

Implementation of Criminal Responsibility Arrangements for Perpetrators of Prostitution

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Abstract

Prostitution is an act that is morally and mentally damaging which can also destroy the integrity of the family. Still, positive law itself does not prohibit perpetrators of the practice of prostitution but only prohibits those who provide a place or facilitate the practice of prostitution. This research aims to understand and find out the philosophy of the existence of criminal liability regulations for perpetrators of prostitution. The research method used is Empirical Legal Research using empirical facts taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation. Because this research examines people in their living relationships in society, the empirical legal research method can be said to be sociological legal research taken from facts in a society, legal entity or government agency. The research results show that the provisions of the Criminal Code can only be used to trap pimps/pimps/prostitute prostitutes. Meanwhile, articles that can be used to trap prostitutes/users are regulated in each regional regulation. So, the handling of prostitution cases depends on the location of the area where the crime occurred. Apart from that, criminal charges for prostitutes can be related to the article on adultery, which is regulated in Article 284 of the Criminal Code.

Keywords: settings; prostitution; criminal liability

INTRODUCTION

The Criminal Code and the Draft Criminal Code do not prohibit prostitution but only prohibit pimping. The prohibition against carrying out the profession of pimping is contained in Article 296 of the Criminal Code which stipulates that "whoever intentionally causes or facilitates obscene acts with other people and makes it a livelihood or habit, is threatened with imprisonment for a maximum of one year and six months or a fine of a maximum of fifteen thousand". Article 432 of the Draft Criminal Code also stipulates that "Sentenced with imprisonment for a maximum of 12 years, a minimum of three years. The Criminal Code and the Draft Criminal Code in article 434 only prohibit people from vagrancy and loitering on the streets or in public places for prostitution. Still, commercial sex work or prostitution itself is not prohibited.

The term adultery used in the Criminal Code is only limited to sexual scandals committed by people who are married or related by marriage, committed with someone other than their husband or wife. Sexual intercourse/commercial sex work carried out by people who are free from marriage is not included in the offense of adultery. A girl/widow is not said to have committed adultery if she has sexual intercourse with a virgin or widower, and vice versa. However, criminal law remains the basis for regulations in the sex industry in Indonesia. Because the prohibition on providing sexual services, especially the practices of commercial sex workers, does not exist in state law, regulations in the sex industry tend to be based on regulations issued by regional governments, both at the provincial, district and sub-district levels, taking into account reactions and actions. and pressure from various community organizations that support and oppose commercial sex workers.

Punishing a crime is intended to restore the balance that was disturbed due to that act. Disturbed balance means that social order is disturbed, society is restless, as a result, this disturbance is considered an anti-social society, where actions are not by society's demands, therefore society is dynamic, so actions must also be dynamic by the rhythm of change in society, in other words the meaning Crime can change according to time, place, religion and country factors. According to grammar, evil is a coined word or adjective derived from the word evil, which has the prefix "ke" and the suffix "an". Sianturi (1986: 211) who formulates that a criminal act is an action at a certain place, time and circumstances which is prohibited (or required) and is punishable by law, is against the law, and is a mistake committed by a person (who is capable of responsible).

According to Rusli Effendy, crime is behavior that is strictly prohibited and punishable by criminal law in a country. Based on these definitions or formulations, in the author's opinion, the word crime is seen in the sense of conflict, wrong action, inappropriate, against, breaking the rules with what should be connected with criminal acts with prostitution which of course involves women as sex workers. commercial. So, it can be said to be contrary to what is prohibited and what is supposed to be done by laws related to prostitution.

RESEARCH METHODS

The preparation of this research is legal research using normative juridical methods. Normative juridical legal research, also called doctrinal legal research, is law research that is conceptualized and developed based on the doctrine adhered to by the conceptualizer or its development. 10 The normative juridical method is carried out through literature studies that examine data in the form of legal materials. The approaches used to conduct this research are: The statutory regulatory approach (*the statute approach*) and the *analytical & conceptual approach*. The analysis of legal materials is carried out in a systematic, argumentative, descriptive and evaluation manner (Ohoiwutun, et.al., 2023).

DISCUSSION

Application of Sanctions for Prostitution according to Religion

Prostitution is a practice in which pimps hire women to provide sexual services to men. Even Edlund and Korn stated that prostitution is a job carried out by women who have low skills to get a high salary. However, prostitution is a place where HIV/AIDS is transmitted, and 81.9% of HIV/AIDS transmission is carried out by sexual relations between men and women in unsafe ways (depkes).

Sharia law does not contain terms that implicitly refer to prostitution. The criminal sanctions that apply to perpetrators of prostitution are more implicitly regulated in regional laws and regulations. The type of crime in regional regulations is criminal. In local governments' efforts to prevent and champion prostitution, it has become problematic to entice prostitution through criminal sanctions for illegal activities (Nasrullah, 2017).

Islamic law does not find any nomenclature that implicitly mentions prostitution. Prostitution is the provision of sexual services by men or women to obtain money or satisfaction. Can the element of "sexual services" in the definition of prostitution mean that sexual relations between a man and a woman that are not tied to a marriage relationship can be equated with the element of adultery in Islamic law? This is a problem whose legal status needs to be clarified, considering that in national criminal law, the terms adultery and prostitution are differentiated between offenses. The punishment for adultery is divided into two, namely *muhshan* (married) by stoning and *ghair muhshan* (unmarried) by binding.

Based on the severity of the punishment, Islamic criminal law recognizes three types of errors. Firstly, *hudud* criminal acts, which are often interpreted as laws or decrees of Allah SWT that cannot be abolished, either by individuals who are victims of criminal acts themselves or by the community represented by state institutions. In Islamic law there are seven types of *hudud* criminal acts, namely: adultery, *qazaf* (accusing someone of committing adultery), drinking alcohol, stealing, *hirabah* (people who fight against Allah and His Messenger), apostasy, and people who rebel against the legitimate authorities. . Second, the criminal acts of *kisas* and *diat* (compensation). These criminal acts relate to crimes against people, such as killing and torturing. The perpetrators of this criminal act will be subject to the punishment of *kisas* or *diat* from the individual who is the victim and is divided into five types, namely: intentional murder, murder that resembles intentional, culpable murder, intentional abuse, and culpable abuse. The abuse referred to here is an act that does not destroy the soul of the victim, such as beatings and wounds. Third, *takzir* is a crime that is not included in the *hudud* because the form of punishment is left to the discretion of the judge. This term means providing education (discipline) to correct or rehabilitate criminals.

Islamic law does not determine various types of punishment for each crime of *takzir*, but only mentions a set of punishments, from the lightest to the most severe. In this case, the judge is given the freedom to choose punishments appropriate to the type of crime and the perpetrator's circumstances. In short, the penalties for crimes of *takzir* do not have certain limits. Criminal acts are divided into intentional (*doleus delicten*) and unintentional (*culpose delicten*) crimes. In an intentional criminal act, the perpetrator intentionally carries out the act and knows that the act is prohibited. Meanwhile, in an unintentional criminal act, the perpetrator deliberately carries out a prohibited act, but the act occurs as a result of his mistake. There are two types of criminal acts based on the time of disclosure: criminal acts that are caught red-handed and criminal acts that are not red-handed. Criminal acts that are caught red-handed are criminal acts that are revealed at the time the crime is committed or some time after the crime is committed, while crimes that are not caught in the act are crimes that are not revealed when the crime is committed or the crime is uncovered for a long time. According to the jurists (*fiqh* experts), being caught red-handed is the discovery of the perpetrator of a criminal act at the time the crime was committed.

Criminal acts are divided into three groups based on how they are committed.

- a. First, positive criminal acts and negative criminal acts. The division into the first group is based on whether the criminal act occurred in the form of a real act or through inaction, or whether the act was ordered or prohibited.
- b. Second, single criminal acts and serial criminal acts. A single crime is a crime committed with one act, such as theft, drinking alcohol, whether this crime occurs immediately or is carried out continuously. Hudud, kisas and diat crimes are included in the single crime category. Meanwhile, criminal acts Sequence is an action that is done repeatedly (sequentially).
- c. Third, criminal acts occur immediately (temporal) and criminal acts occur over a long period (non-temporal). The jurists never discuss criminal acts that occur immediately and over a long time (continuously). The reason is that the jurists only focus on criminal acts: hudud, kisas and diat crimes.

These three types of criminal acts are fixed, where the actions that result in the punishment will not change. Likewise, the predetermined punishment will not change. Based on their specific character, criminal acts are divided into:

- a. A public crime is a criminal act where the punishment is imposed to safeguard the interests (benefit) of society, whether the crime concerns individuals, society, or threatens the security and system of society. This means that there is no forgiveness, commutation or postponement of execution for this sentence.
- b. An individual crime is a crime where the punishment is imposed to maintain the benefit of the individual. However, anything that touches the benefit of the individual automatically touches the benefit of society. For example, the crime of theft and qazaf (accusing another person of committing adultery).

Application of Criminal Sanctions for Prostitution in Customary Law in Indonesia

In social life, law and society are two things that cannot be separated. *Ibi ius ibi societas*, where there is society, there is law. Therefore, a legal rule is needed to regulate social life to achieve public order. There are written and unwritten legal rules. Applicable nationally and regionally in the fields of public law and private law. With a variety of languages, cultures and customs in society, there are also various rules and norms that live and grow and develop in each society. Ironically, the use of customary law in the context of law enforcement in Indonesia is still very minimal, but that does not mean there is no use of customary law in making decisions to resolve problems.

The policy of using customary law is considered important considering that in several parts of the archipelago, compliance with customary law is higher than written law. Customary law is the original law in a particular society, which is usually not written, which in the past was used as a guide for all aspects of life in the society concerned.

According to Utrecht as quoted by I. Sriyanto, in contrast to customary civil law, which since the written legal basis for the enactment of the law has been provided, it has been stated that there is freedom for the community to implement it, this is not the case with customary criminal law. According to article 75 clause (2) *Regulations (2) RR*) 1854, in an old editorial it was stated that the Governor General had the power to make the Criminal Code which applies to Europeans also apply to non-Europeans.

The term customary criminal law is a translation of the Dutch term "custom *delecten recht* " or customary law violations. These terms are not well known among indigenous communities. Quoting the opinion of I Made Winyana, he stated that: "Customary criminal law is the living law, followed and obeyed by indigenous peoples continuously, from one generation to the next (Hilman, 1989). Based on this paradigm of thinking, an Austrian legal expert named Eugen Erlicht once said that positive law will only have effective power if it is

in harmony with the laws that live in society (*living law*) (Elwi, 2012). As is known, the Criminal Code currently in force originates from the Dutch colonialists. Automatically, the content of the Criminal Code is not patterned, characterized and is not a source of law that has been explored or created based on the conditions of society or the thoughts of the Indonesian nation itself. Regarding Positive Law which does not yet fully reflect the Indonesian Nation, it was also explained by M. Syamsudin, as follows: "Because currently Positive Law in Indonesia is not entirely based on the 1945 Constitution and Pancasila, both laws that were promulgated or developed before the Proclamation of Independence and which was promulgated after the Proclamation of Independence, it can be said that currently we do not have a National Legal System, but it is still in the process of being formed and developed."

Based on MPRS Decree No. the highest means making Pancasila the standard for assessing law in Indonesia. Legal rules applied in society must reflect awareness and a sense of justice in accordance with the Indonesian nation's personality and philosophy of life. Apart from that, Pancasila is also a reference for limiting Customary Criminal Law, so Customary Criminal Law that conflicts with Pancasila is considered invalid (Elwi, 2012).

Viewed from another angle, it can also be said that a legal system does not consist of and is determined by legal rules alone, but consists of and is determined by all the rules, institutions, institutions and facilities, tools and resources as described by M. Syamsudin is as follows:

- 1) Constitution;
- 2) Higher State Institutions;
- 3) Judicial Bodies;
- 4) Government Agencies or Regulations;
- 5) Jurisprudence;
- 6) Legal process or procedure;
- 7) Legal personnel;
- 8) Legal awareness of society, government, law and other law enforcement;
- 9) Legal customs;
- 10) National legal education and theory;
- 11) Legal research;
- 12) Hardware (buildings, tools);
- 13) Software (programs).

With the legal system, according to (Syamsudin, 1998) M. Syamsudin consists of and is determined by legal rules, and is determined by all the rules, institutions, institutions and facilities, tools and resources, it can be seen that the style of the legal system will depend on the availability of rules, institutions and institutions. mentioned above, the effectiveness of these elements, and the interactions between these elements. From the description above, it is clear that there is always an element that provides space for laws that live in society, especially Customary Criminal Law so that it also has space in the National Legal System so that law in society, in this case Customary Criminal Law, has a contribution to the renewal of Criminal Law. in Indonesia. Reform of the Criminal Law itself is simply a change or reform of the Criminal Law, which started as a Criminal Law inherited from the Netherlands to become a Criminal Law that originates from a study of the legal values of the Indonesian nation. Lilik Mulyadi's opinion (Mulyadi, 2003) regarding the reform of the Criminal Law is as follows: "In principle, concretely the reform of the Criminal Law must include Material Criminal Law, Formal Criminal Law and the implementation of Criminal Law. Together, these three areas of law are integrally improved so that there are no obstacles in their implementation. "The meaning and essence of criminal law reform is closely related to the background and urgency of carrying out criminal law reform itself.

The background and urgency of reforming criminal law can be viewed from sociopolitical, sociophilosophical, sociocultural aspects or various policy aspects (especially

social policy, criminal policy and law enforcement policy). This means that the meaning and essence of criminal law reform is also closely related to these various aspects. This means that criminal law reform must also essentially be a manifestation of changes and updates to various aspects of the policies behind it. Thus, criminal law reform manifests changes and updates to various aspects and policies that underlie the need for criminal law reform. From this reality, criminal law reform essentially contains the meaning of an effort to re-orient and reform criminal law by the socio-political, socio-philosophical and socio-cultural values of Indonesian society, which underlie social policy, criminal policy and law enforcement policy in Indonesia. In short, it can be said that criminal law reform must be carried out with a policy- and value-oriented approach. Reforms are carried out with a policy approach because, in essence, these reforms are part of policy steps, namely part of legal politics/law enforcement, criminal law politics, criminal politics and social politics. In every policy step, value considerations are also contained. From this reality, criminal law reform, apart from having to consider a values approach, must also consider a policy-oriented approach (Arief, 2008).

About prostitution, customary law can be applied or can be included. The practice of prostitution is an immoral act that is directly related to the honour of the family and community where the perpetrator is located. Therefore, giving sanctions to perpetrators of prostitution is more effectively left to the family and community. Imposing sanctions through families and indigenous communities has a more deterrent effect than formal legal sanctions (Siregar, 2013).

Application of criminal sanctions for prostitution according to the Criminal Code

Law enforcers eradicate prostitution with existing regulations, but the government localizes it by legalizing it, even though prostitution has damaged the morals of the young generation of this country. Prostitution is a commonplace to indulge in lust. If we look further, prostitution is very synonymous with the life of a woman who prostitutes herself. The reasons why someone becomes a commercial sex worker can be very complex, not only from the prostitution itself but also from the family and community around them. The driving factors for someone to practice prostitution or become a commercial sex worker are (Khavit, 1967):

- a. Forced by economic circumstances. Economic conditions force someone to engage in prostitution.
- b. Going with the flow, prostitution is considered an easy choice to earn a living because their colleagues in the village are already doing it and for local people Commercial sex workers are an alternative job.
- c. Frustration, a person's failure to achieve life goals, is called stasis. In general, they are involved in prostitution because they want to avenge their hurt feelings.

Meanwhile, Jefrisetiawan, in his research said that the most dominant factor in the existence of prostitution is economic factors, namely 45%. In comparison, other factors are the breakup factor as much as 20%, the environmental factor 15%, the sexual desire factor 10% and being deceived by the seduction or sweet promises of pimps who say they will find a decent job with a large salary as much as 10%. The basis of Indonesian criminal law is the Legal Code Criminal Code (KUHP), called general criminal law (Jefri). Apart from that, there are also special criminal laws as spread across various other laws.

There is not a single law that regulates prostitution or commercial sex workers. Still, here we can see the legal meaning of pimping, namely a man or woman who performs the act of providing facilities and makes himself an obscene intermediary as a habit or eye livelihood, also making profits from the prostitution business. The act carried out by the pimp is an act which violates the provisions stipulated in the law, namely the Book Criminal Law Act. Some articles can be imposed on: a pimp is Article 296 of the Criminal Code, in Article 296 of the Criminal Code it relates to a person who provides a place to commit obscenity, he often becomes an intermediary for obscene brokers.

The provisions in Article 296 of the Criminal Code are intended to eradicate people who run brothels or places for commercial sex workers which are often found in big cities, and for entrepreneurs to place Commercial sex workers can only be punished if the business is solely a search for them. It is not included in the provisions of Article 296 of the Criminal Code, namely people who hand over houses and rooms to women or men. which stipulates that commercial sex workers cannot be punished because their intention is only to rent and is not a permanent source of income. Then Article 506 of the Criminal Code states: "Anyone who profits from the obscene acts of a woman and makes her a commercial sex worker, is threatened with imprisonment for a maximum of one year. R. Soesilo in his book entitled The Criminal Code (KUHP) and Complete Comments Article by Article), says that this article is to eradicate people who run brothels or places for commercial sex workers.

Law unable to directly take action so that pimping can be stopped, on the other hand In terms of aspects, it can be seen that pimps and commercial sex workers are links in the chain cannot be separated as a social phenomenon that can cause bad consequences/impacts on people's lives in general. To overcome this problem, these four parties must be considered as a whole therefore every action Prevention must be carried out simultaneously on all four parties. But on the other hand, lawmakers should understand that Most of the pimps who do their work are victims of circumstances, especially urgent economic conditions, and on the other hand en,vironmental factors that have major impacts towards someone's personality . Commercial sex workers and pimps are something that cannot be separated from each other and are a link in the chain. But what is in the spotlight of the public is the commercial sex worker , the public views that the spotlight is mostly directed at commercial sex workers the commercial sex worker who seems to be considered the most disgusting and destructive to domestic life. Because people often see it in magazines, mass media, etc television that commercial sex workers were caught while doing their night work day by the police the order was published. Still, it was not mentioned or discussed by other parties who were connected with commercial sex workers in particular Pimps are one of the parties behind commercial sex workers who take or profit from the work done by commercial sex workers .

Meanwhile, men who use the services of underage women can also be subject to criminal penalties as explained in Article 290 paragraph (2) of the Criminal Code which states: A maximum imprisonment of 7 (seven) years shall be punished if anyone commits an obscene act with a person even though he knows about it or should reasonably be suspected of it. that the person is not yet fifteen years old, or if the age is unclear, the person concerned is not yet ready to marry. Other provisions that may be used to ensnare practices prostitution is Law Number 21 of 2007, concerning the Eradication of the Crime of Human Trafficking and/or Law Number 23 of 2002, concerning Child Protection, namely when it involves children, or other legislation related to criminal legislation. As for that, children are those under eighteen years of age. In relation to this child, in article 287 of the Criminal Code, there is a provision which states that; *"Anyone who has sexual relations with a woman outside of marriage, even though he knows or reasonably should suspect that she is fifteen years old, or if it is not proven, that she is not yet capable of marriage, is threatened with imprisonment for a maximum of nine years .*

In relation to prostitution, the Criminal Code regulates it in two articles, namely Article 296 and Article 506. Other provisions that may be used to ensnare practices prostitution is Law Number 21 of 2007, concerning Eradication The crime of human trafficking and/or Law Number 23 of 2002, concerning Child Protection, namely when it involves children, or other laws related to criminal law. As for that, children are those under eighteen years of age. Life in the world of prostitution is characterized by the ability to earn money in large amounts in a relatively short time compared to the type of work other . This is due to the lack of alternative

forms of employment appropriate to their educational background and skills. By peddling themselves, prostitutes will gain large profits compared to using the services of a pimp.

According to Supanto in his paper, he said that it works Prostitution/prostitution activities are a crime, then efforts are made to do so deal with it, then one of the means can be criminal law (*penal policy*), which is part of rational efforts to overcome crime (*criminal policy*). These as a whole should be integral to the programs in policies to protect and improve the welfare of society. With Thus, in addition to criminal law means, other means in the social, economic, political and cultural fields must be used.

Prostitution Punishment According to the Draft Criminal Code (RUU KUHP)

Imposing criminal sanctions against criminals is the best way to uphold justice. Crimes that cause suffering to victims, which result in not only physical suffering, but also mental and psychological suffering, must be given greater attention to law enforcement officials. Crimes that cause severe suffering to the victim, such as the crime of rape, must receive the maximum penalty, and there is even a need for additional punishment for the perpetrator. Victims of prostitution crimes must receive justice, both from a legal and social perspective. Moreover, the people who are victims of prostitution crimes are the public. There needs to be maximum law enforcement balanced with heavy legal sanctions in order to uphold the value of justice. The criminal threat that is cumulative with imprisonment is intended to increase criminal sanctions for criminals. Viewed from the perspective of the purpose of punishment, the majority, namely 6 out of 8 respondents, stated that fines have a purpose or benefit, namely providing benefits to the state because they provide income. Apart from fines providing revenue benefits for the government, from the data obtained, other benefits were found from imposing fines, namely as a solution to the problem of overcapacity in *correctional* institutions and providing a deterrent effect (repentance) to criminals . This is intended to provide and guarantee a sense of justice for society as intended by the provision of punishment. This goal is not only aimed at criminals but is also educational for many people (*general prevention*), so that it can be preventive in educating the public as well as curative for crimes that have already occurred. If we refer to the criminal law, this is in line with the increase in the maximum threat as regulated in the applicable law with the threat of a fine of billions of rupiah. It must be remembered that the aim of criminal law is to fulfill a sense of justice, so to achieve this it is necessary to consider the following objectives, namely:

- a. To scare people not to commit crimes, either aimed at many people (*general prevention*) or to scare certain people who have already committed crimes so that in the future they will not commit crimes again (*special prevention*), or;
- b. To educate or correct people who have indicated that they like to commit crimes, so that they become people of good character, so that they are beneficial to society. The objectives of criminal law are realized in a legal system.

According to Friedman, the aim of criminal law has three aspects, namely: first, structure, namely the legal system has a structure. The two substances include rules, norms and real human behavior within the structure. Third, legal culture includes beliefs, values, thoughts and hopes. Meanwhile, the fines regulated in the draft Criminal Code are still one of the main crimes. Different from the current Criminal Code, the draft Criminal Code regulates criminal fines, including:

- 1) The maximum threat of a fine is formulated in one article and is made based on certain categories, starting from the lightest category I with a fine of IDR. 1,500,000 (one million five hundred million rupiah) up to the highest Rp. 3,000,000,000 (three billion rupiah).
- 2) There are regulations regarding substitute punishment for fines of category I and exceeding category I, where the prison sentence in lieu of fines exceeding category I is a minimum

of one year and a maximum of one year in accordance with the length of the prison sentence .

- 3) There is a conversion value of fines to substitute penalties for fines, making it easier to calculate how long the penalty substitute for fines will be imposed.
- 4) There are regulations regarding the implementation of criminal fines that are formulated in far more alternative ways than those regulated in the current Criminal Code.
- 5) The imposition of a fine can be cumulated with a prison sentence, provided that it cannot exceed half the threat of each penalty.

In connection with the formulation of criminal threats in the second book of the draft Criminal Code, some judges (2 out of 8) were of the opinion that the formulation of criminal fines in the Draft Criminal Code should be cumulative with the criminal deprivation of liberty. Others stated that the criminal formulation should be an alternative to the crime of deprivation of liberty. Some judges stated that the formulation of fines and deprivation of liberty should be formulated using a mixed (and/or) formulation. Only one judge stated that the formulation of criminal fines should vary for certain crimes alternatively and certain crimes cumulatively. The other judge (one person) did not question how the fine was formulated. The variety of judges' answers shows that there are still judges who do not know about fines in the draft Criminal Code, this could be due to a lack of socialization regarding the RKUHP. Threatening either the criminal sanction of deprivation of liberty or the criminal sanction of a fine is the alternative that must be chosen. According to Jokers and Van Schravendijk (Utrecht, 1987), "modern criminal law has argued that in certain cases, heavy fines are better or more beneficial than short-term prison sentences or short-term prison sentences."

CONCLUSION

Of the existing prostitution cases, only pimps have been charged by law. This is due to the fact that the Criminal Code and related laws are not strict about the crime of prostitution. For example, the ITE Law and the pornography law only cover prostitution crimes in the form of electronic documents, such as content in the form of pornographic images and videos. In this case, the regional regulations above appear to be stricter because they ensnare perpetrators of prostitution.

Meanwhile, the provisions of the Criminal Code can only be used to ensnare providers of prostitutes/pimps/pimps based on the provisions of Article 296 in conjunction with Article 506 of the Criminal Code. Article 296 states, "Anyone whose livelihood or habit is intentionally carrying out or facilitating obscene acts with other people is threatened with imprisonment for a maximum of one year and four months or a fine of a maximum of fifteen thousand rupiah." Meanwhile, Article 506 states that anyone who, as a pimp (souteneur), takes advantage of female commercial sex workers, is threatened with imprisonment for a maximum of one year.

The Criminal Code, Law Number 19 of 2016 concerning ITE, and Law Number 44 of 2008 concerning Pornography as a legal basis with 12 enforceable and completely binding provisions for every Indonesian citizen should strictly regulate accountability and criminal sanctions for service users. prostitution, because even though several regional regulations regulate responsibility and criminal sanctions for users of prostitution services, they vary depending on each regional regulation, and the nature of their application is partial and regional or regional so that both sanctions and their coercive and binding nature are limited to certain areas only.

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