

# **Women's Exploitation in the Word of Work : Criminology Study and Human Right Protection (Pimp Case Study in Sragen)**

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## **Abstract**

Exploitation of women in the workplace through prostitution practices still occurs in Sragen Regency and places women in a vulnerable position without adequate legal protection. This study aims to analyse the forms of exploitation of women and the role of pimps in prostitution practices in Sragen from a criminological perspective, as well as examine the implementation of Law Number 21 of 2007 in handling cases and protecting victims. This study uses a normative research method with a legislative approach and cases studies. The results of the study indicate the exploitation is carried out systematically through fraud, forced sexual services, restrictions on freedom, as well as threats and violence, which fulfil the elements of forced labor and the crime of human trafficking.

**KEYWORDS** : Exploitation of Women, pimps, criminology, legal protection



## I. Introduction

The Unitary State of the Republic of Indonesia is a state of law based on Pancasila and the 1945 Constitution. These two foundations serve as guidelines in regulating the behavior of citizens to remain in accordance with applicable laws.<sup>1</sup> As a guideline in regulating the behavior of citizens so that they remain in accordance with applicable laws. Every regulation that is set is binding and must be obeyed without exception, with the aim of protecting the rights of each individual, creating security, order, and community welfare. However, in practice, the development of the times brings both positive and negative influences. One of the worrying negative impacts is the increasing crime rate in the community, which shows that there are serious challenges in law enforcement and protection of the community.

Various factors that encourage a person to commit a crime, ranging from economic problems, circumstances in the surrounding environment and factors from within oneself, (1) Prostitution is a sexual deviation in the form of uncontrolled venting of lust with many people who are private without affection and accompanied by exploitation, and commercialization of the body. (2) Prostitution is an event of self-sale, in which a woman trades her body, honor, and personality to many men to satisfy sexual desire in exchange for payment. From some of the above opinions, it can be concluded that prostitution or prostitution is essentially a form of deviant behavior that makes the female body the object of sexual transactions. In this case, it is not based on affection, but is personal and focuses on the fulfillment of sexual desire solely accompanied by exploitation and commercialization of the body. Thus, prostitution can be seen as a form of

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<sup>1</sup> Anggie Rizqita Herda Putri and Ridwan Arifin, "Perlindungan Hukum Bagi Korban Tindak Pidana Perdagangan Orang Di Indonesia," *Res Judicata* 2, no. 1 (2019): 170.

self-selling that degrades the dignity and honor of women in order to obtain material rewards.<sup>2</sup>

Prostitution is one of the acts that arise in economic problems, prostitution according to Wahyu Mustajab is an act in which a woman trades or sells her body, to get payment from the man who comes to pay her and the woman has no other livelihood in her life except that obtained by having intermittent relationships with many people.<sup>3</sup>

The term criminology was first used by a French anthropologist named Paul Topinard. In general, the term criminology is synonymous with behavior that is categorized as a crime. The crime referred to here is an act committed by people and or agencies that is prohibited by a law.<sup>4</sup> The criminological study of the problem begins with social vulnerability which arises from economic factors. Poverty itself is a major driver of vulnerability, both for individuals and groups with low incomes and limited access to resources, such as education, health, and unsuitable work. In such conditions, women are often in a weaker position than men due to the limited life choices they have. Economic powerlessness makes women vulnerable to accepting risky jobs, even those that plunge them into exploitative practices, one of the obvious forms of this vulnerability is prostitution that is run through third-party control or pimping. Thus, women's bodies are treated as objects of commercialization to gain economic benefits.<sup>5</sup> Thus it shows that exploitation does not occur of its own volition, but because of pressure.

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<sup>2</sup> Mega Sri Rahayu and Margo Hadi Pura, "PERTANGGUNGJAWABAN PIDANA TERHADAP MUCIKARI DALAM TINDAK PIDANA PROSTITUSI," *Jurnal Justitia: Jurnal Ilmu Hukum Dan Humaniora* 9, no. 5 (2022): 2494–2507.

<sup>3</sup> Wahyu Mustajab, "Tinjauan Yuridis Implementasi Pidana Terhadap Pelaku Tindak Pidana Pengguna Jasa Prostitusi Ditinjau Dari Aspek Keadilan," *Jurnal Kewarganegaraan* 6, no. 2 (2022): 3628–37.

<sup>4</sup> Sahat Maruli Tua Situmeang, "Buku Ajar Krimonologi" (PT Rajawali Buana Pusaka, 2021).

<sup>5</sup> Muhammad Mustofa, *Kriminologi: Kajian Sosiologi Terhadap Kriminalitas, Perilaku Menyimpang, Dan Pelanggaran Hukum* (Prenada Media, 2021).

The exploitation of labor, especially women workers, is still a big problem that has not been fully addressed by the government.<sup>6</sup> This form of exploitation only appears in the formal sector, but it is also rampant in the informal sector with minimal supervision and lack of legal protection. The forms of exploitation experienced by women include various actions that are direct or indirect and violate the basic rights of women workers. Exploitation is an activity or act that is carried out with the aim of obtaining an advantage excessively and arbitrarily without being responsible, which can cause losses to other parties. The word exploitation comes from the English word "*exploitation*" which refers to the arbitrary use of certain objects. According to KBBI (Great Dictionary of the Indonesian Language), exploitation is the act of taking advantage of others for personal gain, which can be in the form of exploitation or extortion and is inappropriate and unjustifiable behavior.<sup>7</sup> In this case, the exploitation of women in the world of work is a group issue that begins with gender inequality, poverty, and social vulnerability. Despite the progress made in women's rights, the reality on the ground shows that women are still often victims of exploitative practices, whether in the form of violence, harassment, or unsuitable work.<sup>8</sup> This problem is increasingly emerging, especially in the informal sectors where legal oversight and protection of women workers are still very weak. One of the most destructive forms of exploitation is the practice of pimps involving trafficking and sexual slavery, as is rampant in various areas, including in Sragen.

The practice of pimping in the world of prostitution is closely related to the crime of human trafficking. Many individuals enter the sexual industry, especially women, not because of free choice, but because of

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<sup>6</sup> Eksploitasi Pekerja Perempuan Melalui Modus Staycation, "Dalam Perpanjangan Kontrak Kerja," n.d.

<sup>7</sup> JEREMI CHRISTO SIDABUTAR, "PERTANGGUNGJAWABAN PIDANA PELAKU EKSPLOITASI TERHADAP ORANG DIWILAYAH NEGARA REPUBLIK INDONESIA," 2024.

<sup>8</sup> Sarah Apriandiandra and Hetty Krisnani, "Perilaku Diskriminatif Pada Perempuan Akibat Kuatnya Budaya Patriarki Di Indonesia Ditinjau Dari Perspektif Konflik," *Jurnal Kolaborasi Resolusi Konflik* 3, no. 1 (2021): 1–13.

coercion, persuasion, or manipulation. Pimp acts as an intermediary who trades victims for personal gain. The practice of pimps and human trafficking are mutually supportive, where pimps help the exploitation and trafficking of people become a source of victims. Both often work in an organized network, so the suffering of the victims continues. Therefore, this practice is prohibited and regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons which has been explained in Article 2 paragraph (1) that: "Any person who recruits, transports, shelters, sends, transfers, or accepts a person with the threat of violence, use of force, kidnapping, detention, forgery, fraud, abuse of power or vulnerable position, debt entrapment or providing payment or benefits even if he obtains the consent of the person who controls another person, for the purpose of exploiting the territory of the Republic of Indonesia, he shall be sentenced to imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp 120,000,000.00 (one hundred and twenty million rupiah) and a maximum of Rp 600,000,000.00 (six hundred million rupiah).<sup>9</sup>

Pimp is defined as individuals, both men and women, who live off the exploitation of prostitutes by finding customers or subscriptions for them in order to make a profit. What is meant by the person who attracts profits is the pimp. Pimp provides various forms of services that help sex workers in carrying out their activities. The support in question is like providing safe rooms for prostitutes as well as hotels. In addition, pimp also helps in sorting and selecting customers to minimize the risk of danger, including avoiding everyone who is suspected of being undercover officers. Pimps are regulated in Article 296 of the Criminal Code which states that "whoever deliberately causes or facilitates the obscene acts of another person with another person and makes it a work or habit, is threatened with imprisonment for a maximum of one year and four months or a fine of up

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<sup>9</sup> M Ilham Wira Pratama, "Kebijakan Hukum Pidana Dalam Penanggulangan Tindak Pidana Perdagangan Orang Berdasarkan Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang," *Jurnal Fakta Hukum* 1, no. 2 (2023): 98–108.

to fifteen thousand rupiah. And Article 506 of the Criminal Code states that "whoever takes profits from the obscene acts of a woman and makes it a search, is threatened with imprisonment for a maximum of one year". Based on these two articles, it can be concluded that there is a prohibition against the actions of a person who profits from obscene activities and uses them as a source of livelihood.

## **II. Methods**

In writing this research, the researcher uses a normative research method, which is research that focuses on the study of applicable legal norms or rules as the main basis for analyzing legal problems. This method was chosen because the research focuses on the study of laws and regulations and legal principles related to the exploitation of women in the world of work, especially in the practice of pimps which is studied from the perspective of criminology and human rights protection.

## **III. Result and Discussion**

### ***A. Forms of Exploitation of Women in the World of Work Through Prostitution Practices and the Role of Pipers in Sragen in Criminology Perspective***

Exploitation is defined as the act of prostitution or prostitution which means the practice of sexual relations that are temporary and carried out with various parties, with the aim of obtaining rewards in the form of money. According to Purnomo and Siregar, it is explained that what is meant by prostitution is the event of giving up the body by women to many men in exchange for payment to be and as a satisfaction of sexual lust by the payer, which is carried out outside of marriage. Meanwhile, according to Soerjono Soekanto, prostitution is the same term as prostitution or

prostitution.<sup>10</sup> From the perspective of the world of work, the practice of prostitution is a form of informal work that is outside the formal employment system. Women involved in it do not receive legal protection as a job in the formal sector, such as safety guarantees, income security, health insurance, and protection of basic human rights. The absence of such protection makes women very vulnerable to various forms of arbitrary treatment, both from service users and from those who control the practice of prostitution.

Prostitution or prostitution is the activity of having sexual relations in exchange for money or gifts as a form of transaction. The prostitution trade is part of the sex industry that is in line with other activities such as post-pornography and entertainment shows that highlight sexual elements. All of these activities utilize sexuality to entertain others with the aim of earning income to meet the needs of life. According to Kartini, there are two forms of prostitution, namely, (1) Registered prostitution, namely the perpetrators in prostitution are supervised by the vice control section of the police, who are assisted and cooperate with the social and health departments. In general, they (prostitutes) are localized in a certain area, then the residents must periodically check themselves with a doctor or health worker and get injections and treatment, as a general health and safety measure. (2) Unregistered prostitution (illegal) is people who commit prostitution illegally and illegally, both individually and in groups, their acts are not organized and the place is not specific, so health is very doubtful because they do not necessarily want to check their health with a doctor.<sup>11</sup>

Exploitation in the world of work through prostitution in Sragen often starts with the fraudulent promise of halal work, which then turns into forced sexual services by pimps. Which involves controlling the victim's system, including taking all income and restricting freedom of movement,

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<sup>10</sup> Alifari Gilang Ramadhan and Rahtami Susanti, "Prostitusi Online Dengan Menggunakan Aplikasi Michat Ditinjau Dari Hukum Pidana," *Jurnal Bevinding* 1, no. 07 (2023): 11–20.

<sup>11</sup> Fredi Yudiantoro, "Eksplorasi Seksual Sebagai Bentuk Kejahatan Kesusilaan Dalam Peraturan Perundang-Undangan," *Justitia Jurnal Hukum* 2, no. 1 (2018).

especially in the Mount Kemukus area which is the center of covert activities. Women are recruited from outside the region under the lure of being servants or entertainment workers, but are forced to become commercial sex workers (PSK) or lady companions (LC) and are also underage victims. The form of exploitation in Sragen clearly meets the elements of the crime of trafficking in persons (TPPO), namely:

1. Repeated sexual exploitation is that the victim is forced to serve customers continuously without the right to refuse, making it a business object for pimp profit.
2. The debt trap that makes the victim unable to go home, namely the pimp, applies a debt trap system or salary withholding under the pretext or lure of accommodation costs, fines, or recruitment costs is limited so that the victim has no freedom to go home or stop.
3. Violence and Threats, which are forms of exploitation, include repeated sexual coercion, physical violence if they refuse, which make the victim feel helpless. So that their bodies are used as a tumbal for pimp profits.

This exacerbates women's economic vulnerability, where prostitution is not a free choice but rather a result of poverty and lack of access to decent work.

From a criminological perspective, this condition indicates the existence of forced labor or forced service, which is a working condition that arises through means, plans, or patterns that make a person believe that if he refuses or does not carry out the specified work, then he or his dependents will suffer both physically and psychologically.<sup>12</sup> The role of the pimp serves as a recruiter, who manages the place and markets services to customers while taking a commission from the victim's income. They also look for vulnerable victims through social media and protect operations from police raids, such as the case of the arrest of a pimp by 44-year-old S.

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<sup>12</sup> Joko Susanto and Indah Sri Utari, "Children as Victims of Sexual Violence Committed by Parents: A Criminological Perspective," *Journal of Law and Legal Reform* 1, no. 2 (2020): 353–63.

This role is closely related to trafficking as regulated in Law Number 21 of 2007, where pimp facilitates exploitation through fraud and threats.

The occurrence of exploitation of women by pimps in the practice of prostitution does not appear suddenly, but is influenced by various interrelated factors. These factors create conditions that make women in a vulnerable position and easily controlled by other parties, namely:

1. Economic factors are the main causes that encourage women to be entangled in prostitution and exploitation by pimps. Poor conditions, limited employment, and the demands of daily living necessities make women forced to look for quick ways to earn income. In such situations, pimps take advantage of women's economic needs by offering jobs that promise money, but are in fact exploitative.
2. The education factor of low education level also plays a big role in the occurrence of exploitation. Women with limited education tend to have narrow choices of workers and lack a understanding of their rights as citizens. The limited legal knowledge makes it easy for women to be lied to, manipulated, and not realize that they are victims of exploitation.
3. Unsupportive social environmental factors also affect women's involvement in prostitution. An environment that is used to the practice of prostitution can consider this activity as a natural thing. In addition, the influence of friends, family, or certain social networks can also encourage women to enter the circle of prostitution.<sup>13</sup>

***B. The Implementation of Law Number 21 of 2007 concerning the Eradication of Trafficking in the Handling of Pimp Cases in Sragen and the Effectiveness of Legal Protection***

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<sup>13</sup> Debby Christy Wagey, "Perlindungan Hukum Bagi Korban Prostitusi Online Dan Eksploitasi Perempuan Yang Berada Di Bawah Ancaman Viktimisasi," *Lex Privatum* 9, no. 4 (2021).

Human trafficking is a crime that violates human rights because it degrades human dignity and dignity. Trafficking in persons is among the worst forms of treatment of human beings. The practice of trafficking in persons, both within and between countries, has different characteristics, but generally includes sexual exploitation as one of the main forms.<sup>14</sup> Law Number 21 of 2007 explains the definition of the Crime of Trafficking in Persons (TPPO) as explained regarding trafficking in persons in Article 1 paragraph (1) that "The act of recruiting, transporting, sheltering, sending, transferring, or receiving a person by force, use of force, kidnapping, detention, forgery, fraud, abuse of violence or vulnerable position, entrapment of debt or giving payment or benefits, so as to obtain consent of the person in control of such another person, whether made within the country or between countries, for the purpose of exploiting or resulting in the person being exploited.

Meanwhile, the crime of trafficking in persons (TPPO) is any act or series of actions or a series of actions that meet the elements of criminal acts specified in Law Number 21 of 2007. In TPPO whose subjects include:

1. A victim is someone who experiences loss or suffering, either psychologically, mentally, physically, sexually, economically, or socially as a direct result of the occurrence of the crime of human trafficking.
2. Every person is a party, both an individual and a legal entity that commits the criminal act of trafficking in persons.

According to Heri Santoso, the crime of trafficking in persons is a form of unlawful act committed by a person, individual or legal entity that recruits, sends, shelters, transfers, or accepts a person with threats or the use of violence or other forms of coercion, kidnapping, fraud, debt

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<sup>14</sup> Ahmad Bani Sadar, "PENEGAKAN HUKUM TERHADAP PROSTITUSI ONLINE (Studi Putusan Pengadilan Negeri Kisaran Nomor 341/Pid. Sus/2020/PN. Kis)" (Fakultas Magister Hukum, Universitas Islam Sumatera Utara, 2023).

ensnaring so as to obtain from the person who controls the other person, both carried out within the country and between countries, for the purpose of exploitation, so that the acts committed can be subject to criminal sanctions in accordance with the provisions of the applicable laws.<sup>15</sup> In the case involving S, a 44-year-old woman is a type of human trafficking practice (TPPO) that occurred in the Mount Kemukus area, Sragen Regency. S was arrested by the Central Java Police for being proven to play the role of a pimp who forced a 19-year-old woman to work as a commercial sex worker (PSK). The mode used was to promise a decent job as a restaurant waiter, but after the victim arrived at the location, the victim was forced to serve customers sexually. And the victim not only suffers from fraud, but also psychological and economic pressure, until the victim is prohibited from returning home before paying off the debt charged to him. So that they are in a position that makes the victim confused and does not have the freedom to determine their own fate. Thus, S was charged with Article 2 paragraph (1) of Law Number 21 of 2007 which explains that "Any person who recruits, transports, shelters, sends, transfers, or accepts a person with the threat of violence, use of force, kidnapping, detention, forgery, fraud, abuse of power or vulnerable position, debt ensnaring or giving payment or benefits despite obtaining the consent of the person who controls another person, for the purpose of exploiting the person in the territory of the Republic of Indonesia, he is sentenced to imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp 120,000,000.00 (one hundred and twenty million rupiah) and a maximum of Rp 600,000,000.00 (six hundred million rupiah).

In addition to being charged with Law Number 21 of 2007 concerning trafficking, S's act can also be categorized as a criminal act of decency as stipulated in the Criminal Code (KUHP) in Article 296 of the Criminal Code

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<sup>15</sup> Mutia Ayu Rahma, "Pengaturan Restitusi Kepada Korban Tindak Pidana Perdagangan Orang Berdasarkan Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang (TPPO)," *Jurnal Ilmiah*. Hal 7 (2019).

which explains that "Every person who deliberately causes or facilitates obscene acts by another person with another person and makes it a job or habit, is threatened with imprisonment for a maximum of one year and four months or a fine of the highest a lot of fifteen thousand rupiah". In this case, S facilitated and profited from the practice of prostitution carried out by the victim. Meanwhile, article 506 of the Criminal Code is also in accordance with the actions of the S who withdraw profits from the obscene acts of a woman who makes it a source of livelihood. S's act of obtaining economic benefits from the sexual exploitation of the victim shows a direct relationship between the act of pimping and the use of the victim's body as a means of making profit. So that the legal ensnare against S can not only be carried out based on Law Number 21 of 2007 but can also be strengthened by the application of Article 296 of the Criminal Code and Article 506 of the Criminal Code.

Protection efforts for victims of human trafficking are aimed at ensuring the fulfillment of a sense of justice and welfare for individuals who experience suffering due to these crimes. The strong legal basis as stipulated in Law Number 21 of 2007 and its implementing regulations, is an important guideline in providing protection and assistance to victims during the law enforcement process. Protection for victims of trafficking is not only limited to legal aspects, but also includes physical, psychological, and social protection. This includes providing safe housing, access to mental and physical health services, and assistance in regaining an independent and productive life.<sup>16</sup> Therefore, the form of legal protection for victims of trafficking is restitution. The definition of restitution itself is compensation to the victim that is charged to the perpetrator as a form of liability as stated in Article 48 as stipulated in Law Number 21 of 2007.<sup>17</sup>

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<sup>16</sup> Muhammad Wisnu Raka Pratikno, "Analisis Yuridis Tindak Pidana Perdagangan Manusia Perlindungan Terhadap Korban Serta Upaya Pencegahannya Di Indonesia (Berdasarkan Undang-Undang No 21 Tahun 2007)," *Jurnal Ilmiah Wahana Pendidikan* 10, no. 22 (2024): 937–50.

<sup>17</sup> RIVALDO JANUARI MAHULAE, "ANALISIS PENJATUHAN SANKSI RESTITUSI TERHADAP PELAKU PERDAGANGAN ORANG SEBAGAI BENTUK UPAYA MEMULIHKAN HAK KORBAN," 2024.

## IV. Conclusion

The exploitation of women through the practice of prostitution in Sragen Regency cannot be seen as a free choice, but as an informal work that is outside the formal labor system and does not provide legal protection, so that women are vulnerable to arbitrary treatment. The practice of prostitution in the Mount Kemukus area shows that there is systematic exploitation carried out by pimp through fraudulent job promises, forced services, debt bondage, restrictions on freedom, as well as threats and violence. This condition deprives women of their freedom and makes them an object of economic gain. From a criminological perspective, the practice fulfills the elements of forced labor and forced service and is included in the crime of trafficking in persons as regulated in Law Number 21 of 2007. And these acts can be charged with Article 2 paragraph (1) of the Anti-Trafficking Law and strengthened by Article 296 of the Criminal Code and Article 365 of the Criminal Code. In addition to law enforcement against perpetrators, victim protection is an important part of handling trafficking. Therefore, the Anti-Trafficking Law guarantees victims' rights to protection and restitution as a form of accountability for perpetrators and efforts to restore the victim's welfare.

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