

The Police's Part in Preventing Online Prostitution Utilizing MiChat Application in Gorontalo City

Zulkifli T. Abas¹, Fence M. Wantu², Lisnawaty W. Badu³

¹Faculty of Law, Universitas Negeri Gorontalo, Indonesia. zulabas3@gmail.com

²Faculty of Law, Universitas Negeri Gorontalo, Indonesia. 

³Faculty of Law, Universitas Negeri Gorontalo, Indonesia. 

DOI: xx.xxxxx/dilar.vxxix.xxx

Abstracts

The rise of online prostitution in Gorontalo is a problem that needs to be reviewed from several aspects. The lack of emphasis from the police and the uneven application of several articles of the Criminal Code are the background to the problem. This study aims to find out and analyze the role of the Police in Overcoming Online Prostitution through the MiChat Application in Gorontalo City within the Gorontalo City Police Legal Area. The method used in research is a combination of interviews, observation, and documentation. This type of research is a sociological juridical. The Sociological Juridical Analysis Approach emphasizes research aimed at obtaining legal knowledge empirically by going directly to the object or field. The data types used in this research are primary and secondary. The purpose of this paper is to explain the role of the police, how they interact with internet prostitution, and the factors that limit police efforts against Online prostitution in Gorontalo.

Keywords

Online prostitution; Michat; Law enforcement

How to cite

Abas, Zulkifli T., Fence M. Wantu, and Lisnawaty W. Badu. "The Police's Part in Preventing Online Prostitution Utilizing MiChat Application in Gorontalo City." *Disruption Law Review* 2, no. 1 (2023): 32-47

Contents

INTRODUCTION	33
METHOD	35
DISCUSSION AND ANALYSIS.....	36
Legal Review of the Crime of Prostitution Online.....	36
The Role of Police in Preventing Prostitution in Gorontalo City	40
Factors Inhibiting Police Efforts in Preventing Prostitution in Gorontalo City	43
CONCLUSION	46
REFERENCE	46

INTRODUCTION

The problem of breaking the law, also known as "crime," is everyone's responsibility in society. According to Van Bammelen, crime is any immoral act that breaks norms, disrupts, and causes a lot of discontent in people's lives. Therefore, society can denounce, react to, and reject these actions. In its most basic form, as defined by von Jhering, "law is all the compulsive rules that apply in a country." If law enforcement components can use this coercive power, it will have an impact on society

There is a fight between state power (law enforcement officers) and lawbreakers in the juridical implementation stage. The existence of state power is tested by the level of professionalism by the power of syndication and criminalization. Legal norms will appear, and their image and authority will be visible when law enforcement officials empower the function of law as a force to overcome crime and renew social reality, which is vulnerable and harmed by crime. *Mayantara* crime (cybercrime) has appeared in advanced technology products like the internet or computers. This reality shows that the offer of progress in the era of globalization, besides bringing benefits or positive values, also contains content that is harmful to society and the nation. To anticipate and respond to various forms of problems from the globalization era, such as cybercrimes, the ideals are law and law enforcement officials must be positioned as alternatives. With an identity as a "*rechtstaat*", the existence of currently valid legal norms and the performance of law enforcement officials is a priority.¹

The development of the times is ushering the world into a civilization that leads to negative things and is contrary to laws and regulations, especially in technology and information. Most people now deliberately misuse developing technology, for example, the Michat application.

Online prostitution is a combination of two words, namely prostitution and online. The definition of prostitution, according to the Big Indonesian Dictionary (KBBI), is the exchange of social relations with money as a trade transaction, which is also defined as prostitution. In addition, social networks can also bring together kinship ties that have not been met for a long time or have been cut off. The negative impact of social networking is that people will become addicted to social networking sites and will not know the time because they have to update their social networking.²

On the other hand, the disclosure of online prostitution cases involving celebrities reinforces the fact that the world of prostitution in this country has become a very lucrative business field and is packaged in such a way that involves syndication and networks by utilizing extensive online media as a marketing tool. In the perspective of social network exchange theory, artists or anyone who is involved in an online prostitution network's

¹ Abdul Wahid and Mohammad Labib, *Kejahatan Mayantara (Cyber Crime)*, Cet. 1 (Bandung: Refika Aditama, 2005).

² Mohammad Satria Nugraha, "Kendala Penyidikan Terhadap Tindak Pidana Prostitusi Melalui Media Sosial Online Di Kalangan Remaja (Studi Di Polrestabes Surabaya)," *Brawijaya Law Student Journal*, November 5, 2014, <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/772>.

interaction that ends in sexual transactions is a conscious act carried out to gain benefits, whether material in nature or the form of other satisfactions.³

Meanwhile, the impact of this prostitution will impede and hamper the education of Indonesia's younger generation, especially in the City of Gorontalo, and will even fade the image of Gorontalo. Online prostitution is rampant everywhere, even in different regions. This deviant behaviour needs to be considered by the police as a law enforcement institution. Thus, the application of criminal law can overcome the deviation of crimes.

According to Saparina Sadil, deviant behaviour is a real threat or a threat to the social norms that underlie life or social order, can cause individual tensions, and is a real or potential threat to the continuation of social order.⁴ Crime as a social problem seems not only to be a problem for a particular society (national) but also a problem faced by all people in the world, and it is an international phenomenon (a universal phenomenon).⁵

Law enforcement is one of the main pillars of the country, even if it is placed as a separate part of the legal system. Furthermore, with law enforcement, any existing disputes can be resolved, be they disputes between fellow citizens, between citizens and the state, or between the state and other countries. Thus, law enforcement is an absolute requirement for efforts to create a peaceful and prosperous Indonesian state.⁶

This phenomenon in the crime of prostitution must first be based on a deep understanding of criminology, various types of crime, and the reaction of society to the crime itself.⁷ In other words, prostitution with various conditions behind it, economics, psychology, points that criminologists carry become important in the formulation of criminal provisions regarding prostitution. First, Articles 296, 297 and 507 of the Kitab Undang-Undang Hukum Pidana (Criminal Code) only criminalize pimps, pimps (*Souteneur*), and women traffickers, but not for prostitutes, and the *ratio legis* lies in those who are in control or dominant in maintaining the prostitution, it is he who provides the offer.⁸ Second, the future Criminal Code Bill will "criminalize" intercourse (sexual relations) outside of marriage when the perpetrator is not bound by marriage as a crime of adultery.⁹

The proper role of certain law enforcers has been formulated in the law. One of them is the supposed role as stated in Law Number 13 of 1961 concerning Basic Provisions for the State Police (Law No. 13 of 16) in Article 1 paragraph (1), which reads: "The State Police

³ Abdul Malik, "Prostitusi Online Dan Komodifikasi Tubuh," *LONTAR: Jurnal Ilmu Komunikasi* 7, no. 1 (July 29, 2019): 1–2, <https://doi.org/10.30656/lontar.v7i1.1562>.

⁴ John Kenedi, *Kebijakan Hukum Pidana (Penal Policy) Dalam Sistem Penegakan Hukum Di Indonesia* (Pustaka Pelajar, 2017), <http://repository.iainbengkulu.ac.id/4689/>.

⁵ Ibid.

⁶ Fence M. Wantu, *Idee Des Recht: Kepastian Hukum, Keadilan, Dan Kemanfaatan* (Yogyakarta: Pustaka Pelajar, 2011).

⁷ Soerjono Soekanto, *Sosiologi Suatu Pengantar* (Jakarta: Rajawali Pers, 2010).

⁸ Article 296 states, "Anyone who deliberately causes or facilitates obscene acts by another person with another person, and makes it a pursuit or habit, is threatened with imprisonment for a maximum of one year and four months or a fine of a maximum of fifteen thousand rupiah." Article 297 states, "Trafficking in women and men who are minors is punishable by imprisonment for up to six years". Article 506 states, "Anyone who makes a profit from a woman's obscene acts and uses it as a livelihood is threatened with imprisonment for a maximum of one year.", Republik Indonesia, "Kitab Undang-Undang Hukum Pidana" (1945).

⁹ Lidya Suryani Widayati, "Revisi Pasal Perzinaan Dalam Rancangan KUHP: Studi Masalah Perzinaan Di Kota Padang Dan Jakarta," *Jurnal Hukum IUS QUIA IUSTUM* 16, no. 3 (July 26, 2009): 311–36, <https://doi.org/10.20885/iustum.vol16.iss3.art2>.

of the Republic of Indonesia after this referred to as the State Police, is a state law enforcement tool that especially in charge of maintaining security in the country.¹⁰

In response to the practice of prostitution in the City of Gorontalo, of course, this is the main reason why it is necessary to have an important role for the police in preventing these despicable acts so that with this, there will be less and less acts that are contrary to the teachings of the religion. It is undeniable that prostitution cases are rampant; of course, this will tarnish the public's image with these despicable behaviours. From the results of investigations, several boarding houses are scattered in several places in the city of Gorontalo, which still have their magnet for those who want to try this illegal business.

The massive sex business is still a problem for Gorontalo as the 9th Traditional Region out of 19 Traditional Law Regions in Indonesia, which has the symbol of Serambi Madinah with a traditional philosophy, namely "customs based on Syara' and Syara' based on the Book of Allah".¹¹ This work is also regulated in Gorontalo Province Regional Regulation Number 10 of 2003 concerning the Prevention of Immorality (Perda Gorontalo No. 10 of 2003) with the efforts of all parties to ensure that such actions do not occur.¹²

Based on the results of an examination of the perpetrators who were arrested by the Gorontalo City Resort Police, later in practice, covert prostitution is now rife using online applications as a liaison between prostitutes and their potential customers, and some of the media that have become communication tools are the MiChat application so that some use WhatsApp.¹³ Based on the search results, Operation Team Pekat Gorontalo City Resort Police succeeded in securing several women who were perpetrators of prostitution. They were secured from several hotels and inns in the jurisdiction of Gorontalo City. From the results of the information, one of the teams in the operation said that before carrying out the operation, the team checked their whereabouts one by one through the application. After that, they were visited and immediately secured.¹⁴

Based on the description provided by the author above, and prostitution data obtained by the author from the Gorontalo City Resort Police in 2019 to 2021,¹⁵ so it is interesting to use this case as material for in-depth research, especially in the Gorontalo City area, which in this case is under the auspices of the Gorontalo City Resort Police.

METHOD

In this article, the problems that must be addressed are coming up with a formula for dealing with online prostitution, which is becoming more common in Gorontalo from a police perspective. Another issue raised in this article that must be addressed is tougher

¹⁰ Republic of Indonesia, "Law Number 13 of 1961 Concerning Basic Provisions for the State Police" (1961).

¹¹ "Adat bersendikan Syara' dan Syara' bersendikan Kitabullah"

¹² Gorontalo Regional Government, "Gorontalo Regional Regulation Number 10 of 2003 Concerning Prevention of Immorality" (2003).

¹³ Gorontalo City Resort Police, Online Prostitution in Gorontalo City, 2022.

¹⁴ Arfandi Ibrahim, "Bisnis Prostitusi Online di Kota Gorontalo Tak Lekang Diadang PPKM," Vidio, August 28, 2021, https://www.vidio.com/embed/2155672-cynthiara-alona-jadi-tersangka-kasus-dugaan-prostitusi-online?autoplay=true&embed_position=article-embed&medium=embed&mute=true&player_only=true&source=liputan6-regional&sticky=false.

¹⁵ There were three cases recorded in 2019 and 2021 which violated Article 284 of the Criminal Code. Gorontalo City Resort Police, Online Prostitution in Gorontalo City.

law enforcement against internet prostitution using the Criminal Code, notably articles 296 and 506, as well as Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (Law No. 19 of 2016) against online prostitution.¹⁶ The method used in this writing is observation, interviews, and documentation. This type of writing is sociological juridical writing. The sociological juridical analysis approach emphasizes writing that obtains legal knowledge empirically by going directly to the object or field. The type of data used in this paper is primary and secondary data. The population in this study is the ranks of Gorontalo City Resort Police. The sample in this writing is 1 (one) member of the Criminal Investigation Unit (Reskrim) and 2 (two) members of the Public Relations Division (Humas) of the Gorontalo City Resort Police, as well as 1 (one) Pimp/Prostitution Group Admin. Legal Material collection techniques through interviews, observation and document studies. Secondary data is arranged systematically, and its substance is analyzed qualitatively to obtain an overview of the main issues using deductive thinking methods. At the same time, the primary data is grouped based on research variables and then analyzed qualitatively so that a clear picture of the subject matter is obtained. Conclusions are compiled according to the problems and research objectives and are presented in a descriptive form.

DISCUSSION AND ANALYSIS

Legal Review of the Crime of Prostitution Online

Criminal acts are the basic understanding of criminal law, which includes acts that violate criminal law. In Dutch, criminal acts are called *strafbaar feit*, which also means being part of a reality that can be sentenced. *Strafbaar Feit* has several translations used in various legal and statutory literature, namely criminal acts, punishable acts, offences, criminal acts, criminal offences, and criminal events.¹⁷

The crime of prostitution is not new in Indonesian society. Prostitution has existed since the Dutch colonial era and experienced its peak in 1811. The current Criminal Code has not provided strict rules regarding the crime of prostitution in society. The Criminal Code only has arrangements related to the crime of prostitution, namely in Article 296 and Article 506. These two articles only regulate people who facilitate obscene acts and people who profit from these actions. Therefore, in the case of prostitution in Indonesia, only the pimps or their pimps are convicted, while the prostitutes and their service users escape the law.

Based on positive law in Indonesia, arrangements regarding prostitution are regulated by the Criminal Code. They are also regulated in Law Number 19 of 2016 concerning Information and Electronic Transactions and Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. Regarding Punishment regulated in the Criminal Code and the Law explains that Punishment only applies to service providers, in this case pimps. Neither the Criminal Code nor the law regulates criminal provisions related to commercial sex workers and service users in the criminal act

¹⁶ Republic of Indonesia, "Law Number 19 of 2016 Concerning Amendments to Law Number 11 of 2008 Concerning Information and Electronic Transactions" (2016).

¹⁷ Lies Rosdiana Maysari, "Money Laundering: Efforts to Prevent Transnational and Organized Crime in Indonesia," *Ratio Legis Journal 2*, no. 1 (March 11, 2023): 501, <https://doi.org/10.30659/rlj.2.1.%p>.

of prostitution. Knowing the explanation of the articles in the Criminal Code, Law Number 19 of 2016 concerning Information and Electronic Transactions and Law No. 21 of 2007 concerning TIP do not specifically apply to ensnaring and overcoming prostitution. Regarding the perpetrators of prostitution, no one regulates it,

Several arrangements regarding the criminal act of prostitution apply in Indonesia's current positive law:

- 1) According to the Criminal Code: In the Criminal Code, there are no articles that can be used to trap the perpetrators of prostitution, in this case, the users of commercial sex services and the commercial sex workers themselves. It can be seen that Article 296 and Article 506 of the Criminal Code are not directed against users of commercial sex services and commercial sex workers but refer to pimps and pimps. The current Criminal Code deserves to be revised because revising the Criminal Code is to strengthen and explain all moral actions.¹⁸
- 2) According to Law No. 19 of 2016: In Law No. 19 of 2016, no article mentions prostitution. Article 27, which contains prohibited acts, mentions the word decency, which concerns matters containing pornography. This article only regulates the need to distribute and/or transmit information containing violations of decency through electronic media. So, this law only ensures people who carry out information distribution activities that violate decency with electronic media. So, this law is not appropriate to be used to deal with the complex problems of prostitution.

In some conditions, the crime of prostitution can be categorized as part of adultery. On the contrary, the crime of adultery is not included in the category of criminal acts of prostitution. The crime of prostitution focuses on forms of sexual commercialization. Meanwhile, the crime of adultery only focuses on sexual relations that are carried out outside the bonds of legal marriage. This can be seen based on certain cases. For example, in adultery, there is no form of sexual commercialization in every sexual relationship that is carried out.

Furthermore, in the crime of trafficking in persons, a woman who becomes a commercial sex worker cannot be categorized as a subject in the crime of prostitution. This is because commercial sex workers who are involved in the crime of trafficking in persons are victims of exploitation perpetrated against them. And some conditions force him to become a commercial sex worker.

There are two factors for the occurrence of prostitution, namely internal and external factors.

- 1) Internal factors: These internal factors are related to desire, frustration, etc. Not a few of these prostitutes are caused by a lack of awareness in spiritual matters and also awareness in terms of complying with the norms that apply in society.
- 2) External Factors: External factors are pressure to improve family economic conditions, influences from the surrounding environment, failure to build family life, and other factors that can influence a person to become a commercial sex worker.

An act of prostitution between a prostitute (commercial sex worker) and her customer is not a crime according to the Indonesian Criminal Code, so all forms of prostitution that

¹⁸ Oksidelfa Yanto, "Prostitusi Online Sebagai Kejahatan Kemanusiaan Terhadap Anak: Telaah Hukum Islam Dan Hukum Positif," *AHKAM: Jurnal Ilmu Syariah* 16, no. 2 (December 11, 2016): 187-96.

are managed or managed by her and her customers cannot be categorized as a crime punishable by punishment, including online prostitution that she manages. Themselves with their customers.

In this article, the problems that must be addressed are coming up with a formula for dealing with online prostitution, which is becoming more common in Gorontalo from a police perspective. Another issue raised in this article that must be addressed is tougher law enforcement against internet prostitution using the Criminal Code, notably articles 296 and 506, as well as Law No. 19 of 2016. Law no. 11 of 2008 also does not provide criminal threats for an act of online prostitution managed by the prostitution to its customers. Article 27, paragraph (1) of Law No. 19 of 2016 only threatens acts that distribute, transmit, or make electronic information accessible that violate decency. Electronic information that violates decency, according to the interpretation of criminal law scientists, includes pictures, videos, conversations, animations, and sketches containing obscenity content, intercourse, sexual violence, and genitalia. The object of this decency must also be disseminated to the public through electronic media (email, social media, or short message services).

In the legal context that lives in society, prostitution is a disgraceful activity, an activity that violates norms, and an inappropriate activity. Therefore, this activity is not only against the spirit of the nation but also against human dignity. This view is in line with the views of the Bill of Criminal Code. According to the Bill of Criminal Code, prostitution is a disgraceful activity, not only by those who take advantage but also by anyone involved in this activity. The Criminal Code Bill also pays attention to the laws that live in society so that actions that are considered contrary to the values that live in society are classified as acts that are against the law.

Gorontalo is a province in Indonesia born on December 5, 2000, along with the emergence of regional expansion, which regional autonomy strengthened in the Reform Era. This Province was later formed based on Law Number 38 of 2000 concerning the Establishment of Gorontalo Province (Law Number 38 of 2000), dated December 22 and became the 3rd Province 32 in Indonesia.¹⁹ Since ancient times, Gorontalo has been known as the Serambi Madinah. This was because, in the past, the Gorontalo Kingdom Government had implemented Islamic law as the basis for implementing law in government, society, and court. This can be seen from the Islamic philosophy of Gorontalo culture, "customs based on Syara' and Syara' based on the Book of Allah". Syara' is a law based on Islamic sharia. Because of that, Gorontalo is designated as one of 19 customary law areas in Indonesia. Sultan Amai was the first king in the Kingdom of Gorontalo to embrace Islam, whose name was later immortalized as the name of the Islamic college in Gorontalo Province, Institut Agama Islam Negeri Sultan Amai Gorontalo (Sultan Amai Gorontalo State Islamic Institute).

But lately, the name of the city of Serambi Madinah is experiencing a bit of a problem with the phenomenon of online prostitution. The rise of online prostitution in the city of Gorontalo has made Gorontalo lose its identity, especially its identity as the foyer of the Madinah. Gradually, online prostitution began to shift local wisdom and damage the good name of the city of Serambi Madinah. At least several applications have contributed to the

¹⁹ Republic of Indonesia, "Law Number 38 of 2000 Concerning the Establishment of Gorontalo Province" (2000).

development of online prostitution in Gorontalo, such as MiChat, Betalk, WeChat, Messenger, Tantan and WhatsApp. Maybe this application is foreign to the ears of some Gorontalo people. Still, it is different from some people who even enjoy and use this application as a gratification for the lust of masher men. This application is like a market in general because there are bargaining transactions between customers and commercial sex workers (PSK). But the transaction is already online. The rates set by each commercial sex worker vary from Rp. 1.500.000 to the lowest rate of Rp. 300.000 for one transaction or the cool term booking (BO).

Prostitution is generally regulated in Book II of the Criminal Code Chapter XIV on Crimes Against Decency and Book III of the Criminal Code Chapter II on Violations of Public Order. The Criminal Code does not prohibit prostitution, and the Bill of Criminal Code only prohibits prostitution that roams the streets and in public places. But the Criminal Code and the Draft Criminal Code prohibit pimps. Articles of The Bill of Criminal Code prohibit people from wandering around on the street or in public places to prostitute themselves, as stated earlier. Still, prostitution or prostitution itself is not prohibited. If the Bill of Criminal Code prohibits prostitution, of course, the prohibition on prostitution is not limited to people who are homeless and roaming the streets and in public places or open places. Of course, prostitution in any form, carried out by anyone, and in any place, including closed places, should still be prohibited. But the reality is not the case, and there is not a single article that prohibits prostitution in closed places. This can be seen in the articles governing Crimes Against Decency in Book Two, Chapter XIV of the Criminal Code, Articles 281-Article 299, concerning Violations of Decency in Book Three, Chapter VI of the Criminal Code, Articles 532 to Article 535.

In the current Indonesian Criminal Code, the terms of prostitution and punishment are not regulated. Only those who seek profit from other people who act as satisfying men's desires with wages are known as pimps. Someone who is married and has sexual relations is called adultery, contained in articles 284, 295, 296, 297 and 506.

There are some critical points in this Criminal Code. A married person involved in *overspel* can be threatened with a maximum prison sentence of nine months, following Article 27 of the Criminal Code. This includes both men and women who violate these rules. Apart from that, people who participate in this act can also be subject to criminal charges, especially if they know that the person involved is married and Article 27 of the Criminal Code of the Criminal Code.

Prosecution can only be conducted if a husband or wife complains they are tainted. If Article 27 of the Criminal Code applies to them, they have three months to file a divorce petition or separate tables and beds. Articles 72, 73, and 75 are irrelevant, not in this case.

The complaint may be withdrawn before the start of the court hearing. However, suppose Article 27 of the Criminal Code applies to a husband and wife. In that case, the complaint will be ignored as long as the marriage is still in effect until the divorce judgment or the decision stating that separate tables and beds are permanent is issued.

Thus, those who are threatened with punishment are not the perpetrators but those who traffic women into prostitution and a man or a woman who commits adultery. That is what is threatened with punishment. However, in this article, even though the pimps or pimps and female traffickers have been explicitly threatened with criminal threats, in

reality, these pimps and female traffickers are still carrying out prostitution activities. It means that in this case, the law faces a social problem that is difficult to solve because it is unable to directly act on prostitution.²⁰

The Role of Police in Preventing Prostitution in Gorontalo City

Prostitution, as a social problem since the history of human life until now and has always existed at every level of civilization, needs to be tackled with all seriousness. The crime of prostitution, especially pimps, is a social problem and has become a social disease from ancient times to the present. Prevention efforts from the government by carrying out routine raids and cooperating with law enforcement officials, namely the police, to carry out raids at entertainment venues to reduce social problems in the community environment.

Up to now, the criminal act of prostitution continues to develop in society, especially in the Gorontalo City Resort Police, in this case, in the city of Gorontalo, which is troubling the community. The crimes of prostitution involving pimps in the 2019-2021 period, if viewed from the perspective of cases, are still small, although this problem still needs to be resolved so that there are not too many victims.

In its enforcement, the Gorontalo City Resort Police continues to seek the whereabouts of prostitution practices involving pimps by utilizing facilities and infrastructure as well as reports or complaints from the public who are concerned about the practice of prostitution. The criminal act of prostitution is still quite disturbing to the community, especially in cases pimps found by the Gorontalo City Resort Police. Because this case is a social disease that must be prevented and taken seriously, the Gorontalo City Resort Police have made every effort to prevent criminal acts of prostitution in Gorontalo City for the sake of creating security, comfort and justice in society, especially the community in that area.

Implementation of police efforts in dealing with the practice of prostitution in the city of Gorontalo, the Gorontalo City Resort Police, as the main element and closest to crime, are required to be able to neutrally handle cases related to the practice of prostitution and have deterrent power and real efforts by working together with the government and law enforcement officials. Competent to carry out their duties to prevent criminal acts of prostitution in the city of Gorontalo.

Police efforts to enforce prostitution in the city of Gorontalo are continuing. The Gorontalo City Resort Police have succeeded in sniffing out online prostitution cases via the MiChat application in the region. Several women who were allegedly involved were also secured from hotels and inns. The operation was carried out by combing hotels and inns that were suspected of being places for prostitution transactions. This operation was led by the Second Police Inspector (IPDA) Feri Abdullatif.

The operation, which targets acts categorized as a social disease, is routinely carried out annually. The aim of carrying out Operation Pekat II in 2021 is to eradicate societal ills such as thuggery, prostitution, gambling, drugs, alcohol, sharp weapons, and others. As a result, there were at least nine women and three men who were 'dragged' out of hotels and

²⁰ Muhammad Hidayat, "Tinjauan Sosiologi Hukum Terhadap Kegiatan Prostitusi Di Kota Masyarakat" (Bachelor Thesis, Makassar, Universitas Hasanuddin, 2014), <https://core.ac.uk/download/pdf/77623283.pdf>.

inns. These dozens of people are suspected of being the perpetrators of the practice of online prostitution. They were subjected to further and in-depth examinations regarding the practice of online prostitution, which was very disturbing to the public, especially during the COVID-19 pandemic and the implementation of Implementation of Restrictions on Community Activities (PPKM). This kind of social disease should not have existed. MiChat itself is an instant message-sharing application like WhatsApp and Telegram. However, this application is a favourite of online prostitution practitioners because it has a feature called people nearby. This feature allows the user to detect which users are nearby.²¹

The role or efforts made by the Gorontalo City Resort Police in preventing criminal acts of prostitution pimping in the jurisdiction of the Gorontalo City Resort Police are carried out through pre-emptive, preventive and repressive actions.

Pre-emptive Action (Anticipation)

Pre-emptive action is one of the actions taken by the police to create conducive conditions by observing or detecting factors that have the potential to become causes, drivers, and opportunities for the criminal act of pimp prostitution. Early detection identifies symptoms of problems expected to emerge and develops into security and public order disturbances.²²

Efforts made in preventive management are instilling good values/norms in society. So far, the Gorontalo City Police Resort has tried to instil religious values or norms through Bhayangkara Builder of Community Security and Order (Bhabinkamtibmas) by holding activities to increase self-awareness of the importance of implementing religious values in social life. With a good understanding of religious values or norms, it is expected to minimize the crime of prostitution.

Pre-emptive actions carried out by the Police include, among others, outreach to the community. This effort was carried out by the Police and in collaboration with the Kelurahan Office to carry out their roles and responsibilities in socializing, providing legal counselling, or conducting seminars to the local community about the dangers of prostitution cases in the City of Gorontalo. Especially regarding the crime of prostitution involving pimps, what is the legal basis, then what is regulated and prohibited along with the sanctions if the rules are violated. With socialization and legal counselling, the community understands the rules or sanctions regarding the criminal act of prostitution, especially pimps, so that with these sanctions, the community will think twice and no longer commit criminal acts of prostitution.

Efforts to deal with prostitution crimes that have been carried out by the police, as understood by criminal acts that violate criminal regulations, must be punished by law and carried out by someone guilty. The person must be held accountable, and the police should also be able to maintain and implement the regulations that have been set. What is expected from applying these treatments is a good response from lawbreakers to the treatment they

²¹ Gorontalo City Resort Police, Online Prostitution in Gorontalo City.

²² Dela Ware Ranto Kaya, Erdianto, and Widia Edorita, "Peranan Kepolisian Dalam Upaya Pencegahan Tindak Pidana Perjudian Ding Dong/Slot Machine Di Wilayah Hukum Kepolisian Sektor Mandau," *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Hukum* 3, no. 2 (September 28, 2017): 8.

receive. This treatment is focused on criminals' efforts to return to socializing in society as before.

Preventive Action (Non-penal)

This action is a follow-up of pre-emptive action, which is still at the level of prevention before the crime occurs. In preventive action, the emphasis is on eliminating opportunities for crime to be committed.

Preventive action (non-penal) is a preventive action so that there is no violation of applicable norms, namely by ensuring that the factors of intention and opportunity do not meet and that the situation is maintained safely and under control. Police preventive actions will appear in the form of duties to maintain public order and security and prevent violations of the law or criminal acts themselves.

The non-penal approach covers a broad area of crime prevention and encompasses policy and practice. Non-penal means are preventive actions, from educating on a code of ethics to reforming the law.

Non-penal treatment, through prevention without punishment and influencing public views on crime and punishment through the mass media, has a strategic role in preventing people from committing crimes. Because of its preventive nature, non-penal treatment must pay attention to various social and psychological aspects which are conducive factors that cause people to commit criminal acts of prostitution.

The most strategic non-penal efforts are to make society a healthy social and living environment (materially and immaterially). Besides non-penal measures that can be taken to nourish the community through social policies and by exploring the various potentials within the community, non-penal efforts can also be extracted from various other sources, with potential preventive effects.

If seen from the point of view of the implementation of legislation by the Police, of course, it is following statutory regulations. However, suppose you look at the existing case data. In that case, it is certainly very different from the public's expectation that the police can carry out operations in totality and be able to reduce symptoms that have become a public disease. Of course, this is a clash of perceptions in the community who think that the Police have not been able to perfectly deal with the criminal act of pimps following the expectations of the law.

Repressive Action

Repressive efforts are efforts made by law enforcement officials after a crime, or countermeasures include law enforcement actions against perpetrators when they receive reports from the public or victims of crimes. Countermeasures with repressive efforts are intended to take action against the perpetrators of crimes according to their actions and correct them again so that they are aware that the actions they have committed are unlawful and detrimental to society so that they will not repeat them. Other people will also not do them, considering that the sanctions that will be borne are very heavy.

Repressive measures taken must follow procedures stipulated by police regulations and laws. The rules for providers of prostitution placed in Article 296 of the Criminal Code state that "anyone whose livelihood or habit is to intentionally carry out or facilitate obscene acts with other people is punished with imprisonment for a maximum of one year and four

months or a fine of up to Rp. 15,000 (fifteen thousand rupiahs),” as well as the rules governing pimps are contained in Article 506 of the Criminal Code, which states that anyone who benefits from the obscene act of a woman and makes it as a search is threatened with imprisonment for a maximum of one year.”

In addition, in discussing the repressive system, of course, it cannot be separated from our criminal justice system, where the criminal justice system has at least five sub-systems, namely the judicial, prosecutorial, police, correctional and judicial sub-systems, which are a whole that is structured and functionally related. Repressive efforts in the perpetrators of crimes so that they do not do even worse things are meant so that the perpetrators of these crimes will no longer violate the law in the future, both from violations that may cause greater harm to society and the government.

Factors Inhibiting Police Efforts in Preventing Prostitution in Gorontalo City

Crime can be said to be a form of someone's behaviour that violates the provisions of law and norms that apply in society. One of the criminal acts in the form of behaviour and actions is none other than acts of prostitution, especially pimps who are perpetrators of criminal sanctions through law enforcement processes. Increasingly troubling crimes have followed the progress of human civilization. The problem of crime is no longer in small-scale groups. There are not even a few cases of crime between provinces and countries. This makes the police's duties and responsibilities even more difficult. It takes professionalism so everything can run smoothly and the community can love the police.

Crime can be committed as a form of someone's behaviour that violates legal provisions and societal norms. Therefore, preventing forms and acts of criminality in Gorontalo City's jurisdiction must be addressed through preventive and repressive approaches. This ensures the safety and comfort of every citizen who wants peace and security in their daily activities within the community. One of the keys to success in law enforcement is the mentality or personality of law enforcers.

In the above context concerning the mentality and personality of law enforcers, there has been a strong tendency among the public to interpret the law as officers or law enforcers, meaning that the law is identified with the real behaviour of officers or law enforcers. Unfortunately, in exercising authority or other actions that are considered to tarnish the image and authority of law enforcement, this is due to the low quality of these law enforcement officers.

The situation above is an illustration of the obstacles in law enforcement, especially in preventing prostitution that occurs in Gorontalo City. In accumulation, the obstacles experienced by the Gorontalo City Resort Police as law enforcers carrying out the task of preventing prostitution in Gorontalo City include legal, promiscuity, public awareness, environmental, and economic factors.

Legal Factors

In the current Indonesian Criminal Code, the terms of prostitution and punishment are not regulated. Only those who seek profit from other people who act as satisfying men's desires with wages are known as pimps. Someone who is married and has sexual relations is called adultery, contained in articles 284, 295, 296, 297 and 506. In connection, the

Criminal Code law does not directly regulate the punishment of prostitution of commercial sex workers as a form of crime, so the police cannot exercise their broad authority over prostitution practices for commercial sex workers. The law has not regulated sanctions for commercial sex workers and users of PSK services, so that is an obstacle to the police's prevention efforts. The commercial sex workers we found were only processed, questioned and released for those who were adults, but for minors, their parents picked them up for questioning. From there, the pimps take advantage to find subordinates, namely commercial sex workers, to be able to generate income and share it with commercial sex workers.²³

The Criminal Code does not prohibit prostitution, and the Bill of Criminal Code only prohibits prostitution that roams the streets and in public places. But the Criminal Code and the Draft Criminal Code prohibit pimps. Articles of The Bill of Criminal Code prohibit people from wandering around on the street or in public places to prostitute themselves, as stated earlier. Still, prostitution or prostitution itself is not prohibited. If the Bill of Criminal Code prohibits prostitution, of course, the prohibition on prostitution is not limited to people who are homeless and roaming the streets and in public places or open places. Of course, prostitution in any form, carried out by anyone, and in any place, including closed places, must still be prohibited. But the reality is not the case, and there is not a single article that prohibits prostitution in closed places.

Factors of Promiscuity

Uncontrolled association makes people fall into negative things in an era where increasingly sophisticated technology encourages people to easily become infected with promiscuity. Western culture, which now almost dominates everyday life, makes today's children no longer dominated by family education but more education from their social environment. Therefore, the behaviour of children is the same as that of adults.

The environment of promiscuity is one of the factors in the occurrence of prostitution. In this day and age, the environment determines life. If you hang out in a healthy environment, there is no problem. Conversely, if you associate with an unhealthy environment, that can plunge you into the world of prostitution. As expressed by the prostitute through electronic or online media, initially, the women he trafficked were hanging out in nightclubs with their friends who were drinking liquor until late at night. And when they were unconscious, the women were used by the perpetrators of prostitution.

Community Awareness Factor

Society is the environment where the law applies or is applied. With the behaviour of people who still do not understand the dangers of the practice of prostitution, there are even residents who still practice prostitution secretly. Most of the prostitution also occurs in rural areas, which are difficult for the police to reach. Some think that prostitution, especially pimps, has become their daily livelihood. The cause of a lack of public awareness of the law can be a lack of public understanding of the law itself. To overcome this, legal counselling is the best and most effective way to instil legal awareness in society. With this

²³ Gorontalo City Resort Police, Online Prostitution in Gorontalo City.

legal counselling, the public will know what is prohibited by law and what the sanctions are if the prohibition is violated. Legal counselling, especially for prostitution crimes, can be carried out by the Police and the Women's Empowerment Service or other community organizations.

During this legal counselling, the police informed the public that prostitution, especially pimps, is prohibited by law, then informed them of the health hazards of the effects of prostitution as well as existing sanctions even though there are no rules governing users and users of prostitution. The lack of coordination between the community and the police is also a factor in preventing the crime of prostitution. Therefore, the community must be sensitive and active towards the surrounding conditions if there is a possibility of prostitution or someone acting as a pimp. Ironically, sometimes, on the one hand, people are worried about the existence of prostitution, but on the other hand, some people even support prostitution.

Environmental Factor

Criminal law is often considered as *ultimum remedium* and residue from other law fields. After the field of law is considered unable to resolve conflicts that arise in society, that's where criminal law begins to function. It is no exaggeration if many laws and regulations that can be imposed are not actually in the field of criminal law, including criminal sanctions. This is the true meaning of criminal as *ultimum remedium*.

One of the factors that determine personality and establish law and order in society depends on the environment and habits of the surrounding community, people whose environment is surrounded by people who are used to situations that depend on prostitution, especially pimps.

Communities involved in criminal activities generally have minimal knowledge and understanding of legal and orderly regulations, so in implementation within the scope of society, they cannot distinguish what is included in criminal acts. The perpetrators of prostitution do not know the background of work, age and education. Not even a few children who are underage should receive a formal education, and parental guidance must be caught in prostitution gambling criminal cases due to lack of parental supervision ignores every activity.

In the community where the practice of prostitution was found, it is of great interest to various groups, ranging from people with business backgrounds, unemployed or unemployed, adults, and even children who are still underage. Who was found caught in prostitution cases, even though nothing has yet regulated regulations or laws that ensnare users and providers of prostitution services, so that's where the pimps take advantage to make a living.

Based on the statement above, the surrounding community plays an important role in enforcing the crime of prostitution. The cooperation of the community and the police is needed in eradicating the practice of prostitution, especially pimps so that communication between the community and the police is very important in realizing the enforcement of criminal acts of prostitution. Therefore, public openness is also needed, and this is where knowledge is important, especially knowledge about legal rules that have been regulated and are coercive for everyone in controlling their environmental life.

Economic Factors

One factor that is very important and is often used as an excuse for the perpetrators of crimes is the economic factor. Economic factors greatly influence the desire to engage in prostitution by imagining that without working hard, and you can get instant benefits compared to other jobs and earn more money. Economic factors play an important role in daily human life because human needs must be met daily. Fulfilment of these needs requires costs. If daily needs increase, the costs required also increase.

Based on the results of these interviews, it can be concluded that the police, in every arrest of prostitutes, often say that the cause of the practice of prostitution is due to financial or economic limitations that force them to commit the crime of prostitution. However, in the analysis and findings of the police, the perpetrators have income from their main job, which is done every day, and it can be concluded that not all prostitutes do this work due to economic factors but are only used as additional income which can sometimes be detrimental to the perpetrators. Prostitution itself. The average prostitute has a job and business that can support his daily life.

Thus, the researcher can conclude that the factors that become obstacles faced by the police in efforts to prevent the practice of prostitution in Gorontalo City lie in the lack of harmonization between the community and law enforcement, the lack of evidence, the lack of witnesses and the perpetrators who do not want to be open to each other. Meanwhile, the efforts made by the police in uncovering or eradicating prostitution cases, especially pimps, are still being carried out optimally based on applicable legal procedures and norms.

CONCLUSION

Prevention in reducing the level of online prostitution cases in Gorontalo by the police is carried out by checking and also combing hotels that are indicated as places where online prostitution is carried out. And also, of course, taking action against pimps to make it easier to break the chain of online prostitution cases. There are two ways to do it: Pre-emptive action (anticipation) and preventive action (non-penal). The author finds that Legal constraints, promiscuity, public knowledge, the environment, and economic concerns all impede police efforts to deal with online prostitution in Gorontalo City. The role of the police in society is very important. Various types of crimes have been handled by the police in eradicating crime to improve the atmosphere of security and order, which is the police's responsibility. The successful implementation of police functions without neglecting professional ethics is greatly influenced by the performance of the police, which is reflected in their attitude and behaviour when carrying out their duties and authority. Police professionalism is needed in carrying out their duties as law enforcers, considering that crime is increasingly sophisticated, along with the development and progress of the times.

REFERENCE

- Gorontalo City Resort Police. Online Prostitution in Gorontalo City, 2022.
Gorontalo Regional Government. Gorontalo Regional Regulation Number 10 of 2003 concerning Prevention of Immunity (2003).

- Hidayat, Muhammad. "Tinjauan Sosiologi Hukum Terhadap Kegiatan Prostitusi Di Kota Masyarakat." Bachelor Thesis, Universitas Hasanuddin, 2014. <https://core.ac.uk/download/pdf/77623283.pdf>.
- Ibrahim, Arfandi. "Bisnis Prostitusi Online di Kota Gorontalo Tak Lekang Diadang PPKM." Vidio, August 28, 2021. https://www.vidio.com/embed/2155672-cynthiara-alona-jadi-tersangka-kasus-dugaan-prostitusi-online?autoplay=true&embed_position=article-embed&medium=embed&mute=true&player_only=true&source=liputan6-regional&sticky=false.
- Kaya, Dela Ware Ranto, Erdianto, and Widia Edorita. "Peranan Kepolisian Dalam Upaya Pencegahan Tindak Pidana Perjudian Ding Dong/Slot Machine Di Wilayah Hukum Kepolisian Sektor Mandau." *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Hukum 3*, no. 2 (September 28, 2017): 1–15.
- Kenedi, John. *Kebijakan Hukum Pidana (Penal Policy) Dalam Sistem Penegakan Hukum Di Indonesia*. Pustaka Pelajar, 2017. <http://repository.iainbengkulu.ac.id/4689/>.
- Malik, Abdul. "Prostitusi Online Dan Komodifikasi Tubuh." *LONTAR: Jurnal Ilmu Komunikasi 7*, no. 1 (July 29, 2019): 1–8. <https://doi.org/10.30656/lontar.v7i1.1562>.
- Maysari, Lies Rosdiana. "Money Laundering: Efforts to Prevent Transnational and Organized Crime in Indonesia." *Ratio Legis Journal 2*, no. 1 (March 11, 2023): 498–507. <https://doi.org/10.30659/rlj.2.1.%p>.
- Nugraha, Mohammad Satria. "Kendala Penyidikan Terhadap Tindak Pidana Prostitusi Melalui Media Sosial Online Di Kalangan Remaja (Studi Di Polrestabes Surabaya)." *Brawijaya Law Student Journal*, November 5, 2014. <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/772>.
- Republic of Indonesia. Law Number 13 of 1961 concerning Basic Provisions for the State Police (1961).
- — —. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (2016).
- — —. Law Number 38 of 2000 concerning the Establishment of Gorontalo Province (2000).
- Republik Indonesia. *Kitab Undang-Undang Hukum Pidana* (1945).
- Soekanto, Soerjono. *Sosiologi Suatu Pengantar*. Jakarta: Rajawali Pers, 2010.
- Wahid, Abdul, and Mohammad Labib. *Kejahatan Mayantara (Cyber Crime)*. Cet. 1. Bandung: Refika Aditama, 2005.
- Wantu, Fence M. *Idee Des Recht: Kepastian Hukum, Keadilan, Dan Kemanfaatan*. Yogyakarta: Pustaka Pelajar, 2011.
- Widayati, Lidya Suryani. "Revisi Pasal Perzinaan Dalam Rancangan KUHP: Studi Masalah Perzinaan Di Kota Padang Dan Jakarta." *Jurnal Hukum IUS QUIA IUSTUM 16*, no. 3 (July 26, 2009): 311–36. <https://doi.org/10.20885/iustum.vol16.iss3.art2>.
- Yanto, Oksidelfa. "Prostitusi Online Sebagai Kejahatan Kemanusiaan Terhadap Anak: Telaah Hukum Islam Dan Hukum Positif." *AHKAM: Jurnal Ilmu Syariah 16*, no. 2 (December 11, 2016): 187–96.