

## LEGAL THREATS TO HOME INDUSTRY PROSTITUTION SERVICE PROVIDERS

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### **Abstract**

*The phenomenon of prostitution is an old phenomenon that has occurred for centuries. The rise of prostitution in Indonesia is growing along with progress ranging from transportation to technological developments. Apart from the development of science, the rapid growth of prostitution is also caused by fulfilling the essence of society's hedonistic lifestyle. Nowadays prostitution can be easily accessed through electronic technology and social media. The problem of prostitution can become a serious social problem if left untreated. One of the impacts of free prostitution is health problems, disease transmission from free sex can spread quickly and to anyone. In Indonesian law, prostitution is an act that is contrary to the rules of criminal law. The provisions are in Article 506 of the Criminal Code which clearly threatens prison sentences and fines.*

**Keywords:** Prostitutions, Criminology, Lifestyles.

### **I. INTRODUCTION**

The phenomenon of prostitution is not new. Prostitution is one thing that has been rife since centuries ago. The history of prostitution in Indonesia has been formed during the heyday of the Kingdom in Java, for example. In this royal tradition it is known as a concubine or not the king's main wife, but women are deliberately married only to improve the standard of living (Hapsari, 2018). Prostitution is a very complex issue because it involves various aspects of life in society. Prostitution involves social, religious, legal, health, moral and ethical, educational, psychological, economic and industrialist issues, as well as political issues. Prostitution involves sexual activity that has been approved by the party concerned in exchange for money or goods.

So far in Indonesia, prostitution has been boxed into cities as a patriarchal matter, where in general practice women employed in prostitution have always been the object and accusation of the source of problems to be called immoral women despite the fact that there are also men who participate in the illegal practice. Actually, there are several different views on prostitution in society. Some societies can accept and recognize prostitution as a profession, but on the other hand there are also those who reject and consider prostitutes as people who have committed despicable acts deserving of shunning and even berating (Suwito, et al., 2023). The growth of commercial sex localization mushroomed along with the development of railway lines connecting Java in 1884. The route includes Jakarta, Bogor, Cilacap, Bandung, Yogyakarta and Surabaya (Rahmat & Setiyawan, 2022).

One form of deviant behavior in this case is prostitution and can be categorized as a social problem. Prostitution today can be easily accessed through electronic technology and social media, and even worse, prostitution that is prevalent in big cities has spread to rural areas and

remote areas that are in fact the lower middle class. Most perpetrators of prostitution crimes are caused by economic factors, social factors and the fulfillment of the essence of a hedonic lifestyle. The weak economy and lack of employment are reasons that make commercial sex workers pursue their profession in prostitution. In addition to considering prostitution as a shortcut or shortcut to support the family economy, some sex workers also consider that this job can lead them to a more decent standard of living than before (Evelin Giovani et al, 2023).

Prostitution indeed carries a long history deeply intertwined with various societal, economic, and cultural factors. In Indonesia, as in many other parts of the world, it has evolved over time, influenced by historical, political, and economic changes. Historically, the practice of prostitution in Indonesia can be traced back to the royal traditions of the ancient kingdoms, where concubines played significant roles. Over time, with the development of transportation infrastructure like railways, commercial sex localization grew, extending its reach beyond urban centers to rural and remote areas. The perception of prostitution varies within society, reflecting diverse cultural and religious norms. While some communities may view it as an accepted profession, others stigmatize and condemn it, often disproportionately targeting women despite the involvement of men in the practice as well.

The accessibility of prostitution has expanded with advancements in technology, particularly through electronic platforms and social media, presenting new challenges in addressing this issue. Economic hardship, social marginalization, and the allure of a hedonistic lifestyle are among the factors driving individuals, particularly women, into the profession. Efforts to address prostitution require a multifaceted approach, encompassing legal, social, economic, and educational initiatives. Providing viable economic alternatives, improving access to education and healthcare, addressing gender inequalities, and combating stigma are essential components of any comprehensive strategy.

Moreover, addressing the root causes of prostitution, such as poverty and social exclusion, is crucial for long-term solutions. By addressing these underlying issues, society can work towards creating an environment where individuals are not forced into prostitution out of necessity or desperation but have opportunities for dignified and sustainable livelihoods.

## **II. PROBLEM FORMULATION**

Based on the previous introduction, this research examines the following legal issues:

1. How is the regulation of prostitution in Indonesia?
2. How to Overcome Prostitution in Indonesia?

## **III. RESEARCH METHODS**

To explore existing legal issues, doctrinal legal research will be used by collecting, verifying and analyzing correlations between legal rules and various legal sources to then be given conclusions and predict the problem being studied. In this research will use 2 approaches, namely First, the legislative approach related to the legal issues studied, Second, the conceptual approach is an approach that departs from the views and doctrines of legal science. Researchers will find ideas in legal concepts and legal principles that are relevant to the issues raised.

## **IV. RESULTS AND DISCUSSIONS**

### **1. Prostitution from a Religious Point of View**

Prostitution is strongly opposed in religion because it is completely contrary to the values taught in any religion. In Islam itself, prostitution is prohibited because it is a heinous, filthy and disgusting act of adultery. Through the word of Allah contained in the Qur'an Surah Al-Ishra' Verse 32 which reads "And do not approach adultery. Indeed, adultery is a heinous deed and a bad way." Islam prescribes strict punishment for adulterers, namely caning a hundred times and exile for one year for unmarried offenders and stoning (stoned to death) for married offenders. The punishment is based on the hadith, namely; "Take it away from me! Truly God has given way to them. Jejaka, who committed adultery with the girl, was abused a hundred times and exiled for one year. And a married man commits adultery a hundred times and is stoned." (H.R. Muslim dari Ubadah bin Shamit). In the view of religion, prostitutes not only get a great sin from their God but bring about (HAIRUDIN, 2022) various bad akibbat. One of them is the bad view of people around who see that prostitutes or adulterers will be considered inferior and underestimated. In addition to social sanctions obtained in people's lives, adulterers are also threatened with punishment in the afterlife if they do not repent immediately.

### **2. Prostitution from a Healthy**

Talking about prostitution must also open your eyes to the risks of its effects, especially the risk of transmission of some infectious viruses that are spread through free sex. The impact of prostitution activities is numerous and lurks the active perpetrators. These viruses are the forerunners of the onset of STDs (Sexually Transmitted Diseases). One of the viruses that is very dangerous is HIV or Human Immunodeficiency Virus, which can reduce the immune system or commonly called the immune system in humans so that it allows various diseases, bacteria, viruses, and other infections to attack the body freely (Febriany et al., 2022). Another infectious disease is Gonorrhoea, namely (Crenshaw et al., 1995) sexually transmitted disease caused by the bacterium *Neisseria gonorrhoeae*. Common diseases occur due to the habit of free sex and changing partners. Next is Hepatitis B, a disease caused by the hepatitis B virus that causes acute or chronic liver inflammation. The virus is generally transmitted through (Priyatno, 2018) sexual intercourse or use of non-sterile syringes. In the early stages, the disease does not cause any symptoms or indications. Hepatitis B virus infection causes the risk of cirrhosis or liver cancer. In addition to the dangerous virus, treatment for sexually transmitted diseases is not an easy thing. Patients who have contracted the virus must routinely undergo treatment and therapy to suppress the virus to be weaker (Rahmad et al., 2023).

#### **2.2 Prostitution in view of Indonesian law**

In terms of law in Indonesia, prostitution is an act that is contrary to the rules of criminal law (Rahmad et al., 2023) Provisions governing the issue of prostitution are contained in Article 296 of the Criminal Code which threatens imprisonment and fines. Article 296 of the Penal Code reads "Whoever knowingly associates or facilitates lewd acts by others with others, and makes them a search or habit, shall be punished with imprisonment for not more than one year and four months." Then Article 506 of the Criminal Code provides for criminal penalties against pimps who take advantage of acts of prostitution (Deni DS, 2021). In addition to these articles, there are also several articles in the Criminal Code related to prostitution, namely Article 297 which regulates the trafficking of women and boys to be used as sex workers. The prohibition on sexual exploitation has been regulated in Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons in Article 1 paragraph (8) which reads "Sexual exploitation is all forms of

utilization of sexual organs or other organs of the victim for profit, including but not limited to all prostitution and obscenity activities. Indonesian law has been unequivocal in addressing all forms of prostitution, exploitation, trafficking and protection of minors. Criminal threats to perpetrators of active and passive prostitution are not only fictitious but can be felt through laws in the Criminal Code and outside the Criminal Code.

### **2.3 Factors that cause prostitution in remote rural areas**

Remote rural areas are not far from economic problems. The weak economic situation in remote areas as well as the increasing demands of life and the desire of prostitutes to earn enough income to support their lives make them willing to sell their honor. The demands of a hedonistic lifestyle are also one of the factors they do this. But there are also many cases of prostitution that do this because of the insistence on meeting the primary needs of their families. The lack of education also contributes to the practice of prostitution in rural areas. With the lack of soft skills and hard skills that they should get from education, prostitutes have no choice but to sell what they have, namely honor. Then another thing, namely biological factors. There are great biological demands that are high in the need for sex, and dissatisfaction with the fulfillment of sex. Socio-cultural factors can support the emergence of prostitution which causes problems in the cultural order and customs of the community. Moral decadence, the decline of moral and religious norms at a time when society is prosperous and there is a reversal of the values of true marriage.

### **2.4 Game patterns of home industry prostitution actors in rural areas**

Prostitution activities in remote rural areas are different from localization in urban areas. Localization practices in rural areas tend to be under the guise of home industry or practices inside the home, because it is considered safer by prostitutes in carrying out their practices than carrying out these practices in localization areas or hotels that are prone to raids (Setiyawan, 2022) They also assume that if they carry out these practices in private homes they have full authority over their rights and privacy, in contrast to those who carry out their actions outside which are considered to have no full protection and cannot protect themselves. The practice of home industry prostitution can become a symbiotic mutualism between prostitutes and individuals around their place, running their business. In rural areas they can need each other, meaning that people can live off prostitution. Mutualism symbiosis here can be interpreted as a cooperative relationship between prostitutes and several thugs who can back up the illicit business if there is something that can threaten its survival. To obtain information about sex workers, they communicate using social media as an intermediary between customers and pimps and sex workers themselves. The practice is carried out in a closed and covert manner, only a few people know about it. And the average chooses to keep quiet rather than deal with its backs-up who can escalate problems if dealing. And the surrounding community is also indifferent about the existence of the illegal business.

In addition to the differences between prostitution activities in rural and urban areas, it's important to note the unique dynamics that characterize the practice of home industry prostitution in remote rural areas. Unlike in urban localization areas or hotels where raids are more common, rural home industry prostitution operates under the guise of privacy and safety within the confines of private homes.

Prostitutes in rural areas often perceive conducting their business within private homes as a means to assert control over their rights and privacy, as opposed to engaging in activities in more exposed settings where they may lack protection. This perception fosters a symbiotic relationship between sex workers and individuals in their immediate surroundings, facilitating the operation

of their illicit business. In this context, mutualism symbiosis manifests as a cooperative arrangement between sex workers and certain individuals who provide support and protection for the prostitution business, ensuring its survival in the face of potential threats. Social media serves as a crucial intermediary for communication between sex workers, customers, and pimps, facilitating transactions in a discreet and covert manner.

The clandestine nature of home industry prostitution in rural areas ensures that only a select few are aware of its existence, with many opting to remain silent rather than risk confrontation with those who have vested interests in its continuation. Moreover, the surrounding community often displays indifference towards the presence of this illegal activity, further perpetuating its clandestine nature. Understanding the intricacies of home industry prostitution in rural areas sheds light on the complexities of addressing and combating this phenomenon effectively. Efforts to tackle rural prostitution must take into account the unique socio-economic dynamics at play, including the symbiotic relationships and clandestine nature of the business, in order to implement targeted interventions and support systems for both sex workers and the communities affected by this practice.

### **2.5 The impact caused by prostitution activities in rural areas**

The consequences of the continued practice of prostitution are not only a health threat to the perpetrators but also have an impact on the surrounding community. The community feels uncomfortable, restless and uncomfortable with the practice, but on the other hand the community is not willing to deal directly. The existence of this practice makes the surrounding community anxious about the good name of the region, in other words, the existence of the practice can lead to public opinion that labels the area they live in with a bad image. In addition to the bad image caused, the community is also worried about intimidation from thugs who guard the area. There is no positive side that can be taken from the prostitution business other than leaving the collapse of the morals and morals of society.

### **2.6 Countermeasures that must be made with prostitution activities**

Overcoming the problem of prostitution is very difficult and must go through a long process and time, and requires a lot of financing. Efforts that can be made to overcome prostitution can be divided into 2, namely:

1. Preventive business Preventive business is manifested in activities to prevent prostitution. This business can be in the form of:
  - a. Provide religious and spiritual education to strengthen faith in religious values and moral norms. This can be implemented by creating TPQ posts and places to recite for early childhood and adolescents, so that social control can occur that can prevent social problems, one of which is prostitution.
  - b. Creating and expanding jobs tailored to their talents and skills, and earning enough wages / salaries to support themselves and their families. But at the moment this is very difficult to realize because in the current demographic bonus period it causes employment to be very difficult and limited.
  - c. Socialization and education about the dangers of free sex that can be carried out by the health office or puskesmas in each village massively.
  - d. Confiscation of obscene books and magazines, pornographic images, blue films and other means of sexual arousal.

2. Repressive and curative actions Repressive and curative efforts intended as activities to suppress and attempt to cure women from their immorality to then lead them to the right path. These efforts include:
  - a. To reduce prostitution, efforts are made through rehabilitation and resocialization activities, so that they can be returned as moral citizens of society. This rehabilitation and resocialization is carried out through moral and religious education, job training and skills education so that they can be creative and productive.
  - b. Improvement of shelters for prostitute women affected by raids; accompanied by coaching in accordance with their respective talents and interests
  - c. Provide new employment opportunities for those who are willing to leave the prostitution profession and want to start a new life of dignity.

## V. CONCLUSION

The phenomenon of prostitution is an old phenomenon that has occurred since centuries ago. The rise of prostitution in Indonesia is growing with the progress of progress ranging from transportation to technological developments. In addition to the development of science, the rapid growth of prostitution is also caused by the fulfillment of the essence of the hedonistic lifestyle of society. Today prostitution can be easily accessed through electronic technology and social media. The problem of prostitution can become a serious social problem if left unchecked. One of the effects of free prostitution is on health problems, the transmission of diseases from free sex can spread quickly and to anyone. In Indonesian law, prostitution is an act that is contrary to the rules of criminal law. The provisions are in Article 506 of the Criminal Code which expressly threatens with imprisonment and fines.

prostitution in Indonesia has deep historical roots and has been further exacerbated by advancements in transportation and technology, as well as societal shifts towards a hedonistic lifestyle. Accessible through electronic platforms and social media, prostitution poses significant social challenges, including health risks and the spread of diseases through unprotected sex. In Indonesian law, prostitution is explicitly prohibited under Article 506 of the Criminal Code, with penalties of imprisonment and fines. Addressing the issue of prostitution requires a comprehensive approach, including legal enforcement, social support systems, healthcare interventions, and efforts to address underlying economic and societal factors driving individuals into the profession. Failure to address prostitution effectively can lead to serious social consequences, making it imperative to tackle this issue proactively and holistically.

## VI. BIBLIOGRAPHY

- Deni DS. "Analisis Yuridis Terhadap Hukuman Mati Bagi Koruptor Pada Masa Pandemi." *Jurnal As-Said* 1, no. 1 (2021): 5–9.
- Febriany, Tri Atika, Heru Yudi Kurniawan, and Deni Setiyawan. "The Implementation of Intellectual Property Registration for Startups in the Industrial Revolution Era 4.0 in Pontianak." *Indonesia Law Reform Journal* 2, no. 3 (2022): 382–88. <https://doi.org/10.22219/ilrej.v2i3.23309>.
- Giovani, Evelin, Firtha Ayu Rachmasari, Nurul Istiqomah, Survey Sijabat, Sastra Inggris, Universitas Musamus, Sastra Jepang, and Universitas Airlangga. "Identitas Dan

- Seksualitas Dalam Akun Instagram Waria Vip” 9, no. 1 (2023): 650–54.  
<https://doi.org/10.58258/jime.v9i1.4741/>.
- HAIRUDIN. Advokasi Penggunaan Kondom Pada Pekerja Seks Komersial Dalam Rangka Mengantisipasi Penularan HIV/AIDS. sumatera barat: cv. azka pustaka, n.d.
- Hapsari, Wiendy. “Konstruksi Media Daring Atas Putusan Sidang Kasus Pembunuhan I Wayan Mirna Salihin Dalam Tinjauan Kriminologi Konstitutif (Dekonstruksi Terhadap Pewacanaan Dominan Dalam Pemberitaan Kasus Kopi Sianida Pada Detik.Com).” *Jurnal Kriminologi Indonesia* 14, no. 1 (2018): 1–23.
- No, Vol, Deni Setiyawan, and Noor Rahmad. “Amnesti : Jurnal Hukum JKP Concept in Minister of Labor Regulations Number 4 of 2022 in ILO Perspective and Justice in Law” 4, no. 2 (2022): 144–55.
- Priyatno. “Jurnal Mimbar Justitia.” *Jurnal Mimbar Justitia*, 2018, 881–89.
- Rahmad, N., Setiyawan, D., & Indrawati, S. “Perlindungan Hukum Bagi Bidan Yang Melakukan Tindakan Medis (Studi Kasus Rumah Sakit PKU Muhammadiyah Gombong).” *Amnesti Jurnal Hukum* 5, no. 1 (2023): 126–37.  
<https://jurnal.umpwr.ac.id/index.php/amnesti/article/view/2710>.
- Rahmad, N., Setiyawan, D., Novita, D., & Prasajo, R. D. “Tingkat Pemahaman Masyarakat Terhadap Tindak Pidana.” *Sutasoma* 2, no. 1 (2023): 37–40.  
<https://doi.org/https://doi.org/10.58878/sutasoma.v2i1.252>.
- Rahmad, Noor, and Deni Setiyawan. “Bisnis Property Melalui Pemasaran Pre.” *Justisi* 8, no. 3 (2022): 198–208.
- Suwito, Deni Setiyawan, Mohamad Hidayat Muhtar, and Ahmad. “Contemplating the Morality of Law Enforcement in Indonesia.” *Journal of Law and Sustainable Development* 11, no. 10 (2023): e1261. <https://doi.org/10.55908/sdgs.v11i10.1261>.
- Deni DS. “Analisis Yuridis Terhadap Hukuman Mati Bagi Koruptor Pada Masa Pandemi.” *Jurnal As-Said* 1, no. 1 (2021): 5–9.
- Febriany, Tri Atika, Heru Yudi Kurniawan, and Deni Setiyawan. “The Implementation of Intellectual Property Registration for Startups in the Industrial Revolution Era 4.0 in Pontianak.” *Indonesia Law Reform Journal* 2, no. 3 (2022): 382–88.  
<https://doi.org/10.22219/ilrej.v2i3.23309>.
- Giovani, Evelin, Firtha Ayu Rachmasari, Nurul Istiqomah, Survey Sijabat, Sastra Inggris, Universitas Musamus, Sastra Jepang, and Universitas Airlangga. “Identitas Dan Seksualitas Dalam Akun Instagram Waria Vip” 9, no. 1 (2023): 650–54.  
<https://doi.org/10.58258/jime.v9i1.4741/>.
- HAIRUDIN. Advokasi Penggunaan Kondom Pada Pekerja Seks Komersial Dalam Rangka Mengantisipasi Penularan HIV/AIDS. sumatera barat: cv. azka pustaka, n.d.
- Hapsari, Wiendy. “Konstruksi Media Daring Atas Putusan Sidang Kasus Pembunuhan I Wayan Mirna Salihin Dalam Tinjauan Kriminologi Konstitutif (Dekonstruksi Terhadap Pewacanaan Dominan Dalam Pemberitaan Kasus Kopi Sianida Pada Detik.Com).” *Jurnal Kriminologi Indonesia* 14, no. 1 (2018): 1–23.
- No, Vol, Deni Setiyawan, and Noor Rahmad. “Amnesti : Jurnal Hukum JKP Concept in Minister of Labor Regulations Number 4 of 2022 in ILO Perspective and Justice in Law” 4, no. 2 (2022): 144–55.
- Priyatno. “Jurnal Mimbar Justitia.” *Jurnal Mimbar Justitia*, 2018, 881–89.
- Rahmad, N., Setiyawan, D., & Indrawati, S. “Perlindungan Hukum Bagi Bidan Yang Melakukan Tindakan Medis (Studi Kasus Rumah Sakit PKU Muhammadiyah Gombong).” *Amnesti*

- Jurnal Hukum 5, no. 1 (2023): 126–37.  
<https://jurnal.umpwr.ac.id/index.php/amnesti/article/view/2710>.
- Rahmad, N., Setiyawan, D. ., Novita, D. ., & Prasojo, R. D. “Tingkat Pemahaman Masyarakat Terhadap Tindak Pidana.” Sutasoma 2, no. 1 (2023): 37–40.  
<https://doi.org/https://doi.org/10.58878/sutasoma.v2i1.252>.
- Rahmad, Noor, and Deni Setiyawan. “Bisnis Property Melalui Pemasaran Pre.” Justisi 8, no. 3 (2022): 198–208.
- Suwito, Deni Setiyawan, Mohamad Hidayat Muhtar, and Ahmad. “Contemplating the Morality of Law Enforcement in Indonesia.” Journal of Law and Sustainable Development 11, no. 10 (2023): e1261. <https://doi.org/10.55908/sdgs.v11i10.1261>.