

***CRIMINAL REGULATORY REFORM TO ERADICATE
PROSTITUTION PRACTICES***

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Abstract

The rapid technological advancement nowadays accelerates the spread of various forms of information, including information regarding prostitution practices. Meanwhile, from a legal perspective, a complete regulation on prostitution practices is at its minimum, and thus the impacts of the prostitution practices affect health aspects and drives social turmoil in the community. This research aims to review regulations related to prostitution practices, especially in the applicable criminal law in Indonesia, and propose factors that emphasizes a law reform, so that in the future, prostitution practices may be handled more thoroughly. This research uses a normative method, with secondary data that includes literary research and reviews on laws and regulations as well as an analysis method that uses a prescriptive technique. The conclusion resulting from this research reveals that in reality, several regional regulations have regulated prostitution practices, but nationally, there has not been any regulation that strictly regulates prostitution practices. The suggestions proposed by the researcher for the future is in a preventive and repressive form, which are clear limitations of prostitution practices, criminal act reform for pimps, criminalization for commercial sex workers (PSK), the use of double-track system in imposing sanctions, criminal act formulation, and criminal aggravation.

Keywords : prostitution practices, criminal law, criminalization, regulatory reform

A. INTRODUCTION

Information technology that never stops developing has brought substantial changes to all aspects of human life, so significant that the industrialization era dominated by machines and digital technology in Industry 2.0 and 3.0 is gradually moving into an industry driven by intelligence and automation technology with large information absorption. With a culture that is full of information flow, the society that

exists today is actually an information society that lives in the information age.¹ Behind today's technological sophistication, the first thing driving all these major changes is a technology that in its time was a new thing, namely the internet. The Internet has created and encouraged new patterns that did not exist in previous technologies, ranging from computerization, communication, work, industry, and lifestyle in society. The Internet has a huge role to play in overcoming the barriers related to distance and time that have existed with connections in *cyberspace*.²

However, the other side of information technology that advances human civilization is the increasingly sophisticated technology to commit unlawful acts (Explanation of Law No. 11 of 2008 concerning Electronic Information and Transactions). In the use of technology, of course, there are still parties who have the intention of obtaining profits through the use of irresponsible technology and leading to *cyber crime* that occurs throughout the world. One form of *cyber crime* or cyber crime is prostitution carried out online, in short online prostitution, using technological devices and the internet.

In fact, the practice of prostitution has long existed in Indonesia and is not new. Even before Indonesia declared its independence, during the colonization by Japan and the Netherlands, the practice of prostitution already existed in Indonesia.³ of prostitution itself in its implementation is divided into organized practices, namely localization such as brothels, clubs, and massage parlors, and unorganized ones such as prostitutes who peddle their services on the street both individually and in groups.⁴

With the shift in people's lifestyles that make it an information society as described above, the practice of prostitution eventually participates in using online-

¹ Astrid Faidlatul Habibah and Irwansyah, 2021, "The Era of Information Society as an Impact of New Media," *Journal of Business Technology and Information*, Vol. 3, No. 2, pp. 350-363.

² Wasisto Raharjo Jati, 2016, "Cyberspace, the Internet, and the New Public Space: Online Activism of Indonesian Middle Class Politics," *Journal of Sociological Thought*, Vol. 3, No. 1, pp. 25-35.

³ Kompas.com, 2023, "The History of Prostitution in Indonesia, Occurring Since the Colonial Era", quoted from the official website of Kompas.com <https://www.kompas.com/stori/read/2023/01/20/140000079/sejarah-prostitusi-di-indonesia-terjadi-sejak-era-kolonial?page=all> (accessed January 11, 2024).

⁴ Kartini Kartono, 2009, *Social Pathology*, PT Raja Grafindo Persada, Jakarta, pp. 251-252.

based technology media so that online prostitution practices occur. This adds technological aspects to the list of aspects affected by the practice of prostitution, such as health, gender, psychological, legal, religious and moral, social, even economic, industrial, and political aspects.⁵ can be seen is in the health aspect, where data from the National Narcotics Agency (BNN) shows that in Indonesia there have been 62,856 cases of HIV / AIDS, consisting of 9,901 cases of AIDS cases and 53,955 cases of HIV, with a male demographic of 31,218 cases or 58.95% of the total cases.⁶

This problem in the health aspect is just one example of the aspect affected by the practice of prostitution. In reality, the practice of prostitution also has a profound impact on other aspects. For example, in the gender aspect, the practice of prostitution significantly increases the potential for sexual harassment due to the objectification of women. In the social aspect, the practice of prostitution can damage relationships within the family as the first social group in the stages of social life, as well as other social relationships. In religious and moral aspects, prostitution in localized places can normalize crimes of decency for children living around the area. In the legal aspect, the practice of prostitution can be related to *human trafficking* networks, and so on. The many aspects affected make handling the problem of prostitution quite complicated, so that if not regulated hard and thoroughly, the impact that occurs in the community can be widespread and cause many victims. This is what is referred to as the subsocial element (*subsocialeit*) in the context of criminal law, namely the danger that can arise to society as a result of an action, even though the danger that arises is relatively small⁷

At present, regulations related to the practice of prostitution mostly focus on entanglement of pimps, not on service users or prostitutes, so it can be said that the existing regulations are still quite limited. Although in positive law in Indonesia the

⁵ Arya Mahardika Pradana, 2015, "Review of Criminal Law Against Prostitution and Criminal Responsibility of Parties Involved in Prostitution," *Journal of Law & Development*, Vol. 45 No. 2, pp. 276-307.

⁶ Katadata Media Network, 2023, "Men Dominate the Number of HIV and AIDS Cases in Indonesia in 2022", quoted from the official website of Databoks <https://databoks.katadata.co.id/datapublish/2023/07/03/laki-laki-mendominasi-jumlah-kasus-hiv-dan-aids-di-indonesia-pada-2022> (accessed January 11, 2024).

⁷ Sudaryono and Natangsa Surbakti, 2017, *CRIMINAL LAW Basics of Criminal Law Based on the Criminal Code and the Criminal Code Bill*, Muhammadiyah University Press, Surakarta, p. 98.

practice of prostitution contains several criminal elements, the fulfillment of these criminal elements is still not enough; according to a Vos quote by Eddy O.S. Hiariej,⁸ of the intended core objectives of the framers of the law, also called *wesenschau*, must be considered. Coupled with the sub-social element that occurs, this further emphasizes that there is a need for a complete change in criminal law so that the criminalization of prostitution can be carried out more firmly and thoroughly.

Furthermore, this strict and comprehensive criminalization of prostitution has not only punitive but also preventive and repressive goals, namely preventing and suppressing prostitution practices in any form in the future. In addition to mentioning the problems that can arise in health, gender, and social aspects as described above, Brents and Hausbeck⁹ express a fundamental reason for the importance of criminalizing the practice of prostitution. In accordance with the logic of thinking in the buying and selling process in general, if buyers decrease, buying and selling practices will also decrease, so that the size of the existing market can be limited. The same is true of prostitution; When service users are threatened with criminal penalties due to the criminalization of prostitution, the practice of prostitution will also decrease, coupled with criminal threats for prostitutes so that there is a reluctance to engage in the practice of prostitution, so that the scope of localization and even the practice of unsystematic individual prostitution can be reduced.

With this background, this study aims to examine the criminal law in Indonesia that regulates the practice of prostitution based on the following problem formulation: How should criminalization and regulation of prostitution be carried out so that it can be the basis for effective law enforcement to deal with the practice of prostitution?

⁸ Edward O.S. Hiariej, 2016, *Prinsip-Prinsip Hukum Pidana Edisi Revisi*, Cahaya Atma Pustaka, Yogyakarta, h. 133.

⁹ Barbara G. Brents dan Kathryn Hausbeck, 2005, “Violence and Legalized Brothel Prostitution in Nevada,” *Journal of Interpersonal Violence*, Vol. 20 No. 3, h. 270–295.

B. RESEARCH METHODS

This research uses normative legal research by conducting a study of applicable legislation and applying it to existing legal problems¹⁰ positive laws in force in Indonesia with facts that occur in the legal context. The approach applied in this study is a legal approach and a conceptual approach to identify, observe, analyze, and obtain legal perspectives and principles that can explain the concept of criminalization for the practice of prostitution in the future. The data in this study consists of primary legal materials, namely related laws and regulations to be analyzed, secondary legal materials from journals, papers, or books relevant to the issues under discussion, as well as other relevant tertiary legal materials. Furthermore, in the analysis, this study uses prescriptive analysis to provide arguments (true / false) and, in a legal perspective related to legal events that occur, provide views related to what should be done in the context and scope of law.

C. DISCUSSION

1. Criminal Law Regulation against the Practice of Prostitution

The word prostitution, commonly known as prostitution, is etymologically derived from the Latin word *pro* meaning "to offer, to put forward", and the word *situare* meaning "for sale", and thus the word *prostitute* itself means to offer for sale.¹¹ time, the word has been widely used in the context of prostitution, as it is now commonly known, so that in a broader definition, prostitution is defined as the act of offering oneself for sale, specifically to provide services to fulfill or satisfy the sexual desires of buyers or service users.

When viewed from the perspective of sociology, in social order, the practice of prostitution is seen as a negative fact, where the perpetrators are seen as immoral people who cause unrest in society, degrade the dignity of women, and even able to defame

¹⁰ Peter Mahmud Marzuki, 2007, *Legal Research*, Kencana Prenada Group, Jakarta, p. 35.

¹¹ Legal Explanations, 2020, "Prostitute Definition and Legal Meaning", quoted from the official Legal Explanations <https://legal-explanations.com/definition/prostitute/> page (accessed February 12, 2024).

those related to the practice.¹² the social reality that occurs, the practice of prostitution does not only have an impact because of the practice of prostitution itself, but also because there are various other phenomena that have the potential to be associated with it, such as prostitution of minors, trafficking in women, fights due to the influence of alcohol, and the circulation of illegal drugs.¹³

Meanwhile, in terms of law itself, in Indonesia there have been a number of regulations that regulate offenses related to the practice of prostitution. From the regulations that will be explained further below, it can be seen that currently the law in Indonesia still regulates the practice of prostitution from different sides or dimensions separately and not plenary or comprehensive. Regulations in Indonesia governing the practice of prostitution include:

a. Criminal Code (KUHP)

In the Criminal Code, there are several articles that according to some legal opinions can be used to crack down on the criminal practice of prostitution, but if reviewed again, these articles cannot be used to address and overcome the practice of prostitution as a whole because the definition or description given is more directed to the entanglement of pimps or people who systematically manage prostitution services or businesses only.¹⁴

The pimp himself, as Soessilo describes,¹⁵ considered or referred to by the term "obscene broker". Pimps help, attract and seek prostitution customers, earn a living from the sexual activities of prostitutes who live with them or live separately but keep in touch with them the interests of the commercial sex services they provide.

¹² Marhaenanda Pandega Persada and Martinus Legowo, 2021, "Community Labelling of Children of Commercial Sex Workers in Jombang". *Paradigm*, Vol. 10, No. 1, <https://ejournal.unesa.ac.id/index.php/paradigma/article/view/50686> (accessed February 12, 2024)

¹³ Mariyadi, 2013, "Public Perception of Illegal Prostitution in Kelurahan Sempaja Utara Samarinda," *Acta Diurna*, Vol. 2, No. 4, <https://media.neliti.com/media/publications/93332-ID-persepsi-masyarakat-tentang-prostitusi-l.pdf> (accessed February 12, 2024)

¹⁴ Dika Rahmat Nasution and Frans Simangunsong, 2023, "Criminal Responsibility for Users of Prostitution Services in Online Media", *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, (2023), Vol. 3 No. 2, p. 1732-1744.

¹⁵ R. Soesilo, 2013, *The Criminal Code (KUHP) and its Complete Commentaries Article by Article*, Politeia, Bogor, p. 327.

It can be observed in the Criminal Code that Article 296 and Article 506 specifically regulate acts that in reality occur in the practice of prostitution. Article 296 indicates that those who can be charged by the criminal code under the Penal Code are persons who "cause or facilitate obscene acts", "make them work or habit", and in Article 506 persons who "profit from obscene acts". It can be seen that the acts described in the statements of Articles 296 and 506 are closer to the work of a pimp, that is, a person who earns income or profits from fornicating activities, generally by young women called prostitutes or prostitutes, with men who are not the husbands of these women and become customers of the pimp.

As a side note, under the definitions of Article 296 and Article 506 of the Penal Code, a husband who offers his own wife for prostitution and earns income from such activities can also be punished. The Criminal Code itself also regulates the crime of adultery in Article 284, and in this context, married users of prostitution services who are bound by conjugal relationships can be charged with this article, although in the end the offense contained in the act is a complaint offense that must be reported by the legal spouse of the perpetrator or user of prostitution services.

Thus, Article 296, Article 506, and Article 284 of the Criminal Code cannot be the basis for a comprehensive criminal law enforcement that reviews all legal subjects in prostitution cases, namely pimps, service users, and prostitutes themselves. This is because based on Article 296 and Article 506 of the Criminal Code, in the matter of prostitution, the person who can be punished is the person who benefits from fornicating activities between prostitutes and service customers, namely pimps/intermediaries/brothel managers who knowingly manage commercial sex businesses. In fact, there are still other parties involved in the practice of prostitution, namely users of prostitution services, and there is no article in the criminal regulation that threatens consumers of these services.

b. Law No. 12 of 2022 concerning Sexual Violence

Article 12 of Law No. 12 of 2022 stipulates that acts of sexual exploitation by using threats, abusing power or trust, utilizing helplessness or vulnerability, entangling

with debt, or providing benefits or payments can ensnare people who do so with criminal penalties. It can be seen that the acts described in Article 12 of Law No. 12 of 2022 may occur in the practice of prostitution, but as in the case of Article 296 and Article 506 of the Criminal Code, this legislation focuses on the entanglement of pimps who are more prone to exploiting prostitutes than the prostitutes themselves or their service consumers. Given that Law No. 12 of 2022 specifically regulates the Criminal Act of Sexual Violence, this law regulates more forms of sexual violence and exploitation in general and not the practice of prostitution specifically.

c. Law No. 21/2007 on the Eradication of Trafficking in Persons

Chapter I, Article 1 of the General Provisions of Law No. 21/2007 on the Eradication of Trafficking in Persons, defines Victims, Exploitation, and Sexual Exploitation in trafficking, and the definition defines sexual violence as one of the categories of violence that victims can experience in acts of exploitation and sexual exploitation in trafficking cases. Moreover, the explanation to section I. of the General Trafficking Law states that prostitution or sexual exploitation is one of the purposes of trafficking, in which women and children are vulnerable victims.

Just like point a and point b related to the Criminal Code and Sexual Violence Crime discussed above, because the context of criminal acts in this case tends to focus on exploitation and not prostitution. Thus, this positive law can only ensnare owners or managers of brothels in trafficking networks and does not ensnare service users. However, the thing to note here is that Article 1 Number 4 states that "everyone is an individual or corporation", so that the perpetrators in this case not only concern humans but also corporations as legal entities.

d. Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2022 concerning Child Protection (PA Law)

Article 76 I of the PA Law prohibits sexual exploitation of children, a phenomenon that often occurs in the case of children who become prostituted women (Pedila) in the act of Commercial Sexual Exploitation of Children (CSEC). If a child

becomes a Pedila in the practice of prostitution, users of prostitution services can be charged with criminal law and sanctioned. Of course, as in the case of sexual violence and trafficking in persons, this article applies specifically, so that crimes can only be processed when Pedila falls into the age category¹⁶, this article also cannot be considered to regulate the practice of prostitution as a whole.

e. Law No. 44 of 2008 concerning Pornography (UUP)

Any acts related to pornography that are subject to criminal sanctions in Law No. 44 of 2008 are regulated in Articles 29 to 38. In line with the previous three points, there are limitations that make the UUP does not directly regulate the criminal law for the practice of prostitution, of course, because the UUP is not intended to regulate the practice of prostitution but pornography. However, when there is an element of pornography or the taking and/or dissemination of media related to fornication or sexual exploitation in the practice of prostitution, the UUP can entangle the act as a criminal offense of pornography.

The first limitation is the understanding of pornography itself as stated in Article 4 paragraph (1) which defines pornography as "images, sketches, illustrations, photographs, writing, sounds, sounds, moving images, animations, cartoons, conversations, gestures or other forms of messages" containing obscenity or sexual exploitation content, so that if the practice of prostitution is carried out outside the media mentioned, Perpetrators of criminal acts cannot be entangled. Second, the UUP emphasizes criminal penalties on pimps and the media as parties who create, facilitate, and make themselves objects of pornography when they occur within the scope of prostitution practices.

f. Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law)

¹⁶ Apriliani Kusumawati and Nur Rochaeti, 2019, "Breaking the Chain of Prostitution Practice in Indonesia through Criminalization of Prostitution Service Users," *Indonesian Journal of Legal Development*, Vol. 1 No. 3, pp. 366–378.

Article 27 Paragraph (1) of the ITE Law ensnares perpetrators who distribute and provide access to documents containing immoral content, and the practice of prostitution is included in acts that violate decency. Thus, prostitution service users who document and/or distribute electronic documents or information containing fornication content, as in the pornography act above, can be charged with Article 27 of the ITE Law. However, this article is not directly related to the practice of prostitution and can ensnare anyone who distributes or gives access to documents containing immoral content, even if they are outside the network or scope of prostitution practice, so the context of using articles in the ITE Law to ensnare perpetrators or actors in the practice of prostitution can only occur in more specific cases.

2. Criminalization and Proposed Regulation of Prostitution in the Future

a. Criminalization of Prostitution

Prostitution is a phenomenon that has a broad impact on health, psychology, gender, social, religious and moral aspects, as well as the economy. In fact, with the rapid advancement of technology today, the impact of the practice of prostitution that damages individuals and society has penetrated into the world of information technology, resulting in a transition from the practice of prostitution which was originally a conventional crime to a form of cyber crime. The impact of the widespread and multidimensional practice of prostitution needs to be addressed with efforts to overcome crime, which can basically be done through penal, namely the application of criminal law to the phenomena that occur, or non-penal. The author focuses the analysis of this research on the discussion of crime reduction through penal/criminal policy in legal science¹⁷

Summarizing the nature of regulations on the practice of prostitution that have been accommodated through the Criminal Code, legislation, and regulations discussed earlier, these regulations can be said to be inadequate for two reasons. First, the Criminal Code and laws outside the Criminal Code only ensnare one or a few subjects,

¹⁷ Dey Ravena and Kristian, 2017, *Criminal Policy*, Prenada Media Group, Jakarta, p. 128.

especially in this case pimps or service managers, and not thoroughly. Second, regulations that ensnare all subjects, both pimps, prostitutes, and service users are regional regulations that only apply in certain areas that issue them. These two reasons show the absence of equal treatment before the law and also fair legal certainty regarding the practice of prostitution in a legal perspective in ¹⁸ its multidimensional and widespread impact.

It should always be remembered in reviewing the absence of a plenary policy on the practice of prostitution, that the policies that exist in the last decade have an impact on the occurrence of new phenomena in society about crime and insecurity;¹⁹ clearly, along with the emergence and existence of laws at this time, new notions of crime have also emerged, resulting in new modes of crime as a result of the emergence of these laws and policies. Moreover, with the advancement of technology and the development of the times at this time, the nature, methods, and forms of crime have become more and more advanced as well. This is what J.E. Sahetapy argues in the quote Sevrina²⁰ evil reflects the cultural results of the nation, so that in the culture of a developed nation, there are forms of evil that are also advanced.

Therefore, reform in criminal law (*penal reform*) is needed to overcome social problems, protect the community, become an effective means of law enforcement, so as to realize a nation and state that gets benefits and fair legal certainty. Criminal law reform revisits the sociopolitical, socio-philosophical, and sociocultural values that form the basis for action, so that there is a new orientation in criminal law that is planned to effectively also tackle crimes that develop over time.²¹ form of criminal law reform that can be carried out in the practice of prostitution is criminalization.

¹⁸ Islamia Ayu Anindia and R.B. Sularto, 2019, "Criminal Law Policy in Efforts to Overcome Prostitution as a Criminal Law Reform," *Indonesian Journal of Legal Development*, Vol. 1, No. 1, p. 18.

¹⁹ David Garland, 2002, "Crime Complex: The Culture of High Crime Societies," *The Culture of Control: Crime and Social Order in Contemporary Society*, Oxford University Press, h. 139–166.

²⁰ Gea Illa Sevrina, 2020, "Policy of Criminalization of Prostitution in Indonesia," *Law and Justice*, Vol. 5, No. 1, pp. 17–29.

²¹ Banda Nawawi Arief, 2008, *Potpourri of Criminal Law Policy*, Kencana Prenada Media Group, Jakarta, p. 28.

Criminalization, as an object of material criminal law, stipulates that acts that were not previously considered criminal offenses become a criminal offense that can be charged by criminal law and sentenced to certain criminal penalties. In this case, there is a shift in value that initially viewed, from the eyes of the law, an act as an irreproachable act to be a reprehensible act and needs to be dealt with in accordance with criminal law²²

b. Proposals for the Regulation of the Practice of Prostitution in the Criminal Law in the Future

By considering the significance of the consequences of the practice of prostitution on various aspects of people's lives and reviewing the fulfillment of the criteria for criminalization by the practice of prostitution, the practice of prostitution can be called a crime that should be tackled through criminal law. Of course, in determining and even choosing criminal sanctions, wise and rational consideration and reasoning must be used taking into account the conditions of development of society.²³

The purpose of the criminal law proposed by the researcher is to protect Indonesian society and the moral values contained in cultural diversity from the threat of damage due to immoral acts along with various impacts on the dimensions of people's lives. Against the background of regulations on the practice of prostitution that are not yet comprehensive and have not defined clear boundaries, researchers propose that in the future legal reforms related to the practice of prostitution should be carried out in a comprehensive formulation, touching not only managers and with clear boundaries.

The overarching nature of the formulation of the criminal law of the practice of prostitution includes which legal subjects can be punished, clear and definite definitions of prostitution itself, the formulation of forms of delicacy, and what kind of

²² Rusli Effendi et al, 1986, "The Problem of Criminalization and Decriminalization in the Framework of National Law Reform," Binacipta, Jakarta, pp. 64-65 (delivered in BPHN, Indonesian National Criminal Law Reform Symposium, Jakarta)

²³ Banda Nawawi Arief, 2020, *Legislative Policy in Combating Crime with Imprisonment*, Genta Publishing, Yogyakarta.

laws should later regulate the practice of prostitution. According to the author, the following things need to be regulated in the regulation of prostitution practices:

- 1) Limitations on Understanding Prostitution; The practice of prostitution is regulated as a pure criminal offense for two reasons, namely from consideration of the aspects of the impact caused by the practice of prostitution itself and the impact of the seriousness or severity of the threat given by the criminal law to the criminal act of prostitution. First, the enormous and widespread effects of prostitution require strict and severe sanctions, given that so many actual and potential victims of all ages suffer damage and/or negative effects on health, mental/psychological, educational and moral aspects, social relationships, and so on. Second, the severity of the threat to the practice of prostitution is expected to have a repressive impact on potential perpetrators who have not been involved in the practice of prostitution. This is in accordance with the theory *of von psychologischen zwang* by Feuerbach²⁴ can also be called psychological coercion, in which prospective violators are made afraid of severe criminal threats for the criminal act they want to commit.
- 2) Criminalization of Consumers of Prostitution Services; Of course, with the criminalization of prostitution service users, there are sanctions that will be imposed on them, which can be in the form of criminal sanctions, consisting of principal criminal sanctions and additional criminal sanctions, and the second is action sanctions. The main criminal sanctions can be in the form of confinement, imprisonment, and/or fines, while additional criminal sanctions can be adjusted according to the considerations of the framer of the law in addition to the sanctions already in the current Criminal Code. Then, action sanctions can be in the form of treatment at hospitals for consumers who are proven to be infected with HIV / AIDS and can be in the form of social rehabilitation for service users who are proven to violate due to sexual desire or excessive desire (*hyper sex*).

²⁴ Dion Valerian, 2021, "Anselm Von Feuerbach's Thoughts on Criminal Law: A Reading of Primary Literature," *Sparks of Red Makara Thought*, Publishing Board of the Faculty of Law, University of Indonesia, Depok, pp. 59-67.

- 3) Criminalization of prostitutes; In this criminalization of prostitutes, criminal sanctions and action sanctions can be threatened with the elaboration of the same reasons as the criminalization of prostitution service users above. However, there is also another context for regulating the criminalization of prostitutes, namely the causes of these prostitute women committing acts of prostitution and obtaining livelihoods; These causes include poverty, lifestyle, as well as to satisfy sexual needs. Thus, sanctions are needed that are also social rehabilitation for these women. Meanwhile, there are also women who are not punished for their involvement in prostitution, that is, those who are coerced by pimps or others by threats or trickery, so that they are sexually exploited.
- 4) Reformulation of Delik of Prostitution Service Management; For managers of prostitution or pimping services, there have been many regulations that can ensnare them, as described in the discussion of the first issue above, both in the Criminal Code, laws outside the Criminal Code, and regional regulations. However, with today's technological advancements, the practice of prostitution has penetrated into cyberspace through the internet and sophisticated communication devices. This creates quick and easy access to perpetuate the practice of prostitution which further exacerbates the damaging impact it can cause, given the nature of the internet world that can be accessed by anyone regardless of age, especially children and adolescents. Therefore, the element of using electronic means needs to be added to the criminal law as an element that aggravates criminal sanctions for pimps in the reformulation of delicts.
- 5) Imposition of criminal sanctions through other elements; In addition to information technology elements, there are other elements that can aggravate criminal sanctions in the practice of prostitution, such as elements of violence that cause loss of life and injuries or injuries, both minor and severe. The damage or loss that occurs in the element of violence can be clearly seen in the loss of one's life or physical injury that occurs. In addition to violence, the element of prostitution of children and persons with disabilities can also aggravate the

penalties imposed on violators of the law because of exploitation carried out on one's helplessness.

- 6) Determination of the shape of the delict; In the formation of policies criminalizing the practice of prostitution, the offense of prostitution will be established, and can take the form of formal and material offenses. In the case of formal offenses, the act of prostitution can be punished simply by proving the practice of prostitution, while material offenses will focus on the consequences that arise, such as injuries due to violence, loss of life, and so on.

D. CLOSING

Regulation of the practice of prostitution as a whole both on the subject of law, the definition and limits of prostitution, outreach in the sense that it can be applied nationally, discussion of elements that can incriminate criminals, determination of the form of delicacy, and fulfillment of elements of criminalization are expected to be the basis for effective law enforcement to handle prostitution cases. Thus, criminal law can be a means to realize legal certainty, justice, equal treatment before the law, and protect the welfare of all Indonesian citizens in eradicating prostitution practices that have a widespread and profound impact on various aspects of community life.

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