



Law Enforcement of the Crime of Prostitution Online in the Jurisdiction of Cirebon City Resort Police

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Abstract. Prostitution, a business that is synonymous with the black world, is one of the businesses that brings in money quickly. It doesn't require a lot of capital, just a few bodies that are willing to do business. Prostitution not only has an impact on those who do it, namely the perpetrators and service users, but also has an impact on the wider community. Prostitution and prostitution are even dangerous for the life of the intertwined household to the point that it can lead to criminal acts, crimes and so on. The purpose of this research is to find out and analyze the law enforcement of online prostitution in the jurisdiction of the Cirebon City Police. To find out and analyze the factors that lead to the practice of online prostitution in the jurisdiction of the Cirebon City Police. To find out and analyze the obstacles and solutions in law enforcement of online prostitution in the jurisdiction of the Cirebon City Police. This study uses an empirical juridical legal approach, with descriptive analysis research specifications. The data used in this study are secondary data obtained through library research and primary data obtained through interview field research with investigators at the Cirebon City Police Resort. And secondary data obtained from literature studies related to law enforcement theory and punishment theory. The results of this study are the Law Enforcement of the Crime of Online Prostitution in the Cirebon City Police District. The perpetrators can be sentenced to Article 296 and Article 506 of the Criminal Code, Article 27 in conjunction with Article 45 of Law No. 11 of 2008 in conjunction with Law No. 19 of 2026 concerning information and electronic transactions and Article 4 in conjunction with Article 30 of Law No. 44 of 2008 concerning pornography. The factors that cause the practice of online prostitution in the Cirebon City Police area are as follows: Lifestyle Factors, Economic Factors, Low Education Factors, Misuse of Technological Advancement Factors, Free Association Environmental Factors, Lack of Parental Supervision. The obstacles are that the community's legal awareness is not yet optimal. There are limitations in facilities and infrastructure. Very few cases have reached trial.

Keywords: Law Enforcement · Crime · Online Prostitution

A. Background

Indonesia is a country whose technology development is very rapid, this technology is intended to make it easier to carry out activities in obtaining information and have a

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positive impact on society,¹ in almost all corners of the world, technology has become an addiction that cannot be separated from human life. Its use, along with the development of technology, especially in the field of communication, has become one of the fields that is growing rapidly and has been accepted in human life.²

Public interest in internet media as a means to facilitate activities makes buying and selling business fields which previously could only be done in supermarkets, malls, shops, or markets, now can be done using online media by creating sales websites or by utilizing social networking media.³ There are many benefits that can be obtained from the existence of the internet, but it is very unfortunate that the many benefits that can be obtained also give rise to human creativity in a distorted form.

Cybercrime is a social phenomenon that has led to the realm of criminal law, namely in the form of crime. Cybercrime is not only considered as an individual, or local, or national, or regional problem, but has become a global problem.⁴ Every country should care about tackling these high-tech crimes either through non-criminal policies or criminal policies.⁵ Because of that cybercrime is a global challenge that must be fought together, there is a phenomenon that the internet is not only used as a medium that makes it easier for humans to carry out their activities, but there are also several parties who use the internet in different ways, namely the misuse of technology used to promote prostitution online.⁶

Cybercrime can be divided into 2 (two) meanings, namely in the narrow and broad sense. In a narrow sense, it is an illegal act that makes a computer a means or target of crime, both in terms of system security and data. Meanwhile, in a broad sense, all forms of crime are directed against computers, computer networks and their users, and traditional forms of crime that use or are assisted by computer equipment.⁷

Law is the whole norm that lives, develops and applies in social life which contains orders and prohibitions that maintain order in a society. Laws are made in order to protect

¹ Decky Hendarsyah, E-Commerce Di Era Industri 4.0 Dan Society 5.0, *Iqtishaduna: Jurnal Ilmiah Ekonomi Kita* Vol 8 No 2 (2019), page 171-184

² Andri Winjaya Laksana, Sisca Dyah Octaviani, Implementation Of Law Enforcement Against Crime With Small Motive Patterned Restorative Justice In Police Sector Gayamsari Of Semarang City, *International Journal of Law Reconstruction*, Vol 3, No 1 (2019), page 20-34

³ Anis Mashdurohatun, Constructing And Developing The Social Function Principles in Utilising Copyright Products Related To The Fundamental Rights, *South East Asia Journal of Contemporary Business, Economics and Law*, Vol. 7, issue 4 (2015)

⁴ Andri Winjaya Laksana, Pemidanaan Cybercrime Dalam Perspektif Hukum Pidana Positif, *Jurnal Hukum Fakultas Unissula*, Vol 35, No 1 (2019), page 52-76

⁵ Sri Endah Wahyuningsih, Juli Agung Pramono, Anis Mashdurohatun, Criminal Sanctions against Hate Speech (Hoax) Actors in Indonesian Positive Law and From the Perspective of Islamic Law, *International Journal of Social Science And Human Research*, Volume 06 Issue 01 2023, page 575-581

⁶ Widodo, 2013, *Aspek Hukum Pidana Kejahatan Mayantara*, Ctk. Pertama, Aswaja Presindo, Yogyakarta, page. 9 dan 10

⁷ Bambang Hartono, "Penerapan sanksi pidana terhadap tindak pidana prostitusi online" jurnal hukum, *Pranata Hukum*, Volume 8 No 2, 2013, page. 168.

the interests of certain people and to create order, a sense of security and comfort in social life.⁸

The impact given by the convenience of this technology is misused by those who provide online prostitution services. Prostitution in Indonesia is considered a crime against decency or morals and against the law. The practice of prostitution is a form of social deviation that has been practiced since ancient times until now. Prostitution is an event of selling oneself by trading body, honor and personality to many people to satisfy sexual desires in return for payment.⁹

The problem of prostitution is a complicated problem, therefore this problem really needs special attention from the community.¹⁰ Prostitution, a business that is synonymous with the underworld, is a business that makes money quickly. It doesn't require a lot of capital, only with a few bodies that are willing to do business. Prostitution not only has an impact on those who practice it, namely the perpetrators and users of their services, but also has an impact on the wider community. Prostitution and prostitution are even dangerous for the life of a household that is intertwined to the point where it can lead to criminal acts, crimes and so on. Religion as one of the guidelines in life is completely ignored by those involved in this practice of prostitution and is truly an act that is prohibited by religion. Prostitution is not only an individual symptom but has become a social symptom of deviation from normal sexuality and religion.¹¹

B. Research Methods

The approach method used in this research is empirical juridical,¹² namely an approach by looking at how a law contained in the law is applied in a society, namely through interviews and observation.

C. Discussion

Law Enforcement of Online Prostitution Crimes in the Legal Area of the Cirebon City Police is that the perpetrators can be sentenced under Article 296 and Article 506 of the Criminal Code, Article 27 Jo Article 45 of Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 concerning information and electronic transactions and Article 4 in conjunction with Article 30 of Law No. 44 of 2008 concerning pornography. Based on the results of an investigation conducted by the Cirebon City Resort Police, it is known that online prostitution offenders use social media such as micchat, twitter, facebook, whatsapp as transaction media. Customers can transact or hire women who are displayed

⁸ Boma Wira Gumilar, Gunarto and Akhmad Khisni, Reconstruction of Life Imprisonment in Prison System in Indonesia, *Jurnal Daulat Hukum*, Volume 3 (1), 2019, page 499

⁹ Bambang Hartono, 2013, Penerapan sanksi pidana terhadap tindak pidana prostitusi online, *Jurnal Hukum, Pranata Hukum*, Volume 8 No 2, page. 168.

¹⁰ Zettil Akmi Wahab and friends, Prostitusi Pada Mahasiswi Melalui Layanan Media Online Di Kota Makassar Tahun 2020, *Journal of Aafiyah Health Research (JAHR)*, Vol. 1 No. 1 (2020), page 8-18

¹¹ Terence H, Hull, 1997, Endang Sulistianingsih, Gavin W Jones, *Pelacuran di Indonesia*, Pustaka Sinar Harapan, Jakarta, page. 3

¹² Tri Ulfi Handayani, Agustina Suryaningtyas, Anis Mashdurohatun, Urgensi Dewan Kehormatan Notaris Dalam Penegakan Kode Etik Notaris Di Kabupaten Pati, *Jurnal Akta*, Vol 5 No 2018, page 51-64

on the social networking pages provided. In the online prostitution case, Cirebon City Police Investigators only received reports from the public. Due to the limitations that investigators have in terms of technology, therefore in this case investigators carry out their actions by reconnaissance, and undercover. Investigators will come to the specified place and arrest the suspect.

Law Enforcement of Online Prostitution Crime in the Cirebon City Police Legal Area is analyzed using law enforcement theory that law enforcement is essentially an enforcement of ideas or concepts about justice, truth, social benefits, and so on. So law enforcement is an attempt to make these ideas and concepts a reality.

The Law Enforcement of Online Prostitution Crime in the Cirebon City Police Legal Area is analyzed using the theory of justice according to an Islamic perspective that the enforcement of justice is a legal duty or is a legal use. Justice which is the duty of law is the result of harmonization or compatibility between legal certainty and legal comparability. Ideally legal certainty is a reflection of the principle of not harming others, while legal comparability is a reflection of the principle of acting in proportion. Because harmony between legal certainty and legal comparability is the essence of law enforcement, law enforcement is actually influenced by its structure and individuals.

Several factors cause the occurrence of online prostitution crimes which are the cause of the high potential for the practice of prostitution in Indonesia. At first, trafficked women only follow the association and lifestyle that always hang 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 for trafficking.

Factors Causing the Practice of Online Prostitution in the Legal Area of the Cirebon City Police as follows:¹³

1. Lifestyle Factors

Online prostitution because of the glamorous lifestyle and wanting to look rich from it, not a few people do everything they can to fulfill it. Such as prostitutes who use the proceeds of prostitution so they can buy their lifestyle needs, and pimps who pay attention to women who are trafficked by bringing them to beauty doctors to fulfill their lifestyle and pamper these women so that they continue to want to be trafficked by pimps.

2. Economic factors

Economic factors also play a role in causing children to engage in prostitution. There are several variants in this regard, such as poverty, and needs which are the impact of association. Poverty is often a trigger factor for prostitution. In this case, the family also plays a role in causing prostitution. Family poverty puts children in a position that must participate in seeking additional income. Instead, parents use the money their children give for consumptive purposes, such as paying motorcycle loan installments or paying for various other necessities of life. There are conditions that have been determined must be met. If these targets are not met or moreover do not provide some money, parents do

¹³ Hasil wawancara dengan IPDA Dwi Setyo Yuliasuti, SH, selaku Penyidik di Kepolisian Resor Cirebon Kota, pada tanggal 4 Januari 2022, pukul 10.45 WIB

not hesitate to commit violence against their children. This is what then causes children to be forced into prostitution.

3. Low education factor

This educational factor can also be seen from the aspect of parental supervision. Weak teacher supervision of student behavior at school is one of the reasons that encourages the emergence of juvenile delinquency. Supervision of children who can access pornographic material via mobile phones also contributes to children's attitudes towards pornography and can lead to sexual behavior which is also considered normal.

4. Factors of technological progress that are misused

Technology benefits sex workers. Behind the advances in technology in the world that make it very easy for users to find someone, communicate, use social media. But it also has a negative impact on society. The development of this technology has also contributed to the development of prostitution in its form, this is evidenced by the misuse of these technological advances by people who work in the world of prostitution as intermediaries or pimps using smartphones. With smartphones as a medium for online prostitution, using social media such as Michat, Line, Whatsapp, Telegram, Beetalk which can only be used via smartphones. These social media are used by third parties as intermediaries or pimps to communicate with the prostitution customers. Third parties who offer trafficked women by sending several photos of women with different prices each to prostitution customers, this type is a bad impact with current technological developments because it is misused by certain parties to make it easier to commit online prostitution crimes in Indonesia.

5. Environmental Factors of Free Association

When he was unconscious, the women were used by the perpetrators of prostitution. So that these young people who are accustomed to hanging out in nightclubs by drinking liquor are familiar with prostitution pimps so that these women are treated by pimps and fall into the underworld of prostitution. Environmental factor. The environment around the residence and social environment is sometimes inhabited by adults or young people who like to do negative things. An environment like this can affect the emotional development of children who are still mentally unstable.

6. Factors Lack of Parental Supervision

The factor of parental supervision is based on the pimp's confession that some of the women he employs are children under the age of 17 and these children have never been contacted by their parents, in fact some of the children live in the same house as the pimps. Unhealthy or vulnerable social environmental conditions can be conducive factors for adolescents to behave unnaturally. This community pole factor can be divided into two parts, namely first, the community vulnerability factor and second, the vulnerable area factor.

Obstacles in law enforcement against online prostitution crimes in the Cirebon City Police Legal Area are as follows:

1. Public legal awareness is not yet optimal

One of the obstacles in enforcing the law on online prostitution is the lack of public awareness of the law which has implications for their disobedience to the law. There are several reasons that until now the legal awareness of the Indonesian people is still lacking, namely: Until now, the legal awareness of the Indonesian people in responding to cybercrime activities is still lacking. This is caused partly by the lack of understanding and knowledge of the public regarding the types of cybercrimes.

2. There are limitations in facilities and infrastructure

According to the interview that the author conducted with Mr. Dedi Darhudin E.P, SH, as an investigator at the Cirebon City Resort Police, said that one of the obstacles in law enforcement in online prostitution crimes is the limited facilities and infrastructure owned by the Cirebon City Resort Police.¹⁴

3. Very few cases reach trial

Cybercrime law enforcement, especially online prostitution, is still facing problems so that very few crimes that have been investigated by the police reach trial. This is caused, in part, by insufficient evidence presented in each series of examinations. It is also difficult for the police to carry out the investigative process to determine which victims are actually netted by pimps, and which ones voluntarily join the prostitution network, because not all girls are victims of prostitution business netting, sometimes they are the ones themselves. Decided to join the prostitution ring, so that if they were caught they would appear as victims.

Efforts made to overcome obstacles in law enforcement against online prostitution crimes in the jurisdiction of the Cirebon City Police Resort include the following:

1. Build partnerships with the wider community

Based on the results of an interview with Mr. Dedi Darhudin E.P, SH, as an investigator at the Cirebon City Resort Police, the efforts made by the Cirebon City Resort Police in overcoming obstacles found in law enforcement against online prostitution crimes include building partnerships to the wider community to help hack accounts related to the trafficking of women through online media.

2. Improving facilities and amenities

Another effort to overcome obstacles in law enforcement in the crime of prostitution committed by the Cirebon City Resort Police is to improve facilities and amenities. Without certain means and facilities, it is impossible for law enforcement to take place smoothly. These facilities and facilities include, among others, educated and skilled human resources, good organization, adequate equipment, adequate finances and so on.

D. Conclusion

¹⁴ Hasil wawancara dengan Dedi Darhudin E.P, SH, selaku Penyidik di Kepolisian Resor Cirebon Kota, pada tanggal 5 Januari 2022, pukul 13.45 Wib

1. Law Enforcement of the Crime of Prostitution Online in the Legal Area of the Cirebon City Police is that the perpetrators can be sentenced under Article 296 and Article 506 of the Criminal Code, Article 27 in conjunction with Article 45 Law No. 11 of 2008 Jo Law No. 19 of 2016 regarding information and electronic transactions and Article 4 in conjunction with Article 30 of Law No. 44 of 2008 concerning pornography. Based on the results of an investigation conducted by the Cirebon City Resort Police, it is known that online prostitution offenders use social media such as micchat, twitter, facebook, whatsapp as transaction media. Customers can transact or hire women who are displayed on the social networking pages provided. In the online prostitution case, Cirebon City Police Investigators only received reports from the public. Due to the limitations that investigators have in terms of technology, therefore in this case investigators carry out their actions by reconnaissance, and undercover. Investigators will come to the specified place and arrest the suspect.
2. The factors that cause the practice of online prostitution in the legal area of the Cirebon City Police are lifestyle factors, economic factors, low education factors, technological advancement factors that are abused, promiscuous environmental factors, and lack of parental supervision.

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