

Non-Penal efforts in countermeasures online prostitution crimes

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Abstract

Purpose: This study analyzes the laws and regulations that apply to legal phenomena and online prostitution.

Research Methodology: This study uses a normative juridical method and analyzes the laws and regulations that apply to legal phenomena and online prostitution.

Results: The factors that cause online prostitution are as follows: 1. internal factors, such as family and friendships, and 2. External factors such as avoiding tracking officers and economic factors to obtain large amounts of money quickly. Preventive efforts can be made through educational facilities, means of economic equality and employment in the informal sector, increasing social and cultural awareness starting from the neighborhood of Neighborhood Groups (RT), and supervising boarding houses or apartments/flats so as not to be misused as a place of prostitution. The repressive efforts that can be carried out are through the provision of legal sanctions based on prevailing laws and regulations, online prostitutes, users of commercial sex workers, prostitutes, and pimps. The purpose of the criminal sanctions is to make deterrence so that no other people will carry out online prostitution & so that these former prisoners can be well received in society.

Keywords: *non-penal efforts, Online prostitution crimes*

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1. Introduction

Prostitution is the act of destructive morals and acts against the law. Based on the Big Indonesian Dictionary (KBBI), prostitution is an exchange of sexual relations for money or gifts as a transaction trade. A similar definition is contained in Black's Law Dictionary, which states that prostitution is the act of engaging in sexual activity for money or its equivalent, commercialized sex. Again, both the invention of printing and the invention of all technology were treated at their inception as astonishing rights, and the changes in media that had had important social and cultural consequences were generally accepted (Briggs & Burke, 2000).

Data networks are currently more widely used as intermediary connections for social media use. Social media is an online medium that facilitates user participation, sharing, and various other purposes in a virtual world. Social media includes blogs, social networks, forums, and virtual worlds. Blogs, social networks, and forums are the most commonly used forms of social media in the world community, and Indonesia is included among most users of social networks. Today's social media has controlled the lives of Internet users. The services provided by each social networking site are different, and this is a feature characteristic as well as an advantage of each social networking site. Now is happening again prostitution through online media, as in the case that even ensnared many models, Indonesian artists actually market this prostitution through online media, such as photos and videos (Sonbai & Imanuel, 2019).

Prostitution is a social disease, more popularly called social pathology (social pathology). If this social pathology is researched, psychological tension can be restored. Psychologically, humans have passions that are social forces. In social life, we see dynamics that can combine and stretch the relationships of all community members. If humans want to live normally, they must be able to fulfill their desires and lust earlier. If these desires cannot be fulfilled, then this can create inner tension. If these tensions spread in society, then there will be social tension. If this tension is not immediately resolved, it can develop into a social disorder. This can be seen from Gillin's opinion, as follows: "Social pathology is a symptom in which there is no correspondence between the various elements of a whole, so as to endanger the life of the group, or that seriously hinders the satisfaction of the fundamental desires of its members with consequences that the social bond is completely broken." (Khoe, 1963) Prostitution appears to have become a way of life in today's society. The fulfillment of needs is done by using shortcuts, namely colonizing someone to get money. Inadequate economic conditions are often one of the factors that a woman is willing to be employed as a commercial sex worker by pimps so that in practice, not all women who are employed are victims but there are those who offer themselves to be colonized to users of prostitution services. Prostitution is strictly prohibited in the Indonesian Constitution Criminal Law (KUHP) as well as in existing legislation outside the Criminal Code and has become a very serious problem in criminal law because it has an impact on society and the country. Internet prostitution is now a trend in the prostitution industry.

Business manager: This prostitution takes advantage of free domains to carry out crimes. If linked with prostitution in the general category (not online), then the Criminal Code regulates it in two articles, namely Article 296 and Article 506. Article 296 states 'whoever with intentionally causing or facilitating obscenity by others, and making it as a livelihood or habit, shall be punished by a maximum imprisonment of one year four months or a maximum fine of fifteen thousand rupiahs.' While Article 506 states 'whoever benefits from the obscene acts of a woman and make her into a prostitute, shall be punished by a maximum light imprisonment of one year.' (Nugraha, 2014).

Prostitution still exists today, and its methods are even more sophisticated. Now, a country that has technology in the field of information and communication can certainly become a developed country if it can process and use the media wisely and responsibly. Then, the development of Internet-based interaction media, which also has a negative side if the country does not process and use it properly (Rivai, 2012).

With the increasingly widespread use of the Internet in Indonesia, cyber prostitution is also developing. The perpetrators started using social networking sites such as Facebook and WhatsApp to launch their actions. Facebook and WhatsApp, which were originally used for friendships, are now used for marketing sex transactions. The way pimps recruit these service providers varies, but usually, these pimps recruit good-looking girls to use as their subordinates through chat services for several years, and recently, it has become a trend among young people. After the pimp succeeds in seducing girls to become men, they are usually immediately offered through a website managed by the pimp. To date, girls. For these young people, prospective tenants must first register on a website where the girls are showing off. After the registration or ordering process is complete, the girl is delivered to the agreed place (Marzuki, 2005).

This prostitution is not only carried out by people with less economic status but also by people who have middle-to-upper economic status and even charge fantastic rates. It is even sadder, now that it is not only people who are mature in terms of age but now even teenagers who are still students involved in this illegal practice. It is the nature of hedonism that grows among students, which is often the triggering factor for doing anything to fulfill their desires, including entering the world of prostitution. In order to be able to live up to the standards of 'well-off people' and not to be outdone in their environment, sometimes they are willing to get into this illegal business in order to earn a lot of money in a relatively straightforward way (Siregar, Pelly, & Sadat, 2016). Prostitution is a high-risk job. In carrying out this practice of prostitution, they often change partners during sexual intercourse. Sometimes, when they do their jobs, many customers cheat and do not pay sex workers. If they have

sexual intercourse without contraception, there will be even higher risks of lurking, which could lead to unwanted pregnancies and abortions (Henderina, 2012).

The Criminal Code (KUHP) prohibits those who have a profession as providers of facilities and those who have a profession as commercial sex workers (PSK), as well as pimps or PSK protectors (Article 296 of the Criminal Code). Those who sell underage men and women become prostitutes (Article 297 of the Criminal Code). Any person who takes advantage of a woman's obscenity and turns her into a prostitute is punishable by a maximum light imprisonment of one year (Article 506). Actions regarding the practice of prostitution are regulated by Article 4 Paragraph (2) letter d of Law no. 44 of 2008 concerning Pornography and Pornoaction which states "Everyone is prohibited from providing pornographic services that offer or advertise, either directly or indirectly sexual services."

Many young women and children become prostitutes in various places, from big cities to remote villages. This is not a secret anymore. Eastern tradition in Indonesia considers sex workers to be taboo, so they get a bad image in society. Becoming a prostitute is sometimes forced because there is a trap or crime committed by a group of people who are organized in human trafficking. However, there are also those who become prostitutes for reasons of urgent economic need, even though they have a high level of education. Thus the level of education cannot be used as a moral measure (Yanto, 2016).

The online prostitution case is the background for research to conduct a review of prostitution crimes through electronic communication media so that effective solutions can be found in minimizing, overcoming, and eradicating negative actions on prostitution crimes. To create a life that is as it should be, with guaranteed security, feeling peaceful, peaceful, and healthy. Can carry out halal work that benefits oneself and others without causing negative effects (not harming others). Have high-quality education so that it can be considered by other people, the nation, and the world. People who have a good personality and noble character are able to make the family, nation, and country proud.

2. Results and Discussion

The technological revolution that created computers decades ago has now transformed the Internet network. In addition to living in the real world, the virtual world has become a new world for modern society. In the early 1990s, the Internet in Indonesia was still a rare item that was only consumed by a limited number of people, such as lecturers, researchers, or government officials. In 1994, the development of commercial Internet services began, and the public could easily access them.

Now, from toddlers to the elderly, they surfed the virtual world. If initially accessing it was in Internet cafes or at home via the telephone network, now several places have provided Wi-Fi, starting from government and private offices, schools, campuses, airports, malls, and cafes to buses. If you find it a hassle to look for WiFi, you can just use a modem or more practically via Android, Ipad, and even just a cellphone.

The Internet is no longer just a necessity but has also become a way of life for people. However, like other technology products, the Internet not only has a positive side, such as Email, FB, E-Learning, E-Banking and E-Government, but also a negative impact on the development of cybercrime, including in the field of decency, such as cyberporn, cyber prostitution, online sex, and cybersex (Wahab, Kurnaesih, & Multazam, 2020).

Online prostitution is a human trafficking activity carried out by someone using internet technology to facilitate prostitution activities. It is included in the definition of obscenity because it fulfills a number of elements such as intercourse outside of marriage and is done to obtain sexual pleasure. Online prostitution itself is one of the methods used to promote oneself in order to get prostitution carried out to facilitate the process of promoting it (Arsanti, 2017). Law Number 19 of the 2016 Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) does not provide an explanation regarding the word decency. Although it does not explain online prostitution, it can fulfill the elements of violating decency. The articles contained therein provide sanctions for

perpetrators who commit and violate decency, which can be said to be quite severe in terms of both imprisonment and fines. The following is an analysis of the article that shows content containing pornography in the ITE Law: Actions carried out on the Internet (online) have been regulated in the ITE Law; for example, online prostitution, but in the articles of the regulation no one uses the word prostitution directly, except in Article 27 paragraph 1, which contains the word violating decency, which is then interpreted as a prohibited act (Herman, 2017).

There are several factors that cause prostitution crimes through electronic media, including technological advances that are misused, lifestyle factors, economic factors, and low education factors, so there are many victims of prostitution and the occurrence of criminal acts of trafficking in persons. If prostitution is carried out on their own initiative or without involving other people (third parties), it is defined as ordinary prostitution (Karangora, Pudjiono, Windradi, & Mafazi, 2019).

However, if you look at the fact that prostitution through electronic or online media looks like other cases of prostitution, considering that cases of prostitution through electronic or online media always involve third parties as intermediaries by setting prices, sending photos with electronic media, and delivering them to customers. Thus, cases of prostitution through electronic or online media can be categorized as forms of human trafficking (Arsanti, 2017).

Several factors cause prostitution crimes through electronic media or online prostitution, which are the causes of the high potential for the practice of prostitution in Bandar Lampung. At first, trafficked women only follow the association and lifestyle that always hanging out in nightclubs; some are just for fun because of economic needs, but over time they will be used by pimps as a third party to be trafficked.

To explain the factors that influence the crime of prostitution through the results of the author's research, which is closely related to the theories of experts from a socio-economic perspective through Emile Durkheim's Anomie Theory and Labeling Theory. The interrelationship between various factors can lead to prostitution. Economic, social, and legal factors determine the occurrence of prostitution. In addition to these factors, A.S. Alam's theory states that prostitution is caused by two variables. The driving variable, namely, the poverty factor, which then affects the very low education of WTS (prostitutes), the absence of job skills, and the existence of sexual experiences that cause a person to prostitute himself. The Determining Variable looks more at the prostitute herself, whether she prostitutes herself out of self-awareness or because she is deceived (Alam & Ilyas, 2010).

According to Purnomo and Siregar, prostitutes generally originate from rural areas. For various reasons, seduced in the black valley to the eyes of good people. Being under the control of pimps, they are nothing more than women in stocks. Pasung, in the sense of being bound by accumulated debts that the pimp deliberately offered to shackle them, so they could not disappear from their embroidery (Anindia & Sularto, 2019). This is because, if this happens, it means an economic loss for the pimp, especially if a prostitute is a prima donna or embroidery flower that is in demand and much loved by idle men.

A study conducted by Purnomo and Siregar (1984) found that women became prostitutes mostly due to economic factors. 39.6% indicated that working as prostitutes makes money quickly, and that male sex gratification is also an attractive option for many women because they do not have skills or other skills that can be relied upon (Arsanti, 2017). Jobs in the sex industry are often more attractive to female migrants because their income can be up to five to ten times that of a domestic worker (Herman, 2017). If prostitution is treated solely as a profession or livelihood, the emphasis on studies on prostitution that only look at the economic dimension may be sufficient. However, to properly understand what is behind the rise of the prostitution business, it is inevitable that a deeper definition and understanding are needed.

According to Marzuki Umar Sa'abah in *Body, Sexuality, and Women's Sovereignty*, there are several reasons why people enter the world of prostitution:

a. Messy family relationships, too much pressure, and experiencing sexual abuse in the family

b. The family's failure to function as a builder of adhered religious values does not provide a basis for rejecting prostitution c. A person's distance from the possibility of living normally is due to low education, poverty, description of job security, and ease of earning money. The desire for adventure and ease of earning money by having sex too early, and involvement in an association that always undermines it, may also be combined with the influence of drugs and alcohol f. Feelings of hatred towards his father were sparked by prostitution from one man to another. A combination of poverty, stupidity, violence, and pressure from authorities.

Dr. H. Ali Akbar explained several factors that cause women to become prostitutes, namely: first, economic pressure. Because there is no job, they are forced to sell themselves in the easiest way and way. Second, they were dissatisfied with their existing position. Even though I already have a job, I am not satisfied because I cannot buy nice and expensive decorative items. Third, stupidity, not having a good education or intelligence. Fourth, the patient had mental disabilities. Fifth, hurt, abandoned by her husband or after being tarnished by her lover, then left just like that, and sixth, dissatisfied with her sexual life or hypersexuality.

As a social phenomenon, crime is influenced by various aspects of life in society, such as politics, economics, socio-culture, and matters related to national defense and security efforts. Symptoms that are called crimes basically occur in a process where there is social interaction between sections of society that have the authority to formulate crimes and which parties commit crimes. According to W.M.E Noach in his book entitled "Criminology An Introduction", if opinions about the causes of crime are summarized in groups, they can be grouped into three groups, namely (Karangora et al., 2019):

1. Opinion that crime is caused by external influences on the perpetrator, such as the environment.
2. Opinion, that crime is the result of the characteristics of the perpetrator determined by his talent
3. Opinion that crime is caused, both by outside influences and by the nature of the perpetrator.

The causes of crime generally consist of two parts: internal factors are causative factors from within the human self without the influence of the surrounding environment, such as emotional level, psychiatric disorders, personality (personality), gender, and position in the family. External factors, such as economic pressure and the environment, are causal factors from outside the perpetrator (Rhiza & Pramesthi Dyah, 2013).

These internal factors can be divided into two parts: specific and general internal factors. The special nature of an individual is a psychological state in which personality problems are often depressed and feelings tend to deviate, and these deviations usually occur in social systems or cultural patterns.

The factors that cause online Internet prostitution are becoming increasingly widespread. In this study, we describe five factors that cause prostitution (Nanik, Kamto, & Yuliati, 2012).

1. Weak faith in God Almighty.
2. Poverty and poverty have forced many families to plan their life support strategies, including selling morale to work and working, because of debt bondage.
3. The desire to get rich quickly (materialistic).
4. Cultural factors, and
5. Weak law enforcement

Countermeasures in terms of legal substances include reforming regulations. Seeing the development of children and adolescents who often access the Internet and use Facebook facilities, the ideal concept of regulating the Information and Electronic Transaction Law to prevent children and adolescents from entering the world of prostitution through chat facilities is also often in demand by criminals, it is necessary to add an article that regulates the problem of child protection on the Internet, efforts to deal with children and middle school, and high school students who are increasingly involved in prostitution via the Internet need to be addressed with the role of parents by supervising their children in carrying out online activities, protecting the safety of children while doing so. online activities, especially if they use chat facilities, home pages, Facebook, etc., to maintain the security of children's personal

information, and for the government to be able to limit online companies from accessing children's personal information (Saputra, 2017).

The information that must be protected includes names, home addresses, email addresses, and telephone numbers. It is also necessary to add an article related to the regulation of personal information for the protection of children's personal information, including the following: 1. Each site had to include a statement regarding the purpose of searching for personal information 2. Each site included a mechanism or method for parents to provide an agreement 3. Each site is prohibited from giving lures or luring prizes for a game by requesting personal information in advance 4. Requires each site to maintain the security of personal information from data theft 5. Requires each site to control any incoming personal data related to the inclusion of photos containing pornographic elements. 6. Requires that computers in every house be placed in an open place. Even though Law Number 11 of 2008 has regulated personal information in e-commerce, the regulations are still general, as stated in Article 25, namely, the use of any information via electronic media that concerns data about a person's personal rights must be carried out with the consent of the person concerned unless otherwise specified by Legislation (Sevrina, 2020).

Various efforts have been made by the police to deal with prostitution crime cases through electronic media or online prostitution, which are currently rampant in Indonesia, starting with penal and non-penal efforts. Countermeasures through the penal route can also be referred to as efforts made through criminal law. This effort is a countermeasure that focuses more on repressive characteristics, namely actions taken after a crime has occurred with law enforcement and imposition of punishment on crimes that have been committed. In addition, through this penal effort, the actions taken in the context of tackling crimes extend to coaching and rehabilitation.

The handling of online prostitution is a complex issue related to its social, cultural, economic, political, moral, and religious aspects. Efforts to deal with prostitution using only a moral and religious approach are naïve and will not solve the problem. The government, along with the entire community, is advised to use social, cultural, economic, and political approaches in addition to morals and religion to find solutions and address the problem of prostitution in a comprehensive manner. Prevention of Online Prostitution: In general, efforts to combat online prostitution can be carried out in two ways (Tambunan & Priyanto, 2014).

a. Preventive/preventive efforts: Preventive efforts manifest in activities to prevent prostitution. These efforts include:

1. Completion of legislation regarding the prohibition or implementation of prostitution, especially online prostitution.
2. Intensification of the provision of religious and spiritual education.
3. Expanding employment opportunities. This is because most prostitutes prostitute because of economic pressures.
4. Organizing sex education and understanding the value of marriage in family life.
5. Implementation of socialization regarding a healthy Internet.
6. The formation of a coordinating body or team of all efforts to combat prostitution carried out by several agencies while simultaneously involving the potential of the local community.
7. Confiscation of obscene books, magazines, pornographic images, blue films, and other means to stimulate sexual desire. It also blocks internet sites that provide pornography and prostitution.
8. Improving the welfare of the people in general

b. Repressive and curative efforts

These repressive and curative efforts include the following.

1. Through localization, which is often interpreted as legalization, people exercise strict supervision and control.
2. Attempts are made to rehabilitate and re-socialize prostitutes so that they can be returned as moral members of society.
3. Providing new jobs.
4. Provide appropriate punishment to perpetrators of prostitution to provide a deterrent effect.

5. Block Internet sites that provide all things: pornography and prostitution. And more secure internet use in Indonesia.

In essence, criminal law policy (penal policy, criminal policy, or strafrecht politiek) is a whole or total criminal law enforcement process. Criminal law policies are actions related to

1. What are the government's efforts to tackle crimes under criminal law?
2. How can criminal law be formulated so that it can be in accordance with the conditions of society?
3. What is the government's policy of regulating society through criminal law?
4. How to use criminal law to regulate society and achieve a larger goal (Warsiman, 2014).

Penal policies that are repressive in nature, however, also contain preventive elements because, with the existence of threats and imposition of criminal offenses, it is hoped that there will be a deterrent effect. In addition, penal policies are still needed in crime prevention, because criminal law is a means of social policy to channel "social dislike" or social disapproval/social abhorrence which is also expected to be a means of "protection" social" (social defense). Therefore, "penal policy" is an integral part of "social defense policy." (Wijaya, 2020). This effort is carried out when a criminal act has occurred, whose action is in the form of law enforcement by imposing a sentence. Conceptual countermeasures taken after prostitution.

The repressive efforts made by the police to tackle prostitution crimes through electronic media are as follows (Wongso, 2016).

1. The police have formed a functional unit to handle prostitution cases through electronic or online media. The unit functions undercover such that perpetrators can be chased and found.
2. The police are looking for prostitutes as perpetrators of prostitution through electronic media and submitting them to social services to carry out rehabilitation. They are taught religious knowledge to be able to return to society as good citizens.
3. Provide advice to perpetrators of prostitution to repent and be brought to the right path.
4. The police provide law enforcement through an investigative process and submit it to authorities.

There are three reasons for the need for punishment or criminal law. The essence of this is as follows. Whether criminal law is necessary does not lie in the question of the goals to be achieved, but lies in the question of how far to achieve those goals, one may use coercion; the problem lies not in the result to be achieved, but in the consideration of the value of that result and the value of the limits of individual freedom. b. There have been attempts at repair or maintenance that have no meaning for the convict.

3. Conclusion

Online prostitution is the activity of offering sexual services through cyberspace that is connected to many people, making it easily accessible to anyone and anywhere. The media used in online prostitution varies, including websites, social networks such as Facebook and Twitter, and other applications such as WhatsApp (WA) and Blackberry Messenger (BBM). Therefore, online prostitution is a form of cybercrime in the field of decency. Indonesia, as a constitutional state, issued legislation No. 11 of 2008 concerning Information and Electronic Transactions to regulate and limit the use of online media. The regulation of online prostitution is contained in Article 27, paragraph 1, which states that every person intentionally and without rights distributes and/or transmits and/or makes electronic information and/or electronic documents accessible that have content that violates decency. In online prostitution, there are four actors, based on their duties in carrying out crimes: pimps, prostitutes, users of prostitution services, and media providers. The four actors form an interconnected scheme. Thus, the 74 criminal responsibilities must also cover the four perpetrators. Law No. 11 of 2008 concerning Information and Electronic Transactions has regulated criminal provisions for perpetrators who violate the decency contained in Article 45, paragraph 1, article 52, paragraph 1, and paragraph 4.

The factors that lead to the practice of prostitution crimes through electronic media are the development of misused technology, lifestyle factors, economic factors, low education factors, environmental factors of promiscuity, factors of lack of parental supervision, and factors of lack of faith. The police formed a function unit to handle online prostitution cases. The police handed over the prostitutes to social services

for rehabilitation, gave suggestions to the perpetrators to repent and return to the right path, and then handed them over to the authorities.

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