



Law Enforcement of Online Prostitution Criminal in the Police Resort of Padang City

Zerival; Yoserwan; Siska Elvandari

Fakultas Hukum, Magister Ilmu Hukum, Universitas Andalas. Padang, Indonesia

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Abstract

Prostitution activities develop along with the development of technology. Technological developments that originally had a positive impact on human activities, globalization, were misused by elements who were not responsible for the spread of prostitution activities whose transactions were carried out online, which we usually know as online prostitution, therefore there is a need for research on online prostitution in Padang city. The online media that are often used are Whatsapp, Twitter, Facebook, Michat. Padang is one of the cities where online prostitution has been found. The formulation of the problem in this research is 1). How is law enforcement carried out by the Padang City Resort Police against online prostitution crimes in the jurisdiction of the Padang City Resort Police 2). What are the obstacles in law enforcement carried out by the Padang City Resort Police against online prostitution crimes in the jurisdiction of the Padang City Resort Police. The research method used by the author is using a sociological juridical approach which is carried out by means of field research. while the writing is descriptive. The data source for this study was obtained by the authors from the results of field research at the Padang City Police by conducting interviews with related parties, as well as library research. Based on the results of the study it can be concluded that 1) Law enforcement carried out by the Padang City Resort Police against online prostitution crimes in the jurisdiction of Padang City is carried out through repressive and preventive efforts. Preventive efforts carried out by the police are observing or detecting locations that have the potential to become causes and opportunities for online prostitution by pimps and repressive actions carried out by the police by taking legal action against criminals (pimps) according to their actions. 2) As for the obstacles in law enforcement carried out by the Padang City Resort Police against the crime of online prostitution, article 27 paragraph (1) of the ITE Law does not explain the definition and instructions regarding elements of violating decency, giving rise to various interpretations of one legal norm. Limitations of law enforcement, Human Resources (HR) owned by the Padang Police who understand information technology, incomplete supporting facilities and facilities and the large number of people who do not participate in implementing or exploring any socialization carried out by the Padang Police, one of which is to protect all network-based electronics Internet. The community in this case also has a role in assisting law enforcement for this prostitution problem, where the public can report when there is immoral content contained on social media that contains elements of online prostitution, and law enforcers are more serious in handling online prostitution crime cases. that occurred in the scope of the Padang Police, because it was increasingly happening in society.

Keywords: *Online Prostitution; Crime; Padang City Resort Police*

Introduction

Internet has become very important for people all over the world. Business people, officials, governments, and many people around the world use the internet as part of national and international business and everyday human personal life. The existence of several types of business would not be possible without the internet. Humans are becoming more comfortable in carrying out their personal daily activities and those who are used to the internet become uncomfortable if their access to the internet is disrupted. With human dependence on the internet, this can also cause changes in social symptoms in people's lives.

According to Soejono Soekanto, advances in technology will go hand in hand with the emergence of changes in the social sector. Changes in society can be about social values, social norms, patterns of behavior, organization and structure of social institutions. On the other hand, in practice there is a negative impact on technological development itself. The more advanced and modern people's lives are, the more advanced and modern the types and modus operandi of crimes that occur in society are. Utilization of information technology in committing crimes is commonly known as cybercrime.

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. Every country should care about overcoming these high-tech crimes through non-criminal policies and criminal policies. 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 online prostitution.

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.

Prostitution continues to thrive, adapting to changing times. Various forms of prostitution, regardless of geography (villages or cities), upper class (located in hotels where localization is located) to lower class (roadside, dimly lit stalls, localization places). Various problems arise from the existence of prostitution, such as the increasing spread of sexually transmitted diseases, violence experienced by prostitutes, to conflicts in the surrounding community.

The policy of closing localization in various regions is also not able to completely kill these business practices that are considered dirty. In this modern era, the closure of brothels does not make pimps and prostitutes lose their minds. By taking advantage of technological sophistication, some pimps and prostitutes still dare to operate selling their sexual services. The technology referred to in this case is cell phones and social media.

This practice of online prostitution makes a person an object to be traded through electronic or online media. Online media used in the practice of prostitution are Whastapp, Twitter, Facebook, Michat and others. Online prostitution is carried out because it is easier, more practical, and safer than officers' raids. Therefore, the current practice of online prostitution is often heard and seen in the news. Acts of deviance like this are usually driven or motivated by the urge to fulfill life's needs which are relatively difficult to fulfill. Online prostitution does offer many conveniences compared to conventional prostitution.

The online prostitution system is not much different from the online shopping system. CSWs offer themselves through websites or social media, then potential customers who are interested will contact CSWs via the internet, then continue with communication via mobile phones. What often happens

is that the prospective customer does not directly contact the desired sex worker, but first goes through the pimp. One of the pimps' roles is to ensure that the prospect is someone who is serious about having a sexual transaction, not just playing around, especially one who is in disguise.

In Indonesia, there have been many cases of online prostitution involving many groups, ranging from artists or public figures to ordinary people, one of the online prostitution cases involving an artist, namely Vanessa Angel, where the perpetrator was caught in a hotel in East Java with his partner. In this case, Vanessa Angel and the pimp were named as suspects. Based on the results of the investigation, Vanessa Angel was subject to Article 27 Paragraph 1 of the ITE Law with the consideration that she directly exploited herself against pimps.

According to the Expert Staff of the Minister of Communication and Informatics for Communication and Mass Media, Hendri Subiakto, online prostitution activists will be charged with Article 27 paragraph 1 of Law Number 19 of 2016 concerning Information and Electronic Transactions namely:

"Anyone who intentionally and without rights distributes and/or transmits and/or makes Electronic Information and/or Electronic Documents accessible that has content that violates decency."

Article 45 paragraph (1) of Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions which explains that :

"everyone who intentionally and without rights distributes and/or transmits and/or makes Electronic Information and/or Electronic Documents accessible that has content that violates decency as referred to in Article 27 paragraph (1) shall be punished with imprisonment for a maximum of 6 (three) six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)."

In the city of Padang from 2018 to 2021 there were 24 cases related to prostitution consisting of 10 cases of child exploitation and 14 cases of human trafficking, in which in the data there was one case involving prostitution using online media.

In 2019 the online prostitution case, the General Criminal Investigation Directorate (Ditreskrim) of the Padang City Police managed to secure two pimps at the Amaris Hotel Jalan Jenderal Sudirman, West Padang sub-district, Padang City on Monday 5 February 2018 around 23.00 WIB. The identities of the pimps are Dodi Mulya (26) and Abdi Rafit (20). Both of them employ and provide commercial sex workers (PSK) for underage children with the initials DO (15) and ME (19) to carry out this practice through social media. In the judge's decision, the suspects were only pimps, while in sex transactions, prostitutes took part in distributing pornographic content that could fulfill the elements of a violation of the ITE law. In this case, prostitutes were only designated as witnesses.

According to Arbi Sanit, the decline in the ability of the law to deal with crime occurs because legal structures with legal functions do not develop in parallel so that law enforcement tends to continue to weaken. In this case it shows how a case such as online prostitution has become a problem in society which in this case is contrary to Pancasila which highly upholds the norms and values of customs. For this reason, it is necessary to conduct a review of prostitution crimes through electronic communication media, so that effective solutions can be found in minimizing, overcoming and eradicating negative acts of online prostitution crimes.

In order to create life as it should be, with guaranteed security, feel at ease, peaceful and prosperous. As well as being able to carry out lawful work to benefit oneself and others without causing negative effects, namely not harming others. Have a high quality education so that it can be considered by other people, the nation and the world. People who have good personality and noble character and are able to make the family, nation and country proud.

Based on the description of the background above, the author is interested in studying this problem with the title " **LAW ENFORCEMENT OF ONLINE PROSTITUTION CRIMINAL IN THE POLICE RESORT OF PADANG CITY**"

Research Methods

This research uses a Juridical Sociological approach which is carried out by means of field research, namely studying applicable legal provisions and with a research conducted on the actual situation or real situation that occurs in society with the aim of knowing and finding the facts and data needed, after the data The required data is collected then leads to problem identification which ultimately leads to problem solving.

Research Result

Prostitution can also be interpreted as a work that is surrendering or selling services to the public to perform sexual acts in exchange for compensation according to what was previously agreed upon. Prostitution (prostitution) in general is the practice of sexual relations for a moment, which is done more or less with anyone, for a reward in the form of money.

If you look at the reality of prostitution through online electronic media, it looks like prostitution or online cases always involve third parties as intermediaries by setting prices, sending photos with electronic media and delivering them to customers. So cases of prostitution through electronic or online media are usually categorized as a form of human trafficking.

The promotion of prostitution in the form of writing or images can be categorized as electronic information containing violating decency. This act of promoting online prostitution can be charged under Law no. 11 of 2008 concerning Information and Electronic Transactions (UU ITE), Article 27 paragraph 1 of the ITE Law states: "Every person intentionally and without rights distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that have content that violating decency." This provision does not explain in detail what is meant by "content that violates decency".

But the promotion of prostitution online is something that violates decency and decency. So referring to this provision, anyone who makes a status, provides a link or uploads electronic information in the form of writing, pictures, audio or video regarding the promotion of prostitution can be charged with the crime of Article 45 paragraph (1) juncto Article 27 paragraph 1 of the ITE Law. If law enforcers are serious about eradicating all forms of online prostitution, they can apply the Articles in the ITE Law. With their authority, law enforcers can request blocking of social media or online prostitution sites.

The law enforcement of the practice of online prostitution services in Padang consists of several elements, including the Civil Service Police Unit, the Padang Resort Police Criminal Investigation Unit Team (Satreskrim) and the community. The Civil Service Police and the Police are given the authority to carry out investigations or investigations in search of evidence of a practice of prostitution.

The Padang Police satreskrim team was given the authority to seek information regarding online prostitution practices through internet media or observing someone's behavior. The information obtained by the Criminal Investigation Unit will be used as initial evidence as the basis for the police to conduct investigations and investigations. the latter is the role of Padang city residents, where Padang residents are given the authority to report a behavior or incident that requires assistance, one of which is if there is an immoral violation in the form of online prostitution. With the role of the community, it is hoped that it can help reduce the high number of online prostitution in the city of Padang.

The Padang City Resort Police are trying to eradicate online prostitution that is taking place in the city of Padang, based on reports from the public, online prostitution is being carried out in star-rated hotels in the city of Padang, which has made the public uneasy about this. Based on the arrests made by the Padang Police, where they were found to be underage commercial sex workers, the prostitutes gave information to the police in carrying out this action because they wanted to have more money to follow today's lifestyle.

Based on the results of an investigation conducted by the Padang 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 case of online prostitution, Padang Police investigators only received reports from the public and reports from the victim's family, in this case the PSK family. 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.

The first step taken by the cyber section of the PPA and Tipidter units of the Padang City Resort Police in investigating cases of prostitution service providers via internet media was to track down the perpetrator's whereabouts by tracing information on the perpetrator's social media accounts and adding the perpetrator's contact (add account) in friendship. This is a form of investigation and investigation plan by way of undercover (disguise) in which this rule is not found in Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons, but can be found in the policy of the Indonesian National Police Chief Regulation Number 6 of 2007. 2019 concerning Investigation of Criminal Acts, it is different from the provisions of the Narcotics Law which clearly regulate undercover in investigations.

In 2019 the Padang City Resort Police succeeded in arresting the perpetrators of online prostitution crimes that occurred in the city of Padang, secured by a pimp named Fharel Lindo Pgl. Fharel with 2 (two) prostitutes namely Geana Lady Fiesta who is still 15 years and 7 months old and Devi Marlinda along with evidence of Rp. 2. 600,000 (two million six hundred thousand rupiah) and 1 (one) contraceptive device at the Axana Hotel Padang. Based on the investigator's statement, the pimp offered Geana and Devi to open BO, or have intercourse with the masher who ordered it, which was agreed that every time Fharel goes on a date as a guest seeker, he will be given a reward of Rp. 50,000 (fifty thousand rupiah) to Rp. 100,000 (one hundred thousand rupiah) for one date).

Based on the Padang District Court Decision Number: 347/Pid.Sus/2019/PN Pdg. The Padang District Court tried Fharel Lindo Pgl. Fharel has legally fulfilled all the elements of Article 2 paragraph (1) in conjunction with Article 17 of Law Nomto 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons and has been legally and convincingly proven guilty of committing the crime of recruiting, transporting, harboring, sending, transferring, or acceptance of someone with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or position of vulnerability, money laundering or giving payments or benefits despite obtaining the consent of a person who has control over another person, which is committed against a child.

Sentenced punishment to the defendant Fharel Lindo Pgl. Fharel is therefore subject to imprisonment for 4 (four) years and 6 (six) months and a fine of Rp. 300,000,000 (three hundred million rupiah) subsidiary of 1 (one) month in prison.

Law enforcement carried out by the Padang City Resort Police against online prostitution crime cases is generally divided into 2 (two), namely:

1. Preventive Efforts

Preventive efforts are eliminating opportunities for crime to be committed. The preventive efforts made by the police in responding to the problem of prostitution through electronic or online media are as follows:

- a. The police conducted an inspection at the exclusive boarding house occupied by several female students who had been suspected before.
- b. The police conduct legal counseling regarding the dangers of prostitution crime in circles that are considered vulnerable to prostitution crime through electronic or online media.
- c. The police work together with social services to educate people about the dangers of diseases caused by prostitution in circles that are considered vulnerable to prostitution crimes.
- d. The police conduct patrols around areas that are considered prone to prostitution crimes
- e. The police placed police officers wearing uniforms around places suspected of being prone to prostitution crimes.
- f. The police are working with cell phone card provider companies to track down the whereabouts of prostitutes through electronic media or online prostitution by tracking cell phone numbers and tracing IMEI (International Mobile Equipment Identification) numbers which function as cell phone identity numbers which are unique because they are not the same. between one another. This effort was carried out by the police to find prostitution perpetrators through electronic media or online prostitution found in the city of Padang.
- g. The police carried out raids on places considered prone to prostitution.

2. Repressive Efforts

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 the practice of prostitution. The repressive efforts made by the police in tackling prostitution crimes through electronic media are as follows:

- a. The police are looking for prostitutes as perpetrators of prostitution through electronic media and hand them over to social services to carry out rehabilitation. They are taught and educated in religious knowledge to be able to return to society as good citizens.
- b. Provide advice to perpetrators of prostitution to repent and be brought to the right path
- c. The police have formed a function unit to handle prostitution cases through electronic or online media. The unit functions undercover so that the perpetrators can be chased and found

In Law Number 11 of 2008 Concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 (UU ITE) it does not mention the word prostitution in all of its Articles. Except in Article 27 paragraph (1) which contains prohibited acts, it mentions the word decency which relates to things that smell pornographic. Article 45 paragraph (1) in conjunction with Article 27 paragraph (1) of the ITE Law regarding online prostitution is punishable by a maximum imprisonment of 6 years and/or a maximum fine of 1 billion rupiah. This law does not explain criminal sanctions for service users in online prostitution crimes. This law also cannot ensnare perpetrators of users of online prostitution commercial sex services, so even this law is not appropriate to be used to tackle the complex problem of prostitution.

This law should regulate criminal sanctions for all subjects in online prostitution crimes, because users of online prostitution commercial sex services are part of the subjects of prostitution crimes and users of online prostitution commercial sex services involve electronic transactions in carrying out their prostitution activities.

After seeing the explanation of Law Number 44 of 2008 concerning Pornography, it does not specifically explain users of online prostitution services, so in this case the law cannot ensnare service users in the practice of online prostitution.

In relation to the theory of legal effectiveness for law enforcement processes carried out by the police as law enforcers, it becomes relevant to utilize action theory, where in the book *The Structure of Social Action Person*, the character of social action is presented. According to the theory of action, behavior is the result of a subjective decision from the actor or actors.

In the case encountered by the Padang City Resort Police, many underage children were involved in the practice of online prostitution, some were involved on their own volition and some were involved due to trickery from pimps with various modes to generate extra pocket money.

In this case the Padang Police are making efforts to tackle the crime of online prostitution by outreaching to the public the impact of online prostitution that can be criminalized and the dangers of having sex with different partners which can cause infectious diseases such as HIV/AIDS which can threaten a person's life.

In relation to efforts to protect the law against victims of the crime of trafficking in persons, efforts to protect the law for the community are important. This is because people, both groups and individuals, can at any time become victims of trafficking in persons. legal protection for victims of trafficking in persons as part of protection for the community, can be realized in various forms or models.

Obstacles in law enforcement carried out by the Padang City Resort Police against online prostitution crimes in the jurisdiction of Padang city, namely the lack of tools or technology and human resources which resulted in law enforcement against online prostitution crimes not running optimally. Then apart from that there is still a lack of public awareness to follow up on online prostitution itself, and the erosion of culture so that many do not bother with issues that go against norms such as religious norms, decency, decency and also legal norms.

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