

ANALYSIS OF ONLINE PROSTITUTION CRIMINAL ACTIONS REVIEWED FROM CRIME PREVENTION THEORY

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ABSTRACT

Indonesia is one of the countries whose technology and information development is growing rapidly. The problem of prostitution is a complex problem, therefore this problem really needs special attention from the community. Prostitution, a business that is identical to the black world, is one of the businesses that generates money quickly. Online prostitution cases in Indonesia require a mitigation effort in overcoming online prostitution cases that occur. The meaning of the word mitigation itself is a process or method carried out to prevent, face or overcome a situation while trying to improve the behavior of someone who has committed a behavior that is declared guilty. This research is a normative legal research that is descriptive analytical in nature. This research approach uses a statutory approach. The data sources used in this study were taken from secondary data including primary legal materials, secondary legal materials, and tertiary legal materials. The secondary data collection technique used is a literature study. The data obtained is then analyzed qualitatively. The theory for overcoming crime has two ways, namely by means of preventive action (the occurrence of a crime) and repressive action (efforts after the occurrence of a crime). Preventive action is an action taken to prevent or guard against the possibility of a crime occurring.

Keywords: Analysis, online prostitution crimes, crime prevention theory

INTRODUCTION

Indonesia is one of the countries where the development of technology and information is growing rapidly. The development of technology has a positive influence on society, including making it easier to do work in getting information. However, there are also negative impacts on the development of technology itself, one of which is prostitution activities carried out through electronic communication media or what is known as online prostitution. Prostitution in Indonesia is considered a crime against morality and against the law. The practice of prostitution is a form of social deviation that has been carried out since ancient times until now. Prostitution is an event of selling oneself by selling and buying honorable bodies and personalities to many people to satisfy sexual desires in exchange for payment. The problem of prostitution is a complicated problem, therefore this problem really needs special attention from the community. Prostitution, a business that is identical to the black world, is one of the businesses that makes money quickly. It does not require a lot of capital, only with a few bodies willing to be traded. Prostitution not only has an impact on those who do it, namely the perpetrators and users of its services, but also has an impact on

the wider community. Prostitution and prostitution are even dangerous for the life of a household that is established to the point of causing criminal acts, crimes and so on. Life in the present era based on digital technology is no longer a foreign thing in society. Moreover, the use of the internet at this time is not only from business people, agencies, and employees but has included all levels of society, including parents, housewives and even school-age children. This interactive digital communication media can make it easier for people to access without knowing the boundaries of the region quickly and easily. The increasing crime that occurs in internet media due to the rapid development of internet information technology. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions does not provide a criminal threat for an act of online prostitution carried out by the prostitute to her customers. Article 27 Paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008.

Electronic information that violates morality according to statements from criminal law scientists includes videos, images, animations, conversations, intercourse, sketches containing obscene content, genitals and sexual violence. The objects of these immoral acts must be disseminated to the public via electronic media (short message services or social media and email). Referring to the provisions of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008, if a person's actions are in the form of a message to prostitute themselves but are not disseminated to the public, then it does not fulfill the elements of Article 27 Paragraph 1 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008. As a result of the many crimes that occur using technology and the internet, including the spread of prostitution and pornography, the Government has formed Law Number 11 of 2008 concerning Information and Electronic Transactions. Although the law has been enacted, in reality it has not been used effectively to overcome and ensnare perpetrators who run online prostitution businesses, this is due to the lack of supervision and control. In addition, perpetrators of crimes can use various methods to avoid law enforcement. In efforts to overcome prostitution, law enforcement officers only carry out control over pimps, this is because there are no strict regulations in Indonesian positive law that prohibit the practice of prostitution. In Article 296 and 506 of the Criminal Code (KUHP) it is clearly reflected that the provisions of the article only prohibit those who assist and

provide illegal sexual services, so that the article can only ensnare pimps and other parties (CSWs, Customers and Brokers) can be free from the law. In addition to the Criminal Code, there are other legal means to eradicate online prostitution, but because of the many legal means, it cannot guarantee the effectiveness of law enforcement in dealing with criminal acts of prostitution, so that prostitution can continue to grow and develop every day in Indonesia. The rampant cases of online prostitution in Indonesia require a mitigation effort in dealing with cases of online prostitution that occur. The meaning of the word mitigation itself is a process or method carried out to prevent, deal with or overcome a situation while trying to improve the behavior of someone who has committed behavior that is declared guilty. Therefore, the author is interested in studying and conducting comparative research on the analysis of criminal acts of online prostitution in terms of crime prevention theory.

METHODS

The research method is basically a function of the problem and research objectives, therefore the research method is closely related to the problem and research objectives. The presentation of the research method is presented systematically. This research is a normative legal research that is descriptive analytical in nature. The research approach uses a statutory approach. The data sources used in this study are taken from secondary data including primary legal materials, secondary legal materials, and tertiary legal materials. The secondary data collection technique used is a literature study. The data obtained are then analyzed qualitatively.

RESULTS AND DISCUSSION

1. Online prostitution is a social phenomenon where women sell themselves, engage in sexual acts as a livelihood and social media as a tool to help negotiate prices and places where prostitution takes place. There is a regulation that can be used for law enforcement related to prostitution which is contained in Law Number 11 of 2008 concerning Information and Electronic Transactions. There are also other legal regulations that regulate prostitution outside of the Law, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 21 of 2007

concerning Human Trafficking, and Law Number 44 of 2008 concerning Pornography, regulations related to prostitution in the above Laws can basically also be applied to online prostitution crimes. The provisions of the Criminal Code (KUHP), there are no articles that can be used to ensnare users of commercial sex workers or commercial sex workers themselves. The provisions of the Criminal Code can only be used to ensnare providers of commercial sex workers or pimps based on the provisions of Article 296 of the Criminal Code Jo. Article 506 of the Criminal Code. Although the provisions of the Criminal Code cannot be applied, other regulations contain sanctions for users of commercial sex workers. Indonesia is currently implementing a process of criminal law reform. Criminal law reform includes reforms to formal criminal law, material criminal law and criminal enforcement law. These three areas of law are jointly or integrally improved so that there are no obstacles in their implementation. One of the triggers for changes in criminal law is the advancement of technology and information. As part of criminal law policy, criminal law reform is essentially aimed at making criminal law better in accordance with the values that exist in society (Anwar, 2008)

2. Crime basically grows and develops in society, there is no crime without society. No matter how much we know about the factors of crime in society, what is certain is that crime is a form of human behavior whose development continues to be parallel to the development of society itself. Therefore, crime has been accepted as a fact, both in the simplest society and in modern society, which is detrimental to society (Suhariyanto: 2012).

Factors causing prostitution crimes through electronic media

There are several factors that cause prostitution crimes through electronic media, including misused technological advances, lifestyle factors, economic factors, low education factors so that there are many victims of prostitution and the occurrence of human trafficking. If prostitution is carried out on one's own initiative or will without involving other people (third parties) then it is defined as ordinary prostitution. If we look at the reality, prostitution through electronic or online media looks like other prostitution cases, but considering that

prostitution cases through electronic or online media always involve third parties as intermediaries by determining prices, sending photos via electronic media and delivering them to customers. Then prostitution cases through electronic or online media can be categorized as a form of human trafficking.

The occurrence of prostitution practices through social media or commonly known as online prostitution occurs because it is influenced by the following factors:

- a. Misused Technological Advances Behind the advancement of technology in the world that makes it very easy for users to find someone, communicate, use social media. However, it also has a negative impact on society. The development of this technology has also led to the development of prostitution in its form.
- b. Environmental Factors of Free Association The environment is one of the factors that cause prostitution. In this day and age, the environment greatly determines life. If you socialize in a healthy environment, there is no problem. On the other hand, if you socialize in an unhealthy environment, it can lead you into the world of prostitution.

Online prostitution is a combination of two words, namely prostitution and online. The combination of the two words will contain the meaning of prostitution or prostitution practices or other meanings regarding prostitution by using the internet or online media as a means of transaction for commercial sex workers and those who want to use their services. The use of this internet media usually uses social networking sites such as Facebook, Twitter, websites, applications, certain forums and other sites that easily display content containing elements of pornography and advertisements for sexual services that can be accessed anytime, anywhere by anyone, regardless of who uses the site (Hartanto, 2015). Several factors that cause commercial sex workers or prostitution as causes or reasons for women to enter the world of prostitution. Yesmil Anwar and Adang quote Ralph Nader's opinion as explained in his book: *Women of The Streets*, about individual and social conditions that cause them to become commercial sex workers are:

- a. Feelings of alienation from social life or feeling alienated from social life at a certain time in one's life.

- b. Active factors in the circumstances before deciding to prostitute oneself, in reality this is a direct cause but almost always and only possible because of previous circumstances that allow this to happen (Anwar and Adang, 2013).

According to Diah Ratu Sari, basically women's lives in prostitution can occur due to two factors, namely internal and external factors. Internal factors of women themselves are those related to desire, frustration, quality of self-concept and so on. External factors are factors outside women that influence them to commit prostitution, can be in the form of economic pressure, environmental influences, failure of family life, failure of love and so on (Anwar and Adang, 2013).

The factors that encourage prostitution (prostitution) are:

- a. The need for money;
- b. Physical satisfaction;
- c. Spiritual satisfaction;
- d. Invited by friends or just for fun.

3. Police prevention efforts to tackle the problem of prostitution crimes via electronic media

The police's efforts to combat prostitution practices are divided into two parts. Namely: 1. Preventive efforts. 2. Repressive efforts. To better understand it, the two parts will be explained further. 1. Preventive Efforts Preventive efforts are a follow-up to efforts that are still in the detention of prevention in the occurrence of crime. In preventive efforts, the emphasis is on eliminating the opportunity to do it crime. The parties who must be responsible for preventing the occurrence of online prostitution crimes and what efforts are made individually, society, government and police. So in preventive efforts, it is a positive effort, and how the police create a condition such as economic conditions, the environment and also the culture of society that becomes a dynamic force in development and not vice versa, such as causing social tensions that encourage deviant acts and besides that, how to increase public awareness and participation that security and order are a shared responsibility. The preventive efforts made by the police in responding to the problem of

prostitution through electronic media or online Mi Chat are as follows: 1) The police in this case hold integrated and periodic legal counseling between all related elements and are implemented comprehensively by looking at the conditions of the community concerned by utilizing existing potential, so that it can suppress further growth of crime. 2) Appeal to the public to be more vigilant, if and knowing the circulation of prostitution, both conventional and online, can immediately report to the nearest police so that it can be handled quickly by the relevant authorities. 3) Conduct patrols around areas that are considered prone to prostitution crimes. 4) Collaborate with cellular phone card provider companies to track the whereabouts of prostitution perpetrators through electronic media or online prostitution by tracking cellular phone numbers and tracking IMEI (International Mobile Equipment Identify) numbers which function as unique cellular phone identity numbers because they are not the same as one another. These efforts are made by the police to find perpetrators of prostitution through electronic media or online prostitution.

Repressive Efforts Repressive efforts are carried out when a crime/crime has occurred, the action of which is in the form of law enforcement by imposing punishment, in addition to preventive measures, the police also carry out repressive efforts after a crime has occurred. Repressive actions taken must be in accordance with the procedures stipulated by the police law regulations. The handling of criminal acts of prostitution through electronic media which are repressive in nature is carried out through the following actions: - Receiving reports of criminal acts of prostitution through electronic media involving minors which are followed up by conducting an investigation at the scene to determine whether or not an investigation can be carried out. - An investigation is carried out, by searching for evidence related to the circulation of online prostitution, namely obtained through advertisements. which are posted by the perpetrator on the perpetrator's Mi Chat social media. Then the police formed a functional unit to handle cases of prostitution through electronic media or online on the Mi Chat application. The functional unit went undercover. In addition, in discussing the repressive system, of course it cannot be separated from our criminal justice system, where in the criminal justice system there are at least 5 (five) sub-systems, namely the judicial subsystem, the police prosecutor's office, the community and the lawyers which are a whole

that is connected and functionally related. Repressive efforts in criminals so that they do not do worse things.

Efforts to combat crime are essentially an integral part of efforts to protect society (social defense) and efforts to achieve welfare (social welfare). The policy of combating crime or can also be called criminal politics has an ultimate goal or main goal, namely "protecting society to achieve community welfare" (Arief, 2008). Efforts to combat crime are known to have at least four forms of efforts

4. Analysis of online prostitution crimes from the perspective of crime prevention theory

Prevention of online prostitution crimes is in the form of preventive and repressive efforts in the form of providing socialization and cooperation with stakeholders in line with the theory put forward by the National Crime Prevention Council (USA), crime prevention is a pattern of attitudes and behaviors directed at reducing the threat of crime and enhancing the sense of safety and security, to positively influence the quality of life in our society and to develop environments where crime cannot flourish.

Another opinion, according to the United Nation Office On Drugs and Crime (2002) in the Guidelines for the prevention of crime. Crime prevention is defined as comprising: strategies and measures that seek to reduce the risk of crimes occurring and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes (Crime prevention consists of strategies and actions to reduce the risk of crime and its potential negative effects on individuals and society including fear of crime by intervening to influence its various causes). Furthermore, it is stated that: the enforcement of laws, sentences and corrections, while also performing preventive functions, fall outside the guidelines. This UNODC definition is different from the first definition because it emphasizes strategies and actions to reduce the occurrence and negative impacts and to intervene to influence the causes. The definition used in these guidelines also limits the definition of crime prevention by not including the concept of law enforcement functions. Interventions carried out by the Police in order to prevent actions leading to online prostitution have been carried out in various levels of society, namely from schools, universities to the general public. There are two ways to combat crime, namely by means of

preventive measures (crime occurs) and repressive measures (efforts after the crime occurs), in this case the Police have also carried out preventive and repressive measures, namely preventive measures in the form of inviting the community to do more positive activities and the Police also approach the community, by increasing patrols and holding activities together with the community. This is in accordance with the theory put forward by Awaloedin, namely three types of crime prevention: The first is Primary prevention, which means changing the physical conditions of the environment and social environment that provide opportunities for crime. This is done for the environment that is directly faced now and is specific (short term). These activities are carried out by the community at the RT/RW level by guarding, patrolling the village or installing portals with the aim of limiting access to the residential complex. The same thing is also done by various companies with the use of more sophisticated technology such as CCTV, fences, padlocks/keys and so on. Next, the second is Secondary prevention; namely identifying potential perpetrators as early as possible and intervening before the perpetrators are involved in crime. This activity includes various forms of community development for youth, drug addicts and former criminals. These activities are the task and are mainly carried out by the community development unit of the police and various government institutions, religions and other community organizations, and the third is tertiary prevention; namely activities aimed at taking action against the perpetrators after the crime has occurred, namely the process of investigation, prosecution and punishment of perpetrators of crimes by the criminal justice system. In the third point of tertiary prevention, the Police have prepared and implemented SOPs related to actions taken against perpetrators after a crime has occurred, namely conducting an investigation, inquiry, prosecution, and punishment process. This is in line with the theory of crime prevention, which in addition to preventing before a crime occurs, there must also be steps taken after a crime has occurred, in this case online prostitution. According to Awaloedin, the responsibility for crime prevention is carried out by the Police and the community by carrying out repressive tasks and preventive tasks, namely making members of society obedient and law-abiding. The Police are responsible for approximately 20% of activities while the other 80% of activities are the responsibility of the community consisting of various elements. Meanwhile, in the context of preventive tasks, the Police are responsible for approximately 50% of activities while the

other 50% of activities are the responsibility of the community, which is mainly carried out by various forms of self-protection formed by the community itself.

The approaches to crime prevention according to Awaloedin are as follows.

1. Environmental approach;

This approach includes situational crime prevention techniques and broader urban planning activities, aimed at modifying the physical environment to reduce the opportunity for crime to occur.

2. Social Approach

This approach focuses on the social and economic roots as causes of crime in the community (social cohesion, limited housing, unemployment, education and health services) and limits the existence of motivated perpetrators including development prevention and various community development models.

3. Criminal justice approach

This criminal justice approach refers to various programs implemented by the police, prosecutors, courts and correctional institutions aimed at preventing the recurrence of crimes by people who have been involved with the criminal justice system.

In addition, according to Awaloedin there are three types of crime prevention, namely:

- 1. Primary prevention;**

Namely changing the physical conditions of the environment and the social environment that provide opportunities for crime to occur. This is done to the environment that is directly faced now and is specific (short term). These activities are carried out by the community at the RT/RW level by guarding, patrolling the village or installing portals with the aim of limiting access to the residential complex. The same thing is also done by various companies with the use of more sophisticated technology such as CCTV, fences, padlocks/keys and so on.

- 2. Secondary prevention;**

That is, identifying potential perpetrators as early as possible and intervening before the perpetrators are involved in a crime. This activity includes various forms of community development for youth, drug addicts and former criminals. These activities are the task and

are mainly carried out by the community development unit of the police and various government institutions, religions and other community organizations.

3. Tertiary Prevention;

That is, activities aimed at taking action against the perpetrators after the crime has occurred, namely the process of investigation, inquiry, prosecution and punishment of the perpetrators of the crime by the criminal justice system. The theory of overcoming crime has two ways, namely by preventive action (the occurrence of a crime) and repressive action (efforts after the crime has occurred). Preventive action is an action taken to prevent or to guard against the possibility of a crime occurring. Repressive action is any action taken by law enforcement officers after a crime has occurred, this action can also be considered as a preventive action for the future. This action includes the way law enforcement officers carry out investigations, further investigations, criminal prosecutions, court hearings, executions, and so on until the stage of prisoner development, this repressive crime prevention can be carried out with rehabilitation techniques. According to Cessey, there are two concepts for dealing with rehabilitation techniques, namely creating a program system that aims to punish perpetrators of crimes. This system is remedial in nature, namely in the form of conditional sentences and imprisonment.

In this case, it is meant that every crime prevention effort cannot promise with certainty that the crime will not be repeated or will not give rise to new crimes. However, these efforts must still be made to better guarantee the protection and welfare of the community. Based on Article 2 of Law of the Republic of Indonesia Number 2 of 2002 concerning the Police, it states that the function of the police is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, care and service to the community. In accordance with the function of the police, the police have an obligation to meet the demands of the community who want to carry out control over prostitution practices that cause public unrest with the prostitution that occurs.

CONCLUSIONS

Referring to the formulation of the research problem, the results of the study can be concluded that: The factors that cause the occurrence of prostitution crimes through electronic media are factors of misused technological developments, lifestyle factors,

economic factors, low education factors, free association environmental factors, lack of parental supervision factors, and lack of faith factors.

The factors that cause online prostitution in Banyumas are internal factors and external factors. Internal factors are factors that come from the women themselves, including frustration, caused by disharmonious family conditions and divorce, so that women become victims who are vulnerable to falling into prostitution. External factors are factors from outside women that influence them to commit prostitution, which can be in the form of economic pressure, the influence of the social environment, and failure of family life or divorce. Police officers have difficulty monitoring online prostitution perpetrators because of their closed nature and being in cyberspace, every time there is a transaction the perpetrators immediately delete their track record in cyberspace. b. The handling of online prostitution that has been carried out by the Banyumas Police, namely preemptive, preventive, repressive and curative handling. The obstacles faced by the Banyumas Police in handling online prostitution are from the aspects of structure, substance, and culture. The theory for handling crime has two ways, namely by preventive action (crime occurs) and repressive action (efforts after the crime occurs). Preventive action is an action taken to prevent or to guard against the possibility of a crime occurring.

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