, 2020).

Weeks (2010) explains that sextortion first appeared in Californian print media in 1950. Then in 2008, it was again used by The International Association of Woman Judges. Widoyoko (2021) states this is a relatively new indicator, and by definition, it is still very common. It is blackmail in the form of violence or sexual harassment, generally in the form of abuse of power. Danang Widoyoko further explained that the sextortion indicator is a new area that opens everyone's eyes that it turns out that corruption is not only about money. Different from the above definition, Tarimo (2021) calls it the term Sexual Corruption, which is freely translated: Sexual corruption, mostly called sex extortion, must contain both corruption and a sexually abusive component. Corruption component: abuse of a position of authority by seeking personal gain in exchange for exercising entrusted power.

An actual example is delivered by Tarimo (2021): Nyamkogo attends a government office to seek impoessentialmits. Government officials told Nyamkogo that he would only give her permission if she had sex. Ms.Nyamkogo then reluctantly and without choice had sex to get the requested preauthorization, according to Wardani (2021). Although this definition is still very universal, the term sextortion is considered capable of representing the accumulation of two

crimes. Abuse of power like corruptors and coercion of sexual activity by sexual criminals. The difference between sextortion and most other sexual violence is the abuse of authority.

Widjojanto (2013) states which are also massively happening at this time is sex gratification. Sex gratification is an issue that recently emerged and is to the surface. It could be that this mode is suspected because of two things, the first is the desire of the official himself who wants a certain satisfaction in the form of sexual services, or secondly because the official cannot be influenced by money, an offer in this form is an alternative to provide satisfaction. Hence, his policies can often be influenced and changed according to taste (Wahyudi, 2019). Wardani (2021) states that the difference between sextortion and the phenomenon of sexual gratification is the presence of coercion.

Feigenblatt (2020), on page 10, explained in more detail the abuse of power to obtain a sexual benefit or advantage. Sextortion is a form of corruption in which sex, rather than money, is the currency of the bribe. It is not limited to certain countries or sectors. However, it can be found wherever those entrusted with power lack integrity and try to sexually exploit those who are vulnerable and dependent on their power.

For an act to constitute sextortion, two components must be present:

1. Sexual activity: sextortion involves an implicit or explicit request to engage in unwanted sexual activity, which can range from sexual intercourse to exposing parts of the body.
2. Corruption: the persons who demand the sexual activity must occupy a position of authority, which they abuse by seeking to exact, or by accepting, a sexual act in exchange for exercising power entrusted to them – that is, the perpetrators exercise their authority for their gain.

To determine which cases involve corruption and can therefore be considered sextortion (as opposed to other types of sexual abuse or exchange), the following three conditions must be present:

1. Use of authority: “The perpetrator uses the power entrusted to them for personal benefit.
2. Quid pro quo or “this-for-that”: The perpetrator demands or accepts a sexual favor for a benefit they are empowered to withhold or confer. Mumporeze (2019) gives an example of what happened in Rwanda: Let’s spend a night together; I will increase your salary.
3. Psychological coercion: Sextortion and coercive pressure rather than physical violence to obtain sexual favors. The power imbalance between the perpetrator and the victim/survivor allows the perpetrator to exert coercive pressure.

Feigenblatt (2020) expressed his pessimism. Despite such progress, sextortion continues to be underreported. It is absent from corruption and crime statistics and is often excluded from the broader anti-corruption agenda at the political, legal, academic and cultural levels, both domestically and internationally. Mumporeze (2019) also states that sextortion remains an under-researched field in many countries, especially in the non-Western world. It is reinforced by Mulyadi (2021). It is common knowledge that several corruption cases were tried at the Corruption Criminal Court in connection with sexual services allegedly carried out by the defendant. However, the sex service was not disclosed further in court because the trial focused on proving his corruption allegations.

Abuse of Power. Having power means having the ability to change the behavior or attitudes of others according to what the holder of power wants. By holding power, the person concerned will automatically have influence. It is what some people dream of who want to gain legitimacy so that later they will influence the power they have. The causes of the abuse of power can in fact rampant corruption (Al Hafis & Yogya, 2017).

Corruption and power are like two sides of one coin. Corruption always accompanies the journey of power and vice versa. Power is the “entrance” to corruption (Sanusi, 2009). Lord Acton’s famous statement is the essence of the adage, “Power Tend to corrupt, and absolute power corrupts absolutely”(Budiarto, 1995).

15

Abuse of power or abuse of power is an action carried out by a public official or ruler with an agenda of particular interests, both for the benefit of individuals and the interests of groups or corporations. If the action is detrimental to the state's finances or losses, then the action can be considered an act of corruption. In other words, power is close to corruption. Uncontrolled power will become more arbitrary and ultimately lead to deviation. The greater the power, the greater the possibility for corruption because the authority given as a means to carry out tasks is seen as personal power. Therefore it can be used for personal gain.

Corruption is the abuse of authority or power for personal or group gain. Corruption is the subordination or placing of the public interest under private interests, including violations of norms, duties, and public welfare. Acts of corruption are accompanied by secrecy, betrayal, and indifference to the consequences suffered by the wider community. (Isabela, 2022)

According to Juniver Girsang (2012), one of the implications of applying the doctrine of being against material law in handling cases of criminal acts of corruption is that there are more opportunities for abuse of power or abuse of power by law enforcement officers. He continued, what is meant by abuse of power or abuse of power here is the abuse of power by law enforcement officials when handling cases of criminal acts of corruption, whether at the investigation stage, investigation, or in court.

Suryosumpeno (2020) thinks the crime of sextortion involves a material offense of corruption in a broader sense, namely, a person in a position who has abused the authority entrusted to him for personal gain by ignoring the integrity and justice expected of his position.

Girsang (2012) further explained that the perpetrators of abuse of power in many cases were only subject to administrative sanctions, such as transfers or delays. Al Atas (1975) states that this type of corruption is transactive (transactive corruption) and defensive corruption (defensive corruption). Transactive corruption is corruption that occurs based on an agreement between two parties in the form of bribes. Both of them benefit. Transactive corruption usually involves the business world and the government or between the public and the government. Transactive corruption is characterized by reciprocity between the giver and the recipient for the benefit of both parties. The giver and the recipient are both actively engaged in achieving these benefits. At the same time, Defensive corruption is often called corruption to survive. Defensive corruption is the behavior of victims of extortion. Acts of corruption are carried out to defend themselves. The giver is forced to bribe to prevent harm that threatens him, his interests, or the people and things he values.

With almost the same variance, Rais (1993) divides the types of corruption, among others, Extortive corruption, characterized by extortion, which refers to a situation where someone is forced to bribe to get something or get protection for their rights and needs. This definition aligns with Transparency International Indonesia (TII) included sextortion or sexual extortion in the Global Corruption Barometer Asia 2020. It is blackmail in the form of violence or sexual harassment – generally the form of abuse of power. According to Girsang (2012), this extortionist and transactive corruption has been considered a moral violation throughout human history, both in modern and simple societies, because it is the most heinous crime (Suryosumpeno, 2020).

Prevention Of Sextortion. Talking about crime prevention is the domain of criminology. With a criminological approach, the root of the problem can be identified, including how to suppress it. It is one of the advantages of criminology when compared to criminal law. Criminology can function before a crime occurs, while criminal law can only be used if a crime has occurred (Adler et al., 2010)

According to Chapman (1968), there are two ways to prevent the occurrence of criminal acts, namely, first: looking for factors driving the occurrence of criminal acts, and secondly, optimizing law enforcement. A similar opinion was expressed by Reckless (1965) that there are five things needed to prevent crime. First a good police system and organization. Second effective judicial implementation. Third, authoritative law. Fourth, coordinated crime prevention and control, and fifth, community participation in crime prevention efforts.

Further commentary on crime prevention was provided by Lab (2010) that crime prevention can be divided into three approaches, namely primary, secondary and tertiary. Primary prevention is focused on community prevention, starting from the family environment. Secondary prevention identifies and predicts crime's potential by looking at social reality. Meanwhile, tertiary prevention is an effort to make some agreement with a criminal act so that it does not happen again.

Prevention efforts that victims of sextortion can do, for example, are by ignoring the perpetrator's request. Victims of sextortion dare to report. Because if you do not report it, there will be other victims. As for the apparatus, through a moralistic system, namely prevention through religious-spiritual showers. To strengthen moral values to suppress the evil instincts of humans. Meanwhile, to eradicate abuse of power by strengthening the monitoring system.

CONCLUSION¹³

Based on the results of empirical testing and discussion, it can be concluded that (1) the prosocial behavior of village government officials further strengthens the relationship between HR competencies and accountability of village fund management, (2) the prosocial behavior of village government officials weakens the relationship between community participation and accountability of village fund management, (3) the prosocial behavior of village government officials further strengthens the relationship between the leadership of the authorities to increase accountability in village fund management.

This study encountered several obstacles in the field that triggered further research related to differences in the characteristics of village characteristics and the social environment around village governance. The characteristics identified include differences in the characteristics of the *wed* (old) village and the newly developed village, the existence of the castle or the figure of the castle including religious and cultural figures, the distance to the city, and several other factors including the geographical location of a village.

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